

## HOUSE OF ASSEMBLY

Tuesday 11 November 1980

The **SPEAKER (Hon. B. C. Eastick)** took the Chair at 2.30 p.m. and read prayers.

### SITTINGS AND BUSINESS

The **SPEAKER**: I have to inform the House that yesterday the Premier, on behalf of the Ministry, made representations to me, as 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, Tuesday 11 November 1980 at 2.30 p.m.

#### MOTOR FUEL (TEMPORARY RESTRICTION) BILL

Received from the Legislative Council and read a first time.

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

*That this Bill be now read a second time.*

All members are aware that supplies of petroleum products have been disrupted in this State because of industrial disputation which had its origins in another State. Once again, this highlights the need for legislation to enable the Government to provide a rational and equitable distribution of available fuel supplies under such conditions. That is why this special sitting of Parliament was convened today, in an atmosphere of uncertainty over whether the dispute would continue or end.

It would now appear that Transport Workers Union members throughout Australia have decided to return to work tomorrow. Notwithstanding this, the Government believes it is vital that this Bill is proceeded with today to cover the current situation until fuel deliveries return to normal and to cover any disruption of fuel supplies that may occur in the immediate future.

Fuel stocks in retail service stations have been depleted rapidly in recent days, and are on the verge of being exhausted. Reliable information provided by the industry indicates that several weeks supplies of all types of petroleum products are held in the Port Stanvac refinery, the bulk terminals of the oil companies, and the service stations in this State.

However, accelerated buying has depleted the two weeks normal stocks of motor spirit in the service stations, and action is necessary to conserve stocks and to ensure that fuel continues to be available for essential services and high-priority users. Approximately one-half of metropolitan service stations are already closed, with the possibility that this figure may rise to 80 per cent or 90 per cent by tomorrow morning, unless controlled purchasing is introduced.

In these circumstances, the Government decided that the necessary legislation to control the supply of motor fuel should be enacted. The Government had hoped and expected that such action would not be necessary. As late as last Thursday, informed advice from the industry indicated there was a good prospect of a return to work at the weekend. That would have meant that fuel supplies

would not have been interfered with unduly. In the event, the strike continued throughout the weekend, and beyond.

Mr. Speaker, this national strike could scarcely have occurred at a more inopportune time in South Australia. It began at the end of a Parliamentary sitting week, intensified over a weekend, and now continues into a scheduled non-sitting week. Thus, for several critical days the Government has been powerless to initiate the action proposed, and is able to do so now only at the inconvenience of calling a special sitting of Parliament. The far greater inconvenience, however, is that which has threatened motorists and industry.

Clearly, both this special sitting, and the rapid depletion of fuel stocks over the weekend, could have been avoided if permanent legislation had been available, as in other States, ready to be proclaimed at the appropriate moment. Such was not the case, however, even though Parliament has considered the matter of emergency fuel supplies on three previous occasions. In 1972, 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 allocation of supplies through a permit system. Similar legislation was enacted in 1973. In both these 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. Earlier this year, in the face of the threat of a disruption to fuel supplies in a situation where a major dispute in another State threatened to spread to South Australia, the Motor Fuel Rationing Bill was considered and passed, but lapsed after a period of 18 days. For some time since that most recent occasion, the Government has adopted the view that permanent legislation is necessary to cover emergency situations. That view is confirmed by the current dispute. In formulating this policy, the Government has worked responsibly in conjunction with the National Petroleum Advisory Committee (N.P.A.C.) to evolve measures and legislation co-ordinated on an Australia-wide basis to enable control and management of fuel supplies under emergency situations.

The National Petroleum Advisory Committee is a high-level advisory body which includes senior representatives of Commonwealth and State Governments, industry, user bodies and the A.C.T.U. That committee is preparing advice for Governments on:

- (1) Appropriate arrangements for the equitable allocation of liquid fuels during any period of supply shortage; and,
- (2) Priorities for the allocation of liquid fuels during periods of shortage which accord most closely with Australia's overall national interests, having regard to the overall supply situation with respect to liquid fuels in Australia and the actual or anticipated position with respect to any particular product shortages.

N.P.A.C. has recommended that legislation to deal with liquid fuel emergencies should be such as to "ensure reasonable consistency of approach throughout Australia and effectiveness of operations in current and foreseeable circumstances." Whilst preparation of draft legislation for this State was progressing in conjunction with the work of N.P.A.C., it was anticipated that, if reasonable industrial and international attitudes prevailed, legislation would not be required in the short term and appropriate legislation consistent with the eventual N.P.A.C. recommendations could be introduced towards the end of this year or early next year.

Unfortunately, however, circumstances made it necessary to recall Parliament to introduce this Bill at this stage. N.P.A.C. has made clear that it believes that permanent legislation, rather than a series of temporary Acts, is required. The Bill, as originally presented in another place, provided for permanent legislation. However, because of the absence of the Hon. Mr. Milne, from another place, through no fault of his own, the Government has amended the Bill to convert it to a temporary measure by restricting its life until mid-December. Mr. Speaker, Parliamentary and Government officers took all appropriate steps to ensure that Mr. Milne was given notice of today's special sittings. Steps were taken yesterday and again this morning to contact Mr. Milne, but he is interstate. Unfortunately, they have not been successful, and it is for this reason that the Government believes that to press ahead with permanent legislation in Mr. Milne's absence would be unreasonable.

A more equitable solution would be to restrict the life of the Bill to 18 December and to introduce permanent legislation of the kind contained in the Bill for consideration at the earliest opportunity next week. I must acknowledge that, while the Government was considering the matter of Mr. Milne's absence and the possible need to defer the provision for permanent legislation, the Opposition gave assurances that, if the Government were to modify the present legislation in that way, there would be a speedy passage of the Bill through Parliament today, and for that I offer my thanks to members of the Opposition. The legislation meets the guidelines laid down by N.P.A.C., although when N.P.A.C. reports finally this legislation may need to be reviewed, as will all other liquid fuels emergencies legislation existing and proposed in other States.

This Bill is based on previous legislation but in its present form is intended to allow demand restraint measures to be introduced, as well as the systems of rationing to ensure supplies for essential services envisaged previously. The Bill is also intended to ensure that the supply chain, from production to sale, continues to function effectively. The systems of priorities and demand restraint measures under consideration are based on the recommendations of N.P.A.C. and of the Liquid Fuels Utilization Consultative Committee, which this Government established late last year to provide advice on planning and priorities for fuel emergency situations. The Liquid Fuels Committee has been consulted in the formulation of the measures envisaged in this Bill and is being consulted with regard to their implementation.

The lack of certainty over our fuel supplies has precipitated an emergency situation and the Government must take every possible step to remove that uncertainty. It is for this reason that we bring forward this legislation to enable the Government to deal with such emergencies, whether they arise from local or overseas threats now or at some time in the future. The broad scheme of this Bill is to provide that, where there are or are likely to be shortages of motor fuel in South Australia, the Governor may, by proclamation, declare a period of not more than seven days to be a period of restriction and may also declare that period to be a rationing period. Such period of restriction may be extended for successive periods of not more than seven days each but so that the total period does not exceed 28 days. The period of restriction may be extended by recalling Parliament which may authorise an extension by a resolution of both Houses of Parliament.

The Bill allows rationing through a permit system, and also empowers the Minister to announce a scheme such as that adopted in Victoria, where vehicles with odd registration numbers obtain fuel one day while vehicles

with even registration numbers obtain fuel on another day. Any person who is aggrieved by the refusal of the Minister to grant a permit may appeal to a judge of the Local and District Criminal Court or a special magistrate. There is also provision for a person who incurs expenses in consequence of a direction to recover the amount of those expenses from the Crown. Profiteering is also severely dealt with, as it has been under previous legislation.

The provisions of the Bill will be seen to provide an appropriate scheme with reasonable safeguards. In addition to the provisions of the Bill, appropriate action will be taken by the Government as and when necessary to encourage car sharing; to provide free parking in the park lands for people sharing cars or operating a car pool; to extend or vary the Bee-line and City Loop bus services to cover these car parks; to introduce multiple hiring of taxis; and to amend instructions regarding the use of government vehicles so that more than one public servant and others may be transported to and from work. Mr. Speaker, I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

#### Explanation of Clauses

Clauses 1 and 2 are formal. Clause 3 contains definitions necessary for the purposes of the new Act. Clause 4 empowers the Minister to delegate his powers under the new Act to any other person.

Clause 5 empowers the Governor to declare periods of restriction and rationing periods. The declaration of a period of restriction brings into effect the Minister's power to make orders relating to the production, supply, distribution and sale of petroleum under Part III. The declaration that a period of restriction also constitutes a rationing period brings into operation the rationing provisions under Part II.

A period of restriction (whether or not it also constitutes a rationing period) may be declared initially for a period of seven days and this initial period may be extended by further periods of up to seven days until a total of 28 days is reached. Thereafter any extension must be made upon the authority of a resolution of both Houses of Parliament. When a period of restriction expires, no further declaration can be made until the expiration of one month, unless the declaration is authorized by resolution of both Houses of Parliament.

Clause 6 makes it an offence to sell or purchase rationed motor fuel unless the purchaser is a permit holder. A permit holder must not use, or permit another to use, fuel purchased under the permit in contravention of the conditions of the permit. Clause 7 empowers the Minister to issue permits. Clause 8 empowers the Minister to exempt any specified class of persons from rationing, or any specified part or parts of the State. Clause 9 provides that the Minister is, in exercising his powers in respect of rationing, to give special consideration to the needs of those living in country areas.

Clause 10 permits an appeal to a local court judge or special magistrate against a refusal by the Minister to issue a permit. The appeal is to be heard expeditiously and without unnecessary formality. If an appeal is rejected by a special magistrate, the appellant may apply to a local court judge for a review of the decision. Clause 11 enables the Minister to give directions relating to the production, supply, distribution or sale of petroleum. As it is received from the Upper House, this power of direction is limited to corporate bodies. A body corporate who incurs expenses in complying with a direction may recover the expenses from the Crown. Clause 12 enables the Minister

to fix a maximum price in relation to the sale of specified kinds of petroleum and establishes a substantial penalty for profiteering. Clause 13 enables the Minister to gather the information necessary to enable him properly to administer the Act. Clause 14 prevents prerogative writs being taken out against the Minister in relation to the performance of his statutory functions.

Clause 15 enables the Minister to publish principles that should be observed, during a period of restriction, in relation to the conservation of petroleum. These principles may involve car pooling and sharing arrangements which would result in technical breaches of policies of insurance. Subclause (2) provides that any breach of a policy of insurance that a policy holder commits by acting in accordance with the published principles shall be disregarded in determining rights under the policy. Clause 16 empowers police officers to stop motor vehicles and to ask questions relevant to the administration of the Act. Clause 17 is an evidentiary provision dealing with proof of certain formal matters. Clause 18 provides that proceedings for offences are to be dealt with summarily and are not to be taken except upon the authority of the Attorney-General. Clause 19 is a regulation-making power. Clause 20 provides that the Act shall expire on 18 December 1980.

**Mr. BANNON (Leader of the Opposition):** I propose to respond immediately to the Premier's second reading explanation, because this Bill has come before us from another place and initial consideration of it has therefore already taken place. At the outset of my remarks I indicate that the Opposition agrees to the passage of this Bill, particularly in its present form. The Opposition had one specific objection to the Bill as presented in another place but an amendment moved there was successful and that has removed that particular provision from the Bill. Therefore, in its current form, the Opposition intends to expedite its passage.

It is indeed unfortunate that yet again this House has to deal with a measure of this nature. As has already been stated, these periodical fuel crises that occur, sometimes as a result of industrial disputes and sometimes as a result of shortages and so on (they occur for a number and range of reasons), have been with us over many years. For a long time it has been clear that we need measures on the Statute Book that will allow a Government to act promptly when such a situation threatens and to act with a safeguard, of course, that any restrictions it imposes will be subject to Parliamentary scrutiny within a reasonable time. The Opposition consistently maintained that position when it was in Government. That position was put to this House some months ago, in March this year, when the last of these crises was upon us. In fact, I think the crisis at that time was far less real than the one we have just experienced over the past week or so.

The legislation that was hurriedly passed through the House was not necessary on that occasion, but at the time we stressed that permanent measures must be introduced. Much time has elapsed since then, and we still have not seen a permanent measure until today. It seems quite extraordinary that the Government has just let the situation drift on throughout that period without taking action on it. This Bill was conceived as a permanent measure, and in his second reading explanation the Premier indicated that reconsideration by the Government meant that this measure would operate only on a temporary basis, and that we would have an opportunity to debate a similar or identical measure in full when the session resumed in the normal course of events. As a result, we do not intend to take up much time or enter into

extensive debate on this matter. The points in the Bill can effectively be covered in the sort of detail that is required of such an important measure when the House reconvenes and the new Bill is introduced.

It is only as a result of an approach by the Opposition to the Government to seek some agreement on this matter that we are in the position of having a temporary measure before us and the chance to consider the matter properly when the House reconvenes in the ordinary course of events. We believed that it was wrong—and this matter was raised as an initial point by the Hon. Mr. Sumner in another place—for the Government to proceed with a permanent measure of this importance without allowing the Hon. Mr. Milne to be present in another place to consider the measure properly and give his views and, naturally, his vote on the matter.

The precipitate calling together of Parliament in this emergency sitting has meant that, through no fault of his own (as the Premier has said), Mr. Milne has been unable to be present, and for the Government to insist that there should be permanent legislation would, we believe, have been quite wrong. We are pleased that the Government has acceded to our request that this Bill be a temporary measure and that we will have a chance to look at a permanent measure in the near future.

I stress again that action of this kind could have been taken at any stage over the past few months. In his second reading explanation, the Premier referred to two or three occasions when temporary rationing legislation was introduced. He omitted to say that on two occasions permanent legislation has been introduced and on each of those occasions it has been rejected by the Liberal Party in another place, where it has had the numbers to do this. The Liberal Party constantly set its face against having these permanent measures on the Statute Book. Then in March, when it was clear that this situation must be dealt with by permanent legislation, we again were faced with a temporary measure, but a temporary measure on the understanding that we would be getting some form of permanent legislation. There have been 36 sitting days of Parliament and many months since that last emergency Act, and we have seen no results at all.

I would now like to turn to the reasons adduced by the Premier in support of this inactivity on the part of his Government. The Premier said that the delay hinges around the deliberations of the National Petroleum Advisory Committee, which the Government suggests has meant that no permanent measures can be brought into operation. That committee was established last year by the Australian Minerals and Energy Committee, which is the meeting of Ministers of Mines and Energy of the States and the Federal Government. In fact, it was set up in the time of the previous Government and was beginning its deliberations in 1979. It has reviewed the various State Acts relating to fuel emergencies, and it has put together a list of points in an internal working document which embodies the best of what already exists.

There are four States, Queensland, Western Australia, Victoria, and New South Wales, which have different Acts in operation. They differ in a number of elements in their method of handling these particular crises. The A.C.T. has an Ordinance of its own, and there has been an attempt, as the Premier says, to ensure that there is some sort of uniformity in the provisions of these Acts. The facts are that there has been no agreement reached by those various States, the N.P.A.C. has considered it inappropriate to recommend any form of model legislation or a draft Act, and it is entirely unlikely that it will do so. If that is what the Government is waiting for it will be waiting a very long time, because there are many differences

between the States which will not be resolved. For instance, Queensland is unlikely to have a bar of legislation that reflects the position in New South Wales or Victoria. Western Australia may have particular provisions which it favours but which the other States are not prepared to adopt, and so on. In other words, there are differences of philosophy as well as policy between the States which are not likely to be fully resolved.

If we are to wait for the N.P.A.C. to reach agreement on a model Act, then we will be waiting a very long time, and I do not think that that is a good or sufficient reason for the lack of action taken by the Government so far. In any case, the internal working document was compiled for a meeting of the committee some months ago, which means that, although it has not said precisely, the Government has had it at least since July this year, and possibly earlier. While I understand that that document is not a final paper with final recommendations, in view of the fact that there will be no draft Bill or long-term recommendations, the Government really was obliged to get on with the matter. In the second reading explanation it was said that it was anticipated that if reasonable industrial and international attitudes prevailed appropriate legislation consistent with eventual N.P.A.C. recommendations could be introduced towards the end of this year or perhaps early next year. If it was to be towards the end of this year, there are only two scheduled sitting weeks left, and there is certainly no sign of the legislation appearing in that time.

It is significant also that the Minister of Mines and Energy will be absent throughout that period on his extended tour overseas. In fact, he has been absent from the House for some time, and one would have thought that, as the Minister apparently in charge of the Bill, his presence would be required. Therefore, I do not understand the reference to measures being introduced this year. Perhaps early next year was the occasion on which we were to have such legislation, but again, I suggest it would not be legislation coming from a draft Bill or model legislation from the N.P.A.C.; it would have to be based on past experience in this State and a distillation of the Acts of other States. If the Government has had those guidelines since the middle of this year, I do not see why legislation could not have been introduced earlier. The fact is that we must have it on the Statute Book, and we are at last moving to get it.

I am surprised that the measure is being introduced in this place by the Premier rather than the Minister who represents the Minister of Mines and Energy in this place. One of the problems we had in March of this year was that no-one was quite sure which Minister was in charge of the Bill that was introduced. The Premier introduced it, the Minister of Mines and Energy spoke on it but, in fact, in Committee, the Premier had to be rescued by the Minister of Industrial Affairs, who seemed to take carriage of the Bill during the Committee stage. On this occasion we find that the Attorney-General, in another place, as Acting Minister of Mines and Energy, is looking after the introduction of the Bill, and that in this House the Premier is taking carriage of it, and not the Minister of Industrial Affairs.

This raises the whole question of the administration of this measure, and I hope that the Premier will make clear to us who precisely has the responsibility for it. Certainly, the Act, as I understand it, is in the charge of the Minister of Mines and Energy. That question has been resolved. However, in terms of its administration, under the previous Government all the issuing of permits and the various other administrative matters, such as the monitoring of fuel levels, and so on, were undertaken by

the then Department of Labour and Industry, now Department of Industrial Affairs and Employment. The Transport Department would be involved, too.

So, it would be of interest to the House to find out precisely which departments and bodies will have charge of any implementation of this legislation, should it be necessary. Fortunately, it appears that it will not be necessary. The crisis is over, as happened last time. Action might well have been taken last week if the Government had had proper industrial advice. I think we have seen one of the problems of becoming cut off completely from one side of the industrial movement; the Government finds it very difficult to talk with or consult the trade unions and, as a result, its industrial information is often quite defective in terms of the course of a dispute. I do not think that the course of this dispute came as any surprise to those who have been in close contact with and monitoring it. The Government, on the other hand, has tended to cut itself off from adequate sources of information and has misread the situation, so that we have the sudden panic this week, resulting in the hasty calling together of the House.

The Bill differs in many substantial ways from previous legislation put before the House. That in itself is a strong enough reason to make this Bill a temporary measure. It is not a re-enactment of the sort of emergency provisions put before us previously. It goes beyond that, most specifically in clause 5, which refers to the period of restriction which may be declared. Previous Bills have dealt with rationing and permits and a situation of obviously total emergency, justifying certain directions that might be given and certain powers placed in the hands of the Minister.

In this situation, the introduction of the concept of the period of restriction means that some of those powers should be looked at closely. There may well be a case for distinguishing between the powers that can be exercised in a period of restriction and those that can be exercised in a period of rationing. Again, the Opposition does not propose to go into that at this stage with this Bill. That matter will be looked at at some length when the permanent measure is before the House in the normal course of events. I simply foreshadow that that is a major area of difference that must be carefully considered.

Other perhaps more minor areas involve the definition of petroleum; the matter of how one defines the special consideration for the needs of those living in country areas, in terms of clause 9; and the appeal provision contained in clause 10 and how they might operate. Clause 15 relates to the publication of desirable principles for conserving petroleum. This is a curiously worded concept, and it will have to be subjected to considerable examination when the measure is before us again. Clause 12 allows the Minister to fix a maximum price in relation to the sale of petroleum during a period of restriction. That clause, which guards against profiteering, has become strictly necessary because petroleum and petroleum products are no longer subject to price control. We have seen in the past few days exploitation, I would suggest, of the emergency situation by some petrol retailers, exploitation in the form of sudden and quite dramatic increases in the prices that they are demanding for fuel because of the scarcity.

When the price control legislation existed they could not charge above a certain fair maximum price. They could discount if they wanted, but they could not charge the sort of outrageous prices that I understand some retailers have been charging in the last few days. That sort of profiteering could not occur when we had general price control. In its absence it is necessary to have a clause such as this. We would argue that that clause should be

prescriptive, and that the Minister should not have the discretion in terms of fixing that maximum price: he should have a requirement, a duty, on him to do so. That would eliminate profiteering. Again, we can examine that in detail when the measure comes before us in the future. So, I simply conclude by saying that we support the measure. We believe that it has been substantially improved by the amendment made to it in another place.

In view of the fact that this legislation is unlikely to be used, we would suggest that the Government simply allow it to pass in that form and get it on to the Statute Book, which it can do in the next quarter of an hour or so if it wants to. We will then have done with the matter for the moment and we will be debating it fully when a permanent measure is re-presented.

**Mr. MILLHOUSE (Mitcham):** I support the Bill. I first heard that there was going to be a special sitting of Parliament to deal with this matter at about 1 o'clock yesterday afternoon when the Leader of the Opposition rang me to give me the news. He then told me that he believed, although no-one knew the contents of the Bill, that it was to be permanent legislation. From then until this morning, when both the Leader of the Opposition and the Premier spoke to me on the telephone and I knew that it was not to be, I protested as vigorously as I could to anyone who would listen to me about that matter. But, of course, the first thing I did after that was to try to get hold of the Hon. Lance Milne. I had arranged with him before he went away last week to keep in touch if an emergency should arise but neither he nor I dreamt that, with only about 25 hours notice, he would be required to come back to South Australia.

**An honourable member:** That's a bit naive, isn't it?

**Mr. MILLHOUSE:** The Liberals are only too anxious to criticise the Australian Democrats on every occasion for anything. If they like to say that it is naive, maybe I will let them say it on this occasion. It is hardly worth answering. I tried to get hold of him but he is somewhere in New South Wales. I spoke to his son, who had spoken to him a few hours before. The Hon. Mr. Milne had made arrangements to ring in every couple of days. He is not likely to hear about this until some time tomorrow. He left Sydney by train for the south coast but after that we do not know where he is. Even if I had been able to get hold of him or if anyone had been able to find him he could not have got back in time for the sitting. He has not a motor car with him and there are no aeroplanes flying. It is quite impossible for the Hon. Mr. Milne to be here.

That being so, it is only proper that the legislation should not be permanent. There is another very good reason why this legislation should not be permanent, and it is one which has always been acknowledged by Parliament, and our Standing Orders echo it. The Standing Orders provide that as a rule the steps of a Bill should be taken on succeeding days and that a Bill should not go right through Parliament on one day. There are good reasons for that: first, it allows us time to try to digest what the Bill may say and try to work out its ramifications. Even more important, it does give some opportunity sometimes to those outside Parliament who are concerned with legislation to react to it.

If a Bill is brought in on one day and rushed straight through, there is virtually no time for people outside to react to it. By the courtesy of the Government, I first saw a copy of this Bill at 10 o'clock last night when I arrived home from a meeting. It was embargoed until 10 o'clock this morning, when it was introduced in the Legislative Council, so I did not even have a chance in those 12 hours to consult with people outside. As the Leader of the

Opposition said, there are some pretty Draconian provisions in the Bill (I do not know whether the Leader used that adjective in his speech, although it was used in our discussion this morning). It is not right that a Bill be put on the Statute Book immediately without any opportunity for people outside to make representations and in the atmosphere of a crisis—a fuel crisis. Therefore, it is only proper, both because of Lance Milne's absence, and for the more general reasons that I have given, that legislation like this should be temporary.

I understand that a Bill is to be introduced in this form (or pretty close to it) next week and we can then debate it, if not at leisure, at least in a calmer atmosphere, where, I hope, good sense can prevail. I do not propose to move any amendments. Now that we have the undertaking that the Bill is temporary, and in any case it is unlikely ever to be used, it is really a waste of time moving amendments to it, but there are a few clauses that I will point to, because I hope the Government will look at them when it brings in the measure for debate in the normal course of Parliament next week. I do not say that they are the only points that I will raise when the time comes. The first of these points relates to clause 5 (1), which provides:

Where, in the opinion of the Governor, circumstances have arisen, or are likely to arise—  
that is very loose—  
that have caused, or are likely to cause, shortages of motor fuel . . .

"Shortages of motor fuel" is a very broad term. What is likely to be a shortage to one person may not be to another person and, in effect, this clause gives absolute power to the Government to say, "Well, in our opinion, in a month's time there is likely to be a shortage of motor fuel, diesel, or something, and we will make a proclamation." That is a very sweeping power for a Government to have. If it is used reasonably, that is all right, but Parliament should never assume that any Government will use power reasonably. The principle on which we should operate is that the Government will not be reasonable in its use of a power that Parliament gives it. That is the first point that I raise.

I now refer to clause 11, to which the Leader of the Opposition has already referred. I know that I cannot refer to amendments, and I shall not, but I can refer to an amendment that was put into the Bill in the Upper House, because it is part of the Bill now. I believe that everyone accepts that the President was rather surprised that the amendment got in, but it did get in and now I suppose it will be taken out in precisely the same terms. I will not oppose the excision of that amendment, substantially for the reasons that I have given. I believe that the Government, having made the big concession that this Bill is to be temporary, is entitled to get it through in the form in which it was introduced. Therefore, I will not resist the excision of certain parts of clause 11, but I point to that clause in the Bill as I received it last night and as printed.

Clause 11 (1) gives the power of direction during a restriction, but it is very little ameliorated by subclause 2, which states that a direction under this section shall be given personally. That is all right: if someone is given a direction personally, he will know about it. But, the clause also states "or by post". The sad fact is that the post office is becoming less and less reliable in this country, and it is pretty dangerous to rely on service by post.

To assume that it has come to a person's notice on the day in which the letter would ordinarily be delivered is dangerous. However, even worse it can be done as an alternative, not cumulative, by publication of the direction in the *Government Gazette*. With great respect to the Government, the Government Printer and people, the

number of people who study the *Government Gazette* week by week is minimal, and that is hardly sufficient notification to a person that he is subject to a direction under this clause. If it was cumulative, it would be all right. However, when it is an alternative way of notifying someone, that is dangerous.

Subclause (4) provides for petroleum to be forfeited to the Crown, and that could involve a very great hardship. Clause 12, which has the delightful marginal note of "profiteering", has already been touched on by the Leader of the Opposition, and I may say something about it later. When the time comes, I will strongly oppose clauses 13 and 14. Clause 13 involves a requirement to provide information specified in a notice. The hilarious subclause is subclause (2), which provides:

Any information sought under subsection (1) must be relevant to the administration of this Act.

On the face of it, that provision sounds marvellous. However, if one goes on to clause 14, one finds that the courts are cut out altogether, as prerogative writs are disallowed. Clause 14 provides:

No action to restrain or compel the Minister, or a delegate of the Minister, to take or refrain from taking any action in pursuance of this Act shall be entertained by any court.

That smacks of the police state, and should not be there. I can remember protesting about this previously. I hope indeed that the Labor Party will realise the danger of cutting out the judicial process altogether at that stage and that, between us, we will not allow that clause to remain in the Bill.

I now come to clause 13 (2) to illustrate it. That provision might just as well not be in the Bill if the matter is not to be justiciable by any court, because there is no-one to oblige the Minister to seek information that is relevant to the administration of the Act. The Minister can do anything that he likes, and is answerable to no-one, because no-one can enforce clause 13 (2), to which I have already referred. I do not like inquisitorial powers, anyway, although I grudgingly admit that sometimes they are necessary. However, to cut out the courts altogether is going, still I hope in our community, much too far.

I said earlier that there should be an opportunity for those outside this place to react to legislation, and a very good example of this is clause 15 (2), which messes about with insurance policies. I must say that I have not the faintest idea what the effects of this will be, and we should, in all fairness to the people of South Australia and to the insurers themselves, consult with the insurance industry about this provision, which is as follows:

If, during a period of restriction, a person, by conforming with principles—

that is a beaut phrase, which means very little—

published under subsection (1), commits a breach of a policy of insurance, that breach shall, for the purpose of determining the rights of that person under the policy, be disregarded.

Having read out that provision, I have just realised that it is subject to two interpretations. As it is written, literally that may mean any breach, not necessarily one that is related to this legislation. Having read it out, I think that the provision may be all right. However, I can see the possibility of an argument that it does not even have to be a breach that has anything to do with these principles, whatever they may be. This provision is wide and vague and could have the most far-reaching implications. Certainly, the insurance companies ought to be asked about that provision before we commit ourselves to it permanently.

Those are about the only comments that I want to make regarding the Bill. I will draw attention to those matters

later. If this Bill were not to be a temporary measure, and unlikely to be used, I would certainly be resisting a number of these matters very vigorously.

In all the circumstances of the way in which the situation has developed in the past 24 hours, I am prepared to support the Bill in the form in which it was introduced in the Upper House this morning, and to hope that the permanent legislation can be improved when it is before us in due course.

**Mr. BLACKER (Flinders):** I support the Bill. I do not think that there is any need for me to go into any great detail, because the sting has been taken out of the debate by some sort of assurance, anyway, that this measure will not be required for the present crisis.

One of the points I wish to raise is in relation to clause 9, which provides:

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.

I went to extraordinary lengths to get here today for that very reason, because the harvest is commencing now. Many farmers are actually starting to reap at present, and to have their fuel supplies cut off for the duration of this harvest (especially the barley harvest, which is a highly delicate operation, particularly in relation to wind, and so forth) could mean the loss of many millions of dollars to the State. Whilst I acknowledge that clause 9 requires the Minister to give special consideration to the needs of country people, I think that that aspect needs to be highlighted. This provision was introduced during the term of office of a former Government, as an addition to a Bill similar to the one we are discussing. I was pleased that the then Government accepted my amendment to that measure at the time, because it is the only mention in the Bill whereby consideration is to be given to country areas. It is for that reason that I am all the more grateful.

My other point relates to the many suggestions that have been made as to how restrictions could be applied. It could be done on the basis of odd and even numbers of registration plates, or it could be specified that people may take fuel only in the fuel tanks of their car, and that no separate containers be permitted. One point that worries me is that it has been suggested that fuel could be limited to the value of fuel taken at any one time. I strongly object to that because, whilst I appreciate that, for all intents and purposes, that provision would apply reasonably in the metropolitan area, if we applied such a restriction on the basis of the value of the fuel, most certainly country people would be at a distinct disadvantage. There is an 11 cent a litre difference between some metropolitan prices and some outlying country prices; as such, \$1 would buy considerably less fuel in the country than it would in the metropolitan area. I make the request of the Government that, when considering any form of restriction, it be done on a volume basis and not on a price per litre basis. If there is a need for tolerance anywhere, surely it should be shown in favour of the outlying country areas, where fuel is a necessity and not a luxury, as it is to many people in the metropolitan area.

I do not want those comments to be misconstrued in any way as suggesting that country people are the be all and end all of a priority system. We all know that our essential services, ambulance services, medical services, etc., must be given priority. I am not saying that we should, at the expense of the essential services in the metropolitan area, give more than due regard to the country. Given the time of the season, the commencement of the barley harvest, and the fact that fuel is more expensive in the country, and that therefore any restrictions should be based on the

volume of fuel and not on the cost of fuel, this Bill has my support. Once again, I request that the Government consider the Bill in the light of any restrictions being based on quantity rather than the price of the commodity.

**The Hon. D. O. TONKIN (Premier and Treasurer):** I thank members for the courtesy, and indeed the responsible attitude, that they have shown in addressing themselves to this legislation. I must reassure the member for Flinders that he does not in any way need to remind members on this side about the position of country people, because we believe that country people do have an essential right and, indeed, can almost be termed part of our essential services from the point of view of providing the food necessary for the metropolitan area. We are well aware of that, and do not intend to forget it.

I am grateful to the member for Mitcham for his comments about various matters. I am certain that they will be taken up at a later date when the substance of this Bill is debated in greater detail. Turning to the comments made by the Leader, I do not intend to go through them in detail, except to say that they were, I suppose, predictable. I agree with him that it is unfortunate that there was not permanent legislation. I cannot, however, agree with the reasons the Leader has advanced. I believe it has been a responsible attitude that the N.P.A.C. should be heeded and supported in its activities and that we should, in fact, wait as long as possible until we can be sure that we have legislation which is satisfactory and which is as close as possible to uniform legislation. The Leader took some credit for, as he put it, persuading the Government to put aside the permanency of this legislation out of deference to the Hon. Mr. Milne, who could not be present here today. Let me tell the Leader that I am quite happy for him to take what credit he likes for that, but the Government had already considered that matter and was discussing it when he put his point of view forward. I am grateful to the Opposition for giving the assurances it did.

**The Hon. R. G. Payne:** It wasn't in the Bill.

**The Hon. D. O. TONKIN:** I do not follow what the honourable member is saying. I am grateful for the assurances given by members of the Opposition that they would ensure a speedy passage of the Bill. I commend them for having adhered to that assurance. The Leader said that action could have been taken at any time. Permanent legislation has certainly been introduced before; there is no way that this was a matter that was deliberately ignored. I must point out to the Leader, yet again, that it was because that permanent legislation contained exemptions for one particular group in the community from provisions it was proposed to apply to everyone else in the community that it was not accepted in the Upper House.

As long as there are any exemptions whatever for particular groups, whether they be trade union members, or anyone else, from provisions which will apply to the community as a whole, I believe that the legislation would be discriminatory. This Government will not stand for any form of discriminatory legislation. I think we had best leave that as it is, because undoubtedly the matter will come up again. However, I must give the Opposition notice now that the Government will not tolerate any form of discriminatory legislation and, whatever provisions are in the Bill which finally becomes permanent legislation, those provisions must provide that all members of the community are dealt with equitably and equally.

The Leader suggested that the Government should have done something when it received the interim report from the N.P.A.C. in July. Indeed, the Government did

consider that interim report and it was as a result of that consideration that drafting of this Bill proceeded. When he said that something should have been done, in the same breath he admitted that it was only an interim report, and that it was not easy therefore to come to finality. The Leader made the point earlier that it was highly unlikely that any common approach would be recommended by the N.P.A.C., anyway, because of the differences between States. I think that in that small comment about the N.P.A.C. he has encapsulated his whole uncertainty about this matter.

As far as its administration is concerned, that is really a red herring because the Leader of the Opposition knows full well that, in the absence of the Deputy Premier, who is also Minister of Mines and Energy, I have been responsible for questions on that subject in this House and I will continue to be responsible until the Deputy Premier returns. Incidentally, the Deputy Premier is not on a particularly extended tour, but he is learning a very great deal that is of valuable to South Australia, and the reports coming back from him are quite clear on that score.

In relation to which department will be responsible, once again that is something of a red herring. I am quite certain the Leader is not as naive as that question suggests. Of course, the Department of Mines and Energy, through the Energy Division, will be responsible and that is as it should be. In relation to consultation with industry, I suppose it is probably very easy for anyone to get up now and say that those involved have decided to go back to work, and that they knew that all the time. That type of remark is a luxury that one can afford in Opposition; it is not a luxury that one can afford in Government. If there is a prospect that the people of South Australia will be disadvantaged because of the continuation of a strike, and therefore the continuation of a petroleum shortage, then it does not matter how good industrial intelligence may be, it is incumbent on a Government to exercise its responsibility and to proceed to make certain that there is no prospect of people being disadvantaged, and that is exactly what the Government has done. This Bill does have some differences in relation to previous Bills, and I point out to the Leader that one of the differences that he did not mention was the right of appeal.

**Mr. Bannon:** I referred to that.

**The Hon. D. O. TONKIN:** I am grateful because that is one provision that did not appear in previous legislation and it is a most important addition to the legislation as it stands. Finally, once again I thank members for responding to the call to meet on this occasion. It appears as though the crisis may well be on the way to being over and I certainly hope that that in fact is the situation. However, I assure the House that the Government will continue to monitor the situation most carefully. I point out that, even if the strike is over, the Government wants to know very clearly when work will be resumed and, therefore, when petrol supplies will become freely available again. When the Government is sure that has taken place, it will then be able to decide whether any immediate measures need to be taken as a result of the passage of this legislation.

Bill read a second time.

In Committee.

Clauses 1 to 10 passed.

Clause 11—"Directions in relation to the production, supply, distribution or sale of petroleum."

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

Page 5—

Line 14—Leave out "body corporate" and insert "person".

Lines 17 and 18—Leave out "body corporate to which"

and insert "person to whom".

Line 21—Leave out "body corporate to which" and insert "person to whom".

Line 23—Leave out "Penalty: Ten thousand dollars 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".

Page 6—

Line 1—Leave out "body corporate that" and insert "person who".

**Mr. BANNON:** I am surprised that the Premier is persisting with these amendments. These amendments were made in another place and the Bill has come to us in its present form. This issue is an area of continuous controversy between the Government and the Opposition, and obviously a lot can be said about it, and a lot of debate will take place on this very provision when the permanent legislation is introduced. Surely, that is the time when this matter should be debated. This Bill was introduced and passed in another place and it is unlikely that this legislation will be given effect to.

Therefore, there is no real reason for the Government to insist on it in terms of the working of the legislation, and I should have thought that, if the Government wanted to expedite proceedings, it would simply let the Bill go through as it is. It is ridiculous that it will insist on trying to reinsert this provision, which means that it will have to go back to another place, be voted on, and no doubt the other place will insist on its amendments. We will be in some sort of deadlock situation.

**Mr. Lewis:** We will wait.

**Mr. BANNON:** The Premier's colleague, the member for Mallee, says that he will wait, but our agreement with the Premier (and apparently he has not communicated that to the honourable member) was that this would be got through with the greatest possible expedition, so that arrangements could be put in place. We said to the Premier (and I think that he will confirm this) that we are on the public record as insisting about this amendment, that it is something we find quite repugnant, and that we would be moving on it. The Premier said that he understood that, that it was fair enough, and that he expected us to move it. That was acceptable, and we would not talk at length about it. That is what we did. The amendment was carried, and now it is in the Bill. We should leave it there and not be petty about it.

**The Hon. D. O. TONKIN:** Almost every argument that the Leader of the Opposition has used is in favour of taking the course of action that I have now taken to restore the Bill to its original form.

*Mr. Bannon interjecting:*

**The Hon. D. O. TONKIN:** It is. When the Leader reads it he will find that that is what he has said, that the amendment was moved elsewhere, when in fact it did not have to be, because the whole matter was to be debated at considerable length later on, and certainly that assurance has been given. I am surprised that the amendment was moved in another place, although I did get notice that it would be moved. I am now perfectly—

**Mr. Bannon:** You were not surprised. We told you that we were going to move it. You understood that, and agreed to it.

**The Hon. D. O. TONKIN:** You were not listening to me. The Leader should not turn around and—

**Mr. Bannon:** You fool around with agreements.

**The CHAIRMAN:** Order! There will be no more interjections.

**The Hon. D. O. TONKIN:** The Leader would do well not to turn around and talk when I am making the point

that I did expect the amendment to be moved. If the Leader listened he would not make a fool of himself by making such an outburst in the House. I can see no reason at all for going along with the amendment as it has come down to us from another place, for one very good reason. I do not intend to go into it again as I have already covered it in some detail before and I have covered it in the second reading summing up. I cover it once more by saying that the Government will not be party to any discriminatory legislation.

**Mr. BANNON:** I did not mishear or misunderstand what the Premier was saying. He is saying that he agreed out of the great magnanimity of his heart that we would be allowed to move this amendment because he understood that it would be defeated, and that would be the end of the matter. It so happens that the amendment was not defeated. It was carried, and the Premier is suddenly saying that that was not the agreement: the agreement was not that the amendment be put and carried. The Premier is saying "The agreement was that you simply put it, you put on a bit of a charade up there, but I will not cop the consequences of your moving it."

That is not what was discussed with the Premier. It was made clear that the amendment would be moved and pursued by the Opposition. It has been carried in another place; and the Premier is now not going to treat that seriously. He is inviting us to a full-scale debate on the matter because the result in another place was not as he had expected. For reasons that are probably quite proper, this amendment was carried in another place.

It will be debated fully in the course of time and the Government will insist, no doubt, on having this provision inserted in the Bill. That is fine, let us deal with it then, but, if the Premier is fair dinkum about our expediting the business of this House for the benefit of the people, let him cop the consequences of his agreement in another place and let this provision through.

**The Hon. D. O. TONKIN:** The Leader of the Opposition tries to imply that I gave an agreement that not only could the Opposition move the amendment but that the Government would accept it. That is ridiculous.

**Mr. Bannon:** It must be so.

**The Hon. D. O. TONKIN:** You are implying so. The agreement was—

**Mr. Bannon:** You assumed it would be lost.

**The CHAIRMAN:** Order!

**The Hon. D. O. TONKIN:** Why does not the Leader listen for just a little while. The agreement was that I accepted that they would have to make a show for their own members in moving the amendment in another place, and I expected that to happen. Indeed they did so; now they are creating another showdown, but there is no way that they can say that the Government gave an agreement that the amendment would stand or pass.

**The Hon. PETER DUNCAN:** I want to take only a few minutes of the time of the Committee. I have listened very carefully to the Premier in this debate, to the petulance of the Premier, I may say, because this is a completely empty opposition that he is putting up against the Bill at present. The amendment that he has moved is completely empty and bankrupt; every member in this House well knows that, as a result of this agreement that has been reached between the Government and the Opposition, this Bill will never have real effect. Whether or not it is brought into effect as a result of a proclamation in the next day or so does not matter because every member knows that we will be coming back here and that we will then have the opportunity to debate legislation on this very matter, which is to serve the State for a longer period of time.

**Mr. Lewis:** So why make a fuss about it?



**The Hon. PETER DUNCAN:** That is the very point I am making: why make a fuss about it? We should simply accept the Bill coming to us, not make a fuss about it because—

*Mr. Lewis interjecting:*

**The CHAIRMAN:** Order!

**The Hon. PETER DUNCAN:** We should not make a fuss now because in two weeks time this legislation will be a dead letter. For goodness sake, I just cannot understand the Premier's putting up this amendment and his putting on a turn about this thing. The simple way out of the matter, without wasting further time, is for members to agree to pass this Bill so that the matter does not have to go back to the other place.

**The Hon. J. D. WRIGHT:** It was my intention not to get into this debate this afternoon for the very simple reason that this legislation will again be brought forward if the Government carries out its promise and agreement with the Opposition. For that reason I can reserve my remarks on many aspects of the Bill, and I can make those remarks at the time, if and when the legislation comes back.

On the matter now under discussion, it appears to me that the Premier has accused the Opposition of putting on a show for its own people. The clause that we are debating at the moment is more than a show for the Opposition; it is a principle, a very strong principle that we will adhere to without putting on a show. Let me make that point very validly and strongly to the Premier. Irrespective of when this type of legislation comes before us, whether the matter is dealt with expediently or whether there is sufficient time to debate it will not matter. The Opposition here and in the other place will oppose legislation that is going to cause industrial conflict within the State. No-one can argue against that.

Similarly, no-one can argue that the pressure points that are put on trade unions or individuals will not work. That has been quite clearly proved from the Federal legislation and State legislation, also. So, that argument is fundamental and the principle is fundamental, as far as we are concerned. Clearly, it is the Government, not the Opposition, that is now putting on the show for its supporters.

The Government was warned this morning of what the Opposition's stand would be, and the Opposition stands by that. The Government, not being able to foresee what the President of the Council would do in his wisdom (and I do not know what his reasons were because I was not in the Council when he did it), is now not prepared to accept the legislation as it comes from the other place, although the cry from the Government has been for expediency and the Opposition has made that possible in every way. My Leader and the Leader of the Upper House had conferences with the Government this morning and gave an assurance that expediency would be the order of the day as far as the Opposition was concerned.

We have carried out our part of the bargain, and clearly and simply the Party that is now not carrying out its part of the bargain is the Government Party. The Government is not carrying out the agreement as it was reached. Let me take that point one step further, following the remarks of the member for Elizabeth. It is clear that this legislation

will never be proclaimed, let alone used or brought into operation.

There is no need for the proclamation of this legislation; there never was, in my opinion. If the Government had any rapport with the working class and with trade union officials, it would have been able to establish, as the Opposition did yesterday, that the odds were very much in favour of a return to work tomorrow. We are talking about a vacuum. If the Premier were to fulfil his obligation to that agreement and to stop making an ass of himself, he should say that he accepts the measure as it has come from the Legislative Council, because it will never be used. If he were to do that, this fundamental principle would go into the legislation. All he would have to do to reserve his right and preserve his stocks with his people would be to say that, when the Bill comes back in a fortnight, that clause will go into it. I appeal to the Premier to have some common sense in this matter.

**Mr. BANNON:** We understand the Premier's principle, and I think it has been expressed well by my Deputy. If the Premier allows the Bill to stand as it is on this occasion, it will be passed by this place in two or three minutes. If he insists on his amendment, not only will it take a little longer in this place, but it will then go back to another place, where it will be further debated, where there will be further divisions, and it will thus take quite a while for the legislation to come into effect.

The Committee divided on the amendment:

Ayes (23)—Mrs. Adamson, Messrs. Allison, P. B. Arnold, Ashenden, Becker, Billard, Blacker, D. C. Brown, Chapman, Eastick, Glazbrook, Lewis, Mathwin, Millhouse, Olsen, Oswald, Randall, Rodda, Russack, Schmidt, Tonkin (teller), Wilson, and Wotton.

Noes (20)—Messrs. Abbott, L. M. F. Arnold, Bannon (teller), M. J. Brown, Corcoran, Crafter, Duncan, Hamilton, Hemmings, Hopgood, Keneally, Langley, McRae, O'Neill, Payne, Peterson, Plunkett, Slater, Trainer, and Wright.

Pair—Aye—Mr. Goldsworthy. No—Mr. Whitten.

Majority of 3 for the Ayes.

Amendment thus carried; clause as amended passed.

Remaining clauses (12 to 20) and title passed.

Bill read a third time and passed.

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

That Standing Order 267 be so far suspended as to enable the Clerk to deliver messages to the Legislative Council while the House of Assembly is not sitting.

Motion carried.

*[Sitting suspended from 3.49 to 4.25 p.m.]*

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

## ADJOURNMENT

At 4.25 p.m. the House adjourned until Tuesday 18 November at 2 p.m.