

Recorder

OFFICIAL ORGAN OF THE MELBOURNE BRANCH OF THE
SOCIETY FOR THE STUDY OF LABOUR HISTORY (INC)

Registered by AUSTRALIA POST PRINT POST 306-181-0004	ISSUE No 246 August 2005 ISSN 0155-8722
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GENERAL MEETING

Wednesday, 24 August

5.30pm

To be held in the meeting room of the New International Bookshop in the Trades Hall

BUSINESS: Reports from Executive Members on up-coming events

The meeting will be followed at 6.30pm by the regular Wednesday Night Forum,
sponsored by the Australian Fabian Society.

Guest Speaker

John Thwaites, Deputy Premier and Minister for the Environment

Our Environment, Our Future

John Thwaites discusses sustainability in the context of his new report.

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Arbitration

By Peter Gibbons

Arbitration – 'The settlement of a question at issue by one to whom the parties agree to refer their claims in order to obtain an equitable decision.' (OED)

With the Howard government's control of the Federal upper house, the Senate, beginning on the 9th August 2005 the Liberal/National Coalition government will institute major changes in the wage fixing role of the Australian Industrial Relations Commission (AIRC). This will be the Coalition government's second major change to the Federal Arbitration system.

In 1996, the bringing down of the Workplace Relations Act changed the function of the AIRC regarding its disputes settling procedures to the degree of downgrading the conciliation function to be next to non-existent and the institution of penalties for any breach of the Act, Awards or agreements. Usually the penalties only applied to workers and their organisations. Very rarely have penalties been imposed on employers but that's the nature of the system so that should be no surprise to *Recorder* readers.

The evolution of systems of State and Federal conciliation and arbitration began by formation of State Wages Boards, which, by their very name, arbitrated common rule Awards for every trade and calling within the particular State. The State Boards then took up, reluctantly, the conciliation and arbitration role. This was in the 1890s, after the maritime and shearers strikes and before federation. In the period during and after the 1890s depression and major industrial disputation allowed employers to reassert individual bargaining as their preferred option for industrial organisation. The nascent Labor Party and the Protectionists in the State parliaments took control by instituting State legislation in formalising the Wages Boards and Factory Acts of various kinds. Also, prior to Federation, a great debate took place on the role and function of Wages Boards. For example, would they only decide and be involved in wage fixation *or* would they also decide on conditions in the workplace *or* leave that subject to the State parliaments to control through factories legislation *or* develop into dispute settling bodies. These questions underpin the institution and legislative arguments to this day.

Constitutional Provisions

Chapter 1 – The Parliament; Part V - Powers of the Parliament

Section 51: the Parliament shall, subject to this constitution, have power to make laws for the peace, order and good government of the Commonwealth with respect to:-
XXXV Conciliation and Arbitration for the prevention and settlement of industrial disputes extending beyond the limits of any one State.

With Federation, the debate went to another level and in 1904 the Commonwealth Act was passed establishing the Commonwealth Court of Conciliation and Arbitration.

In two steps, the Coalition Government have returned to the 1890s with a flourish of individual freedom, individual decision making and individual satisfaction as a veneer to give very large national and international corporations the right to dictate wages and working condition of the whole Australian workforce, that attempt to demolish worker organisations and to give corporations unfettered control on matters not connected to arbitration. These include, for example, industry and energy policy, environmental initiatives, planning decisions, housing policy to name a few. Once governments desert the field of regulation in fundamental matters like wages and working conditions they leave the economy and society to *laissez faire* forces. The Kennett government is the model for the Coalition government writ large.

Working To Live
HISTORIES OF THE 8 HOUR DAY & WORKING LIFE
HISTORY CONFERENCE
20-21 JUNE 2006

A CALL FOR PAPERS

To commemorate the 150th anniversary of the Melbourne Stonemasons' establishment of the '8 Hour System', a series of exhibitions, events and conferences have been planned for the first half of 2006. The **Working to Live** conference will be concerned with the history of the 8 Hours Movement and subsequent campaigns of Australians to assert control over their working lives.

The conference will be held at the University of Melbourne on 20-21 June 2006, as a joint initiative of the Melbourne Branch of the Australian Society for the Study of Labour History and the Australian Centre at the University of Melbourne.

We invite proposals for papers around themes such as:

- Histories of working life and domestic amenity and parenting;
- Wage labour and social identity;
- Representation and celebration of skilled labour; and
- Shorter hours and civic engagement.

In general, we are looking for proposals that will bring to life the continuing efforts of working people to gain control over their modes of employment, the labour process and to assert their role as active agents in a more egalitarian economy and democratic polity.

Proposals, with abstracts of 250 words are due by 31 January 2006 and full papers (5,000 word maximum) by 20 May 2006. They can be sent to Peter Love at either pjlove@infoxchange.net.au or plove@swin.edu.au Time for the presentation of papers will be strictly limited to 20 minutes.

Further information about the conference will be posted on the Labour History website at <http://www.asslh.com> and the Australian Centre site at <http://www.australian.unimelb.edu.au>

The 'Working to Live' conference will be run in conjunction with, and followed by, the 'New Standards for the New Times' conference on 22-23 June 2005 at RMIT, organised by Iain Campbell (Iain.Campbell@rmit.edu.au) and Cathy Brigden (Cathy.Brigden@rmit.edu.au) from the Centre for Applied Social Research, RMIT. Iain or Cathy can provide further information on this conference, which explores contemporary work/life issues.



The Australian Centre
making links



Intervention in the Victorian ALP

By John McLaren

The discussions at the recent conference on the Great Labor Schism and its consequences have prompted me to record my own memories of the Victorian Central Executive (VCE) and Trade Union Defence Committee (TUDC) in the years leading up to intervention.

In either 1962 or 1963 I was elected by State Conference to the Central Executive as a country branch representative. Although it was not until the following year that branch delegates were elected by the whole conference, there is no doubt I owed my election to the TUDC, which was in firm control. I understand that they wanted to make some sort of gesture towards the Fabians and the university intellectuals who were starting to cause them trouble. This was probably the idea of Cyril Wyndham, who was then state secretary, and commanded great respect from the members of the TUDC, who also fully supported his move to rewrite policy by setting up a number of specialist committees, each headed by one of the unionists on the executive. He explained in conversation that their task was to ensure that the specialists talked in a language that ordinary members would understand. Members of the TUDC withdrew their support for Wyndham only when, as Federal Secretary, he threatened their power by trying to institute a federal secretariat that would not be controlled by state branches.

My term on the VCE was ineffective as I was not able to leave Wodonga, where I was teaching, in time to get to the first part of the meetings, which started at 6.00 pm on Fridays. I did see enough to learn how they operated. Bill Brown, as Chair, exercised firm authority, but discussion was wide and not usually on factional lines. Their attitude to dissidents like Race Mathews or Jim Jupp was one of bewilderment rather than hostility: they just thought they should keep their criticisms to themselves. They were more hostile to parliamentarians, and certainly showed little effective concern for winning office. They sincerely held to their slogan that principle was more important than power. Yet their main principle seemed to be keeping union and party power in the right hands. Many, particularly of the older members, were openly sectarian. Although pre-selections were generally conducted to ensure the best candidate, they gave preference to colleagues who needed a parliamentary seat as a kind of superannuation. Other deals were no doubt done outside the meetings. It was during this time that John Cain was refused pre-selection—the attitude of VCE members was patronising, that he needed to wait a bit, that this particular nomination was premature.

I did not nominate for the VCE at the following conference, but a year or so later I was a member of a Disputes Committee hearing a charge against Graeme Walsh, who had written a letter to all members of the VCE calling for reform. This was leaked to the press, and Graeme was charged with breaching party rules—not by leaking the letter, which he denied, but by writing it. The VCE asserted that he would have known that it would be leaked, and therefore was responsible. Their representatives on the Disputes Committee made no suggestion that Graeme had actually leaked the letter, so implicitly they were admitting that the culprit was one of their own. As one of Graeme's representatives, I tried to have the charge thrown out on the grounds of a lack of any evidence of his wrong-doing, but the supposedly independent chair, an organisation man from way back, sided with the VCE in refusing. To Graeme's disgust, we had to go along with the majority in finding him guilty of a lesser offence and a minor penalty. If we insisted on a minority report, the majority would recommend expulsion, and we were assured, probably accurately, that the conference delegates, "baying for blood", would accept this recommendation.

This was my last conference, as the Accreditation Committee, which was almost synonymous in membership with the TUDC, refused to accept my credentials the following year. They also forbade outside observers to attend conference debates.

Years later, I came to know Glyde Butler well. He told me that the whole trouble with the Participants was that we were impatient. If only we had waited, the VCE would have reformed itself, and federal intervention would have been unnecessary.

A similar attitude was expressed by George Crawford a couple of years ago in an address in the Queen's Hall to life members of the ALP. (This should have been recorded and placed in the ALP archives—if not, someone should interview George while there is opportunity.) George's talk was remarkable—he is almost totally blind, and spoke for an hour, fluently and cogently, without script and with only occasional prompting from his companion. After talking of his education and the ways he became involved with union and labour affairs, he turned to the question of intervention. He remained convinced that the Federal Executive was acting quite undemocratically in overturning an executive elected by party members.

He then stated that numbers of the displaced executive considered following the precedent of the old McManus executive, which in 1955 refused to hand over records or offices to the newly installed executive. Bill Hartley intended to continue to occupy his office and exercise the functions of secretary. But, George said, he and others believed above all else that the party should not be divided, and went along with a decision that he believed was wrong. George himself, as President, signed the documents that gave the new executive legal authority, including control over records and funds.

National Community Day of Protest

The Victorian Trades Hall Council voted unanimously on August 4 to support the **National Community Day of Protest** scheduled for October 25, 2005. The Community Day of Protest is aimed at the Coalition government's proposed changes to the industrial relations system. For further details see the VTHC web-page: <http://www.vthc.org.au>

Union Solidarity Group Campaign

The **Union Solidarity Group** are holding community meetings in many places in Victoria to raise awareness and organise networks in the campaign against the proposed changes to IR. At one of these public meetings held recently Sharan Burrow, Josh Bornstein and Father Bob Maguire spoke at a packed Port Melbourne Bowling Club on the effects of the possible changes. The Union Solidarity Group in Melbourne meets fortnightly, at 6pm, at the MUA offices in Ireland St, West Melbourne. For more information on this campaign see the Union Solidarity web-page: <http://www.unionsolidarity.org>

Conference Report: 'THE PAST IS BEFORE US'

By Brian Smiddy

The Ninth National Labour History Conference was held at the University of Sydney from June 30 – July 2, 2005. Over 140 delegates were present during the three days, including many international visitors. The Conference was opened by Meredith Bergmann, President of the

NSW Legislative Council. In her address entitled 'Labour history and the labour movement' Meredith gave both an oral and pictorial overview of the struggles to improve the working life of people, in particular working women. Delegates then had the choice to listen to any one of the seventy-four papers presented by graduates and other people interested in Labour History, grouped around the theme 'The Past is Before Us'. Three papers in particular attracted my attention:-

Bradley Bowden, Griffith University, in his paper entitled 'A world dominated by youth: Child and youth labour in Queensland, 1885 -1900', stressed the point that in the late nineteenth century the use of child and youth labour posed a particularly pronounced problem for trade union organization, due to the fact that those aged twenty or less comprised such a large component of the potential labour force.

Rosemary Webb, Southern Cross University, in a paper entitled 'You could go to the Trades Hall and meet organisers: Labour precincts and labour women in interwar Sydney', made the point that the concentration of unions in Trades Hall reinforced the 'sisterhood' of organizers (and labour women) particularly in the face of male unionists who worked within a labour movement, structured around male hierarchies and priorities and saw trade unions as male territory.

Julia Martinez, University of Wollongong, in her paper entitled 'When wages were clothes: Dressing down Aboriginal workers in the Northern Territory' concludes that it is a well known historical fact that Aboriginal workers in the Northern Territory were expected to work for little more than food, clothes and tobacco. Further she suggests that we should hesitate before including clothing in that list. For there were very few employers who believed that Aboriginal workers were entitled to clothing on a permanent basis. Most regarded clothing merely as a means to ensure that their workers were able to complete their work in a satisfactory manner. Wages may have been sacrificed in favour of clothes, but clothes were not regarded as wages.

Delegates were also addressed by one of the International visitors, Marcel van der Linden, from the International Institute of Social History in the Netherlands. In his talk entitled 'Labour history: an international movement' Marcel stressed the need for Labour historians to look outside the narrow focus of their studies and to consider the international implications. During the conference post-graduate students were also given an opportunity to address delegates on their latest studies. Documentary films were also a feature.

Tradition at conferences over the years has been the book launches. This conference was no exception. *Unchartered Waters: Social Responsibility in Australian Trade Unions* by Greg Mallory was launched by Jack Munday. The author has written about the action in 1938 of the Waterside Workers Federation of Australia refusal to load tin clippings and pig-iron on the *Dalfram* at Port Kembla. Also, the author covers the activities, in the early 1970's, of the NSW Builders Labourers' Federation refusal to demolish buildings, destroy parkland or build high-rise buildings in some parts of Sydney. The book is published by Greg Mallory who can be contacted at gmallory@vtown.com.au.

The Conference was a great success and achieved its aim to focus the attention of delegates on the theme that 'The Past is Before Us'. The Sydney Branch of the Australian Society for the Study of Labour History and the School of Business, University of Sydney, are to be congratulated on hosting such a wonderful and friendly event.

Bert Nolan

Seamans Union Secretary, Victorian Branch, 1958-1984

By Rennis Witham

At fifteen Bert Nolan was carrying a swag and 'on the track'. He walked from his home in Smythesdale to Lang in southwest Victoria to a camp where he stayed earning a living cutting wood. He learnt his local politics and internationalism from the men who also worked there and from those who came through the camp.

Bert Nolan was born in July 1919 the youngest of several children. His father was an anti-conscription campaigner who worked as a miner, on the railways and later went to the school of Mines in Ballarat to become a drainer and sewerage contractor. He was always a member of his union.

Bert received special permission to leave school at thirteen and with no secondary education and no certificates started full time work at the Sunnyside Woollen Mills, selling lollies at the local picture theatre after hours for extra money. He remembers it as hard work, about as much as a boy could do, and a dead end job, but he stayed there for about a year before going to work at Martins Pottery as a labourer. Bert was a union member from the start and remained one during this time.

Later he made his way to the wharves in Melbourne working around there for some time before finding a job on a ship, starting as a trimmer in the stokehole then after three months becoming a fireman. He worked as a Merchant Seaman until 1958 when he became Secretary of the Seamans Union. Conditions were hard with, for example, only two weeks leave in a year, one week to be taken as instructed and one week in home port but the Seamans Union was strong. They called a 'stop work' on the last Tuesday of every month, a meeting at which nearly all seamen on board attended.

Bert worked as a merchant seaman right through the Second World War. About twenty-eight merchant navy ships were sunk around Australia and one in eight merchant seamen lost their lives. Not much progress was made on conditions during the war period but afterwards the Seamans Union worked hard on reforms in their industry.

One win was to give seaman repatriation rights as a result of their service during the war where previously they had lost pay as soon as the ship went down. Another was to increase and change leave entitlements - if it rained then the seamen could be instructed to take one day's leave wherever they were. By the time Bert retired from the union their entitlement, made up of weekends, public holidays and annual leave was 26 weeks a year.

One of the biggest industrial actions taken during his time as secretary was when the members at the Geelong Harbour Trust held a sixteen week strike because the company wanted to privatise the tugboat industry. Bert remembers that the members stood up remarkably well. One of the conditions taken into the privatised agreement was the State Incremental Payments (SIPs) and when the dispute was finalised the employers believed that this would be the end of the SIPs. However, it remains a fundamental condition for employees today.

There were also political issues that Bert and the Union were involved in, for instance in Nauru. Bert remembers working on a boat called the *Trianza* and meeting the bloke who became the first President of Nauru, who was at that time the President of the workers' organisation in Nauru. They were on strike so Bert went along and offered assistance before coming back to Australia to gather material and the support of officials of the metal workers union. With the help of, as he remembers, "a bloke called Jim Cairns" they were able to get the support of many, including the Soviet Union, for the independence of Nauru.

The Union was also involved in other political issues of the day: immigration, The White Australia Policy, Trades Hall administration, including the strike of the mid 70's, social issues and, as a leading union, opposition to the Vietnam War.

The Union provided industrial assistance to underpaid seamen from other countries whose ships docked in Melbourne. They would arrange for a delegate to go aboard the ship, check out the conditions for the seamen and if there was anything wrong take action against the ship owners.

One of the union actions that Bert remembers was during the second world war, acknowledging that he was "probably young and over zealous at the time". It involved a dispute on a ship in Newcastle. Believing that the Officers were getting Bourneville Cocoa in packets and that the seamen were getting their cocoa as the sweepings off the floor, they went on strike and encouraged other ships to stop. In the end, the Federal Officers had to intervene and send them back to sea. Bert says that they got their cocoa in packets from then on.

Bert is still involved with the union attending stopwork meetings and involving himself in the formation of a Veterans Association in Victoria which will, amongst other activities, send a 'Veteran' union member to the National Council meeting. Bert didn't contest the position because in his view it wouldn't be right. But he'll probably attend anyway.

Based on a long discussion between Bert Nolan and Rennis Witham in March 2004.

Ray Hogan

Miscellaneous Workers Union, Secretary 1973-1990, President 1990-1994

By Rennis Witham

Ray Hogan left school at fourteen and took his first job at the local Post Office, his second was taking orders at his brother's butcher shop in Bridgewater and then, riding his bike, delivering them. A year later he was working at a mill in Daylesford before going to Melbourne and working in the hosiery industry. He was born in 1924 at Inglewood and until the age of twelve lived on a farm at Kurting just north of there. His father died when he was three and the eldest brother took on the head of the family role continuing to run the farm.

There was no union background in his family, this was a typical catholic family, six children and as Ray remembered "fearful of the Pope". His first involvement with a union was at the mill in Daylesford where he joined even though the union was largely inactive. By this time Ray had stopped going to church and started to read books by authors such as Dostoevsky which his family, although readers, would not have introduced him to. His political education continued when he went to Melbourne and lived at a boarding house where he met politically minded people and became friends with one person whose father was member of the Communist Party.

He then went to work for Kodak for nine years joining the Miscellaneous Workers Union where the Secretary of the Victorian Branch of that union would sit on the steps of the mill to collect the dues. Kodak was seen as a benevolent company where the working conditions weren't tough by comparison with other workplaces and a system of a quarterly review of the workforce with five shillings more if you did well although it could be taken away the next quarter if you didn't. When the job delegate died and no-one else wanted the position, Ray took it on because he thought that it should be done. Then it was necessary to find out more about the union and quickly get on to organising regular meetings. His family

were not pleased with his active involvement with the union and what remained of Ray's religious faith gradually disappeared.

Over a period of a couple of years Ray - through on the job work and taking the matter to the Disputes Committee of the Trades Hall Council - managed to create a situation which would have had Kodak declared black if not everyone became a union member. Union membership then became a condition of employment.

After being elected to the State council of the Union, representing the photographic goods section, Ray was appointed as an Organiser. He joined the Australian Labour Party at about the same time. One of the earliest tasks as an organiser was to increase membership from areas such as the paint industry that did not employ union labour, cleaners who were mainly women and night watchmen. Wage rates were very low and there was no such thing as penalty rates for shift work. The employers had always argued penalty rates were built in for night shift, the union knew that this was absolute rubbish so industrial action was taken.

Confrontations with employers were common and Ray remembered one with Kodak when they moved to Coburg. It was decided to hold a protest meeting in support of a wage claim at the shop in Collins Street. The manager had little experience of unions and every time he was asked a question he had to ring Coburg. The meeting was in his office and each time he went to the phone Ray would ask one of the members to go down and bring up members from downstairs. Eventually the room was overflowing.

Ray remained an organiser for about five years before being elected Assistant Secretary and then after six years in that position he became the Union Secretary. In the early days, the union would always fall on the side of the right wing of the industrial movement. It was not Ray's natural inclination though, and he resisted requests, insisting that he wanted to be independent and do what he thought ought to be done for his members.

Ray was never a member of the Communist Party but he had a great respect for them, seeing them as leading the way on most things. He knew quite a few officials who were members of the Communist Party and almost without exception believed that they were very good officials. During the split within the labour movement of the 1950s his union did not support the DLP because whilst it was right wing industrially it was not politically.

The union was involved in the industrial and social issues of the time, the Equal Pay campaign, supporting the Trade Union Clinic, the Trades Hall dispute of the mid 1970s, support for Clarrie O'Shea, opposition to the Vietnam War, the campaign for independence for East Timor and the fight for workers rights and health with James Hardie and the asbestos issue. The union had coverage of the workers and after becoming aware of the dangers and realising that the employers knew of that danger they became instrumental in taking it on and informing others about the issues. Ray believed that it was a matter of saving lives and that the campaign was successful because finally the James Hardie Company found another way of making their particleboards without using asbestos.

Ray believed always that what the union movement was trying to do was worthwhile and he more and more became certain of the necessity of unions and the necessity to fight. The union worked with and tried to influence governments and Ray as an active member of the ALP held several positions within its organisation. He had no political ambitions because in his view, rightly or wrongly, he believed that more could be done for workers in the industrial sphere than the political arena.

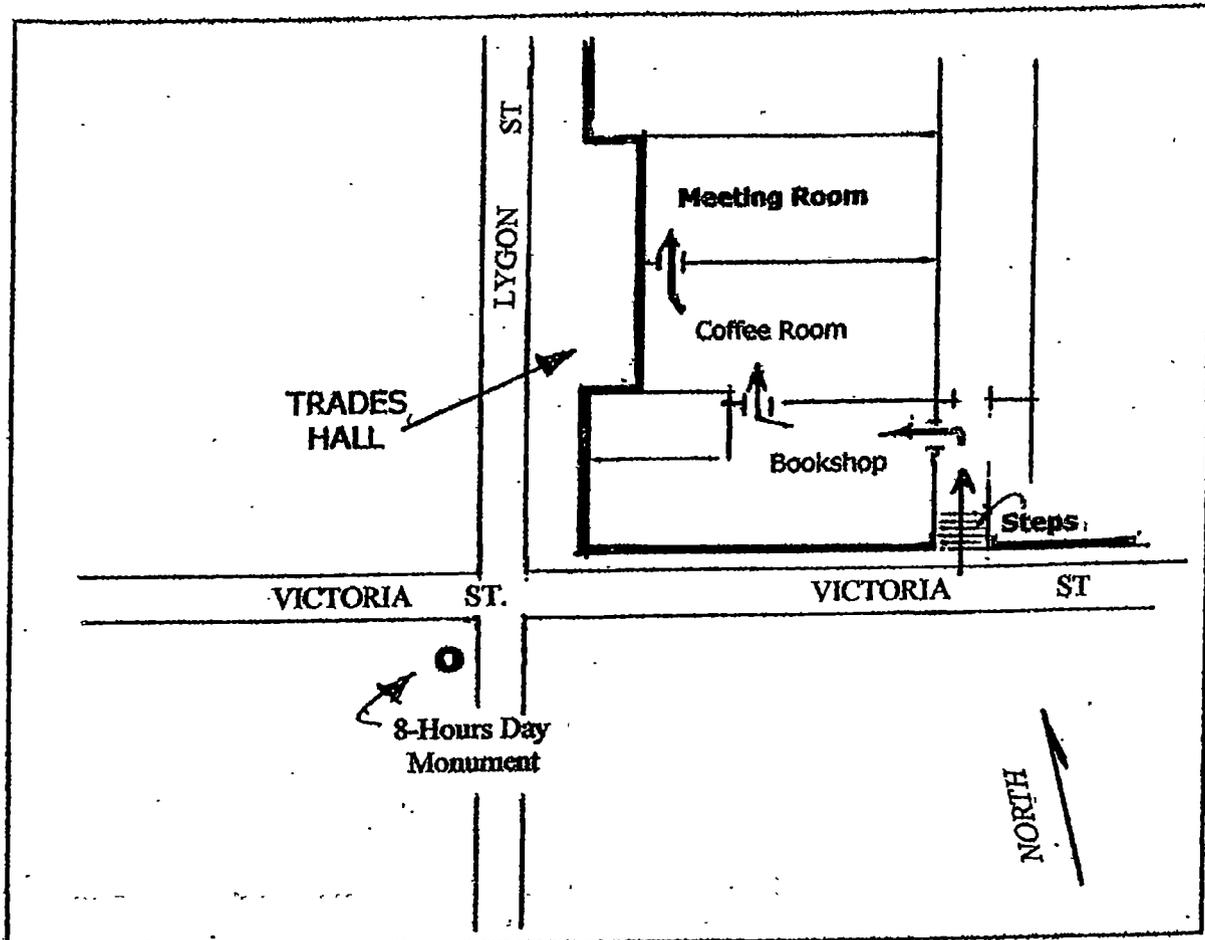
Sadly, Ray died in July 2005.

Based on a discussion between Ray Hogan and Rennis Witham in June 2004

Meeting Place

Meetings of the Society are held in the meeting room attached to the New International Bookshop in the Trades Hall.

Enter the Trades Hall through the Victoria St. Entrance



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