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Address by ACTU President Ged Kearney

Launch of *Waltzing Matilda and the Sunshine Harvester Factory*
Friday, 10 August 2012
Fair Work Australia, Melbourne

It gives me great pleasure to speak at this launch today.

This is an important project because the development of the Australian ethos of fairness, equality, and providing a safety net for the most vulnerable in our workforce and society is in no small part due to the unique system of industrial relations embodied by this institution.

These are values that have stood Australia in good stead through good times and bad, and have made our nation a beacon to migrants from all over the world. Much of our prosperity and social unity today is due to the principles of a safety net and a minimum wage established in the earliest days of the Commonwealth.

It is important that current and future generations of Australians understand where these values came from, and that they are aware of the battles that won them the rights they enjoy today.

A strong case can be put that the values of modern Australia grew out of the great strikes of the 1890s and the establishment of an industrial relations system overseen by a court. But this may have all come to nought had it not been for the Harvester Judgement, which defined a key role of the court as preserving and protecting a level of equality and fairness for all Australians.

It is perhaps difficult for us today, at the beginning of the 21st century, to understand just how visionary a decision the Harvester Judgement was. Today, there would be no argument that a floor must be put under wages to ensure working people can avoid poverty. But before that decision of Justice Henry Bourne Higgins in 1907, the concept of a living wage was just that – a concept.

Much has changed since Higgins and the Harvester case: enterprise bargaining has replaced centralised wage fixing, and fewer employees are award-reliant each year but some fundamentals remain true. The principles of the safety net, of a decent minimum wage, reasonable working hours, paid leave entitlements, equal pay, to name a few.

Leafing through the pages of this book, what struck me was how much the history of the tribunal is woven into the great social changes of this nation.

You have correctly chosen to focus on campaigns for equal pay for women and Aboriginal stockmen. In both these cases, the battle for equal pay was ultimately about recognition of the dignity and respect of women and Indigenous Australians by the then dominant male Anglo-Celtic class.

The origins of those two landmark decisions are different: equal pay for women was the inevitable outcome of the growth of female participation in the workforce and the decline of the male as the sole family breadwinner; equal pay for Aborigines came about because of a wave of campaigning for recognition of Indigenous Australians which resulted in the 1967 referendum and the first land rights Act, all at the same time.

None of these came about without a fight, with unions proudly at the forefront.

But both are also instructive for how Australia's unique conciliation and arbitration system works in balancing the views of employers and employees, but always guided by principles of fairness and justice.

Other decisions of the commission have irreversibly improved the lives of working people: the 38 hour week, paid annual leave and sick leave, to name just a couple. And, of course, one of the most significant decisions of our generation in the social and community sector pay equity case, which will result in pay increases of up to 45% over eight years.

Today, the big workplace issue that will need to be confronted by the tribunal in coming years will be insecure work, which affects about 40% of the workforce.

The ACTU and unions are committed to delivering secure jobs for all Australians who want them. The independent inquiry headed by Brian Howe has proposed numerous recommendations for the ACTU to investigate further: some of these are legislative, but others are industrial and the final adjudication will rest with Fair Work Australia.

Despite efforts over the years to sideline the tribunal, unions firmly believe in the maintenance of a strong, independent umpire for the IR system. Indeed, we would support a beefing up of the powers of Fair Work Australia to step in where employers are frustrating workers trying to bargain with them.

In this sense, the tradition of the original Commonwealth Court of Conciliation and Arbitration lives on.

Congratulations to Deputy President Reg Hamilton and the team that put together this project. You have produced an eminently readable and comprehensive package for use in schools. I encourage you and wish you well in having this history adopted by the secondary school curriculum.