The Hancock Report

Addressing the 1983 ACTU Congress, Prime Minister Bob Hawke made the point that because Australian industry (capitalism) is undergoing considerable structural change, it is appropriate that the trade union structure should adjust to that change.

In practice, this view was expressed by the establishment of the Committee of Review into the Industrial Relations Law and Systems (the Hancock Committee) by the federal government. Over 150 separate submissions were made to the committee on subjects including industrial relations, new technology, the powers of the commission, federal and state systems, separation of judicial and arbitral powers, and law relating to organisations.

The committee rejected the free market approach to industrial relations advocated by some major corporations, the Liberal Party dries like John Howard, and former Treasury chief John Stone. Certainly, adoption of those views would have disadvantaged the less privileged sections of the community would have been in a state which enjoyed conditions which were better than others' should assist those less fortunate.

Instead, they endorsed the maintenance of centralised wage-fixing, a decision which carries the endorsement of the trade union movement.

The report also comes down on the side of substantial integration of the federal and state industrial relations systems, citing uniformity in decision making and closure of the gap between the general level of benefits enjoyed by state and federal award workers, as some of the reasons in support.

Integration of the federal and state systems would entail regular meetings between the heads of all tribunals, dual appointments for some judges/commissioners, joint sitting on major cases (e.g. national wage cases) with consequent application to both state and federal award workers of the benefits.

The ACTU has endorsed this general proposal. In NSW there was opposition from the Labor Council and the state branch of the ALP, both of whom argued the superiority of some state awards over federal awards as a principal reason. This is opposed to the popular argument that workers who are fortunate enough to enjoy conditions which are better than others' should assist those less fortunate.

The Hancock Committee also recommended:
- the federal tribunal should be empowered to order compensation and/or reinstatement of workers who have been unfairly dismissed from their employment
- sub-contractors should be eligible for union membership and to have the terms and conditions of their contracts subject to the authority of the commission. This is based on the overwhelming evidence of sub-contractors working for less than award conditions. (For instance, the current meatworkers' dispute in the N.T.)
- existing restrictions which prevent occupations such as fire fighters, teachers, social workers, being covered by federal awards should be removed
- the Act should be amended to make it more difficult for new unions to be registered where they are to be based on the craft/occupation of the membership. There is a clear intention to encourage the formation and development of industry unions (this would have the effect of increasing the problem for craft unions facing deregistration)
- existing unions who have less than 1,000 members must show cause why they should not be deregistered
- amalgamation of unions should be made easier through a decision by consenting unions based on a simple majority of those voting in the ballot, thus doing away with the existing requirement that more than 50 percent of the members must vote in order for the ballot to be valid.
- the ACTU should play a greater role in resolving demarcation disputes. Disputes would be first referred to the ACTU for resolution and only in the event of this process being unsuccessful would the commission entertain an application
- the current legislation with respect to fines for organisations, penalties and/or imprisonment for individuals, be repealed. However, the committee has urged the widening of existing powers to enforce compliance by unions and individuals through a system of:
  a) stricter undertakings in respect of future conduct
  b) imposing conditions of conduct on the organisation
  c) altering the constitution of the union to change the area of work it covers
  d) suspending the registration of the union on such terms and for such period as it sees fit
  e) cancelling the registration of the union.

The Hancock report has produced a union movement which is opposed to such sanctions. The effect would be to increase the dependence of the union movement on the courts, robbing it of its independence and the ability to determine its own affairs.

While the government has yet to express the Hancock recommendations in law, there is ample evidence that if it is given the opportunity, the government will move to introduce substantial change.

There is a recognition that some structures are buried deeply in tradition and it will not be easy for the government to effect some changes at least in the short term. Some unions which could be affected by such changes are included among the government's closest supporters.

Changes which are designed to improve the efficient operation of unions based on the criteria of rendering maximum assistance to the membership will be supported by many.

Jack Cambourn, Federal Secretary, FEDFA
East Timor

December 7 will mark the tenth anniversary of the fullscale Indonesian invasion of East Timor. Ten years of genocide and of resistance. Ten years of betrayal by successive Australian governments and silence on the world stage. Ten years in which 200,000 people out of a population of 650,000 in 1974 have perished.

The genocide perpetrated against the East Timorese people by the Jakarta generals has exceeded, proportionally, that carried out in Kampuchea or Biafra.

And yet, the East Timorese people led by Fretilin still resist the invaders. The re-establishment of radio contact on January 6 this year, between Darwin and Fretilin leaders in the mountains of East Timor, confirms the capabilities of the Fretilin guerrillas.

Fretilin’s achievement in smuggling a radio transceiver into their liberated areas can be measured against the following facts: unlike the liberation struggles in Africa, East Timor has no friendly border, indeed no border at all, except with Indonesia. The blockade imposed by Jakarta has prevented any weapons or other material reaching Fretilin.

Unlike the New People’s Army in the Philippines (which also lacks land borders), no tourists can enter East Timor. There is very little trade and what there is, is controlled by the generals.

And yet, because it has the near total support of the East Timorese people inside and outside the country, Fretilin was able to smuggle a radio transceiver into its liberated areas. And because of the support of the East Timorese people, and despite the genocide, and the fact that they are forced into concentration camps and face starvation daily, the Fretilin guerrillas have survived wave after wave of large-scale offensives launched by Jakarta. Nothing seems to be able to destroy their will to win victory.

Yet Fretilin, under the leadership of Xanana, was able to rebuild, spreading their guerrilla units again from east to west, throughout the whole country. In March 1983, the Indonesian forces in East Timor were obliged to agree to a ceasefire and negotiations with Fretilin. after they had failed in successive operations to crush the guerrillas.

While many Indonesian commanders in East Timor wanted peace, Suharto and Murdani in Jakarta rejected in and, after a series of provocations, Fretilin launched the war with a generalised armed uprising in August 1983. The Indonesian troops stepped up their horrifying atrocities and continuously swept the country searching for guerrillas, but with little success. In 1984 alone 600 Indonesian troops were killed, as against 70 Fretilin losses. Of course, many hundred civilians were killed by Jakarta’s troops.

The re-establishment of radio contact, which was announced publicly on May 26, has severely embarrassed both Jakarta and Canberra. Despite all the bluster, the fundamental problem for Jakarta is that there is a radio in the East Timorese mountains, not that there is one in Darwin. Bill Hayden pressured the cabinet to refuse a radio licence to the Australian Coalition for East Timor (ACET) to operate the radio link.

Whatever threats Hayden makes, the radio contact will operate from Darwin as long as it operates from East Timor.

Hayden has surrendered any respect he may have had from progressive forces. He aggressively seeks to defend Jakarta on every occasion, even condemning the recent Amnesty International report, sight unseen, as “grossly exaggerated”. With a cynicism and opportunism that puts Peacock to shame, Hayden has forfeited any right to expect any support for any future leadership challenge. His reputation as “Honest Bill” has been replaced by one of a cringing “drover’s dog” jumping whenever Jakarta barks...

Denis Freney

LET EAST TIMOR SPEAK FUND $10,000 —

Emergency Appeal to maintain radio link with East Timor.

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