

## We need some straight talking about secondary boycotts ... and as soon as possible!

Shivers up the spine would be too mild a description of our reaction to Julia Gillard's recent coy comment that a Labor Government would maintain some sort of secondary boycott provisions while stopping short of saying they will be retained in the Trade Practices Act.

Coming from the Deputy Leader of the Opposition her comment has been interpreted as indicating a possibility of secondary boycotts being moved to some new workplace-style legislation.

The danger is that such a move could create a new weak and imperfectly constructed law that would allow a return to the secondary boycott anarchy that nigh destroyed our shipping industry in the 1980s.

The problem is that not many people remember these days and their disruption. Even fewer realise it was the introduction of Section 45D of the Trade Practices Act that put an end to all that.

We have been so comfortable in the resulting years of peace that we have become complacent. With only a handful of people having mastery of the Act and its workings it is easy for politicians of all hues to make naive references to the wonders they would like to work with it.

The shipping industry has to rectify this blissful indifference before politicians, even those with good intentions, become too committed to an ill-advised policy that could lead to industrial disaster.

But we also need to keep our cool about this. Be too dogmatic or express our sincerity too vociferously and we risk invoking a "methinks he protest too much" sanction. The facts of the case against tinkering with Section 45D of the Act are so strong they speak for themselves.

Trouble is that they're not easy to disentangle but we need to explain them in as simple language as possible to as many people as possible as soon as possible. So let's lay the plain facts on the table for all to see and judge.

**Fact 1:** A secondary boycott is where A and B are in dispute and, say, A gets a third party, C, to lean on B's customers (a fourth party) so that B has to give in to A.

**Fact 2:** Examples of this sort of thing were rife on our waterfront until Section 45D was added to the Trade Practices Act to outlaw it.

**Fact 3:** The Act decrees that relief from a perceived secondary boycott lies through a court injunction. To defy the court's decision attracts gaol terms plus disastrously expensive legal procedures.

**Fact 4:** The threat of these consequences put an end to secondary boycotts.

It should be noted that the Act does not impede workers' right to strike or even to stage primary boycotts. Specific sections in fact enshrine these rights.

So what, for those who weren't around in the early days, is so awful about a secondary boycott? Best way to explain that is to quote just some examples:

In 1988 the Seamen's Union refused to man the pilot cutter for a particular vessel in protest against an ANL vessel being taken off the Hong Kong trade; this despite the fact that the company whose ship was stranded did not have any vessels visiting Hong Kong! After service had been refused four times the company reminded the pilot service and the port authority of their obligation to order the

union to man the pilot vessel and that its solicitor was gathering evidence for a Section 45D action. The ship sailed within the hour!

The towage industry was a classic ground for troublemakers. A union would be in dispute with an employer or even a country such as South Africa over apartheid and would enrol support from the painters and dockers. They would respond by sitting on the bollards so linesmen couldn't tie-up or release ships which may or may not have had anything to do with South Africa or the employee dispute.

Nowadays even the most eccentric union officials and employers have a more sophisticated approach to social economics. We believe none of them would welcome a return to such nonsense and Kevin Rudd has indicated his endorsement of that by his outing of Joe McDonald.

It has been suggested that secondary boycotts are a thing of the past and therefore we have grown out of them. If this were true, then nobody would be worrying about changing the current legislation because they would have more pressing things to do. Removal of these sections from the Act would send a clear message that secondary boycotts are not being ruled out as a method of achieving industrial relations objectives.

It would be dangerous to think that everyone has outgrown secondary boycotts and it is unlikely that many in the Labor Party, or in the Coalition for that matter, have the faintest idea of the details of this issue, far less their possible consequences.

That's why it's important we put the plain facts to them as soon as we can and as often as we can.

Tinkering with the secondary boycott provisions of Section 45D of the Trade Practices Act is an extremely dangerous intervention and every thinking Australian should do everything possible to prevent it. ▲