

Dr Runcie, visiting Primate of the Church of England, was in the company of several locals when he implied that Queensland's new industrial laws are undemocratic. It is time these laws were analysed a bit more seriously: although less than ideal, they are democratic. The Petersen Government has recently won an election, and this time it would have won it even without the gerrymander. The legislation is undoubtedly popular. A legitimate democratic government has enacted popular legislation and Sir Joh is clearly on the side of the people.

Some trade union leaders and several other Australian commentators have hit rather nearer the mark by arguing that the legislation denies fundamental rights. However, unionists who have themselves so often been instrumental in the denial of rights to their fellow Australians aren't taken too seriously by a public that is quite properly fed up with trade union thuggery.

People, like Senator Evans, who do not want any legal or political impediments to the powers of democratically elected governments will of course support Sir Joh's right to do just as the lower (and only) house of his parliament likes in this matter.

Archbishop Runcie did not, in as many words, accuse the Queensland Government of behaviour like the South African government. But by likening his backing of the Anglican Primate of Australia's backing of the Queensland power workers to his support of Bishop Tutu's support of South African blacks he displays a remarkable lack of proportion. Both the South African Government and the South African blacks have on occasion behaved badly, and both the Queensland power workers and the Queensland Government have on occasion behaved badly, but there can be no doubt that the weight of abuse lies with the South African Government and the Queensland power workers. There is also no doubt that the people of Queensland are entitled to some protection from a small group of monopolists who were trampling all over householders' legitimate interests and breaking their word with impunity.

I don't think there is much doubt either that there is a fundamental flaw in Sir Joh's approach to the abuse of power by others. An authoritarian, a statist, a socialist to his boot straps, instinctively when faced with the abuse of power he tries to countervail it with his own power instead of seeking the source of the offending power and trying to eliminate it. His predilection for authority has led him to go too far and not far enough. Sir Joh might with profit recall that the trade union movement arose to countervail the monopoly power of colluding employers. It might have been much better then to have rooted out the employers' ability to monopolise the labour market, by trade practices legislation if necessary, but better by repealing the monopoly rights the employers' then held in their product markets. Instead, another privileged source of power was encouraged to grow to balance the employers' privileges and gradually this new monopoly grew into a powerful threat to both liberty and prosperity. Although the power to conscript power workers, which parliament has just given Joh, has not yet been used, it is a privilege that no government should have in peace time. It, with habitual use, could grow into yet another monster preying on liberty.

In addition to the dangerous conscription power, in essence, the Queensland Government has done five things. It has employed contract linesmen, which were cheaper than the day labour force, to service the power system. It has taken the power industry out of the hands of the Queensland Industrial Commission and placed it in the hands of another tribunal. It has refused to employ electricity workers who will not undertake not to strike. It has legislated for a 38 hour week. Finally, it has taken several steps to attack the sources of union monopoly power. The Queensland cabinet has taken unto itself the power to deregister unions which break the State Industrial Commission's rulings; unions lose the right to collect dues from members who have resigned from a union up to three months before; secret ballots can now be required before strike action is taken; it is made an offence to threaten or incite a worker who has refused to strike; discrimination against non-unionists by employers is made an offence.

With the exception of the interdiction of 'inciting', which is potentially a denial of free speech and is as wrong here as it is in Federal anti-discrimination laws, all of the attacks on the sources of union power are but protection of individuals' liberties. I never thought to see the day where I would be praising Petersen for his defense of liberty, but on balance I must.

Just as there are recognised freedoms of speech, person, assembly and association so there ought to be a recognised freedom of employment. Just as the other human rights do not require you to provide me with words, or the means of escape from unpleasant circumstances, or meeting places or associations but do enjoin you not to deny me these things; so freedom of employment is not my guaranty of a job but should be my guaranty that you will not deny me a job, at any price or on any conditions that someone is prepared to employ me, nor deny me the right to refuse the job. That charade, the Human Rights Commission, might interest itself in this most important human right which is so often violated.

As for employing contract linesmen: it is a minor disgrace that the guardian of the interests of electricity users and taxpayers should have denied them this less costly service for so long. Setting wages and terms of employment by administrative fiat is not sufficiently flexible to be efficient, and worse by denying employment to some it can be unfair, but there is reason to hope that the new tribunal might offend less than the old. Similarly setting hours of work by fiat rather than by the consensus of individual employees and their employers does not make sense, but 38 hours per week is nearer to community standards, and probably fairer to electricity users, than is 36.25 hours per week.

This leaves the controversial requirement that employees engaged/re-engaged by the Electricity Authority must agree not to strike. This would certainly be unexceptional if the potential employee were completely free to tell Joh to stick his job up his jumper, taking himself elsewhere. However, that freedom is artificially constrained in two ways. First, there is the problem of unemployment. An employee who refuses to trade his right to strike for a job with the Electricity Authority might find that he is exchanging places with another in the dole queue. This problem will not be overcome so long as unions and tribunals keep wages above market clearing levels. Until then there will be a bias in Queensland against strikers. As strikes and the threat of strikes are primarily responsible for the unemployment, that might be fair enough. The second artificial barrier to an employee's freedom to refuse employment with the Electricity Authority is its near monopoly of linesmen's services. That constraint could easily be overcome by letting nearly all line work to competing contractors. That was how it all started.

Without the objectionable, and I believe unnecessary, conscription power, and the ban on incitement, the Queensland Government would have a position it could defend from principle - even against visiting Archbishops.