LEGISLATIVE COUNCIL

Thursday 9 August 1979

The PRESIDENT (Hon. A. M. Whyte) took the Chair at 12 noon and read prayers.

BUSINESS FRANCHISE (PETROLEUM PRODUCTS) BILL

The Hon. C. J. SUMNER (Attorney-General): I move:

That Standing Orders be so far suspended as to enable the conference on the Bill to be continued during the sitting of the Council.

The suspension is necessary to enable matters in connection with the conference to be finalised after the Council has commenced today's sitting.

Motion carried.

SITTINGS AND BUSINESS

The Hon. C. J. SUMNER (Attorney-General): I move:

That Standing Orders be so far suspended as to enable the time for asking questions without notice and giving of notices to be extended to 3.15 p.m.

Standing Orders provide that Orders of the Day shall be called on one hour from the meeting of the Council. This motion will enable questions to continue until the normal time of 3.15 p.m.

Motion carried.

ADDRESS IN REPLY

The PRESIDENT: I remind the Council that His Excellency the Governor will be pleased to receive the President and honourable members at 12·15 p.m. for the presentation of the Address in Reply. I therefore ask all honourable members to accompany me now to Government House.

[Sitting suspended from 12.3 to 12.49 p.m.]

The PRESIDENT: I have to inform the Council that, accompanied by the mover, seconder and other honourable members, I proceeded to Government House and there presented to His Excellency the Address in Reply to His Excellency's Opening Speech adopted by this Council, to which His Excellency was pleased to make the following reply:

I thank you for your Address in Reply to the Speech with which I opened the third session of the Forty-Third Parliament. I am confident that you will give your best attention to all matters placed before you. I pray for God's blessing upon your deliberations.

[Sitting suspended from 12.50 to 2.15 p.m.]

BUSINESS FRANCHISE (PETROLEUM PRODUCTS) BILL

At 2.16 p.m. the following recommendations of the conference were reported to the Council:

As to Amendment No. 2:

That the Legislative Council do not further insist upon this amendment and the House of Assembly make the following amendment in lieu thereof:

Clause 13, page 7, line 13—Leave out "such term of office not exceeding five years" and insert "a term of office of three years"

and that the Legislative Council agree thereto.

As to Amendment No. 3:

That the Legislative Council do not further insist upon this amendment.

As to Amendments Nos. 5, 6 and 7:

That the Legislative Council do not further insist upon these amendments and the House of Assembly make the following amendments in lieu thereof:

Clause 18—

Page 10—

Lines 13 and 14—Leave out "The Minister by notice published in the *Gazette* as" and insert "regulation".

Lines 19 and 20—Leave out "the Minister by notice published in the *Gazette* as" and insert "regulation".

Lines 22 and 23—Leave out "the Minister may, by notice published in the *Gazette*," and insert "the Governor may, by regulation".

Line 26—Leave out "published by the Minister".

Line 28—Leave out "notice" and insert "regulation".

Line 29—Leave out "published under that subsection".

Line 30—Leave out "Minister shall not publish a notice" and insert "Governor shall not make a regulation".

Lines 45 to 47—Leave out subclause (8) and insert subclause as follows:

(8) Where a determination is in force under this section, a further determination, that comes into force before the expiration of three months from the day on which the former determination came into force, shall not be made.

and that the Legislative Council agree thereto.

As to Amendment No. 8:

That the House of Assembly do not further insist upon its disagreement to this amendment.

As to Amendment No. 9:

That the Legislative Council do not further insist upon this amendment and the House of Assembly make the following amendment in lieu thereof:

Page 15—After line 9 insert new clause 29a as follows:

29a (1) Subject to this section, an appeal to a Local Court of full jurisdiction against any decision or order of the tribunal may be instituted by any person who was a party to the proceedings in which the decision or order was made.

(2) An appeal under this section must be instituted within one month of the making of the decision or order appealed against, but the Local Court may, if it is satisfied that it is just and reasonable in the circumstances to do so, dispense with the requirement that the appeal should be so instituted.

(3) The Local Court may, on the hearing of an appeal under this section do one or more of the following, according to the nature of the case—

(a) affirm the decision or order appealed against;

(b) quash the decision or order appealed against and substitute any decision or order that could have been made by the tribunal;

(c) make any further or other order as to any other matter as the case requires.

(4) No appeal shall lie against a decision or order of the Local Court.

and that the Legislative Council agree thereto.

As to Amendment No. 10:

That the House of Assembly do not further insist upon its disagreement to this amendment.

As to Suggested Amendments Nos. 1 and 3:

That the Legislative Council do not further insist upon its suggested amendments, and the House of Assembly make

the following amendments in lieu thereof:

Clause 18—

Page 9, line 45—Leave out "and".

Page 10—After line 4 insert paragraph as follows:

and

(d) the value of any motor spirit sold by the applicant or, as the case may be, a member of the applicant's group during the relevant period (being a relevant period commencing on or after a day fixed by regulation for the purposes of this paragraph) that is to be used otherwise than for propelling road vehicles on roads,

and that the Legislative Council agree thereto.

MINISTERIAL STATEMENT: ENVIRONMENTAL PROTECTION COUNCIL

The Hon. J. R. CORNWALL (Minister of Environment): I seek leave to make a statement.

Leave granted.

The Hon. J. R. CORNWALL: I have pleasure in tabling the annual report of the Environmental Protection Council for 1977-78. Concurrent with the tabling of this annual report, I am releasing publicly the Environmental Protection Council's report on its inquiry into quarrying in the hills face zone.

This report, which consists of two separate volumes, contains the council's conclusions and recommendations. It will be made available to interested groups and can be inspected at the Environment Department, Ansett Centre, 150 North Terrace.

The Environmental Protection Council was commissioned in July 1973 by the then Minister of Environment and Conservation (Hon. G. R. Broomhill) to inquire into and report on matters of the hills face zone, including alternative sources of materials and with particular reference to the environment. The council was to submit recommendations on any action considered necessary in relation to quarrying activities to the Minister.

To assist it in its inquiries, the council sought a report from the Environment Department summarising all available information on quarries in the hills face zone. This report indicated that certain major decisions would need to be made concerning future supplies of materials, as it was estimated at that time that the reserves of aggregate in the hills face zone would be sufficient for about 25 to 30 years. The E.P.C. also invited contributions from interested organisations and individuals and undertook several inspections of quarries. Its recommendations and conclusions were presented to the Government in December 1977 and, early in 1978, steps were taken to print and release the report, but final copies did not become available until January.

Changes in the Minister and permanent head around that time further delayed the release of the report. Since taking office, I have reviewed this matter, and today have pleasure in releasing the report. The most significant recommendation concerns the main hills face zone quarry, which it considers should be closed and fully rehabilitated at the earliest possible date.

It also refers to alternative sources of material outside the hills face zone, particularly in the Linwood-Reynella area, and supports the use of these deposits under properly controlled conditions. Since the report was prepared, considerable work on the future method of operating the Greenhill-Stonyfell quarries has been undertaken, and the proposals have received public airing and wide public acceptance.

The proposal basically is to introduce a new cut to allow working to progressively take place away from sight of the Adelaide plains and to rehabilitate and revegetate the existing benches of the quarry. Longer term working will remove the existing high face which is visible and, at the present rate of working, this is estimated at 30 years or so although the visual impact will be greatly improved within seven or eight years. The Environmental Protection Council has considered these proposals and has had discussions with Government and private industry, and it considers that this proposal will be satisfactory and more environmentally acceptable than the present system. The outstanding details are being worked out through the Mines and Energy Department and the Environment Department is being kept informed of progress.

I believe that a clear case has been put forward showing that the immediate closure of the existing quarry, as sought by the Environmental Protection Council, would leave an eyesore in the Adelaide Hills which would be very expensive to rehabilitate (if it could be done at all). It would seem that further quarrying to remove the existing outstanding quarry faces would be required under any proposal for rehabilitation and restoration.

The information in the Hills Face Zone Report and its appended document should provide information of interest and relevance to concerned persons, and offers information which will be of use in any attempt to rationalise quarry resources within the hills face zone. It should provide a balanced viewpoint on several of the issues which have reached emotional levels in the past.

QUESTIONS

TEA TREE GULLY THEATRE

The Hon. C. M. HILL: I seek leave to make a brief statement prior to asking the Minister representing the Minister of Community Development a question about provision of a theatre in the Tea Tree Gully area.

Leave granted.

The Hon. C. M. HILL: I have been requested by constituents in the Tea Tree Gully area, which comprises about 60 000 people, to ask the Government to investigate whether it should provide or assist in the financing of a theatre to satisfy the cultural needs of that locality. Emphasis in the past, as Tea Tree Gully has developed, has been more upon the establishment of sporting facilities, and one can understand that initial emphasis. Now, however, the cultural needs of the area, in the view of those constituents, are worthy of consideration. An urgent need exists for a regional theatre for both musical and drama purposes. Will the Minister say whether or not he will carry out an investigation into this matter so that the people in Tea Tree Gully, particularly those interested in art and culture, can be assisted by the establishment of this form of amenity?

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

SALVATION JANE

The Hon. T. M. CASEY: I seek leave to make a brief explanation prior to asking the Minister of Agriculture a question about salvation jane.

Leave granted.

The Hon. T. M. CASEY: Last Thursday, 2 August, the Minister, in reply to a question asked by the Hon. Mr. Cameron, said that his department had carried out a cost benefit study on salvation jane and that the interesting thing that had come out of the study was that in all

circumstances the losses to the State through biological control were greater than the gains. The Minister went on to say that he would be raising this matter at the Agricultural Council meeting in Perth last Monday and would be putting to the council the fact that the cost benefit study done in South Australia indicated that much more information would have to be gathered prior to his agreeing to biological control of this weed in South Australia.

I was rather alarmed to see in the *Stock Journal* this morning the headline "Chatterton finally backs control of salvation jane". The article, written by John England, states:

> The confusion surrounding the proposed national programme for the biological control of salvation jane has "finally" been clarified.
>
> There will be a national programme for biological control of salvation jane; the target release date for the leaf minor moth and the leaf-eating flea beetle is still the spring of 1980; and South Australia will be part of the national programme.
>
> The meeting of the Australian Agricultural Council in Perth this week accepted the recommendations of the Standing Committee on Agriculture that biological control should start as soon as possible.
>
> And the Minister of Agriculture, Mr. Chatterton, said yesterday after much hedging that he supported the introduction of biological control of salvation jane and that South Australia would take part in the national programme.

Has the Minister any comment to make on that statement following the reply that he gave last week?

The Hon. B. A. CHATTERTON: It was rather disappointing to see this report in the *Stock Journal,* which has been regarded in this State as a record on which farmers could rely as a source of accurate information. However, in recent months it has deteriorated from that situation, and the confusion of which the journal speak is that in its own headlines. The journal writes a headline and tends to believe its own propaganda (if I can put it that way) rather than relating to the facts of the situation.

I have already outlined our consistent policy of discussing matters with interested parties and examining the evidence that is available. When the biological control of salvation jane was first mentioned, it appeared to be an open and shut case. It was thought that biological control would be of great advantage to everyone and that we should proceed with it with all haste. Since then, however, certain groups have come forward with opposing views, and it is only right that those people should have their views considered. I put to Agricultural Council the proposition that the other States should examine and comment on the cost benefit analysis undertaken in South Australia.

I do not think there should be any delay in the programme, the release of insects under which, in any case, is not scheduled to commence until the spring of 1980. I considered that it was correct for us to look at all evidence available.

Perhaps the other remark which the press has not quite understood and which perhaps I should have explained further is that the draft cost benefit analysis that we have done shows in the cases that have been worked out that the losses to the State would be greater than the benefits. However, those losses are not very great. This is an evenly balanced decision and, as cost benefit analyses are done on a number of assumptions, I do not think we can accept that as a black and white decision until people have had an opportunity to examine the cost benefit analysis and not only to challenge the assumptions therein but also to work through other possible options.

That is the situation regarding the biological control of salvation jane. The Commonwealth Scientific and Industrial Research Organisation programme, involving the testing of insects to see that they will not attack other beneficial plants, is proceeding. As I said earlier, the programme was planned for the spring of 1980.

ARTIFICIAL CHEESE

The Hon. R. A. GEDDES: I seek leave to make a short statement before asking the Minister of Agriculture a question regarding artificial cheese.

Leave granted.

The Hon. R. A. GEDDES: I notice in a recent press report that there is on the American market an artificial cheese which is made from milk, flour, calcium, and other products and which has already commanded about 7 per cent of the cheese market in that nation, mainly, I guess, because it is 50 per cent cheaper than normal cheeses for sale in America. I also note that this product has been banned in Canada because of that country's concern that it may seriously affect its cheese industry.

There is concern that once this product becomes available in America it will not be very long before someone tries to create a market for it in Australia. Has Agricultural Council considered the problems that may be created if these artificial cheese products are imported into Australia? If it has not, what action might be taken by either the State or the Federal Agriculture Department if not to prohibit importation to at least restrict the use of the name "cheese" in selling this product?

The Hon. B. A. CHATTERTON: I am afraid my personal knowledge of artificial cheese is restricted to a press report that appeared in the *National Farmer.* This matter has not been raised at Agricultural Council, but if attempts are made to either import or manufacture this product in Australia, I am sure it will be discussed at Agricultural Council. Already in South Australia we ensure that the names of cheeses are not applied to products that are not made from dairy produce. A cream cheese type of product made from ingredients other than dairy produce is made and sold in South Australia, but it is made plain to the purchaser that it is not made from dairy products. The problem should be tackled by making it compulsory to inform people that the product in question is a synthetic or artificial cheese product.

ADVENTURE PLAYGROUND

The Hon. ANNE LEVY: I seek leave to make a brief statement before asking the Minister of Environment a question about an adventure playground.

Leave granted.

The Hon. ANNE LEVY: The construction of an adventure playground in the Belair Recreation Park has been proceeding for quite some time. This project seems to be exactly the type of amenity young children need, but local residents are concerned that for many months now signs have been displayed advising that the playground is closed. When will the playground be open for general use? Can the Minister give an assurance that it will be opened before the coming summer season, which I understand is when the park receives the maximum number of visitors?

The Hon. J. R. CORNWALL: The attention of the Hon. Anne Levy and the Hon. Mr. Blevins to projects within the Environment Department has been a great source of comfort to me as Minister. As members of the Parliamentary Labor Party Environment Committee, it is very pleasing to see that they are both very much on the ball and aware of what is currently happening. I am happy

to advise that the playground is open and is being made use of by children. In fact, it has proven to be a very popular venue. The playground features slides, structures on which children can climb, a maze, bridges and a fort, and I understand that the fort is as popular with fathers as it is with their sons, although I cannot comment on its popularity with mothers and daughters.

I consider the playground to be an excellent example of the work carried out under the State Unemployment Relief Scheme. Some people might query the cost of $80 000, but this must be weighed against the gains, namely, both the pleasure to be derived by thousands of children over future years and the psychological lift the work gave to unemployed men who were able to be given some work on the project.

SALVATION JANE

The Hon. M. B. CAMERON: I seek leave to make a short statement prior to asking the Minister of Agriculture a question about salvation jane.

Leave granted.

The Hon. M. B. CAMERON: In reply to a question on 2 August, part of which has been referred to by the Hon. Mr. Casey, the Minister made a comment about the cost benefit analysis that he has had his department conducting into the effects of the eradication of salvation jane. The Minister said, in part:

> In Perth on Monday I will be asking the other States to consider the cost benefit analysis that we have done in South Australia and to do a similar analysis so that a much more accurate picture could be obtained for Australia as a whole.

An article in the *Stock Journal,* on which the Minister cast some doubt, properly or otherwise, is not so much a direct statement as an impression attributed to the Minister, and it states:

> He [Mr. Chatterton] denies he attempted to persuade the council to compile similar studies and then report back to the next meeting in January 1980, before a final decision was made on a national release programme.

That is in direct contradiction to the statement made in answer to my question, that the Minister would be asking the other States to carry out a cost benefit analysis. A second quotation from the report in the *Stock Journal* states:

> In response to questioning, Mr. Chatterton said that regardless of the final conclusions in the cost benefit analysis being compiled by this department into biological control of salvation jane, it was "inevitable" South Australia would be part of any programme.

Did the Minister request the other States to carry out a cost benefit analysis and, if so, what was their reply? Did the other States agree to carry out a cost benefit analysis of their own? How long did the discussion take place on the question of the biological control of salvation jane; in other words, how long did the Minister spend persuading the other States to carry out a similar cost benefit analysis? As a result of the cost benefit analysis, is South Australia to agree to and proceed with the biological control of salvation jane in the long run, regardless of the outcome of the cost benefit analysis now being conducted by the South Australian department?

The Hon. B. A. CHATTERTON: It is incredible to me that the honourable member seems unable to understand the explanation I have given him on a number of occasions.

The Hon. M. B. Cameron: You've got to be joking!

The Hon. B. A. CHATTERTON: It seems quite straightforward. Where the *Stock Journal* article is quite confusing, and where he has failed to understand it, is that I did not ask Agricultural Council to defer the decision made in Christchurch. I did not ask for the whole thing to be put in cold storage whilst the cost benefit analysis proceeds. I asked the council to look at the cost benefit analysis that we had done, and a number of States thought it was a good idea and said they would proceed to do it.

The Hon. M. B. Cameron: And you spent 90 seconds on it.

The Hon. B. A. CHATTERTON: No. The honourable member was not at the Agricultural Council meeting, and he has no way of knowing whether I spent 90 seconds or 90 minutes on the topic. I explained to Agricultural Council what we had done in terms of the cost benefit analysis, and a number of States, as well as others such as C.S.I.R.O., expressed interest in what we had done and were quite keen to see what had been done, indicating that, if possible, they would do a similar sort of exercise. At no time did I ask Agricultural Council to rescind the decision taken in Christchurch in January and to delay the whole programme while the cost benefit analysis was looked at. I did think that this was evidence that was important to the problem and a matter that should be brought before Agricultural Council. That is what I did, and it is only proper that the other States should also examine the available evidence and do something similar if it is appropriate to their States and if they have the expertise to do it.

The Hon. M. B. CAMERON: I do not believe that the most important part of my question was answered, namely, the part that will be most important regarding the outcome of this matter. If the cost benefit analysis now being undertaken by the South Australian department proves conclusively that biological control will have an adverse effect on South Australian agriculture, will the Minister then agree, if all other States agree to biological control, or will he disagree with this method if it is proved that it is not beneficial?

The Hon. B. A. CHATTERTON: The honourable member is hypothesising about what I should do if such a thing were to happen in certain circumstances. It is a hypothetical situation that he is putting to me. It would be irresponsible of me to say that I will not listen to any representations or views that are put to me. It is the obligation of any Minister, who receives submissions from interested parties, to look at those views and the proposals that are put before him, and I will continue to do that. I will not issue a statement, as the honourable member apparently wants me to do, that I will not listen to any evidence or make any decision on the matter different from his views.

The Hon. M. B. CAMERON: I am having some difficulty in obtaining a reply from the Minister. I have no doubt that much expenditure will take place on this cost benefit analysis. Before the Minister further proceeds with the cost benefit analysis and incurs the costs associated with it, will he make up his mind whether he will abide by the result of the analysis?

The Hon. B. A. CHATTERTON: There will not be a lot of costs associated with the cost benefit analysis.

PRISONER'S PARDON

The Hon. M. B. CAMERON: I seek leave to make a short statement prior to asking the Attorney-General a question about pardoning prisoners.

Leave granted.

The Hon. M. B. CAMERON: Two days ago a letter to the Editor was published in the *Advertiser* from Mr. Ken

Ward and 12 other signatories from the Adelaide Gaol. They give a fairly clear impression that they are resentful of what appears to them to be favourable treatment meted out to some prisoners and, in particular, to one prisoner who was granted a Governor's pardon after he was convicted of his eighth drink-driving offence.

The Hon. J. C. Burdett interjecting:

The Hon. M. B. CAMERON: I am told that it was not actually a pardon. Is the Raymond Bruce Wilkins, who recently was granted a remission of a four-month gaol sentence by the Governor, Mr. Seaman, for his eighth drink driving offence, the same person who is known to police as Bruce Edgar Wilkins, Allan Edgar Edwards and Roy Douglas Wilkins? Was Executive Council influenced, in advising and consenting to the remission, by any factor other than the reported ill health of Wilkins? If it was, was Executive Council aware that, in advising and consenting to the remission, Wilkins has had more than a total of 30 convictions in a number of States, some for serious offences, since 1953?

The Hon. C. J. SUMNER: Executive clemency is exercised only in the most exceptional circumstances. Either there is a complete pardon, which would remove the conviction and anything else that flows from it, or Executive clemency is exercised, as it was in this case, which maintains the conviction and the licence suspension. It was exercised in this case on the basis of this man's health, as well as on the report that we obtained from the medical practitioner and submissions from his solicitor. This man's health is precarious, and we received information from his specialist that, because of his condition, if he were confined to a prison and there was a sudden haemorrhage (I think that was the word) involving his liver, there was a possibility that he could die in prison.

That factor was taken into account. Indeed, the only factor taken into account was this man's medical condition. The only evidence we had in considering this matter was the man's medical condition, which is indeed parlous, and there was a possibility that he could die in prison. Executive Council considered that this case fell into the exceptional category upon which Executive clemency is exercised.

BUSINESS FRANCHISE (PETROLEUM PRODUCTS) BILL

The House of Assembly intimated that it had agreed to the recommendations of the conference.

Consideration in Committee of the recommendations of the conference.

The Hon. C. J. SUMNER (Attorney-General): Reporting on the conference on behalf of this Chamber, I can say that a satisfactory agreement has been reached between the Houses on all matters. Sweetness and light prevailed at the conference, which I should say was well chaired. The managers from this House conducted themselves in an exceedingly courteous and conciliatory manner. As a result, we have reached agreement, and I will briefly inform the Committee of the main points of the agreement. Amendment No. 2, which was made by this Chamber, dealt with the term of office of the person constituting the appeal tribunal. The position of this Chamber was that there ought to be a fixed term of five years, and that the Government should not have any discretion in appointing a person for any lesser period. In the end it was agreed that there should be a fixed term of office for the head of the tribunal but that the fixed term should be for three years.

Amendments Nos. 5, 6 and 7 can be dealt with together. The amendment from this Chamber sought to fix in the legislation a value per litre upon which the percentage mentioned in clause 18 (1) *(a)* operates—25c for motor spirit and 24·1c for diesel fuel. This was unacceptable to the Government, whose original proposition was that the value upon which the percentage would operate should be declared in the *Gazette* from time to time by the Minister.

The compromise on this issue was that, rather than it being purely a notice placed in the *Gazette* by the Minister, any fixing of the value per litre of motor spirit or diesel fuel should be done by regulation. This would mean that the matter would come before both Houses of Parliament, rather than having it fixed in the legislation, which would remove a certain degree of flexibility. The Minister can now fix the value up to the maximum agreed wholesale price fixed by the Prices Commissioner and may change it from time to time by regulation, rather than by notice pubished in the *Gazette,* which was the Government's original proposal.

Amendments Nos. 3, 8 and 9 can be dealt with together. It is agreed that it is not necessary for there to be a judge, magistrate or legal practitioner as the head of the appeal tribunal. It was agreed that the head of the tribunal need not fall into that category, but a clause providing for an appeal against a decision of the original appeal tribunal has been written into the Bill. That appeal is not to the Supreme Court, as was the original suggestion of this Council, but to the Local Court. That appeal should be a final appeal; in other words, there is no further scope for an appeal beyond the Local Court. The principle of an appeal has been accepted, and the Government's position, in not limiting the sort of person who can be appointed to the initial appeal tribunal, has also been accepted.

As to amendment No. 10, this Council requested the deletion of a clause which gave immunity to the Commissioner of Stamps, to the tribunal, and to the inspectors appointed under the legislation. The House of Assembly agreed not to insist on its disagreement to this deletion. The position originally advocated by this Council has now been accepted.

Finally, there are two suggested amendments—Nos. 1 and 3. Again, agreement has been reached. The suggested amendments dealt with the establishment of an exemption for the non-road use of motor spirit. As I said in my second reading explanation and in the Committee stages, the Government was not unsympathetic to the position adopted by this Council on that issue. The Minister of Transport has now undertaken to examine proposals for providing for an exemption for non-road use with respect to motor spirit. He will discuss it with his officers and examine any constitutional problems that may exist. If such an exemption were introduced into the legislation, he would discuss it with his Ministerial colleagues on the Australian Transport Advisory Council and with the oil companies. The Minister has undertaken that, after carrying out those investigations, he will, if possible, introduce such an exemption scheme. The original proposal argued for by this Council was that there ought to be a system of rebates operated by the Government. People could sign statutory declarations if they bought motor spirit and used it for non-road purposes. They could then claim a refund of the licence fee from the Government. In this connection the Government wishes to investigate a number of problems, not the least of which are possible administrative problems and the possibility of avoidance of the legislation as well as the possibility of getting into a situation similar to that which applied to the old ton-mile tax. In addition to those considerations, some problems were raised as to whether or not the clause

originally sought by this Council would place the legislation in jeopardy in the case of any challenge to its constitutional validity. For that reason a compromise was agreed to.

A fresh subclause (2) *(d)* has been inserted into clause 18 in the same terms as subclause (2) *(c)*, except that subclause (2) *(c)* deals with the exemption that the Government agreed to with respect to non-road use of diesel fuel. The Government accepted that proposition because there is already a system operating with the Federal Government and the oil companies to provide for that exemption. This additional subclause (2) *(d)* will now appear in the legislation. However, it has been agreed that it will not be proclaimed until the Minister has carried out his investigations into any problems associated with granting this exemption. The suggested amendments give effect to that by also providing that certain parts of the Bill need not be proclaimed; it does not all have to be proclaimed together.

The Hon. R. C. DeGaris: I think the second part is by regulation.

The Hon. C. J. SUMNER: The proclamation of this clause does not have to be made immediately.

The Hon. R. C. DeGaris: It is by regulation.

The Hon. C. J. SUMNER: In that case there must have been a slight change to the agreement that was reached when I was at the conference. I am sorry that I was not at the final meeting. Clause 18 (2) *(d)* now stands as part of the Bill, but will be given effect to by regulation once the investigations that I have mentioned have been carried out by the Minister of Transport. They are the terms of the agreement. I thank honourable members who contributed to the conference and commend them for reaching agreement.

The Hon. R. C. DeGARIS (Leader of the Opposition): I concur with the views of the Attorney-General. It was a very pleasant conference in which both sides came together. It appeared that the general viewpoint expressed by the Council in its amendments was generally accepted by the Government. However, there were some problems in regard to the expression of those amendments. The Attorney-General explained them reasonably well, but I shall run through them again briefly as I see them.

First, there were two areas related to the financial part of the Bill for which a strong case for change was made in the Council. One area was that Parliament would not in future be consulted when the price of fuel rose. Of course, there could be a rapid escalation in prices. The point made in the second reading debate, that the Bill as drafted allowed a rapid increase in the rate of taxation without Parliament's being consulted, was agreed to by the conference managers. In an attempt to find a solution of that problem, the Hon. Mr. Griffin's amendment wrote into the Bill a fixed price per litre on which that tax would always be based. If the Government wanted to get more revenue, it would have to return to Parliament and amend the clause, which I believe would be the correct procedure.

Certain objections were taken in the conference to that procedure, and the managers agreed to the compromise that the Government could change it, but by regulation. So, Parliament still has power to debate and reject any increases in the rate of tax that may be applied under this measure. The principle that I explained in Committee has been accepted by the conference, about which the Opposition is pleased.

The second matter related to off-road fuel use. There is already a means whereby non-payment of the tax for off-road use of diesel fuel can occur. This is because an agreement exists at the Federal level regarding the charges made on people who use fuel for off-road use. There is no such agreement in relation to petroleum, although there is one in relation to distillate.

At present, when a producer or industrialist buys distillate, he signs a declaration that a certain proportion of it will not be used for on-road use, and he does not have to pay the excise duty on that fuel. However, a statutory declaration needs to be completed.

The Hon. Mr. Griffin's amendment provided that the person paid the tax in relation to the petrol and then made a statutory declaration to the Commissioner of Stamps, who would refund to that person the tax paid. The House of Assembly managers pointed out that this might cut across the question whether this was a tax or an excise.

Although this problem was not solved, the Minister in charge of the Bill was concerned that, if a solution was possible, he would undertake to have it implemented in the legislation. So, we have written into clause 18 the same provision regarding motor spirit that at present applies regarding distillate. We are giving the Minister the chance to investigate the whole matter from the viewpoint of the legislation and in relation to whether it is a tax or an excise, and to come up with an answer to the problem. I think this can be achieved.

The amendment is an admission by the Government that it will do all in its power to try to solve this problem. It accepted the Council viewpoint that, if possible, the tax should not be paid by those who use large quantities of petroleum for off-road use. If a solution can be found, it will be implemented by regulation. That is about a half-way house in relation to that point that the Council managers were willing to accept.

The other matters with which the conference dealt were not of a financial nature. I said during the second reading debate that this Council did not intend in any way to take away any of the money that the Government expected to receive as a result of the change from the ton-mile tax to the franchise. Indeed, that has been stated throughout.

The other amendment deals with the appeal provisions, which I will leave for the Hon. Mr. Griffin to explain. The Opposition in the Council required that the appeal tribunal comprise a legal practitioner, a judge or a magistrate. However, that idea has been given away. There will now be a final appeal from the appeal tribunal to the Local Court of full jurisdiction. That solution was acceptable to the Council's managers.

I thank the Attorney-General for the manner in which the conference was conducted. I am sincere when I state that all managers of both Houses tried genuinely to resolve, in the best possible manner, the matters before the conference, and that the principle of the Council's amendments was, by and large, accepted. It involved our finding ways and means of expressing our desires and of overcoming some of the constitutional problems that are evident in this Bill.

The Hon. K. T. GRIFFIN: I, too, am pleased that the managers were able to achieve some compromise between the two Houses. I am satisfied with the result of the negotiations in the conference. The whole area of business franchise, whether for petroleum products, tobacco, or any other product, is complex. I and, I think, all honourable members, acknowledge that some difficult constitutional questions are involved in the implementation by the States of this sort of tax. I said when I spoke in the second reading debate and on the amendments in Committee that I was concerned to ensure that we did not do anything that would affect the constitutional validity of the legislation.

I certainly did not want to receive the criticism that anything we had done by way of amending the Bill had, in

fact, resulted in a valid objection to the provisions of the Bill as amended. A number of objections were raised to some of the amendments that the Council had passed. They have already been referred to by the Attorney-General and the Hon. Mr. DeGaris.

I believe that our principal concerns have been safeguarded and upheld by the amendments which have been agreed to and which are referred to in the conference report. The most significant one is the way in which the amount of the tax that is to be collected is always subject to review by this Council. Previously, as the Bill was introduced, that was not the position. The notice that the Minister could give (every three months if necessary) could not be reviewed by this Council. The fact that any increase in the amount of the tax will now come before Parliament (every three months if necessary, or over longer periods of time) by way of regulation is sufficient, in my view, to enable the Parliament to exercise some responsibility in reviewing that taxation regulation. It also means that the Government will have to face up to the people on each occasion that it seeks to increase the rate of tax recoverable under this Bill.

This is an important provision in any taxation measure. Members on this side were also concerned to ensure that there were adequate review procedures for aggrieved persons where a decision is made by the Commissioner of Stamps. We were also concerned to see that there were adequate appeal procedures. I was not satisfied that an appeal to the tribunal, constituted by a person whose qualifications were not established by the Bill, should be final. The proposals originally moved by the Opposition and carried during the Committee stage were that the tribunal should comprise a judge, magistrate or legal practitioner; further, that there should be a right of appeal against the decision of that tribunal to the Supreme Court, which means that an appeal could go to the High Court or even the Privy Council.

This measure allows for the refusal of a licence and the reassessment of a fee, and these provisions are most likely to be appealed against. However, the Bill also contains very complex grouping provisions that are also likely to be the subject of an appeal. Therefore, we were satisfied that the tribunal should comprise a person with accounting experience and that an appeal could be made to the Local Court of full jurisdiction; that court's decision would be final and without further appeal. I am satisfied that the decisions of the Commissioner and the tribunal will be subject to a fair and reasonable judicial review by a local court judge.

There are three further matters that I wish to comment on. A person appointed to the appeal tribunal could have been appointed for any term not exceeding five years. In theory, that could have meant that that person could be appointed for some months or up to five years, but that situation would not have enabled that person to be guaranteed any security of tenure and could have influenced his or her attitude towards an appeal. Members on this side are now satisfied that a fixed term of three years ensures security of tenure. This also satisfies the earnest desire of the Government that it should not be hamstrung by having to make an appointment for a long period of five years.

The next matter concerns the liability of the Commissioner, the tribunal and inspectors in the exercise of their powers under the Bill. On previous occasions members on this side have said that they see no need for that provision. A Government should accept the consequences of the actions of its employees, just as a private individual or bodies corporate must accept responsibility for their actions. We are satisfied that the deletion of this clause, which provided immunity from liability, is an appropriate and responsible decision.

The last point I wish to make concerns the exemption of motor spirit for non-road use. The Hon. Mr. DeGaris covered this point in considerable detail. We have received an undertaking from the Minister of Transport that he will review this situation with his departmental officers and the Commissioner as a matter of urgency and act unilaterally if a scheme can be developed that does not prejudice the validity of the Bill. I hope that the Minister will be able to provide a scheme that will satisfy what he professes to be his desire and what we earnestly seek to have included in this legislation; that is, where motor spirit is for non-road use, it should not be subject to a fanchise fee. I support the motion.

The Hon. F. T. BLEVINS: I am pleased that the problems of the Bill have been resolved to the satisfaction of all. During the debate I was disturbed about the attitude revealed by members opposite regarding the money clauses. In effect, they were doing what they claim is a right under the Constitution to interfere with any money Bills that they wish—

The CHAIRMAN: Order! I point out to the honourable member that he must refer specifically to matters relating to the conference.

The Hon. F. T. BLEVINS: These clauses are the precise clauses that were discussed at the conference.

The CHAIRMAN: Order! Are they clauses of the Bill?

The Hon. F. T. BLEVINS: Yes, indeed, Mr. Chairman. They were discussed at the conference.

The CHAIRMAN: We are now dealing with the recommendations of the conference. We are not dealing with the clauses of the Bill or the debate on the Bill.

The Hon. F. T. BLEVINS: The recommendations of the conference relate to those clauses. Mr. Chairman, if you like I will read out the clauses concerned.

The CHAIRMAN: Order! I do not want you to read out the clauses. I want you to discuss the recommendations of the conference.

The Hon. F. T. BLEVINS: Yes, Mr. Chairman. The clauses are covered in the recommendations of the conference. One of the reasons why I agreed with the recommendations was that a very strong principle is held on this side: that the Legislative Council is not permitted to interfere with money clauses. The Opposition, according to the attitudes it expressed the other day, does not believe this. The Opposition continually claims the right under the Constitution to be a *de facto* Government and to retain *de facto* control of the Treasury of this State. The Opposition did that with the clauses that were discussed at the conference and that is totally unacceptable to members on this side.

The CHAIRMAN: Order! The conference was called because of the debate.

The Hon. F. T. BLEVINS: Indeed, Mr. Chairman; that is why I am pleased with the outcome of the conference. Yesterday the Government was accused of having nineteenth century ideas.

The Hon. R. C. DeGARIS: I rise on a point of order, Mr. Chairman. I do not wish to become difficult about this matter because so far it has proceeded in an atmosphere of great co-operation. However, under Standing Orders the honourable member's contribution is not relevant to the recommendations of the conference.

The CHAIRMAN: I take the point of order. The Hon. Mr. Blevins can continue, but he will confine his remarks to the recommendations of the conference.

The Hon. F. T. BLEVINS: I certainly take your point, Mr. Chairman, but yesterday members of the Opposition said that our attitude was from the nineteenth century—

The CHAIRMAN: Order!

The Hon. F. T. BLEVINS: We are—

The CHAIRMAN: Order! The honourable member will resume his seat. Yesterday you, for one, made a specific point—and as a servant of this House I take that point—that the running of the Council was not to your liking. Today we will start correcting that situation and making the Council function in a more desirable manner. I have asked you to refrain from referring to yesterday's debate, in which I felt you took part quite effectively. Today we are discussing the recommendations of the conference, and you are at liberty to do that if you wish. Otherwise, I do not want to hear you.

The Hon. F. T. BLEVINS: Mr. Chairman, in response to your suggestion that I complained about your running of this Chamber, that was only on the question of equality. You may choose to run this Chamber any way you wish, and that is fine by me, provided it applies to both sides. I have only one sentence left and, if the Hon. Mr. DeGaris had been a little more patient, this matter could have been concluded some time ago. The nineteenth century attitudes that we are accused of holding—

The CHAIRMAN: Order! Order!

The Hon. F. T. BLEVINS: We are proud—

The CHAIRMAN: Order! The honourable member will resume his seat, or I will name him.

The Hon. F. T. BLEVINS: Thank you, Mr. Chairman, I have finished, and—

The CHAIRMAN: Order! I realise how smart you are in having defied the Chair and then saying, "I have got it in *Hansard*", which is what you wanted to do. I realise that, in the past, we have tolerated this, but I do not intend to tolerate it further. I was instructed by you and others yesterday that proceedings in this Chamber were too lax.

The Hon. M. B. CAMERON: I support the findings of the conference. I believe it is quite proper for this Council to take matters to the point where, if there is disagreement, a conference is set up so that there can be discussion between the Houses. This involved the Opposition's and the Minister's views on what the clauses did in relation to what the Minister originally announced as his intention when changes took place to the ton-mile tax. Out of the conference has come a decision on those matters. It is a decision that this Council accepts, and I believe it is important that this place should always retain the right, and the Opposition must always have the right, to consider matters, and particularly public statements by Ministers, ensuring that, when a Bill reaches this place, it leaves it in such a way that members of the public know that they can trust members of this Council to look after their interests and to ensure that matters are not put over them.

Motion carried.

SUPPLY BILL (No. 2)

Adjourned debate on second reading.

(Continued from 8 August. Page 431.)

The Hon. R. C. DeGARIS (Leader of the Opposition): This is the usual Supply Bill that comes before this Council for approval. The amount involved is the same as was involved last year. We have already approved a sum of $220 000 000 to carry the State through until about the end of August, and the approval here will cover the period until the end of October. It is the usual Bill to come before us, and, as I see no reason to hold it up, I support the second reading.

Bill read a second time and taken through its remaining stages.

ROAD MAINTENANCE (CONTRIBUTION) ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 7 August. Page 369.)

The Hon. R. C. DeGARIS (Leader of the Opposition): I support the second reading. When I took the adjournment for the Hon. Mr. Hill, it was to enable the Minister to reply to some of the questions directed to him by the Hon. Mr. Hill.

The Hon. C. J. SUMNER (Attorney-General): I thank the Leader of the Opposition, and I have been able to obtain some of the information requested by the Hon. Mr. Hill. I trust that it will be satisfactory to him but, if not, and if he has any further queries, I shall attempt to have them resolved for him later.

The consumers to whom he referred, presumably the road hauliers, will be involved after 1 July 1979, 30 June being the cut-off point, to the extent that the returns of record of journeys up to the month of June, which were not due until 14 July 1979, have not been received. Most hauliers do not submit records by the actual due date, and today the department is still receiving returns and payments for various months prior to June 1979.

It is not possible to give an accurate figure of the number of debtors, but it is estimated that the department will collect, in the six months to 31 December 1979, about $1 000 000 in outstanding charges. As at 30 June 1979, known outstandings were $1 069 329, including ordinary arrears $689 361, Local Court $328 483, and Adelaide Magistrates Court orders $51 495. It is not expected that all of the total will be collected, for one reason or another—company failures, and so on. In round figures (it cannot be estimated exactly), it is expected that about $1 000 000 will be collected for past charges and fines up to 30 June 1979. The charges will be collected as a result of lodging of returns by operators, correspondence, inspector inquiries, civil debt proceedings in the Local Court, and action taken or being taken in the Magistrates Court.

To process the work involved, it is necessary to retain certain administrative personnel. At this point of time some 15 personnel have been transferred to other positions within the Highways Department satisfactory to the personnel concerned. It is expected that further officers will be transferred as vacancies occur and as the Road Charges Branch runs down. There will be no retrenchments. A small number of the staff will have to be retained to administer other functions of the branch which will continue, for example, the Road Traffic Act and Commercial Motor Vehicles (Hours of Driving) Act.

With regard to the Government view in relation to summonses and warrants, it was made clear to the representatives of the trucking industry at the negotiations leading to the withdrawal of the blockade that outstanding charges would be collected.

The Minister of Transport (Hon. G. T. Virgo) wrote to Mr. Lewis, President, Professional Truckdrivers Association, setting out detailed conclusions from the negotiations that the Minister had had with Mr. Lewis. One aspect concerned outstanding moneys. The Minister wrote that the Government would—

> continue to recover the outstanding moneys due to the Highways Department for road maintenance charges by using the present generous and humane approach, which is regarded by the majority of people as the best applying throughout Australia.

He said the Government would also continue—

> to collect these outstandings with some equity to those hauliers who have paid it is necessary to take legal processes which may entail prosecution and the issue of warrants. Because of the legal processes it may be many months before the final wind down of the Road Charges Branch.

I hope that that information adequately covers the points raised by the honourable member.

Bill read a second time and taken through its remaining stages.

MOTOR FUEL RATIONING BILL

Adjourned debate on second reading.

(Continued from 7 August. Page 359.)

The Hon. R. C. DeGARIS (Leader of the Opposition): I support the general principles of the Bill, as I have done previously. This Bill is different from the Bill introduced in February 1978, and it is almost totally different from the emergency powers Bill introduced in 1974 to which there was strong opposition in this Chamber.

The 1974 approach of the Government could not be tolerated, in my opinion, yet the 1978 Bill, which failed to pass because of a disagreement between the two Chambers, could be supported in principle and was supported in principle by this Chamber. The Bill failed to go on the Statute Book because of a difference of opinion between the two Houses on two important points.

About 50-60 per cent of our liquid fuel consumed in Australia is used by the transport industry, and I believe that this is the highest proportion of liquid fuel usage by the transport sector in any country of the world. It indicates the reliance of this vast continent upon the production and distribution of liquid fuels for the transport industry. Honourable members can see the importance of liquid fuels to the economy.

South Australia, in comparison with the other States, because of its geographical divisions, especially as it is almost cut in half by two wide gulfs, is more reliant upon liquid fuels for cheap and efficient transport than is any other State. Since the 1978 Bill failed to go on to the Statute Book there has been a steadily increasing problem in regard to world oil supplies.

I do not believe that this Parliament, this Government or any Government in Australia in the past few years has really come to grips with problems developing in the energy field, especially concerning the supply of liquid fuels. There is no energy shortage, and that situation applies not only in Australia but also in most other countries: there is no energy shortage. Australia faces problems with certain types of energy resources, and these problems have been predicted.

One problem has been created through the reliance on liquid fuels based upon a rapidly declining crude oil resource. In most countries of the world, this problem stems from a reliance on imported crude oil. The reliance of our vital transport needs on a supply of crude oil is the real reason why the Government believes in the necessity for such legislation, so that in the event of any crisis occurring the Government of the day can act quickly in rationing available fuel supplies for important industries that should have first call on any available fuels.

I should now like to touch upon other questions of policy that any prudent Government should be examining, including methods of insurance in the case of any crisis that may develop. This matter should be examined by the Government. In other countries this question has been examined, and action has been taken. The Government should consider how it can increase South Australia's storage capacity of liquid fuels, not only in refineries or port-based facilities but also in regard to the capacity that can be built up through the use of storage in service stations, farms, industrial premises, transport vehicles and elsewhere.

Storage between the refinery and the final consumer is a means whereby capacity can be greatly increased. One country can in that way carry in its storage capacity about six months supply of liquid fuel. I suggest that, in any crisis that the Government foresees, it may be worth examining a policy to develop the establishment of increased storage areas.

The Government should be encouraging the development of vehicles based on fuels other than liquid fuel. I could detail various policy areas where the impact of any shortage or rationing that would be required could be ameliorated because of the existence of either one of those two things happening in our community; that is, a changeover to other fuels or an increase in the overall storage capacity.

The next point I wish to touch on is what crises could develop to warrant the Bill's provisions being implemented. Of course, there are many: there could be interruption to overseas or interstate supplies, or a natural disaster could create a shortage. A shortage could also be caused by the massive rebuilding or redesigning of existing refineries, and that is a distinct possibility in Australia, because of the changes in the type of crude oil we may be processing. A dispute between management and employees, or any company or union action, that may prevent supplies getting to the required areas could also cause shortages. It is my opinion, and always has been, that, if the powers available to the Government do not include a power to move fuel during any crisis, the Bill is a rather negative one. The last Bill to come before the Council did not pass, because of a disagreement on two points.

One related to the classification of a 44-gallon drum as a bulk container, which created a difficulty in certain areas of the State, particularly the rural area. Secondly, the Bill did not contain a power for the Government to move fuel from one point to another in any emergency that might occur. The 44-gallon drum issue is not involved in this Bill, so we are left with only one argument advanced by this Council for not allowing the Bill to pass on a previous occasion: that is the question of the power of the Government to ration fuel in a crisis. As I say, I feel that the Bill, without that power, is a rather negative one. I know that the Government, from a previous viewpoint, will not accept any change in this area. It is adamant that, if a shortage or an upset is caused by any dispute between management and labour, the Government will in no way interfere with that disruption to society and move fuel over the heads of those involved in any argument that may be going on. I accept that as the Government's philosophy, although I do not believe that it is a correct one. I am prepared to support the second reading on the basis that I believe some form of legislation like this may be necessary if some crisis does occur, thereby creating a need to ration the available fuel resources for the benefit of those who need it urgently.

I could make other comments on the appeal provisions, which would also constitute a valid argument. I have stated the differences between the three attempts made on this question: the 1974 attempt in the emergency powers Bill, which was an intolerable concept; the disagreement in the 1978 Bill; and now this Bill, where most of the areas of disagreement have been overcome and the Government has seen fit not to proceed with them. For that reason, I will support the second reading.

The Hon. K. T. GRIFFIN: I support the second reading of the Bill and hope that there will be an opportunity for consideration of three areas for amendment. I support the concept of the Bill that, generally speaking, in times of crisis, the Government of the day ought to have some power to deal with the distribution of motor fuel. It must have the responsibility to alleviate the disabilities and distress caused by such a crisis in the availability or distribution of fuel. I accept also that it must be in a position to exercise that responsibility and to arrange for appropriate distribution.

I want to speak only briefly on the three aspects of the Bill that need attention. The first is in relation to the review of any decision which the Minister may make in relation to the granting or cancellation of a permit and the conditions which may apply to it. The Minister has the sole authority for granting the permit and the responsibility for attaching conditions and cancelling the permit.

Whilst the life of any emergency period is not to extend beyond 30 days, any decision the Minister takes with respect to a permit can have very far reaching implications for not only the community but also companies and individuals. It is quite conceivable that in a time of crisis business can be bankrupted by both the crisis and by the decision of the Minister in respect of a permit. This is particularly so if the crisis has preceded the emergency period declared under the Bill. Presumably, at the time when the Minister exercises his powers under the Bill, we will be well into a crisis period. If a business is inflicted with some undesirable permit provisions which do work to the detriment of that business and are not imposed in a balanced and reasonable way, then, unless there is some right to review, the Minister has very wide powers, having considerable implications for that business.

What I seek to do at the appropriate occasion is provide for some method of review of the Minister's decision by some person who is aggrieved by his decision with respect to a permit. We recognise that to establish very formal procedures will be of no use to the person who may be aggrieved by the Minister's decision. We recognise, too, that speed is the essence in dealing with such a situation. The scheme I want to propose at the appropriate time is that, if a person is aggrieved by a decision of the Minister, it should be dealt with by a Local Court judge in chambers, without formality, providing the Minister with a right to be heard in chambers before a direction is given by the Local Court judge with respect to the permit or the conditions attaching to it. I am of the view that in an emergency situation this will not hamstring the Minister or the Government but it will ensure, as far as possible, that any excesses and abuses of power which the Government or the Minister may seek to perpetrate, whether intentionally or accidentally, will be subject to review. I will place the Minister and the Government on warning that there must be some review procedure, so that his implementation of the procedures is reasonable.

The second aspect is in relation to clause 9, where the Minister is able to give directions to any body corporate. It is interesting to compare that clause with clause 10, where the Minister may, by notice in writing, require a person to furnish any information. There is an obvious difference between those two positions and the consequences. It seems that there is no reason for that inconsistency between clauses 9 and 10. In the other place there was considerable debate on the reason why clause 9 was limited to the Minister's being able to give directions to a body corporate. It is quite conceivable that a shortage of fuel may be caused by an industrial dispute brought about by individuals, yet the Minister has the power to give directions not to those individuals but only to a body corporate. It will prejudice the powers he may exercise to overcome the fuel shortage.

In the scheme of this Bill, it is important that the Minister have power to give directions not only to a body corporate but also to any person. He has the responsibility in Government to exercise that power so that the dispute and the crisis may be resolved. I will therefore, at the appropriate time, want to ensure that the power of direction is widened to bodies corporate and any person.

The other matter I raise relates to clause 11, which provides that no action to restrain or compel the Minister or his delegate to take, or refrain from taking, any action in pursuance of this Act shall be entertained by any court. I oppose that sort of provision because it means that the Minister is then above the law.

I do not believe, even in times of crisis or emergency, that the Government or the Minister ought to be above the law. It is vital for our community that, whether in ordinary times or in times of crisis or emergency, the Government, in exercising its responsibilities, should not be placed in the position of a dictatorship but should always be subject to the ordinary process of the law. I will urge at the appropriate time that honourable members strenuously oppose that provision in clause 11. They are the matters to which I will direct attention in Committee. To enable us to reach that stage, I support the second reading.

The Hon. C. J. SUMNER (Attorney-General): I am pleased to see that the second reading of this Bill will be supported and that it will become a Committee Bill. Honourable members opposite have referred to a number of matters that they will raise in Committee, and I will certainly deal with those matters at that time.

The Hon. Mr. DeGaris raised a number of general issues regarding the energy shortage and referred to an increase in storage capacity that it might be necessary to work towards in this State and Australia generally. That suggestion seems to have some merit. The Leader also talked about the use of fuels other than liquid fuels, and again that is something with which one would find it difficult to argue.

The whole energy supply situation, particularly the petroleum supply situation, was taken up at the most recent Premiers' Conference. It was agreed that some measures ought to be taken at Government level at least to try to restrict the use of energy in the Government area. As honourable members will realise, the South Australian Government has acted quickly on this suggestion and has ordered that there be within Government departments an across-the-board cut of 10 per cent in the use of motor spirit.

The Government also has a committee examining the whole matter of fuel use in Government departments, to ascertain whether it is appropriate to introduce fuels other than motor spirit, or to convert vehicles to the use of liquid petroleum gas, and so on. I have indicated to the Council in reply to the Hon. Mr. Griffin that there will be a reduction in the size of the cars that are used within the Government service. In future, not six-cylinder but four-cylinder vehicles will be the norm.

Government Ministers have shown the way in this respect by adopting the stance that the Ministerial fleet will comprise not eight-cylinder but six-cylinder vehicles. So, they are the practical measures that the Government has taken in this regard. This is indicative of the Government's good faith in this area, its concern about the energy situation in Australia, and indeed the potential for further fuel shortages, particularly of petroleum, in Australia. Again, this gives the lead not just within the Government but to the community generally.

The Hon. Mr. Griffin raised a number of what were really Committee matters, on which I will comment in more detail in Committee. The only matter to which I refer briefly at this stage is that the honourable member believes that there ought to be some provision to review the Minister's decisions in the area. I point out that any rationing period could exist for a period of 30 days only, after which Parliament must be called together to facilitate consideration of any extension of that rationing period. So, there would then be an opportunity for full public debate and consideration of the issues involved.

The problem that I see with the honourable member's suggestion is that the essence of this sort of legislation, which is emergency legislation, is that the Government can act speedily and effectively on it. If one builds in some form of appeal provision, the effectiveness of the legislation may be defeated. That applies to the possible review of the Minister's decision and the preclusion of the use of prerogative writs.

The rationing period would operate for a period of only one month in a crisis situation. In those circumstances, the Government (given that it is an elected Government and is responsible ultimately to Parliament) must be given some leeway to act in the best interests of the community in an emergency crisis situation.

I understand that in similar legislation introduced in Western Australia and Victoria there is no review provision such as that which the Hon. Mr. Griffin wishes to put in this Bill. Presumably, it is not included for the reasons that I have outlined.

I am pleased to see that honourable members agree with the general principles of the Bill. I thank them for the attention that they have given to the Bill. We will debate specific matters when the Bill is in Committee.

Bill read a second time.

In Committee.

Clauses 1 to 7 passed.

Progress reported; Committee to sit again.

ADJOURNMENT

At 4 p.m. the Council adjourned until Tuesday 21 August at 2.15 p.m.