

## HOUSE OF ASSEMBLY

Tuesday, July 18, 1972

The House met at 12 noon pursuant to proclamation, the Speaker (Hon. R. E. Hurst) presiding.

The Clerk (Mr. G. D. Combe) read the proclamation summoning Parliament.

After prayers read by the Speaker, honourable members, in compliance with summons, proceeded at 12.10 p.m. to the Legislative Council Chamber to hear the Speech of His Excellency the Governor. They returned to the Assembly Chamber at 12.43 p.m. and the Speaker resumed the Chair.

### DEATH OF MR. L. G. RICHES, C.M.G.

The SPEAKER: It is my sad duty to call the attention of the House to the lamented passing of Mr. Lindsay Gordon Riches, C.M.G. Mr. Riches was a member of the House of Assembly continuously from 1933 to 1970, representing the District of Newcastle from 1933 to 1938 and the District of Stuart from 1938 to 1970. He was Speaker of this House from 1965 to 1968. His distinguished service as a Parliamentarian, back-bencher and Speaker alike was characterized by his advocacy of the rights of the individual and by his absolute fairness. I convey to his widow and family the deep sympathy felt for them by this House in their sad bereavement.

The Hon. D. A. DUNSTAN (Premier and Treasurer): The passing of Lin Riches was a very great sadness for all of us who knew him, and it was a very great sadness for all his friends in this State, especially people in Port Augusta whom he represented for so long and so well. It was a great personal sadness for me, because he was in many ways my teacher and mentor when I first entered this House. I was closely associated with him personally, and I was privileged to work with him in many endeavours and often to visit his district at his behest. All of us admired his service in this House, his fairness, his tenacity, and his concern to serve the people of this State; and we admired the distinguished service he gave to this House as its Speaker. We all mourn his passing.

Dr. EASTICK (Leader of the Opposition): I support the statements already made about the late Mr. Riches. Not only was his worth appreciated in this House (and you, Mr. Speaker, and the Premier have referred to this) but also his contribution to the third tier of Government (that is, local government) is well known throughout the State, and it is a con-

tribution for which he will be ever remembered in his own locality. The members of my Party join with other members of this House in mourning the loss of Mr. Riches.

As a mark of respect, members stood in their places in silence.

[*Sitting suspended from 12.49 to 2.15 p.m.*]

### GOVERNOR'S SPEECH

The SPEAKER: I have to report that the House has this day, in compliance with a summons from His Excellency the Governor, attended in the Legislative Council, where His Excellency had been pleased to make a speech to both Houses of Parliament, of which speech I, as Speaker, have obtained a copy, which I now lay upon the table.

Ordered to be printed.

### STANDING ORDERS

His Excellency the Governor intimated his approval of the amendments to the Standing Orders of the House of Assembly adopted by the House on April 6, 1972.

The SPEAKER: I remind honourable members that the amended Standing Orders are now operative. The volume has been reprinted, and each member has a copy.

### DEATH OF HON. P. H. QUIRKE

The SPEAKER: I have to inform the House that I have received the following letter from Mr. Gerald Quirke, son of the late Mr. P. H. Quirke:

Dear Sir, Thank you for your kind salutation to my late father. The proceedings of that day will be a cherished memento to all of us, and the copy of *Hansard* has been photostated for members of the family. Again thanking you for all your consideration.

Yours faithfully,  
Gerald Quirke.

### PETITIONS: ABORTION LEGISLATION

Mr. WARDLE presented a petition signed by 50 persons expressing deep concern at the growing exploitation of the present abortion laws and praying that an expert committee be set up to examine the effects of the legislation on the community with a view to amendments being introduced to the Act that would prevent further indiscriminate exploitation of that Act.

The Hon. D. A. DUNSTAN presented a petition signed by 31 persons who, as members and supporters of the Right to Life Association (South Australia Division), sought to promote its policy on abortion. The petitioners prayed that the present abortion laws be repealed and that legislation be introduced

by which the right to life of the unborn child and of the mother would be safeguarded.

Dr. TONKIN presented a similar petition signed by 18 persons.

Mr. CARNIE presented a petition signed by 670 persons who supported the Right to Life Association in its efforts to scale down the area of legalized abortion in South Australia and who prayed that legislation would be passed that would provide greater protection of an unborn child's fundamental and democratic right to life.

Petitions received and read.

#### PETITIONS: SEX SHOPS

Mr. VENNING presented a petition signed by 127 persons who expressed concern at the probable harmful impact of sex shops on the community at large, and prayed that the law be so amended, if necessary, as to put these shops out of business. The petitioners also prayed that there be a restriction on the availability of sex aids until such time as it might be shown that fears regarding these undesirable consequences were unfounded.

Mr. CARNIE presented a similar petition signed by 14 persons.

Petitions received and read.

#### PETITION: PARK LANDS PARKING

Mr. COUMBE presented a petition signed by 18 persons stating that the Adelaide City Council, by its by-law increasing fees for car parking in park lands and by increasing areas available for car parking in the park lands, had shown that its conservation attitudes were unsuccessful. The petitioners prayed that by-law 73 made on May 8, 1972, in respect of stands for vehicles be disallowed and that a trust of salaried professional administrators be set up to protect the Adelaide park lands, thus removing them from the control of the council.

Petition received and read.

#### PETITION: AMOEBIC MENINGITIS

Mr. KENEALLY presented a petition signed by 1,440 persons praying that, because of the many deaths at Port Augusta caused by amoebic meningitis, more finance be allocated to enable more research to be carried out into this disease; that during periods of hot weather a section of the research team be sent to Port Augusta to enable continuous checks to be made of local conditions; and that residents of Port Augusta be kept informed of progress being made and adequately warned of the dangers of the disease and the precautions to be taken.

Petition received and read.

#### NO-CONFIDENCE MOTION: KANGAROO ISLAND DISPUTE

Dr. EASTICK (Leader of the Opposition):  
I move:

That, as a result of its handling of the Kangaroo Island situation and particularly its decision to pay the costs owing by the defendant, J. E. Dunford, to the plaintiff, B. H. Woolley, in Supreme Court Action No. 1579 of 1971, the Government has lost the confidence and support of this House and of the majority of the electors of the State and should immediately resign.

*Members interjecting:*

Dr. EASTICK: It is typical of the Government's arrogance that it should attempt to pass off with ridicule any attempt to censure it. This is a continuation of the Government's policy of thumbing its nose at the people of South Australia, as evidenced on many recent occasions. Like most South Australians, I feel a deep sense of embarrassment at the reputation that South Australia is earning throughout Australia that ours is the Government that tells its Police Commissioner to let mobs rule the streets, that ours is the Government that lets prisoners speak at demonstrations to decry the laws under which they are gaoled, that ours is the Government that lets the trade union movement blockade an island community, and then pays the court costs of an unsuccessful attempt to justify this action, that ours is a Government that puts politics before people, and that ours is a Government that is more interested in promoting its own Party's electoral chances federally than looking after the needs of its own State community, which it was elected to do. It is for these reasons that we as an Opposition find it necessary, on behalf of the people of South Australia, to move this motion, which has the support of a large mass of the South Australian electorate. The Government should not believe that it is in control of the situation or that its attitude is supported by the people of this State. In the editorial of July 12, 1972, in the *Advertiser* there were statements which showed the attitude of the people to the Government, as follows:

The State Government's decision to pay court costs awarded against a trade union official in the Kangaroo Island shearing dispute is entirely unwarranted and is a gross political blunder.

Similar views have been submitted in Letters to the Editor and in letters to members of Parliament. I believe that the Kangaroo Island affair is the most disgraceful episode yet to come forth from two years of doctrinaire Socialist Government.

One record that the Australian Labor Party has achieved in its present term of office is that it would be impossible for any (and I stress "any") future Government to descend to such a low depth of responsibility regarding the democratic process and concern for the entire community in a mad scramble for political nest-feathering before it is thrown out by a deeply disillusioned voting public. Let us look at the history of this event, which must go down in this State's history as the day industrial anarchy replaced personal freedoms as the way of life in this State. Kangaroo Island has been held to ransom on a previous occasion. On October 27, 1970, we saw there a situation involving the same person to whom I have referred as the defendant in this action. On that occasion a Mr. Bronte Pratt was involved in a union confrontation. I use the words "union confrontation" because the editorial of July 12, 1972, used these words, which were used by Mr. Dunford on the previous evening. The editorial states:

It is apparently not welcomed even by Mr. Dunford, who says it will only "delay a confrontation until another time".

That was the attitude of Mr. Dunford, who was involved in the first dispute, which arose on October 27, 1970. It is he who is also involved in the second dispute, which commenced on November 1, 1971. In relation to the first situation, because of a confrontation between the union representatives and people who were shearing on the property a person was denied the opportunity to send his produce to market.

That situation was taken subsequently to a board of review under the Conciliation and Arbitration Act, and the situation was discussed and explained on several occasions at that time by Mr. Shannon, the Secretary of the Trades and Labor Council, who said that they should not have taken the matter to the Industrial Court. This evidence is documented in the press of that time. The people, particularly Mr. Pratt, were denied by a union representative the right to take the matter to a board of review. For the information of anyone who would like to check the facts, the board of review reference is No. 74 of 1970, in the matter of the Pastoral Industry Award, 1965, and in the matter of a board of reference thereunder. The transcript of the proceedings is available to members who may wish to check it.

On that occasion Mr. G. E. Andrews and Mr. D. H. Kelly appeared for Mr. Pratt, and Mr. D. N. Cameron and the present member for Adelaide (Mr. J. D. Wright) appeared for

the employees. I repeat that on that occasion the rights of the individuals to take this matter into the industrial sphere was ridiculed by Mr. Shannon, yet, in relation to the most recent situation that has evolved on Kangaroo Island, the union representatives are suggesting that the matter should have been taken into the industrial field and that the people on the island had no right to move into the Supreme Court.

The matter commencing on November 1, 1971, involves Mr. Dunford and action taken in the name of the Australian Workers Union in respect of five people on the island. The person whose name has become synonymous with this situation is Mr. Woolley, but there were other defendants: other people were involved by the union at that time. In the action subsequently taken in the Supreme Court, again many persons gave evidence, and (undoubtedly, other honourable members will also draw the attention of the House to this matter) Mr. Shannon, of the Trades and Labor Council, used the word "eradication". He said, "We are going to eradicate the type of activity that has taken place on the island."

The action devolves around a letter dated November 8, from Mr. Dunford to Mr. Fricker, or to the Fricker organization on the island, other persons having sent other letters on November 17. In this whole action, we find a rather peculiar set of circumstances whereby the defendant could not be found to be served with the summons requiring him to attend the Supreme Court. In fact, because he could not be found and no-one knew his whereabouts, the service was effected by advertisement in the press.

Mr. Millhouse: At the Government's expense.

Dr. EASTICK: Yes, undoubtedly, because this is part and parcel of the sum of money now involved in the situation that has come before the State. Not only was it necessary for the summons to be brought forward in this way but, subsequent to the action being taken and the matter going to the court and before the court could adjudicate or make an announcement on this matter, the union organization saw fit to circulate a document headed "B. Wooley, Employer, v. Jim Dunford, for trade unions." This matter was circulated in advance of the judgment and after evidence had been given in the court. A section of that document, under the sub-heading "1971", states:

Last year the ruling class in South Australia sought to turn back the clock to the period of the Tolpuddle martyrs by prosecuting Jim Dunford, Secretary of the Australian Workers

Union, for taking action to force two non-union shearers on Kangaroo Island to join the union which had met the costs and sacrifice needed to win the wages and working conditions which they were only too willing to accept.

The next paragraph states:

Jim Dunford was dragged into the South Australian Supreme Court on this industrial matter for nearly a week and may soon lose his house and furniture and even go to gaol for doing the very thing for which, in 1834, the Tolpuddle martyrs were later pardoned by a British Conservative Government.

What is the other side of this story? We find that the opportunity was given to Mr. Dunford to indicate to the solicitors for the plaintiff, if he believed he had been cited wrongly or that he had been named wrongly in the action before the court, who or what body should be named in the action. This opportunity was given by letter to Mr. Dunford in advance of the action taking place in the court, but did he heed it or take any notice of it? He did not. He completely walked away from the opportunity given to him and gave no indication to the solicitors for Mr. Woolley that the A.W.U., the Trades and Labor Council or any other organization or person should be named in lieu of himself, so we see the mockery of the statement that was circulated immediately before the judgment was given. I will repeat that part of the document, because it is important in appreciating this situation. It states:

Jim Dunford was dragged . . .

Dragged my eye! He was given the opportunity to name someone else who should have been taken to court. The document continues:

. . . into the South Australian Supreme Court on this industrial matter for nearly a week and may soon lose his house and furniture.

How would he soon have lost his house and furniture, other than by his own disregard of the opportunity given to him to take the matter to the solicitors for the plaintiff? Other aspects of this document do no credit to the organization that sent it around. The document continues:

Jim Dunford must not be allowed to lose his home or go to gaol. His fight is our fight! We can't let the Establishment in South Australia turn back the clock 138 years. We cannot anticipate what the court will do to Jim Dunford but we can anticipate the reaction of all workers if he is sent to gaol for contempt or if he and his wife and four young children are thrown out of their home into the street.

Whose fault would it have been other than Mr. Jim Dunford's if he had been thrown out into the street? I do not wish that on him or

on any other person, but whose fault other than his would it have been for failing to take the opportunity given to him to tell the solicitors? We find further that Mr. Dunford had not seen fit on other occasions to answer correspondence correctly directed to him by members of the Kangaroo Island community. About December 24 a letter was sent from private mail bag 160, Rocky River service, Kangaroo Island, to Mr. Dunford. The letter states:

Last month you sent me a telegram claiming to be in dispute with me. Your telegram stated that a letter was following but so far I have not received this letter. I ask you to let me know whether your union or yourself still claims to be in dispute with me and the nature of the dispute.

A "black ban" has been placed on my wool. What is the reason for this ban? Has my wool been banned on the same grounds as the other four growers? What do you expect me to do before the ban is lifted?

The letter is signed by Mr. D. T. Roberts, whose property at that time was overstocked. Subsequently some of his stock had to be turned out and some were lost. I believe he could have made a claim for damages sustained by him. The summons had to be served by way of a newspaper advertisement at the end of November, 1971. Immediately after the judgment had been given by Mr. Justice Wells, Mr. Dunford was again missing and was unavailable for over a week. Is this the way a man in a responsible position should behave? Is this the way a man who had had the courts adjudicate on the problem which he had caused should treat the person in whose favour the judgment was given? No. Mr. Dunford disappeared and it was not possible to complete the arrangements for the raising of the ban.

It is the introduction of the words "industrial dispute" that has so incensed the people of Kangaroo Island. Even the invoking of paragraph 72 of the Queensland Industrial Code, which has been cited on occasion by members opposite, would not have prevented the action that was taken against Mr. Dunford. It is plain that what was being asked of Mr. Woolley was at variance with paragraph 91 of the Industrial Code by prejudicing a shearer in his employment who was not a union member. I commend Mr. Woolley and the others who refused to commit an offence even though incited to do so by union pressures.

A real spirit of participation and comradeship among the people on Kangaroo Island has been produced as a result of these pressures exerted by the union organizers for

the second time in two years. The people on Kangaroo Island are resolute and I commend them for their action and for their attitude. Many union members were prepared to voluntarily sign a petition before witnesses. The petition states:

We, the undersigned workers, are employed on Kangaroo Island. We are financial members of various worker unions. We express a vote of no confidence in the senior executive members of the Australian Workers Union, and in particular, the General Secretary (Mr. J. Dunford) for his irresponsible and unreasonable stand in refusing to accept the judgment handed down in the Woolley case, also in the senior executives of the Trades and Labor Council for their recent action in placing a ban on the transport of farmers' goods to and from the island.

Those 89 persons were representatives of 14 unions, including the Australian Workers Union, the Transport Workers Union, the L.&T.U., the Vehicle Builders Union, the Liquor Trades Union, the A.P.W.C. and the P.T.T.A. These people were willing to indicate their resentment of the action perpetrated against residents of the island community of which they are members. They wished to register their resentment at having their livelihood placed in jeopardy for the second time in as many years.

The second ban by the Trades and Labor Council was initially placed on certain agricultural commodities. Although it may be denied that this was a total ban on all people on the island, the people living in the towns and the people who were not involved in agricultural pursuits knew that if the ban continued it would have prevented the sale of wool, cattle and sheep, and superphosphate and grain would have been unavailable; therefore, everyone on the island would have been disadvantaged as a result of the original Trades and Labor Council ban. It is this action against people who were not involved in the industrial dispute that has made the people of the island so resolute, and people all over the State wish to help them and to support the attitude they have adopted.

It has been said that, when the members of the island community were told of the results of a conference held under the chairmanship of Mr. Commissioner Lean acting in an unofficial capacity, the islanders were not given a complete indication of the discussions that had taken place before the Commissioner. When the results of those discussions were given to a meeting held on the island it was said openly (I have no doubt it was said to the Premier when he went to the island) that Mr. Andrews and Mr. Kelly spoke more fully

and gave more weight to the union view than they need have given. Immediately before this attitude was put to the people on the island, Mr. Kelly had had long conferences by telephone with both the Minister of Roads and Transport and the Minister of Labour and Industry, who had seen fit to seek his help to make sure that the people of the island were apprised of the situation. It is to Mr. Kelly's credit (and that of the others) that they were willing to give all information possible and that they had prepared for distribution a copy of the document circulated following the discussion held before Mr. Commissioner Lean.

But the question especially important arising from this issue to which I wish to refer in the light of subsequent funds made available by the Government is this: on June 23, when the parties met and took part in a discussion before Mr. Commissioner Lean, how was Mr. Lean able to tell all parties (this was made known at the public meeting) that there was no problem regarding the payment of costs and that this matter had already been resolved? Was this the result of a decision made by the Government in Cabinet before June 23, or do we go back only to last Thursday week and assume that that was when Cabinet reached the decision regarding court costs?

Mr. Mathwin: It's an interesting question.

Dr. EASTICK: Yes, it is a matter about which the people of South Australia will want to know much more. On June 23, those who took part in the conference before Mr. Commissioner Lean, even though the conference was held on an unofficial basis, were told that there was no difficulty in respect of the payment of costs concerning Mr. Woolley and that the matter had already been resolved. It is important that the people of South Australia be told whether, in fact, the decision was made at the Cabinet meeting last Thursday week in the absence of the Premier or whether the decision was made at a Cabinet meeting held long before the Premier left the State, even if at that stage the matter had been decided only in principle and funds had not actually been paid into a trust account subsequently to be paid to other persons.

The relevant figure and other figures have been bandied about in the press, although at this stage we have been told positively that only \$7,000 is involved; but I suggest that the Government's decision to give at least \$7,000 to the trade union movement is an action within the State involving an unprecedented disregard for public money. The Government is elected to run the State and is given the

responsibility of administering the State Treasury; it must collect State taxes and apportion this money fairly and justly for the welfare of the State. Gifts to the trade union movement are not part of the Government's responsibility. However, not only have we seen a Government raking in an extra \$30,000,000 in funds (on the Premier's own admission at the Premiers' Conference) but also we have seen it throwing this money around in what we regard as an irresponsible way.

I am certain that the Auditor-General will be taking a close look at the Government's generosity involving taxpayers' money. It is virtually a \$7,000-plus reward paid to the Government's union cronies for being so brave and so bold as to hold the people on Kangaroo Island to ransom, to victimize them, and to deny them the personal right and freedom which a Government should ensure that they have. It is a pity that the Premier was not present at the Cabinet meeting when the decision in question was taken, although perhaps we should ask whether he was present at some stage when the decision was made.

*Members interjecting:*

Dr. EASTICK: It is all very well to laugh and chortle, but in the long term members opposite cannot deny the people of this State the truth of the matter, and it is the truth that they want to know. I doubt whether even the Premier's eloquence would have swayed the trade union majority from committing the political hara-kiri that it has committed on this issue. That political hara-kiri was highlighted in the *Advertiser* leader of July 12 to which I have previously referred. Here, we find that, just as he has done on so many other occasions, the Premier disappeared to another State and turned a deaf ear to the cries, demands and requirements of the people of this State, who look for responsible Government but who are not getting it from this Government. While many people in South Australia had much to say about this matter and were incensed about it, we find that the Premier was in another State, door-knocking in support of Commonwealth Labor candidates and suggesting that the people needed a Commonwealth Labor Government that would be able to do the same things as have been done (or, indeed, have not been done) in South Australia.

He was trying to say that the people wanted a Labor Government in Canberra so that they could have the same degree of Government responsibility and decision-making as we have in South Australia. What a farce! South

Australians certainly know better and will, at the first opportunity, register their disapproval at the ballot-box, whether it be at the next Commonwealth election possibly in November or at an earlier State election, which the people of this State would welcome and which we now seek.

Mr. MILLHOUSE (Mitcham): In seconding the motion and in supporting what has been said by the Leader, I should like to say a few things in addition to the points he has made and I should like to say some things about the history of this matter, although he has covered it pretty well. I have had the advantage of reading the judgment of Mr. Justice Wells in the Supreme Court action which is referred to in the motion. In that judgment His Honour sets out succinctly a passage of the evidence which sums up just what happened and describes the attitude and outlook of the defendant, Mr. Dunford. I intend to quote briefly from the judgment and from a passage dealing with the evidence of a telephone conversation between Dunford and Woolley which took place on November 1. This is what His Honour says just before he quotes from the evidence:

Woolley testified to the details of this conversation; Dunford elected not to give evidence at all.

Of course, Mr. Dunford apparently felt that his position in the matter was so weak that he should not give evidence at all on his own behalf, and so he was silent. His Honour goes on to say:

I am satisfied that Woolley's account of the conversation is substantially correct.

I will not quote all of it, but let me quote part of it, as follows (and this is in the form of question and answer):

Q. What did he say?—

this is Woolley speaking—

A. He said, "I am Mr. Dunford, South Australian Secretary of the A.W.U." That is how I remember him introducing himself.

Q. What did he go on to say then?

A. He said, "I regret having to take this action. We don't like having to do these things. That is the only way we can get these chaps. You're a member of the Stockowners Association, you are bound by the award the same as anybody else. These chaps are scabs. There is no other way to describe them—they're scabs. My man tells me that he could have two union shearers there in the morning. I don't know whether you intend to take any action in this matter or not, but if these chaps don't join the union I will have to take action which will ensure that union labour will not handle your wool in Adelaide.

Q. Did you say something in reply to this?

A. I said "My attitude is . . ." At least I said "This is the first time that I have been involved in this sort of disturbance and my attitude is that it is not my responsibility to persuade my shearers to join the union. Whether or not they decide to join is their decision, not mine."

Q. What did Dunford say to that?

A. He said, "Well, you're involved whether you like it or not. It is the only way we can get these chaps. You have a democratic right to use non-union labour to shear your sheep, and we have a democratic right to refuse to handle the wool with union labour." I repeated that I didn't consider the matter was my responsibility.

Q. What did Dunford say to that?

A. He went on, "Well, I don't care what you do, but it is the only way we can get these chaps; if they don't join the union at least you may get a non-union labour to handle your wool on the island, I don't know. We don't care if non-union labour shears your sheep or handles your wool in Adelaide, but union labour won't touch it under our democratic right."

That was Woolley's account in court of the conversation he had with Dunford. As Dunford did not see fit to get into the witness box to deny that, the judge was satisfied, as I have already quoted from his judgment, that that was an accurate account of the conversation. Certainly on that very day (November 1) Mr. Dunford wrote a letter to Mr. Jim Shannon which is also quoted in the judgment and part of which states:

I am requesting that a black ban be placed on the Derwentvale property owned by B. Woolley, North Duncan, Kangaroo Island . . .

Having set out the circumstances, the letter continues:

As there are only five days' shearing left at Derwentvale, I further request that all wool shorn in future by Allan and Graham Bell be declared black until such time as they are accepted into the union. I believe the Stock-owners Shearing Association and the United Farmers and Graziers Association ought to be advised so that they can warn their members of our attitude. I would appreciate this matter being treated as expeditiously as possible.

It was treated expeditiously, and it was dealt with by the Disputes Committee of the Trades and Labor Council. Then we find that Mr. Dunford on November 8 (a week later) wrote the following letter, concerning the ban, to R. Fricker and Company Proprietary Limited:

This letter is to advise that the United Trades and Labor Council, at the request of the Australian Workers Union, has placed a "black ban" on the wool shorn at the property of Derwentvale, North Duncan, Kangaroo Island, owned by Mr. B. Woolley. I request that your company does not ship or transport

this wool, under any circumstances, until notified by the union.

He goes on to set out the substance of the resolution. Fricker was employing non-union labour as well as union labour. That letter was a clear indication to that company, despite what Dunford had said on the telephone to Woolley, that in no circumstances by no persons was Woolley's wool to be shifted. I think that sets out fairly well the essential facts of the matter. Having canvassed all the evidence in his usual careful and clear way, and having set out the preference clause in the award, His Honour states (and I believe this is the starting point of our discussion here this afternoon):

No doubt, in the long run, union authorities, in seeking to enrol all shearers in the union, had, as their aim, the widest practicable enforcement of all terms and conditions in the Award, but the suggestion (put forward by Dunford in the answer quoted above—

that is in answer to interrogatories before the proceedings; they are not oral answers but written answers—

and through his counsel at the trial) that the real contest was over the preference provision, is, in my opinion, more than a little coloured by hindsight. I find that Dunford shared, with officials of the I.D.C. and the A.W.U., the view that the time had come to disencumber the industry from its non-union shearers and to achieve total membership of the union.

That last sentence is the most significant of the lot, and there is no doubt whatever (and I say this with respect) that what His Honour says is correct. The object of this little exercise on Kangaroo Island was to force everyone into the union: in fact, it was compulsory unionism. The Leader has already referred to the circular in which the word "force" was used, and that circular was apparently circulated on behalf of Mr. Dunford. I have a copy of the 1971-72 Constitution and General Rules of the A.W.U. in which the name of the member for Adelaide appears as Vice-President of the organization. It is not surprising that in the preface we find this sentence:

Alone we can agitate—organized we can compel.

I have no doubt at all that that is precisely what the union believed it could do on Kangaroo Island. Luckily for all South Australians the union found that it had taken on a more determined set of adversaries than it had imagined. Thank goodness it has not been able to compel. The rights of Mr. Woolley have been upheld by the Supreme Court of South Australia.

It has been suggested that in Queensland and the United Kingdom such an action as has been taken here could not have been taken,

but I doubt very much that that is so. Curiously, the Attorney-General has been silent during the whole of the exchanges on this matter. I hope we will hear him this afternoon, as I should be delighted to hear his view on the action of the Government of which he is a member. He, the Premier and the member for Playford, if no other Government members, would know that it is probable, if not certain, that this matter is not an industrial dispute that would be barred in Queensland under section 72 of the Queensland Industrial Conciliation and Arbitration Act. Those Government members will know of the decision of the House of Lords in the case of *Rookes v. Barnard* in 1964 in which an employee who was dismissed by British Overseas Airways Corporation was able to sue for damages, relying on the tort of intimidation. Although that was not the ground in this action, I have little doubt that if it had been necessary to call evidence it would have been easy to prove intimidation in this case, so it is not accurate to say that such an action as this would have been barred either in Queensland or in the United Kingdom. This was a blatant attempt to force Woolley to commit a breach of section 91 of the Industrial Code. Although this section has often been quoted in this House, I will quote the relevant part of subsection (1) again, as follows:

No employer shall dismiss any employee from his employment or injure him in his employment, by reason merely of the fact that the employee—

(a) is or is not an officer or member of an association.

The penalty is \$100. That is precisely what the union tried to force Woolley to do in this case. What the union did, and what it was found to have done by His Honour in his judgment, was absolutely, utterly and entirely reprehensible, and I say no more about it.

In the last few days, the Premier has said publicly, in attempting to justify the action of his Government, that the Government did not take sides in the matter, that it acted only as mediator, and that it was its job to try to bring the parties together and to heal the breach between them. He must think that members of this place and the general public have a short memory indeed if he thinks he will get away with suggesting that the Government was neutral and took no part in this. What did the Minister of Labour and Industry say in this House concerning this matter in November last year? I remind the Premier, who now says that his Government was neutral in the matter, a mere mediator, that

his Minister said on November 18, 1971 (in reply to a question from the member for Alexandra):

I am concerned, but I am not concerned about discrimination, because no such thing as discrimination is being shown over there. I have had discussions with the union—

yet here the Government says that it is a mediator and it is not taking sides—

and I understand that the matter is now in the hands of the Trades and Labor Council disputes committee. However, I would think that the whole situation regarding shearing union labour or non-union labour was settled in the early 1890's, when the pastoralists got the Government to bring out the military with field guns and galling machine guns to quell the strikes, and even appointed non-unionists as special constables. The happenings at that time caused almost a civil war in the colony. Surely the honourable member would not want that sort of situation to occur again. Surely he would not like to see the pastoralists or woolgrowers on Kangaroo Island re-enact the scenes that took place before the turn of the century.

Does the Premier really believe in the light of that information (and one must assume that even the Minister of Labour and Industry speaks for the Government on occasions) that the Government, when it shows an attitude such as that, is neutral? Of course, it was not neutral. The Government was as far on the side and as strongly on the side of the Australian Workers Union as it was possible for any group to be, and the Minister showed that in his reply in this House 18 days after the telephone conversation between Messrs. Dunford and Woolley, to which I have already referred.

I agree with the Leader about the Premier's part in the decision to pay the costs in this matter. On June 23 the Premier took part in a conference between representatives of the Stockowners Association, the United Farmers and Graziers and people from the island, and he assured them all then that they should not worry about the costs: the costs would be paid. He said that the costs were not an issue, and it is now clear that the Premier, at least on June 23, prior to his holiday or whatever he was doing in another State, had decided that the costs would be paid, and that they would be paid by the Government. In my view that is easily the most reprehensible part of this whole disgraceful situation.

What is the theory behind the award of costs in a civil action, as this action was? It is that the party that loses must pay the costs, or a good proportion of the costs, of the successful party; it is to act as a sanction



against people who embark on hasty and ill-considered litigation, or who are involved as defendants in litigation in which they obviously have no chance of being successful. It is to discourage such litigation and, as I have already said, to act as a sanction against such behaviour in an effort to reduce litigation and ensure that people know that, when they take on a civil action, as either a plaintiff or defendant, they will personally be up for payment of costs as well as any damages that will be awarded against them if they lose.

The Premier knows that and has acknowledged it. The Attorney-General would acknowledge that, as would the member for Playford. Indeed, I believe I have heard the Premier say it in this House. It is acknowledged and accepted by all to be one of the major reasons why costs are awarded. The Government has here removed that sanction altogether, and taken it away. So in future the sanction will not apply; certainly, not in a situation such as this.

The Leader has already referred to Mr. Dunford's unwilling acceptance of the Government's assistance. Mr. Dunford said that it would merely delay a confrontation. I should like to know (and I hope that the Premier will vouchsafe the answer to this question) whether, when that confrontation takes place and if the situation again arises, the Government will again pay the costs, because Mr. Dunford says that there will be another action and a further confrontation. Will the Government do the same thing again? I hope not, but I ask the Government to come out in this debate and say that it will never do that again. We can then wait to see the result, because Mr. Dunford, the man the Government is trying to help in this way, says that the confrontation is only being delayed.

Another consideration is that under our system of Government there is a separation between the courts (the Judiciary) and the Government (the Executive). On countless occasions when I was in office, and when out of office (and the Premier must have had the same experience when he was Attorney-General), people came to me, said that they were in trouble in the courts, and asked whether I could do something about it. My reply, as well as that of the Premier (I saw some of his) and of the present Attorney-General, was to say that I was sorry but I could do nothing about it as I did not interfere with what went on in the courts. The courts are independent; the Government does not interfere in their

procedures; and, if something needs to be done, there is remedy by way of appeal. However, that is not how the Government has acted in the case: the Government has interfered in the procedures of the court and has not observed that separation between the Judiciary and the Executive which we should like to see observed at all times.

Another matter on which I hope the Premier will reply concerns what authority the Government had for the payment of this money. Over \$7,000 has been paid as security for costs and a Government cheque for that amount was received by the solicitors acting for Mr. Woolley. What was the Government's authority for the payment of that money? Is there any line in the Estimates that authorizes that payment? Has Parliament by any stretch of imagination ever authorized such payment? Indeed, I shall be amazed if it has. Undoubtedly, when we see the Supplementary Estimates there will be a line authorizing the payment of that sum and the rest, because the costs will undoubtedly exceed \$7,000, and the Government has said it will pay the lot. What is the Parliament's or the Government's authority for the payment of this sum?

I do not believe, as was claimed by the Minister of Labour and Industry in his lame justification for the payment, that this was a test case and that this type of thing has been done time and again by the Commonwealth Government. There is a clear distinction between what happened here and any test case. I suggest that that distinction is, first, that there is the law as expounded by His Honour in the judgment, and that is the law in South Australia. There was no testing about that. It was only a matter of establishing the facts. More than that, if there is a test case, the undertaking to pay the costs of one of the parties is so that the test can be made, and that decision is taken before any hearing so that all concerned know where they stand and so that they know that the Government is standing behind one of the parties so that there can be a court judgment. Before the hearing there was no suggestion whatever in this case in respect of payment of costs. The first time we heard that the costs were to be paid was after Mr. Dunford had said that he would rather go to gaol than pay the costs that were due, and after the members of his union at the Adelaide Gaol had said that they would not imprison him.

Mr. Venning: We will take him in the Brook gaol.

Mr. MILLHOUSE: The honourable member would be welcome to have Mr. Dunford in the Brook gaol. That was the first time we heard about it, when the Government knew it was too weak to stand up to members of the union and to the people at the gaol whose duty it would be to imprison Mr. Dunford, and it also knew that it had to find some other way out. What have we had by way of apology from the Government? The Government has said that this would have meant industrial trouble, that it was far cheaper to pay this sum and that there would have been a general strike.

I have not seen the document, but it was referred to in that wellknown column by Onlooker last Sunday in terms that the Premier had issued a document justifying what had been done, and substantially the ground was that this was the best way out of it. I ask the honourable gentleman whether the Government intends to act in this way whenever there is a threat of industrial trouble. Whenever there is a threat of industrial trouble in South Australia, will the Government come to the rescue and say, "Don't worry, we will pay the Bill to avoid industrial trouble"?

If that is going to happen, there is little law left in South Australia. This State will be a State of anarchy and the person who has the most force or threat of force behind him will always prevail. That is the root cause of the complaint by us and many people in the community about what the Government has done. He who has the strongest voice and the greatest threat will prevail, irrespective of the law. I believe that the Attorney-General hangs his head in shame at this action by the Government. If he does not, I look forward with interest to hearing him justify all that has happened.

I shall conclude my speech by asking some questions. I have asked some as I have gone along, but I hope that the Premier, the Attorney-General, or one of the others (perhaps the Minister of Labour and Industry) will speak in this debate. I think I have quoted the Minister of Labour and Industry and I hope I have encouraged him to speak. It will be interesting to find out whether my questions are answered and what the answers may be. I shall go through the questions slowly so that there can be no mistake about them. First, is this the pattern that the whole of Australia could expect if there was a Commonwealth Australian Labor Party Government? The Federal Party has been rather silent about this matter and I think we are entitled

to know whether it is the Labor Party policy in the Commonwealth sphere as well as in this State to pay costs in these circumstances.

I have asked my second question previously but I shall repeat it so that it will not be forgotten. If the situation arises again, if another confrontation is threatened by Mr. Dunford, will the Government again pay his costs? Thirdly, is the Government paying Mr. Dunford's costs to his solicitor and counsel? Fourthly, what about damages? I think this matter will not arise, but the order made by Mr. Justice Wells is for damages to be assessed. Would the Government pay damages as well as the costs if damages were assessed and awarded against Mr. Dunford?

Fifthly, has the quantum of the costs been agreed on and, if so, at what figure and between whom was it agreed? Members of this place and the people of South Australia are entitled to know the full figure that has been paid by the Government. I believe that it is substantially more than \$7,000. Sixthly, what is the authority for the payment of this money? I have already asked that. Seventhly, will the Government always come to the rescue of a unionist or a trade union if there is a threat of industrial trouble? I have already asked that question also. If the answer is "No", I should like to know the limits of the principle upon which the Government has acted in the circumstances we are canvassing today.

That is all that I have to say. I hope that whoever eventually replies in this debate from the front bench on the Government side will give clear and concise answers to those eight questions, because I assure the Government that we and the people of South Australia want to know the answers to those and many other questions that have been asked by members of this House and other persons in the community.

The Hon. D. A. DUNSTAN (Premier and Treasurer): The Leader of the Liberal Party has moved that, as a result of its handling of the Kangaroo Island situation (that is the first ground of complaint), the Government has lost the confidence and support of this House. The interesting thing is that the Kangaroo Island situation has been settled. Why then are members opposite so fussed about it? The simple answer is that, through the whole of their activity, both factions of them have been competing for leadership on this matter on Kangaroo Island as hard as they can.

*Members interjecting:*

The Hon. D. A. DUNSTAN: The whole reason for this episode is that members opposite do not want the Kangaroo Island situation settled and they are extremely upset that a report has appeared in the newspaper this morning that agreement had been reached.

Mr. Goldsworthy: Not at your price.

The SPEAKER: The honourable Leader of the Opposition has moved a motion to which the honourable Premier is charged with the responsibility of replying, and the honourable Premier is entitled to be heard in silence. I ask that interjections cease.

The Hon. D. A. DUNSTAN: The basis of the difference between union forces and certain farmers and graziers on Kangaroo Island was the operation on the island of the Commonwealth Pastoral Award. Industrial action of a kind that has occurred throughout this nation when there has been a dispute about an industrial matter occurred on Kangaroo Island in relation to the Commonwealth Pastoral Award, and members opposite and the newspapers of this State proceeded to tell the Government of South Australia that it was about time it did something to stop this situation. The Commonwealth Pastoral Award, however, is not under our jurisdiction.

It was noticeable that, while all the cries to stop the situation in relation to Kangaroo Island came from members opposite, they came from those members to this Government, not to the Government that has the jurisdiction regarding the Commonwealth Pastoral Award. Where was the action by the Commonwealth Ministry to do something about its own area of jurisdiction? It did nothing, and the whole reason for that and why members opposite have been involved in this and have gone through exaggeration, extraordinary statement, hyperbole, and the kind of thing that has been happening for weeks, is that there is competition between both factions of members opposite to try to get the front running on the one thing about which they think they can appeal to the electorate, namely, industrial unrest.

It is a drum that has been beaten in the Commonwealth sphere for some time and members opposite think they can do something about it in South Australia, so they say, "Let us stir the pot and keep this boiling as long as possible." I went to Kangaroo Island and consulted with the farmers and their committee. They told me that they had resisted and resented attempts to make use of the dispute on Kangaroo Island politically. During the whole of this dispute the Government was

being told to do something to settle it, and I (mildly and, I thought, politely) inquired of those who made these demands, "What is the remedy that you say we have in the law to do something? Do we go to court; do we issue a summons; do we put somebody in gaol? What is it that you say is in our hands to settle this dispute?" The only answer I ever got from anyone was that I had better call a swift meeting of Parliament and change the law so I could enforce the law.

From the outset of this matter we endeavoured to get the parties together and, while the Commonwealth Government was doing no conciliation, at the outset I called the immediate parties to the original conference before Mr. Commissioner Lean to see me. I pointed out a number of courses must be taken in order to ensure that the parties got back to the conference table. The Deputy Leader of the Opposition has made a habit in this House, whenever there is an industrial dispute, whether he is in Opposition or in Government, of asking the Labor Party and me to use our good offices to settle the dispute. When in Government he does not consider he has to use his good offices, but when in Opposition he asks us to use our good offices.

The Hon. J. D. Corcoran: He thinks there is only one side to blame.

The Hon. D. A. DUNSTAN: Of course, he say the unions are always to blame, because of the bitter hatred he and his colleagues have, as he has expressed—

Mr. Millhouse: You have not said anything yet. Why don't you answer some of the questions we put to you?

The SPEAKER: Order! The honourable member for Mitcham has had his say in this debate in accordance with Standing Orders, and he is well aware that interjections are out of order. I expect him to show the courtesy to the Premier that the Premier showed to him when he was speaking.

The Hon. D. A. DUNSTAN: Having seen the parties to the dispute, I endeavoured to arrive at a situation with them where they could get back to the conference table to arrive at a sensible and reasonable settlement, meeting the different points of view (and there were real differences on points of view) of the parties involved. In view of that, I did not make public statements. I did not take partisan attitudes. I refused to involve myself in condemnation of one side or the other, but endeavoured throughout to act, as I am very happy to say that a number of people on Kangaroo Island and a number of people in

the Trades and Labor Council also acted, simply in a conciliatory manner to try to get an effective and pragmatic settlement of what was a real dispute.

Mr. McAnaney: Pragmatic?

The Hon. D. A. DUNSTAN: The settlement has occurred. The honourable member no doubt does not like it, I appreciate that, but it is there. When these differences between the parties were being argued in front of me there were considerable difficulties on each side in reaching accommodation, but with the good offices of those people I have mentioned (those in the Trades and Labor Council and on Kangaroo Island, particularly the chairman of the District Council of Kingscote and the chairman of the farmers' committee over there) we eventually arrived at a position where they could get before a conciliation commissioner, who I think has done a good job for South Australia in this regard.

Throughout this matter Mr. Commissioner Lean consulted with the parties and with the Government in an endeavour to reach a satisfactory settlement that would work out effectively on Kangaroo Island the terms that are in the Commonwealth Pastoral Award, including the provision, which is in the law, of preference to unionists. That is the law which the Deputy Leader likes to talk about so much. What we did right throughout was try to obtain a settlement, and we achieved it. It was not easy, because passions were aroused on each side, and there were people outside endeavouring as hard as they could to arouse those passions for their own purposes. It has been done, and I am happy that it has been done: the Government throughout endeavoured to reach that stage.

The second matter (and this is the other gravamen of the charge against the Government) is that it has lost the confidence and the support of this House because it has paid the costs awarded to Mr. B. Woolley in Supreme Court action No. 1579 of 1971. I will first say what happened, and then I will come to the question whether it is a departure from the law or principle. The question of costs was not resolved in the original discussions before Mr. Commissioner Lean, and it was over them that his original proposals for settlement broke down. In discussions with the parties I told them that I believed the question of costs could be resolved in due course, and I certainly did believe that. I had been made well aware in the course of discussions with the trade union movement that there was one matter on which they could

not be shifted, and that was that they warned that the A.W.U. and Mr. Dunford would not pay the costs in the case, because they considered the action was against their principles. That was a very strongly held point of view in every section of the trade union movement.

The trade union movement in South Australia is one of the most responsible in the world. We have a good trade union leadership in South Australia. We have the best record in this nation in relation to time lost by industrial disputes. We have a long history of being able to work things out successfully with the trade union movement here, but every section of the trade union movement in South Australia is bitterly opposed to proceeding to bring an action in a civil jurisdiction for the tort of interfering with private contractual rights on the ground that it is a tort, if a member of the union says, "I will not give my labour to deal with goods produced by non-union labour." That was disposed of 60 years ago in England.

Mr. Millhouse: That was not. I quoted you an authority—

The Hon. D. A. DUNSTAN: That was not an authority, and the honourable member knows it perfectly well, because there was no question of intimidation in the authority he quoted. The trade union movement in South Australia is bitterly opposed to the continuation of a law of that kind, and the Government long ago made it perfectly clear it intended to abolish any such right of action in South Australia and to require that matters that were industrial disputes and questions of the withdrawal of union labour would be settled in industrial tribunals.

We knew that, if the order for costs were enforced against Mr. Dunford, he would refuse to pay. If he were arrested on a warrant of execution or a warrant following the execution of the judgment for his costs, he would not pay but would go to gaol. If a union secretary in South Australia were to go to gaol on that score, that would cause a general strike in this State. There is no doubt about this. That is the position the Government was faced with.

Mr. Venning: But—

The Hon. D. A. DUNSTAN: The honourable member would love to see a general strike in South Australia. The Leader considers that we should take no account whatsoever of other people's views if they differ from our own at any time. Some things were said to me by farmers on Kangaroo Island that personally I did not agree with, but I did not

take sides. I tried to get everyone to an accommodation. The honourable member apparently does not want us to get everyone to an accommodation. He says, "If they disagree with me, let them be damned. If the result is a general strike, we will suffer that."

That is not how the Government intends to operate. It is not how it has operated, and we would not have the settlement we have today if it had done so. It intended to act responsibly, and it did so to get an effective settlement that would not harm the people or the economy of this State. I conferred with the farmers on Kangaroo Island and they told me all the conditions of their going back to the conference table. I conferred with the Trades and Labor Council and at my behest the ban on Kangaroo Island was lifted in order that the conference could proceed, because that was the basis of the resolution given to me by the committee on Kangaroo Island.

Mr. Millhouse: It is a *fait accompli* by the time—

The Hon. D. A. DUNSTAN: It was not. The honourable member makes reckless statements, not knowing what he is talking about. There had been no decision before I went to Kangaroo Island. As every one of the farmers on Kangaroo Island can say, it was during the time we were on the island, and the Minister was out of the room several times to check with the Trades and Labor Council whether a decision had been made.

Mr. Millhouse: I thought you said it was at your behest.

The Hon. D. A. DUNSTAN: It was. I made the request to the Trades and Labor Council. The Trades and Labor Council met that request and I was able to communicate it to the farmers, who had a separate meeting, and then said, "If the ban is lifted on that basis, we will go back to the conference table." Some few days later when the conference was being arranged it was suddenly communicated to the Deputy Premier by Commissioner Lean that an additional requirement had been imposed, that the people on Kangaroo Island would not come to the conference table unless, within 24 hours, the costs were agreed to be secured in the Dunford case and unless \$7,000 had been paid into the trust account of Mr. Woolley's solicitor. A hurried Cabinet meeting was called. The Deputy Premier communicated with me, and I told him to check with the Under Treasurer, which was

done, and then subsequently it was checked with the Auditor-General.

The Hon. J. D. Corcoran: And it was lawful.

The Hon. D. A. DUNSTAN: Perfectly lawful, and it was checked by the Auditor-General. The Government in consequence paid the costs, because it believed this was the proper action in a matter where action had been taken on the basis of a law which the Government believed to be wrong and which it had already undertaken to repeal. It was a payment regarding an industrial dispute, and the Government had to make that payment if there were to be any sort of effective settlement. The condition the Government was given was that if the payment was not made within the time limit there would be no conference.

The Hon. Hugh Hudson: That was not proposed by the Trades and Labor Council.

The Hon. D. A. DUNSTAN: No, it was not proposed by the Trades and Labor Council. Members opposite have said that there is no precedent for this sort of thing and that the Government has done something which has created a very bad situation and which is a departure from the law. They have gone on with a great deal of carry-on about it.

Mr. Millhouse: What are you reading from?

The Hon. D. A. DUNSTAN: I will tell the honourable member what I am reading from. In a moment I shall read all of it. I can promise that. The Deputy Leader sought to distinguish between this case and cases in which the Liberal Commonwealth Government and the present Minister for Labour and National Service, who has been so vociferous about our handling of this dispute, having done sweet nothing in the area of his own Ministerial responsibility about it—

Mr. Coumbe: Was it a dispute?

The Hon. D. A. DUNSTAN: Of course it was a dispute. The whole ban on Kangaroo Island related to the Commonwealth Pastoral Award, and it was a dispute in relation to preference to unionists on the island. Honourable members know that perfectly well.

Mr. Millhouse: Andrew—

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: The Deputy Leader said that the only cases in which costs had been paid previously were those where, beforehand, it was agreed that it was a test case or an industrial case within the terms of the Commonwealth Conciliation and Arbitration Act over rules of a union and a prior order related—

The Hon. Hugh Hudson: The Commonwealth Government has paid money to Mr. Dunford.

The Hon. D. A. DUNSTAN: The Commonwealth Government has paid money to Mr. Dunford. It has, but the Deputy Leader distinguishes between those cases and says, "The difference is that in that case the costs were agreed to be paid before the action. Of course, they are never agreed to be paid afterwards." I draw the honourable member's attention to a letter written by the Attorney-General of the Commonwealth to Mr. Allan, who was involved in the case of *Allan v. Barnes*, which was a dispute involving the Australian Workers Union. No prior order for costs was made, and there was no prior arrangement regarding costs in that case. The letter, which was written in April of this year, states:

Dear Mr. Allan,

You wrote to me on April 26, 1972, concerning the costs of \$4,367 you said were owing to you in respect of proceedings B No. 203 of 1970 brought by you against Mr. Barnes and others in the Commonwealth Industrial Court.

I confirm that, following representations made by Messrs. Barnes and McKay, the Commonwealth agreed to make *ex gratia* payments of \$7,173.54 and \$4,367.86 respectively in relation to costs awarded against them in proceedings B No. 202 and B No. 203 of 1970 in the Commonwealth Industrial Court. Payment of these amounts was duly made to the claimants.

So it was not in accordance with the provisions of the Conciliation and Arbitration Act with a prior order regarding costs, and not on any basis of a prior agreement with the Commonwealth concerning a test case, but as a result of representations made after an order for costs had been passed in the Commonwealth Industrial Court. The Commonwealth Government, out of the goodness of its heart, made an *ex gratia* payment in an industrial matter.

Mr. Millhouse: Will you answer one question?

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: The honourable member has asked an enormous number of questions, and I am trying to answer them.

*Members interjecting:*

The SPEAKER: Order! It is not Question Time.

The Hon. J. D. Corcoran: You might be Deputy Leader—

The SPEAKER: Order! It is not Question Time now. When I rise to my feet, I expect courtesy, and this applies to members on both sides. The honourable member for Mitcham has made his contribution to the debate, and

there is no provision in Standing Orders for questions to be asked during a debate. The honourable member is out of order.

The Hon. D. A. DUNSTAN: Thank you, Sir. The fact is, of course, that in numbers of cases Governments in the British-speaking world have paid costs in cases that have come before the courts where it considers it proper in the public interest to do so, and I remind the honourable member that he was here in this House (and, in fact, voted on the line on the Estimates in relation to it) when another little matter arose in which not only the costs but also the claim, or a substantial part of it at least, were met by the State Government, and that was an industrial dispute, too. It involved a claim for the under-payment of the cook at Government House, who brought an action against the then Governor, Air Vice-Marshal Sir Robert George.

Mr. Becker: How much?

The Hon. D. A. DUNSTAN: It was \$7,000 and, because the Government considered it in the public interest and that it would be embarrassing if the matter came to court, it paid the sum.

The Hon. Hugh Hudson: Who was Premier at the time?

The Hon. D. A. DUNSTAN: Sir Thomas Playford.

The Hon. J. D. Corcoran: Who was the cook?

The Hon. D. A. DUNSTAN: Mrs. Badcock.

The Hon. J. D. Corcoran: There was no Liberal Movement then, either.

Mr. Mathwin: Who was the solicitor?

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: I was Mrs. Badcock's solicitor.

Mr. Clark: She was well-represented.

The Hon. Hugh Hudson: Did the Government pay your costs in the action?

The Hon. D. A. DUNSTAN: Yes, it did.

Mr. Millhouse: There was no order for costs in that case, was there?

The Hon. D. A. DUNSTAN: There was no order for costs in the case; it was an agreed amount.

Mr. Millhouse: Yes, quite different!

*Members interjecting:*

The Hon. D. A. DUNSTAN: If the honourable member would like to discuss with the counsel in that case, who is now a learned judge of the Supreme Court, what would have been the likely outcome of the case if it had gone to court, I think he would be reassured on that point also.

The Hon. J. D. Corcoran: He can forget about that one, too.

The Hon. D. A. DUNSTAN: He knows about it. The other matter to which I should specifically refer concerns the amount of the costs involved in this matter. The original agreement was that we would secure the costs, as taxed, immediately by an initial payment of \$7,000. Since that time there has been a conference between Crown Law officers and the solicitors for Mr. Woolley, and the costs have been agreed at \$9,985, which sum will be finally paid. I am not certain whether the cheque has gone yet but, if it has not, it will go shortly. So I can only say to members opposite that the two grounds of their motion of discontent with the Government fall. In the first place, they condemn us for our handling of the dispute, yet we have settled it.

The Hon. Hugh Hudson: That's why they condemn us.

The Hon. D. A. DUNSTAN: Yes; they do not like it. In the second place, they say that by paying the costs we have done something extraordinary, unusual and contrary to law, and have disbursed the taxpayers' money wrongly. That, on any analysis of what has happened previously here or anywhere concerning Governments, is a load of complete nonsense.

The Hon. D. N. BROOKMAN (Alexandra): The Premier's information this afternoon was largely wrong: it was not an industrial dispute, in spite of the Premier's claims that it was, and I want to get back to that matter in a minute. I am disgusted with the Government's face-saving attitude and with its extravagant way of settling what it termed to be an industrial dispute by resorting to nothing other than the use of Danegeld.

The Hon. G. T. Virgo: What?

The Hon. D. N. BROOKMAN: Danegeld. If members opposite have read their history they will know what it is: an effort was made to buy off the Danes with Danegeld, but it did not work for long. The Government has two general defences to any attack made on it: the first thing it says, if it can, is, "Oh, well, the previous Government did it"; or, secondly, whether or not it is justified, "It's the Commonwealth's business; it isn't ours." I see in the paper this afternoon that the Premier is asking for a mini-Budget, and no doubt a part of that mini-Budget is required to help South Australia pay nearly \$10,000 to settle what is termed an industrial dispute but what, in fact, amounts to nothing less than victimization of an innocent community, which

for geographical reasons was in a most difficult position.

Using sound logic, one would have thought that Kangaroo Island should be the easiest area in the State to bully but, as it turned out, it was not. The people of Kangaroo Island were extraordinarily united in their attitude, and I refer not only to farmers but to the whole community, ranging from the workers to the employers. I was with the people on Kangaroo Island when it was decided to invite the Premier to visit them. I was actually with Mr. D. G. Kelly, the Chairman of the District Council of Kingscote, who is not to be confused with Mr. W. B. Kelly, who is on the committee. As one of the community leaders, Mr. D. G. Kelly has played a sound part in the activities of that community, taking what everyone now knows to be a level-headed and courageous stand. He did not try to stir up the community; in fact, at one stage he was under some criticism, albeit shallow criticism, because of the force with which he put to the meeting of farmers the proposed terms of settlement.

Mr. Kelly did not agree to the acceptance of those terms, but he had been at the conference when, I think, 10 points were put without prejudice to the Kangaroo Island community. He was at the conference and did not agree to those points, but he undertook to put them to the meeting as fairly as possible. Before that meeting commenced, he had telephone calls from two Government Ministers (the Minister of Labour and Industry and the Minister of Roads and Transport) both, as I understand it, urging him to be careful to outline the conditions fairly. He put them very fairly indeed and, as I say, he was even subjected to some criticism, though only temporary, for the very fair way in which they were put, but they were rejected overwhelmingly by the people. The community there had never been more united than it was on this issue; but this went back to previous problems and the people of the island quite understood that it was not simply a matter of a quarrel between a union organizer and a handful of farmers. They realized they were being held to ransom and that if they gave way they would not be doing the State a service: on the contrary, they would be doing it harm. For that reason they were particularly stout-hearted.

The Premier this afternoon made one statement to which I object; it was completely wrong. He referred to our bitter hatred of the trade unions. That is a common complaint

that I hear coming from the Government side of the House. It is a loose and wild statement and is untrue. It is untrue of the Party on this side of the House and it is untrue of the people on Kangaroo Island. The Kangaroo Island attitude may be summed up by the words of Mr. Len Trethewey, Chairman of the District Council of Dudley, who was reported in the *Advertiser* of June 28 as follows:

But it was left to local old-timer Mr. Len Trethewey to summarize the feelings of the island community. "We resent what we believe is union stand-over tactics and black-mail," he told me. "Islanders respect and acknowledge principles of unionism," Mr. Trethewey said.

I should like to hear someone deny that, because it is true. He went on to say:

"But this is farmland, not station country where big team unionists operate. Here there's a 'big family' feeling. Everybody's next-door neighbour is always ready to hop the fence to help. With unionism we'd be no better off than we are now."

No-one should know better than the Minister of Lands in this Government how difficult is the economic situation of the farming community on Kangaroo Island and how necessary it is that those young people on the farms should take employment from time to time off their own family farms. That is what is done in quite a widespread way on the island, and that is where the trouble began.

Mr. Woolley, who is another person who, I would say, is more than level-headed, not an excitable man, not a quarrelsome man, was faced with a choice that was very bluntly put to him—that he must sack his employees or suffer the consequences. He had to sack those employees because they would not join the union, but he refused to sack them. His wool was thereupon declared "black". Mr. Woolley took the stand, a level-headed stand, that it was not his job to recruit members of the union; and neither was it. Everyone knows it is not his job. According to the evidence that was later given to and accepted by the judge, Mr. Dunford said, "It is the only way we can get these chaps", and that is the key to the whole of this matter. Mr. Woolley was not going to be in the position of sacking men simply to recruit members for the union. As he said, it was not his business. There were no unionists offering for employment at the time anyway. It is all right later for the organizer to say that he could find some, but they were not available at the time.

As a result of the court order and the awarding of costs, there were a few days of uncertainty while people waited for those costs to be paid in. What happened instead? The entire island was placed under a ban for five main commodities; five main items of primary industry were placed under a black ban on every farm on the island. The major item, of course, was livestock but there were others—agricultural machinery, wool, superphosphate and grain. At that time the drought on Kangaroo Island was one of the worst it had experienced because there had been little or no rain since January, and it is always urgent in that kind of district to have an early autumn rain in order to give the crops a chance to grow before the cold weather sets in. Those rains did not come this year and Kangaroo Island, from a pasture point of view, was in a worse condition than it had been in for many years. Stock had to be removed and it was at that time that this ban was applied, not only to the people who were involved in the court case (Mr. Woolley and a few other farmers whose names are well-known) but also to the entire island, and on what pretext? Only the pretext that the farmers generally were anti-union.

I have said that that is wrong. It is so wrong that it is a lie. The farmers on Kangaroo Island are not anti-union; they are, as I say, ordinary level-headed folk and, when faced with this kind of threat, they pull together. The proposals that they were asked to accept, which Mr. Kelly put to that meeting, were so far-reaching that they could not possibly be considered. The farmers were asked, amongst other things, to give three weeks notice before shearing. In any case, they decided they did not want to be involved in that, and they had no reason to be involved in it.

Then came the announcement that the Government was going to pay the costs involved. I was on Kangaroo Island at that time and, from the time I heard that until the time I left, I did not hear one good word about it. People came up and said they were disgusted, and that was the general attitude they took. People pointed out that the Labor Party received a political levy of about \$3 or a little over \$3 from these unions, to help the Labor Party, and the Government hands back what has now been disclosed as \$9,985 to keep the union quiet. We have always objected to the way in which that political levy is raised. It is raised in a most unfortunate manner and, of course, the unionists have no alternative but to pay it. Now the Government has decided to use the



people's money to repay the trade union movement nearly \$10,000 in order, as the Government says, to avoid further problems. The Minister of Labour and Industry, who is listening to me, has been astonishingly inactive throughout this dispute.

Earlier this afternoon, the answer that the Minister gave in November last year, before the case became *sub judice*, was read out. The Minister on that occasion gave a most extraordinary version of industrial history, talking about how field guns were used against the workers in the 1890's. That is the only statement made by the Minister in this House on the matter, because the case then became *sub judice* and the Minister was able to relax, paying attention to other matters and not worrying about whether Mr. Woolley was hungry or in a difficult financial position. It is clear from the answer the Minister gave in November that he has no sympathy with Mr. Woolley. It is perfectly obvious that, had Mr. Woolley been ordered by the court to pay these costs, the Government would have been energetic in seeing that the court order was enforced.

This Government accuses us of hating the unions bitterly, but I say that I am bitter about the way the Government deals with unions. On one occasion, the Minister of Roads and Transport issued an order with an ultimatum stating that unionists be employed: this was by order of the Minister. That matter has been discussed in this House previously. From what the Premier said today about farmers on Kangaroo Island, one would almost think that the Government had an affection for them. I do not know whether the Premier would like to have heard what they said about him and his Government throughout this dispute.

The Hon. L. J. King: After your two leaders stirred them up over there, it isn't surprising.

The DEPUTY SPEAKER: Order!

The Hon. D. N. BROOKMAN: There was no stirring, and there was no need for stirring. The Attorney-General wants to sidetrack me, but I can tell him that, with or without encouragement from the mainland, the people of Kangaroo Island would have taken the attitude that they did take.

The Hon. L. J. King: They got plenty of encouragement.

The Hon. D. N. BROOKMAN: They did not get any encouragement from the Government; they got nothing but abuse, such as was contained in the answer given by the Minister of Labour and Industry last year.

Mr. Millhouse: I wonder whether they would have paid the settler's costs if the judgment had gone the other way.

The Hon. D. N. BROOKMAN: I have pointed out that of course they would not have done so.

The DEPUTY SPEAKER: Order!

The Hon. D. N. BROOKMAN: The Government has been universally condemned for what it has done, and it knows it. What the Leader of the Opposition has said about the majority of the people disapproving of the Government is perfectly true. The Government will not have to resign, for it has the numbers to survive, but on this issue it knows it would go down the drain straight away if the people had an opportunity to express their view. The people universally condemn the Government for its action in this matter. The Government says that it has a good record with regard to industrial peace, but now it can only say that it has bought industrial peace with \$10,000 of State money. I support the motion.

The Hon. D. H. McKEE (Minister of Labour and Industry): I can understand the disappointment of members of the Liberal and Country League, of the Liberal Movement, and of whatever other political Party members opposite might think up to hoodwink the people, because they put much hard work, plotting and cunning into this attempt to bring about the situation to which they have referred today and which is similar to what happened in this country before the turn of the century. Members opposite wanted a repetition of that. They are sad, disappointed, bitter, and extremely annoyed because their plot has come unstuck as a result of the Government's responsible action in solving the problem. Apart from five years service in the Australian Imperial Forces, all my life I have been involved with industrial matters concerning working people. I left school in the early 1930's, at the height of the depression. At the age of 15 years I joined the ranks of many other young Australians, tramping throughout the country in search of work. We camped under bridges, in stock sale-yards, and often in the open in the wet and cold. Of course, in those days the only place in which there seemed to be full employment was the Police Force. However, we did not mind getting pinched for train jumping, because it was the only way we could get a feed on many occasions.

The fiasco taking place here this afternoon reminds me of an incident that occurred in the mid-1930's in the Callide Valley in Queensland. We arrived there for the cotton-picking

season, many men having with them their wives and families. So many people arrived there that growers decided they would get their cotton picked on the cheap, and they offered us the handsome sum of 50c for each 100 lb. of cotton picked. Any member who knows anything about cotton knows that it is lighter than fairy floss. After giving it a go, we decided we should hold a meeting in the nearby town. Naturally we had a good gathering. We were just about to commence proceedings when, out of the crowd, came six policemen who were armed with the biggest revolvers I have ever seen. They arrested four of us, and I do not need to say that we went very quietly. However, after about three days, they decided that we were eating too much; they let us go because we were causing a bit of expense to the Government. They decided to release us on the condition that we should immediately vacate the area and leave the valley. Naturally we agreed to their terms.

That happened well over 30 years ago. It is hard to believe that in this State today we have political Parties (namely the L.C.L. and the L.M.) that want to gaoil people for taking part in industrial struggles. That is the exact role that the Opposition has been playing. It is utter rubbish for members opposite to say that they were concerned about the Government's paying the costs. If members opposite had their way it would have cost the State many hundreds of thousands of dollars a day—not a lousy \$7,000 or \$8,000.

The people should be told the truth about the part that members opposite really played in trying to extend this dispute. The tactics they tried to use were a very weak attempt to make a political comeback and to see who was the strongest in the political furore going on among them. They wanted to see who could emerge the strongest and who would be the Leader. Furthermore, they wanted to see which Party would come out better. They wanted to see whether the victor would be Mr. Hall, Dr. Eastick or the Deputy Leader, who has the unique position of being Deputy Leader of both Parties; I am referring to the member for Mitcham, who has been jumping into and out of his seat like a ballet dancer with hives. However, they have cunningly avoided telling the people what it cost the Leader of the Opposition and some of his colleagues to go on their jaunt to the island for one purpose—to preach their policy. Incidentally, the only policy they have in connection with the coming Commonwealth

election is a policy of industrial unrest. There has been no mention of the recent test case in connection with union amalgamation; that case cost a sum many times greater than the sum involved in the motion we are now debating. The case was conducted at the behest of the Democratic Labor Party for the purpose of buying D.L.P. votes; members opposite cannot deny that.

Not one of the three Opposition members who have spoken this afternoon has been able to say that he made the slightest effort to solve the problem; that, in itself, should be sufficient to convince the public of the real motive behind their actions. Instead of trying to settle the dispute, they have tried to extend it. The Opposition encouraged the move to transfer the dispute from the Industrial Commission to the Supreme Court; that was an affront to the trade union movement. They did that in the hope that they could bring the State to a complete standstill, which would have cost the State a huge sum. The public should be warned about any political Party that is willing to use such underhand tactics in an attempt to gain political power. I felt sorry for the Leader of the Opposition this afternoon, because he is very inexperienced in industrial matters; if he had not been so inexperienced he would have made some effort to solve the problem. If the member for Alexandra had not announced his intention to resign, he would have lost his Party endorsement. I am quite sure that the Premier has adequately replied to the remarks of the member for Mitcham.

Mr. GOLDSWORTHY (Kavel): This motion centres upon the Government's extraordinary decision in connection with a recent court case. I would have thought it would be difficult to be surprised at a decision that this Government made, in view of the decisions to which we have become accustomed during the past two years. However, quite frankly, I and many others in this State were amazed when it became public that the Government had decided to pay the costs awarded against the union official in this case. So, the list of extraordinary decisions by this Government continues to grow, but I believe that the latest decision is the most extraordinary of all. Today the Premier and the Minister of Labour and Industry have attempted to justify the decision. I believe that the decision does two things; first, it strikes at the authority of the court. In this case, a judgment was given in favour of a Kangaroo Island farmer, and costs were

awarded against the union official. As has been explained, the costs were in the nature of a penalty. So, the Government's decision strikes at the court's authority. Secondly, the Government's decision strikes at the fundamental right of a citizen to claim redress through a court when he believes he has suffered an injustice. In respect of the first point I made, the Government is paying the penalty for this union official. In attempting to justify the decision, the Premier said this afternoon and he said in the press that the decision was taken to avoid industrial unrest and a widespread strike. The Premier said:

It would have been an act of gross negligence by the State Government not to attempt to settle the dispute to avoid a general strike, which would have cost the taxpayers a great deal of money.

I believe that this was the gravamen of the Premier's argument this afternoon. In trying to justify the decision, it was said earlier that, if Mr. Woolley had lost the case and costs had been awarded in favour of the union official, the Government would have paid Mr. Woolley's costs. In view of what has been said this afternoon and in view of the Premier's assertion that this was done to avoid a general strike and industrial unrest, I do not believe him; nor does the public of South Australia. What recourse to strike action would the Kangaroo Island farmer have had? What justification would the Government have had to pay Mr. Woolley's costs? There would have been no justification.

I submit that the attempts, first by the Minister Assisting the Premier and then by the Premier himself, have been entirely specious. It is apparent to me, to members on this side of the House, and to the public at large, that the Government does not see principles very clearly. The philosophy it espouses seems to be peace at any price; that is what has been said this afternoon. It does not matter whether justice is done: what the Government did was in the interests of peace! However, I do not believe that the public is prepared to pay this price—the price the Government attempted to pay in this case. The Government said, and the Minister in his rather halting fashion said, that \$7,000 is peanuts. This tends to reinforce in my mind the point that the Government does not see a principle involved. What are we worrying about? What is \$7,000 between friends?

The Government has seen fit to undermine the court's authority, so now we will be faced with the situation whereby the Government

will attempt to prohibit the average citizen of this State from having recourse to the court in the interests of justice. What is it that the unions fear in this situation? Are they afraid that justice will be done? Have they no confidence in the judges of the Supreme Court? I believe that this move strikes at the very roots of our democratic system as we know it. I believe that it smells of union dictatorship and shows that the Government, as we know, is completely thrall to the union movement. It was reported in the *Advertiser* that the Amalgamated Metalworkers gave the A.L.P. \$25,000 for its campaign funds, so maybe this is a pay-off. I do not know, but perhaps that is irrelevant to the motion. We have seen time and again that the Government is completely thrall to the trade union movement in matters of this kind. The simple matter of justice does not seem to count for twopence in a consideration of this kind. I and the vast majority of the citizens of the State see a principle involved. Of course, the unions see another principle involved: to bulldoze people into joining the movement—it does not matter on whom you tread in the process, even if it be an innocent farmer on Kangaroo Island, who becomes the tool to force unwilling people to join the union. The principle they see is compulsory unionism at any cost.

However, fortunately there are some people in this State who see another principle involved, namely, justice, and it is the proper function of the court to see that justice is done. In this case, the Government took action, I believe, to see that justice was not done. The Premier's position in this matter is not a peculiar one, as there have been situations previously when he has been absent from the State when important matters of moment for the citizens of the State and the Government occurred. He was absent when the Labor Party decided to withdraw from the moratorium marches, and he was stuck with the decision made in his absence.

We have the position again where we are not clear whether the Premier was in Adelaide when it was decided to pay the court costs, and he has not enlightened us about it. He was out of the State "holidaying" when this important question concerning the welfare of the people of this State and of Kangaroo Island was under discussion. His holiday consisted of doorknocking for the A.L.P. Many people wonder just what the taxpayers are paying him for. Is he working for the people of this State or for the

Labor Party? For the last several months the Premier has been visiting other States doorknocking on behalf of his Commonwealth colleagues and other Labor candidates.

I believe this matter is one of principle, whereas the Government does not see a principle involved. Unfortunately, I do not think the Government sees a fundamental right is involved, namely, the right of the citizen to see that justice is done. The Government has not been willing to uphold this position but has seen fit to undermine the court's authority and to seek to deny the right of an individual to ensure that justice is done.

I believe the position has been stated on numerous occasions in the press and that the view abroad in the State is accurately reflected. The following editorial in the *Chronicle* is an accurate reflection of the thinking of many of the people in the State:

State Government's action this week in paying Supreme Court costs awarded against a union secretary in the Kangaroo Island dispute has shocked and horrified urban and rural taxpayers throughout South Australia.

That the sum is \$7,000 is irrelevant, but a clear principle is involved, one that is seen clearly by the citizens of the State. As the Government deserves the utmost censure, I support the motion.

Mr. WRIGHT (Adelaide): I oppose the motion. It is reasonably easy to understand the confusion of the Opposition regarding this whole matter and the history of, causes of, and remedies for it when the Leader of the Opposition said that I was representing the employers in a recent board of reference case, together with Senator Cameron.

Dr. Eastick: Employees.

Mr. WRIGHT: If the Leader checks *Hansard* and if it has not been corrected, the word was "employer".

Dr. Eastick: I immediately corrected myself and said "employees".

Mr. WRIGHT: You did not correct it until I told you to do so. I am showing how confused you are; that is the whole point. You do not even know which Party you represent from day to day. One moment some of you are the Liberal Party and next moment you are in the L.M. Party. This is a further attempt to try to cloud the issue. As I have listened with decorum to every Opposition member speak, I expect the same privilege. However, I am not going to get it because I am going to tell a few truths. I will draw you to the polls and you will argue, but I will refute what you put up.

The representation of me put by the Deputy Leader of the Opposition, who claims to be Deputy Leader of both Parties and who in press reports is claimed to be Deputy Leader of both Parties, is again incorrect. He said that I am now Vice-President of the A.W.U. because it appears in the 1970-71 or the 1971-72 records, but I have held no official position in the A.W.U. since I resigned on July 12 last year.

Mr. Slater: Wrong again!

Mr. WRIGHT: Yes. In all cases of this nature, obviously there must be a culprit. In this case, it is the employers in the State. History provides us with no other opportunity to examine a case of this nature anywhere else in Australia, other than in South Australia.

Mr. Goldsworthy: So the Premier's examples were phoney.

Mr. WRIGHT: No. He was not talking about torts, but I am talking about torts. The culprit in this case is the employer, backed up by snide lawyers who could see money to be made for themselves out of taking such a case.

Mr. Gunn: You can do better than that.

Mr. WRIGHT: Yes, and you will learn something. However, the lawyers found that the money was not there for the taking because they had to find some law other than the English Trade Union Act which, when it was passed, was thought to be a way of overcoming the situation of tortious acts. That ought to have been the situation in South Australia since 1904, when the Commonwealth Arbitration Act was introduced. You cannot have it both ways. On the one hand it is said that you want disputes settled by arbitration, and the union believes in arbitration, rightly or wrongly. The Deputy Leader omitted to read that out. The policy of the A.W.U. is to work through arbitration: we always try to settle disputes by arbitration. You often say we should work within the confines of the Arbitration Act. Then, surely you cannot say you want matters taken out of the hands of the Industrial Court and placed in the hands of the Supreme Court.

Mr. Carnie: Is that what was said in 1970?

Mr. WRIGHT: I am talking about the A.W.U., and the case to which the honourable member refers concluded that that was the policy at that time. Indeed, it still is. You cannot have it both ways: you either settle a dispute by arbitration or you take it to the Supreme Court. You want it both ways, but the trade union movement says, quite rightly, that you are not going to do it. The whole

purpose of the Arbitration Court in this country, which was set up in 1904 by both major political Parties, should pave the way to prevent any further civil action. From 1904 to 1970 there has never been one case of that nature in this country. Is that not conclusive proof of why the Arbitration Court was set up and why the Conciliation and Arbitration Act and the Industrial Code should control arbitration matters? Is that not their whole purpose?

You (and when I say "you" I mean you) decided to take a test case, because you are the people supporting the employers of this State. You support the big employers, but not the little working people. You have never supported trade unions in your life and, what is more, you never will. While in Government, you have never done one thing that has benefited trade unionists in this State. It was decided to take this case to the Supreme Court, before Mr. Justice Wells, as the first test case in Australia since 1904. There is a record of cases being held under tortious law before that, but not since then. All members would have to agree that, the law not having been tested for 70 years, there was not much doubt about its being a test case. I can give members conclusive proof of the Commonwealth Government's having paid for test cases in the High Court on numerous occasions. If it is good enough for Commonwealth Governments, both Labor and Liberal (because both have done it), surely it is right and proper for the State Government to do it. Indeed, it is its responsibility to do so. It should be not the individual's responsibility but society's responsibility to pay these costs, and I reiterate that they are costs and not fines. Some people have tried to make us believe that Mr. Dunford was fined, but that is not so. He was not fined, and no damages were awarded against him, either. I am convinced, in relation to the rights of 18-year-olds to vote, that the way has already been paved for the costs in Jones's case to be paid by the Commonwealth Attorney-General (Senator Greenwood). Let members see how wrong I am in making that forecast. Indeed, I will go one step further and say that the Deputy Leader will be paid for his legal services.

Mr. Curren: The double Deputy!

Mr. WRIGHT: Refer to him as you will. Let members see how wrong my forecast is in this respect. The Premier made it clear today to any sane, sensible-thinking person that the way had to be paved for the conferences to take place. I will not reiterate what was said

in this respect, because I do not believe in wasting the time of the House. However, had that way not been paved in what sort of chaos do you think the State would have been? Is that what you wanted? Not only do you want it but you also supported it. I accuse the Opposition of supporting a straight-out confrontation in this State. I liken its actions to those of Louis XVI of France and to those of Tzar Nicholas of Russia, both of whom forced revolution on the people. If that is the attitude the Opposition takes in relation to these matters, they will find that the trade union movement—

Mr. Venning: The big stand-over man!

Mr. WRIGHT: You are the one who is standing over, by taking industrial action from where it belongs and placing it in the Supreme Court. No trade unionist in this State or in any other State will accept that sort of situation. You would have had this sort of confrontation on your hands had it not been for the good actions of this Government. It has been the habit of the ruling classes throughout history to promote this sort of action. The ruling classes have done this throughout history, and you know it.

*Members interjecting:*

Mr. WRIGHT: When I get jeers from Opposition members, I know I am doing well. They only encourage me to pursue my argument even further. I should like now to refer to that part of His Honour Mr. Justice Wells's judgment which the Deputy Leader omitted to read to the House: the sort of thing that works in Mr. Dunford's favour and in favour of the trade union movement in this State. In his judgment Mr. Justice Wells states:

I am satisfied that a real, prolonged and strenuous attempt has been made to compose those differences, but unhappily that attempt has failed. I sincerely trust that the efforts of those concerned have not been expended in vain—

he is giving the union a lot of credit—

and that what has been done will provide a basis for a lasting settlement. I am impressed with the necessity for such a settlement because, in my view, the present case has not arisen out of a transient and circumscribed departure from an orderly and well-established course of business and industrial relationships, but is symptomatic of a fundamental disharmony between farmers and union shearers. Unless a comprehensive agreement is reached resolving their differences, I can see ahead a vista of disputes and further litigation which can only leave a legacy of bitterness, and which will represent fruitless attempts to deal with a problem piecemeal.

What is the judge telling the people of South Australia? He is telling them to settle their

disputes in the Industrial Court and not take them to the Supreme Court. He continues:

In my opinion, having regard to the facts generally, and to my findings as to the American River incident in particular, I am constrained to grant the injunction.

What does that mean? It means that he did not want to grant the injunction but that he was compelled to do so under a law that has been lying dead and buried, and in vain, for almost 70 years.

Mr. Crimes: They like dead things.

Mr. WRIGHT: It is their policy. The judgment continues:

But I am moved to say that if I thought I had the power I should make the injunction conditional upon the plaintiff's filing a written undertaking in the court that, as soon as reasonably practicable after June 1, in 1972, and June 1, in 1973, he would give notice to the Secretary of the A.W.U. in Adelaide of the date (as nearly as could be stated) upon which it was his intention to commence shearing—

That is what it is all about: a date on which to start shearing and on which the union representatives could organize in the area. Surely that gives the lie to the rubbish we have heard today from the Leader and Deputy Leader of the Opposition. The judgment continues:

and that he would not actually engage any shearing labour until 28 days after the giving of that notice.

That is from the judge who heard the case—not from me. His Honour continues:

If I was being asked to grant an interlocutory injunction, that is how I should probably proceed; but, for reasons to be given later in this judgment, I am of the opinion that I have not the power to impose conditions of this kind when a final injunction is being sought.

Later, the judgment states:

I have already indicated how I view the larger issues thrown up by the controversy in this case. I do not hesitate to assert that the plaintiff appears to have adopted a short-sighted and self-deluding attitude towards the growing interest of the A.W.U.

That is the plain fact of the matter. That is a statement by the judge who took the case. He is giving a severe rap over the knuckles there. His Honour also states:

If his views are shared by other farmers on the island, then they have, as a group, behaved unwisely and been strangely unwilling to face facts. I do not wish to say more than that because I am not in the same position as I would be if, as a conciliator or arbitrator . . .

Again, the judge is telling the people of South Australia that this case ought not to be in the Supreme Court, that it ought to be before a conciliator or arbitrator, and that is the way it was settled by the good offices of Com-

missioner Lean, who gave great service to the State with great patience to try to overcome the situation. I say indisputably that it was in the public interest to pay these costs. If you want war with the trade union members and the workers of this State, you continue to place these cases where they do not belong.

Mr. Mathwin: Is that a threat?

Mr. WRIGHT: You accept it how you like. I am making a forecast for the future, but the honourable member would not understand. I am warning you, as a responsible Opposition, to wake up and not start promoting this sort of trouble, because the trade unions will not accept it and have no intention of doing so.

Mr. Jennings: Do you think it is a responsible Opposition?

Mr. WRIGHT: I am saying that it ought to be. I want to make clear and emphasize that what was paid was not a fine or penalty, because I think some members on the other side are still confused about what the costs incurred in this matter were. They were costs incurred because a lawyer dug up a law which, as I have said, ought to have been removed from the Statute Book.

Mr. Venning: Whose costs were they?

Mr. WRIGHT: They were Woolley's costs. Dunford's costs have not been paid. If you cast your minds back to the Clarrie O'Shea case, you will remember that that case was not confined to Victoria. Before the conclusion of it, trade unionists were pulling their labour out all over Australia, because of a fine imposed on a trade union. One thing that ought to be made clear is that the Adelaide gaolers met and they would not accept Jim Dunford in gaol if he was brought there to be gaoled. What sort of chaos would that have caused? The member for Rocky River would like that to occur. I would be surprised if you did not take some action on the island while the dispute was on, to keep it going.

Mr. Venning: Find out the truth.

Mr. WRIGHT: I conclude by elaborating on the alternatives that could occur and will occur when an attempt is made to gaol a trade union official. I quote from Shelley's *The Mask of Anarchy*, which states:

Men of England, heirs of glory,  
Heroes of unwritten story,  
Nurslings of one mighty mother,  
Hopes of her, and one another;  
Rise like lions after slumber  
In unvanquishable number.  
Shake your chains to earth like dew  
Which in sleep had fallen on you—  
Ye are many—they are few.

That is the situation that the working class is in at this moment.

Dr. EASTICK (Leader of the Opposition): I will not break into verse as the member for Adelaide has done, but he has whetted my appetite.

Mr. Jennings: For what?

Dr. EASTICK: For Shelley. The member for Adelaide has said that we should not have confrontation and that we on this side are interested in war. He has conveniently forgotten the statement which can be attributed to Mr. Dunford, which has been read this afternoon and which I shall read again. The statement was made on July 10 and reported in the press of July 11. Mr. Dunford said:

Delay a confrontation until another time.

It is all very well to suggest that the war will emanate from this side and that the confrontation comes from this side, when the person involved in this dispute has made a public statement of the kind that I have read. The Premier also has tried to show that members on this side have used Kangaroo Island as a political football and have been there for purposes other than the interests of the people. I say categorically that I went to Kangaroo Island by invitation. I went with the member for the district and I went to try to assess the situation there.

The Hon. D. H. McKee: Did you meet the endorsed candidate while you were there?

Dr. EASTICK: We have heard much about confusion this afternoon and I know that it is not right to reply to interjections, but one so puerile as that requires a reply, because there is no such person, as the Minister should know. We have also had the suggestion that there has been a tremendous amount of rubbish in this matter. What is rubbish and what is fact are matters of point of view. It is a matter of point of view whether the rubbish or the facts have all come from the one side.

I was interested (and I did not take this as rubbish, because it is extremely important) to hear the aside made by the Premier. In case all members did not hear it, I shall repeat it. It was a reply to a question asked by the Deputy Leader across the House a few moments ago about whether Dunford's costs would be met by the Government. The answer was a categoric "No", that they would not be paid by the Government. At least the people in the community will be interested to know that, because it is an answer that we have not been

able to obtain until now. Mr. Woolley's costs have been met.

The Hon. Hugh Hudson: That was clear from the word go, unless you wanted to misinterpret it.

Dr. EASTICK: That was the first time that we have had an answer, and I was thankful for it. I am merely making the point that it came from the Premier's lips only a few moments ago, and I bring it to the attention of the House. Earlier the Premier said that there were cases in which the Commonwealth had involved itself after the event of an action. It is interesting to find subsequently what are the facts relating to the *Allan v. Barnes and ors.* case. They are two distinctly different cases. The payment in *Allan v. Barnes* was in the form of legal aid to allow a person to obtain legal assistance that otherwise might have been beyond him. Provision is made for such payment in the relevant legislation.

The payment here is not in the category of legal aid: it is a payment of the costs awarded by the court against a person who has been before it. I do not need to argue that situation. One case is the payment of money to allow a person to use the full resources of the law to pursue justice that otherwise might be beyond his resources. Putting it another way, the major difference between the two cases was that the *Allan v. Barnes* case was an Industrial Court matter involving the enforcement of union rules, while the Dunford case was a civil action to obtain redress for a civil wrong. It is important that the people of this State know that and are not confused or placed in an invidious position as a result of this afternoon's announcement by the Premier.

We have had only scant information from the Premier in his reply concerning the actual decision made by Cabinet. I again refer to June 23, when Commissioner Lean was able to tell those before him that costs were not involved. It will remain open to conjecture whether the decision had been made that the Government was to pay or, otherwise, how the Commissioner was able to give that categorical statement.

In conclusion, I refer to the editorial of July 12, which states in the last paragraph:

Yesterday, Mr. Broomhill indicated that the Government proposed to legislate to remove from the jurisdiction of the Supreme Court to the Industrial Court all actions arising from industrial disputes. Such legislation will require very close scrutiny in Parliament to ensure that the existing rights of private citizens are fully preserved.

With that view I hold. I believe that the people of this community have expressed themselves in many ways that they find fault with the attitude and the action of the Government, and that they will not tolerate the placing of the union organizer or the union secretary on a pedestal where he is above the rest of the community. I have no doubt that, when certain foreshadowed legislation comes before the House, if it does, it will receive considerable scrutiny not only from the people but also from their representatives. The final sentence in the editorial, which is especially interesting, is as follows:

Some safeguards against the capricious Government use of taxpayers' funds to pay unionists' costs would also be welcome.

I believe that this is an attitude held by many people in the community. I ask the House to support the motion.

The House divided on the motion:

Ayes (20)—Messrs. Allen, Becker, Brookman, Carnie, Coumbe, Eastick (teller), Evans, Ferguson, Goldsworthy, Gunn, Hall, Mathwin, McAnaney, Millhouse, Nankivell, and Rodda, Mrs. Steele, Messrs. Tonkin, Venning, and Wardle.

Noes (26)—Messrs. Broomhill, Brown and Burdon, Mrs. Byrne, Messrs. Clark, Corcoran, Crimes, Curren, Dunstan (teller), Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, King, Langley, McKee, McRae, Payne, Ryan, Simmons, Slater, Virgo, Wells, and Wright.

Majority of 6 for the Noes.

Motion thus negatived.

#### PUBLIC WORKS COMMITTEE REPORTS

The SPEAKER laid on the table the following reports by the Parliamentary Standing Committee on Public Works, together with minutes of evidence:

American River, Kangaroo Island, Water Supply,  
Braeview Sewerage Scheme,  
Campbelltown Infant School (Replacement),

Clare Primary School (Replacement),  
Flinders Medical Centre,  
Glenside Hospital Additions (Psychogeriatric Admission Unit),  
Goodwood Primary School (Replacement),  
Hospital for Criminal Mental Defectives, Yatala,  
Mitcham Demonstration School (Replacement of Infant Accommodation),  
Mitchell Park Primary School Additions,  
New Mount Gambier Courthouse,  
Reorganization of North-Eastern and Eastern Suburbs Sewerage System,  
Salisbury North Primary School (Replacement),  
Snowtown Area School (Replacement),  
Yorketown High School.

Ordered that reports be printed.

#### SESSIONAL COMMITTEES

Sessional Committees were appointed as follows:

Standing Orders: The Speaker, the Hon. D. N. Brookman, the Hon. L. J. King, and Messrs. McRae and Millhouse.

Library: The Speaker and Messrs. Becker, Payne and Simmons.

Printing: Messrs. Crimes, Gunn, Keneally, Mathwin and Slater.

#### ADDRESS IN REPLY

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

That a committee consisting of the Hon. J. D. Corcoran, Messrs. Clark, Keneally and Langley, and the mover be appointed to prepare a draft address to His Excellency the Governor in reply to his Speech on the opening of Parliament, and to report on July 19.

Motion carried.

#### ADJOURNMENT

At 5.24 p.m. the House adjourned until Wednesday, July 19, at 2 p.m.