

LAST WORD

cognitive dissonance; a compound noun; used in a psychological context , a feeling of uncomfortable tension which comes from holding two conflicting thoughts in the mind at the same time, but now used in a broader range of circumstances.

Best selling author Yuval Noah Harari in his book *Sapiens A Brief History of Mankind* (Vintage Books London 2014) describes its broader meaning as ;

“If tensions, conflicts and irresolvable dilemmas are the spice of every culture , a human being who belongs to any particular culture must hold contradictory beliefs and be riven by incompatible values. It’s such an essential feature of any culture that it even has a name: cognitive dissonance. Cognitive dissonance is often considered a failure of the human psyche. In fact it is a vital asset. Had people been unable to hold contradictory beliefs and values , it would probably have been impossible to establish and maintain any human culture”(page 184).

Industrial relations is not immune from and has probably benefited from cognitive dissonance in its thinking both on the employer and the employee sides of the debate in influencing government policy and arbitral tribunals’ decisions . This principle has no doubt had a profound effect in developing an answer to the conflict of what is the best or better kind of workplace relations system for this country. The famous quote from the book *The Go-Between* by L.P.Hartley; *“The past is a foreign country: they do things differently there,”* is apt

to describe Australia's IR from a hundred years ago or even from thirty years ago to the present. An almost national industrial relations system was probably not the intention of the framers of the Constitution which bound the states together into one indissoluble Commonwealth. The rise and pre-eminence of bargaining as opposed to arbitration was probably not in the minds of IR practitioners until the IR reforms of the Hawke/Keating Governments made manifest in the ill-fated but followed through *WorkChoices* reforms .

This issue has been devoted to the trade union movement its successes, its failures and its future . Has the unions well-described and well-documented decline in membership, discussed in this issue of *Workplace Review* come about because of the movement's own faults or because of monumental changes in the economy and society ? The trade unions have always had their detractors . In recent times one of its greatest critics has been the H.R.Nicholls Society established by a group of conservative intellectuals in 1985 . John Stone , former Secretary of the Treasury writing in the Introduction to *Arbitration in Contempt* (Mercury-Malch, Moonah Tasmania, 1986) a collection of the papers delivered at the H.R.Nicholls Society's first conference stated , "*No doubt inevitably , in the wake of the of the great progress made in recent years in deregulating the financial markets, moves for the now increasingly necessary deregulation of the labour market have gained momentum.*" Stone's comments were prescient. Perhaps more so with his summary of a paper from economic consultant Gerry Gutman found within *Arbitration in Contempt*. He writes of Gutman's paper , "*As he points out , the thing which, above all, has today has done most to strip away the quasi-judicial façade from our arbitral*

tribunals has been the Accord between the Australian Labor Party and the Australian Council of Trade Unions. Now that the industrial relations deals ,including wages rates,new proposals for superannuation entitlements and the like ,are arrived at between these two parties, the supposedly tripartite processes before the Commission can now be more clearly seen for the irrelevant charade which they have always been.”

The H.R. Nicholls Society got its name from the editor of the Hobart *Mercury* Henry Richard Nicholls . Nicholls was charged with contempt in relation to comments he made in the *Mercury* about the so-called Father of Arbitration ,Henry Bourne Higgins who was both a High Court judge and President of the Arbitration Court . The article in question related to an exchange in the Arbitration Court between Higgins and the acerbic Hayden Starke,QC (later himself to become a Justice of the High Court). Nicholls described Higgins as a “*political judge...(who) was appointed because he had well served a political party (and to which)he may be said to be indebted for his judgeship.*” Nicholls’ contempt case came before the High Court which acquitted him ,(R v Nicholls [1911] 12 CLR 280) the headnote reading , “*Statements made concerning a Judge of the High Court do not constitute a contempt of the High Court unless they are calculated to obstruct or interfere with the course of justice, or the due administration of the law, in the High Court.*”

In same volume of the H.R.Nicholls Society’s *Arbitration in Contempt* Gerard Henderson writes of his time as a public servant in early

1980s in the Melbourne Office of the Department of Employment and Industrial Relations. The office had a small library. However, his floor had twelve fridges—one for each three squares of floor space. He said, “*The truth is that most IR types don’t read much. Their preference is for wine and song. Their passionate interests turn on cricket, football and racing, doing deals and arranging fixes (all in the name of ‘industrial relations reality’ of course).*”

I was a trade union official from 1978 to 1982. I worked a year for the Shop Assistants Union (SDA) and for three years with the Ironworkers Union (FIA). I can attest to the importance that alcohol played in daily task of doing union business. Perhaps it merely reflected the rest of society at that time. Long lunches with the employer IR representatives were *de rigueur*. Negotiations in pubs were commonplace even with members of the Conciliation and Arbitration Commission. I recall one early morning hearing in the Federal Arbitration Commission, when it sat at the Queens Square in Sydney. At 9 45 am Commissioner Brack did not adjourn *sine die* but said, “I adjourn to the usual place”. I asked the instructing official from the FIA, Ted Murphy what does that mean? He said, “Young Jeffrey, you have a lot to learn in this game. The Vintage Bar at the Carlton Rex Hotel in Elizabeth Street of course! “We had to knock on the door to be let in as we had arrived before ten o’clock. We happily stayed there with the Commissioner and employer IR people for the next two hours.

On another occasion during a National Council meeting of the FIA the Assistant National Secretary, Harry Hurrell needed the vote of the Tasmanian Secretary, Bill Wood who was missing. Hurrell gave me a list of pubs around Circular Quay in Sydney where I might find and bring him back to the meeting. I found the Tasmanian Secretary in the public bar of the Ship Inn. “Bill,” I said, “Harry wants you back immediately.” He called over the barmaid.” Two schooners of Reschs

dear.” Two hours later Harry sent out another industrial officer to find me.

The biggest annual jamboree in those days was the Industrial Relations Society of New South Wales’ Bathurst weekend conference. A special train left from Central Station on the Friday afternoon with the theme aboard being ,“Let’s get this party started!” The train stopped at Parramatta Station to collect more conference delegates. I vividly recall the startled look on the faces of commuters standing on the platform at Parramatta looking through the carriage windows at the party in full swing and in great song. The weekend continued apace with small attendances at the lectures and bulging public bars. The Saturday night dinner was the highlight of the weekend. The 2GB radio star Alan Jones one year was the guest speaker .At that stage he was the Executive Director of the New South Wales Employers’ Federation. Using all my skills learnt from university dinners I recall throwing a bread roll at him. A traditional solid greeting for speakers from Bertie Woosters’ Drones Club. I recall one young new FIA official, Vern Falconer had a fabulous joke played on him by one of the IR elders. He was told about the dinner’s after party going on up the road. He was given a room number at the Knickerbocker Hotel. At midnight armed with a dozen cans of Reschs Pilsener he arrived at the designated room . It was all quiet, the room was locked .He knocked repeatedly and loudly on the door. “Come on guys let me in, I’m here with the precious cold cargo!” He heard from within the room, ”Go away!” Not to be deterred Vern kept banging on the door. The door opened and there with an obsidian stare was Justice Terry Ludeke in his dressing gown, in a voice recalling Darth Vader said ...”I thought I told you to go away “.

Someone got Vern a beauty.

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