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SOCIETY NEWS

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leths of the past". There was only one speaker from the floor, and the minor amendment he proposed was readily accepted by the executive. It was all over in less than half an hour.

The last policy matter considered by congress raised an issue of a different kind, in its own way, still sensitive kind. When the retiring president presented his customary international report, he devoted it almost wholly to financial difficulties created by the withdrawal of the American trade union centre, the A.F.L.-C.I.O., from the International Confederation of Free Trade Unions and its Asian Regional Organization. The nub of the report was that both the I.C.F.T.U. and the A.R.O. had recast the formula for assessing affiliation fees, with the result that the A.C.T.U. was now being asked to increase its combined annual payment from about \$22,000 to \$54,000, which represented a jump from about 17 per cent of the A.C.T.U.'s total budget to 45 per cent. The executive itself recommended instead that the A.C.T.U.'s combined annual payment to the two internationals should be set at \$35,445, or about 25 per cent of its budget. Congress agreed, despite token opposition from the left. Coincidentally, it may be noted, the increase thus accepted is almost precisely equivalent to the intended annual revenue of the special international fund created by the 1967 congress to help trade union development in Asia and the Pacific—although the fund has not so far been drawn on for this purpose, despite the significant contribution which a few thousand dollars a year (if more carefully disbursed than has previously been the case) could make to the viability of the struggling trade unions in such an area of close concern to Australia as Papua-New Guinea.⁸

The last business of the congress was to farewell the retiring president and to install his successor. Formal tribute was paid to the man who had taken the minutes of the A.C.T.U.'s first congress in 1927, who had become its president at the age of 34, had thereafter held office as either president or secretary for a total of 35 years, and had been a trade union official for a half-century. The second, Mr Fitzgibbon, in an unusually graceful speech by congress standards, accurately put his finger on Albert Monk's supreme quality as a union leader when he described him as a "master negotiator". Mr Monk, in reply, spoke with quiet pride of how he had begun his work of strengthening Australian trade unionism at a time "when it had no sinews of war", and was now "leaving it at its zenith". But, when the standing ovation was over, it was Mr Hawke's congress again, and it was with the future that his acceptance speech was mainly concerned. He spoke of expanding the A.C.T.U.'s policy concerns in such areas as education, urban development and hire purchase facilities; of extending the services provided by the A.C.T.U. through further development of its research department and the formation of a legal department; of moving in the direction of "some form of organic co-operation" with the organized white-collar workers; of his belief that "we are a powerful movement", and of his intention "to mobilize that strength". The congress which marked the forty-second year of the A.C.T.U., and of Albert Monk's association with it, ended on that challenging note.

FOOTNOTES

1. See R. M. Martin, "The A.C.T.U. Congress of 1967", *Journal of Industrial Relations*, 9/3, November, 1967, pp. 265-70.
2. *Ibid.*
3. See R. M. Martin, "Tribesmen into Trade Unionists: the African Experience and the Papua-New Guinea Prospect", *Journal of Industrial Relations*, 11/2,

Australian Trade Unionism 1968-9

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THIS NOTE, relating to Australian trade unionism during the period 1968-9,¹ is a statement of events and an interpretation of those events. The interpretation of events involves judgments and it is anticipated that these judgments are as soundly based as those presented in earlier articles in this series.²

Despite the predictions of "the left", the fears of "the right" and the admonitions of numerous government spokesmen, it must be suggested that the evidence of the period under review adds to the cumulative experience of recent years that the trade union movement, in the aggregate, is no longer a radical progressive and socially conscious working-class movement. Trade unionism appears to have become too respectable and seems to be spending too much of its time and limited talents in maintaining a facade of quasi-establishment values.

This note details key areas of union activity. Whilst the emphasis lies on "apparent militancy and conflict", the suggestion must be made that these key events still remain less than adequate proof of a vigorous and progressive labour movement. They represent the tip of a socially apathetic iceberg. The idea of conformity to established values is the general pattern; although fortunately there are still some exceptions.

Despite increasing average money earnings, increasing standards of living and many successful confrontations with employers on the industrial front, it can still be suggested that one of the most significant forward steps taken by the trade union movement in 1968-9 was the publication and distribution of a booklet on home purchase by the Building Workers' Industrial Union. Other important events of a progressive nature included the establishment of the Trade Union Education and Research Centre in Sydney; the continued expansion (under extreme difficulties) of the A.C.S.P.A. education programme for union officers; and a temporary admission by the A.C.T.U. executive (albeit by inference) of the acceptance of the right for intellectuals in the union movement to contribute constructive and analytical research material and viewpoints to academic journals and learning.

TEACHERS' UNIONS

In terms of radical social unionism the "teachers' unions" have held the spotlight. Early in 1968 the Queensland Teachers' Union successfully resisted a dilution in the standards of teacher training. Later in the year the New South Wales Teachers' Federation mounted a substantial campaign to highlight the deficiencies in the government education system in New South Wales. The federation campaign highlighted questions relating to staff shortages, the inadequacy of training and school accommodation. The federation held a State-wide one-day strike on October 1, 1968. The Premier of New South Wales, Mr Askin, was reported to have stated that the strike would serve no useful purpose and would not enable the Government to put one more dollar into education. On October 10 it was announced that the State cabinet had agreed to provide an extra \$1 million in loan allocations to the Education Department for new school buildings. A later step in the teachers' publicity campaign was prematurely aborted by political censorship of publicity material prepared for use as television commercials.

In Victoria the Victorian Secondary Teachers' Association carried out an even more positive campaign to highlight serious deficiencies in the State education system in general, and the shortage of qualified staff in particular. A policy decision at the 1968 annual meeting of the association introduced the concept of an association "control of entry" or registration scheme for secondary teachers employed by the Victorian Education Department. The scheme provided for the association to determine a minimum professional standard of teacher training and to register teachers who had attained this standard. Teachers employed before the scheme was brought into effect, but who did not reach this minimum standard, were to be granted provisional registration. A campaign for further in-service training of these teachers was developed by the association. Association members were to refuse to work with unregistered teachers.

The scheme came into operation on April 1, 1969. Numerous stopwork meetings, ranging from one hour to full-day stoppages, subsequently occurred at individual schools as the Education Department continued to appoint teachers who failed to meet the requirements for registration laid down by the association. A half-day stoppage of all members was held by the V.S.T.A. on May 10. Negotiations between the Minister for Education, the association and other interested parties have, to date, failed to resolve the situation, and sporadic stoppages in individual schools continued to occur. The association maintained the position that it would accept a postponement of the registration campaign in return for a definite plan and schedule by the Education Department to train all secondary teachers to at least the minimum level contained in the association platform. Whilst there was no dispute that this minimum was desirable, the Minister and the department refused to develop such a plan.

The Minister did not help matters when, at one stage, he announced that his legal advisers had indicated that the activities of the association and its members in relation to the registration scheme could be regarded as a "criminal conspiracy to effect a public mischief". Apparently this particular part of the criminal law had fallen into disuse soon after the end of the seventeenth century. It was quickly forgotten again. A major result of the V.S.T.A. campaign was the continual highlighting by paid and unpaid publicity of the serious deficiencies in the Victorian State education system. A second Victorian teachers' organization, the Technical Teachers' Association, have also announced plans to introduce a similar "control of entry" scheme.

Undoubtedly the efforts of each of these teacher groups have been sustained by a mixture of industrial and social motives, although at the moment it appears that a strong balance lies in favour of these measures being motivated by a concern over social issues of current education policy. Progress has been achieved despite the ultra-conservatism of sections of the profession, general public apathy regarding the education of their children, and interminable debates regarding Federal-State financial relationships and the position of state-aid.

CONTAINERIZATION AND JOB DEMARCATION

The number of separate unions in Australia is gradually declining, from 380 in 1939 to 330 at the latest official count in 1966. Changes in the organizational basis is occurring at an even slower rate. Inter-union jealousies, struggles for control (particularly at the shop level), jurisdiction and demarcation issues are some of the continuing results of this outmoded organizational framework. A step in the right direction may result from the announcement,

in March, 1969, of the commencement of amalgamation discussions between the Waterside Workers' Federation and the Storemen and Packers' Federation. The demarcation issues raised by the Transport Workers' Union in relation to work allocations at container terminals and depots provide a substantial sub-structure for these discussions.

Inter-union organizations, the A.C.T.U., the Trades and Labour Councils, the Metal Trades Federation, etc., have in the past performed a valuable service in facilitating the resolution of inter-union problems. However, the T.W.U. refused to work within this framework and an employer application forced the Commission to intervene. The principal unions involved were the T.W.U., the W.W.F. and the Storemen and Packers. The Federated Clerks' Union and the F.E.D.F.A. were involved to a lesser extent. The reorganization of work processes associated with the handling of containerized cargoes was the issue which provoked action. In general, the judgment by Mr Justice Moore preserved the *status quo* for the Clerks, W.W.F. and Storemen and Packers and thus precluded the desired expansion of job opportunities for T.W.U. members. The T.W.U. responded to the judgment with a costly but disastrous militant exercise.

The N.S.W. branch³ imposed a black ban on container haulage. The ban was successful and resulted in an application by employers under Section 111 of the Commonwealth Act. The union responded with a call for a nationwide stoppage of all T.W.U. members. The stoppage occurred on April 18 but lacked real impact as the N.S.W. branch (the sponsor of the black ban) failed to support the stoppage. Discussions within the union ended the confrontation and the T.W.U. attempted to save face by announcing that it would challenge the judgment in the High Court.

This dispute and its widespread ramifications emphasized the general malaise of Australian unionism in an era of rapid change. Nevertheless, positive benefits could result from the amalgamation discussions which have been instituted. Moves of this type must continue and succeed if the trade union movement is to meet the challenges posed by technological change, changes in the work organization, the increasing size of producing units, the increasing inter-relationships of control within Australian industry and the influence of the multi-national corporation.

TRADE UNION CENTRAL ORGANIZATIONS

The problem of the Victorian Trades Hall Council "rebel unions" and the protracted voting deadlock on the A.C.T.U. are other events which must be mentioned although, perhaps, they are best forgotten in the interests of trade unionism. By July, 1968, seven months had elapsed since 27 unions had been suspended by the V.T.H.C. for failure to pay affiliation fees. The rift widened during the period under review. The key issue revolves around the basis of union representation and hence control of the council. The "rebel unions" represent a minority of unions, but a substantial majority of affiliated members. These unions favour representation which correlates closer to the number of members. The incumbent executive argues that democratic union government is best served by a system of voting heavily weighted to preserve the small union. Two questions must be asked. Firstly, how can modernization of an antiquated union structure, based predominantly on a multiplicity and heterogeneity of union types, be achieved whilst there are proponents of the view that the small union must be preserved at all costs? Secondly, is this

viewpoint sound for the trade union movement, or is it advanced merely as an end in itself?

Voting at the 1967 A.C.T.U. Congress resulted in an executive which aligned with a narrow balance of power favouring the right wing and moderate elements. The death of Mr J. Kenny, junior vice-president of the A.C.T.U., occurred in October, 1967. This unfortunate event, in itself a serious loss to the trade union movement, introduced a period during which the A.C.T.U. executive, the supreme body of the trade union movement between congresses, became the laughing stock of the informed press and public. Voting on all issues at executive meetings deadlocked at 8-8. The rules of the A.C.T.U. did not provide a clear statement of procedures for electing a junior vice-president between congresses and the voting on the executive continued to deadlock on this procedural issue. Delays in implementing progressive decisions of the 1967 congress were unfortunate effects of this deadlock, although these delays were less significant than the effect on the public image of the A.C.T.U. The position was only resolved through another unfortunate death in October, 1968, of Mr W. Brown, secretary of the South Australian Trades and Labour Council—and the election of Mr J. Shannon who aligned with the "left-of-centre" group on the executive.

The difficulties confronting the A.C.T.U., however, were not completely resolved. On March 8, 1969, Mr A. Monk announced his pending retirement as president. This announcement heralded a further phase wherein the emphasis on the struggle for power again overshadowed the broader requirements of immediate assistance to constituent member unions and the trade union movement.

The concentration on internal political struggles within the A.C.T.U. could provide some of the explanation for the failure to achieve a united approach to several key issues which developed during the period. One such issue could be conveniently referred to as the "O'Shea affair".

O'SHEA AND THE PENAL SANCTIONS

Although the A.C.T.U. had been bound by congress resolutions to work for the repeal of the penal sanctions, represented particularly by Sections 109 and 111 of the Commonwealth Act, the first significant challenge to these sanctions was originated by a section of the trade union movement independent of, and to some extent in defiance of, the A.C.T.U. leadership. The week beginning May 19, 1969, saw widespread protest stoppages, which had been sparked off by the gaoling of Mr C. (Charlie) O'Shea, Victorian secretary of the Australian Tramways and Motor Omnibus Employees' Federation, on a charge of personal contempt of the Commonwealth Industrial Court.

The contempt charge had resulted from O'Shea's refusal to deliver the financial records of the union to the Court, and to attend for an oral examination in relation to the finances of the union. The Court had been taking steps to recover outstanding fines amounting to \$8,100 imposed on the union under Section 111 of the Act. Some of these outstanding fines related to strike action undertaken during the "one-man bus dispute" in Melbourne during 1965-6.⁴

The balance of the fines had been imposed during the "Pesteranovich dispute". On November 28, 1968, Pesteranovich was fined and blacklisted by the union for driving a tram out of the Glenhundy (Melbourne) depot during a union stopwork meeting. Although the fine was paid, an apology

was not accepted and depot conductors, with union acquiescence, maintained the blacklisting. Conductors were suspended as they refused to work with Pesteranovich and ultimately services from the depot were curtailed. Negotiations failed to resolve the issue, a ban and limitations clause was inserted and fines imposed. One conductor, Brooker, agreed to work with Pesteranovich but this led to further suspensions and a hardening of union resistance. At this stage it was difficult not to reach the conclusion that an external political agency was seeking to manipulate the situation in an attempt to embarrass the union leadership, especially O'Shea. However, union membership remained solid in support of the leadership, the union refused to accept dues from Pesteranovich and declared him a non-unionist. A union shop operated by agreement with the employers, although in this instance it was disregarded by the employing authority.

A complete stoppage of all tramway services in Melbourne occurred on March 13 after Brooker and Pesteranovich were rostered to work together and attempted to take a tram out of the depot. At negotiations held during this stoppage the Tramways Board capitulated, agreeing to "promote" Brooker and Pesteranovich to ticket examiners and to reinstate all suspended conductors. The promotion lifted them out of the scope of the Glenhundy depot and the Tramways Union. Court fines relating to this dispute and the earlier "one-man bus dispute" were still outstanding.

The first hearing which O'Shea was required to attend for examination at the Commonwealth Industrial Court was scheduled for February 18. He failed to attend. He also failed to attend hearings scheduled for March 20, April 10 and April 30. The fine of \$500 for personal contempt of Court was imposed at the April 30 hearing. The fine was unpaid and O'Shea was sentenced to gaol by Mr Justice Kerr on Thursday, May 15.

Widespread stoppages occurred in all States except Tasmania on the following Monday and Tuesday. Further stoppages were planned and the A.C.T.U. leadership was under strong pressure to call a national stoppage. The problem was temporarily resolved and O'Shea released from gaol when a private citizen paid the fines, \$8,100 for the union and \$500 on behalf of O'Shea, from the proceeds of an earlier win in the Sydney Opera House lottery. Meanwhile the Government had agreed to confer with the A.C.T.U. and employer organizations on the future of the penal sanctions.

Many aspects of these events again underscored the sharp divisions within the Australian trade union movement. However, these divisions were brought more sharply into focus when one trade union leader, addressing a businessmen's luncheon, adopted the phraseology so long associated with employer and government spokesmen and suggested that a group of unions had taken to the "law of the jungle" in their protests against the penal sanctions. It may be possible to accuse some sections of union leadership of a lack of sincerity in their approach to resolving the problems of the penal sanctions.

UNIONS AND THE INDUSTRIAL COURT—THE A.W.U. (by G.S.)

The love-hate relationship between the Australian union (and union member) and the Commonwealth Industrial Court would make an entertaining if complex story with illuminating examples to be gained from all parts of the political spectrum. There can seldom have been a time over the past few years when there has not been several actions proceeding in the Court in aid of one faction or another in one union or another.

One notable area where legal process has recently played its part in the

conduct of the internal affairs of a trade union is the New South Wales branch of the Australian Workers' Union. Over its history, this organization has materially changed its character. In its genesis essentially a union of rural workers, it has now become in great measure a union of urban industrial workers; and it is not unlikely that this important basic change has been an important factor in the present internal discord. Allied with this is the fact that, by one means and another, the constitution of the union does tend to perpetuate the "traditional" leadership.

Part IX and Sections 140 and 141 of the Federal Conciliation and Arbitration Act provide a fine armory of weapons, all of which have been used in the steps leading up to the change in leadership of the union wrought by a ballot conducted by a Commonwealth Electoral Officer, the results of which have just been released at the time of going to press. Ironically, use was also made at one point of Section 111, better known as part of the "penal powers". The bout of litigation starts from the point where L. G. McKay, an elected organizer, was dismissed from office in June, 1967, "without any charge being made against him" (Joske J.) and was, in effect, reinstated by the Court in December, 1967. There seems to have been some delay in obeying the order of the Court as it was McKay who took contempt proceedings for failure to implement it, the action being settled out of court. Thereafter, first the nominations on a "ticket" of McKay's supporters, and then those on a "ticket" of supporters of the leadership, were challenged in the Court which was also called on to adjudicate upon the validity of certain of the rules of the union.

The challenge to the leadership also came to the surface at the 1969 annual conference of the N.S.W. branch of the Australian Labor Party where McKay, a delegate from a South Coast branch of the party, disputed the size of the delegation from the union (numbering 43). The basis of the challenge was that, whereas the balance sheet of the union at May 31, 1968, showed a membership of 30,039, the number entitled to vote in a court-controlled ballot in December, 1968, had been 22,191. The point was deftly disposed of by the chairman, C. T. Oliver, who was also State secretary of the A.W.U.

In the ballot concluded September 30, 1969, the ticket put forward by McKay's supporters, styling themselves the Better Deal Campaign Committee, made a clean sweep of all contested positions, McKay himself being elected to the positions of branch vice-president, branch organizer and executive councillor. It is quite wrong to think of the new executive as being far to the left; but it can reasonably be thought of as constituting a "left" within the Australian Workers' Union to match that which obtains in South Australia. Potentially, this rank-and-file victory alters materially the balance within the Federal union and could have significant effects within the congress of the A.W.U. and, eventually, upon the balance of forces within the Australian Council of Trade Unions. It could also be an important aid in redressing the present imbalance between "left" and "right" in the N.S.W. branch of the Australian Labor Party. Such is the importance in the union movement of being large.

IN BRIEF

In a court-controlled ballot, Mr W. Landeryou defeated Mr J. M. Taylor, a member of the right-wing executive of the Victorian Trades Hall Council, for the position of secretary of the Victorian branch of the Storemen and Packers' Union. Landeryou had been dismissed from his position as organizer by the

union's committee of management. Taylor was secretary at the time. An appeal against the dismissal was upheld by the Commonwealth Industrial Court. At the same hearing the Court declared that Taylor himself had not been properly elected, declared the position vacant and ordered a ballot to be held.

In December, 1968, the Australian Bank Officials' Association held the first strike by Australian bank officers. The industrial success of the stoppage was reduced when, due to internal dissension, the New South Wales and South Australian branches refused to participate at the eleventh hour.

A substantial reorganization of the High Council of Commonwealth Public Service Organizations was completed at a conference in Melbourne on May 20-22, 1969. The reorganization involved the creation of six State divisions, the appointment of a twelve-member interstate executive and, of prime importance, the establishment of a permanent headquarters and full-time secretariat. The executive base is patterned on that of the A.C.T.U. interstate executive, providing for one representative from each State division and one representative from each of six groupings of unions operating within the Commonwealth public service. A new name, the Council of Public Service Organizations, was adopted. The reorganization will considerably increase the effectiveness of the services rendered to affiliates in research and salary negotiations, but may also have the less fortunate effect of delaying the formation of a single "white-collar peak council".

REFERENCES

1. The principal period covered by this note is July, 1968, to June, 1969.
2. See R. M. Martin, *Journal of Industrial Relations*, March, 1965; and G. H. Sorrell, *Journal of Industrial Relations*, March, 1966.
3. This terminology is retained for simplicity despite the ruling by the Commonwealth Industrial Court on February 25, 1969, that the N.S.W. branch was a N.S.W. union and not the State branch of the T.W.U. of Australia.
4. A brief account of this dispute is presented in "Advocatus", "Legislation and Decisions Affecting Industrial Relations", *Journal of Industrial Relations*, July, 1966, p. 194.

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