

Canberra Historical Journal

New Series No. 59

September 2007

ISSN 0313 – 5977

Editor: Graeme Barrow

Contents

- 'Creek' – and Its Meaning in Colonial Australia** 2
W. F. Refshauge
- The Trade Union Leader Who Went to Gaol** 8
John Merritt
- Remembering Namadgi's Old Bush School** 16
Babette Scougall
- Looking at Books** 21

The Trade Union Leader Who Went to Gaol

John Merritt

John Merritt taught history at three Australian universities, most recently at the ANU. He was editor of Labour History from 1975-1986 and has written four books and edited others. Now retired, he is pursuing his interest in the cultural dimensions of environmental history.

In May 1969, Clarrie O'Shea, the secretary of the Victorian Branch of the Australian Tramways and Motor Omnibus Employees' Association, spent almost a week in Pentridge Gaol. His incarceration led to widespread work stoppages in Melbourne and Sydney and briefly made him the best-known union leader in Australia. O'Shea had been gaoled by the Chief Justice of the Commonwealth Industrial Court, John Kerr, who was later to become Australia's Governor-General.

In 1981, eleven years after O'Shea had retired, I was asked to interview him for the Australian National Library's newly created oral history section. I doubted that I was the person for the job, but I accepted the challenge. This sketch of O'Shea's life is largely based on the tapes of the interviews. I have also used material from Melbourne newspapers and drawn upon research I did for an entry on O'Shea for the next volume of the *Australian Dictionary of Biography*.

Clarence Lyell O'Shea was born on 30 June 1905 in Zeehan, Tasmania. He was the fourth of eight children of James O'Shea, and his wife Ann, née Braydman. James O'Shea's parents had migrated from Ireland and settled in Ballarat. James was born there, one of seven children. Ann came from a little village halfway between Ballarat and Geelong.

Not long after their marriage James and Ann moved to Tasmania where James found employment in various west coast mines, including Mt Lyell, where he worked underground for eleven years. At a relatively early age, however, he began to show the symptoms of miners' lung disease and he decided he would have to live in a place where there was a wider variety of work available. He moved his growing family to Melbourne.

James had no work skills other than his capacity for manual labour and that was to ebb as his lung problems worsened. For a time he worked at Luna Park, but mainly he was employed in storage yards and sheds, loading and unloading wagons and trucks. As the years went by and his endurance declined further he became more dependent on his union, the Storemen and Packers, to find him work that he could do.

I don't know exactly when the O'Sheas arrived in Melbourne, but it was around 1910 or 1911 when Clarrie was five or six. The family lived first in Richmond and then went to Gippsland for a year to live on a small property at Leongatha. James became a dairy share farmer—which meant he ran the property in return for giving the owner a percentage of the butterfat he produced. But it was difficult to make ends meet and after a year the family returned to Melbourne to live at Burnley, the next suburb on from Richmond.

By the time the 1914-18 war began, Clarrie, aged nine, had a regular job selling afternoon newspapers on the Burnley railway station. Soon after he began delivering morning papers. He remembered trudging around the streets with a big strap diagonally across his body holding the *Age* on his back and the *Argus* on his chest. He had to remember who wanted what and deposit the right paper on a front step or in a letterbox. On Saturday mornings, after he had finished his deliveries, he worked for the local baker. He got 4/- a week for his paper deliveries and 3d for every dozen evening papers he sold. He could not remember what the baker paid him, but on a good week his total earnings would be close to 20/- augmented by a free currant bun. His mother allowed him to keep sixpence to spend on himself. Usually it went on the Saturday afternoon matinee and on lollies.

Clarrie's eldest brother joined up when the war began and the second eldest boy left home to work on a farm in the Mallee. Thus, as James O'Shea was sometimes unemployed, Clarrie's contribution to his family's income was often sorely needed. His mother worked whenever she could, but her employment opportunities were largely confined to poorly paid

season
Pahran
basic w
best, pe
contribu
babysitte
was wor
the Rich

Five-

The fam
sewered
copper i
Saturday
urban we
family w
claimed
childhood
to cloth
one was
'a decent
go to cl
not play
did sport
ability at
there was
One of h
on to cap
wanted h
did not h
his skills
time to w
took the
team colo
entered th
rosettes.

It w
work mak
much to e
the street
doing his j
was 'Squiz
local SP b
the Richm
Wren. He
hand, the
that Frank
without G

seasonal jobs in the AJC jam factory in Chapel Street, Prahran. Women's wages were around half the male basic wage in those days, and she took home, at best, perhaps 25/- a week. And not only was Clarrie contributing to the family income, he was often the babysitter for his younger siblings. When his mother was working he had to take the younger children to the Richmond crèche before he went to school.

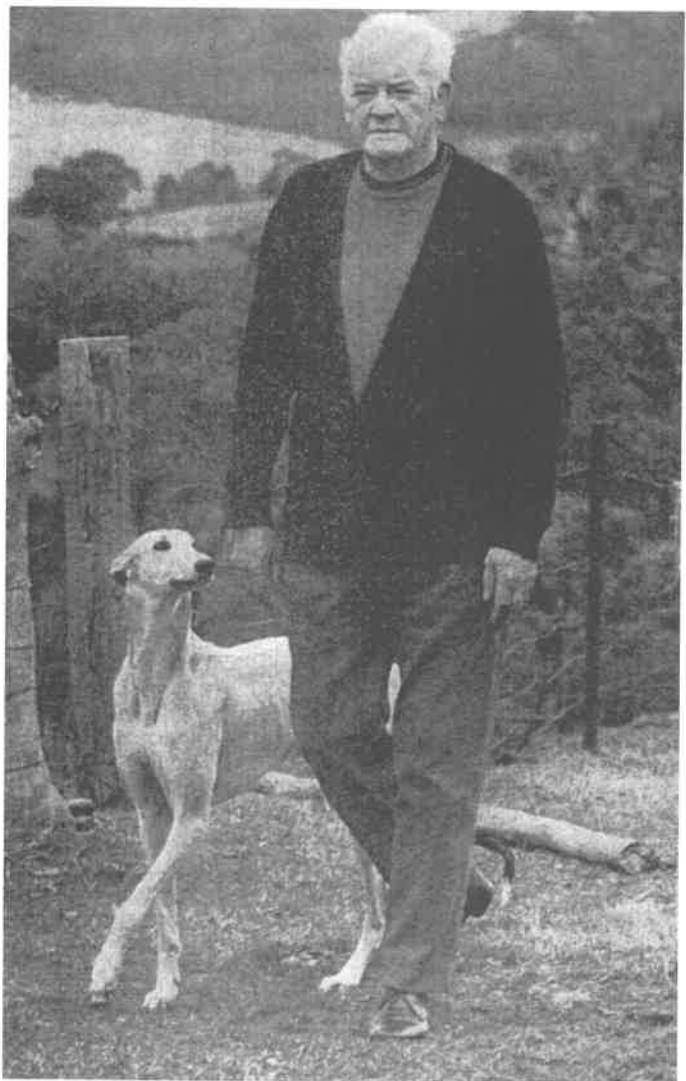
Five-room cottage

The family lived in a five-room cottage. It had a sewerer toilet, a wood-fired stove, and a wood-fired copper in which water was heated for the Saturday night bath. By contemporary urban working-class standards the O'Shea family was relatively comfortable. Clarrie claimed to have fond memories of his childhood. His mother had a struggle to clothe and feed her children, but no one was hungry and Clarrie always had 'a decent suit of clothes for Sunday to go to church.' Religion, however, did not play a big part in his life. Neither did sport. Apparently he showed some ability at football, although, as he put it, there was not a lot of science in his game. One of his schoolboy mates, who went on to captain the Richmond VFL team, wanted him to play seriously, but he did not have the opportunity to develop his skills or his fitness. When he found time to watch Richmond play, he usually took the opportunity to sell rosettes in team colours to the football fans as they entered the ground. His mother made the rosettes.

It was not a case, however, of all work making for a dull boy. He found much to engage his interest as he roamed the streets of Richmond and Burnley doing his jobs and running errands. There was 'Squizzy' Taylor's two-up school, the local SP bookies, and the pony races at the Richmond racecourse run by John Wren. He lived amidst, and knew at first hand, the sort of working-class world that Frank Hardy wrote about in *Power without Glory*, and he was constantly

interested in and often entertained by what he saw. The death of his elder brother—killed in France a month before the armistice—appears to have been the one truly sad and troubling event in his adolescent years.

Clarrie went to five different schools in Victoria as a result of his family moving around so much. At none of them did he excel, and at 13 1/2 his school days ended when he went to work at the *Labor Call* as an office boy. He loved the job. While he was at everyone's beck and call, he enjoyed being around prominent trade union leaders and Labor politicians. There was always something happening.



Clarrie O'Shea walks his dog on his Christmas Hills property.

SOURCE AND DATE UNKNOWN

spapa

NBERR

1





Newspaper headlines around the time O'Shea was gaoled and after.

trams gave him ample opportunity to observe the impact of the depression on working people. Each day he saw first hand the effects of prolonged unemployment and under-employment. He saw, and participated in, the street battles over tenant evictions, and he participated in the street battles over free speech. He was based in the North Melbourne Cable Tram Depot, the last cable tramway in Melbourne, and in 1932 he was a Militant Minority Movement (MMM) candidate for depot delegate. All Melbourne's tram depots were represented on the Victorian Tramways Union's executive and the MMM, which was inspired by the Red International of trade unions, was a ginger group of communists and radicals seeking to raise class consciousness among workers. There were MMM groups in many unions in the early 1930s.

Clarrie won that 1932 election and his career as a union official began. Almost immediately he and his like-minded colleagues had some success. The union fought successfully to prevent an additional 1/6d cut to wages over and above the 10% basic wage cut, and also won a loading for additional work during the visit of the Duke of Gloucester to Melbourne in 1934—the Duke opened Victoria's centenary celebrations. Clarrie also remembers the union collecting 6d a week from its members for the families of the unemployed.

The tramways union, like many others at the time, was part of a federal organisation, but the individual parts were more important than the whole. While the federal body facilitated an exchange of information on objectives and tactics, it was seldom involved in action itself because all its branches were registered with their respective State arbitration systems. Clarrie was still a delegate to the Victorian branch executive in 1942 when he was elected federal secretary of the union. It was not a particularly significant position, but it was testimony to the fact that he was an up-and-comer. In 1946 he was elected president of the Victorian branch. By then he was representing the Essendon depot on the Victorian executive, the North Melbourne Cable Tram depot having closed. In 1947 he was elected secretary of his branch.

I can remember sitting opposite Clarrie at the start of our first interview and, having just turned on the tape recorder, suggesting that I should begin with questions on his childhood and schooldays. But he interrupted me after my first sentence. 'Before you start there are things I want to say', he said. 'My time as a union leader was marked by three major

achievements—three things that I am particularly proud of. He listed them as equal pay for women, penalty rates for seven-day shift workers and his successful struggle against the penal clauses in the Commonwealth Arbitration Act. He then dealt with each of them in turn. I shall do the same.

From late 1940, in response to a wartime-induced labour shortage, some 700-800 women were employed on Victoria's tramways. The Victorian executive won equal pay for women conductors in Melbourne, and then, through the Women's Employment Board, won equal pay for women working in Bendigo, Ballarat and Geelong. Spreading the concession interstate was an easy matter after that. The union insisted that the women employees be called conductors, not conductresses. Clarrie pushed hard for equal pay on the Victorian executive, telling me that his memories of his mother's exploitation in the workplace made it easy for him to see justice in the claim.

In 1946 the Victorian tramways union joined with several other unions to seek weekend penalty rates for workers known as seven-day shift workers. After a ten-day stoppage it got what it wanted—time and half on Saturday and double time on Sunday. Two years and three months later his union members in NSW got the same conditions. South Australia and Queensland later followed. Again the Victorian branch had secured the breakthrough.

The context of the penal provisions battle goes back to the 1950s when frequent work stoppages in several industries induced the Commonwealth Government to insert 'bans clauses' in arbitration awards—i.e., fines for strikes deemed to be unauthorised. Soon after the Victorian executive of the tramways union became involved in a number of disputes over one-man buses on routes that had previously operated with a driver and a conductor. Members of the union refused to work these routes and a frustrated State Government and Tramways Board applied to the Industrial Court to have the tramways union fined. They could do so because the Victorian branch was part of a federal union that was covered by the Commonwealth Government's legislation—despite doing its business in the Victorian State arbitration system. The union began accumulating fines at the rate of \$300 a day from 4 January 1966. Soon the fines were raised to \$400 a day and eventually to \$500 a day. None of them were paid. With the situation becoming farcical, the Industrial Court decided to intervene,

ruling,
sendin
John P

I
of clai
that no
that ha
withou
decisio
this rul
the por
board
the Arb
the mai
but an

Bans

While
federal
impose
The Hig
an indu
holding
to wage
decision
to pres
strikes,
owed. T
confider
But whe
had alre
the Vict
settled
total fin
face as f

Th
not have
hurdle i
bank ac
governm
branch's
Melbour
schedule
on the
in court
served o
the Fede
seized th

ruling that no more fines should be imposed and sending the dispute back to Industrial Commissioner John P. Horan.

Previously, in late 1965, when examining a log of claims submitted by the union, Horan had decreed that no one-man buses should be introduced on routes that had previously had both a driver and a conductor without the approval of the union or the support of a decision by the Arbitration Commission. The effect of this ruling was to deny the Victorian Tramways Board the power to make decisions on one-man buses. The board appealed to the High Court on the grounds that the Arbitration Commission had no power to deal with the matter, arguing that it was not an industrial issue, but an administrative one.

Bans clauses challenged

While Horan was considering a new award, the federal tramways union challenged the bans clauses imposed on its Victorian branch in the High Court. The High Court ultimately decided that manning was an industrial matter, but it took some time to do so, holding initially that industrial matters were confined to wages and working conditions, and before its final decision was reached, the Industrial Court, in an effort to preserve the principle of fines for unauthorised strikes, decided that it should collect the money it was owed. The Victorian branch continued to refuse to pay, confident that the High Court would find in its favour. But when it did, its decision did not affect the fines that had already been imposed. After some negotiations the Victorian Government and the Industrial Court settled on a fine of \$8100—a sum nowhere near the total fines imposed, but severe enough to maintain face as far as they were concerned.

Then the Victorian Government found it did not have the power to collect fines. To overcome this hurdle it gave itself the power to garnishee unions' bank accounts. Clarrie, meanwhile, anticipating the government's move, had withdrawn money from his branch's account and hidden it in safe places around Melbourne. The Federal Council of his union was scheduled to meet in March 1969 to determine policy on the Victorian dispute and he refused to appear in court until its decision was made. All summonses served on him were ignored while he waited. When the Federal Council determined that if its funds were seized there would be strike action, Clarrie was ready

to face the music. He went to court, but refused to be sworn and refused to make an affirmation. John Kerr asked him why. 'Because I will not disclose the whereabouts of the union's funds and will not tell a lie', was Clarrie's reply.

Kerr committed Clarrie for contempt of court and fined him \$500. Clarrie refused to pay his fine and on Thursday, 15 May 1969 he was sent to Pentridge. Twenty-seven militant unions affiliated with the Melbourne Trades Hall had supported him throughout the dispute. Clarrie had been fighting for them, too, and they had given him legal advice and helped him devise his tactics. Now they sprang into action. There were protest stoppages in all mainland States on the following Monday. Adding to the drama, it was revealed that Clarrie had a heart condition that could endanger his life if he were placed under too much stress. As he readily acknowledged, he received privileged treatment in gaol.

On the following Wednesday, with calls for even more widespread action mounting—there was talk of a nation-wide stoppage—a Sydney lottery winner, Dudley Macdougall, paid Clarrie's fine and the \$8100 fine imposed on the union. He said he did so 'to help the general public and the country'. Clarrie was set free. At the time and subsequently he maintained that an embarrassed Commonwealth Government had pulled strings—specifically that ASIO had bailed the government out using Macdougall as a convenient cover. There is no evidence for Clarrie's allegation, but it has plausibility. From the government's viewpoint, it was bad enough having strikes all round country; what might happen if Clarrie were to die in gaol did not bear thinking about. Because Clarrie was sure that ASIO was behind his release, he refused to meet Macdougall or to thank him.

Clarrie had hoped that the union movement would seize the opportunity to press for amendments to the Commonwealth arbitration act to get rid of the penal clauses. The ACTU, led by Albert Monk, decided not to do so on the grounds that the clauses were dead anyway. That may have been an excuse for inaction, but it was a fact. Clarrie's stand had destroyed the penal clauses and made him briefly Australia's best-known union leader and in the eyes of many, a working-class hero.

Clarrie won many battles for his members over his twenty-three years as Victorian branch secretary. For much of his term as secretary, the chairman of



Major-General R. J. H. Risson.

the Tramways board was Major-General R. J. H. (later Sir Robert) Risson, a man with a distinguished service record and a reputation for honesty and straight talking. He was a good match for Clarrie, but in the interview I did not go into the details of their numerous bouts. Anyone interested will find adequate information in Melbourne's newspapers. I chose instead to talk to Clarrie in more general terms about his approach to workplace bargaining. I would describe it as directed by pragmatic militancy.

There can be no doubt that Clarrie was willing to resort to direct action. It brought results. As long as their transport system was operating, Melbourne people were not too worried about governments having to increase wages bills or moderate shift work. And Clarrie also had the advantage of the postwar boom. With a large-scale immigration program, full employment and preparations for the 1956 Olympic Games, Melbourne was growing rapidly. This was one of the reasons why the wartime gains made for women's employment and wages in the tramways were maintained in the postwar years. It was a good time to be pressing for improved working conditions.

But there were limits to direct action. 'An ill-advised stoppage of work,' Clarrie told me, 'could turn

members.' He had to be careful, in other words, not to push too hard. On this point it is worth remembering that he was acutely aware of the opposition to him within his union. He was always opposed in union elections by ALP Industrial Group candidates, who often had financial support from outside the union, and although he beat off these challengers without great difficulty he could not afford to be complacent. Indeed, in the cold war environment of the 1950s and 1960s he found the struggle with the Groupers taxing, and the level of debate of greater intensity than the level of debate in the depression years.

His use of arbitration is related to his point about not pushing members too hard. If and when arbitration and the courts seemed to offer a means to an end Clarrie would use them. Indeed arbitration seems always to have been his first choice.

Clarrie remained in the Communist Party until July 1963, when he joined the breakaway pro-Chinese Marxist-Leninist Party led by E. F. (Ted) Hill. That decision had no impact on his standing as a union leader. Labour historians agree that Australia's communist union leaders, were unionists first and communists second. Clarrie was no exception. His members appreciated his commitment and they had supported him in the 1950s, despite numerous attempts by his political opponents to undermine him, and they continued to stand by him.

But his decision to abandon a slowly sinking ship for another that was unlikely to float at all is one that any O'Shea biographer would have to address. I did not discuss it with him in detail, so my views are tentative. But in some measure, any explanation would have to take into account two positions that Clarrie held very firmly. First and foremost he believed that capitalism was evil. As far as he was concerned production for profit meant that working peoples' living standards were beyond their control, and that they would always have to bear the brunt of a crisis that might affect the local or national economy. Production for use, not profit, regulated labour markets and a society motivated by a spirit of service to the community formed the basis of Clarrie's dream for the future. His second key notion was that only working people knew what was best for working people. He was always suspicious of the bourgeois element in the CPA. He did not think his middle-class comrades would go the distance should a revolutionary situation ever develop in this country.

Communism harmed

Reflection on the events of 1956 led him to conclude that Krushchev's assessment of Stalin was a disaster for the world communist movement. In his view, Krushchev had made insufficient allowance for the difficulties Stalin faced and, worse, insufficient allowance for the repercussions his speech would have in the cold war environment. Krushchev's exposure of Stalinism, Clarrie concluded, had done more harm to world communism than any other single event. He was not surprised to see people of, to quote him, 'unstable middle-class background' leave the CPA. That did not worry him as much as the propaganda victory Krushchev had handed the west. When the CPA continued to support Krushchev he decided he could no longer support the CPA. He ended up where he did not so much out of admiration for the Mao Tse Tung and the Chinese Communist Party, but because of his disgust at what he called 'the opportunism' of the Soviet Union. He found people who agreed with him and he was willing to keep the faith with them. I am reminded of that poem by Henry Lawson that has the line 'For I'm too old to rat'. But there was a cost. His decision to stand by his principles undoubtedly enhanced the stresses and strains of his public life. On a couple of occasions after it was made he was assaulted at public meetings. Later in life he was to sever his connections with the Marxist-Leninist Party.

Clarrie retired in 1970, at 65. He had proposed to run cattle on a few acres east of Melbourne, but unfortunately his wife died that year and he soon abandoned the idea. When I met him he was living in a flat in South Yarra, following politics and the Richmond football team. Otherwise he spent his time visiting his three children and his brothers and sisters, and talking to young militants who sought his advice or wanted to hear his memories of past struggles. He was still the tall, solidly built man that I had seen in newspaper photographs and he had a cheerful smiling face that, in the opinion of a Melbourne journalist, made him look like 'everyone's favourite uncle'. After the taping was finished, I continued to visit him whenever I was in Melbourne. I did not see his public persona, but I imagine it was forbidding. You can't lead the life he led—calling strikes, fighting Major-General Risson and the ALP Groups, publicly professing your allegiance to communism, and defying the courts of the land—without considerable mental toughness and

a demeanour to match. I knew only the private Clarrie O'Shea who to me was always welcoming and amiable, despite my 'unstable middle class background'. While I could not agree with his political views, I admired his personal qualities—courage, loyalty and a sustained willingness to serve. Many of today's union leaders look upon their positions as a stepping-stone to somewhere else. For people who thought as Clarrie O'Shea did, there could be no higher calling than that of union secretary, and he believed he had to prove his fitness for the role over and over again.

Despite his heart condition, Clarrie managed to keep going longer than might have been expected. He died on 19 August 1988, aged 83. In March of this year I read for the first time the transcript of the tapes I had made of him in 1981. It was an embarrassing experience. With practice I became much better at recording lives. But at least there is some record in the National Library of the life and work of a man who was in many ways a typical product of a trying and turbulent time for Australia's urban poor. Unions meant a lot more to Australians in the 1940s, 50s and 60s than they do now, and Clarrie, despite holding political views that most of his contemporaries regarded either as dangerous or quixotic, and which today seem almost antediluvian, deserves our acknowledgment and respect for the efforts he made over forty years to improve the lives of others. If it is ironic that a resurgent capitalist economy should help him achieve many of his objectives, there is also irony in the fact that the likelihood of Melbourne's tram and bus workers participating in a working-class revolution became more remote each year he was in office.

Bibliography

- Oral TRC 1126, National Library of Australia. Interview with Clarence Lyell O'Shea.
- Alastair Davidson, *The Communist Party of Australia*, Standford, 1969.
- K.W. Hince, 'Australian Trade Unionism 1968-9', *Australian Journal of Industrial Relations*, vol. 11, no. 3, November 1969.
- Selected issues of the *Age*, *Herald* (Melbourne) and *Australian*, 1949-1988.
- Graeme Turnbull, 'The Sir Robert Risson era: an enduring legacy', the Tramways Museum Society of Victoria, 2002, online resources.
- Russell Jones, 'Melbourne Tramways: unions vs management', the Tramways Museum Society of Victoria, 2003, online resources.