

LEGISLATIVE COUNCIL

Thursday, July 20, 1972

The PRESIDENT (Hon. Sir Lyell McEwin) took the Chair at 2.15 p.m. and read prayers.

QUESTIONS

AGRICULTURAL EDUCATION

The Hon. C. R. STORY: I seek leave to make a statement prior to asking a question of the Minister of Agriculture.

Leave granted.

The Hon. C. R. STORY: Yesterday, the Minister replied to me in regard to the report of the Agricultural Education, Research and Extension Committee. I think the Minister must have been under some misapprehension, because he said that copies of this document had been tabled in both Houses, but I cannot find any record of it. If the document has not been tabled, will the Minister ensure that this is done, because I believe that it is of great importance to the primary industry sector of the community?

The Hon. T. M. CASEY: I think the honourable member was not quite correct when he said that I said that the report had been tabled in both Houses. I think what I said was that I was under the impression that copies of the report had been made available to all members of Parliament. I know that copies were made available to Cabinet, and I thought that copies might have been tabled. I checked on this matter this morning and ascertained that over 200 copies of the report were printed, and I gave instructions that every member of Parliament receive a copy. Copies are available at the Government Printing Office for \$2 a copy, and I believe that the Parliamentary Library has a copy. If the honourable member or any other honourable member does not have a copy, I will ensure that he gets one.

WOMEN PRISONERS

The Hon. M. B. CAMERON: I seek leave to make a statement prior to asking a question of the Chief Secretary.

Leave granted.

The Hon. M. B. CAMERON: On November 24, 1971, I asked the Chief Secretary a question regarding children under the age of 18 months being accommodated in prison with their mothers. The Chief Secretary said in reply that he was willing to examine the possibility of having these children accommodated in prison. However, in his reply

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yesterday I do not think this aspect was covered. Will he now say whether this matter has been examined and, if it has not, whether it will be examined in the future?

The Hon. A. J. SHARD: Although I do not want to get too deeply involved in this matter, I understand that it has been examined by the Attorney-General, who is also the Minister of Social Welfare. That is why I knew the result of the other inquiry. Because I do not know what is the exact position at present, I will make inquiries and try to bring back a report for the honourable member as soon as possible.

MEAT

The Hon. L. R. HART: I seek leave to make a statement prior to asking a question of the Minister of Agriculture.

Leave granted.

The Hon. L. R. HART: The Minister of Agriculture and I have a common interest in meat marketing. On March 8 this year I asked him a question regarding the labelling of meat substitutes. He said the matter had been discussed at the last Agricultural Council meeting, when it was decided it should be referred to the Health Departments in the respective States, with a view to introducing legislation dealing with the labelling of meat, particularly artificial meat. Since then, the Pastoralists and Graziers Association of Western Australia has called for tighter legislation regarding the labelling of canned meats, as this is presenting a threat to the cattle and beef industry in that State. Will the Minister say what is the possibility of his introducing legislation to control the labelling of meat?

The Hon. T. M. CASEY: The question would have been better directed to the Minister of Health, on whom I am going to throw the onus in this matter. At the last Agricultural Council meeting we were all concerned that inroads were being made by synthetics into the red meat industry, and we were all unanimous that this matter should be taken up forthwith with the respective Health Ministers to see whether they would discuss it at their annual meeting. It was decided that it was desirable to ask them to examine the matter to see whether they could introduce legislation regarding the correct labelling of these products.

The Hon. L. R. HART: I thank the Minister of Agriculture for his reply. If the Minister of Health is more competent to answer the question, perhaps I should direct it to him.

The Hon. A. J. SHARD: This matter was brought to my notice only recently, and I do not know whether it was attended to officially while I was away. If it must be discussed at the conferences of Ministers of Health, that will not happen until early next year, unless a special meeting is called. However, I will take up the matter and ascertain the present position from the Director of Public Health. I shall be happy to let the honourable member have a reply in due course.

The Hon. L. R. HART: I seek leave to make an explanation prior to asking a question of the Minister of Agriculture.

The Hon. D. H. L. Banfield: No.

The Hon. L. R. HART: My question relates to the strip branding of meat, which has been considered for a long time.

The Hon. D. H. L. Banfield: Question!

The PRESIDENT: The honourable member must ask his question.

The Hon. L. R. HART: It is essential that people get meat of the proper description.

The Hon. A. J. Shard: Question!

The Hon. L. R. HART: Will the Minister of Agriculture study the regulations in order to see whether the strip branding of meat can be introduced?

The Hon. T. M. CASEY: On numerous occasions I have said here that I am absolutely in favour of the strip branding of lambs (I presume the honourable member was referring to lambs, as he has done so in the past). I am also of the opinion that hogget should be strip branded, because I do not like mutton dressed up as lamb at any time, and I think that this is one way the problem can be overcome. I hope the Abattoirs Board will introduce strip branding as soon as possible and, if it does, it will have my wholehearted support.

COURT COSTS

The Hon. R. C. DeGARIS: Has the Chief Secretary a reply to the question I asked on July 18 regarding court costs?

The Hon. A. J. SHARD: Cabinet decided on July 6, 1972, to pay Mr. Dunford's court costs. The financial authority for the payment derives from section 32a of the Public Finance Act, 1936-1970, which provides for excess expenditure beyond that appropriated by Parliament. Subsection (2) of that section provides that "the Governor in any financial year may by warrant appropriate to the Public Service within the State . . . if no . . . Appropriation Act has at the time of issue of the warrant been enacted, not more than an

amount equal to one per centum of the total of moneys . . . appropriated for expenditure during the last preceding financial year, and of such amount not more than one-third shall be appropriated for purposes other than previously authorized purposes". The payment was authorized by the Minister of Labour and Industry and, as the purpose was not a "previously authorized purpose", an excess warrant was issued known as form 3, which relates to authority for such expenditure signed by the Minister of Labour and Industry, and approved by the Acting Treasurer. The payment is recorded in a special line in the appropriation records and will be shown separately in the Estimates to be presented to Parliament in due course. The payment was made by cheque drawn by the Treasury under authority of the Minister of Labour and Industry and the form 3 excess warrant.

The Hon. M. B. DAWKINS: I, too, asked a question of the Chief Secretary on Tuesday last regarding court costs, as to the correctness or otherwise of the statement reported by the media as having been made by the Deputy Premier. The Chief Secretary was able to provide me with part of the answer, but I understand he has now the reply to the remainder of the question.

The Hon. A. J. SHARD: I think I should comment on the concluding part of the question asked by the honourable member on Tuesday. It stated, "Could he ascertain whether Mr. Corcoran actually said that the Government would have met the costs if Mr. Woolley had been the one liable to pay?" The answer is, "Yes".

KANGAROO SHOOTING

The Hon. C. M. HILL: I seek leave to make a statement before asking a question of the Minister of Agriculture.

Leave granted.

The Hon. C. M. HILL: My question perhaps should be redirected to the Minister of Environment and Conservation. I am not certain of the exact position, but I know that the Minister of Agriculture has an intimate knowledge of the rural areas in the north of the State, so I think it will be of interest to him. The question concerns kangaroo shooting in South Australia. This week I saw with some alarm a television programme in which it was claimed that the whole of the kangaroo population in Queensland had been shot and that professional shooters from Queensland were moving south across the border into New South Wales. This morning I read a rather old

newspaper report, but nevertheless a significant one, which states:

Licensed shooters killed 4,859,779 kangaroos in Queensland between 1965 and 1969.

I seek information concerning the position in South Australia. Can the Minister explain briefly the policy regarding the issue of permits to shoot kangaroos in South Australia; secondly, what permits were issued in 1970, 1971, and so far this year; and what numbers of kangaroos are involved?

The Hon. T. M. CASEY: I would be willing to give the honourable member a reply to this question, but as the department has now been transferred to the Minister of Environment and Conservation I think it would be only fair to allow him to reply to it. I will direct this question to the Minister in another place, and when the reply is available I shall bring it back.

TREE PULL SCHEME

The Hon. D. H. L. BANFIELD: I seek leave to make a brief explanation before directing a question to the Minister of Agriculture.

Several honourable members: Aye.

The Hon. C. R. Story: No.

The PRESIDENT: Did I hear a "No"?

The Hon. C. R. Story: Yes.

The Hon. D. H. L. BANFIELD: My question to the Minister follows his excellent speech yesterday in the debate on the Address in Reply when he said that officers of his department were in Canberra discussing the tree pull scheme with people in Canberra. Has he any reports on his officers' visit to Canberra?

The Hon. T. M. CASEY: The officers spoke to me this morning. Lengthy discussions took place in Canberra and I am pleased to be able to inform the Council (I have already informed the Hon. Mr. Sinclair, Minister for Primary Industry) that South Australia will now accept the scheme as directed by the Commonwealth, and we hope that some of our growers in this State will be able to participate in this Commonwealth scheme.

The Hon. R. A. GEDDES: Will the Minister of Agriculture next week state the terms and conditions with which horticulturists will have to comply in order to get financial help in the form of Commonwealth grants for tree removal?

The Hon. T. M. CASEY: Yes.

BURNING OF TYRES

The Hon. L. R. HART: I seek leave to make an explanation before asking a question of the Minister of Agriculture.

The Hon. D. H. L. Banfield: No.

The Hon. L. R. HART: There has been controversy recently in the Elizabeth area about the adverse conditions caused by the burning of motor tyres by tomato growers. It has been the practice for many years now for tomato growers to burn old motor tyres to reduce the frost hazard when that condition develops. On this occasion, through unsettled weather conditions, the smoke drifted over Elizabeth—

The PRESIDENT: Order! The honourable member must ask his question. He has been refused the opportunity to make an explanation.

The Hon. L. R. HART: Because of the hazard caused by the burning of motor tyres and because I am informed there is now no suitable substitute for the burning of tyres to reduce the frost hazard, has the Agriculture Department done any research into suitable substitutes so that tomato growers will not suffer the extreme losses they did on this occasion through the frost hazard?

The Hon. T. M. CASEY: Many lay people have come forward with suggestions, which have been referred to the Agriculture Department. One, of course, is something that I think is used commonly on the Murray River. Perhaps the Hon. Mr. Story will be able to elaborate on that because he lives in a frost-risk area that affects horticultural fruits. I think it is a wind machine.

The Hon. C. R. Story: I do not think I would get permission to speak just at the moment.

The Hon. D. H. L. Banfield: You can try.

The Hon. T. M. CASEY: I believe this wind machine operates on the principle of something like free light: it is driven by a motor or the wind itself. I think it is more or less a motor-driven machine, the idea being to draw the hot air down from the upper ceiling and thereby reduce the intensity at ground level. The department is looking at this problem, which is one of those problems that Nature brings upon us every now and again to try our patience. The department is most concerned about this and will do something if at all possible.

PORT MACDONNELL BREAKWATER

The Hon. M. B. CAMERON: Will the Minister of Agriculture obtain from the

Minister of Marine information regarding the proposed breakwater at Port MacDonnell, and has he any information about the experimental work that I believe is being done in relation to the project? Is any detail yet available regarding the rocks of varying sizes that I believe have been placed on the ocean bed in that area and that are being studied for movement?

The Hon. T. M. CASEY: I shall obtain a reply from my colleague and bring it back as soon as it is available.

KULPARA ROAD

The Hon. E. K. RUSSACK: I seek leave to make a short statement before asking a question of the Minister of Lands, representing the Minister of Roads and Transport.

Leave granted.

The Hon. E. K. RUSSACK: I refer to the bitumen road that runs from Port Wakefield to Kulpara. The swampy area through which the road passes provides a very poor base for the road. Consequently, it has deteriorated and become very undulating. All types of vehicular traffic are finding stretches of the road increasingly difficult to negotiate, and drivers are forced to reduce speed drastically below normal requirements. Can the Minister say whether this road is programmed for maintenance or reconstruction in the near future?

The Hon. A. F. KNEEBONE: I believe that my colleague has issued a document that indicates what will be done in the future. I shall take the honourable member's question to my colleague and bring back a reply as soon as it is available.

ABATTOIRS

The Hon. C. R. STORY: I seek leave to make a short statement before asking a question of the Minister of Agriculture.

Leave granted.

The Hon. C. R. STORY: At present—

The Hon. D. H. L. Banfield: Question!

The Hon. C. R. STORY: —at the Gepps Cross abattoir there is a dispute between the management and the board. First, has the Minister had discussions with the Chairman of the board, who is the Minister's representative on that board? Secondly, what measures are being taken at present in connection with the dispute, and what is the nature of the dispute? Thirdly, does the Government intend to intervene if no solution can be reached very soon?

The Hon. T. M. CASEY: I have had discussions with the Chairman of the board, who rang me last evening and put me in the picture on what was happening at the abattoirs. I believe the situation there is of great concern to one honourable member who had some cattle ready to go up the ramp to be killed, but the work stopped just as the cattle were about to be slaughtered. No-one likes to see strikes of this nature, particularly in abattoirs today. I do not know what are the specific reasons for the strike. However, the Chairman told me certain things, but I do not think he knew the full facts of the case. I believe this matter was to be discussed this morning and, if not finalized, discussed this afternoon before a Conciliation Commissioner. That is the only information I have at present.

The Hon. M. B. CAMERON: I seek leave to make an explanation prior to asking a question of the Minister of Agriculture.

The Hon. D. H. L. Banfield: No.

The PRESIDENT: The Hon. Mr. Cameron must ask his question.

The Hon. M. B. CAMERON: Does the Minister of Agriculture recall a question asked by the Hon. Mr. Story on February 29 when he asked whether a report had been received from a Mr. Gray and does the Minister recall in his reply indicating that Mr. Gray's report was not yet available but that it would not be long before it was available? Is the Minister aware that this led the Council to believe that a report would be available? Will the Minister make available, whenever possible, copies of Mr. Gray's findings, because of the interest in this subject, so that honourable members can study them and express their views on any legislation that may flow from the report or from Mr. Gray's verbal reports?

The Hon. T. M. CASEY: I am not responsible for honourable members putting their own interpretation on this matter. I never at any time indicated that there would be a written report. I may have used the word "report", but that does not convey anything as far as I am concerned. However, if the honourable member wants to put his own interpretation on it, he is free to do so. It is most unlikely that there will be anything of a written nature from Mr. Gray. It is purely, as I have said before, a report from him to me and to the Director of Agriculture on abattoir problems in this State.

PERSONAL EXPLANATION: DEATH
THREAT

The Hon. A. F. KNEEBONE: I seek leave to make a personal explanation on the fact that I think I have been misquoted.

Leave granted.

The Hon. A. F. KNEEBONE: I was surprised to read in this morning's newspaper and also to hear on a radio broadcast yesterday that I had received a threat of death in regard to the Kangaroo Island dispute. I am quite sure every honourable member here who heard me yesterday understood what I meant when I said that previously I had received a threat in a letter regarding my life: I think every honourable member here realized I was talking about the zone 5 shemozzle that happened last year (I really felt sure I said "zone 5" at the time) and the matter had been satisfactorily settled. It caused me concern this morning that I was misreported in the *Advertiser*. Usually my remarks are not quoted in that paper but, if they are to be quoted, I hope that the *Advertiser* will quote me correctly in future.

ADDRESS IN REPLY

Adjourned debate on the motion for adoption.
(Continued from July 19. Page 52.)

The Hon. R. C. DeGARIS (Leader of the Opposition): I support the motion for the adoption of the Address in Reply moved by the Minister of Lands and seconded by the Minister of Agriculture. I join with the mover and seconder in the congratulations they extended to His Excellency Sir Mark Oliphant on the opening of the third session of the fortieth Parliament. I also join with the mover and seconder in congratulating His Excellency on the manner in which he has fulfilled his office as Governor of this State since assuming that very high office. I convey the best wishes of this Chamber to His Excellency and Lady Oliphant on their future in South Australia while they continue in office.

I also refer to the unfortunate and untimely death of the previous Governor, Sir James Harrison, who, as we all know, was the first Australian-born Governor appointed to the office in South Australia. During his term he impressed all South Australians with his ability and keen interest in the affairs of the State.

Since the last opening of Parliament we have lost four of our previous Parliamentarians, all of whom rendered excellent service to Parliament and to their State. I refer to

Mr. Quirke, Mr. Riches, Mr. Bockelberg and the Hon. Mr. Robinson. I join with the mover and seconder in extending our sympathy to the families of the deceased.

It is somewhat unfortunate that the mover and the seconder (both busy Ministers) obviously did not have the time to prepare inspired addresses for this occasion. I do not say that in any critical way, because I understand the difficulties under which they labour as busy Ministers who had the task of moving and seconding the Address in Reply and I have some sympathy for them in their position. However, I hope that the supporting speeches will compensate for what I thought were two contributions that lacked lustre.

The Minister of Lands devoted most of his speech to justifying the Government's action in paying the court costs awarded in a civil action against a trade union secretary (Mr. Dunford). I have some sympathy for the Government in the position in which it found itself, particularly a Government that owes its existence, probably both collectively and individually, more to the trade union movement than to any other section of the community.

The Hon. D. H. L. Banfield: Are you suggesting that 56 per cent of the Australian people are unionists?

The Hon. R. C. DeGARIS: I did not say anything about that.

The Hon. D. H. L. Banfield: That's how a Government becomes a Government—by getting a majority.

The Hon. R. C. DeGARIS: Perhaps the Hon. Mr. Banfield would like to deny the fact that Labor Party members of Parliament are responsible for their election to the trade union movement more than to any other section of the community.

The Hon. D. H. L. Banfield: We must all face the community for our votes, and that is where we get them.

The Hon. R. C. DeGARIS: Nevertheless, the Minister's justification for the Government's action did not impress me, nor do I think it impressed certain other honourable members or the public of South Australia. As the Hon. Mr. Kneebone has seen fit to comment on part of the judgment of His Honour Mr. Justice Wells, and as those comments were based on matters on which the counsel for the plaintiff made no submissions, I consider it necessary for me to touch briefly on the main points of the judgment. To achieve his rights, Mr. Woolley had only one option open to him, and that was to take civil action against the

Secretary of the Australian Workers Union, Mr. Dunford. The important points in the evidence centred on matters to which I will refer. On page 7 of the judgment the following, including the conversation between Mr. Woolley and Mr. Dunford, appears:

Woolley received a phone call from someone giving the name of Dunford: I find that it was the defendant. Woolley testified to the details of this conversation; Dunford elected not to give evidence at all; I am satisfied that Woolley's account of the conversation is substantially correct. He deposed as follows:

Q. What did he say?

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 Stock Owners 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".

Q. What did you say?

A. I said, "Well, does this mean that there is a ban on my wool immediately as a result of this phone call?" Mr. Dunford said then, "I will be sending a letter into the Trades and Labor Council and they will deal with it". I said, "Well, I will write a letter to the Minister of Lands. He holds the mortgage over the stock on this property and tell him what has happened," and Mr.

Dunford then said, "Well, I am sure the Minister will advise you to get your shearers to join the union".

Q. That was the end of the telephone call?

A. Yes.

That conversation took place between Mr. Woolley and Mr. Dunford on November 1. The next important aspect is the following letter that was written by Mr. Dunford to Mr. J. E. Shannon, the Secretary of the United Trades and Labor Council in South Australia:

Dear Sir,

I am requesting that a black ban be placed on the Derwentvale property owned by B. Woolley, North Duncan, Kangaroo Island (Phone No. Goss 230). In a telephone conversation with my organizer I have been advised that two shearers, Allan Bell and Graham Bell, refuse to join the union because it restricts them from shearing outside the hours set down in the award. My organizer, R. Maczkowiack, had previously caught Allan Bell shearing on a Saturday morning and when he was advised by the organizer that it was wrong and breaking down the working conditions hard won by the union, he promised he would not shear outside the normal hours again and would join the union on the organizer's next visit to the Island. He has now refused to join, and so has Graham Bell. I rang Mr. B. Woolley today and he seemed quite unconcerned when I told him this could develop into a serious industrial dispute involving the banning of his wool. He went on to say further that he would write to the Minister for the Department of Lands who owned the wool anyhow, but so far as he was concerned he would take no action or request either of the Bells to join the union.

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.

Yours fraternally,

(Signed) J. E. DUNFORD, Branch Secretary

I have detailed the conversation that took place between Mr. Woolley and Mr. Dunford and also the letter sent by Mr. Dunford to Mr. Shannon on exactly the same day. When the shearing concluded on Mr. Woolley's property, Mr. Woolley again telephoned Mr. Dunford in relation to the black ban that had been placed upon his wool. Also, the following letter was sent by Mr. Dunford to the Manager of Fricker and Company on November 8:

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. The following resolution was carried at the Trades and Labor Council meeting on November 3, 1971:

That the United Trades and Labor Council expresses concern at the continuing problem of the use of non-union labour on Kangaroo Island and determines that Mr. B. Woolley, proprietor of Derwentvale, and other property owners who employ non-union shearers and other non-union labour be advised that from this date that such wool and other produce will not be transported or handled by union labour.

They are the key points in the whole of this judgment. The vital part of the judgment, on page 62, is as follows:

The findings of fact at which I have arrived upon a consideration of the above four issues lead me to hold that with respect to the American River contract—

that is, the contract between Mr. Woolley and his carriers—

Dunford committed the tort alleged against him. In my opinion, he committed the tort by a procurement on November 17, 1971, and by a continuing procurement thereafter. Accordingly, I make a declaration to that effect, but before proceeding further I propose to invite counsel to make submissions with respect to the course that ought now to be followed.

There are 60-odd pages in the judgment, but the declaration shows quite clearly, as I quoted, that Dunford committed that tort by a procurement on the 17th day of November, 1971, and by a continuing procurement thereafter.

Mr. Justice Wells, after making the declaration, proposed that counsel should make submissions with respect to the course that ought now to be followed. It is the judgment that followed that the Minister quoted. I think it quite unfair for the Minister to take some small part out of the judgment that followed. It is quite true, I think, that in the first place this dispute should not have occurred. If there had been a little more co-operation in the first place, I am doubtful if this whole situation would have arisen.

The Hon. D. H. L. Banfield: Or perhaps if the Bells had joined the union, as they promised, it might not have arisen either.

The Hon. R. C. DeGARIS: The point is that Mr. Woolley says quite clearly that he did not see it as his job to be an organizer for the union. If we look at this rationally, it had nothing to do with Woolley, and yet he and five others were selected. As the judge found, the alleged tort was there.

The Hon. D. H. L. Banfield: Woolley could have been more co-operative. On occasions you will go to the other side, but he was not prepared to do that.

The Hon. R. C. DeGARIS: In the judgment there is no reference to the need for Mr. Woolley to be more co-operative than he was.

The Hon. D. H. L. Banfield: I was not talking about the judgment, but I was talking about—

The PRESIDENT: Order!

The Hon. R. C. DeGARIS: Since then, many people have gone to Kangaroo Island and found the farmers there fairly co-operative in their attitude. If the Hon. Mr. Banfield persists in this cross-examination, I think I should ask him to read the two other judgments, one delivered on May 11, where Mr. Justice Wells says, after publishing his reasons for judgment:

What I want to say now is not part of my judgment.

I want to make that quite clear. That is what the Minister quoted.

The Hon. A. F. Kneebone: I read that at the beginning of what I introduced yesterday.

The Hon. R. C. DeGARIS: It is not part of the judgment and His Honour says:

I declare it not to be part of the reasons that I have just published, but nevertheless it is very important and I want it carefully considered by both sides.

Here we see Mr. Justice Wells trying to put himself in the position of a conciliator, not as a judge of the law and the action taken.

The Hon. D. H. L. Banfield: And that is where it should have been in the first place.

The PRESIDENT: Order!

The Hon. R. C. DeGARIS: That is where the alleged tort occurred. Then Justice Wells goes on to say quite clearly that what he wants to say then is not part of his judgment. The tort occurred and the judgment is against Dunford.

The Hon. A. F. Kneebone: No-one argued about that.

The Hon. D. H. L. Banfield: No-one argued about that yesterday.

The Hon. R. C. DeGARIS: I am not arguing: I am stressing the point that yesterday the Minister made no reference to the 64 pages of judgment that went before this.

The Hon. D. H. L. Banfield: Everyone knew what the judgment was but they did not know the other part.

The PRESIDENT: Order!

The Hon. R. C. DeGARIS: That is the important point I am trying to establish.

The Hon. A. F. Kneebone: I do not disagree with Mr. Justice Wells at all.

The Hon. R. C. DeGARIS: Perhaps I can continue to quote from the judgment of Mr. Justice Wells, who said:

I indicated during the hearing of that case that whatever the outcome, it seemed to me that the most strenuous efforts should be made by all persons concerned to achieve what I might call an all-round settlement of the case. The exploration of the facts and circumstances that was necessary for the purposes of the actual issues showed quite clearly to me that there was a much more deep-rooted dispute than merely appeared from the formal issues arising on the pleadings, and it seemed to me and it still seems to me, that merely to decide this case as to the rights and wrongs according to the strict law is not going to compose the difference between the parties, and I would foresee, if the parties simply rely upon the strict rights and duties the law gives to them and imposes on them, a possibly long run of disputes and disturbances and upsets of one sort and another, without being too specific about it.

The Hon. A. F. Kneebone: So he saw it the way we did.

The Hon. R. C. DeGARIS: No, the Minister says that Mr. Justice Wells saw it "the way we did". We have no evidence of what the Minister was referring to. Who does he mean by "we"?

The Hon. A. F. Kneebone: When we decided to co-operate and bring the people together, that is what we did. They would not have come together if we had not done what we did, despite what Mr. Justice Wells said.

The Hon. R. C. DeGARIS: This raises a different point altogether.

The Hon. A. F. Kneebone: You could not have listened to me yesterday.

The Hon. R. C. DeGARIS: I am trying to drive home this point. In the first place, a judgment was made and the alleged tort was found to exist. Then Mr. Justice Wells went on with further comments. If one goes to the end of the judgment one finds quite clearly that His Honour not only found that the alleged tort existed but also awarded costs against the defendant. Let me read the last minutes of the order. I do not want to read all this and place it in *Hansard* or we shall be here a long time. The final minutes of the order are as follows:

That the defendant do within forty-eight hours after the service of this order upon him deliver to the office of the plaintiff's solicitors a letter signed by the defendant and addressed to the Manager, R. Fricker & Co. Pty. Ltd. withdrawing the defendant's request to that company not to ship or transport the plaintiff's wool under any circumstances until notified by the Australian Workers Union, which said request was expressed in the defendant's letter (exhibit P9 in the abovementioned case) dated the 8th November, 1971, to the Manager, R. Fricker & Co. Ltd. (a copy whereof has been filed herein).

That was the first.

The Hon. A. F. Kneebone: That was done.

The Hon. R. C. DeGARIS: This had to be withdrawn. The second point was as follows:

That the defendant be restrained, and an injunction is hereby granted restraining the defendant and his servants and agents, from doing or continuing, or being a party to the doing or continuing of, any act that (a) directly or indirectly causes, or procures, or induces any breach by any carrier or wool-broker, or by any other person or body, of any contract (made now or hereafter) between the plaintiff and any other party or parties for the carriage or marketing or sale of the wool or other produce of the plaintiff, or of any other contract for that purpose or those purposes to which the plaintiff may (now or hereafter) be a party; or (b) that causes or procures or induces any interference with the performance of any such contract as hereinbefore mentioned.

Adjourn *sine die* assessment of plaintiff's damages.

Liberty to apply.

What was the next step? The whole of Kangaroo Island was placed under the strain of a black ban.

The Hon. D. H. L. Banfield: That shows the solidarity of the workers.

The Hon. R. C. DeGARIS: To place what the Hon. Mr. Kneebone quoted in perspective, I point out that I have quoted some of the aspects of the three parts of the judgment—the first judgment where the alleged tort was found to exist, the injunction, and the orders that came from it. This has been necessary to put the facts clearly to this Council.

Several statements made yesterday were made obviously to lead to the part of the Governor's Speech relating to the proposed amendment to the Industrial Code. As I have said in press statements, the final act of the Kangaroo Island drama (if I may put it that way) will be played out in this Chamber, with the indication in the Governor's Speech and the indication from the Minister yesterday that legislation will be introduced this session to amend the Industrial Code. We in this Chamber cannot predict, with any accuracy anyway, the nature of the Bill that will be before us as it finally reaches this Chamber, although the indications are that it may revolve around the question of the removal of any right of an individual to take civil action against a union official in the furtherance of an industrial dispute.

The Hon. D. H. L. Banfield: Don't you believe in conciliation and arbitration?

The Hon. R. C. DeGARIS: Yes, I do most assuredly; but I also believe in the right of the

individual to prevent himself being swamped completely by any organization or association, as this Bill will probably seek to do.

The Hon. D. H. L. Banfield: It would not have happened if it had gone before a court of conciliation and arbitration.

The Hon. R. C. DeGARIS: I believe the intention of the legislation is to remove the right of any person in the community who seeks to right a wrong by taking civil action against a union official, a union or any association in the furtherance of an industrial dispute; and this I believe to be the policy of the Government stemming from the Australian Labor Party conference at Surfers Paradise (they choose nice places!) in 1971. I have some sympathy for the Minister's contention that there are some who have attempted to make political capital out of this situation without seeking to find a rational solution or considering the overall good of the community.

The Minister made that statement yesterday, and I have some sympathy with the expression of that viewpoint, but this characteristic of making political capital out of situations has not been limited to any one political group over the last few years. I do not wish to quote cases, but there have been many cases where I have felt that statements of this nature have been made by leaders of the Labor Party. Probably the expert in this field, one may claim, is the present Premier, who before the last election made comments on health matters that deeply offended me as being totally inaccurate and unfair. Nevertheless, this practice of making Party political capital out of a situation is not restricted to any one political group. Most honourable members in this Chamber would not be involved in that standard of politics—and I mean that most sincerely.

The Hon. D. H. L. Banfield: Did you go to Kangaroo Island?

The Hon. R. C. DeGARIS: Yes, I went to the public meeting there but I made no contribution or comment. I thought the case for the union was put very well and clearly to that meeting.

The Hon. D. H. L. Banfield: By whom?

The Hon. R. C. DeGARIS: By the farmers themselves.

The Hon. D. H. L. Banfield: They did not invite a trade union official to state his views?

The PRESIDENT: Order!

The Hon. R. C. DeGARIS: I do not know anything about that. If the Hon. Mr. Banfield or a trade union official ever put the employers' case to the people as Mr. Kelly put the union's

point of view on Kangaroo Island, I should be pleased to—

The Hon. D. H. L. Banfield: That is not so.

The Hon. R. C. DeGARIS: Mr. Kelly put the union point of view very well and clearly to that meeting. Although I support the Minister in this part of his speech, I cannot agree with him in his rather unfair allegation about the Commonwealth Government. He said:

I know (and I knew last year) that the Commonwealth Government at least was looking for a peg on which to hang a hat for the election (law and order), and here was a golden opportunity for such a thing to happen. Immediately the word got out that the Government had paid the costs, then the screams commenced. Here was a golden opportunity wanted by people seeking political advantage, and it had gone.

In seeking to justify the action of the Government, the Minister implied that for political reasons the Commonwealth Government wished deliberately to foster industrial unrest in South Australia.

The Hon. D. H. L. Banfield: He was not far off the mark.

The Hon. R. C. DeGARIS: I think that is an unfair allegation. Just as I support the Minister in regard to political capital that has been made by some people out of the Kangaroo Island situation, so I am just as opposed to the views of the Minister in relation to the alleged attitude of the Commonwealth Government in a matter of this nature.

The Hon. D. H. L. Banfield: Tell us why they did not bring a Commonwealth Conciliator into the matter when it was under a Commonwealth award.

The Hon. R. C. DeGARIS: Because it was a civil action taken by one person against another person. Another question I wish to deal with quickly is the unfortunate reference the Minister made to a letter addressed to Mr. Jack Dunsford. Once again, I think it is a little unfair to quote to the Council the anonymous letter that was quoted, and the Minister said at the end of that letter " 'Yours truly,' and get this: the letter is signed 'A straight-out Liberal' ". To quote an anonymous letter, which may have been written by a person with no political affiliations whatsoever (it may have been written by a dyed-in-the-wool Labor voter, a D.L.P. voter, a Communist or anyone else), to the Council would be done only for political reasons.

The Hon. D. H. L. Banfield: Don't tell me that your side has not quoted from anonymous letters.

The Hon. R. C. DeGARIS: I believe that at that point the Minister rather spoiled the

case he was making yesterday. I am sure that, if Mr. Dunford in the first place had not adopted what I term straight-out standover tactics and if in the first place the Trades and Labor Council had used its influence towards understanding the problems enunciated so well by Mr. Justice Wells in the Kangaroo Island situation, the confrontation need not have occurred. There are some points that are causing concern in the community, a concern that is being expressed by trade unionists in the same way as others are expressing concern. I saw a petition on Kangaroo Island signed by 90 trade unionists.

The Hon. D. H. L. Banfield: Under coercion.

The Hon. R. C. DeGARIS: I do not know what evidence the honourable member has of it. It is hard to coerce 90 people.

The Hon. D. H. L. Banfield: You should ask the L.C.L. candidate for Alexandra (as advertised on his own car) what he used.

The Hon. R. C. DeGARIS: Although I am not over-impressed by petitions, nevertheless 90 Kangaroo Island unionists signed that petition.

The Hon. D. H. L. Banfield: Under the threat of losing their jobs—by a councillor over there.

The PRESIDENT: Order!

The Hon. R. C. DeGARIS: The first point of concern that has been expressed not only by ordinary people in the community but also by trade unionists is that it seems that a trade union official is able to threaten the livelihood of an individual who has, in law, committed no wrong. The second point of concern is that, when a judgment is given by the court, the trade union leaders try to use their power to bludgeon a total community into submission. The third point of concern relates to using the threat of a large industrial dispute to force a Government to use the taxpayers' funds to meet the court costs awarded against a union official. Those are the three points most discussed in the community as a result of this dispute. How many people in the community have the ability to bring such pressure on a Government to have their court costs met? Although the Hon. Mr. Corcoran said that Mr. Woolley's costs would have been met, I should like to know when Cabinet made that decision.

The Hon. A. F. Kneebone: Mr. Woolley was involved in a mortgage. So, who would meet his costs if we did not meet them?

The Hon. R. C. DeGARIS: I agree that the department might have had to meet his costs, but they might have been added to his

overdraft. I can support any legislation that the Government introduces to provide a quicker, simpler method of resolving disputes of this nature. The unions have a right to represent their members in relation to working conditions and to attempt to advance the interests of the union. However, there must be available a speedier means of conciliation in such disputes. To me, the problem still remains that in the beginning this was not, in essence, an industrial dispute.

The Hon. D. H. L. Banfield: Yes, it was.

The Hon. R. C. DeGARIS: It appears to me that the Hon. Mr. Banfield is suggesting that any attitude taken by a trade union is an industrial dispute, but that is not so.

The Hon. A. F. Kneebone: Any breach of an award is an industrial dispute.

The Hon. R. C. DeGARIS: Can the Minister tell me where there was any breach of an award in relation to Mr. Woolley's situation? There was no evidence whatever that Mr. Woolley was shearing on a Saturday morning.

The Hon. A. F. Kneebone: One of his shearers had been doing that.

The Hon. R. C. DeGARIS: What on earth has that got to do with Mr. Woolley?

The Hon. D. H. L. Banfield: What about preference to trade unionists?

The Hon. R. C. DeGARIS: The Commonwealth award provides for preference to trade unionists, other things being equal. However, as far as Mr. Woolley was concerned, other things were not equal.

The Hon. D. H. L. Banfield: In what way?

The Hon. R. C. DeGARIS: There is nothing about that in the judgment. In no way could this be looked on as being an industrial dispute. Some quicker means of conciliation would be welcomed by all concerned, including the Kangaroo Island farming community, but it was an infringement of the rights of an individual in the community to expect that the contracts he entered into for the cartage of his produce should be interfered with by the action of a trade union official.

The Hon. D. H. L. Banfield: But the trade unions should be forced to carry his produce even if they do not want to do so!

The Hon. R. C. DeGARIS: The trade union interfered with a contract entered into by Mr. Woolley to cart his wool. If there is an area of legislation that should engage the close attention of every honourable member it is legislation to provide avenues for the individual to correct a wrong allegedly perpetrated against him, irrespective of the weight

of political influence that any organization may be able to marshal against him. It should always be borne in mind that the law must protect such an individual against the pressure of large, powerful organizations. If the individual secures his right, then no section of the community should be blackmailed into submission because of the judgment in favour of the individual. I am sure that when the legislation referred to in the Governor's Speech comes before us, with a little co-operation and by concentrating upon the essential matters involved we can recognize the right of associa-

tions to represent their members while at the same time ensuring that rights always exist for an individual in respect of his ability to take civil action to correct what in his opinion is a wrong that has been perpetrated against him. I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

ADJOURNMENT

At 3.30 p.m. the Council adjourned until Tuesday, July 25, at 2.15 p.m.