

**ADDRESS-IN-REPLY: FOURTH DAY***Motion*

Debate resumed, from the 31st July, on the following motion by the Hon. J. C. Tozer—

That the following address be presented to His Excellency—

May it please Your Excellency—  
We, the Members of the Legislative Council of the Parliament of Western Australia in Parliament assembled, beg to express our loyalty to our Most Gracious Sovereign and to thank Your Excellency for the Speech you have been pleased to deliver to Parliament.

**THE HON. D. W. COOLEY** (North-East Metropolitan) [4.45 p.m.]: I was very honoured yesterday to make my maiden speech in this House in the debate on the Supply Bill. However, I was rather concerned about some observations made by country members when they contributed to the debate. I think on no less than three occasions the words "hate" and "hatred" were used by members during their speeches.

If those words were directed towards me; that is, if it were felt that anything in my speech could have been interpreted as hatred, I would like to very quickly say to this Chamber, it is not in my nature to hate anybody at all. I believe that an ill-conceived feeling exists amongst country people, and particularly amongst the farmers, that there is some sort of dissention and disagreement between their views and those of people who work in the city. It may well be that a man who is "owned" by his employer for sometimes more than 40 hours a week may feel a little envious of a farmer or country resident who, although he makes a very substantial contribution to the State, has a fair amount of freedom in respect of his activities. Perhaps a person working at a factory bench is envious of farmers, but certainly he does not hate them.

Many of the workers believe that employers make large profits and that they, the workers, do not receive a fair share of those profits. Whilst they may resent that situation, in my experience in the trade union movement I have never heard anyone—either a union official or a worker—express hatred of an employer.

A worker may obtain a better share of those profits through union representation. As a last resort, he may take strike action. However, the striking worker does not hate anyone—he is trying to uplift his standard and to make a better life for himself and his family. I do not think it is becoming of any mem-

ber of this Chamber or any other Parliament to read hatred into a member's speech.

I would like to make my personal views known, and I believe most members here, including you, Mr President, know that I have been involved in the hurly-burly of industrial life for the best part of two decades now, and on many occasions I have had violent disagreements with people on industrial matters. You know yourself, Sir, that I have spoken to you on many occasions about industrial matters, but we have not always agreed about the particular questions under discussion. I dislike the policies of some politicians, and the way these policies are applied to the work force, but my feelings have never turned to hatred. In fact, I have never hated anyone with whom I have had dealings. I hope that any statements I make in the House will not be interpreted in that way.

I have a great respect and a very high personal regard for a number of people whom I have opposed industrially and politically over a long period of time, and I feel that, without exception, the respect and regard are returned.

I would like to say, Mr. President, that I feel highly honoured to be the representative of the people of the North-East Metropolitan Province, and also to be a representative of the great Australian Labor Party in this Chamber.

I think a large number of people resident within my electorate will be extremely disappointed that no reference was made in His Excellency's Speech to industrial matters or to the future policies of this Government in the field of industrial relations. It is still my hope that the present Government will adopt a more enlightened approach towards the trade union movement than it did when it was in office between 1959 and 1971. It should be recalled that during that period, among many other things which were detrimental to the interests of the working people of Western Australia, we unfortunately witnessed the destruction of an arbitration system which had brought many advantages to the work force of this State and which had created sound industrial relations.

Prior to 1963, industrial relations in this State were on a high plane. Unfortunately, however, the system of arbitration which we knew then and which provided fair representation of both workers and employers on the principal bench of the Arbitration Court, was taken away from us. During that period, due to the conservative Government's policy of assisting private industry, we witnessed a sell-out of certain semi-Government enterprises, which brought about considerable disturbance to the security and welfare of

a large number of workers employed by those semi-government departments and instrumentalities. We saw trade unionists disqualified from Government and semi-government boards and commissions and we saw a reluctance at all times on the part of the Government to support genuine wage claims and claims for improved working conditions. During all those years of the Brand-Court Government, not once did it go before the Arbitration Court and advocate that there should be an improvement in conditions or an increase in wages for the workers of this State. It is true that sometimes the Government did not oppose wage increases, but it never once went to the Arbitration Commission to advocate an improvement in working conditions.

It would be beyond anybody's comprehension that a Government could maintain that there was no justification for wage increases or improved conditions over the long period of 12 years. However, it is my hope that this Government will not live in the past but will begin to recognise that industrial relations today are vastly different from those which applied 10 years or even five years ago. The Government must face the fact that the workers in this State and throughout Australia no longer recognise arbitration as the sole means of obtaining justice in respect of wages and conditions. We recognise that the Industrial Commission has a part to play, but it has become outdated—I think I touched upon this point yesterday—due to the conservative attitudes of Governments and a reluctance to change laws governing industrial relations to conform with modern standards. The workers of this country no longer are satisfied with minimum standards prescribed in many instances by politically appointed people while, to use the word of the conservatives, unbridled profits and prices are condoned by conservative Governments. We have entered an entirely new field of industrial relations which involves direct negotiations between employers and unionists both at the shop floor level and in the union administration itself. It must be accepted by all sections of the community and particularly by Governments that the cap-in-hand approach to industrial relations is gone and will never return.

The Hon. H. W. Gayfer: Is this direct approach better than going before the Industrial Commission?

The Hon. D. W. COOLEY: We consider it better than the Industrial Commission. The direct approach is a system whereby the employers and the unions enter into a properly negotiated agreement without any interference from Governments. This approach is accepted throughout the free world. With the possible exception of New Zealand and Australia, industrial relations

or negotiations are not hampered by Government interference anywhere in the free world.

The Hon. G. C. MacKinnon: You just want the Government to interfere so that the workers will get more.

The Hon. D. W. COOLEY: The trade union movement no longer accepts the old-fashioned concept that it should be involved only in the industrial field, because its entire field of operations has political, social, and economic significance, despite the conservative attitudes of some members of the present Government that it should be illegal for trade unions to be involved in commercial enterprises. In fact, this was said recently by a member in another place. Whether conservative Governments like it or not, this is a fact of industrial life at present. Unions now are involved in consumer credit and housing and in the very near future we hope that we will be involved in insurance; in all these areas the trade union movement is becoming increasingly active. Therefore, we hope the Government will recognise these changes and not resist them, because when the Government hurts the trade union movement, it hurts many small people within our community who depend on the activities of the trade union movement for comfort and support. In some instances, their union represents much of the dignity that they have in life and the only means at their disposal of obtaining a better life.

The Hon. J. Heitman: It cannot be of much comfort to them when they are on strike for a fortnight.

The Hon. D. W. COOLEY: It is not a terrible thing to strike. If members opposite do not get the right price for the goods they produce, they withdraw them; and if a worker does not get the right price for his labour, he has a perfect right to withdraw that labour. Members opposite do not believe that is right. The attitude of members opposite is that people should be put in gaol for going on strike.

The Hon. A. A. Lewis: Then it should be possible for employers to institute lockouts.

The Hon. D. W. COOLEY: They can try that, too. That is within their right.

The Hon. Clive Griffiths: It is against the law.

The Hon. A. A. Lewis: Following your argument, the bosses have a right to impose lockouts.

The Hon. D. W. COOLEY: It is against the law but it is a bad law. It is a law which employers have been unwilling to take advantage of since 1969, when they knew that the trade union movement was going to face up to them and take them on.

The Hon. Clive Griffiths: Are you suggesting there should be lockouts?

The Hon. D. W. COOLEY: I am not suggesting that.

The Hon. Clive Griffiths: That is the way you are talking. You said that it is a bad law and that we should change the law.

The Hon. D. W. COOLEY: There are people in high places who utter words such as, "the unions encourage workers to bludge" and, "workers are taking advantage of improved workers' compensation benefits". These statements are so patently malicious and damaging that, really, they should not be answered, because that is not the situation which applies. It is a terrible thing to say that unions encourage workers to bludge. Despite the answers that were given in this place the other day, that statement was made by the Premier of this State and it is not to his credit.

The Hon. G. C. MacKinnon: Are you maintaining that no unions have imposed dargs?

The Hon. D. W. COOLEY: I am not speaking about that; I am speaking about the utterances of the Premier.

The Hon. G. C. MacKinnon: I say you are not. That is precisely what you are speaking about. Do you maintain that unions do not impose quotas of work beyond which point no further work will be done?

The Hon. D. W. COOLEY: That has never been done to my knowledge.

The Hon. G. C. MacKinnon: I belonged to a union which imposed such quotas.

The Hon. D. W. COOLEY: The honourable member must have belonged to that union a long time ago, because it does not occur now.

The Hon. G. C. MacKinnon: You said it was not done, but it is done.

The Hon. D. W. COOLEY: Not to my knowledge.

The Hon. G. C. MacKinnon: That is an entirely different matter; you lack a lot of knowledge.

The Hon. D. W. COOLEY: The workers of Western Australia are looking to the Government to implement its policies, not to slander the union movement.

The Hon. A. A. Lewis: The Government of Western Australia will give them a chance to work.

The Hon. D. W. COOLEY: The Government should be following its predecessor in regard to industrial relations.

The Hon. Clive Griffiths: You helped industrial relations a great deal!

The Hon. D. W. COOLEY: The Government should be looking to involve trade unions in the area of administration and it should recognise that workers are more enlightened today, because they are better educated and they involve themselves in

negotiations with employers. Perhaps sitting in such a lofty place as this, members opposite would not understand that workers on the shop floor these days do involve themselves very strenuously in industrial negotiations. They are the people who are more or less calling the tune in respect of a lot of negotiations in industrial matters. A good Government would be educating those people to enable them to negotiate better, not for the purpose of striking or becoming militant, but so that there can be a reasonable settlement of a dispute when it hits the shop floor level.

The Hon. J. Heitman: You are not going to tell us they are not militant are you?

The Hon. D. W. COOLEY: The trade union movement in this State directly and indirectly represents more than 250 000 people and it is very important in the development and welfare of the State. As I indicated yesterday, it was my privilege to attend the parliament of industrial relations—and I think it is the only one in any part of the world where Governments, employers, and unions get together—in Geneva at the International Labor Organisation conference.

My association with those people confirms that unions have a free and unfettered right to participate in all aspects of social, economic, industrial, and political life of their respective nations. There is no restriction on them at all. Trade unionists, I am sorry to say, have far more standing in those free countries of the western world than have trade unionists in Australia. The movement in Australia has, to a very large extent, been beaten down by Governments over a long period—by a Federal Government for 23 years and by the Government in this State for 12 years.

I think that people who oppose participation of trade unions in commercial enterprises should study the situation in other countries, particularly West Germany where a union has a bank which is the fourth largest in Germany, an insurance company which is the leader in its field in that country, and a housing and construction company which is the fourth largest in Europe. That company is not concerned with building flats or houses only. A 50-storied hotel complex with a very sophisticated conference centre in Hamburg is an example of the type of construction undertaken by the company. These are some of the enterprises the trade union movement can undertake in West Germany, and if any members are able to visit that country they will find it has the best industrial relations in the world, because it has an understanding Government. I do not mean that it has a socialist or Labor Government; I mean it has a Government which understands the problems and is prepared to help solve

them. The Government understands the problems because the trade union movement in Germany was smashed by the Hitler regime, and the employers and the Government in West Germany do not want that to happen again and so they foster and encourage trade unionism.

This State Government would render a great service to many thousands of people in Western Australia if it continued the Tonkin Government's policy of trade union education and if it encouraged union participation in the management of its instrumentalities. It should also encourage its friends in private industry to adopt a similar policy. It should reverse its policies regarding the appointment of workmen to boards and commissions under its control, and assist the movement—not hinder it—in the presentation of its wage cases instead of blindly opposing them on all occasions. In the past because the trade union movement has made submissions, Governments with conservative inclinations feel they must oppose them.

I therefore exhort all members opposite who have any influence with the leaders in Government to constantly remind them that good industrial relations is one of the most important aspects—if not the most important aspect—of our society, and therefore the Government should ensure that a more forward looking and enlightened approach is adopted to it.

I would now like to speak about the laws of tort as they affect trade unionists. I must preface my remarks by saying that in my experience I have not known anyone in the trade union movement—either a trade union leader or a trade unionist—who has ever gained any joy out of being in a strike situation; and I say that with all sincerity because the strike weapon is the last resort. Every responsible trade union leader adopts that policy.

The Hon. Clive Griffiths: What about Jack Munday? Where would he rate?

The Hon. D. W. COOLEY: He is a person who has many friends in your camp too. He takes certain action in Sydney because he does not believe that old buildings should be pulled down.

The Hon. Clive Griffiths: I am talking about strike action.

The Hon. D. W. COOLEY: He is a great conservationist and a lot of people in wealthy and affluent circumstances support him in that respect.

The Hon. Clive Griffiths: In that respect!

The Hon. W. R. Withers: You said, "friends in your camp". What do you mean by "in your camp"?

The Hon. D. W. COOLEY: He supports people who traditionally support the honourable member's party. There can be no denial; we are in two camps.

### *Point of Order*

The Hon. W. R. WITHERS: I have a point of order under Standing Order 86.

The PRESIDENT: The Standing Order must be read and adhered to. If the words spoken by an honourable member are objected to by another member he can ask for those words to be withdrawn, but so far as I am concerned I do not find the expressions so far used by the honourable member to be objectionable.

The Hon. D. W. COOLEY: Thank you, Mr President. If I say anything objectionable, or you consider it to be so, I will withdraw it.

The PRESIDENT: It is not a question of whether I consider it to be objectionable. It is a question of whether Mr Withers finds your words objectionable.

The Hon. W. R. WITHERS: I find the words objectionable and I ask for their withdrawal. In reply to my question, "What do you mean by 'in your camp'?" Mr Cooley replied, in reference to Mr Jack Munday, that he supported people "who traditionally support you". I take this as an offence, "you" being "me, W. R. Withers, member for the North Province". I deny that I have ever been—or I ever will be—assisted by a communist.

The PRESIDENT: Order! Will the honourable member state the words he wishes to be withdrawn?

The Hon. W. R. WITHERS: I ask him to withdraw the words "who traditionally support you".

The Hon. D. W. Cooley: I was referring to the conservative Government.

The PRESIDENT: Order! Mr Withers has asked Mr Cooley to withdraw the words. Will he please do so?

The Hon. D. W. COOLEY: If he considers the words are offensive, I will certainly withdraw them. I was referring not to Mr Withers personally, but to the members of his party.

The Hon. W. R. Withers: That is still offensive.

The Hon. D. K. Dans: Don't start something you can't finish—there is a long way in the session to go.

The PRESIDENT: Order! The words have been withdrawn.

### *Debate (on motion) Resumed*

The Hon. D. W. COOLEY: I was replying to an interjection, but I am not too sure whether it is in accordance with Standing Orders to continue in that vein. I believe a large number of wealthy supporters of the Liberal Party do find common ground with Mr Munday on many things.

**The Hon. Clive Griffiths:** Only in regard to conservation, and nobody is arguing about that. You were speaking about strike action.

**The Hon. D. W. COOLEY:** The trouble with the members opposite is that they think that because a trade unionist would support something said or done by a person of a different political philosophy, the trade unionist automatically supports that particular philosophy; that is not true at all.

**The Hon. Clive Griffiths:** I did not mention his politics. I mentioned the comments he made the other day about strikes.

**The Hon. D. W. COOLEY:** I think Mr Clive Griffiths did say something about his being a communist.

**The Hon. Clive Griffiths:** I did not.

**The Hon. D. W. COOLEY:** In view of a recent industrial experience I believe I should make some reference in this speech to the laws of tort against unionists involved in industrial disputes. Calling again on my international experience, perhaps repeating myself, I would state that most free countries in the world will not accept any position in which the right of workers to withdraw their labour is denied them. The penal provisions of the arbitration laws in Australia are criticised in many countries, not only by unionists, but also by Government officials. Even employers are astounded that such a law should be imposed on workers in a free and democratic society.

The situation in which a Government can appoint a person to arbitrarily impose conditions of work on industry and then levy heavy fines if they are not complied with is not completely understood by many people in other countries concerned with industrial relations. This is because most democratic nations in the western world believe in a system of collective bargaining which was the subject of an interjection some time ago. Labour contracts between two parties—the unions and employers—are negotiated without Government interference. Both parties are then bound by the agreement and freely accept penalties if a part of such agreement stipulates that the laws of tort will apply if the contract is broken.

In 1969 in my travels overseas I had the very great privilege of attending a conference of the International Confederation of Free Trade Unions in Brussels. I emphasise the word "free". I do not believe that a Labor Government was in office at the time, but the Minister for Labour of the Government of the day was called upon to open the conference, and during the course of his address he stated that his Government was proud of the right of the worker in his country to strike. He said he was equally proud of his Government's policy to settle disputes

when they arose; and this typifies the attitude of most leaders in Government in the free western world whatever the political colour of that Government.

**The Hon. H. W. Gayfer:** What was the system? Was a contract made with the union before the job was commenced?

**The Hon. D. W. COOLEY:** That is true. They enter into contractual arrangements with the unions, and the unions bind themselves to certain conditions.

**The Hon. H. W. Gayfer:** It is like the American system.

**The Hon. D. W. COOLEY:** Perhaps it is taken from the American system, or the Americans may have taken it from the Europeans.

**The Hon. D. K. Dans:** We had that system before it ever reached America. We have been bargaining for years, and holding to our contracts.

**The Hon. D. W. COOLEY:** The penal provisions in the Arbitration Act have been rendered innocuous by the actions of the trade union movement in refusing to pay fines imposed under the Act. The Government in Western Australia should seriously consider introducing legislation to give immunity from the laws of tort so far as they relate to industrial action on the part of unionists and unions.

This suggestion is not made in an attempt to promote anarchy within the community but simply in the hope that a sensible approach will be made to industrial relations. My suggestion is a means of preventing what could be a head-on confrontation with the trade union movement should any industry or employer attempt to take court action. The Australian Council of Trade Unions has formulated a policy in this regard, and I will quote from the decision of the executive which was made at its meeting from the 20th to the 24th May. Among other things, it says—

The ACTU Executive declares that the tort action which was ordered to the overseas owned restaurant in Sydney, The Old Spaghetti Factory, against the Federated Liquor & Allied Industries Employees Union, its officers and Committee of Management members is an attack on the fundamental rights of unions to organise, and will be ultimately defeated by the full mobilisation of the trade unions. The ACTU affirms its previous decision that the use of proceedings in tort against union's right to organise must be resisted by the whole trade union movement.

In order to avoid a situation which could involve all workers throughout Australia, the ACTU demands that the employers should withdraw the writs immediately and call upon the

employees to become members of the Federated Liquor & Allied Employees Union.

Falling this, that the ACTU convene a meeting of unions and State branches to decide the most effective method of mobilising trade union movement to implement trade union policy in this regard.

That in itself gives food for thought in respect of what I am proposing. For many years an attempt was made to invoke the penal provisions of the Arbitration Act against workers and unions, but the workers do not want to be told they will go to gaol if they do not abide by a policy which will not give them a right to express their views by withdrawing their labour and engaging in industrial action. The sooner Governments realise this, the better it will be for all concerned. We will then be able to get down to decent industrial relations.

The Hon. H. W. Gayfer: Or else what? If the Government does not realise it, what will you do?

The Hon. D. W. COOLEY: I am not making threats. I am making a suggestion which will possibly avoid a situation where there is a head-on confrontation between the trade union movement and the Government; but if a head-on confrontation with the whole trade union movement is wanted, members should cast their minds back to the events which took place earlier this year in England when the trade union movement was "taken on" by a Conservative Government, and they should remember what happened to that Government.

The Hon. J. Heitman: It has certainly brought England to its knees.

The Hon. D. W. COOLEY: It has not. The Labor Government, with its understanding of the problems of workers and trade unions, got England out of the mess which was the product of the work of Conservative Governments.

The Hon. H. W. Gayfer: Are contractual arrangements the ultimate aim?

The Hon. D. W. COOLEY: That is the policy of the ACTU. The honourable member spoke yesterday about people being ignorant in respect of rural matters. If he wants to interject during my speech, perhaps he should read up on industrial relations.

The Hon. H. W. Gayfer: I very politely asked a straightout question of you. Is that the ultimate aim?

The Hon. D. W. COOLEY: I am not being impolite. It might appear that way but I am not.

The Hon. A. A. Lewis: What guarantees have we that the unions will stick to the contracts?

The Hon. D. W. COOLEY: The point I am trying to make is that when a union makes a contract, the agreement contains a stipulation that the law of tort will apply to any party which breaks the contract.

The Hon. H. W. Gayfer: The present laws do not apply.

The Hon. D. W. COOLEY: The present arbitration laws were made in 1912, in the horse and buggy days, when those who made the laws did not have the slightest conception of what would be going on in the world today. Because there has been a predominance of conservative Governments since that time, those laws have not been brought up to date. We have had a long period of conservative rule since federation, which has brought about a terrible situation in industrial relations in this country today.

The Hon. N. McNeill: The people must have kept those Governments in office.

The Hon. D. W. COOLEY: I wish some members would realise that, in respect of the present Australian Government.

The Hon. I. G. Pratt: Are you not saying court action should be removed from union affairs? What will happen if the unions break agreements?

The Hon. D. W. COOLEY: We do not want laws to be imposed upon us by Government-appointed people saying what will happen if we break awards containing conditions which they have put in them. In this type of industrial relations a third party is imposing the conditions.

The Hon. G. C. MacKinnon: Who should appoint the conciliation and industrial commissioners?

The Hon. D. W. COOLEY: It is the very basis of industrial relations that the major parties involved be consulted. However, since the present Government took office it has appointed a person to the Industrial Commission without consulting either the trade union movement or the Employers Federation.

The Hon. G. C. MacKinnon: You have not answered my question.

The Hon. Clive Griffiths: Surely he is an unbiased individual.

The Hon. D. W. COOLEY: I have a great deal of respect for the person who was appointed and I think he will do a good job.

The Hon. W. R. Withers: Then what are you worried about?

The Hon. D. W. COOLEY: I am not worried. The basis of industrial relations, which the Government should understand, is that there are two parties—the employer and the union—and they should be consulted in any matters which relate to them.

The Hon. A. A. Lewis: Should they make the appointments?

The Hon. D. W. COOLEY: I did not say that.

The Hon. A. A. Lewis: That is what I want to know: who is to make the appointments?

The Hon. D. W. COOLEY: The Government must make the appointments under the present laws.

The Hon. Clive Griffiths: The Government should be praised for making an appointment with which one Mr Cooley can say he is delighted.

The Hon. D. W. COOLEY: I like the individual but I do not like the things he represents. I feel the same way about the honourable member.

The Hon. W. R. Withers: That is understandable because you have already admitted he will do a good job.

The Hon. D. W. COOLEY: He will do a good job for the people who appointed him.

A recent dispute in this State involving the Metal Workers Union and Bell Bros. highlights the need for some reform in this regard, and I will relate some of the circumstances associated with that dispute. The workers at Bell Bros.—only 33 in all—withdrawed their labour because their employer attempted to absorb overaward payments into an increase in an award prescription. We had the situation where Bell Bros. was paying something between \$5 and \$10 in respect of what I think was called merit money. The Industrial Commission awarded these workers a legitimate increase as a flow-on from the Metal Trades Award, and Bell Bros. decided it would absorb the overaward payments into that prescription. The workers withdrew their labour because they regarded the action of the company as being unfair, and in my view the workers acted correctly.

The Hon. A. A. Lewis: They had a contract.

The Hon. D. K. Dans: How many contracts are broken in Australia? Do not interject when you know nothing about the matter.

The Hon. G. C. MacKinnon: There was an implied contract made to pour the concrete which was the subject of disputation the other day.

The Hon. Clive Griffiths: I find it difficult to understand how you can reach the conclusion that it was an unfair tactic on the part of Bell Bros.—and I have no love for Bell Bros., I might tell you. I used to employ people and pay them overaward rates, and sometimes I had to absorb the overaward payments.

The PRESIDENT: Order, please! The Hon. D. W. Cooley has the floor. If the honourable member wishes to make a speech he should get to his feet.

The Hon. D. W. COOLEY: The workers were immediately dismissed from their employment when they withdrew their

labour, and they were stripped of all rights and privileges by their employer. Furthermore, the union was advised that upon settlement of the strike only 50 per cent of the workers involved in it would be reinstated. This involved the Trades and Labor Council in a matter of principle on the question of the preservation of workers' rights. When the employer refused the Trades and Labor Council's proposal to restore to workers their rights and privileges, sanctions were imposed against the company by all unions connected with it.

If that action had not been taken with respect to the withdrawal of all rights and privileges the Trades and Labor Council would not have been involved and it would have been a simple dispute between the union and the employer; but when the Trades and Labor Council stepped in, the secretary, most of the unions which imposed the sanctions, and ultimately all the workers involved in the dispute were issued with Supreme Court writs, primarily seeking an injunction of restraint, no doubt with the ultimate object of obtaining damages at law.

In accordance with its policy, which I have just read, the trade union movement in Western Australia geared itself for a confrontation with Bell Bros., and in these circumstances there is no doubt in my mind that had the writs been proceeded with and anybody had been gaoled or fined, the whole trade union movement in this State would have been involved. There could even have been a nationwide stoppage because the ACTU would have been brought into the matter.

My submission is that this kind of situation should be avoided wherever possible. In the case under discussion, the writs went to the Supreme Court, and when Mr Justice Wallace was hearing the action against Mr Coleman, the Secretary of the Trades and Labor Council, he said he granted the injunction against Mr Coleman with some misgivings; it could be ineffective and it seemed the day was not far off when damages in civil courts would no longer be available for parties involved in industrial disputes. No doubt the learned judge believes, as we do, that the civil court is not the place to resolve industrial disputation.

This observation by Mr Justice Wallace appeared to break the back of the dispute because the employer then decided to adopt a more realistic attitude. Bell Bros. abandoned the idea of absorbing overaward payments into the award increase, restored to its employees their former rights and privileges, and gave an undertaking to the Trades and Labor Council that all writs before the Supreme Court would be withdrawn.

It is therefore high time some provision was made to prevent employers adopting the same tactics as Bell Bros. did, because if this type of action is not curtailed an

explosive situation could develop which would damage the interests of all sections of our State.

I would like to quote from the *Journal of Industrial Relations*, volume 15, No. 3, of September, 1973, relating to civil law and the settlement of disputes. The author is Mr J. H. Portus, a Commonwealth Conciliation and Arbitration Commissioner, and the quotation is from a paper given to an Industrial Relations Society conference at Lyndoch, South Australia, in April, 1973.

Commissioner Portus referred to all the aspects of strikes related to the furtherance of wages and conditions of employment, and sanctions against employers who were involved in disputes. He also went into the question of whether unions had the right to have a closed shop wherein if a worker was employed in that shop and he would not join the union his employers could force him to join it. All these subjects were referred to in the paper Commissioner Portus submitted to the conference. In his conclusion he said—

I return now to the question should the civil law be available in the case of industrial disputes. On the basis of the limitations of the civil law already mentioned I would suggest that it should not be available in the case where the issue is demands for better wages and conditions. In any event, it has been pointed out that this type of case hardly ever arises.

In his summary he said—

In summary my object in the last part of this article is to open up some aspects which appear to me to merit discussion, but on the general theme it appears best that the law of torts should not apply to strike action. These torts should be confined to relationships between people which it is accepted by the community should be covered by the ordinary law. Industrial relations are not in this category. They are in a shadow land only partly within the law. Their most significant aspect deals with the co-operation between employer and union groups and this co-operation will at times break down and strikes will occur. In our present stage of society, this co-operation cannot be rigidly enforced by law.

That should be sufficient testimony to those who may have required any further proof that something should be done to remove the law of torts from the area of industrial disputes.

I would like now to turn my remarks to the very vexed question of inflation. I am not by any stretch of the imagination an economist, and I do not wish members to think I am an expert in this field because I certainly am not.

The Hon. R. F. Claughton: That gives you as much authority as members opposite.

The Hon. G. C. MacKinnon: You know as much as your leader does, so go ahead.

The Hon. D. W. COOLEY: It is obvious that neither the State nor the Federal Government has any ready-made overall cure for inflation either in the long term or the short term. It is a world-wide problem and a disease of modern times that cannot be completely cured. Our efforts should therefore be directed towards controlling that part of it which we have power to control. This can be achieved by some forms of restraint acceptable to all sections of the community.

I believe that most people who support the Labor Party—and after all that is the largest single section of our nation—would consider that the first move should be a form of price control of essential goods and services which contribute towards a reasonable standard of living for the average, middle, and low-income workers. We should also have control of rents on residential quarters up to a certain standard, and control of all forms of interest rates, together with control over profits.

The goods I refer to would include, of course, all those things which go towards making life comfortable, quite apart from the standard requirements. I am referring to things which have become accepted as normal comforts in the modern way of life, and they would include a television receiver, a refrigerator, and a motorcar of average size, etc. I think the prices of defined luxury items could continue without any form of control if that is so desired.

A move on the part of manufacturers, retailers, employers and, most importantly, the Conservative Governments of our country, towards support for this form of price and profit control would, I believe, be responded to in a favourable manner by the trade unions which believe that the time is now to adopt some form of restraint.

The Hon. H. W. Gayfer: Who wrote that?

The Hon. D. W. COOLEY: Nobody wrote it; it is an observation that I make.

The Hon. H. W. Gayfer: I'm sorry.

The Hon. D. W. COOLEY: Most responsible trade unionists believe that the time is right to adopt a policy of restraint if it means the curbing of inflation. There is no way in the world, however, to obtain an acceptance of restraint on the part of any union while prices and profits are rampant. I think the Australian Government has already taken action to bring about this situation. Information came into my possession only today that conferences will be held in accordance with the wishes expressed by the President of the Industrial Commission when he brought down the national wage decision in May. He expressed the wish that conferences

and meaningful discussions would be held in respect of this question. It will be proposed to unions that they confine their wage claims to a form of indexation, and this can only be achieved by consultation on a tripartite basis with Government, unions, and employers represented on an equal footing.

The problem cannot be solved by private industry and Governments on the one hand saying that they do not support any form of price control and unions on the other hand opposing wage control. I strenuously oppose total wage control, but I support restraint in wage claims if the nation is to benefit, provided that the necessary controls are imposed to prevent exploitation of that restraint. I think efforts are being made in other places to bring this about, and so I would leave my comments on this aspect of industrial relations until those determinations are made.

I believe a better way of life lies ahead for all of us if tolerance and understanding can be achieved. It is very disturbing to witness the almost carping attitude by the leaders of the present Government against the policies of the Australian Government. I realise that I touched on this matter yesterday, and I apologise for being repetitive. Certainly it can be recognised that differences must arise where there are opposite political views between State and Federal Governments. The attitude of our State Government towards the Federal Government reminds me very much of the attitude towards the trade union movement when a Liberal-Country Party Government was last in office.

Perhaps the interests of the State would be better served if the Government would face up to its responsibility and make its decisions in the light of circumstances prevailing at the time—even if it means an abrogation of electoral promises—and reserve its ideological differences with the Labor Party until a more appropriate time when the people of the State are called upon to judge its performance. I support the motion.

**THE HON. T. KNIGHT** (South) [5.39 p.m.]: Firstly, Mr President, I would like to extend to you my congratulations on your appointment to the deserved and esteemed position of President. I extend my congratulations also to our leader (the Hon. N. McNeill), the Leader of the Opposition (the Hon. R. Thompson), and to all members who have been appointed to positions of responsibility within this House.

I would like to pass on my thanks to all members and to the staff for the way in which they have received and welcomed me to the House. Many thanks also go to all the electors of the South Province who have honoured me with the position of representing them. I shall honestly and diligently work to show their

trust was not misplaced. Last, but by no means least, I thank my wife who helped me in so many ways to bring about my victory. Her understanding, loyalty, encouragement, and love were of tremendous assistance at all times and I am proud to have her support in this venture of helping in the governing of our great State.

I welcome the opportunity afforded me at this stage briefly to outline problems within my electorate and I hope that in the future I can be instrumental in alleviating some if not all of them. I believe the Legislative Council to be of the utmost importance to rural people, as this is where their voice is as great as that of city dwellers on a show of numbers. This is a House of Review and I intend at all times to support motions, resolutions, and Bills according to my conscience and the hopes of my electorate.

I wish to speak not only on my own province, but on all areas of the State outside the metropolitan area. Representing a country province makes me aware of the anomalies that exist for the people in country areas. Firstly, I believe that the small country town must be maintained at all costs to allow country dwellers the chance of having any service similar to that which exists in the city. We must see that the country hotel, store, garage and machinery dealer remain to give a service to the housewife, farmer, and worker. Without these necessities the country family must travel to the city for all requirements, yet we are killing the existence of these facilities by high freight rates and surcharges on goods to the country.

The State Government must look at ways and means of overcoming these anomalies either by subsidising freight or by insisting that the big firms charge that little bit extra in the city to alleviate the higher charges in the country. With 70 per cent of the State's population in the city, it would mean an increase of only a few cents for city people, but it would allow country dwellers to purchase commodities such as a packet of cigarettes a packet of weeties, a bottle of beer, etc.—the type of goods that are essential to normal living everywhere. How can we decentralise and ask wage earners to pay more by moving from the metropolitan area to the country unless we can offer them some incentives?

For instance, some months ago a bottle of beer cost 40c in Perth, and at that time it cost 55c in Albany. To enable that commodity to be purchased in Albany at the same price as it may be purchased in Perth, working on a 70 per cent-30 per cent population differential, would mean that Perth people would pay 5c more in order to allow country people to save 10c a bottle. In the case of a 10c per article differential, this would increase the cost