

Disputes

International Labour Organisation. Freedom of Association Committee. Complaint by ACOA against the Government of Australia

On 12 September 1978 Senator Carrick, the Leader of the Government in the Senate, said in answer to a question (Sen Deb 1978, Vol 78, 451):

My advice is that the Government has submitted to the International Labour Organisation's Committee on Freedom of Association its observations on the allegations made by the Administrative and Clerical Officers Association concerning the compatibility of the Commonwealth Employees (Employment Provisions) Act 1977 with ILO Convention No 87. As I understand this convention, it was designed to guarantee workers' freedom of association and the right to organise. According to the established ILO procedures in such cases, these observations will now be submitted to the ACOA for comment, following which the Government will be given the opportunity to reply to any further remarks which the ACOA may make upon the Government's case. The Committee on Freedom of Association will then issue its decision in the form of a report to the ILO governing body. Before submitting its final report the Committee may, at its discretion, issue an interim progress report. The Government's view is that the legislation in question is in no way in breach of ILO Convention No 87 or any other ILO convention.

The complaint of the Administrative and Clerical Officers' Association was considered by the Freedom of Association Committee of the International Labour Organisation in its report on Case No 902 which concluded (ILO Document GB 208/10/14, 59):

347. The Committee has, in addition, stated that it is not convinced that legislation imposing punitive sanctions on public employees on account of their involvement in various forms of industrial action is either necessary or desirable. The Committee has previously pointed out that the imposition of sanctions on public servants on account of their participation in a strike is not conducive to the development of harmonious industrial relations.

348. In view of the foregoing principles and considerations the Committee expresses the hope that the Government will not find it necessary to proclaim the Commonwealth Employees (Employment Provisions) Act 1977 in its present form.

349. In these circumstances and with regard to the case as a whole, the Committee recommends the Governing Body:

- (i) to draw the attention of the Government to the principles and considerations contained in paragraphs 344 to 346 above relative to the right to strike in the public service and in essential services;
- (ii) having regard to the principles and considerations contained in paragraph 347 above concerning the imposition of sanctions

on public servants and to express the hope that the Government will not find it necessary to proclaim the Commonwealth Employees (Employment Provisions) Act, 1977 in its present form;

- (iii) to request the Government to keep it informed of further developments in the situation.

The Report was approved by the Governing Body of the International Labour Organisation at its 208th Session in Geneva in November 1978. The Australian Government proclaimed the Commonwealth Employees (Employment Provisions) Act 1977 on 13 July 1979: see Commonwealth Gazette, No S140, 1. For a discussion of the case, see (1979) 53 ALJ, 227–230.

Territorial disputes. Peaceful settlement

On 14 March 1978 the Minister for Foreign Affairs, Mr Peacock, said in answer to a question concerning the presence of Somali forces in the Ogaden (HR Deb 1978, Vol 108, 666):

Australia firmly believes that territorial disputes are best settled by negotiation and compromise rather than by resort to arms.