LEGISLATIVE COUNCIL

Tuesday 7 August 1979

The PRESIDENT (Hon. A. M. Whyte) took the Chair at 2.15 p.m. and read prayers.

QUESTIONS

FIREARMS

The Hon. R. C. DeGARIS: I seek leave to make a brief statement prior to asking the Minister representing the Chief Secretary a question about firearms.

Leave granted.

The Hon. R. C. DeGARIS: When legislation was considered in this Council in April 1977 dealing with amendments to firearm control, there was quite a lengthy debate about the position of genuine firearm collectors in South Australia, and that debate appears in *Hansard* at pages 3768-71 inclusive. Although, as there was considerable debate, I will not read those pages to the Council, I have received a letter from the Antique and Historical Arms Association of South Australia which states:

> The association is particularly concerned to learn that a collector's licence is to be omitted from the Firearms Act and regulations, despite an undertaking in both Houses of Parliament that such a licence would be granted to *bona fide* collectors.

I refer the Government to the debate that took place, and I request the Minister to ask the Chief Secretary to reconsider the position and provide in the regulations some reference to the rights of collectors of historic firearms in South Australia in relation to licensing procedures.

The Hon. J. R. CORNWALL: I will refer the honourable member's question to my colleague and bring down a reply.

SCHOOL DENTAL SERVICE

The Hon. N. K. FOSTER: I seek leave to make a short explanation prior to directing a question to the Attorney-General, representing the Minister of Health, in the absence of the Minister who normally represents the Minister of Health in this Chamber, regarding the school dental scheme.

Leave granted.

The Hon. N. K. FOSTER: I desire to acquaint the Council with details of the progress of the school dental scheme since 1976 and to refer to a statement made by Mr. Hunt, the Federal Minister for Health, in Canberra in June of this year, as follows:

> The Australian school dental scheme has continued to expand steadily. It is concentrating on the provision of free dental care, including dental health education to primary schoolchildren with the long-term aim of improving the dental health of the community generally. The Commonwealth and the States are currently sharing the overall costs of the scheme on a fifty-fifty basis. In the period 1 January 1976 to 30 June 1978,the Commonwealth spent $65 690 000 on the scheme with a further $18 900 000 estimated to be spent in 1978-79. Ten dental therapy schools, located in all States, are now in operation with an annual graduate capacity of 370. Three of them—at Shellharbour (N.S.W.) and Yeronga and Townsville (Qld)—have started operation since January 1976.
>
> In addition to the dental therapy schools, there has been considerable growth in the number of school dental clinics in operation together with the number of primary school children being examined annually under the scheme, as illustrated in the table opposite.
>
> A continuous clinical evaluation study is under way to assess the effectiveness of the preventive and treatment programmes carried out under the scheme. It also provides essential information for management and long-term planning.

	As at 1 January 1976	As at 30 June 1978
Dental therapy schools	7	10
School dental clinics	285	535
Primary school children examined	265 000 (1975-76)	425 000 (1977-78)

> As part of the study, a comparison was made between the dental health of children who were covered by the scheme for three or more years and those who were first examined in 1977. The differences in the two groups are very marked, reflecting credit on the work of the various school dental services. Those children who were first examined in 1977 had two and a half times more carious permanent teeth and five times more permanent teeth requiring extraction than those who had been under the care of the various school dental services.

I think those remarks answer the question that was asked in this Chamber last week, but I ask the Minister to ascertain whether the dental health programme from 1976 to 1979 has been achieved, in accordance with the statement of Mr. Hunt.

The Hon. C. J. SUMNER: I will refer the question to my colleague the Minister of Health in another place, and bring back a reply.

NORTHFIELD AGRICULTURAL RESEARCH FARM

The Hon. C. M. HILL: I seek leave to make a short statement in relation to land at the Northfield Agricultural Research Farm, before addressing a question to the Minister of Environment.

Leave granted.

The Hon. C. M. HILL: I have information that possibly portions of the Northfield Agricultural Research Farm, on Fosters Road, will be released progressively to the Housing, Urban and Regional Affairs Department for housing purposes, and that a part of the land is to be released in 1981, a major portion being released in 1986. Incidentally, this was also a question that I hoped to direct to the Minister of Agriculture today, but I see that he is not in the Chamber, and he should be here, because he is answerable to Parliament and to members on both sides of the Chamber.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr. Hill should perhaps check where the Minister is before making that statement.

The Hon. C. M. HILL: I have checked, and I understand he is at an interstate meeting—

The Hon. D. H. L. Banfield: At an Agricultural Council meeting.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr. Hill should get on with his question.

The Hon. N. K. Foster: Question!

The Hon. C. M. HILL: As the land might be allocated by the Government for housing, and because of the strong feeling in that region of metropolitan Adelaide that there

should be much more open space in and around that suburb for use by the people generally, will the Minister say whether he or his department considered, or were given the opportunity to consider, claiming this land for open-space purposes before the Government finally decided to allocate it to housing?

The Hon. J. R. CORNWALL: First, I point out to the Hon. Mr. Hill that the Minister of Agriculture is absent from this Chamber attending a meeting of the Australian Agricultural Council, and that it is quite wrong in those circumstances—

The Hon. T. M. Casey: Last Thursday the Minister said that he would be attending Agricultural Council today.

The PRESIDENT: Order!

The Hon. J. R. CORNWALL: Yes, and you, Mr. President, would be as aware as all other honourable members that in such circumstances it is normal for this Council to grant the Minister leave of absence, as well as a pair. That point should be made clear in *Hansard*. Adverting to the honourable member's question, I point out that this is more properly a question for my colleague, the Minister of Planning, in another place, as the honourable member will be aware, and I will take it up with him. It is normal practice, in many instances when such developments are occurring, for the State Planning Authority to acquire and set aside quite a sizeable proportion of land for recreation use. It is not necessarily or normally a matter that falls upon the shoulders of the Minister of Environment. I am not aware of the specific case referred to, but I will take up the matter with my department and with the Minister of Planning, and I shall be happy to bring down a reply.

EQUAL PAY

The Hon. ANNE LEVY: I seek leave to make a short statement before directing a question to the Attorney-General, representing the Minister of Labour and Industry, on the matter of equal pay.

Leave granted.

The Hon. ANNE LEVY: All honourable members are aware that equal pay for men and women was awarded in the Australian courts in 1973 and that for the past six years all women should have been receiving equal pay with men doing the same jobs. However, I understand that no less a body than the Adelaide City Council has not been granting equal pay to a number of its women employees, especially those women employed as kiosk and car-parking attendants. Therefore, 6½ years after the granting of equal pay in this country, some women are being paid less than the appropriate award rate for the work they are doing, and those women are employed by the Adelaide City Council.

Will the Minister investigate this matter and determine what the excuses are in this situation? Can the Minister do anything to ensure that these women are granted equal pay? Furthermore, will he ascertain whether, equal pay having been granted, these women have a case for retrospectivity of equal pay for the three years provided for under our Industrial Conciliation and Arbitration Act?

The Hon. C. J. SUMNER: I will refer the question to my colleague the Minister of Labour and Industry and obtain a reply.

HANDICAPPED CHILDREN ALLOWANCE

The Hon. N. K. FOSTER: I seek leave to make a short statement before asking the Minister representing the Minister of Health a question about the handicapped children allowance.

Leave granted.

The Hon. N. K. FOSTER: I was astounded to have this matter drawn to my attention today by a parent who has had to meet costs incurred by members of her family who are handicapped. It involves the relief centres at Strathmont and Northcote House. These centres can take handicapped children for a number of reasons, for example, during school holidays or when a parent is ill. The handicapped children allowance is deducted by the relief centre for various periods when the children concerned are there. A mother with more than one child expected a cheque for $120 to pay clothing bills, etc., but received a cheque for only $30. The handicapped child was not the first child, and she lost the money from the higher end of the scale. She was not informed of this by the department, otherwise she would not have committed herself for clothing to that amount.

I understand that a deduction is made if the child is in a relief centre on the 15th day of each month. This seems to be a ragged way of calculating a cut-off point for this allowance. Cheques are posted on the first and third Tuesday of every month, according to the first letter of the surname. The Social Security Department did not know whether there is a set date for everybody or only the first and third Tuesdays and, again, that seems a very ragged way of determining whether or not the allowance is to continue or to be redirected to relief centres. The mother loses a full day's family allowance if the child is in the relief centre on the 15th of the month, and I understand that this applies whether or not the child is there for, say, one, four or five days. I ask the Minister the following questions in an endeavour to clear up this situation:

1. What is the cut-off date for the handicapped children allowance?

2. Why can a benefit be drastically reduced when a child is placed in a relief centre for the minimal time of the monthly allowance period?

3. What grants and other forms of financial payments are made to relief centres, and what other departments may be involved?

4. Have these centres been subjected to cuts in funding from the Commonwealth Government or by any other source of funding which, in turn, may be subject to Commonwealth cuts?

The Hon. C. J. SUMNER: I will attempt to obtain that information for the honourable member from my colleague the Minister of Health.

NATIONAL PARKS AND WILDLIFE SERVICE

The Hon. F. T. BLEVINS: I seek leave to make a brief explanation before asking the Minister of Lands a question regarding the National Parks and Wildlife Service.

Leave granted.

The Hon. F. T. BLEVINS: It was announced last year that the National Parks and Wildlife Service was moving towards the regionalisation of its services. I understand that the aim of the operation is to give greater autonomy to field staff working in areas remote from Adelaide which, in turn, is expected to give even better service to the public. Can the Minister say when the Regional Superintendent positions advertised in the press on 28 April 1979 are likely to be filled, and what action is to be taken to establish regional offices?

The Hon. J. R. CORNWALL: As the honourable member suggested, the regionalisation programme within the National Parks and Wildlife Service will ultimately be

reflected in greater effectiveness of that organisation. The appointment of a new Director is of prime importance, and that position is to be readvertised immediately. The filling of that position and the appointment of the Regional Superintendents will provide the base on which an even stronger management of national parks can be built.

Recommendations on the specific appointments to the Regional Superintendent positions were made recently to the Public Service Board, and offers to the successful applicants will be made within the next fortnight. Appointments to the metropolitan, southern and northern regions will then be made and, following a familiarisation period in head office, the two country appointees will establish regional offices in the South-East and at Port Augusta by the end of the year.

Constraints on staff numbers will make it difficult to obtain support staff, but I am confident that rearrangement of existing numbers will enable minimal needs to be supplied so that the officers can exercise at least a managerial role, even though the offices may not be open to the public for the full week. I take this opportunity to point out that discussions are taking place with the Public Service Board concerning the determination of appropriate salary scales for field staff within the National Parks Division. The establishment of appropriate levels of responsibility for ranger staff to complement the senior field management staff will make a substantial contribution to more effective management of the whole National Parks Division.

HERITAGE LIST

The Hon. ANNE LEVY: I seek leave to make a short statement before asking the Minister of Lands a question regarding the heritage list.

Leave granted.

The Hon. ANNE LEVY: All honourable members would have read last month about the Minister's releasing the first interim list of State heritage items. The list is obviously important if we are to retain fine old buildings and structures that are quite irreplaceable. Incidentally, I should like to congratulate the Heritage Committee for compiling such a comprehensive and representative list. Will the Minister expand on the status of those items which are listed and outline what action, if any, has been taken to advise owners of properties that are listed of their responsibilities under the Act?

The Hon. J. R. CORNWALL: I thank the honourable member for her comments. I consider that they are justly deserved, because the release of the first interim list was, as she said, most important. Its value, if not already apparent, will become obvious as more and more links with our past disappear. I will answer her question in two parts.

First, all items listed come under the control of the Planning and Development Act, and cannot be altered or demolished without the consent of the State Planning Authority or the local authority. Fines of up to $5 000 are provided for contravention of this requirement. Persons may object to the placing of an item on the Register of State Heritage Items and may appeal against the decisions of the Planning Authority concerning development applications. Here, I point out that the Government certainly does not want items to be frozen. In fact, it will encourage development of items, provided that development is sympathetic with the item itself or with the general surrounds.

I will now answer the second part of the honourable member's question. All owners of items on the interim list have been notified by registered mail of the notices published in the *Government Gazette* and the *Advertiser.* In the case of more than one owner being involved in an item, each co-owner has been notified separately. The notification sets out the exact location and description of the item; why it has been listed (whether because of its architectural or historic value); the need for the owners to apply for approval to develop the item; their legal responsibilities if selling the item; and their rights to object to its entry on the register.

I point out that this is only the first interim list. I expect that from time to time many more items will be added to the list, until the Heritage Committee feels that every item worth preserving has been listed.

POLITICAL PARTIES

The Hon. N. K. FOSTER: I seek leave to make a brief explanation before asking the Leader of the Council a question about election candidates.

Leave granted.

The Hon. N. K. FOSTER: Mr. President, I hope that the leave granted by the Council will be honoured, although I do not expect it. In the last week there has been a great deal of press speculation about the squabbling taking place between the National Country Party and the Liberal Party, on both a Federal and State level. The National Country Party, which is a minority Party, has never achieved more than 8 per cent of the national vote at Federal elections, although it has always been represented in the Ministry by a far greater percentage than the value of the national vote accorded to it. Unfortunately, there has always been a closed-shop agreement between these Parties that has denied people the right to nominate for certain electorates held by a Minister. When the situation looked a bit shaky in 1972, the National Country Party forced its minority will upon the Liberal and Country Party Cabinet to appoint assistant Ministers to almost all Ministers, and then went out and declared that they also should be given electoral immunity. Under that arrangement, many electorates held by the Liberal Party and the National Country Party were not contested in the true electoral sense, and this denied electors a choice of candidates, because of the closed-shop agreement that existed in the latter part of what could be referred to as the McMahon Ministry's term of office.

The Hon. C. M. Hill: Are you beating a drum?

The Hon. D. H. L. Banfield: It's a big drum.

The PRESIDENT: Order!

Members interjecting:

The Hon. N. K. FOSTER: I heard somebody on the other side say, "What about the A.G.W.U.?" Of course, he meant the A.G.W.A.; he has not got even enough brains to identify the union. Mr. President, I also heard your friend, Mr. Hill, make some interjection, but there was nothing said from the Chair until I began to respond to the interjections made by two members opposite.

The PRESIDENT: Order! I called for Order so that the Hon. Mr. Foster could proceed with his question. In fact, I was protecting him from interjections from the other side, and I now expect him to proceed with his question.

The Hon. N. K. FOSTER: I do not wish to appear to be beating the drum, but I am sick and tired of standing on this side of the Council and being faced with innuendo and attack from the Liberal Party opposite. The Liberal Party is very thin skinned when somebody rises and questions its honesty, and it always reacts in the same way.

The Hon. R. C. DeGaris interjecting:

The Hon. N. K. FOSTER: The Leader's preselection

war is about to begin, and he is to be thrown aside as the Leader of the Opposition in this Council. He will be dumped in a preselection ballot.

The Hon. C. M. Hill: Question!

The Hon. N. K. FOSTER: Thank you; I expected that. Does the Attorney-General consider that the closed-shop agreement between the Liberal Party and the National Country Party denies the right of candidates openly to contest an election? Further, does the Minister consider that such an arrangement is immoral? Finally, does the Minister welcome the half-hearted move by the Young Liberals to dissociate themselves from the Party if this closed-shop agreement continues?

The Hon. C. J. SUMNER: I am not privy to what happens in the halls of the Liberal Party or its potential coalition partner, the National Country Party, or, indeed, its other potential coalition partner, the Australian Democrats. Therefore, it is really not possible for me to answer the honourable member's question about whether or not there is any closed-shop agreement or whether there is some deal between the Liberal Party, the National Country Party and the Australian Democrats.

I would have believed that there had not been a deal between these Parties. To come to that conclusion, one only has to spend a very short time in the other place listening to Mr. Millhouse castigating his former colleagues in the Liberal Party, or to see Mr. Anthony, the Leader of the National Country Party, on television almost every night of the week castigating the Liberal Party (in fact, in the last report I saw he referred to, I think it was the Queensland Liberals, as "boneheads"). If that is an example of a closed-shop agreement, then it is certainly not a very tight one.

I am not privy to what negotiations go on between the various potential contenders for Government in this State, and I am not sure that I really want to be. However, what we see on the public level and what is said publicly does not really give the people of South Australia very much hope that, if there were to be a change in Government in this State, honourable members opposite would conduct themselves in a united fashion. In fact, there would have to be a hotch-potch coalition of no fewer than three Parties, and how would Mr. Millhouse fit in with the Hon. Mr. DeGaris or, indeed, his former colleagues, the Hon. Mr. Cameron and the Hon. Mr. Carnie?

On the other hand, the Australian Labor Party Government in this State has presented to the public a consistent set of policies with a united leadership and a united party. The South Australian voters have appreciated that the A.L.P. Government in this State has been just such a Government, prepared to put forward policies that are to the benefit of the South Australian community, rather than the hotch-potch that exists amongst members opposite who, amongst themselves, represent three very diverse Parties with no agreement amongst them and who, indeed, seem to spend most of their time calling each other names.

TOTALIZATOR AGENCY BOARD

The Hon. R. C. DeGARIS: I seek leave to make a brief explanation prior to asking the Minister representing the Chief Secretary a question about Totalizator Agency Board dividends.

Leave granted.

The Hon. R. C. DeGARIS: Has the T.A.B. ever declared dividends in any race when only the amount of money placed on course has been used to compute the dividend payable? Further, has the T.A.B. ever declared dividends on any race before all money wagered in any capacity has been accounted for? If the answer to either of those questions is "Yes", will the Minister report to the Council when this has occurred?

The Hon. C. J. SUMNER: I shall attempt to obtain the information for the honourable member.

URANIUM

The Hon. R. C. DeGARIS: Does the Attorney-General believe that any contradiction exists in the present policy of the Labor Party in relation to its uranium policy and the development at Roxby Downs?

The Hon. C. J. SUMNER: No, there is no inconsistency. This matter has been debated many times. The policy of the Government is that no mining or processing of uranium should occur in South Australia until the Government and the public can be satisfied that it is safe to do so. The safety factor revolves around two major areas: the disposal of highly radioactive waste, and the possible proliferation of nuclear weapons that will occur if there is a great expansion in the nuclear industry, with all the potential for disaster that that means for the world community. Until the Government is satisfied in relation to safety factors—those two particularly, and other safety matters involving the nuclear fuel cycle—no mining or processing of uranium will be permitted in this State.

But that is not the only thing, and we have always said this, and indeed we said it when a company involved in exploration in the Adelaide Hills may have turned up uranium, among other things. Clearly, when one is exploring for minerals, one cannot say, "I will look only for a certain type of mineral." When one is involved in exploration, one could come up with any mineral or resource. So the Government has permitted continued exploration and likewise, in the potential development of Roxby Downs, the Government has made quite clear to B.P., which company has bought into that area along with Western Mining, that the policy of the Government is as I have outlined to the Council.

The Hon. R. C. DeGARIS: Does the Attorney-General anticipate that the Government might change its mind in future on uranium mining, or does the Government take the view of Mr. Peter Duncan, that the Government will never change its mind on this matter?

The Hon. C. J. SUMNER: The position is as I have outlined. No mining or processing of uranium will be permitted in this State until the Government is satisfied that it is safe to do so. That is the policy of the Labor Party. It is the Federal policy of the Party, the State policy of the Party, and it is also the policy of the South Australian Government. As a member of that Party, I agree with that policy—

The Hon. R. C. DeGaris: Do you agree with Duncan?

The Hon. C. J. SUMNER: And Mr. Duncan would also agree with that policy.

FUEL CHARGES

The Hon. N. K. FOSTER: I seek leave to make a statement before asking the Attorney-General a question on increased fuel charges.

Leave granted.

The Hon. N. K. FOSTER: Last week I referred in this Chamber to a matter which still worries a very wide section of the community. I noticed in an article written only the other day that the rural vote and support for the Country Party and the Coalition Parties was down by 9 per

cent as a result of the issue of fuel charges. Last week, there were cries of unintelligent ridicule from the Opposition Benches because I dared to suggest that the Prime Minister, while in Africa—and one would think he got his votes there—

The Hon. R. C. DeGaris: Question!

The Hon. N. K. FOSTER: I take it that the shout of "Question" aborts my leave.

The PRESIDENT: That is so.

The Hon. N. K. FOSTER: I thought I would say that for the benefit of some people within hearing of this place. Will the Attorney-General say, first, whether or not he considers that the visit of the Prime Minister to Africa on a sabre rattling venture will bear any benefit to Australia from the point of view of importing further liquid fuel; secondly, does the Minister consider that the actions of the Prime Minister in Nigeria are contrary to the actions of the Deputy Prime Minister in Australia in that the Prime Minister has been endeavouring to get oil from Nigeria, which has taken over a private company, whereas in Australia the Deputy Prime Minister wants to sell areas of uranium producing mines to private industry; thirdly, and more importantly, is the Minister aware that the increase in fuel prices estimated by Government sources, with the policy change being forced upon the rural community and upon every user of motor spirit in Australia, is not being paid to Arab countries, and will not be retained by the oil companies, but that oil companies will be forced to pay, in the next 12 months, $1 900 000 000 to the Fraser Federal Liberal Government, directly from the pockets of the people in this country; finally, does the Minister consider that such an exorbitant and unfair increase in revenue to the Government is sufficient to enable the Federal Government to restore the State's money which it cut at the last Premier's Conference and in the May Budget?

The Hon. C. J. SUMNER: The honourable member's questions range fairly widely in their content.

The PRESIDENT: They might be better put on notice.

The Hon. C. J. SUMNER: I am not sure that I am in a position to comment on the Prime Minister's visit to Africa. It has been traditional for Australian Prime Ministers, Liberal and Labor, to go to Commonwealth Prime Ministers' Conferences, and I suppose I cannot be critical of Mr. Fraser for having decided to do that. What one might be critical about is that he was most trenchant in his criticisms of Mr. Whitlam when Mr. Whitlam went overseas as Prime Minister, and Mr. Fraser was also trenchant about Mr. Whitlam's proposals, as I understand it, at that stage, to purchase some additions to the V.I.P. fleet. He was also critical of the fact that Mr. Whitlam, as Prime Minister, went overseas on two or three occasions, but we find that shortly after Mr. Fraser took over he became the greatest tripping Prime Minister in the history of the nation, even though he had been so critical of Mr. Whitlam. Not only does he trip, but he trips in a V.I.P. jet.

The honourable member's question has raised the issue of the Prime Minister's broken promises. I do not want to worry the Council with a litany of those broken promises, but I suppose in this context it is worth mentioning at least those two. The honourable member then referred to Nigeria, and all I want to say about that is what I said in this Chamber last week: in the area of energy resources, there will be in future much greater Government-to-Government negotiation and purchase and, clearly, much more Government involvement in the conservation of our energy resources.

I must say that the actions of the Prime Minister in apparently conducting some Government-to-Government negotiations over petroleum appear inconsistent with the announced intentions of the Liberal Government to sell off the Government's interests in the Ranger uranium mine. That is a completely irresponsible act, given that the Whitlam Government, initially through the Atomic Energy Commission, took up that interest in the Ranger project.

The final question raised by the honourable member concerned the import-parity pricing policy of the Federal Government. That is a complex matter. It has certainly given rise to increased fuel costs and it certainly has been a great impost on the Australian consumer. There is no doubt that, at some future stage, unless there are further discoveries of oil in Australia, we will be importing a much larger proportion of oil than at present, and that could be as early as 1985. There seems to be some case for moving, at least slowly, towards some sort of import parity so that there can be a cushioning of this effect. In the immediate future it provides a great impost on the Australian consumer and certainly adds to inflation problems.

PERSONAL EXPLANATION: COAL FIND

The Hon. R. C. DeGARIS (Leader of the Opposition): I seek leave to make a personal explanation.

Leave granted.

The Hon. R. C. DeGARIS: On Thursday I directed a question to the Attorney-General seeking information about the coal find reported in the press in the South-East. However, *Hansard* reported that question on Thursday referring to a gold find, but the question was related to coal, not gold. As the correction did not reach *Hansard* in time, I now seek to make the correction and inform the Council that I was referring to coal, not gold.

MOTOR FUEL RATIONING BILL

Received from the House of Assembly and read a first time.

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

That this Bill be now read a second time.

It is in substance much the same as a previous Bill which was introduced during the last session of the present Parliament but which failed to pass because of disagreement between the Houses. While there have been some shortages of motor fuel they have not been severe or widespread, and at the outset I want to make it quite clear, and emphasise, that there are no plans to bring this Act into operation; no permits have been printed, nor has any thought been given to that being done.

However, the ever-increasing demands upon the world's energy resources and the uncertainty of future supplies of such resources, particularly crude oil, has led Governments to consider legislating to ensure the maintenance of essential services in the event of the supplies of energy resources becoming unobtainable or in critically short supply for one reason or another. In recent years both the New South Wales and Western Australian Parliaments have enacted legislation to give their respective Governments control of energy resources of all types.

The Western Australian Fuel, Energy and Power Resources Act, 1972-1974, set up a Fuel and Power Commission for this purpose, while the New South Wales Energy Authority Act, 1976, provided for the creation of an Energy Authority of New South Wales. Both Acts contain separate parts to deal with emergency shortages of energy resources and give the Governor of the State power to proclaim a state of emergency and make regulations in

respect of the control of the form of energy in short supply.

In South Australia it is not considered necessary at the present time to set up an energy authority of the kind established in Western Australia and New South Wales. However, this State's reliance on petroleum products as a major source of energy make it extremely vulnerable to any interruption of regular supply. South Australia is reliant on a single petroleum refinery for the provision of a substantial proportion of its petroleum requirements.

Whenever production at the refinery ceases or is restricted for any reason for longer than about two weeks, severe shortages of essential petroleum products are experienced. In fact, in five out of the last seven years this has been the case, necessitating the introduction of petrol rationing in 1972 and 1973, while in 1974, 1976 and again in 1977 such action would have become necessary if the restrictions on production or movement of the product had continued for a few more days. During the petrol crises in 1972 and 1973, Parliament was asked to consider and pass, in a period of somewhat less than 24 hours, legislation to control and ration the remaining supplies of liquid fuel. Both the resulting Acts expired shortly after their enactment.

Members will recall that in 1974 the Government introduced an Emergency Powers Bill, which sought to give the Governor power to declare a state of emergency if at any time he "is of the opinion that a situation has arisen, or is likely to arise, that is of such a nature as to be calculated to deprive the community or any substantial part of the community of the essentials of life". At that time Opposition members were swayed by events then occurring in Western Australia and were placed under the misapprehension that there was something sinister about the Bill. Amendments moved to the Bill at that time were unacceptable to the Government and the Bill was laid aside.

In August 1977, Parliament considered and passed the Motor Fuel Rationing (Temporary Provisions) Act, a measure having a limited life but capable of dealing with any emergency occurring in the ensuing three months. In the event it proved unnecessary to invoke the Act and it subsequently expired on 31 October 1977.

While this Bill differs from the Liquid Fuel Rationing Acts of 1972 and 1973 in some respects it is based on the premise that should an emergency arise the Government should have the authority to be able to control supplies of petroleum products. The differences in detail result from the experience in administering the 1972 and 1973 Liquid Fuel Rationing Acts so that problems then encountered need not be repeated should it ever be necessary to bring this Act into operation. The other difference is that the Act can be proclaimed, by the Governor, to come into operation in the event of an emergency instead of having to hurriedly convene Parliament.

This Bill also differs from previous rationing legislation in that it is intended to remain indefinitely on the Statute Book. From the experience gained previously it has become obvious that, whenever a critical shortage of petroleum fuel exists, the Executive Government should be armed with sufficient power to ensure that appropriate action can be swift and effective. As I mentioned earlier, that is provided in the legislation in force in both Western Australia and New South Wales. However, unlike the legislation of those States, the essentials are contained within this Bill rather than left to be dealt with in subsequent regulations.

The Government recognises that in cases of protracted shortage there will be a need for Parliament to be called together to consider further action to be taken. This Bill allows for a rationing period of not more than 30 days to be declared and provides that no further rationing period may be declared within 30 days of the conclusion of that period. This means that the Bill is in effect limited to relatively short rationing periods.

It is well known that, because of events that occurred in Iran earlier this year, the world production of crude oil has been insufficient to meet the continually increasing world demand for petroleum products. However, the situation in Australia has not been nearly as difficult as some newspapers have suggested.

Members will have heard that the State Ministers of Mines and Energy and the Federal Minister for National Development late last month agreed to the formation of a national petroleum advisory committee. They announced, and I underline this, that coupon-type rationing is not needed, but that it is prudent to continue studies of possible contingency measures which can be applied quickly should unforeseen shortages of motor spirit arise.

For some months senior officers of the Commonwealth Government with a senior representative of each oil company have been meeting as the Oil Industry Supply Liaison Committee, and at future meetings a representative of each State will also attend.

In South Australia there has been consultation between representatives of the oil companies, firstly, with the Ministers of Mines and Energy and Labour and Industry, and late last month the Director of the Department of Labour and Industry and the Director of the Energy Division of the Mines and Energy Department agreed with oil company representatives on the procedures that are being adopted at a State level to keep the Government fully informed of the situation.

This Bill is introduced so that this State, like Western Australia and New South Wales, will have emergency legislation that can be used with a minimum of delay, should it become necessary. I repeat that this Bill is not being introduced because of the present motor fuel situation in this State. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal. Clause 3 contains definitions required for the purposes of the new Act. Clause 4 empowers the Minister to delegate powers conferred on him by the new Act. Clause 5 deals with the initiation and duration of a rationing period. The maximum duration of a rationing period is 30 days (it may of course be shorter) and at least 30 days must intervene between the end of one rationing period and the commencement of another. The proclamation by which the rationing period is initiated will also state the kinds of motor fuel that will be subject to rationing.

Clause 6 prohibits the sale and purchase of rationed motor fuel during a rationing period except in pursuance of a permit. Motor fuel purchased under a permit must be used in accordance with the conditions of the permit. Clause 7 deals with the issue, transfer and cancellation of permits. Clause 8 empowers the Minister to grant exemptions from the provisions of the Act relating to rationing. These exemptions may operate territorially or according to certain other criteria. Clause 9 empowers the Minister, where he believes that it is in the public interest to do so, to give directions relating to the supply and distribution of motor fuel. This provision will enable the Minister to ensure that reserves of motor fuel are deployed to best advantage in times of acute scarcity. A person who suffers loss through having to comply with a direction may

obtain compensation for the loss by action against the Crown.

Clause 10 enables the Minister to obtain information relating to supplies and distribution of motor fuel that he will require for the proper administration of the new Act. Clause 11 prevents actions for injunctions or mandamus being brought against the Minister in relation to his administration of the new Act. Clause 12 provides a high penalty for profiteering during rationing periods. Clause 13 empowers a police officer, during a rationing period, to stop a vehicle and investigate the source of motor fuel on or in the vehicle. Clause 14 is an evidentiary provision. Clause 15 deals with the summary disposal of offences. Clause 16 is a regulation-making power.

The Hon. R. C. DeGARIS secured the adjournment of the debate.

MOTOR BODY REPAIRS INDUSTRY BILL

The Hon. T. M. CASEY: I move:

That the time for bringing up the report of the Select Committee be extended to Tuesday 16 October 1979.

I move this only as Chairman of the committee. The committee was instructed by the Legislative Council on 25 May 1979 to bring up the report today. I have to advise the Council that the report is not yet ready. Therefore, I am unable to comply with Standing Order 409, which requires me to bring up the report and present it to the Council. The date in the motion was originally agreed to in the Select Committee, but changed circumstances now enable the committee to bring up the report earlier than the date proposed. Attempts were made in the committee to alter the date for bringing up the report to 21 August 1979. However, because the committee was evenly divided on this issue, the original motion could not be rescinded. As Chairman of the committee I believe that the time should be brought forward. I see no reason why the Council should not instruct the committee to bring up the report on 21 August 1979.

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

Leave out "16 October 1979" and insert "21 August 1979".

The Hon. C. M. HILL: I rise on a point of order. I seek your ruling, Mr. President, as to whether it is in keeping with Standing Orders and, if so, whether the motion moved by the Hon. Mr. Casey can be amended.

The PRESIDENT: I understand the point that the Hon. Mr. Hill is making. However, it is a substantive motion, and it can stand as a motion on its own. Therefore, the Attorney-General can proceed.

The Hon. C. J. SUMNER: I have discussed this matter with the Chairman of the Select Committee, and he has given an explanation to the Council which indicates that the report of the Select Committee could be prepared and presented to the Council at a much earlier date than the date that the committee had originally decided upon. The original date decided upon was 16 October. It now appears that the matter could be brought forward and the report prepared in two weeks time—by 21 August. It is for that reason that I am moving this amendment. The Chairman of the committee has indicated that he sees no problem in the report being prepared by that date. I would have thought that the committee had had the time to complete its deliberations adequately and to bring a report back to the Council.

The Council will appreciate that the Government is concerned about this legislation and wants to ensure that it can be considered as soon as possible by the Council. If there are any amendments to the legislation they will be dealt with at the earliest possible opportunity. It could not be said that the Government had not given the committee the opportunity of studying the Bill in considerable detail. In fact, the Select Committee was set up last February after the legislation was introduced into this Council. That is a period of five to six months; indeed, it will be six months if the date 21 August is agreed to as the date that the committee should report. I understand that the evidence has been completed and that the committee does not have any further witnesses to interview.

There have been some discussions about the contents of the report. It would seem that, given that it is now 5½ months since the committee was set up, it is not unreasonable to expect the matter to be dealt with expeditiously.

It is not as if it was a Select Committee at large about an issue such as the one which the Hon. Mr. DeGaris moved to set up on energy resources. It was a Select Committee to look specifically at a piece of legislation that the Government had presented and that the Government was concerned about. It had not just been plucked out of the air by the Government but had been presented in this Council and the other place after considerable thought and consultation with the community and after representations were made by interested groups in the community. It is not an inquiry at large about a subject: it is an inquiry into a specific Bill. I would have thought that it was not unreasonable to expect a report to be prepared and presented to this Council within six months of that committee's having been set up. It is for those reasons that I move the amendment, which would require the committee to produce its report by 21 August.

The Hon. R. C. DeGARIS (Leader of the Opposition): This presents a most peculiar situation for me as Leader of a Party in this House.

The Hon. N. K. Foster: That's not surprising.

The Hon. R. C. DeGARIS: When one has to listen to the arguments thrust forward by the Hon. Mr. Foster, it is not surprising. The Chairman of the committee has moved, and the committee determined (quite obviously not long ago), that the committee would require to almost the middle of October to present its report to this Council.

The Hon. N. K. Foster: Who advised you?

The Hon. R. C. DeGARIS: I am not a member of the Select Committee. Its Chairman has moved this motion. Then, the Attorney-General, as Leader of the Government in the Council, moved an amendment providing for the presentation of the report on 21 August, which is only a fortnight from today. I do not know what has happened before the Select Committee or how much evidence it has taken.

The Hon. N. K. Foster: Ha!

The Hon. R. C. DeGARIS: Does the Hon. Mr. Foster accuse me of knowing what went on before the Select Committee?

The Hon. N. K. Foster: I merely asked who advised you.

The Hon. R. C. DeGARIS: I do not know anything about the proceedings before the Select Committee, although it seems to me that, if the Select Committee, which has sat for 5½ months (during which a tremendous amount of evidence must have been taken), has not yet begun to draft its report, it is hardly reasonable to ask the committee to report on 21 August. I should like more information from the committee's members regarding this matter. At this stage, I foreshadow that I will, if this amendment is not carried, move a further amendment providing that the committee should report on 18 September.

The Hon. N. K. FOSTER: I was waiting for the Hon. Mr. Burdett to speak, but obviously he is not going to move.

The Hon. J. C. Burdett: I will now.

The Hon. N. K. FOSTER: Of course he will. That man is such a damn fool.

The PRESIDENT: Order!

The Hon. N. K. FOSTER: I am prepared to do the running for him, but I want to tell the Council how damned dishonest he is.

The PRESIDENT: Order! The honourable member had better stick to Standing Orders.

The Hon. N. K. FOSTER: I will do so; that is, if you tell me and if I can hear you.

The Hon. J. C. BURDETT: I rise on a point of order. I ask the Hon. Mr. Foster to withdraw and apologise.

The Hon. N. K. FOSTER: I do so, but reserve the right to call the honourable member what I like later in Parliamentary terms.

The Hon. R. C. DeGaris: That's not a withdrawal.

The Hon. N. K. FOSTER: It is not for the Leader to say that.

The PRESIDENT: I accept the withdrawal.

The Hon. N. K. FOSTER: The Select Committee has had 43 long meetings, sitting from early in the morning until late at night. It had a trip to Canberra to examine the roster system, which trip was undertaken at the behest of Liberals opposite.

The Hon. J. C. Burdett: That's quite untrue.

The Hon. C. M. Hill: You suggested it, and you know it.

The Hon. N. K. FOSTER: At one stage, the Hon. Mr. Hill wanted to go to Melbourne and to Sydney. He cast aspersions on other persons.

The Hon. C. M. Hill: Your Chairman suggested the Canberra trip.

The PRESIDENT: Order!

The Hon. C. M. Hill: Tell the truth!

The Hon. N. K. FOSTER: I am telling the truth.

The PRESIDENT: Order!

The Hon. N. K. FOSTER: As I have stated, the Select Committee had 43 meetings.

The PRESIDENT: Order! I remind the Hon. Mr. Foster, before he proceeds any further, to be careful not to offend against any Standing Orders regarding the Select Committee's evidence.

The Hon. N. K. FOSTER: Very well, Sir. No names will be mentioned. I have reason to believe that members opposite have, however, carted evidence given by members of the public to other people who were to give evidence. It was not insignificant that, just a few hours after the committee left Canberra, a group of people who did not want the legislation flew into that city. Is it not significant (and a reason why I should perhaps become suspicious) that that group of people appeared before the committee within one week and showed that they had interviewed the identical persons and had put to them the same questions that were put to the other people a week earlier? I strongly suspect that the Hon. Mr. Burdett gave information to those people.

The Hon. J. C. BURDETT: On a point of order, I call on the Hon. Mr. Foster to withdraw and apologise for accusing me of giving certain persons information regarding what had been said in Canberra.

The Hon. N. K. FOSTER: I did not say that, and the Hon. Mr. Burdett can check *Hansard*, if he so desires. I said, "I strongly suspect".

The Hon. T. M. Casey: That's not an accusation.

The Hon. N. K. FOSTER: And the Hon. Mr. Burdett should know that. He has used lawyer's talk before the committee until we have become sick and tired of it.

The PRESIDENT: Order! Is the Hon. Mr. Burdett satisfied with the withdrawal?

The Hon. N. K. FOSTER: I did not withdraw, because I did not accuse him.

The PRESIDENT: Order! Will the honourable member please continue with his speech.

The Hon. N. K. FOSTER: I strongly suspect that he told Mr. Chapman, the then shadow Transport Minister, almost everything that went on before the committee.

The Hon. C. M. Hill: That's a lot of rubbish.

The Hon. J. C. BURDETT: I rise on a point of order. I do not think the Hon. Mr. Foster can get away with this under the cloak of saying, "I strongly suspect". This is quite untrue, and I resent any implication, however it is couched, that I told the member for Alexandra anything.

The PRESIDENT: Order! The Hon. Mr. Burdett has asked the Hon. Mr. Foster to withdraw that remark.

The Hon. N. K. FOSTER: He did not ask me to withdraw. He said that he resented the statement I made. So that I can get on with my story, I withdraw that remark. The Hon. Mr. Burdett continually (indeed, almost on the hour during the committee's hearings) came back to the amendments that he intended to move. I was not even in the Chamber when I was appointed to the Select Committee.

The Hon. C. M. Hill: You kicked Miss Levy off so that you could get on it.

The Hon. N. K. FOSTER: No, I was not even in the Chamber.

The Hon. C. M. Hill: I know that, but your friend was here, and he kicked Miss Levy off so that you could get on it.

The Hon. N. K. FOSTER: The Hon. Miss Levy can speak for herself.

The Hon. C. M. Hill: She was elected to the committee.

The Hon. Anne Levy: I asked whether I could withdraw.

The Hon. C. M. Hill: You asked Labor-style.

The Hon. N. K. FOSTER: I understand that during my absence the Hon. Miss Levy was suggested as a member of the committee, but members opposite suggested that I be put on it.

The Hon. C. M. Hill: We did not: Mr. Blevins did.

The Hon. N. K. FOSTER: Regarding one area of the State, a number of companies "enjoined" to place evidence before the committee. They took it upon themselves to do this without checking with the firms involved regarding whether or not they believed that their names were to be attached to a certain document. One of those firms got in touch with the late Mr. Lean, who corresponded with them (as was his right) on the matter. Of course, this was objected to by members of the committee.

The Hon. R. C. DeGARIS: I rise on a point of order, Mr. President. The honourable member has offended Standing Order 398, which provides:

> The evidence taken by any committee and documents presented to such committee, which have not been reported to the Council, shall not be disclosed . . .

I believe that Mr. Foster has disclosed evidence that came before the committee.

The PRESIDENT: Order! I was about to bring that to the Hon. Mr. Foster's notice. I expressly ask the Hon. Mr. Foster not to continue in that vein.

The Hon. M. B. CAMERON: I rise on a point of order, Mr. President, on the same Standing Order. If we are going to debate the evidence presented to the committee, I could go through the evidence we received and pick out many faults. However, I do not wish to do that, and I do not believe that it is proper to do so. Mr. President, will you give a firm ruling on whether the contents of the

evidence, either by name or by innuendo, are permitted to be debated? If it is permitted, we will then debate the matter.

The PRESIDENT: I accept the point of order and ask the Hon. Mr. Foster not to refer to the evidence given before the committee.

The Hon. N. K. FOSTER: That is fair enough, Mr. President, if members opposite have a lot to hide. They are already challenging the evidence, even before this Council receives the report. I made my remarks quite purposely to point out to this Chamber that members of the committee have reached an impasse brought about by the attitude of one Opposition member of the committee, namely, Mr. Burdett. The Hon. Mr. Cameron and the Hon. Mr. Hill sat on either side of the Hon. Mr. Burdett, and every motion that was moved in an attempt to resolve this impasse was defeated because the Hon. Mr. Burdett would whisper to his colleagues that it was not to be seconded or supported. That is not a disclosure of evidence.

The Hon. C. M. Hill: That is absolute rubbish.

The PRESIDENT: Order! What you are saying could possibly be true, but it is of no consequence whatsoever at this stage.

The Hon. N. K. FOSTER: Mr. President, it is true.

The Hon. C. M. Hill: It is not true.

The Hon. N. K. FOSTER: Who would believe a land agent?

The Hon. C. M. Hill: Who would believe you?

The Hon. M. B. Cameron: It is just ridiculous.

The PRESIDENT: Order! The Hon. Mr. Foster will proceed.

The Hon. N. K. FOSTER: The three gentlemen opposite then tried to delay the report. The report has to be indexed, but when the names of the people who would assist in the indexing did not meet with their wishes—

The Hon. M. B. Cameron: Originally, it didn't meet with your approval, either.

The Hon. N. K. FOSTER: I will explain that situation in a moment; you are not on good ground there. Two of the persons nominated had a complete and absolute understanding of the industry, but they were rejected because it was said that they had appeared before the committee or had sat in on some of its deliberations. The Hon. Mr. Burdett explained that matter to the committee, and at that stage I thought he could tell the truth.

The Hon. C. M. Hill: He has always told the truth.

The Hon. N. K. FOSTER: I said, "I thought". I was waiting for you to jump in with a point of order to seek a withdrawal. I accepted what Mr. Burdett had said as being the truth when he said that there had never been an occasion when a committee had been assisted in indexing by anybody who had sat in on or given evidence before the committee. I thought that that sounded a bit odd, so I made some inquiries and found an exception with one of the committees that he had been very closely associated with. The Hon. Mr. DeGaris can take the pencil out of his ear and listen to what I am saying. A person from the Attorney-General's office sat in on the Debts Repayment Select Committee for four or five weeks when evidence was being given before it, and the woman in question then compiled the index for the report of that committee. When I learned of this I became a bit cross and again attempted to get back one or both of the two gentlemen nominated.

The committee was still at an impasse so, in an endeavour to provide some assistance for the secretary, I moved that the Minister be approached to make somebody else available. One of the two gentlemen in question had died, and the committee could still not agree to the other. The Minister saw fit not to agree with that, for reasons that are quite obvious, and I do not blame the Minister at all. Therefore, the committee was still endeavouring to meet the requirements of the three gentlemen opposite to index all of the evidence, involving thousands of words. Members opposite said that they wanted proper indexing and that they were not prepared to consider the report until it was indexed. They have continually raised the matter of the amendments. Before one particular person had finished giving evidence, they required him to comment on the amendments that Mr. Burdett proposed to move in this Council. At that stage I said that the two witnesses before the committee were not legislators and should not be required to comment until they had taken the matter to their Minister.

There were a few direct amendments suggested by witnesses, and some were suggested by the committee, particularly by Government members. The persistence of members opposite in saying that they wanted the amendments canvassed was quite wrong in principle.

This is the second Select Committee of which I have been a member. The first committee took about 10 minutes flat, but this one looked as though it would go on forever and a day. Members opposite brought back the bogey of indexing once again. I have before me an index from which I do not intend to quote but which, on pages 214 to 228 of the relevant report, enables me to see who appeared before the committee in question. That is the only form of indexing required.

The Hon. M. B. Cameron: Can you remember what each person said?

The Hon. N. K. FOSTER: How dumb can you be! I said that this indexing serves me quite well because I can pick it up and see, if I look at pages 214 to 228, who appeared before the committee and on what subjects they addressed themselves. I can then read the evidence and turn in my mind to putting it into some Parliamentary form. If you believe indexing should disclose every nut and bolt spoken about, then you must be the nut.

The Hon. M. B. Cameron: Does the indexing disclose each subject?

The Hon. N. K. FOSTER: I said I did not want that. I have read many reports in my time without the need for an index such as that. If you require an index such as that, then you are incompetent and so are your colleagues.

The Hon. M. B. Cameron: I will meet you later and give you a person's name. Will you be able to tell me what he spoke about?

The Hon. N. K. FOSTER: I may not be able to, but I will look it up; that is what the work has been done for. I should not be expected to remember every word that was said in all those thousands of words, and I do not expect you to remember, either. The index for *Hansard* tells me who spoke and what subjects they spoke about.

It is not a Select Committee report that everyone will forget in a week. In relation to other Select Committees, where an impasse has been reached, members have resigned from the Select Committee and have sought leave of the Council to attend no longer. That was in the draft report of the Select Committee on scientology, at the behest of the Liberal Party, members of which sought to have these unfortunate people brought before the bar of this Council.

The Hon. C. J. Sumner: That was Mr. Hill.

The Hon. N. K. FOSTER: Yes. Those people were to have been dumped in the Chamber and would have had no rights whatever. Another committee was not able to agree on the form of a report to come before the Council. What came before the Council was a report indicating to the Council that the members of the Select Committee on the legislation could not agree. The whole of the evidence was

dumped into the lap of the Council.

The Hon. C. M. Hill: What's that got to do with it?

The Hon. N. K. FOSTER: I have mentioned experience involving three Select Committees. We were told that we could not resign, that we had an obligation to report on the matter, and that is basically what Select Committees are all about. There must be a commonsense approach. There is a responsibility to the legislation which gives birth to that Select Committee, and it is the responsibility of committee members, irrespective of which side of the Council they come from, to accept some form of reasonable understanding that they will not paint themselves into a corner and reach such an impasse that they cannot present a report.

The Hon. R. C. DeGaris: The only Select Committees to have done that are the ones you have served on.

The Hon. N. K. FOSTER: The Select Committee which dealt with the Lyrup Village met only briefly. The Hon. Mr. Hill was on that committee and the Hon. Mr. Casey was Chairman, and that committee overcame the problems associated with the legislation. I have sat on no other Select Committee except that and the one under consideration, so I have to make the unkind remark that the Hon. Mr. DeGaris is slipping since his return from overseas.

The motion before us relates to the report now being produced by 21 August. I come now to my final criticism. Government members on this Select Committee said quite clearly this morning to the President that we would tear up our diaries and our commitments between now and 21 August and meet every day. The Hon. Mr. Hill said that he had Party meetings. I know he has preselection problems and that they have Party problems, but they have obligations to this Chamber, and everyone must regard those obligations as serious. They have an obligation to this Council and to the Select Committee before they have obligations elsewhere. The Hon. Mr. Dunford, the Hon. Mr. Casey, and I will forgo every commitment we have within the hours required to sit as a Select Committee and produce a report. It will not be so difficult. However, we have received no co-operation whatever.

The Hon. C. M. Hill: You're a real hypocrite, you know. You were in and out of the Committee for telephone calls and everything else. You're nothing but a hypocrite.

The PRESIDENT: Order!

The Hon. N. K. FOSTER: That is right: I was away on one occasion to go to the Morphettville Racecourse on a committee of inquiry, and the Hon. Mr. Hill went to Hillcrest to a Liberal businessmen's lunch at $10 a pop. We can both play that game. I got away from the committee for 10 or 15 minutes if I had a delegation to see, but, when I went back to the committee room, I looked at the evidence that had been given during my absence. I am not being hypocritical. I am not saying that the Hon. Mr. Hill and I were the only ones who could not be there. We reached a critical stage this morning, because the Hon. Mr. Hill wanted to go away on certain dates between August and October. He was absolutely unco-operative. I realise that the note I have in my hip pocket might resolve the matter.

The Hon. J. C. BURDETT: After that veritable tirade from the Hon. Mr. Foster, my head is bloodied but unbowed.

Members interjecting.

The PRESIDENT: Order!

The Hon. J. C. BURDETT: Honourable members will know that Standing Orders provide that no matter of evidence given to a Select Committee may be disclosed by any member or anyone else. I do not think the Hon. Mr. Foster did that, although he went close to doing it. I believe it has been a convention, at least in a loose sense, that proceedings of the committee are not disclosed; therefore, I do not intend to answer all that the Hon. Mr. Foster has said, and I do not intend to refer to the proceedings of the Select Committee if I can avoid doing so. I shall content myself with categorically and absolutely denying any kind of impropriety during the Select Committee, either on my part or on the part of any other Opposition member. The Hon. Mr. Foster suggested that I did something like leaning on or standing over the Hon. Mr. Hill and the Hon. Mr. Cameron. I think honourable members on both sides who know the three of us will realise that they would be unlikely to react favourably to me if I were to try any such tactics.

The Select Committee as such did not go to Canberra. Certain members went to Canberra, but it was not at the behest of the Opposition. Because I have said that I do not want to disclose what happened in the committee, I will go no further, but I repeat that it was not at the behest of the Opposition—

The Hon. M. B. Cameron: Or the request.

The Hon. J. C. BURDETT: —or at the request in any way of the Opposition. In fact, Opposition members expressed doubt about the whole procedure. I do not understand what the Hon. Mr. Foster meant when he said that, after the visit to Canberra, someone asked the question and suggested that a disclosure had been made. If someone had made a disclosure, I suppose it would have had to be me, because I was the only Opposition member who went to Canberra, but I do not know what the Hon. Mr. Foster was talking about.

The Hon. R. C. DeGaris: That's not unusual.

The Hon. J. C. BURDETT: No. There was a great mass of evidence, as the Hon. Mr. Foster demonstrated, given to the Select Committee, as well as a large volume of carefully considered written submissions. The evidence was most useful, and was completed only recently. The Opposition has been seeking only to carry out the ordinary procedures of Select Committees. I say most emphatically that at no time have we sought to delay or to hold up the Bill. There was a great mass of evidence, and it is usual for members of Select Committees to have a reasonable time, in a reasonable manner, in conformity with their other duties, to sift through the evidence and to come up with a reasonable and considered report based on the evidence, and to consider amendments which may be based on the evidence.

The Hon. Mr. Foster referred to indexing. I do not want to go into the proceedings of the Select Committee or to deal with the matter at length, but this morning a form of indexing was available, based on the names of the witnesses. There is no collation of any kind as yet, but that is no-one's fault; it is simply the shortness of time. There is no collation or any index on the subject matter, but such matters are essential, because many witnesses spoke on different subject matters.

The Bill deals with tow-truck operators, motor body repairers, painters, loss assessors, an appeal tribunal, a licensing board, and a whole list of different subjects. The evidence cannot be usefully assessed until someone (perhaps the members themselves) collates and indexes the evidence as to subject matter.

If we were called on to report by 21 August or in any short time, the whole work of the committee would be aborted. The whole long exercise would be made useless, because it is not useful at all unless the members are able to collate, consider and appreciate the evidence. I have been criticised by the Hon. Mr. Foster for canvassing

amendments, but I make no apology for that. That has occurred in every Select Committee that I have been on. Witnesses appear before committees to give evidence and state their opinions about how the Bill will affect, in this case, the industry or whatever it is supposed to affect, including consumers and the Government.

If any committee member thinks that a provision in the Bill can be improved, that can be thought about, and it is only proper that he asks the witness his opinion about that. There is not much point in calling the witness and asking questions unless possible areas of amendment can be put to him to obtain his opinion.

The Hon. J. E. Dunford: Did we not do that?

The Hon. J. C. BURDETT: I have been criticised for doing it.

The Hon. N. K. Foster: He knows what I meant: it was when he was doing it outside.

The Hon. J. C. BURDETT: I have done nothing outside, and I categorically deny that either I or any of my colleagues have done anything improper during the course of this Select Committee. Concerning amendment, I am not sure that it applies to this Select Committee, but there have been occasions when I have canvassed witnesses about possible amendments and, as a result of their replies, I have dropped the idea of amendment. The idea of this procedure is to obtain the witness's view about the possibility of improving the Bill in this area. It may transpire that, when a witness has answered the question, he can show that the Bill needs no improvement, that it is satisfactory as it is. I support the original motion and oppose the amendment mainly on the basis that the work of the committee cannot be brought to fruition unless it has reasonable time. The original motion specified 16 October, and the committee itself would usually be in a better position than the Council or the Government to assess what time it needs. Therefore, I support the motion and oppose the amendment.

The Hon. C. J. SUMNER (Attorney-General): I seek leave to amend my motion by deleting 21 August and inserting 11 September.

Leave granted.

The Hon. C. J. SUMNER: The Government was concerned that the Bill should be reported by the Select Committee within a reasonable time, and the Government believed that the original date of 16 October was too long from the time of establishment of the committee in February. On the other hand, I have listened to the comments that honourable members have made during the debate, and I have had the opportunity of discussing the matter with the Chairman and other committee members on an informal basis and understand that it would be possible for a report to be brought down by 11 September. That gives five weeks from now for the committee to consider the matter. Informally the committee members agree that it would be possible to produce a report by that date, and it is in that spirit of compromise that I have moved this motion.

The Hon. R. C. DeGARIS (Leader of the Opposition): I support the motion moved by the Attorney-General and thank him for his consideration. With the weight of evidence that was being waved about in this Chamber by the Hon. Mr. Foster, I believe it would be extremely difficult for the committee to report on 21 August, especially if it was to be a logical report. If the committee can report prior to that date there is nothing to prevent it from doing so, although I believe it will take that long for it to consider the evidence collected.

I am sad that the Hon. Mr. Foster in this debate has seen fit to cast his usual net of innuendo, allegation and accusations against members of the committee. In the evidence placed before this Chamber there was not one shred of any substantive matter to support his allegation.

The Hon. N. K. Foster: How do you know that? I never said anything about the Hon. Mr. Cameron; it was mainly about the Hon. Mr. Burdett.

The Hon. R. C. DeGARIS: Nothing was placed before this Council of any substantive nature to support the accusations and allegations that have been made. This Council and members of this Party have put up with these sorts of accusations from the Hon. Mr. Foster for a long time, and the only recourse that one has is to deny them categorically, as the Hon. Mr. Burdett has done.

As the Hon. Mr. Foster knows, when people throw mud, a certain amount tends to stick and I object very much to the tactics that have been used. I know that members serving on the committee for the Liberal Party, appointed by this Chamber, would observe absolutely the whole spirit of the Standing Orders of this Chamber.

The Hon. T. M. CASEY: I am delighted to hear the Leader of the Opposition agree to a compromise. The committee had a difficult task, especially since it began sitting in May. The date of 16 October was determined because the committee was still hearing witnesses, and it looked to me that the committee would be going on until about August or perhaps early in September.

However, I later saw that it would be possible to alter the date from October 16, and I referred this matter to the committee as late as last Thursday evening. Last Thursday morning we had a meeting at 8.30 at which I suggested a date in September, but that was not acceptable. The committee can bring the report down in the time suggested. It will be a good report. The wealth of evidence we have will take some time to sift through, but it will enable us to consider every angle from the point of view of the people of South Australia, whom it will so markedly affect in the future.

Motion, as amended, carried.

BUSINESS FRANCHISE (PETROLEUM PRODUCTS) BILL

Adjourned debate on second reading.

(Continued from 2 August. Page 324.)

The Hon. K. T. GRIFFIN: The major concern with the Bill is that it does not declare the amount of tax imposed. It imposes the tax and then leaves the amount to be fixed by the Minister from time to time. The Minister can vary the amount payable from time to time by declaring a value of petroleum products (limited to a maximum figure) every three months under clause 18 (5) of the Bill. This procedure for a taxing Statute is improper and flies in the face of a long line of precedent that taxes, when imposed, should be certain, the citizen knowing what those taxes are and what they amount to.

The scheme of the Bill, as explained to us in the Minister's statement, is that it seeks to licence wholesalers and retailers. A fee is payable, a flat fee for retailers, and a flat fee for wholesalers plus a percentage of the value of fuel sold in a preceding period. An exemption exists for certain products in the definition of "motor spirit" in clause 4 (1), and they include aviation gasoline, certain solvents, special boiling point spirits, liquefied petroleum gas or any prescribed substance. Exemption also exists for diesel fuel sold for use otherwise than for propelling diesel-engine road vehicles on roads.

The amount of tax is fixed by the Minister by notice published in the *Gazette*. One person makes that decision, and it is not subject to review by Parliament. That course in a taxing Statute is most unusual and most undesirable. That tax is not certain. By adopting this scheme for imposing and assessing the tax, there is a potential for a growth tax of enormous amounts.

The member for Torrens in another place drew attention to the potential, if the price of fuel doubles, to collect an extra $20 000 000 a year in revenue in excess of what the Government would normally have collected from road maintenance contributions. Another factor which has not yet received very much attention is that implicit in the scheme is a provision for a tax upon a tax once the scheme has been rolling for a while. For example, the Minister declares a value, which is in force for a minimum period of three months. The maximum value which may be declared is the maximum price for bulk wholesale resellers fixed by order under the Prices Act in force at the commencement of the month, that is, the last month but one preceding the month on which the determination comes into force. If the price of motor spirit is now 22c per litre on a wholesale basis and there is a 1 cent tax, presumably the price will be fixed by prices order at 23c per litre. Then, that 23 cents per litre will be the next base price for the next value to be declared by the Minister. The tax is expressed as a percentage of the value, and that means a tax on the 23 cent value so fixed. That represents a tax upon a tax.

I want to ensure that the tax is certain and that, each time there is an increase in the tax according to the formula that is proposed, that increase is considered by Parliament.

Some comment has been made by the Minister in another place about the need to ensure that the Bill is not constitutionally invalid, that is, that it is not an excise which is within the exclusive power of the Commonwealth. That is a course that I, too, would want to avoid. I would want to ensure as far as possible in the current state of the law that the provision is not constitutionally invalid. That is why this Bill follows the scheme of licensing and licence fees. The name of the impost means nothing really when one is looking at the nature of the impost: whether it is called a licence fee or franchise fee or a tax is not relevant when considering the nature of the impost. The important thing is that it is not an excise. It might still be a tax and, in my view, in this provision it is a fuel tax.

There are many cases on this sort of scheme. The principle is that, for the purposes of the Australian Constitution, a duty of excise in essence is a tax upon the taking of a step in the process of bringing goods into existence or to a consumable state, or of passing them down the line, which reaches from the earliest stage in production to the point of receipt by the consumer, including the step that puts the goods into consumption.

The independent legal advice that we have received is that, if the fee is collected as a fee per litre, it would place the legislation in no more jeopardy than if the fee was expressed as a percentage of the value, as in the Bill. Both procedures, when examined closely, are related to the sale of the product.

There is another alternative, namely, instead of allowing the Minister to fix the value, it could be fixed in the Bill, so that the scheme of the Bill is retained, that is, with the fee payable being a percentage of a certain value.

It should be noted that in calculating the fee the Bill exempts distillate for non-road use, but no similar provision is made for motor spirit. The Hon. Mr. DeGaris will, I understand, deal with this matter in more detail, because the exemption of motor spirit for non-road use is also an important aspect that we need to consider in the context of this Bill.

Specific matters that have given me some concern are the right of appeal and the constitution of the appeal tribunal. Clause 13 establishes the Business Franchise Petroleum Appeal Tribunal, which is to comprise one person who is to be appointed for a period of not more than five years. No special qualifications are required; no legal background is stated as being essential. However, large sums of money and important rights will most likely be involved in any appeal. It is my view that the person who constitutes the appeal tribunal must have some legal qualifications and some capacity to adjudicate on conflicting statements and positions.

The Minister of Transport in another place expressed some concern about the provision for a legal practitioner to constitute the tribunal, and said that the Government may want to appoint a judge, not necessarily a legal practitioner, to the tribunal. I understand that in at least one other piece of legislation that has passed this Council, namely, the Classification of Publications Act, under which the Classification of Publications Board was established, the Chairman must be a legal practitioner in accordance with the provisions of the Supreme Court Act, and that a Supreme Court or Local Court judge, or a judge of the Industrial Court, is a person who comes within that qualification.

I am concerned to restrict the nature of a person who is appointed to the tribunal not to a legal practitioner but to one who should have qualifications to be able to adjudicate. Whether it is a legal practitioner or a judge is not of particular concern to me.

It is important to note that the tribunal's decision, when made, is final and without appeal. One should contrast that with the provision in the Victorian legislation, where the appeal goes from a Commissioner to the Victorian Taxation Review Board. That board is constituted of a barrister or solicitor who is appropriately qualified, and any decision of that board may be appealed against to the Supreme Court on questions of law.

It is interesting to note that in Western Australia an appeal from a decision of the Commissioner of Taxes is allowed to the Supreme Court, so that there is opportunity for full judicial review of the decisions taken by the Commissioner of Taxes. I have a special concern about the inadequacy of the appeal provisions in this Bill.

I refer now to the requirement that retailers should be licensed. The Western Australian legislation, for example, refers only to the wholesaler, not the retailer. Several difficulties exist in relation to the licensing of retailers. First, service station proprietors in this State are at present required to hold three licences (namely, a licence to sell, a licence to store, and a licence to trade), and they pay fees for each licence. Now, they will be required to have yet another licence, which will not only add further financial costs but will also increase the burden of administration placed upon them.

Although it may be necessary to establish a licensing system for retailers to ensure that the scheme is upheld by the High Court, it is nevertheless important to consider the position of service station proprietors, who are small business people suffering from considerable burdens of cost increases and administrative controls.

The other aspect relating to retailers (really, there are two areas) is that oil companies operating under the A class licence, which is specifically for wholesalers, will also be allowed to operate in retail outlets without the need to have a B class licence to operate self-service sales outlets. Some have up to 10, 15 or more sites, which, if owned independently by individual retailers, would each require a licence and the payment of a $50 fee under this Bill.

The other matter of concern regarding retailers is that under the scheme the wholesale price for fuel will increase from 1 September, yet the oil companies will not be required to pay the franchise fee until 1 October. In effect, therefore, they will collect the fee before they are required to pay it. They will be collecting in advance, because most service station proprietors are required by the oil companies to pay cash on delivery. When paying cash on delivery, they will pay not only for the fuel itself but also for the franchise fee, which the oil companies will collect and which they will be able to appropriate for one month to their own use, whether it be on the short-term money market or in some other way. So, they will have the benefit of it before they are required to pay the fee.

This is an unnecessary burden on retailers and small business people. It seems to me that the oil companies ought to be in a position where they bear the burden of the franchise fee, and that the small businessman should not have to bear it in advance.

I now draw attention to several other matters, the first of which is that in clause 16 the powers of inspectors are quite extensive. However, nowhere in the wide powers given to inspectors is there any restriction on the exercise of their powers to ascertaining whether or not the provisions of the Act have been complied with.

So, although it may be the intention that those powers should be limited in the exercise of functions under this legislation, they are not so specifically limited by the clause as drafted. They have a very wide right without warrant to enter and remain on any premises without any limit on the reason why they should be able to enter and remain on those premises.

In clause 33, there is a provision for protection for the Commissioner, the appeal tribunal and any inspector in respect of any act or omission by it or him done in good faith for the purpose or purported purpose of exercising or performing any power, function or duty conferred on it or him by or under this legislation.

I object to that provision because it not only protects the Commissioner, the tribunal or an inspector from a lawful exercise of power but also protects them from an exercise of power for a purported purpose. Even if they do not have lawful power and if they exceed their power, they are not liable for exceeding that power. That provision should not be included in the Bill, because it gives unnecessary protection to those persons.

In the other place, attention was drawn to clause 37, which provides that proceedings for any offence must be commenced within two years after the day on which the offence is alleged to have been committed. That type of provision has been before us on a number of occasions over the past year and is consistent with the provisions contained in the Business Franchise (Tobacco) Act. It is also consistent with other areas that involve often complex investigations. I believe that Governments should be able to prosecute for offences within a much shorter period; a period of two years enables the Government unnecessarily to prolong its investigations. I can see that there may be some merit in providing two years in this case, but I hope the Minister will be able to give more detail on that when he responds in Committee.

The final matter I wish to refer to concerns the liabilities of directors of bodies corporate, or other persons engaged in the management of a body corporate. Once again, we have had debate in this Council on similar provisions in other Bills over the past year or so. We have been anxious to ensure that management does not have any liability for acts carried out in the name of a body corporate where management is not necessarily in a position to control what the body corporate does. It is appropriate that directors have some responsibility, in circumstances where they can be reasonably expected to have known of the commission of an offence and did not, in fact, know. In due course, I hope there will be some amendment to that provision to restrict the liability of company directors and persons in management.

I support the second reading so that those matters to which I have referred may be given more specific attention in Committee and so that amendments may be considered in Committee.

The Hon. R. C. DeGARIS (Leader of the Opposition): I, too, support the second reading of this Bill, which comes before Parliament as a result of the transport dispute of some months ago, when the major roads of Australia were blocked by transports. Following that blockade, the State Governments of Australia, after consultation with the Federal Government, decided to abolish the road maintenance tax (the ton-mile tax) and replace the revenue lost with a petrol franchise licensing system.

I will be referring later to this question and the need for a Federal constitutional change to allow an exchange of powers between the Federal Government and State Governments. The difficulties that are faced in applying a fuel tax largely come from the inability of the Federal Government to allow the States the necessary access. Where the States do not disagree, they should be able to tax, but we are constantly plagued with all sorts of device to get around the question of the Federal Constitution. I will be touching on that later.

One of the points that I find difficult to understand is that, agreement having been reached to abolish the ton-mile tax, no real agreement has been reached between the States on the drafting of legislation to replace that tax. The Hon. Mr. Griffin referred to this matter, and I congratulate him on his contribution to this debate.

One would have thought that, with the constitutional difficulties associated with legislation of this type, the States and the Commonwealth would have been keen to draft uniform legislation to replace the ton-mile tax. To me, this would be a logical approach, yet this has not occured. A considerable amount of discussion took place on the question of the Constitution Convention and the transfer of powers from the State to the Commonwealth. The then Prime Minister, Mr. Whitlam, presented a Bill to Federal Parliament to allow such transfers. The Bill came before Committee B and, after a very long debate, the Prime Minister agreed to change his mind and make certain alterations. Those alterations were agreed to, but no further Bill was ever presented to the Federal Parliament. Since the change of Government, no Bill has been presented. In connection with co-operative federalism, I believe that the transfer of powers is one of the most important questions that face this Federation. In other words, if there is general agreement between the States and the Commonwealth that certain powers should be transferred to the States, then I see no reason why that transfer should not take place. At present, any State can transfer powers to the Commonwealth, but the Commonwealth cannot transfer any powers to the States that are contained as Commonwealth powers in the Federal Constitution.

The Hon. C. J. Sumner: You had better get your colleague in Western Australia to hurry it up.

The Hon. R. C. DeGARIS: As far as I know, my colleague in Western Australia, whoever he may be, would be in agreement, because both the Liberal and the Labor delegates at that conference agreed with the Standing Committee B and disagreed with the then Prime Minister, Mr. Whitlam.

The Hon. C. J. Sumner: Mr. Medcalf is holding it up at the moment.

The Hon. R. C. DeGARIS: Is he? I do not know why he is holding it up. I believe the Attorney-General would agree that the move appears logical where there is agreement between the States and the Commonwealth and where the States could receive some transfer of powers from the Commonwealth; a lot of our existing problems in this type of legislation would be overcome in this way. One of the most important things in co-operative federalism is to have agreement between all parties that transfers could be made. I am glad that the Attorney-General referred to Mr. Medcalf as my colleague.

Having made that point, I now turn to the Bill before us. So far, the Government has told the people of South Australia, through the media, that the correct approach is to replace the fuel tax with another form of taxation. It is amazing how this Government has always been able to grab very nice sounding phrases to explain its legislation. The *Advertiser* of 7 July 1976 reported as follows:

> South Australia will propose a "pay as you drive" scheme for financing Australia's roads.
>
> The scheme, evolved by the South Australia Minister of Transport (Mr. Virgo), will be put to Australian Transport Ministers in Brisbane on Friday.
>
> If it is adopted, car registration could be reduced by up to 25 per cent.
>
> Speaking from Brisbane yesterday, Mr. Virgo said his scheme for the funding of road maintenance costs was aimed at a more equitable distribution of the tax load.
>
> For the average motorist the scheme would mean substantially cheaper car registration, although long-distance hauliers would face increases up to 200 per cent. Mr. Virgo said his scheme was aimed at abolishing the unpopular road maintenance tax. He believed his scheme, already endorsed by South Australian industry leaders, would be fairer and simpler. The proposal was to replace the road tax system with a fuel tax which would not exceed 2c a gallon.

This proposal means that the tax is closer to 5c a gallon.

The Hon. C. J. Sumner: That was a long time ago.

The Hon. R. C. DeGARIS: That may be so. It was in 1976 but that is an inflation rate of about 150 per cent. The report continues:

> The basis of charges would not provide Governments with more revenue than received under the present system.

I would like that to be stressed to the Attorney-General; that was a long time ago, too. The report continues:

> Motorists travelling fewer than 19 300 kilometres a year would pay less in taxes for road construction and maintenance than they did now. The current system of financing road works was "unwieldy" and relied too heavily on transport operators forwarding taxes calculated on distance travelled.

I do not think there is any disagreement of Ministers that the ton-mile tax is an unwieldy tax to collect, but I would like to stress to the Attorney-General that the Minister said, in dealing with that matter, that the basis of charges would not provide the Government with more revenue than was received under the present system. The Government, in this proposal, will substantially increase the amount of tax to be collected, and at the same time adopt a system that almost certainly will ensure a further doubling of the tax collected inside a period of two years. In 1976, the Minister said that the Government would not collect more than it is collecting at present, and already, under this Bill, the Government will collect substantially larger sums of money. As the price of fuel rises, it will more than double the take-off from petrol tax. The Government is using the blind of ton-mile tax abolition to make a double-fisted raid into the pockets of taxpayers. This approach cannot be justified. No matter how the Government argues, no matter what argument it puts forward, it cannot justify this double-fisted take from the taxpayers' pockets; that is, the vast increase in revenue, and the fact that under the legislation this will be an escalating growth tax as fuel prices rise—and rise they will. I predict that fuel prices must rise in the next two years by about double. Anyone who doubts that should look closely at the facts facing the world in relation to petrol supplies.

The Government has been less than honest, and this Council, even though it runs the risk of abuse by the Government and misunderstanding in the public mind, must always stand up and be counted when any Government indulges in this type of taxation trickery—because that is exactly what it is. The Government must accept the consequences, just as this Council, in its deliberations and in its decisions, must accept its responsibilities to the people of this State—to all the people of this State, not just to a section of them.

I turn now to the figures issued by the Minister in relation to the Bill. I do not think there is any question on these figures. The receipts from this type of franchise tax will be about $14 000 000. Having looked at the figures, and having checked them, I believe the figure of $14 000 000 is excessively conservative; the amount will be more like $16 000 000. My figures show about $15 500 000 at present.

Let me argue the case, taking the $14 000 000 as being accurate. From this figure must be deducted $6 500 000, representing the loss of revenue due to registration reductions. Then we must deduct the loss of $4 800 000 from the ton-mile tax, giving a total revenue loss of about $11 300 000 (not the Government estimate of an increased revenue of $14 000 000), leaving an increase of $2 700 000 to be got from the motoring public.

This estimated increase must be a conservative figure. It is more likely to be $4 000 000 a year than $2 700 000 a year. Immediately, we have a grab of at least $4 000 000 from the pockets of the motorists. To this figure must be added the reduced cost to the Government of the collection of the tax. I do not think anyone in this Chamber would deny that it is much cheaper to collect a franchise tax than to collect a ton-mile tax. I do not know the Government's costs in collecting the ton-mile tax, but I suggest it would be an expensive tax to collect, the franchise tax being easier and cheaper to collect. I would suggest a saving here to the Government of about $1 000 000 in the cost of tax collection, which means that, with the proposal we are dealing with, the Government is increasing its revenue to the State Treasury by $5 000 000—and this is supposed to be a replacement tax for the ton-mile tax! No matter what the Government says, no matter what argument it puts forward, it cannot justify this raid on the pockets of the taxpayers in this State, and of one particular section of the taxpaying public, the motorist.

The next step is even more intriguing when it is analysed. Given that the price of fuel in Australia will double in the next two years—and I suggest there is no-one in this Chamber who would deny that probability—the increased net income to the Government, or the profit to the Government from this change in taxation, will multiply four times. The doubling of the fuel price will increase the Government's profit margin by four times in the change to this form of taxation.

Let me explain that. If the price of fuel doubles, the gross collection (if usage remains the same, as it will) will be $30 000 000 more than from the fuel tax, less the $11 400 000 to which I referred earlier, and the loss of the

ton-mile tax, $6 500 000, making a difference in tax of $18 600 000. Add to that the cost of collection, which will be much less, and the Government will increase its annual take by $20 000 000. The profit under this Bill is $5 000 000. When the price doubles, the profit will be $20 000 000, a multiplication factor of four. The doubling of the price of petrol or distillate will increase the Government's take-home pay by four times.

The Hon. R. A. Geddes: And the cost of collecting the money will be much less than previously.

The Hon. R. C. DeGARIS: Exactly. The Government cannot ask this Council, in all justice, to accept that proposition, nor will I suggest that the Government would expect this Council to accept that proposition on behalf of the taxpaying public of South Australia. I should like to examine the question from the point of view of the justice of the ton-mile concept.

We all agree that that the ton-mile tax is expensive to collect and difficult to administer but, in concept, there are few who would deny its fairness, particularly in applying tax to interstate transport operators who are exempt from certain charges payable by intrastate operators.

Also, the ton-mile tax places a tax burden upon those people who, according to road experts, inflict heavy damage to our constructed pavements. Therefore, there is justice in the concept of a ton-mile tax that can be logically argued in any particular category. Any replacement tax scheme for the ton-mile tax should place the tax burden as near as possible on the same group that the ton-mile tax impinges on presently.

Any shifting away from that must be condemned. I do not think that strong arguments can be advanced against that proposition, yet the Government's proposals in this Bill place the burden of increased taxation on that group that does the least damage to our paved strips in South Australia. The list that I will give to support this point is not comprehensive, yet I am sure that honourable members will see my point. Leaving aside the certainty of increases in petrol and distillate prices, the increased taxation burden for a medium-sized family car travelling 30 000 kilometres a year will be about $30 a year; even a small family car, say, a Gemini, travelling 30 000 kilometres a year will cost its owner an increase in taxation of $20 a year.

However, the group that will be hardest hit comprises those who seldom or never use the road system and who presently are not included in the ton-mile tax collections, although they will now be required to make significant tax payments to the Highways Fund. First, in the fishing industry many petrol engines are still intensively used. I appreciate that distillate can be excluded from the tax in that industry, yet considerable quantities of petrol are consumed in petrol engines used in the industry. The fishing industry will be called on to make a significant contribution to the Highways Fund.

Secondly, I refer to the orchardist or any primary producer using stationary engines to any extent and, as all honourable members would know, large quantities of fuel are consumed by stationary engines in such areas. Certainly, that example can be followed into the industrial and manufacturing areas, where operators will be required to make considerable contributions without using the highways at all.

Thirdly, primary producers' vehicles between 4 tonne and 8 tonne capacity will receive no registration rebate, as will be the case on a non-primary producing registered vehicle. In other words, the non-registered primary producing vehicle will obtain a concession on registration but will still pay more. However, the primary producing vehicle that might never be operated on a road or, if it is, is used on a road very rarely (perhaps only at harvest time) will be required to make a significant contribution to the fund, yet presently it is exempt.

Fourthly, I refer to primary producers whose equipment is powered by petrol engines. I point out that many large machines operate in rural areas. Finally, I refer to the vast group of vehicles operating in the North on station properties. Such vehicles probably never see a road in their whole lifetime, and they also will make a significant tax contribution.

I do not claim that this list is comprehensive, but it shows that there are no winners in this changeover, with the possible exception of the interstate operators who, in the first place, forced the States to move to the ton-mile tax. Basically there are only losers, and the group who do the least damage to our constructed pavements will be the group called upon to face the biggest increase in payment in the tax changeover. As with the point that I have just made, the Government cannot justify its approach to this problem.

The next point that must be made is that the smaller operator in the distribution system will be called upon to bear a major cost increase. The tax, when imposed, will be met by a cash payment by the retailer to the wholesaler, so the wholesaler will have available to him about $1 000 000 per month, or a part of that month anyway, which he can invest almost certainly on the short-term money market.

It will be an amount invested for a month, or at least a bigger part of the month, on the short-term money market in perpetuity. Secondly, the retailer will be required to purchase a licence costing $50 a year. However, the $50 a year licence will not apply to sites owned or operated by wholesalers, for example, self-service sites where one licence will cover all those sites for the wholesaler.

I would have thought that a Government of this colour, having regard to its boasts on this question, would have taken a different tack, supporting those service stations that have, in comparison, a relatively high employment ratio, but it is supporting in this concept large operators who operate many outlets and who employ no labour. They will get out more cheaply than will small operators employing workers in their service stations.

I do not intend arguing the point made so well by the Hon. Mr. Griffin on the question of the constitutional validity of any particular approach. At this stage in this Chamber we have five qualified lawyers, and I am content to leave the argument of constitutional points in their capable hands—

The Hon. C. M. Hill: And a few bush lawyers, to boot.

The Hon. R. C. DeGARIS: Even from my limited experience, and the Hon. Mr. Foster will agree, sometimes bush lawyers come up with better decisions, but that is the only point on which we agree. The other States have decided, after obtaining constitutional advice from the highest authority, to approach the matter from a different angle. Suffice to say, the South Australian Government has already indicated that it intends to do certain things in certain ways because of the Federal Constitution.

However, I point out that the proposals of other States differ and those States do not place the same emphasis on constitutional points. I am prepared to support the second reading because, by and large, I support the principle of the abolition of the ton-mile tax. I do not support the abolition of the ton-mile tax on the basis of fairness, because the ton-mile tax is a tax with a degree of justice that cannot be matched by any other tax. However, in its application, the tax is an extremely difficult one to administer and extremely costly to collect. I support entirely the view of the other States, this Government and

my own Party that the ton-mile tax must be abolished, but I cannot support the concept of this Bill that increases the total amount of tax revenue to such a marked degree. I cannot support the concept that will allow the Government an option, without consulting Parliament, to multiply its profit rating by four times in the next two years if it so desires. I cannot support the concept that is going to change the burden from the heavy trucks thundering on our highways and pavements to those vehicles that do not use the highway and do little or no damage to the highway pavement.

I hope the Government is realistic in approaching this matter. The points I have made are valid. We do not wish to see this Bill defeated but, if the Government wants to be difficult and takes the view that it is not going to brook any interference, we would be doing a disservice to the people of this State if we allowed this sort of rip-off to take place. I support the second reading.

The Hon. C. M. HILL: I do not intend to speak at length on this Bill. The last two speakers have covered all the matters that arise in criticism of the measure. Indeed, the contributions which have been made this afternoon are such that the Government should see that there is a need to improve the legislation in its present form. I support the concept of a fuel tax to replace the Road Maintenance (Contribution) Act, which the Government intends to repeal. I have always thought that an alternative tax, if one could be implemented throughout Australia (and that is by the individual States under mutual arrangement), would be a far better method of attacking this general problem.

The Road Maintenance (Contribution) Act has proved to be unsatisfactory legislation because, as has already been said, it is an expensive Act to administer, and a very important aspect cannot be overlooked in regard to its administration; there has been a great deal of evasion practised by those who have sought that course. An Act that allows evasion of tax to a large degree is not good legislation. I support an alternative fuel tax if one can be fair and just. The alternative tax should return to the Highways Fund an amount approximately the same as that which the Highways Fund should have been collecting under the former legislation. In general terms, those to which the former legislation was directed ought to be the ones that contribute largely to a new fuel tax. However, in endeavouring to bring about a change, the Government has introduced legislation which emphasises that the Government is implementing nothing more than a growth tax which, in many respects, is very unfair.

Admittedly, the money is to be channelled into the Highways Fund, and that is quite proper, but it is contrary to the original intentions that were expressed by the Government, and it is most certainly contrary to the impressions gained by the public at large when one finds that the amount of revenue to be obtained under this proposal is far in excess of the previous sum. Having listened to the figures that the Hon. Mr. DeGaris mentioned, I believe that some of his calculations are somewhat conservative as to the growth factor that applies in this legislation. From the figures that have been supplied to me, it would appear that the Government expected a net gain of $2 750 000 out of this tax in its revenue for 1979-80. If the matter is researched fully and an alternative calculation is taken based on figures from the processing and distribution branch of the National Development Department, one finds that the Government would gain an extra $4 246 000 and not the $2 750 000 stated by the Government. Then, if one takes this further, one finds that this fuel franchise tax is indexed to the price of fuel; since 18 July this year there has been an increase of 3c per litre on fuel, and that price increase adds a further $1 619 000 to the Government's revenue. This then increases the suggested increase to $5 866 000, as against the Minister's claim of $2 750 000.

As we must expect, there will be further increases in the price of fuel, and every time there is a 3c rise an extra $1 600 000 will be increased to revenue. If we then spread this over a longer period and assume that fuel prices will ultimately double, the Government will receive almost an extra $20 000 000 in revenue. It is up to the Government to refute those figures and that source. It is also up to the Government to justify making representations to the public, on the one hand, that it intended to simply introduce a fuel tax to take the place of the old road maintenance tax and then, on the other hand, introducing legislation that pours in revenue to that extent.

What worries me especially about the Bill is that the private motorist is going to be hit hard, whereas under the existing Road Maintenance (Contribution) Act he does not make any contribution at all. There are thousands and thousands of motorists in metropolitan Adelaide who do not expect the Government to put this sort of move over them and who expect the Government to introduce an alternative tax but who do not expect to be hit by such a tax, because they did not have to make any contributions previously. They simply ask, "Why should we be enmeshed in this new approach of the Government?" It is my firm belief that they should not be drawn into it.

Like the honourable member who has just spoken, I am disappointed that the Government has not seen fit to tackle the matter of exemptions in this Bill. There is no doubt that it is fair and just that those who use farm, industrial and off-road machinery that use this class of fuel, and those in the marine area (both fishing and pleasure boats) ought to be exempted from this tax. If one looks at it from the point of view of trying to introduce an alternative to the previous legislation, one should ask whether it is fair and just that people who use such machinery and who are in the marine industry generally should be hit by this Bill. I will therefore support strongly amendments that will try to provide for those exemptions.

The key to the matter of private motorists being given a fair deal is in adequate remissions. Generally, I suggest that we ought to be moving towards a change, in which the motorist pays as he uses his vehicle and does not pay heavy registration costs. This approach, of implementing some remissions, is a move in that direction.

However, on the figures that have been submitted to me, and also on statements that have been made earlier today by other Opposition members, it seems to me that a far higher remission of registration, particularly for the private motorist, should be seriously considered by the Government.

I support the Hon. Mr. Griffin in his concern about the appeal provisions, about one person being appointed as the tribunal, and about there being no right of further appeal. I will support amendments that he intends to move in relation to those clauses.

Finally, I question the need for the B class licence. These licensees, who are retailers of fuel, are in many instances in a business situation which, financially speaking, is not good. At first thought, one would not consider the $50 annual fee to be great. However, small business people in this field are finding their costs increasing to a stage where their profitability is becoming minimal. It is not only the $50 but also further small sums that they find necessary as outgoings that ultimately break the camel's back. I question the need for these people to be charged a fee of this kind. Further, I question the need for them to be enmeshed in the legislation at all. I should

like the Government fully to explain the need for small business men in this area to be involved in the legislation.

I know that I have repeated many of the points that have been made by other honourable members. However, some of them are so important that they are worthy of special emphasis. Although I intend to vote for the second reading, I hope that in Committee the Government will be understanding and reasonable, and that it will take into account the points that are made in this debate, so that ultimately we can obtain far better fuel tax legislation than is proposed in this Bill.

The Hon. M. B. DAWKINS secured the adjournment of the debate.

ROAD MAINTENANCE (CONTRIBUTION) ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 2 August. Page 324.)

The Hon. C. M. HILL: I support this short Bill, which is a step towards the abolition of the road maintenance machinery. I notice, however, that, although the Bill applies to any journey or part of any journey occurring after 1 July 1979, all those persons who have been involved in this administration, both as consumers and indeed as departmental officers, will still be involved thereafter and until the Government proclaims that the whole matter is finally washed up.

It is proper for the Government to disclose to Parliament the number of debtors or the extent of collections still to be made from people who have operated before 1 July. What is the Government's view in relation to summonses and warrants that might now be in existence as a result of activity before 1 July?

Does the Government intend in every possible way to proceed and enforce the total machinery in relation to activities that occurred before that date, or does it intend to run down and simply get out of the field as quickly as, and in the best way, possible? It seems to me that inconsistencies and unfairness might arise, depending on the Government's attitude to this work, which will carry on and which will not finally be cleared up until the Government makes its proclamation.

Perhaps the Government will also say what the situation is regarding staff that has been employed in the administration of this legislation. There may be quite a number of them, and I should hope that satisfactory arrangements have been made or are being made so that alternative work can be found, and indeed so that the employment of these people continues, to their satisfaction. It is proper that Parliament should be informed regarding that situation.

Other than raising those queries, I support the second reading, and will ultimately welcome the final clearing up of this whole matter on the basis that we can find a fuel tax which is satisfactory to this Parliament.

The Hon. R. C. DeGARIS secured the adjournment of the debate.

ADDRESS IN REPLY

Adjourned debate on motion for adoption.
(Continued from 2 August. Page 331.)

The Hon. K. T. GRIFFIN: As other honourable members have done, I place on record my appreciation for the work done by and the service of the Hon. Mrs. Cooper while she was a member of this Council. She served it well and played a significant part in the Council's deliberations, as well as extensively serving the people of this State and the Party of which she was a member.

I also congratulate Mr. Davis on taking the place of the Hon. Mrs. Cooper in the Council. I have no doubt that he, too, will make a significant contribution to the affairs of the Parliament, the workings of this Council, and to the South Australian community.

In the short term (some 17 months) that I have been a member of the Council, I have been disturbed by what seems to be the Government's policy of curtailing rights of appeal and of limiting citizens' rights to pursue remedies that they ought to have against abuse of power by government or its officers or instrumentalities and against excessive, incorrect or improper use of power.

One of the key bases of democracy is that the power of government ought to be limited, that Governments should use power not to stifle but to uplift and encourage. This limiting of power requires adequate checks and balances to be built into the system. One of these is the right to appeal to a higher authority (whether it be to a court or tribunal) against a Government's decision or indecision, or from an inferior court's decision, or from the decision of a tribunal or authority or an officer of government.

The availability of such a right ensures that to a large extent those who make decisions affecting citizens (particularly administrative decisions) do so fairly and reasonably. The absence of a right of appeal or a right to require a review of a decision makes the decision-maker, whether judicial or administrative, largely immune from having to face the consequences of the decision. Therefore, the pressures to act reasonably, fairly and expeditiously are largely removed. In many cases, that will not affect the quality of the decision, but in some cases it will.

It could be argued that a system of appeals allows for only those with zeal for the fight and the resources to pursue their remedy to the final tribunal. In the meantime, they thwart progress by Government and tie up the system.

Whilst a very small few may use the system to delay and frustrate, most do not. If we restrict the rights of appeal in an attempt to restrict the strong, we will be hamstringing the weak. Whilst the system does allow those with the resources and the zeal to pursue their remedies, many more people today are able to avail themselves of rights of appeal because of the availability of legal aid. Those who do have some zeal for the fight, the stamina and resources to pursue their rights of appeal do a service to the community by pursuing and establishing their rights by establishing precedents. Where that right is against Government or its officials or instrumentalities they assist in keeping them in check and ensuring that Government, its officials and instrumentalities act reasonably and fairly to all citizens with whom they deal.

Where rights of appeal are denied to citizens from decisions of boards, tribunals, Government and instrumentalities of Government, so it detracts from the prospect of a matter being determined fairly and reasonably. In this State there is much legislation which has, when introduced in Parliament, not provided for effective rights of appeal, in many cases in matters of some considerable substance and of particular concern to those who may be directly affected by the exercise of power by boards, or Government or its officers. Regrettably, compromises that have not been ideal have had to be agreed to by this Council. Whilst they are by no means ideal, they have in fact to a certain extent reinforced those rights.

I will now review several pieces of legislation that come within the category that I have just mentioned. The first was the Dangerous Substances Act where the Director had a power to grant or review, suspend or cancel a licence. He could also impose or revoke conditions attached to that licence.

The Hon. R. A. Geddes: That was in the original Bill.

The Hon. K. T. GRIFFIN: In the original Bill there was an appeal to the Minister by any person who was aggrieved. As I said at the time, that is an appeal from Caesar to Caesar. That Bill was amended to allow an appeal to a local court of full jurisdiction. In the Waste Management Commission Act there is provision for the licensing of depots by the commission. There is also provision for an appeal to the Minister by a person aggrieved by the decision of the commission. Under the scheme, as it was originally proposed, the Minister appointed an arbitrator to inquire into the appeal and recommend a decision. We were able to amend that provision to ensure that the arbitrator who was so appointed was a person holding judicial office under the Local and District Criminal Courts Act.

The Motor Body Repairs Bill provides for the establishment of a board with very wide powers to license, investigate and make inquiries and impose substantial penalties. In fact, it is empowered to impose a fine of up to $50 000 by way of disciplinary action. In that Bill there is an appeal tribunal which comprises a judge of the Industrial Court. His decision is final and without appeal, which is consistent with the provisions contained in other Bills. However, it should not be final and conclusive, particularly where there is such wide power to impose such substantial fines. On the other hand, proceedings for offences under that Bill are tried summarily where penalties for offences are limited to $1 000. If those offences are tried summarily there are consequent rights of appeal to higher courts. In that provision there seems to be some considerable inconsistency in the rights which may be exercised by individuals affected by the decisions of the board, on the one hand, and by a local court in respect of offences, on the other.

On a different but related tack, there was an amendment to the Road Maintenance (Contribution) Act which sought to imprison a director of a company which may have committed an offence interstate, without giving that director any hearing or trial. In fact, there was no right of a hearing in this State, let alone an appeal. That was amended to provide some recourse to the court against improper and unreasonable exercise of that power.

In the Business Franchise (Petroleum Products) Bill there is, as I indicated earlier, an appeal to a tribunal comprised of one unqualified person whose decision is final. In the Santos legislation that came before us earlier this session, there was very wide power for the Minister to make decisions which had far-reaching consequences. There was no right of appeal, although we sought to include one but the Government was anxious to deny that right of appeal. There is other legislation which has come before Parliament, over the past two years in particular, where rights of appeal have been very limited. Some would argue that prerogative writs are available to persons who want to restrain, or have reviewed, administrative actions and decisions, but the multiplicity of those writs and the difficulty in determining which one to use makes the course a very difficult one for those people seeking to pursue their rights against Government. This is particularly so for those people who are not aware of the complexities of the law in respect of those possible remedies.

This is the very reason why the Commonwealth Government as recently as 1977, established an Administrative Appeals Tribunal under the Administrative Decisions (Judicial Review) Act, 1977. That is a scheme that the State Government would do well to examine if it is concerned to see the rights of citizens, *vis-a-vis* Government, protected and upheld. That Commonwealth Government legislation sought to make it easier (less complex, less costly and more accessible) for citizens to pursue their rights against a Government and its bureaucracy.

For many administrative decisions, an administrative appeals tribunal is not really what the citizen requires. Resort to an officer such as an Ombudsman is likely to be sufficient to clarify an administrative decision and to have it rectified if necessary but, above all, it will be considered by someone independent of Government and its bureaucracy.

Reference to the 1977-78 report of the Ombudsman is sufficient to establish that need. The need for this office and the review of bureaucratic action is demonstrated by the fact that there are now at least 30 national, State and provisional Ombudsmen in common law countries and eight in non-common law countries. These, plus regional and local Ombudsmen and specialised Ombudsmen in matters such as military affairs, prisons, health and language bring the total to 64, of whom 46 are in common law countries.

As I indicated, reference to the 1977-78 report of the Ombudsman in this State will disclose a very real need for a review of administrative actions. Of the 704 complaints made against Government in this State or its authorities in that 1977-78 period, the Ombudsman reported that 36·2 per cent of complaints against statutory authorities were considered to be justified in whole or in part (28 per cent of complaints against local government councils) and 25 per cent of complaints against State Government departments were also justified.

The Law Reform Commission in Western Australia has recently published a working paper and survey entitled *Review of Administrative Decisions: Part I—Appeals*, which raises questions about the way in which appeals from administrative decisions are both available and dealt with. It notes that, in that State, there are at least 237 kinds of administrative decisions which are subject to a statutory right of appeal to an appellate tribunal, a court, a Minister, or a departmental officer. The paper states:

> The commission considers that the present system of administrative appeals is the result of *ad hoc* decision making over a long period of time, without an apparent overall plan or scheme. As a result, the present arrangements incorporate inconsistencies. The commission's view is that there is no justification for such inconsistencies, and that the present system of appeals should be rationalised.

The proliferation of tribunals in this State suggests the need for a similar rationalisation and a review of the whole field of appeals from administrative decisions, as well as opening up rights of appeal not previously available. It is interesting to note, too, that the Ombudsman, in his report, indicates that there are now 240 State authorities, committees, or instrumentalities which come under his jurisdiction, dealing with a very wide range of activities in the community, and this suggests a need for some consistency of approach to review administrative decisions and appeals.

Reference to the legislation considered by this Parliament in the last session alone indicates, I suggest, the *ad hoc* approach to rights of appeal, to appeal tribunals, and a desire to limit those rights. It demonstrates the lack of a coherent approach, the lack of a clear understanding of or desire for rights of appeal, a

proliferation of tribunals or boards, many of which are required to exercise a judicial or *quasi* judicial approach, or to sit in judgment, without the strict legislative requirement that at least one member should have some legal background to be able to adjudicate fairly and reasonably.

There has been no consistency in approach to appeals where there has been express approval for them. Such tribunals, if established, also require some security of tenure for the membership, so that they can act without fear of Government pressure. Ultimately, however, the courts must retain the final reviewing power to ensure that those avenues of Government where administrative decisions are taken are taken and made fairly and reasonably, well knowing that there is always someone higher watching over the sorts of decision they take. I believe that there is in this matter a very real point of principle which needs some coherent approach and an in-depth review. I commend this view to the Council, and particularly to the Government. I am pleased to be able to support the motion.

The Hon. F. T. BLEVINS: First, I wish to say a few words about the Hon. Mrs. Cooper, who has resigned since we last had an opportunity to address the Council. I want to endorse everything that has been said by previous speakers in this debate regarding Mrs. Cooper. It is a human failing at times that we tend to prejudge people or to make assumptions about them, based mainly on our preconceived ideas. I admit that, before I met Mrs. Cooper, my mental picture of her attitudes would have been less than flattering. I am happy to admit that in many respects I was wrong. I found her a quite charming person, always friendly and helpful to all members. In the debates in this Chamber she was, in many respects, a model we could do a lot worse than follow. Her contributions to debates were concise, relevant and stylish. What impressed me most about her speeches was her use, where appropriate, of humour. Unfortunately, humour at times is in pretty short supply in this place, and to find some humour, elegantly understated, in her speeches, was always welcome.

It should be mentioned also that Mrs. Cooper had a great deal of personal courage, as was clearly shown in May last, when Parliament dealt with the Santos legislation. It does not take much imagination to realise the amount of pressure that would have been placed on Mrs. Cooper by the Liberal Party to vote against the Santos legislation and therefore vote against the best interests of the people of this State. Every member in this Chamber knows what a tough business we are in, and no-one would enjoy being in the position which Mrs. Cooper was in over that legislation. The fact that she was unwavering in doing what she knew to be right, to support the Government, is testimony to her courage.

In case members think I am getting carried away in paying this tribute, I must also point out that Mrs. Cooper was a high priestess of high Toryism. However, if we are to have high Tories in this place, may they all have the intellect, humour, and courage of Mrs. Cooper. I wish her a long and happy retirement.

I welcome to this Chamber the Hon. Mr. Davis, and I congratulate him on his preselection victory. Whilst I do not know him personally, his reputation is such that he was clearly the best candidate to seek Liberal Party preselection, and I am pleased that he was not discriminated against in any way, but came out of the preselection battle victorious; that is as it should be. I am sure that his stay with us will be enjoyable and valuable, even though it appears that it will be very brief.

Now I shall say a couple of words about the convention that we have in replacing members who retire, or who give up their seats, whatever the reason. When nominating the Hon. Mr. Davis, the Premier mentioned that legislation could be introduced in the Parliament to see that the convention was made the letter of the law, not merely relying on the goodwill of members. I agree with that approach. The Hon. Mr. DeGaris, in speaking to the motion when the Hon. Mr. Davis was elected, said that the convention had been tested twice and should be allowed to remain as a convention. The convention has not been tested. The Labor Party has been tested, and the Labor Party has been found to do the correct thing. To date, the Liberals have not been tested, and it is when the replacement of a Labor Party member is debated in this Chamber that we will see how good the Liberals are.

If we can take as an example the attitude, in November 1975, to the breaking of a convention, I am not very hopeful that this particular convention will withstand the test. In fact, with the exception of the Hon. Mr. Carnie and the Hon. Mr. Cameron, I think the attitudes of members of this place, as recorded in *Hansard* on that occasion, were quite deplorable. Every person on the other side who spoke attempted to justify in some way the breaking of the convention that Supply is not refused to a Government in control of the Lower House of Parliament.

Frankly, I do not trust them. Their actions and their words brought me to that conclusion. Therefore, I will be delighted when the legislation is introduced and I hope that it is as soon as possible.

I now want to turn to something completely different, that is, the way in which State and Federal Governments are turning this country into an industrial battlefield. I do not think any honourable member would quarrel with that description, because every time we pick up a newspaper it is rammed down our throats that the unions are "creating industrial anarchy", holding the "country to ransom", trying to usurp the Government's role and "run the country". Whilst I think that such newspaper headlines are absolute rubbish, they have in the past been very effective in persuading the general public that all the ills of our society are due to the unions.

However, I believe that the Australian public is gradually waking up to that kind of media nonsense and the lies of conservative politicians. Instead of blaming the unions for all the industrial and economic problems, Australians are now starting to lay the blame for the causes of disputes right where it belongs: with the Fraser Government.

In our society, unions, in the main, play a defensive role. They react to the problems of the day, rather than create the circumstances that create the problem. If any member doubts this, then I suggest that he would profit by studying the role of unions in our society, and then hopefully we would not get the usual reaction from most of them that industrial disputes are all a communist plot or some similar nonsense. There are some very good examples around at present to illustrate what I mean by this defensive and reactive role that the trade unions play. In the Telecom dispute, that union's complaint was that the employer was introducing new technology into the workplace which would increase productivity enormously but which would cost Telecom workers jobs and reduce their standard of living. Workers will react to that situation by taking whatever action is available to them and, unfortunately, when one is dealing with a Liberal Government instrumentality such as Telecom, that means industrial action. If this Government wants to prevent this type of dispute, all it has to do is see that negotiations take place with the workers to be affected by the technological

change so that the workers get a fair share of the benefits of the new technology, rather than the sack.

That is not unreasonable, yet with some exceptions it does not happen. If that is the way the Government wants to introduce technological change in this country, it cannot complain if workers react unfavourably and the public is inconvenienced from time to time.

The Hon. R. A. Geddes: Is it strictly fair to say that it is the Government? Isn't it Telecom that is introducing the changes?

The Hon. F. T. BLEVINS: The Government can control Telecom completely. It could delay technological change and negotiate with the unions. The Government has the absolute right to do that. I am sure there are some people in the Government and some Government advisers who know the proper way to go about this particular question but, because Fraser thinks there is some political mileage in industrial disputes, he does nothing but encourage employers to "take on the unions", and the result is the industrial chaos we have today over the introduction of technological change. This problem of technological change is not going to go away and apparently, unless we change the Government, neither are the disputes associated with it.

To give another example of the reactive role of the unions, honourable members should look at what is happening to the living standards of the ordinary worker under Malcolm Fraser. Not one worker has increased his living standards since Mr. Fraser set fire to our Constitution in 1975 and took over the running of this country. In fact, the reverse has happened: whilst there has been a considerable increase in productivity in Australia since 1975, the living standards of the producers of this wealth, the workers, have actually been reduced by about $20 a week. Incidentally, so much for the "wages causes inflation" argument: wages have been reduced, and inflation is still with us. It is not just in the wages area that standards have been reduced: it is in other areas as well. Take the mini-Budget of May this year. It was one of the most savage attacks on workers' living standards that this country has ever seen. The so-called "temporary" tax surcharge was not removed, and full tax indexation was not to be resumed in the August Budget. This is costing workers hundreds of dollars a year and, in view of the promises made about both those particular measures, they expose the Government for the liar it is.

The Medibank health scheme, the one that Mr. Fraser promised to retain in his policy speech of 1975, was finally dismantled; nothing of it remains, and now the health insurance system of this country is going to be horrendously expensive and, if we can believe the managers of the health funds, they are on the verge of collapse. What is then going to happen to health care for the workers? It will not affect honourable members opposite, as they can afford to pay the full cost of illness, but workers and their dependants cannot. They are the ones who are going to suffer and, of course, they are going to react to this kind of treatment: they cannot afford not to.

The May mini Budget was a shocking example of the way the Federal Government lies, rips off the workers, and that certainly is not just my opinion. Certainly, I can do no better than quote from the Illawarra *Mercury* of 25 May 1979 and its front-page headline stating: "Lies, lies, lies! Tax levy stays, health aid goes".

The *Mercury* editorial is headed "A night of abject dishonesty" and states:

> If you're choking over your breakfast this morning as you read about last night's mini Budget—and you voted Labor at the last election—you have our sympathy. If you voted for Malcolm Fraser and his tax-happy crew, you had better wipe the egg of your faces. As Opposition Leader Mr. Hayden so aptly described it, the mini Budget presentation was "a night of abject dishonesty." Promises have been swept aside blatantly and cynically in a revenue-raising act of political piracy which is not even the real thing—the Budget proper does not come down until August and already the Government is warning it won't offer any relief. Mr. Fraser said some time ago, in a remark he probably has learned to regret that life wasn't meant to be easy (under Fraser). He could have added it also wasn't meant to be honest.
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> When Gough Whitlam was in power he boldly and candidly challenged the Australian people to make sacrifices and go without tax relief.
>
> He told the truth. If Labor was returned to office there would be no tax cuts. He was sacked. Mr. Fraser sailed to victory on the other tack. He handed out family allowances to wives as he took extra money from the pockets of their husbands. In August last year he introduced a tax surcharge which his youthful Treasurer brashly promised was for 1978-79 only.
>
> The Government wouldn't touch Medibank, either. No? What is left of that scheme today?
>
> The Fraser Government's credibility lies in tatters, but the Prime Minister knows the gullibility of the Australian people. Next year he will offer all sorts of hand-outs in an election Budget and if the electorate is true to form, it will vote throught its hip pocket and return him to office. Truly, the people do get the Government they deserve.

That newspaper is one of the most conservative in Australia and, for it to state that all the Government's actions were "lies, lies, lies!", is an indication that this Fraser Government has lost the confidence of even its usually strongest supporters. It would take all day to detail a complete list of areas where living standards are being reduced, so I will not do that, but I will give just a few examples.

Education funds have been cut, resulting in larger class sizes, a reduction in capital projects and unemployment among teachers. These cuts, of course, apply only to the schools that the workers' children attend. The private schools, to which members opposite send their children, have had their funds increased. This illustrates quite clearly what section of Australians this Federal Government represents.

Health, as I have said, is a disaster area. The building industry has never been in a worse state because of the lack of funds for Government building and high interest rates. Social security and welfare cuts have been savage. Unemployed people (500 000 of them) are attacked, instead of having jobs created for them. If you need the service of the Social Security Department, you have my sympathy, because this Federal Government, being basically cowardly, comes down hardest on the weakest section of the community; that is, people unfortunate enough to need Government assistance.

I think that those are sufficient examples to illustrate just how the workers are being attacked by the Federal Government. To me, it would be disappointing if the trade union movement did not react to these attacks in the way it has. To really rub the workers' faces in it, let us have a brief look at what is happening to big business under this Federal Government. Whilst the workers are being ripped off big business is doing very nicely, thank you. B.H.P. profit is up an obscene 120 per cent, and that is after cooking the books; A.C.I. profit is up 29 per cent, and it expects to increase that further. Alcoa profit is up 76 per cent, and I could go on and on. Every issue of the *Financial Review* proves that big business has never done better, and it is all at the expense of the workers. Is it any

wonder they go on strike? To me the miracle is that there are not more strikes and, unless the Federal Government wakes up to itself, I can confidently predict there will be.

Let us look at what has been the Federal Government's reaction to this upsurge in activity by the working class. One could expect that, if the Federal Government was genuinely interested in industrial peace, it would be doing everything in its power to remove the basic causes for the disputes. But it is doing precisely the opposite. It has not learnt the lesson that you do not get industrial peace by bashing unions and passing anti-working class laws. That approach has never worked; in fact, it is counter-productive. The biggest strikes we have ever seen in the Public Service are against stupid legislation passed by the Fraser Government. All that they have succeeded in doing is to create massive unrest amongst public servants without any benefit whatsoever for the community. It is a policy of absolute lunacy and one that will cost it dearly at the next election.

The Federal Government has managed to unite the whole of the working class in this country. White-collar workers and blue-collar workers are now uniting formally and informally and are now becoming a formidable and united force. We have Mr. Fraser to thank for that. Telecom technicians have hardly been a radical group of people. Teachers again have always been very conservative. Bank clerks, insurance clerks, public servants, and air traffic controllers have mainly voted Liberal and have never taken any part in industrial action. I believe that not 10 per cent of them consider themselves part of the working class. When air traffic controllers were on strike I sent them a telegram of congratulations and finished it off, "Welcome to the working class." These people had their eyes opened to their position, and Mr. Fraser has done that.

The Federal Government also simplistically believes that, by threatening to legislate against closed shops or removing preference to unionist clauses in awards, it will do something to curb union power. Whilst this may have some superficial appeal, if you think the proposition through, you come up with a different result than the one assumed. I can tell the Council and anyone else interested that removing the preference to unions clause will not cost any militant union I can think of a single member.

Seamen, wharfies, metal workers and building workers have not achieved 100 per cent unionism because of any legislation. They have achieved it by using the industrial strength of their membership, and they will continue to do so, irrespective of any legislation. In fact, the unions that will be hurt by legislation removing preference clauses will be the unions that are referred to by conservatives as "moderate" or "responsible". They are unions that will lose membership and influence. If that is what the Liberals want, they should go ahead, but not kid themselves that thay are doing anything constructive to improve industrial relations.

Another very predictable reaction from the Government is to say that it is all a communist plot. They have been saying that for so long that, outside a few members of the Liberal Party, there is no-one left who believes them. Even Mr. Justice Ludeke of the Arbitration Commission (and they do not come any more conservative than that) says it is a fantasy. A report in the *Advertiser* of 25 July 1979 states:

> Australia's strikes and industrial problems were not the result of any "conspiracy," a senior Arbitration Commissioner said yesterday. Mr. Justice Ludeke said the "conspiracy theory"—under which every strike and work ban was blamed on a secret cell of industrial bomb throwers—was a fantasy.
>
> Mr. Justice Ludeke, a Deputy President of the Australian Conciliation and Arbitration Commission, was giving a final address after being chairman of a seminar on "prospects in employee relations" in Sydney. "It's too easy to assume that there is a pattern which is at the root of every strike," Mr. Justice Ludeke said. "It is simply deluding ourselves to, as it were, hope there is a conspiracy which we can hold responsible for the problem we're having in industrial relations."

So it is just not good enough to attack workers and their representatives in that kind of way. It is not ony completely dishonest but it does nothing to solve the problem. A further cliche that the conservatives trot out from time to time is that the unions are trying to run the country. Well, let us have a look at this. Who has the power in Australia? First and foremost, I refer to the power to make investment decisions and pricing decisions. These are 100 per cent decided by management. If a car manufacturer wants to lay off hundreds of workers, he does so. The workers have no say in that decision whatsoever. If B.H.P. wants to raise the price of its steel, as it has done 14 times in the last six years, what power does the worker have over that decision? None whatsoever! If the Government wants to raise oil prices or give handouts to big business, it does so without reference to the unions. Decisions such as these have far more effect on the economy of Australia than any decisions of the unions can possibly have. I would like to hear a lot less of this kind of nonsense talked and a bit more constructive discussion on the real problems that Australia and the whole Western world is facing.

This brings me to the question of what should be done regarding the problems confronting us all, particularly in industrial relations. I think that first of all we have to recognise that there will always be conflict between capital and labour in a so called free enterprise society. If you think I say that because of my 25 years involvement in militant unionism, then you are partly wrong. Other people say the same thing and you can hardly compare their background to mine. The Jackson Report spelled this out quite clearly when it said:

> Management and trade unions are by the nature of things in conflict of interest over wages; however, a deeper conflict evident in many cases is close to ideological. Many executives see the influence of trade unions as destructive of the public good.

The report continues:

> Many trade union officials see management as pursuing objectives inconsistent with the values of modern society, and thoughtless of the proper interests of employees.

So, even the Jackson Report, not just I, recognised the conflict. But, the point is: what are we going to do about the conflict? Do we just go on in the way we have been, with conservatives wanting to bash workers either legally or economically, and workers reacting predictably, or do we start talking about the real issues, which are about distribution of wealth and economic justice? I am afraid that nothing whatsoever will be done to approach the real problem, because everything will be done with one eye on the next election, and, as long as the Liberal Party thinks that there is some political mileage in union bashing, that is precisely how industrial relations will be handled on a Liberal Government level.

This really is not good enough in 1979, and it will take an enormous electoral defeat before the Liberals wake up to just how much their present industrial policies are costing this country. Why they have not learnt from what has happened to Governments (of both Parties) in the United Kingdom, I just cannot understand. People do not like industrial disputes, and the Government in power that

decides on confrontation with the unions is invariably defeated. Members opposite know that, as soon as there is a Federal election, their Party will lose, and rightly so.

I do not understand why they do not listen to some of the wiser heads in the Party such as the Hon. Mr. Laidlaw. To comment on a State level for a moment, it is madness for the Liberal Party to have the member for Davenport rather than the Hon. Mr. Laidlaw as the shadow Minister of Labor and Industry. The member for Davenport is a classic example of the problem of the Liberal Party's approach to industrial relations. I do not blame him so much because he cannot be expected, because of his background, to know anything about industrial relation problems. In fact, I doubt whether Mr. Brown would know a worker if one bit him on the nose, and I predict that, in the unlikely event of his becoming Minister of Labour and Industry in this State, we would rapidly go from having the lowest level of industrial disputes to the highest.

I said in my maiden speech in this Council that the only way to minimise industrial conflict was for the two Parties freely to negotiate contracts and then stick to them. Nothing that has happened over the past four years has caused me to change my mind. The priority still seems to be to score some imaginary political points rather than to eliminate the causes of the disputes by negotiation.

I expect my plea for a saner approach to industrial relations will fall on deaf ears, because almost everything that is said in Parliament is absorbed into the walls of the building, if it is absorbed at all. We spend our time getting all worked up over the most utter trivia when there are important State, national and international problems that we could spend our time thinking about and discussing. I happen to believe that that is what we should be doing and that is what the people send us here to do, not to argue some obscure amendment to some equally obscure Bill. I have no doubt that some of these things are important in their own way, but for goodness sake let us get them in perspective and not spend all our time and energy worrying about, for example, the Seeds Bill or Mr. Burdett's porn.

It should not be beyond our wit to devise a format that allows us to debate some of the great issues of the day, for example, industrial relations. What are we going to do with people made redundant by technological change? What should we do about the inequal distribution of wealth in this country? Is the present direction of the education industry still relevant in light of society's changing needs? I would be delighted to debate topics such as these and others with honourable members (and I do not just mean members opposite) and, who knows, we might even arrive at some measure of agreement on solutions to these problems.

If we carry on as we are, people will see Parliaments as more and more irrelevant and members of Parliament as just a pack of political point scorers without any useful role to play in problem solving. That would be a tragedy. But, if it happens (and it seems more and more likely that it will happen) we have only ourselves to blame. I support the motion.

The Hon. M. B. DAWKINS: In rising to discuss this motion, I thank the Governor for delivering what was to me a rather uninteresting Speech prepared by the Government. I reaffirm my loyalty to Her Majesty the Queen, and express condolences to the relatives of those former members of Parliament who have died since the opening of the previous session.

I refer to the late Sir Baden Pattinson, the late Mr. Les Harding, the late Hon. J. L. Travers, and the late Mr. G. S. Hawker. I knew Sir Baden very well. Honourable members will know that he first became a member of this Parliament in 1933, and later, for a period of 12 years, was a very good Minister of Education, something that was acknowledged by members on both sides of the Parliament.

Mr. Les Harding was the member for Victoria for nine years. I also regarded him as a good friend and a dedicated servant of his district. He was succeeded by the present incumbent for Victoria, Mr. Allan Rodda.

I was not associated to the same extent with Mr. Travers (who probably did his finest work for this State as a Supreme Court judge), or with Mr. Stanley Hawker, who left Parliament before I came here.

The Hon. R. A. Geddes: He certainly bred good sheep.

The Hon. M. B. DAWKINS: I am well aware, as the Hon. Mr. Geddes has said, that the late Mr. Hawker bred good sheep. I knew him more from the pastoral angle. All four deceased members made a notable contribution to the welfare of this State, and I regret their passing. I join in the condolences expressed by honourable members to their relatives.

I now refer to the Hon. Mrs. Cooper, who has recently retired as a member of this Council. She was a member of this place for more than 20 years and, by a technicality, was the first woman member of Parliament in South Australia. I understand that the declaration of her poll took place at 12 noon on a certain day, whereas the declaration of the poll for the seat held by Mrs. Joyce Steele did not take place until an hour later. So, technically, at least, the Hon. Jessie Cooper was the first woman member of Parliament in South Australia. Of course, Mrs. Joyce Steele had the distinction of being the first woman Minister in this State. I wish to pay a tribute to the long service to this State and to the Liberal Party of the Hon. Jessie Cooper.

I should like also to welcome the Hon. Legh Davis to this Parliament and to congratulate him on his election. I wish him a long period of service to South Australia.

I should like to comment to some extent at least on what was not contained in the Govenor's Speech rather than on what it did contain. The Labor Party, officially at least, still has its head completely in the sand as regards the energy problem and the great potential that we have at Roxby Downs. It also has its head in the sand to the extent that South Australia is the only State that actually lost people in the last calendar year. In this respect I refer to some figures and the following comment:

> The resource-rich States of Western Australia and Queensland come to have more in common with foreign markets and foreign capital than with Canberra; and Tasmania and South Australia begin to depopulate as their economies stagnate.

Who said that? It was not a Liberal person but a person recognised as a Labor economist, Prof. Ted Wheelright, of the Sydney University, who made that statement on the Australian Broadcasting Commission radio programme *Guest of Honour* on 27 May 1979. I repeat his statement that "Tasmania and South Australia begin to depopulate as their economies stagnate".

Of course, it is a fact that there are Labor Governments in both those States. It is also a fact that South Australia is the only State that lost people in the past calendar year. Queensland gained 6 700-odd persons, Western Australia gained over 8 000 persons, but South Australia lost 1 724 persons. One should compare that with Mr. Corcoran's recent statement that South Australia is turning the corner. True, we are turning the corner, but in the wrong direction!

In 1978, South Australia was the only State or Territory

in which the number of permanent departures exceeded the number of permanent arrivals. Despite this, we hear the drum beating (as it is referred to in the *News*) by Mr. Corcoran, who is entitled to do what he can to try to boost the situation in South Australia.

However, we find in today's *News* that angry retailers have hit out at Mr. Corcoran's claim. The article says that sales are way behind the other States. The article begins as follows:

> Angry retailers today lashed out at the Premier, Mr. Corcoran's, claim that sales in South Australia were booming.
>
> The Executive Director of the Retail Traders Association, Mr. M. G. McCutcheon, said Mr. Corcoran was "completely wrong".
>
> "We are way behind the other States, not leading the way," Mr. McCutcheon said.

The article then goes on to quote a series of figures showing that South Australia, far from being double the average, was 1·65 per cent below the average growth rate of other Australian States.

The Hon. R. C. DeGaris: Which way have we turned the corner?

The Hon. M. B. DAWKINS: That is a good question. The Premier is not sure which way we are turning; he is confused. A moment ago I referred to the section of the Governor's Speech which referred to Roxby Downs. In my view that area is a potential goldmine for South Australia. This Government must realise that the world is reaching a crisis point in relation to energy, particularly liquid fuel. The situation is desperate in under-developed countries and is fast becoming desperate in countries such as Japan, which have little or no natural reserves of this type. There is a close connection between the provision of adequate energy resources and adequate standards of living. What right has Australia to deprive other nations of energy resources, which we can, in due course, make available to them?

Members interjecting:

The Hon. M. B. DAWKINS: Honourable members have to realise, and obviously they have not from the cackling that is going on opposite, that we have reached the atomic age. If Japan has to get 80 per cent of its energy from imported oil and 70 per cent is burnt in the production of electricity, that is a profligate waste of oil when other sources of energy could and should be used. The burning of our natural gas is also a waste that should be replaced by energy from another source. There is every incentive to conserve oil for the use of transport only. What will the consequences be if Japan cannot find an alternative source of electricity generation? What will then happen to its standard of living? What will happen to our present cordial relations with that country if we are not prepared to provide an alternative source of energy? What will happen to our peaceful relations if Japan goes bad? We have a moral obligation to supply this fuel to those countries that need it. However, there is indecision within this Government. The left is implacably opposed to uranium mining, regardless of the consequences. The centre, or the right, if there is such a section of the South Australian division of the Australian Labor Party, is apparently prepared to encourage B.P. Australia or Western Mining Corporation to spend $55 000 000 to explore further the large Roxby Downs deposits.

In a moment I will look at what Mike Quirk of the *News* had to say about this proposal and about the so-called unified A.L.P. Only the other day we heard that the A.L.P. was unified. In response to mention of that, one of the Government members said, "Rock-like unity". I suggest that that rock-like unity is a very thin veneer that covers the cracks in the Labor Party. In the *News* on 1 August 1979 Mike Quirk said, as follows:

> Alarm is spreading within large sections of the South Australian Labor Party over mounting Government-backed exploration of uranium rich Roxby Downs. B.P. Australia's decision to buy into Roxby Downs and invest an initial $55 million to complete a feasibility study has triggered bitter resentment from many Party members. A number of small, hurried meetings have been held by members of the committed anti-uranium lobby within the A.L.P. to discuss the implications.
>
> **Upheaval**
>
> They see the B.P. move as the first step of a campaign aimed at eventually forcing approval for mining uranium whether or not sufficient safeguards are found.
>
> "The stage is obviously being set for when Des Corcoran goes," an informed Caucus source said today.
>
> If successful the move would undermine Party stability and could result in the biggest A.L.P. upheaval since the D.L.P. split.
>
> At least five Cabinet members would fight the issue to the end.
>
> Anti-uranium strategists are convinced that B.P. and Western Mining Corporation must have been given the strong impression by Mines and Energy sources that the State Government would change its mind on uranium.

The State Government will have to change its mind, anyway, or the people will change it. The article continues:

> They say this would have been in total opposition to the strong stand against uranium mining taken by the Premier, Mr. Corcoran, at the recent Federal A.L.P. conference and reiterated at the weekend.
>
> "Why else would BP, which is committed to making such bit profits, invest so much money?" is the question they, and business and mining experts are asking.
>
> The influential *Financial Review* newspaper commenting on the situation says:
>
> "Effectively the South Australians have signalled the beginning of the Labor's anti-uranium stance credibility . . .
>
> Before BP was prepared to spend $55 million on the Roxby Downs feasibility study, directors had to have sufficient assurances from the South Australian Government that, if feasible, mining would be stopped."
>
> The recent decision by New South Wales Premier, Neville Wran, to ignore a State A.L.P. conference ruling that the new Lotto should not be run by private enterprise has further undermined the anti-uranium people's confidence in the South Australian A.L.P. conference decision being strictly adhered to in the future.

So much for the so-called unity within the Australian Labor Party! I now refer to a matter which was conspicuous by its absence from the Governor's Speech. In every State except New South Wales, which has announced a 12-month deferral, succession duties either have been phased out or are in the process of being phased out. If this Government has its head in the sand about these other matters, it also has its head in the sand over succession and gift duties. If that is not correct, why in the last year did we lose 1 700 people when Western Australia and Queensland gained 8 000 and 6 000 respectively? They are the two States with which we are most often compared. I believe that the Premier in another place indicated only last week that he would do nothing about succession duties. I believe he described it as a tax on the wealthy or some similar term. Will the Premier never learn? Has the Premier never heard of succession duties on small estates, or does he not know his own department? I have indicated in this Council before that there have

been estates as low as $1 500 and $750 which have been passed on to relatives who are not directly related in blood, but who sought to look after their relations for a number of years. However, tax is still imposed on small amounts of $1 500 and $750, yet the Premier, and members opposite who cackle so much, still talk about a tax on the wealthy. It is absolute rubbish. Even if 65 per cent of the people pay no succession duties, there are still 35 per cent who do. Because the Premier does not know what he is talking about, people are leaving South Australia, and the Government is to blame.

Turning now to water resources, I want to say something about the underground water situation and the parlous state of the Northern Adelaide Plains Basin, of which we have heard very much talk, with precisely no action, for a number of years. I refer to the need to use recycled water, which is going to waste in the St. Vincent Gulf and spoiling the ecology of the gulf, and the tests over many years which were found to be satisfactory from the point of view of using recycled water as a shandy with underground water. The Government had done precisely nothing.

As I indicated only the other day, I have received from the Premier a list of potential users. I know that most of the people whose names appear on the list are small growers who would need help to be able to use this type of water. The only people the Government has helped to use recycled water from the Bolivar treatment works are the big people. A Government of this colour is supposed to help small people, but this Government has helped big people to use the water, and the small people, to whom the use of the water would mean the preservation of the underground basin upon which they are so dependent, have not been helped one bit. Those people who are on the list put in for water believing that the Government would help them to obtain it. How disillusioned they must be!

I want to refer to the Murray River, to express the concern I have about the pollution of the river and about the over-irrigation which occurs in New South Wales and Victoria, and the recent suggestion that, now that Dartmouth is completed and is filling up, those States may be able to increase their irrigation by 10 per cent. At some time in the future we will have to build a Chowilla or some alternative—

The Hon. N. K. Foster: You kicked it out before.

The Hon. M. B. DAWKINS: It was your people who talked about carrying it on, and they knew they could not. It was just tongue in cheek. You knew at that time that it was not possible. We must have something in South Australia below the joining up of the Darling River and the Murrumbidgee River with the Murray, so that at some stage in the future we will be able to imprison the waters from the free flow of those rivers that occurs in good seasons. Meanwhile, I indicate my concern about the use of the Murray water, the over-use that I feel will occur in the other two States, and the pollution of the river. I support the motion.

The Hon. D. H. LAIDLAW: I thank His Excellency for his Opening Speech. I wish also to make reference to the Hon. Jessie Cooper, who has chosen to retire after serving for 20 years in this Council. I personally am sorry that she has left us. She made a significant contribution, and she has a delightful sense of humour, which is sometimes lacking amongst Parliamentarians.

The Governor said, *inter alia*, that mineral exploration has continued at an unprecedented level and petroleum exploration continues to produce encouraging results. Strzelecki No. 3 well produced oil at the rate of 2 400 barrels per day, the largest recorded onshore oil flow. Extensions are being made to the Moomba gas treatment plant to increase capacity from 11 400 000 cubic metres per day to 15 000 000 per day.

Such news is encouraging, but I wish that the Governor had said that the speed of exploration in this State is quite inadequate in view of the petroleum crisis in the world today. I stress that the crisis is one of petroleum rather than one of energy generally, because there are many alternative ways of generating energy other than using oil or gas.

The Organisation of Petroleum Exporting Countries (OPEC), which was founded in 1960 by the Arabic countries, may have done the world a service when, in 1973, it suddenly quadrupled the price of crude oil sold by its members. The Arab members acted seemingly in a fit of pique because of the supposed support given by the Western powers to Israel during the Suez war of that year. To the surprise of the Western World, they continued to act in unison, and other producing countries in the Western Hemisphere (Venezuela and Equador) joined the club. There are now 13 member countries of OPEC.

The rest of the world suddenly realised that oil was no longer available in limitless quantities *ad infinitum* at very low prices, and that the time had come to develop and define the alternative energy sources to supply its needs for the rest of this and through the twenty-first century. To that extent the OPEC countries did the world a service, although their actions were not intended as such and certainly were not appreciated by the oil importing countries.

Oil production has been curtailed, and the price of crude has continued to rise from $A2 per barrel in 1973 to about $18 today, whilst some spot shipments are being sold for up to 50 per cent above the official OPEC price. The finances of the importing countries, especially those developing countries of the Third World without indigenous fuel resources, have been badly affected. There was an economic recession world-wide in 1974 and 1975, because the high cost of oil forced many importing countries to curtail other imports. Although there has been a partial recovery, some economists are forecasting a slump next year, especially in the United States of America.

The Arabs probably were correct when they told us that the price of oil was far too low. For example, in Western Germany I watched with awe the droves of Mercedes, Porsches and B.M.W.'s streaming along the autobahns at 200 km/h or more, burning up with gay abandon super-grade petrol costing three times as much as a few years ago. It is when petrol gets scarce and motorists have to queue for hours at service stations that the existence of a petroleum crisis dawns upon them. They are prepared to pay the price, but not spare the time.

Some prophets of doom forecast that, by the year 2000, the lights of our cities will be dimmed and there will be very few privately owned motor vehicles on the roads, either because of the shortage or the high cost of energy sources. I do not share their pessimism, but I believe, like many others, that the wet hydrocarbons available in the world should be reserved to produce petrol, distillate, and liquefied petroleum gas (for example, propane), and reserved for transportation needs. The other available sources of energy, such as coal, uranium, hydropower, and methane gas, should be used to generate electricity, and provide fuel for industry and for heating or cooling offices and homes. I suspect, with regard to Australia, that the Federal and State Governments would need to intervene to achieve these objectives, because I doubt whether price mechanism alone would be sufficient.

It would be difficult and costly in Australia for some power authorities and industries in the private sector to convert from burning fuel oil to using coal or gas. Some initial efforts are being made, and the S.E.C. of Western Australia, for instance, proposes to change its power station at Kwinana from oil to coal burning, but this apparently is the first such conversion known to have been undertaken.

Recently, publicity has been given to the desirability of driving cars on propane, otherwise known as liquefied petroleum gas (l.p.g.), rather than petrol. SAGASCO has been selling conversion kits to use propane for a number of years but there are as yet few distribution points in South Australia. The Prime Minister has stated that all Commonwealth cars in Canberra will change over to propane, and our Minister of Transport proposes to license persons who have the competence to handle such conversions. The use of propane undoubtedly should be encouraged, because it is a clean fuel and can supplement our petrol requirements.

Liquid petroleum gas is extracted either from crude oil or from natural gas. B.H.P.-Esso last year produced 1 700 000 tonnes of l.p.g. from Bass Strait but domestic demand was less than 100 000 tonnes and the remainder was exported. It is estimated that the Cooper Basin and the North-West Shelf will eventually produce 250 000 and 700 000 tonnes of l.p.g. per year respectively.

If the whole production of l.p.g. was retained in Australia for use as a substitute for petrol, it would cater for about 12 per cent of the transportation requirements. This is of such consequence that the Federal Government may regret one day that it allowed such huge quantities of l.p.g. to be exported, rather than setting up over past years storage and distribution points and encouraging conversion of vehicles from petrol to propane.

In 1975 (and these figures are taken from the United Nations statistical handbook) 44 per cent of the energy consumed in the world came from oil, 33 per cent from coal, 20 per cent from natural gas, and 3 per cent from hydro and nuclear power. In that year in the United States of America (and I do not have world figures), 55 per cent of all oil used was used for transportation, 17 per cent for industrial use, 17 per cent for household and commercial heating, and 10 per cent to generate electricity. Mr. Leslie, Chairman, Mobil Aust. Ltd., said recently that 47 per cent of petroleum produced that is used in Australia goes into stationary applications, that is, for purposes other than transportation, so the proportions in this country are comparable to the U.S.A.

The United States at present consumes about 17 000 000 barrels of oil per day, half of which is produced locally and half imported. Therefore, if oil could be reserved exclusively for transportation, the U.S.A., in theory, would not have to import any oil at the present time and its balance of payment problems would be solved. However, conversion is costly and cannot be achieved overnight.

President Carter has announced a programme to spend $148 billion between now and 1990 to develop alternative sources of energy and so reduce imports of oil by 2 500 000 barrels per day. Such is the magnitude of the problem of conversion. The cost of this programme is to be financed entirely by taxing the so-called excess profits of the oil industry.

Of the alternatives to oil, technology for generating energy from coal, uranium and hydropower is well established, whilst the technology for utilising other sources of energy is in varying stages of development. I refer, for example, to schemes for producing liquid fuels from shale and tar sands, biomass and synthetic alcohol, conversion from coal or direct from plants. In addition, there are plans to provide heating and cooling from solar sources and to generate electricity from solar, wind, wave, geothermal and ocean thermal sources. Meanwhile, research is under way to improve the efficiency of the lead-acid battery and to develop more exotic forms of batteries to power electric cars.

To revert to South Australia, the Governor said that mineral exploration is proceeding at an unprecedented level. Indeed, some potentially large energy sources have been discovered, and I refer to deposits of coal, although possibly low grade, near Balaklava and Lock, at Moorlands near Tailem Bend and quite recently in the South-East. They are in addition to the uranium finds at Roxby Downs, at Honeymoon and near Lake Frome.

I have often said in this Chamber that the wealth to develop this State came originally from the copper discoveries at Burra, Moonta and Kapunda and subsequently from the silver, lead and zinc deposits at Broken Hill and that, if this State is to experience boom conditions once again, it will be as a result of mineral discoveries. I do not wish to elaborate upon minerals but I do want to mention petroleum exploration.

The Governor is encouraged by the results of our petroleum exploration, and the Prime Minister, when announcing a Federal energy policy some weeks ago, said that, as a result of allowing oil from new finds to be charged at OPEC prices, development has revived. In 1978 in Australia 52 exploration wells were drilled, and that was more than double the number drilled in each of the previous three years.

With respect to the Prime Minister, the 52 exploration and 38 development wells drilled in Australia in 1978 are pitifully inadequate, considering the severity of the petroleum crisis and in the knowledge that BHP-Esso oil production from Bass Strait will begin to decline from 1983 onwards. Australia consumed 38 000 megalitres of petroleum products last year. There was an input of 36 000 megalitres of crude oil into local refining, but to meet this demand a net 10 000 megalitres had to be imported.

In comparison to the 90 wells drilled in Australia in 1978, Canada drilled 7 170 wells in that year and the United States 48 513. Something over 2 500 000 wells have been drilled in the U.S. since oil was discovered, 150 000 in Canada and only 3 000 in Australia, even though we have geological areas likely to yield oil or gas comparable in size to those in the other two countries.

In South Australia in 1977-78, 24 development and eight exploration wells were drilled in the Cooper Basin and two by the Mines Department in other areas, whilst in the past financial year only five development and six exploration wells were put down in the Cooper Basin and two elsewhere by the department.

I was astonished to learn that at present there is only one on-shore drilling rig operating in Australia, and that is in this State. In addition, apart from the specialised deep water rigs working on the Exmouth Plateau there will be only one shallow-depth rig working in ocean waters in Australia after this month.

The media has bombarded us in recent weeks with articles on the alternative sources of fuels but surely the highest priority should be given to establishing what wet hydrocarbons do exist in the Cooper, Pedirka and the Arckaringa Basins. Oil flowed from the Strzelecki No. 3 well at the rate of 2 400 barrels per day. Calculated according to present OPEC prices for crude oil, this well could return a gross income of over $16 000 000 per year. We applaud this find, but how many oil exploration wells are to be drilled this year in the South Australian basins to

establish whether there does exist an oil field worthy of development and linking into a pipeline to a seaboard refinery or terminal?

The oil deposits in the Cooper, Pedirka and Arckaringa Basins and the Officer and Armadeus Basins, just over the border in Western Australia and the Northern Territory, may not be vast but it must be remembered that the reserves in the U.S. are being maintained at reasonable levels chiefly as a result of the initiative of independent operators locating small pools of oil.

The opinion that oil should be reserved for transportation applies particularly to Australia, because our indigenous crude is light in character and not suitable for producing the heavy fuels in industry, the crude for which has to be imported. Since the Iranian crisis the refineries have reduced their imports of crude for heavy oils, in the case of Shell by up to 40 per cent and other oil refineries to a somewhat lesser extent. Rationing of heavy fuel oil will undoubtedly occur, and in recent weeks Commonwealth Steel of Newcastle, a B.H.P. subsidiary, has been restricted in supplies.

Recently the Australian Gas Light Company, the main gas distributor in Sydney which owns the Moomba to Sydney pipeline, called tenders to extend the line to Newcastle and Port Kembla so that industrial users can convert from oil to gas. When these extensions are complete, the company will probably want additional gas supplies from the Cooper Basin.

The difficulty of obtaining imported crude from which to refine heavy oils may become acute towards the end of this year when winter conditions in the Northern Hemisphere add to the demand because of heating requirements. I hope that the State Government recognises the gravity of this problem and persuades commercial and industrial businesses to convert to using methane gas or coal wherever feasible.

One further problem is the need to supply foreign ships that run on oil with heavy bunker fuel when they reach Australian ports. This affects South Australia in particular, because over 80 per cent of our manufactured goods are sold outside the State and much is moved by sea.

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

That the sitting of the Council be extended beyond 6.30 p.m.

Motion carried.

The Hon. D. H. LAIDLAW: I thank the Council for allowing me an extension of time, so that I can conclude my remarks. The State depends heavily for its prosperity upon exports by sea of wool, wheat, livestock and other primary produce.

The *Advertiser* reported only last week that foreign ships, which do not have contracts with Australian oil companies, have had trouble in the past three months in obtaining bunker fuel. Some shipping companies have brought bunker fuel to Australia in chartered tankers to supply their own ships.

The *Theogenniter*, loaded with 63 000 tonnes of grain from Portland and Port Lincoln bound for Egypt, had to wait in Port Lincoln until another ship arrived to transfer 600 tonnes of bunker fuel. This cost an additional $50 000. Industrial stoppages on the Australian waterfront caused by maritime unions are sufficient deterrent for shipowners to avoid coming near Australia without being confronted with fuel shortages as well.

The media has reported that oil stocks in Australia, the level of which hitherto has been left to the unfettered discretion of the oil companies, has fallen to perilously low levels. Presumably this situation has prompted the Federal Government to contemplate Government-to-Government arrangements to obtain supplies in an emergency from Nigeria, Iraq and China. Stocks of oil fall into four categories, namely, crude oil held by the oil refineries, refined products at the refineries, refined products held in the seaboard bulk storage installations, and stocks of fuel held by industry and petrol distributors in their own premises.

Regarding crude oil, the Federal Royal Commission on Petroleum in 1976 found that storage capacity was inadequate by about 15 per cent and that Australia should have capacity to store about 28 days supply. Compared to this, Japan has crude oil stocks equal to 90 days usage. It is currently building this to 95 days and wishes eventually to have 120 days reserve of crude oil. To achieve this, Japan has bought, or chartered, many of the surplus supertankers of 250 000 tonnes capacity and above, and these are cruising in circles at dead slow speed in the northern Pacific Ocean, loaded with crude oil.

I do not have details of storage capacity for refined products at the 11 refineries in Australia but, according to the Australian Institute of Petroleum, the capacity at the seaboard bulk installations is 11 000 megalitres compared with an annual usage of 38 000 megalitres of petroleum products. That is equivalent to 107 days usage, and in South Australia we have storage to cope with 80 days usage.

Our population centres are geographically remote, and, when a refinery in any one of these centres is closed for maintenance reasons or because of technical problems or industrial disputes, shortages can occur, quite apart from shortages of crude oil, especially heavy crude which is brought from overseas. Total stocks of refined products in New South Wales have been very low for at least two years and in South Australia we have run short of petrol from time to time. For this reason the State Government is introducing legislation so that it will have power to ration petrol in an emergency.

By comparison the Swiss Government has enacted that industries using fuel oil must construct storage facilities equivalent to six months usage and must try to keep these fully stocked. The Swiss Government provides low interest loans for businesses to build these facilities and used to assist in financing stocks. With rapid increases in fuel prices, the latter is now unnecessary. This scheme was devised originally for defence purposes to avoid concentrations of fuel in a few bulk storage installations, but since the OPEC action in 1973 it has proved a worthwhile exercise.

In conclusion, I refer to the need to modify facilities at some of the 11 refineries in Australia in order to increase gasoline capacity to produce petrol and distillate at the expense of fuel oil and other industrial fuels. The oil companies recognise this but there is no intention to increase the overall refinery output.

Mr. Leslie, the Chairman of Mobil Australia Limited, confirmed recently that Petroleum Refineries Limited, which is owned 65 per cent by Mobil and 35 per cent by Esso and operates refineries at Port Stanvac and Altona near Melbourne, has plans in hand for a project costing hundreds of millions of dollars to enable greater concentration on petrol refining.

A decision to go ahead will be made early in 1980 but it is as yet undecided whether the modifications will take place at Port Stanvac or Altona. The former has the advantage of deep water unloading facilities, and I hope that the Minister of Mines and Energy will show as much initiative in winning this project for South Australia as Sir

Thomas Playford did when after years of struggle he arranged for an oil refinery to be built at Port Stanvac.

Mr. President, I support the motion for the adoption of the Address in Reply.

ADJOURNMENT

At 6.37 p.m. the Council adjourned until Wednesday 8 August at 2.15 p.m.