

The Law and the Labour Market

The History of the Black Ban applied to Farmers on Kangaroo Island 1972

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To those involved in industrial relations, it may appear irrelevant to spend time studying the history of a confrontation between the Australian Workers' Union in South Australia, and the farmers on Kangaroo Island some twenty years ago. However, this case became somewhat of a precedent because the plaintiff involved took his case to a Civil Court rather than the Industrial Court. He did this because there were no grounds to go to the Industrial Court. There had been no breach of the Pastoral Award. The dispute arose because a black ban was placed on a property for no just reason. If there had been no ban there would have been no argument. It was therefore a matter of civil rights, and was dealt with in the Supreme Court. The resulting success of the action may have demonstrated one way to deal with bullying union tactics.

Kangaroo Island, partly because of its isolation, has a close knit community. In 1971 there were about 280 farmers of whom approximately 170 were soldier settlers from World War II. There were no rich squatters, and most, including all of the soldier settlers, were very much in the pioneering stage of developing their farms from virgin scrub land. Times were tough, as wool, the main source of income was selling at low prices. Nevertheless, there was an excellent community spirit, and neighbours frequently assisted one another during busy and difficult periods. There were a few expert shearers on the Island, but the bulk of the shearing was done by farmers or their sons, and learners.

The dispute actually began in the woolshed of Bronte Pratt, a soldier settler neighbour of mine, in October 1970.

Jim Dunford, then an organiser with the AWU entered the shed, and after speaking to the shearers and finding that they were not members, decided to black ban the wool, so that it could not be transported to Adelaide or sold through the usual channels. Two of the shearers owned neighbouring farms and only shored part time to help keep the pot boiling, while the third was a learner and a farmer's son. Farmers are generally tardy about joining because under the Constitution of the AWU of that time there was a clause "That members are bound to strive for the collective ownership of all property", and also to follow the dictum "That individually we can agitate, united we can compel."

Against Pratt's wishes the dispute was referred to the Arbitration Commission for a solution. Pratt had no intention of forcing his shearers to join against their will. After both sides refused to budge, a Commissioner contacted the shearers and pleaded with them to join in order that Pratt would be able to sell his wool. The shearers, being good neighbours, complied, and the ban was lifted. So ended 1970.

During the Spring of 1971, AWU organisers were busy on the Island, adopting standover tactics. The first ban was placed on Brian Woolley, a soldier settler. Soon after five other properties suffered the same fate. In some cases the boys had come along with money, intending to join, in order to avoid trouble, but were not given the opportunity. It was obvious

that Dunford, who was now secretary of the AWU, and who ordered the bans to be applied, wished to repeat his victory of the previous year, and be able to order us around.

Farmers were quite perturbed and within a few days, under the chairmanship of George Hardy, a Committee was formed to assist Woolley, or others, if a way could be found to do so. Hardy thought some solicitors he knew might be able to help. As a result I was deputised to visit Adelaide to see two solicitors, Messrs. H.C. Williams and S.G. Maidment, who came to the Island to meet the committee and Woolley.

It so happened that at that time, Fricker Bros., the owners of the "*Failie*" (now used as a training ship) were drumming up business in competition with "*MV Troubridge*", which shipped the bulk of cargo to and from Kangaroo Island. They had reduced charges and persuaded Woolley to sign a contract to ship his wool with them that year.

Williams' attitude was definite. The only avenue worth pursuing was through the Civil Court, to prove that Dunford, by his actions in placing the ban had wrecked Woolley's contract with Frickers. He believed there was a just case that would win in a court of law.

It is no small commitment to contest in the Supreme Court, and it was pointed out that a lot of money would be required, and also it was essential that Brian Woolley should understand the implications, and be willing to undertake the court action, not only for himself, but for all of us. Fortunately he is a man of great courage and high convictions and willingly decided to do so. We then called public meetings to test the wisdom of proceeding. It immediately became obvious that the overwhelming majority of the people were in favour of action being taken, and proved it by donating over \$10,000 to proceed. There were also donations from victimised farmers from all over the State, as well as Liberal politicians.

At this point Williams insisted that all moneys subscribed should be placed in a legally valid Trust Fund for the specific purpose of the action. I mention this because he says that the opposition will seek out any mistake that can easily be made which may lead to action on their part.

There were some months before the case was heard, during which time we were subjected to much derision from union circles for daring to take on the AWU. There was one particularly vicious article which appeared in "*Truth*", December 18, 1971. All this time of course the five farmers that were banned were unable to dispose of wool or livestock or purchase fertiliser for the coming season.

The action began in the Supreme Court of South Australia on February 8th, 1972, before Mr Justice Wells. Brian Woolley was represented by H.C. Williams and S.G. Maidment, while Dunford had Elliot Johnston QC, assisted by Miss R.A. Layton.

With several adjournments the trial was completed on March 9th, after a total of 12 sitting days. It should be noted that Woolley spent almost three days under oath giving evidence and being cross-examined by Johnston, QC, whereas Dunford did not enter the witness box at all. This did not count in his favour.

Throughout the trial Woolley was superb. His evidence was clear and concise and he showed great wisdom during cross-examination. He was greatly assisted by Williams.

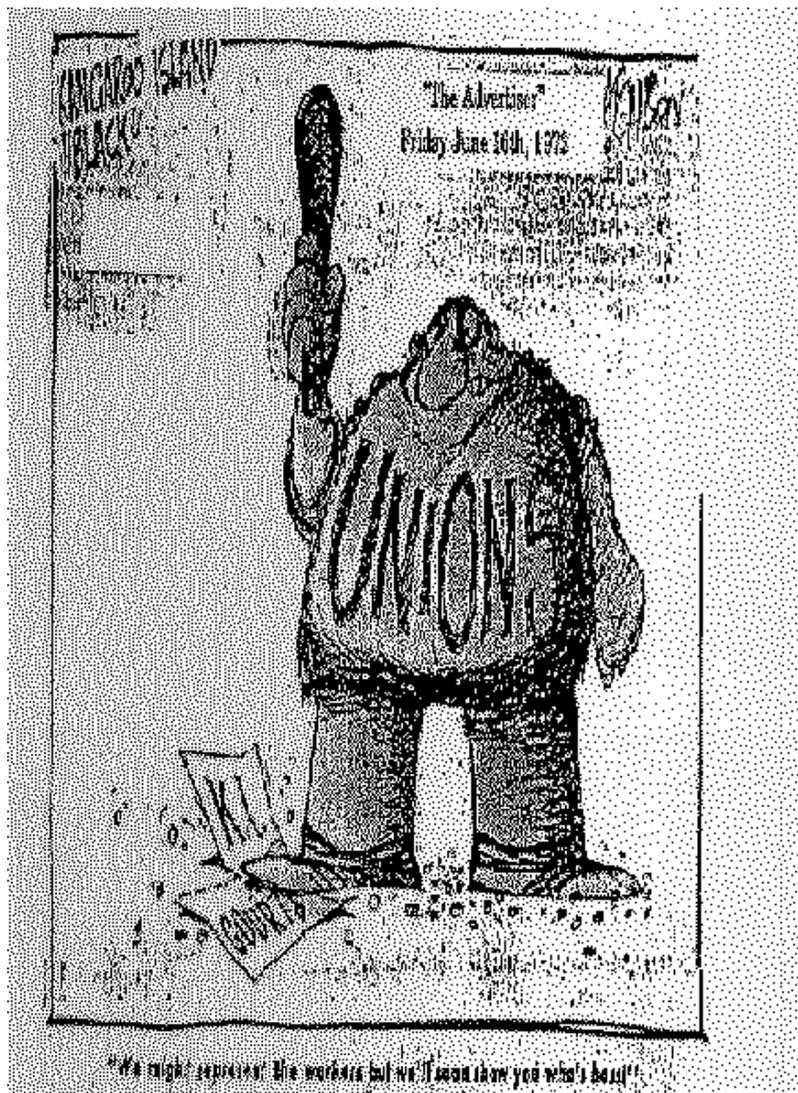
In his judgment handed down on May 11th, Justice Wells found that Dunford had committed the tort alleged against him. He also stated that the dispute was deeper rooted than the formal

issues arising from the pleadings and suggested that the persons concerned meet in an endeavour to compose their differences, and he did not make an injunction to lift the ban, but adjourned the case so that the parties could meet.

Here the Trades and Labour Council became involved in the act and put great pressure on Woolley to agree to a set of demands which would have greatly interfered with his ability to procure suitable shearers, as and when they were required. In this he was assisted by Williams who was adamant that while we were, of necessity, obliged to negotiate, we were under no obligation to submit to any unreasonable demands. And so, due again largely to Woolley's courage, there was no agreement, and the case went back to Justice Wells for final judgment. After further deliberation he ruled that "Dunford refrain from doing anything that caused a breach of contract between the plaintiff and other parties for the carriage or marketing of wool or other produce of the plaintiff." In other words, the ban on Woolley's farm was to be lifted.

Court costs of almost \$10,000 were also granted in Woolley's favour. This was on June 13th.

The reaction was immediate and dramatic. On June 14th the Trades and Labour Council placed a ban on the produce, livestock and fertilisers of all farmers and graziers on the Island, in view of their anti-union attitude. When challenged as to how a whole community could be classed "anti-union" a union official stated that only 15% of residents voted Labor.



Dunford flatly refused to pay costs and should therefore have gone to gaol, but prison wardens refused to process him and he roamed at large.

As a result of all this the media had a great time and the writers were all on our side. Letters condemning union action flooded in from all over the country. Questions were asked in Federal and State Parliaments. The ABC sent a team down from "*This Day Tonight*". Even the 'Modest Member' happened to hear about it, and wrote a good column on the dispute.

This was all very well, but at the same time the ban was hurting. Farmers could not ship wool and livestock. Superphosphate was urgently needed for crops and pasture. It was natural that the two Kangaroo Island Councils should make every effort to have the ban removed, and they appealed to the Premier to use his offices to do so. The Premier ordered Commissioner Lean to try to settle the dispute. He invited the TLC Disputes Committee and the Councils on the Island to a voluntary conference. The Island was represented by George Hardy and the Chairman of the Kingscote Council and the secretaries of the Stockowners Association and the UF&G. A ten point plan for negotiation was made and this was submitted to Kangaroo Island farmers. The TLC made it quite clear that if we agreed with the submission, then the ban would be lifted forthwith. We felt obliged to put the matter to a public meeting.

About this time George Hardy left the Island and left me to chair the meeting, which was held in the Kingscote Hall. The hall was packed to capacity with an estimated 600 being present.

A printed copy of the proposal was given to all those present. The Chairman of the Kingscote Council, as requested by Commissioner Lean, presented the Union case as fairly as possible. The meeting was then open for discussion and it was soon obvious that the proposition was not only unpopular but also considered unworkable. A copy of the proposition may be seen in Appendix I. Several motions were proposed but the one that was put to the meeting was "That the TLC basis for negotiation be rejected."

A secret ballot was taken, only Islanders being allowed to vote. The result was 420 for the motion, 15 against, and 5 informal.

The KI Committee refused to negotiate further while the ban still applied. There was renewed sympathy for our cause, as expressed in the papers and on talk back radio. "*The Advertiser*" rang me on June 29th to ask how long we could hold out under this ban. I replied that, "we still had almost a million sheep, about 45,000 cattle, and fortunately just lately the fish were biting very well."

I was right about the fish biting, because next morning Premier Dunstan rang me, and said that he felt that it was about time he came down and talked to us, to which I agreed. He could only spare a couple of hours, and suggested that some of our committee meet with him over lunch at the Ozone Hotel. No sooner had he hung up than our solicitor, Williams, rang to say that the Premier was coming down and that on return he would probably lift the ban. He didn't say how he gleaned that information, but said that we would be asked to have a further conference to which we should agree, but on no account were obliged to give anything away.

And so about a dozen of us met as suggested. The Premier told us how the Unions have principles which they hold dearly, and when these are rejected they get very upset. We said that we had principles too, and we were very upset, and we enlarged on the reasons for same.

The Premier could see that he was getting nowhere, but suggested that we get to know the TLC better, and hoped that we would go to Adelaide to meet them.

We replied that we were sick of going to Adelaide and if they wished to see us they should come down to Kangaroo Island. The Premier left soon after that.

That evening the Premier lifted the ban on the condition that there would be a further Conference between the TLC and the Islanders on Kangaroo Island. There was much relief and rejoicing as a result of this announcement.

The meeting took place in Kingscote under the chairmanship of Commissioner Lean on July 7th. The TLC delegation was led by their Chairman, Wells M.P. There were six others including Dunford, and also a young man called John Bannon, in his capacity as Industrial Officer. He has had a few ups and downs since those days. We had a fairly large delegation, with Williams to advise us. Really the meeting was not a credit to any of us. There had been too much ill feeling for us to be constructive, especially after Dunford caused friction by a speech he made early in the meeting. Several propositions were put forward by both sides and all were rejected. We kept at it all day but there was no resolution.

Williams and the TLC delegation spent the night at the Ozone. Next morning Williams rang me to say that the TLC was most anxious for a settlement. So much so that they would agree to almost anything. He suggested that he would draw up a proposition that would give nothing away, and at last get them off our backs. He said they were like a dog with a bone and wouldn't let it go.

The final proposition was that, "In the event of further dispute between Island farmers and Unions, the farmers would refer the issue to their organisations the Stockowners and the U.F. & G., and the Unions would state its position to the TLC."

"These bodies would then have talks and attempt to negotiate a settlement.

No direct action would be taken by the Unions before this process of conciliation took place."

I had difficulty persuading our Committee to agree, but they did. The TLC and the U.F. & G. agreed. The Stockowners Association said they had too many committees already and rejected it. No more was said on either side. So that was where the dispute ended. It just died-Amen.

Epilogue

All this time Dunford, the A.W.U. secretary had been wandering at large while no action had been taken to pay the costs of just under \$10,000. However, on July 10th the South Australian Labor Government decided to pay those costs out of Government revenue. No doubt they also paid the costs of employing Johnston QC to handle the Union side of the case. This caused much furore in political circles and another spate of cartoons and letters to the paper.



However, it did not prevent Dunford from obtaining Labour selection and finally election to the Legislative Council.

After all our costs were taken out there was a small amount from the Trust Fund to be disbursed to our donors. We posted each a cheque and enclosed a note which read, "They that under rate the Island men's mates, makes great mistakes."

During the Spring of 1972 a Union organiser walked into a shed on Kangaroo Island at smoke-oh and asked a shearer if he had a Union ticket. The latter, who was over 6 feet, rose and wearing a silly grin, said, "No, what are you going to do about it?" The organiser turned and left. We have had no problems with organisers since then, but we still have an excellent relationship with our shearers.

The Premier tried to introduce legislation which would place all actions resulting from industrial disputes within the jurisdiction of the Industrial Court instead of the possibility of using the Supreme Court. This was passed in the Legislative Assembly but rejected in the Legislative Council largely due to the strenuous efforts of Ron DeGaris.

The Moral of the Story

It must be plain by now that there should be more protection through the law to prevent unwarranted standover tactics taken by militant Unions.

However, as the law stands it may be still possible to seek redress through the Civil Court rather than the Arbitration Court. But if you adopt this path be sure that you have a very good case. You also need a very good lawyer.

In our case we were most fortunate to obtain the services of H.C. Williams, who guided us throughout.

But most of all we are indebted to Brian Woolley. He was really put through the mangle on our behalf. Throughout he showed wisdom and great courage. We are very proud of our most excellent plaintiff.

Our other asset was a united community. As can be seen by the voting result of the meeting taken in Kingscote, they stood firm under extreme pressure, and as a result have achieved a lack of interference in industrial affairs.

Bibliography

1. Judgement No. 1255 handed down by Justice Wells. Woolley-Dunford Case, 11th May, 1972 (63 pages).
2. Case history of the Union Ban on Kangaroo Island Grazier B.H. Woolley, August, 1972, by J.T. Woolley.
3. Melbourne *"Truth"*, 1971.
4. *"The Islander"* November, 1971.
5. *"Advertiser"*, July 11th, 1972.
6. *"Modest Member"* Stock Journal, July 27th, 1972.
7. *"Unions in Crisis"*, Clyde Cameron, pp 325-343 "... for an inaccurate account of what occurred"

Appendix I:

Herewith the suggested points of settlement to the dispute to which we were asked to submit at the Kingscote meeting on June 27th, 1972.

After reading same do you wonder why they were rejected, or why we are not keen on the Arbitration Commission? This is essential reading in order to understand the true nature of pressures that were applied.

Please find enclosed a draft of the Procedures laid down at the Conference held on Friday 23rd June, 1972. I have drafted the list of Procedures to express the agreement and wishes of the Conference. It is recognised that the contents of the Draft are to be submitted to the Farming Community on Kangaroo Island early next week for ratification and if accepted, the

Ban imposed by the Disputes Committee of the United Trades and Labour Council will be lifted within twenty-four hours.

"That a procedure be laid down to settle the current dispute that has resulted from the Trades and Labour Council placing a ban on the farming community at Kangaroo Island and such procedures to apply only to Union activities on Kangaroo Island."

Procedures:

1. In order that the Union may be in a position to exercise its rights under the preference clause (No. 73) of the Federal Pastoral Award the following moves shall be agreed to be undertaken by the parties:
 - (a) Upon application by the Australian Workers' Union the employer associations to supply to that Union the date of the next shearing of a member concerned and the member's labour requirements together with the number and type of sheep to be shorn. This information to be supplied no later than 21 days prior to the date of shearing.
 - (b) Farmers who are not members of either employer organisation and have engaged or intend to engage non-union labour, to notify the secretary of the Australian Workers' Union of their labour requirements together with the number and type of sheep to be shorn, no later than 21 days prior to the date of shearing.
2. The method of implementing the preference clause in the Federal Award will be that the Australian Workers' Union will make union labour available to the employer who shall give any such labour preference of employment as set out in clause 73 of the said Award in the event of no alternative union labour offering their services to the employer. In the event of a dispute as to the persons to be employed the dispute shall be referred to the Commonwealth Conciliation and Arbitration Commission in order that a Board of Reference may be convened to determine the following dispute: "The employer has notified the Australian Workers' Union that he will commence his shearing operation on .. (the date to be inserted herein). The Australian Workers' Union has offered the employer as labour Messrs. "X" and "Y" etc. who are members of the Australian Workers' Union. The employer has notified the Union that he prefers to employ Messrs. "A" and "B" etc. who are not members of the Australian Workers' Union. As "X" and "Y" and "A" and "B" etc. are all offering their services for employment is the employer obliged by virtue of clause 73 of the Federal Pastoral Award to engage Messrs. "X" and "Y" etc. in preference to employing or continuing to employ Messrs. "A" and "B" etc."
3. The employers to agree to act at all times to observe the wage rates and conditions of the Federal Pastoral Award irrespective of the type of labour they employ.
4. The employers to make available to the Australian Workers' Union's organisers all reasonable facilities and assistance as given previously to organise on their property. The Australian Workers' Union organisers shall have access initially prior to the start of shearing or on the first day of the shearing run.
5. The Australian Workers' Union when called upon will undertake to provide first class shearers.
6. The Australian Workers' Union will be available at all times to undertake any reasonable negotiations with farmers over the staffing of their sheds during the shearing season.

7. If it is considered by the Kangaroo Island Graziers that there are problems that are peculiar to their activities as graziers located on the Island they can seek to vary the Federal Pastoral Award to cater for any such peculiar circumstances.

8. In the event of a dispute between the Australian Workers' Union and the graziers the matter should be referred by the graziers to their employer associations who will discuss the dispute with executives of the Trades and Labour Council Dispute Committee and the Trades and Labour Council Dispute Committee will not impose any bans or limitations on the Island until all efforts to resolve any differences have been explored.

9. Should the above terms of settlement prove successful for the 1972 shearing season they shall form the basis for future arrangements between the Australian Workers' Union and the farmers and graziers on Kangaroo Island.

(Signed) **W.C. Lean** Commissioner 23/6/72

Appendix II:

The above may sound a pretty dull tale after all these years. But it was not dull at the time.

Below are two letters written in the heat of the battle, one from Brian Woolley and one from myself, Bill Kelly. They give some impression of our feelings at the time. They were due to be printed in the "Advertiser" on the day the ban was lifted. But when it was lifted, we being peace loving boys, withdrew them in order not to further stir the possum.

To Whom It May Concern: by Brian Woolley

Unions and employer organisations have a moral and legal right to pursue their interests in a proper manner---if a man wants to join a union; if he feels obliged to join; or if a union, using reasonable and proper methods can persuade him to join, then I say good luck to him and his union.

My wife and daughter both belong to the South Australian Institute of Teachers, i.e. the Teachers' Union, an organisation which to its everlasting credit, does not recruit members by intimidation.

The only objection which I have, and which to my knowledge, farmers on Kangaroo Island or anywhere else in the State have to union activity, is to this particular tactic of banning properties in order to compel membership.

Mr Dunford will deny that compulsory unionism is the issue. I say that his actions belie such a statement and there is surely food for thought in the A.W.U. Constitution which states in part ... "individually we can agitate, united we can compel" and that members accept the principle of, and are bound to, "strive for the collective ownership of all property".

I have now been on my property for over 11 years and have employed both union and non-union shearers---last year for the first time, an A.W.U. organiser came to my shearing shed, arriving just before morning 'smoke-oh'---he was given permission to speak to the men, was

offered and accepted a cup of tea---he left of his own free will about an hour later---at no time did I ask him to leave and did not object when he walked to the rear of the shed and noted down particulars stencilled on a bale of wool.

Within two hours I received a phone call from Mr Dunford (whom I have never met) and was told quite bluntly that "these fellows have to join the union, this is the only way we can get them ... the union would be better off without them, we don't want them ... if these fellows don't join I'll have to take action to see that union labour doesn't handle your wool etc."

(All that and more before I had said anything---the phone conversations I had with Dunford are sworn Court evidence and have never been denied in any way).

My reply to the above was "This is the first time 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 a union"---it is their decision and theirs alone.

Dunford went on, "Well you're involved whether you like it or not, this is the only way we can get these chaps, you have a democratic right to use non-union labour and union members have a democratic right to refuse to handle your wool," etc.

It was all very well for Dunford to tell me what my democratic rights were---his statement made the false assumption that I had, when employing labour, made a choice between union and non-union. This I flatly reject---when I have had a choice I have always chosen the MAN---his status relevant to any union is his business.

I find Dunford's attitude during the above conversation hard to reconcile with his claim that he is not in favour of compulsory unionism---he made no suggestion of a conference---no suggestion of normal legal channels---simply an ultimatum---either I solve the union's problem or my farm produce will be banned.

The Minister of Lands (SA) holds the mortgage over my stock. I notified him by letter immediately (before I had even contemplated obtaining legal advice) letting him know of the threatened ban, and later of my failure to deliver my wool to market---neither letter was answered.

It has been said that I should have gone to the Industrial Court---on what grounds? I had no dispute with any party other than that my civil rights had been interfered with.

The simple fact of the matter was that if there was no ban, there was no argument---if I had breached the Pastoral Award, I could and should have been taken to Court without a ban being implemented. I have never at any time been accused of breaching the Award---if Mr Dunford considered that I had why did he not take appropriate action?

He did get as far as sending myself and the other Kangaroo Island banned farmers the following telegram:

"You are informed that a dispute has arisen within Section 28 Conciliation and Arbitration Act as to the employment of non-union labour by yourself and others. Letter follows. Dunford A.W.U. S.A. Branch."

No letter ever did follow referring to the telegram and a written request for further explanation by one of the banned farmers was ignored. In fact during the Court proceedings

my counsel tendered the above telegram in evidence---Mr Dunford's counsel **objected**---on the grounds that it was **irrelevant**---this in spite of the fact that I had been questioned at, to use the Judge's words, "interminable length" on matters relating to the use of non-union labour.

I spent the better part of 3 days in court answering personally for my own actions. Mr Dunford did not enter the witness box although his organiser (who came to my shed) did---to my way of thinking, the servant was sent where the master should have gone.

Mr Dunford also claimed that I refused to negotiate although he 'begged' me to. Dunford does not beg people, he tells them.

Before the Court hearing, an offer of settlement was made to me, requiring me to give 28 days notice of my intention to commence shearing. I refused, because I considered that an unlawful ban was in force and I had done no wrong.

Dunford made the whole question of notice completely academic anyway by calmly helping himself to 9 months notice and about a week before the hearing commenced I received a letter from him, advising me that he had "been able to **procure** the services of two union shearers" and offering them for my '72 shearing.

Both these men had been employed in 1971 by a Kangaroo Island shearing contractor---one had been employed for the past 4 years and was expected to return in 1972.

On the face of it Dunford was quite prepared to have the contractor lose a reliable employee and me to dispense with the services of a man who had proved himself reliable to me for an even longer period.

When the first judgment was handed down I, and a lot of other people, thought that the ban would be lifted ---not a bit of it---and eventually I found myself at a voluntary conference still under the pressure of an unlawful ban---in a desperate effort to end the matter. I did in fact accept in principle a proposal which would have meant my giving formal notice of shearing to the AWU.

At that point Dunford had his 'negotiated settlement' but because of his flat refusal to acknowledge any responsibility to me for his action I had no option but to continue with Court action.

An Injunction was issued and one of the Judge's findings was: "3. I am of the view that the defendant has made it abundantly clear that, so far from being ready to give an undertaking to desist from continuing the ban, he intends to continue the ban unless restrained."

Then an entire rural community was presented with a 'fait accompli', and told in effect, "you don't like us so you're banned and we expect a negotiated settlement. Once again---negotiate what?"

If there is a problem anywhere in the State, the machinery already exists to discuss it without recourse to intimidation and bans.

What reception would I have received if the Court finding had been against me and I had refused to comply, on the ground that there was a 'general anti-KI feeling in the T.L.C.? What would have been my negotiating point?

It has been stated (perhaps more I have been accused) that I am a wealthy grazier---anyone with that impression has my permission to ask the Minister of Lands, whether he agrees.

I am sure many union members have read a document recently circulated in SA industrial circles which refers in part to the 'Tolpuddle Martyrs' of 1834- suffice it to say I claim this much in common with the men of Tolpuddle---I don't like intimidation any more than they did.

(Signed)

B.H. WOOLLEY

Appendix II (Cont'd)

The Kangaroo Island Martyrs;

by W.B. Kelly

There is a document that has recently been circulating in places that are dominated by the Trades and Labour Council which purports to give the reasons for a black ban on the produce of farmers on Kangaroo Island. In it Mr Jim Dunford, Secretary of the Australian Workers Union is portrayed as a martyr who is being prosecuted for carrying out his duties. We suggest that it would be fair for all to read the story as it is known by the residents of Kangaroo Island, so that they may judge who are the real victims in this case.

During the month of October, 1971, an AWU organiser at the direction of the AWU and with the backing of the TLC placed a black ban on the wool from five properties on Kangaroo Island. The reason given was that the farmers were not employing AWU shearers. In the Federal Pastoral Award it is stated that "preference shall be given to AWU shearers all other things being equal." In these cases all other things were not equal. Either no union shearers were readily available, or it was more convenient to employ neighbours who could return home each night because of unsuitable accommodation for visiting shearers. The real reason for applying the ban was in order to intimidate farmers to coerce shearers to join the AWU who had no wish to do so. Be it noted that some of these men only shear in two or three sheds a year in order to keep the pot boiling. Also note that at no time during this period were union shearers laid off or victimised in any way. As the sale of wool is by far the main source of income for these farmers, they felt that they were being persecuted.

One of their number, B.H. Woolley, a man of great courage, and high principles, and respected by all who know him, decided to test the validity of the ban in the Supreme Court of South Australia. Woolley had an excellent relationship with union shearers whom he had often employed. His wife and daughter were both members of the Teachers' Union. As it was felt that this was a test case for others, there was loyal support for him, and the residents of KI (not only farmers) assisted him in his action.

Because the process of law is slow, it was months before judgment was delivered, all of which time bales of wool rotted in the open and these five farmers were unable to dispose of their produce. However, eventually Justice Wells in the Supreme Court of South Australia on June 14th, 1972 granted an injunction that the ban on Woolley's wool be lifted and that Dunford as defendant in the case, should pay court costs.

In the union document it is stated that Dunford was dragged into the Supreme Court and may lose his house and furniture, and even go to jail if he does not comply with the Court Order. The facts are that he was not dragged into the Court. He was merely asked to lift an illegal ban. When he did not do so the case proceeded. Indeed, Dunford suggested that court cases did not worry him as he had \$30,000 with which to fight it (good union members' money, no doubt). As the costs will be insignificant as far as that sum is concerned we see no reason to shed tears on his behalf. Indeed, we have been most lenient in not claiming damages to those who have suffered losses as well as asking for costs.

In the union document it is stated that this action was taken by the ruling classes and the establishment. In fact, it was taken at great sacrifice by a whole community of decent freedom-loving South Australians in order to seek justice. In view of subsequent actions, we leave it to readers to judge who are the 'ruling classes' in South Australia and who is 'the establishment'.

When the judgment was released, Dunford refused to comply with the Court Order, and a ban was placed on the produce of all farmers to and from Kangaroo Island. The reason given for this action by Mr Shannon, Secretary of the Trades and Labour Council, was that there was an anti-union attitude on Kangaroo Island. We submit that before these illegal acts took place there was no anti-union feeling on the Island. We admit that recent actions taken by the TLC have not been a good public relations exercise, nor have they improved the union image.

At all events, the farmers of KI are deprived of the right to buy and sell produce that is necessary for their survival. Stock, some of it already sold, remains on the farms, being hand fed at great cost due to the dry season. Contracts to deliver oil seed rape to the mainland are being broken daily. Fertiliser that is essential to crops for the coming season remains in Adelaide. Members of the Transport Workers' Union wait by semi-trailers that have no cargo. And so it goes on.

Telegrams have been forwarded to the Premier asking him to intervene. In reply the Premier asked that we negotiate with the TLC at a conference chaired by Commissioner Lean on Friday, June 23rd. This has been done. Our representatives have done their utmost to achieve a just settlement. In return, the TLC have asked us to agree to a set of proposals which besides being entirely unworkable, are thoroughly unjust. They seek to impose further restrictions upon us which would lead to further friction and threats of victimisation to KI farmers. Indeed, they are virtually a separate shearing award for Kangaroo Island. At a public meeting on the night of June 27th in Kingscote those proposals were rejected, the voting being 420 to 15 in a secret ballot.

We submit that the great difference between conditions on Kangaroo Island and the mainland is that because of our geographical isolation, black bans can be effectively imposed upon us which is not the case elsewhere. We submit that there is no place in Australia where there are better industrial relationships than there are on Kangaroo Island. Shearers are valued members of a united community and are welcome not only in our sheds but in our homes.

We do not feel obliged to negotiate with Mr Dunford. If the court case had gone in his favour we can vividly picture further negotiations. Bash! Bash! Wham! Boots and all! The actions that have been taken have caused great hardship and have been proved to be unlawful. But he still seeks further power with which to victimise us. We only ask that the same conditions apply to shearing on Kangaroo Island as apply on the mainland under the Federal Pastoral Award. This is fair and just.

Members of the great Australian Trade Union Movement, which came into being to help the workers get a fair go, allow its bosses to bully and persecute an innocent community of real workers. Workers, who strive against crippling costs to keep their heads above water. If they do go under, or maybe switch to cattle, then shearing for all concerned is finished on Kangaroo Island. What about the workers indeed! We have served with genuine union members in another fight for freedom against other tyrannies. We have left behind our mates on many shores, who have not died in order that this country should suffer in bondage but that Australians might live in freedom. Some of us have suffered in Japanese and Nazi working camps and know full well what persecution is when we see it. Our wives have battled with us and have often lived in sub-standard conditions in order that we might succeed in getting a new start after the ravages of war. Our union members stand shoulder to shoulder with us in our quest for liberty. We only ask the other workers of this State and nation to give your comrades the same protection that applies elsewhere. To you we say, "Put your house in order before it is too late!"

Meanwhile, Mr J. Dunford, the first Australian "Holy Bull" to lose a civil action under Australian Common Law for quite some time, rampages at large and hits us from time to time below the belt. We are advised to take no further action as the union bosses are all stirred up. Mr Premier, we demand the protection of the law as our just right against these irresponsible acts of persecution.

We only wish to pursue our honourable occupations in a peaceful, lawful manner. However, we feel that this is more than a Kangaroo Island issue. It is an issue of right and wrong, of justice and persecution, of liberty and repression. That is why we now go to some detail to explain to fellow South Australians the real facts of the present ban on our means of livelihood.

(Signed)

W.B. KELLY