TEXT OF STATEMENT BY THE PRIME MINISTER, MR. E.G. WHITLAM, Q.C., M.P., AT THE OPENING OF THE HAWKESBURY BY-ELECTION, REGENT THEATRE, RICHMOND, WEDNESDAY 31 JANUARY 1973

The State of New South Wales has just experienced a crippling and unnecessary industrial dispute involving the Transport Workers Union. The conflict involved was basically an intra-union matter which should not have expanded into strike action affecting the entire community. The fact that an intra-union matter could grow to such proportions arises from a basic defect in our legislation, a defect which has been known for three years and upon which the previous Federal Government and the State Government, particularly that of New South Wales, should have overcome some time ago.

The recent dispute involved an application by the New South Wales union to be represented separately in the arbitration proceedings and to negotiate directly with the employers. This dispute could only arise because the State and Federal unions had a quite separate existence in the eyes of the law.

On 25 February 1969 the full bench of the Commonwealth Industrial Court handed down its judgement in Moore v. Doyle, par of which read: "A system of trade union organisation is urgently needed which would enable the one body to represent its relevant members in both the Federal and State arbitration systems and it should be possible for Federal and State authorities to examine the question whether organisations and trade unions can be provided with such a system....We have decided to refer our judgement in this matter and these remarks to the Attorney-General for the Commonwealth in the hope that it may be possible, after consultation between Commonwealth and State Attorneys-General, the trade unions, both Federal and State, and other interested Government authorities to arrange for the examination of the important organisational matters to which we have referred". I should point out that a member of the court in this decision was Mr. Justice Kerr, now the Chief Justice of New South Wales.

Four years ago the Court referred this vital matter to the Federal and State Attorneys-General. During this period a series of committee meetings and sub-committee meetings has been held. At a meeting on 16 and 17 March 1972 the working party completed its work and definite proposals by the Commonwealth were forwarded to the States on 13 June 1972. Only four States are involved, South Australia, Western Australia, Queensland and New South Wales. Replies were received from South Australia on 23 August, from Western Australia on 31 August and from Queensland on 8 September. New South Wales is the only State which has not yet replied to the Commonwealth proposals.

The recent strike should never have occurred. It would not have arisen if the previous Federal Government and the State Government involved had not been so dilatory in remedying this basic and obvious defect in our laws. The fact that the matter is not resolved at this time is solely the responsibility of the New South Wales State Government.

I have now written to all the State Premiers involved seeking urgent consideration of this basic legal anomaly to ensure that disputes of this kind will never again erupt to cause such inconvenience to the community.