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A NEW CONCEPT OF UNIONISM: THE NEW SOUTH WALES
BUILDERS LABOURERS' FEDERATION 1970-1974

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This thesis is dedicated to my friend Dave Shaw,
builders labourer, who was killed on a Sydney
building site on 20 December 1978, aged 23.

I would like to thank my two supervisors; Don Aitkin who originally persuaded me to write about the B.L.F., and Bob Connell without whose encouragement and advice I would never have got to the end.

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TABLE OF CONTENTS

	<u>Page</u>
<u>INTRODUCTION</u>	10
CHAPTER ONE: <u>THE BACKGROUND - BUILDING INDUSTRY EMPLOYERS AND THE BUILDING UNIONS</u>	25
<u>PART I</u>	
CHAPTER TWO: <u>THE OLD CONCEPT OF UNIONISM</u>	31
CHAPTER THREE: <u>THE 1970 MARGINS STRIKE</u>	36
CHAPTER FOUR: <u>1970</u>	77
CHAPTER FIVE: <u>1971</u>	114
CHAPTER SIX: <u>1972</u>	167
CHAPTER SEVEN: <u>1973</u>	209
CHAPTER EIGHT: <u>1974</u>	254
CHAPTER NINE: <u>WOMEN IN THE INDUSTRY</u>	312
<u>PART II</u>	
CHAPTER TEN: <u>ECONOMIC, IDEOLOGICAL AND STRUCTURAL PRE-CONDITIONS</u>	337
CHAPTER ELEVEN: <u>THE SYNDICALIST TRADITION</u>	398
CHAPTER TWELVE: <u>REVOLUTIONARY UNIONISM?</u>	412
<u>CONCLUSION</u>	423
APPENDIX A: <u>THE FIGHT FOR CONTROL 1951-1961</u>	i
APPENDIX B: <u>CONSOLIDATION 1961-1969</u>	xviii
APPENDIX C: <u>FEDERAL-STATE RELATIONS IN THE A.B.L.F. 1961-1969</u>	liii
BIBLIOGRAPHY	426

Summary

This thesis examines the activities of the N.S.W. B.L.F. during the years 1970-1974, the period in which the Union's radical industrial and social policies - notably the introduction of the famous "green bans" - brought it national and even international attention.

Few secondary sources exist for this subject, the research is based on a study of the Union's archives, other ephemeral material of the period, and extended interviews with participants in the events of the period.

Part I describes the Union's history from 1951-1974, including a lengthy account of the Union's activities in support of the right of women to work in the building industry. This area is considered in special detail because it was one of the most remarkable aspects of the Union's "new concept of unionism".

Part II considers theoretical questions raised by the material in Part I. It discusses the economic and ideological pre-conditions which enabled the N.S.W. B.L.F. to emerge in the way it did. The B.L.F. experience is then placed in the framework of traditional syndicalism, particularly concentrating on the way the Union leadership transmitted its ideology. Marxist accounts of unionism are considered, especially Lenin's theories about containment and incorporation of trade unions. It is argued that the N.S.W. B.L.F. overcame those factors which normally inhibit revolutionary unionism.

The conclusion drawn is that in 1970-1974 the Union acted in a revolutionary fashion. Its green ban philosophy directly confronted capital, taking from the employer the right to decide what to build and where. Mass action by the membership physically defeated employer attempts to break the Union's bans. However in the existing climate of conservative Australian trade unionism and especially because of the lack of support of the other building unions, this situation could not last. A revolutionary union operating in a non-revolutionary situation cannot remain so. It can only draw back from its revolutionary stance (i.e. lift the green bans) or it can be destroyed. The N.S.W. B.L.F. refused to alter its green ban philosophy, even under extreme pressure, and on 24 March 1975 it ceased to exist.

This thesis is my own original work and has not been submitted for a higher degree to any other University or Institution.

ABBREVIATIONS

A.A.E.S.D.A.	Association of Architects, Engineers, Surveyors and Draughtsmen of Australia
A.B.C.E. & B.L.F.	Australian Building Construction Employees' and Builders Labourers' Federation
A.B.C.W.F.	Australian Building Construction Workers' Federation
A.B.L.F.	Australian Builders Labourers' Federation
A.C.T.U.	Australian Council of Trade Unions
A.I.C.D.	Association for International Co-operation and Disarmament
A.J.A.	Australian Journalists' Association
A.L.P.	Australian Labor Party
A.M.W.S.U.	Amalgamated Metal Workers' and Shipwrights' Union
A.M.W.U.	Amalgamated Metal Workers' Union
A.S.C. & J.	Amalgamated Society of Carpenters and Joiners
A.S.E.	Australasian Society of Engineers
A.T.E.A.	Australian Telecommunications Employees' Association
A.U.S.	Australian Union of Students
A.W.U.	Australian Workers Union
B.L.F.	Builders Labourers' Federation
B.T.G.	Building Trades Group
B.W.I.U.	Building Workers' Industrial Union
C.A.R.	Commonwealth Arbitration Reports
C.B.C.S.	Commonwealth Bureau of Census and Statistics
C.B.D.	Central Business District
C.P.A.	Communist Party of Australia
C.P.A. (M-L)	Communist Party of Australia (Marxist-Leninist)
C.P.S.U.	Communist Party of the Soviet Union
C.R.A.G.	Coalition of Resident Action Groups
D.I.R.	Department of Industrial Relations
D.L.I.	Department of Labour and Industry
D.L.P.	Democratic Labor Party
D.M.R.	Department of Main Roads
E.T.U.	Electrical Trades Union
F.E.D. & F.A.	Federated Engine Drivers and Firemen's Association of Australasia
F.I.A.	Federated Ironworkers' Association
F.M.C.	Federal Management Committee
I.S.R.A.G.	Inner-Sydney Resident Action Groups
I.W.W.	Industrial Workers of the World
M.B.A.	Master Builders' Association
M.B.F.A.	Master Builders' Federation of Australia
M.T.F.	Metal Trades Federation
N.C.C.	National Civic Council
N.S.W. B.L.F.	New South Wales Builders Labourers' Federation
O.B.U.	One Big Union
P.G.E.U.A.	Plumbers and Gasfitters Employees' Union of Australia
P.W.D.	Public Works Department
R.A.G.	Resident Action Group
S.C.R.A.	Sydney Cove Re-development Authority
S.P.A.	Socialist Party of Australia
T.W.U.	Transport Workers' Union
V.R.A.G.	Victoria Street Resident Action Group
W.W.F.	Waterside Workers Federation

A Note on Footnoting

In most footnotes I have used full titles but not publication details which are supplied in the bibliography. I have used short titles only occasionally, because of the difficulty of differentiating documents with similar names. Op.cit. is used only when no confusion over author could arise.

"B.L.F." when cited as author denotes N.S.W. B.L.F. and is only used, as in the text, when no misinterpretation can occur. All documents authorised by President and/or Secretary or printed on N.S.W. B.L.F. letterhead have been cited as N.S.W. B.L.F. even when the Union's official title was different. This is to avoid irrelevant distinctions. Sometimes publications of the same date used different Union titles.

"A.B.L.F." or one of the other titles ("A.B.C.W.F." and "A.B.C.E. & B.L.F.") denotes the Federal body unless further identified as to state.

Minutes of meetings (i.e. Minutes: General Meeting, 3 May 1974) with no further identification supplied are N.S.W. B.L.F. meetings.

All other authorisations (including spelling and punctuation errors, abbreviations etc.) are cited directly from the documents. I have placed long authorisations at the end of the document's title and preceded the title with the words "document", "leaflet" or "pamphlet", whichever is appropriate.

Unless otherwise stated (i.e. typed, roneod) all material is printed. Dates in brackets after the term "n.d." are estimates. Dates followed by a question mark in brackets (1974?) are less certain estimates.

The Union's journal Builders' Labourer varied slightly in name from issue to issue. I have not standardised these discrepancies.

On several occasions I have used the description "McNamara Papers, Unidentified Newsclipping (August 1962?)". This refers to a collection of cuttings belonging to Mick McNamara. Some of these I could not identify.

A Note on Conventions

I have adopted the convention of referring to people, unions, companies and job-sites, by the names which they are commonly known in the industry. Thus John Bernard Munday becomes "Jack Munday"; the Operative Painters and Decorators Union of Australia becomes "the Painters' Union"; Dillingham Constructions Pty. Ltd. becomes "Dillinghams"; and The N.S.W. Institute of Technology Project (E.A. Watts Pty Ltd) becomes "the Watts (Broadway) job".

I have used the term "Rank and File" with capitals to denote that grouping formed in the 1950s which supported the leadership in the 1960s and 1970s. Rank and file without capitals is simply the union membership.

I have used the expression "job-site" as both a collective noun and geographic description. This is how the labourers themselves regard the term. I have used the expressions "B.L." and "B.Ls" in those periods when it was in common usage. I have referred to the N.S.W. B.L.F. as the B.L.F. when no confusion could arise.

I have not tried to standardise my sources' use of spelling or punctuation. Thus Labor Council is sometimes "Labour Council" and the Builders Labourers' Federation has many variations. I have not used the expression "(sic)" except where absolutely necessary as it interrupts the flow of an argument and in many cases (particularly when using workers' publications) is merely patronising.

I have used the expressions "right" and "left" as convenient labels rather than absolute categories. As the use of these terms is always relative, the context in which they occur indicates the ideological stance which is being described. Thus "left-A.L.P." does not denote revolutionary socialism; just as "right-wing" in the C.P.A. context does not equate with "right-wing" in Labor Council terms.

INTRODUCTION

Most theses begin with an explanation as to why the writer feels the subject matter justifies a prolonged and detailed analysis. For millions of Australians such an explanation would be unnecessary in this case. Green bans, builders labourers and even Jack Mundey are household words. Yet no record of that exciting period has been written. This is one.

Between 1970 and 1974, the N.S.W. Branch of the Builders Labourers' Federation operated outside the traditional confines of the Australian trade union movement. A new concept of unionism was being practised. Thoroughly caught up in New Left ideas of equality, personal liberation, participatory democracy, environmentalism and direct action, these unskilled manual labourers used their industrial (and physical) muscle to put their Union's advanced social and economic policies into action.

Significant among these policies were the introduction of limited tenure of office for union officials, the right of women to work in the industry, the premeditated demolition of non-union construction, the struggle for workers' control on job-sites, and the use of the Union's power to aid groups such as prisoners, homosexuals, aborigines, students, migrants, women and residents.

However, what the Union will be remembered for was their practical application of the concept of the social responsibility of labour - the green bans. These bans blocked "development" projects said to be worth \$3,000 million¹ and saved Sydney from much of the cultural and environmental rape suffered by other cities. The bans were a deliberate confrontation of the power of Capital. The labourers were disputing the employer's right to build what he liked where he liked and they were prepared to defend physically their position. Their environmental action is generally considered to be the first of its type in the world and the effect of their pioneering activity is still being felt.

So different was the B.L.F. from the traditional Australian union that the arbitrary division between "union" and "public" was almost obliterated. The Union and its supporters became a social movement - a force which attracted the devoted support of disparate elements such as inner-city pensioners, North Shore hairdressers, Marxist academics,

¹ This is the figure commonly accepted by the establishment media. Both the Union and the M.B.A. have used this figure in their publications. See later chapters.

hippies, housewives and even Patrick White and Margaret Mead.

The B.L.F.'s devotion to direct action and its leadership's ability to practice when in power what so many have preached in opposition raises many important theoretical questions. Is revolutionary unionism possible? Were the B.L.F. revolutionary? By what criteria does one evaluate revolutionary actions in a non-revolutionary situation? Were they destined to be destroyed?

The reason I was drawn to write about the B.L.F. was because, like so many of the "intelligentsia" who became involved with the Union, my own political ideology was drastically altered by the experience. They demonstrated to me the truth of the Marxist adage that revolution will come from the working class. They also demonstrated the tremendous power that a united working class can wield. They convinced me that "new left" ideals such as altruism, humanitarianism and egalitarianism could co-exist within the same structure as the traditional union virtues such as a good sense of tactics, the power of oratory, toughness under pressure and hatred of the boss.

It was only when I became involved in the union movement as a delegate to the N.S.W. Labor Council and observed other unions in action that I realised how truly remarkable the B.L.F. were. No other Australian union has been able to catch the imagination or inspire the devotion that the B.L.F. did. Barrister, Rod Madgwick, remarked on their "moral force". Anarchist, Wendy Bacon, was attracted by their "direct action approach". Students and pensioners, in fact everyone who came in contact with them, commented on their accessibility. Many of those who became involved found it hard to pin point how the B.L.F. and the green ban movement had influenced their thinking. Resident activist Ian Milliss mused that "they taught me about the sensible use of violence", and at the other end of the scale, the "matrons of Hunters Hill" discovered that a union of manual labourers was more sensitive to the natural beauty of Kelly's Bush and more aware of the historical and ecological need for its preservation than were conservative politicians and magazine editors.

It seemed that there was no social movement in Sydney in the early seventies in which the N.S.W. B.L.F. were not active. In many ways the B.L.F. became the centre of radical activity during the vacuum which occurred after the Vietnam and Springbok campaigns. For many students it was their one and only experience of a real "worker-student

alliance".² Builders labourers were the only blue collar workers most of us had ever met. Wharfies and miners were mythical creatures of legendary militancy. We never met rank and file wharfies and their union officials wore suits and sat in sedate wood and leather offices with single roses in specimen vases. The builders labourers on the other hand were with us often; building barricades for draft resisters; slapping on green bans in support of women's studies or expelled homosexuals; or just socialising. Their office was as open to us as it was to their members. They supported us so we supported them.

When the end came in March 1975 the N.S.W. officials vacated their office in Trades Hall in 24 hours. I ended up with much of their archival material in my sitting room, holding it in safekeeping in the hope that someone would use it one day. I certainly did not intend to. I felt I was far too close to the subject to be able to write about it. I do not believe in objective truth or value-free social science but I had spent five years embroiled with the B.L.F., both politically and socially. I had cried along with the 2,000 others at the final Town Hall meeting. My feelings towards Gallagher could not be put on paper.

My thesis supervisor, Don Aitkin (I was originally writing about the Korean War) told me that this was a silly attitude and that I was in a unique position to write an academic thesis on an exciting and important subject. Not only did I have in my possession most of the Union's archives, but I had lived through the experience myself. This placed me in the position, he said, of being something akin to a participant observer - a valuable perspective to have. I eventually agreed with him and in about mid 1975 I abandoned the Korean War and began looking for the rest of the archives. Some of these I found in extraordinary places. The Executive Minutes from 1963 to 1971 I eventually discovered in the cellar of the Sussex Hotel with beer dribbling over them.

Finding the archives was not my major problem. The status of participant observer, or maybe just sympathetic voyeur, had brought problems with its undoubted advantages. To begin with, because much of

² In discussion of areas such as "working class" and "middle class" co-operation I have used the terms in their "cultural" sense. Without wishing to canvass the complex area of class analysis I would refer the reader to Stuart Macintyre, "The Making of the Australian Working Class" *An Historiographical Survey*, *Historical Studies*, Vol. 18, No. 71, October 1978, pp.233-253; and R.W. Connell and T.H. Irving, *Class Structure in Australian History*, pp.3-12, for relevant discussion.

my research was to be in the form of interviews, my open identification with the N.S.W. B.L.F. made it difficult to obtain access to certain people. For instance, when I asked for interviews with the major figures in the "Maoist" opposition group³ only Les Robinson consented and even he refused to speak about Federal Intervention. My difficulties in this area have been largely overcome by Pat Fiske who interviewed M.B.A. officials, Federal union officials and D.L.I. employees for her film on the B.L.F. and made her transcripts available to me.

Another problem was that my close association with internal building union policies laid my academic work open to attack, both verbal and physical. The worst example of this occurred in early 1980 when my house was broken into and most of my taped interviews stolen. This caused a delay of several months while interviews were repeated but unfortunately some have been lost forever.

The advantages of close involvement, however, outweighed these disadvantages. It is important to stress though that I am not writing this thesis within a participant observer perspective. Rather, I am bringing to the subject a background of information which the conventional academic researcher is usually denied. I understand the ideological atmosphere of the period and the emotions generated by particular events. My familiarity with building industry "psychology" and left internecine politics has been invaluable. So much of what is documented is ideological in content. One would have to understand both its style and its purpose for correct analysis. My claim is that my privileged position allowed me this understanding. My knowledge enabled me to impose a broader perspective on the information I collected from other sources.

The particular practical advantage that my status afforded me was the way in which my interviews were treated. Firstly, it enabled me to speak with some people who might not have permitted others to interview them and secondly because those interviewed were also my friends there was a relaxed atmosphere during these sessions. This helped inarticulate people to become more talkative, and shy people to become more frank. Because they knew that I was basically sympathetic to their cause and would try not to misrepresent their statements, this minimised their defensive attitudes. It encouraged candour and even criticism of the Union that would not otherwise have been forthcoming.

I could also be assured that, because of their friendship with me

³ Correspondence: M. Burgmann to L. Robinson; J. McNamara; and J. Ferguson, 2 February 1978.

they would not "spin me a line" or pull my leg, a fate which other researchers in this area have suffered. Because I knew the particular personal and political perspective of each respondent I was able to gauge why certain statements were made and what their implications were. I was not likely to commit the gross solecisms which reliance on purely documentary evidence can sometimes cause. A good example of such a potential error occurred when I came across a newspaper report where Jack Munday had revealed that his favourite hobby was "going down to the pub and perving at the barmaid".⁴ Because I realised that under no circumstances could Munday have possibly made a statement to that effect, I simply deleted that item from my chapter on women with a view to later verification. In due course I discovered that the sentiments expressed had not been mouthed by Munday but by a very different "Jack", Sir Jack Egerton.

I was able, and for this I am grateful, to check continually the accuracy of my information, not only with the B.L.F. activists but with officials from other building unions, particularly the F.E.D. & F.A., the P.G.E.U.A. and the A.W.U. The fact that I am not, and never have been a member of the C.P.A. or any other "revolutionary" party⁵ has also been helpful because the sectarian responses which such affiliations can elicit were absent.

Finally, because I was there during the significant events I can describe some incidents in greater detail than would otherwise be possible. I actually tape-recorded the more important meetings, including the final handing over of power in March 1975.

While the research provided its own problems and pleasures, the writing did also.

Of course in the process of writing many of my original views were changed as were many of the original questions I felt needed answering. For instance, after starting with a firm belief that the new brand of militancy had arisen out of the economic conditions of the time, I was eventually persuaded by my data that the C.P.A. had played a much larger rôle than I had imagined.

The questions which have interested me in this thesis are: the economic and ideological conditions which produced the "new concept of unionism"; the way in which the Union carried out its philosophy in day

⁴ The Australian, 11 October 1973.

⁵ I have been a member of the A.L.P. for ten years.

to day activity; the forces which the ruling class can bring to bear on such a union operating within capitalist society; and finally a debate within the framework of socialist theory on the nature of revolutionary unionism.

I hope that like John Foster's study of a particular town in Class Struggle and the Industrial Revolution, my detailed study of one particular union may illuminate much more general questions, particularly arguments about revolutionary strategy.

The thesis is in two main sections: Part I the narrative and Part II the analysis.

The narrative section is informed by certain theoretical questions. I have not presented a complete chronology of occurrences but rather chosen those areas of the Union's day-to-day activity which best illuminate the theoretical areas discussed later. Thus I have included in the narrative prolonged discussion of the B.L.F.'s relations with other unions, particularly in the building industry; and also examined in detail industrial policies of particular significance such as their encroachment strategy on workers' control issues. I have also paid particular attention to the various ruling class offensives that were launched against the Union.

Approximately 70% of the thesis is taken up by the "narrative", which may seem excessive; but this was unavoidable because virtually no secondary source literature exists on the subject. Sources are given in considerable detail, so this material can be presupposed in the later discussion.

The Union's policy on women in the industry is treated in detail because, apart from green bans, it was probably the most remarkable action they undertook. It also aptly illustrated many of the leadership's general problems, and allowed me to examine the Union at probably its weakest point. The green bans themselves are not treated so extensively because much has already been written on this subject. Further, the main focus of the thesis is not the green bans as such but the union which became socially aware enough to enforce them. From that perspective the most significant point about the green bans is that they were physically defended; and descriptions of these confrontations are provided.

There were of course many other areas of the B.L.F.'s activity which I would have liked to pursue in greater detail: among them internal

Union democracy, the Union's relationship with the C.P.A., the participation of migrant members in the Union's activities, and the tactics employed by both sides during Federal Intervention. But the Union travelled at such a pace and achieved so much in such a short time that I have been forced to make choices.

Major Sources.

Working with B.L.F. documents has not been entirely unalloyed pleasure. What in most working class organisations is an annoying habit has been raised to a refined art form by the B.L.F. - that is the Union's imprecise attitude towards its organisational and administrative paper work. It is quite obvious from the Union's archives that the majority of builders labourers regarded written records as a somewhat pointless exercise and certainly not worth fussing about. They could not even get their own name right. An amusing example is provided by two letters from the Industrial Registrar regarding the Union's Annual Returns. In 1967 the Registrar acknowledged receipt "of a document purporting to be the Annual Return of the Australian Builders Labourers' Union" but pointed out that "as the name of the Union registered under the Trade Union Act, 1881, as amended, is the Australian Builders' Laborers' Federation, N.S.W. Branch, the said document is returned herewith".⁶ The following year the Union got closer by calling themselves the "Australian Builders Labourers' Federation" but this still did not satisfy the Registrar, nor did the fact that the Union had filled out the wrong address.⁷

Because the Union itself used the form Builders Labourers' Federation most often, that is the convention that I have adopted but in quotations and names of documents, such as the journal Builders Laborer, I have copied whatever is actually used. Even the journal changed its spelling and exact title in cavalier fashion from issue to issue. The only point on which the Union officials showed any preference at all, and even then not consistently, was the fact that no apostrophe should follow "builders". "The Federation belongs to the labourers" they would argue, "but the labourers don't belong to the builders". When the Union's name changed in 1973 to the Australian Building Construction

6 Correspondence: J.E. Whitfield, Industrial Registrar, Department of Labour and Industry, N.S.W. to The Secretary, Australian Builders' Laborers' Federation, N.S.W. Branch, 4 May 1967.

7 Correspondence: K.R. Fetherston, Acting Industrial Registrar to The Secretary, Australian Builders' Laborers' Federation, N.S.W. Branch, 27 March 1968.

Employees and Builders Laborers' Federation, the N.S.W. leadership hardly used the new name at all, partly for ideological reasons and partly because they were too busy to bother.

Apart from the Union's haphazard attitude to the niceties of legal requirements and grammatical pedantry,⁸ the primary sources posed other problems. The Executive and General (Branch) Meeting Minutes from 1963 to 1971, although 1154 pages long, were sometimes more confusing than informative. Good minute-taking is a difficult skill, and rarely found among builders labourers. Those years when Dick Prendergast wielded the pen are particularly cryptic. His penchant for phrases along the lines of "Bro. A made an observation and Bro. B replied" left many baffling questions unanswered; but the anonymous minute taker who recorded scenes such as "Bro. X spoke and Bro. Y was asked to leave the room" during the heated debates on the South Australian debacle⁹ wins the prize for laconic precis.

No Minutes actually exist before 1963. The 1961-63 Minutes were somehow mislaid during the Union's abrupt move from Trades Hall in 1975 and almost all records before 1961 were burnt by the old right-wing leadership before handing over office after the 1961 election.

The other primary sources which I have used have been gathered from a large number of places. Every poster, pamphlet, letter or other piece of documentary evidence which was lent to me by helpful unionists has been photostatted, so that either the original documents or photostats of them are in my possession. This means that a reasonably restored archival record of the Union's recent history now exists. Academic libraries were not helpful (Mitchell only holds the 1912 union journal), but various union and left group records were made available to me and were more fruitful.

I believe that there would be little documentation relating to the Union in the period 1961-75 that I have not seen. I tried very hard to collect all ephemeral material produced by other groups about the builders labourers, particularly from those opposed to the Union such as the Federal B.L.F., the B.W.I.U. and the Master Builders' Association.

I have consulted all the Sydney daily newspapers and occasionally,

⁸ Further information as to how I have dealt with these vagaries is contained in Notes on Footnoting, etc.

⁹ Mundey, when queried about this debate, explained "Oh yes, I remember that every time Les got up to speak Dick would hit him". Obviously much remains unrecorded.

when appropriate, provincial or interstate papers. I have also looked at the publications of the C.P.A., the C.P.A. (M-L), the S.P.A., the M.B.A., and the Federal body of the A.B.L.F. I have also used appropriate weekly and monthly commentaries. I have perused Court records where necessary, and used C.B.C.S. publications for enlightenment.

These sources have been supplemented by 73 interviews I conducted over a six year period (1975-1981) with 46 B.L.F. members, five B.L.F. office staff, nine non-B.L.F. building union officials, one Federal B.L.F. official, one employer representative¹⁰ and eleven resident activists and other supporters. Of the 46 builders labourers, 26 had never worked as officials for the Union. Of the twenty officials interviewed, many had only been officials for short periods because of the Union's policy on temporary organisers. I have therefore discussed in depth with a considerable number of rank and file militants their own feelings and attitudes about what occurred. I also asked them how other labourers on their job-sites viewed certain acts such as the green bans and women in the industry, to get some indication, even if second-hand, of the response of the not-so-active members.

This is certainly not a representative sample of builders labourers. In fact there are some regrettable omissions. For instance, I would have liked to find and interview more than two non-British migrants; but although I made several attempts, I was unsuccessful. Firstly, most migrant builders labourers are "unticketed", and move out of the industry fairly rapidly. They are therefore hard to track down. The majority of my respondents were qualified labourers (i.e. dogmen, scaffolders, etc.), and therefore in the industry for life. Secondly, the migrant labourers were no different from the non-migrants when it came to appointments. Nearly half of all appointments I made with builders labourers were not kept. I soon learnt that you do not set a date a week ahead with a builders labourer. You arrange to meet the next day or better still you waylay them in the hotel after work.

When it came to the actual interviews, I often chose hotels or places where the B.Ls would feel comfortable. Sometimes this was my home and sometimes their home.

I began each interview by asking the labourer their own personal

¹⁰ The employer representative wished to remain anonymous. Consequently he is identified in footnotes as "Anonymous Source: Senior Employers' Organisation Official". Because of his anonymity I treat his information with due care and use it essentially in a supplementary fashion.

history - when they left school, what their parents were, when did they become B.Ls etc.

Certain areas - the 1970 strike, the green bans, women, the Federal body, the B.W.I.U., the C.P.A., decision-making procedures and workers' control - were touched on in all interviews. I tried very hard, without leading, to discover what the labourers felt were for them the most significant actions of the Union.

The interviews differed considerably in length. Several sessions lasted more than four hours, most around a very small cassette recorder which I simply turned on and placed between us, never touching it again except to change cassettes.

The conventional problem of "rapport" in interviewing was non-existent: the labourers were very enthusiastic. They were pleased that I was writing about what was for many of them the most exciting time of their life. Several stressed to me that my interview had started them thinking, and often they would return days later with more interesting stories or some forgotten leaflet to show me. Ordinary union members do not write election pamphlets or set out policy in union documents. Nor do they write their memoirs. Yet their experience in struggle is as valid as that of the leadership.

The tape-recorded interviews (except for those stolen) are in my possession and transcripts have been made.

Because of the nature of the primary sources, the documentation differs greatly from chapter to chapter. In the appendix which deals with the 1950s I have been forced to rely almost entirely on oral evidence. I have been cautious in this "reconstruction of the past", adopting a critical attitude to uncorroborated statements but giving due weight to the fact that even "Maoist" Les Robinson agreed substantially with the information supplied by the other respondents.

In the section which describes the 1960s most of my documentation comes from either the N.S.W. Executive Minutes, the Branch journal or the Federal Conference Minutes. It is only in the 1970s that newspaper reports become at all frequent - sometimes of avalanche proportions. This period is also rich in ephemeral literature from the B.L.F. and other unions. Thus, the period with which the thesis is most concerned is very richly sourced. Although I have not been able to interview either Norm Gallagher or Pat Clancy, I have used sufficient material from the Federal B.L.F. and the B.W.I.U. to represent the point of view they were putting at the time.

Secondary Sources

There are two narratives of events written by activists in the building industry. Taming the Concrete Jungle was published by the N.S.W. B.L.F. in 1973. Pete Thomas, a C.P.A. member and long term union journalist, was an enthusiastic supporter of the Union, although he has worked before and after 1973 for those unions associated with the S.P.A.

Thomas sets out the reasons for the book's publication in these terms:

...builders laborers and their leaders...have come under frenzied attack from those who measure everything by money...In the attempts to discredit the union and its policies, sections of the mass media act as amplifiers for Establishment propaganda...The unions on the other hand, have only limited means to make known the justifications of their attitudes and actions...It is in the hope of being able to do something towards remedying this that this booklet is being published.¹¹

The book is valuable as a guide to what the leadership felt were the significant issues. It goes into detail about the green bans and the hazardous nature of the building industry. It also discusses the economics of the industry with expertise. However, because of its propaganda intent, it remains polite to the point of omission about the problems the Union was undergoing with its Federal body and fellow building unions. Not a criticism escapes Thomas's comradely pen. All is sweetness and solidarity.

I originally assumed Thomas's book would be a reliable source of facts and dates and a pointer towards further material. It mentions at least briefly most of the pre-1973 events of significance. However, after discovering what I felt were a few minor discrepancies I approached the author who cheerfully informed me:

Good heavens, of course there will be mistakes. I kept asking someone in the Union to read it before it was printed but they were far too busy. They just said "I'm sure it's O.K. Go ahead."¹²

The second source, Six Turbulent Years, by the Building Industry Branch of the S.P.A. is also polemic in tone and also inaccurate. The book purports to be "a basic theoretical analysis of a period rich in lessons for the Australian Labor movement generally".¹³ It is, in fact

¹¹ Pete Thomas, Taming the Concrete Jungle, p.8.

¹² Interview: Pete Thomas, 16 January 1981. It is a tribute to Thomas's skills as a journalist that there are only a few trivial errors. Both the state of the Union's records and the hectic atmosphere during the period of writing would have constituted major difficulties.

¹³ Building Industry Branch of the Socialist Party of Australia, Six Turbulent Years, p.2.

little more than a sustained attack on the N.S.W. B.L.F. and its leaders.

The danger of using such a source for any purpose other than to illustrate the spleen generated by the issue, can be illustrated by close examination of just one page.¹⁴ Page 41 claims that the N.S.W. Branch was "heavily in debt" because "expensive legal actions taken by the N.S.W. Branch through the Equity Court had all proven unsuccessful". This statement is untrue on three counts. Firstly the N.S.W. Branch was financially in an excellent position until the final days of Intervention. Secondly, the legal actions were not "expensive" because both barristers Rod Madgwick and Jimmy Staples donated most of their services free of charge. Finally, (and the anonymous author must have been aware of this) the N.S.W. Branch won every Equity Court case that occurred. In the second paragraph the book refers to a general strike which the N.S.W. leadership had called in April 1975. As the N.S.W. leadership had vacated office in March 1975 this would have been difficult. Next it is said that "less than 700" attended the final strike meeting. All other estimates of attendance ranged between 1,500 and 2,500.

Six Turbulent Years leaves the reader in little doubt as to its purpose. It is not a "basic theoretical analysis" but a piece representing the attitude of the B.W.I.U. I say the B.W.I.U. because the Building Branch of the S.P.A. consisted almost entirely of officials of the B.W.I.U. and the preface to the book was written by Tom McDonald, the State Secretary of the B.W.I.U. The criticisms contained in the book hardly differ at all from literature produced explicitly by the B.W.I.U. I have therefore taken the book to be reflecting the views of the B.W.I.U. leadership throughout my analysis.

There are two academic studies of the B.L.F., in the form of unpublished honours theses from the University of Sydney. The first, by Geoff. Anderson¹⁵ is particularly interesting as it discusses the Union in its pre-green ban days. He writes of it as a traditionally militant union with advanced political and social policies. He is mainly interested in its operation as an organisation because his theoretical interests concern organisation theory.

Another reason for its significance is that Anderson himself worked

14 Claims made here about the facts of Intervention are documented in chapter 8.

15 Geoff Anderson, The Builders Labourers' Federation of N.S.W.: A Study of a Militant Union, B.A. Honours Thesis, Government Department, University of Sydney 1971 (unpublished).

as a builders labourer during vacations and hence brings to his work a clear understanding of the building industry ethos.

The second thesis by Caroline Graham¹⁶ is also interesting but for different reasons. She tackles the entire period from 1968-1975 and also tries to discuss all the areas of the Union's activity. Within the confines of an honours thesis this is obviously an impossible task. She is able to discuss only in a peremptory fashion, important issues such as inter-union relations and the day-to-day industrial struggle. However, the strength of the thesis lies in her fine grasp of the Union's significance and the atmosphere of the time. Her treatment of the C.P.A. and the Union is also well informed.

The various works concerned with green bans are less interesting because they do not deal at any length with the B.L.F. The Australian Conservation Foundation publication Green Bans¹⁷ contains some rather grim but obviously "arty" photographs and a journalistic commentary by Peter Manning. The little that is said about the Union is approving and supportive but not at all analytical. Green Bans by Richard Roddewig,¹⁸ an American lawyer, has few redeeming features at all. It is remarkably inaccurate. Although published in 1978 Roddewig writes:

Norm Gallagher and the Victorian Builders' Labourers have not been given the attention they deserve. It appears now that Melbourne, not Sydney, will be where the green ban movement works out the permanent mechanisms by which unions will have a say in making urban conservation policy.¹⁹

The "permanent mechanisms" by which Gallagher resolved his green ban policy was to lift every ban in Sydney well before 1978 and despite Roddewig's geographical distance he should not have been so ill-informed.

Academic commentary on the green bans has mainly come from Leonie Sandercock.²⁰ Again, little is written specifically about the B.L.F. but she provides an interesting account of the significance of the green bans from an urban sociologist's viewpoint.

16 Caroline Graham, Anatomy of a Revolutionary Union: A Post Mortem on the B.L.F. 1968-1975, B.A. Honours Thesis, Government Department, University of Sydney, 1975 (unpublished).

17 Marion Hardman and Peter Manning, Green Bans: The Story of an Australian Phenomenon.

18 Richard J. Roddewig, Green Bans: The Birth of Australian Environmental Politics. He is mainly interested in environmental law formulation.

19 Ibid., p.ix. Gallagher's Melbourne bans have never been physically defended in the way the Sydney bans had to be. His bans are judiciously placed so as to minimise pressure from the employers or the state. I discuss his retreat under pressure from certain bans in later chapters.

20 See my bibliography for articles and individual chapters by Sandercock.

There is also very little literature specifically concerned with the building industry. Ruth Johnston's study Partners at Work²¹ purports to survey building workers in Western Australia but unfortunately she has only surveyed building tradesmen. Nevertheless I have found her data marginally useful and referred to it in later chapters.

A work which should have been more useful is Stephen Frenkel and Alice Coolican's discussion of the N.S.W. construction industry.²² Although the chapter deals with the period immediately following the green ban period, their attempt to create a model which would explain patterns of conflict within the industry has grave flaws. Most of these I discuss in later chapters; but here it should be noted that they virtually ignore the role ideological factors play in determining how unions will behave industrially and how they will relate to each other; and they accept too readily the concept of "strategic power" as a generalised explanation for industrial strengths and weaknesses.

In conclusion I found little useful material in most of the secondary literature. On the other hand, the theoretical literature on syndicalism, revolutionary unionism and socialist strategy I found extremely relevant. As W.A. Howard has pointed out "trade union theory ...has rarely seemed to touch on Australian unions of the 20th century",²³ and even less so has Marxist trade union theory. However because most writers seriously concerned with the concept of revolutionary unionism are British I found their work basically applicable to the Australian situation, despite the influence of our obtrusive arbitration system.²⁴

In my discussion with the B.L.F. within the syndicalist tradition and on the possibilities for revolutionary unionism I have relied heavily on writers such as Hyman, Holton, Hinton, Fletcher, Coates, Topham and Anderson as well as the traditional revolutionary theorists Marx, Engels, Lenin, Luxemburg, Trotsky and Gramsci. These sources are dealt with in my final two chapters. However it is important to point out that in

²¹ Ruth Johnston, Partners at Work: Building Workers, their Union and their Employers.

²² Stephen Frenkel and Alice Coolican, "Competition, Instability and Industrial Struggle in the N.S.W. Construction Industry", in Stephen J. Frenkel (ed.), Industrial Action: Patterns of Labour Conflict.

²³ W.A. Howard, "Australian Trade Unions in the Context of Union Theory", Journal of Industrial Relations, Vol. 19, No. 3, September 1977.

²⁴ See Ibid., pp.263-269 and also R.J. Hawke, "The Growth of the Court's Authority", in J.R. Niland and J.E. Isaac (eds), Australian Labour Economics Readings, pp.16-49, for a discussion of the effect that the arbitration system has had upon Australian trade unions.

choosing what to include in my narrative account I have been greatly influenced by what these writers believed to be the significant areas of a Union's activity.

CHAPTER 1

Building Industry Employers and the Building Unions

This section is intended as a brief background to the building industry unions and employer groups in Australia. It does not pretend to be a detailed analysis of the building industry or of the unions involved. These are all discussed in later chapters.

Building workers in Australia are covered by about a dozen different unions.¹ Most of these unions are Federal structures with state branches but some are only operative in certain states. The two main unions are the Building Workers Industrial Union (the major tradesmen's union) with approximately 50,000 members and the B.L.F. with 30,000. The only other building union of national industrial significance is the Plumbers and Gasfitters Employees Union of Australia (P.G.E.U.A.) with a membership of about 17,000. The Operative Painters and Decorators Union claims 20,000 members² but has never wielded any significant industrial force. Major unions with peripheral membership in the building industry are the F.E.D. & F.A., the A.M.W.S.U., the A.W.U. and the E.T.U.

Federal unions became stronger during the sixties and seventies as Federal awards began replacing state awards in many areas of the industry. This came about because of the general industrial trend towards Federal Awards but also because the employers were organising nationally and "exploiting differences in each state to their own advantage".³

The way in which the various building unions relate to each other within each state differs greatly depending on certain industrial, historical and ideological factors.

B.L.F. branches during the period in question varied in ideology from state to state. In Victoria, the Branch was completely dominated by the C.P.A. (M-L) and in South Australia, the Secretary, Les Robinson, was a C.P.A. (M-L) sympathiser. In Tasmania, the Secretary W. (Speed) Morgan was a well known right-winger who at one stage was involved with the Harradine faction. In Western Australia, Secretary R. Davies was also associated with the right-wing of Labor Council. He was replaced

1 The B.W.I.U.'s process of absorbing the smaller unions has progressively reduced the number of building unions.

2 All the above figures are approximations based on information for the years 1974 and 1976 supplied in D.W. Rawson, A Handbook of Australian Trade Unions and Employees' Associations: Third Edition.

3 Pat Clancy quoted in Sun, 26 April 1973.

in the mid seventies by R. Reynolds who, although less overtly conservative, was certainly not "Maoist" in philosophical outlook. The Queensland Secretary, V. Dobinson, was overshadowed by the industrial strength of the powerful Queensland branch of the B.W.I.U. under Secretary Hugh Hamilton. Relations between the B.L.F. and the other building unions ranged from reasonably harmonious in Western Australia,⁴ Tasmania and Queensland to episodically disruptive in South Australia, N.S.W. and Victoria.

In Victoria, the B.L.F. was on poor terms with the B.W.I.U. which was S.P.A. influenced. The Painters' Union which, under the leadership of Secretary Paddy Ellis, had originally supported the Maoists, later turned against the Hill/Gallagher alliance, but still maintained a left stance in the industry. The Plumbers' Union, industrially more militant than either the B.L.F. or the B.W.I.U., was aligned with the Socialist Left of the A.L.P. Under the leadership of George Crawford it co-operated industrially but not politically with both major unions but adopted an independent stance on some issues such as its refusal to be included in the 1974 National Building Industry Award. The four small craft unions tended to support the B.L.F. because "they saw Gallagher as the only thing standing between them and being gobbled up by the B.W.I.U."⁵

The S.A. Branch of the B.L.F. was involved in demarcation disputes during the early seventies with the plasterers, the carpenters and the plumbers. The plumbers dispute was interesting because the S.A. branch of the P.G.E.U.A., under the influence of its Secretary, Bob Giles (an avid environmentalist and Munday supporter), was one of the few building union branches to support the N.S.W. B.L.F. This position obviously caused problems between Robinson and Giles.⁶ In Queensland the situation was different because the Queensland branch of the B.W.I.U. was the only C.P.A. influenced state branch not to follow Clancy into the S.P.A. in 1971. State Secretary Hugh Hamilton remained in the C.P.A. His relations

4 Relations between the unions there were described as excellent by W.A. organiser for the P.G.E.U.A. Bob Bryant (Interview: 10 July 1981).

5 Interview: George Crawford, 8 April 1981. The other states' building industry groups include roughly the same unions although sometimes the small craft unions have become amalgamated or associated with the B.W.I.U. In small states like Western Australia for example, there are only the B.L.F., B.W.I.U., Plumbers, Painters and Plasterers.

6 See especially "To the Plumbers: Be Fair Dinkum Bob", A.B. & C.W.F. (S.A. Branch) Newsletter, March 1973, p.3.; also when State Secretary of the B.W.I.U., Keith Iutz, resigned in 1973 he cited as his main reason the "unions fighting each other for control" of the industry, The News (Adelaide), 31 August 1973.

with State B.L.F. Secretary Vince Dobinson were strained but never overtly hostile.

The overall situation can be generalised in this way. The B.L.F. branches, ranging from Maoist (Victoria and S.A.) to moderate (W.A. and Queensland) to right-wing (Tasmania), all supported Gallagher. The B.W.I.U. except for Queensland (C.P.A.) and Tasmania (right-wing) were under varying degrees of S.P.A. influence, and the Plumbers supported the Socialist Left of the A.L.P. in all branches except N.S.W. The small craft unions either were "associated" with the B.W.I.U. or wary of becoming unwillingly so, except for the A.S.C. & J. which, because of its history, was always in opposition to the B.W.I.U.⁷

In N.S.W., during the relevant period, there were between nine and eleven unions in the Building Trades Group (B.T.G.) of Labor Council.⁸ These unions were the B.L.F., the B.W.I.U., the Plumbers, the Painters, the A.S.C. & J., and six small craft unions which were "associated" or closely allied with the B.W.I.U. These unions were the Federated Brick, Tile and Pottery Industrial Union; the Operative Plasterers and Plaster Workers' Federation (now "associated"); the Operative Stonemasons Society (now "associated"); the Plate Sheet & Ornamental Glass Workers Union; the Tilelayers Union of N.S.W.; and the Slaters, Tilers, Shinglers and Roof-Fixers' Union (now B.W.I.U.).

An accurate estimate of the size of each union is, as Rawson has pointed out, difficult to make.⁹ This would be particularly so with the B.L.F. because of its status as a non-craft union. The difference between financial and non-financial unionism would be increased because of the fact that union rules demand that resignations must be submitted in writing. Given the itinerant nature of the B.L.F. it is unlikely that members submit resignations every time they move into a different industry. Thus many would remain "book" members although employed elsewhere. From the Union minutes and other sources the best estimate I can make is that the Union increased from about 2,500 members in 1961 to about 9,000 members in 1971. It probably rose to a peak of 11,000 in 1973-74.¹⁰ Membership dues rose gradually during the period. In

7 The A.S.C. & J. does not exist in W.A. and Queensland.

8 The number changed because of "association" and amalgamation with the B.W.I.U.

9 D.W. Rawson, A Handbook of Australian Trade Unions and Employees' Associations: Third Edition, pp.2-3.

10 The Union's membership at different stages is discussed in greater detail in later chapters.

1972 dues had reached \$26 a half year, and in 1974 they were \$36. In that year Pringle explained that the annual running costs of the N.S.W. Branch were \$250,000 and that it paid \$75,000 a year in capitation fees to the Federal body.¹¹

The Union covers all unskilled labourers and certain categories of skilled labourers employed on "a construction" - a definition which sometimes brings the Union into demarcation with the A.W.U. which tends to cover labourers on sites not designated as such. The skilled categories covered by the B.L.F. include dogmen, riggers, scaffolders, powder monkeys, hoist drivers and steel fixers.

Using their reports to the N.S.W. Industrial Registrar in 1974 as the basis,¹² the other unions in the B.T.G. had the following memberships - B.W.I.U. 21,850; Plumbers 9,250; Painters 9,500; A.S.C. & J. 5,665; Plasterers 2,659; Brick Tile & Pottery Workers 4,716; Plate, Sheet & Ornamental Glass Workers 1,122; Slaters & Tilers 600; Tilelayers 340; and Stonemasons 352.

The other really significant union in the N.S.W. building industry of the time was the F.E.D. & F.A. which although not a member of the B.T.G.¹³ had about 1,200¹⁴ of its 5,500 N.S.W. members employed in the building industry.

The ideological backgrounds of the N.S.W. building unions in the period were briefly this. The Plumbers, Plasterers and A.S.C. & J. were right-wing. The other major unions were all C.P.A. or C.P.A. influenced. When the 1971 split occurred the B.L.F. and F.E.D. & F.A. remained with the C.P.A. while the B.W.I.U. followed Federal Secretary, Pat Clancy, into the S.P.A. Painters' Secretary Sid Vaughan, although not joining the S.P.A. did leave the C.P.A., and continued to co-operate with the B.W.I.U. rather than the B.L.F. The small craft unions, not industrially strong enough to stand alone, moved further into the B.W.I.U.'s orbit. So although Plasterers under Stan Dixon remained a right-wing union, they became "associated" with the B.W.I.U. and politically indistinct from it. This also happened to the Stonemasons although its Secretary Mick Boyle remained in the A.L.P.¹⁵

¹¹ Sydney Morning Herald, 8 October 1974.

¹² The following figures come from D.W. Rawson, A Handbook of Australian Trade Unions and Employees' Associations: Third Edition.

¹³ It was officially in the Metal Trades Group of Labor Council.

¹⁴ An estimation by N.S.W. Secretary of the F.E.D. & F.A., Jack Cambourn, (Interview: 1 February 1979).

¹⁵ Interview: Mick Boyle, 29 January 1981. Boyle described himself as "an admirer not a disciple of Clancy".

On the employers' side the position was almost as complex. Master Builders Associations were formed autonomously in each state and only became a formally constituted national body, the Master Builders Federation of Australia (M.B.F.A.), when the push towards federal unionism occurred. The M.B.F.A. was established in Canberra because that is where its main activities take place. It is essentially a lobby group, concerned with the effect of Federal legislation upon the building industry. It is only peripherally concerned with industrial relations aspects of the industry. All state M.B.As contribute financially towards the M.B.F.A.

The national employer body directly concerned with industrial relations is the National Industrial Executive of the Building and Construction Industry which covers civil engineering construction as well as building construction. It includes not only the M.B.As but also the Employers' Federation and the Australian Federation of Construction Contractors.

Within N.S.W. most builders belong to either the Master Builders' Association of N.S.W. or the Employers' Federation of N.S.W. Other employer organisations involved, although some only marginally, are the Master Plumbers and Sanitary Engineers Association of N.S.W.; the Metal Trades Industries Association; the Fire Sprinkler Contractors' Association of Australia; the Master Painters, Decorators and Signwriters Association of N.S.W.; and the Master Slaters, Tilers and Shinglers Association of N.S.W.. Some builders have double or even triple membership in these organisations.

The M.B.A. is the most significant employer organisation in the building industry in N.S.W. The Financial Review describes the M.B.A. as adopting "the tone and approach of the majority of its membership who are old, well established middle and small-scale builders, many of them family or private companies".¹⁶ In 1973 the M.B.A. claimed to cover 1,500 members.¹⁷ Frenkel and Coolican report that less than 40% of eligible building employers are members of the M.B.A. but most non-member firms are very small and M.B.A. officials maintain that in value terms about 90% of work is undertaken by M.B.A. members.¹⁸ However, significant large companies such as Civil & Civic, Parkes Development and Holland Constructions were not members during crucial periods in the seventies.

¹⁶ Australian Financial Review, 8 November 1973.

¹⁷ Sydney Morning Herald, 25 May 1973.

¹⁸ Stephen Frankel and Alice Coolican, op.cit., pp.28-29.

This situation was to cause major rifts among building employers during the 1973 B.L.F. lock-outs and during the 1974 deregistration proceedings. It was not unusual during the early seventies to hear establishment media referring to them as the "fragmented employer groups".¹⁹

¹⁹ Construction, Civil Engineering and Mining Review, Vol. 4, No. 11, 1 November 1971, p.1.

CHAPTER 2

The Old Concept of Unionism¹

(i) The Fight for Control 1951-61

The N.S.W. B.L.F. was formed in the 1970s and registered under the Trade Union Act of 1881, as the Australian Builders' Laborers' Federation, N.S.W. Branch.

During the late 1940s and 1950s the Union came under the control of a right-wing gangster element originally headed by Fred Thomas as State Secretary and Jack Williams as Federal Secretary.

In 1951 a Rank and File Committee was formed to oppose the Thomas leadership. This group was encouraged by the C.P.A., and many of the group's leading activists, including Jack Munday were members of the Communist Party. Fellow Communist, Pat Clancy, Secretary of the B.W.I.U., provided advice and support.

The expansion of the building industry in the post war period and the concentration of development in the Quay area of the city provided excellent opportunities for the Rank and File Committee to organise. They produced a regular newsheet, Hoist, and began attending the Union's monthly Branch meetings in large numbers. Under this sort of pressure, Thomas abruptly left the Union in the mid fifties, burning the Minutes books and allegedly taking the Union's funds with him.

"Banjo" Patterson, who had worked with Thomas became acting Secretary and, according to Munday, moved to the left allowing for "an important breakthrough period".

Although the Rank and File approached the 1958 Branch elections with high hopes, the rump of the Thomas forces arranged for an S.P. bookmaker from Newtown, W.F. (Bill) Bodkin to nominate for Secretary. In an election which the Rank and File claimed was rigged, Bodkin romped

¹ All the evidence for section (i) of this chapter is contained in Appendix A. The evidence for section (ii) is contained in Appendices B and C. The justification for such lengthy appendices is that, although not part of the period under analysis in this thesis, some knowledge of the Union's history between 1950 and 1970 is essential for a proper understanding of what happened in the seventies. Much of the Union's style and philosophy is prefigured in the fight against the gangsters and the period of consolidation. Particularly important is that information contained in Appendix C. One can only really comprehend the complex relationship between the Federal and State bodies of the Union with a reasonable knowledge of their immediate history.

home.

The Bodkin regime soon became even more notorious than the Thomas leadership. Allegations of physical intimidation, corruption, excessive secrecy and ballot-rigging were regularly levelled against the Bodkin leadership.

The Rank and File Committee gained hundreds of supporters in this period. Often they would "have the numbers" at monthly Branch meetings, only to have their majority decisions ignored. Eventually, in February 1960, two members of the Rank and File Committee, Bert McGill and Mick McNamara, were elected as temporary organisers at a Branch meeting. The Executive refused to accept them as organisers, so the Rank and File took the matter to the Commonwealth Industrial Court. The Court ordered the Executive to accept the Branch decision and recognise McNamara and McGill as organisers. This was the beginning of the end for Bodkin.

Violence erupted in January 1961 when a General meeting was called to endorse three delegates to the Union's Federal Conference. It was attended by 200 members and it was obvious that the Rank and File had a clear majority. Federal Secretary Terry Foster was angrily received when he addressed the meeting. State President Sheean closed the meeting and the Executive tried to leave the building. Five carloads of police were called to the scene. Munday remembered:

Bodkin kept descending the stairs and I kept picking him up, carrying him back and sitting him in his seat...It was the first democratic meeting ever held in the Builders Labourers...we kept them [the Bodkin group] sitting in their seats 'til 10 o'clock with the 21 Division down below...it was the first time we hit the headlines.

The Rank and File Committee organised enthusiastically during 1961 for the triennial Branch election due in November. They held a pre-selection meeting and then came to an agreement with some independent "centre" groups so that the final Rank and File/Centre ticket represented a broad range of opposition forces. Mick McNamara, a left-A.L.P. member, was the coalition's nomination for Secretary.

Stan Winter, an anti-Bodkin right-winger had applied for a court controlled ballot so even ballot-rigging as a way out was eliminated for the Bodkin "rump". In the election the entire Bodkin team was defeated. The Rank and File/Centre ticket was successful except for three positions which were won by independent right-wingers. One of the three defeated Rank and File candidates was Jack Munday:

Even though I travelled furthest and had been most active I got beaten. I think it was because I was a known Communist.

(ii) Consolidation 1961-1969

The Rank and File team took "office" in November 1961 to discover no office staff, few administrative records, burnt Minutes books and a bank account of £9 with debts totalling £15,000. With no capital investment or ownership of property, the Union had only its membership dues as income. Much of the history of the 1960s is the story of the Executive's uphill fight to repair the B.L.F.'s financial position. With minor fluctuations their struggle was successful and by the late 1960s the Branch was on a much sounder footing.

Mick McNamara, at 21 Australia's youngest union Secretary, relied heavily on Jack Munday for advice and support. Munday was elected temporary City organiser in 1962 and became a major force in the Union. The C.P.A.—'left A.L.P.' alliance within the Union which had been forged during the fifties remained remarkably successful. For the 1964 election the Rank and File team (as the leadership still called itself) included both C.P.A. and A.L.P. members. The Communist Party encouraged this "broad front" but the right-wing N.S.W. Branch of the A.L.P. under W. Colbourne and C. Oliver opposed it. Colbourne "endorsed" right-wing A.L.P. member Stan Winter who was standing against fellow A.L.P. member McNamara as Secretary. This act drew the fire of the Federal body of the A.L.P. who believed that A.L.P. policy was not to endorse union tickets in such situations. The internecine A.L.P. dispute blew into mammoth proportions but had little effect on the B.L.F. Although McNamara and another A.L.P. member were cited on unity ticket charges, the membership disregarded the media sensationalism and voted overwhelmingly again for the Rank and File ticket. The three right-wingers who had been a disruptive element at Executive meetings were defeated and among the newcomers on the Executive was Jack Munday.

Included in the Rank and File ticket at the 1964 elections were Joe Ferguson, Les Robinson and Johnny McNamara, Mick's brother. These three were becoming increasingly identified with the C.P.A. (M-L) which was in the process of formation. Consequently, with the final split in the C.P.A. this group moved into opposition against the McNamara-Munday leadership. They contested by-elections for various casual vacancies without success and eventually, dispirited by their poor showing, they stopped attending Executive meetings.

The 1967 Branch election was a non event. The Rank and File held an uncontroversial pre-selection and nominated the only team of candidates. Bob Pringle, Tom Hogan and Bud Cook were elected to the

Executive for the first time.

In 1968, Mick McNamara resigned the secretaryship "on health grounds" and Jack Munday was elected Secretary. Bob Pringle became President in 1969 and with Joe Owens elected as temporary organiser the group which constituted the leadership in the seventies began to emerge.

However, even at this stage there was little to distinguish the Union from the traditional "left" unions of the period. Munday's acceptance speech when he was elected Secretary stressed the need to tighten up administrative procedures and eliminate unfinancial unionism. The unorthodox political activity of later years was not apparent. What was beginning to materialise though was the open democratic structure of decision-making; the emphasis on rank and file participation; and the militant industrial stance which was to distinguish the Union in the early seventies.

Industrially, the Union had made great gains, considerably increasing the wages of all labourers and especially those on the top scales such as riggers. A concerted "Civilize the Industry" campaign had greatly improved amenities and safety conditions and the Union was also prominent in the fight against penal sanctions, both State and Federal.

These hard won gains of the sixties were to stand the leadership in good stead. The loyalty of members who could remember the "bad old days" was immense and long lasting.

At the Federal level the position was not so optimistic. In 1961 when the Left won office in N.S.W. the Federal body had also changed leadership. Norm Gallagher from Victoria became General Secretary when the incumbent, Foster, was ruled ineligible to stand on a technicality. Although, in the first few years, there was some goodwill shown towards N.S.W. by the Federal body, eventually the Sino-Soviet dispute interfered with this fraternalism. Gallagher and the Victorian Secretary, Paddy Malone, joined the C.P.A. (M-L), and hostility towards the N.S.W. Branch increased. Apart from ideological differences, Gallagher was intent on building up the power of the Federal body and N.S.W. was the only state which did not willingly comply with his plans.

There were three major areas of dispute during the period. The first was Gallagher's continual criticism of the N.S.W. Branch's financial position and the second was Gallagher's disapproval of the N.S.W. Branch's close relationship with the B.W.I.U. In 1965 when the

N.S.W. B.L.F. and the B.W.I.U. discussed "association" with a view to later amalgamation, in line with B.L.F. policy of one union in the building industry, Gallagher refused to allow the "association" to proceed. This issue simmered until the late sixties when the invasion of Czechoslovakia and the consequent straining of relations between the two N.S.W. unions, rendered the whole question irrelevant. The third problem which aggravated the mutual hostility between the State and Federal bodies was Gallagher's support for the right-wing South Australian Secretary Thorp as President of the Federation. When Thorp eventually decamped leaving the S.A. Branch's affairs in disarray, Gallagher insisted on sending his "Maoist" supporter from N.S.W., Les Robinson, into South Australia as pro-tem Secretary. The N.S.W. Branch suggested that experienced organiser Dick Prendergast should be sent instead. Gallagher had his way and Robinson became South Australian Secretary and a loyal Gallagher ally for the next ten years. The whole affair created tremendous bitterness both at the State and Federal level and was only to have its final denouement in 1975 when Robinson returned to Sydney as the Gallagher-installed Secretary of N.S.W.

CHAPTER 3

The 1970 Margins Strike

The Builders Labourers' Margins strike of May-June 1971 was not only the most significant happening for the Union during the year but it is also regarded by most builders labourers as the event which heralded the emergence of a new style of union. It also became the subject of disagreement between warring factions in the C.P.A. and this was to gain it added significance.

The general conditions which brought about the background necessary to produce such a remarkable strike are dealt with in Chapter 10 but the more specific reasons can be discussed under three headings; the non-enforcement of penal power sanctions; the militancy of the Union in that particular period; and the issue itself, that is, the gap between labourers' and tradesmen's wages in a rapidly changing industry.

The Clarrie O'Shea Penal Powers victory of May 1969 cleared the way for militant action and industry-wide strikes for the first time since the 1950s. One of the most significant features of the five weeks Margins strike, its length, was directly attributable to this situation.

Speaking about the strike shortly afterwards, Munday argued:

I think tactics in strikes, particularly since 1949, have been so tailored as to give a high priority to the penal powers threat, and thus the need to 'get them back to work' to avoid fines. The general idea among officials was to try to win strikes quickly, and failing that, to beat a retreat and make the best of it. With the removal of some of the teeth from the penal powers in May 1969, longer strikes including general strikes are likely to become the order of the day...¹

Bud Cook believes that a strike of such length "had never happened in the building industry since 1890 - the eight hour day struggle".²

Munday felt that another aspect of the penal powers was that "struggles have been fragmented. For example, there has been no combined strike of workers in the building industry since 1957". The penal powers also had, according to Munday, increasingly embroiled union activity in arbitration and no real perspective was put forward for knocking over the whole arbitration and penal powers treadmill. He believed that unionists, including the "left" had fallen victim to "arbitration-mindedness under the influence of the penal powers" and that May 1969 was "decisive in cracking the sense of frustration which was

¹ Jack Munday, "Towards New Union Militancy", Australian Left Review, No. 26, August-September 1970, p.5.

² Interview: Bud Cook, 5 March 1978.

becoming universal among workers".³

The Union's tactics during the Margins strike, while not specifically designed to confront the arbitration system, certainly did so as a by-product of the struggle.

In November 1969 Munday had called for "a co-ordinated national wages campaign outside the Arbitration Court apparatus".⁴ In March 1970 he spoke to the Branch on "what should be done to by-pass arbitration and resort to collective bargaining". He also reported that the M.B.A. had promised that if they (the Union) took the Margins issue to court "there would be something in it for us". However he added "on past performances it would only be peanuts unless there was activity on the jobs".⁵ Activity on the jobs remained at a high level and the M.B.A. "threatened to go for de-registration of the Union if these disputes continued".⁶ However the M.B.A. kept refusing to meet the Union "until we proved we could quieten down and control our own membership".⁷ Martin and Glover from the Master Builders argued that the leadership could not claim to represent the membership until it could demonstrate control over job-site activity. "That was the purpose of the exercise".⁸ At the compulsory conference on 15 May 1970 H.R. Watson, Senior Commonwealth Arbitration Commissioner for the building industry, stated: "It is a great pity the Master Builders' Association of N.S.W. did not negotiate".⁹

By this stage job-site activity was at fever pitch¹⁰ and "fires were breaking out all over Sydney".¹¹ As early as February Munday had reported that there was "more strike and job action than before".¹² In March, Munday wrote in the Branch journal under the heading "Campaign gathers momentum in all states" that:

So widespread is the movement in support of the Federation's claims that the officials and job delegates have been working really hard

3 Jack Munday, "Towards New Union Militancy", Australian Left Review, No. 26, August-September 1970, pp.2-5.

4 The Builders' Labourer, December 1969, p.39.

5 Minutes: General Meeting, 3 March 1970.

6 Ibid. For a more detailed discussion of the disputes see chapter 4.

7 Interview: Jack Munday, 30 March 1978.

8 Interview: Bob Pringle, 8 March 1978.

9 Quoted in The Builders' Labourer, July 1970, p.27.

10 The Executive Minutes (January-May 1970) record on average two or three sites in dispute each week.

11 Bob Pringle, Lecture, Macquarie University, October 1975. Some students misunderstood this phrase to mean that arson was being perpetrated on a grand scale.

12 Minutes: Executive Meeting, 17 February 1970.

to keep up with the demands of the workers on the jobs.¹³ Disputes often occurred over other issues but were readily channelled into the \$6 Margins claim. The organisers agreed to channel job stoppages towards the Margins dispute.¹⁴ Munday continually stressed the importance of the issue and said that "workers generally should take action on as many jobs as possible".¹⁵ Disputes occurred almost daily with important victories being recorded over Fischers, Chillmans, Concrete Constructions, Marrs and Maros. In the words of the journal: "She's on all over the place".¹⁶

Not only were the members often in dispute but the type of activity undertaken, and the style of the struggle was changing. An entirely different mood permeated the industry. Munday reported to Federal Conference that: "Strike action is 'in', and in all states we should break with agreements that tie us hand and foot and by word or deed obstructing our right to strike".¹⁷

The N.S.W. labourers believed that the improvement in the construction-on-site award had been the result of militant activity in N.S.W.¹⁸ but that the maximum gain had not been achieved.¹⁹ Consequently they felt that the climate was right, with the industry booming, the defeat of the penal powers "and the left swing in the general elections" to make further advances.²⁰ At the 24 hour stop work meeting in March "declarations from the floor of the meeting reflected the militant mood". As one member said, "...if we don't get what we demand, then we'll all go out together, and the sooner the better".²¹ Ralph Kelly recalls that "when the employers told us to go to arbitration, we were starting to feel strong enough, that we could pull them on without the courts".²²

The underlying situation of harsh conditions and a "general paucity

13 The Builders' Labourer, March 1970, p.1.

14 Minutes: Executive Meeting, 24 February 1970.

15 Minutes: General Meeting, 3 March 1970.

16 The Builders' Labourer, March 1970, p.21. The building industry was more often in dispute during 1970 than other comparable industries. Geoff Anderson, op.cit., p.37, cites the figures: 89 stoppages in the building industry, 13 by railway workers, 29 by road and air transport workers and 24 in the printing industry.

17 "N.S.W. Report to the Federal Council", The Builders' Labourer, December 1969, p.39.

18 The Builders' Labourer, December 1969, p.3.

19 Ibid., p.39.

20 Ibid., p.41.

21 Tribune, 25 March 1970, p.10.

22 Interview: Ralph Kelly, 13 December 1977.

of amenities" and the instability and insecurity of the industry²³ were still important in contributing to this new militancy; but there was now an ideological dimension. Munday himself believed that this heightened militancy was inspired by "a combination of international developments and purely national and local issues". He mentioned France, Italy and Japan and that:

Some of the initiatives of the Black Power movement in the United States have impressed. The activities of students in many countries including Australia have also made an impact and been appreciated by advanced workers.²⁴

He pointed to "the struggles in France in 1968 and the varied reports on them, and the C.P.A. pre-Congress and Congress [1970] discussions and decisions" as personally encouraging him towards "the style of offensive strike developed in our struggle",²⁵

Sabotage activity began to be carried out and sometimes even reported. The journal records:

A bit of excitement was the picket line which jammed the entrance to the hoist when the budding executive type decided to load material on his own. He will not do it again.²⁶

Tony O'Beirne, a young militant in Newcastle, recalls his frustration at hearing about the Sydney activities second hand:

We'd grab onto tactics as soon as we heard about them...breaking concrete pours...we said "that's just the most fantastic thing that's ever happened, why didn't we think of that?"²⁷

Munday summarises:

We were raising issues that hadn't been raised anywhere else in the Federation...We were pushing things up to the employers. We as a Union had changed, not the objective conditions.²⁸

One indication that the Union had indeed changed was that, even in the heat of industrial dispute over wages, both the leadership and the most active militants continued to raise political issues. "We will no longer accept low wages while employers, investors and developers in the industry are making record profits." They declared that they would consider putting a ban on any projects for new petrol stations if the oil companies put up the price of petrol.²⁹ Even more

²³ The Builders' Labourer, July 1970, p.1.

²⁴ Jack Munday, "Towards New Union Militancy", Australian Left Review, No. 26, August-September 1970, p.2.

²⁵ Ibid., p.4.

²⁶ The Builders' Labourer, March 1970, p.9.

²⁷ Interview: Tony O'Beirne, 2 March 1978.

²⁸ Interview: Jack Munday, 30 March 1978.

²⁹ Tribune, 25 March 1970, p.10.

significant was the Union's enthusiastic effort in support of the Vietnam moratorium movement. When the Executive discussed calling on the membership to participate in the Moratorium less than a week before the strike began, there was no hesitation by any Executive member, although they all acknowledged the difficulties involved. They even organised to have officials address meetings of members on the subject.³⁰

Another way in which the Union had changed, was through changes in the members' relation to the tradesmen in the industry.³¹ The builders' labourer who had always been considered the second class worker in the building industry was beginning, by 1970, to consider himself no longer so. The virtual elimination of the lowest grouping of the pay scale had helped to achieve this and it is significant that the groupings were still considered an important aspect of the Margins battle.³² Munday wrote: "The aim is especially to ensure that the lower paid workers improve their position relatively".³³

Munday argued that heightened militancy was contributed to by "the harshness of the treatment of the lower paid worker in this first phase of the scientific and technological revolution, where he has fared much worse than any others".³⁴ In fact, in terms of gaining strategic muscle through new processes and new skills, the builders labourers gained, particularly in reference to the tradesmen. The use of glass, aluminium, pre-formed concrete, pre-fabricated sections and new methods of placing concrete on site (cranes, pumps etc.) was increasing in commercial and cottage construction. Little wood was being used in buildings, so the number of versatile tradesmen employed, especially carpenters, was decreasing rapidly with most of those remaining being form workers for concrete.³⁵ The B.L.F. argued that "because of the versatility of the work performed by our members, and because of the key part we play in construction" that the widening gap between tradesmen's and labourers' wages must be reduced.³⁶

Not only were the pre-conditions present for an assault on the traditional margin which operated between tradesmen and labourers in the

30 Minutes: Executive Meeting, 28 April 1970.

31 The changing relationship between the labourers and tradesmen is discussed in chapter 10.

32 Minutes: Special Executive Meeting, 20 April 1970.

33 Jack Munday, "Towards New Union Militancy", Australian Left Review, No. 26, August-September 1970, p. 4.

34 Ibid., p. 3.

35 Ibid.

36 The Builders' Labourer, December 1969, p. 3.

building industry, but the margin had actually increased as a result of the metal trades Margins struggle of 1967-68. Small wonder that in an editorial headed: "Demand for the 70s - Narrow the Gap", Munday argued that the "very big job" of 1970 would be to campaign for labourers in the top categories such as riggers, drainers, dogmen, scaffolders, hoist drivers and powder monkeys to be paid the same wage as tradesmen, and all other labourers one dollar less.³⁷ Aware, no doubt, that reduction of traditional margins is always a sensitive issue he emphasised, "we must win the support of the tradesmen, with whom we work closely if we are to be successful".³⁸

Clancy, State Secretary of the B.W.I.U., spoke at the March stop work meeting. He told the meeting that employers sought to create divisions between workers and that "the disparity in wages between tradesmen and labourers had increased since 1947".³⁹ It is not clear whether he supported the B.L.F. claim for a reduced margin or whether he simply believed the traditional relativity should be restored.⁴⁰

The B.L.F. demands themselves were not absolutely clear. The leadership spoke in terms of falling behind "in the past several years in contrast to the Tradesmen";⁴¹ and yet the actual claim which precipitated the strike was for \$6 which effectively would replace the old relativity of roughly 75% with an astonishing 90%.

The delicacy of the situation with regard to the traditional relativities enjoyed by the tradesmen was increased by a lack of consultation on both sides. Communication between the two unions, which had been deteriorating since 1968, appears to have been virtually non-existent by this stage. Hogan warned that when the Branch decided on a figure for their margin claim, it "...should be wary, due to the fact that we may find ourselves striking a figure well below the tradesmen's margin claim and would find ourselves falling further behind than ever before".⁴² The fact that neither union was certain about what the

37 The Builders' Labourer, December 1969, p.3. The N.S.W. delegation to the Union's 1969 Federal Conference put forward this proposition.

38 Ibid.

39 Tribune, 25 March 1970, p.10. E.H. Phelps-Brown, The Economics of Labour points out that a builder and his assistant enjoyed the same relativity for 500 years in Britain c.1400-1900.

40 The Tribune report does not make the distinction clear. As Clancy was still a member of the C.P.A. at the time, any difference with the B.L.F. would have been minimised in Tribune's coverage.

41 Bud Cook, Minutes: General Meeting, 3 February 1970.

42 Minutes: General Meeting, 3 February 1970.

others' exact demands were, did not disguise the fact that the real importance of changed relativities was not just the monetary amount but the change in status that was implied. Munday summed it up when he spoke of the need for real industrial unionism, "...free from craft hangovers and with the laborers being accepted as a real force in the industry, not just as assistants".⁴³ [my emphasis]

Clancy for his part was not in a good position to resist the labourers' attack on relativities. A skilful negotiator who had maintained a reasonable wage for his members by emphasis on traditional forms of industrial activity and insistence on the skilled nature of their work, he was simply not equipped to handle the new conditions.⁴⁴ The high level of organisation which the labourers needed for their innovative forms of industrial activity had never been necessary for the B.W.I.U.'s less itinerant, and more union-conscious membership. The difference of style was to become more obvious as the B.L.F. became increasingly militant.

In an interview with Australian Left Review in August 1970,⁴⁵ Munday consciously broke with his past associates, such as Clancy, when he spoke of the way traditional industrial activity had operated against the workers' interests:

...when a group of workers was involved in a struggle (and I could give many examples), after a few days or a week an array of union officials ranging from extreme right to extreme left would turn up and urge them, in different ways, to do the same thing - return to work to avoid the penal powers being slapped on the whole union or body of unions involved. The "left" officials usually justified this as being "in the interests of the class as a whole" as against those of the few score or few hundred workers actually involved. This may have been true in some periods and instances, but it became a habit and an excuse. There was too much readiness to settle rather than set out to win disputes.⁴⁶

He also attacked "left" union officials when speaking of the problems created among militant workers by the "arbitration mindedness that developed":

Most militant workers have been critical for years of the general passivity displayed in strikes, and the failure of communists and others on the left to really force the issues...These workers found

43 Jack Munday, "Towards New Union Militancy", Australian Left Review, No. 26, August-September 1970, p. 4.

44 This point was also made by Rod Madgwick (Interview: 21 December 1977) who had observed Clancy in action in industrial courts.

45 This interview became somewhat notorious. The views expressed in it were consistently cited by conservative politicians, employers etc. as proof of Munday's dangerous political philosophy. See later chapters.

46 Jack Munday, "Towards New Union Militancy", Australian Left Review, No. 26, August-September 1970, p. 3.

it difficult to differentiate who was who, who was left, right or centre when all urged return to work when it came to the prospect of a longer strike.⁴⁷

Clancy's reaction to the B.L.F.'s tactics in the Margins strike puts him squarely amongst those to whom Munday referred.

There was even a suggestion from some members of the C.P.A. that the entire strike "was an Aarons plot" to demonstrate part implementation of the recent Congress decisions and "embarrass" the "opposition" in the C.P.A.⁴⁸ Angus McIntyre subscribes to a refined version of this view when he writes of "the desire of the C.P.A....to establish the superiority of its industrial strategy" and Clancy's rejection of "the go-it-alone confrontation style implicit in the new C.P.A. strategy".⁴⁹ As the B.L.F. records show, the campaign to raise the labourers' wages had been decided upon well before the C.P.A. Congress had taken place. In December 1969 Munday both wrote in the journal⁵⁰ and discussed with the Executive⁵¹ the future strategy:

1970 will be a year of campaign to improve the wages and conditions of our members. The penal powers struggle and the left swing in the general elections show that more Australians oppose the reactionary government...and want a change.⁵²

What McIntyre fails to comprehend is that the left of the C.P.A. and the B.L.F. were being influenced by the same forces. The winds of change hinted at in the above passage were blowing throughout the Australian Left. It was not that Munday and the Aarons faction had set out to embarrass old style unionists such as Clancy, it was simply that Clancy had not felt the wind at all.

Another major reason for the wages campaign being launched at that time was because Part II of their award was due to expire in 1970. The exigencies of the bourgeois courts and not the intricacies of revolutionary theorising helped govern the Union's timetable. Munday acknowledged that the Margins campaign would be a "very big job"⁵³ and Joe Owens spoke of "setting out with a conscious policy to clear up wages and conditions".⁵⁴

The following narrative illustrates the industrial imperatives

47 Ibid., pp.4-5.

48 Ibid., p.7.

49 Angus McIntyre, Jack Munday, Unpublished Manuscript, n.d., 48pp., typed.

50 The Builders' Labourer, December 1969, pp.3, 39 & 41.

51 Minutes: Executive Meeting, 9 December 1969.

52 The Builders' Labourer, December 1969, p.41.

53 The Builders' Labourer, December 1969, p.3.

54 Interview: Joe Owens, 24 January 1978.

which governed the Union's activities. Political sectarianism had little influence.

In January and February 1970 there was activity around a National Stoppage⁵⁵ on the Margins issue which was to take place on 18 March. Job-site activity began to be channeled into the demand for \$6,⁵⁶ which was how the Margins demands translated into money terms. Sometimes stoppages which began over another issue ended up being part of the Margins struggle.⁵⁷ Leaflets and posters were distributed⁵⁸ and job delegates meetings were organised,⁵⁹ the leadership continually emphasising the importance of the struggle.⁶⁰ At one stage Munday even warned of the dangers of sectional disputes taking away "some of the value of action around the Margins campaign".⁶¹ The National Stoppage was a success although Munday reported on "weaknesses in the fact that there were very few stoppages in the suburbs". Gallagher however was impressed and congratulated the Branch on their part in the campaign.⁶²

Munday moved that a further stoppage be held⁶³ and that a letter be sent to the B.T.G. pointing out the Union's position on the Margins case.⁶⁴ At the Special Executive Meeting on 20 April he reported that an offer had been made by the employers which the Federation had rejected.⁶⁵ The Executive discussed in detail plans to police the next stoppage and the organisation of stop work meetings in the non-metropolitan areas.⁶⁶ The Executive decided that the recommendation to the 4th May Stoppage should be to stop work and meet again at the end of the week to let the workers know what had transpired at the Conferences with employers. Ironically, Munday sounded a warning about having a strike of an indefinite nature.⁶⁷ After some discussion the Executive eventually decided that no dispensations on an individual basis would be

55 Minutes: Executive Meetings, 27 January, 12 February and 24 February; Special Executive Meeting, 3 February; and General Meeting, 3 February 1970.

56 Minutes: Executive Meetings, 12 February, 3 March and 10 March 1970.

57 Minutes: Executive Meeting, 24 February 1970.

58 Minutes: Executive Meetings, 3 and 10 March 1970.

59 Minutes: Executive Meetings, 27 January and 10 March 1970.

60 Minutes: Executive Meeting, 24 February and General Meeting, 3 March 1970.

61 Minutes: General Meeting, 3 March 1970.

62 Minutes: Executive Meeting, 24 March 1970.

63 Ibid.

64 Minutes: Executive Meeting, 7 April 1970.

65 Minutes: Special Executive Meeting, 20 April 1970.

66 Ibid.

67 Minutes: Executive Meeting, 28 April 1970.

allowed to any employer until "the campaign has been successfully concluded".⁶⁸

The 4 May stoppage took place as planned except that the Canberra sub-branch "voted to accept over-award payments and not press with the Margins". Wollongong and Goulburn however had successful meetings and voted overwhelmingly in support of the strike.⁶⁹

The original decision not to allow individual dispensations to employers was reversed at this stage after some members of the rank and file argued that there would be nobody left to support the strike financially. They argued that "...we should join up the non-unionists instead of kicking them off the job".⁷⁰ Bob Pringle also believed it was good tactics to encourage divisions amongst the employers.⁷¹

Employers who agreed to pay the Margins claim and promised that all their workers would be financial unionists could bring their accounts books into the Union office to be inspected and then sign an agreement with the Union. These employers could then keep their job-sites working. This dispensation technique also relieved pressure on the tradesmen. Ball from the M.B.A. had threatened in the State Industrial Commission to stand down all tradesmen as from 6 May. Although the B.T.G. had pledged full support for the labourers' Margins campaign,⁷² the B.L.F. realised that the tradesmen's support would be qualified by the extent to which their own membership suffered.

The State Court had also directed the officials "to do all in their power to get workers back to work". The Executive did not even discuss the directive. The Sydney mass meeting had been enthusiastic and Munday commented that "a very positive aspect of the struggle was the number of activists who participated". Most of the officials reported successful stoppages in their areas although Forskitt had some trouble in Wollongong and Brian Hogan reported that some P.W.D. workers felt that dispensation agreements were unfair because their employer (the P.W.D.) would never be able to sign one. Lynch commented that in his area rank and file labourers were already checking up on whether job-sites had joined the strike.⁷³

There is no inkling in the Executive's discussion of the first days

68 Ibid.

69 Minutes: Executive Meeting, 5 May 1970. For more details on why Canberra took this attitude see chapter 4.

70 Interview: Bud Cook, 5 March 1978.

71 Interview: Bob Pringle, 8 March 1978.

72 Minutes: Executive Meeting, 5 May 1970.

73 Ibid.

of the strike that they realised what was to come. As Tom Hogan recalls: "It started off exactly the same as any other strike...out the gate... Six dollars was the big thing that we wanted to win".⁷⁴ Rank and filer Ralph Kelly remembers the atmosphere: "We felt we could go on strike for a week and knock 'em over...that was the spirit into which we moved that first week...We didn't know what was in store".⁷⁵ Bob Pringle argues that the previous one-day stoppages which had produced occasional acts of confrontation with scabs had built up an atmosphere where,

...we had the view that we'd probably only need to go about a fortnight and unfortunately that was our mentality because we didn't try to get dough in for the first fortnight.⁷⁶

By the second week of the strike however, the realisation that the nature of the stoppage had changed, was becoming clear. Munday argued: "Our strike should show [a] new conception of unionism".⁷⁷ The mass meeting on 8 May "showed a good fighting spirit" and Newcastle, Wollongong and Goulburn also "remained firm".⁷⁸ Munday describes the second week of the strike as the crunch, "when tradesmen were beginning to be stood down and there was a move for conferences and a 'responsible' approach of settlement through negotiations".⁷⁹

The B.T.G. met the M.B.A. on 11 May. The B.T.G. adopted a tactic that Bud Cook claims Munday instigated which was to "take up their own grievances"⁸⁰ when threatened with stand downs. Clancy opened by saying that if Builders Labourers claims were not met, other Building Trades would pursue accident pay.⁸¹ The B.L.F. asked for a "money amounts agreement but it wasn't forthcoming". The M.B.A. gave no guarantee other than to go to the national conference to be held in Adelaide the following week.⁸² Munday considered the Executive could make either of two recommendations to the Branch meeting:

One was to stop till next Friday, so as to get the results of [the] Adelaide conference. The other was to return to work pending the

74 Interview: Tom Hogan, 28 October 1977.

75 Interview: Ralph Kelly, 13 December 1977.

76 Interview: Bob Pringle, 8 March 1978. Pringle was eventually taken off the vigilante squad to be in charge of raising strike funds.

77 Minutes: Executive Meeting, 12 May 1970.

78 Ibid.

79 Jack Munday: "Towards New Union Militancy", Australian Left Review, No. 26, August-September 1970, p.6.

80 Interview: Bud Cook, 30 March 1978.

81 Minutes: Executive Meeting, 12 May 1970.

82 Minutes: General Meeting, 12 May 1970. Munday reported (Minutes: Executive Meeting, 12 May 1970), "Our propositions for \$4.90 and 70c follow-the-job were rebuffed..."

Adelaide conference...He favoured the former course despite its dangers. He considered the dangers as secondary because the main centre, the city, could withhold any attempts at strike breaking. If a resumption occurred prior to [the] conference the same pitch would be hard to regain. He believed that to get the second stoppage would be much harder. He said that at this stage we didn't have enough to offer the Rank and File to justify a resumption [of work].⁸³

In presenting the recommendation to the Branch meeting Munday reported that "on meeting the M.B.A. today it was evident they had been hurt". The meeting carried the recommendation to stay on strike with no recorded dissent. Reservations were expressed however about the amount of support the Branch was receiving from other unions and from the Federal body.⁸⁴

The B.L.F.'s position with regard to the B.T.G. had been tentative from the start. There is even dispute within the B.L.F. about whether the B.T.G. supported the Margins claim at all.⁸⁵

The situation was indeed delicate. The worsening political climate within the C.P.A. had reduced B.W.I.U.-B.L.F. relations to a stage where "despite the fact that Clancy and Munday had offices next door to each other there wasn't any discussion between the two unions."⁸⁶ Two further complicating factors were the issues of craft consciousness and of tradesmen being stood down.

The controversial nature of the Margins demand was a stumbling block in the labourers' bid for the tradesmen's support. They tried however. A leaflet issued during the strike announced: "We do not begrudge the tradesmen their money. If anything, in our opinion they are grossly underpaid for their skill..."⁸⁷ But it also pointed out that the increasing skill of the labourer could not be underestimated.

As for tradesmen being thrown out of work during the dispute, opinions again differ. Bud Cook agrees that "a lot of tradesmen were stood down but it never happened without B.Ls explaining the issue and asking for support".⁸⁸ Munday complained that "we couldn't get them

83 Minutes: Executive Meeting, 12 May 1970.

84 Minutes: General Meeting, 12 May 1970.

85 Tom Hogan, (Interviewed by Pat Fiske 1980) claimed "none of the other eight unions supported our claim for the extra money". Jack Munday, ("Interview with Jack Munday", Australian Left Review, No. 32, September 1971, p.13) argued: "Not only did the tradesmen's officials not agree [to 100% to 90%] but they failed to put forward any alternative relativity". Yet B.L.F. Document, An Urgent Call from Builders' Laborers to All Workers! 1971 claimed; "In 1970 the leaders of the N.S.W. building tradesmen's unions supported our claim".

86 Interview: Joe Owens, 4 April 1978.

87 Cited in Pete Thomas, Taming the Concrete Jungle, p.17.

88 Interview: Bud Cook, 30 March 1978.

involved" and alleged that "often employers carried the tradesmen in order to turn them against us".⁸⁹ Ralph Kelly remembers seeing tradesmen "who were out of work because of the strike, waiting to see the result of our stop work meeting".⁹⁰ Joe Owens conceded that "some rank and file carpenters supported us and some [B.W.I.U.] union officials even went out on jobs with us".⁹¹ Jack Healey for one was reported as being "of excellent assistance"⁹² in the first days of the strike.

On the issue of industrial support, the B.W.I.U. only claims that they "organised their membership to refuse to do builders labourers work or to work with scabs".⁹³ This is a fairly typical union reaction to any stoppage and certainly does not imply any great enthusiasm or support for the labourers' cause. Joe Owens may have been justified in his belief that "we got more support from the A.W.U. and the T.W.U. than we did from the B.W.I.U.".⁹⁴ Certainly the transport workers and later the A.W.U. played a valuable supporting role. The T.W.U. had been approached for support before the strike began.⁹⁵ They were asked to ban concrete deliveries to building sites because it is B.L.F. work to pour concrete from the trucks. On the second day of the stoppage Munday reported that the "transport workers have co-operated in an excellent way".⁹⁶ By the second week Munday reported that "stopping concrete pours has been a real key to [the] dispute".⁹⁷ In recognition that the concrete drivers were losing work he announced with some relief that the sixty employers who had signed the agreement "were mainly concreters and [this] would assist the transport union".⁹⁸ Brian Hogan also added that he believed that concrete drivers would see that plenty of work would be available at the end of the dispute.⁹⁹

By the second week the T.W.U. was put under pressure from the employers to pour concrete. They continued to pledge support for the B.L.F. but criticised the fact that "sand, bricks etc. [were] getting through".¹⁰⁰ This was not entirely a problem which could be solved by

89 Interview: Jack Munday, 30 March 1978.

90 Interview: Ralph Kelly, 13 December 1977.

91 Interview: Joe Owens, 24 January 1978.

92 Ron Donoghue, Minutes: Executive Meeting, 5 May 1970. Healey was the only B.W.I.U. official who remained with the C.P.A. after the formation of the S.P.A.

93 The Building Industry Branch of the S.P.A., Six Turbulent Years, p.49.

94 Interview: Joe Owens, 24 January 1978.

95 Minutes: Executive Meeting, 28 April 1970.

96 Minutes: Executive Meeting, 5 May 1970.

97 Minutes: Executive Meeting, 12 May 1970.

98 Minutes: General Meeting, 12 May 1970.

99 Minutes: Executive Meeting, 12 May 1970.

100 Minutes: General Meeting, 12 May 1970.

the B.L.F. In fact, at this stage the strike was quite solid, particularly in the C.B.D. where most concreting work occurred and Munday had reported that "picketing has been good".¹⁰¹

The problem was that another important union dispute was taking place which was to significantly affect the B.L.F. The A.W.U. was in the throes of a legal battle which came to a head in the second week of the labourers' strike. Lou McKay whose Better Deal Committee had won control of the N.S.W. A.W.U. in October 1969 dismissed the (even then) elderly right-wing Charlie Oliver as state Secretary in January 1970. However a full bench of the Commonwealth Industrial Court reinstated Oliver as Secretary in May 1970.¹⁰² Digby Young, a concrete batcher, who was leader of the A.W.U. concrete committee at the time recalls that McKay, even though he had won election as a "reform" candidate had "decided to scab on the labourers". When Oliver retained office he reversed the decision and "had the concrete cut off to all building sites still working".¹⁰³ This greatly helped both the T.W.U. and the B.L.F.

The second issue that concerned members at the 12 May meeting was support from interstate. Owens felt that "not enough pressure had been placed on interstate builders and we should call for more support". Ron Donoghue put forward that "as other states would benefit perhaps they could give financial support" and Munday commented that "other states could have done more". There was also a general suspicion that the other states would accept interim payments.¹⁰⁴

101 Minutes: Executive Meeting, 12 May 1970.

102 The Australian, 16 December 1971.

103 Interview: Digby Young, 1 March 1979. Young's analysis is supported by comments made at the May Branch meeting (Minutes: General Meeting, 12 May 1970). This incident had an interesting follow-up. Ten years later, in an article about the B.L.F.-A.W.U. demarcation disputes in the Hunter Valley (National Times, 30 November 1980) Ross Greenwood claimed that "power struggles in the B.L.F. between Jack Munday and Norm Gallagher in the early seventies led to the N.S.W. B.L.F. missing out on work in the country areas". This drew an indignant response from Munday who claimed that "one of the many differences between N. Gallagher and myself was our approach to demarcation". After pointing out that demarcation disputes were divisive he added "we enjoyed a harmonious relationship with Charlie Oliver and the N.S.W. A.W.U. despite differing political and ideological views. In fact during the big strikes in 70 and 71...Charlie Oliver was most co-operative and assisted the N.S.W. B.L.F." (National Times, 7 December 1980). When I mentioned this letter to Oliver (Conversation, 11 December 1980) he beamed and confessed he was "thrilled at Jack's letter". He proffered the information that "Jack was a good little bloke, you didn't need it in writing, he did what he said he would".

104 Minutes: Executive Meeting, 12 May 1970.

The Adelaide conference with the M.B.A. did nothing to allay the N.S.W. Branch's suspicions about either the intentions of the employers or the degree of support from other Branches. The M.B.A. offered from one dollar to two dollars interim payment which was to be final for skilled labourers "and a brisk work value case on riggers and scaffolders be heard". Munday reported that the offer was rejected and added "...an attempt was being made to really put screws on Builders Labourers". His report on the attitudes of the other B.L.F. branches was equally bleak. Delaney had expressed the opinion that more financial assistance should be given to N.S.W. and Gallagher thought Victoria should use guerilla tactics. However Munday's opinion was that "more direct action [should] be taken by other states". He therefore recommended that the N.S.W. Executive instruct Gallagher to call for a general stoppage of all builders labourers. Theo Austin moved that the F.M.C. be asked to call a national stoppage from 25 May "round the Federations claims" and this was carried.¹⁰⁵

The response to this motion was poor. The F.M.C. called for a national stoppage but Tasmania and Western Australia only went out for 24 hours and South Australia, which pleaded special circumstances,¹⁰⁶ and Queensland did not respond at all. Gallagher "was upset over the decision of the Queensland Branch" and commented that there was:

...an un-evenness in the Federation's campaign for a new Federal award and that in his opinion the campaign needed to be speeded up to help relieve the pressure in N.S.W., where the members in that State were entering the fifth week of being on strike and these members had to be fully supported. He felt that there was not enough being done by the other Branches.

Gallagher reported that he had requested the Victorian Branch to call a four day stoppage to apply more pressure to the employers in Victoria.¹⁰⁷

Bobby Baker, a N.S.W. rank and filer, attended the Victorian meeting at the Fitzroy Town Hall. He recalled that the Victorian members were encouraged by accounts of the N.S.W. strike and moved "to do exactly the same thing".¹⁰⁸

Munday criticised the F.M.C. "for allowing the truce period to drag on" and argued that there should have been more co-ordination in relation to the campaign. He called on the Branches to "speed up the

¹⁰⁵ Minutes: Executive Meeting, 20 May 1970.

¹⁰⁶ A cement strike had forced builders labourers out of work for four weeks.

¹⁰⁷ Minutes: Federal Management Committee, 1 June 1970, p.2.

¹⁰⁸ Interview: Bobby Baker, 16 May 1980.

campaign and to assist the N.S.W. members financially¹⁰⁹ as the strike was entering the fifth week".¹¹⁰

Given that the only significant support came from Victoria and even then only in the final days of the struggle, Munday's comments in the Branch Journal were diplomatic to say the least:

Though all States of the Federation were not involved sufficiently, it was our first national campaign and as we learn the necessary lessons it will auger well for future national action by our Federation. N.S.W. bore the brunt of the campaign and we thank the other States for their moral and financial support.¹¹¹

Munday's comments in this issue of the journal are significant in more ways than one. Not only was he excessively mild in his criticism of the Federal body, but he was also remarkably restrained in his treatment of the B.W.I.U. and the B.T.G.:

Thanks to the B.W.I.U. who contributed over \$1300 (112) to our campaign and assisted in many other ways during the strike. Other building unions all contributed financially and morally and to them all we say 'thanks'. Their display of unity will assist the whole B.T.G.¹¹³

These comments about the Federal body and the B.W.I.U. should not be seen as an accurate reflection of the N.S.W. Branch's feelings at the time. Rather they should be regarded as attempts to foster solidarity amongst building workers and to avoid public sectarian debate which the leadership felt would only push the labourers further into the semi-isolation which their militant tactics had produced. However, it is revealing that, although the B.W.I.U. were dutifully thanked, it was the T.W.U. which received most of the kudos. Munday wrote:

What splendid support we received from the Transport Workers' Union. Their leaders Ted McBeattie and Geoff Martin and the Ready Mix Concrete section of the union deserves special mention.¹¹⁴

Joe Owens waxed almost lyrical:

Our special thanks to the Transport Workers Union for their help, especially the concrete truck drivers who would not deliver concrete

109 Gallagher reported that a national collection list had been sent out and that "it was the responsibility of every branch to contribute to the Fund". Minutes: Federal Management Committee, 1 June 1970, p.2.

110 Minutes: Federal Management Committee, 1 June 1970, p.3.

111 The Builders' Labourer, July 1970, pp.3 and 5.

112 Altogether over \$16,000 was contributed to the Fighting Fund. *Ibid.*, p.4

113 The Builders Labourer, July 1970, p.5. Eight years later Munday was not so charitable. When questioned about the claim in Six Turbulent Years, pp.48-9 that "substantial financial support was given" he remarked "they only gave one or two thousand dollars and they had to give this because they were a 'militant' union". Interview: Jack Munday, 3 April 1978.

114 *Ibid.*, p.5.

to scab outfits during the dispute. The majority of these drivers are buying their own trucks, and are in severe financial difficulties because of the support they so whole-heartedly gave us in the strike. Through the columns of this journal we publicly state our sincere thanks. We say further that, in any dispute of your own which may arise in the future, call upon us for both moral and financial support. Thanks again and good luck.¹¹⁵

Owens, in a significant gesture omits all reference to the other building unions. Munday was always more into mending fences than was Owens.

It is interesting that the only other unions to receive special thanks were the maritime unions; interesting because these unions were (and still are) controlled by that element within the C.P.A. which broke away in 1971 to form the S.P.A. Relations with Clancy had obviously deteriorated faster than those with the union leaders not associated with the building industry. Munday wrote:

In their open hearted, traditional manner seamen and wharfies opened their pockets generously. Our thanks to them and their leaders and to all maritime unions.¹¹⁶

and later "...our special thanks to the wharfies and the seamen who, despite troubled times of their own, gave so generously during the five weeks of our blue".¹¹⁷

Other unions listed as having contributed to the strike fund included most of the traditional "left" unions such as the Sheet Metal Workers, the Boilermakers, the Painters and Dockers, the Fire Brigade Union, the Miscellaneous Workers Union, and "officers of the Teachers' Federation". An intriguing addition to the list is the conservative Liquor Trades Union. Within the building industry financial support came from the Painters Union and the Tile Layers Union, both closely associated with the B.W.I.U., and from the extreme right-wing Plumbers and Gasfitters Union. Tom Anthes from the A.S.C. & J. was listed as an individual donor.¹¹⁸ The list reveals a fairly typical smattering of support that would be expected for any "left" union struggle of that period. The only divergence from the norm was that there was slightly less support from the building trades than would have occurred in the sixties. This lack of support stemmed from the B.L.F.'s original deep seated differences with the B.W.I.U. but was exacerbated by two further

¹¹⁵ Joe Owens, "Some Highlights of a Strike that Made History", The Builders' Labourer, July 1970, p.21.

¹¹⁶ Jack Munday, "Rattling the Employers", The Builders Labourer, July 1970, p.5.

¹¹⁷ The Builders' Labourer, July 1970, p.35.

¹¹⁸ Ibid. I have retained the use of the unions' short titles as listed.

incidents during the strike. The first and most serious was the B.W.I.U. leadership's reaction to the vigilantes' tactics¹¹⁹ and the second was the B.W.I.U.'s attempt to bring about a return to work.

The tradesmen's lack of enthusiasm for the struggle had become obvious by the third week of the strike. At the 20 May Executive meeting Munday "expressed concern at luke-warm support from other Building Trades". Austin thought that "the reason for the Labour Council not moving into the dispute was caused mainly by tradesmens' unions not fully supporting our struggle". Maurie Lynch agreed with this, commenting that "lack of activity of other unions accounted for non-involvement of labor council".¹²⁰

During this third week, Munday and Pringle met with "a group of Communist Party B.W.I.U. officials"¹²¹ and Clancy advised the B.L.F. to return to work. This was an incident that remained indelibly imprinted in the minds of the leadership. All officials when questioned about the strike mentioned this event. Tom Hogan recalled that "...half way through, Clancy came to us and declared we'd lost the strike".¹²² Joe Owens added:

He told us to pack it in...we knew the men wouldn't like it so we went on...it was the beginning of the real break with the B.W.I.U. We no longer looked on them as our ideological mentors.¹²³

Munday referred to Clancy as "recommending we go back to work at a key time in the struggle" and claimed "he was embarrassed by our militancy".¹²⁴

Bob Pringle gives perhaps the most revealing account of the event. He was not in the C.P.A., did not know Clancy as well as Munday did and had felt for some time that Munday was unduly embittered toward the B.W.I.U. He described how this consultation with Clancy changed his view. After a particularly difficult meeting with the M.B.A. and in the middle of the hardest fought strike in bluiding industry history, he and Munday visited Clancy:

There he was, sitting behind his desk, twiddling with his paper-weight...criticising our actions and quoting from Sharkey's book about generalling a strike. That was the end of it for me.¹²⁵

The points made by Clancy were no doubt similar to those made later by the S.P.A. building branch when commenting upon vigilante actions:

¹¹⁹ Discussed later in this chapter.

¹²⁰ Minutes: Executive Meeting, 20 May 1970.

¹²¹ Interview: Joe Owens, 24 January 1978.

¹²² Tom Hogan: Interviewed by Pat Fiske 1979.

¹²³ Interview: Joe Owens, 4 April 1978.

¹²⁴ Interview: Jack Munday, 3 April 1978.

¹²⁵ Interview: Bob Pringle, 8 March 1978.

The B.L.F. leaders had failed to realise that it was not the few thousand dollars worth of demolished building or brickwork etc., that worried the building bosses, but rather, the loss of millions of dollars in production and profits through the collective power of workers in strike struggle.

Above all they failed to observe the basic issue that workers and their unions must try to maintain tactics and forms of struggle that win and not repel public support.¹²⁶

This argument echoes closely Sharkey's view that:

A dangerous heritage of anarcho-syndicalism is a tendency in time of strikes to rely upon the actions of individuals and small groups to deal with strike-breakers, substituting this for mass action by all of the strikers against the strike breakers. There is also still a need to combat the anarcho-syndicalist tendency towards "sabotage".¹²⁷

Of course, the S.P.A. version sets up a false frame of reference. The B.L.F. vigilantes did not demolish building sites to "worry the building bosses" but to stop scab labour, and in this they were successful. It was not a tactic designed to ensure mass participation or public support but a specific response to a specific situation.

However what is more important is that Clancy was wrong in his analysis of the struggle and his advice to return to work proves this.

The labourers had been in a delicate position since the Conference with the M.B.A. on 11 May.

At this stage there was little preparedness by the Master Builders to concede anything substantial. But when the laborers disappointed their expectations for return, based on previous experience and... pressures within the union movement, [my emphasis], they got a big shock.¹²⁸

The fact that the B.L.F. had been able to withstand pressure from out-of-work tradesmen probably was a surprise for the M.B.A. but "they got an even bigger one from the vigilante groups and so they had to change their tune". Munday believed that the M.B.A. "...would have succumbed earlier...had it not been for pressure from governments and other groups and employers more powerful than the Master Builders".¹²⁹ The fact that many¹³⁰ individual employers did "succumb earlier" by signing the dispensation agreement adds credence to Munday's assertions. He also believed that the individual agreements were having the effect

¹²⁶ Building Industry Branch of the Socialist Party of Australia, Six Turbulent Years, p.25.

¹²⁷ L.L. Sharkey, The Trade Unions, p.24. A more detailed analysis of B.W.I.U. industrial philosophy can be found in chapter 10.

¹²⁸ Jack Munday, "Towards New Union Militancy", Australian Left Review, August-September 1970, p.6.

¹²⁹ Ibid.

¹³⁰ Over 60 in the 1st week. Minutes: General Meeting, 12 May 1970.

of "splitting the employers in N.S.W."¹³¹

Not only were the employers split by Union tactics, they were eventually out-run. In the fifth week of the strike, on 8 June, the labourers returned to work. Resumption took place after private discussion with employers produced an agreement which provided immediate interim increases ranging from \$1.75 to \$2.50 with an immediate brief work value case to be conducted for riggers, scaffolders and concrete finishers. "Private assessments" indicated that the interim amounts would constitute "approximately half of the final margin content increase".¹³² The expected national increases from this formula were expected to be "\$6.30 for riggers and \$5.80 for most of the others".¹³³ An increase in "follow the job" allowance was promised and the new Award was to date from 1 July.¹³⁴

This was everything that the Union had demanded, and in the rigger's case, slightly more. Ever wary of both the boss and the courts the F.M.C. declared: "If private assessments are not fulfilled, all builders labourers will immediately strike throughout Australia".¹³⁵

The N.S.W. Executive also discussed the possibility of a sell-out. Munday

...mentioned disconcerting articles in Construction the M.B.A. journal particularly statements by Premier Askin. He mentioned Askin's whispered reports of arbitration winning out shortly. He warned that this could mean a double cross by M.B.A. and arbitration courts. If this happened...an even larger and more united strike would occur.¹³⁶

This arrangement to defer for a few months the entire increase is a common industrial procedure and was seen by the membership as merely a "face saver" for the M.B.A.¹³⁷ Yet this interim agreement drew from Ray Rocher, a later industrial officer for the M.B.A., and himself deeply involved in the strike, the charge that Munday had been offered the same "deal" at the beginning of the strike as he accepted at the end:

...an...issue resolved at the end of five weeks was resolved on the same basis of five or six weeks before...Yet at the end of it, despite the fact that we made it known that he had gone back on the same deal that was offered to him earlier, he was still seen as a champion of the cause. Yet in fact he cost them a lot of money but he was able, because of his own personality, to convince people that he had done the right thing. He had led them right and they were good fellows for following him. Just an amazing personality.¹³⁸

131 Minutes: Federal Management Committee, 1 June 1970, p.3.

132 Ibid.

133 Tribune, 17 June 1970, p.10.

134 Minutes: Federal Management Committee, 1 June 1970, p.7.

135 Ibid.

136 Minutes: General Meeting, 9 June 1970.

137 Interview: Ralph Kelly, 13 December 1977.

138 Ray Rocher: Interviewed by Pat Fiske 1980.

There is no support in the record for this claim. In fact the eventual result was that the Union's expectations were substantially fulfilled. The work value case was begun immediately¹³⁹ but dragged on under Commissioner Watson for slightly longer than expected.¹⁴⁰ The eventual decision almost eliminated the differential in pay between the highest paid labourer (the rigger) and the tradesman.¹⁴¹ This rise in status for the labourer was to have a profound psychological and industrial effect. The F.M.C. congratulated

all members for their sterling militant action in this historic national wages campaign...[which] elevates the A.B.L.F. to a new height as a united, progressive Union always prepared to fight in the interests of our members and the working class generally.¹⁴²

However an aspect of the strike that was almost as important as the final result in the development of the Union's militancy, was the extent to which the membership involved itself in decision making and militant activity. Munday later commented on the rank and file participation:

It surprised many experienced union leaders that in a casual industry such as ours we could maintain the involvement of so many in a five week strike. In fact the tendency was for attendances at mass meetings to increase. The vigilante groups had their main development in the fourth and fifth weeks of the dispute. The decisions of numerous mass meetings in Sydney, Newcastle, Wollongong and Goulburn were either unanimous or overwhelmingly in favor of continued action.¹⁴³

He estimated meeting attendances as 1200 in the fifth week in Sydney and "the best ever" in Newcastle and Wollongong.¹⁴⁴

The Sydney Morning Herald reports support Munday's claims. The estimated attendance figures for the mass meetings were 1200 on 8 May,¹⁴⁵ 2000 on 10 May,¹⁴⁶ 1500 on 13 May,¹⁴⁷ 800 on 29 May¹⁴⁸ and 800 on 6 June.¹⁴⁹ These figures are remarkable for a Union that only had a membership of $2\frac{1}{2}$ thousand at the time.

One of the reasons for this mass participation was the effort that the leadership put into communicating with the members. Before, during

139 On 10 June (Minutes: General Meeting, 9 June 1970).

140 Tribune, 22 July 1970, p.2.

141 (1970) 133 C.A.R. 552.

142 Minutes: Federal Management Committee, 1 June 1970, p.7.

143 Jack Munday, "Towards New Union Militancy", Australian Left Review, No. 26, August-September 1970, p.6.

144 Ibid., p.2.

145 Sydney Morning Herald, 9 May 1970.

146 Sydney Morning Herald, 11 May 1970.

147 Sydney Morning Herald, 14 May 1970.

148 Sydney Morning Herald, 30 May 1970.

149 Sydney Morning Herald, 7 June 1970.

and after the strike, the officials produced fifteen leaflets and circulars¹⁵⁰ about the Margins claim and the progress of the strike. Most of these were sent to all builders labourers although a few went just to job delegates.

But it was not just attendance at the mass meetings that was significant, it was the number of rank and filers who were actively involved, not only in vigilante activity but in a decision making capacity between the mass meetings. Munday calculated that 250 or more were engaged in constant activity.¹⁵¹

From the very beginning the Executive organised "activists' meetings"¹⁵² but these soon took on a life of their own. They were held virtually every morning and became the informal policy making body during the strike:

Those people actively involved in the strike were making the decisions between general meetings...they were binding on the Executive and the only way they could be cancelled was by a general meeting decision.¹⁵³

One of the rank and filers involved in these meetings was Mick Curtin. He recalls that one of their important tasks was to decide what recommendations the Executive would make to each mass meeting. "All the vigilantes were invited in order to work out recommendations. There were about 120 of us...we'd have a cup of coffee and a biscuit and a discussion...There were only minor differences."¹⁵⁴ Bud Cook agrees with this; "...no decisions came from the top level. Everything was kicked around and argued and finally a general consensus decision was made by everybody...It worked out very good...the blokes were very happy about the whole scene".¹⁵⁵ Munday saw these developments as important: "The openness and involvement was something very different".¹⁵⁶

A good indication of the way in which power was being de-centralised by this process was the number of different names that were quoted in the media as spokesmen for the Union. "It wasn't just Jack... organisers, rank and filers, everybody used to answer phones and so on.

150 N.S.W. B.L.F. Circulars, 16 February, 26 March; 7, 17, 28 April; 7 September 1970. Leaflets, 18 March; 25 May, 5 June 1970. Recommendations 27 April; 8, 13, 22, 29 May; 5 June 1970.

151 Jack Munday, "Towards New Union Militancy", Australian Left Review, No. 26, August-September 1970, p.2.

152 Minutes: Executive Meeting, 5 May 1970. Old-style official M. Lynch objected to these meetings and thought "that the rank and file should be here only as observers".

153 Interview: Bud Cook, 5 March 1978.

154 Interview: Mick Curtin, 29 February 1976.

155 Interview: Bud Cook, 5 March 1978.

156 Interview: Jack Munday, 13 August 1975.

Because we had meetings every morning you'd find different blokes being cited in the press every day."¹⁵⁷

This same unrestricted policy was applied to media attendance at the mass meetings. Unlike many other unions, the B.L.F. never excluded the media, "...we had nothing to hide. We got bad and good reports but it was an open policy".¹⁵⁸

However, the final meeting of the strike presented a difficult problem. The Commission had agreed to the \$6 rise to be paid from 1st July but only if the labourers returned to work. This private agreement could not be made known publicly before resumption took place. The Executive, who did not want to mislead the membership, were placed in a sensitive situation. They recommended to the mass meeting that the press be excluded:

Fred Wells [from the Sydney Morning Herald] put on an act. We agreed with a policy of openness from the platform. We were in hot water. Eventually we showed real skill and told the press the situation. We let them in and they kept their side of the bargain [not to print details of the private agreement]. We got good press that day.¹⁵⁹

Although the recommendation to return to work was a sensitive one, and "we felt it could go either way" the outcome of the meeting was an overwhelming vote in favour of the Executive recommendation "with only about three people getting up against it".

The "tense scene" had been exacerbated by press reports about vigilante actions and "blatant attacks from outside and inside the trade union movement".¹⁶⁰ The Union journal explained:

The Sydney Morning Herald in two editorials urged rank and file members to reject the leadership. The Daily Telegraph true to form indulged in its usual Red smear tactics in an attempt to divide us.

The combined efforts of the dailies and some radio and T.V. stations chalked up a miserable failure in their efforts to disrupt our unity.¹⁶¹

The journal was not exaggerating. One Sydney Morning Herald editorial expatiated:

...Mr Munday, a leading member of the Communist Party, seems to be out to make a name for himself and his party in an extreme and adventurist manner. His union followers should consider where he is leading them before it is too late.¹⁶²

Munday later commented about this editorial that there were "also older trade union leaders, including some on the 'left', who expressed the

¹⁵⁷ Interview: Bob Pringle, 8 March 1978.

¹⁵⁸ Interview: Jack Munday, 3 April 1978.

¹⁵⁹ Ibid.

¹⁶⁰ Interview: Mick Curtin, 29 February 1976.

¹⁶¹ The Builders' Labourer, July 1970, p.3.

¹⁶² Sydney Morning Herald, 29 May 1970.

same sentiment".¹⁶³

In the light of these attempts to isolate the leaders from the rank and file, it says much for the Union's democratic practices that no apparent disenchantment took place. In fact certain areas of the membership were more active than the officials had expected. For instance the migrant members "who we felt would be fairly quiet"¹⁶⁴ "played a magnificent role"¹⁶⁵ and the P.W.D. workers, also a somewhat stable area of the industry "were widely involved".¹⁶⁶

Mundey believed that one reason why "as each day went by the members solidarity was becoming stronger" was that "there had been a very big change in relation to the workers' attitude to the Penal Powers".¹⁶⁷ Also he felt that the particularly stubborn stand taken by the employers strengthened the solidarity of the workers. He wrote that the strike "was triggered off by a refusal of the Master Builders' Association to even sit down and negotiate".¹⁶⁸ He admitted:

We played it up well...promoted that part. We made ourselves out to be the reasonable ones. We took advantage of their stubbornness and their failure to even sit down and talk. It became so obvious.¹⁶⁹

However the most important contributing factor to solidarity between the leadership and the rank and file was the officials' own actions. They were already receiving only the same wage as the members on the job¹⁷⁰ but during the strike they added to their egalitarian philosophy by resolving "that officials' wages be stopped whilst the strike is on".¹⁷¹ Not one official dissented from this decision, despite

163 Jack Mundey, "Towards New Union Militancy", Australian Left Review, No. 26, August-September 1970, p.5.

164 Interview: Jack Mundey, 13 August 1975.

165 Interview: Mick Curtin, 29 February 1976. As mentioned previously, it was difficult to gather specific information on migrant participation but all the labourers interviewed claimed that migrant participation was good.

166 Interview: Joe Owens, 4 April 1978.

167 Minutes: Federal Management Committee, 1 June 1970, p.3.

168 Correspondence: J. Mundey to J.D. Martin, Executive Director, M.B.A., 26 August 1971.

169 Interview: Jack Mundey, 3 April 1978. Ralph Kelly (Interview, 13 December 1977) claims that just prior to the 4 May stopwork meeting "employers inserted notes in our paypackets saying how much it grieved them to see our wives etc. starving and that we should attend the next strike meeting and vote according to our conscience". He added dryly "Thousands did attend and roared their approval".

170 The Builders' Labourer, July 1970, p.3. Most union officials receive a loading on their members' award wages of up to 25% or are paid extra for early morning or evening commitments.

171 Minutes: Executive Meeting, 20 May 1970. No wages during industry strikes became established Union policy from then on.

the fact that they were all working harder than ever. Munday believes that the resolution "helped a lot"¹⁷² and was one of the factors which brought about the situation where "builders labourers demonstrated their confidence in their elected leaders, while newspapers, employers and the police were telling us what to do".¹⁷³ He also reported to the Executive that "a new high had been reached in co-operation of officials and Rank and File".¹⁷⁴

Munday capitalised upon the strike situation to pound home in the journal a few points of democratic policy:

It is an undeniable fact that the union leadership and the members are as one. Quite unlike many bureaucratic union leaderships it is our main aim to develop this position even further...The leadership aims for "total involvement" in decision making by the membership. We are opposed to "top" decision making without reference to the membership...

How many other unions, particularly the Right-wing led unions, really try to involve their members in industrial action and real decision making...

As we are a relatively small union...imagine for a moment what struggles could be waged by the bigger unions with their greater resources, if they really involved their membership as we did in direct confrontation with the wealthy employers.¹⁷⁵

This was a theme that the leadership, particularly Munday and Pringle, were to propound continually during the next five years. All were convinced that the 1970 strike and the methods of collective decision making that evolved had changed the Union dramatically.

Munday was effusive in his thanks "to all our courageous members who have shown how they can fight to improve their living conditions"¹⁷⁶ and "to all delegates and rank and filers for the wonderful struggle the Union conducted".¹⁷⁷

At the June Branch meeting immediately following the resumption of work, he dwelt again on the Union's solidarity:

The spirit through the whole five weeks, and since, answers those who say that in these days of hire-purchase it's not possible to have a long strike. It's shown that if people believe in something, they'll accept whatever sacrifice comes to them in fighting for it.¹⁷⁸

172 Interview: Jack Munday, 13 August 1975.

173 *The Builders' Labourer*, July 1970, p.3.

174 Minutes: Executive Meeting, 16 June 1970.

175 Jack Munday, "Our Strike Proves they Fear Workers' Action Most", *The Builders' Labourer*, July 1970, p.3.

176 *The Builders' Labourer*, July 1970, p.5.

177 *Ibid.*, p.13. He also thanked supporters ("you good people") "Your letters, your sympathies and your donations went a long way to helping us win our blue". *Ibid.*, p.21.

178 Pete Thomas, "Brothers, sisters and the kids when the B.L.F. meets", *Tribune*, 17 June 1970, p.10.

In reporting the Branch meeting, Pete Thomas observed "...the thing that stood out was that, after five weeks on the grass, their militant morale was as high as ever".¹⁷⁹

As if to emphasise the Union's radical departure from "normal" union activity the wives of the striking labourers were invited to the Branch meeting. President Bob Pringle welcomed them to "this historic meeting" and they proceeded to involve themselves in the business of the Branch. Doris Jobling moved a protest motion against the Education Minister who had claimed that the strike could delay completion of school buildings for up to six months. Other women asked that finance raising be undertaken at an earlier stage in future strikes, a deficiency which officials admitted had occurred.¹⁸⁰ Women composed about a fifth of the meeting and even small children were there.¹⁸¹ Munday later admitted "...we should have done this [call the wives together] at the beginning".¹⁸²

Further evidence of participation and solidarity were the successful street demonstrations "in which our members held the streets against the attempts of the police to move them onto the footpaths". This was, according to Munday "another blow for the view that the streets are for the use of people and not just for commercial activity and military parades and that kind of 'law and order'".¹⁸³ While such language was common among young students and "new left" intellectuals of the period, it was most uncommon, in fact non-existent, among other blue-collar union Secretaries. This emphasised again the changing nature of the Union and its leadership.

However the most radical acts of solidarity and most obvious manifestations of membership participation arose out of the activities of the (now famous) vigilantes.

The first point to make about the vigilante activity of the 1970 strike is that there were very good reasons why that sort of tactic developed. That the reasons were strategic rather than ideological is a factor which many later critics have overlooked. Certainly the

¹⁷⁹ Ibid.

¹⁸⁰ Minutes: General Meeting, 9 June 1970.

¹⁸¹ Pete Thomas, "Brothers, sisters and the kids when the B.L.F. meets", Tribune, 17 June 1970, p.10. Another significant feature of the meeting was a unanimous resolution declaring disgust at the actions of construction workers in the U.S. for attacking anti-Vietnam demonstrators. Minutes: General Meeting, 9 June 1970.

¹⁸² Jack Munday, "Towards New Union Militancy", Australian Left Review, No. 26, August-September 1970, p.8.

¹⁸³ Ibid., p.2.

ideological climate within the Union was ripe for it, but as Tom Hogan points out "...the Vigilantes was a bit like Topsy - it just grew".¹⁸⁴

The issue of "scabbery" in the industry had not previously been such a clearly identifiable threat to industrial activity: "Scabbing had never been a significant element in the past because strikes were, through the sheer economics of the penal clauses, short lived affairs".¹⁸⁵ In a long drawn out stoppage, strike breaking became more likely to occur and also more of a direct threat to the success of the strike. Pringle believes that it was really "the first time since 1959 that scabbing became an issue"¹⁸⁶ and Owens adds that in the 1970 strike the M.B.A. "used scabbing as a deliberate policy to smash the strike".¹⁸⁷

Another complicating factor was the haphazard nature of the building industry. Not only was it widespread geographically but it was also very unorganised.¹⁸⁸ It was controlled by many diverse groupings or simply not controlled at all. Among the workers there was considerable non-unionism, particularly in the outer suburbs, and the employers were not organised into one cohesive body either. Although the M.B.A. was the most significant employer organisation in the industry there were many individual builders who were not members, and there were also craft groupings such as the Paviers Association who disagreed with the M.B.A. about the conduct of the strike.¹⁸⁹

So, as the strike dragged on, as well as the organised strike-breaking of the M.B.A., the smaller builders who were much harder to monitor also began starting up jobs that had been closed down by pickets in the first few days. As Pringle puts it "...they started sneaking back to work".¹⁹⁰ This was obviously easiest in the suburbs and that was where most "scab" activity took place. Members travelling in on trains and buses to mass meetings would report jobs working.¹⁹¹

It became obvious by the end of the second week that strike-breaking activity was not being effectively curtailed.¹⁹² It also became obvious

184 Tom Hogan: Interviewed by Pat Fiske 1980.

185 Paul Gardiner, "The Rise of Jack Munday's Trendy Union - with Clarrie O'Shea's Help", Australian Financial Review, 8 June 1973.

186 Interview: Bob Pringle, 8 March 1978.

187 Interview: Joe Owens, 24 January 1978. He gave as the reason why the M.B.A. tried so hard to break the strike "they saw we'd be driven back to the B.W.I.U. and to the accepted norms...the employers knew the differences that existed".

188 Mick McNamara: Interviewed by Pat Fiske 1976.

189 Minutes: Special Executive Meeting, 20 September 1971.

190 Interview: Bob Pringle, 8 March 1978.

191 Tom Hogan: Interviewed by Pat Fiske 1979.

192 Minutes: Executive Meeting, 20 May 1970.

that unless it was, the strike would be broken. Pringle and Munday discussed the issue, and decided that "the men's dissatisfaction with the number of jobs that were working"¹⁹³ was so great that drastic measures were required.

Another problem that required urgent redressive measures concerned the support the Union was receiving from the T.W.U. The concrete drivers criticised the fact that the B.L.F. seemed unable to stop labourers from working when the T.W.U. members had put themselves out of work to support the strike.¹⁹⁴

Munday also believed that the Union had a moral obligation to protect their members' jobs:

The decisions of numerous mass meetings in Sydney, Newcastle, Wollongong and Goulburn were either unanimous or overwhelmingly in favor of continued action. These demonstrations of determination obliged us to stop the small number of tradesmen and non-unionists from performing our work.¹⁹⁵

So the need to take effective action against the strike breakers became paramount but the actual tactics to be employed were not yet defined. Munday indicated both the urgency of the problem and his own indecision about an appropriate response at the 20 May Executive meeting. He argued that "next week more efforts must be made to stop scab labour from working" and that "keeping jobs stopped [was]...of prime importance". However, despite urging that "careful consideration should be given...to tactics"¹⁹⁶ he gave no indication of what tactics he thought should be employed. On the other hand Brian Hogan left little doubt about what he felt should occur. The Executive Minutes record:

Bro. B. Hogan...was in two minds whether intimidation should be used before or after Friday's mass meeting...He himself favoured this type of action whether before or after Friday.¹⁹⁷

When discussing other methods open to them, Munday dismissed "occupations" and "work ins" as inappropriate to the industry.

¹⁹³ Interview: Jack Munday, 13 August 1975. Bud Cook remembers rank and filers complaining "What's the good of going on strike if blokes do our job". (Interview: Bud Cook, 5 March 1978)

¹⁹⁴ Interview: Bob Pringle, 8 March 1978 and Minutes: Executive Meeting, 9 June 1970.

¹⁹⁵ Jack Munday, "Towards New Union Militancy", Australian Left Review, No. 26, August-September 1970, p.6.

¹⁹⁶ Minutes: Executive Meeting, 20 May 1970.

¹⁹⁷ Ibid. Hogan had agreed that new tactics "should now be looked at" but had also commented that "tactics used so far had been very successful".

There seems little point in the occupation of empty shells and still less of continuing building activity during a strike.¹⁹⁸

Another strategy, the picket line, was largely ineffectual. Because of the length of the strike and the scattered nature of the industry, effective picket lines could only be maintained on large jobs, or in easily accessible areas. In the suburbs, the large number of small jobs made picketting an unrealistic tactic.¹⁹⁹ A refinement of the picket line had also been tried. This was the "flying gang picket" which was essentially a small mobile picket line moving from job to job. This tactic had been reasonably successful in "getting blokes off jobs. But after you've locked the gates and left, what happens next?"²⁰⁰ Often, deliberate strike-breaking happened next. As Tom Hogan explained:

In the very first few days of the strike it was noticeable that some jobs particularly in the outer suburbs were still working. This caused quite a deal of agitation and so organisers with one or two rank and filers would go out and try to descab the job and to explain the issues. It was successful for a few days. And then some builders started to get more organised and put large groupings of scab labour onto sites and two or three people had no chance of shifting them. It was deliberately done.²⁰¹

When the need to stop jobs working was raised at a stop-work meeting, ...the leadership said that a handful of officials are not going to stop it - rank and file participation is the only thing that's going to do it. Sixty or so rank and filers stayed back after the meeting, not to "vigilante" but to go round and talk. We were pretty naive...we went out in twos...the hard line scabs around just ran over the top of us.²⁰²

All labourers interviewed agreed that only small numbers had been used in the first weeks "there weren't big gangs at that time".²⁰³ "We went out in car loads, two or three people..."²⁰⁴ Another feature of this activity was that these groups worked "always with an official in charge of the party".²⁰⁵

As organised resistance grew, the small groups began to feel threatened. The rank and file activists could see that small groups

198 Jack Munday, "Towards New Union Militancy", Australian Left Review, No. 26, August-September 1970, p.2.

199 Joe Owens explained "the tradition was that once scabs had got through the picket lines, they worked, but we couldn't cop that because if they'd worked, we'd have been ruined". Interview: Joe Owens, 24 January 1978.

200 Interview: Bud Cook, 5 March 1978.

201 Tom Hogan: Interviewed by Pat Fiske 1979.

202 Interview: Tom Hogan, 28 October 1977.

203 Interview: Bob Pringle, 8 March 1978.

204 Interview: Ralph Kelly, 13 December 1977.

205 Tom Hogan: Interviewed by Pat Fiske 1979.

were no longer effective:

One morning a meeting of about 50 of us took place...we said "bugger it - we are not going to get intimidated anymore, we're going out together" and I suppose that morning was the real birth of the vigilantes.²⁰⁶

However, even then, vigilante tactics were not discussed or decided upon. Every participant in this strike has their own first memory of vigilante activity and often their own version of how "vigilantes" first came into being. These stories are not self-aggrandisement or the product of faulty memories, they are actually a very good indication of the ad hoc nature of the vigilante movement. Some of the incidents described to me were obviously unrelated and each participant probably did believe they were the first to take such action.

Certainly most strike-breakers ceased working when a large force of strikers descended on a site, "...in most cases they'd stop when they saw about twenty cars pull up, twenty car doors slam".²⁰⁷ But, how could the strikers ascertain that work did not resume once the force had left? Also, the length of the strike and the M.B.A.'s stiff resistance meant that "...sometimes the men wouldn't stop. They'd insist on working as 'scab' labour".²⁰⁸ In these circumstances, the only tactic left for the strikers was to make employment of scab labour an uneconomic proposition for employers. As Munday argued: "We did not set out on a wanton destruction rampage, but attacked only buildings where employers were attempting to use scab labor to break the strike".²⁰⁹ The numerous stories told about the birth of the vigilantes echo these sentiments. The B.Ls saw the action they took as a simple necessity, "...there was nothing else to do but take direct action and stop their jobs".²¹⁰

The disparity between stories can also be explained by the fact that the vigilante movement had such an inchoate development that each participant saw different incidents as significant. For Joe Owens, a conversation in the Criterion Hotel was a critical factor. A group of activists were discussing how to deal with scabbing and

...someone suggested an occupation...There was hesitancy amongst all of us(211)..."How did one occupy a building site?" Someone suggested sitting on top of poles. Ralph Kelly was there...

²⁰⁶ Ibid.

²⁰⁷ Ibid.

²⁰⁸ Ibid.

²⁰⁹ Jack Munday, "Towards New Union Militancy", Australian Left Review, No. 26, August-September 1970, p.6.

²¹⁰ Interview: Mick Ross, 20 July 1977.

²¹¹ Interview: Joe Owens, 4 April 1978.

Shortly afterwards Ralph was arrested for squatting on a hoist somewhere in Camden. He rang up and said "the coppers are coming back in half an hour - what will I do?" I answered, "How the Hell should I know?" It was all new ground.²¹²

Ralph Kelly was not the only vigilante to be seized with the desire to sit on things. The July issue of the journal featured a large photograph on the front cover, with a suitable caption: "Our two 'pole sitters' Dick Keenan and 'Little Steve' occupy the job and stop the scabs from working while Tony Thomas below puts our case to an attentive member of the constabulary".²¹³

For Bob Pringle, the vigilante movement began on a site at the University of N.S.W.:

We had stopped the job the week before...we came back and it was working again. There were only three of us, me, Vince [Ashton] and Mick Curtin. We tipped two barrows of mud [concrete] onto the rubbish heap and unloaded a hoist...that was the first action.²¹⁴

Mick Ross described "the first vigilante 'turn out'" as occurring when:

One of our blokes went to a site in Balmain early in the morning on his own and they attacked him. He came into the Sussex and we all went out in a strong body. We told the boss to pull the crane down...eventually the coppers were called...²¹⁵

Tom Hogan also saw this incident as crucial. "We had been physically set upon. The strike completely changed character one hour after that car had left."²¹⁶

For Mick McNamara the first vigilante action was the famous Shirley Street seige.²¹⁷ Mick Curtin believes the beginning was "the dirty dozen" which included himself, Charlie Cutford, the Hogans, Joe Owens, Darcy Duggan²¹⁸ and Bob Pringle.²¹⁹ Bobby Baker considered the first actual confrontations took place "with brickies on the small jobs in the suburbs...they were the biggest trouble".²²⁰

Bud Cook believes the birth of the "vigilantes" was when Tom and Brian Hogan "went out and couldn't get the blokes off the job. Tommy said, 'those walls shouldn't be built, they're still green...push them over'. Vigilantes had not been used before". Cook remembers Munday's

212 Interview: Joe Owens, 24 January 1978.

213 The Builders' Labourer, July 1970, front cover.

214 Interview: Bob Pringle, 8 March 1978.

215 Interview: Mick Ross, 29 July 1977.

216 Interview: Tom Hogan, 28 October 1977.

217 Mick McNamara: Interviewed by Pat Fiske 1976.

218 Not the famous "crim". However the similarity of name was never a drawback. He always polled particularly well in union elections.

219 Interview: Mick Curtin, 29 February 1976.

220 Interview: Bobby Baker, 16 May 1980.

reaction to the press reports of this action:

Jack came racing in, newspaper in hand, saying "This is bad for us Bud, you've got to keep the public on side". I argued, "how can blokes defend their jobs?" Jack generally copped that line and a meeting was called. Jack's first approach was "we've got to tone it down a bit...we've got to use a bit of that action but tone it down". The blokes came in with their own argument. They didn't need anyone to argue for them. They said "how else can we guarantee our jobs?"²²¹

This total acceptance of the need for sabotage was also prevalent among the membership generally. When activists were asked whether their tactics alienated other members their answers were all similar: "The other rank and filers didn't disagree...in fact mass meetings started to grow".²²² "There was no argument at all - they fully agreed with it."²²³ "There was no opposition to destruction of property...the unity was very good - much better than the 1971 strike."²²⁴ "There was very little feeling against 'vigilante violence'...only from those not involved in the strike."²²⁵

Tom Hogan agreed that "rank and filers did not worry about men pushing over walls" but that the two old-time officials Lynch and Austin "felt that this had gone too far...they stood for protection of private property".²²⁶ Austin in fact argued at the 20 May Executive meeting that "roving gangs could have [a] bad effect on officials in future...He preferred smaller crews visiting jobs in [the] normal manner. He himself would refuse to be involved in this activity."²²⁷

Munday believed that vigilante action helped unify the striking workers:

Most militant workers had been critical for years about the general passivity displayed by unions during strikes and the failure of leaders to really take part with the members in forcing issues.

Our strike by breaking with the past and really going into action, won wide support among thousands of workers.²²⁸

Evidence to support this view lies in the increased meeting attendances and the large number of rank and filers who became vigilantes.

Ralph Kelly believed that the political atmosphere of the time was crucial to the way builders labourers reacted to the vigilantes:

²²¹ Interview: Bud Cook, 5 March 1978.

²²² Interview: Tom Hogan, 28 October 1977.

²²³ Interview: Mick Curtin, 29 February 1976.

²²⁴ Interview: Mick Ross, 29 July 1977.

²²⁵ Interview: Darcy Duggan, 12 July 1977.

²²⁶ Interview: Tom Hogan, 28 October 1977.

²²⁷ Minutes: Executive Meeting, 20 May 1970.

²²⁸ J.B. Munday, "Australia: Progress and Difficulties of the Trade Union Movement", World Federation of Trade Unions Journal, October 1971, p.31.

...you must remember all this took place during...Vietnam and the Australian people were reacting and demonstrating in a wholly political way. B.Ls were looking at their T.V. screens and newspapers and seeing people in their thousands committing acts of disobedience. They were...standing up to the police and defying police. And not only were the authorities powerless to stop it, this massive action went on and on...The militancy and some of the actions of the B.Ls during the 1970 strike came as a direct result of the collective experience of the Australian people.²²⁹

Mundey confirmed this view:

I believe a combination of international developments and purely national and local issues influenced leaders and rank and file. Many workers have been impressed by the aggressive forms of strike and militant activity in overseas countries.²³⁰

Another feature of vigilante activity that was symptomatic of the period, was its democratic nature. "They didn't have great leaders to instruct them" wrote Joe Owens. "...every day they met and formed their methods of action for the day."²³¹ Tom Hogan endorsed these sentiments:

...at this stage one wouldn't know who was union official and who was rank and file...if the union official walked fast enough he'd get in front and do the talking...²³²

These daily meetings of vigilantes made decisions that were regarded as policy until the next general meeting. The original decision to go out on to jobs en masse had been made subject to endorsement at the next mass meeting which of course assented. An important proviso to this decision was that no physical attacks were to be made on people.

Bud Cook believes:

Everybody agreed with that. I think there was only one dissension. It was Dick Keenan.⁽²³³⁾ He thought we should give them a hiding. We argued that that would defeat the purpose which was retribution against the builder.²³⁴

Or, as Joe Owens put it:

Destruction of property was better than getting into physical confrontation with fools who allowed themselves to be used as scabs.

Though most blokes would have had no compunction about giving a scab a bat over the head with a lump of four by two, we knew that public opinion would be against us. There was not one incident of anyone being biffed except one of our pickets.²³⁵

²²⁹ Ralph Kelly: Interviewed by Pat Fiske 1979.

²³⁰ Jack Mundey, "Towards New Union Militancy", Australian Left Review, No. 26, August-September 1970, p.2.

²³¹ Joe Owens, "The Vigilantes", The Builders' Labourer, July 1970, p.37.

²³² Tom Hogan: Interviewed by Pat Fiske 1979.

²³³ Keenan became progressively oppositionist and worked for Gallagher during Federal Intervention.

²³⁴ Interview: Bud Cook, 5 March 1978.

²³⁵ Interview: Joe Owens, 24 January 1978.

No activist could recall any incident, either in this strike or later where a labourer had attacked an employer or strike breaker.²³⁶ Despite such restraint, the employers, the State Government and the media continually accused the vigilantes of violence against individuals. As Munday recalled:

Repeatedly I challenged both Askin and Allan [Police Commissioner] to produce one individual that had been bashed up by the strikers - they failed. It was almost a nightly occurrence - I was on the box saying ..."just bring me one", and they couldn't bring one.²³⁷

Press reports at the time failed to nominate any specific incident and made no distinction between violence to persons and violence to property. Later accusations about violence towards people totally confused legitimate industrial activity with the notorious Trades Hall Brawl of 1971.²³⁸ In fact the only documentary evidence of wrongdoing from either side appeared in the post-strike edition of the Union journal. Correspondence from Meriton Properties Ltd was published without comment:

This is to confirm that we apologise for the behaviour of one of our people at the above site [26-30 Price St, Ryde] on 2nd June...²³⁹

There appears to have been only one major confrontation between strikers and strike-breakers and this occurred on a site in the western suburbs where an old mansion was being renovated. One of the vigilantes involved was Peter Barton:

The mansion was apparently owned by top gambling people, fairly heavy characters. About 50 vigilantes rushed on to the site and these characters [the gamblers] produced shotguns, rifles and tomahawks and about 50 vigilantes rushed out of the job-site.²⁴⁰

This incident was remembered by the media but not with a great deal of accuracy. In 1971, when Munday was questioned about the incident on Monday Conference, The Australian industrial roundsman, Neal Swancott, commented: "There was an occasion last year in which a shotgun was wielded by a person from one side or the other...where pick handles were thrown around..." Munday replied that the shotgun was produced by

236 Most labourers used phrases such as "the policy was pretty principled" and gave the impression that refraining from hitting scabs was an act of great restraint. D.W. Rawson ("Political Violence in Australia - Part II", Dissent, No. 23, Spring 1968, p.39) makes the point that the Communist Party "has been sometimes the origin and more often the object of political violence".

237 Passing Show, 10 October 1978, p.11.

238 Which was caused by the opposition Maoist element and was disapproved of by the leadership. See chapter 5.

239 Builders' Labourer, July 1970, p.33.

240 Interview: Peter Barton, 5 March 1978.

the employer and the pickhandle by a "scab".²⁴¹ However continual denials had little effect on the media.

The Union was only intent upon denying violence against people. They were unrepentant about general vigilante activities. Despite claims by Geoff Anderson that Munday was originally apologetic about vigilante action this was not so.²⁴² On 19 May the Union paid \$596 for a half-page advertisement in the Mirror which clearly spelt out their intentions:

...if employers are provocative enough to use non-union labour during the strike, those employers must face the consequences.

In such cases the correct word is RETRIBUTION NOT VIOLENCE.²⁴³

As Munday commented: "We needn't have bothered paying the money to publicise our cause. The ad. was on page 48 and the next day we were on page one".²⁴⁴

Not only were the media reports sensationalised but the employers and the Government made equally exaggerated statements. Les Ball from the M.B.A. claimed that the B.L.F.'s actions were reminiscent of the gangster activities of U.S. trade unions in the past.²⁴⁵ Askin said his government would not tolerate lawlessness, rioting and bloodshed in the streets and would stand firmly behind the police.²⁴⁶ The President of the Employers' Federation said the vigilantes' behaviour was "completely foreign to the concept of law and order which is a characteristic of democratic Australia".²⁴⁷ Such chauvinism was also apparent in the Sydney Morning Herald editorial which railed against such "ugly and decidedly un-Australian"²⁴⁸ tactics.

241 Monday Conference, A.B.C., September 1971.

242 Geoff Anderson, op.cit., p.51. Anderson's claims were based on Munday's statement in reply to Commissioner Watson's suggestion that the B.L.F. was condoning violence: "I am surprised you suggest that I would. Of course I don't. I reject any accusation that our members are engaged in violence." (Reported in The Australian, 16 May 1970) One does not have to accuse Munday of casuistry to properly understand this interchange. Munday was simply referring to what he perceived as violence and these perceptions were not those of Commissioner Watson.

243 Daily Mirror, 19 May 1970. Munday also wrote in the World Federation of Trade Unions Journal (October 1971, p.31) "...the work performed by scabs was smashed...We stated that employers who used scabs on a job must bear the full consequences of their actions. Physical violence was not part of the campaign..."

244 Interview: Jack Munday, 13 August 1975.

245 Sydney Morning Herald, 16 May 1970.

246 Sydney Morning Herald, 29 May 1970.

247 C.H. Monk, President, (Report to Annual Meeting of Employers' Federation). Reported in Sydney Morning Herald, 7 November 1970.

248 Sydney Morning Herald, 28 May 1970.

Headlines which in later years were to become all too familiar made their appearance for the first time. A banner headline, "Building Strike, Violence Goes On"²⁴⁹ described a mass meeting decision to stay on strike; a march by 100 labourers on the M.B.A. offices was labelled "Strike Emergency, Riot in City";²⁵⁰ and an occupation at Crows Nest became "Riot Squad Out: \$10,000 Damage in Rampage".²⁵¹

The membership remained unperturbed by these media reports. Munday estimated that about four hundred men were actively involved in vigilante activity and although Anderson believes this figure is "probably inflated"²⁵² he does concede that the number of vigilante raids increased²⁵³ rather than decreased as the strike wore on. When estimating numbers in such situations it is wise to heed Tom Hogan's words:

Three months after the strike there had been five thousand vigilantes. No one was game to not be a vigilante. Today I presume there were 25,000 vigilantes - that's how popular that movement was.²⁵⁴

The movement's obvious popularity was apparent in the post strike edition of the Union journal where vigilante actions were recorded as "highlights"²⁵⁵ and sabotage incidents openly boasted about.²⁵⁶ One incident which received specific attention was the "Siege of Shirley Street". The home-units site in Crows Nest had continued working despite repeated warnings. The manager of the building company involved, Plunkett Homes Construction Co., Ray Rocher, later became Executive Director of the M.B.A. His description of the "seige" is a little different to that of the vigilantes:

We were taken over by a group of vigilantes otherwise known as the "goon squad" who sought for me to sign an agreement...so it could be bandied around the sites. Obviously, because of my position here [at the M.B.A.] and the fact that I wouldn't succumb to that sort of pressure I wouldn't sign the document. We couldn't have them arrested for trespassing that day because the police advised us that the hoardings weren't up and we weren't in an enclosed site. We put up the hoardings, locked the job and made it safe. On Thursday I received a phone call, about 5.30 a.m. that the labourers had

249 Sydney Morning Herald, 30 May 1970.

250 Sun, 27 May 1970.

251 Daily Mirror, 28 May 1970.

252 Geoff Anderson, op.cit., p.53.

253 Ibid.

254 Interview: Tom Hogan, 28 October 1977.

255 Joe Owens, "Some Highlights of a Strike that Made History", Builders' Labourer, July 1970, pp.21, 23, 25, 27 & 48.

256 Ibid.

taken possession again. I arrived at the site at six and immediately requested that the police lay charges. Police didn't react and said they would get reinforcements...About seven we started seeing wheelbarrows, bags of cement and windows being hurled out of the upper floors of the building. There were about 50 police at North Sydney Police Station waiting to receive instructions from the Premier and the Police Minister. The vigilantes left at about ten and five minutes after they left the site the whole 50 or 60 police arrived so clearly there had been a tip-off. They did about \$15,000 of physical damage in just two or three hours but the cost to the company was about \$30,000 in holding charges and so on.²⁵⁷

The vigilantes' descriptions differ from Rocher's in emphasis rather than detail. Joe Owens claimed the incident was "hilarious":

The mob went in at four in the morning and jumped over the fence - landed on the guard dogs and the guard dogs pissed off. I don't know who got the biggest fright, the guard dogs or the pickets.

It was a new scene we didn't know what we were going to do so we just propped [stayed]. We barricaded the stairs...the coppers didn't know what to do either. We rang up the office to tell Munday what we were doing and more men arrived.²⁵⁸

Mick Curtin described his own involvement in an incident which many later believed to be apocryphal:

I finished up having the boss's lunch. I really enjoyed his sandwiches. I rang up the police and told them not to worry, that everything was under control and that I was having the boss's lunch at the moment and enjoying it.²⁵⁹

From this occasion sprang the (now famous) B.L.F. adage "Never eat the boss's lunch unless you occupy the site and find it on his desk".²⁶⁰

The men also utilised a tactic which later became quite common. The Mirror reported:

The vigilantes, calling themselves Munday's Raiders...set up a small amplifier which they called Pirate Radio 2BIF. The strikers asked Crows Nest residents to report any building sites where scab labour was being used. They broadcast bulletins on conditions in the building and reports on the causes and course of the builders' laborers strike.²⁶¹

The effect of the strike was immense. Probably most significantly it magnified the split with the B.W.I.U. Munday commented on this aspect in another interview with Australian Left Review: "...conservative tradesmen's leaders threw up their hands in horror at the 'terrible

257 Ray Rocher: Interviewed by Pat Fiske 1980.

258 Interview: Joe Owens, 24 January 1978.

259 Interview: Mick Curtin, 29 February 1976.

260 An expression I often heard during debates among B.L.F. officials about the difficulties of remaining outside the "club" in which the B.L.F. considered most union officials and employers to be involved.

261 Daily Mirror, 28 May 1970.

crime' of a few scab-built walls being pushed over".²⁶²

That the actions of the vigilantes caused consternation among C.P.A. members is undoubted. Laurie Aarons, who did not oppose the vigilantes himself admits that there were people in the Party who did:

Of course this was before the split and that was the reason. It became worse because of these very great differences in the Party. It was seized on as an illustration, not as how the B.Ls and Munday were committing anarchist errors but how the leadership of the Party was encouraging and even misleading these people into anarchist errors.²⁶³

Although the impending Party split exaggerated the S.P.A. group's criticisms, later publications of that group show that they do not believe in destruction of scab-built erections during strikes. It was a genuine ideological cleavage. In 1972 a statement put out by the S.P.A. under the names of P. Clancy, Chairman, and P. Symon, General Secretary, asserted:

Those who still argue that smashing down walls and other wrecking activity are "useful strike tactics" should consider whether there is such a thing as advocating only a "certain amount of violence"? Today there is surely enough experience to provide a clear warning on where this leads...

Dealing with strike breakers by destruction of building or property erected by scabs or threats of violence at job sites by so-called vigilante groups is no more than a reversion to old, futile practices that have been previously discarded in the labour movement...

In short, the most effective way of dealing with the persistent strike breaker is to draw upon the organised strength of the trade union movement as a whole.²⁶⁴

Such differences in outlook could not be accommodated. Many labourers saw the break with the B.W.I.U. as a positive effect of the strike.

Peter Barton, longtime C.P.A. member claimed:

The break with the B.W.I.U. did our Union the world of good. The Clancys and the McDonalds were bogging us down. It didn't damage our relationship with the thinking tradesman on the job. If we hadn't split, we'd have been swallowed.²⁶⁵

The other major effect of the strike was on the labourers themselves. An excerpt from the November Executive Minutes sums up the general feeling in the Union: "Bro. Cook...was critical of saying that things were not possible, and said that since the dispute in May it

262 "Interview with Jack Munday", Australian Left Review, No. 32, September 1971, p.8.

263 Interview: Laurie Aarons, 28 December 1977.

264 Socialist Party of Australia, Ultra Leftism: How it Harms the Worker, n.d. (1972?), 6pp. roneod. Authorised by P. Clancy, Chairman and P. Symon, General Secretary. Pp.2-3.

265 Interview: Peter Barton, 5 March 1978.

proved that all things were possible."²⁶⁶ Many labourers reported feelings of "elation" or of having "had the cobwebs blown away".²⁶⁷ Munday remarked on this aspect in his post-strike journal editorial:

In such a scattered and fragmented industry, the capacity of our union to wage such a sustained struggle surprised many people and because of the strength and the lessons of our action the industry can never be the same again.²⁶⁸

Tom Hogan believed that "never again as a union can we go back to the old style".²⁶⁹ Joe Owens claimed that it was the break with "the old idea that a union was a series of officers with strict authoritarian control over the membership" that was the really dramatic change. This came about because of the autonomy of the vigilante groups when "pickets very largely had to make decisions on their own".²⁷⁰ Munday agreed that the strike "brought about a qualitative change...the membership started to become self acting...It was a very aggressive strike. It was not a go-home stay-home strike."²⁷¹ Rank and filer Ralph Kelly saw the process of the vigilantes' learning to use switchboards, typewriters and maps in their co-ordination efforts as particularly important.²⁷²

Many of the experienced vigilantes later became job delegates or even temporary organisers and this influx of enthusiastic and able militants greatly improved the Union's organisation.²⁷³ New names regularly appear in the Branch Meeting Minutes in the months following the strike.²⁷⁴ Financial unionism improved dramatically after an initial period of "lag".²⁷⁵

The vigilante activities prompted the Union to undertake similar action in other campaigns;²⁷⁶ with similarly successful results:

Following the success of the strike new demands were made on employers and there was a drive made for greatly improved conditions and amenities...Our drive has met with unprecedented

266 Minutes: Executive Meeting, 17 November 1970.

267 Interview: Mick Curtin, 29 February 1976.

268 Jack Munday, "Great Strike Proved Our Fighting Ability", Builders' Labourer, July 1970, p.1.

269 Tom Hogan: Interviewed by Pat Fiske, 1980.

270 Interview: Joe Owens, 24 January 1978.

271 Interview: Jack Munday, 13 August 1975.

272 Interview: Ralph Kelly, 13 December 1977.

273 "Improved Organisation Flows From the Strike", Builders' Labourer, July 1970, p.7.

274 Especially Minutes: Special General Meeting, 25 August 1970; and General Meeting, 1 September 1970.

275 Minutes: General Meeting, 2 March 1971. Munday reported that \$25,000 more had been raised in 1970 than in the previous year, and that the percentage of financial members was the highest ever.

276 See chapter 4.

success...but what is more important is that completely new methods of struggle were adopted during and after the strike.²⁷⁷

Decisions made by the leadership during the strike, such as refusing to be paid, gained them considerable respect: "Jack's stocks soared enormously amongst the rank and file, even those who had previously not been supporters".²⁷⁸

Finally the actual margins gain itself was of great significance. The 90%-100% formula was consolidated and maintained during the following years, never once dropping behind despite the pressures of the green ban period.

Although the strike produced a number of favourable effects for the Union it also marked the beginnings of the ruling class offensive. Munday showed some awareness of the effects on the employers when he wrote shortly after the strike that the vigilantes' actions, "set a standard of aggressive strike activity" that could lead to workers' control: "This would really rattle the employing class".²⁷⁹

The employers can no longer do "behind the door" deals with the A.B.L.F. They have a far too healthy respect for our fighting capacity even to try it. ²⁸⁰

He concluded that the strike had made "a very deep impression on the employing class, who incurred a loss of over \$60 million during the dispute".²⁸¹

One of the first intimations of the extent of the ruling class backlash came when Askin declared that part of the new Summary Offences Act was inspired by the B.L.F. margins strike.²⁸² Mick McNamara also believed that "following the strike, police came up with new training equipment, and so on especially to get the B.Ls".²⁸³

Certainly by the end of Intervention, Munday could trace the origins of the onslaught back to the strike. In his final speech to the membership he claimed:

²⁷⁷ J.B. Munday, "Australia: Progress and Difficulties of the Trade Union Movement", World Federation of Trade Unions Journal, October 1971, p.31.

²⁷⁸ Interview: Ralph Kelly, 13 December 1977.

²⁷⁹ Builders' Labourer, July 1970, p.5.

²⁸⁰ Ibid., p.11.

²⁸¹ Jack Munday, "Great Strike Proved Our Fighting Ability", Builders' Labourer, July 1970, p.1.

²⁸² "Interview with Jack Munday", Australian Left Review, No. 32, September 1971, p.11.

²⁸³ Mick McNamara: Interviewed by Pat Fiske 1976.

Over the past number of years, particularly since the big strike in 1970, the Master Builders and successive State Governments have used everything they know to try and smash this Union.²⁸⁴

The point was that, just like the members, the employers had become aware that the B.L.F. was now "a different sort of union".

²⁸⁴ Jack Munday, Speech, 24 March 1975.

BENIER



"... More violent than a locomotive, more destructive than a speeding bullet ... it's ... a builder's labourer?"

1970 was the most important year ever for the N.S.W. B.L.F. in its development of industrial action and militant forms of struggle. Highlighted by the five week Margins strike in May-June, the rest of the year buzzed with activity also, including major disputes with Frankipile, the Public Works Department and Dillinghams.

The first big dispute was with the large building firm Frankipile of Australia. As Dick Prendergast, who helped organise the dispute described: "After years of substandard conditions and in a lot of cases non existent amenities, workers...hit the grass for two weeks".¹ The men won \$8 a week over-award payment and insisted that settlement terms cover all jobs in Australia, not just N.S.W.

The victory was significant for contributing towards the feeling of militancy that was building up in the industry. The Union donated \$500 to the strike fund and commended the officials involved.² The Executive felt that the result was "most satisfactory".³ Although there had to be a further bout of industrial action before the company paid the agreed increases on all sites,⁴ the dispute set the tone of struggle for 1970. Bud Cook predicted that over-award gains from collective bargaining would be common in the future.⁵ Perhaps the most significant outcome though was the effect on workers' psyches:

Disorganised at the start of the dispute, the Frankipile workers became very well organised and united to make the gains they did.

The struggle was an achievement they can be proud of and is deserving of the highest praise.⁶

Maybe because of their successful apprenticeship in militancy the Frankipile workers became involved in industrial action⁷ again, later in the year, when a delegate was sacked. The company, no doubt trying to dampen moves for a further prolonged strike, initiated proceedings to open the way to possible penal action. Pete Thomas describes the scene:

The case was listed for hearing. The Commonwealth Arbitration Commission solemnly assembled; the employers' legal men, headed

1 The Builders' Labourer, March 1970, p.5.

2 Minutes: Executive Meeting, 3 February 1970.

3 Minutes: General Meeting, 3 February 1970.

4 Minutes: Executive Meetings, 17 February and 24 February 1970.

5 Minutes: General Meeting, 3 February 1970.

6 The Builders' Labourer, March 1970, p.5. Munday referred to it as "this fine struggle", The Builders' Labourer, March 1970, p.1.

7 Minutes: General Meeting, 4 August 1970.

by a Q.C. were there - but the union wasn't. The union's deliberate absence caused a flurry. Phones ran hot. But it was the employer who backed off. The delegate was reinstated and a bans-clause application was abandoned.⁸

Mundey hailed the result as another "significant victory for the Branch".⁹

The next group of workers in major dispute¹⁰ were P.W.D. employees in Newcastle, Wollongong and Sydney. A 24 hour strike was held in February to support their demand that the full benefits of the Construction-on-Site Award be passed on to them.¹¹ The struggle with the P.W.D. lingered on with problems relating to wet weather payment,¹² scaffolders' rates,¹³ the fourth rate,¹⁴ over-award payments, amenities, victimisation and financial unionism.¹⁵ After a sustained campaign which included a P.W.D. worker being "paid off" by the Union to help organise, especially around unfinancial unionism and the fourth rate, Mundey was able to report happily upon P.W.D. achievements¹⁶ and Ron Donoghue, a P.W.D. employee, told the Executive that the workers appreciated the "leadership given".¹⁷

Another industrial campaign carried on throughout the year was that of riggers, scaffolders and dogmen claiming higher rates. Dogmen used tactics such as no Sundays, no early starts or late finishes and no working through smoko or lunch. They initiated one 24-hour stoppage and broke several concrete pours when they ran over time. Given the important tactical position that dogmen hold, these manoeuvres were frustrating and economically damaging for the employers. Joe Owens recorded that "most employers have indicated their willingness to pay, but claim that the Master Builders will not allow them to do so".¹⁸

The position of strength of the dogmen meant that they were earning high money and to some extent this flowed right through the industry.¹⁹ Most of the officials felt the dogmen, riggers and

8 Pete Thomas, Taming the Concrete Jungle, p.18.

9 Minutes: Executive Meeting, 11 August 1970.

10 Minutes: Executive Meetings, 12, 17, 24 February and 3 March 1970, and General Meeting, 3 February, 1970.

11 The Builders' Labourer, March 1970, p.1.

12 Minutes: Executive Meeting, 22 September 1970.

13 Minutes: Executive Meeting, 29 September 1970.

14 Minutes: Executive Meeting, 13 October 1970.

15 Minutes: Executive Meeting, 22 October 1970.

16 Minutes: General Meeting, 1 December 1970.

17 Minutes: Executive Meeting, 10 November 1970.

18 The Builders' Labourer, March 1970, p.9.

19 Interview: Noel Olive, 9 March 1978. A remark by Lynch, (Special Executive Meeting, 20 April 1970) reinforces this view, "No apologies should be made for sectional campaigns, more unionism and better pay has resulted".

scaffolders campaigns were effective²⁰ but Munday sounded a warning note in March when he argued that: "Sectional Disputes were taking up too much time of the officials...and had taken away some of the value of action around the Margins campaign". He added, without comment, that the M.B.A. had threatened "to go for deregistration" of the Union if the disputes continued.²¹ One of the decisions taken by the dogmen during their 24 hour stoppage was that if the matter was taken to arbitration they would not consider themselves bound by any unfavourable decision. The strikers then marched from the Trades Hall to Martin Place handing out leaflets about the dangers involved in their work and what their claims were.²²

The sectional disputes were mostly successful and the militancy of these skilled workers was reinforced by their gains. For instance the dogmen were back in dispute in December²³ with new demands.

The main thrust of the Union's industrial activity, apart from the Margins campaign was a crackdown on unfinancial unionism.

Before the Margins strike the Executive continually discussed the need to implement "no ticket - no start"²⁴ and "putting non unionists off jobs".²⁵ The building of home units and the amount of sub-contracting involved was considered to make dues collection on these sites particularly difficult. Prendergast at one stage estimated the proportion of unionists on home unit construction as 1% and considered that "so-called over employment can work against unions in regard to collecting finance".²⁶ Presumably this was because, if they were put off one job for non-unionism, they could easily find another.

At the first Executive meeting after the strike Munday spoke of the need for new methods to combat non-unionism.²⁷ He told the June Branch meeting that vigilante action during the strike had "raised strongly the question of non-unionism in the industry, and said that in future we do not work with non-union labour".²⁸ Tom Hogan agrees that the emphasis after the 1970 strike was on full unionism. "We were

20 Minutes: Executive Meetings, 17 and 24 February and 3 March 1970.

21 Minutes: General Meeting, 3 March 1970.

22 Tribune, 4 March 1970, p.10.

23 Minutes: Executive Meeting, 15 December 1970.

24 Minutes: Executive Meeting, 17 February 1970.

25 Minutes: Special Executive Meeting, 20 April 1970. At the same meeting Munday urged more use of job meetings for sub-contractors.

26 Ibid. Home units as a problem were mentioned again. Minutes: Executive Meeting, 14 July 1970.

27 Minutes: Executive Meeting, 9 June 1970.

28 Minutes: General Meeting, 9 June 1970.

insisting on 'no ticket - no start' while the B.W.I.U. were saying 'fill this form in to pay later and you'll be right'.²⁹ Munday made a similar criticism when he remarked that "if some larger unions took similar action as Builders Labourers recently, the incidence of unionism would improve".³⁰ In his summary of the year's activity at the December Branch meeting Bud Cook, referring to the Margins strike added: "the aim of the Union flowing from this victory was for full financial unionism".³¹

The "no ticket - no start" campaign was pursued vigorously with delegates' conferences organised on the issue³² and successful³³ showcard days held.³⁴ An agreement was reached with the P.W.D. that no builders labourer be employed unless he was a member of the Union.³⁵ After some problems³⁶ this "closed shop" position in the P.W.D. became a reality. By November Munday was also able to report that the City and North Sydney areas only accepted fully unionised jobs. He announced proudly that "a new situation now exists in the B.L.F."³⁷

Workers were taking the situation into their own hands. Keith Jessop reported that in the area where he worked there was "extensive abuse of workers if after joining the Union they did not pay their dues".³⁸ A significant dispute with A.F. Little occurred in late October which Munday believed was most effective and "it was evident that it was forcing the employers to adhere to the policy of the Union, that is, no ticket, no start".³⁹

By November, the Branch was in the position to pass a policy motion that: "From this date we will not work with other than fully paid financial Builders Laborers on any site".⁴⁰

Arising naturally out of the campaign for full unionism arose the question of union hire. Bob Pringle had been raising the issue within the Union since 1968.⁴¹ Now his was still the major but not the lone voice. At the Special Executive Meeting in April he urged that the

29 Interview: Tom Hogan, 28 October 1977.

30 Minutes: General Meeting, 9 June 1970.

31 Minutes: General Meeting, 1 December 1970.

32 Minutes: Executive Meeting, 16 June 1970.

33 Minutes: Executive Meeting, 27 October 1970.

34 Minutes: Executive Meeting, 22 September 1970.

35 Minutes: Executive Meeting, 29 September 1970.

36 Minutes: Executive Meeting, 22 October 1970.

37 Minutes: Executive Meeting, 10 November 1970.

38 Minutes: General Meeting, 6 October 1970.

39 Minutes: General Meeting, 3 November 1970.

40 Ibid.

41 Interview: Bob Pringle, 8 March 1978.

question of hiring labour through the union office be explored: "We must tackle the question of who has the right to hire and fire".⁴² In October the Branch decided that the Executive should study the prospects for union hire and report back.⁴³ At the next meeting Munday accepted the principle as an unstated premise saying that "it was only by action that we will ever be able to have fully financial unionism and finally union hire".⁴⁴

Bob Pringle put the argument most clearly. In explaining that "cleaning up the city was a step towards this [union hire]" he concluded that "union hire dismays the bosses".⁴⁵

Union hire had to wait two years before a concerted campaign could be launched. The problem was that the officials were just too busy.⁴⁶ Time and again Munday complained about officials being tied down by localised disputes.⁴⁷ Workers were taking the initiative on their own job sites⁴⁸ as the impetus of the Margins campaign carried over into other areas. In March Munday wrote in The Builders' Labourer:

So widespread is the movement in support of the Federation's claims that the officials and job delegates have been working really hard to keep up with the demands of the workers on the jobs. This intense activity demonstrates the militancy of our Union.⁴⁹

The same issue contained an anonymous item:

Marrs' are blueing, Maros are blueing, the Doggies are blueing, Chillman's are blueing. She's on all over the place. The only people not blueing are the builders; they're spewing.

We say, to horse men, let's all get in on the act.⁵⁰

The militancy of the Margins strike stimulated this new industrial outlook. As well as its campaign against unfinancial unionism, the

42 Minutes: Special Executive Meeting, 20 April 1970.

43 Minutes: General Meeting, 6 October 1970.

44 Minutes: Executive Meeting, 13 October 1970.

45 Ibid.

46 Good examples of meetings at which numerous disputes were discussed or the busyness of officials bemoaned are Minutes: Executive Meetings, 17 February, 24 February, 10 September and 17 November 1970.

47 Minutes: Executive Meetings, 4 August and 15 September 1970.

48 Localized disputes of some significance occurred with Civil & Civic, Marrs' and Maros (Minutes: Executive Meeting, 24 February 1970), E.A. Watts (Minutes: Executive Meeting, 19 August 1970), Mills Scaffolding (Minutes: Executive Meeting, 11 August 1970), Crows at Silverwater (Minutes: Executive Meetings, 10 and 22 September and General Meeting, 6 October 1970), Mogul (Minutes: Executive Meeting, 10 November 1970), Kell & Rigby (Minutes: Executive Meeting, 24 November and General Meeting, 1 December 1970), and Cyclone at Newcastle (Minutes: Executive Meeting, 1 December 1970).

49 The Builders' Labourer, March 1970, p.1.

50 The Builders' Labourer, March 1970, p.21.

Union renewed its efforts to "civilize the building industry" with special emphasis on amenities. The amenities campaign led to one of the most spectacular series of incidents in an already spectacular year.

Amenities on building sites had been primitive or non existent. The management of Civil & Civic admitted:

The standard of site accommodation provided by most builders for their workers on site is deplorable. Steps have been taken in our Company over the last several months to improve the level of site accommodation that we offer our workmen. Prior to this some of our conditions on site were below standard.⁵¹

Although wages had risen during the building boom, amenities remained bad. Mick McEvoy describes returning from the American-run construction camps in Papua New Guinea and not being able to believe the conditions for building workers in Sydney: "You had no washroom, changed in the tool shed, no such thing as a separate eating place...these are small things to people outside but they're big things when you spend one third of your day on the work site".⁵² The Union, realising that after the Margins strike the time was right for gains to be made,⁵³ had discussions with the M.B.A. about "civilizing the industry".⁵⁴ With little result from these discussions, the Union decided to resort to direct action.

City organiser Tom Hogan described how the "great compressor incident" came about:

An excavator in Clarence Street had eight obviously newly arrived Italian migrants as labourers. The job consisted of a hole, a compressor, eight jackhammers and a hose. Not a tap, not a toilet not a shed in sight. I saw the boss and told him he would have to have the job up to scratch by the next day. But the next day nothing had changed.

I'd seen a number of the leadership and told them what I intended to do. It had pretty general acceptance...no one said "no".

I couldn't speak to any of the workers because they had not one word of English. So I stopped the compressor, uncoupled the hoses and started to pull it [the compressor] forwards. The workers stepped forward to help...and to this day I don't know whether they were assisting me to push it down the hole or to get it out of the way or what, but the boss obviously thought I was taking it out into Clarence Street. He started to laugh until suddenly we got a bit of pace up and veered right. He nearly collapsed. It was a beautiful

51 Civil & Civic Pty Ltd., Labour Relations in the Future attached to Productivity Agreement: Building Trades Unions (N.S.W.) and the Electrical Trades Union (N.S.W.) and Civil & Civic Pty Ltd, 1970-1971.

52 Interview: Mick McEvoy, 10 October 1977.

53 Minutes: Executive Meeting, 10 September 1970. Pringle pointed out the fact and argued "but we should also look for job conditions".

54 Minutes: Executive Meeting, 1 September 1970 and General Meeting, 1 September 1970.

shot. It went down about fifteen foot and landed on its end. It jerked the motor back two foot and stood there pointing skywards. That action alone would have cost builders in the city millions of dollars to get amenities up to scratch.⁵⁵

Hogan claimed that what the migrant workers did that day had the effect of bringing decent sheds on to building sites:

Builders started ringing us saying "can you please give us two weeks, we can't get the sheds up in time". So we rang up shed people and in fact new companies sprang up selling amenities on building sites. They came into our office saying "does this meet your approval?"⁵⁶

Hogan returned to the Clarence Street job the next day and found four fully lined sheds, three toilets and a full row of washbasins. "The workers were immensely pleased but we still couldn't talk to each other." He was followed around building sites for the next few weeks "by about twenty police".⁵⁷

Such action was infectious. In October Danny Simpson announced at the B.L.F. Branch meeting that "tomorrow morning Summit workers intended tipping over unacceptable sheds".⁵⁸ The Summit site was being excavated by Brambles, a giant company which "would get certain jobs up to scratch if a few militants happened to be working on it, but all the rest would be a shambles".⁵⁹ At the Summit job-site, the labourers had only an 8ft x 6ft x 6ft tin shed which was supposed to be the change room for fourteen men.⁶⁰ Because of the way excavation workers travelled from site to site there were "interconnections between jobs so the whole of the rank and file got to know what the situation was". Accordingly when the Summit workers called for all Brambles jobs in the city to stop work the response was overwhelming. Tom Hogan again describes the event:

Brambles had about fourteen jobs in the city at that time. They all stopped and came up to the Summit. About the last five jobs I visited to pull out had already done so before I got there and were on their way up to Kings Cross. At least two hundred, mainly migrants, marched right through the Botanical Gardens to Kings Cross and we had our usual marshalls of the N.S.W. police force alongside us. When the marchers got up to the site they saw the one tiny shed and the Summit workers explained the circumstances to them. So they said, "well we've judged the shed and its guilty, it's got to go down". They grabbed it, all 200 put a hand on it. I tried but I couldn't get in. So the shed was pushed down and beautiful new sheds were erected that afternoon.⁶¹

55 Interview: Tom Hogan, 28 October 1977.

56 Tom Hogan, Interviewed by Pat Fiske, 1980.

57 Ibid.

58 Minutes: General Meeting, 6 October 1970.

59 Tom Hogan, Interviewed by Pat Fiske, 1980.

60 Pete Thomas, Taming the Concrete Jungle, p.21.

61 Tom Hogan, Interviewed by Pat Fiske, 1980.

The remains of the shed were declared "black" and no one would move it. The shed remained there for eighteen months and concrete was poured all around, but it was not touched until the building was completed. "It was an enormous experience to be there and see what the rank and file in action could actually get, and get in a hurry", remembers Hogan.⁶²

Mundey was called to a compulsory Commission Conference on the shed and compressor incidents where he explained to the Commissioner "that new approaches had now to be made where amenities were non-existent". Inspector Longbottom from the State Special Branch and other police were also in attendance.⁶³ No formal charges were laid but employers received the message. Mundey was able to describe the compressor and shed incidents as "most effective" in his report to the November General Meeting.⁶⁴

These "luddite" acts of the Union leadership caused consternation amongst other unionists and within the "left" generally.⁶⁵ As with the reaction to the vigilantes, the C.P.A. in particular went through a certain amount of soul searching over the issue. C.P.A. organiser Mick Tubbs remembers that many in the Party, "including myself" were aghast at what they saw as unwarranted larrikinism. "Hands were thrown up in horror." He talks about his change of heart on the issue:

I realised that it wasn't alienating them from their membership. It was part of the B.Ls to be that way. The average B.L. was a knockabout, a bit of a larrikin and providing it was kept within bounds, providing serious questions were considered seriously and sensibly, and realisable objectives were projected, then they accepted that [sabotage] as part of the industry...better to be that way than stuffy Union officials.

Tubbs also believes there was no real attempt within the Party to dampen the Union's direct action methods although the issues were often raised in discussion. He says "in any other society some of the major developers would have been in gaol".⁶⁶ It is also important to remember that the C.P.A. at the time was undergoing the traumatic post-Czechoslovakia split and the Aarons group in control of the Party was unlikely, even within the Party, openly to oppose acts by the B.L.F. when that Union was solidly in their camp.

62 Interview: Tom Hogan, 28 October 1977.

63 Minutes: Executive Meeting, 22 October 1970. The Union placed this incident and another at Brighton-le-Sands where police had arrived on the site "when Bro. R. Pringle was performing normal Union duties" before Labor Council for consideration.

64 Minutes: General Meeting, 3 November 1970.

65 Discussed in chapters 3 and 10.

66 Interview: Mick Tubbs, 26 October 1977.

There were others within the C.P.A. who wholeheartedly espoused the rights of workers to take such action. Stella Nord claims "we felt that if this was the way the bosses treated workers then they had no right to the equipment anyway".⁶⁷

Another section within the "left" that saw these direct action methods as something new and exciting in working class struggle was the libertarian group involved in anti-censorship activity, mainly centred around the University of N.S.W. student newspaper Tharunka. The editor, Wendy Bacon, heard about the shed and compressor incidents and, because she believed that the anti-censorship struggle should be broadened to include working class action, sought an interview with Brian Hogan who had been involved with the sabotage incident at the Summit.⁶⁸ Thus began a strong association between the Sydney libertarians and the B.L.F.⁶⁹

Despite the colourful nature of the more publicised incidents, the Union was in deadly earnest. Throughout the year more and more disputes occurred over amenities. If they did not start as pure amenities disputes, they often included better amenities in the final list of demands. Companies which at one stage or other during the year were the subject of amenities demands including Frankipile,⁷⁰ Eastments,⁷¹ A.V. Jennings⁷² and Charles⁷³ (described as "the worst amenities in Sydney"). Pressure was maintained on the M.B.A.⁷⁴ and on the sectional employers' organisations⁷⁵ to keep their members in line over the matter. The November Branch meeting passed four important policy motions of which two concerned amenities:

2. Work shall not begin on any site until amenities are bought up to the required standards...
4. That as from January 1st 1971 the only acceptable sheds on any site will be those fully lined and with adequate heating,

67 Interview: Stella Nord, 13 March 1978.

68 Interview: Wendy Bacon, 16 January 1978.

69 The association was reinforced by the fact that the issue of Tharunka in which the interview with Hogan appeared, happened to be the one chosen by police for prosecution. Part of the defence case rested on evidence about the distribution of the paper and whether the people who read it were likely to be offended. As the issue had been widely distributed on building sites, Munday was asked to give evidence that builders labourers were unlikely to be offended by the material in the issue.

70 The Builders' Labourer, March 1970, p.5.

71 The Builders' Labourer, March 1970, p.9.

72 Minutes: Executive Meeting, 27 October 1970.

73 Minutes: Executive Meeting, 10 November 1970.

74 Minutes: Executive Meeting, 17 November 1970.

75 Minutes: Executive Meeting, 27 October 1970.

lighting, ventilation etc.⁷⁶

In December, Munday reported "on the present campaign waged in relation to amenities on jobs and the success achieved in this matter".⁷⁷

Although the struggle over amenities continued throughout the seventies, after the campaign of 1970 conditions were never again so bad.

Another aspect of the "Civilize the Building Industry" campaign was safety. With the building boom in full swing and buildings rising higher and higher, deaths⁷⁸ and serious accidents⁷⁹ were all too common. The need for speed in development projects, whilst affording the workers increased industrial muscle,⁸⁰ also brought about neglect of safety issues by employers. A job delegate from E.A. Watts wrote: "In these days of sub-contracting, speed is what employers look for mostly. Without workers speed is lost. Without safety workers are lost."⁸¹ The government organisation supposed to police safety precautions, the Department of Labour and Industry (D.L.I.) was inadequate. Munday informed members, "...let us face it, the D.L.I. have too few inspectors and our Union firmly believes that they do not enforce safety and amenity regulations sufficiently". He went on to write about the general instability and insecurity of the industry and the need to insist on proper amenities and safety precautions before projects commenced. Finally, he came to the crunch of what the "Civilize the Industry" campaign was about and presaged the coming of the green bans:

Further we should have a real say in the industry. Not only on the need to register builders, but to programme the entire building industry in the interest of building workers and the general public, not in the interest of greedy so-called "developers", loan sharks and jerry builders, who really are agents who sub-contract every conceivable part of work out. Their sole concern with the industry is to make the fastest available dollar.⁸²

Another aspect of speed-up in production techniques meant that dogmen riding the crane hooks on tall city building sites became increasingly

76 Minutes: General Meeting, 3 November 1970.

77 Minutes: General Meeting, 1 December 1970.

78 For instance two occasions on which deaths were reported were Minutes: Executive Meetings, 22 October and 15 December 1970.

79 A good description of the way workers organised on an Allen Construction job at North Sydney is, Theo Austin, "Job Safety Enforced after Serious Injury", The Builders' Labourer, March 1970, p.7.

80 Allan Luthy wrote ominously in The Builders' Labourer, March 1970, p.17 "E.A. Watts has the big hole to fill and as usual a certain time to fill it".

81 The Builders' Labourer, March 1970, p.17.

82 Jack Munday, "Our Strike Proves they Fear Workers' Action Most", The Builders' Labourer, July 1970, p.3.

exposed to dangerous situations. In March, Joe Owens, himself a former dogman, reported in Tribune on "...conditions that dogmen face as they work at heights, in high winds (regulations set no limit on velocity of wind in which work can go on) and with every contractor on the job putting on the pressure so as to keep up with his own tight schedule".⁸³ Dogging, which had always been a dangerous occupation (in the ten years previous to 1970, 30 dogmen had been killed), became even more so at the super-heights they were now required to work. Owens explained: "With loads such as panels there is the risk of wind starting the load spinning and getting the fall rope twisted with the dogman's bellrope, fouling up his means of communication".⁸⁴ During the year dogmen tried to control aspects of their work with varying success. One of the demands of the dogmen's dispute of February-March had been for more say on issues such as whether wind conditions were too bad for them to carry out their work.⁸⁵ In December they were in dispute again about working in wet weather.⁸⁶ Throughout the year there were more and more calls, particularly from Brian Hogan and Joe Owens for the banning of dogmen riding hooks.⁸⁷ As this would have entailed employers hiring two dogmen for every crane, (one at the top and one at the bottom) the employers resisted this move,⁸⁸ but the impetus for "banning the hook" was to grow stronger as the boom progressed.

Another activity which was banned by the Union was the use of free-fall hoists. Members refused to drive them but the D.L.I. would not ban them⁸⁹ although they had a shocking accident record, and so employers still used them, particularly in outlying areas where unionism was not strong.⁹⁰

The B.T.G. launched an accident pay campaign in April⁹¹ but it was the actions of builders labourers on jobs such as Chillmans (Sussex Street) which paved the way for the successful strike on this issue in 1971. Joe Owens wrote of the Chillmans dispute:

83 Tribune, 4 March 1970, p.10.

84 Ibid.

85 Ibid.

86 Minutes: Executive Meeting, 15 December 1970.

87 Minutes: Executive Meetings, 17 February, 24 November and 15 December 1970.

88 Minutes: Executive Meeting, 24 November 1970.

89 Bud Cook, "Time for a Clean-Up", The Builders' Labourer, July 1970, p.43.

90 Minutes: General Meeting, 4 August 1970.

91 Minutes: Executive Meeting, 7 April 1970 and General Meeting, 7 April 1970.

Currently they are in conference re claims for sick and accident pay. It is high time builders accepted their responsibility and made up the compo payments to award wages. Their balance sheets show they can well afford it.⁹²

Possibly because it was their membership that was most at risk, the B.L.F. put more emphasis on safety than did the other building unions. When Bud Cook summarised the year's activities he stressed "the important role that safety played and will continue to play in the industry".⁹³

Yet another aspect of the "Civilize the Industry Campaign" was the drive to regulate those operations within the industry most subject to abuse, particularly demolishing, excavating and concreting. These operations were often handled by small sub-contractors, whose methods were hardest to police and who were most likely to go out of business leaving unpaid insurance premiums and unpaid labourers. The problem of "subbies going broke" was a continual headache. Sometimes the Union won fights to get their members what was owed to them,⁹⁴ but often they did not. Bankrupt sub-contractors would simply appear again under another name. The building unions gave evidence to the N.S.W. Parliamentary Select Committee, calling for the registration of both builders and sub-contractors. Builders, the more stable element in the industry also had a poor record. In seven years 355 builders had gone bankrupt, owing \$14 million.⁹⁵

One of the reasons that demolishers and excavators came to the forefront in the Union's industrial drives was simply because there was so much going on. The front cover of the March journal featured the massive excavation for the E.A. Watts job at Sydney Technical College. More than a quarter of a million cubic yards of earth and rock had been removed from the site.⁹⁶ Excavating in the soft Sydney sandstone created respiratory problems that did not become widely recognised until years later.

Demolishing practices were equally hazardous. Often, even the cat scaffolding required by the D.L.I. was not erected. Malpractice was rife. Reputable demolition companies complained that other firms

⁹² The Builders' Labourer, March 1970, p.9.

⁹³ Minutes: General Meeting, 1 December 1970.

⁹⁴ Minutes: Executive Meeting, 11 August 1970.

⁹⁵ Evidence given to the N.S.W. Parliamentary Select Committee by Mr F.J.O. Ryan, Registrar of Companies, cited by Bud Cook, "Time for a Clean-Up", The Builders' Labourer, July 1970, p.43.

⁹⁶ The Builders' Labourer, March 1970, front cover.

were under-bidding on tenders because they were able to get away with neglecting safety procedures,⁹⁷ paying "cash in hand", avoiding paying employees' income tax and paying lower Workers Compensation Insurance than they should. One demolisher wrote:

I have seen the Demolition Industry deteriorate to such an extent that prices for demolishing is [sic] being carried out cheaper than 15 years ago, in spite of all rising costs.⁹⁸

The fact that jobs in demolition and excavation work were mainly unskilled meant that migrant labour was a large percentage of the workforce in these areas which added to the difficulty of organisation. The first big breakthrough came when Brambles excavation workers won a significant over-award increase after a strike in October. Three large City jobs stopped and marched in a protest on 4 October. Munday described the dispute as "a good one" and added that "other excavators and demolishers must receive more attention from the Union".⁹⁹ He thought the Union should aim to extend the over-award payment to all sub-contractor excavators.¹⁰⁰

Concentration on the excavation sub-contractors¹⁰¹ culminated in a meeting of builders labourers working in the excavation field drawing up a log of claims. These included bringing amenities up to standard, no working in the rain, all special rates paid without absorption, proper pay slips to accompany all pay packets, and all work sub-let by excavators also to be bound by the agreement.¹⁰²

By December, acting Secretary Bud Cook was able to speak of the "big break throughs" that had been made "on behalf of the workers, such as in the Demolition, Excavation, Frankipile, Concreters etc."¹⁰³

Another aspect of the industry over which the Union tried to get more control was victimisation of militants. The Union kept a close watch in the weeks following the Margins strike to ascertain whether

97 Evidence given to the N.S.W. Parliamentary Select Committee by Whelan the Wrecker, cited by Bud Cook, "Time for a Clean-Up", The Builders' Labourer, July 1970, p.43.

98 Correspondence: Neville L. Platt Demolition Pty Ltd, to the Builders Labourers Union (N.S.W. Branch), 17 June 1970. The Union tried to ban one particular demolisher from any work in the City. During discussion of the proposition, many officials and rank and filers strongly supported the move. Minutes: General Meeting, 3 March 1970.

99 Minutes: General Meeting, 6 October 1970.

100 Minutes: Executive Meeting, 6 October 1970.

101 Minutes: Executive Meeting, 17 November 1970.

102 A.B.L.F. (N.S.W. Branch) Circular, 24 November 1970, roneod.

103 Minutes: General Meeting, 1 December 1970.

activists were being sacked.¹⁰⁴ There was little evidence of deliberate or co-ordinated victimisation but isolated instances occurred.¹⁰⁵ The main problem, as always, was the inability of known militants to get employment in the first place. Don Crotty says that things "became a little bit easier but not a great deal". Even with the building boom and the demand for skilled labour, militants, who were predominantly ticketed men, still had to follow the old routine of buying the early edition of the Sydney Morning Herald at 5.30 a.m. to make sure they were the first person at the building site to apply for the advertised job. Only on "really unionised jobs" was the demeaning practice of the early morning job queue eliminated.¹⁰⁶

An event of great significance which occurred during 1970 was the commencement of the high rise Qantas building by Dillingham Constructions. The project ran into industrial trouble right from the start. A giant building with a semi-governmental institution as the client and a huge multi-national developer as the main contractor was bound to become some sort of industrial pace-setter and it did. Government bodies as clients are much less flexible when it comes to tactics than are private clients.¹⁰⁷ Mick McEvoy one of the early labourers on the site explained the situation: "Qantas was completely committed to that building, they'd sunk so much money into it. They could not pull out. Every-body realised that - the client and the men".¹⁰⁸ McEvoy also made the interesting observation that the Qantas project was "virtually the Opera House, stage two". Much of the workforce had come straight from the Opera House which was finishing up at the time. These men had fought and won industrial battles on the Opera House and were seasoned campaigners. McEvoy claimed it was a safe and secure job rather than a militant one as "they could feel safe behind the structure of the building".¹⁰⁹ However the Qantas job soon became an important focus for industrial activity, never aspiring to the workers' control atmosphere of Dillinghams other big job at Clarence Street, but nevertheless winning important struggles. A hard core of experienced unionists such as Brian Rix, Mick Curtin, Reg Mason and Duncan Williams from the B.L.F.

104 Minutes: Special General Meeting, 25 August 1970.

105 Minutes: Executive Meetings, 22 September and 22 October 1970.

106 Interview: Don Crotty, 7 March 1978.

107 Discussed in chapter 10.

108 Interview: Mick McEvoy, 10 October 1977.

109 Brian Rix also concurs on this assessment. He describes the original workforce as "not necessarily militant but if given the right leadership accepted it". Interview: Brian Rix, 20 December 1977.

and Tommy Morrison from the B.W.I.U. guided the workers on the job.¹¹⁰ The tradesmen and the labourers purposely set about achieving unity in their disputes. "A daily series of little victories"¹¹¹ helped gain control and welded the workers into a formidable force. The testing period that occurs between employer and employees on all big jobs culminated in the decisive site-allowance strike which began in August and lasted for almost four months. The dispute was aggravated by the employer resisting the over-award demands with grim determination.¹¹² Both Dillinghams and the M.B.A. feared that the over-award payment would become generalised if conceded.¹¹³

Organisation around the strike was intense. Subscription lists were distributed,¹¹⁴ job meetings were held almost daily¹¹⁵ and participation by the strikers, even the migrants, was high.¹¹⁶ In October the site was blackballed.¹¹⁷ The B.L.F. leadership became increasingly critical of the way the B.W.I.U. leadership was conducting the struggle¹¹⁸ and when the B.W.I.U. eventually backed out of the dispute altogether, Munday declared it "most unfortunate to say the least".¹¹⁹ Mick Curtin the job delegate was more specific, criticising Clancy for "not accepting a democratic decision of a large majority"¹²⁰ at a combined meeting. Bud Cook said that the tradesmens' leaders "came out of the struggle in a very poor light as far as the workers were concerned".¹²¹

The B.L.F. leadership took a unanimous decision not to attend court over the matter¹²² and Munday sent a telegram instead. Despite the minor furore that this action caused, the dispute was eventually won, with Dillinghams paying a site allowance of 11.25¢ per hour.¹²³ The

110 Interview: Duncan Williams, 25 February 1976.

111 Interview: Brian Rix, 20 December 1977.

112 Minutes: Executive Meetings, 10 and 22 September 1970.

113 Minutes: Executive Meeting, 29 September 1970.

114 Minutes: Executive Meeting, 15 September 1970.

115 Interview: Duncan Williams, 25 February 1976, and Minutes: Executive Meeting, 22 October 1970.

116 Minutes: General Meeting, 6 October 1970.

117 *Ibid.*

118 *Ibid.*

119 Minutes: General Meeting, 3 November 1970.

120 *Ibid.*

121 Minutes: General Meeting, 1 December 1970.

122 Minutes: Executive Meeting, 24 November 1970.

123 The Commonwealth Conciliation and Arbitration Commission, Dillingham Constructions Pty Ltd, (Qantas Project) and the Australian Builders' Labourers' Federation, 30 November 1970 [CNo. 2067 of 1970].

leadership called this "a magnificent victory" and congratulated the workers on the job with great enthusiasm.¹²⁴

A feature of the industry that was becoming more common as the boom conditions accelerated was over-award payments. Bud Cook forecast that "bartering of over-award gains" directly with the employers "will be common in the future".¹²⁵ Pringle believed that "the climate is right for gains in the industry",¹²⁶ but Munday warned that "the Dillinghams [Qantas] job struggle showed that employers were united on stopping over-award payments".¹²⁷ He thought that employers feared that over-award payments won at Dillinghams "would tend to become general".¹²⁸ Despite employer resistance, many over-award disputes broke out in the months following the Margins strike.¹²⁹ Successful results were achieved with Brambles,¹³⁰ Marrickville Margarine,¹³¹ Crows,¹³² Dillinghams¹³³ and the P.W.D.¹³⁴

As usual, in the unsettled state of the industry at the time, although significant gains were being made on strongly unionised, militant jobs, other areas were lagging. Tom Hogan believed that a number of employers were actually paying under-award rates,¹³⁵ and even more were paying what was known as the fourth rate. The fourth rate applied to those labourers under the award who were deemed to have no skills whatsoever, i.e. pick and shovel men. There had been a move for some time to eliminate this rate but the success of the Margins strike added impetus to the campaign.

During the Margins campaign Prendergast argued that the lowest grouping should be deleted.¹³⁶ Donoghue complained that too much organising was being done around the top rates and not enough for the lower rates.¹³⁷ In September Tom Hogan moved that "...award rates printed from now show three rates only with an explanation that these be the only minimum rates recognised by the Federation".¹³⁸

124 Minutes: Executive and General Meeting, 1 December 1970.

125 Minutes: General Meeting, 3 February 1970.

126 Minutes: Executive Meeting, 3 February 1970.

127 Minutes: Executive Meeting, 10 September 1970.

128 Minutes: Executive Meeting, 29 September 1970.

129 Minutes: Executive Meeting, 10 September 1970.

130 Minutes: Executive Meeting, 6 October 1970.

131 Ibid.

132 Minutes: General Meeting, 6 October 1970.

133 Minutes: Executive Meeting, 29 September 1970.

134 Minutes: Executive Meeting, 22 October 1970.

135 Minutes: Executive Meeting, 17 November 1970.

136 Minutes: Special Executive Meeting, 20 April 1970.

137 Ibid.

138 Minutes: Executive Meeting, 29 September 1970.

The employer which most resisted the elimination of the fourth rate was the P.W.D. Like most government instrumentalities it remained inflexible and averse to collective bargaining techniques.

When the P.W.D. announced that "the fourth rate of pay will be paid where applicable", Pringle urged that this should be resisted, by stoppages if necessary.¹³⁹ In October Munday attended a meeting with the P.W.D. over the issue¹⁴⁰ and a stoppage, planned for November was brought forward. Donoghue agreed that this was a good idea because payment of the fourth rate was widespread in the P.W.D.¹⁴¹ By November, Cook was able to announce that "the prospects were bright for eliminating the fourth rate in the P.W.D."¹⁴²

The fourth rate campaign met with varying success. Munday was called to a conference with the Commission over the matter in October¹⁴³ and the November General meeting passed a policy motion that: "We resolutely reject the suggestion that any builders laborer has no skills whatever and declare the fourth rate inapplicable at all times".¹⁴⁴ However, employers, particularly those in outlying districts¹⁴⁵ and poorly unionised sections of the industry, continued to pay the fourth rate. Its disappearance from the industry was gradual rather than dramatic but in the central business district where the bulk of the membership worked, the rate was eliminated by the end of 1970.¹⁴⁶

The Union's move away from reliance on traditional union procedures such as arbitration, gained impetus after the successes of direct action methods during the five weeks strike. The leadership's attitude to the arbitration system was unashamedly one of opposition. Bud Cook advocated "casting aside the outdated Arbitration Court system".¹⁴⁷ Munday spoke of the need to "bypass arbitration and resort to collective bargaining".¹⁴⁸ Joe Owens wrote that "arbitration has no future" and

¹³⁹ Minutes: Executive Meeting, 13 October 1970.

¹⁴⁰ Minutes: Executive Meeting, 22 October 1970.

¹⁴¹ Ibid.

¹⁴² Minutes: Executive Meeting, 10 November 1970.

¹⁴³ Minutes: Executive Meeting, 22 October 1970.

¹⁴⁴ Minutes: General Meeting, 3 November 1970.

¹⁴⁵ Minutes: Executive Meetings, 22 and 27 October and 8 December 1970.

In October, all building trades stopped work in Wagga Wagga in support of builders labourers who were receiving the fourth rate.

¹⁴⁶ Other aspects of payment procedures in the building industry that were opposed by the Union with varying success were bonus payments, (Minutes: General Meeting, 7 July 1970) and "all-in" payments, (The Builders' Labourer, March 1970, p.43).

¹⁴⁷ Minutes: General Meeting, 3 February 1970.

¹⁴⁸ Minutes: General Meeting, 3 March 1970.

that it was "being slowly and surely carted off to the funeral pyre". He saw as the answer, not collective bargaining but socialism.¹⁴⁹ Dick Prendergast urged workers "to attend Arbitration Courts to see so-called democracy in action".¹⁵⁰

As well as the incident described earlier where the Union failed to attend a Commission hearing in the Frankipile dispute,¹⁵¹ the Union adopted a similar tactic during the Dillingham [Qantas] strike. After one session at the Commission, Munday explained "that the Court hearing was attended only as a tactic, and that we would accept only favourable decisions".¹⁵² At a later Executive meeting, Bud Cook advocated not appearing at Court in relation to the Dillinghams dispute. This was agreed to by all present, even Ron Donoghue who was possibly the most traditionally minded member of the Executive.¹⁵³ The Commission Case which was boycotted involved Dillinghams moving for penal action over the strikes on the Qantas project. A telegram to Judge Moore, signed by Munday, advocated that the company agree to genuine negotiations "and not engage in antiquated penal action proceedings".¹⁵⁴ The dispute was won without penal action being incurred.

The year 1970 was also significant because it marked the beginning of the M.B.A.'s move to deregister the Union. Bud Cook mentions that "the M.B.A. had been threatening for some time to deregister us...threats had gone as far back as 1969".¹⁵⁵ But by 1970 the M.B.A. threats became more frequent with specific reference made to the Union's actions during the Margins dispute,¹⁵⁶ the dogmen's dispute,¹⁵⁷ and eventually the Dillinghams strike.¹⁵⁸

In November the Union actually received a letter from the M.B.A. threatening deregistration.¹⁵⁹ This was the first time the matter was raised in written form. Geoff Anderson, writing in 1971 believed that:

149 Joe Owens, "Does Arbitration Have any Future", The Builders' Labourer, March 1970, p.41.

150 The Builders' Labourer, March 1970, p.47.

151 This non-attendance is described by Bob Pringle (Interview: 8 March 1978) as the first time a union had walked out of the Commission since Clarrie O'Shea.

152 Minutes: General Meeting, 6 October 1970.

153 Minutes: Executive Meeting, 24 November 1970.

154 Pete Thomas, Taming the Concrete Jungle, p.18.

155 Interview: Bud Cook, 5 March 1978.

156 Minutes: Executive Meeting, 3 March 1970.

157 Minutes: General Meeting, 3 March 1970.

158 Minutes: Executive Meeting, 10 November 1970.

159 Minutes: Executive Meeting, 24 November 1970.

were it not for the fact that they [the B.L.F.] are registered under the Commonwealth Arbitration Act, the M.B.A. would have moved for their de-registration at least twelve months ago.¹⁶⁰

Another pattern that began to develop during 1970 was police harassment of builders labourers during industrial disputes. In November several members were arrested by the police during industrial action at a Leighton Industries job in Baulkham Hills.¹⁶¹ The Union responded by blackbanning all other Leighton's projects¹⁶² and argued that the only condition they would accept was the withdrawal of all charges against the workers involved.¹⁶³ Eventually, after an extensive campaign, the company backed down and the bans were lifted.¹⁶⁴

A more spectacular incident occurred in December when Tom Hogan was arrested while addressing workers on a building site and became the first person to be charged under the Summary Offences Act. This Act had been specially introduced by the Askin government, according to Munday and Owens "because of the 1970 strike".¹⁶⁵ Munday claimed that Hogan's arrest under the new Act was "hardly accidental". His crime was "waiting on a building site". He was there at the direction of strikers "to investigate a purely Union matter!"¹⁶⁶ Hogan refused to plead in Court and told the Magistrate that it was "purely an industrial matter".¹⁶⁷ The case was held over until the following year and became one of the focii for continued activity around opposition to the Summary Offences Act.

More attention from the police occurred when Commonwealth Police visited the Union's office after Jack Munday had been interviewed on the A.B.C. about comments he had made in an Australian Left Review article. The police had a list of seventeen questions with them. They refused Munday a copy and he refused to give them oral answers. But in interview he stated:

The main points of the intended police questions were on my ideas on militant forms of strike action - occupations, combating scabs, retaliation on scab-built buildings, and agitation for workers'

160 Geoff Anderson, op.cit., p.40. Federal registration means that N.S.W. alone could not be deregistered.

161 Minutes: Executive Meeting, 1 December 1970.

162 Minutes: Executive Meeting, 15 December 1970.

163 Minutes: General Meeting, 1 December 1970.

164 Minutes: Special Executive Meeting, 24 December 1970. See chapter 5 for details.

165 Interview: Joe Owens, 24 January 1978, also mentioned by Munday in Australian Left Review, No. 32, p.11.

166 Jack Munday, "Interview with Jack Munday", Australian Left Review, No. 32, September 1971, p.11.

167 Minutes: Special Executive Meeting, 24 December 1970.

control and abolition of the penal powers.¹⁶⁸

It was not to be Munday's only such visit from the police.¹⁶⁹

One of the recurrent problems for the leadership during 1970 was the poor financial situation, mainly exacerbated by non-unionism. At the beginning of the year Munday had made a plea to the organisers to lift finance and membership to allow work on a wider front to go ahead.¹⁷⁰ Later, he reported that "last year's balance sheet revealed that stoppages had created problems re membership and he called for greater efforts around this question".¹⁷¹ Elaborating on the situation he quoted government statistics that pointed out that the number of potential members was 9,102 whereas the number of actual members was 4,200: "Since 1968 all areas have shown falls financially". He made comparisons between 1969 where the financial membership had been 3,600 and the unfinancial membership 2,100, and the first three months of 1971 where the figures were worse. The A.C.T. in particular showed 96 financial and 713 unfinancial members. Munday explained that: "...fragmentation makes collecting dues harder. Our two greatest means are organisers and delegates..." whose payments were down, whereas payments at the counter were rising. He called for a detailed Executive examination of the situation because "no explanation was given why the position financially is still deteriorating...Improvements have been made in last year and a half but a big problem still remains". It was decided that a weekly detailed report would be given and that the whole Executive should give much more thought to improving the financial aspects of organising.¹⁷²

After the successful Margins strike the situation did not markedly improve.¹⁷³ A special Branch meeting was arranged to discuss unfinancial membership and organisers were requested to attend.¹⁷⁴ In September Munday again expressed the opinion that "we were too tolerant" to unfinancial members and organised a show-card day on a number of City building sites.¹⁷⁵ This was a success and Munday paid special tribute

¹⁶⁸ Jack Munday, "Interview with Jack Munday", Australian Left Review, No. 32, September, 1971, p.8.

¹⁶⁹ See chapter 5.

¹⁷⁰ Minutes: Executive Meeting, 17 February 1970.

¹⁷¹ Minutes: Executive Meeting, 3 March 1970.

¹⁷² Minutes: Special Executive Meeting, 20 April 1970.

¹⁷³ Minutes: Executive Meeting, 7 July 1970.

¹⁷⁴ Minutes: General Meeting, 7 July 1970.

¹⁷⁵ Minutes: Executive Meeting, 22 September 1970.

to the work that Tom Hogan had done in preparation.¹⁷⁶ Another show-card day was organised, with Munday exhorting the Executive that it was "tragic that a militant Union such as ours should only have about half its potential membership". He believed that "the post-election period and the new attitudes shown should improve this position".¹⁷⁷ The second show-card day was also a success and Munday advised the Executive that they should continue.¹⁷⁸ By November Munday happily announced that "the position of the Branch was the strongest it had ever been and he looked forward to bigger and better things in the next three years".¹⁷⁹ By this he obviously meant both financially and industrially. The following week he was even more exuberant:

Bro. Secretary reported that payins were excellent and that in the last 6 weeks only once were payins less than \$2000. City and North Sydney now fully accept full unionised jobs. A new situation now exists in the B.L.F.¹⁸⁰

Concentration on dues collecting and techniques to counter non-unionism had eventually paid off. The delayed beneficial effects of the Margins strike were also beginning to be felt. No longer would financial problems dog the efforts of the N.S.W. leadership.

Organising problems, however, occurred continually. Complaints were made about organisers not ringing in to the office,¹⁸¹ and not filling out job reports¹⁸² and not contributing enough articles to the journal.¹⁸³ Continual discussions were held about the advisability of area surveys, authorisation forms and special organisers meetings.¹⁸⁴ Defaulting reps, although not common, were also a problem,¹⁸⁵ and frequent mention was made of the problems of organising the outer suburbs.¹⁸⁶ Jack Munday was particularly critical about organisation

¹⁷⁶ Minutes: Executive Meeting, 6 October 1970. Tom Hogan's name was often mentioned as the organiser with the most fanatical attitude to eliminating unfinancial unionism.

¹⁷⁷ Minutes: Executive Meeting, 13 October 1970.

¹⁷⁸ Minutes: Executive Meeting, 27 October 1970.

¹⁷⁹ Minutes: Executive Meeting, 3 November 1970.

¹⁸⁰ Minutes: Executive Meeting, 10 November 1970.

¹⁸¹ Minutes: Executive Meetings, 25 August 1970 and 1 September 1970.

¹⁸² Minutes: Executive Meetings, 27 January 1970, 17 February 1970 and 31 March 1970.

¹⁸³ Minutes: Special Executive Meeting, 3 February 1970 and Executive Meetings, 17 February 1970; 28 July 1970; 25 August 1970; 1 September 1970.

¹⁸⁴ Minutes: Executive Meeting, 29 June 1970.

¹⁸⁵ Minutes: Special Executive Meeting, 20 April 1970 and Executive Meeting, 15 September 1970.

¹⁸⁶ Minutes: Executive Meetings, 24 March 1970; 10 November 1970; 17 November 1970 and Special Executive Meeting, 20 April 1970.

defects¹⁸⁷ but he gave credit where it was due, explaining that he felt "that all organisers have a go but there is a need to be more organised so that all jobs are visited".¹⁸⁸

The dedication of the Executive and organisers was obvious. Special all day Executive meetings, extra Branch meetings and weekend meetings were arranged frequently.¹⁸⁹ The office staff was loyal and hardworking. The leadership's appreciation of their efforts during the Margins strike was recorded in glowing terms:

We have saved until last a very special thanks to the girls of our office staff. Their self-sacrificing and hard work during the strike in no small way helped us to victory.¹⁹⁰

The amount of administrative work tripled whilst the strike was in progress and it is no small thanks to the office staff that some semblance of order was kept throughout that trying period.

Starting early and finishing late, their efforts went almost unnoticed to all but a few...Thank you on behalf of all B.Ls.¹⁹¹

Ironically however it was the 1970 strike that began to change the "easy going atmosphere" among the office and organising staff. Paula Rix, one of the "girls" referred to above believes:

...the thing that really changed the office-officials relationship was the 1970 strike because the membership expanded and the place was transformed...absolutely jumping...several crises a day.

I'm not saying they were bad bastards they were just things that happened when it got bigger.¹⁹²

The relationship of the officials with each other was also good. Of the organisers, only Austin and Lynch had failed to capture the spirit of the radically different organisation that the Union was rapidly becoming. Munday acknowledged in February that the "position with organisers was good but he felt there were some differences between he and Bro. Lynch".¹⁹³ By November Austin had retired¹⁹⁴ and Lynch had been defeated as organiser in the Triennial election.¹⁹⁵

187 He was especially scathing at two meetings in August and September. Minutes: Executive Meetings, 25 August 1970 and 1 September 1970.

188 Minutes: Executive Meeting, 17 February 1970.

189 Minutes: Special Executive Meeting, 3 February 1970 and Executive Meetings, 7 April 1970 and 4 August 1970.

190 The Builders' Labourer, July 1970, p.5.

191 Ibid., p.9. The staff were also commended "for their effort" at the June Branch Meeting, Minutes: General Meeting, 9 June 1970 and an Executive meeting in November "for a really magnificent effort in the recent period" [of heavy payins]. Minutes: Executive Meeting, 10 November 1970.

192 Interview: Paula Rix, 25 January 1978. For further discussion on this point see chapter 9.

193 Minutes: Executive Meeting, 17 February 1970.

194 Minutes: Executive Meeting, 27 October 1970.

195 Minutes: General Meeting, 6 October 1970.

The central core of full time elected officials¹⁹⁶ was supplemented from time to time by temporary organisers brought on to service specific areas such as Newcastle and Wollongong or to organise around particular events. Bob Pringle,¹⁹⁷ Joe Owens,¹⁹⁸ Brian Hogan, Tom Hogan, Don Forskitt¹⁹⁹ and Bud Cook were all appointed as temporary organisers during this period. There was serious discussion²⁰⁰ about the advantages and disadvantages of appointing temporary organisers through endorsement at Branch general meetings and the policy was eventually adopted at the August Branch meeting.²⁰¹ Some organisers such as Joe Owens and Tom Hogan went back into industry for long periods,²⁰² between terms as organisers. In March, Ron Donoghue from the P.W.D. was elected unopposed as Vice President²⁰³ which enabled the important Public Works sector of the industry to be represented on the Executive.²⁰⁴ The Rank and File Preselection for the triennial elections was held on 16 August²⁰⁵ and was well attended. Mick Curtin described it as a "good broad meeting".²⁰⁶ Nobody opposed Munday at the pre-selection²⁰⁷ but McHugh from Canberra stood against him at the Election. McHugh had become increasingly critical of the C.P.A.,²⁰⁸ but Munday believed that McHugh's opposition was personal not ideological. He described McHugh as "ex-C.P.A., ex-A.L.P., not S.P.A., mainly McHugh".²⁰⁹

The Election process was carried out without a hitch. Keith Jessop was unopposed as returning officer and Rix and Mason as scrutineers.²¹⁰ Munday sounded surprised and perhaps a little pained when he discovered that there would have to be an election "as there were further nominations for various positions".²¹¹ Most of the Rank and File pre-selected candidates were unopposed except that McHugh stood

196 Munday, Prendergast, McGill, Austin, Lynch.

197 Minutes: Executive Meeting, 31 March 1970.

198 Minutes: Executive Meeting, 3 November 1970.

199 The Builders' Labourer, July 1970, p.7.

200 Minutes: Executive Meeting, 17 February 1970, 31 March 1970 and 16 June 1970.

201 Minutes: General Meeting, 4 August 1970.

202 The Builders' Labourer, July 1970, p.19.

203 Minutes: Executive Meeting, 31 March 1970.

204 The Builders' Labourer, July 1970, p.19.

205 Minutes: Executive Meeting, 28 July 1970.

206 Interview: Mick Curtin, 29 February 1976.

207 See chapter 5.

208 Interview: Jack Munday, 30 March 1978.

209 Ibid.

210 Minutes: Executive Meeting, 28 July 1970.

211 Minutes: Executive Meeting, 1 September 1970.

as Federal Council delegate (as well as Secretary) and Lynch stood for one of the organiser's positions. The fact that the expensive and time-consuming electoral process was carried out because of two men who were soundly defeated probably prompted Munday to remark that "it was unfortunate the election occurred"²¹² and later referred to it as "futile".²¹³

The result as declared at the October Branch Meeting was:-²¹⁴

President	- R. Pringle (unopposed)
Vice-President	- R. Donoghue (unopposed)
Trustees	- B. Cook, R. Prendergast (unopposed)
Guardian	- A. Luthy (unopposed)
Executive	- B. Hogan, T. Hogan, J. Owens, D. Crotty (unopposed)
Secretary	- J. Munday - 684
	D. McHugh - 148
	Informal - 35

Bro. J. Munday declared elected.

Organisers' positions (3) -

B. McGill	- 555
M. Lynch	- 366
R. Prendergast	- 706
B. Hogan	- 615
Informal	- 61

Bros McGill, Prendergast and B. Hogan declared elected.

Delegates to Federal Council (3) -

M. Lynch	- 683
J. Munday	- 674
R. Pringle	- 649
D. McHugh	- 319
Informal	- 54

Bros Lynch, Munday and Pringle declared elected.

The fact that only 867 members voted out of approximately 9,000²¹⁵ who were eligible was probably because most positions were uncontested and the result appeared to be a foregone conclusion. The Secretary's position where McHugh was defeated by a margin of over four to one is a resounding victory and a very strong indication of membership support for Munday. If more had voted the margin for Munday would probably have been even greater as McHugh had probably mobilised the maximum number of his potential supporters.

²¹² Minutes: Executive Meeting, 6 October 1970.

²¹³ Minutes: General Meeting, 3 November 1970. This interpretation is reinforced by Munday's remark "had Bro. Lynch not supported McHugh in getting nominations our union would have been \$3000 better off". Minutes: Executive Meeting, 15 September 1970.

²¹⁴ Minutes: General Meeting, 6 October 1970.

²¹⁵ Estimation made by Keith Jessop the returning officer; Keith Jessop: Interviewed by Pat Fiske, 1976.

It had been quite obvious for some time that McHugh was finding himself more and more out of tune with the Sydney leadership. The A.C.T. had remained a problem for the N.S.W. Executive throughout the sixties and was obviously not going to change in the seventies. McHugh had been the organiser in Canberra for over four years but resigned early in 1970, officially "to return to work in the industry"²¹⁶ but there was obviously more to it than that. Austin objected to the idea of McHugh attending an Executive meeting arguing that if McHugh resigned "by correspondence" he should be answered the same way.²¹⁷ As organisers were welcome to observe Executive meetings by this stage there was obviously an objection to McHugh per se. However, a motion was passed inviting him to attend an Executive meeting. There was intense debate the following week when Pringle moved a recision motion which was lost.²¹⁸ McHugh did not turn up to the Executive meeting and Munday "made some comments"²¹⁹ as the cryptic Minutes writer observed. Munday reported to the February General Meeting that "consultations between the Executive and Bro. McHugh had broken down and his resignation was reluctantly accepted by the Executive". McGill had earlier been sent to organise in Canberra in preparation for a proposed Award stoppage.²²⁰ McGill reported that the workers were "not over-enthusiastic" so it was arranged that both Munday and Pringle should attend the stoppage with Pringle chairing the meeting.²²¹

Munday had made several trips to Canberra and a Town Committee was elected.²²² The stoppage was reported to be "a success and attendance was not bad with 40 members attending and further action is following on". He reported that there were 151 financial members in the A.C.T. and the number of delegates had been increased from six to fourteen. He said that the task was to increase membership and he "had not found any present official to go to Canberra".²²³ He attended another Town Committee meeting in March and the Committee recommended "a member named R. Brennan to fill the vacancy".²²⁴

When the National Stoppage over margins was organised in April it was agreed by the Executive that Canberra should take part. All agreed that national unity was essential and Brian Hogan spoke of the

²¹⁶ The Builders' Labourer, March 1970, p.3.

²¹⁷ Minutes: Executive Meeting, 13 January 1970.

²¹⁸ Minutes: Executive Meeting, 20 January 1970.

²¹⁹ Minutes: Executive Meeting, 27 January 1970.

²²⁰ Minutes: Executive Meeting, 13 January 1970.

²²¹ Minutes: Executive Meeting, 3 February 1970.

²²² Minutes: Executive Meeting, 12 February 1970.

²²³ Minutes: Executive Meeting, 17 February 1970.

²²⁴ Minutes: Executive Meeting, 10 March 1970.

dangers involved if Canberra took separate action. Brennan advised that policing of jobs would be necessary in Canberra.²²⁵ Bud Cook travelled to the A.C.T. for the stoppage but the results were disappointing. The Town Committee, under the influence of McHugh, decided to elect their own negotiating committee and by-pass N.S.W. The M.B.A. in Canberra had been active in organising against the strike by advertising in newspapers and pay packets. The members accepted a proposition from the M.B.A. to get over-award payments but no margin increase until February. Cook reported that "McHugh had told untruths about the Master Builders Association offer". Cook also believed that McHugh had been preparing the ground for a separate Branch to be formed in Canberra.²²⁶ In defence of their unilateral action over the stoppage A.C.T. members claimed that as N.S.W. had made application to the Court for margins, N.S.W. had neglected the A.C.T. When Cook asked them who would sign the agreement on behalf of the A.C.T. "no answer was forthcoming". Munday "expressed strong views on the part played by Bro. McHugh in Canberra...the Executive cannot stand idly by any longer...[even] the Federal Secretary has expressed amazement". He proposed that Gallagher and he should visit Canberra and invite all builders labourers to discuss a Branch in the A.C.T. Amongst general agreement from the other Executive members such a motion was carried.²²⁷ The coming of the Margins strike prevented this from being done however.

Feeling about McHugh's actions were obviously so strong that Cook asked the Executive whether they supported McHugh for the position of A.C.T. Labor Council Secretary. Munday believed that Canberra should select and elect Labor Council officers and moved that the Executive "call upon Bro. Brennan to encourage the left and progressive forces to meet and select a candidate for the position..."²²⁸ Munday visited Canberra again after the Margins strike and had "fruitful" meetings.²²⁹ At the June Branch meeting Brian Hogan was elected as organiser in the Canberra area because Brennan had resigned. The journal announced that "Brian has impressed builders labourers and Union officials alike in Canberra, where he is working".²³⁰ Reporting on a Canberra stoppage in support of the nurses' strike Munday commented, "...it stood out that

225 Minutes: Special Executive Meeting, 20 April 1970.

226 Consequently proved to be a correct suspicion. See chapter 5.

227 Minutes: Special Executive Meeting, 20 April 1970.

228 Minutes: Executive Meeting, 5 May 1970.

229 Minutes: Executive Meeting, 25 June 1970.

230 The Builders' Labourer, July 1970, p.7.

Bro. Hogan had done a good job in the A.C.T."²³¹ Under Hogan's further influence as organiser, the A.C.T. scene changed dramatically and by September Munday was able to report that 170 builders labourers met in Canberra at a four hour stoppage and that they now realised "the errors of supporting McHugh in not struggling around margins".²³²

However in November Canberra had resorted to its usual position as trouble spot for the Executive. Munday reported that a crisis had developed since Brian Hogan's departure. Peter Hawke, a member of the Town Committee had been temporarily appointed as organiser, a move which Hogan had supported.²³³ But the problem remained. It was difficult to keep permanent organisers based in Canberra. The membership there was not politicized to the same extent as in Sydney. Any move in Canberra had to take account of McHugh who, although pushing for separate branch status in the A.C.T., was not competent enough to enable such a branch to be viable.

The other country areas were less troublesome although the overall problems of whether they could support a regional organiser, and of finding suitable permanent organisers were still obvious.

The first activity for the year in Newcastle and Wollongong were stoppages of Public Works Department and Maritime Services Board employees.²³⁴ Austin was sent to Newcastle and Lynch to Wollongong to organise.²³⁵ Out of these stoppages arose discussion about the need for a full time organiser in Newcastle "due to the amount of [building] work".²³⁶ McGill was sent to Newcastle to survey the area and its needs.²³⁷ Also discussions were held with members in both Newcastle and Wollongong about the practicability of establishing Town Committees.²³⁸

For the Margins stoppage in April, McGill and Tom Hogan were sent to Newcastle while Brian Hogan was to go to Wollongong and "if necessary Bro. D. Forskitt be 'paid off'...to do stoppage with him".²³⁹

Both regional centres reported that their strike meetings were predominantly attended by workers from the P.W.D. probably because of

231 Minutes: Executive Meeting, 14 July 1970.

232 Minutes: Executive Meeting, 15 September 1970.

233 Minutes: Executive Meeting, 10 November 1970.

234 Minutes: General Meeting, 3 March 1970.

235 Minutes: Executive Meeting, 17 February 1970.

236 Minutes: Executive Meeting, 3 March 1970.

237 Minutes: Executive Meeting, 31 March 1970.

238 The Builders' Labourer, March 1970, p.3.

239 Minutes: Special Executive Meeting, 20 April 1970. Originally Donoghue, who was not a full time official was to be sent to Wollongong but Munday eventually revised this decision.

the previous strike activity amongst P.W.D. employees in these areas. The Wollongong meeting was considered successful although "there was some difficulty encountered at the B.H.P."

The Newcastle stoppage, although it voted to support the Vietnam Moratorium, decided not to stop work the following week on the same day as the rest of N.S.W. Although this decision was criticised by Pringle and others, Munday said he thought it would be folly to attempt to force the Newcastle workers to stop work on the Monday contrary to the decision that had already been made in Newcastle.²⁴⁰

When the Margins strike actually arrived support in both areas was good, and also in Goulburn.²⁴¹ Wollongong voted overwhelmingly in support although Forskitt had some trouble stopping jobs.²⁴² Vigilante action was keen in Newcastle.²⁴³

However during the post-strike post-mortem discussion, Munday reported that "one weakness was in country areas, Newcastle and Wollongong particularly [required] much action".²⁴⁴ Don Forskitt who had been acting as temporary organiser in Wollongong during the strike was to stay on because "the locals requested more consistent service". The journal reported that "already Don has made an impact and has a higher degree of organisation and financial unionism than ever existed before". Similarly, Tom Hogan was appointed to Newcastle; "because of his splendid leadership in the strike, a petition was taken up by the Newcastle workers requesting Tom be the full time organiser in that area". Brian Hogan, as well as having the responsibility for Canberra was to visit Goulburn, Albury, Wagga and other South West centres.²⁴⁵

Forskitt's survey of the Wollongong area reported about 300 labourers.²⁴⁶ This was more than had been estimated and organisation was reported to be good, particularly in the P.W.D.²⁴⁷ The Branch gave little trouble for the rest of the year, having a four hour stoppage in support of the Canberra nurses' strike²⁴⁸ and holding an "excellent" meeting in September.²⁴⁹

240 Minutes: Executive Meeting, 28 April 1970.

241 Minutes: Executive Meetings, 5 and 12 May 1970.

242 Minutes: Executive Meetings, 5 and 12 May 1970.

243 The Builders' Labourer, July 1970, pp.27 and 48. Also Interview: Tony O'Beirne, 2 March 1978.

244 Minutes: Executive Meeting, 9 June 1970.

245 The Builders' Labourer, July 1970, p.7.

246 Minutes: Executive Meeting, 25 June 1970.

247 Minutes: Executive Meeting, 16 June 1970.

248 Minutes: Executive Meeting, 20 June 1970.

249 Minutes: Executive Meeting, 22 September 1970.

Newcastle on the other hand, received some of the backlash from the Union's continually worsening position with the B.W.I.U. In July the B.W.I.U. wrote to the Union informing them that the use of the B.W.I.U. room in Newcastle would no longer be available "because of overcrowding".²⁵⁰ The journal, under the headline "No Room at the Top", explained that although the N.S.W. Branch of the B.L.F. were the strongest advocates of amalgamation of building unions, "the B.W.I.U., has discovered...the B.W.I.U. office in Newcastle is 'too small' to accommodate our newly elected organiser in that area, Tom Hogan..." The journal went on to recall that "the co-operation of the B.W.I.U. in the past has been of a high order and it is somewhat of a surprise that now...the office is 'too small'". The Union organised itself an office next to the Newcastle Labor Council in Trades Hall and arranged that messages could be left there.²⁵¹

Apart from minor occurrences in other areas such as a show-card day on the Central Coast,²⁵² a dispute over the controversial fourth rate at Wagga²⁵³ and the election of delegates to Lismore Labor Council²⁵⁴ there was little recorded action in other country areas.

For the state wide stoppage in December Bob Pringle was sent to Wollongong and Joe Owens to Newcastle. This underlined the importance that the Executive attributed to these areas. Brian Hogan thought the move was "excellent".²⁵⁵

The B.L.F.'s relationship with other unions outside the B.T.G. remained correct and even friendly. Although critical of many aspects of Labor Council activity, the leadership continually emphasised the importance of the Union's involvement,²⁵⁶ with Munday urging Executive members to attend as delegates.²⁵⁷ Pringle even stood as left-wing candidate for Trustee in the annual Labor Council elections.²⁵⁸

Like most busy Unions they found it difficult to keep up a regular attendance of delegates to Labor Council but Executive members did volunteer to attend²⁵⁹ and when delegates for 1971 were being

250 Minutes: Executive Meeting, 21 July 1970.

251 The Builders' Labourer, July 1970, p.9.

252 Minutes: Executive Meeting, 24 February 1970.

253 Minutes: Executive Meeting, 27 October 1970.

254 Minutes: Executive Meeting, 1 December 1970.

255 Minutes: Executive Meeting, 8 December 1970.

256 Minutes: Executive Meeting, 20 January 1970.

257 Minutes: Executive Meeting, 17 February 1970.

258 Minutes: Executive Meeting, 27 January 1970.

259 Minutes: Executive Meeting, 31 March 1970.

elected, the Executive recommended Munday, Owens and Pringle as delegates.²⁶⁰ Mick Curtin, a regular and enthusiastic attendee,²⁶¹ and Vince Ashton were endorsed as the other two delegates.²⁶²

The Union referred matters to Labor Council which it felt were important or which needed combined union action. These issues included education,²⁶³ free hospitalisation of pensioners,²⁶⁴ pollution from a chemical factory at Greystanes,²⁶⁵ police intervention on building sites,²⁶⁶ fund raising for a kidney machine project,²⁶⁷ victimisation of a student for anti-Vietnam activity²⁶⁸ and unsafe scaffolding at the Boy Scouts Jamboree.²⁶⁹ They also resolved to keep up pressure on Labor Council "and the Right Wing" about anti-Vietnam activity and the need to bypass arbitration.²⁷⁰

The Union co-operated in other mainstream union activities. It paid its share of the National Wage Case,²⁷¹ sent delegates to the Trade Union Research Center Conference,²⁷² and attended farewells for other union officials.²⁷³ The leadership continually tried to involve other unions in anti-Vietnam activity²⁷⁴ and eventually was rewarded by the Labor Council passing a B.L.F. resolution on support for the September Moratorium.²⁷⁵ The Union was actively involved in, or supportive of, regional labor councils, sending a representative to Trade Union Week in Orange,²⁷⁶ attending the Central Coast Trades and Labor Council,²⁷⁷ corresponding with Richmond Labor Council²⁷⁸ and electing delegates to Lismore and Newcastle Labor Councils.²⁷⁹

The B.L.F. also supported other unions engaged in struggles such as the Victorian Tramways Union,²⁸⁰ the Waterside Workers,²⁸¹ the

260 Minutes: General Meeting, 3 November 1970.

261 Interview: Mick Curtin, 29 February 1976.

262 Minutes: General Meeting, 3 November 1970.

263 Minutes: Executive Meeting, 20 January 1970.

264 Minutes: Executive Meeting, 27 January 1970.

265 Minutes: Executive Meeting, 22 October 1970.

266 *Ibid.*

267 Minutes: Executive Meetings, 10 and 17 November 1970.

268 Minutes: Executive Meeting, 24 November 1970.

269 Minutes: Executive Meeting, 1 December 1970.

270 Minutes: General Meeting, 3 March 1970.

271 Minutes: Executive Meeting, 7 April 1970.

272 Minutes: General Meeting, 4 August 1970.

273 Minutes: Executive Meeting, 28 July 1970.

274 Minutes: Executive Meeting, 28 April 1970.

275 Minutes: Executive Meeting, 29 September 1970.

276 Minutes: Executive Meeting, 20 January 1970.

277 Minutes: Executive Meeting, 27 January 1970.

278 Minutes: Executive Meetings, 24 March and 29 June 1970.

279 Minutes: Executive Meeting, 1 December 1970.

280 Minutes: Executive Meeting, 13 January 1970.

281 Minutes: Executive Meeting, 31 March 1970.

Canberra nurses,²⁸² the Painters and Dockers²⁸³ and the Miscellaneous Workers Union.²⁸⁴ The range of support included letters of encouragement, meetings on job sites, inviting representatives to speak at Executive meetings, and even strike action.²⁸⁵

The B.L.F. received support during their Margins strike from most of the traditionally "left" unions as well as the T.W.U., the A.W.U. and other unions in the building industry.²⁸⁶ However, despite an obviously friendly relationship with a significant number of unions and a ready participation in Labor Council activities, the Union was not uncritical of certain aspects of the established trade union movement. Dick Prendergast wrote a scathing article in the journal about Labor Council's refusal to allow scrutineers to be elected for the annual election. He added:

The N.S.W. Labor Council use the rules on many occasions in a tyrannical way as instanced at the last big Combined Delegates meeting...where they brought down a resolution almost every speaker opposed...but the Labor Council President would not allow any amendments to be moved...We as a Union encourage workers to attend Arbitration Courts to see so called democracy in action. We also urge them to attend N.S.W. Labor Council any Thursday night.²⁸⁷

The Union was also critical of the poor way the Labor Council organised a Tax and Prices Rally.²⁸⁸ Most importantly though, it felt the Council was not fully supportive of the Margins strike. Although this attitude was considered to be partly due to the influence of the tradesmen's unions²⁸⁹ Joe Owens cast broader aspersions. Under the heading "What is going On?" he wrote in the Builders Labourer:

Leafing through a sporting club journal recently, we were astonished to find that Mr. Ralph Marsh, M.L.C. who is secretary of the N.S.W. Labor Council, is also President of the Canterbury-Bankstown Master Builders' Bowling Club.

We also learnt that some of the leaders of the N.S.W. Labor Council disapproved of the Builders Labourers' strike.

It makes you wonder, doesn't it.²⁹⁰

The journal was often used for pointed articles such as these. As in the sixties it remained chatty, informative and readable. It still contained social news, "kids" birthdays, lots of photographs and

282 Minutes: Executive Meetings, 25 and 29 June and 7 July 1970.

283 Minutes: Executive Meeting, 14 July 1970.

284 Minutes: Executive Meeting, 25 June 1970.

285 Minutes: Executive Meeting, 14 July 1970.

286 See chapter 3.

287 The Builders' Labourer, March 1970, p.47.

288 Minutes: Executive Meeting, 4 August 1970.

289 Minutes: Executive Meeting, 20 May 1970.

290 The Builders' Labourer, July 1970, p.27.

sporting news and comment, normally by Jack Munday.²⁹¹ However, the regular publication began to falter. Having begun the year well with the "great accomplishment" of an issue at the printers in February,²⁹² only two issues, March and July, appeared although another was "at the publishers" in November.²⁹³ An April edition was intended²⁹⁴ but never transpired, presumably because of hectic strike activities. The July issue became a special post-strike pictorial edition intended to depict highlights of the strike.²⁹⁵ Regular calls were made for organisers and Executive members to contribute material.²⁹⁶ Munday was particularly scathing about the reluctance of officials to put pen to paper. This drying up of regular communication with the members was to become particularly significant in later years.

In the area of Federal-State relations 1970 began with the N.S.W. Branch complaining yet again²⁹⁷ about Gallagher's failure to carry out Federal Conference decisions.

On the matter of discussions with the Public Service Board Munday pointed out that a meeting had been arranged "only because of the efforts of the N.S.W. Branch". He added that "because of the Federal Secretary's inactivity there was still a problem re the Commonwealth Department of Works". Tom Hogan commented on Gallagher's "inactivity and neglect" over the Frankipile dispute and Lynch suggested that Gallagher be approached "to carry out the decision of the last Federal Conference re Frankipile". Luthy and Prendergast added to these remarks with Prendergast referring to the Federal Secretary's "incompetence" on a number of matters and once again called for him to carry out the decisions of Federal Conference. Munday also explained that "because of the Federal Secretary's inactivity there was still a problem re the Commonwealth Department of Works".²⁹⁸ At the next meeting the Executive was in no better humour. Austin remarked that "the Federal Secretary should be more prompt in filing the various applications". Luthy "was also critical of the Federal Secretary" and suggested the

291 For instance an article on class and sport, The Builders' Labourer, March 1970, p.27.

292 Minutes: General Meeting, 3 February 1970.

293 Minutes: Executive Meeting, 10 November 1970.

294 Minutes: Executive Meeting, 11 March 1970.

295 Minutes: General Meeting, 9 June 1970.

296 Minutes: Executive Meetings, 7, 16, 23 April, 9 June and 27 October 1970.

297 See Appendix C.

298 Minutes: Executive Meeting, 27 January 1970.

Branch send "a strong letter of protest" to him. Prendergast again "strongly criticized the Federal Secretary for his inactivity on a number of matters".²⁹⁹

Perhaps to allay criticism both Gallagher and Federal President Jim Delaney attended a N.S.W. Executive meeting in March.³⁰⁰ This was right in the middle of two important disputes, Frankipile and the National Margins campaign.

The Frankipile dispute won increases for Frankipile workers in all states although the brunt of the action was borne by N.S.W. Because of this, Munday called for the other states to provide financial support³⁰¹ and \$1000 was eventually forthcoming.³⁰² Munday was fulsome to his thanks to the Federation for this help.³⁰³

As for the Margins campaign, it became very obvious that N.S.W. felt it had set the pace as regards stoppages and other pressure tactics and that the Federal body was too keen to resort to talks with the employers without the necessary softening up process at the job level.³⁰⁴ In return Gallagher was not prepared to single out N.S.W. for special mention³⁰⁵ but did manage to congratulate them when he attended an Executive meeting in March.³⁰⁶

During the Margins strike these differences became exacerbated. The N.S.W. Branch felt that they had carried the Margins struggle with little assistance from other states.³⁰⁷ Even Gallagher admitted to "an un-evenness in the Federation's campaign" and said that "there was not enough being done by the other branches".³⁰⁸

Munday was critical of the F.M.C.'s handling of the strike.³⁰⁹ Gallagher seemed unperturbed by such criticism and at the conclusion of the June F.M.C. meeting congratulated all members without distinction as to state "for their sterling, militant action in this historic

299 Minutes: Special Executive Meeting, 3 February 1970. The cryptic quality of the remarks is due to the somewhat abbreviated nature of the minute taking rather than to obscurity (or even briefness) on the part of the complainants.

300 Minutes: Executive Meeting, 24 March 1970.

301 Minutes: Special Executive Meeting, 3 February 1970.

302 Minutes: Federal Management Committee, 5 March 1970, p.7.

303 *The Builders Labourer*, March 1970, p.5.

304 Minutes: Federal Management Committee, 5 March 1970, p.7.

305 Minutes: Federal Management Committee, 5 March 1970, p.2.

306 Minutes: Executive Meeting, 24 March 1970.

307 Minutes: General Meeting, 12 May 1970 and Executive Meeting, 19 August 1970. See chapter 3 for details.

308 Minutes: Federal Management Committee, 1 June 1970, p.2.

309 *Ibid.*, p.3.

national wages campaign, and elevates the Australian Builders' Labourers' Federation to a new height as a united, progressive Union..."³¹⁰

Perhaps, because of preoccupation with the Margins campaign there was little discussion between the state and federal bodies about that bugbear of previous years, amalgamation. Both state and federal bodies co-operated with the B.W.I.U. for a National Building Workers stoppage over long service leave.³¹¹ However, Gallagher remained suspicious of the B.W.I.U. particularly with regard to demarcation matters.³¹²

The Union's change of name³¹³ with its connotation of broadened scope was eventually concluded in June. By this stage, the N.S.W. delegation no longer resisted the inevitable and Munday even seconded the name change motion at the F.M.C.³¹⁴

The N.S.W. Branch supported the actions of Les Robinson, the South Australian Secretary, who was taken to court on charges arising out of a demarcation dispute with the plasterers' union in that state.³¹⁵ N.S.W. was again critical of the Federations' tactics³¹⁶ but rallied in support,³¹⁷ even to the extent of taking legal advice as to what they could do to prevent their funds being seized.³¹⁸ Tribune wrote a supportive article about the case, obviously supplied with information by the N.S.W. Branch.³¹⁹ However most of the Executive were unhappy about leaflets produced by the Federation on the matter,³²⁰ calling them "distorted"³²¹ and "libellous".³²²

In other matters, the two bodies co-operated reasonably well. Gallagher and Munday jointly visited the troubled Canberra area,³²³ and Munday represented the Federal Secretary at Award discussions in Brisbane.³²⁴ Munday referred to this as "a move in the right direction".³²⁵

³¹⁰ Ibid., p. 7.

³¹¹ Minutes: Special Executive Meeting, 23 April 1970.

³¹² Correspondence: N. Gallagher to J. Munday, 20 August 1970.

³¹³ See Appendix C.

³¹⁴ Minutes: Federal Management Committee, 1 June 1970, p. 8.

³¹⁵ Minutes: Executive Meetings, 31 March 1970 and 7 April 1970.

³¹⁶ Minutes: Executive Meeting, 31 March 1970.

³¹⁷ Minutes: Federal Management Committee, 1 June 1970, pp. 5-6.

³¹⁸ Minutes: Executive Meetings, 31 March and 7 April 1970.

³¹⁹ Tribune, 9 September 1970, p. 12.

³²⁰ Minutes: Executive Meeting, 6 October 1970.

³²¹ Minutes: General Meeting, 6 October 1970.

³²² Minutes: Executive Meeting, 28 July 1970.

³²³ Minutes: Executive Meeting, 5 May 1970.

³²⁴ Minutes: Executive Meeting, 27 October 1970.

³²⁵ Minutes: General Meeting, 3 November 1970.

When the Victorian Secretary, Paddy Malone, retired the N.S.W. Branch donated \$100 to support his Testimonial.³²⁶ When he died a few months later, Munday flew to Melbourne for the funeral.³²⁷

F.M.C. meetings revealed less polarisation than previously, with Gallagher and Munday moving and seconding a number of motions.³²⁸ In particular Munday took an extremely conciliatory stance over a request by the Tasmanian branch for repayment of its \$500 "loan" to the South Australian branch,³²⁹ a matter which had caused the N.S.W. Branch to encounter much hostility when they took a similar attitude in earlier years.

At the same F.M.C. meeting Munday moved, and Gallagher seconded, a motion supporting the Victorian Moratorium.³³⁰ This arose from the N.S.W. Branch's belief that a national directive would be more effective.³³¹ Munday also believed that the Federal body should be called upon "to involve ourselves in support of the Trade Unions of New Guinea and assist in their development".³³²

However, although at a political level there was no great divisive issue, the same old federal-state tensions remained. There was some discussion about whether N.S.W. was to be allowed the extra delegate to Federal Conference that their membership warranted.³³³ Obviously, the fact that N.S.W. was overtaking Victoria as the largest branch of the Federation was not particularly palatable to Gallagher. A similar lack of grace was evident when Gallagher refused a request to waive the balance of sustentation fees owing by the N.S.W. Branch³³⁴ on the grounds that the Margins strike which had won gains nationally, had badly depleted the Branch's finances.

However, Munday was elected treasurer at Federal Conference³³⁵ and reported that the Conference was "excellent",³³⁶ certainly the most enthusiastic response for many years.

The N.S.W. Branch supported Gallagher when he was arrested for

326 Minutes: Executive Meeting, 15 September 1970.

327 Minutes: Executive Meeting, 22 October 1970.

328 Minutes; Federal Management Committee Meetings, 5 March and 1 June 1970.

329 Minutes: Federal Management Committee Meeting, 5 March 1970, p.9.

330 *Ibid.*

331 Minutes: Executive Meeting, 22 September 1970.

332 Minutes: Executive Meeting, 29 June 1970.

333 Minutes: Executive Meeting, 28 July 1970.

334 Minutes: Executive Meetings, 25 June and 14 July 1970.

335 Minutes: Executive Meeting, 24 November 1970.

336 Minutes: Executive Meeting, 8 December 1970.

assault during a demonstration by the Carlton Association in defence of parkland in the area. In giving details of the gaoling of the Federal Secretary Munday said that "our main task now was to call for a stoppage on the 16th [December]. The main points should be for gaoled unionists and the \$4 flow on". It was also proposed that Munday fly to Melbourne to attend Gallagher's Court case on 17 December. Organisers were sent to Canberra, Wollongong and Newcastle to explain the issues and a leaflet was planned to explain the issues to other unionists and enlist their support.³³⁷ Joe Owens, sent to Wollongong, remembers that "it was a hell of a fight to get them [the members] out... the question of the environment just wasn't a burning issue in Wollongong".³³⁸ Bob Pringle believes that builders labourers are basically sceptical of anyone who goes to gaol when they could avoid it by paying a fine. He said "...they thought he was grandstanding...they said he was a mug for letting himself be gaoled".³³⁹ Munday maintains that the workers were not consulted before the Carlton bans were placed, nor were they carried by the workers.³⁴⁰ Although no one on the Executive argued that Gallagher should not be supported there was a fair amount of scepticism about N.S.W. support for Gallagher when the Federation's support for N.S.W. members under threat of imprisonment such as Tom Hogan and the Leighton workers was virtually non-existent. Munday simply stated at the end of his supporting speech about Gallagher that, "the Leighton dispute continues but no stoppages have occurred in other states". Brian Hogan went further. After endorsing Munday's suggestions about support action for Gallagher he added that "he doubted the sincerity of some Federal officers in calling for stoppages in view of Leightons". Owens argued that the Gallagher stoppage was "well worth fighting for" but he "expressed disappointment with other States for their lack of support". Even Luthy said that he agreed with the stoppage "but thought it should be national".³⁴¹

The general consensus appears to have been that N.S.W. was busy defending Gallagher who wanted to go to gaol whereas the Federal body was not extending itself sufficiently in support of N.S.W. members, such as Tom Hogan and the Leighton workers, who were facing gaol

³³⁷ Ibid.

³³⁸ Interview: Joe Owens, 4 April 1978.

³³⁹ Interview: Bob Pringle, 8 March 1978.

³⁴⁰ Interview: Jack Munday, 3 April 1978.

³⁴¹ Minutes: Executive Meeting, 15 December 1970.

sentences under the repugnant Summary Offences Act, which attacked activity such as the freedom to organise.

This tension was to carry over into the following year.

CHAPTER 5

1971

The heightened militancy and Union consciousness amongst the membership which had been a product of the 1970 strike was also a feature of the Union's 1971 activities. However, this industrial activity took place against a background of continually deteriorating relationships with both the B.W.I.U. and the Federal Branch of their own union. Also, during the year the first effective ruling class offensives against the Union began.

Industrial action in general was very high throughout the year. In the first eight months, 2.25 million working days were lost throughout Australia compared to 1.67 million in the same period the previous year.¹ In the first five months of the year three out of every four days lost were lost in N.S.W.² But more significantly, about 45% of the total days lost in all industries were lost in the building industry.³ The record months were May when 507,000 days lost out of a total of 648,100 was caused by the building industry, and September when "more working days were lost in the [building] industry than in all other industries combined".⁴

Radical experiments in industrial strategy were taking place. The most significant of these were work-ins by dismissed boilermakers at Harco Steel in Campbelltown⁵ and the struggles taking place on the Opera House over workers' control.

1971 saw the start of many new building projects in the City. The most important were Centrepont, the new Sydney Hilton Hotel, the CAGA Centre, Offices in Walker Street North Sydney, and a \$20 million extension to the Royal North Shore Hospital. However the glut of high rise office space in the C.B.D. was becoming apparent⁶ and by the end of the year, a slight downturn in the industry caused bleak predictions for 1972.⁷

1 Sydney Morning Herald, 11 November 1971.

2 Sydney Morning Herald, 4 August 1971.

3 Construction, 2 December 1971.

4 Ibid.

5 For a detailed description of this situation see Lloyd Caldwell and Mick Tubbs, The Harco Work-In: An Experience of Workers' Control, February 1973, A National Workers' Control Conference Publication, 22pp.

6 Gavin Souter, "The Glut in Skyscrapers", Sydney Morning Herald, 7 September 1971. Also The Australian, 1 October and 19 October 1971 and Sydney Morning Herald, 2 October and 15 October 1971.

7 Construction, 4 November 1971 and 18 November 1971; Sydney Morning Herald, 6 and 19 November and 2 December 1971. These predictions never eventuated. 1972 was a boom year in the industry.

In these feverish industrial conditions, the internal organisation of the Union remained remarkably stable. Apart from problems with the ever troublesome Canberra Branch, little of administrative significance occurred during the year.

The Canberra problem came to a head in February when Don McHugh called a meeting and declared the existence of a full A.C.T. Branch of the Federation, exactly as Bud Cook had predicted he would. The N.S.W. officials argued that this "Branch" was "illegal and unconstitutional and cannot represent the B.L.F. in Canberra".⁸ McHugh maintained that the question of an A.C.T. Branch "is not a matter for the N.S.W. Branch but for the Federal Executive".⁹ Gallagher sought a legal opinion on the matter which advised:

It is our view that this branch has no standing and in fact is not a branch of your Federation at all.

...it is suggested that this is a matter which could only be determined following consultations between the Federal Council, N.S.W. Branch and the Builders Laborers' actually residing in the A.C.T.¹⁰

The N.S.W. Executive sent Joe Owens to Canberra. He called a meeting in conjunction with Peter Hawke, the Canberra organiser, of all builders' labourers in the A.C.T. to discuss "the formation of a broad A.C.T. Area Rank and File Committee to co-ordinate Union policies in the area..."¹¹

The F.M.C. discussed the situation at their March meeting. Morgan from Tasmania and Davies from Western Australia successfully moved: "That the NSW Branch is the only body that the Federation recognises to look after the industrial interests of the Federation and its members in the A.C.T."¹² However the N.S.W. Branch proposed that:

At the end of 1971, the Federal Council, after consultation with the NSW Branch, will review the position and, if the A.C.T. Area Committee has functioned successfully, a Sub-branch will be set up in 1972.

If further progress is made...the Federal Council...will consider the formation of a Branch in the A.C.T. at the Federal Council Meeting in 1972.¹³

8 Document, A.B.L.F.: NSW Branch: Circular to All Members, n.d. (February 1971), lp. roneod. Authorised by Bob Pringle (President) and Joe Owens (State Executive Member) N.S.W. Branch.

9 Correspondence: D. McHugh to N.L. Gallagher, 10 March 1971.

10 Correspondence: Slater & Gordon to the Federal Secretary, Australian Building and Construction Workers' Federation, 10 March 1971.

11 Document, A.B.L.F.: Rank & File Meeting...Monday 15 March 1971, n.d. (March 1971), lp. roneod. Authorised by Joe Owens (State Executive Member) and Peter Hawke (Canberra).

12 Minutes: Federal Management Committee, 23 March 1971, p. 4.

13 Ibid., pp. 5-6.

Despite these ameliorating proposals, McHugh remained implacably opposed to the N.S.W. leadership. It is obvious from his published remarks that his differences were becoming increasingly more political than organisational. Explaining his resignation from the C.P.A. during the 1971 split McHugh opined: "I don't agree with Munday or his 'direct action' brand of Communism...That lot are too dictatorial and too Trotskyist".¹⁴ Although McHugh joined the A.L.P. rather than the S.P.A. after the split he remained Secretary of the Canberra branch of the Australia-U.S.S.R. Society which signified some sympathy with the Moscow-line grouping. His role within the Federation became increasingly ambiguous until Intervention, when he openly sided with Gallagher.

Another ramification of the ill-will building up between the opposing bodies within the C.P.A. was the B.L.F.'s decision to move out of their Vine House Office and back into the Trades Hall.¹⁵ Although this increased their contact with other unions it emphasised their break with the B.W.I.U. But this was of greater industrial than administrative significance.

In the main, the officials worked in harmony throughout the year. Disruption on the Executive was non-existent and without an election in the offing the "Maoist" opposition was hardly in existence. Maurie Lynch, the moderate A.L.P. member who had failed in his election challenge the previous year, attended few Executive meetings.¹⁶ Because of this he was asked to stand down as Federal Councillor¹⁷ but refused.¹⁸ Consequently he went to Federal Conference but his attendance at meetings did not improve and he eventually dropped out of active Union involvement. His supporter during previous years, John Maiurano, was in conflict with the Union during the year and was eventually charged by

¹⁴ News Weekly, 11 October 1972, p.5.

¹⁵ There has always been much speculation along the lines of "did he jump or was he pushed" about this decision. Ralph Kelly (Interview: 13 December 1977) claims "we were given 24 hours to get out" and another story consistently told is about a B.W.I.U. official being hit on the head with a garbage tin lid by a B.L.F. rank and filer. Certainly there is no prior discussion in the Minutes about the matter. The place of the meeting is noted as 535 George Street (Executive Meeting, 13 April 1971) and then Room 28 Trades Hall (Executive Meeting, 20 April 1971).

¹⁶ His absence was especially noted in the Minutes: Special Executive Meeting, 4 June 1971; Executive Meeting, 3 August 1971; and Executive Meeting, 2 November 1971 (where it was pointed out that he had been absent for the last three meetings).

¹⁷ Minutes: General Meeting, 2 November 1971.

¹⁸ Minutes: Executive Meeting, 16 November 1971.

members employed at Ferndell Engineering with "obstructing the organised and elected delegate committee"¹⁹ and causing thirteen B.L.F. members and fifteen F.E.D. & F.A. members to be sacked.²⁰ Although rank and filers spoke against Maiurano's membership of the Union Munday argued that "there was some danger in refusing any worker the right to work"²¹ - an ironical comment considering later events.

These internal problems were quite trivial when viewed in relation to the problems faced by the Union from outside. The Branch was becoming increasingly aware of the need to combat isolation of their Union within the labour movement on account of their unorthodox industrial and political activity. The Executive regularly contacted other unions on matters of mutual interest and Munday stressed the importance of attending Labor Council and other combined union meetings.

The Executive saw moves to isolate them as coming mainly from the other unions in the building industry. Consequently, when the name of the Federal Union was officially changed on 1 January 1971 to the much more comprehensive title of Australian Building and Construction Workers' Federation,²² the N.S.W. Branch took little notice of the change and rarely used it officially. When the F.M.C. resolved that the new name should be used in all Union propaganda,²³ the N.S.W. Executive continued to use the old name because they believed the new name would imply the intention to "body-snatch".

Coupled with the B.W.I.U.'s uneasiness over the B.L.F.'s renewed campaign on the 100-90% wage formula, all the ingredients for poor relationships in the building industry were present. Munday's disquiet was evident at the Special Executive Meeting in April:

Bro. Secretary suggested...that the 100%-90% formula should be put forward. That the change of name and what it means should also be on the agenda, and that other Unions' attempts to isolate us should be explained...That amalgamation and genuine industrial unionism should be fought for...²⁴

The Union consistently tried to interest the other unions, especially the building unions, in an issue they considered of great importance.²⁵ This was the attack on a union's right to organise

19 Correspondence: Dick Cooper to J.B. Munday, 28 March 1972.

20 Document, Draft 28/3/72, 1p. typed.

21 Minutes: General Meeting, 14 December 1971.

22 Reported in Minutes: Executive Meeting, 19 January 1971.

23 Minutes: Executive Meeting, 30 March 1971.

24 Minutes: Special Executive Meeting, 1 April 1971.

25 The issue was raised 32 times at Executive and General Meetings during the year (Minutes 1971).

presented by the activities of the police in general and the N.S.W. Summary Offences Act in particular. The leadership produced five different pamphlets on the issue,²⁶ circularised all the other unions,²⁷ wrote to the B.T.G. twice requesting support,²⁸ contacted Bob Hawke,²⁹ raised the matter at Labor Council,³⁰ called job-site meetings,³¹ organised stoppages³² and demonstrations³³ and even set up a Defence of Trade Unionists' Rights Committee.³⁴ The major issue in their campaign was the arrest of Tom Hogan under the Summary Offences Act for "remaining on a building" but most of the publicity material also mentioned the arrests of builders labourers on the Leighton Industries site at Baulkham Hills and even the arrest of Norm Gallagher over the Carlton Park ban.

When Bud Cook was fined \$1,000 over the Baulkham Hills incident,

- 26 N.S.W. B.L.F., National Stoppage of All Builders' Laborers on February 4, 1971, n.d. (January 1971), 4pp.; N.S.W. B.L.F., Defeat Anti-Union Law, n.d. (February 1971), lp.; Document, Protect Your Trade Union Rights: Act...Before its Too Late, n.d. (February 1971), 2pp. Authorised by J. Owens for the Defence of Trade Unionists' Rights Committee; N.S.W. B.L.F., All Builders' Laborers: 24 Hour Stoppage, Friday 26th February, n.d. (February 1971), lp.; and N.S.W. B.L.F., Circular To All Job Delegates No. 2/1971, 17 February 1971.
- 27 N.S.W. B.L.F., To the Secretaries, All Affiliated Trade Unions, 22 February 1971, 2pp. roneod.
- 28 Correspondence: H. Cook, Acting Secretary to L. Boyce, Secretary, B.T.G., 8 January 1971; J. Munday to L. Boyce, Secretary, B.T.G. n.d.; J. Munday to L. Boyce, 17 February 1971.
- 29 Correspondence: J.B. Munday to R.J. Hawke, 22 February 1971.
- 30 N.S.W. B.L.F., Recommendation: Mass Meeting 4th February, Sydney, Wollongong, Newcastle, Canberra, lp. roneod. Tom Hogan's case was discussed by the Labor Council Disputes Committee (Minutes: Executive Meeting, 16 February 1971). Labor Council's involvement consisted of obtaining an adjournment of Hogan's case until June, a decision hotly opposed by the B.L.F. (Tribune, 3 March 1971). Munday reported that Hogan's case was "weakened" by this action (Minutes: Executive Meeting, 2 March 1971). After the Union's suspension from Labor Council in May, the Council took no further interest in the matter despite its serious implications for all unions. Even The Australian referred to Hogan's trial as a "test case" for unionists. (The Australian, 18 November 1971).
- 31 Minutes: Executive Meeting, 16 November 1971.
- 32 Stoppages were organised for 4 February (Minutes: General Meeting, 19 January 1971) and 26 February (Minutes: Special Executive Meeting, 7 February 1971).
- 33 Demonstrations were organised whenever Hogan or the Leightons cases appeared in court. One particular mass meeting organised a delegation to the Premier and threatened State-wide black bans against Leightons. (Document: 4 Resolutions Carried Unanimously at Mass Meeting at Parramatta 30/11/70, n.d., lp. typed. Unauthorised.)
- 34 See footnote 26.

the Executive issued a press statement pointing out that Cook³⁵ was fined the same amount as B.H.P. had recently been fined for polluting the Hunter River but B.H.P. did not receive a bond and could pollute the river again whereas Cook had "a savage restrictive five year bond imposed on him":

In the Executive's opinion, the B.L.F.'s industrial activity of the last two years was on trial. With the penal powers being rendered inoperative, we are seriously concerned with the increasing use of the Crimes Act and the Summary Offences Act in industrial disputes, and call upon all Unions to join with us in demanding that the Crimes Act and the Summary Offences Act not be used in industrial affairs...

We will not be intimidated and state emphatically we will continue our militant policies in support of improved living standards and a higher quality of life.³⁶

Mundey told the Executive that "considering the climate, all those charged were fortunate not to have received prison sentences".³⁷ The Executive expressed disquiet about putting the matter in the hands of Labor Council³⁸ although Dick Prendergast did observe that "in view of Unsworth being ordered off a job it could mean that the Labor Council would give more support".³⁹ The Executive resolved to send letters to "all left wing unions highlighting the Crimes Act, Summary Offences Act etc.", to hold job meetings on the subject and to contact the B.T.G. again, although Cook warned that "B.T.G....support would not be automatic".⁴⁰

The Cook and Hogan convictions were both appealed against with little support from unions other than the C.P.A.-influenced F.E.D. & F.A., and the Teachers' Federation.

It is interesting to compare the actions of the N.S.W. and Victorian Branches of the B.L.F. over the issue of police interference in union affairs. As mentioned in the previous chapter, there was some

35 Cook actually "took the rap" for Tom Hogan. The police confused the two officials because they are of similar build and appearance. Cook was held in remand at Parramatta Gaol and provoked threats of retaliation from the warders when he refused to salute them (Interview: Pete Thomas, 25 June 1980).

36 N.S.W. B.L.F., Press Statement, 2 December 1971, lp. roneod.

37 Minutes: Executive Meeting, 2 December 1971. By this comment he was referring not only to the hostility of the judge but also to the prevailing antagonism towards the Union caused by Askin's accusations of corruption and Labor Council's lack of support over the issue.

38 The Executive's attitude towards Labor Council changed fairly abruptly after the May incident. Previously a serious union issue such as this would have automatically been referred to Labor Council.

39 It did not.

40 Minutes: Executive Meeting, 2 December 1971.

scepticism on the part of the N.S.W. officials about Gallagher's eagerness to incarcerate himself. This attitude was implied in Munday's private comments to Hawke:

We intend to use the Court as a platform, and have obtained the services of a barrister, thus following a different tactical approach to that of the Carlton issue and the arrest and gaoling of Norm Gallagher.⁴¹

Munday put the N.S.W. position bluntly at a Federal Management Committee Meeting. After reporting that N.S.W. had organised a 24 hour stoppage in support of Gallagher he added that:

...the stand had been endorsed by 80% to 20% at each of the Meetings held. The main argument against endorsement centres on the question of Appeal... (42)

His opinion was that there had been an over-estimation of the response by the Workers and that errors in tactics helped the Press.⁴³

Munday's criticisms were echoed by other State representatives. Norm Wallace reported that in Victoria, "it was quite evident that some explanatory work had to be carried out amongst the Workers".⁴⁴ Davies said the position in Western Australia "was not as well developed as in Eastern States, and that he had problems in explaining the position to his Members". Robinson said it was "beyond the capabilities of the South Australian Branch to 'stop out' until Comrade Gallagher was released".⁴⁵ All states also reported little support from other unions on the issue. Munday in fact was the most insistent that the issue should be pursued:

He said the position of the NSW Branch was that they should support the strike on Monday and remain on strike until Gallagher was released...

...the Dispute was a bigger issue than the A.B.L.F....or the Victorian Unions, but was an Australia-wide issue.⁴⁶

N.S.W. had taken the strongest industrial action of all the states over the issue. Despite private reservations about Gallagher's tactics and motives they never publicly opposed his actions. One of their leaflets made oblique reference to the situation but did not elucidate further:

Learning lessons from the gaoling of Norm Gallagher, the F.M.C. has called on all unions to conduct a grass-roots campaign of explanation and to obtain massive support for the charges against Hogan to be withdrawn and...[the] law repealed.⁴⁷

41 Correspondence: J.B. Munday to R.J. Hawke, 22 February 1971.

42 The N.S.W. officials still believed that to go to gaol voluntarily without appealing would not arouse sympathy from the average worker. Minutes: Special Executive Meeting, 7 February 1971.

43 Minutes: Federal Management Committee, 5 February 1971, p.2.

44 *Ibid.*, p.1.

45 *Ibid.*, p.4.

46 *Ibid.*

47 N.S.W. B.L.F., Defeat Anti-Union Law, n.d. (February 1971).

The real difference between N.S.W. and Victoria was that in three out of five leaflets⁴⁸ produced by N.S.W. about the Tom Hogan case, Gallagher's arrest was given publicity. Another leaflet was produced which dealt exclusively with Gallagher's arrest⁴⁹ and support motions were passed at stop work meetings held over other issues.⁵⁰ Even Tribune ran two sympathetic stories on the topic.⁵¹ In contrast to this treatment only one⁵² out of four Victorian pamphlets⁵³ about Gallagher even mentioned the N.S.W. problem with the Summary Offences Act. The Victorian pamphlets also drew the facile analogy between Gallagher and O'Shea, with no distinction being made between optional gaol over an assault charge and compulsory gaol under the penal clauses. In fact a more analogous comparison with O'Shea would have been the Hogan case where an official was arrested for trying to speak to Union members in the course of his duty.⁵⁴

Although the N.S.W. leadership regarded the Summary Offences Act as "the burning working class question in the building industry"⁵⁵ during early 1971, the other industrial issue which preoccupied them was the erosion of the 100%-90% wages relativity established after the 1970 strike.

The Mass Meeting held on 4 February, demanded "the restoration of the 100%-90% Watson formula"⁵⁶ and threatened further stoppages on the issue. The Branch produced a leaflet calling on all lower paid workers to join with them in a "vigorous campaign of direct action...to win new higher wage contracts":

Whilst all workers are exploited under this social system of capitalism, the degree of exploitation is highest amongst the

48 See Footnote 26.

49 N.S.W. B.L.F., Norman Gallagher Gaoled, 4 February 1971, 1p., roneod.

50 For instance, Document, 4 Resolutions Carried Unanimously at Mass Meeting at Parramatta 30/11/70, n.d., 1p. typed. Unauthorised.

51 Tribune, 3 March 1971, p.2 and p.10.

52 Document, Workers Under Attack, n.d. (early 1971), 4pp. Authorised by A.B. & C.W.F. (Victorian Branch), formerly A.B.L.F.

53 The three others were, Document, Free Gallagher!, n.d. (February 1971), 1p. Authorised by Builders' Laborers; Document, Who's Law and Order?, n.d. (February 1971), 1p. Authorised by 28 Victorian Unions; and Document, Workers' Rights are People's Rights!, n.d. (February 1971), 1p. Authorised by Builders' Laborers.

54 The policeman who arrested Hogan agreed with the Union barrister, Jim Staples, "that the 'bone of contention' was that Hogan wanted to speak to the men privately and was not allowed to do so". The Australian, 18 November 1971.

55 Correspondence: J. Munday to L. Boyce, 17 February 1971.

56 N.S.W. B.L.F., Recommendation: Mass Meeting 4th February.

biggest section of so-called semi-skilled workers.

In 1970 the leaders of the NSW building tradesmen's unions supported our claim to establish this 100%-90% relativity.

Unfortunately, some of the more 'craft conscious' building tradesmen's Unions' leaders now oppose this relativity, claiming the rate for the skilled versatile builders' laborer is too close to the tradesmen's rate...

The time is not for narrow craft differences, but for more say by the workers and their unions, in running the industry...

Craftism Out - Genuine Industrial Unionism In.⁵⁷

Mundey wrote to the B.T.G. asking to be "involved in a united campaign around increased wages". He informed them that: "The only real obstacle appears to be the immediate margins claim and the tradesmen's Unions' approach to our 100%-90% relativity proposals."⁵⁸ He told the F.M.C.: "that the Tradesmen's Unions in N.S.W. would not accept the Federation's Wages Formula".⁵⁹

Because of the tradesmen's attitude, Mundey informed the members in March "our Union is not involving itself in the tradesmen's campaign at this stage":

Our central demand is for the 100%-90% formula...and nothing short of the complete restoration of this formula will satisfy us.

We are emphatic that we will not allow builders' laborers to be treated as second class building workers, and we believe the attitude of some of the leaders of the tradesmen's Unions is against the best interests of not only builders' laborers, but their own members as well.⁶⁰

In order to distinguish the \$4 that the B.L.F. was claiming, from general building industry demands, the Executive decided to refer to the \$4 as a "restoration" claim.⁶¹ The other nine unions in the B.T.G. had gone ahead with their wages campaign without the B.L.F. As the B.W.I.U. explained: "The B.L.F. leadership still declined [to join the campaign] on grounds that their margins demand had to be part of the campaign before they would join..." These views were not acceptable to the other unions.⁶² The nine tradesmen's unions, in a joint statement, were even more explicit, "...we cannot accept the B.L.F. 100%-90% concept,

57 N.S.W. B.L.F., An Urgent Call From Builders' Laborers to All Workers!, n.d. (February 1971?), 4pp.

58 Correspondence: J. Mundey to L. Boyce, 17 February 1971.

59 Minutes: Federal Management Committee, 23 March 1971, p.7.

60 N.S.W. B.L.F., Circular to All Job Delegates, No. 4/71, 8 March 1971, 1p., roneod. This viewpoint was also expressed by Mundey at the March Branch meeting (Minutes: General Meeting, 2 March 1971).

61 Minutes: Executive Meeting, 9 February 1971. The Southern States carpenters' margins had been delayed which affected the B.L.F.'s flow on.

62 Building Worker, Vol. 23, No. 11, May June 1971, p.6.

believing that it will not give proper recognition to the skill of the tradesmen".⁶³ [my emphasis] Why the B.W.I.U. supported the B.L.F.'s margins demand in 1970 and not in 1971 can only be explained in terms of what was happening within the C.P.A. at the time.⁶⁴ There seems no industrial rationale for the change.

The B.W.I.U. claimed that "when the other building unions said... that accident pay was the main question, the BLF said the Summary Offences Act was the main question".⁶⁵ This was not strictly accurate. Whilst the B.L.F. was certainly trying to interest the building unions in the Summary Offences Act Campaign, it was also involved in action around the Accident Pay issue. The 4 February Mass Meeting carried five resolutions. The first was on restoration of the "Watson formula", the second was on accident pay and the third was on police harassment of unionists. The Accident Pay resolution pointed out that three employers had already agreed to full accident pay and added: "We now demand all employers in the industry agree to full accident pay".⁶⁶ Don Crotty maintains that it was the builders' labourers on a Mogul Construction job in North Sydney, where he was the delegate, who were "the first workers in Australia to win full accident pay".⁶⁷ The other building unions did not actually place the emphasis on accident pay that they later claim to have done. The leaflet produced by the nine unions was headed "...Intensified Struggle for \$6 and Accident Pay".⁶⁸ There is even some evidence that the strike began unintentionally. The B.W.I.U. described

63 Statement issued by the nine tradesmen's unions on 23 February 1971. Reprinted in Building Worker, Vol. 23, No. 11 with the explanation: "It indicates the desire for unity and how it could be established on a principled approach". Craft consciousness was obviously the principled approach.

64 Discussed in chapter 10.

65 Building Industry Branch of the S.P.A., Six Turbulent Years, p.28. This was a deliberate misreading of the B.L.F. letter to the B.T.G. The letter did not pose accident pay against the Summary Offences Act. The letter was about the wages campaign and the B.T.G.'s refusal to accept the B.L.F. restoration formula. Accident pay was not even mentioned. Correspondence: J. Munday to L. Boyce, 17 February 1971.

66 N.S.W. B.L.F., Recommendation: Mass Meeting 4 February.

67 Interview: Don Crotty, 7 March 1978.

68 Document, Strike Actions - Demonstrations: Intensified Struggle for \$6 and Accident Pay, n.d. (March 1971), 2pp. roneod. Issued by L. Boyce, Secretary B.T.G. on behalf of B.W.I.U. (N.S.W.); Operative Painters and Decorators Union of Australia (N.S.W.); Operative Stonemasons' Society of N.S.W.; A.S.C. & J.; Bridge Wharf and Engineering Construction Carpenters' Union; Operative Plasterers and Plaster Workers' Federation of Australia (N.S.W.); Slaters, Tilers, Shinglers and Roof Fixers Union of Australia; Tilelayers Union of N.S.W.; P.G.E.U.A. (N.S.W.).

the haphazard way in which the industrial action took off as a "rolling strike technique". Jack Munday was less delicate:

It began when Don McDonald [B.W.I.U. organiser] led the workers from the Opera House across the harbour bridge to Hornibrooks. Then they wouldn't return to work. The Opera House went out. He'd triggered off an accidental accident pay strike. We said we'd join the campaign if they'd agree with our ratio but they went ahead and started the strike one-out.⁶⁹

As a result of the "rolling strikes" the B.L.F. Executive decided that "if labourers are dismissed we are then in dispute for the \$4 plus accident pay".⁷⁰ Munday repeated that "craft attitudes of other building unions on our 100-90% formula was the reason we were not in the campaign".⁷¹ When the tradesmen's campaign became a fully blown strike on 3 May, Munday told the Executive that "it was impossible to work for long without impinging on other work". He also made it clear that "we should not erect formwork while the tradesmen were on strike",⁷² an important decision because formwork was a disputed area of work between the B.W.I.U. and the B.L.F. By 4 May, the Executive made the difficult decision to join the struggle on the tradesmen's terms and defer their own campaign for restoration of the 100-90% ratio. The Executive advised the Branch that "...the new situation had the tradesmen acting on social issues and that the builders' laborers should unite with them in action".⁷³ By 7 May, when the B.L.F. entered the dispute, the leadership's recommendation to the Mass Meeting was an exemplary expression of unity:

This meeting fully supports the current B.T.G. campaign for full accident pay and \$6 per week over-award payment increase...

We re-state our determination to restore the 100%-90% wage relativity with building tradesmen, but in the interest of united action of building workers, around accident pay in particular, we set aside our margins campaign at this time.⁷⁴

As soon as the Builders' Labourers joined the strike, organisational problems among the building unions began. These problems stemmed from differing industrial outlooks. From the outset, the B.W.I.U. insisted on dominating all decision making, and all industrial action. Instead of adopting the B.T.G. procedure where voting strength was roughly equal to union size, the B.L.F. was forced to accept a decision-making

69 Interview: Jack Munday, 3 April 1978.

70 Minutes: Executive Meeting, 26 April 1971.

71 Minutes: Executive Meeting, 3 May 1971.

72 Ibid.

73 Minutes: General Meeting, 4 May 1971.

74 N.S.W. B.L.F., Recommendation to Mass Meeting, 7 May 1971, lp. roneod.

formula where each of the ten unions had one vote.⁷⁵ This meant that organisations such as the Stonemasons with 300 members had the same voting strength as the B.L.F. with 9000⁷⁶ members. But more importantly, the B.W.I.U. with its flotilla of tiny "associated" unions, artificially kept alive for just such occasions, controlled seven votes to the B.L.F.'s one. Only the A.S.C. & J. and the Plumbers were outside the B.W.I.U. ambit and both these extreme right-wing unions regularly voted with the B.W.I.U. against the more radical proposals of the B.L.F. So when the B.W.I.U. spoke of unity, or the disruption of unity, they were meaning that the B.W.I.U. and the B.L.F. had disagreed on a particular issue. A good example of a simple disagreement over tactics, being publicised by the B.W.I.U. as a "threat to unity" occurs in the B.W.I.U. journal. Under the headline "Two threats to Unity" it described the concerted anti-Communist campaign against the strike which was being waged by the extreme right-wing,⁷⁷ but then attacked the B.L.F. in the same terms:

The other threat to unity came from the Builders' Laborers' Federation leadership who sought to inject into the campaign tactics used during their 1970 5-weeks strike.⁷⁸

This was the crux of the disagreement. Not only did the B.W.I.U. disapprove of destruction of property but they disapproved of the way in which it was organised. What the B.L.F. saw as democratic rank and file participation, the B.W.I.U. saw as an unorganised rabble. No amount of consultation could have reconciled these two viewpoints. Tom Hogan described the dilemma:

It was in the 1971 strike that our real ideological differences with the B.W.I.U. began to show. The B.W.I.U. leadership were frightened to death of the action we'd taken in 1970 so they organised the whole thing [the vigilantes] from the B.W.I.U. offices. They made rules. There must be an official in every car and the official must be the spokesperson. The B.Ls were so used to vigilante action that

75 Building Worker, Vol. 23, No. 11, May June 1971, p.10.

76 Neal Swancott estimated that there were 9,000 labourers and 25,000 tradesmen involved in the strike. The Australian, 8 May 1971.

77 The Sun-Herald, 16 May 1971, reported that Anti-communists had "pasted up 3,000 leaflets on building sites in the city and certain suburbs". One leaflet produced during 1971 claimed: "To promote his adventurous policies Jack Mundey (if this is his right name or was he known in Nth Queensland under another name?) formed a group of Strongarm Vigilantes to terrorise the bosses and keep his own members in line". It also claimed he had "formed the vigilantes securing the help of certain criminals". It demanded: "No political strikes without ballots of Union members". (Document, Trade Union or Haven for Gangsters, n.d. (1971), 2pp. Authorised by The Committee to Defend Trade Unions against Communism.

78 Building Worker, May June 1971, p.10.

they weren't quite waiting for an official. They were just as proficient as any official to deal with it because they'd done it so many times before.⁷⁹

Jack Munday explained the B.L.F. position:

The majority of workers on the strike committee were builders' labourers. We had had the rich experience of 1970 and they [the B.W.I.U.] had none. We were better equipped to do things. Our style was to encourage rank and filers to show their initiative while at the same time remembering that unity was important. We didn't pose one argument against the other. You want unity at the top but more importantly you want action by workers down below.⁸⁰ [my emphasis]

This basic conflict of philosophies between the two unions was described by the B.W.I.U. as "efforts by ultra-left elements to establish a duality of leadership".⁸¹ Munday saw the problem as more complex and encompassing important questions of democratic practice:

We were allowing shop committees and area strike committees to be set up and allowing strike committees in areas like Parramatta to make decisions affecting their own area. The B.W.I.U. saw anything like this as a challenge to their own centralised leadership.⁸²

The B.L.F. Executive continued to discuss the problem that these differences created throughout the strike. Munday advised that "the conduct of pickets or vigilantes could cause friction within the Group" and that "we should fight against sectarianism in struggle, and other problems must be secondary".⁸³ The leadership regarded sectarianism amongst their membership as an attitude to be opposed:

He [Munday] reported that Newcastle and Wollongong meetings on Friday had rejected the call to strike. Anti-tradesmen attitudes did not assist in the decision. Yesterday, Newcastle and Wollongong meetings reversed their decisions which means now that all are on strike. Some attempts at isolation by tradesmen's leaders had been made but the positive side was greater.⁸⁴

Munday also made the point that vigilante activity meant more than policing job-sites: "We say destruction of jobs is not paramount. The first big action will be the march on the M.B.A. this Thursday after the mass meeting". Brian Hogan, possibly the most enthusiastic destroyer of scab construction, also agreed with this estimation:

He thought that opposition in this strike was less than the last. That we couldn't artificially create a highlighted situation... He thought the concept of marching on the M.B.A. on Thursday would highlight the struggle.⁸⁵

79 Interview: Tom Hogan, 28 October 1977.

80 Interview: Jack Munday, 3 April 1978.

81 Building Industry Branch of the S.P.A., Six Turbulent Years, p.22.

82 Interview: Jack Munday, 3 April 1978.

83 Minutes: Special Executive Meeting, 6 May 1971.

84 Minutes: Special Executive Meeting, 11 May 1971.

85 Ibid.

The Thursday Mass Meeting was a huge success. The resolution put to the members was that: "The employers' refusal to agree to our claim that a building worker be paid award wages when off work injured, leaves us no alternative but to continue the strike."⁸⁶ Tom McDonald estimated that only 24 out of the 3,500 who attended the meeting voted against continuation of the strike.⁸⁷ The meeting was addressed by Betty Mawdsley, wife of a B.W.I.U. striker and Paula Rix, wife of a B.L.F. striker.⁸⁸ Leaflets about women's participation in the strike were distributed. They argued:

Building workers involved in this strike must realise that it is not a problem for them alone...We feel that all building workers wives should be invited to all mass meetings and be permitted to take part in discussion, so that we can be made fully aware of the issues involved...By our inclusion in the strike we feel we could strengthen the fight.⁸⁹

The crowd of unionists, some in wheelchairs, then proceeded from Wentworth Park to the N.B.A. Offices in Newtown, where they held a noisy demonstration. The Herald printed a large photograph of the demonstration under the caption "The multi-lingual March"⁹⁰ because of the numerous placards printed in foreign languages.

The A.C.T.U. came out in support of the strike⁹¹ and Federal building union leaders hinted at the possibility of a National stoppage if the N.S.W. workers' demands were not met.⁹² N.S.W. Labor Council also unanimously supported the struggle.⁹³

The unions had agreed upon exemptions for those builders who

86 Document, Resolution: Meeting of Striking Building Workers Employed in the Building Construction Industry, Wentworth Park, Thursday May 13, lp. roneod. Unauthorised.

87 The Australian, 14 May 1971.

88 Tribune, 19 May 1971 mentioned both female speakers whilst Building Worker, May June 1971, p.9 only named Ms Mawdsley as having spoken.

89 Document, This Leaflet is For You - and your Wife, n.d. (May 1971), lp. roneod. Signed by building workers' wives: Beverley Hogan, Paula Rix, Maureen Owens, Jill Pringle, Kath Ball, Dorothy Lane, Judy Munday, Chris Marshall, Joy Ashton. Although the signatories described themselves as "building workers' wives", all were married to builders labourers or rank and file plumbers who were members of the C.P.A. The B.L.F. and Tribune always used the expression "building worker" where possible because it implied a commonality of interest and solidarity amongst the building unions.

90 Sydney Morning Herald, 14 May 1971. Mick McEvoy (Interview: 10 October 1977) believed the march "scared hell out of the builders... although we lost a few BLs in the Pubs along the way".

91 The Australian, 13 May 1971.

92 Sydney Morning Herald, 13 May 1971.

93 Sydney Morning Herald, 26 May 1971.

consented to pay the \$6 increase and insurance cover for full accident pay.⁹⁴ The operation of this strategy caused some comment from the B.L.F. leadership who believed the exemptions were not being properly handled. Munday commented that "criticism had been raised by our Union with blanket lifting of bans without real knowledge of whether subbies have signed the agreement". Owens also pointed out that "our agreements were far more stringent than tradesmen's".⁹⁵ The Executive believed that mainly small builders were signing for exemptions⁹⁶ and Bud Cook argued that "big insurance companies were stopping Master Builders from insuring".⁹⁷

Another difference of opinion arose over whether the dispute should have been contained to the construction industry or broadened to involve building workers in other industries. Munday believed that:

The struggle should have involved all workers. It was such a basic issue. Accidents can happen to anyone. It shouldn't just have been left to the construction workers to fight around the issue.⁹⁸

Darcy Duggan, a P.W.D. worker exempted from the strike, believed that, "no BLs should have been exempted...a big discussion went on within the B.W.I.U. and the B.L.F. about it".⁹⁹ The B.W.I.U. regarded the B.L.F. suggestion as sinister:

They [the B.L.F.] sought to turn it into a strike involving building workers in all industries. This would not have adversely affected their position, as they are basically a one-industry Union. The other unions [had members] in...various industries. This course would have cut their membership to ribbons.¹⁰⁰

Yet another difference of opinion occurred when the inevitable media attacks began. Press hysteria reached a crescendo towards the end of the strike when vigilante activity was really taking its toll. The Telegraph ran, two days running, full page spreads on the strike. Sample headlines were "Thugs at Work", "Strike Mob Raid House" and "Brick Wall Kicked Down"¹⁰¹ on 19 May, and on 20 May, "70 Strikers Storm Building", "Trail of Wanton Damage on Sites" and a huge front page picture of two rather laconic vigilantes leaning against a wall,

94 Companies agreeing to sign had to take out immediate insurance cover. (Document, Strike Agreement Signed by Employers, 6.5.71: For Insurance Cover Ring E. Larkin, 2pp. roneod.

95 Minutes: Special Executive Meeting, 11 May 1971.

96 This view was also expressed in Sydney Morning Herald, 12 May 1971.

97 Minutes: Special Executive Meeting, 11 May 1971.

98 Interview: Jack Munday, 3 April 1978.

99 Interview: Darcy Duggan, 12 July 1977.

100 Building Industry Branch of the S.P.A., Six Turbulent Years, p.28.

101 Daily Telegraph, 19 May 1971.

presumably about to topple, with the banner headline "What About It Mr. Allan and Mr. Askin?"¹⁰²

Even the Sydney Morning Herald caught the spirit of things with a front page headline "New Raids By Roving Gangs of Strikers".¹⁰³ Askin called the strikers "hoodlums...[whose] destructive and arrogant activities are completely foreign to our way of life".¹⁰⁴

In the face of these onslaughts, B.T.G. President Col Bignell read a statement from the Group:

We state our rejection of violence as the policy of the building trade unions. The test that this policy is accepted by our members is the fact that during this struggle only isolated instances have occurred.¹⁰⁵

The B.W.I.U. later claimed that the B.L.F. had "secretly planned and implemented their policy of violence against property".¹⁰⁶ The S.P.A. labelled the destruction of property as "...anarchist not Communist and...destructive of unity".¹⁰⁷

The B.L.F. remained unrepentant about their vigilante activities. Questioned about an incident on a Lane Cove building site Munday replied:

There was scab labour performing our work on the site during an industrial dispute. Our men went to the job yesterday and asked them to leave. There was no physical violence to any individual.

One shed that more rightly belonged to the nineteenth century was demolished. It has been used as a change room. We make no apology for this - the shed was not in accord with the law of the State and it was an insult to expect workers to use it.¹⁰⁸

Basically, the argument which waged between the tradesmen and the labourers was the same as that which occurred during the 1970 strike. The B.W.I.U. refused to accept the legitimacy of vigilante tactics as part of industrial action.

The argument in 1971 was slightly confused by an obvious ambivalence on the part of some of the tradesmen towards the vigilantes. Both Bud Cook and Jack Munday believed that Tom McDonald was "much more sympathetic to actions like that [vigilantes] than was Clancy".¹⁰⁹

The vigilantes got going then mainly because Pat Clancy was away and Tom McDonald could see the positiveness of it. Tom McDonald, free of Clancy's influence was a much better person, so he allowed

¹⁰² Daily Telegraph, 20 May 1971.

¹⁰³ Sydney Morning Herald, 20 May 1971.

¹⁰⁴ The Australian, 20 May 1971.

¹⁰⁵ Daily Mirror, 19 May 1971.

¹⁰⁶ Building Industry Branch of the S.P.A., Six Turbulent Years, p.28.

¹⁰⁷ Australian Socialist, June 1971.

¹⁰⁸ Sydney Morning Herald, 13 May 1971.

¹⁰⁹ Interview: Jack Munday, 3 April 1978.

it to go on. As soon as Pat Clancy got back he ended the strike. He settled terms with the Master Builders which weren't the terms we wanted and he stopped the vigilante action in the name of the B.T.G.¹¹⁰

Both the B.L.F. and Tribune stressed the fact that rank and file tradesmen were involved in vigilante activity. The B.L.F. broadsheet produced after the strike had a front page photo captioned: "A vigilante team (including members of both tradesmen's and builders' labourers' unions) close down a scab job..."¹¹¹ Tribune began a lead story with the words:

"For 25 years", a B.W.I.U. veteran told last week's Sydney Town Hall meeting of striking building tradesmen, "the boss has been telling me what to do. Now I'm a strike picket and I'm telling him what to do. And he doesn't like it."¹¹²

There was also some confusion as to terminology. Tom Hogan who had definite views on the subject speaks with delicacy of the B.W.I.U. approach to the situation, "...Ray Wheeler, a B.W.I.U. official, led a large group of somethings. I don't know what they were called, he wouldn't let them be called vigilantes..."¹¹³ Sometimes the B.L.F. referred to the groups as "pickets" presumably in deference to their fellow unionists but mostly they used the word which had become so popular amongst their membership since the Margins strike. There was little doubt in the minds of the B.L.F. leadership that it was the vigilante activity which had once again eliminated scabbery and helped to win the strike. Their tactics were actually more effective because of the example set in 1970.

The 1971 strike was not as hectic as 1970 because we'd already made our position clear. If they wanted to use scab labour, they knew what we were going to do with it. So the scabbery was nowhere near as severe.¹¹⁴

In the third week of the strike, Clancy held discussions with Judge Sheehy of the State Industrial Commission who promised to hear the accident pay case in one day if the strikers returned to work. On 19 May the B.T.G. drew up a proposition to return to work on this basis. Munday opposed the resolution at the B.T.G. but it was carried 9-1.¹¹⁵

¹¹⁰ Interview: Bud Cook, 5 March 1978.

¹¹¹ N.S.W. B.L.F., All Workers Will Gain If...Building Industry Workers Unite!, n.d., (June 1971?), 4pp., broadsheet, p.1.

¹¹² Tribune, 12 May 1971. The following week's Tribune (19 May 1971) reported: "Picketing teams have been made up of officials and rank and file of both the tradesmen's and builders laborers' unions".

¹¹³ Interview: Tom Hogan, 28 October 1977.

¹¹⁴ Interview: Dean Barber, 18 December 1976.

¹¹⁵ Minutes: Federal Management Committee, 2 June 1971, p.4.

Discussions amongst the B.L.F. leadership and activists revolved around the fact that nothing at all definite had been promised, and that the members were in excellent fighting spirit and were prepared for at least another week on the grass.¹¹⁶

Bud Cook remembered: "I told Jack that there was more in it for us if we held out longer, but once Clancy had settled there was nothing we could do".¹¹⁷ Consequently, on 20 May:

When Mr. P. Clancy (B.W.I.U.) put the Group proposition to the Sydney mass meeting, there was some angry reaction. Many unionists felt that they were not being told the full story, and that the mere fact of an arbitration judge agreeing to hear and decide the case the next day was not sufficient reason to drop their guard and go back to work.¹¹⁸

Munday moved an amendment which accepted the B.T.G.'s proposition for a return to work but sought to have mass stopwork meetings the following week to consider the outcome of the arbitration case, with power to resume the strike if necessary. In fact, the Sydney meeting carried a rank and file amendment to stay out on strike for another week. Neither the Munday amendment nor the B.T.G. proposition was put to a vote.¹¹⁹

The Sydney militants, believing they had voted to remain on strike were stunned to discover later in the day that the B.T.G. was tallying the voting figures from all the stopwork meetings throughout the State. Not only did many B.L.F. members disagree with this tactic but they disagreed with the way the votes were tallied:

It was said that at Gosford (given as 46-1 for the Group proposition) a further motion had been overwhelmingly carried for a stopwork meeting this week (as Mr. Munday had proposed in Sydney). At Newcastle (shown as 430-20 for the Group proposal) a further decision could be interpreted as being for a stopwork meeting. At Wollongong (shown as 84-40) there had been considerable confusion and no actual count.

Also the 618 minority in Sydney was counted as being all for the Group proposal, whereas a number of these were undoubtedly in favour of Mr. Munday's amendment.¹²⁰

By this procedure the B.T.G. officials estimated that "the overall N.S.W. percentage for a return to work was 63 percent".¹²¹ This decision was made despite Clancy's admission that: "While the recommendation was accepted on a state basis, the feature at each meeting was the strong

¹¹⁶ Interview: Ralph Kelly, 13 December 1977.

¹¹⁷ Interview: Bud Cook, 5 March 1978.

¹¹⁸ N.S.W. B.L.F., All Workers Will Gain If...Building Industry Workers Unite!, p. 3.

¹¹⁹ Ibid.

¹²⁰ Tribune, 26 May 1971, p. 4.

¹²¹ Daily Telegraph, 21 May 1971.

expressions of opinion that the strike should continue".¹²² Anger at what many workers believed was a sell-out mounted throughout the day. "We felt bitter" recalled Ralph Kelly.¹²³ Bud Cook remembered that the strikers gathered in hotels during the afternoon:

We went round to our members and criticised the terms. We shouldn't have done that because that increased the divisions and some of the divisions became personal, between individual organisers in individual unions.¹²⁴

The B.L.F.'s belief that the outcome of the strike would have been more definite if they had remained on strike was substantiated the next day when, although Sheehy granted the unions' claim for accident pay loading, a large group of employer organisations¹²⁵ took immediate Supreme Court action to prevent the decision being carried out.¹²⁶ The position was not clarified until 22 October¹²⁷ when the final appeals were dismissed, and the relevant clauses were not written into the Builders' Labourers (Construction on site) Award until 6 December 1971.¹²⁸

But a more important issue than this delay was the decision made by Sheehy to restrict full accident pay to six months. Joe Owens explained that, because the B.L.F. had been suspended the previous night from Labor Council,¹²⁹ the Union was barred from participation in these negotiations with Sheehy:

Now the point we took contention with was that if any worker is off for six months or longer, then that worker is seriously hurt and he's the one that needs full pay when he's on compo, much more than anyone off work for a lesser time...We would have certainly opposed such a resolution. We would have demanded that a mass meeting take place in order that the workers could have a further discussion on it. No mass meeting did take place.¹³⁰

¹²² Construction: Building, Structural Engineering, Contracting, 24 May 1971, p.1.

¹²³ Interview: Ralph Kelly, 13 December 1977.

¹²⁴ Interview: Bud Cook, 5 March 1978.

¹²⁵ The group included the M.B.A., Employers Federation, Chamber of Manufacturers, Master Plumbers' Association, Master Painters' Association and the Australian Federation of Civil Engineering Contractors.

¹²⁶ Sydney Morning Herald, 22 May 1971.

¹²⁷ Industrial Commission of N.S.W., No. 251 of 1971, Building Trades Dispute re Pay of Injured Workers, 22 October 1971.

¹²⁸ Commonwealth Conciliation and Arbitration Commission, C.No. 1902 of 1971, 6 December 1971.

¹²⁹ See details later in this chapter.

¹³⁰ Joe Owens: Interviewed by Pat Fiske, 1980. Rank and file labourers obviously saw this as a major drawback to the scheme. Bob Petty (Interviewed by Pat Fiske, 1980) referred to the six month limitation and argued "We could have got more if we had stayed longer". Ralph Kelly called the decision "the final nail in the coffin of co-operation with the B.W.I.U." (Interview: 13 December 1977).

The Employers obviously saw this concession as an enormously important aspect of the accident pay decision. The M.B.A. circular to members on Accident Pay underlined the clause referring to the six months period and added the explanation, "e.g. If the injured worker is absent on workers' compensation for 9 months then he would only receive accident pay for 6 months of that time".¹³¹ If given the option, Joe Owens believes

...the workers would have fought again in my view. They were ready to go, there was a lot of feeling. It was a highly emotional issue. There wasn't one who hadn't been on compo in previous years and they would have struggled and achieved a much better deal than they got.¹³²

Why the employers fought the issue so hard was because of its significance for all industries. Even before the strike was over, the Metal Trades Federation of Unions had decided to seek full accident pay on behalf of 130,000 metal tradesmen.¹³³ The M.B.A. believed that the issue was one which affected all workers in N.S.W. and not just the building industry, so they argued that the State government should legislate to increase workers compensation payments.¹³⁴ The Financial Review summed up the position:

The revolutionary character of the NSW building workers' claim is what accounts for the strength of employer opposition, and, of course, for the enthusiastic support of other unions.¹³⁵

Mundey had stated this position early in the strike: "I personally think that employers in other industries think our campaign on compensation is a spearhead which will affect them too".¹³⁶ The Herald agreed:

A breakthrough by the unions in obtaining their demands of full pay for building workers off duty through injury could open the floodgates to other industries.¹³⁷

And open the floodgates they did. As Digby Young commented, "...the results of the accident pay strike flowed to every other worker in N.S.W. and then in Australia".¹³⁸

However, as usual, the B.L.F. was embroiled in another major

131 N.S.W. M.B.A., Circular No. 36/1971, Accident Pay, 14 July 1971, 3pp. roneod.

132 Joe Owens: Interviewed by Pat Fiske, 1980.

133 Sydney Morning Herald, 25 May 1971. The State Executive of the Boilermakers and Blacksmiths Society had decided on 18 May to call on the M.T.F. to serve such a claim. The Australian, 19 May 1971.

134 The Australian, 18 May 1971.

135 Australian Financial Review, 21 May 1971.

136 Sunday Telegraph, 16 May 1971.

137 Ian Dick, "Full Pay for Accidents?", Sydney Morning Herald, 14 May 1971.

138 Interview: Digby Young, 1 March 1979.

controversy before the strike had even ended. The anger and resentment felt by some of the strikers after the Wentworth Park meeting caused an incident that was to have long lasting and important ramifications. Descriptions of the brawl which occurred in Labor Council that night are confusing and often contradictory. Joe Owens had attended Labor Council as delegate with Tom Hogan and made a detailed statement the next day:

After the minutes had been read, a report was read from the Labor Council Disputes Committee on the Building Strike. A number of observers (approx 15) entered the visitors gallery...there was some heckling. Remarks were being made about a sell-out, and references made to Wentworth Park.

A Union delegate at the rear of the hall said something to one of the observers and a scuffle started. The fight then developed within a matter of seconds. It raged all over the hall...Tom Hogan and myself made attempts to stop the brawl...Finally we did get the observers out of the hall. The Brawl went on for approximately 15 to 20 minutes.

I recognised several of the group as builders' labourers, but... there were plumbers and carpenters(139) as well as people who I did not recognise.140

During the fracas, an elderly Rubber Workers' union delegate was injured and taken to Sydney Hospital by ambulance.¹⁴¹ ('ANIMALS' screamed the Mirror banner headline.)¹⁴² "Two guests from the United States¹⁴³ who were on the official platform were physically threatened."¹⁴⁴ The police were called and four labourers were arrested outside Trades Hall and charged with offensive behaviour, malicious injury and assaulting police.¹⁴⁵

In the debate which followed the brawl, Secretary Marsh moved that the B.L.F. be suspended "until such time as there is an investigation

139 Joe Owens continued to assert that "the statement that no other union members were involved in the brawl was false. Some delegates to Council turned a blind eye that night as a matter of convenience", Letter to the Editor, Tribune, 8 September 1971. He never named the other unionists.

140 Full detailed Statement by Joe Owens, attached to Minutes: Special Executive Meeting, 21 May 1971.

141 Sydney Morning Herald, 21 May 1971.

142 Daily Mirror, 21 May 1971. He only had one leg which was emphasised by the media. He received four stitches in the chin.

143 They were the Labour Attache to the U.S. Consulate in Melbourne, and the Director of Trade Union training at Harvard. Quite coincidentally these are two positions generally regarded amongst "left" unionists as synonymous with C.I.A. activity. An interesting report would have been made.

144 Labor Council of N.S.W., Findings of the Committee of Enquiry into Events Associated with the Suspension of the A.B.L.F. - on May 20th 1971, n.d. (July 1971), 7pp. roneod, p.1.

145 Daily Telegraph, 22 May 1971.

and a report...back to Labor Council".¹⁴⁶ The Herald reported that:

Mr. J. Munday, who had arrived late and after the fighting was over, said he would like to oppose the motion. "I deplore any physical violence, but builders' labourers are a bit tough", he said.

"They haven't got any university degrees and they have worked their way up in the world."

He thought it was an embittered motion, made in an emotional atmosphere. No one was certain whether the trouble makers were BLF members or not.¹⁴⁷

Although nobody claimed that B.L.F. officials were involved in the actual fighting both Marsh and assistant Secretary, Ducker, alleged that the Union leadership was responsible. Marsh had greeted Munday's arrival with the words, "you have organised all this, Munday, and you are responsible for everything that has happened".¹⁴⁸ Ducker informed the meeting that, "Mr. Munday does not come to Council with clean hands". Marsh said he had been told before the Council started that the builders' labourers would be down to disrupt the meeting. "I accuse Jack Munday of coming in late deliberately, when it was all over, so that it would appear that he was not involved."¹⁴⁹ These allegations were repeated in the press by both Marsh¹⁵⁰ and Ducker. Ducker announced that: "Thugs who invaded the trade union movement tonight were on Christian names terms with Brother Munday".¹⁵¹ He also confused the incident with the issue of vigilante action:

The policy statement of Mr. Munday...in the Australian Left Review in which he advocated deliberate tactics of violence, makes it difficult to understand his trying to wash his hands of the bloody consequences of his leadership.¹⁵²

Despite an amendment which called for investigation without suspension moved by Ivor Lancaster (Teachers) and seconded by Pat Geraghty (Seamen), the suspension motion was carried,¹⁵³ although half the delegates had already left the hall.¹⁵⁴

Munday was much less charitable towards the brawlers in private

¹⁴⁶ Sydney Morning Herald, 21 May 1971.

¹⁴⁷ Ibid.

¹⁴⁸ Minutes: Special Executive Meeting, 21 May 1971.

¹⁴⁹ Sydney Morning Herald, 21 May 1971.

¹⁵⁰ Sydney Morning Herald, 22 May 1971.

¹⁵¹ Daily Telegraph, 21 May 1971.

¹⁵² Daily Mirror, 21 May 1971.

¹⁵³ Pete Thomas, "Why They're Attacking the Builders Laborers' Union", Tribune, 26 May 1971, p.4.

¹⁵⁴ Minutes: Special Executive Meeting, 21 May 1971.

than he had been in public.¹⁵⁵ At the Special Executive Meeting called hastily the next morning he asserted:

This is the most critical meeting I have been to since I have been Secretary of the Union. I will have no truck with K. Galloway and Dick Keenan.(156) I stand for militant unionism not hooliganism... right-wing delegates will [always] blame us. These people went in deliberately to attack the Labor Council. Apart from provocation, we cannot justify, nor should we attempt to justify workers attacking other workers physically. It is revolting and they should be condemned for doing this...I believe if we don't suspend them we will be accused of white washing it.¹⁵⁷

The other Executive members expressed similar points of view. Brian Hogan stated, "...we must publicly dissociate ourselves from these attacks on fellow unionists". Tom Hogan agreed:

I think the rank and file of this and many other unions accept a great deal what the leadership of this Union stands for...What went on at the Labor Council is contrary to the views held by this leadership. We would cease to exist as a union if we turned a blind eye.

Don Crotty claimed that these actions "...brought our Union's reputation to an all time low with other unions and the public. We should deplore violence whether against trade unionists or anyone". Ron Donoghue maintained that:"This has been culminating for some time...the attack made on Jack Munday. The action at the Council destroys our union and its image. Why did the doorman let in intoxicated people?" Bob Pringle probably summarised the leadership's dilemma most succinctly: "Whatever we do will be misconstrued. [It] will be worse if we do nothing".¹⁵⁸

The Executive then unanimously carried the following resolution:

We decide that the nine members involved in the brawl at the Labor Council Meeting on the night of May 20th, 1971, be suspended(159) pending an investigation by a Committee of Inquiry to investigate the conduct of these members.

That the Committee of Inquiry to consist of all Executive members, the Federal President and Federal Secretary, and fifteen (15) job

¹⁵⁵ Apart from his speech at the meeting, Munday was quoted in the Daily Telegraph, 22 May 1971, "'We deny emphatically that the leadership was in any way implicated in the brawl.' Mr. Munday said...that his Union would not indulge in terrorism. But his Union believed it had the right to struggle and lift the standards for its workers." In The Australian, 22 May 1971, the Executive's press statement was quoted: "Although there was some provocation at the meeting, it in no way justifies worker striking worker".

¹⁵⁶ Two of those involved.

¹⁵⁷ Minutes: Special Executive Meeting, 21 May 1971.

¹⁵⁸ Ibid.

¹⁵⁹ Pringle explained that suspension meant the members would still have the right to work in the industry, but no right to come to meetings "in the interim period". Ibid.

delegates from the largest building projects in N.S.W.¹⁶⁰ Although this decision was covered by the media, it was given little prominence in comparison with the spectacular events of the previous night or with the almost as spectacular verbal onslaughts of other unionists on the B.L.F.

These accusations and allegations about the B.L.F.'s "thug tactics" and "violence towards fellow unionists" continued to be made for years afterwards, whenever B.L.F. militancy or even union militancy in general embarrassed or annoyed a union official.¹⁶¹ It was in fact, a feature of the strategy of co-operation that was emerging among the conservative union leaders and the anti-Aarons faction within the C.P.A. to isolate the Aarons-line unions, particularly the B.L.F. During the brawl Ducker accused Harry Hatfield, a delegate from the Sheet Metal Workers' Union, "...this is your mob, the Laurie Aarons' line would be behind this sort of violence".¹⁶²

Tribune, firmly in the Aarons camp, reported the incident in detail:

Reports say that, at the time of the brawl, it was noticeable that persons far over on the Right and also some individuals associated with the minority faction in the C.P.A. quickly showed an identity of viewpoint in using the affair to attack the...[B.L.F.] leadership and also CPA leaders and policies.¹⁶³

Pat Clancy, who was not at the meeting, issued a press statement in which he claimed that the action of the brawlers was supported and planned by "certain officials" of the B.L.F.¹⁶⁴ He also attacked the builders labourers and their union's role in the building industry strike on a radio program the next day.¹⁶⁵ The B.T.G. issued a statement which claimed that "a study of events showed that the leadership of the BLF bore a heavy responsibility for the events of Labor Council".¹⁶⁶ The

¹⁶⁰ Ibid.

¹⁶¹ For instance Laurie Short (Secretary F.I.A.) referred to the Trades Hall brawl in a speech to the Canberra-Woden Rotary Club and likened that action to "union harassment of the last Springbok football tour and the attempt to 'sabotage' the sending of supplies to Australian troops in Vietnam". Daily Telegraph, 28 October 1971.

¹⁶² Statement from Tom Hogan. Minutes: Special Executive Meeting, 21 May 1971.

¹⁶³ Tribune, 26 May 1971. Similarities between this suspension and the 1981 suspension of the B.L.F. from Labor Council are hard to escape. The B.W.I.U. instigated the suspension move in 1981 and were heartily supported by the bloc right-wing vote.

¹⁶⁴ B.W.I.U., Press Statement, n.d. (May 1971).

¹⁶⁵ Tribune, 26 May 1971.

¹⁶⁶ Cited in Building Worker, May June 1971, p.12.

anti-Aarons line paper Australian Socialist drew the same comparison as Ducker had, and equated vigilante activity with the brawl:

Now, destruction of property may be considered to be one thing, and attacks on Labor Council delegates another but both are anarchist, not communist, and both are destructive of unity.¹⁶⁷

In fact, none of the alleged brawlers were in the leadership of the B.L.F. Four were well-known opponents of the Union leadership¹⁶⁸ and had either stood for election against them in the past or did so in 1973. Of the others only one¹⁶⁹ was ever identified, even vaguely, as a leadership supporter; and not one was in the C.P.A.¹⁷⁰

The Herald still ran a story reporting that:

Senior trade union officials said...that for some time they had been expecting violence like that which occurred...They claim the episode was the inevitable result of a meeting in Sydney in April, 1969, when a large number of communists, Trotskyites and super militants held a "conference for Left action" at [which]...Mr. L. Aarons called for "strikes, demonstrations, civil disobedience, defiance of unjust laws..." and "to draw the mass of people into confrontation and struggle".

The report then quoted Laurie Carmichael and large sections of Munday's controversial Australian Left Review article.¹⁷¹

This article produced two different rejoinders. Laurie Aarons announced that the C.P.A. rejected "unscrupulous" attempts to implicate it in responsibility for the brawl and that: "Right-wing union officials and others had used the event as a pretext to attack militant unionism in particular the NSW leadership and other activists of the BLF".¹⁷²

A second statement headed "Hooliganism at Labour Council condemned by communists" was signed by thirteen union officials and delegates

167 Australian Socialist, June 1971.

168 John McNamara, Dick Keenan, Kevin Gledhill and Pat McNamara. All except Pat McNamara were appointed Federal officials by Gallagher during intervention.

169 Bobby Baker.

170 Many builders labourers believe the brawl was "a deliberate plan to discredit Munday...We began to see the continuing pattern of Gallagher working to bring about the downfall of the N.S.W. Branch". (Interview: Ralph Kelly, 13 December 1977) I do not subscribe to this view but I can understand why others do.

171 Sydney Morning Herald, 22 May 1971.

172 Sydney Morning Herald, 25 May 1971. Tribune, 26 May 1971, reported another newspaper item which had the "senior union officials" linking the brawl with a decision by "certain people" in the C.P.A. to have Clancy defeated as A.C.T.U. Executive member. Tribune railed: "This is an invention. Such a false story, whatever its source, comes from either ignorance or prejudice or both". The author obviously is implying that the "senior union officials" were anti-Aarons liners.

aligned with the anti-Aarons faction of the C.P.A. The statement said the use of physical violence against council delegates was "totally unwarranted, unjustifiable and inexcusable".¹⁷³

It is more than coincidence, indeed it is of enormous significance that these statements were reported in the media on the same day that the press recorded the expulsion of Bill Brown from the C.P.A., for "establishing a party within the party".¹⁷⁴ Brown's expulsion led to the final split within the C.P.A. and the formation of the S.P.A. The bitterness of Clancy's attacks on the B.L.F. can only be understood when viewed from this perspective.

Even Rydge's reported that the looming split and the ensuing tension accounted for much of what was happening in the building industry. Writing of the brawl and the strike, Rydge's theorised: "It was not builders' labourers versus the Master Builders' Federation but Munday versus Clancy".¹⁷⁵

In the face of such widespread hostility the Executive agonised over the procedures to be adopted in its own Committee of Inquiry.¹⁷⁶ When the Inquiry was held on 26 May, six of the nine charged members were present.¹⁷⁷ Gallagher and Delaney were not present as Committee members and no reason was given for their absence. The fifteen job delegates were part of the Committee and all B.L.F. members had the right to attend but not to speak. The press were excluded to protect the suspended members from possible police charges.¹⁷⁸

Apart from the leadership's arduous attempts to maintain democratic procedures,¹⁷⁹ the most interesting points to arise out of the prolonged question and answer sessions were that the charged members felt sold out, both by Munday's compromise amendment and the B.T.G. resolution at Wentworth Park; that some of the accused had attended a meeting in Trades Hall that afternoon but that no one there suggested attending Labor

173 Sydney Morning Herald, 26 May 1971.

174 The Sydney Morning Herald actually ran the stories side by side with no interrelation or comment.

175 "Disintegration of Communists Causing Industrial Havoc", Rydge's Construction, Civil Engineering & Mining Review, 1 September 1971.

176 Minutes: Executive Meeting, 25 May 1971.

177 K. Galloway, R. Puckeridge, J. McNamara, P. Langeman, P. McNamara, and P. Wharton attended. D. Keenan, K. Gledhill and R. Baker were absent.

178 N.S.W. B.L.F., Minutes of Committee of Inquiry Hearing Held on 26.5.71, 16pp., typed.

179 The Inquiry lasted $4\frac{1}{2}$ hours and over 100 members attended. Tribune, 16 June 1971.

Council; that the decision to attend Labor Council was made in the Sussex Hotel in a discussion which included plumbers and carpenters but no B.L.F. officials; that Joe Ferguson had advised them not to attend; that the first physical confrontation occurred with two delegates from the Police Association who had threatened to arrest the hecklers; and that Johnny McNamara had yelled from the platform that the whole hall was a pack of bastards including Jack Munday. The gist of the leadership's comments were that the brawlers' actions had gravely damaged the Union and the future effectiveness of vigilante action and that, although there may have been provocation, violence against other unionists could not be condoned. Munday concluded: "This Union is bigger than the whole nine. When we make decisions they have to be made in the interest of the union as a whole".¹⁸⁰ The Committee of 24 decided, with only two votes in opposition, that the men were guilty¹⁸¹ and were to be expelled for 24 months. The recommendation to the Branch meeting which endorsed the verdict on 1 June, included the statement:

Employers and right-wing leaders have tried to confuse the principled action taken against scabs during the strike(182), with this unseemly fracas involving worker fighting worker on the Labor Council floor...Although a number of building unions were involved, only one, ours has been singled out for punitive action by the Labor Council. Because of their opposition to our militancy, the employers, the mass media, and right-wing union leaders have misrepresented the facts, and have striven to bring discredit on our organisation.¹⁸³

It is quite obvious from the Executive minutes over this period that exclusion from Labor Council was regarded as extremely damaging.¹⁸⁴ Despite the fact that the B.L.F. officials regarded N.S.W. Labor Council¹⁸⁵

180 N.S.W. B.L.F., Minutes of Committee of Inquiry Hearing Held on 26.5.71, 16pp., typed.

181 Reported by Munday to Federal Management Committee (Minutes: Federal Management Committee, 2 June 1971, p.5).

182 Munday obviously believed Clancy held the same views but did not name him because of the need to foster "solidarity". However in the privacy of the Inquiry he commented on this aspect: "Also about half the vigilantes were tradesmen. They all worked together. That is why it is so criminal to find so-called left-wing leaders like Pat Clancy making statements as he did last night on the T.V. One can understand John Ducker doing so, but not one who allegedly occupies a left position". N.S.W. B.L.F., Minutes of Committee of Inquiry Hearing Held on 26.5.71, p.3.

183 N.S.W. B.L.F., Stopwork Meetings, June 1st, 3 p.m.: Why They're Being Called, 26 May 1971, 2pp. roneod.

184 This position was especially obvious during some debates. Minutes: Special Executive Meeting, 30 May 1971; Executive Meetings 22 June 1971, 10 August 1971 and 17 August 1971.

185 N.S.W. Labor Council is the most conservative of all Australian Labor Councils.

as the bastion of working class conservatism and intrigue (Dick Prendergast in his usually florid style likened it to Peyton Place),¹⁸⁶ they still considered it important to remain part of the established trade union movement and to avoid, if possible, the isolation that their radicalism was likely to induce. They believed their position in relation to the Summary Offences Act¹⁸⁷ and their wage restoration claim¹⁸⁸ was in jeopardy and that the membership was unhappy about their suspension.

The June Branch meeting in Sydney was "the biggest...for years" and the members carried by about 500 to eight a declaration of confidence in their Union's militant leadership. The debate on the expulsion motion was lengthy¹⁸⁹ and the meeting eventually voted 141-131 to endorse the Committee of Inquiry's verdict. The three regional Branch meetings voted endorsement by much larger majorities with Wollongong voting for expulsion 147-3.¹⁹⁰

However, the decision of the membership was irrelevant. The next day, the F.M.C. voted six to one to lift the expulsion of the nine members. In debate on the expulsions Gallagher cited a legal opinion from Ted Hill that "there is no legal foundation for such action".¹⁹¹ Gallagher also objected to the inclusion of the fifteen job delegates on the Committee of Inquiry "as it was the responsibility of the Executive" to determine the matters.¹⁹² He asked Munday to hand over \$2 which under Rule 24 must accompany all charges laid against members. Munday did so but then Gallagher ruled, "...it was obvious that there was no original \$2.00 with the original charge and, in his opinion, this was sufficient to up-hold the appeal of the nine Members".¹⁹³

The F.M.C. resolution was an outright defence of the action taken by the nine members.¹⁹⁴ It concluded:

186 Minutes: Executive Meeting, 17 August 1971.

187 Minutes: Executive Meeting, 10 August 1971.

188 Minutes: Executive Meeting, 17 August 1971.

189 See Minutes: Branch Meeting Held at the Paddington Town Hall, 1 June 1971

190 Tribune, 9 June 1971.

191 E. Hill, Opinion: re A.B.L.F., 26 May 1971 included in Minutes: Federal Management Committee, 2 June 1971, p.7.

192 Minutes: Federal Management Committee, 2 June 1971, p.6.

193 Ibid., p.3.

194 Further evidence of Gallagher's overt support for the nine comes from Mick Curtin who found a telegram on a job-site from Gallagher to Kevin Gledhill congratulating him on his fine work at Labor Council. Also Vanguard (June 1971) carried an article by one of the brawlers who claimed that the incident began when "one of our group (not long out of hospital...) raised a point of order and he was smashed in the back of the neck by a plain clothes police sergeant...a filthy pig whose time will come".

We warn the N.S.W. Branch that any further violation of the Rules in this matter, will be met with the full force of the Federation.

We apologise to those Members for any inconvenience their expulsion may have caused them.¹⁹⁵

This resolution angered the N.S.W. membership who felt that their decision which had been taken by meetings of 600 members had been over-riden by six F.M.C. delegates.¹⁹⁶ It also had a disastrous effect on the Labor Council Committee of Inquiry that had been set up to investigate the brawl. The Labor Council Investigation had already exhibited all the signs of turning into a witch hunt. Co-opted onto the Committee were the anti-B.L.F. building union officials Bignell, Boyce and McDonald¹⁹⁷ and part of their investigations included looking into the criminal records of those involved.¹⁹⁸

Despite support from 142 job sites¹⁹⁹ and groups such as the Canberra, Queensland²⁰⁰ and Newcastle²⁰¹ Labor Councils, the Sheet Metal Workers Union,²⁰² the Queensland B.T.G. and B.W.I.U.²⁰³ and tradesmen from individual job-sites,²⁰⁴ Labor Council remained adamant. It closed the public gallery for the first time since the 1940s²⁰⁵ despite opposition

195 Minutes: Federal Management Committee, 2 June 1971, p.9.

196 Minutes: Special Executive Meeting, 4 June 1971.

197 Sydney Morning Herald, 4 June 1971.

198 Labor Council of N.S.W., Findings of the Committee of Enquiry, p.1. Two of the brawlers had been charged with stealing firearms in July.

199 Minutes: General Meeting, 6 July 1971.

200 Labor Council of N.S.W., Findings of the Committee of Enquiry into Events Associated with the Suspension of the A.B.L.F. - on May 20th, 1971, p.3.

201 Sydney Morning Herald, 26 June 1971. Newcastle's motion of support was opposed by Clancy. Minutes: Executive Meeting, 29 June 1971.

202 It voted support for readmission at its 27 May Branch meeting. N.S.W. B.L.F., All Workers Will Gain...If Building Industry Workers Unite, p.2.

203 N.S.W. B.L.F., Why Builders' Labourers Under Attack, n.d. (June 1971?), 1p. roneod. Also in a letter to the Queensland B.W.I.U. Munday thanked them for their "wonderful assistance" in the matter. Correspondence: J. Munday to Tom Chard, B.W.I.U., Brisbane, 11 June 1971.

204 Tribune, 9 June 1971 reported that some tradesmen's unions' delegates had praised B.L.F. participation in the strike and urged their readmission to Labor Council at the Delegates Meeting on 1 June. Also letters were sent from job-sites to the B.T.G. and to Labor Council signed by labourers and tradesmen. One such (Correspondence: Swanson Bros Job to the Secretary, B.T.G., 28 May 1971) was signed by 60 workers. North Sydney District of the B.W.I.U. also voted support. (Minutes: Executive Meeting, 15 June 1971)

205 Tribune, 16 June 1971.

from P. Geraghty (Seamen) and Tas Bull (W.W.F.).²⁰⁶ The B.L.F. leafletted the 10 June Labor Council meeting calling on delegates to lift their suspension, and waited outside the Hall for readmission (in vain).²⁰⁷

The Union wrote to Labor Council stating that they would "support an inquiry after we take our seat back in Labor Council".²⁰⁸ Because they had received an opinion that their suspension was illegal²⁰⁹ the Executive debated whether to attend the inquiry or seek an injunction restraining the Labor Council from acting upon the suspension.²¹⁰ Eventually after discussion with lawyer, Jim Staples, the Executive decided not to go ahead with an injunction,²¹¹ "...because it is not good to put an injunction on another working class body. That would be a worker v. worker situation. We work outside of the courts".²¹²

The B.L.F. refused to attend the Committee of Inquiry "unless the enquiry was a public enquiry with the Press being permitted to attend".²¹³ The Inquiry inevitably found that: "The leadership of the ABLF bears some of the responsibility for the events that took place at the Labor Council Meeting of May 20th..."²¹⁴ It also sought to transfer guilt by association:

A number of officials of the BLF were present at a meeting of striking workers in the building industry, including those who invaded the Labor Council meeting. This was held at Room 5, Trades Hall, Sydney, in the late afternoon on May 20th. This meeting was organised without consultation or approval of the Building Trades Unions, who were not even notified of nor invited to attend the meeting.²¹⁵

Although the Committee did not name any of the officials who had allegedly been at this meeting, it attacked the B.L.F. for the same offence, not supplying names:

206 Sydney Morning Herald, 28 May 1971. At the next meeting of Labor Council Jack Sponberg (Boilermakers) arrived wearing a crash helmet and ear muffs.

207 N.S.W. B.L.F., To The President, Secretary and Members of the Executive of Labor Council of NSW: To the Members of the Committee of Inquiry into the Events of 20th May 1971: To the Delegates of All Unions Affiliated to the Council, 10 June 1971, 4pp. roneod.

208 Minutes: Executive Meeting, 8 June 1971.

209 Minutes: Federal Management Committee, 2 June 1971, p.5.

210 Minutes: Executive Meeting, 8 June 1971.

211 Minutes: Executive Meeting, 15 June 1971.

212 Interview: Bud Cook, 30 March 1978.

213 Labor Council of N.S.W., Findings of the Committee of Enquiry, p.3.

214 Ibid., p.4.

215 Ibid.

The A.B.L.F. Statement of May 21st, and other statements since made, have attempted to implicate other building unions...Although repeatedly asked to do so, the A.B.L.F. have not supplied any information to substantiate this serious allegation. The facts show that there were about twelve hoodlums who invaded the Council, and the A.B.L.F. has already found that nine were members of their organisation.²¹⁶

The Committee also accused the B.L.F. delegates of lying when they stated they had done "all in their power to quell the disturbance".²¹⁷

The Inquiry criticised the N.S.W. Branch for lifting the expulsion of the nine charged members, even though at least the building industry members of the Committee would have realised the impossibility of taking action against an implacably hostile Federal body. The Committee found that:

The only apparent action taken following the lifting of this penalty is the Circular of June 7th...which states, "We appeal to the nine members concerned, despite their appeal being successful, to abide by the decision of the NSW members..."

It is hard to believe that there is any serious intent behind this puerile appeal to the guilty nine.²¹⁸

The Committee recommended that "the A.B.L.F. leadership be severely censured for its breach of Trade Union ethics and standards of behaviour". It also recommended that the nine charged members be refused the right to be a delegate or alternate delegate to Labor Council or any Council committees.²¹⁹ It demanded the names of the nine members in order to implement this decision. It ordered the B.L.F. to pay the costs of the damage and medical expenses and then recommended that the Union be readmitted to Labor Council from 15 July.²²⁰ Their readmission was delayed however because the N.S.W. Executive refused to furnish Labor Council with the names of the nine men. The Branch debated the matter for two months, expressing such views as "...we had a history of not coppering on members, but it was necessary for us to be on the Labor Council and the B.T.G. because they were policy making bodies".²²¹ They asked Gallagher and the F.M.C. to intervene on their behalf in the matter but received no help. When the Executive discovered that "Gallagher had washed his hands of the Labor Council position"²²² their attitudes

²¹⁶ *Ibid.*, p.5.

²¹⁷ *Ibid.* The B.L.F. leadership were hardly likely to name members of other unions involved in the brawl just to prove a point, when they refused for two months to furnish names to Labor Council to gain readmission.

²¹⁸ *Ibid.*, p.6.

²¹⁹ *Ibid.*

²²⁰ *Ibid.*, p.7.

²²¹ Bud Cook, Minutes: General Meeting, 3 August 1971.

²²² Minutes: Special Executive Meeting, 23 August 1971.

changed and eventually a mass meeting decided to give the nine names (which were common knowledge anyway) to Marsh on the condition that they not be made public.²²³ By this time the Union was already involved in the "Disputes Procedure" controversy and deregistration was being threatened. To have remained outside Labor Council would have been damaging for the membership. Despite these facts, the "Maoist" opposition produced leaflets calling Munday a "police informer" and "revisionist counter-revolutionary",²²⁴ and claimed: "The deal for the re-entry...to the grave yard (Labor Council) was the naming of the 9 men to (radical Ralph) Marsh and (honest John) Ducker upon their 'trust' not to tell anybody else".²²⁵ Vanguard argued "Munday has been labelled as a police informer. It would be difficult to draw any other conclusion under the circumstances..."²²⁶

Marsh kept his word and no police or other action was taken against any of the nine but the whole incident added to the already embittered relations between the N.S.W. leadership and the Federal body's supporters in N.S.W.

During the Union's immersion in the Labor Council affair, their negotiations with the M.B.A. over their margins claim continued. The M.B.A. proposed that the B.L.F. agree upon a disputes procedure in return for the margins restoration and the \$4 flow-on from the tradesmen's rise.²²⁷ This would have given the N.S.W. Branch parity with Victoria at last but the catch soon became evident. The Disputes Procedure was to include a "cooling off" clause similar to that operating in the Victorian builders labourers award. Munday believed, "...the Employers are hopeful of taking advantage of our continued suspension [from Labor Council] and...are putting forward stringent conditions in return for any wage increase".²²⁸

On 20 August Gallagher and the Union barrister Bill Fisher tried to pressure Munday to sign a letter accepting a Disputes Procedure agreement,²²⁹ while it contained what the N.S.W. Branch considered was

223 Ibid.

224 Document, Tell The Truth: Will the Real Mr. Munday Please Stand Up!, n.d. (1971), lp. Unauthorised.

225 Document, Building Struggle, No. 1/71 1st Edition: Munday's Trial. Better In or Out, n.d. (1971). Unauthorised.

226 Vanguard, 16 September 1971.

227 Minutes: Executive Meeting, 20 July 1971.

228 N.S.W. B.L.F., Circular to All Job Organisers, No. 17/71, 18 August 1971.

229 A.B.L.F., Proposed Circular to Be Distributed to all Members of the A.B.L.F. (N.S.W.) Branch, n.d. (20 August 1971), 3pp. roneod.

a "no-strike" clause.²³⁰ The Branch called mass meetings in Sydney, Wollongong and Newcastle which unanimously declared: "We absolutely reject the 'no-strike' clause which is contrary to our policy as well as the general policy of the trade union movement".²³¹

Gallagher argued that he "was worried about isolation of the Union, not only in N.S.W. but in other states and especially Victoria".²³² The F.M.C. believed the N.S.W. Branch should accept a similar clause to the one in the Victorian State award.²³³ Again on 2 September, Gallagher proposed a modified version of the Disputes Procedure²³⁴ but it was rejected by the N.S.W. Executive on 5 September because of the clause "While the procedures...are being carried out, work shall continue".²³⁵

On 6 September the N.S.W. mass meetings adopted overwhelmingly a recommendation to go on strike. The resolution requested an emergency meeting of the B.T.G. and reiterated the Branch's rejection of all "No Strike" sanctions. It also made reference to the A.C.T.U. Congress decision of the previous week which opposed industrial sanctions.²³⁶ The Branch produced a leaflet which pointed out:

The N.S.W. Branch has been singled out. It is the only branch of our union the M.B.A. has tried to shackle. It is the only building union on which a "no strike" clause has been attempted.²³⁷

The Branch also circularised other unions informing them that:

We regard the attempt by the M.B.A. to have a "No Strike" clause imposed as an attack upon the whole of the Trade Union movement.

²³⁰ Document, M.B.A.-Union Conference held in Melbourne to discuss Agreement, 20 August 1971, lp., typed. "J. Munday disagreed with the terms of the letter, and particularly the disputes clause which was clearly a 'No-Strike' clause...N. Gallagher and W. Fisher were of the opinion that the agreement should be signed today".

²³¹ N.S.W. B.L.F., Recommendation: 24 August 1971, lp. roneod; and handwritten notes.

²³² Tribune, 1 September 1971.

²³³ The Australian, 7 September 1971.

²³⁴ Document, Melbourne Meeting Between Ball (M.B.A.) J. Munday (Fed) N. Gallagher (Fed), 2 September 1971, lp., typed.

²³⁵ Document, Dispute Procedure, lp. typed. Handwritten "Exec. rejected 5/9/71."

²³⁶ N.S.W. B.L.F., Resolution Carried at Paddington Town Hall 6th September 1971, lp., typed. The A.C.T.U. decision had been made in the context of moves by State and Federal Governments towards secret ballot legislation for trade unions with penal sanctions for non-compliance. Labour Press, 9 September 1971 regarded the N.S.W. B.L.F.'s situation as part of the employers' Australian-wide campaign. "N.S.W. building workers are also facing the brunt of the employers' offensive."

²³⁷ N.S.W. B.L.F., Why Builders' Labourers Are On Strike!, 13 September 1971, lp. roneod.

The A.C.T.U. Congress decision to reject sanctions on trade unions is precisely the policy we are seeking to defend in this issue.²³⁸

They invited other unions to attend their next mass meeting.

The mass meeting on 10 September carried an addendum to the Executive resolution to remain on strike.²³⁹ This was that the absence of Gallagher and Clancy be noted and both be invited to the next meeting.²⁴⁰ When neither attended this meeting, "...two empty chairs were set out on the platform...one for Mr. Gallagher and one for Mr. Clancy. Mr. Clancy stayed away because he said he didn't agree with the tactics of continuing the strike; Mr. Gallagher just stayed away".²⁴¹

Vanguard argued that: "The tactics in the present dispute are not the best...we do not want to waste our energies when there is no need to".²⁴² Gallagher's position in regard to the N.S.W. struggle had been complicated by the M.B.A., which had "warned the B.L.F. to do something about the N.S.W. Branch or face the threat of deregistration". The Executive Director of the M.B.A. told Gallagher that it expected to lodge an application for deregistration in a few days. The Australian commented with uncanny omniscience:

The employers are using the Federal union as a lever against a particularly sharp thorn in their side. It is known the Federal leaders of the union are not prepared to see it deregistered on a Federal basis because of the actions of one State branch...It was widely speculated yesterday that a Federal take-over of the N.S.W. branch is likely.²⁴³

238 Correspondence: J. Munday to All Unions, 10 September 1971.

239 N.S.W. B.L.F., Recommendation 10 September 1971, lp. roneod.

240 Correspondence: J. Munday to N. Gallagher, 13 September 1971. Clancy was invited as the building industry representative on the A.C.T.U. Executive.

241 Tribune, 3 November 1971. This article was the first time Tribune openly condemned Gallagher's role in the B.L.F. Presumably, the N.S.W. leadership believed that relations had reached such a disastrous state that reports designed to foster solidarity no longer had any point. Vanguard, 18 November 1971, replied to the article with revolutionary fervour, but did not rebut any of Tribune's allegations. "In an attack on builders' laborers in the revisionist rag Tribune of November 3, the Aaron's clique has once again revealed its role as an agent of the capitalist class...Running through the Tribune article were attacks on N. Gallagher. They are all utter lies and already many rank and file builders' laborers have denounced them as such... N. Gallagher...has given builders' laborers outstanding leadership. He has fearlessly led the fight against the State machine of the capitalist class. In this struggle he has already been thrown into the jail of the capitalist class."

242 Vanguard, 16 September 1971.

243 The Australian, 11 September 1971. The report was by Neal Swancott, a particularly able commentator on union affairs. He is now General Secretary of the A.J.A.

By this stage the N.S.W. leadership felt totally isolated. All officials had expressed trepidation about another "all-out blue"²⁴⁴ in the midst of their other tribulations but could see no other option. They believed that the membership would not accept a no-strike clause and they gauged their members' reactions correctly. As Bob Pringle relates:

Jack's theatrics with the two empty chairs on the stage really hit the spot on the day. It was really lonely up there on the stage - just me and Jack. Normally officials from other unions are queuing up to be invited to stopwork meetings. The media build-up, the editorials urging members to vote against us, the Royal Commission threats, everything was going against us. But the membership gave us the impetus like they always did and voted to battle on.²⁴⁵

One of the aspects of the disputes procedure most opposed by the leadership was that "...it would result in the control of the Union being taken out of the hands of the rank and file members, and being placed at top level discussion basis".²⁴⁶ The membership, highly politicized since the 1970 strike, and increasingly used to handling job disputes on their own initiative regarded this as a threat to their participation in Union affairs. This was an important contributing factor to the remarkable solidity of the strike.

Vigilante activity was deliberately low key²⁴⁷ and Munday in an obvious reference to the Labor Council brawlers suggested that: "Vigilantes should be vetted so as not to have undesirables".²⁴⁸

The B.T.G. agreed to support a compromise proposal of three points²⁴⁹ which excluded the no-strike clause but undertook to engage in "full and proper negotiations" before strike action, except in cases concerning safety, dismissal of a delegate or general stoppages.²⁵⁰ The Executive were unhappy about these compromises but believed that the B.T.G. had gone as far as they would.²⁵¹ B.T.G. support was essential given that Gallagher remained in opposition.

When the M.B.A. rejected the proposal on 14 September, the N.S.W.

244 Minutes: Special Executive Meeting, 5 September 1971.

245 Interview: Bob Pringle, 8 March 1978.

246 Tom Hogan. Minutes: Special Executive Meeting, 9 September 1971.

247 Minutes: Executive Meeting, 7 September 1971. *Tribune*, 22 September 1971 commented that "A feature of the strike was the virtual absence of scabbery. This testified to the effectiveness of the vigilante actions in previous strikes".

248 Minutes: Executive Meeting, 7 September 1971.

249 Minutes: Executive Meeting, 14 September 1971.

250 N.S.W. B.L.F., Resolution: Wednesday 15 September 1971, lp. roneod.

251 Minutes: Executive Meeting, 14 September 1971.

Mass Meetings called upon "our Federation" to call a national strike of all members.²⁵² The F.M.C. however was not readily disposed towards supportive action. Munday reported that:

There was generally not much enthusiasm from the F.M.C. They made it clear that they are here to settle this dispute. The Queensland and Victorian delegates said that at their Branch meetings a resolution had been carried supporting the F.M.C. in any action they took to avoid de-registration.²⁵³

The well attended mass meetings on 15 September "resolved overwhelmingly to continue the strike".²⁵⁴ Faced with this resistance, the M.B.A. began to ameliorate its stated view that the no-strike clause was "essential for stabilising a situation which now borders on anarchy".²⁵⁵

At a compulsory conference on 17 September, chaired by Commonwealth Arbitration Commissioner, R. Watson "the employers retreated from a demand for a blanket no-strike clause"²⁵⁶ and settled for the three point compromise. The M.B.A. also agreed to cease their efforts to have the Federation deregistered.²⁵⁷

The three point proposal was the original B.T.G. compromise with minor alterations suggested by the F.M.C.²⁵⁸ The M.B.A. representatives accepted the three points in principle and agreed to recommend them to their Industrial Relations Committee.²⁵⁹ The B.L.F. was to put the proposition to mass meetings on 21 September.

Twelve hundred members attended the Sydney meeting and the Executive recommendation was carried unanimously.²⁶⁰ After outlining the three point proposal the resolution concluded:

Having retained the basic right to strike, we will discuss other outstanding differences with the M.B.A. in Sydney tomorrow morning...The wonderful unity of our Branch, other Unions, (261) and the support of other rank and file unionists in particular,

252 N.S.W. B.L.F., Resolution: Wednesday 15 September 1971, lp. roneod.

253 Document, Federal Management Committee Meeting. Sydney, 16 September 1971, lp., typed. Presumably written by Munday.

254 The Australian, 16 September 1971. The voting figures were cited as 1500-6 on 15 September and 1300-8 on 9 September [N.S.W. B.L.F. (Newcastle), FOR: The Right to Strike: An End to "No Strike Clauses"; Direct Negotiations Free of Penalties, 16 September 1971, 2pp.roneod.]

255 J. Martin, Executive Director, M.B.A. quoted in Daily Telegraph, 16 September 1971.

256 The Australian, 18 September 1971.

257 Ibid.

258 N.S.W. B.L.F., Federal Management Committee Further Compromise Proposals, 17 September 1971, lp. roneod.

259 Document, Building Industry Dispute - N.S.W.: Statement by the Parties, 17 September 1971, lp. roneod.

260 Document, Sydney Mass Meeting, 21 September 1971, lp., typed.

261 The "other unions" were not named.

enabled us to successfully fight back against the "no strike" clause and the de-registration threat.²⁶²

The labourers returned to work the next morning after a stoppage of sixteen days. As Munday reported:

...it had been a magnificent effort by our Branch to beat back attacks [such as] sanctions and de-registration...Attempts had been made to take over this Branch but they had been beaten back.²⁶³

He "stressed the wonderful unity of the membership...winning out when our Branch was in a terribly isolated position".²⁶⁴

However, at the meeting called to clear up minor points in the Agreement, the M.B.A. reneged on their undertakings and presented the Union with a disputes procedure²⁶⁵ "which amounted to a blanket 'No strike' clause".²⁶⁶ The Union called this a "blatant double-cross" and argued:

There is no doubt the State Liberal Government encouraged the M.B.A. to renege on the agreement. Over the last two weeks they have been building up their "Law and Order" campaign...and [now] they are trying to move into the Trade Unions.²⁶⁷

The Executive threatened that "failure of the M.B.A. to honour the Agreement of last Friday could place the whole industry's future in serious doubt".²⁶⁸

In the face of such an overt about-face on the part of the M.B.A., and after such a determined strike by the B.L.F. membership, other union officials at last began to pledge support. Clancy and McDonald "expressed surprise at the changed position of the M.B.A. and said they would arrange for a special B.T.G. meeting tomorrow 23rd September".²⁶⁹ Even

262 N.S.W. B.L.F., Newcastle, Sydney, Wollongong: Recommendation, 21 September 1971.

263 Minutes: General Meeting, 5 October 1971.

264 Minutes: Special Executive Meeting, 20 September 1971. The Australian, 22 September 1971 referred to the strike as "one of the most controversial fortnights in the industry's history".

265 N.S.W. M.B.A., The Union's Dispute Clauses do not clearly spell out the Principles which the M.B.A. has in mind..., 22 September 1971, lp., typed.

266 N.S.W. B.L.F., Builders Laborers' Dispute, 27 September 1971, lp. roneod.

267 Ibid. Munday believed "They wanted the Laborers out in a protracted dispute", Minutes: Special Executive Meeting, 24 September 1971.

268 N.S.W. B.L.F., Press Statement, 22 September 1971, lp., typed. This press statement was issued in response to a telephone call from J. Martin, M.B.A. claiming that he "forgot to inform the Union" that the next day's issue of the M.B.A. journal Construction would be "spelling out the change of position so far as the M.B.A. is concerned" and that it was too late to withdraw the article. Document, Telephone Call from J.B. Martin M.B.A. to J. Munday 6.30 p.m., 22nd September 1971, lp. typed.

269 Document, M.B.A. Conference 10 a.m., 22 September 1971, lp., typed.

"Gallagher and Delaney...stiffened up today".²⁷⁰

The B.T.G. "re-iterated its stand for the three point plan"²⁷¹ and Clancy intervened on behalf of the group in the compulsory conference before Watson on 24 September. Watson "expressed disappointment that the M.B.A. had not lived up to its agreement"²⁷² and endorsed Clancy's proposition that Labor Council call a meeting of employers and B.T.G. representatives "to try and solve the grave industrial situation in the building industry".²⁷³ Munday reported that at this joint conference "a lot of meaningless talk took place about the desire for stability in the industry".²⁷⁴ According to Ducker, the chairman, the two questions of most immediate concern were the B.L.F. Agreement and a F.E.D. & F.A. dispute concerning pay and conditions for crane drivers.²⁷⁵ One of Clancy's pressing problems was that "stoppages by sections of workers in the industry almost invariably mean that all workers are affected".²⁷⁶

Although little was resolved at this conference it gained added significance by its timing. The previous night the Askin Government's Industrial Arbitration (Amendment) Bill, which provided for secret union ballots, had been debated in the Legislative Assembly. The Minister for Public Works, Davis Hughes had specifically singled out the B.L.F. for attack.²⁷⁷ On the same day, State Cabinet had also decided to bring in legislation which raised the fine for "illegal" strikes from \$1,000 to \$4,000 and provided for automatic deregistration of unions in essential services if their unions went on strike against court orders and for all unions if their members struck illegally more than three times a year.²⁷⁸ Labor Council "unanimously decided on a campaign of massive opposition" to this "panic-stricken move by the Government".²⁷⁹

In this atmosphere, the other unions began to perceive that the M.B.A.'s attempt to saddle the B.L.F. with a "no strike" clause was part of an overall offensive against the unions. Addressing the B.W.I.U.'s State conference, Pat Clancy claimed that "the fact that the Government

270 Minutes: Executive Meeting, 22 September 1971.

271 Document, Building Trades Group Meeting 3.00 p.m., 23 September 1971, 1p., typed.

272 Minutes: Special Executive Meeting, 24 September 1971.

273 Construction, 30 September 1971.

274 Document, Labor Council-Employers Conference 2.30 p.m., 30 September 1971, 1p., typed. Presumably written by Munday.

275 Correspondence: J. Ducker to J. Munday, 28 September 1971.

276 Correspondence: P. Clancy to R. Marsh, 24 September 1971.

277 Sydney Morning Herald, 29 September 1971.

278 Sun, 29 September 1971.

279 Ralph Marsh, Sydney Morning Herald, 1 October 1971.

was trying to provoke industrial disputes for the sake of anti-union hysteria could be behind the M.B.A.'s double cross".²⁸⁰

With threats of a renewed strike and support from the other unions now evident, the M.B.A. eventually backed down. Following a hearing before Commissioner Watson on 11 October, agreement was reached on wage increases of \$6.20 for the third rate up to \$6.60 for the top rate.²⁸¹ This represented 99% of the tradesmen's rate for riggers and 88.5% for skilled builders labourers.²⁸² Following the A.C.T.U. Congress decision on relativity,²⁸³ the tradesmen in N.S.W. accepted these margins.

Well pleased with the Union's achievement Munday wrote: "This agreement is important as it will prevent leap-frogging, i.e. one union going on its own for margin increases".²⁸⁴ These margins, won after a long and difficult struggle in N.S.W. flowed through to builders labourers in all states.²⁸⁵

On 14 October, again before Commissioner Watson, the employer representatives accepted the Union's proposals for Disputes Procedure "under protest".²⁸⁶ Mass meetings of labourers unanimously accepted the

²⁸⁰ Tribune, 29 September 1971. At this same Conference, Bob Hawke, as guest speaker, referred to incidents during the building industry strike, claiming that if some sections of the industry had conducted themselves with more concern for the union movement as a whole, they would have advanced its interests better. (Sydney Morning Herald, 28 September 1971)

The Review, 3 October 1971, reported that, "Jack Munday was among the audience and after the opening ceremony, he and Hawke carried on a long, earnest conversation. It appeared that the two ended the conversation on good terms". Munday wrote to Hawke marked "personal" (Correspondence: J, Munday to R. Hawke, 7 October 1971) "Your jab at the N.S.W. Branch's tactics...wasn't particularly appreciated by our Union...the timing of your comments left a lot to be desired... at the very time of your remarks, the employers in N.S.W. were attempting to foist a 'no strike' clause upon this branch and we were in the midst of repulsing an attempt to deregister the union...you certainly didn't avail yourself of any discussions with the N.S.W. leadership - yet saw your way clear in the full blaze of the mass media to have your dig at the N.S.W. Branch...Maybe the chiding was for the benefit of the electorate at large; however, as the industrial leader your first obligation surely must be to the Trade Union Movement."

²⁸¹ N.S.W. B.L.F., Circular to All Job Delegates, No. 20/71, 12 October 1971, lp. roneod.

²⁸² N.S.W. B.L.F., Letter to N.S.W. Builders' Laborers, 14 October 1971, lp. roneod.

²⁸³ Document, Labour Council Meeting re Building Industry Question, 29 September 1971, lp., typed.

²⁸⁴ N.S.W. B.L.F., Letter to Builders' Laborers, 14 October 1971.

²⁸⁵ Minutes: Executive Meeting, 5 October 1971.

²⁸⁶ Document, Hearing Before Watson, Temple Court 2 p.m., 14 October 1971, lp., typed.

Procedure as handed down by Watson, on 18 September.²⁸⁷

Mundey had a statement of objectives written into the transcript of the Commission hearing:

The industrial turbulence which has existed in this industry in the recent years stems from the failure of the N.S.W. Government in particular, as well as employers to face up to the nature of the industry in the early seventies.

The unplanned, environmental destroying, unstable, chaotic conditions abounding in this industry must be changed in the interest of all parties associated with the industry as well as the general public, many of whom have suffered great hardship because of some unscrupulous "developers" and "builders" who have fleeced home and home-unit owners in various ways...

We...are genuinely concerned with civilising this concrete jungle,(288) and bringing human dignity to those who now work in this very insecure industry...To these ends we will untiringly work.²⁸⁹

Included in Mundey's statement was reference to another controversy which had developed out of the strike. Mundey announced: "We have repeatedly challenged the N.S.W. Government to hold a Royal Commission into the building industry in this State".²⁹⁰ This was a tactic in the battle known as the Pedy Concrete affair.

On 17 September, in the closing days of the strike the Telegraph ran a front page story alleging that the Managing Director of Pedy Concrete, Mr. D. Pizzinato, had been visited by the Union after his employees had been discovered working during the strike. The members were fined two days' pay and "the firm was required to match the money dollar for dollar". Subsequently a cheque for \$1,500 was paid over the counter of the B.L.F. office and went into the Union strike fund. The report was grossly sensationalised with, in the middle of the page, a boxed quote from Mundey: "If you print the name of the concrete company we will close them down for good".²⁹¹

287 Document, Mass Meetings. Sydney, Newcastle, Wollongong, 18 October 1971, lp., typed. The Disputes Procedure remained a matter of contention between the two parties until May 1972 when another Agreement was signed. This agreement was couched in the same meaningless terms as the first (N.S.W. B.L.F., Circular to All Job Organisers, No. 10/72, 15 May 1972, lp. roneod.)

288 The expression "concrete jungle" was being used regularly by Mundey at this time and had even been used in the Herald's "Sayings of the week", when Mundey declared, "The building industry can only be described as a concrete jungle." Sydney Morning Herald, 25 September 1971.

289 N.S.W. B.L.F., Statement by N.S.W. Branch of the Builders Laborers' Federation at Hearing before Commissioner R. Watson in Sydney on 14th October, 1971, lp. roneod.

290 Ibid.

291 Daily Telegraph, 17 September 1971.

Munday denied the Union had approached the company. "When Pedy came in to see us, they were so concerned, [that they]...had broken the strike and therefore could be blacklisted,...they wanted to make amends".²⁹² Joe Owens explained that the whole affair had been handled openly:

We had nothing to hide. We had a meeting with the Pedy workers and suggested that for the days they worked, every cent should go into the strike fund. There was a big argument so it went to a Mass Meeting at the Lower Town Hall. Pedy sent along a foreman who argued against the proposal. The Pedy blokes were entitled to get up and say why they worked. The atmosphere was hostile...a whole lot of jobs at the meeting indicated that when the strike was over Pedy would be ratshit. They wouldn't service them, handle concrete for them and so on. The proposal was overwhelmingly carried.

So I was sitting in the office and the Manager came in and to get off the hook he offered to pay the equivalent of the men's wages into the strike fund.²⁹³

This is not an uncommon practice in industries where unions have a militant membership and tight control in strike situations. However, to judge from the onslaught which occurred from the media, the employers, the Government and finally the police, the B.L.F. had committed a heinous crime. Bob Pringle remembered: "I reckoned in 1971 we'd pushed things industrially to the point where we had to be attacked - and we were".²⁹⁴

The N.S.W. Minister for Labour and Industry, Mr Hewitt "cancelled a top-level meeting in Canberra" to discuss the matter with Police Commissioner Allan,²⁹⁵ and Askin "gave the go-ahead for a police probe into alleged industrial blackmail by the B.L.F."²⁹⁶ Hewitt called a press conference and "appealed to people who have been subjected to threats of violence or black banning by the B.L.F. to give details to his department".²⁹⁷ Another Minister referred to the incident as "this monstrous industrial blackmail".²⁹⁸

Munday continued to deny that he had threatened to close down the company if its name was made public. ("It's a lot of..." he was quoted as remarking to the Sun.²⁹⁹) He reported the journalists who had written the Telegraph article to the Ethics Committee of the A.J.A.³⁰⁰ but was

²⁹² Ibid.

²⁹³ Interview: Joe Owens, 4 April 1978.

²⁹⁴ Interview: Bob Pringle, 8 March 1978.

²⁹⁵ Sun, 17 September 1971. Front page.

²⁹⁶ Daily Mirror, 17 September 1971. Front page.

²⁹⁷ Sydney Morning Herald, 18 September 1971.

²⁹⁸ The Australian, 18 September 1971.

²⁹⁹ Sun, 17 September 1971.

³⁰⁰ Correspondence: J. Munday to The Chairman, Ethics Committee, A.J.A., 29 September 1971.

hampered by the fact that the Telegraph would not supply him with the names of the two reporters who had interviewed him.³⁰¹ He explained:

The only basis for the allegation that the Federation had black-mailed Pedy's...was an anonymous letter to a Sydney newspaper. The story was designed to sabotage the delicate strike talks with the N.S.W. M.B.A....a number of people want to destroy the union's militant leadership.³⁰²

Joe Owens also pointed out that distribution of strike funds, including the \$1,500 had already begun and that "every man with a family would receive \$10".³⁰³

Pedy's Manager, Brian Craig, ventured little: "We have a harmonious relationship with the union and obviously confusion has arisen. The company has nothing further to say".³⁰⁴

The M.B.A. then got in on the act, announcing that it was investigating "a new allegation that a concrete contractor received a demand to pay money" but again "the contractor named in the allegation denied it".³⁰⁵ This did not deter the M.B.A. On 19 September the Association decided to call for a Royal Commission to investigate the Pedy episode and "the atmosphere of violence and bashings associated with the N.S.W. branch of the B.L.F."³⁰⁶

At this stage the Union's leadership displayed the tactical ingenuity which so often allowed them to avoid or postpone conservative reactions to their militant activities. The leaders' ability to turn an attack on themselves into an attack on the opposition is exemplified by their decision to call a press conference and "welcome the proposed Royal Commission on condition that the terms of reference be broadened to include all aspects of the building industry".³⁰⁷ On the question of blacklisting, they proposed to "...expose the M.B.A. who in the 1970... strike fined one of their members Rowell and Muston \$1000 for signing an agreement with this Union...[and] there were other threats against any

301 Correspondence: J. Munday to The Editor, Daily Telegraph, 29 September 1971.

302 The Australian, 18 September 1971.

303 Sydney Morning Herald, 18 September 1971.

304 The Australian, 18 September 1971.

305 Daily Telegraph, 18 September 1971. B.L.F. members were presumably unperturbed by such reports. The same edition of the Telegraph carried a photo of Munday "being cheered by picketting members" when he arrived at a Commission hearing.

306 Sun-Herald, 19 September 1971. This is one of many examples of "bashings" allegations. It is an indication of the harm done to the Union's reputation by the Labor Council brawl.

307 Minutes: Special Executive Meeting, 20 September 1971.

members of the Association who signed any agreements".³⁰⁸ The statement released at the press conference was an effective propaganda piece for the Union and an obvious embarrassment for Askin. The statement queried the integrity of the M.B.A. for reaching "a principled compromise" in court with the Union over the no-strike clause and then "aggravat[ing] the climate immediately" by calling for a Royal Commission. The Union offered to "willingly co-operate to demonstrate to the public the nature of this industry, which is highlighted by the number of unscrupulous builders and developers, who have little or no respect for the environment or the public generally". The press statement echoed the charges which Munday had made during the Commission hearing:

The "concrete jungle" is the best way to describe the building industry today. In every major city, particularly where high rise buildings have been erected, scandals have abounded around re-zoning, the rape of the little remaining "green" areas, where developers and builders have plundered much of the natural bushland in a most ruthless manner.

The terms of reference should be broad enough to allow the Minister for Local Government to testify, also Sir Albert Jennings on the Kelly's Bush issue, and countless other controversial issues involving practically every Municipal Council in N.S.W. Metropolitan areas.

This type of thorough commission will be applauded by the thousands and in fact, hundreds of thousands, that have been duped by "land sharks", "developers" and so-called "builders".³⁰⁹

The statement then detailed the harshness of the industry for builders labourers who performed the most arduous and least congenial work. "The State laws covering safety, amenities and conditions are antiquated, yet even these laws are not observed by employers". The statement ended with a "Challenge to Messrs Askin, Morton and Hewitt" which argued that if the Commission was restricted to a "vendetta" against the B.L.F. then the credibility of the Askin Government would be at stake. The Union also threatened to hold its own enquiry "calling upon respected ecologists,

³⁰⁸ Ibid.

³⁰⁹ N.S.W. B.L.F., Press Statement, 20 September 1971, 2pp. roneod.

That the N.S.W. Branch was serious about the notion of such an inquiry is illustrated by an agenda item the Branch proposed at Federal Conference, entitled "A National Building Industry Enquiry". The Branch argued that there was a crisis in the building industry in all states. "...The crisis arises because of the complete lack of planning, the terrible problem of sub-contracting [and] the huge degree of bankruptcies occurring in all States...A call for an open enquiry will show our union's preparedness to debate the problems, the scandalous activities of 'developers' and 'builders' and win us public support in our drive to achieve greater control of the industry." N.S.W. B.L.F. Federal Conference Agenda Items, November 1971.

architects, engineers, reputable builders and trade unionists to participate".³¹⁰

The B.L.F. statement had its desired effect. Hewitt, who had originally been sympathetic to the idea of a Royal Commission,³¹¹ changed his mind and Askin refused the M.B.A.'s request, expressing preference for the existing police inquiry rather than "an expensive long-drawn-out Royal Commission".³¹² The M.B.A.'s director, John Martin, said the Association was disappointed at this rejection and commented "the industry cannot work in the present atmosphere of violence and intimidation created by a small...section of the industry".³¹³

Although Askin created some more good "law and order" headlines by offering police protection to "witnesses giving evidence...into alleged blackmail in the building industry",³¹⁴ the Union's call for their own Royal Commission had effectively taken the sting out of the Employer-Government offensive. The C.I.B. actually visited Munday in his office. The media were present and Munday handed the officers a prepared statement.³¹⁵ The statement argued: "This is not a police matter. It is an industrial matter affecting the interests only of the particular employer, his employees, and the membership of this Union".³¹⁶ The statement then proceeded to detail for the no doubt impressed constabulary the "scandalous state of the whole building industry", the mismanagement of the Government, the industrial neglect of "callous employers", the scandals around re-zoning, "the rape of the little remaining 'green' areas", and the "notorious" accident rate in the industry.³¹⁷

The actual interview was hardly fruitful. The police noted that they were being recorded, to which Munday replied: "This Union doesn't believe in censorship. We have nothing to hide". Munday continued to

310 Ibid.

311 The Australian, 20 September 1971.

312 Sun, 21 September 1971.

313 Construction, 23 September 1971.

314 Daily Telegraph, 21 September 1971. Headlines included "Protection in 'Blackmail'" (Daily Mirror, 20 September 1971), "Building Inquiry Witnesses: Police Guard" (Sun, 20 September 1971) and "Promise of Protection" (Daily Telegraph, 21 September 1971).

315 Minutes: Executive Meeting, 5 October 1971.

316 N.S.W. B.L.F., J. Munday's Statement to Detective Sergeant Bradbury and Detective Senior Constable Tunstall in an Interview in Room 28 Trades Hall on Tuesday 5 October 1971 in response to a police investigation into the A.B.L.F. N.S.W. Branch at the instance of the Premier Mr. Askin, the Commissioner of Police Mr. Allan, and the Minister for Labour and Industry, Mr. Hewitt, lp. roneod.

317 Ibid.

stress that it was an industrial matter and again challenged the Government to hold a Royal Commission into the whole industry.³¹⁸ Not being interested in the whole industry³¹⁹ and having had it made quite plain to them that Munday was not going to speak about Pedy, the police soon left.

Nothing further was heard of Askin's inquiry but some advantage for the Union was gained by Munday being invited to appear on Monday Conference to answer "allegations of blackmail and standover tactics in the building industry".³²⁰ Munday despatched questions about Pedy with an open admission that "he could see no danger in an employer paying money into union funds".³²¹

But, of course, the Daily Telegraph painted the picture that employers were clamoring to get into the union office to pay money into the fund...

Pedy's had violated the democratic expression of ten thousand workers.³²²

He repeated that "it wasn't our suggestion they pay" and denied that the company would have been closed down if it had not paid the money.³²³

Peter Coleman, one of the interviewers, kept harping on the theme of violence.³²⁴ Munday was quite open:

We make no apology for vigilante activity. After all we're out to win the strike. We're not out to cause harm against any other individual but the union leadership and membership are as one.³²⁵

To Coleman's question "Do you make any inquiry into the...criminal records if any, of any of your enforcers [the word he used for vigilantes]?", Munday replied, "No we don't have an A.S.I.O. check on all our members when they join the Union, of course not". To Coleman's repeated questions about violence, Munday retorted that Coleman's employers, the Packer Press, had double standards and referred to the infamous Telegraph editorial which advocated shooting 500 negroes whenever there was a negro riot.³²⁶

318 Document, Report of Interview with Police and J. Munday, 5/10/71, lp., typed. The report was a full transcript of proceedings and was only a page long. Munday had Fay Robinson from the office of Maurice May (solicitor) present as well as a stenographer and other Union officials.

319 A section of the transcript read, "Police:...all we are interested in is Pedy Concrete. J.M.: We think it should be a wider canvas. Police: We cannot comment on that." Ibid.

320 The Sunday Australian, 26 September 1971.

321 Sydney Morning Herald, 28 September 1971.

322 Interview: Jack Munday, 4 April 1978.

323 Sydney Morning Herald, 28 September 1971.

324 Tribune, 6 October 1971.

325 The Australian, 28 September 1971.

326 Tribune, 6 October 1971.

But the main thrust of Munday's comments were about the need for workers to undertake militant industrial action and develop new tactics:

Without militancy we will not improve the life of the worker...I for example would like to see offensive strike action taking place in the service industries, the trains and buses. I would like to see them keep running during strikes and not collect fares.³²⁷

He also suggested that during strikes, factories that manufactured goods and foodstuffs should continue to make them and give them to pensioners "and the needy in our society".³²⁸ Another suggestion, which was only reported by Tribune, was for limited tenure of office:

To avoid development of union bureaucrats ("and unfortunately not all are right-wing either")...there needed to be greater movement of people between leadership and rank and file.³²⁹

Munday's performance appears to have been enormously successful. It was his first nationwide in-depth exposure and his plain speaking, honest approach obviously appealed to the audience.³³⁰

The next controversy for the Union was a demarcation dispute with the A.W.U. over tar-sealing work on building sites. This issue had been simmering since August when B.L.F. members walked off the L.W. Giles (St George's Hospital) project,³³¹ when they discovered that A.W.U. members were doing work which "on other jobs, had been performed by A.B.L.F. labor".³³² During lengthy negotiations between the two unions, the situation appeared to reach a stalemate. The A.W.U. argued that their State Award covered Bituminous Material Fixing whilst the B.L.F. claimed that their Federal award covered the area also. Ball from the M.B.A. remarked that "as far as he could see both Unions had coverage for the work".³³³ The B.L.F. claimed to be only interested in people doing tar-sealing when on a building site: "We are going on job practice

327 Daily Telegraph, 28 September 1971.

328 Sydney Morning Herald, 28 September 1971.

329 Tribune, 6 October 1971.

330 Tribune reported that the day after the session "Munday received numerous calls congratulating him on these ideas...Many of the calls were from strangers". Robert Moore thanked him profusely for "making it such a good programme for us". (Handwritten addition to formal thank you letter. Correspondence: Robert Moore to J. Munday, 28 September 1971). Even the M.B.A. hired a television set so that they could watch it during their Executive meeting (Construction, 30 September 1971).

331 Document, L.W. Giles. St. George's Hospital Job, 31 August 1971, lp., typed.

332 Document, L.W. Giles. Kogarah Hospital Dispute, 6 October 1971, lp., typed.

333 Document, L.W. Giles Dispute. Conference at M.B.A., 13 October 1971, lp., typed.

over the last few years where this work has been clearly done by our members".³³⁴ Consequently Joe Owens put forward the proposition that A.W.U. workers, when carrying out the disputed work "...should, when on building sites be also covered by the B.L.F. This was dual unionism. He said that this was not a precedent, it happened in the rigging field. He mentioned Marrs [a rigging firm]".³³⁵

The B.L.F. members returned to work after a week's stoppage "because there was a likelihood that the A.W.U. would stop concrete going to other jobs, thereby throwing other workers out of a job".³³⁶ Eventually the company offered to purchase eight B.L.F. union tickets to cover the job. This proposal was agreed to by the Giles labourers³³⁷ and that particular dispute was settled, but it was obvious that such an ad hoc solution could never be the grounds for a far-reaching settlement.

Consequently, a few days later, the A.W.U. decided to place an indefinite ban on all concrete going to jobs with A.B.L.F. labour.³³⁸ This decision had been prompted by another dispute over tar sealing on the roof of the Preview Constructions (Carrington Street) site.³³⁹ Such demarcation disputes are common in an industry where changing technology and new building techniques produce "grey" areas of coverage. It is the N.S.W. B.L.F.'s reaction to such problem areas which is most interesting. Despite being ideologically³⁴⁰ and industrially opposed to the A.W.U. the leadership was always anxious to avoid demarcation disputes with any union.

When the A.W.U. announced the concrete ban, Lew McKay, the Secretary announced: "This is a showdown. We are sick of standover tactics".³⁴¹

334 Document, L.W. Giles Dispute, 6 October 1971, lp., typed.

335 Document, L.W. Giles Dispute. Conference at M.B.A., 13 October 1971.

336 Document, L.W. Giles Dispute, 14 October 1971, lp., typed.

337 Document, L.W. Giles Dispute. Conference With Comp. on Kogarah Site, 26 October 1971, lp., typed.

338 Document, Preview Const. Dispute: Advanced Roofing, 29 October 1971, lp., typed. This threat illustrates the power that the A.W.U. can wield in the construction industry because of its control of the concrete batching yards. One of the factors which prompted the ill-fated merger of the B.W.I.U. and the A.W.U. in N.S.W. in 1976, was the desire of the B.W.I.U. to control the concrete yards and thus have an important strategic advantage over the B.L.F. with whom they were in violent physical dispute at the time.

339 Document, Preview Construction Dispute, Carrington Street, City, 28 October 1971, lp., typed.

340 For instance, during debate at the November Branch Meeting, "Bro. S. Brennan spoke on the lack of A.W.U. support for coloured workers and yet wanted to indulge in demarcations". (Minutes: General Meeting, 2 November 1971).

341 Sydney Morning Herald, 29 October 1971.

In view of the concrete ban "and because the Union did not want a dispute, the A.B.L.F. decided to lift the ban...on the Preview job".³⁴² Despite the fact that the B.L.F. lifted their ban the A.W.U. refused to lift theirs.³⁴³ This prompted Clancy to approach the B.L.F. because "he was concerned that the dispute would lay his members out of work". Munday agreed to Clancy's suggestion that Labor Council convene a meeting on the matter.³⁴⁴ At this meeting McKay "admitted that the rates of pay for tar sealing and asphalt work under the A.W.U. award were low".³⁴⁵ Munday pointed out that:

Because the dispute looked like affecting the whole of the building industry the Union had decided to allow the A.W.U. members back on the job in question [but] in spite of lifting the ban on Advanced Roofing the A.W.U....insisted on keeping their ban on concrete deliveries.

He put forward the proposal which had been used to solve the L.W. Giles dispute "...that there be dual coverage of Union tickets and the employer to pay the additional Union dues".³⁴⁶ The A.W.U. would not accept this compromise and "re-iterated the Union's determination to keep the ban on until the A.W.U. terms were met".³⁴⁷

A proposal was drawn up by the meeting which outlined steps to be taken by both unions in dispute situations.³⁴⁸ The A.W.U. Executive rejected this proposition³⁴⁹ and presented the B.L.F. with another set of terms.³⁵⁰ The concrete ban remained in force and threatened seriously to disrupt the entire industry.³⁵¹ The B.L.F. Executive discussed the problem and Munday recommended that "bitumen paving be the sole right of the A.W.U." The Executive formulated a resolution which conceded

342 Document, Preview Const. Dispute: Advanced Roofing, 29 October 1971.

343 The Australian, 30 October 1971.

344 Document, Preview Dispute. Advanced Roofing, 29 October 1971, lp. typed.

345 Document, Preview Const. Advanced Roofing Dispute: Labor Council Meeting, 1 November 1971, 3pp., typed, p.1.

346 Ibid., p.2. He also explained that a landscape gardening job which the A.W.U. had complained was being done by B.L.F. members, was an "error by one of the B.L.F. officials, and...gave assurances that the Union did not seek to cover any of the A.W.U.'s traditional areas of work". This attitude is in direct contrast to the present N.S.W. B.L.F. who aggressively compete with the A.W.U. for landscape gardening work.

347 Ibid., p.3.

348 Document, Recommendation from a Meeting of Unions in the Building Industry, Convened by the Labor Council on 1st November 1971, lp., roneod.

349 Document, A.W.U. Demarcation Dispute, 1 November 1971, lp., typed.

350 Correspondence: C.T. Oliver to J. Munday, 1 November 1971.

351 The Australian, 2 November 1971.

bituminous work but called upon the A.W.U. leadership "to ensure there is no drop in the wage rates, conditions and accident pay to the workers concerned". It concluded:

This N.S.W. State Executive Meeting expresses the desire that our two unions can work together for the mutual benefit of our respective memberships and all workers generally.³⁵²

After considerable discussion, the Branch meeting endorsed the Executive resolution³⁵³ and Munday informed the A.W.U. that "this Branch has made a concession so as to avoid the close down of the whole building industry".³⁵⁴ The concrete ban which had lasted five days was subsequently lifted³⁵⁵ and relative peace returned to the building industry.

The point to make about this incident is that it was one of the very few demarcation disputes in which the N.S.W. B.L.F. became involved. It was brought to a rapid conclusion by a significant B.L.F. concession. If the Union had believed that demarcation disputes were important industrial issues there is no way that the A.W.U., even with the advantage of concrete control, could have beaten them in an all-out tussle. The B.L.F. had a more militant workforce, were stronger in the construction industry and covered equally as strategic areas as concrete batching. In addition the fact that the workers in dispute would have been paid more under B.L.F. coverage than under the A.W.U. award would have engendered support from the workers themselves and from other militants.

Another example of N.S.W. B.L.F. reaction to demarcation issues occurred simultaneously with the A.W.U. dispute. This involved the delicate issue of the ratio of labourers to tradesmen in the formwork field. Although the B.L.F. and B.W.I.U. had never reached complete agreement on a formula, both unions accepted the other's presence in the area. An organisers' meeting in October resolved to arrange a meeting with the B.W.I.U. "to discuss the formwork field, and further to discuss a broader working relationship between the two Unions".³⁵⁶ Unfortunately, before such a meeting could be arranged, the N.S.W. Branch found itself the meat in the sandwich between Clancy and Gallagher. The South Australian Branch of the B.L.F. was engaged in a campaign to recruit carpenters and "the N.S.W. Branch of the B.W.I.U. were retaliating by

³⁵² Minutes: Executive Meeting, 2 November 1971.

³⁵³ Minutes: General Meeting, 2 November 1971.

³⁵⁴ Correspondence: J. Munday to L. McKay, 2 November 1971.

³⁵⁵ Document, A.W.U. Demarc. Dispute, 2 November 1971, lp., typed.

³⁵⁶ N.S.W. B.L.F., Resolutions from Organisers' Meeting, 20 October 1971, lp., typed.

bituminous work but called upon the A.W.U. leadership "to ensure there is no drop in the wage rates, conditions and accident pay to the workers concerned". It concluded:

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352 Minutes: Executive Meeting, 2 November 1971.

353 Minutes: General Meeting, 2 November 1971.

354 Correspondence: J. Munday to L. McKay, 2 November 1971.

355 Document, A.W.U. Demarc. Dispute, 2 November 1971, lp., typed.

356 N.S.W. B.L.F., Resolutions from Organisers' Meeting, 20 October 1971, lp., typed.

signing up complete formwork gangs".³⁵⁷

In response to this situation, Munday wrote a letter to Pat Clancy which revealed much of the N.S.W. Branch's policy on inter-union relationships in the building industry:

...the N.S.W. Executive welcomes the proposed conference for the purpose of improving our two unions' relationship...

I have contacted Norm Gallagher re meeting you in Melbourne next Thursday... There is no doubt that if Norm Gallagher and yourself continue your present course, a series of collisions on demarcation will occur.

This can only benefit the employing class.

Our N.S.W. Branch has made it known that we do not go along with the South Australia merger and the carpenter problem there; likewise we consider your retaliatory action - joining entire teams of formworkers and threatening to recruit bricklayers' labourers in N.S.W., impermissible and hardly an action worthy of a representative of the A.C.T.U. Executive. Our members resent any attempt to poach our members. Such threats must bring hostility and can scarcely be considered as moves designed to improve relationships!

It is quite amazing that the first retaliation is against this Branch, a Branch which has had a very minimum of demarcation differences with any union in N.S.W. Certainly demarcation disputes with your union have been extremely rare and have been resolved by discussion...

We believe the proposed conference should take place as early as possible...so...we can restore a degree of unity...in action around the needs of building workers in this State.³⁵⁸

When the N.S.W. Executive discussed the matter they were even more critical of the situation they could see emerging but over which they had little control:

Bro. Secretary expressed grave concern over political interference by the B.W.I.U. and our Federal body. He thought that perhaps our support for a change of name had been inopportune. This now appeared to mean taking over the industry by the Federal body...

Bro. Secretary said that he had explained to P. Clancy what our position was on this issue and that it was for genuine industrial unionism, not body snatching.⁽³⁵⁹⁾ That we should if possible avoid open conflict on demarcation and pursue our own more correct line...

He said that conventional areas of our work were still very much underorganised and this should take precedence over areas of demarcation.³⁶⁰

³⁵⁷ Minutes: General Meeting, 2 November 1971. At the previous Executive meeting, Brian Hogan had complained that "carpenters' unions were signing formworkers up willy nilly". (Minutes: Executive Meeting, 26 October 1971).

³⁵⁸ Correspondence: J. Munday to P. Clancy, 29 October 1971.

³⁵⁹ Although the distinction between "genuine industrial unionism" and "body snatching" often depends on the position of the speaker (i.e. are they being snatched or doing the snatching), the N.S.W. B.L.F. did not have a reputation for poaching or snatching.

³⁶⁰ Minutes: Executive Meeting, 26 October 1971.

The whole issue had a disastrous effect on the already fragile liaison with the B.W.I.U. Munday remarked that "Clancy had come out as one of the most forceful people taking over builders labourers' work [and] that a B.W.I.U. organiser had publicly stated that shortly the B.W.I.U. would take over bricklayers' laborers".³⁶¹

Obviously all factions were active. A fortnight later Munday "spoke on the scurrilous leaflet now being distributed. He said he had dissociated this Branch from any takeovers by either union. We should state that we stood for one genuine industrial union. He believed the chances of N. Gallagher and P. Clancy agreeing to this was negligible".³⁶²

The N.S.W. Executive offered to make a joint statement with the B.W.I.U. "in preparation for the meeting of our two Federal Executives".

As a first step there should be a clear indication on the part of both unions that they will respect the rights of each other; the builders' labourers in all States undertakes not to engage in any moves to cover carpenters and, at the same time, the B.W.I.U. in all States undertakes not to make any move to cover builders' labourers.³⁶³

This proposal was obviously unsuccessful. A few days later Munday reported on "the collision course that N. Gallagher and P. Clancy were headed for over demarcation".³⁶⁴ He suggested that in order to work towards genuine industrial unionism "meetings at rank and file level should be called throughout Australia...for such an end".³⁶⁵

When the joint meeting of the two Federal Executives took place Munday described it as "useful"³⁶⁶ and "a bit more positive"³⁶⁷ than the subsequent Federal Conference of the B.L.F. He commented that the Federal Conference "had been a very depressing week" and that Gallagher had attacked carpenters as the "enemy". Pringle shared Munday's opinion.³⁶⁸

However the joint meeting had achieved some degree of co-existence. The B.W.I.U. promised to reconsider its objection to the B.L.F.'s proposed name change and the B.L.F. "eased B.W.I.U. fears that the name change could be the prelude to body snatching". Both unions agreed that "in the event of disputes, the two unions, and others, will in future

³⁶¹ Ibid.

³⁶² Minutes: Executive Meeting, 9 November 1971.

³⁶³ Correspondence: J. Munday to P. Clancy, 12 November 1971.

³⁶⁴ Minutes: Executive Meeting, 16 November 1971.

³⁶⁵ Ibid. During debate on the issue, Lynch ventured that "the Victorian Builders Laborers Branch had always wanted to take over the industry".

³⁶⁶ Minutes: Executive Meeting, 24 November 1971.

³⁶⁷ Minutes: Executive Meeting, 7 December 1971.

³⁶⁸ Ibid.

discuss the issue at job level before considering action".³⁶⁹

Perhaps the most amusing aspect of the joint conference was a forecast by the industry journal C.C.E.M. Review:

At least one of the proposals at the Brisbane Conference will be ...amalgamation of the 11 unions into one all-powerful construction industry union.

The proposal could spell trouble for the fragmented employer group.³⁷⁰

Despite their hectic industrial activity, the Union was also becoming increasingly involved in political action. It remained active in anti-Vietnam organisations, sponsoring advertisements, holding job meetings and getting arrested at moratoriums. It also remained involved in the political and physical defence of the Glebe Old Men's Home.³⁷¹

New issues emerged throughout the year. Women in the industry, and women's rights as a political issue became important within the Union for the first time.³⁷² The Springbok tour of Australia provoked an immediate reaction from both officials and members. Bob Pringle was particularly active in organising the anti-Apartheid protests³⁷³ and also gained instant notoriety among the Rugby crowd for his action in attempting to cut down the S.C.G. goal posts. The B.L.F. was one of the few unions openly to advocate the physical interruption of matches. Munday announced publicly:

We think it is not good enough to just demonstrate and protest. We feel at least some of the games must be physically stopped. We consider we will go down in the eyes of the world as a racist country unless some of the games are stopped.³⁷⁴

³⁶⁹ Brisbane Telegraph, 26 November 1971.

³⁷⁰ "Construction Unions Plan Hot New Year for Employers", Construction, Civil Engineering and Mining Review, Vol. 4, No. 11, 1 November 1971, p.1. To be fair, the article did mention "personality clashes" as a problem. The implication that the employers were also having serious problems is reinforced by the President of the M.B.A., Peter Anderson, who wrote: "We have noticed with a certain amount of dismay that a number of influential employer organisations have sought to air some of their problems in public. This certainly does not help employer organisations generally. The building industry has felt the backwash of this action and it has created problems for us". (Peter Anderson, "Pressure Game Hits Industry", Sydney Morning Herald, 25 November 1971).

³⁷¹ Minutes: Executive Meetings, 5, 12, 19, 26 January and 16 March 1971. Also Terry Blake, "Frail Old Men Shake Leichhardt", The Review, 22 October 1971.

³⁷² Discussed fully in chapter 9.

³⁷³ He attended the central organising meetings of the Anti-Apartheid Movement and helped produce a union leaflet. Unionists Join the Mass Rally, n.d. (July 1971?), 4pp. Authorised by Tas Bull, W.W.F., R. Pringle, B.L.F.; B. Childs, P.K.I.U.

³⁷⁴ The Australian, 3 July 1971.

He said that teams of workers would try to disrupt the games and that he was "hopeful that he could get leaders from other unions to join the protest".³⁷⁵

A new development was the Union's involvement in bringing cultural activities of political significance to the membership. The B.L.F. provided (at a cost of \$120) a performance of ex-prisoner Jim McNeil's play "The Chocolate Frog" for workers at the Opera House during their lunch-hour. The experiment was extremely successful and received much media publicity.³⁷⁶

A play, based on life in Parramatta jail, was enthusiastically applauded by an audience of more than 500 construction workers who quickly identified and sympathised with the problems posed in it, and presented in the language of the work-place.³⁷⁷

However, the most significant political action taken by the Union during the year was the imposition of the first three green bans,³⁷⁸ Kelly's Bush in June³⁷⁹ during the Labor Council Brawl affair, and The Rocks³⁸⁰ and Eastlakes³⁸¹ in November during the A.W.U. dispute. The fact that these three bans were to herald the emergence of a new concept of unionism was not apparent during the frenzied industrial activity of the period.

375 Ibid.

376 Daily Telegraph, 16 November 1971, Sydney Morning Herald, 16 November 1971 and The Australian, 16 November 1971.

377 Tribune, 24 November 1971.

378 Discussed in chapter 10.

379 Minutes: Special Executive Meeting, 4 June 1971; Executive Meeting, 8 June 1971.

380 Minutes: General Meeting, 2 November 1971.

381 Minutes: Executive Meetings, 9 and 16 November 1971.

CHAPTER 6

1972

1972 has been described as the "champagne" year of the Sydney building boom.¹ By November the Sydney Morning Herald recorded:

Today there are 41 buildings under construction; [in the C.B.D.] demolishers and excavators are preparing sites for many more; and there are scores of development applications on the City Council's books. Most of them have been approved. It has been estimated that the value of buildings under construction and those likely to go ahead is more than \$600 million.²

The two aspects of Union policy that flowered under the boom conditions of full employment were an increased emphasis on worker control-type activity on the job and a reinforcement of the Union's involvement in political issues, particularly environmental bans. These Union policies produced a conservative backlash of great intensity. During the year the Union was lambasted by politicians (both Labor and Liberal), senior trade union officials including Ducker and Hawke, other building union officials, the mass media and the employers. To add to this criticism, Union organisers were physically assaulted on job-sites, members and officials were arrested under the Summary Offences Act, deregistration proceedings and yet another Royal Commission were narrowly averted, and Munday was charged with contempt of court.

The fact that the Union's environmental bans were beginning to gain a certain amount of public support for the Union was little help in the face of this onslaught.

Workers' Control policies enunciated in the 1970 C.P.A. document, Modern Unionism and the Workers' Movement, were further elaborated upon in the policy statement adopted by the Twenty Third C.P.A. Congress in April 1972. However, suggested strategies remained imprecise and little was said about how to deal with employer reaction. Also, job-site activity was neglected as an issue in comparison with the need for unions to expand their activities into the political sphere. The emphasis of the entire document continued to stress the "coalition of the Left" strategy which had been evolving since the 21st Congress in 1968.

¹ However there is some evidence that early in the year the situation was different. The Sydney Sun, 2 February 1972, reported: "Unemployment in the building industry, already high in NSW country areas, is now reaching serious proportions in Sydney". Tribune, 15-21 February 1972 also referred to "...the usual queue of unemployed at the gate seeking work (a sight only too common these days)".

² Sydney Morning Herald, 13 November 1972.

Those sections which dealt specifically with worker-control issues admitted that "more challenging methods of struggle" had been developed in "as yet limited areas".³ One instance quoted was the use of vigilantes (although coyly the word was not used) in the 1970 and 1971 building strikes. It also cited the experience of "strikers' actual denial to employers of the possibility of employing scab labour"⁴ and argued the need for "... 'democratic workers' control over capitalist decision making... the 'right' to hire and fire, and other aspects of the concept of employment as a master-servant relationship".⁵ However, despite the somewhat turgid phraseology, one significant point was made:

The new trend to challenging hitherto accepted "rights" of employers to authoritarian control is shown by the big proportion of strikes against managerial policies.⁶

It was this acceptance that significant gains could be made by on-site activity, even in the context of a capitalist society, which distinguished the C.P.A. line from that of the S.P.A.⁷ and to a lesser extent the C.P.A. (M-L).⁸

It was also this encouragement of encroachment upon management prerogative that received the most vehement response from those most qualified to judge whether such policies would be effective. The N.S.W. Employers' Federation journal replied to the C.P.A.'s definition of worker control in an editorial:

Worker control may appeal to hoodlums and standover men and supporters of participatory democracy...

But in the final analysis it is fundamentally necessary that management be permitted to do the job it has been trained to do.⁹

The B.L.F. however was not particularly disposed to permit management to do "the job it has been trained to do". More so than other C.P.A.-influenced unions at that time, it began developing strategies for encroachment upon managerial rights.¹⁰ Some of these tactics, such as

3 C.P.A., The Left Challenge for the Seventies, April 1972, p.2.

4 Ibid.

5 Ibid., p.4.

6 Ibid., p.2.

7 Discussed in chapter 10.

8 The C.P.A. (M-L) policy on worker control is somewhat contradictory but one strand of thinking is encapsulated by Steve Black (Interviewed by Pat Fiske 1979): "Under the capitalist system...its a bit of a joke...its the system that must be changed. If we are fair dinkum about wanting permanent jobs and control of the building industry, that's what it amounts to".

9 The Employers' Review, April 1972, p.1.

10 Munday was guest speaker at a Workers' Control Conference in Victoria (Pete Thomas, Taming the Concrete Jungle, p.133).

de-facto union hire were initiated by the leadership whereas others, such as work-ins and "guerrilla tactics" stemmed from specific job-site situations. Even more than the C.P.A., the B.L.F. believed that struggle on the job produced not only better working conditions but a more politically aware and class-conscious workforce. The fact that conditions in the building industry had been so poor for so long only accentuated the memberships' desire to make inroads as soon as conditions were favourable. A supportive union, full employment and the need for the speedy completion of building projects provided these conditions.

"Strategies for encroaching control" is the phrase I prefer to use in order to distinguish these policies from true worker-control situations which even in the B.L.F. experience were strictly limited.

A detailed analysis of the Union Disputes Book for 1972 reveals that a significant percentage, (perhaps 60%) of disputes were either directly or indirectly linked to these encroachment strategies. Those disputes not involving managerial prerogative were mainly concerned with amenities, dismissals, non-unionism, wet weather payments, breaches of the award, and over-award demands, particularly for dogmen. However often straight wages and conditions issues took on a new complexion. For example, a group of labourers at Mainlines (Clarence Street) decided to redefine "wet weather" practices, and succeeded in forcing the foreman to agree to ring the weather bureau and if the bureau believed the weather would continue to be wet, to allow the men to go home.¹¹

Another interesting wages-and-conditions stoppage occurred over a demand by labourers on the Strathfield Technical College (Cordukes) project that, "...their wages should be the same notwithstanding the fact that the income tax deductions in respect of the individuals are quite different because of their dependents situation".¹² This unusual demand may well have been influenced by the C.P.A.'s exhortation for trade unions to concern themselves with "government policies such as taxation (which is class biased and a growing burden on workers' wages...)"¹³

A further encroachment strategy involved manipulating the negotiation process itself. Despite the constrictive disputes procedure foisted upon the Union under threat of deregistration in

¹¹ B.L.F. Disputes Book, 1 November 1972.

¹² Correspondence: J.D. Martin, Executive Director M.B.A., to The Industrial Registrar (N.S.W.), 21 July 1972: Notification Under Section 25A of the Industrial Arbitration Act - 1940 As Amended.

¹³ C.P.A., The Left Challenge for the Seventies, April 1972, p.4.

1971,¹⁴ employers found it difficult to negotiate themselves out of troublesome situations. Not only did the Union eschew arbitration, but on occasions it refused even to discuss matters. During a dispute concerning over-award payments, the B.L.F. organiser walked out of a meeting with the employer concerned and Wal Glover from the M.B.A.¹⁵ On another occasion the M.B.A. complained to the Industrial Registrar that Marr's employees had stopped work over a list of claims and that:

The Company's personnel and industrial officer was available to discuss these complaints with the union but they would not talk to him. They wished to speak to Mr Marr but he was unavailable at that time. The union organiser said that if Mr Marr would not discuss the matter with him then he was not prepared to divulge what the men's claims were. He also threatened that as the claims occurred there would be stoppages of work and this "would force Mr Marr to speak with them."¹⁶

Other acts which displayed total disregard for both the disputes procedure and managerial rights were the continued use of guerrilla tactics and even outright sabotage. The breaking of concrete pours remained a popular strategy¹⁷ and in December a bundy clock was smashed on the Allens (Castlereagh Street) job.¹⁸

Another feature of this period was the use of united action by all the labourers employed by a particular builder when only one site was in

14 The B.L.F. Disputes Book 1972 had a list on the front cover which enumerated details to be supplied. In the language of the Disputes Procedure it requested "Details of Flashpoints recorded" and "Whether Company involved is in the M.B.A., Emp. Fed. etc.", and also "Whether or not M.B.A. refused to come out".

15 B.L.F. Disputes Book, 27 October 1972.

16 Correspondence: J.D. Martin, Executive Director M.B.A., to the Deputy Industrial Registrar, Commonwealth Conciliation and Arbitration Commission, 6 April 1972.

17 Sites on which this tactic occurred include the St Martins Towers (Costains) project. Correspondence: J.D. Martin, Executive Director M.B.A. to The Industrial Registrar (N.S.W.), 14 July 1972. Notification under Section 25A of the Industrial Arbitration Act - 1940 As Amended; Lanray (Concrete Constructions), B.L.F. Disputes Book, 2 August 1972; and St Martins Towers (Costains), B.L.F. Disputes Book, 2 August 1972.

18 B.L.F. Disputes Book, 1 December 1972. Action such as this, or simple non compliance, eventually eliminated the use of bundies in the industry. See also Correspondence: J.D. Martin, Executive Director M.B.A. to the Deputy Industrial Registrar, Commonwealth Conciliation and Arbitration Commission, 19 September 1973. Martin was advising the Commission of a dispute over labourers' demands which included "removal of a time clock".

dispute. This occurred with Costains,¹⁹ Dillinghams²⁰ and Citra²¹ employees.

Traditional union solidarity was also displayed during the lengthy plumbers' strike in July and August. Labourers consistently refused to allow scabs on to building sites²² and as a result a dogman was actually dismissed for preventing a foreman carrying out plumbing work.²³ Support meetings were held and collections arranged.²⁴ However the most interesting aspect of B.L.F. support was the Union's refusal to pour concrete when cores or downpipes were in place.²⁵ Cores (wooden devices which leave a hole for drains in concrete when it is poured) are widely conceded to be plumbers' work yet on three separate occasions, carpenters placed cores on site. Even if carpenters believed it was their work they would have had to take directions on where to place the core from either a "scab" plumber or a foreman doing plumbers' work.²⁶ The B.L.F. members refused to pour concrete until the offending cores were removed.²⁷

Another B.W.I.U. action which was not popular occurred during a dismissals dispute on the Webb Bros (Parramatta Law Courts) site, when the tradesmen's official, John Watson "wanted the B.Ls to take the sack".²⁸ Eventually the B.T.G. placed a complete ban on the project²⁹ in support of the dismissed carpenters and labourers. Other problems occurred when carpenters were discovered "doing labourers' work"³⁰ at Blacktown, and when bricklayers and not labourers were given overtime

19 All Costains jobs stopped in support of the St Martins Towers site in a dispute over dismissals. B.L.F. Disputes Book, 14 July 1972.

20 Dillinghams (Martin Place) job voted unanimously to stop work in support of the Qantas site and two Newcastle jobs because non union labour was being employed in Newcastle. B.L.F. Disputes Book, 3 November 1972 also Newcastle Sun, 2 November 1972.

21 All Citra's Sydney projects stopped in support of men dismissed from the St James project. Correspondence: J.D. Martin, Executive Director M.B.A., to the Industrial Registrar (N.S.W.), 27 July 1972.

22 B.L.F. Disputes Book, 28 July 1972 and 3 August 1972.

23 Danny Rose dismissed from Lend Lease job. B.L.F. Disputes Book, 22 August 1972.

24 B.L.F. Disputes Book, 3 August 1972. E.A. Watts job, Lavender Street, North Sydney.

25 B.L.F. Disputes Book, 31 July 1972, 2 August 1972 and 3 August 1972.

26 Interview: George Crawford, 20 January 1981.

27 Concrete Constructions (Lanray/Centrepoint), B.L.F. Disputes Book, 31 July 1972; Costains (St Martins Towers), B.L.F. Disputes Book, 2 August 1972 and Concrete Constructions (Lanray/Centrepoint), B.L.F. Disputes Book, 2 August 1972.

28 B.L.F. Disputes Book, 31 July 1972.

29 Correspondence, J.D. Martin, Executive Director M.B.A., to the Industrial Registrar (N.S.W.), 15 August 1972.

30 B.L.F. Disputes Book, 8 August 1972.

at a Crow Industries (A.I.S.) job in Port Kembla. The company's reason was that "bricklayers were paid...because enough material was on hand for them to continue work until 7 p.m.". As Owens wrote in the Disputes Book: "This creates a dangerous precedent for B.Ls as gear may well be placed to enable bricklayers to carry on and B.Ls could be knocked off in future".³¹

When the perennial problem of tradesmen being stood down during labourers' disputes³² is added to such industrial issues as the above it is obvious that when the two union leaderships are on bad terms the potential for the members also to be in dispute is very great. In these circumstances, it is important to note that on many occasions, rank and file tradesmen and labourers acted jointly in disputes.³³ Demarcation disputes between the B.L.F. and other unions were also rare, with only one with the A.W.U.³⁴ and one with the Plumbers³⁵ being mentioned in the Disputes Book.

A united action of some interest took place in August when building industry unionists staged a three hour sit-in at N.S.W. Parliament House. The issue concerned dismissals of P.W.D. workers and was precipitated by Askin's refusal to speak to the unionists. Among the 36 officials and rank and filers involved were Tom McDonald (B.W.I.U.) Sid Vaughan and Len Boyce (Painters) and Dick Prendergast from the B.L.F.³⁶

However, as mentioned above, the most interesting aspect of the

31 B.L.F. Disputes Book, 8 August 1972.

32 One particular example was Allens (Telephone Exchange) project where eighteen carpenters were stood down during a labourers' dispute over a safety officer and site allowance. Correspondence: J.D. Martin, Executive Director M.B.A., to the Industrial Registrar (N.S.W.), 13 July 1972.

33 Examples were disputes at Citra (Port Kembla). Correspondence: C.J. Chalmers, Industrial Officer, the Employers' Federation of N.S.W. to the Industrial Registrar (N.S.W.), 13 July 1972; Webb Bros (Parramatta Law Courts), Correspondence: J.D. Martin, Executive Director M.B.A., to the Industrial Registrar (N.S.W.), 14 July 1972; Stocks and Holdings (Merrylands), B.L.F. Disputes Book, 24 July 1972; Costains (Liverpool and Sussex Streets), B.L.F. Disputes Book, 26 July 1972; K.D. Morris (Wilmott School), B.L.F. Disputes Book, 18 August 1972.

34 The work in dispute was the pouring of concrete walls in swimming pools, B.L.F. Disputes Book, 7 July 1972, 10 July 1972 and 12 July 1972. Charlie Oliver A.W.U. undertook "under no circumstances would they be seeking to cover work on actual building jobs using this method".

35 Mainlines (A.M.P.) and P.D.C. (Metropole), B.L.F. Disputes Book, 3 July 1972.

36 Pete Thomas, Taming the Concrete Jungle, p.131.

Union's industrial activity in 1972 was the way in which traditional issues took on a more significant meaning. Encroachment on the established decision making structure, which had been tentatively begun in 1970, proceeded apace in 1972. The Union firmly believed in the necessity to "civilise the industry" and if the employers and other building unions would not co-operate, then the B.L.F. would act unilaterally. One issue that became increasingly part of this process was that of dismissals. The Union had always fought what they felt were wrongful or unjust dismissal cases, sometimes successfully sometimes not, but rarely had any union questioned the employer's right to hire and fire on the grounds of work available. The more militant job-sites became increasingly reluctant to allow dismissals for any reason,³⁷ and this began to include redundancy.³⁸ Tom Hogan explained "...no longer were we prepared to say the boss has got the right to sack us as long as he gives us an hour's notice".³⁹ The struggle culminated in two major work-ins and many lesser disputes. One of the latter, which occurred on the Costains (Macquarie) project, produced the complaint from the Master Builders that:

The Union did not appear(40) on the 4 August, 1972, when the matter was listed for Conference before the Deputy Industrial Registrar, claiming that they felt the matter could not be solved at that Hearing. However they did appear before Conciliator Wilson and indicated that they were not prepared to concede that the company has the right to employ or dismiss employees as they see fit,⁴¹ [my emphasis]

A similar incident occurred on the Dillinghams (Martin Place) site when retrenchment notices were handed out to four labourers. The B.L.F. organiser, Dave Thomason "put to the men that they refuse to accept that [the] company could not keep men". This position was adopted by the

37 One hard fought case involved a dogman who was dismissed for "refusal of duty and using indecent language". James Wallace (Miller Street) Project. Correspondence: J.D. Martin, Executive Director M.B.A., to Deputy Industrial Registrar, Commonwealth Conciliation and Arbitration Commission, 22 November 1972.

38 Usually redundancy cases were fought on the grounds of seniority, i.e. the Union tried to force employers to accept the "last hired - first fired" rule. Examples of this process occurred on the Max Cooper (Broadway) job, Disputes Book, 11 August 1972, and at the Opera House, Disputes Book, 16 June 1972 and 19 June 1972. Sometimes redundancies were just opposed with no stated reason, for example the Costains (Glenn Street) job, Dispute Book, 17 August 1972.

39 Tom Hogan: Interviewed by Pat Fiske 1979.

40 Yet another example of B.L.F. disregard for arbitration.

41 Correspondence: J.D. Martin, Executive Director M.B.A., to the Industrial Registrar, Commonwealth Conciliation and Arbitration Commission, 17 August 1972.

the members and the company eventually backed down.⁴²

Another example of unilateral action during the year was the Union's campaign to enforce the safety procedure of two dogmen being used on a crane instead of one. In this struggle they did not even have the support of the D.L.I., although the number of dogmen killed while "riding the hook" was still significant. One D.L.I. inspector, after visiting the Kell & Rigby (Mount Street) site during a dispute "assured the company that in his opinion there is no need for two Dogmen to be employed on this site".⁴³ Disputes over the dogmen issue also occurred on another Kell & Rigby job (University of N.S.W.)⁴⁴ and T.C. Whittle's (Hammerson) site.⁴⁵ The builders resisted these attacks on staffing prerogatives fiercely. At a meeting between the M.B.A. and the B.L.F. on the issue, Joe Owens, himself an ex-dogman, received a negative reaction to his lengthy submissions:

The spokesmen for the Employers made it quite clear that while they did not deny that some Companies adopted the 2 Dogmen per crane system, the Association as such could not agree that it would be acceptable as a general rule.⁴⁶

The Union journal described this stance as "callous resistance".⁴⁷ The arbitration system displayed a similar attitude when Mr Justice Sheehy, delivering his opinion of the Kell & Rigby dispute found himself "unable to recommend the use of two dogmen in all situations".⁴⁸

However direct action techniques such as banning sites and refusing to work cranes insufficiently manned,⁴⁹ led to eventual victory. Riding the hook was virtually eliminated by 1973.

Another safety issue which had formed part of the "Civilise the Building Industry" campaign of 1969-70 was the policy of getting full time safety officers and full time first aid officers appointed on all high-rise jobs in the inner city. Strong employer resistance had resulted in a desultory campaign but in early 1972 the first break-through occurred. Workers on the Westfield (William Street) site went on

42 B.L.F. Disputes Book, 24 November 1972.

43 Correspondence: J.D. Martin, Executive Director M.B.A., to the Industrial Registrar (N.S.W.), 21 July 1972.

44 B.L.F. Disputes Book, 4 August 1972.

45 B.L.F. Disputes Book, 26 July 1972.

46 M.B.A., Report of Proceedings of a Meeting with a Representative of the A.B.L.F. to Discuss the Problem Concerning Dogmen - Held on 15 June 1972, p.1.

47 "Violence is a Bosses' Weapon", The Builders Labourer, n.d. (est. mid 1972).

48 Correspondence: Mr Justice Sheehy to the Secretary, A.B.L.F., 11 August 1972.

49 See B.L.F. Disputes Book, 26 July 1972 and 4 August 1972.

strike for a week after two serious accidents on successive days. Eventually Westfield was forced to employ a full time safety officer⁵⁰ and the precedent was set. Other jobs demanded safety officers and the employers succumbed, sometimes with stoppages occurring and sometimes without.

When the employers were not co-operative, tactics other than strikes were sometimes used. As Munday remarked "newer forms of action were necessary". On the P.D.C. (Rawson Place) job, the men decided a full time first aid man was essential and if the "company refused to accept this, they would knock off for the day in protest and the following morning would work in with him".⁵¹ The work-in took place and like so many other direct action tactics it forced the employer's hand. The next day's entry in the Disputes Book was short but to the point: "First aid man entered first aid shed and has since been employed as first aid officer".⁵²

This particular struggle took place with the support of all the workers on the job, from the B.W.I.U. and the F.E.D. & F.A., but other disputes occurred with only the labourers pushing the demands⁵³ even though it was B.T.G. policy.

Munday believes that the B.L.F. had gone further than the B.W.I.U. was prepared to, by demanding that safety officers be elected by the workers themselves "because it is to the workers that they are responsible". This was, in Munday's own words "a clear challenge to the boss".⁵⁴ It was also one of the reasons why the M.B.A. had moved to deregister the N.S.W. Branch early in the year.⁵⁵

A prolonged dispute took place on the Costains (Macquarie) site at the corner of Sussex and Liverpool Streets. This particular struggle also involved the other important Union campaign at the time - union hire. The first aid officer at the centre of the dispute was "nominated by the Union", as was the leading hand. When the company refused to

50 Tribune, 1 February 1972, p.11.

51 B.L.F. Disputes Book, 9 November 1972.

52 B.L.F. Disputes Book, 10 November 1972.

53 For example Allens (Telephone Exchange). Correspondence: J.D. Martin Executive Director M.B.A., to the Industrial Registrar (N.S.W.), 13 July 1972, and Costains (Macquarie). B.L.F. Disputes Book, 14, 20, 21 July 1972.

54 Interview: Jack Munday, 13 August 1975.

55 Both the Sydney Morning Herald, 18 March 1972 and The Sunday Australian, 23 April 1972, gave the Union's demands for worker-elected foremen and safety officers as one of the factors involved in the deregistration application.

employ the two men, even though the Union believed that prior agreement had been reached on the matter,⁵⁶ the men decided to stop work. At this point Wal Glover from the M.B.A. was called in by the Company.⁵⁷ This indicates that the Company and the Master Builders saw the issue as one which needed to be fought strongly. The men eventually resumed work with the two men they wanted employed by the company and "worked-in" with them.⁵⁸ The following day the Disputes Book recorded:

Company this morning sacked all B.Ls. They continued to work-in. In the afternoon J. Owens went on site and police were called but left without any action being taken. Wal Glover came on site and instructed J. Owens and B.Ls to leave the site, threatening to arrest them if they did not. The police were called again but took no action. Wal Glover insisting throughout that all members of the Union should be arrested. Police seemed reluctant to do this. Wal Glover informed J. Owens that the job was now completely closed down due to industrial unrest by the B.Ls.⁵⁹

Tribune reported that one of the labourers involved in the work-in explained: "There's been too many chiefs here telling the men what to do and contradicting one another, so we chose our own leading hand. Now all instructions come through him". Another claimed that when the dispute was over "we'll have to consider whether or not we take the company back".⁶⁰ Two weeks later the dispute was still unsettled and the M.B.A. notified the Commission again.⁶¹

The extreme measures taken by the M.B.A. on this site indicate the threat to their power that they perceived in the policy of union hire. They had not always taken this position. In fact a de facto form of partial union hire had been operating for some time.

The main proponent of union-hire within the Executive was Bob Pringle. Since 1968 he had been raising the issue,⁶² suggesting that Vine House⁶³ or the Commonwealth Employment Service⁶⁴ could be used as a pick-up centre. He also urged discussions with the other building unions on the matter.⁶⁵ Munday indicated in 1971 that union hire was

56 Correspondence: J.D. Martin, Executive Director M.B.A., to the Industrial Registrar (N.S.W.), 14 July 1972.

57 B.L.F. Disputes Book, 14 July 1972.

58 B.L.F. Disputes Book, 20 July 1972.

59 B.L.F. Disputes Book, 21 July 1972.

60 "Sacked But Worked On", Tribune, 25-31 July 1972.

61 Correspondence: J.D. Martin, Executive Director M.B.A., to the Deputy Industrial Registrar, Commonwealth Conciliation and Arbitration Commission, 3 August 1972.

62 Minutes: Executive Meeting, 23 April 1968.

63 Minutes: Executive Meeting, 12 November 1968.

64 Minutes: Executive Meeting, 24 June 1969.

65 Ibid.

an important target when he reminded members that full financial unionism was necessary "if we are to attain union hire".⁶⁶

During the high unemployment period of 1970-71 out-of-work members began coming to the Union Office. Bud Cook describes the beginnings of this first wave⁶⁷ period of union hire:

They would say they were having a hard time and our responsibility was to do something about it...We created a system of putting their name in a book in the office and any employers wanting labour we would send that person out to the job. That worked alright but it didn't work in all cases. At an Executive meeting there was a decision made that Union organizers going to jobs would inform employers that if they wanted workers they would ring the Union office and we would send the appropriate worker out for the job. That worked real well.⁶⁸

On militant sites workers were able to demand that all new labour came through the Union office. The Kingsgate site achieved such an agreement in 1971.⁶⁹ Militants such as Noel Olive⁷⁰ and Tony Hadfield⁷¹ entered the industry in this way during 1972. The Disputes Book indicates that union hire was accepted on many sites during the year.⁷² Tony Hadfield explained that developers, as usual, were the first employers to succumb to the new threat.⁷³ However some companies resisted fiercely.⁷⁴ Bud Cook claimed: "As it caught on and our organisers got better at getting the employers to contact the office, it created a reaction with the M.B.A."⁷⁵

The M.B.A. made little attempt to hide its fear of union hire. Ray Rocher explained in 1979:

66 Minutes: General Meeting, 2 March 1971.

67 The real push came in 1973 when it was tied to the notion of permanency.

68 Bud Cook: Interviewed by Pat Fiske, 1979.

69 Interview: Bobby Baker, 16 May 1980.

70 Interview: Noel Olive, 9 March 1978. Olive described union hire in this period as "partially successful on some jobs".

71 Interview: Tony Hadfield, 13 December 1976. Hadfield obtained several jobs through the Union in 1972.

72 The nature of the Disputes Book means that instances of acceptance of union hire would not be recorded but peripheral mention during other disputes occurs on 3 August, 8 August and 28 November.

73 Tony Hadfield, "Union Hire", The Builders Labourer, August 1973, p.29.

74 Instances occurred on E.A. Watts (Institute) site, Correspondence: J.D. Martin, Executive Director M.B.A., to the Deputy Industrial Registrar, Commonwealth Conciliation and Arbitration Commission, 26 April 1972; Costains (Macquarie) project, B.L.F. Disputes Book, 14 July 1972; Lombards Newcastle Project, B.L.F. Disputes Book, 16 August 1972 and Whelans (East Quay) job, B.L.F. Disputes Book, 22 November 1972.

75 Bud Cook: Interviewed by Pat Fiske 1979.

We didn't then, nor do we now...take acceptance of the philosophy of union hall hire...Worker control was just an extension of union hall hire in fact...so we saw it as unacceptable in the industry.⁷⁶ Rydge's, that bastion of capitalist philosophy equated "union hall hire of labourers with the possibility of trained agitators or incompetents strategically placed around the jobs".⁷⁷

In actual fact, one of the problems the Union had with their partial union hire situation was their inability to place their "trained agitators" strategically. Mostly, militants could only force their way onto already militant jobs and this resulted in an unfortunate "bunching" of militants on to the one site. This occasionally produced super-militant sites such as Dillinghams (Clarence Street) but did not benefit the labourers' situation as a whole.

That some builders were prepared to covertly break M.B.A. policy in order to gain industrial peace is illustrated by an incident in Newcastle. Peter Mason and Ron Dumbrell were "worked-in" on the Lombards project, "where workers considered that extra labour was needed".⁷⁸ Eventually, after a week, each was paid, and the contractor, Manchell, agreed to continue employing Mason:

The Company said that to save face with the M.B.A., they would put an ad in the paper and call for a labourer on the site. Peter Mason would turn up for work in the morning and would be employed regardless of who else turned up. Company also agreed to contact union before any labour started on the job.⁷⁹

In fact it took until May 1973 for the M.B.A. to "close ranks for the first time effectively"⁸⁰ on the question of union hire.

On another occasion, the Union attempted to get Tom Hogan and another labourer a job with Whelan the Wrecker.⁸¹ After some negotiation, the company agreed to employ the other labourer (which may have been the union's intention) but not Hogan.⁸² Hogan predictably ended up at Dillinghams (Clarence Street) site.

Another group of labourers whose fortunes were inextricably linked to the fate of union hire were the women. Unless lucky in their choice of employer, the women relied heavily on the Union being able to force builders to employ them. In 1972, stoppages occurred at the E.A. Watts (Milsons Point) job over Glenys Page and at Lend Lease (all projects)

⁷⁶ Ray Rocher: Interviewed by Pat Fiske 1980.

⁷⁷ "The Anatomy of a Political Strike", Rydge's, July 1973, p.26.

⁷⁸ Pete Thomas, Taming the Concrete Jungle, p.34.

⁷⁹ B.L.F. Disputes Book, 16 August 1972.

⁸⁰ "The Anatomy of a Political Strike", Rydge's, July 1973, p.29.

⁸¹ B.L.F. Disputes Book, 22 November 1972.

⁸² B.L.F. Disputes Book, 23 November 1972.

over Carmen Rose.⁸³

To add fuel to the fire of the employers' increasing resistance, the Union decided at a job organisers' conference in September to "close the books" as from 1 October. This step was taken as a result of "the growing incidence of unemployment of our members [and was] an attempt to stabilise the industry".⁸⁴ Union hire was to be implemented through a list of unemployed financial members being kept on an open notice board and priority being given to those who registered first. All other priority "job lists" were to cease operation in favour of the central list.⁸⁵

At the same time as these decisions were being made, negotiations for the new Award were taking place. The Union made it clear that their demand for permanency was closely tied to the struggle for union hire.⁸⁶ The M.B.A.'s offer predictably contained no reference to either permanency or union hire.⁸⁷ At a series of mass meetings held on 16 October in N.S.W. to discuss the new awards⁸⁸ the following resolution was passed:

Because of the Tradesmens' settlement, we have no alternative but to agree to the general principles of wage rates and conditions applying to the N.S.W. Building Tradesmen...

This meeting calls upon the F.M.C. to meet the employers nationally around 1. Permanency, 2. Election of Leading Hands [and] Election of Safety Committees, and 3. The establishment of the Building Investigation Committee.⁸⁹

We call for leave to be reserved on these matters and to be discussed after 1st November 1973.⁹⁰

The Employers refused outright to accept these demands:

Our offer is absolutely contingent upon the Union withdrawing its claims in so far as these three claims are concerned and also withdrawing any claim that differs from the claims already made by the B.T.G. We are not prepared to give Leave Reserved to the Federation on any matter apart from those which will be granted to the other unions...⁹¹

83 For full details of these disputes see chapter 9.

84 B.L.F. Circular, To All Job Organisers, 27 September 1972.

85 Ibid.

86 Interview: Bud Cook, 5 March 1978.

87 Document, Master Builders' Association Offer as at 26 September 1972, 1p. roneod.

88 Although always referred to as the "new award" it was actually a variation of Part 2 (N.S.W.) of the Builders Labourers' Federal Award.

89 A detailed description of what the B.L.F. envisaged the Committee would encompass included environmental impact-type studies. The Builders Labourer, 1972, p.17.

90 B.L.F., Resolution for Mass Meetings, n.d. (16 October), typed.

91 Correspondence: J.D. Martin, Executive Director M.B.A., to the General Secretary, A.B.L.F., 17 October 1972.

The whole problem was, however, that the other unions were not prepared to take up the issues. Bud Cook complained: "The problem was that we were negotiating on our own...The other industry unions were refusing to negotiate with us".⁹²

The real fight for permanency and union hire had to wait until 1973 before it was finally resolved. Meanwhile the ad hoc partial system remained as a continual threat to managerial prerogative.

Other serious encroachments on employers' rights occurred during the two major work-ins of 1972. In February, fifty labourers on the Concrete Construction (Centrepont) job, known as Lanray, were dismissed for striking over a special rates claim.

They were notified that all money owing would be posted to save them the trouble of ever coming near the site again. But the blokes had other ideas. They all met on the site the following morning and decided on a reverse whammy. The decision was they were going back to work, but the foremen weren't.⁹³

Tom Hogan, the organiser on the site at the time, explained:

We sacked every foreman on the site. We left the manager [Lindsay Pearson] there in isolation because someone had to pay us. We said, "you're all fired and we'll be doing no production until such time as safety gets up to scratch." The foremen remained there by the gate with a forlorn look on their faces. They didn't believe it at first. They'd try to give orders and we'd say "run along son, we're busy."⁹⁴

In less than an hour the men had elected five foremen from amongst themselves, an extra nipper and a first-aid attendant. Within twenty minutes, Concrete Constructions Director, Ted Cooper, arrived on site, saw what was happening and promptly rang the Union office.⁹⁵ He spoke to Joe Owens:

Cooper rang me up and said, "we've got a very unusual situation here ...they've gone back to work and elected their own foremen." I said "what's wrong with that?" and he replied "but they're not doing what the company tells them".⁹⁶

The result of the phone conversation was an offer by the company to reinstate all the workers immediately and negotiate the original pay claim. However a condition of re-employment was that the men reinstate

92 Bud Cook: Interviewed by Pat Fiske 1979.

93 Tom Hogan, "Sackings Didn't Stop Them (It Was the Foremen Who Were Outside Looking In)", *Tribune*, 15-21 February 1972.

94 Tom Hogan: Interviewed by Pat Fiske 1979.

95 Tom Hogan, "Sackings Didn't Stop Them (It Was the Foremen Who Were Outside Looking In)", *Tribune*, 15-21 February 1972.

96 Interview: Joe Owens, 4 April 1978. There is some difference over who actually received the call. Munday (Interview: 16 January 1981) claims he spoke to Cooper. Perhaps two calls were involved.

the company's foremen.⁹⁷ Even after what was a major victory, the men were undecided about that condition:

It wasn't a unanimous decision that we'd accept the foremen back even then. It must have been about a 60/40 decision. We went much better without them. A new confidence was there. (98) Some form of workers' control was necessary to implement it...I'm not suggesting it was perfect...but more and more we were beginning to feel our strength, that we didn't have to bow down every time we heard the boss speak.⁹⁹

The second major work-in occurred at the Opera House in April where the labourers, this time supported by the metalworkers, elected their own foremen and safety officers. When the work-in petered out through lack of materials the conditions were dictated by the workers. The company foremen who had been sympathetic to the workers' occupation were taken back as charge hands with no disciplinary powers.¹⁰⁰

Militant activity was not restricted just to the Sydney area. Canberra conducted a major strike early in the year where vigilante activity took place with much enthusiasm.¹⁰¹ But it was in Newcastle that the most interesting developments occurred. Industrial militancy exploded there with an impact that shook even the major builders. K. Chilman, referring to his company's Lombard project complained: "The whole future of the project may be in doubt because of this Sydney based militancy being waged in Newcastle through the local B.L.F. officials."¹⁰² The Newcastle labourers were certainly heavily influenced by the Sydney scene but there were other important factors involved in their "coming of age".

The Newcastle area which had seen sporadic militant outbursts during the 1970 and 1971 strikes had continued to be a problem for the N.S.W. Executive because of the difficulty of finding a suitable organiser. The leadership had come to recognise that "you really needed someone who understood the local conditions".¹⁰³ Ron Dumbrell, an ex-boxer from the

97 Tom Hogan, "Sackings Didn't Stop Them (It Was the Foremen Who Were Outside Looking In)", Tribune, 15-21 February 1972. That the foremen never regained their position of authority is suggested by this cryptic comment in the Disputes Book, 11 December 1972, "Men decided that job would stop if foreman was not transferred or replaced".

98 The front cover of the 1972 Builders Labourer carried a large photograph of the work-in and the caption "Workers at Centrepont...were in high spirits when this picture was taken".

99 Tom Hogan: Interviewed by Pat Fiske 1979.

100 A full account of this experience is recorded in John Wallace and Joe Owens, Workers Call the Tune at Opera House, 1973.

101 The Builders' Labourer, n.d. (Est. mid 1972), pp.21 and 23.

102 Newcastle Sun, 2 November 1972.

103 Interview: Joe Owens, 4 April 1978.

Central Coast, who had been working as a temporary organiser in the area resigned in early 1972 after nine months "on the road". He had done a competent job but felt he could not cope with the stress. He remained a committed militant, active in the area. In May 1972, a young Newcastle labourer, Tony O'Beirne, was appointed by the B.L.F. Executive as the Northern Organiser. His area extended from the Hawkesbury River to the Queensland border. The area committee, which had functioned only intermittently, was revived and became a stable feature of the Union structure. O'Beirne described its composition as, "broadly representative of the whole Central Coast...Newcastle...Nelson's Bay...it was good".¹⁰⁴ Former Union organiser Brian Hogan was working as a builder's labourer in the area and was of "great assistance". Elfrida Burghardt who worked in the area office was also "very helpful because she understood the politics of the B.Ls".¹⁰⁵

However the most important factor in the changed industrial climate was the eventual spread of the building boom to Newcastle. Two major projects, Lombard House and the Civic Centre became the focal point for most of the disputes during 1972.

Another feature of the Newcastle scene was the better relationship that existed between the labourers and the tradesmen. According to O'Beirne, "the membership jumped"¹⁰⁶...We really organised Newcastle, we didn't let up till we got every site unionised".¹⁰⁷

The first event to make headlines was a protest demonstration organised by the labourers from the Civic Centre project in October 1972. The labourers were demanding that the main contractor, Dillinghams, provide showers for the men. This would have been a standard condition in Sydney. As O'Beirne told the Newcastle Sun:

...major builders come here from outside thinking we are boys from the bush. They seem to leave award rates and conditions at the Hawkesbury.¹⁰⁸

The men were working in a fifteen foot deep excavation with jack hammers, and "in fine weather they were covered with dust and in wet weather in mud a foot deep...Because they had no shower facilities they had to wear

¹⁰⁴ Interview: Tony O'Beirne, 2 March 1978.

¹⁰⁵ Ibid.

¹⁰⁶ He estimated the membership in that period as 400 but a Newcastle Sun report of 16 October 1972 referred to "more than 1200 builders labourers" attending a stop-work meeting. This discrepancy simply illustrates the difficulty of calculating union membership.

¹⁰⁷ Interview: Tony O'Beirne, 2 March 1978.

¹⁰⁸ Newcastle Sun, 8 November 1972.

dirty clothes home".¹⁰⁹ To draw attention to their plight, the labourers indulged in a typical piece of B.L.F. larrikinism. A large photograph appeared in the next day's Newcastle Morning Herald of six hairy chested semi-naked B.Ls. The accompanying description of the protest began:

Eight builders' laborers risked pneumonia when they staged a protest demonstration on the steps of Newcastle City Hall yesterday afternoon.

Clad in underpants and shorts, they showered with cold water from a hose as light rain fell and the mercury dropped to about 19 degrees...¹¹⁰

The article explained that the men would continue to shower each afternoon on the City Hall steps till they got their shower room.

The Labor Lord Mayor of Newcastle was quoted as stating that he "would not tolerate any more foolish actions by these laborers..."¹¹¹ but like most of the B.L.F.'s more extravagant antics, the direct action approach succeeded. Two days later the showers were installed.¹¹²

Another dispute occurred at the same time but with less publicity. The labourers demanded that the contractors, Frankipile and Dillinghams dismiss men who had been involved in the use of staff labour on site. When this demand was refused, the men resumed work but refused to take orders from the superintendents involved.¹¹³ The labourers were dismissed but resumed work on the next working day and "worked-in", while refusing to take direction from the superintendents. When they refused to leave the site, the police were called and five builders labourers were arrested and charged under the Summary Offences Act with remaining on a building site.¹¹⁴ Discussions failed to resolve the issue and the dispute dragged on to be overtaken by more spectacular events.

A lock-out by a sub-contractor on the Civic Centre site occurred later that month over employment of local labour,¹¹⁵ and the site remained almost constantly in dispute for the rest of the year. The main points at issue were the use of non-union labour and imported labour. The disputes received enormous publicity¹¹⁶ and the Lord Mayor, Alderman McDougall, threatened to close the project down.¹¹⁷ These

¹⁰⁹ Newcastle Morning Herald, 7 October 1972.

¹¹⁰ Ibid.

¹¹¹ Ibid.

¹¹² Newcastle Sun, 9 October 1972.

¹¹³ B.L.F. Disputes Book, 6 October 1972.

¹¹⁴ B.L.F. Disputes Book, 9 October 1972 and 24 November 1972.

¹¹⁵ Newcastle Morning Herald, 31 October 1972.

¹¹⁶ See Newcastle Morning Herald, 2, 8, 15, 16 November and 21 December 1972 and Newcastle Sun, 1, 2, 8, 9, 10, 15, 27, 29 November 1972.

¹¹⁷ Newcastle Morning Herald, 8 November 1972.

threats were indignantly replied to by the Union with O'Beirne claiming that McDougall had refused to speak to the Union about the issue. He explained that the problems stemmed from the employer breaching award conditions. He said "all of Newcastle's major builders put together would not have more than a dispute a month because they abided by conditions won by trade unions" but major builders from outside Newcastle felt they could behave differently.¹¹⁸

Workers employed by Dillinghams on another Newcastle project, the social sciences block at the University, went on strike in support of the labourers at the Civic Centre.¹¹⁹

While the Civic Centre was in turmoil, so was the other major building site - Lombards. Here the main points at issue were the employment of a female "nipper", June Philpott, and the re-employment of ten carpenters who had been declared redundant. The labourers struck in support of the dismissed carpenters and would not resume work until they were re-employed and all workers paid for lost time.¹²⁰ Such action indicated the better inter-union relationship that existed in the area. The carpenters and labourers announced that they would report for work daily but only work if the carpenters were employed.¹²¹ This action lasted for a week and was described as a "sit-in" by the two Newcastle dailies.¹²² In defence of their actions the workers' delegates argued that there had been minimal disruption on the project and those stoppages that had occurred were part of a B.T.G. campaign to reach agreement with the site contractor on working conditions. They argued that the ten dismissed carpenters had been "discriminated against".¹²³ Once again direct action succeeded and the carpenters were re-employed.¹²⁴

The workers' staunch support for June Philpott¹²⁵ eventually overcame barriers such as injunctions and civil court actions from the builder.¹²⁶

These disputes also received massive publicity¹²⁷ and drew the

118 Newcastle Sun, 8 November 1972.

119 Newcastle Sun, 2 November 1972.

120 Newcastle Morning Herald, 16 November 1972.

121 Newcastle Morning Herald, 17 November 1972.

122 Newcastle Morning Herald, 17 November 1972 and Newcastle Sun, 21 November 1972.

123 Newcastle Morning Herald, 17 November 1972.

124 Newcastle Morning Herald, 23 November 1972.

125 One stopwork meeting voted 21-4 to continue the dispute.

126 Newcastle Sun, 9 November 1972. Fuller discussion of this case in chapter 9.

127 See Newcastle Morning Herald, 2, 16, 17, 21, 23 November 1972, and Newcastle Sun, 2, 9, 10, 15, 21, 29 November 1972.

inevitable responses. The major builder of the Lombard project, K.F. Chilman, complained about Sydney based militancy spreading to Newcastle.¹²⁸ His criticisms were echoed by two editorials in the Newcastle Morning Herald. The first argued that:

Potential developers looking at Newcastle as a site for major office buildings will have second thoughts about investing in the city. And without the major builders there will be less work for builders' labourers.

It then pointed out that the proposed Royal Commission would be costly but concluded "...there is a limit to how much the community can be expected to take from this union - and that limit has just about been reached".¹²⁹ The second editorial expounded:

The urgent need for the Trades Hall Council to help restore balance to both troubled building projects can be seen in the way the effects of the disputes have mushroomed. The militancy of the Builders' Labourers' Federation has delayed and reduced opportunities for members of other more moderate building unions.

It then gave as an example the B.L.F. strike in support of the carpenters who had been stood down.¹³⁰

The media attacks, although based on parochial issues, were virtually an extension of the Sydney based campaign against the Union. Certainly, the Newcastle disputes had a flavour of "energy and roughness"¹³¹ but the huge publicity probably would have eventuated anyway. The labourers themselves were strongly imbued with the belief that the change had come. As O'Beirne put it, "...it's happened in Sydney - it's now happening here".¹³²

While industrial activity continued at a high level the Union was also becoming increasingly involved in political issues.

The C.P.A. policy statement which arose out of the 1972 Congress reinforced the 1970¹³³ emphasis on the need for trade unions to involve themselves in "action on social and political issues going beyond the traditional concern of unionism". The areas listed were "taxation... health, education,...foreign policy, war and armaments; racism in Australia and abroad; preservation of the ecological environment and the struggle against pollution in all its forms".¹³⁴

128 Newcastle Sun, 2 November 1972.

129 Newcastle Morning Herald, 2 November 1972.

130 Newcastle Morning Herald, 16 November 1972. A confusing argument. Is it a "reduced opportunity" for a particular union to have another union strike in its support?

131 Interview: Tony O'Beirne, 2 March 1978.

132 Ibid.

133 C.P.A., Modern Unionism and the Workers' Movement, 1970.

134 C.P.A., The Left Challenge for the Seventies, 1972, p.4.

The general policy emphasised the need to "fight capitalism's destruction of the environment".¹³⁵ It is not surprising therefore that the B.L.F.'s major political activity in 1972 revolved around the environment and in particular their own black bans. However, they remained heavily involved in anti-war and anti-racism activity. Munday continued to extol the line that unions should be political. "The degree of unions' involvement and the issues around which they struggle now will determine the shape of future society" he told a Workers' Control Conference in Victoria.¹³⁶ He wrote in the journal: "The Builders' Labourers' Union feels strongly about unions and the whole workers' movement involving themselves more deeply in all political, moral and social questions affecting ordinary people".¹³⁷

The important difference between the B.L.F.'s involvement in political issues and that of other unions during this period was that they were actively participating at all levels. For instance, when student draft resisters set up a draft sanctuary on the top floor of Sydney University's Union Building it was Bob Pringle and other builders' labourers who constructed the barricades on the stairs to prevent police arresting the students.¹³⁸

When aboriginal protesters wanted help in advertising the July "Black Moratorium" it was the B.L.F. who arranged for banners to be hung on the jibs of cranes around the city. One dogman, Roy Bishop, was dismissed for refusing to take a sign down. He was reinstated and dismissed several times before the situation was resolved. Bob Pringle was arrested during the Black Moratorium and was involved in the Aboriginal Embassy demonstration in Canberra. Fines levied on employers during the year were often donated to aboriginal rights causes.¹³⁹ The Union continued in its active support of Women's Liberation at the political level as well as fighting at job level for women's rights to work in the industry.¹⁴⁰

Perhaps the Union's most spectacular political act of the year as far as the media were concerned was the arrest of Jack Munday in July

135 Ibid., p.7. Discussion of the extent to which the B.L.F. influenced the C.P.A. and vice versa is included in chapter 10.

136 Cited in Pete Thomas, Taming the Concrete Jungle, p.133.

137 The Builders' Labourer, n.d. (Est. mid 1972), p.1.

138 Tribune, 25-31 July 1972, p.10.

139 See Disputes Book, June and July 1972; Bob Pringle, "The Black Awakening", Builders' Labourer, 1972, pp.31-32; Correspondence: Lyn Thompson to Bob Pringle, n.d. (late 1972); and "Black Moratorium: Thousands Act For Black Rights", Tribune, 18-24 July 1972.

140 See chapter 9.

for "intent to incite people to fail to register for National Service". Although twelve other people were arrested during the demonstration, including Pat Clancy, all the media showed photos of Munday, with one particular picture of Munday making a defiant V-sign, being widely disseminated.¹⁴¹

The Union's environmental bans were the big news of 1972. These bans were still known as black bans,¹⁴² the term "green bans" not being used until early 1973.

The Union began the year with gusto. In one week in January Munday was quoted in the Herald's "Sayings of the Week": "More and more we are going to determine which buildings we will build"¹⁴³ and in The Australian's "For the Record": "We don't want the next generation to condemn us for slapping up the slums of tomorrow".¹⁴⁴

A feature of the bans placed during the year was the expansion of the concept to include, not just the environmental bans of 1971 but also the so-called "cultural" bans placed on the Theatre Royal, Regent Theatre and (arguably) the Newcastle Hotel.¹⁴⁵

A second feature was the co-operation that developed between the Union, the National Trust and the N.S.W. Chapter of the Institute of Architects. Munday held talks with Don Meisenhelter from the Institute's Environment Committee¹⁴⁶ and these negotiations culminated in an announcement in January 1972 that the Union would refuse to demolish all buildings "which the National Trust of Australia recommends for preservation".¹⁴⁷ Munday said the Union had been given a National Trust list of about 1700 N.S.W. buildings. "We will consult with architects and the trust if necessary. Anyone with a conscience has to speak up - the building industry has gone mad."¹⁴⁸ These announcements led to a

141 Sun, 15 July 1972; Daily Mirror, 15 July 1972; Sun Herald, 16 July 1972; Sunday Telegraph, 16 July 1972.

142 I can find no written evidence that the term "green ban" was used before May 1973, despite Munday's belief that the term was used in the 1972 Malcolm Colless interview.

143 Sydney Morning Herald, 22 January 1972.

144 Sunday Australian, 23 January 1972.

145 The Union banned demolition of the Newcastle Hotel because it was "a well-known workers' pub where struggling artists traditionally sell their works, without fee", Tribune, 8 November 1972. It had also been a popular meeting place for the group of Sydney Libertarians known as "The Push".

146 Neal Swancott, "Builders Will Not Knock History", The Australian, 20 January 1972.

147 The Australian, 20 January 1972.

148 Ibid.

spate of satiric attacks. A Molnar cartoon appeared showing a beefy B.L. saying "All out! I don't like the cornice"¹⁴⁹ and Emeric depicted a similarly muscly B.L. reading a book entitled, "Do it Yourself, Restoration of Historic Buildings".¹⁵⁰ Jim Macdougall pleaded for the B.Ls to save "the world's last remaining free standing four storey lavatory block" in Macquarie Street, imploring "Mundey we need you".¹⁵¹ Apart from the distinctly "classist" nature of these attacks, they were harmless in comparison with other onslaughts, and were accepted with good humour by the B.Ls themselves.

Following closely upon the Union's declaration of bans on the 1700 "Trust - classified" buildings the Union placed specific bans on the Pitt Street Congregational Church in February; the Opera House Car Park in March; Inner City Expressways, which later included "Lyndhurst", in April; the Theatre Royal in May; the Moore Park - Centennial Park Sporting Complex in June; the A.N.Z. Bank, the National Mutual and Colonial Mutual Buildings on the corner of George Street and Martin Place in July; the Regent Theatre and the Newcastle Hotel in October; Bustle Cottage in Wollongong in November; and houses occupied by aborigines in Louis Street, Redfern, in December.

All these bans attracted press attention and public criticism, particularly the Opera House Car Park and the Newcastle Hotel. Given also the State Government and Employer criticism of their industrial tactics, attacks on the Branch came to be one of the major features of the Union's year.

In March 1972 the N.S.W. M.B.A. moved to deregister the A.B.L.F. J.D. Martin admitted to the media that:

The association is exploring its rights under the...Act in an endeavour to protect itself...from the high incidence of strikes in the building industry.

Certain resolutions have been passed by the association...¹⁵²

The F.M.C. had no doubts about what these resolutions might be. The Federal President Delaney "...said that developments in N.S.W. required the F.M.C. to make a statement calling on the Rank and File Members of the Federation to unite to defeat the employers' attempts to destroy our Federation".¹⁵³ The F.M.C. unanimously passed a Gallagher/Mundey resolution which warned the N.S.W. M.B.A. of their

¹⁴⁹ Molnar, Sydney Morning Herald, 20 January 1972.

¹⁵⁰ Emeric, Sydney Morning Herald, 26 August 1972.

¹⁵¹ Jim Macdougall, "Town Talk", Daily Mirror, 13 December 1972.

¹⁵² Sydney Morning Herald, 18 March 1972.

¹⁵³ Minutes, Federal Management Committee, 15 March 1972, p.9.

"collision course" with the Federation and added, "...it is a known fact that the Employers and Right Wing leaders of some Building Unions want the N.S.W. Branch destroyed".¹⁵⁴ The F.M.C. also noted that the attack came as the Federation's Award in N.S.W. was nearing expiration and "when the Rank and File and Leadership of N.S.W. have put forward a positive Log of Claims" which included permanency and election of safety officers.¹⁵⁵ The resolution concluded with the acknowledgement that:

The actions of the N.S.W. Members in recent years have led to wage and other improvements to building workers in all States under Federal Awards. These include Full Payment when off on compensation and Full Payment for Public Holidays.¹⁵⁶

The Federation demanded that the Master Builders revoke their decision and threatened a National Strike.

Despite this, the M.B.A. made an application for deregistration in early April. Munday alleged that it was a "political move to frustrate negotiations around the new award...At the present time we have an agreement...not to press further wage claims until October and we have honoured that agreement".¹⁵⁷ He said the Union was likely to open its award claims earlier than the agreed date if deregistration proceedings were not withdrawn.¹⁵⁸

The N.S.W. Branch wrote to the B.T.G., reminding them that "it is not new for a militant union to come under attack from the employing class" and argued that:

although differences may exist as to the way we can best unite in common action, nevertheless, with the employers stacked to single out one union, it is incumbent upon the other unions to rally to that union's support in accordance with the decisions made, both at A.C.T.U. level and at Labor Council level, on the issue of deregistration.

The letter went on to mention the recent physical assaults and arrests of unionists and tied these in with deregistration as another form of union suppression. It called upon the B.T.G. to demand that the M.B.A. withdraw its application "and settle down to discuss the wages and conditions claims of the building unions". The Union assured the B.T.G. on the unity issue that:

It is the intention of this Branch of the Federation that we should press our claims with other building unions in this

¹⁵⁴ Ibid., p.10.

¹⁵⁵ Ibid.

¹⁵⁶ Ibid., pp.10-11.

¹⁵⁷ Sydney Morning Herald, 10 April 1972.

¹⁵⁸ The Sun, 10 April 1972.

State(159) and, at the same time, try to co-ordinate national demands by builders laborers.160

The F.M.C. held an emergency meeting later in April and Gallagher produced an analysis that has enormous significance in the light of later events:

The General Secretary...stated that the Application by the N.S.W. M.B.A....was, in his opinion, an attempt...to put pressure on the federation to discipline the N.S.W. Branch of the Union.161

The South Australian M.B.A. had actually put such a proposition to the South Australian B.L.F. They had proposed "that the Federation should take steps to discipline the N.S.W. Branch of the Federation".162

The similarities between this situation and the lead up to Federal Intervention in 1974 are so great that the question inevitably arises, "what caused Gallagher to defend the N.S.W. Branch in 1972 when in almost identical circumstances in 1974 he succumbed to the employers' threats?"163 Some answers can be found in a close study of what was said during the F.M.C. meeting. For one thing, Gallagher admitted the real threat posed by the B.W.I.U. He repeated his accusation of the previous meeting, that "...it was quite common knowledge there had been discussions held between some N.S.W. Building Unions...and the M.B.A. for the purpose of filling the vacuum if their application for deregistering our Union [succeeded]".164 Davies of Western Australia agreed:

...some of these so-called "Left" Trade Unions in the building trade were nothing but Right-Wing Unions hiding behind some Left-Wing cover and when the time came they would have no hesitation in taking over our work with the assistance of the Employers.165

159 That this claim was not simple rhetoric is substantiated by Bud Cook's letter to the B.T.G. requesting a joint approach on the subject of the new award. (Correspondence: H. Cook, Acting Secretary to L. Boyce, B.T.G., 14 June 1972) "We believe it is in the interest of all building workers in N.S.W. if all campaign together...there should be no hurdle to joint action being by both tradesmen and our members."

160 Correspondence: J. Munday to L. Boyce, Secretary, B.T.G., 12 April 1972.

161 Minutes: Federal Management Committee, 18 and 19 April 1972, p.2.

162 Ibid.

163 One difference was the increased isolation within the union movement of the N.S.W. Branch in 1974. Another factor was that in 1974, a strong pro-Gallagher team had just been decisively beaten by the N.S.W. leadership in the Branch elections. Also in 1972 the Federation's finances were low after the South Australian Plasterers' Case. But the most important factor was the booming state of the industry in N.S.W. in 1972. See chapter 8 for further discussion.

164 Minutes: Federal Management Committee, 18 and 19 April 1972, p.2.

165 Ibid., p.4.

Masterson from Victoria endorsed these sentiments "about Right-Wing Unions wearing Left-Wing cloaks".¹⁶⁶

The fear of the B.W.I.U. which was the union referred to¹⁶⁷ was exacerbated by a demarcation dispute over formwork which was also discussed at the same meeting. This wariness was underscored by Munday's statement that "the time was not yet right to continue discussions on Form Work", and both Gallagher and Munday agreed that the matter should lie in abeyance.¹⁶⁸

A second important point was that the N.S.W. M.B.A. did not have the full support of the other state branches of the Master Builders. The W.A. M.B.A. had assured Davies that they would oppose the N.S.W. M.B.A.'s application¹⁶⁹ and the situation in Queensland and South Australia seemed uncertain.¹⁷⁰

The Joint Statement issued at the conclusion of the F.M.C. meeting alleged:

...many of the Master Builders' Associations in the other States do not share the viewpoint of the N.S.W. M.B.A., and consider they are on a dangerous "Collision course" which could inflict tremendous damage on them and cost them millions of dollars.

Some sober Employer Organisations in the other States note that the Federation has honoured its obligation not to pursue general wage demands until October 1972, and consider the N.S.W. M.B.A. would be best served in negotiating now with the Federation on its log of claims before October.¹⁷¹

The F.M.C. resolved to meet with the Federal Officers of the M.B.A. rather than the N.S.W. M.B.A.¹⁷²

Gallagher also acknowledged that the problem was that, "the N.S.W. Master Builders had not as yet realised there was a new industrial situation in that State",¹⁷³ and that:

The N.S.W. M.B.A., accustomed to quiet, top level negotiations over the years, were shocked to their bootlaces by the vigor of the big strikes by Builders' Labourers in 1970 and 1971.

These strikes were essentially ones to lift the Builders Labourers from a "second class" position and to bring...a little stability and some dignity to our Membership.¹⁷⁴

¹⁶⁶ Ibid.

¹⁶⁷ It was the only possibility - on the grounds of "left" pretensions and industrial scope.

¹⁶⁸ Minutes: Federal Management Committee, 18 and 19 April 1972, p.11.

¹⁶⁹ Ibid., p.4.

¹⁷⁰ Ibid.

¹⁷¹ Joint Statement on the De-Registration of the Federation "All Workers in Australia: Fight the Attack on the Builders' Labourers", Minutes: Federal Management Committee, 18 and 19 April 1972, p.10.

¹⁷² Ibid.

¹⁷³ Ibid., p.2.

¹⁷⁴ Ibid., p.9.

These statements about the importance of the N.S.W. Branch's industrial actions are significant, as is the fact that the only point on which Munday was questioned by the rest of the F.M.C. was the N.S.W. policy of electing their own leading hands.¹⁷⁵ Nothing was said about the environmental bans although by this stage, the Opera House Car Park ban was drawing much criticism from the media and the State Government.

In fact both Munday¹⁷⁶ and Gallagher¹⁷⁷ commented upon the unity within the Federation over deregistration and the Joint Statement declared: "The Unity of the Federation is at an all time high¹⁷⁸ and we will fight nationally against this attack".¹⁷⁹

The Joint Statement also outlined a plan to file for the deregistration of the N.S.W. M.B.A. "for their blatant failure to observe the award conditions".¹⁸⁰ When this strategy was revealed to the media, Munday explained "we have better relations with employers in other States".¹⁸¹

The isolation of the N.S.W. M.B.A. in conjunction with the unity of the A.B.L.F. resulted in the organised Labor movement involving itself in negotiations between the warring parties. On 26 April and 3 May, meetings were held between representatives of the N.S.W. M.B.A., the A.B.L.F. (Gallagher, Delaney and Munday), the A.C.T.U. and the Labor Council of N.S.W. Four propositions were accepted by both parties. The B.L.F. agreed to attempt to resolve disputes by negotiation, to make every effort to contact the M.B.A. before industrial action was taken and to inform delegates and members by circular of these decisions. The position was to be reviewed in June.¹⁸²

These conditions represented a clear victory for the B.L.F. The N.S.W. Branch felt uncowed by these restrictions. The journal declared:

I would say this to Mr. Martin and his "political" wing of the M.B.A. The smoke-screen of...deregistration or no-strike clauses

175 Minutes: Federal Management Committee, 18 and 19 April 1972, p.3.

176 Ibid.

177 Ibid., p.2.

178 It did appear that 1972 marked one of the "honeymoon" periods of Federal State relations. The F.M.C. also endorsed the N.S.W. Branch's action in sending a cable to Brezhnev, urging him to withdraw his invitation to Nixon until hostilities ceased in Vietnam. Minutes: Federal Management Committee, 18 and 19 April 1972, p.5.

179 Joint Statement, Minutes: Federal Management Committee, 18 and 19 April 1972, p.10.

180 Ibid., p.9.

181 The Sunday Australian, 23 April 1972.

182 B.L.F., To All Job Organisers: Circular No. 10/72, 15 May 1972.

will not deter this union in our fight for better conditions, and safety for building workers.

We would not be worth our salt as a union if we allowed ourselves to be brow-beaten and intimidated because of your political aspirations.¹⁸³

A somewhat querulous letter from the M.B.A. to Gallagher reinforces the view that the N.S.W. Branch took little notice of these restrictions. The letter initially complained that the agreed upon circular had not been sent¹⁸⁴ and then proceeded to list in detail the problems that had occurred in the fortnight since the agreement. Five lengthy stoppages were named and six other disputes were recorded. These included two separate stoppages over extra dogmen, one of whom was to be hired through the Union; one stoppage over a female nipper; one over payment of the fourth rate; a dispute over threats to a "scab"; and the final complaint, which appeared to be the last straw, was that Munday had rung the managing director of a company at his home on a Sunday and "insisted that Mr. Whittle make arrangements for builders labourers employed on one of the company's projects in Canberra to attend a Vietnam protest meeting to be held on Monday".¹⁸⁵ The letter concluded that:

if this state of affairs continues we will have no hesitation but to regard activities such as these as a breach of our undertaking, and will take such action as will be necessary under the circumstances.¹⁸⁶

There was little the M.B.A. could do however. Their deregistration moves had produced unity within the Federation and to some extent solidarity from the organised trade union movement. Their actions had backfired this time but they had learnt a lesson that would be invaluable in 1974.

Another employer tactic in the same period involved the use of the Summary Offences Act. The Act had been consistently used by employers in industrial disputes since its inception in 1970 because the penal powers of the Arbitration Act had become inoperative. The B.L.F. had been the main target for its use as an industrial tactic, (Tom Hogan had been the first person charged under the Act), and had

183 "Violence is a Bosses' Weapon", The Builders' Labourer, n.d. (est. mid 1972), p.29.

184 The circular was dated 15 May whereas the M.B.A.'s letter was dated 16 May. The circular could have been pre-dated. It was a fairly straight forward description of negotiations and added: "For our part, we will make every endeavour to carry out in full this agreement. We call on our entire membership to note this and to give us their full support".

185 Correspondence: J.D. Martin to N. Gallagher, 16 May 1972.

186 Ibid.

spearheaded the campaign to have it revoked. Police were regularly called to jobs by employers¹⁸⁷ but mostly were persuaded to leave without taking action although organiser Johnny McNaughton had been arrested in January.¹⁸⁸ However, a dispute occurred in March which brought the campaign to a head.

On an Elcon (Bellevue Hill) site Bob Pringle was "viciously king hit by an employer after the job decided to go on strike over wages and amenities".¹⁸⁹ Pringle's nose was broken and he was hospitalised for three days. The site was declared black and unionists occupied the site demanding that the offending sub-contractor be removed from the site.¹⁹⁰ The police arrested 36 workers including five B.L.F. officials, an F.E.D. & F.A. member, and an 18 year old female B.L.¹⁹¹

The arrests were followed the next day by spontaneous protest stoppages at a number of jobs and many workers attended the court. The Elcon projects at Bellevue Hill and Balmain were picketted.¹⁹² Those charged were remanded to 8 May, so the Union called for a 24-hour stoppage for that date. They produced a leaflet featuring a suitably bloody-nosed photograph of Pringle and protesting "Police Interference in Union Affairs".¹⁹³ The leaflet argued:

There is a growing tendency to use Civil Courts, as well as the Summary Offences Act and in our case, a section of the employers are seeking to have our Union deregistered so as a "tame cat" Union can have legal coverage of our work.¹⁹⁴

187 Disputes where police were called in 1972 include: January - Johnny McNaughton arrested on a Chatswood job while investigating a wage claim, (The Builders' Labourer, 1972, p.25); February - The Lanray work-in, (Tribune, 15-21 February 1972); March - the Bellevue Hill incident, (Tribune, 4 April 1972); March - Structural Developments Job, North Sydney, (The Builders' Labourer, 1972, p.27); July - R.L.M. (Mosman) site, (Disputes Book, 10 July 1972); Costains (Macquarie) project, (Disputes Book, 21 July 1972); August - R. Connolly (Oxford Street) site, (Disputes Book, 2 August 1972); September - Glenys Page arrested over "nipper" work-in at E.A. Watts (Milton's Point), (Daily Telegraph, 10 November 1972); and Allens (Castlereagh Street), (Disputes Book, 1 December 1972).

188 The Builders' Labourer, 1972, p.25.

189 "Violence is a Bosses Weapon", The Builders' Labourer, 1972, p.27.

190 Correspondence: J. Munday to L. Boyce, Secretary. B.T.G., 12 April 1972.

191 Tony Hadfield, one of the arrested, remembers that after Pringle was assaulted, "B.Ls came into the Criterion looking for vigilantes, I just happened to be there". Interview: Tony Hadfield, 13 December 1976.

192 Tribune, 4-10 April 1972, p.11.

193 B.L.F., Police Interference in Union Affairs, (n.d.)

194 Ibid.

So at least in the minds of the Union leadership, the issue of the Summary Offences Act and the deregistration proceedings were intertwined. The leaflet also drew attention to the arrest of two Canberra builders labourers during the recent strike there.¹⁹⁵

The main contractor, Elcon, eventually agreed to the Union's demands to terminate the contract of the sub-contractor who had assaulted Pringle, and to withdraw the charges. A Conciliation Commissioner and a Judge of the N.S.W. Industrial Commission both informed the Police Commissioner that the industrial aspect of the dispute had been settled. The Union also contacted the Police Commissioner and called for the police to withdraw charges.¹⁹⁶ Despite all this, the police went ahead. The State Government under Askin had made little effort over the years to hide its dislike of the Union so this situation was not surprising.

On 8 May, builders labourers stopped throughout the state and held Mass Meetings in Sydney, Wollongong and Newcastle. F.E.D. & F.A. workers "on many jobs" responded to their State Council's recommendation to stop work also. Two hundred and fifty labourers and eighty F.E.D. & F.A. members marched on Central Court. A builders labourer was arrested in George Street when police attempted to force the march off the roadway. At the demonstration outside the Court, Jack Munday and Joe Owens spoke of police interference in industrial matters. Jack Cambourn, Secretary of the F.E.D. & F.A., pledged his union's support for all efforts to repeal the Summary Offences Act.¹⁹⁷

The court hearing lasted two days and on the second day, although no stoppages had been planned, "numbers of workers spontaneously stopped again and over 150 went to the Courthouse".¹⁹⁸

The Union's barrister, Jim Staples¹⁹⁹ argued that there was no case to answer and the magistrate, W. Lewer, dismissed the charges on the technicality that there was no evidence of any structure on the site as is necessary to substantiate charges of trespass. Afterwards "an exuberant meeting was held in front of the courthouse".²⁰⁰

Police interference and employer assaults continued however.

195 Ibid. Bob Thompson and Les Skerry.

196 Ibid.

197 Tribune, 16-22 May 1972.

198 Ibid.

199 The Federal Management Committee had also decided to brief Staples as junior counsel in their deregistration case. (Minutes: Federal Management Committee, 18 and 19 April 1972, p.6.)

200 Tribune, 16-22 May 1972.

According to the Union over a dozen physical attacks on organisers and delegates occurred during the year.²⁰¹ The Union wrote to the B.T.G. about the situation²⁰² but only on two occasions, once in a case where two B.W.I.U. officials had also been threatened, did the B.T.G. take any significant action.²⁰³ For instance, other building unions took no part in the demonstration on 8 May²⁰⁴ except for the F.E.D. & F.A.²⁰⁵

The fact that many B.L.F. organisers were assaulted and threatened whereas few from other unions were, is a reflection of the different industrial attitudes of the building unions. The B.L.F. organisers provoked assault, not by offering physical violence themselves²⁰⁶ but by their aggressive industrial attitudes and their refusal to "treat bosses as bosses".²⁰⁷ Also, the Union's successful campaigns had irritated employers far more than those of other unions as evidenced by letters to the editor²⁰⁸ and the deregistration proceedings.

The Union attacked what they saw as hypocrisy on the part of the employers in their journal. After listing a series of nine assaults by

201 Those recorded are: January - Dick Prendergast punched by a sub-contractor's son at Mt Druitt, (Tribune, 4-10 April 1972); Bob Pringle attacked by Croatian bricklayers at Allawah (B.W.I.U. officials threatened), (Correspondence: J. Munday to L. Boyce, Secretary, B.T.G., 12 April 1972); February - Bob Pringle punched and kicked (requiring hospital treatment) by employers on a Chatswood site, (The Builders' Labourer, 1972, p.25); Delegate, Dave Perrin punched by sub-contractor foreman on Coopers (Broadway) project, (Correspondence: J. Munday to L. Boyce, 12 April 1972); Employers' representative threatened to kill Brian Hogan on Drummoyne job, (The Builders' Labourer, 1972, p.27); Threat by a foreman to kill an organiser and B.L. on Structural Developments job (North Sydney), (Ibid.); March - same job, delegate physically attacked by new foreman, (Ibid.); (Bellevue Hill) attack on Bob Pringle, see above; August - shovel thrown at organiser V. Pires by foreman on Spiteri (Leichhardt) job, (Disputes Book, 2 August 1972); Foreman attacked and threatened Dave Thomason on Connolly (Oxford Street) site, (Ibid.); September - V. Pires assaulted by employer at Ashfield, (Ibid., 7 September 1972).

202 Correspondence: J. Munday to L. Boyce, Secretary, B.T.G., 12 April 1972.

203 The Builders' Labourer, 1972, pp.25-27 and B.L.F. Disputes Book, 1972.

204 The Union approached the other unions in the B.T.G. for support on 8 May. Both Tribune (4-10 April 1972) and the leaflet specifically referred to "36 workers", although only one was not a B.L.

205 The F.E.D. & F.A. is not strictly a building industry union having only a peripheral membership engaged in construction work. It is not a member of the B.T.G.

206 I can find no newspaper or M.B.A. evidence of any specific instance where organisers were accused of physical violence.

207 A phrase I often heard used.

208 Letters to the Editor from J.D. Martin, Executive Director M.B.A., Sydney Morning Herald, 21 January 1972 and 9 February 1972.

employers, about which the M.B.A. had remained silent, the journal added, "...this chronicle of events is only part of a pattern of intimidation and violence pursued by certain employers, and condoned by employer bodies and Government departments..."²⁰⁹ It also connected the physical assaults with arrests under the Summary Offences Act:

These actions all point to a deliberate policy of repression by the authorities in N.S.W. The M.B.A. are in the forefront of this. They are deliberately condoning violence to create "incidents" with a view to building up the old catch-cry of "Law-n-Order".²¹⁰

The journal also referred to practices in the industry such as pyramid sub-contracting and piecework, which cause serious breaches of safety provisions and therefore accidents. After detailing such incidents the journal declared:

The M.B.A. never put in an appearance when these matters are raised. Are these incidents classified as "Violent"? They are not publicised by Mr. Martin, Mr. Askin nor by their ally the Daily Telegraph, but if one building worker tomorrow hung one on a foreman it would be front page news, with appropriate cries from Martin and Askin.²¹¹

The same theme was repeated in August, when the Union was again embroiled in a media campaign to implicate its membership in acts of violence. Munday and Pringle issued a press statement which argued:

It is ironic that, on the very day that the M.B.A. began deregistration proceedings, our president was in Sydney Hospital undergoing a facial operation following an assault by an employer...

The M.B.A. has failed to control its own members and has been found wanting in its ability to enforce even the barest conditions of safety and amenities...

The fleecing of the public by fly-by-night contractors and the developer-inflated land prices should be thoroughly investigated. Once again we call for a Royal Commission into the whole industry. This would serve the public far better than the employers conducting a witch hunt against a militant union.²¹²

It was however, not just the employers who were conducting a witch hunt. The media and other unionists were also doing so. The August spate of criticism stemmed from an incident that occurred after the six weeks plumbers' strike in N.S.W. A mass meeting of plumbers had narrowly voted to return to work.

When the voting figures were announced, a crowd of men stormed the platform shouting that they had been "sold out". They cornered the union secretary, Mr. C. Signell, two organisers Mr. K. Tyler and Mr. L. McMahon, and Mr. Ducker.²¹³

209 "Violence is a Bosses' Weapon", The Builders' Labourer, 1972, p.27.

210 Ibid.

211 Ibid., p.29.

212 Cited in Pete Thomas, Taming the Concrete Jungle, pp.124-125.

213 Sydney Morning Herald, 22 August 1972.

The officials were threatened and "heaped with every kind of vilification and obscenity possible". Ducker was "kicked in the legs, and had to go home to rest". One of the cornered officials, Ken Tyler, alleged to the Herald that:

About 12 members of the Builders Labourers' Federation had joined the 50 plumbers in the Trades Hall foyer.

"They just appeared and mingled with the plumbers, jostling and threatening Les McMahon and John Ducker and myself."²¹⁴

He gave no proof that they were builders labourers, nor could he or anyone else during the affair produce any names. He probably made the statement for two reasons,²¹⁵ firstly to blacken by association the reputation of his own opposition, and secondly to associate the well organised rank and file group within the plumbers union with the C.P.A.²¹⁶ In this he was successful. Under the headline "Reds Blamed" the following day's Herald quoted Ducker:

These tactics are part of the strategy of the Communist Party of Australia, the Aarons-Mundey Communist Party.²¹⁷

From then on, the controversy centred, not around the plumbers but around the B.L.F. The A.C.T.U. Executive discussed the incident the following day and decided unanimously to "sweep violence out of the trade-union movement". Hawke made explicit his belief that the disciplinary measures sought "would also apply to the damaging of private property during strikes",²¹⁸ a statement directed exclusively at the B.L.F. as the only union to uphold publicly its right to destroy non-union work. The media coverage of this resolution emphasised the connection between Mundey, the C.P.A. and the plumbers rank and file group.²¹⁹ Mundey was never referred to without the reminder that he was

²¹⁴ Ibid.

²¹⁵ The B.L.F. regarded his allegations as part of the "frantic attempts of the employers and the right-wing of the union movement to involve the leadership of the N.S.W. Branch of the Union in the Plumbers' strike. The real position was that we gave the Plumbers' rank and file the utmost support...and the Plumbers themselves engaged in the same sort of activity as we did in N.S.W. in the big strikes of 1970 and 1971". (N.S.W. B.L.F., Federal Council Agenda Items, n.d. (late 1972), 6pp. roneod, p.6.

²¹⁶ The plumbers' rank and file group had arisen in response to the extreme right-wing leadership of N.C.C. operative Col Bignell. Consequently it was not a particularly radical organisation, encompassing as it did all strands of opposition. Only two rank and filers, Peter Lane and Frank Ball, were really active in the C.P.A.

²¹⁷ Sydney Morning Herald, 23 August 1972.

²¹⁸ Ibid. The S.P.A. also endorsed this view when criticising "the tactic of smashing scab-constructed plumbing", S.P.A., Ultra-Leftism: How it Harms the Worker, n.d. (Est. mid 1972), 5pp., roneod.

²¹⁹ Ibid. and The Australian, 23 August 1972.

on the National Executive of the C.P.A. This reminder was hardly necessary because the media coverage of the recent C.P.A. Congress had concentrated heavily on Munday's election to the Executive.²²⁰ Under headlines such as "C.P.A. Leadership Hardens Line"²²¹ and "Communists Throw Weight Behind Militant Unionism: Munday appointed to National post"²²² the press reports had virtually ignored the Party Secretary Laurie Aarons in favour of photographs and statements from Munday.

To emphasise the Communist connection with the plumbers' incident Bignell announced that "a number of this group [the plumbers involved in the incident] are members of the C.P.A."²²³ He also continued to repeat Tyler's allegations that the B.L.F. were involved in the scuffle.²²⁴ Munday rejected these accusations and challenged "those who made the allegations to come forward and name the B.L.F. men they claim to have seen there".²²⁵ He also challenged "right-wing union officials" to prove their accusations that the B.L.F. was involved in any violence during the plumbers' strike. He reiterated the Union's right to destroy non-union construction²²⁶ but concluded, "I abhor physical violence against any individual. The B.L.F. has never been party to such a philosophy".²²⁷ Despite these denials, and the lack of concrete evidence that B.Ls had been involved, Ducker persisted with the violence theme. He wrote to the Herald of the trade-union movement's unequivocal condemnation of violence "whenever and by whomever"

This applies to the tactics of the Builders Labourers' Federation who, for practising these methods, were suspended from the Labor Council in May 1971.²²⁸

Joe Owens replied to this letter, pointing out that those B.Ls responsible for the Union's 1971 suspension from Labor Council were

220 Sydney Morning Herald, 4 and 5 April 1972. The Australian, 31 March 1972 and 4 April 1972.

221 Sydney Morning Herald, 4 April 1972.

222 The Australian, 4 April 1972.

223 Sydney Morning Herald, 23 August 1972. Joe Owens, (Letter to the Editor, Sydney Morning Herald, 2 September 1972) accused Ducker of propagating an "anti-communist over-reaction reminiscent of the McCarthy era". A similar hysterical emphasis on Communism occurred when Munday was invited to speak at a seminar in Hobart organised by the Tasmanian Environmental Action Committee. See Hobart Mercury, 26 August 1972 and Launceston Examiner, 26 August 1972.

224 Sydney Morning Herald, 23 August 1972.

225 Ibid.

226 Ibid.

227 The Australian, 23 August 1972.

228 Sydney Morning Herald, 2 September 1972.

suspended by the State Branch and had been opponents of the N.S.W. leadership for many years. "I might add that some of these people are standing against myself and others in the current N.S.W. branch elections".²²⁹

These allegations of violence coincided with a media onslaught over the environmental bans issue. In just twelve days in August the Sydney Morning Herald devoted five editorials to attacking the N.S.W. B.L.F. leadership.²³⁰ One of these skilfully combined the issues of violence and the environment:

There is something highly comical in the spectacle of builders laborers, whose ideas on industrial relations do not rise above strikes, violence, intimidation and the destruction of property, setting themselves up as arbiters of taste and protectors of our national heritage.²³¹

The Sun, less pretentious but more explicit, made the same connection:

...Nothing in the Federation's recent history of building site violence - and the bashing of a Trades Hall delegate - suggests its new cause [environmental bans] will lead to anything but anarchy.²³²

An equally hostile editorial in The Australian entitled "Ridiculous Mr. Munday"²³³ cited an inaccurate article by Dennis Minogue²³⁴ and concluded that:

When the vocal leader of a tiny minority in one union begins to sway public and municipal decisions on multi-million-dollar questions in which he has no expertise whatever, it is time to begin asking what has gone wrong with the process of government in this country.²³⁵

When Munday replied to this "tiny minority" allegation by asking who

²²⁹ Sydney Morning Herald, 2 September 1972.

²³⁰ Pete Thomas, Taming the Concrete Jungle, pp.117-118.

²³¹ Sydney Morning Herald, 14 August 1972.

²³² The Sun, 19 January 1972.

²³³ The Australian suffered somewhat from editorial schizophrenia or perhaps a multiplicity of editorial writers because an editorial two weeks previously (22 August 1972) was sympathetic about the Opera House Car Park ban.

²³⁴ Denis Minogue, "Portrait of a Militant", The Australian, 5 September 1972. Minogue makes impossible generalisations about the building industry. He makes judgements about the percentage of the membership that voted for Munday with no comparative analysis of other unskilled, itinerant unions, nor of the specific circumstances of the 1970 election. (Every member knew Lynch did not have a chance against Munday so there was little interest in the election.) Munday himself criticised the article by pointing out that Minogue's "'in depth' study of Jack Munday consisted of a half hour talk in a hotel bar" (Letter to the Editor, The Australian, 7 September 1972).

²³⁵ The Australian, 5 September 1972.

voted for Rupert Murdoch or the editor of The Australian,²³⁶ another newspaper, Nation Review, declared the result "Mundey 5, The Australian love".²³⁷

Attacks over the bans were not limited to the media. Ralph Marsh, the Secretary of the N.S.W. Labor Council, had attacked Mundey along "who-does-he-think-he-is" lines at the Council meeting following the Union's imposition of the Pitt Street Church ban²³⁸ in February. Mundey also became the subject of a sermon preached by Anglican minister Alan Nichols in St Andrew's Cathedral. Nichols believed it was "remarkable that trade union leaders like Jack Mundey, an avowed Communist, should be making decisions on moral and social issues on behalf of the Australian public". He referred to those who had made "unionism another religion" and stated specifically that "builders' labourers have no special right to dictate policy on such matters as the preservation of historic buildings".²³⁹

In the face of such attacks a stop-work meeting of about 1000 members of the B.L.F. "unanimously and enthusiastically re-endorsed the Union's policy of action on environmental issues" at the Paddington Town Hall in early August. Stop-work meetings in other N.S.W. centres had also endorsed the bans policy.²⁴⁰

The next attack on the Union leadership created more headlines than the bans and violence issues together. In the middle of the plumbers' controversy Bob Pringle eventually stood trial for his 1971 direct-action protest of sawing down the goalposts at the S.C.G. during the Springbok Tour. Pringle and his co-defendant John Phillips were kept in custody during the three days trial. They were convicted of malicious injury and Judge Head held over his sentence until the following day.²⁴¹ The Union held a special Executive meeting which decided to ask labourers "to walk off the job...to attend the sentencing". Mundey also

236 Jack Mundey, Letter to the Editor, The Australian, 7 September 1972.

237 Nation Review, 8 September 1972. Nation Review was a left liberal weekly with a small circulation. It was the only "mass" media publication to support the B.L.F.'s activities.

238 Marion Macdonald, "Developers Make Him See Green", The Bulletin, 12 May 1973, p.35.

239 Alan Gill, "Unions Usurp Moral Right of Church", Sydney Morning Herald, 23 September 1972. He saw the role of the trade union as simply protecting the worker at work and denied that unions should be concerned with "man's whole state and the quality of life". Such views are not surprising from the Sydney Anglican diocese which is known for its fundamentalist, conservative philosophy.

240 Tribune, 22 August 1972.

241 Sydney Morning Herald, 23 August 1972.

announced that if Pringle was sentenced to gaol the Union would call for a national strike.²⁴² More than a hundred police "including detectives from the Subversive Activities Squad" were present at the court.²⁴³ Pringle and Phillips were fined \$500 each and placed on \$1000 good behaviour bonds.²⁴⁴ A crowd of builders labourers, estimated at four hundred²⁴⁵ booed the verdict and at a gathering on the lawns outside the court Munday told the members that "the two men would have been jailed if we hadn't demonstrated and considered a national strike".²⁴⁶

Munday also spoke to television reporters, including Steve Raymond from Channel 2. He called the decision "a miscarriage of justice" and maintained that "it showed that the judge himself was a racist".

It shows you the extent to which racism exists within our society and it shows you what a tremendous problem we have, all Australians, to overcome this deeply ingrained racism.²⁴⁷

He repeated his belief that it was "the spontaneous action of workers walking off jobs that stopped the racist Judge from sending these two men to jail".²⁴⁸

The following day Liberal M.L.A., Peter Coleman, asked the Attorney-General, McCaw in Parliament whether he was aware that Munday had called Head "a racist Judge". He also detailed Munday's other statements. McCaw replied that he would call for transcripts of the interview and seek advice on whether action could be taken against Munday for contempt of court. McCaw made it clear however that whatever the crown law officers advised, his own decision had definitely been made:

I believe this man Munday, wants to destroy the institutions [the courts] to which I have referred. He has made an effort to do it on other occasions. This community is in real danger from people like Mr. Munday and those who share his views.²⁴⁹

Consequently Munday was charged with Contempt of Court in September. The Crown cited the remarks made to the crowd and to the television

²⁴² The Australian, 23 August 1972.

²⁴³ Daily Mirror, 23 August 1972.

²⁴⁴ The Sun, 23 August 1972. This sentence was overthrown by Justices, Kerr, Jacobs and Meares in the Court of Appeal, a decision which was reported to have angered the Askin Government. The Australian, 27 September 1973.

²⁴⁵ Daily Mirror, 23 August 1972. Two hundred inside the courtroom and two hundred outside.

²⁴⁶ Sydney Morning Herald, 24 August 1972.

²⁴⁷ Transcript of Interview: Annexure B to Affidavit, 14 September 1972, 3pp., typed.

²⁴⁸ Ibid. A good indication of the pace at which events were moving is the fact that the interview also contained questions regarding Hawke's statements condemning "violence" during the plumbers' controversy.

²⁴⁹ Sydney Morning Herald, 25 August 1972.

reporters.²⁵⁰ D. Rofe, for the Attorney General, submitted that Munday's remarks "constituted a very serious contempt of court"²⁵¹ and that they "far exceeded legitimate criticism of a judge".²⁵² J.A. Leslie, for Munday, reserved the defence and proceedings were adjourned to 12 October.

From this stage onwards it is noticeable that media coverage of the case restricted itself to a strict detailing of events. No editorials appeared on the matter at all. Presumably even the media was a little intimidated by the prospect of contempt charges. As it happened, several media reporters narrowly escaped contempt charges for disseminating Munday's original statements.²⁵³

The other feature of this remand period was the organisation of a massive "Defend Jack Munday Campaign". Before the case was finally decided in late December, an interesting collection of people became involved in the "Jack Munday Defence Committee" which was set up on 27 September. The original signatories to the letter which began the campaign were representative of the support the Union had generated. The nineteen names included black activists, environmentalists, clergymen, unionists, draft resisters, a writer (Frank Hardy), an anti-apartheid campaigner, student activists and feminists. The letter raised the issues of freedom of speech and racism in Australia and South Africa. It asked recipients to join the Defence Committee and to sign a statement repeating the allegations that Munday had made in order to place themselves in a similar "contempt of court" situation.²⁵⁴ Five hundred and fifty three people including two members of parliament signed the statement.²⁵⁵ Money and messages of support were received from all over Australia. Resident activists, aborigines and students were predictably heavily involved but so too were academics, lawyers, migrants and astonishingly (to some people at least) Nobel Laureate Patrick White.

This week Mr. White walked into the Builders Laborers Federation office in Sydney and donated \$100 to the "Jack Munday Defence Committee"...Mr. White and Mr. Munday are united in their opposition to the plan to build a \$76 million sports complex in Sydney's Moore Park-Centennial Park area...

But, according to Mr. Bob Pringle...union officials got "quite a shock" when Mr White put his money on the political, rather than

250 Sydney Morning Herald, 23 September 1972.

251 The Sun, 22 September 1972.

252 The Australian, 23 September 1972.

253 Sydney Morning Herald, 17 November 1972 and Canberra Times, 17 November 1972.

254 Leaflet, Jack Munday Defence Committee, 27 September 1972, 2pp. roneod.

255 Leaflet, Askin and the Developers Want Munday Out of The Way, n.d.; also Correspondence: R. Pringle, Convenor, Jack Munday Defence Committee, to Mr. McCaw, State Attorney-General, 14 November 1972.

the environmental issue.²⁵⁶

Unionists involved in the campaign came from the A.M.W.U., the F.E.D. & F.A., the Painters and Dockers, Actors Equity, the Miscellaneous Workers Union, the Fire Brigade Employees Union, the Miners' Union, the Seamen's Union and Newcastle and Wollongong Labor Councils.²⁵⁷

From within the building industry, individual support came from Pat Clancy, Hugh Hamilton (B.W.I.U. secretary in Queensland who was a member of the C.P.A.), Don McHugh, (A.C.T. B.L.F.), the Newcastle B.T.G., the Newcastle branch of the Plumbers' Union, and individual Victorian plumbers.²⁵⁸ The statement of contempt was signed by 160 builders labourers.²⁵⁹ Absent from the list was Norm Gallagher.

On the eve of the court case, a half page advertisement in the Sydney Morning Herald appeared, authorised by the "Planning for People Campaign". It was addressed to "Citizens of Sydney" and argued that the B.L.F. was "under political attack because of their stand on protection of the environment".²⁶⁰

The Defence Committee also produced a four page leaflet headed "Why Can't we Question Judges?" and invited people to sign a statement declaring that they believed "that actions taken by the B.L.F. and Jack Munday as its Secretary to preserve the environment against activities of big property developers have aroused political hostility in influential circles". The statement concluded: "We the undersigned declare our belief that this is a political prosecution launched by decision of the N.S.W. Government". The leaflet informed readers that the above statement had been submitted to The Australian as an advertisement and had been refused on legal grounds. "This is another example of how the Law of Contempt is used in this state to prevent free speech."²⁶¹

When Munday appeared in October "riot squad detectives patrolled the Supreme Court".²⁶² A crowd of two hundred attended the Court²⁶³ and the "packed public gallery comprise[d] mainly builders' laborers".²⁶⁴

²⁵⁶ The Australian, 10 November 1972.

²⁵⁷ Handwritten statements on Leaflet Jack Munday Defence Committee, 27 September and Petition, We Challenge Attorney General McCaw, n.d., roneod.

²⁵⁸ Ibid.

²⁵⁹ Roneod list attached to Correspondence: R. Pringle to Mr. McCaw, 14 November 1972.

²⁶⁰ Sydney Morning Herald, 15 October 1972.

²⁶¹ Red Pen Publications, Why Can't We Question Judges?, n.d., 4pp.

²⁶² Daily Mirror, 12 October 1972.

²⁶³ Sydney Morning Herald, 13 October 1972.

²⁶⁴ Illawarra Mercury, 13 October 1972.

Judge Hope set 15 November as the date for the trial.²⁶⁵

The Union asked Metropolitan job organisers to have delegations from their jobs attend the court.²⁶⁶ Amidst constant publicity and a dramatic showing of the offending T.V. film in court,²⁶⁷ Munday continued to maintain that "the real issue was the question of racism and apartheid".²⁶⁸

Hope reserved his decision,²⁶⁹ and eventually handed it down just before Christmas, possibly in an attempt to avoid large-scale demonstrations. Hope found Munday guilty on only one of the two charges, describing his statement that labourers in court had influenced the verdict as "scandalising contempt".²⁷⁰ He ordered Munday to pay two-thirds of the cost of proceedings.²⁷¹ The verdict received massive statewide publicity, being reported in detail in all the Sydney papers as well as the Newcastle Sun,²⁷² the Grafton Examiner,²⁷³ the Newcastle Morning Herald,²⁷⁴ and the Broken Hill Truth.²⁷⁵

However, before the Contempt case was finalised, the Union had already become embroiled in another major controversy. Possibly triggered by the ban on the Regent Theatre,²⁷⁶ the State Cabinet announced, yet again, that it was considering setting up a Royal Commission to investigate the B.L.F.'s black bans. Ministers wanted to "probe the sources of financial support for the union [and examine] reports...of intimidation and violence".²⁷⁷

The Union immediately called a state-wide stoppage for the following week to protest at what it termed "blatant State Government interference

265 The Sun, 20 October 1972.

266 B.L.F., Circular to All Job Organisers, No. 24/72, 13 November 1972, and No. 25/72, 15 November 1972.

267 Sydney Morning Herald, 16 November 1972.

268 Sydney Morning Herald, 21 November 1972.

269 The Australian, 22 November 1972.

270 Daily Mirror, 21 December 1972. Two academic lawyers believed that Munday's case highlighted deficiencies in the N.S.W. Contempt laws. They referred to "a potential danger which became a real one in the Munday case: although a tribunal may not in fact have been influenced by public comment, people may think that it was". Michael Coper and Robert Hayes, "How to Hush Up a Scandal", Sydney Morning Herald, 11 July 1973.

271 The Australian, 22 December 1972.

272 Newcastle Sun, 21 December 1972.

273 Grafton Examiner, 22 December 1972.

274 Newcastle Herald, 22 December 1972.

275 Broken Hill Truth, 22 December 1972.

276 The day before the Cabinet's discussions, the Regent Theatre was passed in at auction; the B.L.F. ban being "reported to have inhibited bidding", Sun, 1 November 1972.

277 Ibid.

in our affairs".²⁷⁸ Munday challenged the Government to hold a Royal Commission into all aspects of the building industry:

If the terms of reference are broadened to include a searching investigation into the activities of real estate agents and so-called developers, we believe that the commission would prove to be most interesting and of immense public concern...but we oppose [the Government's] vendetta against our union.²⁷⁹

Askin condemned "Munday's latest example of irresponsibility"²⁸⁰ and claimed that "responsible N.S.W. people have had a gutful of this self-avowed Communist". He said that the actions of the N.S.W. B.L.F. would lose the Federal Election for the Labor Party.²⁸¹ The following day the Minister for Labour and Industry, Mr Hewitt, took up the attack. Speaking at the annual meeting of the Employers' Federation he urged employers and individuals to take action against "union violence and intimidation". He applauded the actions of "responsible" union leaders such as John Ducker but continued: "There seemed little [that] union leaders could do when well-organised factions gained control of unions, as in the case of the Builders Labourers' Federation".²⁸² He called the formation of vigilante groups "a very disturbing innovation to the strike pattern"²⁸³ and expressed concern that such activity appeared to have spread to "a section of the Plumbers' Union".²⁸⁴

Askin followed this with an extraordinary press release which was reported in the print media and on the A.B.C. News:

Mr Munday and his musclemen have created a reign of fear within the Builders Laborers Federation itself and the building industry generally.

Thousands of migrants in the union understand little English. Half the time they do not know what they are voting for but they do know that if they do not vote the way Munday wants they are liable to be bashed. Cases have been brought under my notice but victims are too afraid to lay charges.

He then resurrected the Pedy Concrete allegations of 1971 and claimed: "The police have investigated every case brought under notice but due to the fear complex which surrounds the building industry up-to-date, the police have not been able to get enough evidence".²⁸⁵

Although much of the vehemence of the State Government's offensive

²⁷⁸ Daily Mirror, 1 November 1972.

²⁷⁹ Sydney Morning Herald, 2 November 1972.

²⁸⁰ Sun, 2 November 1972.

²⁸¹ Sydney Morning Herald, 3 November 1972.

²⁸² Sun, 3 November 1972.

²⁸³ The Australian, 4 November 1972.

²⁸⁴ Sydney Morning Herald, 4 November 1972.

²⁸⁵ Document: Statement over A.B.C. on 4.11.72 News 7.10 pm: Mr Askin, Press Statement, lp. ronoed.

can be attributed to the impending Federal Election, there also appears to have been a concerted attempt to destroy the reputation of the B.L.F. at this stage. For, almost immediately, the State Legislative Assembly began debating a private member's motion proposed by Peter Coleman which called for an investigation of "industrial anarchy and politically motivated violence instigated by militant union leaders".²⁸⁶ The debate centred upon the N.S.W. B.L.F. Coleman claimed that "the urban guerilla warfare caused by men moving from work site to work site had reached a stage where the Government had to take action".²⁸⁷ The Minister for Education Eric Willis accused the B.L.F. of wanting to "impose its will on the community rather than let people responsible do as they had planned". He cited as evidence for this accusation the bans on Kelly's Bush, the Opera House car park, the Pitt Street Church, Eastlakes, the Glebe expressway, the three office buildings in Martin Place, and finally The Rocks project. He concluded:

If Mr Munday had been on the scene during the past 10 years, Sydney may not have had many major commercial and retail developments. Indeed if he is around for much longer it will be a very sad thing indeed.²⁸⁸

The A.L.P. members made little attempt to defend the Union. In fact, Sid Einfeld referred to Munday as "an enemy of the workers and an enemy of the people".²⁸⁹ Most speakers on the Government side referred to action taken during the plumbers' strike and connected these activities with the B.L.F. This gives some clue to the Government's motives for such a sustained outburst. The Government feared that the B.L.F. style would spread to other unions. The bans were beginning to seriously threaten the future of development activity in the State so the Askin Government wished to discredit Munday and contain, if not eliminate, the environmental bans. The Liberal Party's attack was not just pre-election union bashing. As the Herald had pointed out at the beginning of the offensive: "So far the Government has found no tactic to counter the situation, which has been causing it increasing concern".²⁹⁰

Mass stop-work meetings of labourers on 7 November unanimously endorsed the State Executive's recommendation to take legal action against Askin for his "Munday's muscle men" allegations.²⁹¹ This did not deter Askin. A week later he told a Liberal Party election rally

²⁸⁶ Sydney Morning Herald, 8 November 1972.

²⁸⁷ Ibid.

²⁸⁸ Sydney Morning Herald, 9 November 1972.

²⁸⁹ Daily Mirror, 9 November 1972.

²⁹⁰ Sydney Morning Herald, 2 November 1972.

²⁹¹ Sydney Morning Herald, 8 November 1972 and Newcastle Morning Herald, 8 November 1972.

that the real masters of the Labor Party were "Messrs Hawke, Munday, Carmichael, Halfpenny and Crawford and all the rest of the left-wingers with a good sprinkling of commos...But don't under-estimate some of these vermin". He then proceeded to single out Munday again for special treatment.²⁹² This time he received defamation writs from Hawke and the A.M.W.U. as well as Munday.²⁹³ Although the tone of the State Government's attacks became more subdued following the A.L.P.'s Federal Election victory, the hostility remained.²⁹⁴

As for the new Federal Government, the B.L.F. greeted it with some ambivalence. Whilst builders labourers had been encouraged to work for a Labor victory²⁹⁵ and the Union had donated to A.L.P. funds,²⁹⁶ Munday himself was hesitant about declaring unequivocal support. On the Channel 9 program "Federal File" he declared that there was a danger that the A.C.T.U. under Hawke would be too co-operative with a Labor Government; he repeated that there was a need for workers to take direct action; and he maintained that the industrial movement would be demanding a fairer say, "a bigger share of the cake and more social progress for the workers".²⁹⁷

Munday's comments to the membership on the year's activities concentrated on the attacks which the Union had undergone. He put the Union's position clearly:

During 1972 we witnessed many vocal and hysterical attacks on the N.S.W. branch...it is evident that the reason for these attacks is because the Union has intervened in social and political issues of great concern to all Australians but issues which, in the past, have been ignored or neglected by the Union movement...for a union to be meaningful it must speak up on all issues affecting the life of not only the members of a union but all Australian people.

Because of our criticism of the Government and the way in which it has favoured so-called developers, because we have imposed environmental bans at the request of residents and other professional groups, we have caused the wrath of those powerful and vested financial interests, thus the attacks on this union.²⁹⁸

292 The Australian, 16 November 1972.

293 The Australian, 18 November 1972. See chapter 8 for further details.

294 See chapters 7 and 8.

295 N.S.W. B.L.F., Circular to All Job Organisers, No. 26/72, 17 November 1972.

296 Union policy at this stage was to fund the A.L.P. and the C.P.A. on an equal basis for elections. (Interview: Jack Munday, 3 April 1978)

297 Sydney Morning Herald, 11 December 1972.

298 N.S.W. B.L.F., Circular to All Job Organisers, No. 1/73, 24 January 1972.