

RICHARD COLVILLE: "SUNDAY REPORT"

CANBERRA

Question

Prime Minister, there has been a great deal of discussion over the past week or so about your proposed amendments to the Arbitration Act. Exactly what was your Government trying to achieve. Why did you regard this as so important?

Prime Minister

There are three things that Tony Street proposed and which we accepted, because I think they make a great deal of commonsense. There have been problems before in getting particular cases to the Full Bench so that they can be dealt with, in a sense, in the most important way in which the law and the system is capable. One case in particular, Telecom, dragged on for a long while without it going to the Full Bench. The Government believed that the President of the Commission needed a capacity to say, in the national interest, a particular case should go to the Full Bench. The provision also allows the Minister to suggest to the President that in the national interest something to go to the Full Bench, but it is the President who must make the decision. So the President of the Commission is having his position strengthened by those provisions. Nobody can suggest that is diminishing the power or the integrity of the Commission itself. At the centre it has been strengthened. I think is a very eminently sensible proposal. If I could go through them, there is another provision which requires Commissioners to consult with their Deputy President. The Commissioners are grouped into panels under a Deputy President, depending upon the industries they are in. Again, there have been cases where decisions have been made clearly outside the indexation guidelines. They have caused industrial trouble. Claims for flow-on. There have appeals. There has been disputation as a result. It would have been much better if the decision that way, outside the guidelines - that is the Commissioner's guidelines, not the Government's necessarily, the Commission's guidelines - much better is those decisions had never been made. So, the provision I believe is a relatively harmless one in which the Commissioners are required to consult with the Deputy Presidents. The Government believes and hopes that that will lead to a greater degree of cohesion within the body of decisions made by the Commission. I would have thought that is a pretty harmless sort of amendment, but it is nevertheless an important one in the overall strength of the Commission and where the Commission itself is going. The third amendment is for use in very serious situations when the safety, health or welfare of the Australian community, or if part of the Australian community, is threatened, prejudiced, by severe industrial action. An application can be made to the Commission if the Commission rules that the safety, health or welfare of the community is under threat then that does give

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Prime Minister (continued)

the Government certain powers in relation to de-registration of part of the union or the whole of a union which could be used much quicker than the normal de-registration process.

Again, it is the Commission that must make the proclamation. It is that that then could give the Minister of the Government powers in relation to that section. But the Government knows quite well that the test of that system will be the way in which the Section is itself used. On many occasions we have had circumstances over the last two to three years where people have said: "Why doesn't the Government act". Well, very often it has been because it is in a State arena with State employees. Sometimes has been because the law has been deficient, sometimes it has been Commonwealth employees and we have acted. This will extend the powers available to the Commonwealth in extreme emergency situations when the trade union movement itself, or some parts of it, are confronting the people of Australia. We know quite well that we will be judged on the way this section is used or not used. But we are happy to have that responsibility.

Question

On the first instances you outlined, as summing it up, it just requires the Commission to talk about major cases to discuss them more thoroughly than perhaps might have taken place in the past?

Prime Minister

That is the requirement on the Commissioner to refer the matter and discuss it with the Deputy President. It is a question of discussion. If the Deputy President doesn't then give the Commissioner directives, the Commissioner still makes his own decision.

Question

Why did you think these particular amendments so necessary. Have there been cases in the past where you were unhappy with the way that a particular Commissioner handled --

Prime Minister

I don't want to mention cases in particular at the moment, but there have been one or two cases where plainly the decisions went right outside the guidelines. They were appealed against. The award was reduced, and all of that led to a great deal of disruption. People had an expectation. It was taken away from them as a result of a further decision. In addition, of course, when there are unreasonable decisions in terms of their extent and scope that creates a follow-through, a flow-through situation and many other people say: "If this union, this industry, can get that, why can't we get that". Ultimately what we have done doesn't alter, can't alter, what the Commission has determined, but what we hope is greater cohesion within the body of decisions made by the Commission. I would have thought that that is a very natural objective.

Question

Prime Minister, the main trouble area in the world I suppose at the moment is Kampuchea, and your Government has just announced tax deductibility for donations to charities in this area. Do you think this will improve or increase the flow of aid coming from Australia, substantially?

Prime Minister

I think it will. For decades all Australian Governments have resisted to make gifts for foreign aid purposes tax deductible because the Governments have successively taken the view that so much aid is provided by direct payment from the Government - and that is from taxpayers - that if people wanted to pay something over and above that, all right, that is their affair, we are very happy for them to do so, but not something that should in a sense be subsidised by tax deductibility. But we felt that the problems in Kampuchea are so great - and they go back over a long while; there were up to 2 million people killed, destroyed, under the Pol Pot regime itself, then the invasion involving 15 to 17 divisions of the Vietnamese Army, the continuing guerilla war, and massive refugee and massive famine problems, difficulties and degradation amongst the people for those who remain in Kampuchea. I doubt if any country, within the memory of most people living, or certainly since 1945, has gone through a more difficult, more stark, more horrifying circumstance. It is not all that far from us. Our own part of the world - Southeast Asia - has been upset and disturbed by massive refugee movements coming out of the problems in Indochina. We believed, because of the total circumstances, that a lot of people in Australia would want the maximum opportunity of closely identifying themselves with the difficulties and hardships of Kampuchea. We thought, therefore, we ought to make an exception to the general rule which prevailed up to now. So donations made to the Kampuchean Relief Fund through the course of this financial year will be tax deductible. I hope it does lead to substantial additional sums being made available over and above the further aid that the Government itself has provided.

Question

A lot of people have voiced concern that whatever aid is given by Australia, or by individuals, may not be going to the people who need it most. Have you been able to get any sort of assurances that it will?

Prime Minister

I've got that concern myself, but it just means that we have to do everything we can to see that aid gets to people who need it. I would be very concerned if I thought it was going to get into the hands of the Vietnamese Army. That must be a possibility, but the international agencies are well aware of that. We are well aware of it. All I can say is we will be doing everything we possibly can in the most difficult circumstances, to make sure that aid gets to those who really need it. Andrew Peacock is trying to get some aid officials to go with one of the relief planes to see on the ground what is happening. I am told there

Prime Minister (continued)

could be some problems with that, but we will be wanting to get Australian officials on the ground in Kampuchea so we can have a direct report as to how matters are being handled.

Question

The other issue that has come up over the past few days has come up over the past few days has been that of Marlin fishing off north Queensland. I suppose that as one of Australia's keenest amateur fishermen yourself, do you have any sympathy or feeling towards the people who think that their livelihood may be disrupted by the agreement your Government has just signed?

Prime Minister

I would have enormous concern if I thought that Marlin fishing - a great fishing sport - was going to be disturbed by what has happened. It is worth noting that most Marlin fishermen, I believe the best, when they catch a Marlin they tag the fish and they let him go. If it is going to be a great trophy fish or a trophy win I suppose that might be another matter, but I think the best catch, tag and release. For a sport, fishing of that kind I think is the way it ought to be. What has happened is that for 25 years or so the Japanese have been fishing these waters and nobody has really known what's happened. They have been fishing, taking fish - and that's gone on. Under the new fishing agreement that we have signed with Japan, they are excluded from quite considerable areas where they previously were able to fish. So that is the first point.

The second point I would make is that under the fishing arrangement there will be a much better after a little while, of what's happened, because there will be supervision, information collected. Then we will be in a better position to judge, on a basis of fact.

Thirdly, these particular elements, again, as I'm told, are capable of re-negotiation at the end of a 12 month period. So we will be watching the evidence very closely over this period. If there is a need for re-negotiation of some elements of the agreement, and in accordance with the agreement, well then, we will certainly want to do that.

Question

How, exactly, are you going to supervise this to make sure that they're not taking marlin or anything else that they shouldn't.

Prime Minister

Oh, I think that you will find there will be people on fishing vessels themselves, catches will be supervised and a lot of this is a question of gaining knowledge and that's in the interests of fishing itself, of the commercial fishing. Because, you need to understand that the resources are not being over-fished, that they are not being depleted, because people want to be in this as a long-term business, not coming in, making a kill and destroying the grounds and going out again. So, it's in the interests of everyone to see that there is greater knowledge and understanding of marine

Prime Minister (continued)

resources, whether it's off the North Queensland coast or in other parts of the waters around Australia.

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