

80/67

PRIME MINISTER INTERVIEWED BY VINCENT SMITH, 2UE, SYDNEY.

LIVE, TALK-BACK

Vincent Smith

With me, as my special guest in the studio, is the Prime Minister of Australia, Mr. Malcolm Fraser. Mr. Fraser, thanks for joining us.

I wanted to, before you arrived in fact I was backgrounding the situation, it occurs to me that there is a great deal of concern in the community about the atmosphere of belligerence that builds up in a situation like this where people are desperate for petrol, where people are perhaps going to become more desperate. Does the Government concern itself with its laws having the effect of perhaps accelerating that of belligerence?

Prime Minister

I think a Government is always concerned about belligerence and confrontation, and would want to avoid it. You cannot always avoid it. Sometimes the price of avoiding it is just to allow yourself, or allow the community, to be completely run over. That is a very high price to pay. Reasonableness is something that you need somebody to reciprocate. That is not to say that one party do a dispute cannot or should not be the first to be reasonable. But, if people get back into the corners in the ring and are only going to snarl at each other, well, you can get a very dangerous and unpleasant situation developing. There is no doubt about that. The Government would be concerned about it.

Vincent Smith

Would the Government, though, not be prepared to consider amending a law. Perhaps even a cooling-off period whereby it backed away from some of the laws which it has been enforcing.

Prime Minister

But it depends on the reason for it. I would like to get at that in a slightly different way if I could, because there are people who say that law has got no part in industrial relations, that this is a question of human relationships between management and labour, that they got ultimately to get down and reconcile themselves to opposing points of view and come to a negotiated agreement. That is very often true. But we also have to understand that trade unions have enormous power. Some of them have incomes up to \$8 million or \$10 million a year. They have not in the past been accountable for the way they spend that money. They can hold up any industry. They can boycott any company if they determine to. They could send any particular company or individual bankrupt, if they determine to. If you are going to say that the trade unions should not be subject to law in the conduct of their relationships with the wider community, then we are saying something terribly serious about the nature of life in Australia. I think today any significant union has more power than any corporation or company. Yet nobody says that company directors should not be subject to the law. If they break the law, they are prosecuted,

Prime Minister (continued)

or they go to gaol. People say "they have broken the law, there is a penalty". That is it.

Vincent Smith

Are you addressing yourself specifically, though, to Section 45D of the Trade Practices Act?

Prime Minister

What I am saying more specifically is that the conduct of industrial relations has got to be held against the background of law. You cannot just rely on reasonableness. You just cannot rely on conciliation and negotiation, because unions have too much power in a number of instances. If you are going to say that people with as much power as that within our community can operate without the restraint of law, without any framework of law, then we are going to have an unlicensed situation where the rest of the community would pay an enormously heavy price. So, what I am saying is that there have got to be laws. I do not believe that in the face of a union seeking to confront a particular law the Government should then turn around and say "all right, we will modify or change that law". If you basically believe in the reasonableness of it, well then the law ought to be upheld.

Vincent Smith

Or its workability and the cost of enforcing that law. Say, for example, hypothetically, a child were to die as a result of the petrol shortage. Would it be that child's life that is the cost.

Prime Minister

You are making that kind of judgement. Let's say a company goes bankrupt because a trade union determines how that company does its business, because a trade union says 'you cannot buy from that supplier, you cannot use these truckdrivers, you have got to use other truckdrivers, and if you do not do what we say, we are going to boycott you completely and send you out of business'. As a result of that, other people get hurt. The family loses its home and all the rest. So putting up your sort of hypothetical example against another: if you allow a company to be boycotted and if you allow it to be destroyed as a result of that, then you saying that can happen to any other company. It could happen to this radio station if you do or say things which a union does not like. Giving that kind of power to a body such as a trade union is something that cannot be tolerated in a civilised society.

Vincent Smith

Even in a pluralistic society. I mean, there is no question, the Transport Worker's Union is abusing the power which a trade union has at the moment, because it is ignoring the Rule of Law, it is ignoring, I guess, logic and reason within the community.

Prime Minister

If they understood it, or the community understood it, the argument is not an argument between unions, it is not really an argument about rates of pay, it is an argument as to whether which members of the same State registered union should be doing certain work, which really makes it a total absurdity.

Vincent Smith

They are now shifting the emphasis towards that, aren't they. They have been raising 45D as the prime thing. Last night they seemed to change towards their conditions of work and employment.

Prime Minister

They are still members within a union. We have all seen very damaging demarkation disputes when it is between two different unions in Australia. That is bad enough and silly enough. But when it is members of the same State registered union, some of whom are saying to others "we are going to do that work, but John Smith, a member of the same union, is not allowed to do that work", I would have that that is a very sad, absurd basis for an industrial dispute. If they have a quarrel about the terms and conditions of one group of employees against another, there are ways of having that examined: go to a tribunal, get it examined, get a judgement. You do not have to hold up the nation for that.

Vincent Smith

I don't think anybody is really arguing that the Transport Worker's Union is being totally and unutterably unreasonable in this situation. But what people have been saying, and I am sure I have been asking it of myself, and when my wife rang me this morning to say that a lot of the women at the school were talking about going and virtually panic-buying food, then we've got a very serious situation. Doesn't it then become a responsibility of a Government to step in and try to find ways in which it might be defused.

Prime Minister

I think it is a responsibility of Government. But what I would say is that the way of defusing it is not to allow the law to be run over, or not to allow the protections of the law for a particular individual to cease. Because if you are going to say that everytime an unreasonable union puts the community at large at risk you are then going to change the law or modify it, you are really saying that you will give in everytime that an unreasonable union starts to make it inconvenient or difficult, or even damaging, for the public.

Vincent Smith

Does that necessarily mean that?

Prime Minister

I think it does. Because you are taking the example of difficulty. There was a dispute in Victoria, mostly, some time ago, and people would not deliver milk to hospitals and all the rest. As a result of that, we gave ourselves some additional powers under the Conciliation and Arbitration Act and those powers are now law. If, in this dispute, hospitals started to go short of supplies, or whatever, and the safety, health or welfare of the community started to be threatened, we could use those powers. If we had to, we would. But, if you are going to say that everytime the community is put at risk that we must give in, that the union must get whatever it had demanded, then you are really saying that companies can only do what the union determines, governments can only do what the union determines, people can only be allowed a freedom within what the union itself determines. That would destroy the basis of Australian society.

Vincent Smith

Do you think the basis of Australian society is at threat now, with the condition --

Prime Minister

Oh no. Because I have enormous confidence in the commonsense and the decency and the spirit of independence of the Australian people.

Vincent Smith

But isn't that at risk right now, given the frustrations and the belligerence that is emerging in this situation.

Prime Minister

It is being challenged by the Transport Worker's Union. It is.

Vincent Smith

But it also becoming a part of the community. People are bickering about places in queus. People are bickering about, obviously will be, about whether they are entitled to a piece of food on a supermarket shelf.

Prime Minister

This sort of thing happens when there is a difficulty. The kind of confrontation of the Australian people - because that is what it is that the TWU is now involved in - that can create difficulty. It can create hardship. But it will not challenge, it cannot succeed, in diminishing or destroying the fundamentals of Australian freedom, because these things are too deeply embedded. The wrath of the Australian people against the union would be so great that the members of the union itself would desert their leaders if they pressed that kind of view too far. Ultimately, what can succeed or not does get back in part to what a community will tolerate.

Vincent Smith

Do you accept that N.S.W. is in a crisis at the moment?

Prime Minister

I think it is in a very difficult position. I do not like using the word crisis because it is used for so many things that are not a crisis.

Vincent Smith

(Inaudible) without diminishing its meaning.

Prime Minister

But not only in N.S.W. There is the potential for this dispute spreading right around Australia. We had a long discussion about this in the Federal Government yesterday. I have spoken to Tony Street about it on a number of occasions. He has been in close touch with Sir John Moore, who has not really got any jurisdiction in relation to it because it is a State registered union, and as I have been advised, basically operating in the critical areas under a State award. But, in a sense, by grace, people have been in consultation with him. Obviously we need to hope that that can lead to a sensible conclusion of it.

Vincent Smith

Sir John would now have some jurisdiction because the Victorians are out for 48 hours - the Victorian members of the Transport Workers Union. We have the Federal union involved now, through Ivan Hodgson.

Prime Minister

Whether or not he has specific jurisdiction; earlier this morning I was told it was by grace. But this again underlines another matter.

Vincent Smith

Can we come back to that after this news break. We have news coming up in about 25 seconds. I would like to come back then and discuss this a little further with you and perhaps take some calls on 9295555, which our number. Our guest in the studio is the Prime Minister of Australia, Mr. Malcolm Fraser. We are discussing largely our problem with petrol; whether we are going to see any petrol flowing as a result of discussions today. You may have some questions you want to put to the Prime Minister on 929555. We entertain those questions after this news break which is coming up in about 5 seconds.

(News Break)

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Vincent Smith

Our guest in the studio is the Prime Minister, Mr. Malcolm Fraser. What we will do, we have a race coming up in about three minutes and we will try to hold that race for some time and we will try quickly to get a couple of calls in, or at least one call, before we go to that race.

CALLER

I would like to ask the Prime Minister a question please. Mr. Prime Minister, why can't - it's two parts - why can't the Federal Government intervene, and secondly, why is it that Mr. Wran, who never stops complaining about the unemployment in the State of N.S.W., why is it that he cannot act when he brought down his emergency legislation over the truckies dispute. I am becoming a very confused housewife and mother, with politics.

Prime Minister

Well, I am not surprised at the confusion, because I think it is sometimes a difficult situation. The Federal Government, as this began, did not have much jurisdiction because, as I am advised, all the members who were involved in the dispute were members of a State branch of the Transport Worker's Union - a State registered union. I had also been advised that they were operating under a State award but there is some question about that so I am trying to check it now. In spite of that, Sir John Moore has been having discussions with the parties. Those discussions are proceeding. He is the highest authority in Australia so far as the Commonwealth is concerned. So whether or not we have legal jurisdiction, Sir John Moore is involved because of our very real concern. Now, on the question of the State's emergency legislation, of course it could use that legislation if it wanted to use that legislation. There was a time earlier when the State was out of petrol over the Kurnell Oil Refinery dispute. That was another jurisdictional argument. The men wanted to be operating under a State award but the rest of the industry was on a Federal award. I think the only time the legislation has been applied, as you say, is over the truckies.

Vincent Smith

That comes back to the proposal which you made, which was made at the last Premier's Conference. That is, to take an approach to try to bring all unions into one jurisdiction, so that we don't have those. Is there any progress being made on that, Prime Minister?

Prime Minister

Not a great deal. Tony Street has been having meetings with the State Labour Ministers. All the Premiers endorsed this examination. There is in fact a meeting scheduled, I think, for tomorrow or the next day. I am going to today write to the Premiers asking that they give a new sense of urgency to the discussions, because so many of the disputes do involve a divided jurisdiction. It is then possible for the State to say it is our responsibility, and for us to say "no, you ought to be handling it". I would much sooner there was a clear jurisdiction. Even though there are real

Prime Minister (continued)

difficulties involved, I would sooner the Commonwealth was clearly responsible than that Governments be allowed to be in the position of arguing "no, Mr. Wran you should be doing it", and Mr. Wran says "no, Fraser, you should be doing it". That is a most unhelpful situation when you have that sort of argument.

Vincent Smith

And that does give rise to bitterness and ill feeling, that is unproductive.

Prime Minister

I think it gives rise to the sort of confusion which my questioner admitted to. I do not blame the community for that.

Vincent Smith

The other interesting jurisdictional question that is raised in this whole dispute is the question of the jurisdiction of the Federal court, which has handled Section 45D of the Trade Practices Act, and the jurisdiction of the Arbitration Commissioner, Sir John Moore, if he were to rule that there ought to be some approach to Section 45D. Which jurisdiction would have precedence?

Prime Minister

I think it is very unlikely that Sir John Moore would say much about 45D because that is part of the Restrictive Trade Practices legislation. It is necessary for that legislation to be equal handed in its impact. I was making the point before, companies and company directors operate under very heavy legal restraints. There need to some legal restraints in the union area.

Vincent Smith

I hate to do this to you, but can we cross to a race?

Prime Minister

Well, that is much more important.

CALLER

Mr. Prime Minister. Thank you for speaking to me. When Section 45D was put into this Act some three years ago I think, Mr. Hawke and various other unions and employers associations, including George Polites, said that they did not think it was a very good idea; that if ever it was used it would be rather grim for Australia with the unions and strikes and for the good of Australia and the business of Australia. Two part question: if a Liberal Government was in the State of N.S.W. now, and the TWU took them on and struck, well they could do it. It is not just because it is a Labor Government that we have copped all this unpleasantness and strike. It can happen in any State. I love Australia and what I would like to see is less stirring, politically, and more round-table conferences. And let's get on with the job and say because the State happens to have a Labor Government in, it

CALLER (continued)

is the Labor Government's fault. It is the union's fault, and 45D that was put into this - Section 45D. The court has used it and I failed to see how, if Sir John Moore comes to a decision, how it can be overcome because the court has ruled, in another court - not the Arbitration Court - that so-and-so, the TWU, have got to deliver petrol to this man. Now, to me it is an absolute mess and I think it is all caused and go back to the beginning of it, of Section 45D being put into the Act.

Vincent Smith

I think what your question is: is Section 45D going to solve a strike?

Prime Minister

Let me say at the outset that we shouldn't pre-judge what has happened in the discussions with Sir John Moore. I think we should all hope that they will be successful through consultation as you have plainly indicated, you believe it ought to be. I know trade unions do not like Section 45D. I am not aware that employers had opposed it. There have been many disputes over the last three years in which action has been commenced under 45D and a dispute has ended. In other words, the presence of 45D has led to a reduction in disputes in a number of areas because it has been effective in ending a secondary boycott. The trade union movement and Mr. Hawke, oppose any law that puts any restraint on any trade union. It is not just a question of 45D. Those sections of the Arbitration Act that put a restraint on a trade union, they also oppose. If we are going to say that any law that the trade union movement or its leaders do not like we have to alter or abolish, then we are going to allow the trade unions, that have immense power, to do what they like with the people of Australia, with companies or with Governments. Under those circumstances, Australia would very quickly become ungovernable.

Vincent Smith

Prime Minister, could I ask you a question. It is said that elements, and the essential elements of 45D, are embodied in Common Law and in existing industrial law and that therefore that section is not really necessary within the statutes.

Prime Minister

I do not think, as I have been advised, that Commonwealth law or industrial law would give the same sort of protection as 45D. It is a secondary boycott situation. It is designed quite specifically, to prevent, in a sense, third parties getting caught up in an industrial dispute. Let's take another example: if the Transport Worker's Union take a dislike to a particular company or the way it is operating, they say that they are buying the supplies from the wrong supplier, and they say we will only allow you to be supplied and carry your goods so long as you buy your raw materials from "B" instead of buying them from "A". That is the sort of power that they are trying to exert. It is not a proper use of union power. Again, we need to come back that this is an argument within a union. All members of the State

Prime Minister (continued)

branch, State-registered Branch, of the Transport Worker's Union and the union is saying "some of our members must do this work, but other of our members should not do this work". It really does seem to be an absurd proposition for the union to be taking.

Vincent Smith

But on the State branch, are not members who work for AMOCO Federal, they work for members of a Federal union? So we really have a jurisdictional problem.

Prime Minister

No. I think they are under a Federal award but under a State branch of the union. That is the latest information I have. But I am also advised that the people that Mr. Laidley had been employing were members of the same union, but under a State award.

Vincent Smith

Nevertheless, is Section 45D going to in fact solve a strike ever? The last time we had a major one was the Gorman dispute in Victoria which came almost as far as this one has gone. At that stage Mr. Gorman pulled back from his position. This time Mr. Laidley has said he is not going to pull back. He is going to fight on. It will precipitate giving, and accepting all the points you made about the principle of the individual's right to operate in this community as opposed to the trade union. What about my right as an individual to petrol. Does there not come a time where a Government has to step in and say "well, look, the reality of the situation is that the law isn't working".

Prime Minister

No. I do not think so at all. In industrial law we all know at times there are going to be difficulties. We all know that the trade union movement will try and challenge laws that put any restraint on their actions. But we really do need to look at the massive power that those unions have. If we are going to say any law that they challenge is creating a difficulty, a hardship for the community therefore the law must be removed, is just saying the community can operate in the way in which the leaders of that particular trade union determine. You are not really free if you can only get petrol the way the trade union determines, because you never know. You might have it this week, but they might say next week you cannot have it. You need to be able to get petrol and your freedom is dependent upon knowing you can get petrol, because nobody has the power within this community to challenge or to inhibit your right to get that petrol.

Vincent Smith

What I am getting at, is trying in the short term to resolve the problem so that we can have our petrol and then get down to the much longer term issue of resolving the question of just where a trade union movement fits into a pluralistic society.

Prime Minister

But you see what is happening is that the trade union is using your wish, and everyone else's wish to have petrol, and to be able to buy it when they want it, to achieve an illicit and improper objective. In other words, they are trying to use yours and everyone's natural inclinations as a lever in their cause. This is why, for example, we introduced legislation some time ago giving us additional powers if a union was taking action designed to affect the safety, health or welfare of the people. If a union was taking an action which was going to deny milk to hospitals, to take a clear example, and therefore the welfare of children or all sorts of people in hospitals, that affects their safety, it affects their welfare. Then we have substantial powers to deal with that. But just because it is a hospital and people could be damaged if they do not get that milk, is not a reason for saying the law should be abolished, the unions should have the power to do what they like.

Vincent Smith

Mr. Fraser, just before we go any further on the petrol strike, we were talking about a story which appeared in the Financial Review this week about Australia reneging on some of the offers you made to the United States in terms of docking facilities at Cockburn Sound in Western Australia. That story originated from?

Prime Minister

Well, it originated from the Washington correspondent of the Financial Review. The story is not correct. One of the things we discussed when I was in Washington was the home porting, or base porting, of American ships in Australian ports. They spoke about a number of things. They spoke about the possibility of home porting a carrier task force which would have been two or three ships. We pointed out that a very substantial investment would be involved; a lot of housing if families were going to be moved. We said we were willing to examine it, make the facilities available. Clearly, there would be investment involved from you, there would be investment involved from us. But there has been no firm proposal. I would be delighted to get a proposal on that particular subject from the Americans. I would hope that it could be accepted and worked through. The suggestion that the Americans had had a rejection on it - well, I don't know where it came from, but it is just not true.

Vincent Smith

What in effect was that - the Australian offer when you were in Washington - was a much broader one.

Prime Minister

Oh it is. We had offered the use of facilities across a wide range of front, and the Americans are examining what they want to pick up.

Vincent Smith

Coming up with some specific proposals. So there has been no rejection?

Prime Minister

No rejection in that area at all.

Vincent Smith

Okay. Let's get back to the dispute here, which I think most people are more concerned about.

Prime Minister

Well, I think they are. It is a lot closer to home at the moment.

CALLER

Mr. Prime Minister, the consensus of what you have said previously this afternoon, is that virtually the unions are using the needs, I won't say the desires, but the needs of the people of this country to further their political or monetary aims.

Prime Minister

Political it might be because the TWU are arguing that one group of their own members should be doing certain work, rather than another group of the members of the same union, so I suppose that it is a political aim in union terms.

CALLER

I feel, I mean I am completely confused and a lot of other people are in the same boat, I feel sure of that. I feel they are lacking in positive leadership. We have had statements of, really I consider minor nature, term it that, from Mr. Street, yourself and Mr. Wran. Now, I just feel it is about time that someone got up and made a positive statement of what is going to happen. We are just muddling along. Day to day we are listening to bulletin after bulletin on the air not knowing where the hell we are going. Now, can we get someone to tell us where we are heading?

Vincent Smith

I think that is largely what I have been trying to get at.

Prime Minister

In the industrial arena it is sometimes very difficult. Even though there were doubts about whether he had jurisdiction or not, the President of the Arbitration Commission, Sir John Moore, has

Prime Minister (continued)

been having meetings between the parties. He is having meetings between the parties this morning, this afternoon. Obviously, the objective there is to reach agreement and to have it resolved. Now, while that is going on, while the parties are in conference, it is not very helpful --

CALLER

(Inaudible).

Prime Minister

I was going to say it would not be very helpful for Governments, whether it is my Government or for the State Government, to be making statements about what they may or may not do. We have to give the negotiation, the consultation, under the chairmanship of Sir John Moore, a chance to work. Governments at a certain stage can say that they are going to apply a certain provision of the law. Mr. Wran could say he is going to invoke his emergency legislation to protect the people of Sydney from the dispute. But I do not think any of that would be helpful while there is a consultation going on, which we all hope will resolve the matter.

Vincent Smith

Could not for example Prime Minister, Senator Carrick, the National Development Minister, have presented a plan which says if the strike goes beyond a weekend and reaches this critical stage, this is what the Federal Government would propose to do for the emergency distribution of petrol nationally, because that is part of Senator Carrick's portfolio.

Prime Minister

But if all members of the Transport Worker's Union are going to go on strike and not be prepared to drive petrol tankers, the very most you would be able to do is to have petrol suppliers distributed for the most stringent emergency services: hospitals, doctors, this sort of thing. It would not be possible to have petrol supplied to the general community, either for normal business purposes or for private purposes.

CALLER

Well, Mr. Prime Minister, if that occurs, and it seems quite likely that it might occur -

Prime Minister

Yes it could. It could.

CALLER

Well, where do we go from there. This is what we are after.

Prime Minister

If you say where do we go from there, if the consultation cannot succeed, we could be in for a long, drawn-out grind, because the .../13

Prime Minister (continued)

Federal Government is not going to allow the law of the land which is designed to protect the people of Australia to be defeated or frustrated by any particular trade union leadership. I have said earlier today -

CALLER

I couldn't agree more with that, but when will this occur. We have been - years past now -

Prime Minister

There have been a number of occasions when we have used pretty powerful weapons, legal weapons, against trade unions over the last three or four years, especially in the area of the Commonwealth's own employment, where have greater powers than we have in the other arenas. You will remember the Redfern disputes and the Telecom disputes. I think it was the application of law and the application of quite rigid penalties that achieved a resolution of those areas. If we have to do it again, we will do it again.

CALLER

It seems like a many-headed monster, this thing. You lop one off and the other one comes up.

Prime Minister

Well, it is. In industrial relations it is, if you like, a continuing story of human relationships. There is no one single head to it. You have a whole variety of unions. You have a whole variety of companies. Some of them conduct their affairs much better and more sensibly than others. But at any point, if there has been a breakdown, you get the possibility of a dispute occurring which can do a good deal of damage to the people involved and to society as a whole. What I am saying is, that I do not think the matter of industrial relations is a battle, if you want to call it that, is ever won for all time.

Vincent Smith

Prime Minister, given the fact that it is one of those continuing relationships, a continuing relationship between people, does it not require some sensitivity, some flexibility, and even an ability on the part of Government from time to time to say "let's question this law, is it workable, is it going to work, is it going to ..."

Prime Minister

We can do that, yes. But you see, I would say that 45D has worked. I would also say that 45D has been a very necessary protection to many industries. I was being told of a position in the United States the other day when there was a boycott placed on a

Prime Minister (continued)

particular company. They went to law. They got an injunction. The employee was fined \$1,000 and told to be back at work and to deliver the concrete. Because of his respect for the law, he paid the \$1,000 fine and was back the next day delivering the concrete. It was on a building job. In the United States, one of the great differences between Australia, in the United States their trade unions expect to be subject to the law just as companies are subject to the law. If a company gets caught by the law it has transgressed, and directors get charged or they get fined or the company, or somebody gets put in gaol, nobody says that it a terrible thing, the law has failed.

Vincent Smith

It is a different system there though.

Prime Minister

No. It is not really a different system. It really is not. Not all that much different.

Vincent Smith

There is not an industrial jurisdiction though?

Prime Minister

Yes there is. There is a Labour Relations Board. If they cannot come to an agreement by collective bargaining, they can appeal to the Labour Relations Board. It does much of the work that our Industrial Relations Bureau does. If they cannot get agreement through collective bargaining, they can appoint an arbitrator, and I think sometimes a compulsory arbitrator. The names are different, the terminology is different.

Vincent Smith

But it does devolve eventually to the civil law?

Prime Minister

I think so, yes. But here it can too. Yes, I think you were asking something else.

CALLER

What worries me more than anything else is the fact that we are slowly being bled to death. I mean, you could not calculate what a strike like this is costing this country.

Prime Minister

Well, you can calculate it in tens and tens of millions of dollars.

CALLER

It is affecting everyone. Every business in the country is losing money. Every worker is losing money. Every family, Everyone is losing. Really, you say you can calculate it. I don't think you could calculate it. I think it -

Prime Minister

Well, there are ways of calculating the money lost and -

CALLER

(Inaudible) if you did put it all together.

Prime Minister

We do not have to calculate it, we accept, and I agree with you, that the cost is enormous. But I would also say that the cost of allowing unions to operate in a unrestrained way outside any law, no framework of law to protect the community, the cost of that, over time, would be infinitely greater because it would destroy the freedoms which are important to all of us.

CALLER

I agree with you Mr. Fraser that this is not a crisis. Of course it will end, won't it? The petrol strike, all strikes, end.

Prime Minister

It is a question of how much damage and how many people are hurt before that happens.

CALLER

I doubt there will be an awful lot. There will be some dollars go down the drain. But here at Castle Hill, where I live, we are enjoying the strike quite frankly, at least I am. Our village has become a little more peaceful. I hope you come to our Show next weekend.

Prime Minister

I was at it last year I think, wasn't I?

Vincent Smith

Not if there is no petrol.

CALLER

Well, I can lend you some petrol. I've got some and I have access to some more. But do come if you can, it is quite charming.

CALLER

First of all, good afternoon. You have got Section 45D in the books and both you and Mr. Street have both said that it is a good law and it is a law and it is there and it must be obeyed. Now, seeing that that law is there and it is to be obeyed, will the politicians give an undertaking to obey the electoral laws, especially would you give an undertaking to make sure they all observe the law as far as putting their expense statement and they don't spend beyond the amount of money they are allowed to spend.

Vincent Smith

Section 151 of the Electoral Act. That's what I was going to raise with you anyway.

Prime Minister

There is more than one section in the electoral act. There are sections which indicate that parties have got to put in returns. Others that indicate individuals have got to put in returns and organisations that are involved in elections also have to put in returns. Because of the problems that occurred in Tasmania, we are now examining those aspects of the law to try and make sure that there is a clarity about it and that individuals and parties, organisations, will know precisely what their obligations are.

CALLER

But this law has obviously not worked, the same as 45D really is not a law that can work.

Prime Minister

I think 45D has worked. It has been used on many occasions.

CALLER

(Inaudible) it has got to the stage where an injunction has been put. (Inaudible) tanker drivers out and you have crippled one State and you look like crippling a few other States.

Prime Minister

Oh, now wait a minute. I think that you need to understand what this is about, because there was a person who was running a small business, it was an oil distribution business, and in relation to that particular business the employer was employing people belonging to the State branch of the Transport Worker's Union. Then he bought a petrol retail business, was using his same drivers - still members of the State Transport Worker's Union - but then the union says

.../17

Prime Minister (continued)

"you can't use those blokes, you've got to use other members of the same union". In other words, the union was trying to tell this particular businessman exactly how he could run his business. If you want trade unions to have that kind of power, I am afraid I do not, and the majority of Australians will not.

Vincent Smith

Now, what was your point?

CALLER

My point is that this is a site that was historically supplied by company drivers, were shut for a period of 8 months, and it has re-opened.

Vincent Smith

But Mr. Laidley re-opened it.

CALLER

Mr. Laidley re-opened it, but nevertheless he still wants to supply a site which was historically supplied, when it was opened. The company closed it, not the drivers, originally.

Vincent Smith

But it was closed, and it wasn't operating, and then Mr. Laidley decided to re-open it.

Prime Minister

He was providing more jobs as a result, and they are still members of the same union. Do you run a business?

CALLER

Mr. Laidley's people get far less than what a company driver gets.

Prime Minister

Do you run a business?

CALLER

Yes.

Prime Minister

What sort of business?

CALLER

Oh, a small business.

Prime Minister

Yes, but what sort, hardware, groceries or what?

CALLER

No. Light engineer.

Prime Minister

Light engineer? Where do you buy your materials?

CALLER

The same place as anyone else does, from the suppliers, the wholesalers.

Prime Minister

Yes, but would you like it if the union said to you - let's say the union sets up a wholesale business - the Transport Worker's Union goes into business, sets up a wholesale business, and then they come along and say to you "you can only buy your supplies from the Transport Worker's Union company".

CALLER

But if I was continually supplied by a company driver from my wholesaler, which I am now, there is no way in the world that I would want to buy a truck and go down to MacPhersons and ... bring it back.

Prime Minister

That is not the point I am making. I am making the point that if the Transport Worker's Union wanted to set up a wholesale business and provide you with the sort of supplies that you normally buy, and then just tell you that that is where you have got to buy them from, would you like that?

CALLER

That is not the case in point at all.

Prime Minister

But it would be, wouldn't it. That is the sort of power they are trying to use.

CALLER

That's got nothing to with it. It's just playing a game on words.

Prime Minister

I do not think so.

CALLER

(Inaudible) give an undertaking that if the law is not changed the Electoral Act will be strictly observed at the forthcoming Federal Election?

Prime Minister

Well, the law is going to be changed.

CALLER

It is going to be changed? Well, then why can't you change 45D?

Prime Minister

That was an obvious question, wasn't it? Because we believe 45D has been successful.

CALLER

I am a businessman in the city, slowly going broke because of these unionists. I speak to a lot of people, particularly in the city. You would have millions of people here standing up and cheering if you and your Government would show some backbone and some guts and get that petrol to us, and not to the few people who don't deserve it. If you would stand up to these unionists, if you would deliver the petrol and you would tell these unionists to go to hell and leave their jobs if they are not happy with what they are doing: why don't you help the people of Australia instead of talking a lot of nonsense which you and Mr. Street have been talking instead of getting down to basic facts.

Prime Minister

I do not think we are talking a lot of nonsense. The only way that you are going to be able to get the supplies that you need on a continuous basis, if organisations that are powerful in this country adhere to the law which is designed to protect you and everyone else. I do not think anyone wants the circumstance where

Prime Minister (continued)

they have got to run their business the way a union tells them.

CALLER

I agree with you Mr. Fraser, but you've got the power. Put the army in. Get the petrol to the people. Do something positive instead of talking and talking and talking and getting nowhere.

Prime Minister

Well, in relation to emergency supplies of petrol into the city of Sydney, it is the State Government that has the powers to do that. If you are going to use other means for emergency distribution of petrol, the most you would be able to cover would be emergency supplies, hospitals, doctors, and matters of that kind. Without people prepared to drive trucks and run them in the normal way, you would do no more than be able to keep emergency supplies going. You could not keep the normal business of this nation going.

Vincent Smith

Prime Minister, would you like to have a knockdown, drag-out stoush with the trade union movement to determine this, I think over-simplistic question, of who is running the country; the Government or the unions.

Prime Minister

I think the price of that, in terms of hardship done to a great many people, would be enormous. I would not want that sort of brawl at all. But at the same time, having said that, I hope that no member of the Transport Worker's Union will take that as showing an lack of determination on the part of the Federal Government.

Vincent Smith

What could that resolve?

Prime Minister

All it can do is to teach lesson; and that is, that people have got to operate within the normal framework of law. If people have got an industrial dispute, there are the State tribunals or Federal tribunals to go and get it resolved and get a judgement from a third party, from the umpire. There is not a need to have a strike, to put on bans and limitations, and cause inconvenience in the whole community. It seems to me that you sometimes get union officials who go on getting paid no matter how much harm comes to their members because the members are on strike and losing salary, who think that they have got to make a big fellow of themselves by demonstrating how tough they are in terms of a dispute. I think that is an element in some.

CALLER

I would like to ask Mr. Fraser a question with regard to the secret ballot. Why is it that we cannot have a secret ballot in this way: if a secret ballot or members were - if it was brought into law both at a Federal and a State level, that all members of a union would have to vote in a secret ballot before a strike could be called, those votes to be counted by members of the electoral office. Now, surely, if that were to happen, the amount of money that it costs to do this, would surely be more than offset by the man hours which would be lost by such a strike and the disruption to business.

Prime Minister

I think there is a good deal in what you say about that. One of the problems is that in some unions it would be very hard to organise from a practical basis. In the waterfront for example, where everyone is gathered in virtually one place, it would be much easier to organise, but in the metal trades industries where you might have 6,000 or 8,000 shops right around Australia, many of them quite small, employing only 4 or 5 or 6 people, a ballot of the kind that you have mentioned could be very difficult to organise. There is a time scale involved and what happens while you are waiting to do that. This is a matter that the Government has examined on many occasions. We have introduced secret ballots for the election of union officials, and that is working well.

CALLER

But the actual men - there are many men who are on strike who want to work. Their right to work should be protected. They are afraid to vote against it at union meetings because of physical injury to themselves, or damage to their property, which has happened. Now, these men, their right to work should be protected. All right, it is difficult, but in your own words "life was not meant to be easy". I don't mean that in any rude sense at all. I quite agree with you. But, I think we have got to try to do something. The unions are so rabid -

Prime Minister

What makes it so hard, I am not saying it is not, but what does make it so hard for the people who want to work either to just go to work and turn up to work, or to speak out more vigorously at union meetings in favour of working.

CALLER

But if they do speak out, they are afraid because they are men with families. So many of them, I know, I have heard of it...

Prime Minister

You mean they would get beaten up?

CALLER

(Inaudible) physical injury to themselves and damage to their property. Some of the union members, the active factions, they are nothing but thugs.

Prime Minister

I think that happens in some cases. I have heard of many cases of intimidation. That makes it all the more reason when such people get into a position of union authority that they should not be allowed to run over the community.

Vincent Smith

The problem of secret ballots though is an enormous one and secret ballots in a situation like this can involve hours and hours, days and days, of checking who is a member of what.

Prime Minister

It is one of the problems: who is eligible to vote and if you are having a vote all around Australia it could be some days before you get a result.

Vincent Smith

And in fact if the membership then confirms a strike, like this one, you are stuck with something that is much stronger than you really had intended.

CALLER

What I wanted to know: if a poll was put to the people of Australia, who are a little bit tired of being held to ransom every five minutes -

Prime Minister

I agree with you completely.

CALLER

(Inaudible). But we are inconvenienced, slightly sometimes, more so at other times. It affects us financially. I think if the average Australian was asked whether they wanted this law upheld to make a point, you might find they would all say yes, the number of people I have spoken to.

Prime Minister

I think they would say yes, because I believe people are fed up with the abuse of union power. It is not as though a lot of people are not reasonably well paid, and it is not as though there are normal and proper ways of trying to get a grievance heard. There are. The message we have to get across is that there is no need for people to lose their own wages and to damage the rest of the community to get a grievance heard.

Vincent Smith

But they do damage the rest of the community.

CALLER

(Inaudible) if the hardship gets worse. I think we have reached a stage where we can say to ourselves it might get really tough, and if it does, if it is going to make a point rather than have these continuous strikes that are affecting us and taking from our way of life, that if we have to face up - if the Government gets to the stage where they say we are not going to back down on the law, you have got to stay with it - maybe the unions and the people will suffer. But I think in the long term we might get a good result.

Prime Minister

I think you would get a good result in the long term, but if you did back down on it, I think then the community would be held to ransom.

CALLER

...unions are in and the Government is out.

Prime Minister

You might as well, and the community would be held to ransom. But there is one reason why I think it is slightly worse in this particular State. There have been at least two occasions where there have been very significant disputes and the State Government has in fact backed the union. In one case, it legislation to take a matter out of the hands of the State industrial tribunal, and there is therefore a view in N.S.W. amongst some unions that if they make enough of a fuss and create enough difficulty, the State Government will give them what they want. I am quite sure that is one of the things that has helped to contribute to the rash of disputes in N.S.W.

CALLER

...State and the Liberal Government got on the same terms, faced up to what was happening and (inaudible) each other these.

Prime Minister

That would certainly help. I did propose to all the States about a year ago that we should talk together about the problems in industrial relations and try to get clearer areas of responsibility, try and get a basis on which we can support each other instead of having a divided jurisdiction and one that leads only to confusion. Unfortunately, the discussions that have taken place between State and Commonwealth Ministers have not yet resulted in much. I am approaching the Premiers again today asking that a new sense of urgency be placed behind that particular examination.

Vincent Smith

Would you expect to get some results from that Prime Minister?

Prime Minister

I would have been hoping for results for the June Premiers' Conference. It cannot affect this particular dispute, but unless the rate of progress is speeded up a good deal, that will not occur.

Vincent Smith

Mr. Prime Minister, I think one question raised by that last caller was just how far you are prepared to prosecute Section 45D. Will you go ahead with fining people a quarter of a million dollars, with sending people to gaol if they don't pay?

Prime Minister

Obviously we would hope that there will be a resolution to the matter. It is in conference at the moment. But the Government has made up its mind. We discussed this at length yesterday. But we are not going to allow trade unions to flaunt the law. The law will be upheld.

Vincent Smith

So you push it to the limit?

Prime Minister

Just let me say the law will be upheld.

CALLER

I have a small business in the South Sydney shire. My business has been seriously hampered by this dispute. Now, the key figure in the dispute is well protected by the law and (inaudible), loss of revenue, etc. etc.

Prime Minister

How do you mean the key figure is protected?

CALLER

Well, he has a course of redress. He is suing his particular union for not supplying.

Prime Minister

He has taken out an injunction. But the fine paid for that injunction does not go to that particular person.

CALLER

No. I fully realise that. Yes. I fully realise that. But now what about us people who rely on a particular commodity, mine is distillate. I have got to obtain that. It has seriously affected

CALLER (continued)

my particular business. I have no course of redress and one thing and another where I could go back and try and get any injunction against this particular gentlemen who is the key figure in the whole situation.

Prime Minister

Or against the trade union that called the strike on.

CALLER

I think the law is wrong there. If it is a law there for one, it should be there for everybody.

Prime Minister

But Mr. Laidley is likely to lose out also. He is not making any money and has not been for some time.

CALLER

I fully realise that. I admire him on his stand. But then when it comes to the crunch that every industry and people who can ill afford to have any time off from work are being stood down, or there is a good possibility that they will be stood down -

Prime Minister

The point you are raising represents one of the tragedies of an industrial strike, because the people who are striking, the other industries that are hurt - people like yourself - the cost is enormous. It is never made up. It is lost and it is often lost for all time. It is all so unnecessary when all people have to do is to go to one of the industrial tribunals and have a case heard, so long as they are prepared to accept the umpire's verdict. We do not solve your position, or that of other people, by giving in to the trade unions.

CALLER

I am calling regarding the petrol. I think it is time that you should de-register the union.

Prime Minister

There is a discussion going on at the moment with Sir John Moore and the parties concerned. We will be waiting to get a report of that discussions, and hopefully it will resolve the matter. But if it does not, the Government will have to look at what options are available to it. Obviously, de-registration is one of the options.

Vincent Smith

That won't solve the problem though, will it?

Prime Minister

It does not solve the problem, but it takes a lot of protections away from the union officials and the union members; protections under the law which obviously help them in the conduct of their business.

Vincent Smith

It puts them outside the arbitration system though?

Prime Minister

It can, but at the same time, unions have generally found that the protections that they get within the system a very substantial advantage.

Vincent Smith

Prime Minister, just if we can clear up the confusion that seemed to appear earlier in the programme: the drivers who work for AMOCO are under a Federal award, they are members of the N.S.W. Branch of the Transport Worker's Union of Australia, and entitled to vote on both State and Federal matters. So really members of both branches.

Prime Minister

They are members of two unions in a sense. The State branches are a separately constituted union, as I understand it.

Vincent Smith

And the agent's drivers are members of the State branch only and they are entitled to vote only on State matters.

Prime Minister

Yes.

Vincent Smith

Clear that one up. Prime Minister, thanks very much for your time today. I know it is a stressful time for everybody in Australia. There is particular pressure on you, because I think if there is one thing that emerged from all those calls today, people are looking to the Federal Government for some sort of a lead in this.

Prime Minister

They always will, even if a matter, and I am not saying it is, in the ultimate, but even if a matter is a responsibility of a State Government, if it is one of major national concern, they do look to the Federal Government. That is why again, I hope, that the States will help us in getting to a better sense of responsibility and capacity in the industrial jurisdiction, so that we will not have people being able to argue this is Mr. Wran's responsibility or it is my responsibility.

Prime Minister (continued)

I do not mind if it is all ours, but let's at least get the responsibility clear, so that somebody has got the capacity to do something about it.

Vincent Smith

Thanks for being our guest today.

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