



Recorder



OFFICIAL ORGAN OF THE MELBOURNE BRANCH OF THE AUSTRALIAN SOCIETY FOR THE STUDY OF LABOUR HISTOR

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Annual General Meeting

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MONDAY 12 DECEMBER 2005

5.30pm

*To be held in Meeting Room 1 at the
Trades Hall*

The Agenda will include reports from
Executive Members, and the election of Office
Bearers

As this is the Annual General Meeting, there
will be no guest speaker but there will be a
general discussion after the formal business
has concluded – with the opportunity for
members to express views on a range of topics

ASSIH
melbourne

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Terrorism and Communism: an historical reflection

Phillip Deery

As readers of *Recorder* well know, the Howard government's Anti-Terrorism Bill contains sweeping provisions that contain immense potential for eroding Australians' civil liberties. In particular, the criminalisation of 'seditious intention' unjustifiably jeopardises legitimate free speech and expression. In the light of the Federal Parliamentary Labor Party's ambivalence over or - in some quarters - support for these laws, it is instructive to revisit the Labor Party's response to outlaw the Communist Party of Australia through the *Communist Party Dissolution Act 1950*.

There are distinct parallels between the Anti-Terrorism Bill and the legislative assault on the Communist Party. The preamble to the *Communist Party Dissolution Act*, introduced in February 1950, stated that:

It is necessary for the security and defence of Australia and for the execution and maintenance of the Constitution and of the laws of the Commonwealth, that the Australian Communist Party and bodies and persons affiliated with that Party should be dissolved and their property forfeited to the Commonwealth.

The machinery of the Act was draconian. It provided for individuals to be 'declared' a communist, and if so declared were prohibited from employment under the Commonwealth or, significantly, holding office in any trade union covering important industries. In a departure from accustomed concepts of justice, the Act introduced a reverse onus of proof: the burden was on the 'declared' individual to prove he or she was innocent. Otherwise the declaration was *prima facie* evidence of that fact. A person falsely charged was denied remedy through defamation proceedings. In contrast, the decision of a single judge confirming a 'declaration' was enshrined by the Act as 'final and conclusive'. Provisions of the Act enabled 'proof' that a person was a communist by reference to speeches made, articles written and inclusion on lists. The imprecise term, 'bodies and persons' affiliated with the Communist Party, could include numerous trade unions and left-wing organisations. In addition, wide search warrant powers were granted. The *Communist Party Dissolution Act* criminalised sections of the Australian community not for what they had done, but for what they thought; not for their actions but for their ideas and opinions and with whom they associated. To combat the perceived threat of communism, it invoked the means of totalitarianism.

Initially, the parliamentary Labor Party opposed the Bill half-heartedly: with the rising influence of the viscerally anti-communist Industrial Groups, it was nervous about the capacity of the Bill to threaten the unity of the Labor movement. Caucus itself was deeply divided. Since the 1949 federal election, the number of members aligned to the Movement had swelled and, generally, they supported the Bill. One who did not was Ben Chifley. In a famous speech, he stated that 'it strikes at the very heart of justice. It opens the door for the liar, the perjurer and the pimp to make charges and to damn men's reputations and to do so in secret without ever having to substantiate or prove any charges they might make'.

The Bill became law in October 1950. Raids, seizures and roundups commenced. Plans for concentration camps to intern 'declared' individuals moved from the logistical to the operational. By now Chifley was dead and Evatt was leader. Dr H.V. Evatt was no friend of the communists - as Attorney General he wielded an authoritarian

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stick during the recent coal strike – but he was affronted by the blanket powers and the ‘direct frontal attack on all the established principles of British justice’ that the Bill embodied. Notably, and against internal Labor opposition, Evatt personally represented two communist-led unions in their challenge to the law’s validity in the High Court. Six of the seven judges – Chief Justice Sir John Latham was the exception – found the legislation unconstitutional.

Undaunted, Menzies continued his quest to ban the Communist Party through a federal referendum, to be held on 22 September 1951. The federal executive of the ALP was far from unanimous in deciding to resist the referendum proposal (8-4) and public opinion strongly favoured it, but Evatt threw himself into the ‘No’ campaign with a single-mindedness of purpose and zeal. This was to become his finest hour. Arguably, he was a decisive contributor to the narrow defeat of the referendum which, if passed, may have launched Australia on the path towards a police state. In parliament, in the High Court or on the hustings, the role of Chifley and Evatt in 1950-51 contains salutary lessons for our current Labor leadership in its response to the Anti-Terrorism Bill in 2005.

CATH BOWTELL AT THE NEW INTERNATIONAL BOOKSHOP

Cath Bowtell addressed members and friends of the Melbourne Branch of the ASSLH on the day that the long awaited details of the proposed ‘Workchoices’ legislation were announced. Over forty people attended the event, which raised \$350.00 for the ACTU’s ‘Your Rights at Work Campaign’.

Cath outlined how the new legislation ‘will take away forever the role of the Industrial Relations Commission to set wages’. The concern is that the new ‘Fair Pay Commission’ will allow minimum wages to lag behind increases in the cost of living. Workers who are covered by awards only will feel the impact of this acutely, 60 per cent of whom are women. This, coupled with the Government’s removal of concepts of ‘fairness’ for setting wage-rates, raises extremely disconcerting implications for the principles of equal pay for work of equal value and comparable worth.

As well as the push for AWAs, the government hopes to introduce a new form of agreement making, an ‘Employer-Greenfields Agreement whereby the employer can make a unilateral ‘agreement’ about the conditions that will apply to a new business or enterprise’. If successful, as Cath pointed out, this would ultimately give ‘the employer unilateral power to determine the wages and conditions at the workplace’. An additional proposal is that agreements will no longer have to meet the no-disadvantage test in relation to their Award; that is, as it currently stands, if certain conditions such as penalty rates are bargained away workers receive some measure of compensation for this. In future the only requirement when ‘bargaining’ away certain conditions is that the agreement needs to state that those conditions have been removed.

A real concern is that while workers with strong bargaining power will probably fare reasonably well under the new system, those with little bargaining power will be left to the bare minimum and above that will be forced to take whatever conditions employers deem acceptable. The numerous other proposed changes are equally disturbing, such as changes to protection against unfair dismissal, and the outrageously punitive provisions for breaches of the Act.

Arguably these changes will bring about a fundamental shift in industrial relations and possibly Australian society more generally, by removing – for the time being – any notion of social justice in the world of work. All however, is not lost. As Cath said, and the subsequent enormous success of the National Community Day of Protest demonstrates, the ACTU is cranking up a broad ranging community campaign. It is only the beginning.

HISTORY IN THE MAKING: 15 NOVEMBER RALLY, MELBOURNE

Peter Love

By 8.30 am a mass gathering of some 200,000 quietly resolute people converged on Melbourne's Federation Square to express their opposition to the Howard Government's industrial relations revolution. The format of the demonstration followed the successful one pioneered in NSW, where people converged on a central location to watch a program of speeches, satiric sketches, video clips and live music. Between 9.00 and 10.00 am the program was broadcast to other capital cities and regional centre meetings by Sky Channel.

Blending many traditional elements of popular demonstrations, there was a mixture of instructive amusement, in this case Clark and Dawe at their satiric best, disturbingly persuasive video clips of ordinary workers talking about the assault on their rights and living standards, speeches from union and community leaders and music from Deborah Conway.

Not surprisingly, the most impressive speech was from Greg Combet, whose team's strategic leadership on this and other issues gives many people hope that the union movement will survive and grow through this struggle, even though it will be a tough and protracted one. The coupling of industrial campaigning with community capacity-building is clear evidence of this. His speech explored the themes already clear in the ACTU's campaign to date. He spoke of the extraordinarily hostile and punitive provisions in the legislation, of its destructive effects on the capacity of ordinary working people to enjoy the simple amenity of time with family and in their communities, and its truculent assertion of managerial prerogative. Expressing the mood of the meeting, he declared the movement's resistance to the legislative thuggery that would fine or jail anyone for the collective insolence of demanding their right to union representation, collective bargaining or basic protections at work.

The crowd appeared to be a remarkably accurate reflection of the Melbourne community in the age range of people, their occupational diversity and cultural background. The mood of comradely amity was clear, but behind it was a steely determination that the Howard assault on the common decencies of Australian working life cannot be allowed to succeed.

Of course, there are always some who are invigorated by struggles of this kind. Many Recorder readers will recognise the indomitable exuberance of Kevin Davis and Brian Smiddy, members of your Melbourne Executive. It will surely be a long and hard fight, but the irrepressible spirit of people like Comrades Davis and Smiddy will be hard to beat.



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A Personal Reflection on the Whitlam Governments 1972 – 1975

David McKenzie

"They may have had a revolution here, but they still keep very aristocratic hours", said the Australian Ambassador to Portugal when I asked him mid-morning whether we should now proceed to our meeting with the Portuguese foreign office officials. It was in May 1975 just two or three weeks after the old regime had been overthrown and when we finally went on our way I could see through the car

window that many of Lisbon's buildings and monuments still had slogans painted on them. In its own and much more peaceful way Australia was still undergoing dramatic changes and the Labor Government had survived a type of counter revolution in May 1974.

Because the events of November 1975 were more dramatic, we are prone to forget that the conservative forces never accepted the will of the people expressed on December 2 1972 and refused to pass the supply bills in May 1974. In the election that Whitlam brought on we were narrowly returned and the first joint sitting of both the House of Representatives and the Senate since Federation, passed important legislation previously defeated in the Senate. This was the only time that the Labor administration had legislative control in the three years between 1972 and 1975. In 1975 the refusal to pass supply by a Senate, where recent appointments defied constitutional convention and the action taken by Kerr put our democratic system in jeopardy

With a combination of limited legislative power and executive authority the Whitlam Government was able to make many progressive changes. I think of the withdrawal of our armed forces from Vietnam, and changes in our education, health, urban environment, legal system, transport and road safety. The Parliament decided where the permanent Parliament House was to be built and changed the old fault based divorce system.

It has become fashionable in an era where policies and plans for the future are seldom discussed in detail, whether in opposition or in government, to forget the history and process which brought about the changes made by Labor under Whitlam.

From the time he was elected leader on February 8 1967, Whitlam encouraged bold new policies and once they were adopted he proceeded to promote them in every part of the country. This action was so successful that only three years after the terrible defeat in 1966, Whitlam came within a few seats of winning a majority in 1969. It is useful to remember some of the achievements in government based on this campaign.

Very early in the life of the new Labor Government, Professor Peter Karmel was appointed as Chairman of the Interim Committee for the Australian Schools Commission and the subsequent Karmel Report provided the basis for changes in Australian education introduced by government legislation. Many of these far reaching changes still endure although modified and in many cases perverted by successive governments. The philosophy of these changes was that every Australian child had the right to a good education regardless of his or her parents' wealth or beliefs. The implementation of such a policy required a change in funding priorities on the basis of need and this principle was strongly opposed by the Coalition Parties in the Parliament and by conservative education interests in the community. There is no doubt that this acceptance of responsibility by the Australian Government changed the face of education in this country, but after thirty years new challenges need to be met with vigour, similar to the early seventies.

Access to good health services was a right strongly supported by the Whitlam Government. Hospital funding was greatly increased through the Hospitals Commission and the introduction of health services funding through what was then known as Medibank. This was a revolutionary change and after being abolished by Fraser was restored under Hawke and still remains, though considerably diminished. An enduring health reform was the establishment of Community Health that remains an important aspect of health care and health education although now largely funded by the States.

It is interesting to reflect that although major Australian cities were among the first

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in the world to introduce proper sanitation through sewerage systems and reticulated water, a century later many of our urban areas were not connected to sewers. The stench of open drains carrying sullage from kitchens, laundries, and bathrooms afflicted many outer suburban areas including Diamond Valley. New and sometimes expensive houses stood in unmade streets with unmade open drains. A good example of private affluence amid public neglect. The Whitlam Government, as promised, delivered substantial changes in urban development and provided substantial funds to remedy the situation.

Many other policies such as those affecting women, migrants, the arts, the law, housing, aborigines, social security, transport, the environment, and industrial relations were implemented. In three short years the Whitlam Government changed Australia into a better and more caring and humane society. In addition we should never forget that for three short years Australia, through its foreign affairs policy, was a truly independent voice in world affairs.

Despite everything that has happened in thirty years, many of the good things introduced by the Whitlam Government remain and its example of policy formulation and implementation provides a template for the future.

David was the Federal Member for Diamond Valley from 1972 – 1975, having been a local councillor and President, in the Shire of Diamond Valley, and a community activist. He continues to be involved in the local and wider community

Cyril Primmer : From dairy farming to Federal Parliament

Rennis Witham

Cyril Primmer 1924-2003

Senator for Victoria 1970-1984

Cyril Primmer was a dairy farmer at Kirkstall in the south-western district of Victoria who became a Labor Party Senator. He was one of that group of young men born after the great war, surviving the depression years, joining the army as soon as he came of age and then being part of the rebuilding and growth of the country he had fought for, getting married and raising kids. The times seemed to create two types: those that accepted and stayed quiet and those who thought that a rough deal had been handed to working people. Cyril was one of the latter.

They terrorised the area with bullets, 'Molotov cocktails' and a lot of noise and ensured that the blackout was enforced.

He left school at fourteen, not because he or his family wanted him too but because there was no money to continue and an extra pair of hands was needed to milk the cows. His father continued as a shearer riding his pushbike around Victoria and the Riverina whilst his mother and siblings stayed at home with the cows and the farm.

At the age of eighteen Cyril joined the army and was sent to New Guinea as a cook. In a story told for the Australian Government Centenary Oral History collection he remembers that in 1939, he was young to join up, so became a member of the local volunteer defence force. They terrorised the area with bullets, 'Molotov cocktails' and a lot of noise and ensured that the blackout was enforced. When he arrived in Lae with the army he found that to his surprise, it was lit up like a Christmas tree.

The end of the war left him thinking about the existence of God and other philosophical and political matters. Many questions were unanswered and he felt the need to find out, so he joined the Melbourne Public Library Country section. Each person was able to order two books a fortnight, which, wrapped in brown paper, were sent on their journey by train and back again. Realising that two

books a month were not enough he joined family members to ensure sufficient supply. As an indication of the politics of the time, the stationmaster at Koroit was reported to have said, "that Primmer must be a communist because he reads books".

After a lot of reading and searching for a political philosophy, he wrote to Frank Hardy, the only person he knew who was a member of the Communist Party, for a copy of the *Communist Manifesto*. It didn't arrive and Frank later told him that he didn't respond because the letter might have got into the wrong hands and embarrassed him. Cyril then joined the Australian Labour Party in 1954. The locals still thought that he was a communist.

He was active in the community of Kirkstall, Captain of the Fire Brigade for 15 years, and President and Secretary of the local hall, school and library committees. His first public speech was on the occasion of the threat to close down the Kirkstall railway station, one fight that was lost. He became a Councillor with the Belfast Shire in 1955, working hard to get the votes. This was the time of the split in the Labor Party and the rise of the DLP and tensions were visible and the hatred real. When Cyril returned to pick up a postal ballot form from neighbours – who had every intention of voting for him – he found that that they had already been paid a visit. The form had been filled in by someone else (they were illiterate) and taken. The neighbours had been told not to vote for him because he was a communist. He beat the DLP candidate by 45 votes and remained a Councillor for the next 15 years. He was elected President on two occasions.

He was active over the next years in a number of campaigns including the Vietnam War and conscription. Convinced from the start that it was wrong, and that Australia had no place there he became one of the pioneers of the anti-Vietnam war protests, marching, writing letters to the paper, assisting draft dodgers and raising money. He corresponded with a politician in South Africa about apartheid and supported the demonstrations against the Springboks; he sent medical supplies to the East Timorese freedom fighters and supported the Aboriginal Land Right campaigns.

In 1967, he was preselected for the Senate ticket believing 'that there is no reason why a boy from the bush can't get up'. He was placed number three, the unwinnable spot. It was hard work campaigning. He would drive to Rupanyup and meet Cyril Sudholz, another Senate Candidate, and they would drive all over Victoria and then home to be repeated over again some weeks later. One drove and the other wrote the press release. He wasn't elected.

In 1970 he stood again after being persuaded to give it one go. This time he was elected and took his seat in July 1971. He set up his office in Warrnambool the first Senator in Victoria to do so. He became Chair of the Senate Foreign Affairs and Defence Committee and spoke about East Timor and Irian Jaya, travelled to South East Asia and the Middle East. Cyril took on several unpopular campaigns whilst he was a Senator including the accusation of corruption in the meat industry export trade, safety issues of the Ford Cortina motorcar and the diplomatic accusations involving the late Robert Menzies' son-in-law.

He had a moment of fame in 1975 when he travelled to the UK after the death of his youngest son. The Loans Affair blew up back in Australia and he was supposed to return. Knowing this he sort of went into hiding, eventually being tracked down in Edinburgh after a search via the BBC, notices in the paper and a search by the Police Force and Scotland Yard. He returned. Cyril retired from Parliament in 1984 buying back the farm that his parents had worked and that he had grown up on.

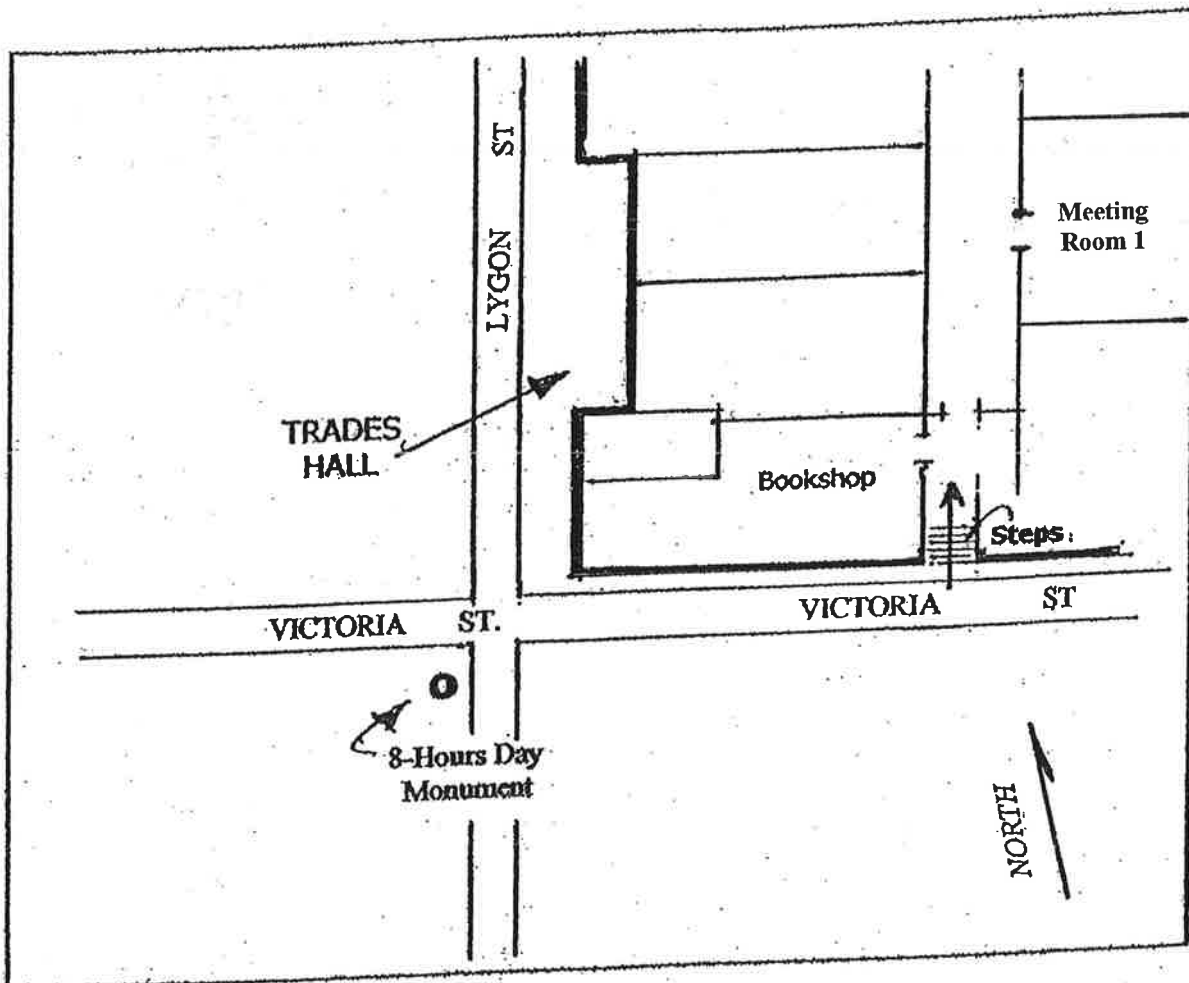
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MEETING PLACE

Meetings of the Society are held in Meeting Room One
in the Trades Hall

Enter the Trades Hall through the Victoria Street entrance



LABOUR HISTORY SOCIETY – MELBOURNE BRANCH CONTACTS

President
Peter Love
51 Blanche St
St Kilda 3182
Ph: 9534 2445

Secretary
Brian Smiddy
7 The Crest
Watsonia 3087
Ph: 9435 5145

Treasurer
Paul Strangio
26 St James Pde
Elsternwick 3185
Ph: 9596 3196