**METROPOLITAN AND EXPORT ABATTOIRS ACT AMENDMENT BILL 1957**

**House of Assembly, 21 August 1975, pages 409-10**

Second reading

**Mr. O’HALLORAN (Leader of the Opposition)—**I move—

*That this Bill be now read a second time.*

It is a short Bill which provides for the repeal of sections 34 and 35 of the Metropolitan and Export Abattoirs Act. Section 34 provides that disputes between the board and its employees (as represented by their association) shall be referred to an arbitrator and that the decision of the arbitrator shall be final and not appealed against within 12 months. Section 35 defines a strike and provides penalties for individuals and associations guilty of an act in the nature of a strike. In justifying our desire to have these sections removed from the Act, I would point out that they were both inserted in this legislation in 1911 before the Industrial Code was enacted in 1912 and although similar but less severe provisions were subsequently included in the Code, these provisions have been retained in the Abattoirs Act ever since.

We consider both these sections superfluous and one of them (section 35) unnecessarily severe. Section 34 is superfluous in view of the fact that the Industrial Court, to which the employees of the Abattoirs Board are amenable in these matters, has power to call compulsory conferences of the parties to any dispute. No special provision for this purpose in the Abattoirs Act seems necessary. Section 35 is superfluous for the same reason—there being already provision under the Industrial Code for the definition of strikes (and lockouts) and for the imposition of penalties. In addition, section 35 is discriminatory in that it provides penalties twice as severe as are provided under the Industrial Code for individuals or associations doing any act in the nature of a strike. The maximum penalties under the Abattoirs Act are a fine of £1,000 and, in the case of an individual, imprisonment for six months. The corresponding maximum penalties under the Industrial Code are a fine of £500 and imprisonment for three months.

We do not, of course, approve of the penalties provided under the Industrial Code and we have endeavoured to have the whole Division of the Code referring to strikes and lockouts deleted. But in view of the fact that the Government does not agree with us on that matter, it could at least place the employees of the Abattoirs Board on the same footing as to disputes and strike penalties as all other employees under the jurisdiction of the Industrial Court. That will be the effect of the proposed amendments if they are accepted. I stress that last point because it is the most important argument in favour of the Bill. Why should the workers at the Metropolitan and Export Abattoirs be subject to special provisions about penalties that do not apply to other workers! All other workers are amenable to the Industrial Code. If they break the law they are subject to the penalties prescribed in the Code, but the workers at the abattoirs are subject not only to the jurisdiction of the Industrial Court, but also to the jurisdiction of the Abattoirs Board. So far as I know, sections 34 and 35 of the Metropolitan and Export Abattoirs Act have never been used since the Industrial Code, as we know it, was drafted. That shows conclusively that they are superfluous and should be repealed, and while they remain they have a certain intimidatory effect.

I remind members that about two years ago there was a dispute at the abattoirs between the men and the management, and the board threatened the men with prosecution under these provisions. Fortunately, wiser counsels prevailed, and I think the wisest counsel was that of the then Minister of Agriculture (the late Hon. A. W. Christian) who could see that the use of the penal provisions of the Abattoirs Act would not only provoke bitterness that would take years to die down, but also cut right across the principles of British justice. Members of the Opposition believe in industrial legislation and in conciliation and arbitration for the settlement of industrial disputes, but we place the emphasis on conciliation. That is why in the last session we sought to remove the penal provisions from the Industrial Code. We failed, but I trust that Parliament will take a different view on this occasion and remove those two superfluous sections from the Abattoirs Act.

The Hon. Sir THOMAS PLAYFORD secured the adjournment of the debate.