



Annual General Meeting 2014

4 December 2014

President's Report

CQ, 113 Queen Street, Melbourne

1. Update on Ms Gillard

In the last two annual reports I have mentioned that the society has sought explanations from the Honourable Julia Gillard of the slush fund, the "Australian Workers Union Workplace Reform Association", which she established, and last year I said that further action by the society may be expected. In fact a royal commission, on trade unions, under the Honourable JD Heydon QC, has taken the further action and last month it was reported that counsel assisting the inquiry (J Stoljar SC) has submitted that "Gillard was the beneficiary or recipient of certain funds from Mr Wilson,...", that is from Bruce Williams the key figure in the slush fund. "Another sting in Stoljar's submission revolves around Gillard's remarkably loose lawyering, which was instrumental in allowing the fraud to put down roots." (The Australian 14 Nov 2014).

So we have a worker representation institution misused by one who later became prime minister. Consistently Ms Gillard supported, and took no action against, the former MP Craig Thompson, another abuser of a trade union, the HSU.

Such rotting and anti-worker behaviour reflects very poorly on Australia.

2. The last year

The new Abbott government promised in its campaign for the September 2013 election that the Productivity Commission would enquire into the Fair Work Act. More than 12 months later the commission has not yet been given this task. It is hoped that when an inquiry is held it will be by people who have experience of the Act as employers and employees and that it will be short and focussed.

The society however has been active around Australia.

Our annual conference “Stopping the Decline: our Urgent Jobs Plan’ was held in **Brisbane** on 17 May, greatly assisted by board member Theresa Moltoni.

From the US Greg Rayburn, company adviser and executive, and former CEO of Hostess Brands, spoke of excessive union demands resulting in the closure of that business with the loss of some 18,000 jobs. In Australia excessive union demands were illustrated with the MUA disputes and wages explosion in Western Australia (Alan Drake-Brockman, with the assistance of Daniel White), in the construction industry –in concert with employers - (Roger Gyles QC comparing NSW at the time of his inquiry with current issues); and in back office jobs now exported to the Philippines (Mike O’Hagan of MiniMovers, and a former member of the Fair Pay Commission).

Theresa Moltoni surveyed Australian labour market reform as going backwards. But it was not all gloom: Kyle Kutasi entertainingly surveyed the strangled labour markets of Venezuela and Argentina, and the Attorney General of Queensland, Honourable Jarrod Bleijie, addressed the conference dinner with fresh thinking on social problems, including measures against bikies (now upheld by the High Court).

On 25 August in **Melbourne** Robert Clark, Minister for Industrial Relations and Attorney General, addressed our forum “Cleaning up the Construction Industry”, together with Lee Kuzamanovic of Versatile Precast Industries. The theme was the need for a Building Code requiring considered workplace arrangements in construction projects that protect workers from intimidation and are not exorbitant to the principal, usually the state.

On 22 October in **Adelaide** we held an economic forum on “How the labour market can help South Australia” addressed by Malcolm Bosworth, trade economist, Canberra, and recently of the World Trade Institute, Bern, and Professor Christopher Findlay, Adelaide University, who looked at various measures to free up the labour market in the state, including the recommendation of the National Commission of Audit that there be a variable minimum wage specifically in South Australia. The next day the Advertiser reported “HR Nicholls Society president ... calls on SA State Government to apply for a special, lower minimum wage across the state.” In fact that policy would not conflict with that government’s “Economic Statement 2013” and other official announcements in the state. On talk back radio that day the society’s call, however, was criticised by the employer body “Business SA”.

In a low cost state such as South Australia, where workers are not exploited, there is a capacity to compete on wages which should be embraced, particularly by employers.

Just recently on 24 November we held our annual dinner in **Melbourne** addressed by Stephen Sasse, labour and employment strategist and formerly of Leightons, on “Labour Productivity In The Australian Construction Industry – Why It’s Broken And How To Fix It Or “La Construction! C’est Une Chose Trop Grave Pour La Confier À Des Constructeurs””. This was a further call for a Building Code to operate in the construction industry, specifically in Victoria, based on the need for the industry to be competitive. The address was given against the backdrop of the Victorian opposition’s policy to tear up the code, a policy which they are now in a position to implement for they won the Victorian elections five days later.

National: Des Moore organised for the society to brief Robert O'Neill and Andrew Denton of the Victorian bar for a submission to the above mentioned royal commission on the question of "improvements ... to the regulatory model as they relate to the duties of trade union officials" and improved governance mechanisms for unions. The submission, made in October, stated among other things:

Officials of trade unions have an unfair advantage through the provisions of the Act and the operation of the FWC to

- a. Enter work premises;
- b. Disrupt work performance;
- c. Force parties into regulated bargaining; and
- d. Engage in protected industrial action.

These are privileges that the ordinary private citizen or entity does not enjoy.

The commission is still to report.

The society is grateful to the Institute of Public Affairs for advertising our functions and to the Bert Kelly Research Centre for kindly making its facilities available for the forum in Adelaide.

3. The board

The board comprises Alan Anderson, Tim Andrews, Kyle Kutasi (vice president), Des Moore, Michael Moore (secretary and treasurer), Ken Phillips, Peter Reith and myself. Theresa Moltoni resigned mid year, due to pressure of her other commitments. We are very grateful for her work on the board and look forward to staying in touch with her on industrial affairs.

I particularly thank Des Moore who has also acted as publicity officer and again thank Michael Moore for administration and finances and his guidance on costs.

4. Ray Evans 10.9.39 – 17.06.14

The co-founder of the society and its long serving president Ray Evans was remembered earlier this year and I attach **(A and B)** the society's announcement following his death and also the eulogies at his funeral on 27 June at Christ Church Brunswick, Melbourne, by Hugh Morgan AO and by Senator Bob Day AO

The society and Australia are greatly indebted to Ray. That the HR Nicholls Society is now able to tackle the current blight of labour regulation is due to Ray.

5. Barrie Purvis 27.2.33 – 29.7.14

Members of the board recently became aware of the death in July of one of the two initial “moving spirits” of the society Barrie Purvis, the other being Ray Evans. I attach (C) a short remembrance of Barrie, for which another early member David Trebeck has kindly provided notes.

6. The year ahead

National tour - Labour relations for a resurgent economy – February 17-19, 2015

The society has organised for distinguished Professor Bernd Fitzenberger of Freiburg University to speak on the German model for labour relations and its contribution to that country’s strong economy, especially during the GFC, in a tour of **Canberra, Melbourne and Perth**. Our purpose is to examine other models of labour relations and their contribution to a strong economy, and enlighten debate on the labour relations system for Australia. For details see **attachment D**

Role of unions in elections

Unions were said to be decisive in the defeat of the Coalition in the Victorian general elections held on 29 November 2014. By representing 42% of public servants unions are able to use elections as wage campaigns (as for ambulance workers). As organisations with registered monopolies over their particular industries, they can more easily mobilise funds and workers, which also were said to be an advantage for Labor in the elections. By comparison mere political parties or movements have to compete for attention from their adherents.

Yet unions are in serious decline and represent just 17% of workers and only 12% of those in private industry.

There are implications for democracy of a declining institution (unions), propped up by a registration system unavailable to other institutions, having a decisive role in elections. Also, if ordinary workers cannot use elections to advance their wage claims, public servants should be in the same position.

These are matters to be examined by the society over the coming year, and they should be considered by the Australian government.

The reason for supporting the society

Our work over the coming year will be unashamedly economic and work-creating. Industry wants a much freer system of labour relations, and workers will benefit from a system oriented to them rather than unions. These are our objectives and we welcome all with these objectives to join or support us to achieve them.

A Bisits

Attachment A

RAY EVANS

I regret to advise the death, yesterday, of Ray Evans, the president of the society from 1989 to 2010 and one its notable founders.

John Stone, another founder of the society and the founding president, has kindly recalled Ray for us:

On 30 April, 1985 the Committee of Review of Australian Industrial Relations (the Hancock Committee) delivered its Report, and shortly thereafter Ray Evans, whom I had never previously met, got in touch with me. Along with Peter Costello and Barry Purvis, we formed the HR Nicholls Society.

The central proposal of the Hancock Report was to establish a new so-called Labour Court, to transfer to that trumped-up body all cases in the industrial relations jurisdiction, and to staff it with members of the Commonwealth Conciliation and Arbitration Commission.

It was this monster that the Society, led by Ray, set out (successfully) to confront.

In 1989 Ray assumed the Presidency of the Society, and held that post for an extraordinary 21 years.

The Charles Copeman Medal, which was awarded to Ray at the end of that time, is awarded for distinguished service in the cause of industrial relations, but Ray's service to the public good ranged much more widely than industrial relations. I mention only his major roles in The Samuel Griffith Society, The Galatians Group, The Lavoisier Group and The Bennelong Society to indicate the variety, and the institutional significance, of his interests and the remarkable contribution he made to public policy debate in Australia.

Ray was however much more than a public intellectual. He was first and foremost a man – possessed of all those manly virtues of which one of his heroes, Margaret Thatcher, spoke.

He was widely read, and his writings were steeped in the imagery of the King James Bible, the Anglican Book of Common Prayer, *The Pilgrims Progress*, and other great parts of the literary canon. Always “valiant for the truth”, it was appropriate that when the Charles Copeman Medal was bestowed upon him, the citation inscribed thereon read as follows:

“RAY EVANS: In recognition of his unparalleled contribution to public policy discourse in Australia, including (but not confined to) his central part in the formation of the HR Nicholls Society and its role throughout the 25 years of its existence. A rock of constancy in a sea of corporate cowardice, he has always placed principle above personal advancement. A steadfast friend and an honourable opponent, he is epitomized in John Bunyan's everlasting words: ‘Who would true valour see,/Let him come hither;/One here will constant be,/Come wind, come weather’”.

As we mourn a dear friend and great companion, our hearts go out to Jill and his children.

John Stone

Through the HR Nicholls Society Ray Evans was the champion of freedom of employment. Ray was the well read academic, the engineer, the mining company executive, the man of faith. He was a most considerate and kind president of the society. For a quarter century and using these talents Ray directed Australia to freer and thus more prosperous and fulfilling employment relations.

With all members of the society I offer Jill and his children our sincere condolences.

Adam Bisits
(president)
18 June 2014

Attachment B

Neville Raymond Evans

10.9.39 – 17.06.14

Ray's Career as an Advocate

Hugh Morgan, 27 June 2014

One always knew the presence of Ray by the frequent burst of extraordinary laughter that no one could miss as having come from any other person. I will return to his laughter trade mark later but recall the first time we met in Sydney in late 1981 when attending a meeting of the Centre of Independent Studies and Ray approached me having already written to Sir Arvi Parbo seeking a job. Ray recalls this event in his farewell remarks to WMC colleagues and others in August 2001 and the following is drawn directly from some of that presentation.

'The story of how I got to Western Mining as it then was in April 1982, is an interesting one, and is summarised in the letter I wrote to Sir Arvi Parbo in November 1981. A week or so later after despatching the letter I found myself attending a seminar in Sydney organised by Greg Lindsay who had recently established the Centre of Independent Studies. Hugh Morgan who was a Trustee of CIS was also there, and rather nervously, I introduced myself and told him that I had sent a letter to Sir Arvi looking for a job. "yes indeed" said Hugh and pulled it out of his coat pocket.'

'What have I done since (joining)? I've been a soldier in the culture wars" He recall's of the 1980's the distemper evident in the universities observing - 'The slogan which these many hundreds of students chanted mindlessly as they marched (being) 'Hey Ho – Hey Ho – Western Civ has got to go"

"The culture wars' he wrote ...' I now believe to be embedded deep in Western Civilisation". 'The culture wars are fought out in every institution. We see them in the churches, within political parties, in the media, in the universities and in corporations".

Out of these battle he notes the close friends that develop and one such friend was Bert Kelly who changed political life in this country having attacked protection 'making it intellectually and morally disreputable'. Bert Kelly he recalled as being a great Hero.

Ray was grateful to Prime Minister Malcolm Fraser for having decided to slash university subventions that required the Engineering School at Deakin to be shut down and with the predictable fear of losing his job discussed what he might do with a friend and proffered in response as to what he might do replied he might be a good speech writer to Arvi Parbo. His friend said 'Why not ask?' and so that is exactly what he did.

I have since the fateful set of events that brought our lives together shared a friendship and professional association of which I could not have imagined would be

of such impact on my life. It is so with many present today gathered to pay respect to this remarkable man.

Since his death we have seen tributes to Ray of which he would be justly proud. His seminal contribution to public debate has been publicly recorded in many media reports this week.

Each recall Ray's early years with membership of the Labor Party and his Presidency of the Melbourne University ALP Club, as a young member of the Federated Fodder Fuels Trades Union and becoming the Deputy Dean of the Faculty of Engineering at Deakin University. Where and when the conversion from centralised socialist ideology of the ALP took place I never enquired but his compass on the morality of life and relationship came squarely from his Christian beliefs and the political guidance from Edmund Burke.

When asked what his function was at WMC he once replied he was the 'in house theologian'. This was reflected not only in the structure of the speeches he prepared for me but also in frequent direct quotations from the Bible. I shall never forget the look of astonishment by Minister Clyde Holding, and Minister Barry Cohen at a conference in Canberra presenting on behalf of the Australian Mining Industry Council an address following that of the Minister who had waxed lyrically of the Sacred Spirits of the Aboriginal community, a text from Genesis c 1 v 26 directing man to have dominion over all that lives and moves on the earth. Uproar prevailed. Gerard Henderson later commented he 'could see paint peeling off the ceiling!' Graffiti appeared on Melbourne walls – Morgan for Pope!

Ray never shied from a battle and nor from a good argument. There were then and remain no shortage of issue to address.

Ray held a special sense of resentment for the placid response of the business community to the corrupt concept to central wage fixing and indignation at the consequent cost to the community, lack of competitiveness that ensured for industry and exclusion of the poor from being able to offer their labour at a price satisfactorily to themselves. For this he fingered as the evil source Mr Justice Higgins – Henry Bourne Higgins the designer of the Commonwealths power with respect to Conciliation and Arbitration and the first appointed Judge to the Arbitration Court. Ray famously described him as a 'nut who, to the great detriment of this country, found himself able to give legal form and substance to his fantasies'. The Act established legal privilege and monopoly power for trade unions that no other individual or organization possesses in Australia. 'The unemployment rate', he wrote in the AFR in November 2002, 'is the outward sign of an insane system of intrusive detailed regulation of employment relationships bequeathed to us by Henry Bourne Higgins, the thin-skinned do-gooder who thought he could play God in the labour market'.

One has to recall even now just how the industrial relations climate at working level was throughout the 1980's and 1990's. Industrial relations expectations to determine award outcomes were entirely a one way street of employee enhancement, often generated not only at on site level but nationally through a close working relationship between unions and its officially related entity the ALP. In many cases very unpleasant working conditions were the outcome. Ray worked in

an office that had first hand experience of thuggery within its mine operations. Dealing with Bruce Wilson of the AWU from the comfort of Head Office was one thing unlike the burden undertaken by Mine Managers and their families.

This was but one example of the in-house experience Ray observed even well after he had determined external advocacy as essential to bring about fundamental change in the Industrial Law. The public argument had to be taken into the national arena stripped of corporate political compromise, pressure or retribution.

The creation of the H R Nichols Society by Ray with John Stone, Barry Purvis, and Peter Costello has unquestionably influenced the tide of thought of employment arrangements in Australia.

Ray as the President of HRN was unforgiving of political accommodation in industrial affairs management. Even of the Work Choice legislation he denounced it as the Kernot-Reith deal. To Ray it was incredulous why there was not the understanding of benefits that flow 'when freedom becomes legal'. I would pause and repeat those words – 'when freedom becomes legal'.

At his retirement from the HR Nicholls Society I was pleased to read a comment from Ken Minogue, the lexicographer, his great New Zealand friend living in London.

'HR Nicholls was obviously a Troublemaker of great talent, especially for pompous judges. Ray as president stands in a significant line of business. Whistleblowers these days are sometimes celebrated, but Troublemakers are less appreciated. Ray is a 'Troublemaker Extraordinaire' – except that (as Dr Johnson would say) – the cheerfulness keeps breaking through. And when it does, his great gusts of laughter blow away whole mists of folly and nonsense. So he has made the H R Nicholls Society itself a great Australian tradition, even if halfway around the globe, my glass is raised to him.'

Ray was a great organiser and it was both this skill and aptitude that gave rise to the organisations of which Bob has already spoken – the Samuel Griffiths Society, the Galatians Group, the Lavoisier Group, the Bennelong Society, the Savage Club monthly lunch and the Australian Lecture Foundation. All of these entities were ones in which Ray played either an initiating role or a major contributor to their establishment and subsequent intellectual nourishment. These were the entities through which he was able to project his commitment to the culture wars.

Ray designed nearly 200 speeches for me. It was not without concern at the content nor the challenge they presented. I worked with wonderful people led for most of my working life with WMC by my Chairman Arvi Parbo but I did have several people who did not fit the normal corporate tradition in my office and Ray was pre-eminent. The remaining staff did express concern and on occasion made deputation to Ray expressing great worry for the company and would he please mend his ways. Ray suggested they come and see me if they had a problem. I never heard directly from them but the corridors spoke loudly of apprehension.

That apprehension was not without substance. Engagement in the culture wars had its hazards.

In January 1984 I delivered a speech to the Australian Business Europe Association thought to be a harmless account of the status of uranium issue in the context of the ban on uranium mining in Australia and the divisions within the Labor Party of this policy. Couched in the most moderate language it bore Ray's imaginative title "Yellow Cake Bob." The following day's headlines back home needless to say did not make Bob happy. My subsequent term for reappointment to the Reserve Bank Board not surprisingly led to replacement with the more reliable Sir Peter Abeles.

Notwithstanding the intellectual challenge Ray presented to those in his company his presence was infectious, his cheerful demeanour always accompanied by a consistent optimistic outlook. He was always brimming with ideas and enthusiastically challenging every aspect of life both to himself and of expectations of others.

Life for Ray was to be celebrated. And celebrate he did. That laugh was always present sometimes to the embarrassment of others.

Jill recalls being in a theatre with Ray to see the film 'Passage to India' when Ray saw cause to let out a raucous laugh but he was alone in the appreciation of the event that stimulated that response. A lady several seats away turned around and in a loud voice proclaimed 'Who brung him!'

His love of music and especially of the Church Choir gave him the escape from the rigorous of debate and argument. His battle with the accumulation of books in his library and Jill's vain attempts to find additional space to house them was a constant source of attention for Ray had not only an enviable recall of historical and political events and colourful stories but was supported by a reference library of great magnitude. It occupied his room floor to ceiling and every other space in the house he could negotiate with Jill to occupy. It is fitting that it is dedicated to the Bert Kelly Research Centre in Adelaide.

I want to thank those who wrote the media accounts of Ray's life and contribution – John Roskam of the IPA in the Australian Financial Review, Dominic Kelly of The Age and Andrew Bolt in The Australian. Andrew was the beneficiary of Ray's personal strength and moral support that he records in the most beautifully constructed account entitled 'A very fine man has died today' that only comes from someone publicly demonised but who drew strength from Ray's continued encouragement. Adam Bisits and John Stone of the H R Nichols Society, Tom Bostock's kind comments circulated to the Evans, Tuesday Savage Club Lunch Group and Scott Ryan's address in the Parliament and Ron Manners with the latest Mannkal edition.

And to Jill we all hold you in admiration for the love comfort and care you lavished on Ray particularly during his great time of crisis and without which we would not have shared the last six years.

Ray's influence upon events particularly in the outcome of the Culture Wars will continue to have lasting impact upon Australian society. His Career as an Advocate is without peer in our generation.

'We are poorer for his passing but richer for his being'

Ray Evans

10.9.39 – 17.06.14

“Ray’s Career as an Advocate”

Bob Day

Let me begin with a few of Ray’s own words recorded in introductory remarks he made some 20 years ago at the 1994 Conference of the HR Nicholls Society held in Perth.

“It is nearly twelve months since our last conference and it is appropriate to consider from a strategic perspective what has happened in these last twelve months. This paper then is an attempt to evaluate, without embellishment or distortion, the significance of the very important events which have taken place since May, 1993.

“The title to this paper comes from a poem I learnt at school, “Say not the struggle naught availeth”, by Arthur Hugh Clough, an early Nineteenth Century poet.

*Say not the struggle naught availeth,
The labour and the wounds are vain,
The enemy faints not, nor faileth,
And as things have been, things remain.*

*For while the tired waves, vainly breaking,
Seem here no painful inch to gain,
Far back through creeks and inlets making
Comes silent, flooding in, the main.*

*And not by eastern windows only,
When daylight comes, comes in the light,
In front the sun climbs slow, how slowly,
But westward, look, the land is bright.*

“The H. R. Nicholls Society has been engaged in a political struggle, if you like, since its inception in 1985, to bring freedom into the Australian workplace. The Commonwealth Industrial Relations Reform Act (1993), the Brereton Act, has brought into Commonwealth law virtually everything which The H.R. Nicholls Society has argued would harm Australian workers, and greatly diminish their capacity to make Australia a prosperous society.

“An outside observer, who considered only what was on the statute books, would have to come to the conclusion that our Society had

suffered a grievous blow, perhaps a terminal blow, with the passage of this Act, and that we would be well advised to pack up our tents and steal away into the night, leaving behind as little trace of our existence as possible.

“The attendance at this conference, and the tone of the papers that are to be presented, indicates that there is much more to life than the passage of a Bill through the Commonwealth Parliament. It is important therefore to consider the history of the Bill, what the political consequences are likely to be, and whether we can turn what has been done to advantage.

“We should always remember what Lord Salisbury, the great British Prime Minister of the late nineteenth Century told us:

“History is the record of a series of reactions in the strong workings of mens' passions. In any great conflict what will be seen as the aim of Providence? Our foes will say the stroke; our friends the rebound.

“The Brereton Act is the stroke. We must prepare for the rebound.

“Soon after the election of March 1993, the newly confirmed Prime Minister made a speech to the Institute of Company Directors (21/4/93) in which he lamented the levels of unemployment and foreshadowed major changes to industrial relations law designed to speed up enterprise bargaining. Let me quote from the Prime Minister's speech:

“Success in the coming decade certainly depends on things we must do in Canberra.

“It also depends crucially on Australian workers, who must continue to adapt and change and win for themselves the increasing incomes that are within their grasp. Under the workplace bargaining system we have adopted and which we will entrench this year, employees themselves are for the first time in our history able to create the circumstances of their own prosperity.

“That is the sort of language we would expect to hear at an H. R. Nicholls conference.

“This volume of proceedings brings together the papers given to the Society's XVth conference, 'A Matter of Choice'. These words were used in October 1993 by the Secretary of the Commonwealth Treasury, Ted Evans, in describing the tragic level of unemployment which now threatens the social fabric of Australian society.

“The conference was held at Scarborough, a beach suburb of Perth, on the weekend of April 15-17, 1994. It was attended by members and friends who came to Perth from all over Australia.

“Some five months previously the Brereton Bill had been enacted by the Commonwealth Parliament. This Act entrenched the legal privileges and monopoly powers of trade unions in their role of representing employees in arbitral tribunals and vis-à-vis employers, regardless of the wishes of employees. It sought to supersede the authority in industrial relations matters of the States, notably Victoria, by relying on the external affairs power of the constitution and on certain ILO conventions, some of which were signed by Australia at Executive Council meetings immediately prior to the 1993 elections.

“One is reminded immediately of the mediaeval church, which enjoyed a monopoly position of mediating between God and the people of Europe, regardless of whether the people wanted this mediation service or not. It took the religious wars of the sixteenth century, and much shedding of innocent blood, before that monopoly was given up.”

Ray’s career as an advocate was so extensive it is hard to know where to begin.

One might begin by saying that Ray was a superb networker long before that term became trendy.

Ray’s networking took several forms;

First, in moving to set up the several organizations with which he was most involved, he invariably sought out prominent people to head them, or be closely associated with them and then persuade them to give papers to the various Conferences that those bodies held thereby gaining publicity for the organisation.

Second, he continually drew upon the great literary works in which he was so steeped – the King James Bible, The Book of Common Prayer and John Bunyan’s *Pilgrim’s Progress*, which added both drama and imagery to the many speeches and publications which he authored.

The five organisations Ray’s name is most often associated are:

- The HR Nicholls Society;
- The Samuel Griffith Society;
- The Galatians Group;
- The Lavoisier Group; and
- The Bennelong Society.

When in 1985, Ray moved to set up **The HR Nicholls Society**, he reached out to three people having a degree of public prominence at that time – John Stone - who had not long resigned as Secretary to the Commonwealth Treasury - and I am greatly indebted to John for his input into this eulogy (thank you John); a young barrister called Peter Costello, who had recently won a number of significant cases in the industrial relations jurisdiction and Barrie Purvis Director of the Australian Wool Brokers Federation. Unfortunately, Barrie is unwell and Peter and Tanya Costello have a longstanding obligation in Zurich

and very much regret they are not able to be with us today. But John Stone is here. Following the establishment of the HR Nicholls Society, at Ray's urging, John became its inaugural President. When John became a Senator for Queensland in 1989, Ray himself assumed the role and remained the Society's President for the next 21 years.

Although Ray was not the principal founder of **The Samuel Griffith Society**, which grew out of a discussion at an HR Nicholls Society conference he was present at the creation and it was Ray who suggested Samuel Griffith's name for the Society's title.

In setting up **The Galatians Group**, which held its first conference in 1994, Ray set out not merely to promote debate about the role of the churches in addressing society's problems, but also to provide a forum for assorted clerics from various denominations whose views were no longer wholly in sympathy with those of their respective church hierarchies.

Again, when Ray moved, in 2000, to set up **The Lavoisier Group**, to show up the "global warming" scam for the scientific fraud that it was, and still is, he reached across the political divide to recruit, as its inaugural Chairman, former Labor Senator for Western Australia Peter Walsh. Peter lent enormous stature to that body right from the start.

As to **The Bennelong Society**, at the outset Ray achieved a double. Not only did he persuade Peter Howson, a former Minister for Aboriginal Affairs, to become its inaugural President, but he also enlisted the support of Paddy McGuinness, then Editor of *Quadrant*. Later, after the sad death of Peter Howson, Ray persuaded Gary Johns, a former Minister in the Keating Government, to take his place.

Finally, as custodian of the Bert Kelly legacy, Ray was instrumental in the establishment of The Bert Kelly Research Centre in Adelaide with The Ray Evans Library a key part of the Centre.

Once these bodies were established, Ray was tireless in seeking to round up prominent speakers to address them.

Activism and polemics are often closely related, and it can be said without fear of contradiction that Ray, whether in his own right or via the many speeches that he helped to draft for Hugh Morgan, was no ordinary polemicist! It was here that he gave full play not only to those cherished literary sources I mentioned earlier, but also to his own deeply held Christian faith. To take but one of a myriad of examples, consider the title of Ray's Lavoisier Group pamphlet, *Thank God for Carbon!* which I have on good authority was the basis for a history-changing question asked at a gathering in September 2009 in the country town of Beaufort, Victoria attended by then Shadow Minister for Family & Community Services Tony Abbott.

Wearing his trade mark HRN tie, Ray was an enormous presence at literally hundreds of important and what seemed at the time not so important events which have helped shape our country into the nation it is today. None more so than that meeting in Beaufort.

But Ray's favourite gathering was his Tuesday Lunch Group at the Savage Club. Some tributes to Ray from that group.

"Our ever-genial friend, fervent apostle for liberty under the rule of law and one who was instrumental in changing the climate of opinion in Australia and beyond on workplace relations, climate alarmism and the value and morality of the free-market order." Tom Bostock

"Always "Valiant for Truth", it was appropriate that when the Charles Copeman Medal was bestowed upon him, the citation inscribed thereon read as follows: "RAY EVANS: In recognition of his unparalleled contribution to public policy discourse in Australia, including (but not confined to) his central part in the formation of the HR Nicholls Society and its role throughout the 25 years of its existence. A rock of constancy in a sea of corporate cowardice, he has always placed principle above personal advancement. A steadfast friend and an honourable opponent, he is epitomized in John Bunyan's everlasting words: 'Who would true valour see,/Let him come hither;/One here will constant be,/Come wind, come weather'". Adam Bisits

And from others:

"Ray was a powerhouse in argument for the good society both here and in overseas conferences, never reticent in explicating his ideas, always on the attack against the red and green enemies of a free and humane society." Wolfgang Kasper.

"People of Ray's intellect are rare and people of his courage even rarer." Michael Kroger.

"The thing to remember about Ray is that he was only really interested in causes when they were unfashionable. He was against the Apology to the "stolen" generation, he was against the theory of global warming, and least fashionable of all, he supported orthodox Christianity in the Anglican Church! If the whole of Australia was "in Accord" on industrial relations policy then Ray just had to be out of it. In a campaign to end wage regulation he had the genius to seize on the irascible H. R. Nicholls and promote him as an Apostle of freedom - an antidote to the "father" of arbitration Henry Higgins. He wanted no less than to turn a century of thinking about Australian industrial relations on its head! But the thing to remember about Ray was that he was brave. You have to be if you want to stand up and turn public thinking. Which he did. Because he was such a tireless advocate for unfashionable causes some of them began to generate support, perhaps even become

popular. I suspect that secretly he did not approve of his success. "Worse is better" he was fond of saying. Peter Costello.

Ray believed that when you boiled it all down, the world could be divided into two groups – those who believed in each human being's God-ordained right to freedom and those who wished to control society and impose their views on others. So whether it was an Australian Republic, Urban Planning, Same Sex Marriage, the United Nations, Aboriginal Land Rights, Trade Protection, Malthusianism, Renewable Energy Targets or A Charter of Rights, and many others. Ray was on one side and his opponents on the other. It's a useful checklist and I am proud to say I was on Ray's side on every one of them.

It's impossible to describe how important Ray was in making the case for freedom and calling out the rent-seekers and bootleggers who sought power and preferment.

That was Ray. Not only did he change the national conversation, he changed people's lives. Mine one of them.

My life would have taken a completely different path had it not been for Ray Evans. He was my teacher, my mentor, my friend and my hero.

If Ray had a hero or mentor it was Bert Kelly, The Modest Member from South Australia. Bert was the epitome of the type of advocate Ray admired most – a lone voice, relentless opposition, intellectual consistency, moral uprightness, dogged determination and of course ultimate victory.

But Ray's influence was not confined to Australia. Travelling with Ray was always a great experience, particularly in the US. Ray and I were in Texas a few years ago looking at how cities operate free of any urban planning or zoning laws. We were in Houston and met up with a group of Texan home builders who took us out to dinner. If you haven't been there, Texas is a great place to go out on the town. When you enter a bar they frisk you to see if you've got any guns. And if you haven't got one, they give you one! Just kidding. But Texans do love freedom, so you can imagine how well Ray was received. "*We like you Ray*", I remember one of them saying in the broadest Texan accent imaginable. People who like freedom, liked Ray.

Economist, scientist, theologian, electrical engineer; politics, Australian history, British history, American history, indigenous affairs, federalism and the constitution, the origins of western civilization, you name it, Ray had an encyclopedic knowledge of all these things. But it was his theology that was at the core of who he was. We saw Ray's deep faith in all that he did. Glancing back through proceedings of the HR Nicholls Society for example we see conference titles like '*The Labourer is Worthy of his Hire*' - a quote from St Luke's gospel, "*Standing Fast*" from St Paul's epistle to the Galatians, "*In all things we*

are more than conquerors” from Romans chapter 8, “[The Pearl of Great Price](#)” a New Testament parable, and extracts from hymns, “Faith in thy name O Lord I go, my daily labour to pursue”.

In the Old Testament book of 1st Chronicles, King David spoke of ‘The Men of Issachar’, men who, and I quote, “*understood the times and what needed to be done*”. Ray was a modern day ‘Man of Issachar’. He understood the times and what needed to be done. It is this that was at the heart of Ray’s implacable opposition to the global warming scam and its accompanying anti-human rhetoric. Rhetoric that says mankind is a blight on the planet, a plague, a virus and we should all be condemned. Ray however believed that mankind was God’s highest creation and that God loved His creation. “*For God so loved the world that He gave His only begotten son that whosoever believes in him should not perish but have everlasting life. For God did not send his son into the world to condemn the world but that the world through him might be saved*”. John 3:16, 17.

Albert Einstein once said, “*I want to know the thoughts of God. The rest is merely detail*”.

We all owe Ray a great debt, and honour him today and celebrate his life and say in unison, with our Texan friends, “*We like you Ray*”.

Attachment C

Barrie Purvis 1937 - 2014

John Stone has recalled in volume 1 of the society's proceedings that "Barrie Purvis was one of the four moving spirits--- and one of the two initially moving spirits, the other being Ray Evans---behind the formation of the H R Nicholls Society."

David Trebeck writes:

My involvement with Barrie was in the 70s when he was Executive Director of the National Council of Australian Wool Selling Brokers Employers' Federation, which I recall was a separate but related entity to the National Council of Wool Selling Brokers which was the trade/business/policy body) and I was at the Australian Woolgrowers and Graziers Council – forerunner of the NFF.

In those days wool brokers were major and important firms (Elders GM, Dalgety, AML&F, Pitt Son and Badgery, Winchcombe Carson, Farmers and Graziers, and 8-10 smaller firms) and the wool industry far larger than sadly it now is. Wool brokers' costs were invariably passed back to growers, hence the farmers' organisations took a close interest in what was occurring. Ranged against them was the Storemen and Packers Union, not wildly aggressive in the CFMEU/BLF/MUA sense, but a strong union nonetheless, with leaders such as Bill Landeryou and Simon Crean.

Barrie was a dapper and urbane operator who well understood the strengths and weaknesses of the then dominant industrial relations club. His organisation was slightly removed from the employer mainstream (ACEF, the main employer organisation, related to ACMA/CAI/ACCI, and headed by George Polites and Bryan Noakes, and MTIA/AIG, headed by Ron Fry and Bert Evans). He understood that, unlike manufacturers with their tariff-protected existence, his members' wage-derived cost increases could not be absorbed and passed on to consumers – or back to producers.

There was one lengthy dispute in about the mid-70s – it may have had its origins in the maximum weight of the humble wool bale (204 kg, formerly 450 lbs) – that led to a 8-10 week absence of wool sales as Barrie's members, encouraged by AWGC, sought to first oppose the claim and then appeal the initial decision (ultimately successfully). I recall some observers thinking we were crazy to fight this, given the lengthy period of no sales (and the costs/losses associated with this), but Barrie realised the one way ratchet of these things, and that short term acquiescence meant increasing disputation and even further cost increases down the track. There were little or no industrial problems after this episode, not that this was acknowledged by the sceptics.

Barrie didn't have a particularly high public profile, preferring to keep his head down for the most part – a sensible strategy no doubt. He was definitely a thinker rather than a hustler, which is why he was naturally drawn to the concept of the HR Nicholls Society when it was

in contemplation – adding valuable coal face experience to the more cerebral contributions of his three colleagues – Evans, Stone and Costello.

Peter Morgan, former executive director of Australian Wool Industries, recalls Barrie as “great for saying no” to union claims. That Barrie was right to stand firm on the wool bale issue is indicated by the opposite problem in England (as reported by the Sydney Morning Herald on 10 January 1964) that British waterside workers had complained that wool bales from Australia were not heavy enough, for the British workers were paid by the ton (5 ½ d). The Herald also reported that the weight of bales had increased in the war. Barrie would have known how to handle a dispute that had a 20 year incubation.

Barrie understood how Australia’s regulated arbitration system undermined or rigged trade. In “Coping with the Unions”, his address to an employers federation meeting in 1986 (Quadrant October 1986), Barry mentions the case of a Deputy President of the Arbitration Commission secretly approving a settlement of a live cattle export dispute on terms that blacklisted some livestock carriers forever and allowed some others “a second chance, so long as they did not engage in their legitimate business of delivering livestock to ships.”

In other words the parties with the sanction of the arbitration commission were fixing who could participate in the live export trade. Barrie went on to say:

We no longer have a clear perception of what is right and wrong. The propriety of correct commercial conduct and the required probity in the discharge of public office are subordinated to the imperatives of industrial realism, a precept so successfully expounded and exemplified by industrial tribunals.

The HR Nicholls Society is grateful for Barrie Purvis’ role in its founding and for his defence of freedom of employment.

AMB

4 December 2014



12 November 2014

Labour relations for a resurgent economy

**Australian tour by
economist PROFESSOR BERND FITZENBERGER of Freiburg
University
16-20 February 2015**

Professor Fitzenberger will speak on the German model for labour relations and its contribution to German competitiveness and employment in the last decade.

The HR Nicholls Society presents this speaking tour as a contribution to the restructure of Australia's system of labour relations.

Professor Fitzenberger will speak as follows

Canberra Tuesday 17 February, 2015, National Press Club, Barton, at luncheon commencing 12.30

Melbourne Wednesday 18 February at 5.30 pm at CQ, level 2, 113-123 Queen Street Melbourne, followed by dinner

Perth Thursday 19 February at 6 pm at University of Western Australia Club, 35 Stirling Highway, Crawley, followed by dinner

Professor Fitzenberger is Full Professor for Statistics and Econometrics Albert-Ludwigs-University Freiburg. His areas of study include trends in wage inequality, trade unions and coverage and evaluation of labour market programs. He is co-editor of the Journal for Labour Market Research.

The society believes Professor Fitzenberger's addresses will attract interest from government and industry and IR practitioners. The society's object is to bring a new and practical perspective to the debate about Australia's labour relations system.

Further details including prices shortly.

To register your interest please email mjcmoore@ozemail.com.au

For further information please contact A Bisits, 0438405527, adam.bisits@bisits.com