

1 December 2011

HR Nicholls Society
Annual General Meeting 2011

President's Report

May I again begin a report to the society on Ray Evans. Ray has been in hospital but in recent months has convalesced well, assisted by some recent medical panel beating (as someone else has put it). We wish him a full recovery and good health.

Ray was also the first and biggest event of our year, with 120 members and guests honouring his distinguished presidency at a dinner on 7 October last year. Ray was presented with an Australian landscape and the Copeman medal. It is worth recalling observations at the dinner in the light of events in the last year.

The Copeman medal was presented with John Stone's memorably describing Ray as a "rock of constancy in a sea of corporate cowardice ...". A year ago businesses and their representative organisations, with some exceptions, acquiesced in the Fair Work Act. Now from the Business Council of Australia down, the Act and the union power it authorises are derided as a cost, as limiting productivity and allowing union intrusion into management.

Ray recalled the 1991 pilots strike was broken by scab pilots and scab planes from overseas, authorised by Bob Hawke himself, a settlement tactic seen by the then ACTU head Simon Crean as a justifiable exception to compulsory arbitration. Today's Qantas lacking prime ministerial patronage however is forced to argue its dispute *within* the IR system. That system required Qantas to shut down before the government asked Fair Work Australia to order the strikes to cease. Fair Work Australia dutifully made the order but, it seems, in *breach* of the Fair Work Act. If now as before, major strikes are settled outside the statutory IR system, and if that system encourages strikes, what's the point of having the system?

As Bob Day said in emphasising Ray's selfless and principled advocacy, Ray was never trying to get himself elected. None of us, as members, are and that gives the society - with the right resources (which we have started to acquire) - the ability to champion freedom in employment and its personal, material and group benefits.

Annual conference

On 1 and 2 April we asked, as the title of the conference, and six months before business did, "How fair is Fair Work Australia?" At a well attended conference the question was answered in the negative by speakers canvassing irrational FWA decisions (Des Moore), effects on corporate restructuring and intrusion into business (Peter Wilson AM, president AHRI), cabotage and shipping rorts (G Collier) and the building industry (John Lloyd PSM). Leyla Yilmaz of VACC pointed out that some motor industry employers favoured the unfair dismissal process. There may be industries where employer and employee both want outside dispute settlement procedures. Voluntary collective industrial relations are understood to apply in Germany. When the Fair Work Act is rewritten, slimmed down, it must allow the parties to decide how they want to deal with each other and not force a system on them.

Director Communications and Strategy

In June the society appointed Ian Hanke its part time Director Communications and Strategy. Ian has applied his vast experience in the political media field, which goes back to at least the Reith reforms, in greatly raising the profile of the society in the papers, and even the ABC.

We are very grateful for this, his hard and instant work and also that we have the benefit of his advice on IR.

Board

The board has met nine times since October last year. John Osborne has joined the board. Martin Griffin resigned from the board a few months ago as did Bob Day AO after a brief period of leave. Alan Anderson is also on leave. Most board members attend meetings by phone including Tim Andrews who joins at or after midnight from Washington.

The society owes a great debt to Bob Day – a pioneer of the society and former secretary and a champion of the independent contractor whom he knows well in his Australia-wide home construction company. Bob also has been a significant benefactor of the society including in teleconferencing and the organisation of events. I appreciated his perspective on employment issues as one who directly or indirectly employed hundreds of people. In the coming year the society will recognise his contributions.

May I particularly thank our secretary and treasurer Michael Moore for his almost daily work for the society, and board member Des Moore for his support and his analysis of employment issues, and all board members who make the time available for our meetings and the tasks that flow from them.

Reports for the society

Early this year we received from Grace Collier, industrial relations consultant, her study on IR issues for consideration by the society and also observations on the structure and executive needs of the society.

The report has been made available to interested parties. In relation to structural matters prompted by the report the board appointed Mr Hanke. Our ability to make executive appointments is of course constrained by the funds we have.

The board also received a comprehensive report from Tim Andrews on IT and US think tank and lobbying practices. The first step in implementing this is to modernise our website, which will be done by Ian Hanke. The interactive features will for the time being be limited by our not having an executive .

Media

There has been a huge rise in media coverage of the society and at times Ian Hanke has produced weekly media releases. He himself appeared on Meet the Press three weeks ago to speak in response to Qantas dispute issues.

Other cities

A dinner had been planned in Sydney for early September but unfortunately delays in publicity and competing events reduced interest so that it had to be cancelled. We do need to raise our profile in Sydney.

Last week our member the Honourable Peter Reith addressed a lunch on IR reform issues in Brisbane at the offices of Blake Dawson for industry and at which some local society members were also present. Separately society members in Brisbane are considering meeting from time to time. It is hoped this can become a branch in the future.

Particular Issues pursued

- Desalination plant at Wonthaggi. The corrupt union and contracting practices for this the largest construction project in Victoria were the subject of a paper by Michael Moore to the annual conference. We sought investigations by the Victorian government and by the Australian Building and Construction Commission, the latter expressly declining. The Victorian premier's industrial relations adviser Mr J Pesutto conferred with Michael Moore and myself on the action the government was taking to avoid industrial disputes on the regional rail project and more generally.
- Review of the Fair Work Act. Through Ian Hanke the need for the government to actually and properly conduct this review and by an independent body was raised in media releases and in letters to the Minister Evans. An adviser to the minister replied to the letter after some months to say there was an internal bureaucratic process that might be used to review the Act. Subsequently the minister and business have become interest in a more serious review.

Thanks

The board are grateful for the support of members and donors and sincerely thank them. The growing opposition to the Fair Work Act confirms the worth of our work

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