HOUSE OF ASSEMBLY

Wednesday 12 March 1980

The DEPUTY SPEAKER (Mr. G. M. Gunn) took the Chair at 9.30 a.m. and read prayers.

MOTOR FUEL RATIONING BILL

His Excellency the Governor, by message, recommended to the House of Assembly the appropriation of such amounts of money as might be required for the purposes mentioned in the Bill.

The DEPUTY SPEAKER: I have to inform the House that yesterday the Premier, on behalf of the Ministry, made representations to me as Deputy Speaker that the public interest required that the House should meet earlier than the time to which it had adjourned. The reason given for the request was to enable emergency legislation to ensure public control of petroleum supplies so as to maintain essential services to be introduced and considered.

Being satisfied that the public interest required an earlier meeting of the House, I gave notice immediately to all members that the House would meet today, Wednesday 12 March 1980, at 9.30 a.m.

The Hon. D. O. TONKIN (Premier and Treasurer): I move:

> That Standing Orders be so far suspended as to enable the introduction forthwith and passage of a Bill through all stages without delay.

I take this action in circumstances which I think are well known to all members of the House. I appreciate the co-operation that has been been shown by honourable members in coming back at short notice. I appreciate the co-operation of the Opposition and the discussions on this matter that I was able to have with the Leader. I apologise that I was not able to contact everyone, but I did make indirect contact with the member for Mitcham through his colleague in another place. The circumstances will of course become clear as the Bill is introduced, but I do put on record my thanks for the co-operation of all members.

Motion carried.

The Hon. D. O. TONKIN obtained leave and introduced a Bill for an Act to provide for temporary rationing, and control over the distribution, of motor fuel; and for other purposes. Read a first time.

The Hon. D. O. TONKIN: I move:

That this Bill be now read a second time.

All members will be aware that there is a possibility that supplies of motor fuel may be disrupted in this State because of industrial disputation which has its origin in another State. In this situation, the Government has decided that the necessary legislation should be enacted quickly to enable it to control the supply of motor fuel should that become necessary.

On several occasions during the last decade, South Australia has experienced severe shortages of essential petroleum products. Honourable members will recall that in 1972 this Parliament had to be recalled in emergency session to pass a Liquid Fuel (Rationing) Bill to allow the Government of the day to control the allocaton of supplies through a permit system. Similar legislation was enacted in 1973. In both those crises, Parliament was asked to consider and pass, in a period of less than 24 hours, legislation to control and ration the remaining supplies of liquid fuel. Rationing was introduced on each of those occasions, and the Acts expired shortly after their enactment.

In 1977 the Government of the day introduced similar legislation in rather different circumstances inasmuch as there were no indications that it could be needed. Parliament then approved of legislation which had a limited life but which was capable of dealing with any emergency that may have occurred within a period of three months.

This Bill, however, is introduced in the climate of interstate industrial disputation which can affect the people of this State. The Government must have available to it power to act should the circumstances require it. The Bill will expire on 31 May 1980 or earlier if the need for it no longer exists. Of course, it is the earnest hope of the Government that the provisions of this Bill will not be needed, but the speed with which the events have moved in other States in recent days means that we must be prepared for any eventuality.

Several weeks supplies of all types of petroleum products are held in the Port Stanvac refinery, the bulk terminals of the oil companies and service stations in this State. There is no immediate threat to South Australia's supplies. But there is industrial action in another State, and it has extended to this State to the extent, so far, of a 24-hour stoppage by petrol-tanker drivers, and restrictions to refuelling at Adelaide Airport. The Government cannot overlook the possibility that the industrial dispute in New South Wales could cause greater problems in this State and, therefore, considers it prudent that steps be taken to safeguard the situation. We are, therefore, doing what this Parliament has decided previously should be done, that is, providing the means for action to be taken over a limited period to cope with any eventuality. With a few exceptions, this Bill is similar to previous legislation.

The Liquid Fuels Consultative Committee, established recently by this Government to recommend priorities for the allocation of available supplies in the event of any crisis, has been consulted, in case it becomes necessary to bring the Act into operation. Since the decision was taken to present this legislation to Parliament today, there has been a meeting of the South Australian members of the Transport Workers Union. Following their meeting the State Secretary issued a warning to the Federal Government and said that if any action was taken against New South Wales "our members are out". It is precisely this possibility, stemming from matters outside the control of the Government in South Australia which makes introduction of this legislation necessary today.

Clause 1 is formal. Clause 2 provides that the new Act shall come into operation on a day to be fixed by proclamation. Clause 3 is formal. Clause 4 contains a number of definitions required for the purposes of the new Act. I draw attention to the definition of "rationed motor fuel". This is defined as meaning motor fuel of a kind declared by regulation to be rationed motor fuel. Thus regulations may be made from time to time declaring various kinds of motor fuel to be subject to the rationing procedures.

Clause 5 provides that the Minister may delegate any of his powers under the Act to other persons. A delegation does not, however, derogate from the power of the Minister to act personally in any matter. Clause 6 contains a number of offences relating to rationed motor fuel. A person is prohibited from selling rationed motor fuel by retail except to a permit holder. A person other than a permit holder is prohibited from purchasing rationed motor fuel by retail. A permit holder is required to observe the conditions of his permit and, if he fails to do so, commits an offence.

Clause 7 deals with the granting of permits. Subclause (1) provides that the Minister may, if satisfied that it is in

the public interest to do so, issue a permit to any person. The permit may be subject to such conditions as the Minister thinks fit. The Minister has an absolute discretion to cancel the permit. A person who is driving a motor vehicle to which motor fuel has been supplied in pursuance of a permit must carry the permit with him in the vehicle. He must produce it for inspection when required to do so by a member of the Police Force.

Clause 8 empowers the Minister to grant exemptions from the provisions of the Act. Those exemptions may relate to specified persons or classes of persons, or may relate to particular parts of the State. Any exemption must be published in the *Gazette* as soon as is reasonably practicable after it is granted by the Minister. Clause 9 empowers the Minister to give directions in relation to the supply or distribution of rationed motor fuel.

Mr. Millhouse: That's pretty Draconian, isn't it?

The DEPUTY SPEAKER: Order!

The Hon. D. O. TONKIN: A direction must be served upon the person to whom it is addressed or published in the *Gazette.* Subclause (3) provides that it is an offence for a person to contravene or fail to comply with a direction, and subclause (4) provides that any rationed motor fuel in relation to which an offence is committed under subclause (3) is to be forfeited to the Crown.

Mr. Millhouse: All of that is in the other—

The DEPUTY SPEAKER: Order! The member for Mitcham will cease interjecting.

The Hon. D. O. TONKIN: Subclause (7) provides that a person who incurs expenses in complying with a direction under the clause may recover those expenses by action in a court of competent jurisdiction. Clause 10 invests the Minister with the powers he requires to obtain information relating to reserves of motor fuel. Clause 11 provides that no action should be taken to restrain or compel the Minister or a delegate of the Minister to take or refrain from taking action in pursuance of this Act. This means that actions of mandamus or prohibition against the Minister or his delegates will not be entertained by a court.

Clause 12 prohibits profiteering in rationed motor fuel. If any sign of profiteering appears, the Government will bring down regulations under the Prices Act fixing the price of fuel. This clause will then provide a very severe penalty for non-compliance with the price-fixing regulation. Clause 13 empowers members of the Police Force to stop motor vehicles and ask the drivers questions pertinent to determining whether breaches of the Act have occurred.

Clause 14 is an evidentiary provision to facilitate proof of various formal matters in proceedings for offences against the new Act. Clause 15 provides that proceedings for an offence under the new Act are to be disposed of summarily and are not to be commenced without the authorisation of the Attorney-General. Clause 16 empowers the Governor to make regulations that are contemplated by the Act or necessary or expedient for the purposes of the new Act. A penalty not exceeding $500 may be imposed for contravention of, or failure to comply with, a regulation. Clause 17 provides that the new Act is to expire on a date of expiry fixed by proclamation, or on 31 May 1980, whichever is the earlier.

I repeat that it is the Government's desire that this situation be resolved without any necessity to proclaim this Bill. Nevertheless, it is important that the Government have the power to take the necessary steps to limit the supply of fuel and to direct that supply to the maintenance of essential services, should that need arise. That is the reason for the introduction of the Bill. The Bill is limited to expire on 31 May and, in being limited in this way, conforms with the belief that has been expressed in this Parliament on a number of occasions that the Parliament should always have the opportunity to debate and discuss any emergency situation that arises. I commend the Bill to honourable members.

Mr. BANNON secured the adjournment of the debate.

[Sitting suspended from 9.45 to 10.15 a.m.]

Mr. BANNON (Leader of the Opposition): The sudden recalling of Parliament, before the time scheduled for it to sit again, is obviously a matter of some interest in our community. Indeed, it is a situation that may well be called dramatic. One would have thought that when such a situation arises it should not be undertaken lightly. The sense of drama, urgency, and indeed emergency that can result from Parliament being hastily summoned together with 24 hours notice could alarm or disturb the community, unless it is quite clear that the reasons for such summoning are soundly based. Therefore, in addressing my remarks to this Bill I will begin with the most basic question.

Is there really a crisis or situation of urgency that has justified the peremptory recall of Parliament on this occasion? After all, Parliament is due to sit again on the 25th of this month, which is only two weeks away. The Premier himself, in his statement yesterday, conceded that South Australia had enough petrol for several weeks under normal buying conditions. In fact, he is reported in the *News* as saying, "there is no immediate threat to South Australia's supplies." Indeed, in his second reading explanation today he made a statement exactly along those lines, that there was indeed no immediate threat to South Australia's supplies. On the other hand, he believes that the situation is of such urgency that it warrants Parliament convening again.

If we look beyond the Premier, who may well find that his attitude of urgency and his perception of the situation is coloured by a number of events that affect him as Premier, to someone expert in the field who may well know the exact and objective situation in relation to oil and petroleum supplies in this State, I believe that we can go to no better authority than the Chairman of the Oil Industries Industrial Committee, Mr. Bob Dahlenburg. Mr. Dahlenburg was quoted this morning on the A.B.C. as giving an assurance that there is no immediate cause for concern over petrol supplies. He said that there was three to four weeks supply of fuel still available in South Australia. We must set that three to four weeks supply against a situation that has Parliament coming back in the ordinary course of events on the 25th of this month, which is less than two weeks away. Mr. Dahlenburg also said that petrol tanker drivers would be back at work today, so there will be no immediate problem.

When the Government decided to recall Parliament the petrol tanker drivers' final view of this matter had not been ascertained. However, one would have thought that the Government could have at least waited to see precisely what those drivers were going to do this week.

The DEPUTY SPEAKER: Order! There is too much conversation in the Chamber, and I cannot hear what the Leader has to say in this important debate. The Leader should be given an opportunity to speak without being interrupted.

Mr. BANNON: First, the Government could have waited to see what the petrol tanker drivers were going to do. Secondly, if machinery had been set in motion to reconvene Parliament in the light of the decision and in the light of the perhaps temporary passage of the emergency legislation.

The DEPUTY SPEAKER: Order! My comments include the member for Glenelg.

Mr. BANNON:—one would have thought that this sitting was unnecessary. Therefore, whatever the Government would like to suggest, I do not believe that Parliament is meeting as a result of urgent or pressing necessity. It could well have been done with far less fuss and far less disturbance to the public and the industrial and fuel situation by waiting until the ordinary course of events—the reassembling of this Parliament in a couple of weeks time.

We have from the Chairman of the Oil Industries Industrial Committee his firm suggestion that that would still have given us two or three weeks up our sleeve in relation to any possible fuel shortage. The problem is that any sense of panic, emergency, or crisis is provoked and heightened by the dramatic action of calling Parliament together. If the Government is concerned that fuel supplies should be protected so that there is no panic buying (indeed, so that the general public does not rush into stocking up with as much petrol as possible), the act of calling back Parliament in these dramatic circumstances provokes an emergency. I know that this has been said on previous occasions when this Parliament has been called to consider such legislation. Already there are reports of people rushing petrol stations with jerry cans and other containers. The Premier's action might well have heightened rather than diminished the crisis, if one exists, and he must surely agree with this point.

On 3 August 1977, in the second reading debate on a similar measure introduced by the previous Labor Government, the Premier, as Leader of the Opposition, spoke against the whole concept of emergency legislation. Quoting from *Hansard*, he said:

> It deals with the future and with a hypothetical situation, and sets out reserve powers that can be initiated without the specific approval of the Parliament. In other words, Parliament is today being asked to accept legislation for a hypothetical situation that may arise in the future.

They were the Premier's words, in his capacity as Leader of the Opposition in 1977. I will be referring again to this matter, because what the then Leader had to say on that occasion appears to contrast markedly with the Bill before us. We on this side believe, and we said when in Government, that it would be far better if such legislation was considered by the Parliament in a calmer atmosphere, without words like "crisis" and "emergency" being thrown about, without the dramatic recalling of Parliament, and without the false sense of urgency that hangs over this debate. This was constantly being said to us by the former Opposition. Indeed, our record over the years in Government proves that that was one lesson we took to heart.

I refer back to the earliest occasions of emergency legislation in 1972 and 1973, when rationing was introduced on an emergency basis. The Opposition on both occasions criticised the Government for acting in an emergency situation in that way. So it was that, in 1974, a measure was introduced by the then Government to provide for a permanent reserve power that would allow emergencies to be dealt with, without this dramatic last-minute calling together of Parliament. Indeed, it was broader than a power to deal with fuel crises, as such, because it extended over a range of emergencies. The thinking behind it was to take to heart the lessons of 1972 and 1973 and provide on the Statute Book a permanent measure that would allow the Government to act in an emergency situation, subject to the ultimate and eventual sanction of Parliament; this is important, and something which we maintain. That measure in 1974 was defeated. The then Opposition would not have a bar of it, and it was thrown out, because members in another place refused to accept it. We failed to provide for that permanent long-term measure and we failed to provide for the emergency.

In Parliament throughout the intervening years, it seemed to the Government that there was no point in trying again to introduce that legislation which had been so peremptorily rejected. It was not until 1977, when yet again a temporary crisis came on us, that the Government was forced into placing emergency legislation before the Parliament. The then Government had to do that, because its 1974 Bill was not on the Statute Book. It had been rejected by the Opposition. Again, the Opposition castigated us roundly for bringing emergency measures before Parliament. It had hard and strong things to say. I suggest that the Government consider its position and, in view of the attitude now being taken by the then Opposition (which, after all, was under a new Leader, not the present Speaker—the current Premier later became Leader of the Opposition), admit that the time was ripe then and that we needed some permanent legislation on the Statute Book.

Members on this side took to heart the lesson of 1977. In March 1978, a further measure was introduced; the Labor Government attempted to place on the Statute Book permanent legislation which would have enabled the Government of the day to deal with a situation such as that which we may now possibly face with regard to fuel. This legislation would have contained safeguards to ensure that the Government of the day remained accountable to Parliament. Members of the present Government, and particularly their colleagues in another place, actively sabotaged that legislation, which was thrown out by the Legislative Council's attempting to enforce unacceptable amendments.

The then Opposition Party now in Government may well have seen some parts of that legislation as being inadequate; obviously it did, because it tried to amend it, but at least it was a measure with safeguards which were important to the Parliament, and at least it would have provided a permanent position. For instance, it provided that a time of no more than 30 days could elapse while an emergency situation could be declared and in operation; that, if that period had to be extended beyond 30 days, Parliament had to be called together to agree to it; if permanent legislation was to be introduced, Parliament would have to be specifically called together for that purpose. The 30-day safeguard in the 1978 Bill would have enabled us to deal more than adequately with the situation we had today; however, it was rejected in that form.

In 1979, we decided to renew our attempts to avoid the situation of having to deal with emergency legislation in emergency circumstances, and a similar measure was introduced, with some amendments, which we believed would improve the Bill. That received, in another place, the same sort of treatment as the 1978 measure had received. Parliament was prorogued before this House could consider the amendments that had been made by the Upper House. Bearing in mind the way in which the debate proceeded in the Upper House, and the amendments that were moved, it was quite clear that, at that time in 1979, only six or seven months ago, the then Opposition was determined to repeat and sustain to the bitter end its opposition to having a permanent measure on the Statute Book unless it was in a form that it required. I imagine that that legislation would have had much the same fate as had the 1978 Bill.

It can be seen, therefore, that there have been two occasions during the last two years when we, when in Government, have tried to have legislation put on the

Statute Book to avoid these dramatic and urgent circumstances, and on each occasion it was unacceptably amended by the Liberal Party. In fact, the 1978-79 legislation is the basis for the Bill that is now before us today. Indeed, as the Premier said in his second reading explanation, in most respects the Bill before us reflects the 1979 Bill that was before this Parliament in August last. However, there are some important differences in this measure, and I wish to comment on the precise way in which it is drawn. I reiterate the point that I have made, namely, that the first feature of the measure is that it is, again, a temporary one. It is not a measure that will ensure that we have a long-term way of dealing with these problems as they arise. It is high time that the Government did something serious about getting the legislation on the Statute Book as the previous Government tried to do as recently as seven or eight months ago.

Again, it is said that we are in a crisis situation. Given the fact that there is no fuel crisis, and the tanker drivers will be back on the road tomorrow, could not the Government have given the matter more thought and waited until Parliament resumed on 25 March to present us with a Bill which would have resulted in putting a more permanent Act on the Statute Book? After all, the work has been done; departmental officers have considered this question on a number of occasions. The very fact that they were able to quickly and readily respond with a Bill, at 24 hours notice from the Government on this occasion, indicates how well prepared they are for these eventualities.

I am sure that, given a couple more weeks, the Government could have had a measure drawn up to provide for permanent legislation. On 25 March, Parliament could have considered the Bill and passed it, with whatever amendments were considered neccessary after it had been argued in this House. The Parliament could have dealt not only with this situation on an emergency basis but with any other problems that may arise in future. That has not been done, and it is yet another example of the Government's philosophy that when things are different they are not the same. For example, in 1977, the present Minister of Industrial Affairs, said:

> Certainly, any responsible member would give the Government powers to control an actual dispute in a potential crisis in our community, but a dispute has not yet arisen, and petrol is still flowing through our petrol stations and from the Port Stanvac oil refinery.

Admittedly, in this situation we are probably a little farther down the track but, nonetheless, we have not reached the stage of emergency that the honourable member was referring to in 1977. What is different about the situation today in its fundamentals in terms of timing? Does the Minister still believe that this issue relates to the basic fundamentals of any democracy, as he claimed in 1977?

Now I will deal with the second point in relation to the Bill, a most important one—the time scale of the measure. It will operate for almost three months: it will operate for 80 days. In 1977, the Labor Government's Bill, which was introduced in an emergency situation, would have had a life of 88 days. This drove members opposite, particularly the present Premier, into a frenzy. I remind members that our Bill, which was introduced in August 1977, was due to expire on 31 October of that year. This Bill is being introduced in March and is due to expire on 31 May. There is a saving provision that, if in the Government's view the emergency has passed prior to 31 May, a proclamation can be made rescinding it, but that is entirely up to the Government, not for Parliamentary consideration. We are faced with a Bill that will last for about three months, a position no different from that in 1977. What did the Leader of the Opposition say about that Bill in 1977? He said, as reported in *Hansard:*

> I find the date set down for the completion of this piece of legislation, 31 October, nearly three months from this date, to be totally inappropriate and totally contradictory to the whole spirit of emergency legislation. We are being asked by this Government to give away for one-quarter of a year our fundamental rights to speak on behalf of the people on what could be a most important matter affecting every aspect of their lives. I am not prepared as an individual member to give away that right, and I do not believe any member of Parliament should be prepared to give away that right and responsibility.

The hyperbole and florid phrases are recognisable as those of the present Premier, and he is making the point that the three-month period is totally unacceptable to him. So strongly did he feel that in the Committee stage of the debate he moved an amendment and he said, as reported in *Hansard:*

> It seems to me that the three-month period is a deliberate attempt to divert the due democratic processes of Parliament.

They are strong words indeed. He went on:

> I believe that legislation with such sweeping powers must not remain on the Statute Book for three months.

He also said:

> I do not believe that this sort of legislation should stay on the Statute Book any longer than is necessary. I am not sure that two weeks is necessary.

They are the words of the Premier in relation to a Bill with almost exactly the same duration as the one he has introduced today. It is amazing that the present Government talked about the time limit with such outrage two years ago, and yet has introduced an almost indentical Bill today. It is probably very fortunate that you are here, Mr. Deputy Speaker, and that the Speaker, being overseas, is saved the embarrassment of leaving the Chair in the vote on this measure, for in 1977 the Speaker also questioned the three-month operation of the Bill, as follows:

> A period of three months to 31 October is against the best interests of the people in the community and I would vote against the third reading of the Bill whilst that provision remains in it.

What is most significant about that complete contradiction (and I imagine that the Premier will argue that there is an enormous difference between 80 days and 88 days, the difference between the two measures, but let us set that quibble aside) is that the Labor Government did take heed of the points made by the Opposition then. In the Bills we introduced in 1978 and 1979, we did not have a three-month period. Indeed, we had a period of only 30 days, and I would argue that that was very much in conformity with the remarks which the then Leader of the Opposition made and which he has thrown out the window in this legislation.

It is about time he started demonstrating some sort of consistency of approach, looking at what he said in the past, because, if that is the way he treats statements and remarks in Parliament, if he talks about outrages of democracy in 1977 and they have become the acceptable thing for a Government to do in 1980, we had better look seriously at every other promise he has made, because I think that the people of South Australia will be exceedingly disappointed in that area as well.

The Opposition will move amendments to restore the Bill to a shorter period of operation and I expect that, given the Premier's record and, I hope, his reconsidera-

tion, he will be supporting these amendments today. The Premier mentioned, in his second reading explanation, that he believed the measure should conform to the belief that Parliament should have an opportunity to consider legislation. Indeed, we meet again in two weeks time. It is at that time that we should reconsider this legislation, and consider any longer term or permanent measure that the Government may wish to introduce or an extention of this emergency legislation if it becomes necessary. We are calling for some consistency. We took the points to heart in 1978 and 1979. The Premier should look at his own rhetoric and live up to it.

Another important difference exists in this Bill from what was included in previous Bills. I refer to the directions which can be given by the Minister to persons, as outlined in clause 9 (1), which provides:

> Where, in the opinion of the Minister, it is in the public interest to do so, he may give directions to any person in relation to the supply or distribution of rationed motor fuel.

The Opposition opposes that provision and the giving of directions in that way. This matter has been argued on a number of occasions in this place. When previous legislation has been introduced, the present Government, then in Opposition, moved amendments to achieve this effect. Now in Government, members opposite seek to place this provision in the Bill; this is an interesting contrast to their attitude to appeals, time limits, and so on. However, it is in the Bill, so they are consistent in their approach to this matter. As we oppose this, we are being consistent, too.

In 1979, we had a similar provision in a Bill. It provided "Where, in the opinion of the Minister, it is in the public interest to do so, he may give directions to a body corporate." We agreed with points made by the then Opposition. This was a change from the 1978 measure before the House that, if the power was to be properly exercised, there should be some power for the Minister to give directions as to the supply or distribution of rationed fuel. That made sense in the case where a company was retaining stocks of fuel and refused to give them up when, in the public interest, they should have given them up. It made some sense in various other situations. We confined that provision to a body corporate, not to persons. We believe that, to give the Minister power to direct individuals (an individual driver of a fuel tanker, for instance, or an individual working on a tugboat or something of this order), would, in the sort of industrial situation we have when these emergencies arise, result in sword-waving, inflammatory directions which would be unenforceable, which would, in any case, go beyond the jurisdiction of this Parliament, and which would therefore be unnecessary. There is no doubt that, by including a provision for the direction of persons, we are simply providing the Minister with the means of exacerbating the dispute. In previous situations of this kind, in 1972 and 1973, that power has not been present or necessary. Past experience suggests that it has not been necessary here or interstate.

The Government will immediately cry, "What about Neville Wran and the Labor Government in New South Wales and its emergency powers legislation?" We have dealt with that point time and time again. We do not agree with the approach taken in this matter by the Labor Government in New South Wales. We believe that the power goes too far, is unnecessary and can only exacerbate a dispute. The Government can throw that back at us if it likes, but we differ on that matter strongly and have done so consistently. We believe that the directions in this situation can properly be given to bodies corporate but cannot be properly given to persons. I have suggested that it is unnecessary and inflammatory.

The Hon. E. R. Goldsworthy interjecting:

The DEPUTY SPEAKER: Order!

Mr. BANNON: If the Deputy Premier will listen for a moment—

The Hon. E. R. Goldsworthy: I have been listening pretty hard.

Mr. BANNON: He has considerable problems of concentration and understanding.

The Hon. E. R. Goldsworthy: When you are speaking, I do.

The DEPUTY SPEAKER: Order! The honourable Deputy Premier will cease interjecting.

Mr. BANNON: I am now making a point that I think strikes even more fundamentally than the objections we have been making, in terms of the practical effect of this clause, and I refer to the jurisdiction point. What is contemplated here is that the Minister may give directions to persons as to the way in which they carry out their employment. In other words, if an instruction is to be given to a tanker driver to move fuel from point A to point B, then, indeed, the Minister will refer to this section of the Act and say that he has power to give such instructions and that the person involved (the tanker driver, in this instance) must obey those instructions. I suggest, however, that this may well go beyond the jurisdiction of the State Parliament. Section 109 of the Constitution provides:

> When a law of State is inconsistent with a law of the Commonwealth, the latter shall prevail, and the former shall, to the extent of the inconsistency, be invalid.

In that situation, the Minister would be getting the individual, under direction, to do something in terms of his contract of employment. The contract of employment, in most of these instances, is under Federal awards which, in turn, are governed by Federal law. Therefore, if there are any directions to be given or penalties applied, they are contained in the appropriate Commonwealth legislation, and to the extent that that legislation exists it prevails over anything we might do at the State level.

Not only are we being told that we need some sort of inflammatory and unnecessary provision: we are being asked to agree to a provision that can operate only in extremely limited circumstances, namely, the circumstances of individuals not under the Federal jurisdiction. Most of the employees working in these industries are employed under Federal awards and, I suggest, are not subject to the direction of the Minister, whatever legislation this Parliament passes. No doubt the Government has received extensive legal advice on this matter and perhaps can suggest a counter opinion, but our advice is, strongly, that it is beyond jurisdiction and, therefore, an unnecessary provision. We shall be seeking to amend that provision as well.

I refer now to an omission. It is interesting to note that there is no reference to appeal provisions. I recall on previous occasions when measures such as this have been before the House that the Opposition (both here and in another place) has argued loudly that some means of appeal must be provided. Opposition members argued it most recently, incidentally, in a 30-day context. Let us remember that on this occasion we are looking at a period of 80 days of operation for this measure. I quote what the Minister of Industrial Affairs said in 1979, while in Opposition, as follows:

> One major objection that I have to the Bill is the lack of an appeal provision. It gives power to the Minister to grant a licence. However, although the rationing period can be for only a maximum of 30 days, during that period a person could be put out of business if the Minister's decision was

somewhat unfair unjust and perhaps discriminatory against one company compared to another. . .

If the Minister still maintains that point of view, and if his colleagues who supported him on that occasion both, here and in another place, still maintain it, it is surprising that such a provision has been left out of this Bill. I am not urging that it should be included in the Bill, because we said at the time that it was unnecessary and, in fact, not appropriate in emergency legislation, so in that regard we are being consistent: it would be unworkable in an emergency situation. However, it is interesting, again, to see that things are different when they are not the same: that, translated to the other side of the House, the new Government suddenly sees that there was a point in our previous legislation which omitted appeal provisions, which they suggested strenuously had to be included, but it has overlooked such provisions today.

One may say that the other measure is permanent legislation and that this, therefore, is a different situation. Let me repeat that this legislation lasts for 80 days. Temporary it may be, but it still affects people and their businesses if it is brought into operation. Secondly, that so-called permanent legislation on the Statute Book operated only for the 30-day period; it was not permanent beyond that point. I do not see any difference between the legislation proposed in this emergency situation and the legislation proposed previously.

We will probably hear from the Minister why the appeal provision has been omitted. I am sure that the Minister is probably trying at the moment to devise a coherent and cogent reason for that. I remind the House of what the Premier said in his third reading speech on the Bill in 1977, as follows:

> Basically, this Bill is a travesty of what we know as Parliamentary democracy and it holds the whole basis of freedom of speech and debate and the rights of the people's representatives in contempt . . . Why do they want it passed so quickly when we have had real petrol crises many times in the past, as the Minister himself said, that have been far more acute than now?

The Hon. D. O. Tonkin: Read on.

Mr. BANNON: I will do so. The Minister continued:

> This is a black day for South Australian Parliamentary democracy.

In terms of the time limit, we have a measure that is exactly the same, and we suggest that that should be amended. In terms of permanent legislation that would get over this emergency situation, the Government has had an opportunity to introduce it but has chosen not to do so. The Opposition, and indeed the South Australian public, should be forgiven a certain cynicism about the Government's motives in the first instance.

The Opposition will support the second reading. However, I stand by the statement that I have made outside this place that, if a Government deems that an emergency situation exists, and that that should result in the recalling of Parliament, it has a right so to do. However, it must justify fully its reasons for doing so, and it can be subjected to criticism if it is the opinion of the Opposition and the public that that emergency was not warranted. I suggest that both of those charges can be levelled at the Government on this occasion.

We have, I am afraid, been brought together as a result of a fairly cynical exercise and not in terms of the actual emergency about which we have been told. I repeat that it is a pity that we must do it in this way. This House has had ample opportunity to have legislation on the Statute Book to avoid the situation, and the Opposition (as it then was) consistently rejected such legislation. It is high time that we did have legislation along those lines, and I hope that the Government will not only accept an amendment that will reduce substantially the period of operation of this emergency measure but that it will also get down to the much harder job of devising long-term useful emergency legislation to ensure that it does not happen again.

The Hon. J. D. WRIGHT (Adelaide): I should have thought that the Minister responsible for the legislation would participate in this debate next.

The Hon. D. O. Tonkin: I've just spoken. Perhaps you weren't here.

The Hon. J. D. WRIGHT: I was not aware that the Premier was responsible for the legislation once it was passed.

The DEPUTY SPEAKER: Order!

The Hon. J. D. WRIGHT: I should have thought that the Minister of Industrial Affairs would be responsible for the legislation.

The Hon. E. R. Goldsworthy: Perhaps you should have spoken first on your side.

The DEPUTY SPEAKER: Order! The Deputy Leader of the Opposition will address himself to the Bill.

The Hon. J. D. WRIGHT: I will do my very best, Sir. However, the Opposition has some reservations regarding at least two clauses, about which the Leader has spoken. I am concerned, more than anything else regarding the Bill, about its timing. I remain unconvinced that the recalling of the Parliament at this stage was necessary. I concede that the Government could have been in a difficult situation on Monday, but, following the decision of the Transport Workers Union to return to work, I can see no reason why petrol supplies have been in any sort of crisis situation in South Australia.

I have checked this morning, to make sure of my facts, with Mr. Bob Dahlenburg, who knows, I suppose, more about the supply of petrol than most other people in South Australia, with one exception, although I will not mention that person's name in this House. Mr. Dahlenburg believes that at present there is a minimum of three weeks supply of petrol in the terminals. He also estimated (and it cannot be more than an estimation, as Mr. Dahlenburg said that one cannot physically go around dipping into the reserves of outlets) that there would be at least another 10 days supply on hand.

So, if Mr. Dahlenburg has under-estimated or over-estimated (whichever way one wants to go: either to take a little bit off or to add a little bit on), there is a minimum of four weeks supply on hand at this juncture. In those circumstances, one must really consider why the Government has acted so impetuously. There is little doubt in my view that the recalling of Parliament at this stage, particularly after the Transport Workers Union had met and decided to return to work, was not necessary.

There is no question about that. Two aspects of this matter concern me. The first aspect is the recalling of Parliament in circumstances which I do not consider to be necessary. Secondly, the Premier has taken the legislation out of the hands of the Minister who is responsible for it. I can come to only one conclusion about that.

The Hon. D. O. Tonkin: Don Dunstan seemed to do it quite regularly.

The Hon. J. D. WRIGHT: He did not do it in my time. Any legislation that was brought into this House regarding anything under my jurisdiction was brought in by me as the Minister. I can come to only one conclusion about the point I have made: the Premier is grandstanding about this situation. There can be no doubt in my mind that this legislation is unnecessary. It reminds me of a Government with nothing better to do. Throughout the term of this Government we have been subjected to trivial legislation,

and suddenly it sees what it thinks to be a crisis situation, so it tries to get some publicity out of it and tries to act the statesman, if you like, although I doubt whether that is an accurate description.

I have three grave doubts about this legislation. First, sufficient supplies of petroleum are on hand at this moment to keep the State going for at least four weeks. Secondly, the transport workers in the State have returned to work, which surely avoided any crisis in carrying fuel from the terminals to the tanks. Thirdly, I am concerned that the Minister who is responsible for this legislation was overlooked when it was introduced. Those three points add weight to my description of this as being grandstanding by the Government, for what purpose I do not know. Certainly, it is not going very well as a Government and it now seeks publicity to get it off the hook, and this is the way it thought of doing that. Now that the transport workers of this State have returned to work, this legislation should have been brought in during a normal sitting.

The Opposition is not in disfavour of this legislation. It has brought in similar legislation in the past, except for a couple of aspects. I am not complaining about the legislation and I am not complaining about the fact that the Government has the right in normal circumstances to ration in this area if a crisis situation is developing. What I am complaining about—

The Hon. W. E. Chapman: You are just complaining for the sake of complaining.

The Hon. J. D. WRIGHT: What I am complaining about, for the benefit of the Minister of Agriculture, is that I do not believe that at this stage there is a crisis. However, even if there was a crisis in this area, let us look at the role the Liberal Party played in relation to similar legislation when it was in Opposition. I will not go right back (as did the Leader) to 1972, 1973 and 1974; I will refer to 1976, 1978 and 1979. The reason for there being no permanent legislation on the Statute Book at the moment in this State can be attributed completely to the Liberal Party in both Houses of Parliament. There is absolutely no question about that. As the Minister responsible for this area, I made two attempts to bring in sensible rational legislation which would have given the control that the Government is now seeking.

On both occasions, amendments were moved and hostility was shown in both Houses of Parliament. Long debates took place about the legislation and about the controlling of persons. More important, the Leader has certainly dealt with that, and there is no doubt that he has made the Premier look very sick about some of the remarks he has thrown back at him in the past. Who is responsible for there being no legislation now? The Liberal Party is responsible, and I will prove that. In 1978 I agreed after the conference of the Houses that two of the four amendments of that conference—

The Hon. H. Allison interjecting:

The Hon. J. D. WRIGHT: Parliament was not prorogued in 1978. I am talking about 1978. The legislation went through in 1977, but in 1978, when a genuine attempt was made by the Government of the day to bring in permanent legislation, the progress of that legislation was retarded purely and simply by members of the then Opposition, now the Government. Having agreed to two of the amendments moved in the Legislative Council, the conference broke down because the Legislative Council would not agree and would not budge.

The then Minister of Health (Hon. D. H. L. Banfield) in his report to another place moved that the Council do not further insist on its amendments and stated:

> The conference commenced in a conciliatory manner. Indeed, the Council managers appreciated the attitude of the conference Chairman, the Minister of Labour and Industry, who indicated that he was willing to accept certain of the amendments. The first amendment, relating to a person's knowledge that he was committing an offence, was acceptable to the Minister of Labour and Industry.
>
> Regarding the second amendment, the quetion arose regarding the transport of fuel in 180-litre containers compared to 220-litre containers. Honourable members may recall that concern was expressed in the Council that farmers and other people in the outback would not be able in future, as they have done in the past, to transport fuel in 44-gallon drums. The Minister could foresee problems that would have been created had the Council's amendment, which provided for 180-litre containers, been insisted on. The Minister indicated that he was willing to accept the amendment provided that a certain number of 44-gallon containers—

I have always been under the impression, and surely it is the proper way of approaching a conference between both Houses, that the only way to resolve a position is to have a bit of give and take from both sides. There was no give and take on that occasion at all. Another place was attempting to embarrass the Government to stop it getting permanent legislation that would have given the then Labor Government control of the petrol situation, not only in crisis situations involving industrial disputation but also in crisis situations involving supplies. That was an important part of that legislation, as opposed to the Bill that has now been introduced.

There can be little doubt as to where the responsibility lies for the fact that presently there is no legislation in South Australia dealing with this matter. It is important to understand the background and the reason why this Bill is being introduced in such a hurried manner. In his second reading explanation the Premier referred to the dispute in New South Wales, and I want to refer to that dispute as well. I blame the Trade Practices Act passed by the Federal Government for the dispute that now exists, and I refer especially to section 45D. There was no trade practices legislation in Australia until 1974, when the then Labor Government decided to give protection in these areas. The Liberal Party had been in Government over the previous 28 years and had done nothing about this type of legislation. Having got back into Government, the Liberal Party has prostituted the Trade Practices Act by introducing such provisions as section 45D, which is the whole cause and basis of this dispute.

The Labor Party is on record as saying in Federal Parliament that this type of legislation will be repealed immediately it regains office; it has also said, and I agree with this view, that ultimately this type of legislation will bring a national crisis throughout Australia. This is the second time in two years where section 45D has been used against the Transport Workers Union and almost bringing the nation to its knees.

Irrespective of whether one stands to the left, to the right, or in the middle of the Labor movement, the A.C.T.U. Congress has twice affirmed that no penalty shall be inflicted on trade unionists or trade unions under section 45D.

The Deputy Premier is looking at me aghast. If he does not know the record, he should get someone to check it out for him. The congress has twice reaffirmed its policy, which provides that no-one shall be afflicted under that provision. If this House was acting in a proper manner, the Premier would be calling upon the Federal Government to repeal that provision, because there is no solution to this problem while that is in force. Members have seen time and again what has happened when efforts have been made to implement this legislation.

I now turn to the position of President Moore. He is asked to convene conferences to try to find a solution to problems in legislation about which he had no say in the first place. This legislation has nothing to do with industrial matters; it is legislation forced on trade unions to order trade unions to behave, as the Federal Minister, Mr. Street, has said on many occasions. That is the crux of the matter, and that is why we are in the House today. If normal industrial laws were applied in this country, and trade unions and employers got together in a conciliatory way, rather than an individual taking action under the Trade Practices Act, we would not be in the House today. Trade unions have been fighting this kind of thing for over 100 years. Honourable members may remember the Taff Vale situation, when miners were gaoled.

There is no question that, until this kind of legislation is repealed, there will be crisis after crisis, particularly in industry. What are these people in New South Wales fighting about now? They are fighting about their right to survive. South Australia is caught up in the whole situation, and the Government has introduced this emergency Bill, which, in my view, will not work. I believe that it is absolutely imperative that the Liberal Party in this State should be honest about the proceedings that have taken place so far regarding this Bill. I have looked with a great deal of interest at the Premier's second reading explanation, and I find that he has not cited a reason for the Bill's introduction. The explanation is one of the most shallow I have seen. My officers did a better job when I gave such explanations. There is a grave doubt about why this Bill has been introduced.

I refer to the provision of clause 9(3); this provision has been the subject of argument in this place ever since I can recall legislation of this kind being introduced. Philosophically, the two Parties are diametrically opposed on this kind of legislation. I am completely opposed, as I have said in this House previously, to the Government's having control of people in such a way that it can direct them to do whatever it wants, and that is the basis of clause 9(3). First, it will not work; irrespective of what Government passes a law, and irrespective of whether the community believes the law is good, if the people who are affected by it do not consider that it is a good law, it will not work, because those people will not support it or take notice of it. I believe that the Liberal Party, like other Liberal Parties in Australia (including the Federal Government) is bluffing in this regard. I do not believe that the Government will have the courage to try to implement this law.

The Hon. E. R. Goldsworthy: You mean that the people should be a law unto themselves. That's what you're saying; trade unionists in particular.

The Hon. J. D. WRIGHT: I am saying that this is one of the worst possible laws to introduce if the Government believes in consultation. However, if the Government believes in confrontation, the introduction of this law is the way to do it, because immediately the Government tries to implement this law there will be confrontation.

The Minister of Industrial Affairs, when speaking to a similar Bill some time ago, said that he would bet London to a brick regarding a certain matter recurring in this arena. I adopt his phraseology and I will bet London to a brick that the Liberal Government, if it needs to, will never use this law; it will not have the courage to use it, as other Ministers and other Governments have not had the courage to use it. The Government is bluffing about this law, which is totally unacceptable in a democracy such as ours. It is also unacceptable to those people who will be affected by the Bill, and to the community. The Government may get away with publicity on this law and convince some people in the community that this is a workable solution. I challenge members of the Government to cite instances of this sort of control resulting in the settlement of a dispute.

I have said on record, time and time again, that the legislation introduced in Victoria during the S.E.C. dispute would not be used, that the Government would not have the courage to use it, and it never did: Bob Hawke had to settle that dispute. I have accused the Western Australian Government of not using the legislation it brought in (that legislation has not been used either). In fact, a Western Australian Minister said that his Government brought that legislation in for election purposes when it changed its industrial relations policy. He said that his Government did not want to use that sort of legislation. Of course, no-one wants to use it so it should not be placed on the Statute Book. I believe that clause 9 is unnecessary; it will be very strongly opposed by the Opposition, as it has been in the past.

I have one final point: on two previous occasions an attempt was made, in a rational situation, to bring in permanent legislation, rather than rush it in as has been done today. In those circumstances, the whole of South Australia could look at the legislation in a rational way, people could comment on it, and it could be discussed in this House. Therefore, I appeal to the Government at least to take notice of what the Opposition has said about the Draconian parts of this legislation and not to proceed with them, but to come back, at some future date and at a more rational time, when we will have more time to think about it so that further discussion can take place. In that way we can bring in legislation that will have some permanent effect.

I am prepared to concede, and to give the Government the benefit of the doubt, that it may know more than I do about the industrial climate in South Australia. However, I do not believe it does. In fact (and this may be the breakdown), I do not believe that the Minister of Industrial Affairs has the same communication and contact with the trade union movement that I had, and that may be where the folly of the situation has occurred. It may be that no member of the Government can sit down and talk to the trade unions in an effort to find out what is going on. The previous Government had those facilities at its disposal, and perhaps that is where the final breakdown has occurred.

This type of rushed legislation is not proper unless the circumstances warrant it, and I believe on this occasion that it is not warranted. In those circumstances, the Government should reconsider its position about the Draconian provisions of this Bill. The Government should not proceed with those parts of the Bill today, but should come back on a future date when it will still receive the Opposition's co-operation in relation to this type of legislation. The Opposition, as it did in Government, believes it is absolutely necessary to have legislation of this type on the Statute Book. I appeal to the Government to come back in a more rational situation, to look again at this legislation, and give us all time to examine and comment on it.

Mr. McRAE (Playford): In supporting my Leader and his Deputy in their excellent remarks, I turn my attention to clause 9, as they did. In doing so, I first ask a question (and I hope somebody will reply): is the Premier to be the Minister to administer this Bill, or will it be administered by the Minister of Industrial Affairs? If it is to be the Minister of Industrial Affairs then, in fairness to the House and to the public, I believe that he should have participated in this debate. I am sure that most members of the Liberal Party, at least those members on the back

bench who were not here when similar measures were debated, will not be aware of the full implications of clause 9. For instance, is the member for Newland aware that this Bill introduces industrial and civil conscription into the laws of this State for the first time? Is the honourable member aware that there is no other British country that I am aware of that has legislation similar to this? In 1920, the Emergency Powers Act was passed in Britain. It was an Act with provisions much wider than those of the Bill before us in one sense. Halsbury's *Laws of England* states that any regulations made under the Act:

> . . . may not impose any form of compulsory military service or industrial conscription, or make it an offence to take part in a strike, or peaceably to persuade others to do so.

I stress the words "peaceably to persuade others to do so." It is an attack on basic civil rights. As the Deputy Leader said, it is an attack that will not work because, after the passing of the English legislation in 1920, general hysteria existed after the general strike of 1926. An amendment was introduced in 1927 which lasted for many years and which struck out the provision that I have just read.

The provision had absolutely no effect. No actions were commenced by the Government that introduced the amendment or by any succeeding Government. The amending legislation was finally abolished by the British Labour Government, with the support of the Conservatives, in 1946. The British law of this moment and all Parties acknowledge basic civil liberties. I know that the member for Mitcham is sorry that he cannot be present (he is prevented by other duties, I understand). I know that he agrees with my view, which is not purely a Labor Party view. Any person of any awareness in the community ought to be horrified at the implications of this measure.

I ask democratic members opposite, particularly new members such as the member for Todd (I am sure that he would believe in civil liberties), whether they realise that this could very well be, in combination with the Trade Practices Act of the Federal Government, an equivalent of the fascist and communist legislation which did smash and which has now in communist countries effectively smashed trade unionism. This is used as the thin edge of the wedge to attack then the right of assembly and freedom of speech everywhere. I hope that such Government members will be looking at the views of their constituents, will be thinking again and will, during the debate, urge the Premier to take note of the sound advice given by my Deputy Leader that the Government could, without further recrimination on the part of the Opposition, remove this part of the legislation and the other part that we are arguing about, namely, the length of operation of the Bill; otherwise it would go through unimpeded.

I hope that every member of the community understands the combined effect of this legislation and of the trade practices legislation. I hope that every member of the community understands that it means that, for the first time in the State's history (outside of wartime), people can be conscripted from their homes and told, under the threat of a $10 000 penalty, to carry out certain functions. To my knowledge, this occurs only in fascist or communist countries, and it is horrifying even to contemplate it is even worse when we know that the democratic people of this State will not accept it, and that confrontation will inevitably (and rightly) occur if the Government tries to use it. I, for one, serve notice that I in conscience could not support this law. It is so fundamentally a bad law that I could not support it. I am sure that at least half of the community would share my views, and so they should.

Such a law is contrary to the Bill of Rights of England and of the United Nations and of the United States of America. It is contrary to any grounds of common sense. Furthermore, it is contrary to industrial realities. It is all very well for the Premier to laugh, but this is a serious matter which he should be taking seriously. If Sir John Moore and Mr. Hills had been helped in their practical endeavours, this matter could well be on the road to settlement now.

The Hon. D. O. Tonkin: Who's laughing?

Mr. McRAE: You were laughing.

The DEPUTY SPEAKER: Order!

Mr. McRAE: The reality of the matter is that, if this sort of legislation was not hovering around the place, in combination with the Federal Government's legislation, Sir John Moore and Mr. Hills between them might have settled this very matter. I suspect that this may be an escalation of confrontation and that this Bill is being introduced in concert with the Fraser Government, although—

The Hon. D. C. Brown: It already exists in New South Wales.

Mr. McRAE:—I hope that is not the case. I was not answering the interjection: I am not permitted to do that.

Members interjecting:

The DEPUTY SPEAKER: Order!

Mr. McRAE: It is obvious how sensitive members opposite are. They are attempting to defy your authority and shout me down, and that is in line with their authoritarian fascist philosophy.

The DEPUTY SPEAKER: Order! I do not think it is in the interests of the House for the honourable member to refer to other honourable members directly or indirectly as fascists.

Mr. McRAE: As always, I accept your ruling. I hope that members opposite will not be aligning themselves with fascist and communist regimes and be pursuing this legislation. I notice that all Government back-benchers with few exceptions have left the House.

Mr. Keneally: And Ministers as well.

Mr. McRAE: Most of the Ministers also have left. I hope this indicates that a meeting is going on to try to get the Premier to change his mind. Presumably, be cannot be persuaded by anyone. Members of the community might also bear in mind that, if this iniquitous legislation in its restricted form is passed, it may be the thin end of the wedge for the next attack on other rights of freedom of assembly and speech, and I believe that any sensible member of the community opposes this legislation.

Mr. PETERSON (Semaphore): I only want to ask a question. It seems that many thousands of words have been spoken. I ask why the provision needed to be changed from a reference to "body corporate" to "any person". It seems a deliberate and inflammatory move, and I do not see any point or justice in it.

Mr. BLACKER (Flinders): I support this measure but I express regret at the circumstances that bring about emergency legislation. I think that we would all express regret that this House should be recalled at such short notice to pass a measure of this kind. I speak principally in the interests of the majority of people in my electorate, namely, those persons engaged in primary industry and the fishing industry. I do so to give some explanation of a notice of motion that I have on the Notice Paper. I had a similar notice of motion when the former Government was in office and, when legislation similar to this was introduced by the present Deputy Leader of the Opposition on fuel rationing measures, the then Government accepted an amendment that I proposed, to

ensure that the Minister would have due regard to the needs of primary industry and the fishing industry pertaining to seasonal requirements.

That is the issue that I wish to bring before this House now. Today is 12 March and within days or a few weeks we could have the break of the season, when by far the greatest use of diesel fuel and petroleum products could take place in rural industry. If we had a freeze on our supplies and if our total grain industry was held up because of this measure, there would be strong grounds for concern. I also bring to the attention of the House the fact that the prawning season has just commenced in some areas of this State. The prawn industry and the trawl fishing industry use a massive amount of fuel. Some of the larger vessels use up to 80 gallons an hour.

That sort of usage must be of some concern to those who are trying to plan the immediate requirements of the State, but it is of even greater concern to those who have to rely on that fuel, because this is the premium part of the season, the part that is the most important to them. If farmers are prevented from sowing their crops or fishermen are prevented from taking their catches at this moment, which is the optimum time, there will be a serious effect on these industries in total for an entire 12 months. Whilst I bring the importance of this matter to the attention of the House, the measure can have the reverse effect, namely, that the Government can exercise its discretion to give the very same protection to those industries. That is the point I really wish to make.

I wish to make further comment regarding the notice of motion that still stands in my name. When that original motion was put on the Notice Paper it was intended that it would relate specifically to rural storages, and particularly to my own electorate. However, I fully and freely admit that the notice of motion is worded far too strongly to be a practical proposition in a measure such as this. It would be totally improper (and I believe that the rural industry and fishing industry would consider it improper) that those industries should be given precedence over, for example, our hospitals and other emergency services. In those terms, I accept the measure before the House.

I was rather interested that the Government should introduce a measure that applies for some 10 weeks. That is a long period, and one does question whether in fact that period is too excessive. I make the point that it will operate until the Saturday before the House is to reconvene, so there would be some continuity should it become necessary for this measure to be continued.

As has been stated to the House, if only a three-week supply of fuel is immediately available in our storage systems, there is some cause for concern. Even though the Deputy Leader has given an assurance that this measure is not necessary, I wonder whether he is also guaranteeing to the House that the unions will not strike in the near future. If that sort of guarantee could be given, no doubt this legislation would be unnecessary. However, who knows the situation? I do not think that the Deputy Leader can give that sort of guarantee. I would like to think that he could, but somewhere along the line there is an element of doubt, and to that extent this measure becomes necessary.

The Opposition has also referred to legislation of a permanent nature. I view with great apprehension the idea of permanent legislation of this nature on the Statute Book. Even though I know the Opposition referred to the fact that such a measure would have a one-month statutory requirement, nevertheless it can be abused, and I do not believe it to be in the best interests of the State. Personally, I would much prefer to be recalled at short notice to deal with a situation as it arises at the time, rather than having legislation which can be invoked by an individual (I refer to the Premier) at very short notice, without further consultation with the House. I believe that this House should be held totally responsible for the actions that the Government takes. I support the second reading.

The Hon. Peter DUNCAN (Elizabeth): I support this legislation at the second reading stage. However, in doing so I want to express the very grave concern that I have over the way this legislation has been expanded quite dramatically in its import and ambit from the legislation that was introduced by the previous Government.

It is interesting to see the expressions of grave concern over civil liberties-type questions that were expressed by the now Premier and his colleagues when similar legislation was previously before Parliament, but at that time the legislation did not involve civil conscription of individuals. It did not involve any such requirement that individual persons be in the position of having, on penalty, to obey the orders of a particular Minister. We have not been told specifically (as the Deputy Leader of the Opposition has pointed out) which Minister will administer this legislation. I believe that that is an important point, and I think the Premier might well give it consideration when he closes the second reading debate. There is no doubt that, with such grave legislation before us, we ought to have some indication from the Premier as to which Minister will administer the legislation. If it is to be the Minister of Industrial Affairs, it is an interesting reflection on his competence that the Premier has chosen not to have him introduce the legislation into Parliament or to allow him to speak in the debate.

One of the most significant things about this debate this morning is that we have a situation where the Parliament of South Australia is handing over to the Government of this State, for a period of 80 days, its fundamental rights and powers, and the Government has effectively gagged its back-benchers as well as the rest of the Ministry so that not one other person opposite has entered the debate. It was not one of those instances where, by allowing a couple of back-benchers to speak in the debate, the Premier would have been delaying the measure to any great extent. It is simply an indication that the Premier did not want any debate from his back-benchers, as there might be lurking there one or two liberals (with a small "l") or even a Democrat who could have expressed concern about this legislation.

The legislation that the Labor Government introduced did not involve civil conscription of individuals: it simply involved giving the Minister power to give directions to any body corporate, and that is a tremendously important difference. This legislation allows the Minister concerned, on penalty, to give directions to any individual in relation to the supply and distribution of motor fuel. If a person does not comply with those directions, clause 9(3) provides:

> A person to whom a direction is given under this section shall not contravene or fail to comply with the direction.
>
> Penalty: Ten thousand dollars.

That seems an extraordinary penalty to be placed on individuals. If one looks carefully at legislation throughout the whole of Australia and takes account of penalty clauses placed in various pieces of legislation, one will note that, when fines of amounts such as $10 000 are prescribed, those fines are normally confined in their application to companies and corporate bodies, not to individuals, yet we have this Government wheeling up a maximum penalty of $10 000 on individuals. It is a large amount of money which would be a very grave penalty on an individual for something which may turn out to be a

minor infringement. It is normally the case that such large monetary penalties apply to corporations because they are such vast financial conglomerates, and the only way to have any impact on their behaviour is to impose very heavy monetary penalties.

Here we have a situation in which the Government seeks to apply to ordinary individuals a penalty of $10 000 which the Labor Party, when in Government, intended to apply only to bodies corporate. I think that to apply a fine of $10 000 to the individual is an unsatisfactory situation. I do not believe that there is another democratic country or Government in the world that has legislation of this type and I would like the Premier in his reply, if he can, to name one. I do not believe that this kind of Draconian legislation applying to individuals exists anywhere else in the democratic world. If the Premier knows of any Government where such legislation applies, I have no doubt he will enlighten us when he replies.

The Hon. E. R. Goldsworthy: The Hon. Neville Wran in New South Wales.

The DEPUTY SPEAKER: Order!

The Hon. PETER DUNCAN: I doubt that he will be able to do that. If the Deputy Premier is going to cite New South Wales as an example, he ought to quote the New South Wales legislation relating to this matter. This legislation has come into this House at this time as a result of the Government's desire to do a bit of grandstanding; there is not much doubt about that. This legislation could well have been introduced at an appropriate time after the Parliament met again in another 10 days.

The Hon. E. R. Goldsworthy: If there is a strike tomorrow, that would be fine and dandy.

The Hon. PETER DUNCAN: The indications are that the position in South Australia is, in fact, better than it was a few days ago, because the transport workers have had their meeting and have made a decision not to strike for the time being. To say that there is some urgency that has necessitated the House meeting today is just poppycock and nonsense. There is little doubt that the Government, sitting in the Cabinet room on Monday (as it does for many hours), looked at the position in which it was finding itself in South Australia and decided that its popularity was not going as well as it would have hoped and that its Ministers were not performing as well as the people expected. So it decided that it would try to drum up some support for its flagging fortunes by taking the dramatic step of calling the Parliament together, and having the Premier portray himself as a strutter on the stage of world politics and as someone in a position of great power and influence. In that way it would try to drum up a bit of support for this bankrupt Government.

I do not think that that is going to wash with the people of South Australia at the moment because, basically, they understand full well that, if it had not been for the fact that the Fraser Government introduced its provocative legislation (section 45D of the Trade Practices Act), the current dispute would not exist, that many other disputes that will arise out of that piece of legislation would not have arisen. I believe that the people of South Australia are well aware that what we have in South Australia is a Government that is not prepared to stand up to Fraser and say: "For goodness sake, be a bit reasonable; repeal section 45D, so that industrial relations in this country can proceed along a more sane path than they have been proceeding since the passage of that piece of legislation." I think that that is the first thing the Government has to do. We are confronting today here in the South Australian Parliament is Fraserism—that is what it is. Until we get rid of Mr. Fraser and the sorts of policy of confrontation he adopts, we are going to continue to have problems.

The DEPUTY SPEAKER: Order! I think that the honourable member would be better off if he referred to the Bill; he is straying a bit.

The Hon. PETER DUNCAN: Indeed, I am. I am saying that this legislation would not be necessary except for the provocative tactics of the Fraser Government in passing section 45D of the Trade Practices Act. That is certainly not a view held only by myself; a large body of opinion in the community, including almost all the industrial relations persons in this country, believes that the passage of that section was provocative and was intended to cause greater industrial disruption. If that was the intention, it has been very successful.

Mr. O'Neill: There are no industrial experts on the Government benches, that's for sure.

The Hon. PETER DUNCAN: That is undoubtedly the case. The member for Flinders, who had something to say about the question of permanent legislation, would have been wise to have looked back through *Hansard* before he spoke in the Parliament today, because the Dunstan Government attempted in 1975 to pass such legislation but was unsuccessful because of the pig-headed obstructionism of the Liberal Party in another place. The record is clear; the former Labor Government attempted to put such legislation on the Statute Book and the Liberals in the Upper House threw it out, would not have a bar of it! They tried to amend the legislation out of sight, and that is why we are now confronted with a meeting of this Parliament today and with having to pass further emergency legislation. I hope that, now that the Liberals are in Government, the Premier will be able to prevail on his colleagues in another place to pass reasonable legislation similar to the Bill introduced by the Labor Government in 1975 so that, in future, these sorts of special sessions of Parliament will not need to be called to deal with the matter.

I think it is extraordinary that we are here today (roles reversed, in a sense), with the Premier supporting this legislation (a more Draconian piece of legislation than the former Labor Government put up). In the debate on the Labor Government's Bill (and I will not go through the quotes from *Hansard* because the Leader has already made weight of what was expressed, and has had those quotes put on record again), he expressed his grave concern about the length of time the legislation was going to last, a period of 88 days in that case. For him to come before the House with a piece of legislation that is going to last for 80 days must be one of the greatest examples of hypocrisy that the people of South Australia have ever seen. He has been hoist with his own petard, and I think it is ironical that he should have come before us and asked Parliament to grant these powers for 80 days when he was so opposed to the granting of lesser powers for a similar period on an occasion in 1977. I think that this demonstration of hypocrisy will not go unnoticed by the people of South Australia.

This makes me think that the Premier may have made a mistake in introducing this legislation. I think that he may have intended it to run only until 30 April, but the legislation as drafted runs till 31 May. The Premier was, as the Leader said, muttering about a period of six weeks. Either the legislation before us does not reflect his original intentions, or his mathematics are so bad that he is unable to add up the number of weeks and days between today's date and 31 May, because he was clearly muttering and mumbling about a period of six weeks when the matter was raised initially. To save his own credibility, and to save himself from the inevitable allegations of hypocrisy that are now going to flow through the community, he could have simply shortened the life of this measure to four or

five weeks, thereby providing himself with an excuse that distinguished his argument of August 1977 from his argument of today.

He could have said that he was opposed to a time of 80 days because he thought it was far too long, but that a period of a month or five weeks would be a different kettle of fish. It is not, or course, because this legislation is far more restrictive of the citizens' rights and far more widespread in the powers it grants to a Minister than was any legislation that a Labor Government placed before this Parliament when it was in office. I think it is a sad day when the people of this State, as individuals, are going to be subjected to penalties as Draconian as are those contained in this legislation. Clause 12 provides:

> A person who sells rationed motor fuel for a price in excess of the price for which it may lawfully be sold under the law of this State shall be guilty of an offence and liable to a penalty not exceeding ten thousand dollars, or imprisonment for six months, or both.

That is an interesting provision. I would like to hear the comments of the Premier, when he replies, on the question of price control of petroleum products, whether he believes that that is in conflict with the existing situation, and, if so, what the Government intends to do to overcome the conflict which I believe is inherent in that clause.

Mr. KENEALLY (Stuart): I enter this debate in what seems to be a last and somewhat futile hope that the Minister one would reasonably expect to administer this legislation will make a contribution to the debate. Of course, I am speaking about the Minister of Industrial Affairs. It is reasonable to assume that he will be responsible for administering the legislation and implementing the Draconian measures that can be invoked by it and yet he has not been given the opportunity, or perhaps he himself does not wish to have the opportunity, to make a contribution.

That raises the question as to whether or not that Minister is at loggerheads with his Leader over this measure, and one would hope that he is. We know the rather extreme conservatism of the member for Davenport, the Minister of Industrial Affairs, but he might have, within that conservatism, just a small streak of fair play which does not seem to be apparent in the Premier. During the debate this morning the Premier has been posturing, laughing and giggling, and carrying on as if this is the most humorous piece of legislation that has been brought before the House. In fact, the Government as a whole has treated it in a rather cavalier fashion. At times the Premier has not had one other Minister on the front bench.

The Hon. D. C. Brown: That is rubbish.

Mr. KENEALLY: If the Minister of Industrial Affairs has been with us during the whole of this debate, that would have indicated that the legislation would be his. Why does he not enter into the debate if that is so? At some time or other, the rest of the front bench have been absent, and most of them are not here now. There have been times when the quorum of this House has been maintained only by the presence of Opposition members, which indicates that Opposition members believe this measure is a serious one, but the Government seems to be light-hearted about it. We were called back midway through a fortnight's break to debate an emergency measure, or so we were told by the Government, and yet the Government is so light-hearted that it is treating the matter in the cavalier fashion I have mentioned.

The Government has not been able to prove to my satisfaction that the emergency exists to warrant the grandstanding that has taken place over this Bill. It is simply a piece of grandstanding by the Premier, who is trying to grab the headlines, and he has been successful in doing that. He ought to be able to justify to the Parliament and to the people of South Australia, who he has effectively frightened about the position of petrol in South Australia, why it is required to debate this measure today when, in the normal course of events, the Parliament would be sitting in 13 days time and the measure could be debated then. Do we have a critical situation about which we are not being told? Is the petrol supply likely to run out in South Australia within a day or two? Is that why we have been required to come back here today, or is the situation, as the Deputy Leader of the Opposition has said, not so critical we could, and have waited and debated it in 13 days time, and still been able to have legislation on the Statute Book to overcome any emergency situation that could occur from then on?

By way of interjection, members opposite have said that there could be a strike tomorrow. That situation prevails at any time throughout the year and that could have been covered by the type of legislation that the Opposition, when in Government, tried to have put on the Statute Book—permanent legislation to cover this eventuality. The present Government fought bitterly against that at the time and I hope that the Premier, when he replies to this debate, because he is obviously the only Government speaker on it, can explain to the House and the people of South Australia why he has taken such a dramatic somersault on this issue. His rhetoric in 1977, when compared to what he has said in the second reading explanation today, is contradictory in the extreme.

I am not going to make any adverse comment about members of the Government back benches not having entered into this debate, because that situation applied when our Minister introduced the previous legislation. The back benchers of the Government then did not enter into the debate because the responsible Minister was able to carry the measure effectively for the benefit of the Government. On this occasion, the responsible Minister has been gagged. The Premier has taken the responsibility for the measure, and we want to know why. Does he not have confidence in the Minister of Industrial Affairs? If not, then the Premier ought to say so, and should do something about that Minister, by putting someone in the Minister's place who the Premier can be confident could carry this matter through the House and implement the Government's policies, Draconian though they may be.

I have read the rhetoric of 1977, as I hope have all members of the Government back bench, of what the Premier and other members of the new Government, had to say about the civil libertarian issues that were raised then that do not seem to be apparent now, and I have seen the total hypocrisy of the Premier, because the rhetoric of 1977 was the Premier's rhetoric. The total hypocrisy of that gentleman is becoming more and more apparent as this Parliament progresses. What he had to say in Opposition is totally different from what he is prepared to say and do in Government, and it suggests only that his performance in Opposition was to take cheap political advantage of any situation that could arise in South Australia. Of course, an Opposition's duty is to present an opposing point of view when that view is warranted, but it should not be put with the sort of rhetoric that was used in 1977.

I believe the Government is embarrassed about this because, when the Leader of the Opposition was making the point that there is not much difference between 88 days and 80 days for this legislation to be effective, the Premier was leaning forward in his seat and saying quite

audibly to members of the Opposition (and I hope it was picked up by *Hansard*, although I fear it probably has not been)—

The Hon. J. D. WRIGHT: Mr. Deputy Speaker, I draw your attention to the state of the House.

A quorum having been formed:

Mr. KENEALLY: That call for a quorum makes a very valid point indeed; this Bill was introduced by the Government and it is the Government's responsibility to keep the numbers in the House. The Government sent telegrams to every member of Parliament yesterday calling them to this House today to debate this Bill, and the Government cannot keep the numbers in the House.

The DEPUTY SPEAKER: Order!

The Hon. D. O. TONKIN: I rise on a point of order. I hesitate to interrupt the honourable member, who is in full flight, but I would like to make clearly understood that it is the Speaker's role, and the Parliament's role, to call Parliament together, not the Government's role.

The DEPUTY SPEAKER: I point out to the honourable member for Stuart that it was the Deputy Speaker who sent the telegrams referred to.

Mr. KENEALLY: I was very happy to respond to the Deputy Speaker's request. The Premier has clearly shown by his point of order how hypocritical and desperate he is. Everyone knows that the responsibility for calling Parliament together technically rests with the Speaker, but we also know why we are here—we are here to debate an issue that the Government said was urgent, yet the Government cannot keep the numbers in the House. How hypocritical can the Government be? I notice that one or two members from the other side are back in the House now, and I suspect and hope that they will stay here. The Premier should realise that he introduced the Bill, he asked the Speaker to call the House together, and it is his responsibility to keep the numbers in the House. He is the man, who, with his colleagues—

The DEPUTY SPEAKER: Order! I suggest that the honourable member for Stuart come back to the Bill. There is nothing in the Bill about numbers in the House.

Mr. KENEALLY: I accept your direction, Mr. Deputy Speaker, but nevertheless the point is critical and highlights the hypocrisy of members opposite.

Members interjecting:

The DEPUTY SPEAKER: Order!

Mr. KENEALLY: I spoke earlier about the lighthearted and frivolous way in which the Premier treated this Bill; he was laughing, gesturing, posturing and gesticulating. The Premier seems to think that he is a clown, and we on this side tend to agree with him. His manner is in contrast to the almost nasty and vicious way in which his deputy is interjecting.

The DEPUTY SPEAKER: Order! I remind the honourable member for Stuart that he must link his remarks to the Bill.

Mr. Mathwin: Hear, hear!

The DEPUTY SPEAKER: The honourable member for Glenelg must not interject while the Chair is addressing the House.

Mr. KENEALLY: Thank you, Mr. Deputy Speaker. I will not reflect any further on the nasty and vicious way in which the Deputy Premier has been carrying on. I accept your ruling. These actions demonstrate the embarrassment of, and disagreement amongst, members opposite. When the Leader of the Opposition made the point that there is not a great deal of difference between 88 days and 80 days as the time for the operation of this Bill, the Premier clearly and quite audibly said that the Leader of the Opposition had his facts wrong. These remarks were quite audible to members opposite and I hope that they were audible to *Hansard*. He said that the Government was introducing a Bill that would be effective for only six weeks and he made this quite clear. He thought that this was a matter for humour. Since then, I expect that the Premier has done his mathematics. We know that he is probably a good eye doctor and not much good at mathematics, but perhaps the member for Newland has pointed out that the Bill will run for 80 days. Therefore, I ask the Premier, when he replies, whether he will explain why a provision for 88 days in 1977 was a Draconian measure that warranted much rhetoric, while the provision for 80 days in 1980 is acceptable.

The issue at point is clause 9. Why should the Bill contain reference to persons instead of to a body corporate? I support what the member for Elizabeth said, that a fine of $10 000 for an individual is severe indeed. If the imposition of this fine, combined with the situation that has been expressed in relation to the civil liberties issue, does not concern Government back-benchers, I am indeed surprised. One has come to expect little of the Ministers, because we have seen their track record over a number of years. One would have hoped that Government back-benchers who were not party to the 1977 travesty would look seriously at the comments that have been made in this debate and ask the Premier and the Minister of Industrial Affairs why they have been able to turn this somersault in respect of their views on this measure. This question must be asked. They cannot simply fob it off by saying, "When we were in Opposition we had to oppose, whereas now that we are in Government we must be responsible." Members of an Opposition must be responsible.

If in 1977 the Premier was genuine in his remarks, in 1980 he must explain why he has changed his view. I heard him say, by way of interjection, that he had been convinced by the logic of Opposition speakers. We would hope that we would get these answers, but we fear that we will not get them. I know that the major debate will occur in Committee, although it is not a Bill that might normally be regarded as a Committee Bill. Certainly, the major issues will be raised in Committee on clauses involving philosophical and practical arguments.

Returning to my original point, I point out that the Government must be able to justify to the House why it was necessary to recall Parliament when, in the normal course of events, we could have debated this measure in 13 days time. No reason has been put to the Parliament to indicate that the situation is so critical that the 13 days could not have been allowed to elapse before the Bill could normally be debated. I hope that the Premier, when replying, will give that information. However, if he gives that information, that, in my view, shows contempt for Parliament, because he ought to have given the reason in his second reading explanation. There is altogether too much of that kind of action by the Ministers, who give a brief second reading explanation, wait until Opposition members have spoken, and then say, "These are the facts of the case." The facts should be put to the Parliament in the second reading explanation, but the Premier did not do that. He must justify his action.

What has been done is mere grandstanding, because I believe that the situation is not as critical as the Premier says it is. The people ought to be told that the situation is not as critical as the Government says it is, so that the run on petrol stocks could be stopped. Earlier today I needed to ring Trans-Australia Airlines about a reservation for my flight home. I had to change the reservation, because of Parliamentary business today. I could not get through to T.A.A. Because of the petrol crisis, the airline's switchboard has been jammed since early this morning,

and the same applies to all interstate bus and airline depots. South Australians consider that we are facing an extremely critical situation, because of the Government's action yesterday in recalling Parliament to push through legislation to control the distribution of petrol.

I am sure that the public does not believe that the Premier would do this purely for short-term political expediency. We know that he is capable of doing that—we know that that is the sort of person he is. However, the public of South Australia should rightly expect that their Government and its Leader be a much more responsible person than someone who just wants to grab a cheap headline, and frighten the people of South Australia into doing the very thing that the Premier says that he hopes to prevent, that is, having a run on petrol and depleting the stocks that we have. The Premier should be informing the people of South Australia what his own experts will tell him, namely, that there is sufficient petrol in South Australia to allow normal use until Parliament in the normal course of events can be called together to debate the matter. This grandstanding and dramatisation of the situation can only worsen it, and also worsen whatever problems exist at present in South Australia.

I am looking forward to the Premier's reply to this debate. I am sorry that the Minister of Industrial Affairs either did not feel competent to enter the debate or was not allowed to do so. I understand that it will be his responsibility to administer the legislation and the Draconian measures that are part of it. The people of South Australia are entitled to hear the Minister's comments. To me, it is most unsatisfactory that the Premier, who will not be administering the legislation, will carry this Bill through the House. The Premier is now squirming in his seat and giving the appearance of being rather bored. Of course this whole debate has bored the Premier, because we are bringing back to him things that he said three years ago, the attitudes that he adopted three years ago, and the amendments that he wished to move three years ago. We are highlighting to him the total hypocrisy of this bunch of gangsters who now sit on the Government benches.

We will support the legislation through the second reading so that it can be amended in Committee. I hope that the Government will accept the invitation of the Deputy Leader of the Opposition to bring into the Parliament permanent legislation so that it will be enshrined in the Statute Book and will in future prevent some of the most unsavoury aspects of what is occurring here today. With some small amendments, the legislation is sound, and it is legislation that we support. However, we do not support the hypocrisy that the Government has shown on this occasion, as it has done on many others.

The Hon. R. G. PAYNE (Mitchell): I support the second reading, with some reservations which I propose to outline. Members on this side who have already spoken to this measure have mentioned the hypocritical actions and words of the Premier in his remarks concerning earlier pieces of legislation which were styled along the same lines as this measure and which were brought into the House when the present Premier was in Opposition. Like other members who have spoken, I look forward to hearing his attempts to extricate himself from the dilemma in which he has put himself by acting so irresponsibly when he was the Leader of the Opposition. As was pointed out by the member for Stuart, responsibility does not only go with being a member of the Government: it applies equally to members who are in Opposition. The Premier either failed to acknowledge that point when he was Leader of the Opposition, or else deliberately decided to abandon responsibility when he adopted the line, which he so often took, of not only criticising legislation but also managing to knock South Australia to an extent which I am sure has been regretted by members of his own Party, both then and perhaps even more so now that they are in Government.

A number of provisions in the Bill need further query. I am supporting the Bill to the second reading stage but I will be looking for answers, hopefully from the Premier or preferably from the Minister to whom we can only presume the responsibility for this legislaton will be committed when and if it is passed by Parliament. At this stage it would be fair to say that nobody on this side could be sure as to who will look after the Bill and its administration when and if it becomes an Act. No indication has been given by the Government as to whether it will be the Minister that we expect, that is, the Minister of Industrial Affairs. I look forward to some clearing up of this matter by the Premier or, if the Premier will relax the stricture that he has put on the Minister concerned, that would be even more welcome to members of the Opposition. Many things need questioning in relation to clause 5. It is a delegatory power to be given to the Minister, and it is in the usual terms in which this type of clause appears in legislation. I am sure that every member would agree that any member, on reading this clause and considering whether it is satisfactory in relation to the administration of this Bill, ought to be sure as to who the Minister is in respect of legislation which contains such severe provisions, which introduce to the citizens of South Australia a new concept, wherein failure to respond to a direction of a Minister can entail infliction on those people of a maximum penalty of $10 000.

I can recall earlier occasions in this House when present Government members were in Opposition and when measures were introduced in this House by the then Government; we heard very loud cries when quite moderate penalties were prescribed for failures in relation to legislation concerning people in the primary industry sector. Where has that concern gone? Here we have the Government proposing to inflict upon persons unspecified a maximum fine of $10 000 at the whim of the Minister. The Minister may direct, and a failure by the person can result in a fine of such staggering proportions.

As has been stated earlier by members on this side of the House, there are members opposite who do not occupy the front benches but who are concerned about such a matter. I know that interjections are not permitted, but I could understand if an interjection was made from the other side by way of support for the proposition that I have put. I regret that the member for Henley Beach is obviously not allowed to speak on this matter and is not willing to interject and risk incurring your displeasure, Mr. Deputy Speaker, when it comes to standing up for the ordinary person in South Australia who may well be subjected to the Minister's directions and not be able to comply, for whatever reasons; there is no explanation in the Bill or the second reading explanation. Such a person will be liable for a fine of up to $10 000.

I have had to be in this Chamber and listen to some of the newer Government members saying how concerned they are with the interests of the people of this State, small business men, and so on, yet, when a provision of this nature is written so heavily in the Bill, not one Government member has been prepared in any way to take advantage of his right to speak in the House or to call on his own Minister to have another look at such a provision.

That is just one example of matters which are contained in the Bill and in relation to which Opposition members

will be looking for answers. I should like to cite another example to illustrate how hasty and ill-judged has been the Government's action in rushing in this legislation. When reading the Bill, I was able to detect an obvious error in a clause to which I will be moving an amendment. Other honourable members will undoubtedly have noticed this error quickly. It is no good the Premier, who has given himself the responsibility in this matter, trying to say that this is just a minor error. Legislation of this dramatic impact, which will intrude into the lives of all people in this State, ought to be perused far more carefully.

It is the responsibility of the Government and the Minister who we suspect will be concerned with the administration of the Bill to watch these matters more carefully, and in future, despite the Minister's lack of experience in administration matters and government, to lift his game and look more carefully at such Bills.

It is an insult to members of this House for the Government to introduce legislation that contains errors of this nature. I refer, for example, to superfluous subclauses. The matter does not end there, however. I give full warning to the Premier and the Government that I will be looking for other answers at the appropriate time.

If one compares clause 16 with the relevant clause in the Bill that was before Parliament in 1979, one finds that an addition has been made. I want to know why this has happened. Clause 16 is the regulations clause. As such clauses are common in Bills, members may therefore tend on occasions to take them for granted. I remind Government members, especially those not on the front bench, that, even though they are constricted by the Premier's edict that they will in no way enter into this debate or be given licence to utter one word for the record—

The DEPUTY SPEAKER: Order! I ask the honourable member to return to the Bill.

The Hon. R. G. PAYNE: Certainly, Sir. I hope that I am drawing to your attention also, in your other capacity, that there is in this clause an addition that needs to be examined. The words to which I refer were not contained in the previous legislation on which this Bill has been based; there is no argument about that. An earlier advance copy of the Bill shows that this wording has been lifted from the 1979 legislation that was introduced in this place. Those words are as follows:

> The Governor may make such regulations as are contemplated by this Act.

The words "as are contemplated by this Act" were not in the previous legislation, which had the following more familiar form:

> The Governor may make such regulations as are necessary or expedient for the purposes of this Act.

Why have those additional words been included in this Bill? Is any reason given for this in the second reading explanation? What provisions other than the words "expedient or necessary" seem to be necessary in relation to a regulatory power?

Is there something in the mind of the Premier or the Minister to which we are not privy? I will be looking for the answers in Committee. Is it something that the Minister has put in the Bill that the Premier is not privy to? This could be a possibility, because this is not an area with which the Premier would be familiar in respect to the administrative sections of the measure.

I trust that if the Premier was not aware of this small change, he will take the opportunity to examine it now in replying to the second reading debate; that he will point out to the House why these words are necessary and, furthermore, that he will outline what he has in mind (or what the Minister has in mind if that is what has happened if this phrase has got under the Premier's guard). What is contemplated (and no pun is intended) by the words "as are contemplated by this Act"?

It may be (and I put it no stronger than that) an attempt to put into the regulation-making power of clause 16 something which members on this side are entitled to know about and of which, up to this stage, we have not been informed. The best time in the forms of the House for me to pursue the matters that I have raised about the Bill or other points that I have not brought forth at this time, because other members may wish to speak—and I presume that it is not too late even for some member from the Government side to be allowed to speak—

The ACTING SPEAKER (Mr. Russack): Order! I ask the honourable member to refer to the Bill.

The Hon. R. G. PAYNE: I will not raise any more points at this stage concerning the Bill, other than to express my abhorrence also in relation to clause 9. I point out how dangerous and unfair it is with respect to an individual person, to put them in a position where they may be subject to a fine of such magnitude.

I hope that the Premier, if none of the members of the back-bench on the Government side are prepared to pursue the matter of the unfairness of such a penalty or imposition, will have another look at this and come forward with some amending provision. I am prepared to be charitable and to say that the Premier may have already listened to the remarks made earlier and may have set in train some preparation by the Parliamentary Counsel to correct what is obviously an unfair provision.

If the Premier wants this Bill to become law in this State, to cover bodies corporate and persons, then the penalties should also take into account the complete difference in those two categories. It is certainly not too late for him to take some steps concerning that. I am sure that the Premier would understand that the Opposition would respect his rethinking of that area and be prepared to look at amendments that he might put forward. I began by saying that I supported the second reading of the Bill, with reservations. I have expressed some of those reservations, and I intend to pursue them in Committee.

Mr. LYNN ARNOLD (Salisbury): I, too, will support the Bill at the second reading stage but, as the member for Mitchell has pointed out, there will be necessary comments and amendments involved this afternoon to which honourable members must give due attention. This matter has been brought before the House by virtue of an extraordinary sitting of Parliament and perhaps indicates that the Government is taking a panic reaction to the situation, taking an unmeasured reaction to the situation, and has been forced into this panic move, in which case it would suggest that there is a degree of incompetence on the Government benches. If, as we know, the petrol shortage is not so imminent that the Bill could not have been held off until Parliament was due to meet on 25 March, why was it necessary for this sitting today?

I do not believe that we have received adequate explanation for that. If it was not a panic reaction, the only other alternative is that it could be a calculated attempt to inflame a perhaps already delicate situation in the community. It is not the role of the Government of the day to undertake calculated efforts to inflame the community. It is the Government's job to provide good government and sound leadership to the community. From the way in which the Government has performed this morning, it does not seem that that is taking place in this House at the moment. The Premier needs to give quite a few more details than he gave in his second reading speech, and indeed than we have heard from the Government benches

this morning. For example, we need to know why the Premier's opinions have changed so much from those he espoused on earlier occasions in relation to legislation of a very similar nature. We need to know why, in his opinion, this Bill should not be called Draconian. We also need to know why this Bill does not represent a black day for democracy. As the Leader of the Opposition has quite rightly pointed out, these are all comments that were made in earlier debates in relation to a similar Bill. Indeed, the bulk of this legislation is very sound, coming as it does from legislation that the previous Government tried to put into effect.

As I have said, we need to know why this Bill does not represent a black day for democracy. This morning, I was interested to see evidence from the Government benches that indicated to me that the Government is trying to stifle adequate debate and discussion on this matter. I refer to the behaviour of one Government back-bencher when the motion was put that this matter be adjourned so that all members could have time to read the second reading explanation. One Government back-bencher opposed that motion. Surely that indicates that that member was not happy that the Opposition should have time to go through the Bill and give it some studied consideration. I notice that there are some looks of amazement on the faces of members opposite. The member for Mallee is the member to whom I am referring, and his behaviour amazed even the member for Glenelg, which takes some doing. It worries me that there is on the Government benches a person who is not prepared to give the Opposition an opportunity to discuss this matter, and it is a grave shame to the proceedings of this House and the way in which it discusses matters with due probity and consideration.

In any event, most importantly, we should look at the question of the Minister who will be putting this Act into effect. Earlier this morning it was said that that Minister has not yet addressed the House. He has not yet told the House of his understanding and interpretation of the way the Bill should be put into effect. That is vitally important because, as I shall explain later, there are numerous areas of this Bill that rely on the Minister's interpretation, opinion, and decision. Therefore, all members need to hear that same Minister giving his opinions and interpretations so we can have confidence in him and in the way in which he will administer this Bill. If we are not to be given that opportunity to have confidence in the Minister, I say again that it is a grave abuse of Parliamentary procedure. I believe it suggests that the Premier himself does not have that confidence in the Minister. As I shall explain later, perhaps it is anticipated that the Premier will be the overall effective administrator of this Act.

I now refer to the aspects of the Bill that require some explanation from the Minister in question. Clause 5 of the Bill clearly indicates that the Premier wants to subvert the authority of the Minister, because it states:

> The Minister may, by instrument in writing, delegate any of his powers under this Act to any other person.

Even before the Bill is passed, it is quite clear that the Minister has delegated his powers to the Premier, and the Premier is taking over all those authorities. Until the Minister responsible does speak, that is the interpretation members must place on this situation. Clause 7 states:

> The Minister may, if satisfied that it is in the public interest to do so, issue a permit to any person.

Thus, the Minister has to decide whether or not he is satified that such a permit should be issued. We need to know on what grounds, what basis, and how he will arrive at that decision. Likewise, in clause 7 (2) the words "subject to such conditions as the Minister thinks fit" are included. Again, it is a matter of opinion, a subjective decision-making matter, for the Minister. That is repeated in clause 7 (3) with greater vehemence. That subclause provides:

> The Minister may, in his absolute discretion . . .

We certainly need an explanation of how he plans to enforce and apply such words as "absolute discretion". I say as an aside that when a similar Bill came before this House some years ago, the appropriate Minister on the Government benches at that time spoke in the debate, so he was able to give an understanding and a feeling to the House on how he interpreted these opinions. That was done not by the Premier but by the appropriate Minister. Therefore the House could have confidence in that Minister and in how he proposed to go about dealing with the matter. How can we have confidence about this Bill unless we hear this?

Clause 7 (10) provides that the Minister shall have due regard to the needs of primary industry. I take the points raised by the member for Flinders that these needs are vital. Indeed, this provision derives from an amendment to a previous Bill moved by the same member and accepted. We need to know how the Minister views the term "due regard to the needs of primary industry". What in his opinion is due regard to the needs of primary industry? Likewise clause 8 (1) provides that the Minister may grant an exemption and subclause (2) of that clause provides that he may vary or revoke an exemption. They are optional words. What is the interpretation and what is the weighting to the option that is implicit? Clause 9 provides:

> Where, in the opinion of the Minister . . .

We are back to the opinion of the Minister, an opinion totally unknown to us today because it has been totally unexpressed. That opinion matter, that matter of subjectivity, also appears in clause 10, where subclause (1) provides:

> The Minister may . . . require any person, who is, in his opinion, in a position to do so, to furnish information specified in the notice . . .

Then we come to the situation that, once the Minister has undertaken all the actions provided for in this Bill, once he has arrived at his opinion, once he has undertaken opinions, granted or varied exemptions or written and delegated his authority, by clause 11 he is freed from any action in any court. This provision was in a previous Bill. We knew the competence of the previous Minister in the matter and believed that the House had faith in him, and therefore it was natural that that provision should be there.

However, in another place a member who is now on the front bench of the Government was not happy with that clause. Indeed, he is quoted in *Hansard* as being most unhappy with it. I would be interested to know what his opinion is today, and I will say more about that in the Committee stage. That clause frees the Minister from any liability in any court once he has undertaken the actions provided for in this measure. For us to have confidence in the Minister's doing that, we need to know how he intends to approach the matter and why the Premier is refusing (that is how it appears) to allow him to address Parliament on how the Act will be put into effect.

As I have said, we will support the Bill at the second reading stage, subject to giving it rigorous examination in Committee, because the questions need to be answered. I notice that the Premier is active with his pen and I hope that we will get complete and absolutely true answers to the matters we have raised seriously this morning. We look forward to those answers and we may have an opportunity to comment on them at a later stage.

The Hon. D. O. TONKIN (Premier and Treasurer): I had intended to thank members of the Opposition for dealing with this Bill swiftly, but following the prolonged debate, the extended repetition, and what appears to be a determination to fill up the available time, I find it rather difficult to do so. The inanities of personalities that have come forward across the House are in sharp contrast to the responsible attitude taken by the Government. It is not as though this is new legislation, although listening to members opposite one might be forgiven for thinking that they have forgotten anything about this kind of Bill. They said exactly the same thing, one after another. This type of Bill is all too familiar to members opposite; almost all of those who have spoken during the second reading stage are familiar with such legislation at first hand. One can only conclude that the Opposition is not conscious of any responsibility to the community.

I refer members to the occurrences of 1972 and 1973, when similar legislation was introduced in emergency situations. I emphasise the words "emergency situations". Make no mistake, an emergency situation applies in this case.

Mr. Keneally: Tell us about it.

The Hon. D. O. TONKIN: I will certainly enlighten the honourable member in some detail, correcting the inanities that he has uttered in this House.

Members interjecting:

The DEPUTY SPEAKER: Order!

The Hon. D. O. TONKIN: In 1972 and 1973, a similar Bill was introduced by the Premier, and in 1974 by the Deputy Premier. An emergency situation applied at those times, as applies now. In 1972 and 1973, neither the Minister nor any Government member spoke to the Bill, because of the urgency of the situation.

Members interjecting:

The Hon. D. O. TONKIN: I understand that the Leader of the Opposition has criticised at length the actions of some of his colleagues who have been here longer than he. There is no need for me to take that further at present.

Mr. Bannon: Tell us about 1972.

The DEPUTY SPEAKER: Order!

The Hon. D. O. TONKIN: The then Opposition also recognised the urgency of the situation and the Bill was passed.

The Hon. R. G. Payne: Explain your words in 1977.

The DEPUTY SPEAKER: Order! The honourable member for Mitchell has had an opportunity to speak. The honourable Premier must be given the opportunity to reply.

The Hon. D. O. TONKIN: I will deal with the matters raised by the honourable member in good time, and I will not be put out of my considered order in this matter. The honourable member will receive answers to the matters he has raised, and he will probably not like them.

Members interjecting:

The DEPUTY SPEAKER: Order!

The Hon. D. O. TONKIN: I resent this delaying exercise of inanities and repetition at a time when the good of the people of South Australia should be occupying our full attention. What the member for Stuart said hardly bears commenting upon; the fact that members on his side did not want to stay in the House to listen to what he said speaks volumes better than anything anyone on this side could say. I commend the member for Flinders for his contribution to the debate. He talked about trawling, fishing and the need for the maintenance of fuel supplies. I assure him that the Government is conscious of that need. I also suggest that other needs apply, particularly regarding the current vintage, and those matters must be taken into account if any of these provisions are proclaimed.

The member for Elizabeth was both repetitious and tedious, and simply out to impress. His points about civil liberties certainly did not come to the fore in 1972 and 1973 as the legislation was introduced, and there is also the situation applying in New South Wales. If I were the honourable member, I would make certain that I used my best endeavours to ensure that there is no industrial dispute that may make the proclamation of this Bill necessary; if he does not do so, not only he will end up with egg on his face but the Opposition as a whole will have egg on its face. He has put his Leader in an embarrassing position.

It has been said that the Opposition does not believe that a crisis exists or that there is any cause for alarm. Indeed, the Opposition has said openly that it does not believe there is any need for this legislation at present. I simply point out to the Leader and his colleagues that, if they had been watching television news services of the past 24 hours and addressing themselves to the media reports of the past 24 hours and more, they must be the only people left in the community who do not believe that a potential emergency faces the people of South Australia. Further the community believes that there is an emergency, and the Leader has himself already outlined the key to the problem that exists without, I suspect, understanding exactly what he himself said.

He says that the petrol drivers are back at work today and, therefore, there is no problem. That is such a simplistic approach to the matter that I am amazed that he has put it forward. The whole point is that we do not know whether there will be any further industrial action on the part of the local branch of the Transport Workers Union, and it has been made clear in the media that the possibility of further action by the T.W.U. is a very real one. I saw on television in my own living room, to quote the Leader on the previous occasion, the Secretary of that union telling all South Australians, "We'll stay out for today. Our members are angry. If there is any action against New South Wales, our members are out. This is a warning to the Federal Government."

Members interjecting:

The DEPUTY SPEAKER: Order!

The Hon. D. O. TONKIN: The community has the right to trust in what has been said and reported publicly. I have every confidence that this is the actual case, and I do not believe that any Opposition member can give any undertaking to the House or to the community of South Australia that the T.W.U. in this State may not decide to go on strike for another 24 hours, or indeed longer. There is no way in which anyone can give any indication that that may not happen. A warning has been given. Although no action was taken until yesterday, when we had a 24-hour strike, that is no guarantee that there may not be another strike. The whole point (and this is what the Leader has totally ignored) is that there are only two weeks supplies at petrol pumps and service stations: that is only 14 days supply. The Leader and the member for Stuart said that we have 13 days in which to wait before Parliament resumes, at which time we could discuss this legislation. At the end of 13 days we would have only one day's supply left, if we were lucky. I suggest that, with the panic buying that would result from the uncontrolled disposal of petroleum products in that time, the stores would be exhausted long before that time expired.

Members interjecting:

The DEPUTY SPEAKER: Order! During the time in which the honourable Leader was addressing the House, I endeavoured to ensure that he was heard in silence, and I

ask that the same courtesy be extended to the honourable Premier, otherwise I will take unpleasant action.

The Hon. D. O. TONKIN: We have only 14 days supply in the petrol stations. As long as the local branch of the T.W.U. continues to stock petrol stations, we will be all right. If it stops, we cannot afford to wait for 13 days until Parliament resumes. I have never heard such inanities in all my life. I can only conclude that they must be deliberate, because they could not possibly be genuine misunderstandings. The Leader continued by saying that people were queueing and panic buying because of the Government's recalling Parliament to consider this legislation. I suggest to the Leader that he examine the media reports and observe for himself all the activities over the weekend and yesterday. He would have seen that, long before the Government decided that Parliament be presented with the legislation, an element of panic buying existed. Indeed, I go further and say that the Government has acted in a totally responsible way and that the action it has taken, far from precipitating panic buying, has consolidated the situation and received community support.

The question of permanent legislation was raised by members opposite on a number of occasions. I refer basically to the legislation of 1972 and 1973. If honourable members turn their minds back to the time when the legislation was first introduced, they will find that the criticism made at that time, certainly by me and other members, was not that the Government had acted too hastily but that it had acted too late, and that indeed the Government had left the matter far too long, especially in 1972. If I remember rightly, the member for Mitcham had some very drastic things to say in criticism of the Government of the day for dilly-dallying with the problem and not grappling with it in good time.

With regard to 1977 (and honourable members have made some play of the remarks that were made at that time), the then Government was castigated for bringing forward legislation when no emergency existed, and that is the fact that members opposite have very carefully avoided mentioning today. As events turned out, it was purely and simply a pre-election measure, and I remember the look of surprise on the face of the member for Hartley and on the face of the member for Adelaide (now Deputy Leader of the Opposition) when I suggested across the House that it was purely and simply to relieve the Government of any embarrassment that might occur if any difficulties arose during the pre-election period. "Oh, no", they said, "this does not mean an election". Of course, as soon as I heard that this measure had been introduced into the House it gave me a very clear tip-off that the Government intended to go to the polls early—which it did. That was in 1977.

Mr. Keneally: An election this year?

The Hon. D. O. TONKIN: Judging from his inane interjection, the member for Stuart has not understood the position yet. I repeat that there is an emergency at present, and we are dealing with an emergency. There was not an emergency in 1977. That was the basis of the criticism that came from the Opposition benches at that time. Let the Opposition be truthful when it makes debating points.

The Opposition said that we should have considered permanent legislation in 10 days time (the Leader of the Opposition said 10 days time—I think his back-bencher was more accurate when he said 13 days time) and that there would have been no problems. It is quite obvious that, had this matter been left in the hands of the Labor Party in Government, the people of South Australia would have been let down again. I remind Opposition members that petrol is not flowing from Port Stanvac at present, and their attitude, so clearly demonstrated here today, is that they are not prepared to grapple with the problem.

This seems to me to be a total and absolute endorsement of the electorate's opinion of the Labor Party on 15 September last. The interesting thing is that, if we had taken no action on this matter, the Opposition would now be publicly saying that we should be taking action and that we had left it too late to act. Indeed, if any industrial dispute does come forward, we would be castigated, and I have no doubt that the Leader would finally be impelled to move a motion of no confidence against the Government at the first opportunity for not taking this action today. I have never really understood this two-bob-each-way attitude which is so apparent today.

The Hon. E. R. Goldsworthy: "We don't need the Bill but we will support it."

The DEPUTY SPEAKER! Order!

The Hon. D. O. TONKIN: Considerable concern has been expressed by members opposite that the legislation will operate until 31 May without calling Parliament together. I would have thought that even members of the Opposition were aware that Parliament is to continue sitting; that it will be called together and that sittings will extend into April. If the Leader and his colleagues have been rapidly doing mental arithmetic, using their fingers and toes to count up the numbers of days, they will be able to work out that it is not very much longer than six or seven weeks that it will go without coming before the House again.

The date of 31 May is taken because the House will be sitting again in June. I retract nothing of what I said before. This legislation and the time limit are entirely consistent with that, and I suggest that members opposite start thinking a little, instead of just being concerned with empty rhetoric. In 1977 my criticism was that there was no intention whatever of calling Parliament together for three months. Indeed, an election was the intention, and it transpired. There has been considerable reference to clause 9.

Mr. McRae: So there should be.

The Hon. D. O. TONKIN: I have not noticed the dire consquences to which the member for Playford was referring, occurring in New South Wales.

The Hon. J. D. Wright: That's the very point—you won't use it, either.

The DEPUTY SPEAKER: Order! The Deputy Leader of the Opposition will cease interjecting.

The Hon. D. O. TONKIN: I have made it clear that I sincerely trust that this legislation will not be necessary here. It will not be proclaimed unless it is necessary. That also answers the question of the former Attorney-General (I do not know whether I should call him the Parliamentary Leader of the socialist group). The Leader of the Opposition has also referred to sword-waving, inflammatory directions. I simply point out (I have no doubt that this matter will be canvassed in detail in the Committee stage) that this clause is not directed at any individual or any group of individuals. It is not, as members opposite seem so paranoid to believe, directed at trade union members. It is directed at employees of companies or trade union members or any other individual in the community, and it should be applied to all members of the community equally.

Members interjecting:

The DEPUTY SPEAKER: Order! The member for Stuart will cease interjecting.

The Hon. D. O. TONKIN: The whole point is that it will apply equally to everyone. I have taken some note of concern that has been expressed by people, including our

own members, that the $10 000 might be a rather high sum for an individual.

Members interjecting:

The DEPUTY SPEAKER: Order!

The Hon. D. O. TONKIN: I will therefore introduce an amendment at the appropriate time to provide for a corporate penalty and an individual penalty, and that will put beyond doubt that that provision applies to everyone, not just to individuals of one group or another. I find it extremely difficult to understand the Opposition's concern about this matter and its desire to change the provision so that it applies not to an individual but to a corporate body.

I will answer the member for Semaphore's sensible question that it was not indeed a change by this Government but that the individual direction appeared in the 1972 and 1973 legislation introduced by the former Government. As I have been invited to read from the appropriate section of the New South Wales legislation, I will do so. Section 34(1) provides:

> (1) Where an order is in force under section 33 (2) in respect of a form of energy or energy resources the Minister may, by notice in writing—
>
> *(a)* give such directions as are necessary to control, direct, restrict, or prohibit the sale, supply, use or consumption of that form of energy or energy resources;
>
> *(b)* direct a person who extracts, produces, supplies, transports or distributes that form of energy or energy resources to extract it for or provide, supply, transport or distribute it to a person specified in the direction;
>
> *(c)* direct a person to comply with such terms and conditions as the Minister determines . . .

It is not a new thing; it applies to everyone, and directs a person, not a corporate body, all the way through.

So, it has applied in New South Wales and in the earlier versions of this legislation that have been introduced in this place. The Government and I believe strongly that, under these extreme conditions, this legislation should apply to everyone. We hope that it does not very often, if at all, need to be brought into effect.

The Leader has quoted remarks that I made in 1977. I hold by those remarks. That legislation was introduced without any emergency situation existing, and, in those circumstances, I could not wear it. The situation is a very different one now, when an emergency situation does confront us.

The Deputy Leader of the Opposition said that the Government was impetuous. In that, he differs from his Leader, who said yesterday that the Government might be acting impetuously. I suspect that he was having two-bob each way. The Deputy Leader, who is well versed in these matters and whose judgment I often respect, does not have a terribly good track record in this instance. It is quite clear from what the Deputy Leader has said that the Government would not have acted at this time had the Labor Party still been in office. His judgment is apparently not as good as I would have expected, because I would have expected him to act in similar circumstances. Indeed, I believe that he would have been one of the first people to criticise the Government had it not taken this action.

The Hon. J. D. Wright interjecting:

The DEPUTY SPEAKER: Order!

The Hon. D. O. TONKIN: There is no question that, if we had been in the honourable member's hands, South Australia would have been caught short again. In summary, we know that there has been a dispute over the past two or three weeks involving the Transport Workers Union interstate. We know that the implications and ramifications of that dispute could at any time apply in South Australia. We know, too, that the oil refinery is not producing because of a different dispute, that the local T.W.U. has been on strike for 24 hours, and that that union has issued a clear warning to the people of South Australia, as well as to the Commonwealth Government, that it will contemplate similar action again if it believes that it is justifed in so doing.

We cannot be certain of what the T.W.U. intends, either interstate or locally, and the Government will not stand by and allow the situation to get out of hand in the face of that uncertainty. We have a clear duty to the people of South Australia to preserve essential services, such as health, hospitals, police and fire services, the production and supply of foodstuffs, public transport, and so on. In the atmosphere of uncertainty that currently applies, it would be totally irresponsible of the Government not to seek the powers contained in this Bill.

I trust that those powers will not be needed. If the conference at present constituted solves the problem, I, for one (and I am sure that I speak for every member of this House), will be thoroughly pleased. However, the Government would be failing in its duty to the South Australian community if it was not prepared for an emergency situation that could arise at any time.

The Deputy Leader has accused me of grandstanding as a statesman; those were his words. However, if being a statesman involves caring for the welfare of the total South Australian community, I shall be more than pleased and proud to wear the title.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Interpretation."

Mr. McRAE: Can the Premier say whether motor fuel as defined includes crude oil?

The Hon. D. O. TONKIN: No.

Clause passed.

[Sitting suspended from 12.57 to 2 p.m.]

Clause 5—"Delegation by the Minister of powers under this Act."

Mr. McRAE: How will this clause work? I believe one practical mistake in it is that the delegation, once given, cannot thereupon be removed to other people. As the Opposition is supporting the principle of the Bill, I believe it may be in the Government's interests to look at this clause to determine whether it may not be inflexible.

The Hon. D. C. BROWN: Quite obviously, that responsibility needs to be delegated by the people doing the actual administration. It is not possible for the Minister to sit in an office handing out permits and assessing the situation.

Mr. McRAE: That is not my question.

The Hon. D. C. BROWN: Then, I certainly misunderstood what the honourable member was saying.

Mr. McRae: My concern was to assist the Minister, not hinder him. I am saying that the clause as it now stands may be too inflexible for the Minister's purposes. In other words, the legal doctrine is that one delegation means that that delegate cannot in turn subdelegate. If the Minister discusses this with Parliamentary Counsel, he may find that the whole system would work much better if there was a power of subdelegation to obviate the very problem to which the Minister referred.

The Hon. D. C. BROWN: I believe that this provision is similar to the provision that was used previously. There was no trouble at that time, so I can see no reason why there should be any problems this time. The honourable member should recall that this provision was used in 1972

and 1973, and it was also proposed by the Labor Government in about 1977 and 1979. Unless the honourable member can highlight any particular difficulties, I do not believe that this clause will in any way restrict the operation of the delegation of authority, and I do not believe the honourable member should have any fears about it.

The Hon. R. G. PAYNE: Can the Minister indicate the level to which delegation may apply in respect of a direction being given to a person in South Australia for failure to comply with that direction, resulting in a maximum fine of $10 000? I realise that the Government has, to a degree, seen reason and that there is an amendment on file that alters the amount of that monetary penalty. However, at the moment there is provision for a $10 000 penalty. Can the Minister indicate to what level that power will be delegated?

The Hon. D. C. BROWN: It is well known that the Minister of Industrial Affairs delegates authority to industrial inspectors. I expect that the senior inspectorial staff will have responsibility for administering at least part of this Act. I expect that there would be a senior departmental officer, probably the Director or Deputy Director of the department, who would have overall responsibility for the implementation of any rationing that occurred. Therefore, there will be different levels of delegation. Obviously, the overall responsibility will go to a very senior departmental officer, but some of that responsibility may be delegated to inspectors who are inspecting or supervising the sale and distribution of fuel in service stations. It cannot be seen as one set of delegations, because of the range of people who could be involved.

Clause passed.

Clause 6 passed.

Clause 7—"Permits."

Mr. BLACKER: I was pleased that the Premier acknowledged that we are about to enter into the seeding part of the agricultural season. Will the Minister say whether any assessment has been made of the likely fuel usage during the period under discussion? I refer particularly to subclause (10).

The Hon. E. R. GOLDSWORTHY: The Energy Division in the Department of Mines and Energy monitors the availability of fuel.

Members interjecting:

The ACTING CHAIRMAN (Mr. Russack): Order!

The Hon. E. R. GOLDSWORTHY: The department is charged with the responsibility of monitoring regularly the amount of fuel available in the State. I think that that function was assumed during the life of the former Labor Government, so what is new?

The Hon. Peter Duncan: What's new is three Ministers having carriage of the Bill.

The Hon. E. R. GOLDSWORTHY: What nonsense! The member for Elizabeth ought to know better. He has projected a low profile lately, but he has crawled out of the woodwork today with a few of the remarks repeated monotonously by a whole procession of speakers on the other side during the second reading debate. He was well down on that list. The honourable member has had a very low profile since accusing his Leader of being about as strong as orange flower water.

The Hon. PETER DUNCAN: On a point of order, Mr. Acting Chairman, I draw your attention to Standing Order 154, which states:

> No member shall digress from the subject matter of any question under discussion; and all imputations of improper motives, and all personal reflections on members shall be considered highly disorderly.

The comments of the Minister suggesting that my contribution this morning was—

The Hon. E. R. Goldsworthy: Repetitious.

The Hon. PETER DUNCAN: —repetitious is in breach I think of that Standing Order, in that it was a personal reflection on me to suggest that I wasted the time of the House. If one looks at the amendments the Premier has placed on file, one sees that one of them, dealing with penalties, arose directly out of the speech I made this morning. To suggest that that speech was repetitious and irrelevant is quite erroneous, and a personal reflection on me.

The ACTING CHAIRMAN: There is no point of order. The Minister was answering the question, there were interjections from my left which were provocative and the Minister answered those interjections (which was out of order), so I ask members to confine themselves to the matter in hand, which is clause 7. I call upon the honourable Deputy Premier to answer the question asked.

The Hon. E. R. GOLDSWORTHY: Yes, Mr. Acting Chairman. I was just educating a member of the previous Ministry—

An honourable member: You're being provocative.

The Hon. E. R. GOLDSWORTHY: Provocative or not, I am telling the Committee the facts. The previous Administration, established the Department of Energy in the Department of Mines and Energy.

Members interjecting:

The Hon. E. R. GOLDSWORTHY: Members opposite want it all ways; they want to complain when another Minister is on his feet, discharging the responsibility that the Deputy Premier and Minister of Mines and Energy, in the previous Government would have done in Committee; he was responsible for the monthly reports concerning the availability of fuel in South Australia, because of a function given to him by the previous Administration.

I have received a report from the Director stating that a fortnight's supply is available in service stations in South Australia, and up to three or four weeks supply is available in general storage facilities, and that is a slightly better situation than average.

The Hon. J. D. WRIGHT: I rise on a point of order. The Minister has been referring to the previous Minister of Mines and Energy. I would like to know where that applies in the Bill. He appears to be straying a long way from the subject matter of the Bill. I would like your ruling Sir, on whether the Minister is trying to prevaricate.

The ACTING CHAIRMAN: There is no point of order. The honourable member for Flinders asked a question and the Deputy Premier is answering it.

The Hon. E. R. GOLDSWORTHY: The Deputy Leader is about five minutes behind, because I was explaining to the Committee the amount of fuel which is available at present, and that was the purport of the question, particularly in relation to what would be available for primary producers. The position in South Australia, if we had not had the onset of industrial trouble and the overflow of industrial trouble from New South Wales, would have been quite satisfactory. However, if the transport workers go on strike the fuel in storage that is not yet in service stations will not be available to the general public. In answer to the question about primary producers, it was intended that this Bill would apply in the metropolitan area only in the first instance.

The Liquid Fuels Utilisation Consultative Committee, which was established by this Government to set priorities for the use of fuel in situations such as this one, met yesterday afternoon and a list of priorities was approved. It might be of interest to the member for Flinders to know that Mr. Grant Andrews, a representative of the United

Farmers and Stockowners of South Australia, is a member of that committee. I believe that the interests of primary producers will certainly be considered by that committee and the Government.

The Hon. R. G. PAYNE: I seek information from the Ministers who are administering this Bill as to whether we can be advised which Minister will be the Minister referred to in clause 7, which provides:

> (1) The Minister may, if satisfied that it is in the public interest to do so, issue a permit to any person.

I believe the House would benefit from some clarification of what is currently a state of confusion amongst the Government.

The Hon. D. C. BROWN: The Bill will be delegated to the Minister of Industrial Affairs, who will have responsibility for all sections of it. I back up the Deputy Premier, who has been the Minister responsible for monitoring the availability of supplies of fuel in this State. As he has the best information available, it is only appropriate that he give it today.

The Hon. PETER DUNCAN: Can the Ministers in charge of the Bill explain why it is necessary to have subclauses (6) and (7) in this clause? I would have thought it was quite unnecessary to have subclause (6), which is redundant when one considers subclause (7), which provides:

> A permit holder shall, at the request of a member of the police force, produce the permit for inspection by that member of the police force. Penalty $550.

Subclause (6) provides:

> A person shall, while driving a motor vehicle for which motor fuel has been supplied in pursuance of a permit, carry the permit with him in the vehicle.

The only way in which any evidence could be adduced as to whether subclause (6) was being complied with would be by applying the provisions of subclause (7). Therefore, it seems to me that subclause (6) is superfluous. Surely what is required is that, when a member of the Police Force requests a person to produce the permit, that person should do so forthwith.

The Hon. D. C. BROWN: First, I point out to the member for Elizabeth that he was Attorney-General when this provision was first introduced, and surely he appreciates the need for subclauses (6) and (7). They are the same as the provisions introduced by his Government. The subclauses were taken out of the Bill introduced by the previous Government in about 1977 or 1978. It is obvious that both subclauses are necessary. First, if a person is driving a motor vehicle, the permit must be in the person's possession. Secondly, if the vehicle is stopped and the person is asked to produce the permit, he must do so. If we deleted subclause (6), a person who held a permit must at all times, including when he is under the shower, at the request of a member of the Police Force, produce the permit. That is how ridiculous the position would be if subclause (6) was not there. That is why it has been included.

Mr. PETERSON: How can I lend my car to anyone, under the Bill? If I have a permit for my car and someone wishes to borrow the car, that person cannot have it, because I must have the permit in the car. Has that been covered?

The Hon. D. C. BROWN: It does not restrict a person from lending his car to another party, because the person lending it may or may not be a permit holder but, if a person is a permit holder and uses a vehicle that has received petrol through a permit for a specific purpose, the person is not able to lend that vehicle to another person for another purpose.

The Hon. R. G. PAYNE: Now that the struggle amongst Government Ministers as to who will administer the Bill has been resolved, I seek information from the Minister who has indicated that he will have the responsibility. What sort of advice will he be relying on in relation to the issue of a permit?

The Hon. D. C. BROWN: That depends on how short of fuel we are at the time, what needs there are in the community, and what we assess are the urgencies. I am not able to make such a prediction at present. That is why power is given to the Minister to make decisions at the time. It would be foolish at this stage, when the rationing period has not commenced and permits have not been issued, to predict who might or might not get them. The permits will go to people who perform urgent and essential community services.

The Hon. PETER DUNCAN: The reply that the Minister has given the member for Semaphore seems to be extraordinary. I see that the Government Whip is doing a lot of business running up and down the benches.

The ACTING CHAIRMAN: Order! That has nothing to do with the clause.

The Hon. PETER DUNCAN: I think the Minister should seek advice from his experts on the matter, because by placing such answers as he has given the member for Semaphore in *Hansard*, he shows his lack of understanding of the Bill. Clause 7 (6) provides that a person shall, while driving a motor vehicle to which motor fuel has been supplied in pursuance of a permit, carry the permit with him in the vehicle.

That very clearly indicates that it is possible for a person to lend a vehicle to another person. As long as the vehicle is being used for the purpose for which the fuel has been supplied, and as long as the permit that allowed supply of petrol is being carried in the vehicle, it is possible for one person to lend a vehicle to another person whilst that vehicle is using petrol supplied under the arrangements. For the Minister to suggest otherwise is absolutely ridiculous and misleading.

The Hon. D. C. BROWN: I suggest that the member for Elizabeth read *Hansard* and see what I said in answer to the member for Semaphore. I said that it would be an offence under the Bill for a person to lend the vehicle to another person and for that person to use the vehicle for some purpose that was not allowed under the permit. The honourable member obviously failed to listen to the other part of my reply.

The ACTING CHAIRMAN: Before the member for Elizabeth speaks, I draw to his attention that this will be the third time he has spoken on this clause.

The Hon. PETER DUNCAN: Thank you, Sir. What arrangements have been made for the printing of permits, and are the permits ready to be distributed should the need arise?

The Hon. D. C. BROWN: Permits have not yet been printed; they will be printed only if they are needed. The Government will ensure that permits are printed as quickly as they need to be.

Mr. KENEALLY: The Minister's answer to the member for Elizabeth somewhat begs the question. Will the Minister say how long it would take to have permits printed once a situation arises that he believes warrants the issue of such permits?

The Hon. D. C. BROWN: Not very long.

Mr. KENEALLY: Will the Minister be more specific? How long is "not very long"?

The Hon. D. C. BROWN: As long as it will take to get instructions to an appropriate printer and have the permits printed. I think honourable members know how quickly, for instance, the Government Printer can print *Hansard*. From this, I can assure the honourable member that the

printing of permits will not take long, depending on the situation that exists. It may be necessary to print them in a matter of hours or perhaps in a day or so.

Mr. KENEALLY: I understand from the Minister's answer that he has absolutely no idea how long printing will take; he has not checked out this matter. His advice on this clause is in line with the Government's performance on the legislation as a whole—it is hasty. The Government does not understand what it is bringing before us, otherwise the simple mechanics of some of these clauses would have been well researched, and the Opposition would have been able to obtain sensible answers to reasonable questions, whereas it has been unable to do so.

The Hon. D. O. TONKIN: The member for Stuart and his colleagues persist in treating this exercise as something of a joke. The honourable member knows full well that permits and any other printing that is necessary can be done within a matter of eight hours.

Members interjecting:

The ACTING CHAIRMAN: Order!

The Hon. D. O. TONKIN: It is most important that the Government have power to act to prevent the sale of petrol in an uncontrolled form. Printing can wait for as long as is necessary. If Opposition members continue to nit-pick regarding matters with which they are very familiar from past experience, the people of South Australia can draw their own conclusions. I simply report at this stage that a state of emergency has been declared in Victoria today by the Governor-in-Council.

Under that declaration, all service stations in that State must close at 2 p.m. today. They will reopen at 7 a.m. tomorrow and, as from tomorrow, petrol rationing will commence. Is that the situation which the Opposition does not think is an emergency or a potential emergency in South Australia? I suggest that it look carefully at its motives in acting as it is doing now.

Mr. BANNON: Mr. Acting Chairman, I would seek your ruling on whether that information from the Premier is in order. If it is, I think that I can, in turn, address my remarks on this clause to the remarks made earlier by the Deputy Premier and say that it is not the Opposition's intention to ensure that this State is left without emergency legislation. If legislation is necessary, we will ensure that it is passed, but we intend to have a proper and full debate on this question and ensure that whatever Act is passed is appropriate and effective. In the context of the statement, can the Minister say what stocks of petrol and fuel are held at the moment and for how long he estimates they will last?

The Hon. D. C. BROWN: Details of how many weeks of fuel are available at service stations at present have already been clearly stated in the news media. How long that situation continues depends on a number of factors. If the tanker drivers continue to deliver to service stations, we can expect that two-week period to continue indefinitely. If, however, there is a strike, it depends on how quickly people rush existing supplies at service stations, and supplies could diminish rapidly if we are not careful. The stocks held in bulk stores by the oil companies depend on how quickly the Seamen's Union of Australia decides to unload oil tankers currently off the coast of Adelaide. We have had the unfortunate situation today that the oil refinery is starting to close down. As from this morning, it expects a complete close down by late today or early tomorrow. That is not the most immediate threat (the immediate threat involves drivers), but a potential threat exists from which the Government is ensuring that the community is adequately protected. Although the two do not necessarily compound each other, if either threat develops further it could, of itself, create a critical situation in this State. At present, no need exists for panic buying, because normal stocks are held by the service stations.

The ACTING CHAIRMAN: Order! I draw the Committee's attention to the fact that I have allowed to the last three speakers considerable latitude in the debate, but I now request that the Committee confine itself to the clause, which deals with permits.

Mr. McRAE: In order to assist the Government, I point out that the machinery provided in this clause relates back to clause 5. On further investigation, I am sure that the Minister and the department would be greatly assisted if the power of subdelegation were provided for in the Bill. Will he consider the situation?

Mr. TRAINER: I seek information from the Minister regarding the issuing of permits in respect of multiple-driver vehicles. Subclause (1) provides that the permits are issued to a person, as distinct from a vehicle. Subclause (5) states that the permit is not transferable, whereas subclause (6) provides that whoever drives the vehicle must carry the permit with him in the vehicle. What is the situation with respect to multiple-driver vehicles such as taxis and other similar service vehicles? Must each driver be separately issued with a permit and, if that is the case, how would the Minister ensure that such permits were not misused?

The Hon. D. C. BROWN: The answer is "No". The point is that, if a vehicle has a number of drivers who normally drive that vehicle for that specific purpose (I stress that point), the permit is granted to the person who is principally responsible for that vehicle. The vehicle can be used by a number of people, but I stress the point that the permit must be with the vehicle. That is clearly spelt out in the clause. Again, I stress that that is the need for clause 6.

Mr. HEMMINGS: I would like to pursue the point that the member for Ascot Park posed, namely, clause 7 (10), which provides:

> In determining to whom permits should be granted under this section, the Minister shall have due regard to the needs of primary industry in the light of seasonal conditions as they exist from time to time.

We are all aware of the fact that fuel is delivered in bulk to those engaged in primary industry, and one would not expect that those persons would have to go to service stations to obtain their motor fuel.

Can the Minister inform the Committee how he expects to police this area where it is quite possible that, if motor fuel is delivered in bulk to people engaged in primary industry, that fuel could be used for purposes other than as designated under this subclause?

The Hon. D. C. BROWN: I think people appreciate that subclause (10) is there as a direction as to how the powers vested in the Minister are to be policed. It is, therefore, for guidance rather than what could be seen as an absolute interpretation because it is written in those very terms. I very well recall, when that subclause was written into the Bill introduced by the former Government, debate and discussion on the basis on which it would operate. I do not see any problems in connection with what the honourable member has said. I highlight the fact that it is well known that petrol stocks in country areas tend to be far greater than they are in the city. People in the country tend to keep several months of reserves on farms. This subclause applies to that situation. I do not see any difficulty whatsoever in both making sure that they have fuel and that it is properly used.

Mr. McRAE: Does the Minister intend to answer my last question? Just to help the Minister, my last question was that—

The ACTING CHAIRMAN: Order! The honourable member for Playford has spoken three times.

Mr. McRae: The Minister is being quite contemptuous, Sir.

Mr. HEMMINGS: In reply to the member for Semaphore, the Minister stated quite categorically that a person who is given a permit to obtain motor fuel can use it only for the specific purpose allocated on the permit. The member for Elizabeth asked for clarification and was given the same reply by the Minister. What is the situation, for example, in regard to sickness, where a motor vehicle has to be used? Would there be any right of appeal under this clause, whereby the person could explain to the police or to the authorities the reason for using the vehicle? If so, could the Minister point out where the right of appeal is?

The Hon. D. C. BROWN: There is no right of appeal, but the point is that the Minister has that discretion, and quite obviously any Minister with any sense would make sure that it is used in a humane fashion.

Any powers that the Minister has are to be used to the overall benefit of the State. If short-term emergencies arise and there is a need to transport someone rapidly to hospital, a person would be permitted to use any vehicle whether or not he had a permit or for what purpose that permit had been issued. I find it incredible that the Opposition is trying to make great play of clause 7. In fact, similar powers previously existed under Acts of this Parliament, have been implemented under Acts of this Parliament, and have operated reasonably well. One can only suggest that the Opposition is either trying to make a great thing of this or wasting the time of this Committee. Whatever the reason, it appears to be a rather childish and stupid tactic.

The Hon. PETER DUNCAN: I rise on a point of order. I refer to Standing Order, Rules of Debate, 154 which provides:

> . . . all imputations of improper motives . . . shall be considered highly disorderly.

The Minister has just said that the Opposition—and that means every individual member on this side of the Committee—is simply trying to prolong this debate to waste the time of the Committee. That is an imputation of an improper motive. That is an extraordinary thing to say when this type of legislation, if proclaimed, takes away most of the civil liberties from citizens of this State. In those circumstances this Committee has a very serious responsibility to check and cross-check every element of this legislation to make thoroughly certain that the legislation is as it is thought to be by members of the Committee. We have to make sure that the questions in our minds are properly and carefully answered by the Minister so that we are fully able to understand what the implications are.

The ACTING CHAIRMAN: I do not uphold the point of order. I would like the honourable member to reflect on the debate this morning when the Government was accused of being gangsters. That was taken at that time as a general comment and more in a light-hearted manner. Therefore, this afternoon the Minister has referred to the matter of wasting time, and I do not see that that is a personal reflection on any one person. It is a comment of the opinion of the Minister. Therefore, I do not uphold the point of order. However, I would ask all members to address their remarks through the Chair to the amendment and as directly as they can to the amendment before the Chair.

Mr. O'NEILL: I ask the Minister whether the qualification in subclause (8) applies to the Minister in the handling of this Bill.

Mr. LYNN ARNOLD: Will the Minister give consideration to the points raised by the member for Playford in relation to the problems that would come from inadequate reference to sub-delegation of powers by the Minister?

The Hon. D. C. BROWN: I do not believe that a problem exists in that case.

Clause passed.

Clause 8 passed.

Clause 9—"Directions in relation to the supply or distribution of rationed motor fuel."

The ACTING CHAIRMAN: I ask the honourable Leader of the Opposition to delay moving his amendments for a few moments in case any member wishes to speak in general terms. I will then call upon the honourable Leader of the Opposition to move his amendments.

The Hon. PETER DUNCAN: As this is apparently the only opportunity I will have to speak on the general principles of this clause—

The Hon. J. D. WRIGHT: I rise on a point of order. I should like this matter clarified. If and when the Leader moves his amendment, will it close the debate, or will honourable members be able to speak thereafter?

The ACTING CHAIRMAN: It would not close the debate, although, if there is to be a general debate on the clause, it would be better to have it now. Then the Leader can move his amendments, and, if any honourable member wishes to speak thereafter, he will have an opportunity to do so.

Mr. O'NEILL: I asked a question previously and did not get a reply, although I may have erred in the way that I asked it. Will you, Sir, please explain why I did not receive a reply?

The ACTING CHAIRMAN: The honourable member can ask a question, but it does not necessarily have to be answered.

Mr. McRAE: When the Committee was considering clause 7, the member for Florey asked a question regarding subclause (8). As the honourable member is new in this place, I think it is only fair that clause 8 be recommitted to enable the honourable member to ask his question again and to receive a reply thereto.

The ACTING CHAIRMAN: I advise the honourable member for Playford that the Minister chose not to anwser the honourable member's question, and that he has the right to adopt that attitude.

Mr. BANNON: I ask that I be permitted to move my first amendment and to deal collectively with the remainder of them.

The ACTING CHAIRMAN: The Leader of the Opposition has asked that he be permitted to move his first amendment and to canvass the related amendments collectively, with a view to treating the first amendment as a test case for the remainder. That is in order.

Mr. BANNON: I move:

Page 4, line 4—Leave out "to any person"

The Premier, when introducing this Bill, said it was in substantial respects the same as Bills that have been previously before the House, particularly the Bill that was before us in August 1979. That is certainly true. However, it is not true in relation to clause 9. There is a particular and significant difference between that clause as it is before us today and clause 9 as we would wish to have it and as, in fact, the Opposition is providing by moving this amendment. Basically, the amendment seeks to delete the reference to "any person", and replace it with a reference to "any body corporate that carries on the business of supplying or distributing motor fuel".

In fact, there are a number of points, some of which have been canvassed in a general way, which make this

clause in its original form as now before the Committee quite repugnant, and which distort the purpose of the Bill.

It is not the Opposition's intention to delay or defer this measure. The Opposition recognises the need for a measure such as this to be expedited once the Parliament has been called together to serve such a function. The Opposition has cast doubt on the need for the emergency and the dramatic urgency with which Parliament has been called together. Nonetheless, that has occurred, and we are not attempting to block or frustrate the wishes of the Government in this area.

Indeed, it seems that there is some conflict in the estimates of how urgent the situation is. We have been advised about the situation in Victoria, but in South Australia it appears that the Government is in contradiction with Mr. Bob Dahlenburg, who is probably the person representative of those who supply fuel, and his estimates of the levels of South Australia's fuel reserves are somewhat higher than are the estimates of the Minister and the Government.

Be that as it may. There might be a shortage of fuel, and the legislation might be required. Having said that I urge strongly that the Government should look closely at this clause and accede to the amendments that the Opposition is moving. The amendments to this clause and the reason for them are, first, that the clause is unnecessary. In 1972 and 1973 similar legislation, which has already been referred too in the course of these proceedings, was passed, and it did not include such a provision.

On other occasions when emergency legislation has been passed, that provision was absent. It was absent in 1977. In fact, in earlier legislation there were no clauses along these general lines; that is, clauses relating to directions that may be given to the Minister. Indeed, the argument has been accepted that, in order to make the rationing power and the control of the supply and distribution of motor fuel effective, the Minister must have certain powers of direction. I urge that those powers be kept to as limited a spectrum as possible and as necessary to make the legislation effective.

To go beyond that, as this clause does, is to trample over a whole new area involving civil liberties, practical considerations, and matters of jurisdiction, which I do not think this Committee has the right to move into in the current situation. The first point is that this clause is unnecessary; it was not needed previously. When rationing was in operation it worked effectively without requiring a clause of this type and other measures that have been introduced have also not required such a clause.

Secondly, I argue that it is far too rigorous, indeed Draconian, in its effect. That is pointed up starkly by the penalties proposed under it. The member for Elizabeth was attacked, particularly by the Deputy Premier (who fortunately, has absented himself and by so doing has shortened the course of this debate considerably), for making an extremely pertinent point, and one that I reiterate. If a clause of this type attached to a penalty of this kind is passed, then we are introducing some form of industrial conscription, which has not been known in any legislation of this State previously and which should not be tolerated or accepted .

I understand that there is an amendment on file which may be dealt with later with respect to the penalty. The fact that the distinction between bodies corporate and natural persons was not made in the original Bill indicates the haste with which this provision was inserted, and the doctrinaire manner in which the provision was written as the Government would have it in order to ensure that the Minister had total power of direction over any person.

I am suggesting that this goes far beyond the provisions that are necessary: it tramples into the area of civil liberties and involves the conscription of labour, which is something that has been condemned internationally and which has never been acceptable in this country. In that sense this clause should be resisted by any Parliament in South Australia. The Opposition is certainly resisting it vigorously now.

My third point is that the inclusion of such a provision is provocative. In any industrial relations situation, or a situation of dispute in the industrial arena, one must keep the temperature low, ensure that the lines of communication are kept open, and that conciliation is preferred to confrontation at all times. The existence of this clause, and more importantly its use in an industrial situation, will be seen as being totally provocative. Rather than aiding the situation and shortening any disputation, the use of this provision and its very presence in the legislation as a kind of sword of Damocles hanging over the heads of those involved in an industrial dispute will ensure that such a dispute will be prolonged and not solved. That has been the history of industrial relations in Australia and the world. Unless that is recognised by the Government, it has absolutely no hope of steering this State through the type of emergency that is envisaged in this Bill. Therefore, I urge the Government to drop this confrontation approach to industrial relations and industrial disputes, and to ensure that whatever legislation is passed does not contain this provocative and inflammatory clause.

Indeed, I was considerably disturbed that the Premier was not able to say that he had been in contact or had spoken directly with members of the Transport Workers Union in relation to this current dispute. I find that quite alarming, because it is one thing to say that we have seen them on television and that we have read what they say in the newspapers, but it is quite another thing to talk to them face to face. When the Deputy Leader of the Opposition was Minister of Labour and Industry, a distinguishing mark of his administration of that portfolio was his willingness to talk as soon as possible face to face with those involved. As I have said, I am quite alarmed that the Premier of this State can introduce emergency legislation based on newspaper reports and something he saw on television in his living room. That is just not good enough, and it is typified in the Government's approach to this particular clause.

Why has the Premier not spoken to the people involved? Has the Premier spoken to Mr. Size, or has he asked to meet the executive? Has the Premier discussed the union's position in relation to this dispute, or is he relying on secondhand reporting? This clause allows the Minister to give directions, and I am afraid it typifies the confrontation approach to industrial relations, and I believe that is a very bad approach indeed.

My fourth point is that this clause is unusable and cannot work. The House has been told that this provision exists elsewhere. In fact, it exists in very few places. I understand that this provision exists in legislation in New South Wales, which has been read to us. In fact, that particular provision refers to a much wider situation and is in a different type of Bill. Therefore, I reject the assertion that this Bill is analogous to the New South Wales legislation. I also reject the fact that, because this provision exists in a Bill in New South Wales, the South Australian Parliament should accept it. I suggest that this provision is unusable by reference to that particular provision in New South Wales. That provision has been in existence since 1976 and has never been used. In fact, it is a considerable embarrassment to the New South Wales Government, because that provision is always hanging around and may well exacerbate a dispute. As I have said,

the provision has not been used in New South Wales, and I venture to suggest that it is not likely to be used there.

In Western Australia this provision has been introduced and, as has been said, it was introduced in an election context purely as a flag-waving exercise in an attempt to show just how "up-front" the conservative Government was in that State. Once again, despite a number of crises, that provision has never been used in Western Australia. Therefore, why is there any need for that provision in the Act? My final example relates to Victoria. During the State Electricity Commission dispute, a protracted and extremely difficult dispute that threatened power supplies in that State, Parliament was summoned by the Government in an emergency session. Parliament sat all night and passed special legislation with powers of direction similar to those involved in this Bill. However, all it did effectively was to prolong that dispute. The legislation was passed, but it was never brought into operation, because it could not be used. In fact, Mr. Hawke, the President of the A.C.T.U., was called on to intervene and effectively solved the dispute after it had been prolonged by at least two or three weeks because of the provocative action of the Victorian State Liberal Government. Therefore, that provision was unusable.

My fifth point is that I believe this matter is beyond the jurisdiction of this State and cannot apply to any workman employed under a Federal award. Most of those involved in a particular industrial dispute involving the fuel or power industries are employed under Federal awards. If we talk about tanker operators, tug operators, seamen, Transport Workers Union drivers, workers at refineries, and so on, they are all employed under Federal awards. I am suggesting that this provision could apply only in a limited way to a limited number of workers in South Australia. The reason for that is that, in terms of their conditions of employment, and of being instructed to carry out their jobs or do their jobs in a certain way, they are working under awards brought down by the Federal Conciliation and Arbitration Commission that, in turn, is governed by a Federal Act, and those Acts, in turn, are governed by Federal laws relating to enforcement proceedings, and so on.

It seems to me quite clear that, as a matter of jurisdiction, because Federal Acts cover the field under section 109 of the Constitution they automatically exclude the operation of any Act in South Australia. The Minister can give directions as he likes to persons employed under Federal awards and they will have no effect. His directions will have all the inflammatory and other effects, but no practical effect in terms of implementation.

There is a further cause of concern, a sixth and final reason, that relates to a matter raised in the early stages of this Committee debate, when it was pointed out by the member for Playford that the delegation power is wide open in respect of sub-delegation by the Minister. My colleagues have questioned how that relates to later powers in the Act. I was under the impression when I looked at clause 9 that the Minister himself would be exercising that discretion. Yet, in answer to points raised earlier by my colleagues, it appears that it is one of the provisions that may be delegated in some way. That is an extremely Draconian and far-reaching provision to delegate. I agree that the Minister should not be sitting down and writing out permits and authorising things of a minor nature. My colleague's helpful questions to him, which he rejected out of hand, were directed to overcoming that situation, and we certainly go along with that. If this power is to be in the Bill, and if it is to be exercised by someone in the department (at whatever level of the Public Service), to my mind that is an even greater transgression of the civil liberties of the people involved.

Those are the six points: the clause is unnecessary; it is far too Draconian; it represents industrial conscription; it will be provocative and only exacerbate or prolong disputes; it is unusable and has not been used in any instance in Australia where it exists; it is beyond the jurisdiction of the State Government; and the power of delegation applied to it would be quite wrong. It is for those reasons I am moving the amendments.

The Hon. D. C. BROWN: I will briefly cover the points raised by the Leader. The first and only really valid point he has tried to make is that the way in which this power can be exercised could, in fact, inflame the dispute rather than help solve it. Anyone who understands industrial relations would be the first to agree with that. Therefore, the power here would need to be used with a great deal of discretion, if it were ever used.

The Hon. J. D. Wright: Why put it in?

The Hon. D. C. BROWN: There might be some circumstances in which it could be used, and the very people who might need to do this should receive some sort of authority from the Government to carry out such actions.

Mr. Trainer: Give us an example of these situations.

The ACTING CHAIRMAN: Order!

The Hon. D. C. BROWN: Quite obviously, the Minister of Industrial Affairs, who is the Minister who will administer this legislation, will have to take full accountability for the way in which he administers this provision.

If he inflames the dispute he will have to carry the full responsibility for it, and it will not be in the public interest if he deliberately does that. Therefore, the very supposition behind everything said by the Leader of the Opposition is that these powers will be used and they will be used to their maximum extent. I would suggest just the opposite: the powers would be used only as an absolute last resort, and they would be used only where, for the sake of the public interest, it was absolutely essential that they should be used—in fact, in cases where we might find the very employees he is talking about looking for some sort of protection within the law to carry out an act which was against what was advised or which was an instruction from the company.

This morning the Leader of the Opposition made great play of the fact that provisions similar to this did not exist in Acts anywhere else in Australia. Now he has come in here apparently better informed by his staff and colleagues and admits that such a power was written into a similar Act by a Labor Government in New South Wales, of which Neville Wran is Premier. I am surprised that the Leader of the Opposition did not know that. I quoted that Act on 2 August last year, and I have quoted it in this Chamber on at least two other occasions. I will read it again so that members can make their own judgments as to the extent to which Neville Wran's power equates with the power given in this Bill. Section 32(1)*(b)*(ii) of the Energy Authority Act provides:

> To direct a person who extracts, provides, transports or distributes the proclaimed form of energy to extract it for or provide transport or distribute it to a person specified in the regulation;

That is a very similar power to the power in this Bill. Section 32 (1) *(b)* (iii) of the New South Wales Act provides:

> To specify the terms and conditions on which the proclaimed form of energy shall be extracted, provided, transported or distributed;

A Labor Government saw fit to include that power in legislation almost identical to this. That power has not

been used or abused in New South Wales. I do not see why the Opposition should have any greater fear about what is in our Bill. I certainly have not heard the Labor Party crying out and deriding the fact that such a power exists in legislation in New South Wales. I think that highlights how hypocritical the Opposition is on this matter. First, Opposition members are ignorant, and now they are hypocritical. They have to be hypocritical, because they would be embarrassed if they were not.

The next point made by the Leader of Opposition was that I would delegate these responsibilities under clause 9 to perhaps a lowly officer. Because of the nature of this power any Minister who did so would be foolish, and I can assure the Leader that while I am administering this Act I will not delegate the powers under clause 9 to a junior officer; to do so would be quite irresponsible. The powers are there, the Minister will be held responsible and accountable for them to this Parliament and to the public, and I can assure him that I would not want to delegate such powers to a junior officer.

The next point, and one which the Leader of the Opposition tried to brush over conveniently, is that in his amendment he is trying to give this sort of power to the Government to restrict corporate bodies, but he is not prepared to restrict individuals in the same way. In other words, he is prepared to have a go at companies that might be involved, but not at individuals who might work for those companies, or at individuals in a trade union.

It is a subtle distinction that he tried to make. We realise only too well that it reflects once again the one-sided approach of the Labor Party in this State towards industrial relations, that is, that every power should be exercised against corporate bodies and companies but that trade unions are absolutely sacred and nothing should be written into legislation that may have any impact on them.

Mr. Trainer: Make the penalties applicable to members of the board.

The Hon. D. C. BROWN: I agree that the penalty for an individual is too severe, and all members have before them a further amendment that the Premier will move. That amendment means that there will be a penalty on a corporate body of $10 000, because corporate bodies have that kind of financial resource, but the penalty for individuals will be only $1 000. I urge members to support that amendment. I stress that these are maximum penalties and that it is up to the courts to decide what penalty should be imposed.

The other point raised by the Leader of the Opposition was that he had serious doubts about the extent to which such a power could be used, because of differences between Federal and State jurisdiction. Apparently, this matter was not of great concern to the New South Wales and Western Australian Governments, and I therefore see no reason why we should be greatly concerned about it. There has been no challenge against the power written into the New South Wales Act and, if the argument put by the Leader of the Opposition is valid, I am surprised that there has not been such a challenge.

It is unfortunate that the Leader has taken such an extreme case and tried to suggest that we are attempting to create industrial havoc in this State and that we would use the powers to the limit. We all know that that is not the case. We have seen, in the remainder of the Bill, the extensive powers given to the Minister. They have been used responsibily in the past, as I am sure that they will be in the future. If they are not, the wrath of both sides of this place will be brought on the head of the Minister.

Mr. BANNON: I think most of the points have been made clearly, and I do not want to prolong the debate unnecessarily. I refer specifically to the New South Wales situation, to which the Minister also has referred. I think he ought to put the matter in perspective. We have suggested that we do not agree with the New South Wales legislation as it stands, and to wave it around in our faces is absolute nonsense. This has been made clear by me, the Deputy Leader, and other speakers. We also made it clear in 1978 and 1979. If the Minister wants to keep raising it, I simply say that we do not agree with it.

The important point I want to make in response to his more substantive arguments about New South Wales is that not only has the power not been used but also, as far as jurisdiction is concerned, the proportion of employees under State awards in New South Wales is far higher than it is here. Here the proportion breaks somewhere about 45 per cent to 50 per cent between Federal and State awards, and most of those who work in the fuel and power industries are under Federal awards. The jurisdiction is excluded, but the position in New South Wales is the opposite.

If the Minister knew something about industrial affairs and had been following them closely, he would have understood that one of the major disputes in the transport industry has been between transport workers in New South Wales employed under a State award and their Federal counterparts, because State awards cover most of the transport industry in that State. The Minister would also have understood that employees in refineries in New South Wales are under a State award and are in a different union, the Australian Workers Union, and that at the Federal level they are in another union, I think the Storemen and Packers Union, and are under Federal awards. In terms of jurisdiction in that State, in the crucial areas, it makes sense that the jurisdiction point is not important, because of the different structure of their awards. I make that point to correct the Minister and say that he ought to study the situation. Although we reject what has been done in New South Wales, it is at least more relevant in jurisdiction terms than here, where it has almost no relevancy.

The Hon. J. D. WRIGHT: I do not want to delay the debate, because I believe the Leader has covered this clause extremely well and, this morning, both the member for Playford and I talked about this clause in the second reading stage. The position of the Opposition is clear: we strongly oppose this clause. I want to ask the Minister some questions, and I hope he will answer them. He has refused time and time again in this debate to answer questions, probably because he has not known the answer. The Minister said, in reply to a question put by the Leader of the Opposition, that there were some circumstances in which it was possible that legislation of this nature could, and might be, used. Will the Minister cite an example of those circumstances? Secondly, has the Minister checked whether there is jurisdiction for the State Government to impose penalties on, or to bring to task, anyone who works under Federal awards and who refuses to carry out the directions of the State Government?

The Hon. D. C. BROWN: I will not create hypothetical cases to which we may apply this law, because that would be ridiculous. It will be up to the judgment of the Minister at the time, and I can assure the House that that judgment will be used with a great deal of discretion.

Mr. PETERSON: I refer to the wording of clause 9 (1), which states:

> Where, in the opinion of the Minister, it is in the public interest to do so, he may give directions to any person in relation to the supply or distribution of rationed motor fuel.

I believe that it is definitely not in the interests of the public to define "a person" or "any person". The key issue

in the clause is obviously the risk to the public interest, which is great.

The Premier stated that the Bill applies to everyone and not to specific groups. However, only specific groups can distribute fuel. If a person drives a semi-trailer or a tanker, he must have the skills and the licence to do so. I doubt that the Managing Director of Shell could handle a tanker and I also doubt that the Commissioner of Railways could drive a train, with a petrol tank. The Bill must be applied, if it is applied at all, to people who can operate this specific equipment and is, therefore, definitely not in the interests of the public. This must have repercussions and it must involve the operator in the normal course of events.

Mr. O'NEILL: I am concerned at the refusal of the Minister to answer questions, and I am a little confused because only two Ministers are present on the front bench. I gather that the Minister of Industrial Affairs is concerned with the carriage of the Bill and I therefore address my remarks to him and hope that I am in order.

The ACTING CHAIRMAN: Is the honourable member referring to the amendment or the clause?

Mr. O'NEILL: I am referring to the amendment. I would like clarification on several issues. The Deputy Premier was present earlier but he is not here now; I do not know whether the carriage of the Bill is with the Minister of Industrial Affairs or the Deputy Premier.

The ACTING CHAIRMAN: The honourable member must refer to the amendment. The point the honourable member is making about the front bench has no relevance to the amendment.

Mr. O'NEILL: With due respect, Sir, I would have thought it would be relevant, in that I want to ask some questions.

The ACTING CHAIRMAN: If the honourable member asks his question through the Chair, it will be answered, if the Minister chooses to do so.

Mr. O'NEILL: I see. It is entirely up to the discretion of the Minister.

The ACTING CHAIRMAN: Exactly.

Mr. O'NEILL: Pardon me for my confusion. When I mentioned the requirement of truthfulness when speaking previously, the Minister refused to answer.

Does the Minister's refusal to answer indicate that he does not consider himself to be bound by matters relating to false and inaccurate material?

The ACTING CHAIRMAN: Order! Will the honourable member resume his seat. I point out that, if he wishes to ask a question of a Minister, it must relate to the amendment and not to any extraneous matter.

Mr. O'NEILL: With respect to the reference to any person, what concerns me is the front page of today's *News*. An article thereon appears to be based on—

Mr. MATHWIN: On a point of order, Mr. Acting Chairman. With due respect, nothing appears on the front page of the *News* that pertains to the amendment before the Chair. I suggest that the honourable member is out of order.

The ACTING CHAIRMAN: Order! I suggest that the honourable member for Florey explain the relationship of the matter contained in the *News* with the amendment. I do not uphold the point of order, if the honourable member can relate his remarks to the amendment.

Mr. O'NEILL: I hope I can, Sir. The amendment and the original proposition relate to persons, corporate bodies and so forth. The report on the front page of the *News* purports to be based on a statement by the Premier and refers to black marketeers who, I assume, would be persons, and to unionists who, I assume, would also be persons. If the Premier is equating trade unionists with black marketeers, that is a despicable assertion, and I hope that he can answer it. This clearly indicates the problems we can get into when we apply such legislation to individuals. The amendment is a desirable one. The problems now confronting us are the responsibility of the multi-national companies and their supporters. The oil tankers at Port Stanvac are not being allowed to offload for a good reason, namely, the international oil companies are attacking Australian seamen by refusing to allow them to sail—

The ACTING CHAIRMAN: Order! I point out to the honourable member that he is speaking now in general terms as regards the legislation and matters affecting it. This amendment, which relates to other amendments, refers specifically to pesons or corporate bodies. I ask that the honourable member confine his remarks to the amendment.

Mr. O'NEILL: I apologise, Sir. I thought that I was referring to persons (namely, members of unions) and corporate bodies (namely, oil companies) but I may have been in error. It seems to me that the insertion of "persons" is a retrograde step, in that it places South Australians on a par with some of the banana republics, some of the unsavoury regimes which operate in small countries around the world and which are dominated, as is the Liberal Party of Australia, by the multi-national oil companies. If I am out of order, I apologise, but it seems to me that, in discussing the matter of persons as opposed to corporate bodies, I am not out of order. If the Government wishes to persist with the proposition that we should insert "persons", to be fair what it should do is to include an additional proposition—that penalties should apply to the board members of corporate bodies, as individuals, in the case of any breach, and should not be allowed to be paid out of company funds. In other words, they should be paid by the individuals.

I will not delay the Committee any longer, but I point out that the Opposition considers this a very important matter, and we have had to work hard to get information out of the Government. Quite often their benches have been denuded of members, indicating a lack of interest. In deference to the Committee and the desire to get on with the Bill, I reserve my remarks at this stage.

The Hon. D. C. BROWN: The front-page report in this afternoon's *News*, referred to by the member for Florey, is obviously an editorial comment or a reporting comment based on clause 12 of the Bill. As we are dealing with clause 9, I think that all of the previous comments made by the honourable member are completely irrelevant.

Mr. O'Neill: You're saying that the *News* is calling unions black marketeers?

The Hon. D. C. BROWN: If the honourable member looks at the *News* and then reads the Bill, he will find that black marketeers also face gaol terms of up to six months and penalties up to $10 000. If the honourable member looks at clause 12, he will find that, for profiteering, there is a gaol sentence of six months. The *News* article is referring to people who profiteer and that comes under clause 12. It has absolutely nothing to do with clause 9, which does not have a 12-month gaol sentence. I reiterate the point that comments of the member for Florey are irrelevant.

The Hon. J. D. WRIGHT: I believe, Mr. Acting Chairman, that, in circumstances where there is a major departure from previous legislation, the Opposition has an entitlement to obtain all available information it can from the Government bringing in that legislation.

Mr. Lewis: What previous legislation?

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

The Hon. J. D. WRIGHT: One can forgive the member

for Mallee, who is still wet behind the ears; he does not know what it is all about.

The ACTING CHAIRMAN: Order! I ask the Deputy Leader to come back to the amendment.

The Hon. J. D. WRIGHT: I am referring to legislation previously brought into this House. There is a major departure in clause 9, and I have asked the Minister of Industrial Affairs whether or not he has checked the jurisdiction in this area, and he has refused to answer. Has the Premier sought advice with regard to jurisdiction in this area if circumstances should arise (and the Premier has said that they may) where the Government wants to take some action against any person or persons working under Federal awards? I ask this question because I have been told that there is no jurisdiction and that it would be impossible to act. Surely the Opposition is entitled to an answer from the Premier, or whichever Minister has decided to run this Bill.

The Hon. D. O. TONKIN: I am delighted to answer the Deputy Leader. The question posed no problems at all when the legislation was introduced in this House in 1972 and in 1973. I am informed that it does not pose any problem now.

Mr. BANNON: Unfortunately, I was not here in 1972 and 1973, as the Premier constantly attempts to remind me, so I ask for information on this subject. Was the question of jurisdiction raised in the course of that debate? Was it considered as a serious question?

The Hon. D. O. TONKIN: No, Mr. Acting Chairman.

Mr. BANNON: In light of that answer, has the Premier, since the matter has been raised, sought any legal advice on the subject and have departmental officers any advice to offer on this point of jurisdiction?

The Hon. D. C. BROWN: I see absolutely no problems in terms of the powers issued to the Minister by clause 9, nor any jurisdiction problems in terms of the way in which the Minister may exercise those powers.

Mr. BANNON: The Minister has said that he sees no problem. I understand that, because he has already told us that. On what advice was that based, particularly in view of the Premier's reply to me that no specific advice was available or sought, either on a previous occasion or apparently on this occasion?

Mr. McRAE: I ask the Minister of Industrial Affairs, who I think was referring to a Crown Law or departmental opinion, whether he would table that opinion.

Mr. HEMMINGS: I seek information from the Minister regarding the variation in this Bill as compared with the Bill introduced by the previous Government in 1979. I was rather perturbed to read in today's *News* that, when the Premier was asked whether this variation (I am dealing with the use of the words "any person" as apart from "corporate body") was aimed at controlling union picket lines which might be set up to block fuel supplies, he gave no answer. Will this clause be used to break picket lines?

The Hon. D. C. BROWN: I had not realised that the Labor Party in South Australia paid such credence to the *News*; in fact, it was my clear understanding that the Labor Party in this State had stopped purchasing and reading the *News*. We see that that is a real myth. We have heard about three questions already which clearly indicate that that is not the case. I have answered the question already. A great deal of caution would need to be used in the way this power was to be administered.

Mr. O'Neill: You're using a great deal of caution in how you are answering the question.

The ACTING CHAIRMAN: Order!

The Hon. D. C. BROWN: It is going to be an important power and obviously would not be delegated by the Minister and he would have to use it in the circumstances as he saw fit at the time. We are not going to sit here and create hypothetical cases under which we might or might not use that power.

The Hon. J. D. WRIGHT: I believe that I am entitled to an answer, as are the people of South Australia. I want to know, from either the Premier or the Minister of Industrial Affairs, whether either has sought advice in regard to the jurisdiction problem, from whom they sought that advice, and what that advice was. If they have not sought advice, will they please say so?

The Hon. D. C. BROWN: I can assure the honourable member that in the way in which we intend to use this power, if it is ever used, we see absolutely no problems. That has been clearly covered in the discussions we have had with departmental officers.

Mr. HEMMINGS: I asked a question to which the Minister, in his usual manner, evaded giving an answer. Will the Minister use the powers under this clause to break picket lines?

The Hon. D. C. BROWN: I am not going to sit here and create hypothetical cases as to how this power will be used.

Mr. TRAINER: The Minister assured us that he would not seek to inflame the situation if given these totalitarian powers in clause 9, the one to which the Leader's amendment has been directed relating to the powers being applied to any person. The Minister has declined to give this Committee any indication whatsoever of the circumstances that require this power over any member of the community. The Minister claims that the Government does not seek industrial confrontation. Earlier, we heard the Premier refer to his being in his living room and seeing on television an interview with the Secretary of the State Transport Workers Union. The Secretary made some comment, in reply to a question, that members might decide to take action, depending on events that might take place in New South Wales. It was quite clear from the pompous attitude of the Premier, in commenting on that, that his attitude was similar to the indignant, pompous, puffed-up egotistical attitude that he had on the night of 16 February—after the by-election.

The ACTING CHAIRMAN: Order! That has nothing to do with the amendment.

Mr. TRAINER: I was referring to the attitude that probably flowed through to Cabinet from the Premier—

Mr. Mathwin: He's going to talk about professional picketting in a minute.

Mr. TRAINER: It would be nice if the member for Glenelg would grow up instead of acting like a 10-year-old.

The ACTING CHAIRMAN: Order!

Mr. Mathwin interjecting:

Mr. TRAINER: It would be very nice if the member for Glenelg would improve his comments from being infantile to puerile. The Premier admitted that no consultation had taken place with the transport union, and that all his information regarding the industrial dispute that allegedly is connected with this legislation was based on what he had read in the newspapers or seen on television. That is indicative of an attitude of seeking confrontation rather than consultation. I should like to receive from the Minister an assurance that he will do nothing in future to inflame the industrial situation.

The Committee divided on the amendment:

Ayes (19)—Messrs. Abbott, L. M. F. Arnold, Bannon (teller), M. J. Brown, Crafter, Duncan, Hamilton, Hemmings, Hopgood, Keneally, McRae, O'Neill, Payne, Peterson, Plunkett, Slater, Trainer, Whitten, and Wright.

Noes (22)—Mrs. Adamson, Messrs. Allison, P. B. Arnold, Ashenden, Becker, Billard, Blacker, D. C.

Brown (teller), Chapman, Evans, Glazbrook, Goldsworthy, Gunn, Lewis, Mathwin, Olsen, Oswald, Randall, Rodda, Schmidt, Tonkin, and Wotton.

Pairs—Ayes—Messrs. Corcoran and Langley. Noes—Messrs. Eastick and Wilson.

Majority of 3 for the Noes.

Amendment thus negatived.

The Hon. D. O. TONKIN: I move:

Page 4, line 13—Leave out all words in this line and insert:

Penalty: Where the convicted person is a body corporate—ten thousand dollars; where the convicted person is a natural person—one thousand dollars.

This matter has been canvassed adequately. I am grateful for the suggestions that have been made on both sides, and I simply point out that, while the fine as it was originally set down would encompass both corporate bodies and individuals as a maximum fine, this amendment puts the matter beyond any doubt and makes a maximum fine of $1 000 for individuals.

The Hon. PETER DUNCAN: Who was the member on the Government side whose suggestion led to the amendment?

The Hon. D. O. TONKIN: I am pleased indeed to have the Parliamentary Leader of the socialist group raise this matter. I simply point out that a number of members from the Liberal back-bench spoke to me immediately after the honourable member and the member for Mitchell brought this subject up in debate.

Amendment carried.

Mr. BANNON: We have canvassed this clause thoroughly. The Opposition finds that the clause in the form that the Government is insisting on is quite unacceptable. We believe that it is a question of balancing the two situations, and that greater evil would be added to the Bill by leaving the clause in the form that the Government insists on than having it out completely. I say that after considerable thought about it. The fact is that, while in 1972-73, as the Premier said, such direction clauses were in the legislation, they have not been in subsequent Bills and they were not in the 1977 Bill. It indicates that, while it is a very useful power (and, as I said earlier, we believe that the power to direct a corporate body in relation to this matter is a useful ancillary power), nonetheless, to leave this open slather to the Minister even in an emergency situation is just not on, and therefore the Opposition opposes this clause.

The Committee divided on the clause:

Ayes (22)—Mrs. Adamson, Messrs. Allison, P. B. Arnold, Ashenden, Becker, Billard, Blacker, D. C. Brown, Chapman, Evans, Glazbrook, Goldsworthy, Gunn, Lewis, Mathwin, Olsen, Oswald, Randall, Rodda, Schmidt, Tonkin (teller), and Wotton.

Noes (19)—Messrs. Abbott, L. M. F. Arnold, Bannon (teller), M. J. Brown, Crafter, Duncan, Hamilton, Hemmings, Hopgood, Keneally, McRae, O'Neill, Payne, Peterson, Plunkett, Slater, Trainer, Whitten, and Wright.

Pairs—Ayes—Messrs. Eastick and Wilson. Noes—Messrs. Corcoran and Langley.

Majority of 3 for the Ayes.

Clause as amended thus passed.

Clause 10—"Power to require information."

Mr. McRAE: I believe that the Minister might be well advised to consider a confidentiality subclause in relation to this clause. I notice that he is giving the matter his usual scant attention, so I will discuss this matter with his seniors in another place.

The Hon. PETER DUNCAN: Notwithstanding that, I believe that the Minister should at least explain why there is no confidentiality provision in this clause, even if the Government has considered it and decided against it.

The Hon. D. C. BROWN: I did not find it necessary to include a confidentiality clause, in exactly the same way as the previous Government did not find it necessary.

Clause passed.

Clause 11—"Actions for injunctions and mandamus against Minister."

Mr. McRAE: I oppose this clause, but I will not be calling for a division because I did not receive leave from Caucus this morning. I realise that this provision has been before us previously, but it is a disgrace that Ministers are totally free of any control by the courts. I realise that there are practical difficulties that have been dealt with and explained in the Chamber previously, but the fact that people have been wrong before does not mean that we should continue to be wrong. If the matter comes before members again, I will certainly be seeking leave of my Party to take appropriate action.

Mr. LYNN ARNOLD: This clause involves some interesting past precedents regarding the way various members in this place and in the other place have dealt with it. It has more serious implications, as the member for Playford has indicated, given the wider breadth that this Bill now has as a result of the failure of proposed amendments to clause 9. I draw members' attention to the way this clause was dealt with in 1979, when certain members in another place took an attitude to the import of this clause on which I think we need some explanation from the Government. Certainly, we need some clarification on the Government's attitude to the opinions expressed on this matter in 1979, because nine members who voted against the relevant provision on that occasion are still members of another place. Indeed, if they choose to vote against the provisions again, it will cause serious problems, I imagine, as it did during the course of the previous Parliament. I draw attention to remarks made at that time by two honourable members in another place, one of whom is now Attorney-General and who is reported in *Hansard*, on 21 August 1979, as follows:

> I oppose this clause. It provides that the Minister should not be subject to any action to restrain him from doing anything under the legislation or to compel him to do anything under the legislation.

He went on to suggest that it placed the Minister above the law, and continued:

> . . . quite momentous decisions can be taken by the Minister, which are not subject to judicial review.

There is a possibility that the Premier views certain circumstances that have arisen as now making this clause acceptable to the Attorney-General, whereas it was not then. The honourable member then continued:

> . . . I do not believe that this State has yet got to the position where the Minister, in those circumstances, ought to be above the law and not be subject to judicial review.

That implies that, if the Government benches are united on this matter in both Houses, and if they feel that there is a need for clause 11, the Attorney-General has been convinced that the State has reached that position which, in his opinion, it had not reached in 1979. I think we need from the Government an explanation as to whether or not we have reached the position where this provision is necessary. If we have not reached that position, does that imply that the Attorney-General has been told to keep his voice quiet on this matter and to keep his vote in the right direction of the Government benches? It is not only the Attorney-General's remarks we need think about, because another member of that Chamber voiced strong opinions on this matter. I refer to the Hon. C. M. Hill, who is reported in *Hansard* as follows:

> I feel strongly about this issue; it surprises me that the

> Government claims that it is a democratic Government when it is putting a clause like this on the Statute Book.

Those are the remarks of two members of the Government and, as I mentioned before, they were supported by seven other members of the then Opposition when the matter was put to a vote. Are those members going to vote in the same way? If they are, what is the stand of the Government in this Chamber on that matter? Does it agree with the comment made that it is a most undemocratic process? Does it agree that it is putting the Minister above the law? If it does, why is it endeavouring to continue with the provision in the Bill?

The Hon. D. C. BROWN: It seems from newspaper reports that during the past couple of days the Labor Party in this State has been trying to wash its hands of the previous Labor Administration which was thrown out at the last State election.

Mr. WHITTEN: On a point of order, Mr. Acting Chairman, I can see nothing about the Labor Party in this clause, and I ask for your ruling.

The ACTING CHAIRMAN: In debate during the Committee stage various statements have been made referring to political Parties and people. For the sake of continuity I do not uphold the point of order.

The Hon. D. C. BROWN: In linking it up with the Bill, I am amused that for the last one or two hours in this Chamber the present Labor Party has tried to deride, ridicule and rubbish the provisions of Bills previously introduced by its own Government. The reasons for clause 11 were clearly spelt out at the time. I suggest that the Leader of the Opposition should look at some of the remarks made by some of his own members today which were critical comments about legislation introduced by the previous Government. In answer to the question the honourable member has asked, I think he should keep in mind that the Bill before us is a temporary measure to be withdrawn at the end of May, whereas the Bill to which he was referring and about which the Attorney-General and the Hon. Murray Hill passed comments was a Bill which was to be in the Statutes of this House permanently and to be used in all emergencies. I believe there is a distinct difference between the Bill on which they commented and the Bill before us now.

Mr. LYNN ARNOLD: I wish to discount that there was any suggestion that I was being critical of this clause and the attitude of a previous Government in introducing it. That was not the case. I was merely drawing attention to comments made by members in another place belonging to the same Party as the present Government. They made these comments. I read quotes from them, and I was asking for some clarification as to how the Government sees itself in line with that. I also did underscore the point, however, that, given the increased ambit of this Bill, given the fact that it now incorporates some other aspects that were not in the previous Government's legislation, then perhaps there are some worrying features of clause 11 which now exist that obviously could not have existed previously.

The Minister, in answering one of the questions about clause 9, said that he would have to take full accountability for his actions and therefore that would help to keep him in train. I believe this particular clause is inconsistent with his answer to that question, because it removes part of the lever of accountability to which he would have to be liable.

The Hon. D. O. TONKIN: The accountability to which the Minister was referring was accountability in its proper place, to this Parliament.

Clause passed.

Clause 12—"Profiteering."

The Hon. PETER DUNCAN: Is it the intention of the Government to introduce maximum price controls on the whole range of fuels that presumably could come within the definition of motor fuel under clause 4 and, if so, what particular fuels does the Government intend to bring within price control?

The Hon. D. C. BROWN: The answer is "No". However, the power does exist under the Prices Act for such a maximum price to be set, although it is not the Government's intention to do so. However, if in a period of rationing it was clear that people were selling petrol at an extremely high price, well above what is considered to be a reasonable retail price, then that power could be introduced by the Government to stop such profiteering. I am sure all members would welcome and support such an action by the Government.

Mr. O'NEILL: Taking advantage of the advice given earlier by the Minister across the Chamber and ignoring the derogatory content of his statement, I will now ask a question in respect of this clause.

I assume that the Minister will answer my question in lieu of the Premier. Does the Government agree with the implication on the front page of the *News* that black marketeers and unionists are synonymous? If not, will he make clear that he does not support this Murdochese? I feel sure that there are times when the Government does not go along with what is printed in the Murdoch press, which we know had a couple of reporters who were found lacking in professional qualities, at least. One, we know, is the Press Secretary to the Premier. Will the Minister make clear whether the Government says unionists are black marketeers or whether it disagrees with the *News*?

The Hon. D. C. BROWN: In the edition of the *News* that I have, I cannot see how anyone could read what is on page 1 and infer from that that it implies trade unionists. I suggest that what the member has said shows the bitterness that tends to overflow from the Opposition, especially about the Murdoch press, and it shows how members opposite apparently cannot read the Murdoch press in a rational way.

The Hon. PETER DUNCAN: Did the Government consider inserting in clause 12 a provision similar to subclause (4) of clause 9? That subclause provides:

> Any rationed motor fuel in relation to which an offence is committed under subsection (3) of this section shall be forfeited to the Crown.

If the Government is concerned about the likelihood of profiteering in an emergency situation, would it not be appropriate to include, at least in relation to the profits made from the sale of motor fuel at excess prices, a provision of this kind to expropriate such profits, instead of leaving the matter as a criminal offence, as it is in the Bill?

The Hon. D. C. BROWN: I am sure the courts would take that into account in imposing what all members will agree is an extremely heavy penalty. It is a penalty of up to $10 000 or six months imprisonment. I am sure that, if someone had carried on the practice for a long time (although I doubt that that would occur), the courts would impose a very stiff penalty and the person would suffer accordingly.

The Hon. PETER DUNCAN: It is interesting to see how this Government is treating corporations as against individuals, because this clause provides a penalty not exceeding $10 000 or (it is not and/or) imprisonment for six months or both. Clearly, we cannot put a corporation in prison, so, if the penalty applicable to an individual is $10 000, possibly plus six months imprisonment, an individual charged with this offence would be in the position of receiving both penalties. A corporation charged would simply be in the position of being fined

$10 000. It seems to me that a corporation could make vastly more than $10 000 out of selling petrol in this situation, and I think there ought to be a forfeiture clause.

The ACTING CHAIRMAN: The question is that the clause stand as printed.

The Hon. PETER DUNCAN: I would like to know whether the Minister has considered that matter.

The ACTING CHAIRMAN: Order! The honourable member for Elizabeth has spoken three times.

Mr. McRAE: I am very annoyed, as are my colleagues, at the continual arrogance displayed by the Minister. The point raised by the member for Elizabeth is fair and valid, just as I have been making constructive suggestions and have been pushed aside. Why has no proper consideration been given to forfeiture, because that is precisely what happens in other areas of the law? If the person has misused goods or has stolen property, the goods are expropriated. It is the worst type of offence in this type of area, where a person has been profiteering. I would like the Minister to give us a clear and honest answer as to why a reasonable suggestion is not being taken up.

The Hon. D. C. BROWN: The member for Elizabeth expressed an opinion. He did not ask a question and, therefore, there was no need for me to answer it. The Government has clearly said where it stands. The Bill reflects that, and I think it more than answers the question that the member for Playford asked.

Clause passed.

Clause 13—"Powers of investigation."

Mr. HEMMINGS: Does the Minister consider that clause 13 represents a lack of freedom of movement within the community? I ask that question because on 3 August 1977, in this House, regarding an identical clause, the Minister stated:

> I refer now to the basic freedom of movement of any community in a democracy. That community should not be subject to the sorts of potential restriction imposed, especially by clause 13 (1) *(a)*, which gives the police power to stop any person, to ask that person where he is going, his name and address, where he has come from and where he got his petrol. That is a gross infringement on our society and should be imposed only as a last resort when the emergency arises or the essential services of this State are threatened severely.

The Minister must say either that he is a hypocrite or that he is practising his usual double standards.

The ACTING CHAIRMAN: Order! The honourable member's last remark was unnecessary.

The Hon. D. C. BROWN: One of the Bills introduced by the previous Labor Government contained the power for a person to be asked where he had come from and where he was going. The powers in that Bill were far wider than the powers under this clause. If the quotation referred to the 1977 Bill, that would be the reason why I commented as I did. If that power was put into this Bill, I would fully expect the honourable member to criticise it, as I would critricise it, because it would be excessive. I specifically made sure that the Bill contained the provision that the driver of a vehicle cannot be asked where he has come from and where he is going. A driver is simply asked his name, his place of residence and business, the name and place of residence or business of the owner of the vehicle, and from where he obtained fuel. The provison does not go as far as did the previous Bill. The provision under the previous Bill was an unnecessary requirement imposed by the previous Government.

Mr. HEMMINGS: With due respect, clause 13 (1) *(b)* (iii), which the Minister failed to read out previously, states:

> . . . the source from which the motor fuel on or in the vehicle was obtained and any other matters relating to that motor fuel.

This provision leaves the matter wide open. Therefore, the police could obtain the information to which the Minister referred in 1977.

Mr. TRAINER: I would like the Minister to explain the significance of clause 13 (3), which states:

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

I do not see the point of the police officer's asking the question regarding the source of the motor fuel, and also the other questions listed, neither do I see the point of 13 (2) *(b)*, which provides that a person shall forthwith truly answer to the best of his knowledge, information and belief questions put to him under subsection (1) of this section. People are not obliged to answer questions on the grounds that the answers might incriminate them, but that would seem to be the whole point of the police officer's questioning.

The Hon. D. C. BROWN: I appreciate that the member for Ascot Park has not been in the House very long, but I suggest that he discuss this matter with his legal colleagues. I am sure they will outline the reason for this clause.

Mr. Keneally: You can't!

The Hon. D. C. BROWN: It is obvious. The honourable member should have explained to him some of the powers under other Acts. This is a regular feature of legislation put through Parliament. In answer to the first part of the question, a police officer can ask questions only in relation to motor fuel. I stress again that that power is not as wide as were the previous Government's powers in asking whence the person had come and where he was going.

Clause passed.

Clause 14—"Evidentiary provision."

The Hon. R. G. PAYNE: Mr. Acting Chairman, in all previous clauses, you have put to the Committee the proposition that the mover of an amendment ought to await, as it were, the will of the remainder of the Committee. I propose that you put this question to the Committee before I proceed with my amendment.

The ACTING CHAIRMAN: To be consistent, we will adopt that attitude, but it will not deny the honourable member's call.

The Hon. R. G. PAYNE: I move:

> Page 5, line 35—Leave out paragraph *(a)*.

The reason for my amendment is that, in compiling the Bill as a whole from the original 1979 Bill, which has often been referred to today, a whole Part, relating to the initiation of rationing, has not been continued into the new Bill, thus requiring a new approach to this matter by removing from certain of the clauses matters that refer to the rationing period. The rationing period was defined in the original 1979 Bill. Since it is no longer referred to in the Bill in the same way, there is no need for it to be retained.

I spoke to the Minister about it when I noticed that it appeared to be superfluous, and he indicated to me his agreement that it should be removed. However, I do not believe that the matter should be left to rest there. It seems to me that, on several occasions today, the Minister, in his usual arrogant way, in replying to questions and points of view put by the Opposition, has taken the view that members ought not to be questioning the Bill because, in his words, it is very similar to previous legislation. However, that is not the Opposition's view. It is an extremely arrogant view for any Minister to take. Members are entitled to peruse Bills: in fact, they have a responsibility to peruse Bills. They are not here merely on

their own account: they are here to represent their constituents, and they would be doing less than their duty if they failed to study the Bills in such a way that they might raise a relatively minor error.

The Premier and the Minister have been insisting that there is nothing wrong with the legislation by saying, "The Labor Government tried to do something like that once before, so why are you asking questions about it?" That is not the point. Already an amendment has been agreed to. It was suggested and canvassed by the Opposition in what I would not regard as a minor matter, nor would the member for Elizabeth, who first pointed it out. If the Bill becomes law, any unfortunate person in the community may be subject to a $10 000 fine at what is virtually the Minister's whim. I am certain that such a person would be grateful that Opposition members peruse the legislation, questioning its impact and the provisions of the clauses. Such a person might find not a $10 000 fine, but a $1 000 fine, hanging over his head.

The ACTING CHAIRMAN: Order! The honourable member is straying from the amendment. He must come back to it.

The Hon. R. G. PAYNE: I was about to add, Sir, but you interrupted me, as is your right, that I appreciated the latitude you allowed me to explore the matter a little more widely than is usual. If the point is being made continually, in response to Opposition efforts to question, change or improve the Bill (which is the right that we have), we ought at least to be able to remind the Minister, who is apparently unaware that such a right exists, now that he is no longer in Opposition, that it is fair for us (and I appreciate the assistance you have given me, Sir) to remind him of that fact.

Amendment carried; clause as amended passed.

Clause 15 passed.

Clause 16—"Regulations."

The Hon. R. G. PAYNE: If the Minister and, possibly, the Premier had spent less time in vituperation during the passage of this Bill, I may not have had to speak in relation to clause 16. I pointed out in the second reading debate that I was interested in why the words had been added to this clause which did not appear in the previous legislation on which we have been told it is based. The point is that a clause in the previous legislation (which, coincidentally, had the same number) did not contain the words "as are contemplated by this Act". The original clause, on which this clause is based, provides:

> The Governor may make such regulations as are necessary or expedient for the purposes of this Act.

It would seem to me that that provision in relation to a regulation-making power is quite sufficient to cater for all the needs that the Governor may have in making those regulations, and yet in this Bill we find the addition of the words "as are contemplated by this Act". I cannot understand why they are there; perhaps the Minister can explain the reason. Accordingly, Sir, I will limit my remarks at this stage so that I do not take up unnecessary time. Does the Minister have an answer to the point that I have raised?

The Hon. D. C. BROWN: The honourable member is somewhat more astute than are most of his colleagues. He has picked up that those additional words have been inserted. However, he is not quite astute enough to find that in clause 4 of the Bill we changed the definition of "rationed motor fuel", as follows:

> "rationed motor fuel" means motor fuel of a kind declared by regulation to be rationed motor fuel.

Because of the alteration, it is now necessary to put those additional words in clause 16.

The Hon. R. G. PAYNE: I thank the Minister for giving me the limited credit that he gave me in relation to my astuteness. I still do not yet really understand what is meant by the addition of the words "as are contemplated by this Act". If the Minister is trying to say that that is a provision to allow for regulations that are already in the offing, and that in some obscure legal way there needs to be a third category, as it were, included in the regulation-making power, I should be pleased to hear him say so.

The Hon. D. C. BROWN: For the first time there is a specific requirement in clause 4 for regulations to be made so that the definition of what is a rationed motor fuel is covered. A requirement is included which was not a requirement under the previous Act. Previously, therefore, the regulatory powers were restricted, and they have now been broadened beyond the previous restriction to that also contemplated by this legislation, where it is specifically spelt out in clause 4. There is nothing sinister in it.

Mr. McRAE: That is a totally bad explanation. Those words are not needed at all. The normal formula, "as are necessary or expedient for the purposes of this Act", would completely suffice, and I see no reason at all for this additional formula.

Mr. Becker: Have you read clause 4?

Mr. McRAE: There is no need for this formula, even in relation to the definition of rationed motor fuel because the regulation considered there is obviously something that is necessary or expedient for the purposes of the Act. Again, it is quite obvious that the Minister is not prepared to accept instructive suggestions from the Opposition.

The Hon. R. G. PAYNE: I would have thought that we just had an excellent explanation from the member for Playford as to why these words are not necessary. The Minister has apparently repeated something that he has been told. The Minister should reconsult his adviser, and then he may be able to expand on the information that he provided previously. I cannot see why regulations that are necessary or expedient would not cover the category that he referred to. Why does it have to be placed in a specific category because the definition of rationed motor spirit will be provided for in regulations? I am not saying that the Minister is wrong. I am trying to explain to the Minister that the explanation he has given does not seem to fit the case.

The Hon. D. C. BROWN: I point out that now, under clause 4, specific regulations are comtemplated and hence, under clause 16, we are now saying that the regulations can be made where they are specifically contemplated.

Clause passed.

Clause 17—"Expiry of this Act."

Mr. BANNON: I move:

> Page 6, line 15—Leave out "the 31st day of May, 1980" and insert "the 28th day of March, 1980".

This amendment is designed to reduce the period of operation of this Act from the period provided for in the Bill, which is 31 May 1980, to 28 March 1980. The reasons for this are quite simple and, considering their past performance and remarks made in previous debates, I should have thought that Government members would be fully in accord with them. The Government will say that the Act can expire on a date earlier than 31 May because proclamation can be made to that effect. The important point to be made in respect of the duration of emergency legislation is that it should be in the hands of Parliament to consider. This point was made strongly by those on the other side when in Opposition, and we agree with that point.

We demonstrated that we agreed with that in previous legislation. Following the 1977 emergency Bill, we subsequently introduced two Bills, both of which provided

a maximum of 30 days duration before Parliament would have to be called. At the very least, I would have thought that it would provide 30 days. During the course of remarks made at other stages of this debate, we have heard that this period of time is only six weeks, or words to that effect. I could not quite follow that. The Premier may well say, if indeed he speaks in respect to this amendment, that there is nothing inconsistent with what has been done by a previous Government. He can refer specifically to the 1977 legislation. I would agree with him that that provided for a period of operation for about the same time.

However, that was strenuously opposed at that time, and it seems totally inconsistent for the Government to introduce a measure that puts into effect what it believed was not only something which should be objected to but which also spelt the end of Parliamentary democracy in South Australia. Those extraordinary words that the Premier used during that debate are worth recalling in the context of this amendment, because the Premier made quite clear that to him, as Leader of the Opposition at that time, three months was totally inappropriate (they were his words) and totally contradictory to the whole spirit of emergency legislation. He continued as follows:

> We are being asked by this Government to give away for one quarter of the year our fundamental rights to speak on behalf of the people on what could be a most important matter affecting every aspect of their lives.

Mr. Tonkin was not prepared, he said, as an individual member (irrespective of Party or the fact that he was Leader of the Opposition or whatever), to give away those rights and responsibilities. That was very florid and highly-toned language (I am pleased to see that the Premier has now come into the Chamber to respond to this) that we are accustomed to hearing from him on occasions. But really, if we are to deal with phrases of that kind and to talk about the basic rights of the Parliament and black days for democracy in South Australia, one would have thought that there was some basis to it.

It appears that the Premier and the Minister of Industrial Affairs are going to converse on this matter. I suspect they believe that nothing new will be said other than what has already been said in the debate. I do not wish to detain the House simply by repeating arguments that have been put before. Rather, I want to refer to a specific point that can be made in opposition to this, namely, that the former Government did it in 1977 in a situation of no emergency.

The Premier explained his extraordinary language, and his lurid use of the term "democracy", and so on, in terms of the fact that no emergency existed in 1977. I remind the House (and I can do it best by quoting reports in the 22 July 1977 issue of the Adelaide *News*) that there was indeed a major fuel dispute on in Australia at the time that that legislation was introduced. The headlines of that newspaper (and there were many other news reports at the time) read "Petrol dispute—2 000 vote for action". The report stated:

> Australia's 2 000 oil storemen today voted for a union recommendation for direct action which could "dry up" the nation's fuel supplies.

This was in 1977, when the Premier said that there was absolutely no emergency, and that that was why he made his statements. The report continues:

> But the executive is expected to hold its hand until early next week. Union officials warned, however, that a national petrol strike could occur at any time if a Queensland union official, on whom the dispute centres, is sent to gaol.

In relation to Adelaide, the report states:

> In Adelaide, 250 S.P.U. workers from the Port Stanvac oil refinery and Birkenhead oil storage depots voted overwhelmingly to support any industrial moves initiated by the union's executive.

Later, the report states:

> Today's Adelaide meeting, held behind closed doors, is believed to have selected "target" areas for immediate action—

I repeat "immediate action"—

> if the Zaphir charges are not dropped. It is also understood that the first target in South Australia will be the Port Stanvac oil refinery, which produces more than 75 per cent of the State's petrol needs.

That dispute is very relevant to today's circumstances. It was in that context, in those emergency situations, that the Government of the day brought into the House the 1977 legislation. The Premier has tried to suggest that there was absolutely no analogy or reason whatsoever for this. He said today:

> Of course I said those things, because I believed that they were appropriate in a non-emergency situation.

I state that a national strike, suggested in the face of the gaoling of a union official in Queensland, the Port Stanvac oil refinery being made a target area, and all the other matters mentioned, indeed indicated the gravity of the situation at that time.

I remind members that this was recognised by the Premier on 3 August 1977. An amendment was being considered and, referring to the then Minister, who is now the Deputy Leader of the Opposition, the Premier stated:

> I suspect that he knows what contingency plans are in effect for the situation following the outcome of the Zaphir case in Toowoomba.

He later went on:

> I do know that it could have the most disastrous effects on South Australia, and it could be the direct reason for this legislation's being brought into effect.

Earlier today in other circumstances he said that 1977 was a bogus dispute and involved bogus legislation. In his own words and in the words of the press of the day, as honourable members will recall, three years ago there was a fuel crisis, and that is why the legislation was introduced. Therefore, the remarks that he made, such as the fact that three months was against the best interests of the people in the community, that he would vote against the third reading of the Bill with that provision, that this was a dark day for democracy, that the date was totally inappropriate and totally contradictory, his statement that such sweeping powers must not remain on the Statute Book for three months, and that he did not believe that such legislation should be on the Statute Book for any longer than was necessary, all have relevance in relation to the period of this Bill.

The weak defence that the Premier has tried to set up to cover the total turn-around, the handstand, that he has done on this issue is extraordinary. The Opposition's amendment is totally consistent with those remarks. It is consistent with the stand that we took in 1978 and 1979, the two most recent times when measures such as this have been introduced in this place. The date that the Opposition has chosen is the Friday following the first week that Parliament resumes in the ordinary course of events. There are three sitting days, during which the Government can either move to extend the period of operation of this Bill or introduce (and we favour the latter course) a permanent measure to ensure that we do not have this grandstanding and this kind of hysteria and drama surrounding the handling of fuel emergencies in the future. There is much sense in the Opposition's amendment. It is totally consistent with the stand taken so strongly by the Government when it was in Opposition, and I hope that we get its support.

The Hon. D. C. BROWN: The Government opposes the amendment, because the present situation is much worse than it was in 1977. In 1977 (I agreed with the Premier's comments then) Port Stanvac, as the Leader has just read out, was being considered as a possible target for industrial action. The headline on page 2 of today's *News* states "Refinery shuts as tankers wait". Port Stanvac has already shut down, which is not just a theoretical possibility as it was in 1977. It has already shut down.

Petrol stocks have been frozen in New South Wales since Friday night and, in Victoria, since lunch-time today. Late this afternoon we heard of petrol stocks being frozen in the A.C.T. How can the Opposition say that the situation that now exists is not as bad as or similar to that which occurred in 1977? The situation is much worse, and it is worse for two reasons.

The Hon. J. D. Wright: What's that got to do with this matter?

The Hon. D. C. BROWN: It has a great deal to do with it. Industrial disputation at present is much worse than it ever was or even contemplated in 1977. To implement the Leader's suggestion of three weeks or less will not, as he knows only too well, cope with the existing industrial disputation which we have been facing and which we have been openly and frankly debating today.

Members interjecting:

The ACTING CHAIRMAN: Order! The honourable Minister.

The Hon. D. C. BROWN: Members know only too well the troubles that we face, the two industrial disputes involving, first, the possibility of continuing industrial disputation with the T.W.U. in other States and the broadening of the dispute from Victoria to New South Wales and the A.C.T. and, on top of that, the further problem existing since before Christmas and resulting from the continuing action of the Seamen's Union of Australia in continually refusing to unload tankers supplying crude oil to Port Stanvac, thus putting South Australia in a critical situation should those bans continue indefinitely.

It is quite obvious that we need legislation to cover the period beyond the next three weeks, and that we need legislation to cover the three months proposed under this Bill to May this year. I also point out that no-one would want to go through such appalling trite debating as we have been through today in another three weeks time; I certainly would not.

Mr. BANNON: I will ignore the gratuitous insult at the end of the Minister's remarks, and I will devote a brief comment to the substance of his remarks. The fact is that all he has told us about the urgency or the gravity of this dispute is not affected at all by what I am proposing. The Opposition facilitated and agreed to the suspension of Standing Orders and a number of other procedural matters so that this legislation could be passed through this House in one day. The Opposition is happy to accommodate the Government in that way. The fact that we have moved amendments and debated one or two points in the Bill should be cause for congratulations from the Government and not insults, because the Opposition has attempted to improve the legislation. None of that affects the basic point that I am making. However grave the situation is, it can be covered for the next two weeks by legislation that will be passed today.

Parliament resumes on 25 March, leaving a period of three days in which the Government can extend this measure if it wishes to do so, or introduce more permanent legislation. I assure the Minister that the Opposition will facilitate that. Naturally, the Opposition will look at whatever provisions the Government brings up, but it is a very simple matter to keep this emergency legislation alive only for the period when Parliament is not sitting. That point was very strongly made by the Minister's Leader and supported by him last time. Why has the Minister thrown that point out of the window? There is no practical problem involved in that approach, but there is an important problem of principle that he argued for before, but he now says that it matters nothing and is of no conern whatsoever. It will not affect the gravity of the situation, but it will affect the rights of Parliament.

The Hon. D. C. BROWN: It is reasonable that this Parliament should have the chance to debate legislation such as this in the light of the current industrial dispute. There are two clear disputes that we are concerned about in South Australia at the moment. Either one of those disputes could produce a petrol shortage in the metropolitan area. As Government members said when in Opposition in 1977 there should be open and frank debate in the light of the current disputes. The point is that the current disputes are likely to carry on for much longer than the 2½ weeks suggested by the Leader.

Regarding legislation to cover the disputes and to allow debate on the disputes in hand, we have had that today, and we know exactly what the two disputes are. As a Government, surely we have the right to introduce legislation to cover the likely life of those two disputes, and we do not have to put ourselves through the degrading experience that we have been through today. Every other week we should not have to continue this debate on whether or not these powers should be continued, even though it applies to the same industrial dispute. That is the critical point.

The Opposition is saying not that we should debate, discuss and consider legislation for one or two industrial disputes, but that we must go through the period and the same exercise every two weeks. Previous experience with petrol rationing in this State indicates that it has applied for a maximum period of up to 10 days. I believe that the Government has been quite reasonable, in view of the nature of the disputes (and especially the dispute involving the ships at Port Stanvac and the delivery of crude oil stocks), in providing a time period of 2½ months. It is quite clear that that time period will cover the current industrial disputes.

This legislation is not designed to go beyond current industrial disputes. It is certainly not the right of this Parliament every week, or every other week, to drag up and debate the same issues, as the Leader is trying to do.

Mr. BANNON: I make two short points: Parliament will not be sitting on 31 May, when this legislation expires, and if there is a situation of emergency at that time Parliament will have to be recalled in an emergency situation in exactly the same way as it has been today. I do not see what is magic about 31 May being the expiry date for this legislation. This legislation may expire while the very dispute to which the Minister refers continues, so we would have to have another emergency sitting. I am inviting the Government to introduce permanent legislation in two weeks, leaving this legislation in force until then to cover any emergency situation. I am rather surprised to hear a Minister of the Crown talk about debate in this House being a "degrading experience". That is certainly a change in attitude to the one the Minister held while in Opposition, and I think those words will haunt him over the next few years.

The Hon. PETER DUNCAN: I support the amendment. I particularly refer to the comment made by the Minister while attempting to defend the Premier in connection with his apparent complete change of heart over this matter. The Premier is not here to defend himself, and that is not

surprising. He is hoist, as I said earlier, on his own petard and, obviously, does not want to be—

The ACTING CHAIRMAN: Order! I ask the honourable member to come back to the amendment before the Committee.

The Hon. PETER DUNCAN: I have looked through the debate of 3 August 1977 on clause 26 of the previous Bill, which is relevant to this present debate. It is clear from that debate that at no time did the present Premier suggest that his concern at that time to restrict the length of time that the Bill would be in operation was in any way related to the fact that he believed there was no emergency at that time. There is no suggestion of that at all in the debate, so for him now to attempt to distinguish the present position from the position that applied then, on that ground, is absolutely and utterly incorrect.

I will quote some of the comments made by the Premier (then Leader of the Opposition) at that time because it is extraordinarily clear from the *Hansard* report of 3 August 1977 that the thing concerning the Premier at that time was the withdrawal of democratic rights in this State. He was very concerned about that matter. He was concerned about the principle being set whereby democratic rights were being withdrawn from this Parliament and the people of South Australia and placed in the hands of one Minister. These are the sorts of comment he made in moving that the time for the operation of that Bill be reduced. He said:

> This is a crucial part of the Bill and I would not be bothering to talk about it unless it had an expiry date.

He continued later, as follows:

> It seems to me that the three-month period is a deliberate attempt to subvert the due democratic processes of Parliament.

He continued later, as follows:

> I believe that legislation with such sweeping powers must not remain on the Statute Book for three months.

Let us not forget, in dealing with this measure, that this measure is much wider in its ambit than was the legislation dealt with in 1977. Later, in support of the amendment to effect the same result as the one now being debated, he said the following:

> I do not believe that this sort of legislation should stay on the Statute Book any longer than is necessary. I am not sure that two weeks is necessary.

I repeat that the now Premier, then Leader of the Opposition, when talking about a specific matter that was exactly the same as the matter now before the House is most respects, said:

> I am not sure that two weeks is necessary.

He has changed his tune now. He went on to say:

> If we want to keep this legislation alive the Minister has only to bring into this Chamber a Bill of one line to amend clause 26.

That is the same position in relation to this measure. The Premier also said:

> I do not mind if we have to do this every two or three weeks. The Opposition is willing to consider that.

How the worm has turned and how things have changed! The Government's whole attitude to this matter has become one of total cynicism. It says, "We are the Government. We will do this, and to hang with Parliament. We have the numbers and that will do us." I am here to represent the people of Elizabeth, and this Bill is important in relation to their democratic rights. It is one thing to say that we must ensure that essential services have supplies of liquid fuel for mobile transport. The other side of the coin is the way we are withdrawing from the people of this State the democratic rights they have known and lived with for most of this century. That is exactly what this legislation is doing.

I believe that the way in which the Bill has been handled by the Government Ministers today has been quite cavalier. The way in which the Ministers who have had the carriage of the Bill have simply dispensed with the reasonable and concerned comments made, and questions asked, by members on this side, and the way in which members on the back benches of the Government have been gagged, is absolutely appalling.

It is time the Government took a more sincere attitude to this type of legislation. This is not a Bill of the normal run of the mill type of legislation that comes before Parliament. It is not a Bill to deal with egg marketing, or some similar matter that deals with a small section of the community. This legislation goes to the very roots of our democracy and, as such, deserves a great deal of consideration. In particular, in relation to this amendment, the Committee should demand that the Premier explain in great detail why he has changed his attitude so significantly over a relatively short period.

I believe that this sort of legislation should not remain on the Statute Book for any length of time. The Premier ought to make an appearance here and explain to members and the people of South Australia why, between 1977 and 1980, he has changed his mind so fundamentally. Nothing in the debates today or in 1977 indicates why he has changed his mind. There is no difference in circumstances as explained in the debate between 1977 and now. The Premier ought to come clean and tell us why he believes it essential that this measure should last for 90 days, when he previously believed that two weeks was long enough for this sort of legislation.

The Committee divided on the amendment:

Ayes (19)—Messrs. Abbott, L. M. F. Arnold, Bannon (teller), M. J. Brown, Crafter, Duncan, Hamilton, Hemmings, Hopgood, Keneally, McRae, O'Neill, Payne, Peterson, Plunkett, Slater, Trainer, Whitten, and Wright.

Noes (22)—Mrs. Adamson, Messrs. Allison, P. B. Arnold, Ashenden, Becker, Billard, Blacker, D. C. Brown (teller), Chapman, Evans, Glazbrook, Goldsworthy, Gunn, Lewis, Mathwin, Olsen, Oswald, Randall, Rodda, Schmidt, Tonkin, and Wotton.

Pairs—Ayes—Messrs. Corcoran and Langley. Noes—Messrs. Eastick and Wilson.

Majority of 3 for the Noes.

Amendment thus negatived.

Clause passed.

Title passed.

The Hon. D. O. TONKIN (Premier and Treasurer): I move:

That this Bill be now read a third time.

It is disappointing that the Opposition has taken so long to consider legislation with which all members opposite are familiar, indicating that the Opposition does not really believe that an emergency is likely to arise or that a potential emergency exists. This Bill, as it comes out of Committee, will provide the South Australian Government with the necessary powers that have now been applied in New South Wales, in Victoria this afternoon, and, as I have just heard, in the Australian Capital Territory this evening. Petrol rationing is already in force in Victoria and the Australian Capital Territory. It is not in force in South Australia, and I hope that it will not be necessary to proclaim this legislation. Nevertheless, it is essential that the Government be prepared. I believe that every honourable member hopes that there will be a settlement of the dispute, and, if there is, so much the better. There is no way in which this Government will be

in a position of not having the necessary power to take adequate control of petrol supplies should that become necessary.

Mr. BANNON (Leader of the Opposition): I argue the fact that, with a measure of this kind, we have taken that long to consider it. That can be levelled largely at the way in which the Bill was presented to the House. The fact is that, where emergency legislation is to be passed, a higher degree of consensus and agreement between the Parties should be secured before the introduction of such a measure. We were given to understand that the measure would be substantially the same as those measures that were introduced on previous occasions. Bearing in mind that we have had a number of occasions recently on which such measures have been debated, one would look at the Bill and try to see that it conformed to the sort of legislation that has been passed. Indeed, broadly it does, but in two important respects we have cause to disagree, and that has taken a considerable time in the second reading stage and in Committee. Those respects were in relation to the amendments that were eventually rejected.

The course of this debate and its seriousness have not been aided by the frivolous way in which some Ministers on the front bench have treated the debate. We had a passage of time in which about 20 minutes was wasted, because of the inflammatory way in which the Deputy Premier was seeking to treat questions asked of him. He is laughing now, as he has been doing most of the day. It has been fortunate that his appearance in the House has not been prolonged, because that is an indication of the sort of inflammatory way in which the Bill has been treated.

The Hon. E. R. Goldsworthy: He didn't like it when I said he was weak.

The DEPUTY SPEAKER: Order! The honourable Deputy Premier is out of order.

Mr. BANNON: The Government's problem with this measure is that aspects of it are very much at odds with things about which it has made so much fuss. At this stage of the debate in 1977, on a Bill that was almost identical to the one we are debating, the Premier, who was then the Leader of the Opposition, said:

> Basically, this Bill is a travesty of what we know as Parliamentary democracy and it holds the whole basis of freedom of speech and debate and the rights of the people's representatives in contempt. Why do they want it passed so quickly when we have had real crises many times in the past, as the Minister himself said, that have been far more acute than now?

I have spoken at other stages of the debate in respect of the crisis that was then occurring. Putting aside the question of crisis, the fact was that the present Premier said that, in that form, such legislation would be a black day for South Australian Parliamentary democracy.

The Opposition is most unhappy with two aspects of the Bill, one of which was the object of the then Leader of the Opposition's remarks on that occasion. The Government has gone through tremendous twisting and turning to get out of the situation in which it finds itself in relation to the duration of the Bill. That is one reason why the debate has taken as long as it has. The second reason is the more fundamental point: the Bill differs from previous measures. If it did not it would have gone through without any problem. The Government is now insisting on inserting the power of the direction of persons. We do not and cannot agree with that. For the Government to insist on it in this situation is divisive and unnecessary, but it has and we have resisted it. We are not going to divide on the third reading or regard this as a black day for South Australian Parliamentary democracy, as the Premier (when Leader of the Opposition) said when debating the 1977 Bill. We will support the Bill.

The Hon. D. O. Tonkin: You said it was the same Bill.

Mr. BANNON: As regards the period of operation, which is what the Premier is talking about, it has the same duration, less eight days. We are simply saying that we are dissatisfied, particularly with the attitude of the Government of incorporating in the Bill a provision it knows is unacceptable to the Opposition, therefore making it difficult for us to have a combined approach in a time of emergency, whether that emergency is pressing down on us with the urgency which the Government suggests or whether it is a bit more remote, as indeed may well be the case.

Bill read a third time and passed.

WHEAT MARKETING BILL

Returned from the Legislative Council without amendment.

MESSAGES

The Hon. E. R. GOLDSWORTHY (Deputy Premier): I move:

> That Standing Order 267 be so far suspended as to enable the Clerk to deliver messages to the Legislative Council when this House is not sitting.

Motion carried.

[Sitting suspended from 4.57 p.m. to 12.21 a.m.]

MOTOR FUEL RATIONING BILL

Returned from the Legislative Council with the following amendments:

> No. 1. Page 3, lines 17 to 19 (clause 7)—Leave out all words in these lines.
>
> No. 2. Page 3—After clause 8, insert new clause 8a, as follows:
>
> 8a. In exercising his powers under this Part, the Minister shall give special consideration to the needs of those living in country areas of this State.
>
> No. 3. Page 6, line 15 (clause 17)—Leave out "the 31st day of May, 1980" and insert "the 28th day of March, 1980".

Consideration in Committee.

Amendments Nos. 1 and 2:

The Hon. D. O. TONKIN: I move:

That the Legislative Council's amendments Nos. 1 and 2 be agreed to.

Both of the amendments have been canvassed widely in another place, and they should receive the concurrence of this House without any argument whatever.

Mr. BANNON: The amendments are of a somewhat cosmetic nature. They transfer from one clause of the Bill to another clause special consideration for people living in country areas. The amendments also slightly expand the provision. The Opposition is agreeable to the amendments.

Motion carried.

Amendment No. 3:

The Hon. D. O. TONKIN: I move:

That the Legislative Council's amendment No. 3 be agreed to.

Labor Party members in both Houses have been most unhelpful regarding this Bill. Indeed, I believe that they have shown a remarkable and most regrettable lack of responsibility in their approach to the potential emergency that is facing the State. They persist in their attitude that

no emergency exists, despite the prolonged dispute in New South Wales and the fact that petrol rationing has now been introduced in Victoria and Canberra.

The Opposition persists in this attitude despite the close-down of the refinery at Port Stanvac and the clear warning given publicly by the local branch of the Transport Workers Union. Maybe members of the Opposition have a crystal ball—I do not know. Perhaps they have some reason to believe that a settlement is possible. However, in my most recent discussions with Mr. Street, there is no indication at present that it is likely that a settlement will occur in the near future. It is clearly in the public interest that the Government have the powers contained in this Bill, and that is the reason why Parliament has been called together for this special sitting. The Government has acted in a most responsible way, and it is to be regretted that the Opposition has not acted with an equal sense of responsibility.

Because it is so important that fuel supplies be protected for essential services to the South Australian community without any further damage, we propose to accept the amendment from the Upper House, but two things must be clearly understood. If, towards the end of the month, there is still some prospect of industrial trouble affecting fuel supplies to the South Australian community between 28 March and 31 May, further legislation will be introduced before the end of March. In those circumstances, I have been assured that both the Opposition and the Democrats will support an extension of the legislation. I take it that that assurance will be confirmed by the Leader of the Opposition.

Secondly, if any person in the community is disadvantaged or adversely affected because the Government does not have the necessary power to act speedily when Parliament is not sitting, as a result of this amendment, the Labor Party will be held totally responsible by the community.

Members interjecting:

The ACTING CHAIRMAN: Order!

The Hon. D. O. TONKIN: I am sure we all hope that the legislation will not be necessary and that no extension will be necessary because a settlement can be reached. The Government and the Opposition have a conjoint responsibility to put the welfare of the community above all other considerations, and that is the reason why we are prepared to accept the amendments.

Mr. BANNON: It is a pity that the Premier, in indicating the Government's acceptance of the amendment carried in another place, has decided to talk about lack of responsibility and, in fact, cloud the issue completely. At no stage have we shown any lack of responsibility. Indeed, I would have thought that the whole proceedings today, emanating right from the very beginning when we agreed to suspension of Standing Orders to expedite the business, indicated that we were prepared to ensure that something was done and that legislation was put on the Statute Book. Those on the other side suggest that we have not expedited the business because it has taken us so long to get it through.

The reason for that is that the measure was not as we would have expected it to be—a measure along similar lines to that passed on previous occasions—but that there were at least two provisions that we found quite repugnant, one of which remains in the Bill as it stands and makes it, we believe, totally unsatisfactory. The provision has been carried by both Houses of Parliament, but by putting in that provocative and inflammatory clause the Government ensured that this debate would be protracted. We cannot forgo our rights as an Opposition to point out to the Government where we believe it is exceeding the powers necessary to take action in an emergency.

The second provision is the subject of this amendment which has been carried in another place—the duration of the Act. It seems extraordinary that we are accused of lack of responsibility in this area when that is the very thing of which the Opposition, in 1977, made enormous play. I am not going to recanvass the remarks or yet again quote the Premier on this as Leader of the Opposition. The record is there, and it stands. To my mind it would have been extraordinary if he had not accepted this.

So, that is the situation in which we find ourselves. The proceedings have taken such a long time because the Government chose to introduce into the Bill an extended power which was not necessary and which it knew would be controversial. Secondly, the Government chose to ignore its own statements in relation to the duration of the Bill in the clause that it inserted.

I emphasise that no lack of responsibility is involved in the amendment that the Government has indicated it will accept, because indeed this legislation will now be in force from today until 28 March. If the emergency continues, and if indeed it is in operation during the week ending 28 March, it will be a simple matter for the Government to introduce an amendment that extends the operation of this legislation, or alternatively for the Government to introduce a new and permanent Act that can remain on the Statute Book.

I repeat that the Opposition urges the Government to do that so that today's charade does not have to be repeated again in times of crisis. It has been a charade indeed, and that has been made patently clear by today's events and by the way in which the Government has approached the matter. There is plenty of time for the Government to cover the emergency. Any emergency that arises between now and 28 March is catered for, and any emergency from that date onwards can be catered for in legislation introduced at that time.

I certainly give the Premier an undertaking that, if indeed there is an emergency during that week and the Government comes to the Opposition with legislation and arguments in favour of it, we will support the extension of this legislation, or legislation in its place, in the terms of which we are speaking. There will be no problem with that. However, I warn the Government that the Opposition sees 30 days as being a reasonable period of operation for such a provision.

That is the provision that we moved in 1978 and 1979 and, if the Government comes to the Opposition during the last week of March, we will be looking for some provision that would cover only that 30-day period, and that is two weeks more than the Premier, as Leader of the Opposition, said previously was necessary in these situations. He has changed his ground considerably in the past two years, and it is a pity that the Premier has been so inconsistent. That is certainly an undertaking that we give the Premier in respect of the duration of the legislation. It was all unnecessary if the Premier had remembered what he had done before, but he chose not to do so. We now have the position at this time of night that we will agree to this Bill and see it passed into law.

The Premier referred to the emergency that exists, saying that the Opposition had been contending that no emergency existed. However, the Opposition has been saying that the Government has over-reacted and acted too hastily. Certainly there is a situation of concern, but the Opposition does not believe that this matter needed the dramatic attention that has been paid to it by the Government, and we suspect that the crisis has been heightened by the calling together of Parliament.

I am interested to hear the Premier's report that the Federal Minister, Mr. Street, has said that there is no prospect of a settlement. I am very disturbed by that, because I listened to the A.B.C. news tonight and heard a report stating that the parties had met under the chairmanship of Sir John Moore and had left with the employer and employee sides agreeing to the terms of settlement. That settlement is to be put to meetings of members of the union, which will recommend their acceptance of those terms.

One would hope that those involved will accept those terms. The terms will also be discussed with the New South Wales Government. It now appears that the Premier has further information, which was not available in the earlier reports this evening, that the Federal Minister believes that there is no prospect of settlement. That would come as somewhat of a surprise to the parties. Indeed, it does not conform to what both Mr. Peter Nolan, Secretary of the Australian Council of Trade Unions, and the A.B.C. reports suggested.

The Hon. D. O. Tonkin: He said he tried—

Mr. BANNON: We will check the *Hansard* record on that. However, it was my recollection that the Premier said he had contacted Mr. Street tonight and Mr. Street said that there was no real prospect of a settlement. If that is so, in the light of this conference tonight it is very disturbing news, and I am surprised that the Federal Minister says this, as it indicates a pessimism about the situation that is not shared by the other parties.

Be that as it may, I hope that the situation will be fixed up so that this legislation is unnecessary. It is unfortunate that the Government has chosen to approach the matter in such a dramatic, flamboyant and aggressive manner. The Government will get co-operation from the Opposition if it confers with it and treats Opposition contributions with a bit more respect in future.

The Hon. E. R. GOLDSWORTHY: I have used up about 10 minutes of the time of the Chamber since 9.30 a.m. this morning, so I can be excused for replying to some of the nonsense that we have just been subjected to by the Leader of the Opposition. He accuses the Premier of changing ground. The burden of his argument at about 9.30 this morning was that we should not be here, that no emergency existed, that there was no crises, and that we had over-reacted.

Mr. Hemmings: He's still as bad as ever.

The Hon. E. R. GOLDSWORTHY: I agree, the Leader of the Opposition is as bad as ever. In his second breath he says that the Opposition has done its best to expedite the passage of the legislation because there is an emergency. The poor old Leader of the Opposition (actually he is not very old and that is probably one of his faults; he is juvenile) he does not know what his stance is.

The Opposition claims it has expedited the legislation because we need it, but also says that we should not be here because there is no emergency. The Leader claimed that the legislation was repugnant to the Opposition. The member for Playford did not know, and doubted that this legislation existed in New South Wales, even after we quoted that Act. This terribly repugnant legislation, which this Opposition would not wear in a fit, has been on the Statute Book in New South Wales since 1976. The Opposition has used words like "Draconian" in respect of this legislation, yet the New South Wales Act makes this legislation look quite mild.

The Hon. J. D. Wright: What has that to do with South Australia?

The Hon. E. R. GOLDSWORTHY: They are all members of the Australian Labor Party, but we have the special version *a la* South Australia here. We have observed this before. Mr. Wran was second in the field to get rid of succession duties, but the left wing here, which was completely in control, would not have a bar of reducing succession duties.

The Hon. J. D. WRIGHT: I rise on a point of order, Mr. Acting Chairman. I draw your attention to what the Deputy Premier is saying. He is now talking about succession duties. What has that got to do with the Bill?

The ACTING CHAIRMAN: Order! I was about to draw—

Members interjecting:

The ACTING CHAIRMAN: Order! It is normal in Committee when the Chairman is speaking for members to refrain from speaking. I ask for the respect of honourable members to that degree. I was about to draw the honourable Deputy Premier's attention to the fact that I have allowed a certain amount of latitude to the honourable Premier and the honourable Leader of the Opposition, but we are discussing the amendment from another place, and I ask the honourable Deputy Premier to link up his remarks with that amendment.

The Hon. E. R. GOLDSWORTHY: I will link up my remarks. I was pointing out that we have two different breeds of Labor Party—one in New South Wales and one here. In New South Wales, this type of legislation is more than acceptable, yet it is completely repugnant to the version of the Labor Party that masquerades in South Australia.

The only other point that I want to raise concerns the duration of the legislation. The Labor Party believes that three months is far too long for this Draconian legislation to last. In fact, the Labor Party introduced a Bill in 1977 when there was no emergency, and the time that it required for that Bill to operate was three months. Who is arguing about changing ground? These arguments show up Opposition members for what they are—complete hypocrites.

Motion carried.

Members interjecting:

The DEPUTY SPEAKER: Order! The member for Glenelg will cease interjecting.

Mr. MATHWIN: Mr. Deputy Speaker, I rise on a point of order. I made no interjection at all. In fact, I have not opened my mouth since about 10 o'clock this evening. Therefore, I ask you, Sir, to reconsider calling me to order.

The DEPUTY SPEAKER: I apologise to the honourable member for Glenelg if I made a mistake in calling him to order. It is not unusual for the honourable member for Glenelg to transgress, but on this occasion I admit that I was wrong and apologise.

ADJOURNMENT

At 12.42 a.m. the House adjourned until Tuesday 25 March at 2 p.m.