

HOUSE OF ASSEMBLY

Monday, July 31, 1972

The SPEAKER (Hon. R. E. Hurst) took the Chair at 2.15 p.m. and read prayers.

The SPEAKER: I have to inform the House that on Friday last, July 28, the honourable 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, ensuring public control of petrol 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 on July 28, 1972, to all members that the House would meet today at 2.15 p.m.

PARLIAMENTARY COUNSEL

The Hon. D. A. DUNSTAN (Premier and Treasurer) moved:

That Standing Order 82 be so far suspended for the remainder of the session as to enable the Parliamentary Counsel and his Assistants to be accommodated with seats in the Chamber on the right-hand side of the Speaker.

Motion carried.

LIQUID FUEL (RATIONING) BILL

The Hon. D. A. DUNSTAN (Premier and Treasurer) moved:

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

Motion carried.

The Hon. D. A. DUNSTAN obtained leave and introduced a Bill for an Act relating to the rationing of liquid fuel during the present emergency, and for other purposes. Read a first time.

The Hon. D. A. DUNSTAN: I move:

That this Bill be now read a second time.

The situation in which this State has found itself in connection with fuel supplies, particularly petrol and distillate, has been so well publicized over the past two or three days as to require little elaboration from me. However, I will give an explanation of events leading up to this matter.

Last week, it became apparent that possibly a severe crisis could arise in relation to fuel in this State and elsewhere as a result of the dispute in the oil industry. A Government committee was immediately established to work out what supplies we had. The oil industry

itself set up a committee to examine the stocks of fuel in South Australia. That committee arranged for liaison with the officer responsible for the working of the Government committee, and an assessment of the resources available to us was undertaken. However, it was not until Friday at mid-day that the worst turn in the situation occurred, producing a crisis of major proportions.

From all inquiries made, it was then apparent that in the short term we would be unable to get refined petrol to South Australia from sources outside the State. The tanker that had been due to berth at Birkenhead had, during the closure of that installation, bypassed South Australia; it had gone to Hobart and could not be returned. In the short term, we could not get petrol from anywhere else outside the State and, at mid-day, it was apparent that work would not proceed to refine the crude available at the Port Stanvac refinery. In those circumstances, the situation became desperate immediately. All hope of the State's getting the necessary fuel supplies then to continue had disappeared.

So that members will appreciate the gravity of the position, let me say that last Friday evening the total stocks of petrol at the refinery and in oil company installations totalled 792,000gall. of premium grade and 855,000gall. of standard grade. This total of just over 1,500,000gall. is held for a State of a population of nearly 1,200,000 people in storages which have a capacity of 140,000,000 gall. and which are normally reasonably full. The normal usage of petrol supplied from the refinery and storages in this State is 600,000gall. a day. The stock of distillate last Friday was 2,300,000gall. in the metropolitan area, with no significant stocks in country bulk storages. This is about 10 days normal supply in distillate. It is clear then that the situation is really quite desperate, and independently of this Bill the Government is using all the resources at its command to alleviate it.

This Bill deals with a specific aspect of the problem, that is, the conservation of existing fuel supplies. As soon as it was appreciated that our supplies were dangerously low, it was clear that immediate (and I emphasize "immediate") steps would have to be taken to ensure that, before Parliament could be called together, the rapidly dwindling fuel supplies in this State were conserved for essential purposes.

Last Friday, after consultation with its advisers and with a clear realization of the consequences of the step, the Government

decided that a proclamation under the provisions of the Industrial Code relating to the restriction of shopping hours was the only means available to it of holding the situation until appropriate legislative steps could be taken. It is quite clear that, aside from certain questions in relation to the efficacy of this proclamation (in practical terms that could be only very limited), it was practical to apply it only in the metropolitan area. But, as I have said, it was the only step open to the Government to take in these circumstances. This Bill, then, has two main objects: first, to deal with certain aspects of the proclamation; and, secondly, to provide a system of rationing which it is hoped will enable at least the most essential services in this State to continue to operate until the present emergency is solved.

The present emergency will not be solved in the very short term. As a result of my going to Melbourne this morning and consulting with the Australian Council of Trade Unions National Disputes Committee on this dispute, a recommendation has been made to the men at Port Stanvac to return to work and immediately to undertake the work necessary to put that plant into a condition where it can produce petrol. That recommendation to the men from the disputes committee has been accepted by them, and they will return to work tomorrow morning.

However, whilst there is about 20 days supply of crude at the plant, it will also be necessary to unload the tankers, and before we can get back to normal supplies at least about 20 days must elapse. Therefore, we can expect that there will be some emergency restriction of petrol over a period of about three weeks, though it may not be necessary, for the whole of that time, to retain the present stringency of the measures that have been imposed.

As the nature of the problem emerged over the weekend, it became necessary, on more than one occasion, to redefine the meaning of what was an essential service. The reason for this is quite simple. We could only assess the detail of the problem when we were in the course of issuing permits, to see just what the actual demand for these areas was. We could get no sort of estimate prior to that time, even from the oil companies, so we were unable to make an estimate of what the demand would be on a restricted basis.

The State's economic survival depends upon fuel being available to at least some services. The wider the definition of an essential service the more fuel will be allocated and the shorter

will be the period for which we can be reasonably able to survive. The Government is not unmindful of the fact that many persons and bodies who in ordinary circumstances consider themselves to be performing an essential service have not been allocated fuel under the scheme provided for by the proclamation, nor indeed will they be allocated fuel under the scheme provided in this Act, which is just as limiting as the proclamation but extends throughout the State. It is simply a question of stark arithmetic. The more fuel that is used from day to day the shorter will be our survival period.

I turn now to consider the Bill in some detail. Clauses 1 and 2 are formal. Clause 3 sets out certain definitions necessary for the purposes of this Act, only one of which seems to require special comment. This is the definition of the appointed day. If, as I sincerely hope, this Bill is enacted into law today, it necessarily follows that people will have committed offences against the Act as a consequence of acts or omissions that occurred this morning, since, at law, the Act will have been deemed to have come into operation at one minute past midnight today. To avoid this situation, references will be made in the Act to events occurring on or after the appointed day and, as will be noted in the definition, the appointed day will be the day next following the day of the commencement of this Act. Hopefully that will be tomorrow.

Clause 4 in express terms validates the proclamation. The Government is not unaware that in strict law questions may be raised as to the efficacy of the proclamation. It does not see the problem as a simple one, but it does see it as having two aspects, one of which is the question of breaches of the Industrial Code that may have occurred as a consequence of actions taken after the proclamation came into force. There is, however, a much more important aspect of this, and that is how the proclamation may have affected the private rights of the citizens of this State. In the Government's view, this is a more important one, and for this reason above all others it has been thought proper that the question of the validity or effect of the proclamation should be put beyond doubt.

Members will know that many contracts within the State have been affected specifically by the proclamation, where supply has been sought under those contracts but where the oil companies, acting under the proclamation and in co-operation with the Government, have refused to supply. Consequently, it is vitally

necessary to save the civil rights of the people under contract who have been affected by the proclamation and have acted in accordance with it.

Accordingly, clause 4, in terms, validates and renders effectual the proclamation as if there had been express power to make it conferred by the Industrial Code. This is not to suggest that in the Government's view the patently irresponsible, even if it is put no higher, conduct of fortunately a few vendors of petrol does not deserve the greatest disapprobation, and the question of whether prosecutions will be undertaken is still under consideration. However, the question of prosecutions is by no means the most important aspect of this question of validation: it is the civil rights of the parties concerned.

Clause 5 revokes the proclamation but preserves anything done under it including, of course, any acts that were by implication validated by clause 4. Again, this goes as much to the private rights (for instance, in the case of contracts and other agreements) of the citizens as to anything else. Clause 6 preserves all permits granted under the proclamation as if they were permits issued under this Act. However, so that the situation can be kept under constant review, these permits will have an effective life until Friday next only. Clause 7 confers a wide discretion on the Minister to issue a permit for the supply of liquid fuel. Although this discretion is wide, members may be assured that, in the circumstances of the emergency, every application for a permit will be examined against the criteria that the Government has established, and is constantly reviewing, for the granting of permits. These criteria have been given wide publicity in official statements made on and since last Friday.

Clause 8 confers a power on the Minister to revoke a permit. This power again is in the discretion of the Minister, and I wish to make it clear that it will be used primarily as an instrument to prevent abuses of the permit system. The situation is far too serious to allow the interests of the public of this State to be jeopardized by irresponsible people. Clause 9 relates to an alternative system of providing fuel for essential purposes. The Government has made it clear that those persons who control what are normally known as "industrial pumps" may use what petrol is available to them for their own purposes to ensure that they can continue operations. This will include the provision of petrol to persons who must arrive at or depart from essential industries before or after the times at which

public transport is operating. The Government confidently expects that people in this class will ensure that fuel is used with proper regard to the situation. Should any question arise as to any improper use, the power to revoke the authority to sell petrol in these circumstances will have to be brought into play.

In these instances, where in the Government's view the industry is of an essential nature, these industrial pumps will be recharged, but in other industries operations may continue only so long as present stocks of fuel last. Clause 10 makes it clear that a person shall not sell liquid fuel to a person other than a permit holder and that the seller will comply with any conditions set out in the permit. Subclause (2) of this clause relates back to section 9 of this Act. Clause 11 is intended to ensure that liquid fuel supplied under this Act will be used for proper purposes. It may be anticipated that the provisions of this section will be policed with the utmost stringency. Clause 12 prohibits the person who has obtained fuel under a permit from disposing of it. Clause 13 prohibits a permit holder from lending out his permit. One need hardly add that such an action would immediately result in the revocation of the permit.

Clause 14 is intended, amongst other things, to catch persons who attempt to buy fuel with a permit that has been revoked. Clause 15 provides that a person having been issued with a permit must carry it at all appropriate times. Clause 16 closely follows section 42 of the Road Traffic Act, 1961, and is, I think, self-explanatory. Clause 17 provides a substantial penalty for anyone who makes a false statement with a view to obtaining a permit under this Act. Again, such a person may be assured that his permit will be revoked. Clauses 18 and 19 together give power to the Minister by notice to control the movement of bulk fuel (as defined in clause 18) within the State. They are of particular importance, and it is hoped that it will not be necessary to invoke the powers conferred here but, as a matter of prudence, it is felt desirable that they should be included. Obviously, under the proclamation we had no such power. However, I wish to pay a tribute to the oil industry for the co-operation we have received from it, for the consultations it has had with us, and for the undertakings it has given to co-operate with the Government in the movement of bulk fuel.

Clause 20 provides that the powers of the Minister may be exercised on his behalf by any

person for the time being authorized by him. It is clear that in an exercise of this nature a large number of people will necessarily have responsibilities under the measure. Clause 21 has been inserted following deep consideration by the Government and its advisers. On balance, it is thought that a provision of this kind is necessary. It will leave the Minister and persons administering this Act free to carry out their duties in a responsible manner, without being concerned with the possibility of future actions against them in the court—actions that may have the effect of freezing badly needed supplies. Clause 22 provides that allegations in respect of the matters set out in paragraphs (a) to (d) of that clause shall be *prima facie* evidence of the matter so alleged. In the circumstances of this measure, it is not thought that the matters contained here are unreasonable.

Clause 23 is intended to ensure that the restrictions on the use of liquid fuel imposed by the Act may be removed as soon as it is possible to do so. In effect, it provides that the restricting provisions may be suspended by proclamation. Subclause (2) provides for the incidents of such a suspension and is intended to ensure that those incidents are as nearly the same as they would be if the provisions were repealed by Statute. It is the Government's view, of course, that these restrictions should remain in operation no longer than is absolutely necessary. Clause 24 increases by \$800 the maximum penalty that can be imposed under the Prices Act for a "black marketing" offence and is intended to indicate the disapproval of the Legislature of such practices, particularly during an emergency of this nature.

I deal now with clause 25. Since the circumstances that gave rise to this measure are somewhat unusual and in many instances the penalties are rather higher than would be usual in offences of this kind, it has been thought desirable to provide that no prosecution shall be commenced without the consent of the Attorney-General. Members are no doubt familiar with a provision of this kind that appears in other Acts of this State. Clause 26 provides that any liquid fuel in relation to which an offence has been committed will be forfeited to the Crown. Clause 27 is a standard provision in many Bills and provides for disposition of offences summarily. Clause 28 gives a wide regulation-making power expressed in general terms. In the nature of things, any regulations made under this Act would be subject to the scrutiny of this House. It is not clear whether or not any regulations will in fact

be required, but the provision has been included from an abundance of caution.

In moving the second reading, I pay a tribute to the officers of the Department of the Premier and of Development and of the Department of Labour and Industry in South Australia who have worked on this matter for long hours tirelessly and with great effect on the latter days of last week and over the weekend. The work done, particularly by Messrs. Bakewell, Holland and Lindsay Bowes, has been tireless and effective and, indeed, it would not have been possible for us to meet the stringent exigencies with which we have been faced had it not been for their help.

I also pay a tribute to the Parliamentary Counsel, who has worked very hard for some days to get this Bill ready for presentation to Parliament. It was completed in draft form only late yesterday, and clean copies of the Bill were not available until this morning. I also thank the Leader of the Opposition, whom I had telephoned on Friday afternoon to point out the difficult situation that immediately faced South Australia following Friday's decision and to ask for his co-operation, which I have been grateful to receive.

Dr. EASTICK (Leader of the Opposition): This matter is, I believe, one of the most serious to come before this Parliament in many a long day. Parliament must act responsibly, and the Premier has just indicated that the Opposition has shown the necessary co-operation. However, having been unable to obtain any indication of the nature of this Bill until I was handed a copy of it by the Deputy Premier at about 1 p.m. today, and because my Party has had no opportunity to discuss the matter or to consider the implications or ramifications of the legislation, I seek your leave, Sir, to continue my remarks.

Leave granted; debate adjourned.

[*Sitting suspended from 2.40 to 3.40 p.m.*]

Debate resumed:

Dr. EASTICK: During the adjournment, my colleagues and I have been able to look at the Bill in some depth. The key word in the Bill, in the debate, and in the whole of this situation which has unfolded, is obviously "emergency". The request being made of Government and Opposition members revolves around the need to ensure, for the sake of the community which both sides represent, the best use and the most equitable distribution of the limited quantity of available fuel. On this basis, members on this side are willing to accept the major aspects of the Bill, but I do

not think we can in any way move away from the reason for the grave emergency and the fact that opportunity existed, even before Friday last when the emergency was apparent, for the Government to take certain measures.

Opposition members have been indicating to the Government over a period of 10 days that certain aspects of this dispute were likely to cause such a situation. We saw opportunity being taken on the Government side to condemn the Commonwealth Government for an action which was not its responsibility. We saw the member for Adelaide asking the Premier to write to the President of the Australian Council of Trade Unions (Mr. Hawke), congratulating him on the action he had taken in this matter. That was a complete sham, as has been shown by subsequent actions. The failure of the A.C.T.U. to resolve this matter is purely and simply because it is in conflict with many of its own members, and the member for Adelaide knew that when he was trying to give the Premier the opportunity to make political capital from this against the Commonwealth.

The Government failed miserably in not instituting measures and not making inquiries earlier than it did. We on this side accept the response of the officers of the Government, and we respect the work put into this measure by them over a period from last Friday until today, but I emphasize that there were many opportunities before Friday for Ministers to institute the necessary investigations to relieve the situation that unfolded on Friday. The measures placed before the House today are wide and far reaching in what they seek to implement. Had it not been for the emergency situation, some of the measures would have been resisted forcibly from this side. Although the Opposition accepts the need, in the interests of the community of South Australia, for the most rapid implementation of the measures outlined here, two or three areas should be urgently considered by the Government so that we may be certain that the interests of members of the community are not jeopardized. We are asked to validate an action which was invalid.

On the basis, as the Premier has pointed out, of the need to make certain of the rights of individuals who have been forced into breaking contracts because they have been unable to obtain supplies, there is ample justification for the validation of the proclamation of last Friday. However, the fact that those persons in the community who failed to respond to the proclamation, in the belief (and on legal advice

in many cases) that the proclamation was incorrect, are now likely to be placed in a position where they may be prosecuted is not a situation that we on this side can tolerate or accept.

It is difficult to see how the Government could devise this Bill in order to validate the position, on the basis of right, for those whose interests would otherwise be in jeopardy, and also to make certain that those persons who are to be prosecuted, or are potentially likely to be prosecuted, for taking illegal action between Friday and Monday are so prosecuted. I hope the Premier will tell us during this debate that consideration will be given to possible prosecutions for the sale of fuel between last Friday and the time of the introduction of this Bill. It would be unrealistic to initiate prosecution on the retrospective validation of the proclamation that we are asked to make today.

Mr. Coumbe: We want an assurance on that.

Dr. EASTICK: Yes. The point is that we believe it is necessary for people in the community to know exactly where they are going in this matter. I do not suggest for one minute that I can accept the action taken by some people against the interests of the community at large. But, by the same token, if they took that action having obtained legal advice which indicated clearly that they were able to act in the way they did, they should not be prosecuted. That is the assurance we seek.

We are also worried by the fact that there is no final date for this legislation. It is clearly pointed out that the opportunity exists for a proclamation to be made by the Governor to stop the operation of this Bill at the earliest possible moment, and with that we are in full accord. Because of the very nature of many provisions of this Bill, we believe that, particularly as Parliament is now sitting, a final date should be written into the Bill and that, if it is necessary because of detail or of events that flow through, for an amendment to be introduced in due course to permit an extension of the operation of the legislation, on that basis I shall move that such a date be written in. I hope that the date suggested is long beyond the time that this Act will be required to be in operation in this State and that the various union organizers and organizations involved will have an adequate supply of fuel back into the State well before that time is reached. But, in the interests of the community at large, we need to take the opportunity of a complete review of the legislation

and the way it works during the next 31 days. For that purpose I will canvass certain thoughts on the matter in due course.

The only other thing I want to touch on briefly (because other members will undoubtedly deal with it later) is the suggestion that the clause in respect of the police stopping a motor vehicle and seeking information is similar to the provisions of section 42 of the Road Traffic Act. I firmly believe that the measures that have been written into this Act, although similar to the general concept of section 42 of the Road Traffic Act, are more far-reaching than the provisions of that section, and it is indeed strange to find the Premier introducing such a measure. This Bill allows the police to have a more searching and far-reaching approach to the public than the existing legislation provides. In many past instances the Premier has indicated his dislike for the measures that are already available to the Police Force and he has sought to have their effect reduced. Yet this legislation extends the powers given under section 42 of the Road Traffic Act, and I cannot accept such a situation. We need much more information about it. Because of the need to see this legislation come into effect at the earliest possible time, I support the second reading while indicating that questions on several matters will be asked in Committee.

Mr. MILLHOUSE (Mitcham): We are currently in one of the gravest crises of community life that this State has ever known. Indeed, it is probably the greatest crisis, apart from the emergencies of war, and this crisis justifies the Government (and it would justify a Government of any political complexion) having powers to deal with this emergency. For this reason I support the second reading, although I do not like some aspects. The Leader has referred to several of them and I will refer to others. I do not think that this opportunity should pass without thought being given to the origin of the crisis that has come upon us. I understand that the crisis started some months ago with a claim by unionists for a 35-hour week in the petroleum industry. When this claim was refused by the oil companies a log of claims (48 in number) was served on them. When this log was not agreed to by conciliation, the companies took the matter to arbitration and Mr. Justice Moore gave his decision on the basis that the men would go back to work and an interim increase in wages of between \$3 and \$4 a week was granted. When this was not accepted by the men concerned, they refused to abide

by the award, the companies concerned naturally would not increase the amount that Mr. Justice Moore had recommended should be paid, and we rapidly arrived at the situation in which we are now placed. So let it never be forgotten that our community is in this situation because of the refusal of several trade unions and their members to abide by the decision of a judge of the court.

We know, although the least possible publicity has been given to this fact by those on the other side, that a struggle is going on between the Australian Council of Trade Unions and Mr. Hawke on the one side and Mr. Carmichael of the Amalgamated Engineering Union on the other side. When the A.E.U. said it would not abide by the proposals of the A.C.T.U. for a return to work and a settlement of the dispute, the A.C.T.U. did not go to the point of directing A.E.U. members to go back to work, because it was afraid that the A.E.U. would openly defy it, and it was Mr. Carmichael in Victoria who persuaded the workers in that State not to accept the terms of the settlement proposed. We know that last Friday at the meeting of the Trades and Labor Council here it was a Mr. Pointer, an organizer of that union, who moved the amendment that the meeting at Port Stanvac should be held not earlier than 10 o'clock this morning, and that is what sparked the crisis for the Government last Friday.

Dr. Eastick: Do you think that the Government lost control of the unions?

Mr. MILLHOUSE: I do not think the Government ever had control of the situation. The Government was willing to take a risk with the economy of South Australia right up to Friday in the hope that it would be decided on Friday that there should be a return to work, and it was only after Mr. Pointer's amendment was carried that the Government did anything about the matter. Those are the facts. This is a matter of internal strife in the trade union movement and, as a result, our community and the whole of Australia have been brought to the brink of disaster. I have criticized the Government in the last couple of days for not acting earlier and then for doing what it did do, and I repeat that criticism here. What should have happened is that early last week, without the Government's taking the risk which it did take and which it slipped on last Friday, the Government should have gone to the industry and to the Automobile Chamber of Commerce and asked for the co-operation

of everyone concerned in the distribution and sale of petrol in this State in the light of what was pretty obviously developing, even on Monday and Tuesday of last week.

The Government should not have waited until Friday to act. Then, what did the Government do? It took the most precipitate action, which it knew very well was not backed by any force of law at all. We had the situation late on Friday afternoon of the issue of the proclamation and, contemporaneously with that, we received your telegram, Mr. Speaker, telling us that the House would sit today. I was invited at about 6 o'clock last Friday to go on channel 2 to discuss this matter, after the Premier had refused to go on that programme to explain what had happened.

The Hon. D. A. Dunstan: I had already been on every television station.

Mr. MILLHOUSE: I understand that the Premier said on Friday night that he had had a pretty rugged day and could not go on the programme; it was stated in my presence that the Premier had said that.

The Hon. D. A. Dunstan: I do not care what you say was said in your presence: I was asked at the last moment to go live on television after I had already been on the station.

Mr. MILLHOUSE: I do not know—

The SPEAKER: Order! We are not debating the television programme: we are debating the Bill before the House, and I ask honourable members to speak to that Bill.

Mr. MILLHOUSE: I know what I heard, and I know that at that time there was no information at all about the proclamation that had been issued late in the afternoon. No-one could tell me; no-one knew under what power it had been issued; and no-one came forward (certainly on that programme) to make it clear. The first time I had any idea as to the purported authority for the proclamation issued late on Friday afternoon was when I saw the photograph on page 1 of the *Advertiser* on Saturday morning, which referred to section 220 (4) of the Industrial Code. It is in my view (and the Premier can deny this if he wishes) significant that neither he nor any other Minister Was prepared to appear on that programme on Friday evening to explain the authority by virtue of which that proclamation had been issued. It is noteworthy that, when we look at the public notice inserted in the *Sunday Mail* by the authority of the Premier of South Australia, there is no reference to any authority for what was done.

I do not blame, and I did not blame on that programme, nor have I subsequently blamed, the Government for taking action. I have said it took the action too late and that it was the wrong action to take.

Members interjecting:

Mr. MILLHOUSE: What I do say—

The Hon. L. J. King: You did your best to encourage people to disregard it. You've been utterly irresponsible.

Mr. MILLHOUSE: The Attorney-General did not come forward to defend what had been done. It was quite wrong, in my view, for the Government to have acted as it did. It was tantamount to outright dishonesty, because the Government bluffed the people of South Australia. What the Government should have done was to be frank with the people and say, "We are in an emergency. This is a crisis, and we must take some action. At the moment we don't have the authority under the Statute for this State to act, but we propose to call Parliament together on Monday and we will validate what we are now doing." But this was not said by any member opposite either on the front bench or anywhere else, and they all knew that section 220 (4), which deals with the time of opening and closing shops and variations of it, certainly did not give the Government power to do what it did. So we had here, already in this crisis, a lack of frankness, and a lack of straightforwardness on the part of the Government. This, one could say, is typical of many occasions on which that has occurred, but I will not say that.

That is the background of a consideration of this Bill, and I will go on now to deal with other aspects. There are several matters in the Bill to which I object. In fact, the whole thing would be objectionable if it were not for the crisis in which we find ourselves. I fully support the amendment, which has been suggested by the Leader, that there should be a definite date on which the effect of this Bill will expire. If we do not insert some such provision as that, we will be leaving it entirely in the hands of the Government as to how long this piece of legislation stays in effect.

I do not believe that Parliament should abdicate its responsibility in that way, certainly not in the circumstances as they have unfolded. The Leader has already referred to the matter of police interrogating people. I do not believe that the Premier should have said this went no further, as I think he did say, than section 42 of the Road Traffic Act. It goes much further, as he well knows. With some doubt, I am willing to accept that, in the emergency, the

police should be given these powers of interrogation, but it is against all traditions of our law. I point out that it is rather unfair on the members of the Police Force to ask them to undertake what is so much against our traditions and what I imagine for most of them a very distasteful task.

The other provision, to which I take the strongest exception and which I do not believe is justified in any circumstances, crisis or not, is clause 21. The Premier said that it was only after anxious consideration that the Government decided to insert it. I must oppose that clause in the Bill outright. What it does, in effect, is to put the Government above the law altogether and to say that the courts of this State will not have any jurisdiction at all over what is done by the Minister and Government officers concerning the administration of this Bill. Even in the crisis in which we find ourselves now, I cannot believe that it is necessary for us to oust altogether the jurisdiction of the court in this way. I think the Premier himself had some doubts about this matter (I hope he did, and I believe he did), and I hope he will not press this clause. It is thoroughly bad and, in my view, it is entirely unnecessary to the working of the Bill that we should do what is proposed in clause 21. That is the greatest objection that I have to the Bill. I would object to the measure altogether, and I will vote against it on the third reading, unless some date is set for the termination of the legislation.

The Hon. Hugh Hudson: Are you prepared to be as irresponsible as that?

Mr. MILLHOUSE: I rather gather that not all the Minister's colleagues consider that that would be irresponsible. If the amendment is not inserted, I am not willing to accept the Bill, because it is sweeping, and it interferes, in an unprecedented way, with the liberties of the people of this State. It is only because of the emergency we are in today that the measure can be justified at all. I fervently hope that the Government will continue to use its good offices, which it is now starting to use, in spite of the sneers from the Premier, to persuade the men to go back to work and to—

The Hon. Hugh Hudson: The Government's good offices—

The SPEAKER: Order!

Mr. MILLHOUSE: —persuade everyone to be reasonable, so that this crisis may be resolved as quickly as possible and so that the effect or operation of this legislation will be required for only the very shortest time.

Mr. HALL (Gouger): I have put a circle around some of the dramatic phrases used by the Premier when explaining the Bill. We heard such phrases as "as soon as it was appreciated that our supplies were dangerously low" and "again, this State has found itself . . .". The Premier said also that he "appreciated the gravity of the situation" and "it is clear that the situation is really quite desperate," but how desperate is it? Quoting the relevant figures this afternoon, the Premier told us that little over 1,500,000gall. is left in a storage that can hold 140,000,000gall. So the Government stirred itself at the end of last week and found that the tanks were 99 per cent empty! Left in storage was only just over 1 per cent of the total capacity. What sort of an Administration, before taking action, would allow the supplies that feed our entire transport services to get as low as 1 per cent of the total capacity?

This Government is in office and cannot blame the Opposition, as the Minister of Education tried to do by interjection this afternoon. The Government is in possession of the facts and has the power and means of effective liaison to assess our fuel supplies, but it was not until a 99 per cent depletion occurred that the Government acted on behalf of the public. No wonder this State is in industrial trouble! We are here today at an emergency sitting, not because of the failure of arbitration but because of the Labor Party's refusal to support arbitration, and that is why there is such a depletion of our fuel supplies. In fact, as much as Mr. Hawke's name may be bandied about in the media of Australia in relation to this strike and to the problems it has caused, Mr. Hawke is not in command of the situation and is unable to order the men back to work.

We know who is in charge of the strike; it is being managed mainly by Mr. Carmichael, who is the Assistant Federal Secretary of the Amalgamated Engineering Union, and by Mr. Halfpenny, who is the Victorian State Secretary, both of whom are paid-up members of the Communist Party, holding Australia to ransom. This Government is culpable because of its previous record in regard to industrial disruption, whether it involves the shop steward at Uniroyal Proprietary Limited, whether it involves forcing people to join the Shop Assistants Union, or, indeed, whether it involves membership of the Transport Workers Union. Members on this side know the attitude of Government members towards order and arbitration. We are seeing not the failure

of the arbitration system but the failure of the Labor Party to support it. Labor members, who will not support the arbitration system, talk about conciliation; they are referring then to talk outside the arbitration system and to collective bargaining. While they do this, Australia is being held to ransom industrially, and the economy is being forced into an inflationary spiral that it cannot stand. The type of action from which we are now suffering is causing inflation in Australia to be forced upwards by 7 per cent to 11 per cent a year. Every customer of a supermarket knows each week that he pays more because of this type of industrial action.

The SPEAKER: Order! Although I have given the honourable member a little latitude, what he is now saying is somewhat wide of the contents of the Bill, so I ask the honourable member to confine his remarks to the Bill before the House.

Mr. HALL: Much has been said in recent weeks about the strike, and various attitudes have been adopted. The only satisfactory solution to the problem of the strike is that the men return to work so that their case can be subject to arbitration.

Mr. Payne: Leave it to Billy: he'll fix it.

Mr. HALL: The situation here depends on action in other States as well as on local action. We are interested in what people who are connected with the strike have said and in how this has affected South Australia. I am disturbed that there has not been support of arbitration by the other major political Party in Australia (the Labor Party), as this has a direct bearing on what is happening now. Mr. Whitlam has put forward four proposals to settle the strike but none of them meets the requirement of a return to discussion and arbitration. Mr. Hawke has said, "If Sir Richard Kirby feels that way, let him talk to me; he knows my number." We are discussing this Bill today because of these attitudes and because the A.C.T.U. either does not have the strength (and I suspect that that is the case) or the will to order the men back to work so that the matter can be subject to arbitration. Therefore, the A.C.T.U. and this Government, which must bring in this Bill today, are subject to Communist-led industrial action, and there can be no doubt of that.

I could fill *Hansard* with details about these proposals, but I do not intend to do that now. We must now eke out the meagre petrol supplies that the Government has found, at the eleventh hour of its survey of South Australia's needs, are left, with 99 per cent of our fuel

being gone. This is only the symbol of the deeper problem in the community for which the Government is very much responsible. I urge Government members, through their union connections in whatever form they are, to get down to the business of putting arbitration first and disturbance and disruption second. Then we will not find it necessary to pass Bills such as this, this Bill being so harsh in its penalties but so necessary because of the Government's neglect.

Mr. EVANS (Fisher): I rise to speak to the Bill-

Mr. Payne: It'll be quite a change if you keep your remarks relevant.

The SPEAKER: Order! The Speaker will decide the relevancy or otherwise of speeches. The honourable member is out of order in continually interjecting. The honourable member for Fisher has the floor.

Mr. EVANS: Industrial anarchy, created by unions which are not prepared to accept the arbitration court's decision, is the real reason why this legislation is before the House. The present Government is controlled by the trade union movement. Opposition members can understand the difficulty of Government members, many of whom would not be in this House in the future if they did not follow the direction of trade unions.

The Hon. D. A. Dunstan: What's this got to do with the Bill?

Mr. EVANS: If the Premier is prepared to listen, I will show what it has got to do with the Bill. This community is being held to ransom by a few trade unionists led by Communist advocates who have been brought from other lands to lead our unions on the trail of industrial anarchy. The Premier knows as well as I know that this is the reason why we are here today, why this Bill has had to be introduced, and why there are insufficient fuel supplies in this State. The people whom the Premier claims to represent are not prepared to accept an arbitration court decision. At no time in this Chamber has the Premier been prepared to condemn the action of union representatives in refusing to accept the arbitration court decision. The Premier has at his disposal a think tank that has available to it all the necessary details to be able to tell the Premier and the Government whether fuel supplies are running low. Yet, as the member for Gouger said, we had only 1 per cent of our storage capacity left when the Government decided to act. This Parliament sat through three days last week when this type of legislation could have been introduced.

Mrs. Steele: And we sat late at night, too.

Mr. EVANS: True.

Mr. Wright: Had we introduced it last week, you would've said it was too soon.

The SPEAKER: Order!

Mr. EVANS: As the only people who really knew the details about fuel supplies were members of the Government and officers of the Premier's Department, for the honourable member to say that we would have said that a Bill introduced last week had been introduced too soon is ridiculous. We did not know the details of the fuel supplies in the State until the Premier disclosed them today. Only today were exact details made available to Opposition members. As all Government members know that, the argument of the member for Adelaide falls down. As President of the Trades and Labor Council, the member for Florey has direct contact with the trade union movement, so he must have had a fair idea that there was little chance of this dispute being settled before the weekend. Even if other trade union representatives could not have advised the Government on this, the member for Florey is one man who could have told the Government that there was little chance of settling the dispute. For this reason, I believe the Government is at fault.

In Committee, I will object to two or three clauses in the Bill. One clause to which I will object relates to the proclamation. This Government has been prepared to introduce on a Friday what it calls a law and, on the following Monday, to say that in fact it doubts whether what it has done is lawful. It now says that it wants us to make lawful and retrospective to last Friday what it did on that day. I am not prepared to accept this. I know the emergency situation that we face; the Opposition is not to blame in any way for that situation. I cannot accept the fact that the Government has issued a proclamation on one day and three days later has said that it may not be lawful and that it wants to make it lawful to protect the rights of some individuals. Who jeopardized the rights of the individuals? It was not the Opposition, the individuals themselves, or the community at large: it was a decision made by the Government, Cabinet in particular, that was not lawful. In fact, perhaps I should not say that it was not lawful. As far as one can read from the Premier's second reading explanation, he believes that it may not be lawful, and it may take a court case to prove whether it is lawful. Some of the legal advisers to some

garage proprietors have said that it was not lawful, and on that basis some garages opened and sold fuel.

Now the Premier states that, because some garages, petrol companies or petrol agents had agreements with other individuals or corporate bodies, the rights of the individuals may be jeopardized and there may be some court actions in future. I put it to the Premier that that is the case and somebody is responsible to pay some commitment in the future. There is every justification now for the Government to pay the costs in those cases involved, because it set the precedent by paying the costs of a Mr. Dunford in a case—

The SPEAKER: Order! The honourable member is out of order.

Mr. EVANS: I raised that as an example, and justly so, because I believe the situations are comparable. The Government has paid costs over a court case regarding union activities, and the same thing applies here. The Premier has made a proclamation that may not be lawful and says that, to protect individuals who may have been harmed, the Government wants to make it retrospective.

I am sorry, but I cannot accept that, and I am sorry for the individuals who have been injured unnecessarily by this Government. I repeat that this Government could have introduced legislation early last week. What the Government is introducing today and making retrospective could have been done several days previously. The Premier's think tank had enough details and figures to know that fuel supplies were running out, and the Government had enough opportunity, through union connections, to know that there was no chance that the dispute would be settled by last Saturday. I can only condemn the Government for the lateness of the action that it has taken.

Dr. TONKIN (Bragg): I support the second reading of this Bill. This is an emergency situation that is almost unprecedented in recent times. We depend on petroleum, and I think that the community at large has only just realized how dependent we are. This matter will give much argument to the conservationists, I am sure. I hope that it may bring some people to realize the importance of public transport.

However, basically, whatever the effect is, this is extremely wide-sweeping legislation. I accept the immediate need for what, in other circumstances, would be considered harsh and grossly restrictive measures, but I agree with the various aspects that have been raised by

other honourable members who have spoken. I decry the form of retrospective action that this Bill seeks to take in validating what was an invalid action by the Government at the time. That action should never have been necessary, and I thoroughly agree with the previous speakers who have said that it should not have been necessary.

Mr. Wells: What would you have done?

Dr. TONKIN: There has been much talk in the House in the last hour or so by members on the other side about how long we are going to take in dealing with this matter, and I suggest to them that they would get this Bill passed much more quickly if they ceased interjecting. The degree of their interjections is a measure of their embarrassment over this entire business. I am quite willing to stay here for a long time and listen if they wish to break the Standing Orders by interjecting.

Mr. Payne: It's only that we get sick of the smear all the time. It's smear, smear, smear.

The SPEAKER: Order! Honourable members have the opportunity to speak if they so desire and the honourable member who is on his feet must be heard in silence. The interjections must cease.

Dr. TONKIN: Thank you, Mr. Speaker. This action should never have been necessary, because, as the member for Fisher and other honourable members have said, this legislation could have been considered last week. It is my view and, I believe, the view of most members of the public that it is a gross dereliction of duty that the Government did not have these figures at its fingertips and did not take action earlier. I thoroughly agree, too, that clause 21, which absolves the Government from any action as a result of this legislation, should not be passed. The Government must be the last body of any to abrogate any responsibility. A Government must also conform to the term "responsible Government" and I consider that this clause denies that definition.

I believe strongly that there should be a time limit on the operation of this Bill. That must be written in, because of the sweeping powers conferred on the Government by this emergency legislation, this curtailment of freedom of action. I consider that it is abhorrent to all members of this House and all members, indeed, of the community. In normal circumstances, I would not stand for it. In these particular circumstances, I am afraid that we must put up with it, and we can hope that

the present state of affairs will end as soon as possible.

The Premier, in his explanation, thanked the Parliamentary Counsel, and officers of the Department of the Premier and of Development and of the Labour and Industry Department, who worked hard both before and through the weekend, and I agree with him. They have worked hard and deserve the thanks of the community for the work they have done, but they should never have had to work through the weekend. The Government should have recognized the position and taken action so that it was not necessary for these officers to work during the weekend. It would not have been necessary, if the Government had taken action, for members of the public to squander many gallons of precious fuel supplies by coming to the State Administration Centre in the city to apply for permits. They did that during the weekend. Moreover, many members of the public have made trips to town and have been told that they do not qualify for a permit.

People such as nurses, whom one would expect to get some consideration, have been told that they cannot have a permit. I cannot criticize these decisions, because it is a critical situation and the decisions that have been made are probably necessary and correct. However, I still believe that, if Government action had been taken earlier in this matter, people could have made their inquiries during a working day, instead of having to telephone the Administration Centre inquiries number during the weekend. I tried many times to telephone during the critical periods of the weekend and received either an engaged signal or no answer. People would have been saved this trouble and could have collected their permits during a working day, thus being able to conserve what to them was a day's supply of petrol.

As well as the Government officers concerned, other people were forced to work during the weekend. I am a little surprised that the Premier did not thank them also, and I suspect that he has forgotten them. Officers of the Australian Medical Association worked throughout the weekend, too, and I should think that their feelings were a little bitter, also. Unlike the Government, the A.M.A., apparently, recognized the seriousness of the situation early last week. The association announced that it had arranged, with the help of the Petroleum Industries Committee, to provide reserves for medical practitioners, who were one of the first groups for whom the

regulations provided. By Friday afternoon most medical practitioners had arranged to collect, or had themselves collected, the necessary permits certifying their occupation and needs for fuel, and arrangements were made with specific service stations to provide for their needs.

The association had recognized the situation, had acted, and had coped. If the association could do it, why not the Government? Having gone to all this trouble, after the proclamation on Friday evening these same officers had to spend Saturday and Sunday reissuing official permits; this duplication of time and effort should not have taken place. There was no reason why the original numbered permits issued by the association could not have been validated in some way. Surely, if we are now passing legislation to validate something that was invalid at that time, we could have done the same thing with the permits. As a result of the practice adopted, doctors had to make another trip to town.

They were not permitted to collect the permits for their partners, but four, five or six members of a practice had to make separate visits to the city, thus taking valuable time away from their practice and the needs of their patients and, once again, wasting valuable fuel. I believe that the reduplicated efforts of the association deserve considerable recognition from the Government. Basically, if the unions had been prepared to accept arbitration, this whole exercise would have been unnecessary. I support the Bill, with reluctance, and with certain reservations, about which I have already spoken. If the Government amends the Bill in the way I have indicated it would not alter the effect of the Bill but would make it more acceptable to the public.

Mr. CUMBE (Torrens): I support the second reading. As other speakers have spoken eloquently on the points that led up to the dispute and on the reasons for introducing this legislation, I do not intend to canvass the whole position.

The Hon. D. A. Dunstan: Although this is a matter of emergency, speaker after speaker has said the same thing. Is this a matter of emergency or not?

Mr. CUMBE: The reason I am speaking now is that this is an emergency. The Opposition has already indicated that it accepts the Bill and supports the second reading, with the one or two variations it has the right to promote. I do not intend to repeat some of the eloquent remarks that have been made, except to say that three aspects of the Bill concern

me, and these have already been referred to. The first matter concerns the proclamation and prosecutions. In his second reading explanation the Premier said that it had not been decided whether prosecutions would be proceeded with.

I know just as well as the Premier knows why the proclamation was gazetted. Some persons have inadvertently or otherwise laid themselves open to prosecution. Will the Government assure me that prosecutions will not be lodged in *bona fide* cases? Under the proclamation which, it is admitted, is possibly invalid but which we now seek to validate (and which I agree should be validated) every consideration should be given so that these people are not prosecuted. This is an important aspect, because the Opposition has said that it accepts the clause in the Bill validating the proclamation, about which there has been considerable doubt. I have been through the Statutes and could not find the authority for it.

Secondly, it is essential that a Bill of this kind have an expiry date. As far as I can ascertain (and I am open to correction) this Bill has no terminating date. Naturally, the Government can issue a proclamation. The Government has said that, regarding a termination date, it will seek to set a reasonable one.

The third aspect is clause 21, which I believe is unnecessary. I shall not canvass the remarks made by other speakers regarding the origins, etc., of the legislation. Although this is emergency legislation, I regret the necessity for its introduction.

Mr. McANANEY (Heysen): The Minister of Education said that the Opposition was provoking a dispute in this matter. We never provoke disputes, and I dispute the Minister's statement. I entirely agree with the action the Government took last Friday; it had to come. I have no time for those people who rushed out and bought petrol on Saturday morning. In saying that, I also say that in all justice this situation should never have arisen. As early as last Tuesday the Opposition suggested that petrol supplies be put aside to be used for the transport of milk; however, no action was taken, although it was said that this matter would be investigated. The Government's think tank (which must be as empty as a fuel tank) should have advised the Government to take earlier action. It was obvious that the strike would not be settled, because the trade union movement wanted to discriminate against certain petrol companies.

Strikes must be settled fairly, without favouring certain sections of the community;

settlement must be based on justice and democratic principles. The Commonwealth Government had to take the action it took to ensure that the Australian people were properly looked after. The half-baked solution put forward by Mr. Hawke would have kept petrol supplies to the average Australian short for at least a month or more. The Australian Labor Party and the unions must accept responsibility for the present situation. It is no use trying to favour one section of the community to the detriment of another section, as such a practice would have ill effects on every member of the community. As a nation we must stand up and prevent such actions taking place. There will be no hope of a just solution to the problem until every section of the community and the trade is satisfied. If, as the A.C.T.U. suggested, the strike had been settled in part so that some fuel suppliers would not get supplies, it would have meant that one group of petrol sellers would have been out of work. That would have been a wrong solution and something I could not accept.

The Hon. D. A. DUNSTAN (Premier and Treasurer): One would have thought that in the circumstances facing this State this was little time for politics but, unfortunately, this is clearly not the case. I therefore intend to deal with members opposite in the same way as they have sought to use this opportunity. First, the Government has been accused of delay in this matter. There has been no delay, as members opposite know perfectly well. The oil dispute developed over some period. The former Leader of the Opposition said this afternoon that, because present stocks were depleted far below total capacity, the Government ought to have taken action much earlier. I presume that he, having been in office previously, would know that the total capacity in South Australia varied widely and in accordance with deliveries to South Australia not only from the refinery but also by large tankers. Last week, tankers carrying refined petrol were due in South Australia.

Mr. Hall: Why didn't they come in?

The Hon. D. A. DUNSTAN: They did not come in at the last moment because Birkenhead was not ready to receive them.

Mr. Hall: You mean it wasn't working?

The Hon. D. A. DUNSTAN: It was not working.

Mr. Hall: Be honest about it.

The Hon. D. A. DUNSTAN: At that stage the Government had not been told that the tanker was not coming in. Had it berthed

here, the men were back at Birkenhead and could have taken it.

Mr. Hall: Are you blaming the companies?

The Hon. D. A. DUNSTAN: No, I am blaming the honourable member for trying to play politics in saying that we should have known before we did of the crisis situation facing South Australia. The honourable member will say anything at any time on that basis, because he is never concerned with the facts: he is concerned only with politicking. The facts are that at that stage, in the middle of last week, it was still by no means certain that South Australia would be facing the situation that it faced on Friday, and honourable members know very well that, without the information I had on Friday and without the situation that arose on Friday, I could not have introduced this Bill. Otherwise, there would have been an outcry from honourable members.

Mr. Coumbe: Did you know on Thursday?

The Hon. D. A. DUNSTAN: I had initial information on Thursday, but at that stage I had been told that most union officers concerned in South Australia had recommended that the men return to work on Friday.

Dr. Eastick: Do they always comply?

The Hon. D. A. DUNSTAN: They usually do. There was a dispute during that meeting about the terms of the recommendation made by the Disputes Committee of the Australian Council of Trade Unions, and the meeting was adjourned until Monday morning as a result. In fact, a recommendation was made, and we have been told that they expected the men to return. Had they returned, the refinery could have got on stream and we would have got through. At the same time, we were tracing tankers around Australia to see what tankers we could get in.

Mr. Mathwin: There were some lying off, too.

The Hon. D. A. DUNSTAN: At that stage there were not. This whole crisis situation arose only at midday on Friday. Members opposite have said that the Government was urged to take action earlier. Before any public statement had been made by any member opposite, the Government had already set up its working committee on this matter. It did that last week.

Mr. Hall: When?

The Hon. D. A. DUNSTAN: On Tuesday afternoon. The first statement by the Leader of the Opposition was made on Wednesday.

Dr. Eastick: No, it wasn't. It was a week before. It is in *Hansard*.

The Hon. D. A. DUNSTAN: The Leader's suggestion regarding an emergency investigation into the matter was made last Wednesday.

Mr. Coumbe: The member for Heysen asked about it on Tuesday.

The Hon. D. A. DUNSTAN: The member for Heysen asked about a limited area of special supplies. On Tuesday, we set up our working committee to examine every aspect of the matter and to co-operate with the oil industry, which had set up its own committee at that time. Members opposite are faced with the fact that the Government has taken action with the utmost expedition and has received widespread public support throughout South Australia for what it has done. They are merely playing politics to try to knock that down.

The Hon. Hugh Hudson: The Commonwealth Government has done nothing.

The Hon. D. A. DUNSTAN: I must correct the honourable Minister: the Commonwealth Government has done something, and I will refer to it shortly.

Mr. Clark: We saw and heard the Prime Minister last night.

The Hon. D. A. DUNSTAN: The next aspect was the action taken by the Government on Friday when, within the terms of the Industrial Code, shop trading hours relating to petrol stations were limited. It is within a Government's power to alter or restrict by proclamation the trading hours of any shop or class of shop.

Mr. Coumbe: Within shopping districts.

The Hon. D. A. DUNSTAN: That is correct, and that is what the Government did. It is permissible under the Industrial Code to restrict during closed hours sales to special classes of people, and that was done, within the terms of the Code. However, the member for Mitcham proceeded during the weekend to suggest that there was a base illegality in that proposal, apparently not because of the terms of the Code (which are very broad) but because he considered this was not in accordance with the intention of the Legislature. Let me give honourable members one small example to show what is the general tendency of the law on this subject. I remind honourable members that for years this House debated another provision of the law. I refer to the moving-on provision in the Lottery and Gaming Act. The clear intention of the Legislature was that action could be taken in relation to lottery and gaming, but that provision was used for every purpose in South Australia, enabling the police to move people

on whether or not a matter had anything to do with lottery and gaming. That is a simple example that is known to all honourable members, so where was the restriction in the application of that section? The honourable member has not suggested that that provision is not sufficiently wide.

When the proclamation was issued I went on every television and radio station and released the matter to the press. I outlined the facts—that a special meeting of Executive Council had been held and that a special *Gazette* and proclamation had been issued. The member for Mitcham obviously did not listen. Then, he was invited to appear on the programme *This Day Tonight*—a newsy commentary show, not a news session. At the last moment, whilst I was busily engaged in commitments already made elsewhere, I was asked to go on that show, live, at half an hour's notice. I said I could not do it, that I was tied up, and that I had already given that television channel the material anyway. The honourable member, apparently in a fit of pique because I was not on the programme with him, put on a grand turn here this afternoon, saying that he was not informed. Why did he not listen, like everyone else? We endeavoured to keep every section of the community effectively informed about what was taking place. During the weekend I gave a whole series of interviews and also exhibited on the television programmes the special *Government Gazette* to ensure that people knew the legality of the action taken by the Government.

Certain people deliberately defied that provision and sought, out of the fact that the majority of people in South Australia were complying with it, to gain some commercial advantage for themselves and to deny what was the public interest of South Australia—the conservation of petrol. I have heard it suggested that some of these people were in some measure *bona fide*. *Bona fide* in what?

Mr. Coumbe: My remark was not intended to apply to people who flouted the proclamation deliberately.

The Hon. D. A. DUNSTAN: A whole series of people quite deliberately flouted the provision of the proclamation, and the Government has not the slightest sympathy for them. The Leader of the Opposition has said that there should be a final date in this legislation because it is legislation of an unusual kind. I am quite willing to accede to that; I think it is a reasonable proposal, and I see no reason to oppose it. The Leader has suggested that there is something sinister in the police

powers in the Bill. It is expected that, in any event, this emergency is likely to continue to require some restriction of petrol supplies for at least 21 days, and towards the end of that period it may well be that some motorists are obviously operating outside the terms of the restrictions placed on them. It is necessary to ensure that the other provisions of the Bill are complied with and that people do not unlawfully dispose of petrol they have gained under permits for specific purposes or "black market" in petrol; in those circumstances it is necessary for the police to have powers of investigation. Normally I would be most reluctant to give the police powers of this kind, but these powers are proposed because this is an emergency.

The Deputy Leader of the Opposition and of the Liberal Movement, the member for Gouger and the member for Fisher have all spoken of the origins of this dispute, on the basis that the whole fault lies with the unions which have refused to go before the Arbitration Commission. Let us get back to a few basic facts, one of which was very carefully skated over by the Deputy Leader. In the whole of the conciliation and arbitration process it has always been contemplated, both in the Commonwealth law and in the State law (in the State law in fact it is quite specific) that industrial agreements are made, and normally they are made in certain traditional areas; one such area always has been the oil industry. For years, conditions in the oil industry have been negotiated conditions subject to an industrial agreement. They have not been ordered by the court. What happened in this case? When the workers came forward with proposals for a further industrial agreement—

Dr. Tonkin: A traditional agreement?

The Hon. D. A. DUNSTAN: Well, it was within the sort of terms they had been talking previously, the sort of log of claims they had put in on previous occasions, but the oil industry suddenly said, "No, we will not talk to you." Negotiations such as had previously always proceeded were put off, so that what would normally have been the time for an industrial agreement was long past. Why did they do that? I will tell the House why: they did that at the behest of the Commonwealth Government.

Members interjecting:

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: If honourable members will listen, I will tell them a bit more. At this moment a number of people at the airports in Australia, members of the

Transport Workers Union, are out. They have previously operated in exactly the same way, with a negotiated industrial agreement with Ansett and Trans-Australia Airlines. Ansett Airlines of Australia and Trans-Australia Airlines were both called to the offices of the Department of Labour and National Service and, at the behest of the Minister, told not to agree. We have got written proof of this.

Mr. Coumbe: Agree to what?

The Hon. D. A. DUNSTAN: Agree to any negotiated agreement: they were to negotiate. The Commonwealth Government is intent on seeing that no-one goes to the conference table so that there is industrial unrest in Australia. That is true.

Members interjecting:

The SPEAKER: Order! The honourable Premier.

The Hon. D. A. DUNSTAN: Sir Reginald Ansett admitted it today.

Mr. Hall: Balderdash!

The Hon. D. A. DUNSTAN: The A.C.T.U. has written proof of the matter. I saw it this morning. That is the origin of this dispute, and on each occasion when there has been an attempt to get the parties to the conference table on the basis of the kind of negotiation that has always occurred previously in this industry the refusal has come from the oil companies, at the behest of the Commonwealth Government. It is in these circumstances that we have acted desperately. I have done everything in my power to be able to obtain the necessary fuel supplies for people in South Australia. I am grateful for the co-operation I have received from the oil companies in looking at the fuel supplies in South Australia. I am grateful for the voluntary co-operation they have given concerning the movement of bulk supplies to date, and I am grateful, too, for the co-operation I received this morning from the Disputes Committee of the A.C.T.U.; its recommendation was accepted by the men. That is a real breakthrough, and we should be able to get on with the business of providing some basic fuel for South Australia.

Let me turn now to the questions raised by the Deputy Leader about what the Government should have done at the weekend instead of issuing the proclamation under the Industrial Code. He said that the Government should have requested people not to use petrol until the emergency Bill was introduced and a restriction was placed on supplies. We had left about three days supply at full usage rates. If honourable members are not aware that, in the past two days, people have been tearing

outside the metropolitan area to get petrol, knowing that this emergency legislation was to be introduced, they must be blind. I have appealed for co-operation, but many people have been getting supplies for themselves from the country. What would have happened if I had refused to take action under the Industrial Code?

The Hon. J. D. Corcoran: You would have been criticized.

The Hon. D. A. DUNSTAN: Of course, but I am criticized in any case. We had to take that action and to make the proclamation. Under that proclamation people's rights and contractual rights have been affected, and therefore it is necessary to validate that provision. The validation is not on the basis of the Government's questioning whether the proclamation in itself was valid. We believe it was lawful. We would not have advised the Governor to make the proclamation if we had not believed that it was lawful but, when there is something about which legal question could be raised (an argument that the honourable member addressed himself to during the weekend), that would then delay the actions we are seeking to take unless we specifically validated what had been done so that there might be no question of any case in court.

I do not see why the people who have deliberately flouted what we believe to be the lawful provisions should be told, "You have taken your advantage; the other people have complied but you go scot free." Honourable members have said that the Government should not have clause 21 in the Bill. I point out it would be possible, if that clause was not there, for people to raise questions of law in relation to even this measure and, if they went to the court and got an interim injunction until the case could be heard, it could hold up vitally our emergency provisions and we would have no control. We cannot afford to do that, and that is why that provision is in there.

Mr. Coumbe: But would any judge grant an injunction?

The Hon. D. A. DUNSTAN: He could.

Mr. Coumbe: I would think not.

The Hon. D. A. DUNSTAN: Then what is the honourable member worrying about? Several questions could be raised, and we do not intend that this measure should come before the court in that way. It is vital that what Parliament is enacting now should stick because, if it does not, we shall be in queer street in South Australia and will not be able to get through looking after the essential services. It is on that basis that we put this

Bill before the House. I ask honourable members to treat this matter with the seriousness it deserves and to give it every expedition possible. We are by no means out of the wood yet: we still have problems facing us in this dispute. It is vital that we get this measure through so that we may be able to be sure of essential supplies of fuel until the dispute is settled. I believe, and have always believed, that the one way to deal with an industrial dispute is to get the parties back together to talk about the basis of the dispute. That is what this Government has done repeatedly since it has been in office. Constantly, we have got parties back into conference and, when that has happened, we have settled disputes. That is how any responsible Government should act, and it is utterly reprehensible to suggest that the way ahead for industry and employment in Australia is to say, "We will not talk and we will tell people that they should not talk."

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Interpretation."

Dr. EASTICK (Leader of the Opposition): It is important that we understand exactly what has taken place in respect of permits. I have been told today that several people have been given unrestricted permits. It has been stated by the officer of the authority dealing with this matter that the person with an unrestricted permit may obtain a full tank of petrol and may also have any petrol-carrying receptacle filled at the same time, while other persons—

The CHAIRMAN: Order! The information the Leader seeks would be better obtained under clause 7 than under this clause.

Dr. EASTICK: I accept that in general, but it comes back to comparing an unrestricted permit with a restricted permit, which I do not think is covered by clause 7. It is a question whether in the interpretation clause "permit" need be defined.

The Hon. D. A. DUNSTAN (Premier and Treasurer): "Permit" covers all permits issued either under the proclamation or under this Bill when it becomes an Act. However, in relation to permits that have been issued under the proclamation, which are unrestricted, there may have to be some revocation. As it is, they are restricted in time anyway, but we may have to review some of the early permits that were issued, and power is given by clause 8 to revoke permits. Early in the issuing of permits, it was not expected that the total

demand that would occur under the restrictions would be as great as it has proved to be. Therefore, we had to alter the nature of the permits and the classes of person to whom they were issued; but they will have to be reviewed during the coming week, and power to review them is contained in clauses 7 and 8. I now move:

In paragraph (f) to strike out "of commencement of this Act" and insert "on which this Act is assented to by the Governor".

This is a simple drafting amendment.

Amendment carried; clause as amended passed.

Clause 4—"Validation of the proclamation."

Mr. EVANS: I have already objected to this clause. Although I am aware that the Government is in some difficulty, I cannot accept in principle the introduction of a proclamation that may be, in the Premier's own word, "unlawful". The Premier said:

... the question of breaches of the Industrial Code that may have occurred as a consequence of actions taken . . .

He says "may". He also said:

There is, however, a much more important aspect of this, and that is how the proclamation may have affected the private rights of the citizens of this State . . . the question of the validity or effect of the proclamation should be put beyond doubt.

Some legal advisers have told garage proprietors that they were not breaking the law in selling fuel. I do not condone their action in selling fuel, but we are supposed to be a responsible Parliament and the Government is supposed to be a responsible Government, and it should introduce proclamations or regulations that are lawful beyond doubt. However, there are some doubts in this case. I cannot see why today we should have to do something to put beyond doubt that what was done on Friday was legal, and that we should have to make it retrospective to Friday. I think we must run the risk of whether an action can be taken against any company or garage proprietor, or by these people. For that reason I cannot support the clause.

Clause passed.

Clauses 5 and 6 passed.

Clause 7—"Power to issue permits."

Mr. WARDLE: Has the issue of a pennit to the District and Bush Nursing Society been considered?

The Hon. D. A. DUNSTAN: Although I do not have the information with me, I know that the D.B.N.S. has been considered and arrangements are obtaining.

Mr. RODDA: I understand that an order was issued to the 130 district councils of this

State to cease operations involving the use of their vehicles.

Mr. Payne: That was a request.

Mr. RODDA: The Premier will put me right. Concern was expressed by councils in my district regarding this matter. I understand that councils are holding sufficient quantities of diesel fuel and that most of their vehicles are diesel vehicles. The councils were asked not to lay off employees. There has been much wet weather in the South-East, and that is a source of concern. Does the Government expect this situation to continue for some time and that fuel stocks currently held by councils will be frozen?

The CHAIRMAN: Order! We are dealing with clause 7, which relates to permits.

Mr. RODDA: I find it difficult to determine where this matter can be discussed. It affects people. The councils, while not having a permit, have been asked to modify their operations.

The Hon. D. A. DUNSTAN: Councils have been asked to restrict the use of fuel in the same way as the Government has restricted its use of fuel during this emergency. As soon as all country areas are brought under control, as a result of this Bill, we will then be able to discuss with the councils the sort of usage that can be made of the fuel stocks they are holding. I hope that this can be done promptly through the Local Government Department.

Mr. CARNIE: What is the situation regarding the transport of livestock throughout the State? Is that covered under the regulations?

The Hon. D. A. DUNSTAN: The transport of livestock for the provision of meat can be covered, but otherwise livestock transport will not be covered.

Mr. Carnie: The slaughtering of cattle will be covered?

The Hon. D. A. DUNSTAN: Yes, we are covering wholesale meat suppliers, and permits can be obtained for this. This will include the taking of cattle for slaughter.

Mr. VENNING: Will permits be issued to cover the return journey home from the metropolitan abattoir or will it be necessary for transports to bring fuel with them if they have it?

The Hon. D. A. DUNSTAN: It will depend on what fuel they have. If they have fuel supplies they are expected to use them. They will be able to get permits only if they have an essential use and have no fuel to enable them to perform it.

Dr. EASTICK: To what extent have arrangements been made to cover the issuing of permits at strategic centres in the country?

The Hon. D. A. DUNSTAN: Arrangements will be made through the Police Force for the issuing of permits in country areas at major police stations.

Mr. BECKER: Has consideration been given to supplying the Sea Rescue Squad with fuel to enable it to undertake its operations in the event of an aircraft crashing into the sea?

The Hon. D. A. DUNSTAN: I am not certain what has happened in that regard. I imagine that some consideration would be given to this matter if an application were made. The matter has not been referred to me. Should the honourable member take the matter up with Mr. Holland, I am sure it will be considered.

Mr. WARDLE: Will consideration be given to bulk tank operators picking up milk. Although the regulations refer to milk vendors, reference is not made to bulk milk pick-up.

The Hon. D. A. DUNSTAN: The milk processing plants have a separate arrangement. The general policy is that permits are given to medical practitioners nominated by the Australian Medical Association where that association points to the necessity for using motor vehicles. Permits are also issued to wholesale meat suppliers, wholesale suppliers of perishable foods, and milk vendors. Emergency supplies are proposed on a bulk basis for public transport, the police, hospitals, ambulances, fire brigade services, bread manufacturers and milk processing plants. So, bulk supplies are available to milk processors so that they may operate their pickup and delivery services. In addition, where employees in those designated areas need supplies in connection with their work before or after public transport is available, they can certify that they need a permit. Permits will then be issued to those special shift workers.

Clause passed.

Clause 8 passed.

Clause 9—"Authorization to sell liquid fuel."

The Hon. D. A. DUNSTAN moved:

In subclause (1) after "permit holder" to insert "and a person who sells or delivers liquid fuel in accordance with that authorization will, notwithstanding any other Act or law, not, by reason of that sale or delivery, commit an offence."

Amendment carried.

Mr. HALL: Subclause (1) provides:

The Minister may authorize a person to sell or deliver liquid fuel to another person notwithstanding . . .

Around the metropolitan area and elsewhere disproportionate amounts of fuel are held. Obviously, some service stations in the metropolitan area still hold reasonable gallonages because of the day their tanks were filled on the roster system. Consequently, much work will have to be done to relocate supplies that are now held. Does the Premier consider that that will be done efficiently?

The Hon. D. A. DUNSTAN: Yes. It will have to be done by arrangement, of course. It will be necessary for the Minister to authorize it.

Mr. BECKER: I can cite the case of 5,500gall. being held by a service station which has three doctors on its books. Will the service station proprietor be paid retail price for the fuel?

The Hon. D. A. DUNSTAN: Discussions are being held with the oil companies about the basis of acquisition of supplies. Approaches are also being made to the oil companies that special provisions should be implemented to reduce or suspend rentals of service stations during the period of crisis when they cannot operate.

Clause as amended passed.

Clause 10—"Prohibition on the sale of liquid fuel."

Mr. COUMBE: In clause 3 "liquid fuel" is defined in two subparagraphs. Can the Premier say whether that clause and clause 10 also refer to liquid petroleum gas, on which an increasing number of vehicles are operating? I believe that supplies of that fuel are in a different category from supplies of petroleum and dieselene. Many trucks and fork-lift vehicles are operating on liquid petroleum gas.

The Hon. D. A. DUNSTAN: I imagine that liquid petroleum gas could be declared under this clause. However, it does not become subject to the legislation unless it is declared by special proclamation. In the present circumstances, I do not foresee the necessity for such a proclamation.

Clause passed.

Clause 11—"Liquid fuel—restriction on use."

Mr. EVANS: Subclause (3) provides:

In proceedings for an offence that is a contravention of subsection (1) or subsection (2) of this section it shall lie upon the defendant to prove . . .

As a matter of principle, I strongly object to the inclusion of such a provision in our laws. I believe that the onus should be on the Crown to prove an offence. Under this provision the private citizen is considered guilty, and he has to prove himself innocent; I believe it should be the other way.

The Hon. D. A. DUNSTAN: I, too, am averse to provisions placing the onus of proof on a defendant in any criminal proceedings. However, I admit that there are a few exceptional circumstances where it has to occur, and those circumstances prevail particularly when all the facts involved are peculiarly within the knowledge of the defendant and when it would be impossible for the Crown to succeed in a prosecution if it relied on the normal terms of proof. In this case, all the matters are peculiarly within the knowledge of the defendant; that is in accordance with the principle in connection with which this Chamber has previously reversed the onus of proof on some exceptional occasions.

Mr. HALL: The explanation of this Bill may seem quite complicated to an ordinary motorist who has put petrol in two or three drums in his garage. Such a motorist may fear being questioned on the road and he may fear the penalties provided in this Bill. When the appropriate clause is dealt with, it will be helpful if the Premier explains where the private motorist stands, because all over the metropolitan area motorists have put aside small quantities of fuel; indeed, some motorists may have put aside quantities that are greater than the quantities permitted by the law.

The CHAIRMAN: Order! The honourable member's question relates to clause 16, whereas clause 11 deals with the restriction on the use of liquid fuel.

Mr. HALL: I am happy to accede to your direction, Mr. Chairman. I had not been able to find the really appropriate clause.

The CHAIRMAN: It may be helpful if the Premier can clarify the position now.

The Hon. D. A. DUNSTAN: This clause relates to petrol that has been obtained under a permit, but petrol that has not been obtained under a permit is dealt with in clause 16. If the motorist can account for the petrol he is using, he is not in trouble; normally, he will be able to show that he got a supply of petrol from a vendor before a certain date.

Mr. VENNING: Will it be necessary for a farmer, who is engaged in seeding operations and who requires further supplies of distillate, to obtain a permit in order to purchase those supplies?

The Hon. D. A. DUNSTAN: I imagine that, if he has insufficient distillate, he will have to seek a permit. We are faced with considerable difficulty here concerning many areas of employment, although at present there is a substantial supply of distillate in most

parts of South Australia. Certainly, we have sufficient distillate for the continued operation for some time of public transport services, and I should not think there would be much difficulty about this. However, under the provisions of the Bill, a farmer would have to apply for a permit to obtain additional distillate.

Clause passed.

Clauses 12 to 15 passed.

Clause 16—"Power to stop vehicle and ask questions."

Mr. BECKER: Bearing in mind the provisions of the Road Traffic Act, I believe that this provision goes too far. Although, under this Government we have previously seen the powers of the Police Commissioner brought under Ministerial control, we now see the police being given the power to stop anyone at any time and to ask the person concerned where he obtained fuel.

The Hon. D. H. McKee: Would you mind if someone milked your car?

Mr. BECKER: I do not think that if a person is stopped he will put himself in. As I believe the provision goes too far, I ask the Premier whether it is necessary to go to such lengths.

The Hon. D. A. DUNSTAN: Yes, I believe it is, and in my second reading reply I explained why.

Mr. EVANS: Having raised a strong objection to this clause earlier, I believe the police already have sufficient powers. I know that looting of petrol will occur, whether or not this clause operates. I believe that this provision places the police, as well as honest citizens, in a difficult situation. The unscrupulous person who is asked to state where he obtained fuel will have the right answer and will not be caught by this provision. Such a person may be caught by the measure only if he has been apprehended, say, on five occasions, and cross-checking has occurred. I oppose the clause.

The Committee divided on the clause:

Ayes (41)—Messrs. Allen, Brookman, Broomhill, Brown, and Burdon, Mrs. Byrne, Messrs. Carnie, Clark, Corcoran, Coumbe, Crimes, Curren, Dunstan (teller), Eastick, Ferguson, Goldsworthy, Groth, Gunn, Hall, Harrison, Hopgood, Hudson, Jennings, Kenneally, King, Langley, McAnaney, McKee, McRae, Millhouse, Payne, Rodda, Simmons, and Slater, Mrs. Steele, Messrs. Tonkin, Venning, Virgo, Wardle, Wells, and Wright.

Noes (3)—Messrs. Becker, Evans (teller), and Mathwin.

Majority of 38 for the Ayes.

Clause thus passed.

Clause 17 passed.

Clause 18—"Definition of bulk fuel."

The Hon. D. A. DUNSTAN: I move:

"To strike out 'two hundred' and insert 'forty'."

The purpose of this amendment is to stop people from dividing their supply into 44-gallon lots and taking it out under that subterfuge. We have had to reduce the quantity below 44gall.

Amendment carried; clause as amended passed.

Clauses 19 and 20 passed.

Clause 21—"Accounts, etc. not actionable."

Mr. MILLHOUSE: I oppose this clause, which puts the Government and the Minister and the officers of his department above the law by cutting out the jurisdiction of the courts altogether. However grave the crisis may be, I am not willing to accept such a sweeping power of exemption for the Government. The Premier has said that people might seek injunctions and thus hold up the process of the law. As I understand the story, people who have been granted permits that have then been revoked may seek injunctions. Personally I find that farfetched. Even if that were to occur in one or two cases (and I concede that only for the purpose of argument), I would still not regard as warranted such a sweeping power excising altogether the jurisdiction of the courts, even though we are in such serious circumstances now. The only other time I have known any measure like this was in the case of a section in the Local Government Act that prevented the Supreme Court from scrutinizing regulations or by-laws made pursuant to Act of Parliament. We were able to get rid of that section many years ago. That was bad enough, but it was as nothing compared to this provision. As I think this is a bad clause indeed and as I can see no justification for it, I intend to vote against it.

The Hon. L. J. KING (Attorney-General): I think we all share the anxiety expressed about a clause of this kind. The Legislature should never lightly attempt to remove from the jurisdiction of the courts the question of legality of actions taken under the authority of Act of Parliament, but the existing situation is very special. As the Premier has said, what is of paramount importance is that what is done under this Act must stick. The really critical consideration here is that it is the revocation of the permit which is the real sanction. It is that and that alone which will stop unscrupu-

lous people from defying the provisions of the Act.

If their interests are sufficiently affected, some people will take the risk of what ultimately happens to a prosecution and will try to get away with it. Some of the unfortunate things we saw at the weekend underline and emphasize the danger of this. The real danger is that, if a permit were revoked and the person affected gave the Supreme Court an affidavit making out a *prima facie* case that he had not committed a breach, he might obtain an injunction restraining the Minister from proceeding with his action revoking the permit. I do not agree with the member for Mitcham that this might happen in only one or two cases. I believe that enough people, whose interests will be affected by the legislation and who would be prepared to place their personal interests above the interests of the community, would do this if they could get away with it. I believe that that is enough justification for this provision in this emergency legislation.

The Hon. D. N. BROOKMAN: What type of application would be necessary to convince a judge that an injunction should be granted? I believe that in such emergency legislation as this the widest powers that are essential should be given, but I have doubts about this provision. When I first read the Bill, it seemed to me that a judge would not be likely to grant an injunction on any action of a Minister in the course of his administering the Act. On the other hand, if a judge were likely to give an injunction, I should like to know what sort of case would have to be made out before the operation of this legislation could be impeded.

The Hon. L. J. KING: A judge might grant an injunction. Of course, one cannot say for certain, as this would be in the discretion of the judge. If a case were made to the judge that the person concerned had not committed a breach and had not acted in contravention of the conditions of the licence, and if the judge considered that a real question had been raised (something that could only be dealt with by evidence taken at a trial on the matter), he might say, "This man's business is at stake; he says he has done nothing wrong; nevertheless the licence has been revoked. I will preserve his interest until the matter is decided by the evidence later." Once it became known that a person could get an injunction of that kind, people might take the risk of the ultimate result of prosecution. I believe that there would be a real danger that people would try to circumvent the provisions

of the legislation for the duration of the emergency by taking this course of action. I point out that in 1970 a similar provision was inserted in the Wheat Delivery Quotas Act as follows:

59. (a) Except as expressly provided in this Act no proceedings shall be instituted or heard in any court in respect of any act or decision of the Minister, the Advisory Committee or the Review Committee.

Although there are some exemptions in that Act, that provision is similar to the one in this Bill, and I think that this provision is justified to an even greater extent by the fact that this is emergency legislation.

Mr. MILLHOUSE: I cannot accept what the Attorney-General has said; I do not believe he is wholeheartedly behind it himself. Regarding the section in the Wheat Delivery Quotas Act, I bitterly regret now that I did not object to it at the time; I must say it slipped past.

Mr. Payne: Huh!

Mr. MILLHOUSE: Many things slip past, and I suppose that a few have slipped past the honourable member. However, I am always willing to admit a mistake, and that was a mistake. This matter has been pointed out to me in trenchant terms by a member of the legal profession. I had to agree, but I wished that I had protested about it previously. Certainly, I would not now be willing to accept that, as I would not be willing to accept this provision. I do not consider that we should put the Government above the law.

The Committee divided on the clause:

Ayes (32).—Messrs. Brookman, Broomhill, Brown, and Burdon, Mrs. Byrne, Messrs. Clark, Corcoran, Coumbe, Crimes, Curren, Dunstan (teller), Eastick, Groth, Hall, Harrison, Hopgood, Hudson, Jennings, Keneally, King, Langley, McAnaney, McKee, McRae, Payne, Rodda, Simmons, and Slater, Mrs. Steele, Messrs. Virgo, Wells, and Wright.

Noes (12).—Messrs. Allen, Becker, Carnie, Evans, Ferguson, Goldsworthy, Gunn, Mathwin, Millhouse (teller), Tonkin, Venning, and Wardle.

Majority of 20 for the Ayes.

Clause thus passed.

Clause 22 passed.

Clause 23—"Repeal of Part III of Act."

The Hon. D. A. DUNSTAN: I move:

In subclause (1) after "therein" to insert "the operation of"; and to strike out "be deemed to be repealed" and insert "cease".

The purpose of these and following amendments is to ensure that the question of repeal

of this Bill, if it does not expire sooner, will be dealt with here rather than by proclamation. We can cease the operation of the Bill by proclamation but bring the matter back here so that Parliament repeals the Bill. After the Bill has been drafted, it was thought that it was undesirable in principle to have the Governor, by proclamation, repealing a Bill that had been passed by this Parliament. The measure ought to come back here.

Amendments carried.

The Hon. D. A. DUNSTAN moved:

In subclause (2) to strike out "repeal" wherever occurring and insert "cessation"; and in subclause 2 (b) to strike out "so repealed" and insert "which has ceased".

Amendments carried; clause as amended passed.

Clause 24—"Profiteering."

The Hon. D. A. DUNSTAN: I move:

To strike out "repeal" and insert "cessation of operation".

This is consequential on the amendments just made to clause 23.

Amendment carried; clause as amended passed.

Clauses 25 to 28 passed.

New clause 29—"Expiry of Act."

Dr. EASTICK: I move to insert the following new clause:

29. This Act shall expire on the thirty-first day of August, 1972, and on and after that day shall, for all purposes, be deemed to have been repealed.

A measure of this kind should have a final date. One hopes that the final date in the proclamation made by the Governor and the date on which the legislation will subsequently be repealed by Parliament will be well before August 31. But in the event that circumstances do not allow a satisfactory conclusion to the oil dispute and the provision of adequate fuel supplies to the State, I believe this place should review the legislation passed today and consider any amendments. A 31-day period is perhaps somewhat excessive. I considered a shorter period, but we must be realistic. A 15 or 21-day period might not have been realistic, in view of the information given by the Premier this afternoon that 21 days from today may elapse before we return to normality, all things being equal. I ask the Committee to support my amendment so that either the legislation will be repealed or the Committee given the opportunity to consider amendments to it.

The Hon. D. A. DUNSTAN: As I indicated on the second reading, I accept the amendment.

Mr. CURREN: If the new clause is inserted what would be the legal position regarding prosecutions now in progress or pending before a court, if the legislation is repealed on August 31?

The Hon. D. A. DUNSTAN: Section 16 of the Acts Interpretation Act applies: the prosecutions would continue, not end, after the legislation ceased to exist; the Acts Interpretation Act would carry them on.

New clause inserted.

Schedule and title passed.

Bill read a third time and passed.

[Sitting suspended from 6.15 to 10.7 p.m.]

Returned from the Legislative Council with the following amendments:

No. 1. Page 2 (clause 4)—After line 37 insert new subclause (2) as follows:

“(2) Without otherwise limiting the generality of subsection (1) of this section, no proceedings, under the Industrial Code, 1967-1972, shall be brought in respect of an offence under that Act where those proceedings depend for their efficacy on the validation of the proclamation by that subsection.”

No. 2. Page 5, lines 8 to 14 (clause 11)—Leave out subclause (3).

Consideration in Committee.

The Hon. D. A. DUNSTAN (Premier and Treasurer): I move:

That the Legislative Council's amendments be agreed to.

The first amendment relates to prosecutions under the Industrial Code in respect of offences under that Act, where the proceedings depend for their efficacy on the validation of the proclamation. The Government does not agree with the view expressed by the Legislative Council in this amendment. However, although the Government does not consider it proper to make these amendments, the importance and urgency of the Bill are nevertheless such that it is preferable that it should pass and that the appointed day not be altered rather than that we further confer about these matters. I think the Bill is worse with these amendments in it, but at the same time the matter is too important for us to brook further delay. The Legislative Council's second amendment provides that the onus of proof provision, for which this place voted very heavily, be removed. Although that will weaken prosecutions under the legislation, nevertheless the other provisions of the Bill are so greatly and urgently required before tomorrow that I do not believe, in weighing the two matters in the balance, that we should reject the Legislative Council's amendments and seek a

conference; I believe that we should proceed and have this Bill assented to in Executive Council tonight. I regret the Legislative Council's amendments but I can only counsel the Committee that it is wiser to accede than to resist at this stage.

Dr. EASTICK (Leader of the Opposition): I believe that the Legislative Council's amendments should be agreed to. The first of the amendments was canvassed here, and assurances were given in relation to it. Whilst those assurances were accepted, I believe that the amendment clearly provides that proceedings shall not be brought where they depend on the validation of the proclamation; the amendment is therefore advantageous. It is not to the credit of some people that they acted in a way that was not in the best interests of the community; however, other people who acted in ignorance might have been prosecuted. I cite the case of a person who, in the last 2½ weeks, took over the occupancy of a service station in the town in which I reside. The person took over the service station believing that it was a country service station. The proprietor firmly believed that the service station was outside the metropolitan area, as defined, and therefore outside the provisions of the proclamation. Until alterations were recently made to the Industrial Code, the town was not part of the metropolitan area for the purposes of that Code. The service station proprietor was given advice which, though offered sincerely, was false.

It is all very well for the Minister of Works to look as though he doubts what I am saying, but I have previously pointed out that the town to which I have referred is regarded as being inside the metropolitan area for the purposes of some Acts and outside the metropolitan area for the purposes of other Acts. During my brief period as a member of this place there have been no fewer than seven definitions of the metropolitan area, depending on whether the subject matter has been transportation, the Industrial Code, dog-racing, horse-racing, or electoral boundaries. The service station proprietor acted on what he believed was correct advice, but he later accepted the direction given to him by the police at 11 a.m. last Saturday. His attention was drawn to the fact that he had transgressed the proclamation and that he might be liable for prosecution in the same way as people in the nearer metropolitan area might be liable; those people had openly flouted the proclamation and had gone beyond all reasonable lengths. Because an assurance is not as

strong as a provision written into the legislation, I believe the Government has acted wisely in accepting the amendment, although I am not necessarily saying that I would not have accepted an assurance in this case.

The Premier has indicated that he is willing to accept the second amendment, which involves a matter concerning which there will always be conjecture and differences of opinion. Although it is true to say that the amendment has been accepted on this occasion because it is important for the legislation to be passed, I do not think it necessarily

follows that the amendment should be accepted only on that basis. As I have said, the existence of doubt about this matter among members of the legal profession, as well as among Government members, is sufficient reason to accept the amendment on this occasion. Accepting what the Premier has said, I believe the legislation can now be implemented on the basis of these two amendments.

Motion carried.

ADJOURNMENT

At 10.22 p.m. the House adjourned until Tuesday August 1, at 2 p.m.