LEGISLATIVE COUNCIL

Wednesday, June 9, 1976

The PRESIDENT (Hon. F. J. Potter) took the Chair at 2.15 p.m and read prayers.

QUESTIONS

KANGAROO ISLAND SETTLERS

The Hon. R. C. DeGARIS: I seek leave to make a brief statement before asking a question of the Minister of Lands.

Leave granted.

The Hon. R. C. DeGARIS: Yesterday, in a Ministerial statement, the Minister said that the Governor-in-Council had referred the question of the financial viability of certain settlers on Kangaroo Island to the Parliamentary Committee on Land Settlement for investigation and report. It was my intention yesterday to seek the Government's support in appointing a Select Committee of the Legislative Council to make such an investigation and report its findings to Parliament. I do not know whether the Government would have supported such a proposal, but at this stage I am willing to support the Government in its move for some proper body to make such an inquiry and report to Parliament. However, I believe that the terms of reference are not wide enough for the Land Settlement Committee to inquire fully into all the matters that need investigating. With respect, I therefore ask the Minister, as a matter of urgency, to raise with Cabinet whether the terms of reference applying to the Land Settlement Committee on this question can be widened to enable the committee to report on all matters connected with Kangaroo Island soldier settlers.

The Hon. T. M. CASEY: Yes; I am willing to do that.

INDUSTRIAL POLLUTION

The Hon. J. C. BURDETT: I seek leave to make a brief explanation before asking a question of the Minister of Lands, representing the Minister of Works.

Leave granted.

The Hon. J. C. BURDETT: I understand that a large newsprint industry is interested in locating at Albury-Wodonga on the Upper Murray. If it does not go there, it is interested in going to Tumut, on the Tumut River, virtually at the head waters of the Murrumbidgee River. I understand that the newsprint industry is a great user of water and that the effluent from the industry is highly toxic. Whether the industry is located at Albury-Wodonga or Tumut, if there is any pollution of the river, which I believe is quite possible or even probable as a result of the industry operating in those areas, that pollution will come to South Australia. Is the Minister considering what steps can be taken to ensure that there is no pollution of the river as a result of this industry being located in those areas, if in fact, it is located there?

The Hon. T. M. CASEY: I will refer the honourable member's question to my colleague and bring down a reply.

ABALONE

The Hon. F. T. BLEVINS: I seek leave to make a short statement before asking a question of the Minister of Agriculture and Fisheries.

Leave granted.

The Hon. F. T. BLEVINS: In a newspaper report yesterday morning it was claimed that South Australia's abalone divers were concerned that the industry's licensing laws were discriminatory. The President of the South Australian Abalone Divers Association indicated that abalone licences were tied to individual operators and not to boats, as in other forms of fishing. 1 recall that during the last Parliamentary session I questioned the Minister on a number of issues concerning the abalone industry. At the time, he said that there were a number of investigations being carried out including, I believe, a detailed economic survey and a review of medical standards required before abalone divers could be granted a licence. Can the Minister report on the outcome of these investigations, and can he also state whether he believes that the industry's licensing laws are discriminatory?

The Hon. B. A. CHATTERTON: The abalone divers have approached me on several occasions in relation to the fact that abalone licences are granted to them as individuals and are not granted in relation to their boats, which is the situation in the rock lobster industry and in the prawn industry. I have mentioned to them that we will not be making any alterations to this situation until we have considered the Coapes report on the fishing industry and the South Australian Government's policies towards fisheries. The Coapes report makes specific reference to the licensing situation, and it is worth reading just a short extract from that report, which I stress has not been accepted by the South Australian Government but which is an outline or review of the policies available for discussion. Professor Coapes stated:

> If unrestricted sale of licences is allowed, the first generation of fishermen to benefit from entry limitation will enjoy a multiple advantage. Not only will they secure a share of the rent during their working lifetime. They will also be able to extract from the next generation of fishermen, through the licence price, an amount equal to the discounted value of all future expected rent earnings. The social problem of inadequate fishing incomes that is solved through limited entry will then be back within one generation. Accordingly, the author recommends that licences to participate in limited entry fisheries be non-transferable and that they expire when the holder withdraws from the industry.

The Hon. R. C. DeGaris: Does this apply to all fishing industries?

The Hon. B. A. CHATTERTON: That is the general statement Professor Coapes has made in relation to all managed fisheries.

The Hon. R. C. DeGaris: Does the Government intend adopting that policy?

The Hon. B. A. CHATTERTON: The Government has made no statement about whether it intends to adopt that policy or not. Indeed, it will not make any alteration to the existing situation while this report is being discussed by the fishing industry. I have made this plain: this document is to be used in discussion with the fishing industry. We intend to hold a series of seminars to ensure that the discussions and the results of the discussions are made known to us. Another point raised by the honourable member concerned the economic survey that has also taken place. Certain recommendations were made to me following that economic survey, and an announcement has been made in respect of additional permits.

The next point raised by the honourable member concerned medical examinations, and abalone divers have made representations to me on this matter, too. Following those representations I agreed to the establishment of a committee to look into those medical standards. That committee, whose members comprised doctors, including doctors from the abalone divers' Port Lincoln clinic, has reported, and I believe the report is a fair and reasonable report, which has been released to the divers for discussion purposes.

The Hon. J. A. CARNIE: I wish to direct a question to the Minister of Agriculture and Fisheries on behalf of the Hon. A. M. Whyte, whose voice at present will not carry as far as the Minister. The Minister would be aware that abalone fishermen have been seeking a better deal in respect of their licences which would secure their businesses as family concerns. The Minister will also be aware that abalone fishermen are seeking a review of the present stringent medical requirements in connection with their licences. In view of their argument that the present licence requirements have forced them to deplete the fisheries in shallow waters, how can the Minister justify the granting of an additional 10 abalone licences?

The Hon. B. A. CHATTERTON: The recommendation to grant additional licences was based on an economic survey carried out into the abalone industry. All honourable members will be aware that the abalone catch has declined considerably in recent years, because of reduced effort in the industry. However, the catch as it applies to each man hour of abalone divers has increased considerably, and we are happy that this has occurred, as it has provided an opportunity for abalone divers to increase their income. The dilemma that faces us is how to maintain a balance between an improved catch per man hour and the total harvesting of the resource from the whole industry. This is what the economic survey that was undertaken was all about; indeed, it is why the survey was carried out. The report, which came to my department some weeks ago, recommended an increase in the number of permits, namely, eight in the western zone and two in the central zone. I point out that the figures used in that survey were conservative, as were also the recommendations made, because of the obvious need to act cautiously in this area.

LOCAL GOVERNMENT

The Hon. M. B. DAWKINS: I seek leave to make a short statement prior to asking a question of the Minister of Lands, representing the Minister of Local Government.

Leave granted.

The Hon. M. B. DAWKINS: My question refers to the new method of the distribution of Federal money to local government. I understand that the amount to be made available is $140 000 000, or 75 per cent greater than last year. I believe it is necessary for a State Grants Commission to be set up to handle this matter, and I have been informed that the matter has been discussed at high level recently within local government; and I was also informed from a local government source that South Australia was the only State still to make this move. What plans has the Government made to implement this requirement so that local government in South Australia will be able to secure its share of this money in good time? Is it intended that this matter should be dealt with this week or what other plans has the Government to hasten the appointment of this commission?

The Hon. T. M. CASEY: I will refer the honourable member's question to my colleague and bring down a reply.

NARACOORTE MEATWORKS

The Hon. I. R. CORNWALL: I seek leave to make a brief statement prior to asking a question of the Minister of Agriculture and Fisheries.

Leave granted.

The Hon. J. R. CORNWALL: I am concerned at press statements implying that the State Government has been instrumental in keeping the Naracoorte meatworks closed. People in Naracoorte are claiming that there is a significant degree of hardship being caused to retrenched meat workers in the town. Loss of income from these retrenched meat workers is affecting business, and social distress is evident among families that have been affected by the closure of the works. Will the Minister of Agriculture and Fisheries tell the council what efforts the State Government has made to keep the Naracoorte meatworks operating?

The Hon. B. A. CHATTERTON: Everybody in the Government is concerned about the hardships that have occurred at Naracoorte owing to the closure of the meatworks, but the effort that the South Australian Government has made over a period of time is to keep that works open and to try to ensure a continuity of employment in that area. The South Australian and Australian Governments have contributed very much to the works; about $300 000 was made available. The conditions upon which the licence was granted to the meatworks were generous, and the enforcement of that licence was done with much flexibility to try to give the meatworks the greatest possible opportunity to meet those conditions; and, even when the abattoir was on the point of closing, negotiations were still going on at that stage as to how it could continue operating. The decision to close the meatworks was one solely of the people operating it and controlling it—Angliss and Foster. They were the people responsible for that closure of the meatworks, and the South Australian Government has made every effort several times to keep the operations of that abattoir continuing. Whether the abattoir is opened again soon will be a decision by those companies that control it, and I should imagine that the decision would depend on whether the export markets for which the abattoir was built opened up soon.

LAND TAX

The Hon. N. K. FOSTER: I seek leave to make a short statement prior to directing a question to the Minister of Lands.

Leave granted.

The Hon. N. K. FOSTER: Doubtless, honourable members have noted recent references in the press to several emotional meetings held in some country areas regarding the State Government's land tax measures. Honourable members would also be aware of the hysterical outbursts at some of these meetings by certain people as well as reports in the media generally laying the blame for what is occurring not only in the Mount Lofty Ranges area but also in other country areas in relation to the staggering effect (as it is described in their words) of land tax. Can the Minister say what percentage of people who live in Adelaide and in provincial cities pay land tax in comparison with people living in country areas who can be regarded as rural producers and who pay land tax? Also, can the Minister say whether, in view of the complaints of people in rural areas, these people are aware of the provisions—

The Hon. J. C. Burdett: How can the Minister answer that question?

The Hon. N. K. FOSTER: You are getting as bad as the bush lawyer sitting at the other end of the bench that you occupy. Are there exemptions under the Act (I know the honourable member does not like the question) whereby these people can opt out of the paying of land tax, seek an exemption and be free of any worry or concern brought about by land revaluation in their immediate area?

The Hon. T. M. CASEY: In answer to the first part of the honourable member's question, it is a very low percentage indeed—I understand it is less than 10 per cent;

it may be even less than that—of those people who are liable to pay rural land tax. The Government has been most considerate in the rural areas of this State in providing exemptions up to a certain figure—I think it is about $44 000.

The Hon. R. C. DeGaris: It is $40 000.

The Hon. T. M. CASEY: Yes—$40 000, and most of these people who are affected in this way on rural properties take full advantage of this section. On the other point mentioned by the honourable member, I will certainly get some information along the lines he is seeking and bring down a report as soon as possible.

The Hon. N. K. FOSTER: I seek leave to make a statement prior to directing a question to the Minister of Lands.

Leave granted.

The Hon. N. K. FOSTER: Again I must refer to the emotional outburst by the media, including the local press, regarding the matter that to some extent relates to a previous question. We have read much in recent weeks pointing to the fact that there have been exorbitant, unrealistic and inflationary land values in areas near the city. Shortly on Yorke Peninsula a substantial property will be subdivided into 30-hectare allotments. Last September I followed up an advertisement about a piece of land on Yorke Peninsula. The area of the land was about 30 ha and the advertised sale price was $5 000. I noted about five weeks later that the same property was on the market for $15 500, which was an exorbitant increase in price. It has been suggested by people in the media that the South Australian State Government is responsible for these extraordinary increases in land prices, so I ask the Minister whether he does not agree that the exorbitant, unrealistic and inflated land prices being demanded are a direct result of straight-out greed and conspiracy and the closed-shop methods that have been adopted in the sales area by licensed land agents in South Australia. Does the Minister not agree further that these people have gone to some country areas, particularly the South Coast area, including Victor Harbor, and to Hahndorf and other Adelaide Hills districts forcing people to sell their properties by making offers that the owners virtually could not refuse? Some offers regarding land in Victor Harbor have been made. The people making such offers, having opened the ground, follow up in regard to other land in the area that will bring a price that they seek, particularly properties owned by an aged couple who are unable to carry on. Can the Minister tell the Council whether the actions of the people making these offers are, in fact, the prime and real cause of the problems confronting many people in areas near the city of Adelaide?

The Hon. T. M. CASEY: Yes, I wholeheartedly agree with the honourable member regarding the way in which he has summarised the situation, and I think that every member of this Chamber well realises that one problem regarding high land prices has arisen as a result of land speculation. I can give many examples—

The Hon. N. K. Foster: Hill is one.

The Hon. T. M. CASEY: —not far from where the Hon. John Burdett lives. The land is right out in the sand dune country and areas have been broken up into 20 ha lots, on average, with a ridiculous selling price figure of several thousand dollars. How people can exist on an area of this size, in a more or less desolate part of the countryside, is beyond my comprehension, but the people concerned seem to be able to get away with it, and it is most unfortunate that there is such speculation in land. It occurs not only in South Australia: all States have a similar predicament. Many months ago complaints were made about land up on the Gold Coast, where the same type of operation was being engaged in. I know from my own experience—

The Hon. N. K. Foster: It's a fair go for free enterprise up there.

The Hon. T. M. CASEY: That is the problem. There have been cases of land being purchased in the morning and sold in the afternoon of the same day for double the price. These are not unusual occurrences, which affect the whole community, particularly young people, who are trying honestly and genuinely to buy land on which they can build a house at a reasonable price. The cost of building is now becoming so exorbitant that it will take these people a lifetime to pay for their house and land.

The Hon. R. C. DeGARIS: Will the Minister tell us of any evidence he has of land being bought and sold for double the price in one day in South Australia?

The Hon. T. M. CASEY: Yes, I shall be willing to inform the honourable member privately if he so desires.

The Hon. C. M. Hill: You bring it into the Council.

The Hon. T. M. CASEY: I was never asked to do that.

The Hon. M. B. CAMERON: I seek leave to make a short explanation before asking the Minister of Lands a question.

Leave granted.

The Hon. M. B. CAMERON: I listened with interest to the question asked by the Hon. Mr. Foster and the reply thereto given by the Minister of Lands. It was made clear, I believe, that the present system of arriving at a valuation for the purpose of assessing land tax is out of order, and has been made such by all sorts of reasons that are beyond the control of the people surrounding the land involved. Because of this, and as land tax is obviously not now based on a reasonable, fair or just valuation, is the Minister willing to examine the possibility of abolishing rural land tax, all other States having recognised this aspect? If it is not willing to do so, will it consider having rural land tax based on productivity, or at least introduce the productivity factor into the matter so that these rather hilarious examples (they are not hilarious for the people concerned, although they are in terms of justice) of land tax in the Adelaide Hills do not arise, so that genuine people will not be affected by ridiculous, unfair and unjust land tax?

The Hon. T. M. CASEY: I do not think the Hon. Mr. Foster asked me a question along the lines indicated by the Hon. Mr. Cameron.

The Hon. M. B. Cameron: Well, I have.

The Hon. T. M. CASEY: I think the Hon. Mr. Foster asked me to agree with what he said. I could not do otherwise, as what he said was perfectly true.

The Hon. M. B. Cameron: Do you agree with me, too?

The Hon. T. M. CASEY: That is a different matter altogether. Of course, this is a matter not for me but for Cabinet to decide. I am quite willing to let Cabinet consider the Hon. Mr. Cameron's question, to see whether it can decipher just what he is getting at.

The Hon. M. B. CAMERON: I seek leave to make a short explanation before asking a question of the Minister of Lands.

Leave granted.

The Hon. M. B. CAMERON: I shall try to make my question simple, because I know that the Minister has trouble in interpreting anything above a fairly low level.

Is the Minister aware that it is not so much the high prices offered for land that cause people to sell land to hobby farmers and others or to leave their land in the Adelaide Hills and sell out; rather, it is the tax based on the valuations that causes people to leave the land and allow others to take over?

The Hon. T. M. CASEY: The answer is "No".

MATERNITY AND PATERNITY LEAVE

The Hon. J. A. CARNIE: I seek leave to make a brief explanation before asking a question of the Minister of Health, as Leader of the Government in the Council.

Leave granted.

The Hon. J. A. CARNIE: It was reported recently in the press, and confirmed in His Excellency the Governor's Speech yesterday, that the Government intends to legislate for paid maternity and paternity leave for State public servants. As I assume that the Government would not be so irresponsible as to introduce such legislation unless it had some estimate of what it would cost, I ask the Minister to tell the Council what is the estimated cost, in terms of time and money, of such a scheme.

The Hon. D. H. L. BANFIELD: As this matter is handled by my colleague, I will refer it to him and bring down a reply.

SOLAR ENERGY

The Hon. R. A. GEDDES: I direct my question to the Minister of Agriculture, representing the Minister of Mines and Energy. Has the Government any plans to provide finance for additional research into the harnessing of solar energy in South Australia, or does it consider that all solar energy research should be conducted by the Commonwealth Government?

The Hon. B. A. CHATTERTON: I will refer the question to my colleague and bring down a reply for the honourable member.

RURAL EXPORTS

The Hon. N. K. FOSTER: I seek leave to make a short statement before asking a question of the Minister of Agriculture and Fisheries.

Leave granted.

The Hon. N. K. FOSTER: No doubt we must rely on the media nowadays to get some rough idea of what may be going through the mind of the Commonwealth Treasurer who, in a recent outburst, revealed that he had short arms, deep pockets, and a shallow mind. Further, in a recent foreign affairs debate, the Prime Minister revealed that he had discovered China.

The PRESIDENT: Order! The honourable member should come to his question.

The Hon. C. M. Hill: You should withdraw your reference to a member of another Parliament. You made a disparaging reference to a member of another Parliament. Why don't you obey the rules?

The Hon. N. K. FOSTER: You have not obeyed the rules.

The PRESIDENT: Order!

The Hon. C. M. Hill: You made a disparaging remark. I am talking about your remark concerning the Commonwealth Treasurer, Mr. Lynch.

The Hon. N. K. FOSTER: It was true.

Members interjecting:

The PRESIDENT: Order! The Council will come to order. The Hon. Mr. Foster asked leave to make an explanation prior to asking a question and, in the course of that explanation, he started to express his own opinions about individuals. I do not think he named any particular member. I ask the Council to come to order, and I ask the Hon. Mr. Foster whether he will now give a brief explanation prior to asking his question.

The Hon. N. K. FOSTER: I compliment the Hon. Mr. Hill on the powers of identification he revealed when he mentioned Mr. Lynch.

The Hon. C. M. Hill: At least I know who the Treasurer is.

The Hon. N. K. FOSTER: The Prime Minister, in a statement in the Commonwealth Parliament only a couple of weeks ago, discovered China and made some disparaging remarks about Russia.

The PRESIDENT: Order! The honourable member must not express opinions about what the Prime Minister said.

The Hon. N. K. FOSTER: Elsewhere I can, but I cannot do so here. We will accept that for the time being. The Prime Minister ought to have been aware of the trade imbalance between the Soviet Union and Australia. The Prime Minister should also have been aware that Russia does not import secondary products to any great extent at all, but Australia is reliant on Russian imports of rural products. Does the Minister of Agriculture and Fisheries regard the Prime Minister's statement as being detrimental to the farming community, rural interests, the marketing of Australian rural products, and negotiations between Russia and Australian marketing boards?

The Hon. B. A. CHATTERTON: The honourable member is referring to the situation that occurred some years ago, when I do not think there was any doubt that we lost considerable markets in China because of policy attitudes toward the Chinese Government. The question to which the honourable member is referring is whether the Prime Minister's remarks about the Russian Government could have the same kind of detrimental effect on possible exports of rural products to Russia; this is a distinct possibility. The Soviet Union has often used trade as an element of its foreign policy, and I think there is a distinct possibility that that country would place embargoes on some of our products; or, it simply would not purchase them. It is in the beef industry that the situation could be most serious. We have sold some beef to Russia, and I know that the Australian Meat Board hopes to sell more meat to Russia. I do not know whether the Russians will use this situation as a lever in their foreign policy; it is a distinct possibility.

The Hon. R. C. DeGARIS: Would the Minister like to comment on the sale of wheat to Chile? Can he say whether the Prime Minister should be prevented from making any reference to foreign affairs for fear of affecting oversea sales of produce?

The Hon. B. A. CHATTERTON: It is up to the Prime Minister as to whether he wants to put rural exports in jeopardy.

The Hon. R. C. DeGaris: You claimed to make an expert judgment on what was said. What about my question regarding Chile?

The Hon. F. T. BLEVINS: How many Presidents are there in this Council? The Hon. Mr. Hill appears to want to take the Chair from his position, and the Hon. Mr. DeGaris wants to do the same. As we elected you, Mr. President, you should pull these people into gear and let them know who they are. In this connection, I also refer to the Hon. Mr. Dawkins.

The PRESIDENT: Order! Interjections and interruptions during Question Time are clearly out of order. The Hon. Mr. Hill was out of order when he interrupted. One always has to allow a certain amount of latitude, and I did so in the case of the Hon. Mr. DeGaris because he was the member who had asked the question of the Minister in the first place. He was prodding the Minister to enlarge on the reply he was giving.

The Hon. N. K. FOSTER: I seek leave to make a short statement before asking a question of the Minister of Agriculture and Fisheries.

Leave granted.

The Hon. N. K. FOSTER: Can the Minister tell the Council in what specific areas the rural debt lies? Can he have an investigation made into what percentage of the rural debt is associated with stock mortgages, what percentage is associated with property mortgages, with land tax, and with those South Australian organisations that say that they exist for the benefit of the farmers? I refer to stock agents, banks, etc. When we have this information we will see where the fault really lies.

The Hon. B. A. CHATTERTON: I shall try to obtain the figures as soon as possible.

RECLAIMED WATER

The Hon. M. B. DAWKINS: I seek leave to make a short statement before asking a question of the Minister of Agriculture and Fisheries.

Leave granted.

The Hon. M. B. DAWKINS: Although I am asking this question of the Minister of Agriculture and Fisheries, I realise that to some extent it should be referred to the Minister of Lands, who represents the Minister of Works in this Council. Regarding the long overdue need for the supply of additional water to the market-gardening industry on the Adelaide plain, I believe that the then Minister of Agriculture stated last year that trial irrigation plots using reclaimed water had proved satisfactory. I believe this fact was reported in the *Farmer and Grazier* in April, 1975. Can the Minister report on any progress in this matter? Can he say whether the report of the controlling engineer on the reticulation of reclaimed water, which report I understood was to be made available in April, 1976, is now available? Further, what are the Government's plans in relation to providing much needed additional water for producing certain types of vegetable near Adelaide? Bearing in mind that the provision of additional water will stabilise the position regarding not only the underground basin but also the market-gardening industry generally by enabling growers to expand on the basis of knowing how much water they can use in the long term, will the Minister outline the Government's plans in this regard?

The Hon. B. A. CHATTERTON: I will refer the honourable member's question to the Minister of Works, as I believe most of it concerns him. The only question relating to my portfolio concerns the growing of vegetables with the aid of effluent water; I will get a report on that matter for the honourable member and refer the remainder of his question to the Minister of Works.

ILLEGAL FISHING

The Hon. J. R. CORNWALL: I seek leave to make a short statement prior to addressing a question to the Minister of Agriculture and Fisheries.

Leave granted.

The Hon. J. R. CORNWALL: Last weekend I had the pleasure of representing the Minister of Agriculture and Fisheries at the South-Eastern Professional Fishermen's Ball. On that occasion I heard expressed the attitude of many of the fishermen on the buy-back scheme advanced by the Minister. There seems to be widespread support for the scheme. However, two problems were raised consistently with me. The first concerned the number of illegal pots that were allegedly being used in large and significant numbers in some areas, and the second point related to the black-market sale of under-size crayfish, which again is an allegedly widespread practice. The fishermen pointed out that no buy-back scheme could be successful unless these practices were stamped out. In view of the comments made, can the Minister say what steps have been taken or are to be taken to police the regulations as effectively as possible?

The Hon. B. A. CHATTERTON: I have been concerned that the regulations, which are so essential for any managed fishery, are not being abided by in a way that we would like to see. Representations have been made to me by the South-Eastern fishermen. Fortunately we were able to buy another patrol boat, which will certainly make it much easier to enforce the regulations governing the managed fisheries. This patrol boat was purchased only a few weeks ago, and it will certainly improve our efficiency in this area. I think the use of two patrol boats will not merely double the effectiveness of our patrolling: it will increase it to an even greater extent, because it will not be so easy for people who are not playing the game and abiding by the rules to know the location of the patrol boats. Another area that I believe is important concerns the penalties provided under the Act. We hope that amendments to be brought before Parliament later this year will provide more appropriate penalties in respect of infringements against regulations dealing with managed fisheries.

HOME GARDENS ADVISER

The Hon. R. C. DeGARIS: I seek leave to make a brief explanation before directing a question to the Minister of Agriculture and Fisheries.

Leave granted.

The Hon. R. C. DeGARIS: The South Australian *Government Gazette* of May 27, 1976, details the appointment of a home gardens adviser in the Agriculture and Fisheries Department on a salary of $8 837 to $12 291. As the Minister is no doubt aware, the Botanic Garden has provided an advisory service to the general public, local councils and other Government departments for many years, at present handling about 15 000 inquiries a year. Will the Minister say why this duplication is necessary? As we now have the appointment of an officer on this salary range in the Agriculture and Fisheries Department, what will be the increased cost of providing this service from that department as opposed to providing it from the Botanic Garden, where officers are employed at a much lower rate than that of salaried officers?

The Hon. B. A. CHATTERTON: The Leader is doubtless aware that the Agriculture and Fisheries Department has been providing for many years a home-gardening service to the general public. Certainly, this is not a new innovation. The provision of the home-gardening service by this department has caused much disruption to the organisation of the department in the past, as it has been carried out on a roster basis by several departmental officers. The appointment of a home gardens adviser has permitted the reorganisation of this service, which can now

be provided on a more professional basis than has been the case in the past. Certainly, it is not a duplication of the service provided by the Botanic Garden, because the home gardens advice that has been given by the Agriculture and Fisheries Department has concerned the growing of vegetables and fruit trees, an area not covered by the Botanic Garden.

SAMCOR

The Hon. M. B. DAWKINS: I seek leave to make a short statement prior to directing a question to the Minister of Agriculture and Fisheries.

Leave granted.

The Hon. M. B. DAWKINS: My question refers to the expanded works of Samcor and the unfortunate collapse of the contract between Samcor and Fat City Australia. The Minister is probably aware of a report by Steve Swann in the *Stock Journal* of June 3, 1973, which states:

A 40 000 head a year beef slaughter and processing contract between the S.A. Meat Corporation and Fat City Australia has collapsed.

The article continues:

Fat City was to have killed an average of about 1 000 cattle a week at Gepps Cross, stimulating saleyard demand and helping to lift the throughput of the expanded new Gepps Cross works of Samcor. The reasons for the possible collapse of the contract are uncertain . . . However, the corporation is confident that its investment in specialised equipment to have been employed by Fat City will not be idle.

Can the Minister throw any light on the confidence of the corporation that its expanded investment will be fully utilised, and say what plans has Samcor to use this extra equipment to advantage?

The Hon. B. A. CHATTERTON: Yes. The killing throughput at Samcor has been increasing at a very satisfactory rate and is greater than in previous years, and much use has been made there of the sort of facilities that Fat City would have used. Without going into specific details of who will be taking over the facilities, I point out that the Samcor board is involved in negotiations but is not making an announcement at this stage. However, considering the utilisation of other facilities, including the boning rooms, and bearing in mind the contracts signed for the use of those areas, I think the board's confidence is well placed as regards using the facilities of Fat City in the near future.

EIGHT-MILE CREEK

The Hon. R. C. DeGARIS: I seek leave to make a brief explanation before asking a question of, I think, the Minister of Lands.

Leave granted.

The Hon. R. C. DeGARIS: I have looked at most of the financial papers that have come before the Council each year in relation to the cost of the drainage scheme at Eight-Mile Creek, although perhaps I am not looking in the right place. Could the Minister who, I believe, is responsible for this matter find out how much money has been levied from the settlers concerned in connection with the drainage scheme, also ascertaining the cost to the Government of the drainage works, and how the money was spent in relation to wages, capital equipment, etc?

The Hon. T. M. CASEY: I will endeavour to obtain the information for the Leader and bring it down as soon as possible.

SESSIONAL COMMITTEES

The House of Assembly notified its appointment of sessional committees.

STANDING ORDERS

The Hon. D. H. L. BANFIELD (Minister of Health) laid on the table Report No. 2 of 1976 of the Standing Orders Committee, together with the minutes of proceedings.

Ordered that report be printed.

The Hon. D. H. L. BANFIELD moved:

That so much of Standing Order 182 be suspended for the remainder of the session as to enable the "give way" rule to be continued for the remainder of the session.

Motion carried.

The PRESIDENT: Copies of the *ad hoc* rules laid down by me on October 28, 1975, in connection with this matter have been distributed to honourable members this afternoon.

WATER RESOURCES ACT AMENDMENT BILL

The Hon. J. C. BURDETT obtained leave and introduced a Bill for an Act to amend the Water Resources Act, 1976. Read a first time.

GOLD BUYERS ACT REPEAL BILL

The Hon. D. H. L. BANFIELD (Minister of Health) obtained leave and introduced a Bill for an Act to repeal the Gold Buyers Act, 1916-1967. Read a first time.

OFF-SHORE WATERS (APPLICATION OF LAWS) BILL

Adjourned debate on second reading.

(Continued from June 8. Page 9.)

The Hon. R. C. DeGARIS (Leader of the Opposition): Yesterday I spent much time presenting the background history leading to the existing provisions.

The Hon. N. K. Foster: You certainly omitted a lot.

The PRESIDENT: Order!

The Hon. R. C. DeGARIS: If the Hon. Mr. Foster would like me to fill in those gaps for him, I would be willing to do so, but it would take a long time, maybe more than the three days allotted to us to get this Bill through. Yesterday I referred to the fact that the *Franconia* case, the case of the *Crown v. Keyn,* was the beginning of this question of determining the sovereignty of areas offshore. I got to the point where I wanted to quote from an article by O'Connell dealing with this matter. It is contained in the *Australian Maritime Domain* and it states:

The importance of a finding that after 1876—

that was the year of the *Franconia* case—

the Crown appropriated the territorial sea is that it then becomes necessary to determine to which Crown the additional territory accrued.

Here is the important point. If the realm finished at low water mark in 1876 by determination of the court, to whom did the territory accrue when the territory was expanded? Was it to the Crown in right of the colonies? Was it to the Crown in relation to Imperial boundaries, or was it to the Crown after 1900 in terms of the right of the Commonwealth? Later in the article, O'Connell states:

The view that the territorial sea around British colonies was territory of the Imperial Crown would have presented some startling conundrums to lawyers in the late nineteenth century had it occurred to them. Local bodies building breakwaters or reclaiming land could have been encroaching on the domain of the Imperial Crown and, it would seem, have been outside the area of power conferred upon them to perform those functions by the Colonial Parliaments. Would United Kingdom mining law have applied to the recovery of minerals from the seabed of the territory of the Imperial Crown? It is one thing to say that a Colonial Parliament may

legislate extra-territorially for things, persons and events on the sea with which or with whom there is a territorial nexus, but quite a different thing to say that it might do this in the territory of another portion of the Crown's dominions. Of course, the theory of the unity and indivisibility of the Crown which prevailed at the relevant period might have precluded the argument that the territorial sea adjacent to the Australian colonies was part of the realm subject immediately to the Imperial Parliament, but the problem of government of this portion of the Crown's domain would still have been startling in its implications.

The truth of the matter is that in the nineteenth century no-one thought about the question in this manner at all. There is no doubt about what occurred, and it can be simply stated. After 1876 it was clear to the law officers who advised on Imperial law that the colonial boundaries lay at the low water mark. It is equally clear that, because international law conceded a substantial degree of jurisdiction over the territorial sea to coastal States, the colonies were conceded to have a valid extra-territorial competence with respect to the territorial sea so that this jurisdiction might be effectively exercised. It is no less clear that the relationship between the Imperial Government and the colonial Parliaments respecting this jurisdiction reflected the partition of functions which derived from the concept of colonial self-government. The Imperial Government exercised Imperial responsibilities in the colonial territorial seas in such matters as naval power, while the colonial Parliaments legislated for such matters as fisheries and colonial courts exercised the powers conferred upon them both within and without the territorial sea by the Imperial enactments respecting Admiralty and merchant shipping.

The Hon. N. K. Foster: How about coming out of last century and getting on with what is happening now? You are living in the deep dark past. Put your mind on about five years ago. Tell us about the fact that the House of Representatives passed a Bill making legislation in this area much easier.

The PRESIDENT: Order! The Hon. Mr. Foster will cease interjecting.

The Hon. N. K. Foster: I thought I would make that gentle point to him, because you were engrossed in the *News*.

The Hon. R. C. DeGARIS: The legislation that passed through the Federal Parliament was directly related to the precedents to which I have been referred. The article by O'Connell continues:

It was not the law that was unclear between 1876 and 1900, but men's memories. Because the colonial Parliaments had a plenary fishing jurisdiction, albeit an extra-territorial jurisdiction, conceded to them as a result of advice tendered by the law officers to the British Government from 1855 onwards, it became necessary for Imperial legislation to regulate fisheries only outside the three-mile limit. This was what occurred when the Federal Council of Australasia was created in 1885, and Barwick, C. J., and Windeyer, J., are correct in concluding that the expression then employed of "fisheries in Australasian waters beyond territorial limits" was intended to mean fisheries over which the colonial Parliaments were thought at that time not to have any extra-territorial powers, that is fisheries outside the territorial sea. Where the colonial boundaries lay was a question never adverted to, except covertly by the law officers on one occasion, and the assumption grew that, because the colonies in fact acted with respect to the territorial sea as if it was intra-territorial, the powers of the new Commonwealth which were under consideration in the 1890's would be those, in fishery matters, of the Federal Council, and encompass sea areas which were thought to be beyond colonial legislative competence. The fathers of the Constitution stumbled blindly into adopting the fisheries placitum virtually without debate, and on the basis of a wholly garbled view of the law as expounded by Barton. And underlying the whole misapprehension was a confusion of doctrine about the nature of territory and of sovereignty, and a muddled memory of the law as it was before the territorial sea was clearly separated in juridical character from other coastal waters.

Under section 51 (*x*), what is the meaning of "territorial limits"? What is the meaning of "Australian waters"? There does not appear to me to be any doubt that the States possess an extra-territorial fishing jurisdiction, which is conceded to apply to all fishermen in the territorial sea, alien or otherwise, the tie being doubtless the relevance of the fishing industry to the peace, order and good government of the colonies. But the tie between peace, order and good government diminishes the farther from the coast one goes. It is one thing to say that a South Australian resident may not take a certain size of fish 10 miles from the coast of South Australia, and another to say that a Victorian or Japanese may not do so. This question begins to become more complex as one considers extra-territorial legislative powers over other activities, for example, mineral exploration. The uniform offshore petroleum legislation seems to overcome this problem by co-ordination of both State and Commonwealth law or the assumption that the shortcomings of one will overcome the shortcomings of the other. As I stated earlier, I believe this approach to be the most satisfactory.

Returning to the fisheries question, if Barwick, C. J., is right in his view that the Commonwealth Constitution grants a fisheries power only beyond the territorial sea, this view must rely on the colonies having been conceded extra-territorial fisheries jurisdiction over the territorial sea, and none beyond. This view seems to me to argue that the Commonwealth has an exclusive fisheries power beyond that limit of the territorial sea. The future of developing realistic State fisheries policies in this constitutional climate will be readily seen by all honourable members.

Once again, I return to the need for realism because, if we are to be hampered by two authorities administering fisheries policy on the basis of a defined three-mile territorial limit, from low-water mark, or some other base line in certain bays and gulfs, we will be faced with the certainty of long drawn-out litigation over many years. What effect the legislation before us will have on the administration of fisheries in the waters off the coast of South Australia is, to me, still clouded, and I ask the Minister of Agriculture in this debate to inform the Council on that question. So far, we have had a short second reading explanation, on which I have spoken at length. However, I believe the Council should have the advantage of the Minister's knowledge on this vital question on which I am at present speaking. I hope he will take the opportunity in the debate to tell the Council what direct effects this legislation will have on the fisheries in the waters off the South Australian coast. The Bill applies the law of the State to the territorial sea adjacent to its coast.

The Hon. N. K. Foster: What about prawns?

The Hon. R. C. DeGARIS: I did not say anything about prawns. If one looks at the schedule, one sees that it applies the laws of the State to the territorial sea adjacent to its coast in three bands: the three-mile limit, the 12-mile limit and the 100 mile-limit. The reason for this banding idea, that is, three separate bands instead of the one area, as provided in the Western Australian and Tasmanian legislation, is to load three barrels instead of the one barrel.

The Hon. N. K. Foster: You think it ought to be 200 miles straight out?

The Hon. R. C. DeGARIS: No, I am not saying that at all. I am saying that the reason for this banding idea, that is, having the three bands at the three-mile, 12-mile and 100-mile limits, is to load three barrels of the same gun.

In other words, if a 100-mile limit is declared, and that case is lost, we return to the low water mark. This is why the Government has decided to use the three bands. I do not object to this procedure, although in the present international law position there may be reason to consider a further band, that is, the rim of the continental shelf, or the 200-mile limit.

This matter has already been raised in relation to international law. The claim is being made that the 200-mile limit should be the limit of administration and jurisdiction over the waters and the continental shelf. The first question on this point is: does the definition of "offshore waters" in the schedule also include the area of the sea-bed and the subsoil thereof? I believe the Government should say exactly to what the schedule refers. Does it refer to territorial waters alone, or to the sea-bed and the subsoil thereof? Has the Government considered this point, and what are its views?

The second point relates to the arrangement between Victoria and South Australia as to the State boundary off shore in the offshore petroleum legislation, where the boundaries closely followed the international ruling that the offshore boundaries were extended at right-angles to the actual coast. In other words, in that legislation there was not a prolongation southwards of the boundaries between Victoria and South Australia: it turned roughly south-south-west, and part of the territory of Victoria in the offshore legislation is south-west of, say, Port MacDonnell. Can the Government say why it is prolonging the boundary due south in this Bill? Does it not create a conflict if in offshore legislation we have a triangular piece of territory south-south-west of South Australia being in Victoria's territory although in all other areas the South Australian law applies? I should like the Minister to answer this question.

I should like now, while dealing with this matter, to raise another interesting point. Since the conference between Sir Henry Bolte and our Premier on this question of the State boundary, there have been other cases before the international court, in which it has been determined that the rule of going at 90 degrees from the coast in relation to a boundary does not apply. Indeed, in the case between West Germany, Denmark and Holland, regarding an extension of the boundaries there, the international court determined that the actual territory should be prolonged into the continental shelf and that the boundary should not be taken at right-angles. So, the international law determination on this point is unknown. I ask the Government to tell the Council its views on this point.

I should like to raise two other points, the first of which relates to clause 2 *(f)* of the Bill, the definition clause. Paragraph *(f)* thereof provides:

> is, or is a person of a class or kind, declared by proclamation to be a person connected with the State for the purposes of this Act.

I understand only too well why that provision has been included. It raises some interesting questions. It means that, if the Government so desires, it can proclaim an Indian in India or a New Zealander in New Zealand as a person connected with the State for the purposes of the Act. This appears to be a wide power, but I understand why it is being included. However, I should like to hear someone with more legal knowledge than I regarding this matter.

The Hon. F. T. Blevins: What would you know?

The Hon. R. C. DeGARIS: I am certain that the Hon. Mr. Blevins would know a lot about this matter!

The Hon. F. T. Blevins: I know the same amount as you know—nothing at all.

The Hon. R. C. DeGARIS: The other question is that of the averment in clause 5. No doubt the Hon. Mr. Blevins will once again know about this question. It appears to be a reverse onus of proof. We have had 13 occasions when there has been a reverse onus of proof, and we have it here again in a small way; clause 5 provides:

> For the purposes of proceedings for an offence against a law of the State an averment in an information or complaint that—
>
> *(a)* a person was, at a specified time or in respect of a specified period, a person connected with the State; or
>
> *(b)* specified waters are offshore waters,
>
> shall, in the absence of proof to the contrary, be deemed to have been proved.

I look forward to hearing the excellent legal advice of the Hon. Mr. Blevins on that question. I believe that it is necessary that this Bill should pass and that it requires some expedition, but I also believe that there is a need for much of the background information behind this Bill to be presented to the Council. It is a delicate and involved question. I only hope that this question of sovereignty and the territorial seas can be solved through co-operation with the Commonwealth rather than confrontation. From statements so far made by the Fraser Government, it seems at least there is a possibility of this question being solved with that Government, whereas previously it was a means of confronting the States, rather than co-operating with them in the administration of this area. I support the second reading of the Bill.

The Hon. J. C. BURDETT: I support the second reading of the Bill. The Federal Seas and Submerged Lands Act did leave a vacuum in regard to offences against State laws committed in State offshore waters. This Bill seeks to fill the vacuum. Under section 109 of the Australian Constitution, if the Commonwealth does legislate in this area and if there is any conflict and if the Commonwealth legislation is valid, the Commonwealth law will prevail; but at least this Bill provides a civil and criminal code in offshore waters in the meantime.

In regard to the Seas and Submerged Lands Act case to which the Hon. Mr. DeGaris referred, it is worth examining the judgment of the Chief Justice. He based the power of the Commonwealth on the external affairs power. I do not think that it follows from the judgment that entering into a treaty or convention would always give the Commonwealth power in a particular area; this would enable the Commonwealth Government to pull itself up by its own shoestrings by making a collusive treaty with a friendly power, thus giving itself legislative power which it would not otherwise have.

His Honour was at pains to point out that the matters dealt with by the subject conventions in this case were essentially matters of international law, and the proper subject of conventions. His Honour went on to say that the very existence of a territorial sea depends on international agreement. It follows from the judgment in the case to which I have been referring that the Commonwealth does have jurisdiction and sovereignty over State offshore waters. Where does that leave this Bill? We must go back to the fundamental British concept of Parliamentary sovereignty.

It will be convenient to use the position in the United Kingdom as an example, because that is a unitary country and the complications of federalism do not apply. As far as English law is concerned, the Parliament may enact any law at all, and no English court can hold it to be invalid. The classic case given in A. V. Dicey's

The Law of the Constitution is the case of the Queen in Parliament passing a law making it illegal to smoke in the streets of Paris. It is unlikely that any Frenchman would stop smoking in Paris, but no English court could declare the Act invalid or say that it was beyond the legislative competence of the English Parliament. Therefore, a unitary country does have the power to enact laws having extra-territorial effect. So, of course, does a federal country. The complexity in the case of a federal country is that powers are split between the States and the Commonwealth, and it may be uncertain where the power lies.

In many cases, on the point of extra-territorial powers, Statutes have been interpreted not to have extra-territorial application unless this intention is spelt out. However, this is, of course, merely a question of statutory interpretation. This Bill does, of course, spell out the intention. While the validity and effect of the Bill is a very complex matter, as the Hon. Mr. DeGaris has shown, the Bill itself is very simple.

As there is at present a vacuum in many areas of the criminal and civil law in offshore waters, clause 3 simply seeks to make the ordinary law of the State apply in offshore waters, which are defined in the schedule in steps of three nautical miles, a total of 12 nautical miles, and a total of 100 nautical miles, so that if part be lost, the whole will not necessarily fall. If clause 3 is valid, there is no need for clauses 4 and 5, which attempt to provide a backstop in the event that clause 3 is held to be partly or wholly invalid.

In effect, clause 4 says that, if the application of the whole of the civil and criminal law of the State to offshore waters is invalid, then at least it shall apply to a person connected with the State. This is an attempt to solve any problem connected with extra-territoriality or the control of offshore waters by making laws apply to specific categories of people over whom the State can legitimately claim control. Many members often look askance, as did the Hon. Mr. Blevins, at legislation that gives the prosecution a *prima facie* case, and with good reason.

Clause 5 does make the averment in the information that the defendant is a person connected with the State evidence of that fact, in the absence of proof to the contrary. It should be noted, however, that this provision relates only to the averment that the defendant is a person connected with the State. Every other allegation in the information would have to be proved on the onus appropriate to that offence, usually beyond all reasonable doubt. So, there is no tampering by this Bill with the onus of proof in regard to the substantive law. Clause 2 includes in the definition of "person connected with the State" a person of a class declared by proclamation to be a person connected with the State. This does seem very wide. A class of person having no real connection with the State at all could be so proclaimed.

It is a pity that the difficulties in this constitutional field cannot be resolved. Because the Governments concerned (namely, the Governments of the States and the Commonwealth) have not reached agreement on this matter, subjects are left in doubt and will continue to be left in doubt after the passing of this Bill as to their constitutional rights.

Because Governments have not resolved the matter, citizens are subjected to considerable uncertainty and expense. Whether the State Government has tried to resolve the matter with the Commonwealth and the other States I do not know. However, it is fair to say that this Bill does the best that can be done unilaterally by the State. It does not and cannot solve the problem. It does appear to fill the vacuum to which I have referred, and it does make the position better than it was previously.

The Hon. Mr. DeGaris raised the question about offshore waters, whether they included the sea-bed and so on. This is resolved when one looks at the substantive clauses of the Bill. Clause 3 provides:

> Notwithstanding any other provision of this Act, every law of the State that is not expressly or by necessary implication limited in application to acts or omissions occurring or matters, things or circumstances existing or arising within the State, applies in, over and under offshore waters.

While the definition of offshore waters relates to the schedule and while the schedule does not refer to the sea-bed and so on, when one looks at what the Act does in its operative parts, one sees that it makes those things relate through the phrase, "in, over and under offshore waters". It makes it clear that it does apply to the sea-bed.

The Hon. R. C. DeGaris: What about air space?

The Hon. J. C. BURDETT: The same situation applies in relation to "over and under".

The Hon. M. B. Dawkins: Clause 4 is also relevant.

The Hon. J. C. BURDETT: As the Hon. Mr. Dawkins has stated, this also applies to clause 4. That is what I am saying, that while the definition clauses of the Bill do make it clear whether offshore waters include the air space and the sea-bed, the operative parts of the Bill do include the space "over and under". The Hon. Mr. DeGaris has raised the question of the triangle of ocean offshore from the South-East of the State in respect of whether the offshore oil rights agreement with Victoria still exists. I cannot see how this raises any problem in relation to the Bill. This Bill simply provides that the civil and criminal law of the State shall apply in respect of all the waters offshore from South Australia. Of course, this would include the triangle in question, but this is in no way inconsistent with an agreement made with Victoria solely in respect of offshore rights. I support the second reading of the Bill.

The Hon. M. B. CAMERON: I do not wish to delay the passage of this Bill by going into the sort of detail covered by other honourable members, because most of the points arising from the Bill have been covered. However, one aspect of the Bill relates to fisheries, and I am concerned about it. I have been concerned for many years about the position in the South-East of this State, because there has always been doubt about which waters were Commonwealth waters and which were State waters; certainly, that was the case before the passage of the Commonwealth Act.

The Hon. M. B. Dawkins: Do you think the Minister of Agriculture and Fisheries will enlighten us on this matter?

The Hon. M. B. CAMERON: I hope so, because I believe we should have an explanation of this matter. In the past there was always an area of doubt in relation to specific items in the Fisheries Act, for example, the size of fish and whether fish taken in Commonwealth waters were covered or were exempt and whether the State had any jurisdiction in this area. True, in recent times that matter has been resolved but, nevertheless, there was still this doubt. There has always been an area of doubt among fishermen in the South-East and in other places as well. Under present Commonwealth legislation the whole of the sea, as we understand it, belongs to the Commonwealth,

and fishermen are no longer required to have a Commonwealth licence if they proceed between the three-mile limit and the 10-mile limit. If they were inside the three-mile limit they would be required to have a Commonwealth licence. The purchase of a Commonwealth licence is now expensive for fishermen. I obtained the figures this morning and the licence fee is comprised of $30 payment for a boat and $10 payment for every member of the crew.

I believe that only a year ago the State Government co-operated with the Commonwealth Government by taking Commonwealth inspectors out in State vessels to board boats in Commonwealth waters to ensure that fishermen had a licence or that they obtained one. I hope that the Commonwealth Government provides its own boats for its inspectors and this situation will not happen again. Under this Bill the State is including in the area out to the limit of the shelf the areas fished by fishermen under its jurisdiction. Now the question is raised whether fishermen will still be required to have a Commonwealth licence or not. If they are so required, doubtless the Commonwealth will legislate accordingly.

If there is Commonwealth legislation in existence, or if the Commonwealth legislates accordingly, will the Commonwealth legislation take precedence over State legislation? Will the Minister take up this matter and ensure that fishermen will require one licence only and be subject to one jurisdiction only? This is important. It it ridiculous for people engaged in an industry to be subjected to two different jurisdictions. What will the situation be? Does the Minister intend taking up this matter with the Commonwealth Government when this Bill is passed? I hope there will no longer be any doubt about the State's jurisdiction over these waters. Will the Commonwealth Government let its existing legislation lapse? Will it take its legislation out of existence if the State shows the ability to control this industry in a suitable manner? I see no need for interference from other areas if the State is competent to handle the administration of this industry.

It will be an advantage when fishermen are relieved of the burden of having to pay licence fees that are sufficient only to pay for inspectors who ensure only that fishermen have licences. That is all that can happen and the collection of these fees is a financial burden and an unnecessary impost. True, anyone who can show which are State waters or which are not is a legal genius. As has been stated already, no-one really knows what is the base line from which we are operating, which areas of the ocean are State territory and which are not. I would like the Minister to indicate what will happen in this matter. I am concerned not only about the cray-fishing industry but also about the shark-fishing industry. I believe the prawn-fishing industry is affected, too, although I am not competent to comment on that industry, because I do not have specific knowledge of it. I support the legislation because I have no doubt that there is an area where no law now exists. It is necessary to have some law existing until such time as the Commonwealth is able either to agree to the State's law affecting this area or moving into the area itself. I support the second reading.

The Hon. N. K. FOSTER: I will be brief, and I am only rising because I want to commend the Hon. Mr. Burdett for the support he has given to this measure. I want to make some criticism also of the manner in which the Leader of the Opposition entertained this Council in regard to his argument on the Bill. All the Hon. Mr. DeGaris was able to do was put before this Council notes and other information by someone studying law, perhaps an articled clerk or a similar person. I have risen to my feet to draw the attention of the honourable gentleman to what he said during the course of his speech yesterday. He said at one stage: "I broke ground on this matter. I was the first one as a Minister"—he did not say actually he was a Minister—"who really got stuck into this matter." Let us have a brief rundown of the *South Australian Hansard* reports. I may be doing the gentleman an injustice: he was very quick to look at it during the time he was Minister, during the fateful years when the Liberals ruled in South Australia, but I see no reference to his having brought the matter before this Chamber with any degree of responsibility, ensuring that it came before the House of Assembly. Yesterday, he said he was a person who took a greater interest than anybody else in constitutional matters; he has been a representative on the Constitution Convention, but I am not sure whether or not he has been on it only since 1972.

I do not think he was on those committees that did a lot of work in the late 1950's but he said yesterday, when dealing with the aspect of these issues inherent in this legislation, that for the next 50 years State Governments, business organisations and Federal Governments would be entangled in a great deal of legal argument before the courts. I interjected and said, "Of course, that is always possible having regard to the problems of the Constitution." He did not agree with that. I put it to him that he was so concerned about these matters that in all honesty, having in mind his self-professed knowledge in this matter, he should have informed this Council that there was another section of the Constitution he could have referred to. He was quoting from section 51 (x); if he had read section 51 (xxxvii), he would then of course have recalled that this measure was passed by the House of Representatives after the Constitution Convention had spent much time on it, after it had been supported, if not introduced, by the New South Wales Government under Mr Askin. It was supported by Mr. Bjelke-Petersen. That reminds me of the prawn fishing argument with a particular firm in South Australia—Raptis. Mr. Bjelke-Petersen was on the telephone to a representative of that company in South Australia three times a day urging him to leave South Australia and the socialist plots of Don Dunstan and move to Queensland. I understand he was on the telephone in that regard about three times a day. Not only did New South Wales introduce it but it was supported in principle by every State Government at that convention. It was carried on in the House of Representatives.

I will quote from the *Hansard* report of the House of Representatives of October 1, 1975. Honourable members will realise that the matter had been before the House of Representatives in March, 1974. The report reads:

The New South Wales submission was in the following terms:

At present, uncertainties exist as to the manner in which placitum (xxxvii) of section 51—the "reference power"—operates.

The limited use made of the power in the past is no doubt attributable in large measure to such uncertainties.

It is considered that, by constitutional amendment, these uncertainties should be removed by providing, for example, that references of legislative power by States to the Commonwealth may be made for limited terms and that repeal of a reference Act has constitutional efficacy, and also that the Commonwealth Parliament might refer to the States any legislative power of the Commonwealth.

He goes on with the submission of Victoria, with the acquiescence by the then Leader of the Tasmanian delegation, Mr. Everett, Q.C., now a Senator, and with what Mr. Tonkin, the then Premier of Western Australia, had to say. Mr. Bjelke-Petersen said:

We do appreciate the fact that the Prime Minister made the proposal, and we look forward to being able to make a closer examination of it.

It fell down because the appropriate committee of the Constitution Convention did not meet. That meeting was to be held in this very State, but it was bombed, and it was bombed by people of his political persuasion. They also demonstrated against the Convention itself in Victoria last year during the mid-year session, when New South Wales and Victoria refused to be participants. Yet the honourable member gets up here and says there should be much greater principle in these or similar matters. However, the fact is that people of his political ilk bombed that meeting; they then frustrated it and, using a stronger word in regard to the boycotting of that Convention that the Victorians and New South Welshmen did not attend in Melbourne last year, it was straight out sabotage.

Yet all of what the honourable member said yesterday amounted to very little in the way of a proper explanation of what should be occurring. He went on to say that he regarded the Gorton and Whitlam Governments as being no different in their intent to deprive the States of their 'powers, and he said that Fraser's federalism was going to be God's gift to the States, but during the whole of his speech yesterday and this afternoon there was not one word of any substance by way of explanation of what Fraser's federalism means. The honourable member cannot do that because, in all honesty, he does not know what it means, and Fraser has little knowledge of what it means or, if he does, he is not going to do anything about it. I conclude by saying that I thought the contribution made by the honourable member's colleague, who has some understanding of the law, was a much more responsible submission in support of the Bill than all the hours the honourable member has spent before this Council leading us back to the dark ages and referring to all sorts of litigation that would occur and saying how closely associated he was with the Convention.

The Hon. R. C. DeGaris: I said nothing at all about the Convention.

The Hon. N. K. FOSTER: Yes, you did. I will not transgress Standing Orders by going over what you said yesterday afternoon. The fact that you have interjected now proves to me that you did. I do not know where you picked up all that stuff: you must have taken it from one of your students' rough notes, because any one of us can stand up here (the legal eagle was disappointed; I do not know why he does not go along to the university and study law and be called to the Bar) and argue a particular case based perhaps on what a certain judge has said in regard to a constitutional matter. He even went so far as to quote Barwick. Who would quote him? He is not even honest in the position that he holds.

The PRESIDENT: Order!

The Hon. N. K. FOSTER: There are plenty of publications and responsible political reporters writing books today. Before the honourable member gets too uptight about my references to Barwick, I say that the Bill should be carried by this Council, and it should be carried today.

The Hon. D. H. L. BANFIELD (Minister of Health): I thank honourable members for the attention that they have given to this Bill. I also thank the Leader of the Opposition for his co-operation in opening the debate at this stage of the sitting, and commend him for the obvious care he has taken in the preparation of his speech. He emphasised the need for establishing as soon as possible appropriate base lines to delineate the boundaries of the State as set out in the early letters patent.

The Government also sees the need for these base lines to be established as quickly as possible, but is conscious of the fact that the issues raised in their establishment involve questions of international law of considerable complexity. I will not enlarge on these issues here, but can assure the Council that this matter is being proceeded with as a matter of the greatest importance. Secondly, Mr. DeGaris postulated a concept of "co-operative federalism" with which the Government would find it hard to disagree and, although I am sure that this philosophy would be readily embraced by most, if not all, of the States of the Commonwealth, those who have had experience of State-Commonwealth negotiations are sometimes inclined to wonder whether it is always at the forefront of the Commonwealth Government's mind.

Suffice to say here that the legislative solution proposed to this problem is encompassed within that philosophy. It is not a bland assertion of States' rights. Such an assertion would be as indefensible philosophically as it would constitutionally, at least so long as section 109 forms part of the Constitution of the Commonwealth. It does, however, in the Government's view, provide a proper basis on which the Commonwealth and the States can come together to their mutual benefit. More important, it establishes a basis for legal certainty which, since the High Court decision, has been lacking in geographical areas of proper concern to this State and its inhabitants. To quote the Hon. Mr. DeGaris, the situation that "anybody who uses these waters will not know what the law is" will not be the situation if this Bill is enacted in the law.

A question has been raised about a possible inconsistency or overlap in the offshore areas adjacent to South Australia that are delineated in the Petroleum (Submerged Lands) Act, 1967, and in the present Bill respectively. When the 1967 petroleum exploration legislation was being prepared, a dispute arose between South Australia and Victoria over the dividing line between their respective offshore territories. South Australia argued for a simple prolongation southward of the land boundary between the two States, while Victoria claimed that the marine border ought to project at a right angle to the general direction of the coast. The agreement that was reached, for the purpose of that legislation only, was embodied in the Acts of the two States concerned and of the Commonwealth (see second schedule to our Petroleum (Submerged Lands) Act, 1967) and creates a boundary line which runs roughly south-west from the coast. By virtue of section 9 of the Commonwealth Act and of section 14 of the State Acts, Victorian law will apply within the disputed area (that is, the triangular area between the southern prolongation of the land boundary and the line eventually agreed upon) "to and in relation to all acts, matters, circumstances and things touching, concerning, arising out of or in connection with the exploration of the sea-bed or subsoil of the adjacent area for petroleum and the exploitation of the natural resources, being petroleum, of that sea-bed or subsoil and not otherwise...", with certain other limitations which do not affect the general legal position.

Notwithstanding the compromise reached on that occasion for a particular urgent purpose, the Government regards the southern prolongation of the land boundary as the proper maritime boundary between South Australia and Victoria, and the present Bill is drawn on that footing. Theoretically, any person within the disputed triangle could find himself subject to two bodies of law, but it is very

unlikely that any conflict would arise in practice. The Commonwealth could be expected to argue that the matters dealt with in section 9 of its 1967 Act touch upon the sovereignty of the Commonwealth in offshore waters and are, therefore, one of the topics (alluded to in the second reading explanation) upon which the State may not competently pass any law at all. Be that is it may, there is no doubt that the 1967 Commonwealth law would override any inconsistent State law on the same subject. The result, in the Government's view, is that, should the present Bill be passed into law, persons within the disputed triangle will be amenable to Victorian law when their activities fall within the relatively narrow scope of the Petroleum (Submerged Lands) Act of 1967, but otherwise will be governed by the proposed Off-shore Waters (Application of Laws) Act.

The form of the schedule to the Bill, with its three parallel bands of coastal waters, is designed to meet any constitutional arguments that might be brought against the Bill. There should not be much difficulty in sustaining the validity of clause 4 in the case of all three belts of sea, but that clause applies only with respect to a restricted class of persons, and not to everyone who may happen to be within the designated area. The form of the schedule is directed rather to clause 3, which applies to everyone within the schedule waters. The argument for the validity of clause 3 is that mere proximity to the State supplies whatever "nexus" is needed to support the law as one for the peace, welfare and good government of South Australia. The High Court has not yet pronounced upon that question, although one member of the court has suggested that he would reject it, another that he would support it, and yet another that it is acceptable at least within the territorial sea. A present, the territorial sea in international law is three nautical miles wide, but many observers expect that the result of the present international law of the sea conference will be to extend the territorial sea to 12 miles. The Government's view is that a general extension of the criminal and civil law of the State to offshore waters within 100 miles of our coast would meet the reasonable needs of the people of the State. Stealing craypots, for instance, does not take place within only three miles of land, but it acknowledges some risk with respect to clause 3 in legislating baldly for the 100-mile belt. The form of the schedule is therefore designed to "fail safe" should the courts regard a law of the clause 3 kind to be valid only with respect to the territorial sea.

In addition, Mr. DeGaris asked three questions. First, he asked whether or not this legislation applied to the sea bed. The Bill relates to the application of laws in, over and under "offshore waters", as defined. It does not, and necessarily cannot, make any assertion of sovereignty or ownership in relation to the offshore area, since this would be clearly inconsistent with the Commonwealth legislation, the validity of which gave rise to this measure. So that, although the State laws would in fact apply to the seabed, they would not apply so as to assert any State ownership thereof.

Secondly, the Hon. Mr. DeGaris raised the question of the width of paragraph (*f*) in the definition of "person connected with the State". I assure the Hon. Mr. DeGaris that the Eskimos may sleep safely in Greenland, as may the Indians in India, because a bland assertion by proclamation under this section without a real substantial nexus in constitutional terms would certainly not ground the exercise of an extra-territorial power. In fact, the provision has been included from an abundance of caution, and the only proclamation that could validly be made thereunder would have to be grounded on a factual nexus.

Thirdly, the Hon. Mr. DeGaris raises the question of the averment provision in clause 5. As the Hon. Mr. Burdett observed, the averments are quite specific and do not effect any reversal in the onus of proof of matters of substance. As to the first, it is quite within the knowledge of a person as to whether they fall within the specific categories of a "person connected with the State", and the disproof of such an allegation in appropriate circumstances would be quite simple. The second averment merely recognises the practical difficulty of pinpointing a spot upon the great waters that lie to the south of the coast. In many instances the sophisticated navigational equipment necessary for this will simply not be available, but particularly if the "three band" assertion is upheld there will never by any real doubt as to whether a position is within or without offshore waters.

The question has been raised as to how the enactment of this legislation will affect the Commonwealth-States fisheries situation, and the answer to this is: only peripherally, if at all. The matters in issue there are entirely matters that must be solved by the exercise of co-operative federalism and the clarification of the Commonwealth constitutional competence in this area.

Bill read a second time.

The PRESIDENT: I have permitted the Parliamentary Counsel, at the request of the Chief Secretary, to occupy a seat on the floor of the Chamber alongside the Chief Secretary. Do I hear any dissentient voice? There being no dissentient voice, permission is granted.

In Committee.

Clause 1 passed.

Clause 2—"Definitions."

The Hon. R. C. DeGARIS (Leader of the Opposition): I seek the indulgence of the Committee to allow me to reply to a statement made by the Hon. Mr. Foster in relation to my remarks about this clause. The honourable member implied that there was some dishonesty on my part in referring to the part I played in the early discussions on this legislation.

The Hon. N. K. Foster: I said there was dishonesty in connection with your omission of what had happened in the Commonwealth Parliament in regard to a constitutional committee.

The Hon. R. C. DeGARIS: I listened carefully to the honourable member.

The Hon. N. K. Foster: You did not.

The CHAIRMAN: Order! I think we will let the Hon. Mr. DeGaris make his point.

The Hon. N. K. Foster: He does not even know how to present the matter.

The CHAIRMAN: The Hon. Mr. Foster can reply later.

The Hon. R. C. DeGARIS: The Hon. Mr. Foster referred to the Constitution Convention and to the record of the debates in *Hansard.* Of course, this had nothing to do with the role that the Government played in relation to this matter in 1969 and 1970. In March, 1969, the then Minister for National Development (Mr. Fairbairn) presented to the Minerals Council, consisting of the Federal Minister and all State Ministers of Mines, a statement that the Commonwealth intended legislating to assert its alleged constitutional rights over all offshore areas outside territorial waters, one nautical league at that stage. The matter was discussed in Cabinet, and my instructions were to resist this attempt to claim sovereignty over territorial waters outside the three-mile mark. Those

discussions were carried out with the full approval of Cabinet. There was a delay in the presentation of the legislation to the Commonwealth Parliament, and it was not presented in 1969. There was an agreement that the legislation would not be presented to the Commonwealth Parliament until the Mines Ministers met further for discussion of the whole question. South Australia put a very strong case through the Minerals Council in relation to the Seas and Submerged Lands Bill.

I was accurate in saying that I opened the batting for this State in regard to this matter. I went on to say that this present Government, as far as I know, took up the same policy position as was adopted by the previous Government. I was the spokesman for the Cabinet. If the Hon. Mr. Foster is at all interested, I can give him the press releases made from the Minerals Council on this question. There was no dishonesty in connection with my presentation of the facts to this Council. I am certain that the Chief Secretary, as a member of Cabinet, understands this point; to my knowledge, the present Government has followed almost the same policy as that adopted by Cabinet on this issue in 1969 and 1970. Can the Chief Secretary say whether it will make any difference to a particular case now before a court if this Bill is passed? Is that matter left in exactly the same position?

The Hon. D. H. L. BANFIELD (Minister of Health): I am advised that it will not make any difference whatever.

The Hon. N. K. FOSTER: I cannot understand what the Leader was getting at. He completely misinterpreted what I said. He said that he was the first to go in to bat, but I do not regard that as of great importance, because it was a stance taken at the time. Unfortunately, at that time a Liberal Government was in office, rather than a properly elected Government. About 15 000 people marched past Parliament House in bitter protest at that. This matter can be checked out in Commonwealth *Hansard.* What the Leader said here this afternoon regarding what the Minerals Council was going to do was a great issue between the then Minister, Mr. Fairbairn, and the then Prime Minister, Mr. Gorton. I am not certain whether it caused Mr. Fairbairn's resignation or whether his outburst followed his removal from Cabinet.

The matter of which the Leader spoke was the subject of a bitter debate between Mr. Gorton and Mr. Fairbairn in the House of Representatives as to the proper understanding of the meeting of the Minerals Council. The Leader could have gone on and dealt with the meeting between Mr. Hughes, the then Commonwealth Attorney-General, and the State Attorneys-General. The matter that I raised with the Leader was his long contribution going back into legal cases and judicial decisions, but I was pulled up by the President because I mentioned Mr. Justice Barwick. The Leader's remarks went back 100 years. I said that we can all do that. I accused the Hon. Mr. DeGaris of being dishonest because of his association with the constitutional committees inasmuch as he did not make any reference to the measure introduced in the House of Representatives. I refer to section 51 (xxxvii) of the Constitution. It is in this matter that I believed the member was dishonest. After that provision was given favourable passage through the House of Representatives it was lost in the Senate, yet it was given carriage by a previous Liberal and Country Party Government in New South Wales.

I point out to the Hon. Mr. DeGaris that, despite the conventions to which he holds and the meetings he attends, as he properly should do, this provision was knocked out by the Senate. I would have thought that the honourable member would have made some reference to that. It was on that point alone that I felt the honourable member was dishonest. This matter was reintroduced in the House of Representatives.

The Hon. R. C. DeGaris: What document are you referring to?

The Hon. N. K. FOSTER: I have already told the honourable member; I am referring to section 51 (xxxvii) of the Constitution.

The Hon. R. C. DeGaris: What does it say?

The Hon. N. K. FOSTER: The honourable member knows. I have already read the submission by the Government of New South Wales. I refer to the clause that permits, where there is an area of disagreement between the States, a matter to be proceeded with. No-one can break down the armour of both the States and the Commonwealth, and the provision I referred to allows for the development of mutual understanding, not a binding situation, and neither party tying the other to anything more than a loose discussion and the provision of a temporary transfer of power.

The Hon. R. C. DeGaris: You are talking about the Constitution Alteration (Inter-change of Powers) Bill?

The Hon. N. K. FOSTER: I will read it again, as follows:

The New South Wales submission was in the following terms:

> At present, uncertainties exist as to the manner in which placitum (xxxvii) of section 51—the "reference power"—operates. The limited use made of the power in the past is no doubt attributable in large measure to such uncertainties. It is considered that, by constitutional amendment, these uncertainties should be removed by providing, for example, that references of legislative power by States to the Commonwealth may be made for limited terms and that repeal of a reference act has constitutional efficacy, and also that the Commonwealth Parliament might refer to the States any legislative power of the Commonwealth.

The Hon. R. C. DeGaris: That is the reference of powers to which I have referred.

The Hon. N. K. FOSTER: Yes, but now I come to the point that the Leader cannot understand. He made a speech lasting one and a quarter hours, stating that there could be 50 years of litigation in this matter. The Leader criticised the Gorton Government's policy on federalism and the Whitlam Government's policy on federalism, and it was because of that criticism and the assertion that the great magic wand of the Fraser Government's brand of federalism would suit everyone in the State that I raised the matter. That cannot be the case because neither the Leader knows, nor do other honourable members or Commonwealth members know, what that federalism involves.

True, we might learn more of it after the meeting between the Prime Minister and the Premier tomorrow. However, there is a provision existing in the Constitution which can lay matters aside for a short time or for an agreed period under which the parties will not continually be running through courts seeking interpretations and undertaking test cases, which was one of the principal points advanced by the Hon. Mr. DeGaris in this Council. I think the Hon. Mr. DeGaris will agree that this is all caused by the Constitution under which we labour in this country. The honourable member may refer to parallels in Canada, but there is a vast difference between the Canadian Constitution and the Australian Constitution.

I merely point out that a reasonable attempt was made, as many of the Leader's Canberra political colleagues would agree, to overcome some of the difficulties arising from legislative or pending legislative matters and other

matters arising from mineral conferences and meetings of Attorneys-General. Under this provision many testing and other problems can be got around. I am sure the Hon. Mr. Burdett would agree, because his submission was extremely good, and in complete contrast to the submissions of his Leader. At no time did I test the Leader's honesty that he was the first person to get the matter under way.

The Hon. R. C. DeGARIS: The question raised by the Hon. Mr. Foster has nothing to do with this Bill relating to offshore legislation. If the honourable member wants to accuse me of dishonesty because I did not refer to a specific aspect, I point out to him that the Whitlam Government proceeded in the matter before Standing Committee "B" had reported in regard to the reference of powers Bill. That was defeated in the Senate. Committee "B" took strong exception that the Whitlam Government had proceeded without waiting for its recommendation. A recommendation was made to Mr. Whitlam himself regarding certain matters in the legislation. He agreed that Standing Committee "B" was right and that amendments should be made to that legislation. At the last Constitution Conference it was agreed that the amendment should proceed. However, this situation has nothing whatever to do with the Bill before the Council.

The Hon. N. K. FOSTER: I do not regard myself as a legal eagle but I offer my advice advisedly to the Hon. Mr. DeGaris. He is the most bushed lawyer—

The CHAIRMAN: Order! The honourable member will not reflect upon another honourable member.

The Hon. N. K. FOSTER: I did not reflect, because I said that I offered my advice to him advisedly. What did the Senate do? It carried the following resolution:

The Bill be deferred until after consideration has been given to its proposals by all State Governments and by the Australian Constitutional Convention.

It is further stated:

Standing Committee "B" subsequently resolved to recommend to the convention that the Constitution be altered in the manner proposed by the Bill as passed by the House of Representatives.

What more does the honourable member want?

The Hon. R. C. DeGARIS: Despite what the Hon. Mr. Foster reads, the Bill presented to the House of Representatives was not the same as that recommended by Committee "B". I urge the Hon. Mr. Foster to get his facts right before he speaks on a matter.

Clause passed.

Remaining clauses (3 to 6), schedule and title passed.

Bill read a third time and passed.

ADDRESS IN REPLY

The Hon. D. H. L. BANFIELD (Minister of Health) brought up the following report of the committee appointed to prepare the draft Address in Reply to His Excellency the Governor's Speech:

1. We, the members of the Legislative Council, thank Your Excellency for the Speech with which you have been pleased to open Parliament.

2. We assure Your Excellency that we will give our best attention to all matters placed before us.

3. We earnestly join in Your Excellency's prayer for the Divine blessing on the proceedings of the session.

The Hon. F. T. BLEVINS: I move:

That the Address in Reply as read be adopted.

In moving this motion, I first offer my condolences and messages of sympathy as His Excellency did when he opened the session. Of course, I did not know Mr. Ferguson, Mr. Hogben, or Mr. MacGillivray. However, I am certain that they served the electors of their districts in a very efficient way, and I express my sympathy to their families.

When I sat listening to the Governor yesterday, it made me feel proud to be a supporter of the Dunstan Labor Government in this State. The Governor's Speech showed clearly that this State was making firm and steady progress. As the Governor mentioned, this State has the best financial position of any State in Australia, because of the good stewardship and management by the Australian Labor Party Government. In fact, this State is the envy of the other States.

The Hon. N. K. Foster: That is quite correct.

The Hon. F. T. BLEVINS: Not only are we in the best financial position of any State; I am also proud to say that we have the lowest unemployment figure for any State, so we seem to manage our affairs in this State rather well. That came through to me very clearly as I listened to the Governor yesterday outlining the Government's programme for this session. One part of the Speech gave me some regret. That was when the Governor stated:

In the ordinary course of events, this will be the last occasion when it will fall to me to call you together for the dispatch of business . . .

The fact that the Governor is retiring is to me a matter of regret. He certainly has been a credit to the position in this State and to the people who invited him to be Governor. Of course, at the time of the appointment the Government received much unfavourable comment from the Leader of the Party now sitting on the Opposition benches, on the basis that this man somehow was not suitable to be Governor.

The Hon. N. K. Foster: McLeay called him a Communist

The Hon. F. T. BLEVINS: Did he? I defer to the Hon. Mr. Foster's knowledge of what was going on at the time and I am shocked at that comment by Mr. McLeay, but that is the kind of thing that we can expect. There has been an announcement by the Government in relation to the new Governor, and again the Leader of the Opposition in this State has made some rather impolite and unfavourable comments that do not do credit to him or his Party.

The Hon. C. M. Hill: No, I do not think he did. I think you are thinking of another gentleman.

The Hon. F. T. BLEVINS: No, I am thinking of some comments that Dr. Tonkin made. I will stick to my statement that 1 think Dr. Tonkin has made disparaging remarks about the new Governor.

The Hon. R. C. DeGaris: That is not so.

The Hon. M. B. Dawkins: Tell us what they were.

The Hon. F. T. BLEVINS: I will explain exactly what I mean and quote the comments that I think did less than justice to Dr. Tonkin. Since I last spoke in an Address in Reply debate, very significant events have taken place in Australia. They have had a big bearing on this State and, as it would be remiss of me not to mention some of them, I intend to refer to them. Certainly, the events leading up to November 11 last—

The Hon. N. K. Foster: A black day in our history!

The Hon. F. T. BLEVINS: As the Hon. Mr. Foster has said, that was a black day in our history.

The Hon. N. K. Foster: They tore up the people's rights and Australia has been an undemocratic country since then.

The Hon. C. M. Hill: Who is making this speech?

The Hon. F. T. BLEVINS: Some of the events were dreadful. For example, there was the unprecedented method of filling Senate vacancies. The clear practice had been that the Party to which a departed Senator belonged would nominate the person to fill the vacancy. That practice was thrown out the window by Mr. Lewis and also by Mr. Bjelke-Petersen. In my opinion, it was mainly those two people who brought about the unprecedented events last November. Then there was the blocking of Supply for a second time.

When we look at the niceties of the situation and the mechanics of it, we see that the Liberal Party blocked Supply in 1974, and that was a disgraceful thing to do. The Liberal Party wanted another election, and in 1975 that Party got it. What a dreadful thing that was to do, having regard to what had been built up over 75 years! My personal belief is that we should observe some standards in politics. There should be some decency. The Hon. Mr. DeGaris laughs at that statement, and the Liberal Party laughs at it, too. They laugh at the events leading up to November 11.

The Hon. R. C. DeGaris: I was laughing at your referring to the matter.

The Hon. F. T. BLEVINS: The Hon. Mr. DeGaris did that with the usual oily and greasy grin on his face.

The Hon. N. K. Foster: DeGaris is dishonest.

The Hon. F. T. BLEVINS: I believe that we should observe some standards of decency and propriety, and we can do that only as long as both sides play the game. If one side is not obeying the rules, it is a new ball game. It is not practical for one side to observe the rules and for another to go on doing anything it likes to do, because, if the two sides act in that way, conventions will be gone for all time. I regret what happened, and I think Australia also will regret it. All my life, even before I was an adult, I have associated with people who are generally considered to be radical. I am proud to be associated with these people. My main difference with them has been the method by which we achieve social change. I have differed with many of my friends over the years, my view always having been that social revolution can occur within the Parliamentary framework. I still believe that to be so. However, my argument is certainly getting more difficult to sustain. Indeed, since November 11 it has been extremely difficult to sustain.

Once we start to challenge the very basis of the ruling class in this country, it will hit back hard and do anything it can to reaffirm its position of superiority. It is clear to me that the Westminster system of democracy does not exist in this country. The people's House is not the supreme House: the Senate is. That is the reality, although I wish it was not so. We must work to see that the Senate is reformed and eventually abolished, along with this Council.

The results of the December 13 election are a tragedy for Australia, and certainly for South Australia. Most of the new Federal Government's policies seem to be a deliberate attack on the standards of the working class people of this country. I refer, for instance, to school dental clinics, in the programme for which severe cuts have been made. Whose children will this affect? Certainly, it will not affect the children of the people represented by honourable members opposite. It will affect children of the working class people in our community: they will be the ones who will be disadvantaged by the cuts in this programme. This is tragic. Perhaps I should not say this, but one of the first things I noticed when I came to Australia was the shocking condition of children's teeth. That was many years ago, and certainly before the Dunstan Labor Government, with the help of the Commonwealth Government, made a real attack, with some success, on the problem. Unfortunately, that assistance is now being withdrawn, and that is a tragedy.

The Hon. N. K. Foster: The Liberals aren't concerned about the people.

The Hon. F. T. BLEVINS: That is so. Also, the assault on the Medibank proposals is an assault on the working class. It will create a two-tiered medical scheme.

The Hon. D. H. L. Banfield: Is that a reflection on their election promises?

The Hon. F. T. BLEVINS: I am coming to that. This is a decision that the Fraser Government has taken. We are now continually getting the Federal Government's new thoughts about Medibank. This illustrates that that Government does not know what it is doing. This will create a group of second-class citizens and, as I represent in this place the working class people, I know that they will be the ones who are disadvantaged by Mr. Fraser and his Government. I now refer to certain matters that directly concern South Australia, the first of which is the Adelaide to Crystal Brook railway. Despite all the years that we have been trying to get this service operating, the Federal Government has now decided that it will review the programme.

The Hon. C. M. Hill: Your Government should have started it in 1970, when it was all set to go. It messed around for six years, and now we are in a mess. You procrastinated for six years on it.

The Hon. F. T. BLEVINS: This railway is most important to South Australia, and it is tragic that the Fraser Government has said that it is to review the position as to whether or not the line is required. I also refer to the Tarcoola to Alice Springs railway, which is of vital importance to the people in the North of the State, as the Hon. Mr. Whyte would confirm, and to the people of the Northern Territory. As soon as work on it is started, the Federal Government decides to refer the scheme to some other committee to examine it. Why? It wants to review the scheme, because it wants to stop it.

The Hon. C. M. Hill: It isn't stopping it, and you know it. It is only a question of seeing whether any wasteful expenditure is involved. There is more to life than spending a lot of money, you know.

The Hon. F. T. BLEVINS: I do not really know how money can be wasted on the construction of a railway line. We have experienced railway builders in Australia, and I am sure that they would not dress it up or have frivolous bits and pieces on the line: all they would do would be build the railway line. However, the Federal Government wants to stop it, which, again, would be a disaster for South Australia.

I refer also to the railway transfer agreement, a matter on which the last State election was fought. The Hon. Mr. DeGaris and his colleagues said this was a shocking agreement for South Australia and that it should be taken to the people. In reply, Mr. Dunstan said it was a tremendous agreement for South Australia, and agreed that the matter should be taken to the people. Honourable members in this Chamber followed the Hon. Mr. DeGaris—

The Hon. N. K. Foster: Into oblivion, some of them.

The Hon. F. T. BLEVINS: One is not permitted to refer to the gallery. However, the only time that we see these people is when they are in the gallery. Mr. Fraser

and Mr. Nixon now say that the railway agreement was too good for South Australia. The Liberal Party in this State, however, said that it was not good enough. As Mr. Fraser and Mr. Nixon think that it was too good for us, they say "We want to try to rip it back off you if we can".

The Hon. M. B. Dawkins: They never said any such thing. That is absolute rubbish.

The Hon. F. T. BLEVINS: Is the Hon. Mr. Dawkins going to speak in the debate?

The Hon. M. B. Dawkins: Yes.

The Hon. F. T. BLEVINS: Well, you can make your point then.

The Hon. M. B. Dawkins: I will.

The Hon. F. T. BLEVINS: I am delighted about that. I always enjoy listening to the Hon. Mr. Dawkins.

The Hon. M. B. Dawkins: I am pleased about that, because you might learn something one day.

The Hon. F. T. BLEVINS: I will keep listening and hoping that I will, one day.

The Hon. C. M. Hill: How's Manchester United going these days?

The Hon. F. T. BLEVINS: That is an unkind remark, to which I take strong exception. The last Federal election was one of the greatest con jobs in history. Liberal Ministers of the Crown bribed candidates for votes. Mr. Fraser's policy speech has since been revised, leading up to his incredible statement on the television programme *Monday Conference.* He said that the promises he had made were strictly for that moment only, not for any period thereafter, however short. I suppose we must give Mr. Fraser credit for honesty, because he said that his statements applied to that moment only, not even for a period of six months; it is a pity that he was not more honest before December 13 of last year. However, Mr. Fraser did keep one promise: the promise to reintroduce the superphosphate bounty. Through the reintroduction of that bounty, Mr. Fraser, a millionaire, helped himself legally to thousands of dollars of the taxpayers' money.

It appears that the Federal Liberal Government has gone out of its way to pick as candidates company directors on the extreme right of politics. I could understand that such people might have been Liberal candidates 20 years ago, but surely we should expect something better in this day and age. One new Liberal member of the House of Representatives is a director of Patrick Partners. Because the Hon. Mr. Hill has looked up, he has obviously heard of Patrick Partners: I hope he was not a member of that organisation, which was a bunch of crooks. Patrick Partners stole from thousands of Australians. The firm itself had no money, but there were some very rich wives. The new member for Macarthur in the Commonwealth Parliament was one of the directors of the firm. Another new member of the Commonwealth Parliament, the member for Swan, is an ex-official of the Democratic Labor Party in Western Australia. His speech comes across to me as the typical fascist comment that one associates with the D.L.P. He is the type of person that the Federal Liberal Party has selected for the House of Representatives. It appals me that these people are running the country. The only good thing is that a large number of them will not survive the next election.

The Hon. D. H. Laidlaw: They will probably be there for 20 years.

The Hon. F. T. BLEVINS: If the honourable member wants a bet, he can get set with me later. The Fraser Government has abolished the Children's Commission. Because children comprise a section of our society that depends entirely on us for protection and education, the Fraser Government's move is disgraceful. The Australian Assistance Plan, which gave people a feeling of real involvement in the community, has been virtually wiped out. Money for the plan has been promised for one year, but that is all. The plan is therefore obviously on the way out. There have been drastic reductions in the allocations for Aborigines, another vulnerable section of the community. The people who are most vulnerable and most deserving are the people whom the Fraser Government is attacking.

Last session, the Hon. Mr. Hill said that the Adelaide Singers was a very worthy body, and I could not agree more. The honourable member said that the Adelaide Singers should be supported by the State Government, as Federal Government support had been withdrawn because of inflation. I fail to understand why State Government support for the Adelaide Singers would not be inflationary while, according to the Hon. Mr. Hill, Federal Government support would be inflationary. I certainly could not understand the honourable member's question on this matter. The allocation for the Australian Broadcasting Commission has been severely cut—a form of censorship. The Fraser Government seems to have a policy of doing away with the Australian Broadcasting Commission while feeding all the business to people like Mr. Packer. What happened to the surge of business confidence?

The Hon. N. K. Foster: It is not there.

The Hon. F. T. BLEVINS: I would have preferred a reply from the Hon. Mr. Laidlaw, but he sits in solemn silence because he is deeply involved in the Metal Trades Industries Association, which at present does not think very much of the Federal Government. An article, headed "Big business does a bit of Government bashing", in the *Australian* of May 31 states:

> The Government should listen to the people. The Government may have good economic reasons for cutting its spending (but) the process is being carried out too quickly. It wouldn't be surprising if those remarks had come from the A.C.T.U. or the Labor Party. But they do raise an eyebrow coming from the Metal Trades Industries Association—one of the biggest employer bodies in the country whose member companies employ some 600 000 workers.

It is further stated in the article that this report is becoming a big hit in Canberra. What about the surge of confidence? The first thing the Hon. Mr. Laidlaw did after the election of the new Commonwealth Government was to close his factory in Whyalla. That action shows how much confidence he has. The Hon. Mr. Laidlaw did not say he would do that before the election. Why not?

For the general information of the Council I should like now to refer to the number of votes, the percentage of votes required to win a seat and the number of seats won in the recent Commonwealth election. I believe that an examination of the following figures would be illuminating for all honourable members:

	Votes	Percentage of votes	Seats	Votes per seat
Australian Labor Party .	3 313 004	42.8	36	92 027
Liberal Party.....	3 248 136	42.0	68	47 766
National Country Party	853 943	11.0	23	37 128

The above figures show conclusively the electoral inequalities of our present voting system. The A.L.P. won nearly 65 000 votes more than the Liberal Party, yet it won only just over half the number of seats. Having obtained nearly four times the number of votes obtained by the National Country Party, the A.L.P. won much less than

twice the number of seats. That is a disgrace and clearly highlights the benefit that the conservative coalition Parties have in Australia through this malapportionment of electorates.

I concede that the win by the coalition Parties was a good win. I have no quarrel with that, but what I do quarrel with is the malapportionment of seats that is clearly shown by these figures. I hope that the Liberal Party (although we cannot have any such hope for the Country Party) will see the merit of reviewing electoral boundaries so that electorates are more equitable. This would be in the Liberal Party's interest as well as in the interests of democracy. I am a supporter of single-member electorates, and it is only fair to say that a result similar to the recent one will obtain where single-member electorates exist. However, the malapportionment makes the position much worse. I agree that the candidate even with a 2 per cent win should have a bonus, because I believe it helps promote stability of Government. However, a bonus of this magnitude shows that the system is crook.

On a happier note, I should like to draw the attention of the Council to the result of the recent New South Wales election. Six months after the Commonwealth Liberal Party win on December 13, 1975, an election was held in the most populous of the Australian States. The poll date was badly chosen by Sir Eric Willis, because the poll was held on May 1, 1976, the day that international working class solidarity is demonstrated. The better the date, the better the deed, and the people of New South Wales tossed out Sir Eric Willis. That, too, was a good win, similar to that experienced by the Liberal and National Country Party coalition on December 13. However, because of the malapportionment in New South Wales, that good win was not reflected in the number of seats won by the A.L.P. We can see that the boundaries in New South Wales are crook, too. I was naturally upset by the way Sir Eric Willis conceded defeat. He did it most ungraciously and said, "What we are going to do is retreat to the Upper House." That is just like the good old Tories, and then he said, "We are going to stop you governing the State from there, if we wish." He said that not like a man but more like a rat. He said, "We will go and fight you from the Upper House," a House that is not even elected. What kind of a statement is that?

The Hon. N. K. Foster: A typical Liberal Party statement.

The Hon. F. T. BLEVINS: Exactly. I should now like to refer to some of the significant events of the past year, and I refer especially to a most significant event that has taken place in the United States of America. I refer to the Senate committee investigating the Central Intelligence Agency. It has been revealed, and it has been admitted by the C.I.A., that that agency has spent millions of dollars buying politicians and political Parties around the world, in Italy, Greece and elsewhere. This has been admitted. I have no evidence that the agency has bought any politicians in South Australia but, if it had, they would not cost very much. We have just witnessed the disgusting spectacle of the Liberal Party buying the Liberal Movement and four of its five Parliamentary members for $25 000. I am not sure whether the Liberal Party got a bargain or not. However, I must congratulate the member for Mitcham in another place, because he has shown that not all M.P.'s are up for sale and that some of us, at least, do have principles.

I do not believe any more significant event has occurred in the past 12 months than the stoppage of work by members of the Australian Railways Union in support of a decision of its members in connection with the mining of uranium. I do not pretend that I am qualified to discuss the merits or otherwise of uranium mining, the use or processing of uranium, etc., but there is certainly sufficient opinion to raise in my mind very grave doubts as to the safety of doing so. I refer to page 6 of the *Journal of Industry* of May 3, 1976, on which appears an article on a conference of the Australian Petroleum Exploration Association held in Adelaide, and in the opening address by the Governor, Sir Mark Oliphant, amongst other things he said this:

> While it is probable that the problems of safety from radioactive contamination of the environment, which are technological, can be solved by technological means, this is not so at present. Sir Macfarlane Burnet has emphasised the biological hazards of nuclear energy, and while these are glossed over by some physical scientists I feel that, in this matter, we must lean towards the opinions of that great medical scientist, at any rate for the present.

I have two more quotes which, at least to me, raise grave doubts about the safety involved in the use of uranium. The first is a letter to the *Australian,* dated June 1, 1976. It states:

> Some years ago I travelled from England to Australia by cargo ship, and on the foredeck were lashed some 20 concrete blocks, roughly 30in. cubes, which we were told contained atomic waste—from Haddon Hall, I think. The ship stopped in mid-Atlantic for about an hour, and the blocks were hoisted on to a slide and dropped into 2 000 fathoms. There was no secrecy, the passengers gathered at the rail, and I had the captain's permission to take colour photographs of the performance. There is no proof, of course, that the blocks contained atomic waste, but a large cargo ship would not stop for an hour in mid-ocean for something trivial. 1 still have the colour slides, if anyone is interested.

That is signed "B. Smith, Palm Beach, Queensland." Directly on the reverse side of the page of the same issue of the *Australian* there is a news item entitled "Nuclear waste protest". The article states:

> Protests are growing over a plan to dump 6 700 tonnes of low-level nuclear garbage in the Atlantic next month. The radioactive waste, from European reactors, including contaminated clothing and equipment is solidated in concrete. It is to be sunk about 965 km south-west of Land's End in England. But dumping operations, supervised by the British Nuclear Energy Agency, are under increasing fire because of the danger of greater marine contamination. The disposal sites are not monitored directly for the release of long-lived radioactive materials, because the European agencies do not have any equipment capable of investigating and taking samples at great depths. The concrete containers are designed to decay slowly and ultimately release their radioactive contents into the sea.

Frankly, that kind of thing scares me. People have no idea what to do with this material but just dump it out at sea, and that is the end of it.

The Hon. R. C. DeGaris: What risk is there with that material?

The Hon. F. T. BLEVINS: I do not consider myself qualified to debate the merits or otherwise of it, but there is sufficient evidence from Sir Mark Oliphant and Sir Macfarlane Burnet to raise very serious doubts. My point is my support for the workers in the A.R.U. in their stand in relation to uranium mining in Australia. It is significant that workers have refused to be used in that way with dire results for mankind. I support their stand entirely and unreservedly. I support their right to strike on any issue. If we try to curb that right to strike, an employee becomes a slave. Apart from that, workers, in my opinion, have a duty to engage in political strikes, because no Government is entirely right, particularly when all the capitalistic society

decisions are made not in the interests of mankind but in the interests of the people who can make a profit as a result of their decisions.

I suppose opposition to the legitimate activities of the workers who engage in strikes can best be summed up by these quotes from the *Australian* editorial of May 26, 1976:

It is not the job of unions—nor of business—to dictate policy decisions to Government. Unions are industrial organisations and they should stick to this. They should leave politics to the politicians who are elected, and elected democratically, to take decisions, and if the decisions prove wrong then the voters will apply the customary sanction.

It is rather difficult to do that when one is dead. However, that is from the *Australian,* and this is from the editorial of the *Advertiser* of Tuesday, May 25:

The use of uranium resources is likely to remain a contentious matter, but there can be no denying that the ultimate responsibility for determining policy must rest with the Federal Government.

I think it is fair to say that that summarises the opposition to my statement that political strikes are legitimate. I deny what the *Advertiser* has said, and I emphatically support the members of the A.R.U. In a further edition of the *Advertiser* was this letter:

Sir—I commend the objective way in which *The Advertiser* reported events associated with the suspension of a shunter's supervisor at Townsville, carrying out railway union policy on the transport of uranium. However, I take issue with your editorial (25/5/76) which expressed the view that the decision to use uranium as a nuclear power source should be determined solely by the elected Government. I do not hold the view that, once having elected a leader, be it a politician or a union leader, the responsibility of the individual ends there. Acts of expediency and opportunism among such fallible "leaders" are too numerous for people to entrust such absolute power.

Why should not the people concerned about the very real threat to the continued existence of humanity become "emotional", particularly when they observe the opposition to nuclear technology from a large section of the scientific community? My council rejects your implication that unions should confine their activities to "industrial" matters. We do not wish to "dictate" or impose our views on others. Until science can demonstrate the safety of nuclear power plants and their waste products we will continue to oppose the transport of uranium by rail.

W. W. Marshall

State Secretary,
Australian Railways
Union, Adelaide.

The Hon. N. K. Foster: A very responsible man, too.

The Hon. F. T. BLEVINS: I agree completely with that letter and the action taken by the Australian Railways Union. I fully supported that action by telegram on the day of the A.R.U. stoppage. Let us consider some of the major political strikes that have occurred in Australia and overseas, and the Council will have to agree with what I say. I will give a few examples of political strikes. Such strikes occurred in Germany in the 1930s, and yesterday I noticed that several Opposition members were wearing medals won in the terrible Second World War, between 1939 and 1945. I should have thought that those gentlemen would much prefer that the political strikes against Hitler were more successful.

I am sure that members of the Opposition or anyone else who served in the Forces would have preferred the political strikes to be bigger and much more effective so that we would not have had that war. I say that the German workers who went on strike were correct in doing so against that Government. There can be no doubt of that. During that period, the Waterside Workers Federation engaged in a strike at Port Kembla against the sending of pig iron to Japan, and I have no doubt that some medals that Opposition members wore yesterday were won in the fight against Japan.

The Hon. N. K. Foster: They should have sent Menzies to Japan and kept the pig iron.

The Hon. F. T. BLEVINS: It may have been that all the pig iron was being made into weapons to be used against us. Who is to say that those political strikes were not right? The Waterside Workers Federation was perfectly right, and I commend it. There is a long history of involvement in this area. Soon after the Second World War, there were big political strikes in Australia in regard to the setting up of Indonesia and the throwing out of the Dutch. The Dutch wanted to recolonise, and some very big unions in Australia said that they would not assist. In fact, they said that they would positively hinder the Dutch recolonising of Indonesia, and they were perfectly right in doing so. The Dutch had no right to go in and recolonise. People have the right to their own freedom. I understand that about 20 unions were involved in political strikes on that issue, and I commend them. They were correct.

In the mid-1960s, there were political strikes in Australia and elsewhere, particularly in Australia, against the Vietnam war. They were big political strikes involving thousands of workers. As I was involved in those strikes, I like to think that they shortened the war and made people aware of the problems and the position, convincing them that we should not be in Vietnam. Looking back, we find that we were correct. Even President Ford, in a statement on television last evening, stated, "Remember Vietnam We do not want that to happen again." President Ford also stated, "Reagan will send us to Rhodesia," and he was saying that to do so would be wrong. The President was perfectly correct.

Coming close to home, in 1968, thousands of workers in South Australia stopped work, in support of electoral reform. Were they wrong? We now have the electoral reform and everyone (even the Hon. Mr. DeGaris) says that it is a wonderful thing. We have better Governments in this State because of proper boundaries. About 10 000 workers protested strongly in regard to the old electoral distribution, and they were absolutely correct in doing so. Another significant group of political strikes occurred in 1969, when about 3 000 000 Australian workers went on strike against the gaoling of Clarrie O'Shea. The man who gaoled him, Mr. Justice Kerr—

The Hon. N. K. Foster: Kerr by name and nature.

The Hon. F. T. BLEVINS: We heard something of him later. The things that those workers went on strike against, namely, the penal clauses of the Industrial Conciliation and Arbitration Act, are now a dead letter. Even the Liberal Party now says that workers cannot be coerced by threat of being gaoled, and that Party also says, "You have to get them on your side." Therefore, the workers were right in engaging in political strike action at that time. Another group that has been involved in political strikes comprises building tradesmen, builders' labourers, and building workers in general. They have assisted the National Trust and other organisations on environmental questions. The unions to which those workers belong have stated clearly that the environment is where we live and it has been adversely affected by rapacious developers and real estate agents. The people to whom I have referred want to destroy the environment in which we like to live and they want to build high-rise buildings. There

have been political strikes against the rape of the environment by the capitalist class, which is interested only in getting profits.

The Hon. C. M. Hill: What are your views on the 51 disputes on the building on the other side of North Terrace?

The Hon. F. T. BLEVINS: The honourable member could not have been listening attentively. I believe that the employee has the right to strike.

The Hon. M. B. Cameron: Against whom? Against his fellow employees?

The Hon. F. T. BLEVINS: To round that off, I want to quote a very important thing in support of what I am trying to put over.

The Hon. M. B. Cameron: There was a bad choice of words there.

The Hon. F. T. BLEVINS: The matter may be humorous to the Hon. Mr. Cameron but it certainly is not to me. The fact that people want to make money from mining uranium that could be dangerous to me, my children, and my grandchildren is extremely serious. I strongly urge honourable members, if they go to Japan, to go to Hiroshima and see some of the dreadful things that people have suffered and still are suffering. The matter is extremely serious.

The Hon. M. B. Dawkins: You are going on forever.

The Hon. F. T. BLEVINS: The Hon. Mr. Dawkins is correct; it does go on forever.

The Hon. M. B. Dawkins: I said you go on forever.

The Hon. F. T. BLEVINS: If people make one slip, we will die. Regardless of whether a Government or anyone else makes the decision, the decision must be correct, and I do not like leaving the matter in the hands of people who are interested only in making profits. I will conclude my comments regarding political strikes by reading from *Nuremberg Trials,* by R. W. Cooper. In 1951, Sir Hartley Shawcross, when opening the British case, stated:

It was no excuse for the common thief to say "I stole because I was told to steal"; for the murderer to plead, "I killed because I was asked to kill". It made no difference that it was nations the prisoners sought to rob, whole peoples they tried to kill. Political loyalty and military obedience, said the Attorney-General, were excellent things, but they neither required nor did they justify the commission of patently wicked acts. There came a point where a man must refuse to answer to his leader if he was also to answer to his conscience.

I certainly base my case on that.

Before resuming my seat, I should like to congratulate the workmen involved in the re-upholstering of this Chamber, as well as the designers who chose the colour scheme. For those readers of *Hansard* who cannot see it for themselves, I can best describe the colour as the deepest red, the same as the worker's flag. Honourable members on this side of the Chamber find it very pleasing.

The Hon. J. E. DUNFORD secured the adjournment of the debate.

ADJOURNMENT

At 5.34 p.m. the Council adjourned until Thursday, June 10, at 2.15 p.m.