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## The origins and history of the Transport Workers' Union of Australia, 1883-1975

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**THE ORIGINS AND HISTORY OF THE TRANSPORT  
WORKERS' UNION OF AUSTRALIA  
1883-1975**

A thesis submitted in fulfilment of the requirements for the award of the degree

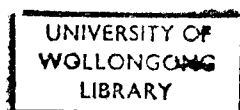
DOCTOR OF PHILOSOPHY

from

THE UNIVERSITY OF WOLLONGONG

by

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DEPARTMENT OF HISTORY AND POLITICS  
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## **Abstract**

This thesis traces the origins and history of the Transport Workers' Union of Australia between the early 1880s and 1975, analysing the factors that aided and constrained its emergence as the predominant trade union organisation in Australia's road transport sector.

In attempting to organise road transport workers the Transport Workers' Union and its predecessor organisations have faced peculiar problems. Road transport is a highly fragmented industry, with drivers spending a large part of their working lives isolated from each other within their vehicles. While the Transport Workers' Union and its predecessor organisations have found their strongest support amongst workers employed by large professional carrying firms, the majority of drivers have been employed by firms for whom transport has been merely an ancillary part of their business. In addition the industry has remained characterised by the continued existence of a large workforce of owner-drivers with interests and aspirations often different from those of wage-earning drivers.

If Australia's pioneer road transport unions were forced to rely on unilateral or collective bargaining backed by industrial action during the 1880s and 1890s in attempting to regulate employment conditions, the union's subsequent development has been largely shaped by the structures of compulsory arbitration, and the strategies which the union has developed to utilise or oppose those structures. Politically support for arbitration within the union was identified with the Labor Party, which sought to use the regulation of working conditions through compulsory arbitration as an adjunct to parliamentary reforms that would civilise, rather than overturn, capitalist social relationships. By contrast, until 1956 supporters of industrial militancy and collective bargaining backed by industrial action within the union tended to be associated with either radical socialists or communists who sought to link industrial struggles with the revolutionary transformation of society.



Between the early 1900s and the mid-1950s tensions between an arbitration-oriented strategy and collective bargaining backed by industrial action provided the major factor inhibiting attempts to create a single union covering all of Australia's road transport workers. While supporters of laborism and an arbitration-oriented strategy dominated the union's history between 1901 and 1956, rigid reliance on arbitration resulted in the conservatisation and bureaucratisation of the union. This strategy did little for self-employed drivers who had provided the backbone of many of the pioneer road transport unions during the late nineteenth century. Attempts by radical socialists between 1910 and 1914 to challenge the union's reliance on arbitration proved unsuccessful. Similarly, communist efforts to dislodge the Labor leadership of the TWU during the 1940s initiated a prolonged period of factional strife that seriously weakened the union's internal cohesion without affecting its reliance on compulsory arbitration.

After 1956 the TWU witnessed the gradual disintegration of the communist presence within the union. At the same time a new generation of industrially militant Labor activists gained control of it. While remaining broadly divided between Left and Right—divisions that contributed to a formal split between the Federal and NSW Branches during 1969—these activists were able to successfully combine elements of both an arbitration-oriented strategy and collective bargaining backed by industrial action. By combining these two strategies the TWU was able to maximise its gains within Australia's industrial relations system, securing major gains for both wage-earning and self-employed drivers. These gains, however, resulted in the union civilising, rather than overturning, capitalist social and economic relationships within the road transport industry.

## Acknowledgements

This thesis was funded by a scholarship provided by the Transport Workers' Union over a three year period. In addition the union provided access to its records and minutes, without at any point attempting to influence either the writing of this thesis or its conclusions. For all the support offered by the union the author is especially grateful. Special thanks must be offered to Ivan Hodgson, the TWU's Federal Secretary, and the various Branch Secretaries who made their records and minutes freely available.

Additional thanks must also be offered to my supervisors, Jim Hagan and Andrew Wells, for their help and encouragement. Acknowledgement must also be given to the skill and care of Marion Allen and Kerri Meikle in typing this thesis.

Throughout the writing of this thesis the greatest support has come from my wife Toni and my daughter Katrina, who left friends and family in Brisbane so that this study could be undertaken. Without their encouragement this thesis would not have been completed.

## Abbreviations

ACTU	Australian Council of Trade Unions
ACU	Australian Carriers' Union
AEHR	Australian Economic History Review
AEU	Amalgamated Engineers' Union
AGPS	Australian Government Printing Service
ALF	Australian Labour Federation
ALP	Australian Labor Party
AMIEU	Australian Meat Industry Employees' Union
ANU	Australian National University
ANUABL	Australian National University Archives of Business and Labour
ARTF	Australian Road Transport Federation
ARTWU	Amalgamated Road Transport Workers' Union
ASPRDA	Adelaide and Suburban Port Road Drivers' Association
ASU	Australian Shearers' Union
AWU	Australian Workers' Union
AWU(Q)	Australian Workers' Union (Queensland)
BCOM	Branch Committee of Management
BJIR	British Journal of Industrial Relations
CAR	Commonwealth Arbitration Reports
CARR	Commonwealth Arbitration Commission's Registrar's Records
CDEADC	Carters' and Drivers' Employers' Arbitration Defence Committee
CLR	Commonwealth Law Reports
CPA	Communist Party of Australia
CPP	Commonwealth Parliamentary Papers
CQCU	Central Queensland Carriers' Union
FCOM	Federal Committee of Management
FEDFA	Federated Engine Drivers' and Firemans' Association
FLR	Federal Law Report
GC&CCA	General Carriage and Cartage Contractors' Association
GDP	Gross Domestic Product
GNP	Gross National Product
H&MDU	Horse and Motor Drivers' Union
IBT	International Brotherhood of Teamsters
IPEC	Interstate Parcel Express Company
IRO	Industrial Research Officer
IWW	Industrial Workers' of the World
JIR	Journal of Industrial Relations

LDRTA	Long Distance Road Transport Association
LODA	Lorry Owner-Drivers' Association
MCA	Master Carriers' Association
MLC	Maritime Labour Council
MOEA	Motor Omnibus Employee's Association
MT&CA	Motor Transport and Chauffeurs' Association
NCC	National Civil Council
NFFA	National Freight Forwarders' Association
NLB	New Left Books
NSW	New South Wales
NSWAR	New South Wales Arbitration Reports
NSWIG	New South Wales Industrial Gazettes
NSWPP	New South Wales Parliamentary Papers
NSWRTA	New South Wales Road Transport Association
NSWVP	New South Wales Votes and Proceedings
OMLDA	Owner Motor Lorry Drivers' Association
PJT	Prices Justification Tribunal
Q'd	Queensland
QGG	Queensland Government Gazettes
QIG	Queensland Industrial Gazettes
QLU	Queensland Labourers' Union
QSU	Queensland Shearers' Union
QVP	Queensland Votes and Proceedings
SA	South Australia
SADA	South Australian Drivers' Association
SAGG	South Australian Government Gazettes
SAPP	South Australian Parliamentary Papers
T&GWU	Transport and General Workers' Union
T&MOU	Transport and Motor Operators' Union
Tas	Tasmania
TDCU	Trolley, Draymen and Carters' Union
TEC	Transport Employers' Committee
TGG	Tasmanian Government Gazettes
THC	Trades Hall Council
TJPP	Tasmanian Journals and Parliamentary Papers
TLC	Trades and Labour Council
TNT	Thomas Nationwide Transport
TRTA	Tasmanian Road Transport Association

TWU	Transport Workers' Union
ULP	United Labour Party
ULU	United Labourers' Union
UTLC	United Trades and Labour Council
VEF	Victorian Employees' Federation
VGG	Victorian Government Gazettes
Vic	Victoria
VRTA	Victorian Road Transport Association
VVP	Victorian Votes and Proceedings
VVP(LA)	Victorian Votes and Proceedings (Legislative Assembly)
WA	Western Australia
WAAR	Western Australian Arbitration Reports
WAIG	Western Australian Industrial Gazettes
WARTA	Western Australian Road Transport Association
WLU	Wharf Labourers' Union
WWF	Waterside Workers' Federation

## **A Note on the Spelling of labour, Labor and laborism**

In this thesis a distinction is made between the 'labour' movement as a whole and the 'Labor' Party. Similarly 'laborism' is defined as the political current which seeks parliamentary reform through the agency of the Labor Party. While laborism has been the dominant ideology within the Australian labour movement it is by no means identical with it. Like Labor, laborism is spelt without a 'u'.

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# INTRODUCTION

This study has as its focus the unionisation of Australia's road transport workers through the Transport Workers' Union of Australia (TWU) and its predecessor organisations—the Amalgamated Road Transport Workers' Union (ARTWU), the Federated Carters and Drivers' Industrial Union (FCDIU) and the pioneer drivers' unions which developed from the early 1880s. In its essential features, therefore, this thesis has a narrow scope, concentrating as it does on the organisation of one section of Australian labour.

In the two hundred years of Australian white settlement it is technological change that has provided the major factor in shaping the economic and industrial relationships between road transport workers and the wider society. Originally the dominant form of land transport, road transport steadily diminished in importance between the late 1850s and 1914 as rail and tramway services developed, only to be restored to a position of pre-eminence through the spread of motorised transport after 1914. Yet if the changing fortunes of road transport have defined the parameters for the interaction of the industry's workers with the wider society, the ultimate industrial fate of these workers—and of the unions which they created—has been determined by their own actions, by the way in which they have overcome the obstacles before them and made the most of their opportunities.

This thesis does not attempt to provide a total history of industrial relations within the Australian road transport industry. Instead, as a work of labour history, and more specifically as a trade union history, it focuses only on those who sought to shape their own destinies through participation in the ranks of the TWU and its predecessor organisations. Those sections of the workforce in road transport who decided to remain outside the union are not part of this history except in the negative sense that their non-participation hindered the union's growth.

The narrow scope of this thesis may attract its critics. The writing of labour history in Australia, particularly of trade union history, has long found only a hesitant acceptance. Until the 1950s the practitioners of trade union and labour history were to be found largely outside of universities.<sup>1</sup> This was despite the fact that labour history's two most powerful pioneers, V. Gordon Childe and Brian Fitzpatrick possessed university training. While Childe was eventually to pursue a distinguished overseas career in the study of human pre-history, after earlier being unable to secure an Australian university position, Fitzpatrick was to remain excluded from academia.<sup>2</sup>

In Australia the writing of academic labour and trade union history dates from the late 1950s and the early 1960s when its study was undertaken by a group of radical scholars—commonly designated the 'old left'—whose commitment to their work often stemmed from their own active involvement in the labour movement.<sup>3</sup> Academic trade union history was initiated in 1963 with the publication of Robin Gollan's *The Coalminers of New South Wales*. This was soon followed by Jim Hagan's *Printers and Politics* in 1966. In the ensuing decade further academic trade union histories followed, comprising yet another study of printers, two works on the Amalgamated Engineers, and a history of the NSW Teacher's Federation.<sup>4</sup>

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1 Prominent pioneer efforts in labour history include W.E. Murphy, *History of the Eight-Hours Movement*, (Spectator Publishing Co. Ltd., Melbourne, 1896), J. Norton (Ed) *The History of Capital and Labour in All Lands and Ages*, J Norton (Ed), (Oceanic Publishing Co, Sydney and Melbourne, 1888) and W.G. Spence, *Australia's Awakening*, (Worker Trustees, Sydney, 1909). Also by Spence was the first, and for almost fifty years the only, trade union history, *The History of the AWU*, (Workers Trustees, Sydney, 1911).

2 Childe's reputation in labour history rests on a single, sweeping indictment of the politics and organisation of Australian labour first published in 1923. See Vere Gordon Childe, *How Labour Governs*, (Melbourne University Press, Melbourne, 1968). Fitzpatrick, by contrast, while most famous for his *A Short History of the Australian Labour Movement*, (Macmillan, Melbourne, 1940) also undertook wider studies of Australian economic relationships. See Brian Fitzpatrick, *The British Empire in Australia*, (Melbourne University Press, Melbourne, 1949). Also Brian Fitzpatrick, *British Imperialism and Australia, 1783-1833*, (Allen and Unwin, London, 1939).

3 Amongst the major contributions of this group in the late 1950s and early 1960s were Robin Gollan, *Radical and Working Class Politics in Australia: A Study of Eastern Australia, 1850-1910* (Melbourne University Press, Melbourne, 1960), Eric Fry, *The Condition of the Urban Wage-Earning Class in Australia in the 1880s*, (Ph.D Thesis. ANU, 1956) and Ian Turner, *Industrial Labour and Politics* (ANU Press, Canberra, 1965). For a detailed study of this group, which also included Russel Ward, Lloyd Churchward and Jim Hagan, see Andrew Wells, "The Old Left Intelligentsia, 1930 to 1960", in B. Head and J. Walter (Eds), *Intellectual Movements and Australian Society*, (Oxford University Press, Melbourne, 1988).

4 Robin Gollan, *The Coalminers of New South Wales*, (ANU Press, Canberra, 1963), Jim Hagan, *Printers and Politics*, (ANU Press, Canberra 1966). The ensuing works were: R.T. Fitzgerald, *The Printers of Melbourne*, (Pitman, Melbourne, 1967), K.D. Buckley, *the Amalgamated*

By the early 1970s, however, the writing of such academic labour history was coming under criticism, most notably from the 'New Left'. Stuart Macintyre summed up the short-comings that the New Left felt were inherent in the writing of labour history when he declared:

The primary task of any Marxist historian should be the analysis of the full complexity of class oppression and this cannot be achieved by considering a class by itself—it must involve a consideration of class relations. The radical academics have failed to do this.<sup>5</sup>

In fact it could be argued that the union histories of Hagan, Ken Buckley and Tom Sheridan, through their demonstration of the importance of craft organisation, did as much to explain the failure of a common class organisation to emerge in Australia as more elaborate efforts to define class relations by R W Connell and T H Irving.<sup>6</sup>

If criticism of labour history from the left has largely abated with the disintegration of the New Left, the cudgels have been taken up by other critics. It is perhaps inevitable that it is against those who would question the purpose of trade unions themselves as well as the methodology of labour history that trade union historians have to mount their most resolute defence. In the writing of trade union history the union's growth, additions to its bargaining power, and its ability to wage successful strikes invariably become positive values, proof of the organisation's success. Yet for capital and the intellectual Right the successes of unions are often viewed merely as restraints on individual liberty. In condemning the labour historiography of the 'old left' in 1962 Peter Coleman challenged their advocacy of the democratic ethos of Australian labour, noting "along with the democratic 'innocence' went the snarl of the collectivist bully."<sup>7</sup>

In recent years the perception that unions inhibit the exercise of individual liberty has been stated with renewed clarity with the emergence of the 'New Right'—an

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*Engineers in Australia*, (ANU Press, Canberra, 1970), Tom Sheridan, *Mindful Militants*, (Cambridge University Press, Cambridge, 1975), and B.H. Mitchell, *Teachers, Education and Politics: A History of Organisation of Public School Teachers in New South Wales*, (University of Queensland Press, Brisbane, 1975).

5 Stuart Macintyre, "Radical History and Bourgeois Hegemony", *Intervention*, No.2, October 1972, p.66.

6 R.W Connell and T.H. Irving, *Class Structures in Australian History*, (Longman Cheshire, Melbourne, 1980).

7 Peter Coleman, "Introduction: The New Australia," in Peter Coleman (Ed), *Australian Civilization*, (F.W. Cheshire, Melbourne, 1962), p.2.

intellectual current which has found its most forceful Australian advocates in the H R Nicholls Society. Established in early 1986, and comprising some of the Nation's leading public servants, businessmen and right-wing intellectuals, its members have depicted unions as "tyrannical"<sup>8</sup> and as "organising coercion and intimidation."<sup>9</sup>

In essence the 'New Right' identify individual freedom with the supposed free operation of market forces. As Milton and Rose Friedman have declared: "Economic freedom is an essential requisite for political freedom . . . if an exchange between two parties is voluntary, it will not take place unless both believe they will benefit from it."<sup>10</sup> Yet under modern capitalism the economic relationship between an individual worker and an employer can hardly be seen as that between two equal and voluntary parties. In condemning the failure of the Friedmans and their supporters to acknowledge the power of the large corporation John Kenneth Galbraith observes:

That the individual worker, needing regularly to eat, often committed to a mortgage and in doubt as to the alternative, can deal on equal terms with the large corporate buyer of labour can be believed only after much careful training.<sup>11</sup>

For those working as employees, particularly in times of high unemployment, it is not unions but the fear of dismissal which is the central 'tyranny' of their lives—a tyranny which threatens the economic survival not only of individuals but of whole communities. For such individuals freedom has a different meaning than it has for management. Whereas management desires the freedom to maximise its profits, to minimise its taxes, to pollute the air and water,<sup>12</sup> and to exercise its rights to hire and fire whom it pleases, trade unions counterpose alternative freedoms—the freedom of their

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<sup>8</sup> G.O. Gutman, "The Hancock Report—A Last Hurrah for the System", in H.R. Nicholls Society, *Arbitration in Contempt: Proceedings of the H.R. Nicholls Society*, (H.R. Nicholls Society, Melbourne, 1986), p.297.

<sup>9</sup> Hugh M. Morgan, "The Nature of Trade Union Power", in *Ibid*, p.27. For a critique of the H.R. Nicholls Society and the New Right see Braham Dabschek, "New Right or Old Wrong? Ideology and Industrial Relations", *JIR*, Vol.29, No.4, December 1987.

<sup>10</sup> Milton and Rose Friedman, *Free to Choose*, (Harcourt, Brace, Jovanovich, New York and London, 1980), pp.2, 13.

<sup>11</sup> John Kenneth Galbraith, *A Life in Our Times*, (Houghton Mifflin, Boston, 1981), p.286.

<sup>12</sup> In opposing calls for a restraint on businesses' freedom to pollute the Friedmans contend: ". . . 'pollution' is not an objective phenomenon. One person's pollution may be another's pleasure." See Milton and Rose Friedman, *op.cit.*, p.215.

members to have a say in the distribution of the wealth which they produce; the freedom of access to social security for those who are sick, injured, or unemployed; and the freedom to breathe clean air and drink clean water.

Individually weak, workers can only assert their interests collectively. In asserting their interests collectively, however, workers rely on near unanimous solidarity, for unless this is achieved their actions become ineffective. Here working class and trade union desires for the obtainment of collective freedoms clash with norms of individual freedom, so that the person who would work during a strike is seen as betraying the interests of fellow workers for personal and selfish motives.<sup>13</sup> In our society the concepts of collective and individual freedom rest somewhat uneasily with each other. Yet given the power of the state and the relative powerlessness of the individual in modern society individual freedoms such as freedom of speech and the right to protest can ultimately only be defended by collective action. In Australia, as elsewhere in the world, trade unions have served as bulwarks for the defence of such freedoms.

While labour historians could perhaps be tempted to dismiss the criticisms of the New Right as an extreme expression of the views held by organised labour's traditional enemies amongst business, less easily dismissed are the critiques of unions and labour history raised by feminists. Although broadly divided between radical feminism, reform feminism and socialist feminism, feminist theorists have nevertheless been united in placing a greater emphasis than has been traditional amongst labour historians on the importance of sexual differences in the division of labour.<sup>14</sup>

The emphasis by feminists on sexual rather than class differences has led them to view both trade unions—traditionally male dominated—and labour history with some ambiguity, if not outright hostility. Organised labour has been depicted as representing, as Carol Lansbury has argued, "the organisation of men by men, with the voiced

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13 Writing in 1909 W.G. Spence observed how the strike-breaker was frequently shunned by his fellows, noting: "At many a country hall the girls have refused to dance with them, the barmaids have refused them a drink, and the waitresses a meal." See Spence, *Australia's Awakening*, p.78.

14 For radical feminists society is seen as a patriarchy where "every avenue of power within society . . . is entirely in male hands." See Kate Millet, *Sexual Politics*, (Abacus, London, 1970)

intention of driving out women."<sup>15</sup> Similarly labour history has been condemned for its perceived tendency "to impede the study of gender" and for its willingness "to accept the sexual division of labour as given."<sup>16</sup> Even where feminists have been prepared to concede the need for trade union history authors such as Joanna Bornat and Sheila Rowbotham have criticised its conventional methodology, calling for a greater emphasis on the rank and file and for a reduction in the credence given to official records.<sup>17</sup>

Feminists are certainly justified in pointing to the slowness of trade unions to respond to the interests of women,<sup>18</sup> and for a tendency by labour historians to concentrate on the more industrially powerful—and usually male—unions. But, as one feminist labour historian has noted, if unions have sometimes acted to protect the interests of their male members only "there are also historical instances in which the class interests of male workers instead has prevailed in the policy and practice of unions."<sup>19</sup> Perhaps more to the point, however, is the reality of female involvement in the workforce and within organised labour itself which labour history has made some efforts to rescue from obscurity.<sup>20</sup>

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<sup>15</sup> Carol Lansbury, "The Feminine Frontier: Women's Suffrage and Economic Reality", *Meanjin*, September 1972, p.291. Similar opinions are voiced in Millet, *op.cit.*, pp.37-8. Also Sheila Rowbotham, "The Women's Movement and Organising for Socialism", in Sheila Rowbotham, Lynne Segal and Hilary Wainwright, (Eds), *Beyond the Fragments*, (Merlin Press, London, 1979), pp.95-6. Also Heidi Harman, "Capitalism, Patriarchy, and Job Segregation by Sex", in Zillah R. Eisenstein, (Ed), *Capitalist Patriarchy and the Case for Socialist Feminism*, (Monthly Review Press, New York and London, 1979), pp.208-9.

<sup>16</sup> Judith L. Newton, Mary P. Ryan and Judith R. Walkowitz, "Editor's Introduction", in Judith L. Newton, Mary P. Ryan and Judith R. Walkowitz (Eds), *Sex and Class in Women's History*, (Routledge and Kegan Paul, London, 1983), pp.2. Also Barbara Taylor, "The Men Are as Bad as Their Masters' . . . : Socialism in the 1830s", in *Ibid*, pp.187-220. Also Anna Davin, "Feminism and Labour History", in Raphael Samuel (Ed), *People's History and Socialist Theory*, (Routledge and Kegan Paul, London, 1981), pp.176-87.

<sup>17</sup> Joanna Bornat, "Home and Work: A New Context for Trade Union History", *Radical America*, Vol.12, No.5, September-October 1978, p.54. Also Rowbotham, *op.cit.*, p.64. In Australia these criticisms have been echoed by Laura Bennett in a review of Bradon Ellem, *In Women's Hands? A History of Clothing Trades Unionism in Australia*. See *Labour History*, No.58, May 1990, pp.16-7.

<sup>18</sup> Roberta Goldberg, *Organizing Women Office Workers: Dissatisfaction, Consciousness and Action*, (Praeger, New York, 1983), p.21.

<sup>19</sup> Ruth Milkman, "Redefining Women's Work: The Sexual Division of Labour in the Auto Industry During World War II", *Feminist Studies*, Vol.8, No.2, Summer 1982, p.339.

<sup>20</sup> See, for example, Angela V. John, *By the Sweat of Their Brow: Women Workers at Victoria Coal Mines*, (Croom Helm, London, 1980). Also Jo Ann Ashley, *Hospitals, Paternalism and the Role of the Nurse*, (Teachers College Press, New York, 1976). Also Wendy Chapkis and Cynthia Enloe, *Of Common Cloth: Women in the Global Textile Industry*, (Transnational Institute, Washington, 1983). For Australian examples see Bradon Ellem, *In Women's Hands? A History of Clothing Trades Unionism in Australia*, (NSW University Press, Sydney, 1989). Also

It remains a fact, however, given the past and present organisation of much of the workforce along sexual lines that the study of many unions will have little to say about women except to note their non-participation. Such is the case with the TWU and its predecessor organisations. While, as with other traditionally male trade unions, changes in technology and community attitudes can be expected to lead to greater future involvement in road transport, the industry remains to date overwhelmingly male in composition. In 1981 women still comprised barely five per cent of the workforce.<sup>21</sup>

Given the constant criticisms to which labour and trade union history have been subjected to from the Right, the New Left and feminists alike it is not surprising to discover that its practitioners are sometimes left feeling that they are the poor relations of historical research. Indeed one trade union historian has gone as far as to declare that: "Trade union history has made few advances in Australia in the last twenty years."<sup>22</sup>

In considered review such comments would seem to exaggerate the deficiencies of trade union history, particularly given recent studies of unskilled, semi-skilled and white-collar unions.<sup>23</sup> Trade union history, with its emphasis on the often sordid, sectionalised and compromising reality of working class organisation, stands as a ready corrective to those seeking more sweeping reviews of class relations in Australia. Moreover, it can be argued in answering criticisms such as those made by Bornat and Rowbotham that institutional trade union history can still provide insights into the ways in which labour has organised against capital and the means by which that challenge has been contained, for it is only through organisation that the power of the rank and file takes historical form.

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Raymond Brooks, "The Melbourne Tailoresses' Strike 1882-1883: An Assessment", *Labour History*, No.44, May 1983, pp.27-38.

- 21 Nicholas Clark and Associates, *Report of National Survey of Drivers in the Freight Forwarding Sector*, (February 1986), pp.3-4.
- 22 Bradon Ellem, *A History of the Clothing and Allied Trades Union*, (Ph.D Thesis, University of Wollongong, 1986) p.9.
- 23 See John Merritt, *The Making of the AWU*, (Oxford University Press, Melbourne, 1986), Chris Sheil, *The Invisible Giant: A History of the Federated Miscellaneous Workers' Union of Australia: 1915-1985*, (Ph.D. Thesis, University of Wollongong, 1988), Mark Bray and Malcolm Rimmer, *Delivering the Goods: A History of the NSW Transport Workers Union 1888-1986*, (Allen and Unwin, Sydney, 1987), John O'Brien, *A Divided Unity: Politics of NSW Teacher Militancy since 1945*, (Allen and Unwin, Sydney, 1987), Andrew Spaul and Martin Sullivan, *A History of the Queensland Teachers Union*, (Allen and Unwin, Sydney, 1989), and John S. Baker, *Communicators: A History of the Telegraphists and Postal Clerks Union of Australia*, (UPCT, Sydney, 1980).



As Ian Turner has noted: "The labour movement is the institutional method by which the masses transform themselves from passive to active elements in society."<sup>24</sup> If workers take action outside of an institutional framework it is inevitable that their action will be diffuse, short-lived and localised. If such a rank and file movement of the working-class is to survive it must produce its own leaders, develop a coherent strategy and secure a financial base for future actions.

## Unions and Society

If we are to see road transport workers as developing their own historically distinct identity through unionisation then their history can only be understood—and here the criticisms of labour history by the New Left must be acknowledged—by examining the social and economic forces against which they defined themselves and which limited their field of action. Essential to an account of the relationship between the union and the wider society is an analysis of the nature of unionism itself, for it is through the organisational form of unionism that the economic interests of capital and labour are mediated. Involved in this process of mediation are the opposed themes of conflict and social integration that are central to most theoretical explanations of the relationship between capital and labour.

Of the attempts to explain the relationship between capital and labour it is perhaps Marxism that has had the most pervasive influence, both through the central position which its analysis places on class conflict and through the active role Marxists have had in the labour movement. For Marx the differences between capital and labour were by their very nature irreconcilable, with the separation of labour from the commodities which it produces being seen as both the starting point and the basis for the perpetuation of capitalist production and its unequal social relationships.<sup>25</sup> With the individual labourer proving incapable of regulating his or her conditions of employment under capitalism

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<sup>24</sup> Turner, *op.cit.*, p.xvii.

<sup>25</sup> Karl Marx, *Capital*, Vol.1 (Foreign Languages Publishing House, Moscow, 1954), Chapters 24 and 25, pp.579-712).

workers discovered that it was only collective actions that would bring results. Such collective efforts at workplace regulation were seen by Marx as inevitably leading to "a protracted civil war, more or less dissembled, between the capitalist class and the working class."<sup>26</sup> At the same time Marx recognised that such struggles for regulated conditions of employment helped fulfil a necessary precondition for capitalist expansion, noting: ". . . the first birthright of capital is equal exploitation of labour-power by all capitalists."<sup>27</sup>

This contradiction can thus be seen as inherent in Marx's work. On the one hand struggles for workplace regulation lead to "a protracted civil war", while on the other they restore "the first birthright of capital". The practical solution to this dichotomy appeared to be provided by V.I. Lenin and the Russian Bolsheviks during the first two decades of the twentieth century. Lenin's strategy for the building of a revolutionary party provided a link between work-place battles and the development of the wider political consciousness necessary for the transformation of these sectional battles into a wider class struggle.

With the collapse of the post-1918 revolutionary movements, however, a shift of emphasis became evident amongst Western Marxist intellectuals. Instead of stressing the irreconcilable nature of conflict in capitalist societies they sought to explain why these societies had proved so impervious to revolutionary change. This analysis concentrated on emphasising the strength of cultural and political institutions in the West—the 'superstructures' of society—and the pervading influence of ideology in supporting the existing order. Georg Lukacs wrote about the importance of consciousness,<sup>28</sup> Antonio Gramsci developed the concept of hegemony,<sup>29</sup> Herbert Marcuse discussed the impact of technology on consciousness,<sup>30</sup> and Louis Althusser reviewed the importance of

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26 *Ibid*, p.299.

27 *Ibid*, p.292.

28 Georg Lukacs, *History and Class Consciousness*, (Merlin Press, London, 1971).

29 Antonio Gramsci, *Selections from the Prison Notebooks*, (Lawrence and Wishart, London, 1971).

30 Herbert Marcuse, *One Dimensional Man: Studies in the Ideology of Advanced Industrial Society*, (Routledge and Kegan Paul, London, 1964). Also Herbert Marcuse, *Reason and Revolution*, (Oxford University Press, Oxford, 1941).

superstructures and ideology.<sup>31</sup> Of all Marxist theorists it was Marcuse who was to go the furthest in stressing the integration of labour into capitalist society, noting: ". . . containment of social change is perhaps the most singular achievement of advanced industrial society."<sup>32</sup>

In highlighting the importance of ideological and political factors these theoreticians helped explain the continued survival of capitalism despite recurrent wars and economic crises. However ideological and political hegemony could hardly survive if there were not also powerful forces in action to contain the "protracted civil war" between capital and labour at the workplace.

Bodies of theory capable of explaining the ability of modern society to contain industrial conflict are to be found in the ideas of modern industrial relations theory. Hugh Clegg, in expressing the 'pluralist' ideas developed by the 'Oxford School' during the 1960s comments ". . . some mechanism is at work which binds the competing groups together and holds them back from rending their societies to pieces. For the pluralist this mechanism is the continuous process of concession and compromise."<sup>33</sup> A more comprehensive theory—stressing the inter-relationship of economics, politics, and ideology in creating a functioning industrial relations 'system'—was pioneered by the American John Dunlop during the late 1950s and later adapted by Allan Flanders and Alan Fox in England. Dunlop's writings on industrial relations were a conscious effort to apply the ideas of the sociologist Talcott Parsons—a theorist who believed that stability was the social norm and that society was held together by shared values.<sup>34</sup>

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<sup>31</sup> Louis Althusser, *For Marx*, (NLB, London, 1977). Also Louis Althusser, *Reading Capital*, (NLB, London, 1977).

<sup>32</sup> Marcuse, *One Dimensional Man*, p.xii. For a review of the emergence and influence of Western Marxism see Perry Anderson, *Considerations on Western Marxism*, (NLB, London, 1976).

<sup>33</sup> H.A. Clegg, "Pluralism in Industrial Relations", *BJIR*, Vol.13, No.3, November 1975, p.309. For a critique of this article see Richard Hyman, "Pluralism, Procedural Consensus and Collective Bargaining", *BJIR*, Vol.16, No.1, March 1978, pp.16-60.

<sup>34</sup> John T. Dunlop, *Industrial Relations Systems*, (Holt, New York, 1958) p.29. For Talcott Parsons see Talcott Parsons and Neil Smelser, *Economy and Society: A Study in the Integration of Economic and Social Theory*, (Free Press, Glencoe, 1956). Also Talcott Parsons, *The Structure of Social Action*, (McGaw-Hill, New York, 1937).

The intellectual origins of 'system' theory shapes the direction of its analysis. Dunlop focuses primarily on "the adaptive function of an industrial-relations system"<sup>35</sup> and the mechanism by which the "achievement of stability and survival in the industrial-relations system in turn contributes to the capacity of the society to achieve its goals."<sup>36</sup> Industrial conflict becomes conflict over the rules of job management,<sup>37</sup> rather than about the nature of the system itself, with Flanders condemning the "conceit" of Marxists who would direct unions towards radical social change.<sup>38</sup> Inevitably trade unions become in this analysis, as Fox and Flanders note, "managers of conflict . . . an essential part of the mechanism of social control."<sup>39</sup> The state becomes not, as in the Marxist analysis the embodiment of class rule, but rather the expression of an undefined public interest which "has in the last resort to protect its economy against large-scale disruption."<sup>40</sup>

In describing the usefulness of a systems framework S. Deery and D. Plowman, two of its Australian exponents, conclude: "It offers an ordered and structured approach to the organisational and institutional features of Australian industrial relations."<sup>41</sup> The problem with such a formula is that, in implicitly drawing on Parsons' conception that order and stability are natural social conditions, it tends to regard social relationships and institutional structures in a static fashion. This approach would seem particularly inadequate for analysing trade unions, institutions shaped by their dual role as both agents and mediators of often deep-seated social conflicts—conflicts whose focus is constantly shifting under the impact of technological, political and economic change. As E.P. Thompson has observed: ". . . the notion of class entails the notion of historical relationship. Like any other relationship, it is a fluency which evades analysis if we

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35 *Ibid*, p.31.

36 *Ibid*.

37 *Ibid*, p.13. Also Allan Flanders, *Industrial Relations: An Essay on its Theory and Function*, (Faber and Faber, London, 1965), p.21.

38 Allan Flanders, *Management and Unions: The Theory and Reform of Industrial Relations*, (Faber and Faber, London, 1975), p.38-9.

39 Allan Flanders and Alan Fox, "Collective Bargaining: From Donovan to Durkheim", in *ibid*, p.246. This article is also published in *BJIR*, Vol.7, No.2, July 1969, pp.151-180.

40 Flanders, *Industrial Relations: An Essay on its Theory and Function*, p.26.

41 S. Deery and D. Plowman, *Australian Industrial Relations*, Second Edition, (McGraw-Hill, Sydney, 1985), p.19.

attempt to stop it dead at any given moment and atomise its structure."<sup>42</sup> The emphasis by industrial relations theory on organisation and structure thus provides us with a description of the reality of present trade union incorporation without describing the historical process through which that incorporation occurred.

Despite its deficiencies, industrial relations theory has influenced the way in which a number of Australian trade union historians have dealt with the vexed question of trade union organisation. John Merritt, Bradon Ellem and Chris Sheil all begin their histories by drawing on a formula advocated by Allan Flanders.<sup>43</sup> Flanders argues that union survival is dependent on the need "to convert temporary movement into permanent organisation."<sup>44</sup> For Flanders permanent organisation can ultimately only come through "sanctions strong enough to sustain continuous membership."<sup>45</sup> These sanctions in turn are made possible by the participation of unions in the process of joint job regulation with employers, with Flanders concluding " . . . the deeper and more extensive that participation the greater the service they can offer."<sup>46</sup> Richard Hyman, however, in pointing to the ability of a number of English unions to survive even when denied participation in job regulation warns: " . . . it would be rash to suppose that an ever-widening involvement in job regulation was a necessary development for trade unionism as a whole."<sup>47</sup>

In particular it would seem that the formula advocated by Flanders is deficient in describing how trade union organisation fits into the wider relationship between capital and labour. As Eric Hobsbawm has concluded:

. . . the necessary mediation of organisation implies a difference, and, . . . a divergence, between 'class' and 'organisation' . . . The crucial

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42 E.P. Thompson, *The Making of the English Working Class*, (Penguin, Harmondsworth, 1968), p.9.

43 Merritt, *op.cit.*, p.2, Bradon Ellem, *In Women's Hands? A History of Clothing Trades Unionism in Australia*, (NSW University Press, Sydney, 1989), pp.2-3, and Sheil, *op.cit.*, pp.12-13.

44 Flanders, *Management and Unions*, p.43.

45 *Ibid.*

46 Allan Flanders, "Collective Bargaining: A Theoretical Analysis", *BJIR*, Vol.6, No.1, March 1968, p.26.

47 Richard Hyman, *The Workers' Union*, (Clarendon Press, Oxford, 1971), p.181.

problem for socialists . . . arises not out of class, but out of the characteristic combination of class and organisation.<sup>48</sup>

A useful corrective to the formulation used by Flanders is to be found in the work of Robert Michels. Like Flanders, Michels sees organisation as the essential component for efforts to express working class interests. Michels differs from Flanders, however, in seeing organisation as invariably destroying the movement that produced it, leading not to the creation of greater liberty but rather to the formation of a new oligarchy. Michels warns that any efforts at working class organisation will ultimately be self-defeating, noting: "The preponderant elements of the movement . . . end by undergoing a gradual detachment from the masses, and are attached within the orbit of the 'Political classes'."<sup>49</sup>

Michels' analysis is so sweeping in its pessimism that it offers little prospect for further development. A more positive and useful perspective for viewing the role of unions in society than that formulated by either Michels or Flanders is the one developed by the Italian socialist intellectual Antonio Gramsci. Gramsci believed that the complex structure of laws, institutions and ideologies that comprise modern 'civil society' are normally resistant to any frontal attack by labour. He concluded, however, that a 'war of position' could be waged by the working class to entrench its interests in that society, commenting: "The super-structures of civil society are like the trench-systems of modern warfare."<sup>50</sup> As such this analysis shares much in common with the ideas of the Australian historian Bede Nairn, who saw labour as building institutional structures to restrain or 'civilise' capitalism.<sup>51</sup> Where Gramsci differed from his reformist counterparts such as Nairn was to point to the ways in which the entrenched structures of society

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<sup>48</sup> Eric Hobsbawm, "Notes on Class Consciousness", in Eric Hobsbawm, *Worlds of Labour* (Weidenfeld and Nicolson, London, 1984, pp.28,29). While initially linking this problem to "revolutionary socialist regimes" Hobsbawm later gives it a wider application. See *ibid*, p.31.

<sup>49</sup> Robert Michels, [Translated by E and C Paul], *Political Parties: A Sociological Study of the Oligarchical Tendencies of Modern Democracy*, (Dover Publications, New York, 1959), p.392.

<sup>50</sup> Gramsci, *op.cit.*, p.235.

<sup>51</sup> Bede Nairn, *Civilising Capitalism: The Labour Movement in New South Wales 1870-1900*, (ANU Press, Canberra, 1973), pp.4-7. Also Bede Nairn, *Some Aspects of the Development of the Labor Movement in New South Wales 1870-1900*, (MA Thesis, University of Sydney, 1955), pp.1-14.

contained labour as well as capital, and by linking the 'war of position' to a decisive resolution of the conflict between capital and labour.<sup>52</sup>

Institutionally trade unions can thus be seen as forces for both rebellion and constraint, providing the framework whereby labour entrenches its position in society while being at the same time contained by it. In Australia the relationship between unions, their members and the wider society has been largely shaped by the legal authority granted to unions under the various Conciliation and Arbitration Acts, both Federal and State. Given this context the conflicting themes of rebellion and constraint have come to be focused around the alternative industrial strategies of compulsory arbitration and collective bargaining backed by industrial action. While institutional survival for unions in Australia has proved virtually impossible if they are denied the legally enforceable awards and enrolment rights which accrue through participation in the arbitration system, collective bargaining backed by industrial action has nevertheless beckoned for those dissatisfied with the constraints of arbitration, whether for ideological or pragmatic reasons.

Neither of the two strategies that are open to unions in Australia—arbitration or collective bargaining backed by industrial action—are in themselves either conservative or revolutionary, left-wing or right-wing in their political significance. Trade unions are by their very nature narrowly-based institutions, with gains for the unionised doing nothing for the unemployed, the sick or the aged. A centralised system of wage fixation thus provides a forum whereby the trade union movement as a whole can negotiate an accord that secures benefits for a wider section of society than those represented in its own ranks, covering such issues as spending on social welfare, health and education as well as traditional union concerns about wages and conditions.

All too often, however, a radical arbitration-oriented strategy degenerates into mere window-dressing for a policy of wage restraint. Although capable of being used as a forum for labour to state its wider concerns, compulsory arbitration in Australia has tended to define a narrow role for unions, with action over political and social concerns

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<sup>52</sup> Gramsci, *op.cit.*, pp.238-9.

being seen as the responsibility of labour's political representatives in parliament. In addition there is little doubt that a reliance on arbitration procedures has had a generally conservatising influence on trade unions. Examining the internal degeneration of the powerful Australian Workers' Union (AWU) long-term labor activist Clyde Cameron has concluded:

In one sense it was the Union's registration under the Conciliation and Arbitration Act which destroyed the AWU, because its leaders soon found themselves more reliant upon the monopoly rights of enrolment than upon the goodwill of their members.<sup>53</sup>

Collective bargaining backed by industrial action has provided a more dynamic model for action in Australia than an orientation towards arbitration, requiring as it does a direct participation of the membership to support the union's claim. But in itself industrial militancy for improved wages and conditions is—like an arbitration-oriented strategy—neither left nor right-wing in its political significance. The long history of collective bargaining in the United States and Great Britain demonstrates that it poses no intrinsic threat to the social order. Moreover, in seeking to impose on industry employers wage rates or conditions of employment higher than those set by the centralised wages system, unions invariably find that it is the larger or more strategically placed employers—who can more readily absorb or pass on wage costs—that are the most likely to concede the union's demands. Thus, paradoxically, the pursuit of a militant strategy to enforce wage rates above the previous norm tends to accelerate the domination of industry by monopolistic or oligopolistic giants as the smaller firms depart the scene through their inability to meet higher wages.

If industrial militancy and resort to collective bargaining thus has no intrinsically revolutionary dimension—having as it does the aim of forcing an accord with one section of capital on the behalf of a fragment of the working class—the process by which that accord is sought nevertheless opens up the possibility of a wider conflict emerging. In times of war, economic depression or general mass dissatisfaction the chances increase that workplace struggles about industrial goals will develop a social or political

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<sup>53</sup> Clyde Cameron, *Unions in Crisis*, (Hill of Content, Melbourne, 1987), p.53.



dimension. It is this dimension of the collective bargaining process that makes the study of labour history more than an examination of industrial relations.

### **Conflict in the History of the TWU**

If we see all unions in Australia as being torn between two alternative industrial strategies then we can expect that these divisions will be felt with particular force in a union such as the TWU. The strategic placement of the TWU and its predecessor organisations in the economy—with nearly all goods being moved by road at some stage—has the potential to place the union at the centre of wider struggles between capital and labour. Not infrequently, therefore, the history of the union has been shaped by a political struggle between those—whether radical socialists or communists—who sought to use the union's strategic position to help bring about radical social change and those who sought a more cautious path for labour's advancement. But the attitude of the union towards arbitration and collective bargaining was not shaped solely by a battle of ideas about the purpose of unions in society. Of at least equal importance was the suitability of each alternative model for dealing with the specific industrial problems the union faced in the road transport industry.

Road transport is perhaps the most fragmented of all industries. In part this stems from the nature of the labour process involved in road transport. Isolated for a large part of their working life within their trucks, the work experience of drivers is fundamentally different from that of a factory worker, miner or seaman. Relatively free from direct supervision, drivers work primarily as individuals rather than as part of a collective unit.

In attempting to develop a collective consciousness amongst this highly atomised workforce the union was hindered by the fact that road transport comprises a series of quite distinct sectors with different interests and concerns.<sup>54</sup> To understand these

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<sup>54</sup> The national road freight industry can be conveniently broken into four categories—freight forwarding, line-haul trucking, short-haul general trucking and short-haul specialist operators. See *National Road Freight Industry Report*, (AGPS, Canberra, 1984), p.24.

divisions and their impact on the union's history it is necessary to examine how the transport task is fulfilled.

Basically there are two ways a firm can meet its transport needs. It can either do it itself or it can contract others to do it. The former—those firms who use their own trucks—are called ancillary operators. Alternatively they may contract their work out to a transport firm whose only business is transport—the professional or hire and reward carrier. This prime contractor can in turn either fulfil the contract directly with the use of his own trucks and employee drivers or he can sub-contract, either to a smaller carrying firm or to an owner-driver.

These divisions pose peculiar problems for union organisation. Ancillary operators have continued to provide the bulk of transport operators, despite the emergence of large specialist transport companies, outnumbering hire and reward operators by up to four to one.<sup>55</sup> In 1981 such firms still employed almost sixty-four per cent of all truck and van drivers in Australia.<sup>56</sup> These firms, however—whether they are farmers, metal shops, or retail stores—are not primarily transport operators, but rather see transport as merely an adjunct to their main business. For these firms their industrial relations with their drivers is secondary to their management of their larger workforce. Their main industrial concern with regard to their drivers is to ensure that drivers do not win wages or conditions superior to their other workers, which would in turn flow through their workforce. Nor is the driver employed by the ancillary operator necessarily going to identify primarily with other drivers, particularly as a driver may be given other tasks when he is not driving.

If ancillary operators provide the bulk of businesses engaged in road transport and employ the majority of drivers, it is nevertheless the hire and reward operators who carry out the bulk of the freight task. In 1982 it was estimated that ancillary operators—fifty-

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<sup>55</sup> *Road Transport Year Book 1989*, (Percival Publishers, Sydney, 1989), p.92. The *National Road Freight Industry Report*, p.16 placed the percentage of ancillary operators in 1982 somewhat lower, at seventy per cent.

<sup>56</sup> Nicholas Clark and Associates, *op.cit.*, p.5.

five per cent of whose vehicles comprise low capacity utilities or panel vans<sup>57</sup>—carried out a mere twenty per cent of the freight task as measured by tonne-kilometres.<sup>58</sup> For the professional carrier road transport is normally their sole business,<sup>59</sup> and—for those who employ labour—their drivers and loaders are their central industrial relations concern. This means that they tend to view industrial relations in a different light to the ancillary operator, making it difficult for the union to develop a strategy which can simultaneously encompass both ancillary and hire and reward operators.

If the division between ancillary operators and hire and reward operators is a major barrier to unity amongst drivers, an even greater obstacle is the division within the hire and reward sector between employers, wage and salary earners, and the self-employed owner-driver. While in other industries the small firm has tended to be displaced this has not happened in road transport, despite the domination of the industry by a few giants—TNT, Mayne Nickless and Brambles. In 1981 only 56.3 per cent of those engaged in the hire and reward sector of the industry were wage and salary earners, as opposed to 38.7 per cent who were self-employed.<sup>60</sup>

In part the survival of the owner-driver has been a deliberate ploy by larger firms seeking to limit the growth of union power in the industry, as the leading employer representative responsible for negotiating with the Federal TWU between 1961 and 1984, A.P. Beamish, concluded: "Our side created them."<sup>61</sup> Yet in other industries the self-employed have disappeared despite their usefulness as a buffer between labour and capital. As H.M. Kolson, a leading academic commentator on road transport, has noted:

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57 Utilities and panel vans are essentially motor cars modified for transporting small loads. A utility has an enclosed cabin for the driver with an open rectangular tray behind. In a panel van the tray is also enclosed.

58 *National Road Freight Industry Report*, p.16.

59 During the 1980s, however, the large transport conglomerates such as TNT, Mayne Nickless and Brambles began to diversify their interests. In 1989, for example, Mayne Nickless had substantial interests in finance companies, private hospitals, computer services, security services and sea transport in addition to its road transport operations. See *Annual Report of Mayne Nickless Limited 1989*.

60 Nicholas Clark and Associates, *op.cit.*, p.6.

61 *Interview with A.P. Beamish*, September 1990. The Bureau of Transport Economics has similarly noted: "The use of sub-contractors has offered a means of removing institutional and legal constraints on the market price of labour." See Bureau of Transport Economics, *The Long Distance Road Haulage Industry*, (AGPS, Canberra, 1980), p.30.

" . . . had there been any substantial economies of scale moves toward concentration would surely have begun, and the smaller firm could hardly have continued in business."<sup>62</sup>

In road transport the actual movement of freight by truck (line-haul) is only one part of the transport operation. While concentration has happened in road transport it has been due to the consolidation of loads and the provision of a single door to door service through the emergence of large freight forwarders, rather than through the elimination of the small firm from actual line-haul. For in line-haul the normal benefits of concentration of scale only operate to a limited extent, being largely economies of vehicle size. In road transport fifty trucks owned by individual owners can shift a load just as efficiently as fifty trucks owned by one firm.

The continued economic viability of the small operator in road transport, combined with the ease of entry into the industry through the relatively low cost of plant and the ready availability of finance, has presented the industry with a constant supply of new entrants ready to compete for contracts. This has in turn made the industry highly competitive and difficult to regulate whether by unions or governments, with a constant evasion of legal restraints by industry operators.<sup>63</sup>

With employers in road transport split between ancillary operators and hire and reward carriers, and with the workforce atomised by its workplace function and divided between employee drivers and self-employed owner-drivers, road transport is further fragmented by divisions between country and urban drivers, short-haul and long-distance operations, and between firms engaged in passenger and freight movements. These divisions, and the eventual domination of the industry by a small number of home grown multi-nationals, would seem to indicate that only a powerful federal union could weld this diverse workforce into a force capable of overcoming the divisions imposed by the nature of the industry itself. Yet despite the first Federal Conference of the union being held in

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<sup>62</sup> H.M. Kolson, "Structures and Price Determination in the New South Wales Road Haulage Industry", *Economic Record*, No.10. Vol. xxxii, November 1956, p.293.

<sup>63</sup> In December 1989 an editor of one transport magazine noted: "Australian long distance road transport has been running illegally for a quarter of a century." See Bruce Honeywill, "Opinion", *Longhaul*, No.1, Vol.1, December 1989-January 1990, p.7.

1909 institutional cohesion was to prove difficult to achieve. Instead the union's history has been characterised by factional divisions and institutional disharmony, publicly highlighted by the *Moore v Doyle* case which established a legally separate TWU in New South Wales in 1969.

Having previously identified the division between the alternative industrial strategies of compulsory arbitration and collective bargaining backed by industrial action as representing the central industrial issue facing all unions in Australia, the central question that this thesis must therefore answer is: Did the tensions between the alternative industrial strategies of compulsory arbitration and collective bargaining backed by industrial action affect attempts to create a single union covering all of Australia's highly fragmented road transport industry?

In attempting to answer this central question it is necessary to relate the union's history to the society and economy in which it operated. Each chapter therefore contains a section which places the union's development within this wider context, identifying the economic trends, industrial changes and political ideas which set the historical parameters within which the union acted. Having placed the union within a wider historical context a further effort is made to trace the impact of changes within the road transport industry upon the union's history. In attempting to trace the union's response to these outside determinants and to therefore answer the central question of this thesis a chronological treatment is used.

Chapter one traces the development of road transport prior to 1890, examining why the road transport unions which emerged between 1883 and 1898 involved the unionisation of self-employed carriers as well as employee drivers. As these pioneer road transport unions relied almost entirely upon collective bargaining backed by industrial action for their advancement the chapter identifies the successes and limitations of such a strategy when applied to road transport. The second chapter studies how the revival of union organisation amongst road transport workers between 1900 and 1914 was linked to the development of compulsory arbitration and wages boards. It examines how the arbitration-oriented strategy adopted at the first federal drivers' union conference

in 1909 was challenged by radical socialists between 1910 and 1912 and why this challenge failed. Chapter three concerns itself with the industrial and institutional consequences of the union's arbitration-oriented strategy between 1914 and 1939.

During the period 1939 and 1956 the TWU witnessed a major internal power struggle between communists, traditional Labor supporters, and the Industrial Groups. Chapter four examines this conflict, which resulted in the TWU once again reaffirming its support for arbitration. Chapter five discusses the decline of communist influence within the TWU between 1956 and 1966 as both left and right-wing factions combined support for arbitrated awards with collective bargaining and the use of industrially militant tactics. In the final chapter the thesis studies how the TWU overcame internal factional divisions between 1966 and 1975 to become an industrial leader through its wage campaigns, embracing both employee and self-employed drivers.

## CHAPTER ONE

# THE PIONEER ROAD TRANSPORT UNIONS: EXPERIENCES IN COLLECTIVE INDUSTRIAL ACTION

### 1: THE ROAD TRANSPORT INDUSTRY: HISTORICAL ORIGINS AND STRUCTURE 1788-1890

#### Convicts and Bullock Drivers

The history of labour relations in Australian road transport has its origins in the technologically primitive and socially repressive environment of convict settlement. With the beginning of white settlement in 1788 the transported convict population soon discovered that the colony's surviving collection of animal stock was too precious to be used for draft purposes.<sup>1</sup> Instead it was the convicts themselves who were harnessed as beasts of burden, hauling heavy loads of bricks and timber through Sydney's rough-hewn streets.<sup>2</sup> Not until 1820 had the colony's stock of horses and oxen developed sufficiently for their use to become common place in road haulage.<sup>3</sup> Hindered by the continuing shortage of animal stock and the penal status of the settlement itself, Australia's first commercial road transport operation does not seem to have commenced until 1805 when a service was established between Sydney and Windsor.<sup>4</sup>

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<sup>1</sup> Writing of the situation existing in 1788 David Collins observed: "The preservation of our stock was an object of such consequence to the colony, that it became indispensably necessary to protect it by every means in our power." See David Collins, *An Account of the English Colony in New South Wales*, Vol.1, (A.H. and A.W. Reed, Sydney, 1975), p.108.

<sup>2</sup> *Ibid.*, pp.277-8.

<sup>3</sup> Leslie Braden, *Bullockies*, (Rigby, Adelaide, 1968), p.8.

<sup>4</sup> M.G. Lay, *History of Australian Roads*, (Australian Road Research Board, Special Report No.29, Melbourne, 1964), p.22.

With the gradual replacement of humans as the main source of motive power, it was to be the economics of bullock transport<sup>5</sup> that shaped the development not only of road transport but of the colonial economy as a whole. In a continent lacking the large navigable riverways of Europe, and where the early roads were mere rough-cut tracks in the forests, the ability of bullocks to survive for long periods on grass along the road made them the only practicable animals for harness work.<sup>6</sup> Normally pulling a two-wheeled dray which could be easily pushed out of the primitive roads when bogged—unlike the larger capacity four-wheeled wagon—their slow and measured progress of around seventeen miles per day determined the limits of early colonial expansion far more decisively than the physical barriers of the Blue Mountains. Even with the construction of public turnpikes by Governor Macquarie between 1810 and 1821 it still proved as cheap to ship wheat 700 miles by sea from Tasmania as it did to haul it forty miles by road from the Hawkesbury.<sup>7</sup>

The establishment of Australia's wool industry during the 1820s transformed the slow-moving bullock and his driver into key figures in the nation's economic development. In assessing their role Olaf Ruhen notes: "Australia's ride to riches was on the sheep's back . . .; but outback wool would have rotted in the field without the bullock to deliver it to the ships."<sup>8</sup> Hard-bitten, laconic, and free from supervision on the open road, the bullock driver became one of the central characters in the Australian historical imagination. In restating the traditional image of the 'bullocky' Russel Ward observes that they developed "a certain pre-eminence not only as the most highly skilled workers, but as composers and singers of ballads."<sup>9</sup>

Like many myths, the exalted position of the independent bullock driver in legend and literature does not fully correspond with reality. The cost of buying a cart and team in the mid-1820s was prohibitive at over fifty pounds, or the equivalent of a year's pay for a bullock driver.<sup>10</sup> For those who did make the investment the returns were often meagre. As one

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5 Bullocks are castrated oxen.

6 Geoffrey Blainey, *The Tyranny of Distance*, (Macmillan, Melbourne, 1968), pp.71,74.

7 *Ibid.*, pp.71-72.

8 Olaf Ruhen, *Bullock Teams: The Building of a Nation*, (Cassel Australia, Sydney, 1980), pp.12-13.

9 Russel Ward, *The Australian Legend*, Oxford University Press, Melbourne, 1958), p.97.

10 John Dunmore Lang, *A Historical and Statistical Account of New South Wales*, (George Routledge, London, 1840), p.167. Also Alexander Harris: *An Emigrant Mechanic, Settlers and Convicts or Sixteen Years in the Australian Backwoods*, (Melbourne University Press, Melbourne, 1964), p.160.



contemporary observed: "The carriers get barely a living, looking after their teams; the loss of bullocks and wear of dray . . . being very heavy."<sup>11</sup> Even the supposed freedom of life on the open road proved largely illusory, as many independent carriers have since discovered to their cost. Bound by their contracts of engagement self-employed carriers faced severe penalties for any delays or losses, one pioneer teamster later complaining: "There is a stiff penalty for dilatoriness, ranging up to one pound per day. Sometimes the drivers are docked so much per ton for every day over contract time."<sup>12</sup>

If the position of the bush carrier was less than exalted, the situation of the bullock driver hired for his labour alone seems to have been even more precarious. Although Rachael Henning, writing in 1863, has recorded that bullock drivers "get 40s. a week, as much a year as some clerks and curates have to live on at home",<sup>13</sup> much of this higher wage would have been swallowed up by higher prices in the bush—often at least double Sydney prices.<sup>14</sup> Any attempts by bush drivers to bargain for higher wages seem to have been effectively curtailed until at least the 1860s by the provisions of the Masters and Servants Acts, as Henning's own accounts of the flogging of her workforce indicate. First enacted in New South Wales in 1828 the Masters and Servants Acts enabled employers to establish control over the growing population of free labourers. Modelled on similar British enactments this legislation attempted to create in Australia the personal yet highly unequal relationships that had been the hallmark of the traditional English village.<sup>15</sup>

Hindered by the application of the Masters and Servants Acts, Australia's road transport industry was to witness only one significant attempt at industrial combination by drivers before the 1880s. In South Australia during the 1840s the Burra Burra copper mine—briefly the richest in the world—had seen the concentration of a large force of drivers earning high wages. When the South Australian Mining Association cut wages in October 1848 its workforce of

11 Harris, *op.cit.*, p.158.

12 E. Sorensen, *Life in the Australian Backblocks*, (Currey O'Neil, Melbourne, 1984), p.30.

13 David Adams (ed.) *The Letters of Rachael Henning*, (Penguin, Ringwood, 1977), p.157. Two years later, however, Henning and her family had forced wages for bullock drivers down to twenty shillings.

14 Harris, *op.cit.*, p.179.

15 Jan Walker, *Jondaryan Station: The Relationship Between Pastoral Capital and Pastoral Labour 1840-1890*, (University of Queensland Press, Brisbane, 1988), pp.1-2. For a thorough discussion of the origins and effects of the Australian Masters and Servants Acts see Adrian Merritt, "The Historical Role of Law in the Regulation of Employment—Abstentionist or Interventionist", *Australian Journal of Law and Society*, Vol.1, No.1, 1982, pp.56-86.

carters and drivers struck work to demand a return to the previous rate—the first recorded strike by road transport workers in Australia.<sup>16</sup> While the strike was eventually broken by the return to work of one of the large carrying companies employed on the project,<sup>17</sup> the episode demonstrated the likely consequences if large numbers of road transport workers were concentrated around an industrially significant focal point. The subsequent development of the Australian economy and the creation of a large rail network was to create numerous such focal points.

### **Economic Development 1861-1890**

Boosted first by the gold rushes of the 1850s, Australia was to witness a more substantial and enduring process of economic growth and social development between 1861 and 1889. During these years the economy expanded at an annual rate of five per cent, with real gross domestic product (GDP) rising a total of 390 per cent.<sup>18</sup> The social effect of this economic growth was accentuated by the fact that it telescoped two stages of capitalist development—witnessing not only the development of a system of factory production such as was pioneered in Britain during the late eighteenth century but also the advent of the age of railway construction with its demand for coal, iron and skilled metal workers.

The economic expansion between 1861 and 1889 fundamentally altered the relative balance of the various sectors of the colonial economy. Despite continuing to provide the bulk of the exports needed to cover capital repayments and imports,<sup>19</sup> the pastoral industry's growth slowed after 1876, its share of GDP falling to 12.8 per cent by 1886-90.<sup>20</sup> By contrast, manufacturing's share of GDP more than doubled from 5.3 per cent in 1861 to 11.8 per cent in

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16 *Sydney Morning Herald*, 28 October 1948. Also J.T. Sutcliffe, *A History of Trade Unionism in Australia*, (Johnson Reprint Corporation, New York, 1967), p.33-4.

17 Mal Davies, "Bullocks and Rail—The South Australian Mining Association 1845-1870", *AEHR*, Vol.xvii, No.2, September 1977, p.156.

18 N.G. Butlin, *Investment in Australian Economic Development 1861-1900*, (hereafter I.A.E.D.) (Cambridge University Press, Cambridge, 1964), p.9.

19 In 1889 wool exports were worth 20.3 million pounds, with gold exports providing another 4.9 million pounds. The value of all other exports combined were worth only 4.4. million pounds. See *Ibid.*, Table 8, p.30.

20 *Ibid.*, p.23.

the same period.<sup>21</sup> Although industrial expansion remained concentrated in the basic processing of primary materials, the manufacture of food-stuffs and beverages, and import replacement, a steady increase occurred in the size of factory establishments. In Victoria, the most industrialised State, the average number of employees so engaged by factories rose from eleven in 1871 to eighteen in 1891.<sup>22</sup>

The relative decline in the importance of primary production in the colonial economy between 1861 and 1890 was matched by a shift in employment away from the rural and mining sectors. With capital investment in fencing and dams reducing the need for a permanent pastoral workforce to tend to the needs of sheep, the percentage of the workforce engaged in primary production fell from fifty per cent to thirty per cent between 1861 and 1891, while secondary and tertiary employment rose to thirty per cent and forty per cent respectively.<sup>23</sup> This shift away from employment in the primary sector accelerated the urbanisation of Australian society, and by 1891 almost two-thirds of the population lived in towns and cities.<sup>24</sup> While these cities lacked the heavy industry capabilities of their more industrialised counterparts in western Europe, they were nevertheless complex centres of industry, commerce and trade, with a diversity of occupations and ways of life.

### The Coming of the Railways

At the cutting edge of the process of industrialisation and urbanisation that marked late nineteenth century Australia was the development of the railways. The impact of railway development can scarcely be exaggerated. As Eric Hobsbawm has observed, rail

. . . reached into some of the remotest areas of the countryside and the centres of the greatest cities. It transformed the speed of movement—indeed of human life—from one measured in single miles per hour to one measured in scores of miles per hour . . . It revealed the possibilities of technical progress as nothing else had done . . . organisation and methods were on a scale unparalleled in any other industry.<sup>25</sup>

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21 *Ibid.*, p.22.

22 *Ibid.*, p.209.

23 Eric Fry, *The Condition of the Urban Wage-Earning Class in Australia in the 1880s*, (Ph.D. Thesis, ANU, Canberra, 1956), p.25.

24 Butlin, *op.cit.*, p.181.

25 Eric Hobsbawm, *Industry and Empire*, (Penguin, Harmondsworth, 1969), pp.110-111.

Between 1871 and 1890 Australia's total railway mileage increased from 1038 miles of track to 10135.5 miles.<sup>26</sup> This expansion left few segments of the economy untouched. The demand of the rail system for supplies of coal to power its steam-driven engines helped make coal a commodity scarcely less vital to the colonial economy than wool, with coal also being sought by the new steam ships, the steam-powered factories, and the coal-fired gas works that lit the expanding cities. While the rail system's equipment was imported the need for skilled metal workers to service and repair it contributed towards making metal tradesmen the new aristocrats of Australian labour.<sup>27</sup> Industrially the railways helped destroy the viability of strictly local unions by making possible the rapid shift of labour from point to point.

Far-reaching as the impact of railway development was there were few workers who were affected more immediately or profoundly by its development than those engaged in road transport. Although Noel Butlin has questioned the contribution of the railways to the creation of an efficient transport system, arguing that excessive investment in rail undermined viable river and road networks,<sup>28</sup> the technological limitations of road transport left it powerless to resist the advance of the railways. Despite dramatic improvements in road transport during the late 1850s and early 1860s, which saw cartage costs more than halved to reach 7-1/2 pence per ton mile in 1864, further substantial gains were made impossible by the physical limits set by a horse's muscles. In 1908 the *Commonwealth Year Book* observed: "Since 1864 the cost of carriage by road . . . has not been further reduced."<sup>29</sup>

Publicly subsidised and reliable in all weather, the railways rapidly reduced road transport to the position of a feeder service, offering rates as low as 1.81 pence per ton mile by 1886.<sup>30</sup> Writing in 1887 Timothy Coghlan, the NSW statistician, noted of the colony's major roads:

None of these roads have now the importance they formerly possessed. The railways of the Colony, for the most part, follow the direction of the main

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26 *Commonwealth Year Book*, Vol.1, 1908, p.552.

27 Buckley, *op.cit.*, pp.6, 16.

28 Butlin, *op.cit.*, pp.305-320. For a critique of Butlin's arguments that stresses the positive contributions of rail development see A.L. Loughheed, *Economic Effects of Railway Construction in Australia 1861-1914*, (Working Paper No.17, Department of Economics, University of Queensland, July 1977).

29 *Commonwealth Year Book*, *op.cit.*, p.543.

30 Timothy Coghlan, *The Wealth and Progress of New South Wales, 1886-1887*, (Government Printer, Sydney, 1887), p.364.

roads, and attract to themselves nearly all the through traffic, so that the roads now have merely a local importance.<sup>31</sup>

Railway development perfected the great chain of production which saw the sheep's fleece move successively through the hands of shearers, rural carriers or drivers, railway workers, urban carters, wharf labourers, and seamen on its way towards its overseas markets. The position of carriers, carters and drivers in this chain of pastoral production distinguished them from other carriers and drivers, both in their physical concentration around the railways and waterfronts and in the potential industrial power that their position gave them. Outside the pastoral sector only coal carters possessed the strategic placement necessary for the formation of industrially significant road transport unions, given the reliance of shipping, rail and industry upon coal. This was particularly the case in Melbourne and Adelaide where industry relied on imported coal supplies, and where coal importers emerged as some of the largest employers of drivers.

In establishing the focal points around which the most industrially significant sections of road transport were to be found the railways provided the geographical setting for the later development of road transport unionism. The most important consequence of this was the concentration of road transport workers around the major rail centres in localised feeder services where no contact was to be had with the other drivers at the other end of the rail system. As a union consciousness emerged amongst carriers and drivers it reflected the localised work-practices and concerns of drivers, hindering the development of the wider union organisation which came more naturally to rail or maritime workers with their wider horizons of work.

Along the coastal fringe in New South Wales, Victoria and South Australia railway development accentuated the importance of the capital cities as centres for the trans-shipment of both imports and exports.<sup>32</sup> In Queensland, however, the reverse occurred, with three truck lines extending into the interior from Brisbane, Rockhampton and Townsville respectively. Rockhampton in particular, as the coastal terminus for the rich pastoral districts of central

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31 *Ibid.*, p.343.

32 J.P. Fogarty, *Railways and the Development of Victoria*, (Ph.D. Thesis, University of Melbourne, 1973), p.411. Also Garry Wotherspoon, "The 'Sydney Interest' and the Rail 1860-1900", in Max Kelly (ed.) *Nineteenth Century Sydney*, (Sydney University Press, Sydney, 1978), p.15.

Queensland, emerged as a major rival to Brisbane. In 1890 exports through Rockhampton still exceeded those passing through the capital.<sup>33</sup>

In the remaining two colonies of Western Australia and Tasmania railway development lagged behind that of the four eastern mainland colonies, reflecting their smaller populations and more backward economic state. Perth in 1891 possessed a mere 8447 inhabitants while in both colonies the percentage of the population living in the capital cities was less than twenty-five per cent,<sup>34</sup> with Hobart facing a major rival in the northern port city of Launceston. In both colonies railway track amounted to less than 170 miles in 1881 and though it increased somewhat in the following decade it proved insufficient to bring about the large and concentrated workforces of carters and drivers such as existed in the eastern mainland.<sup>35</sup> Hindered in addition by the relatively weak state of unionism in these colonies, there is no evidence that any carters or drivers unions established themselves in Tasmania or Western Australia during the nineteenth century.

In the interior of the four eastern mainland colonies the effect of the railways was to be more varied than along the coast. In the closely settled colony of Victoria a highly developed network of rail-lines left road transport with only a limited industrial role.<sup>36</sup> A similar situation existed in South Australia where settlement was concentrated in the south-eastern corner of the colony. In western Queensland and New South Wales, however, the vast extent of the occupied countryside ensured a continuing vital role for road transport—at least until the creation of a system of branch lines in the early twentieth century. While the key inland centres for road transport tended to shift further into the interior as the railways advanced,<sup>37</sup> by the 1880s a number of rural townships had established themselves as major transport centres. In Queensland the most important of these were the western termini for the three great trunk lines—Hughenden in the north, Charleville in the south and Barcaldine in the centre—while

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33 Ross Fitzgerald, *From the Dreaming to 1915: A History of Queensland*, (University of Queensland Press, Brisbane, 1982), pp.285-87.

34 Fry, *op.cit.*, p.3.

35 *Commonwealth Year Book*, *op.cit.*, p.552.

36 Fogarty, *op.cit.*, pp.25-6, 98-99.

37 Blainey, *op.cit.*, p.147.

Hay, Young, Bourke, Nyngan and Broken Hill emerged as major inland transport centres in New South Wales.

### Rural Carriers in the 1880s

In rural areas, particularly in the pastoral districts, the effect of railway development on road transport was the reverse of that which normally accompanies the advance of capitalist productive forces—the growth of wage-labour through the displacement of the small operator who lacks the capital to compete with his larger rivals. Prior to the expansion of the railways, wage-labour seems to have predominated amongst rural transport workers as pastoralists employed their own drays on a continual shuttle to the coastal seaboard, hauling down bales of wool and bringing back the supplies needed for survival.<sup>38</sup> With the expansion of the railways this transport task was greatly simplified as supplies could now be picked up at the nearest rail station. The permanent station workforce of drivers was slashed. At the large Jondaryan station in southern Queensland the number of drivers fell from twenty-one in 1863 to only one in 1883 following the arrival of the railway.<sup>39</sup>

The economic status, and class interests, of these rural carriers varied enormously. With the cost of a large team of horses and a heavy wagon requiring several hundred pounds,<sup>40</sup> some carriers were themselves large sheep and cattle owners.<sup>41</sup> In many instances, however, the rural carrier was merely a lessee, with the drays and teams remaining the property of country storekeepers.<sup>42</sup> For carriers in pastoral districts the seasonal nature of the wool industry and the often fierce competition for work made life precarious. Even in one of the wealthiest areas, the Mitchell district of Queensland, a survey in 1890 observed that the 464 local teams hauled an average of only thirty tons per year with an average earning of only 151

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38 N.G. Butlin, *Australian Domestic Product, Investment, and Foreign Borrowing, 1861-1938/39*, (Cambridge University Press, Cambridge, 1962), p.70. Also Harris, *op.cit.*, p.158. Also Adams (ed.) *op.cit.*, pp.150-51, 1973, 208.

39 Walker, *op.cit.*, p.81.

40 Michael Cannon, *Australia in the Victorian Age: Life in the Country* (Nelson, Melbourne, 1978), p.92.

41 *Age*, 8 June 1892.

42 *Evening Observer*, 27 September 1891.

pounds per year, or just over three pounds per week—barely enough to feed and maintain a team.<sup>43</sup>

By the end of the 1880s these rural carriers were being forced to abandon their traditional individualistic orientation, seeking instead—like their rural urban and wage-earning counterparts—to bargain collectively with their employers to ensure their economic survival.

### Urban Carters and Drivers

One of the consequences of railway development was to clearly differentiate urban carriers and drivers from their rural counterparts for the first time. Previously urban and rural transport workers had continued to rub shoulders together in the city streets, with observers commenting on the essentially rural origins of most carters hauling in the city.<sup>44</sup>

With the growing complexity of Australian society between 1861 and 1890 the tasks undertaken by this urban class of carters and drivers developed accordingly, transforming urban road transport into a highly diversified—and fragmented—industry. In contrast with the bush where teamsters developed a common sense of identity through shared skills in handling large teams of bullocks or horses, the variety of tasks undertaken in the city hindered such a common consciousness.

Carrying passengers as well as freight—and loads as diverse as laundry, firewood, coal, wool and building supplies—the types of vehicles used by drivers varied enormously, from horse-drawn omnibuses to one-horse carts to multi-teamed wagons.<sup>45</sup> The skills involved in such work were as varied as the vehicles used. Coal carters, for example, were expected to be strong enough to load and deliver heavy bags of coal, with a NSW Arbitration Court later describing such work as being "of an extremely laborious kind."<sup>46</sup> Omnibus

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43 This survey was undertaken by the *Barcaldine Champion* and reproduced in the *Age*, 30 May 1891.

44 Harris, *op.cit.*, p.4.

45 For descriptions and photos of the various vehicles in use on the roads of late nineteenth Australian cities see Geoffrey Dutton, *City Life in Old Australia*, (Currey O'Neil, Melbourne, 1984), p.9., 16-30, 139.

46 8 *NSWAR* (1909) p.98.



drivers, by contrast, were expected to show skill in handling passengers and money alike,<sup>47</sup> although one official report described them as "slovenly, ignorant and Irish."<sup>48</sup>

The fragmentation of urban road transport was exacerbated by the fact that the majority of firms undertaking transport tasks would not have considered themselves primarily as transport operators. Nor would their employees engaged in such transport tasks have necessarily considered themselves as drivers, thus hindering the development of a sense of community amongst urban road transport workers.

Traditionally Australian firms had met their transport needs by self-delivery or pick-up, often delegating an existing employee as a part-time carter.<sup>49</sup> While some ancillary operators—particularly the large shipping companies and retail emporiums—were to develop large workforces of drivers, in most cases the number of drivers employed by such firms would have been extremely small.<sup>50</sup> Liable to be relocated to work as shop-assistants or storemen when no transport tasks were required, such drivers were apt to identify themselves with fellow shop-assistants or storemen rather than with drivers employed by some other firm. With the growth of unionism these drivers were also likely to be regarded as being rightfully members of the union covering the majority of their colleagues whether they be shop-assistants, storemen or metal workers—a fact which was to cause innumerable troubles for future drivers' unions.

The problem with a firm providing its own transport was that it increasingly tied up the firm's existing personnel and capital in drivers and vehicles. As firms expanded they found that their transport needs also grew, with retail businesses discovering that they needed one carter for every four hands.<sup>51</sup> While most firms continued to meet their own transport needs, others decided to contract out their transport work to a professional or hire and reward operator.

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47 For descriptions of the work and responsibilities of an omnibus driver in the early 1880s see R.E.N. Twopenny, *Town Life in Australia*, (Eliot Stock, London, 1883), p.15.

48 "Report of Select Committee on Public Vehicles and Boats, 1870", cited Shirley Fitzgerald, *Rising Damp: Sydney 1870-1890*, (Oxford University Press, Melbourne, 1987), p.53.

49 For descriptions of how retail operators met their transport needs in Brisbane see "Minutes of Evidence of the Royal Commission into Shops, Factories and Workshops", *QVP*, 1891, Vol.2, p.989. Also Bob Boyce, "Grocer", in Murray Walker, *Making Do: Memories of Australia's Back Country People*, (Penguin, Melbourne, 1982), p.83.

50 In New South Wales in 1891 the ratio of wage-labourers to employers in road transport was approximately 2.5:1. See Timothy Coghlan, *New South Wales Census of 1891*, (Government Printer, Sydney, 1894), p.927.

51 George Christie, Minutes of Evidence to the Royal Commission into the Operation of the Factories and Shops Law of Victoria, *VVP(LA)*, 1902/3, Vol.2, p.207, Q.4808.

Such operators could in turn be either a self-employed carrier or a company employing its own drivers. For the hire and reward firm transport was their sole business. The drivers, loaders and other workers employed by such firms could not but identify themselves primarily as transport workers, becoming the core membership around which most future drivers' unions were built.

In the 1880s, however, the hire and reward sector of the road transport industry remained at an immature stage of development, reflecting the transitional nature of the Australian economy as a whole as it gradually shifted to larger units of production. Indeed the emergence of a class of wage-labourers in road transport lagged behind such developments in the wider economy, with the continued domination of the industry by the self-employed or small-scale employer hindering and blurring the development of a class relationship between capital and labour.

In 1891, when wage-earners comprised up to sixty per cent of all breadwinners, the NSW Census demonstrated that self-employed were the largest sector of the industry in that colony, there being 2359 self-employed carriers, compared to 767 employers and 1823 wage-earners.<sup>52</sup> While other colonies failed to publish separate figures indicating employment status, there is no reason to suspect that this ratio was significantly lower in the other colonies. On the contrary, the subsequent dominance achieved by self-employed carriers' unions in Queensland over their wage-earning counterparts suggests that the percentage of self-employed carriers was considerably higher there.

By the 1880s the professional carrying firms employing wage-labour were making their most serious impact in the 'shipping trade', hauling goods to and from the wharves. In this section of the industry, as with the large retail emporiums, the sheer volume of work began to demand a more organised system of pick-up and delivery than that provided by the self-employed carrier. Even here, however, generalisations are difficult. In Sydney fourteen 'heavy carrying' firms developed a certain pre-eminence within the trade. The largest of these firms—James McMahan, Sutton and Sons, Shortland and Sons, and the City Carrying

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52 Coghlan, *New South Wales Census of 1891*, loc.cit.

Company—were concentrated around Circular Quay.<sup>53</sup> In Melbourne, by contrast, employment of drivers in the 'shipping trade' was still dominated by the powerful shipping companies such as Howard Smith and Sons, Huddart Parker and Co., James Paterson and Co., and Piggott and Sons,<sup>54</sup> although by the end of the 1880s these firms had begun to contract out some of their carrying work. Howard Smith, for example, gave the Port Melbourne carrying firm of Morley and Co. the industrially vital work of hauling coal between the waterfront and the city's gasworks.<sup>55</sup>

While the larger transport firms in Melbourne and Sydney faced competition from large numbers of self-employed carriers, in the smaller centres of Brisbane and Port Adelaide the small master carrier continued to predominate, partly through an alliance with local unions. The same could be said for non-capital ports such as Newcastle, Rockhampton and Townsville. Outside of Melbourne and Sydney the most important carrying firms were to be found along Adelaide's Port Road, where a number of firms were to build up a monopoly of the carrying trade through this vital thoroughfare.

### **The Self-Employed: Neither Capital Nor Labour**

The continuing domination of road transport by the self-employed or small operator in the late nineteenth century was an indication of the relative ease with which entry could be obtained into the industry. The utilitarian two-wheeled cart or tip dray could be purchased for ten to twelve pounds.<sup>56</sup> Occasionally tip drays could be purchased for as little as five pounds,<sup>57</sup> or about three weeks wages for even a poorly paid labourer. Horses, too, were cheap, obtainable for between two and eight pounds.<sup>58</sup> Altogether a carter could set himself up

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53 See membership list appended to *MCA (NSW) Minutes*, 27 August 1890. (These records are held by the NSW Road Transport Association, Clarence Street, Sydney.)

54 *Age*, 13 February 1883.

55 *Argus*, 6 September 1890.

56 *Sydney Morning Herald*, 12 April 1888. Also *Sydney Morning Herald*, 11 January 1889.

57 *Ibid.*, 24 April 1888.

58 *Age*, 15 August 1888.

with a cart and horse for less than twenty pounds—a process made easier for those of modest means by the practice of time payment.<sup>59</sup>

The most direct effect of hundreds of self-employed carriers on the industry was to make it extremely competitive, with carriers competing for available work by offering cut-throat rates. The rates offered were often so low that the contracting firms were known to remark on occasion that they were "almost ashamed to receive stuff from carriers which carried at such ridiculously low prices."<sup>60</sup> Such low rates forced down the prices charged by the larger firms, making them extremely reluctant to increase wages unless they could be guaranteed that such wages would be enforced on their rivals.

Perhaps even more important than the economic effects of large numbers of self-employed in the industry were the industrial consequences. Their sheer weight of numbers made their attitudes decisive in any conflict between employers and drivers in road transport. Until the self-employed were either unionised or driven from the industry the position of the unionised, wage-earning drivers would remain precarious.

The self-employed were nevertheless not completely blind to the effects of unregulated competition, and during the 1880s increasing numbers began to organise themselves to improve their lot through collective action. Such organisation basically took one or two forms. One course of action was to align themselves to the large carriers against organised labour to keep wage costs low—which did little for the self-employed—and to set minimum rates. The affiliation of numbers of self-employed to the Master Carriers' Association established in Sydney to defeat the Maritime Strike is the clearest example of this course of action. Such actions were, however, atypical. Far more prevalent were independent organisations of carriers that sought to either align themselves with organised labour or steer an independent course between the two parties. While carriers' unions were to find their greatest success in establishing regulated rates through an alliance with organised labour, the relationship between

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59 The normal method of time payment was one-third deposit, one-third after six months and the balance after twelve months. Such practices dated back to the 1840s. See *Sydney Morning Herald*, 12 December 1848.

60 *Ibid.*, 22 August 1890.

the two parties reflected the ambivalent class position of the small carrier. Essentially he remained a small businessman, often bound by a formal contract that he was loath to break.

## Conditions of Employment

If there is some room for historical debate in examining the position of the bush bullock driver, there is little doubting the position of the urban carter or driver—it was firmly placed at the bottom of the economic and social order. So low was the status of driving that the acceptance of such work was often seen as proof of social failure, with one Sydney alderman warning that if the city's youth was given such work it "would only bring them up to vagrancy in a large number of cases."<sup>61</sup>

Carters and drivers were expected to start early and finish late. Long before the first load of the day was undertaken the carter was already in the stables, feeding and harnessing his horse in a necessary ritual that added at least an hour to his day.<sup>62</sup> The carter's day only finished when the final load of the day was delivered, perhaps three or four hours after most other workers had finished up.<sup>63</sup> The total hours worked by drivers little resembled those celebrated by unionists in their eight-hour day marches. The norm for waterfront drivers was around fourteen hours per day,<sup>64</sup> while milk carters worked up to 108 hours per week.<sup>65</sup> Often their hours of work were such that drivers were forced to sleep in vermin-ridden stables with their horses. It is no surprise to learn that the first victim of the bubonic plague outbreak in Sydney in 1900 was a waterfront van driver, Arthur Paine.<sup>66</sup>

The financial rewards for these long hours were meagre, often no more than twenty-five or thirty shillings per week, and seldom exceeding thirty-five shillings<sup>67</sup>—in an era when even

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61 "Alderman John Sutherland, Minutes of Evidence to the Select Committee on the Conditions of the Working Class of the Metropolis, 1859-60", *NSWVP*, 1859/60, Vol.iv, p.121.

62 *Age*, 16 February 1883.

63 See W. Beasley (Sen.) "Letter to the Editor", *Adelaide Advertiser*, 24 January 1890.

64 *Sydney Morning Herald*, 16 September 1890.

65 *Age*, 10 July 1900.

66 Peter Curson and Kevin McCracken, *Plague in Sydney: The Anatomy of an Epidemic*. (NSW University Press, Sydney, 1990), pp.116, 138. Paine was one of three carters or carriers to die from plague in Sydney during 1900.

67 *Age*, 22 January 1886.

employers identified thirty shillings as a low wage below which life became precarious.<sup>68</sup> Employers defended these low wages by emphasising the unskilled nature of driving, with Francis Clapp, the largest employer of drivers in Melbourne in 1885, declaring on one occasion: "driving . . . is not laborious work, and does not require skilled labour, any person of steady habits who can drive a horse being eligible for a drivers' position."<sup>69</sup>

In a society where most workers fancied they could handle a horse-drawn vehicle there was never a shortage of men to fill the vacancy of any driver who objected to his conditions of employment. Chronic over-supply of drivers was a long established feature of the industry,<sup>70</sup> often acting as a refuge for those unable to find work in their normal occupations.<sup>71</sup> This 'reserve army' of drivers was to provide a source of strike-breakers in nearly every dispute undertaken by drivers throughout the 1880s and 1890s.

Of all the features of their work it was the casual nature of their employment that posed the greatest threat to the personal security of drivers. The daily fluctuations in work that are an inevitable part of any transport operation were exacerbated by the reliance of many 'heavy' carriers on the wool season. In attempting to meet these daily and seasonal variations firms responded by operating with a skeleton staff, hiring casual drivers as need arose. As H. Graves, Adelaide's largest carrier explained: "our work ebbs and flows so that we frequently have to put on additional hands . . . it would be very hard in cases of emergency if we could not relieve the glut by taking on these men."<sup>72</sup>

The ability of master carriers to hire and fire at will was seen as an essential element in their managerial authority, making them implacable foes of unionism. Graves summed up the general attitude of master carriers towards trade unions when he told his men: "the only union I want is between them and me".<sup>73</sup> Despite this employer hostility, the total supremacy of

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68 "T.A. Dibbs, Minutes of Evidence", in *Report of the Royal Commission into Strikes*, (George Stephen Chapman, Sydney, 1891), p.186.

69 *Age*, 31 July 1885.

70 In 1859, for example, a builder reported receiving thirty applications for a single vacancy by seven in the morning. See "Minutes of Evidence, Select Committee on the Conditions of the Working Class in the Metropolis, 1859-60), *op.cit.*, p.1430.

71 "Minutes of Evidence to the Royal Commission into the Operation of the Factories and Shops Law of Victoria," *op.cit.*, p.915, Q.19294.

72 *Adelaide Advertiser*, 18 January 1890.

73 *Ibid.*

management in the transport industry was nevertheless under challenge by 1890 from attempts at union organisation by drivers in all four eastern mainland colonies.

## 2: CONTEXT OF LABOUR RELATIONS 1880-1890

### Changing Employment Relationships

The period between 1861 and 1890 was, as we have previously observed, one of considerable economic growth—a process which was to lead to a gradual transformation of economic and social relationships. As industrialisation and urbanisation advanced the employment relationships which had previously been defined by the Masters and Servants Acts no longer sufficed. In the place of the personal relationship between master and servant emerged the need to define a new collective relationship between employers and employees. Expressing a recognition of the need to negotiate and enforce collective agreements with labour Charles C. Kingston, who became Premier of South Australia in 1893, testified: ". . . it is difficult to deal with individuals, but not so difficult to deal with bodies."<sup>74</sup>

The preparedness of some sections of capital and their liberal, middle class representatives to accept a more regulated industrial environment in which trade unions would have a place as the representatives of labour had an economic rationale. As Australian manufacturing firms developed they found their survival threatened from two sides—from foreign imports on the one hand and from smaller, less capitalised firms undercutting their prices on the other. An alliance with labour offered a mechanism by which these threats could be overcome to the mutual benefit of both the emerging industrial bourgeoisie and labour. Tariffs would provide protection from overseas competition while the implementation of the provisions of the various Shops and Factories Acts would force certain minimum standards of

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74 "Minutes of Evidence" in *Report of the Royal Commission into Strikes*, p.223.

employment on all employers.<sup>75</sup> The existence of such liberal sentiments amongst employers helped convince labour leaders of the possibility of an accord between themselves and the more 'respectable' employers aimed against the 'sweater' who unduly exploited his workers.<sup>76</sup>

Despite the gradual emergence of new employment relationships in the latter decades of the nineteenth century the extent of the change should not be exaggerated. The period is best regarded as one of transition. Earlier restrictive laws against trade unions were eased and partly lifted but without any accompanying moves to codify their right to intervene in the relationship between employers and their workers such as was to occur in the first decade of the twentieth century.

Labour relations continued to operate largely under the principles of 'laissez-faire' capitalism, with the various Shops and Factories Acts concerning themselves primarily with issues such as safety, ventilation and the employment of women and juveniles rather than with hours, wages and general employment conditions. No legislation existed to limit hours of work for adult males or to provide for minimum wages for such workers. Nor were there any legal provisions for overtime, sick pay, annual holidays or long-service pay.<sup>77</sup> For those who were sick, old or injured there was no social security, only private charity or occasional government relief work.

## Collective Bargaining and the Labour Market

In the absence of government regulation of employment conditions trade unions were forced to rely on collective bargaining in attempting to improve their conditions of employment. Here, once again, the law offered unions little support. Collective agreements between unions

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75 For a discussion of social support for the introduction of Victoria's first Factory Act see Jim Hagan, "Employers, Trade Unions, and the First Victorian Act", *Labour History*, No.7, November 1966, pp.3-10. Other colonies lagged behind Victoria in introducing such legislation. In South Australia there was no Factories and Shops' Act before 1894, in New South Wales and Queensland none until 1896, while Western Australia's first factory legislation was not until 1897. Tasmania remained workplace legislation throughout the nineteenth century. See Timothy Coghlan, *Labour and Industry in Australia*, (Macmillan, Melbourne, 1969) Vol.4, pp.2087-2097.

76 See, for example, the testimony of leading South Australian trade union official, G.H. Buttery, in "Minutes of Evidence, Royal Commission on Shops and Factories", *SAPP*, Vol.II, p.10. Buttery contrasted 'respectable employers' with those who attempted to avoid paying decent rates.

77 Fry, *op.cit.*, pp.292-303.



and employers were purely voluntary settlements which would be discarded at whim. The position of trade unions themselves remained legally precarious until the 1880s in most colonies, with Queensland and Victorian unionists remaining open to prosecution under conspiracy laws until 1886.<sup>78</sup>

Given the absence of legal pressures on employers to negotiate with their workers, the survival and effectiveness of trade unions often initially depended on their members' ability to engage in unilateral bargaining, enforcing an agreed set of union rules and rates in each individual workplace or industry. Where such efforts were successful, employers found themselves entering into a process of collective bargaining as the initial agreements expired or came up for review. The primary aim of most unions was the creation of a 'union shop' where employers were forced to recognise and deal with the union concerned in offering terms of employment to their workers.<sup>79</sup>

The success of these union attempts at unilateral or collective bargaining were in the final analysis dependent on the supply and demand for labour. During the latter half of the nineteenth century demand for labour in Australia fluctuated markedly in line with the seasonal needs of the pastoral industry, leading to considerable casual or seasonal employment.<sup>80</sup> Few sectors of the economy were more vulnerable to this seasonal demand for employment than the transport industry, responsible for the movement of the annual wool crop. Employment opportunities for rural carriers, railway workers, urban carriers, railway workers, urban carters and maritime workers all reflected the needs of the pastoral sector. In giving evidence to the Royal Commission into Strikes during 1891 trade union witnesses constantly contrasted the busy period during the wool season with the rest of the year, when weeks could go by with no work.<sup>81</sup>

If seasonal demands for labour tended to undermine labour's overall bargaining position then the rapid growth in population between 1861 and 1891, from 1,156,000 to 3,690,000 eroded substantial increases in living standards. While growth in real GDP was certainly

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<sup>78</sup> *Ibid.*, pp.485-86.

<sup>79</sup> "Minutes of Evidence" in *Report of the Royal Commission into Strikes*, p.307.

<sup>80</sup> Jenny Lee and Charles Fahey, "A Boom for Whom? Some Developments in the Australian Labour Movements, 1870-1891", *Labour History*, No.50, May 1986.

<sup>81</sup> "Minutes of Evidence" in *Report of the Royal Commission into Strikes*, pp.20, 32-3, 194.

exceptional between 1861 and 1889, averaging five per cent per annum, growth in real GDP per head was far more modest at 1.4 per cent per annum.<sup>82</sup>

Rather than having been in a position to dictate events due to a shortage of labour it would appear that the ready availability of a reserve army of unemployed outside the gates was the major factor in shaping the development of trade unions during the latter decades of the nineteenth century. Perhaps the most important point to emphasise in examining industrial relations in late nineteenth century Australia is that the majority of employers continued to oppose union organisation by their workers, and that on the whole they did so successfully. Union membership remained confined to a minority of the workforce. Although union membership perhaps peaked at twenty per cent of the workforce during the 1890 Maritime Strike, effective union strength would have normally been well below this level.<sup>83</sup>

### The Shape of Organised Labour

Given the adverse conditions prevailing in the labour market and the lack of a countervailing intervention by the state, unions were normally only able to substantially influence their employment conditions through unilateral or collective bargaining in those areas of the workforce where special skills or strategic placement gave them exceptional bargaining power. Until the 1880s trade unions were normally the preserve of skilled tradesmen such as engineers, stonemasons or printers who sought to defend their craft privileges by restricting entry into their trades.<sup>84</sup> Outside of the circle of craft unions only the coal miners of New South Wales had demonstrated the ability for effective union organisation before the late 1870s—their unusual power stemming from both the closed nature of the mining communities and the value of coal as a commodity for the functioning of industry.<sup>85</sup>

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82 Butlin, *I.A.E.D.*, p.9, 13.

83 Gollan, *Radical and Working Class Politics*, pp.132-3.

84 Ken Buckley has observed of the Amalgamated Society of Engineers (ASE): "From the beginning the trade policy of the A.S.E. was one of restriction." See Buckley, *op.cit.*, p.3.

85 See Gollan, *The Coalminers of New South Wales*. Also Edgar Ross, *A History of the Miners' Federation of Australia*, (The Australasian Coal and Shale Employees' Federation, 1970).

Despite their tendency towards trade exclusiveness the craft unions provided the basis for the key organisations of Australian labour, the trades and labour councils, the formation of which had been achieved in all colonies except Western Australia by 1884.<sup>86</sup> The labour council provided the essential mechanism by which a fragmented collection of unions were turned into something socially and politically distinct—an organised labour movement. Acting as the medium for the exchange of organisational, financial and industrial support between the various sections of organised labour, the labour councils also served during the 1880s as sponsors for the spread of unionism to previously unorganised sections of labour.<sup>87</sup> In addition the labour councils acted as a forum for the advancement of labour's interests through political action, both through lobbying existing parliamentary members and through the sponsorship of its own 'labor' candidates. By 1890 such candidates had found their way into the parliaments of all eastern mainland colonies, although continuing to fall short of establishing a distinct Labor party.<sup>88</sup>

Despite the expansion of unionism to unskilled workers during the 1880s under the auspices of the trades and labour councils, most of the 'new unions' of the period possessed little if any bargaining power. As June Phillipp has concluded from a study of unions affiliated to the Melbourne Trades Hall Council (THC): "On the eve of the Maritime Strike most of the unskilled unions were small and local bodies enjoying only a precarious life."<sup>89</sup>

While the labour councils remained the most important co-ordinating centres for labour during the 1880s their position was increasingly rivalled by new unions amongst pastoral and maritime workers. Unlike the majority of new unions which emerged in the 1880s the pastoral and maritime unions were, like the coal miners, mass organisations whose strategic position gave them considerable industrial power. By 1886 the maritime workers of Sydney and Port

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86 J.T. Sutcliffe, *A History of Trade Unionism in Australia*, (Johnson Reprint Corporation, New York, 1967), p.64.

87 For studies of the early organisation of Australia's labour councils see Felmingham, *op.cit.* Also June Phillipp, *Trade Union Organisation in NSW and Victoria, 1870-1900*, (MA Thesis, University of Melbourne, 1953). Also W.J. Harris, "Queensland Labour History", *Labour History*, No.1, 1962.

88 For accounts of the political involvement of the labour councils see Nairn, *Civilising Capitalism*. Also D.J. Murphy (ed.) *Labor in Politics: The State Labor Parties in Australia 1880-1920*, (University of Queensland Press, Brisbane, 1975).

89 Phillipp, *op.cit.*, pp.189-90.

Adelaide had established their own separate Maritime Councils, encompassing seamen, wharf labourers, and other waterfront workers.

The shearers and the maritime workers both soon realised that their own industrial power could be consolidated by encouraging the formation of unions to cover other workers engaged in the pastoral sector or around the waterfront. With the largest and most industrially significant sections of road transport being concentrated around the pastoral rail centres or the coastal waterfronts it was inevitable that their strategic placement would draw the attention of maritime and pastoral unions. In consequence it was these unions, rather than the labour councils, which emerged as the major sponsors, advocates and influences upon the formation of carriers' and drivers' unions. The major exception to this process were the carriers and drivers of Melbourne, whose efforts at unionisation continued to be shaped by the intervention of the THC; a fact which perhaps explains the more hesitant advance of road transport unionism in that city after an early start.

Generally more dynamic and aggressive than the unions associated with the labour councils, the strategic position of the pastoral and maritime unions placed them both in a relatively strong bargaining position and at the likely centre of any wider conflict between capital and labour. By coming within the ambit of attempts by maritime and pastoral unionists to forge a closer alliance of labour, the road transport unions of the 1880s and 1890s found their fate interwoven with that of their sponsors and allies.

### **3: THE PIONEER ROAD TRANSPORT WORKERS UNION**

#### **Melbourne: First Attempts 1883-1890**

On 12 February 1883 the coal importers of Melbourne found themselves confronted with an unprecedented occurrence—a strike by their yardmen and drivers. When one manager, David Conlon, ventured out to discover why there was no response to the starting bell he found

that there was no one there except a striker, Michael Kellahan, who was holding a union placard attached to a piece of galvanised iron. Kellahan promptly hit Conlon on the head with his pole. In another yard the men entered the premises, emptied carts, and threatened to drown in the Yarra anyone who continued working.<sup>90</sup>

The strike had resulted from the formation of the Coal Carters' Union some two weeks previously and their demand for an eight-hour day from 12 February 1883.<sup>91</sup> Some 140 yardmen and drivers went on strike when this demand was rejected, with employers advertising for new workers to replace the striking unionists. The strike galvanised other waterfront workers, with wharf labourers declaring that they would consider support action.<sup>92</sup> The hoped-for solidarity failed to eventuate and by 20 February the coal drivers had been defeated.<sup>93</sup>

A decisive feature in the failure of the strike was the decision of the Melbourne THC not to support it, declaring instead "that as it required no skilled or special labour for coal carting the employers could be to a great extent independent of the strike."<sup>94</sup> This statement reflected the low esteem drivers were held in by their more skilled counterparts in the THC, and posed a major obstacle for future carters' and drivers' unions in Victoria.

While historically significant as the first attempt by wage-earning drivers to organise themselves during the 1880s,<sup>95</sup> the Coal Carters' Union did not survive for long after its defeat in the February 1883 strike. A union of self-employed carriers established at the same time, the Melbourne Carriers' Union, also seems to have enjoyed only a brief existence.<sup>96</sup> A more enduring union was established on 26 July 1885 with the formation of the Coach Drivers' Union.<sup>97</sup> Initially formed to represent the employees of the Melbourne Tramway and Omnibus Company, the union quickly won 150 adherents amongst its workforce, building on discontent

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90 *Age*, 13 February 1883.

91 *Ibid.*

92 *Ibid.*, 15 February 1883.

93 *Ibid.*, 20 February 1883.

94 *Ibid.*

95 A union covering Melbourne's self-employed cabmen, the Melbourne and Suburban Cabmen's Protection Union had been previously established in May 1879 under the Secretaryship of G. Boanas. See *Age*, 24 May 1879.

96 W.E. Murphy gives the Melbourne Carriers' Union a place in his calendar of the history of the Australian Labour Movement. See W.E. Murphy, *History of the Eight-Hours Movement*, Vol.1, (Spectator Publishing Co., Melbourne, 1896), p.106. Strangely, the Coal Drivers' Union was forgotten.

97 *Age*, 29 July 1885.

by omnibus drivers with their hours of work, with 7:20 a.m. to 11:30 p.m. shifts being regularly worked.<sup>98</sup>

Unlike the previous Coal Carters' Union, the THC was involved with the Coach Drivers' Union almost from the outset. However, its main representative at meetings of the Coach Drivers, Mr. P. Edersham, was more interested in averting any possible dispute than securing a favourable resolution of the members' demands for shorter hours and improved wages.<sup>99</sup> Edersham counselled against any strike, hoping "that the men would be discreet in their movements and show no bullying or uncivil tone towards their employers. He did not believe in strikes."<sup>100</sup>

Despite Edersham's urgings of restraint a strike broke out on 2 August 1885 with two hundred drivers stopping work for an eight hour day and a uniform wage of two pounds, two shillings.<sup>101</sup> Concerned with the possibility of a lengthy transport strike, William Trenwith intervened to organise a conciliated settlement and a return to work on 9 August.<sup>102</sup>

Trenwith was to have an increasingly important role in the Coach Drivers' Union. Then the Secretary of the Operative Bootmakers' Union, he was just beginning the rise to prominence that was to mark him as the leading Victorian labor activist of his generation.<sup>103</sup> Having recently settled a strike involving his own Bootmakers' Union through voluntary conciliation and arbitration, Trenwith sought to apply these principles to road transport. The results, however, were to be less than successful.

Although the omnibus drivers gained a 17-1/2 per cent reduction in hours through Trenwith's settlement, many of the Coach Drivers' leading activists were victimised, with the men soon complaining that they had been misled.<sup>104</sup> Faced with a progressive decline in their influence amongst omnibus drivers, the Coach Drivers' Union decided to expand their coverage

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98 *Ibid*, 31 July 1885.

99 Edersham was not adverse to sacrificing the interests of members of his own union, the Cigar Makers', in the cause of industrial peace. When questioned at a THC meeting in July 1886 about the plight of the girls in a Cigar Makers' dispute Edersham replied: "Let them go into service". See *Age*, 10 July 1886.

100 *Ibid*, 31 July 1885.

101 *Ibid*, 3 August 1885.

102 *Ibid*, 10 August 1885.

103 Trenwith was to become THC President from 1886-87, Member for Richmond 1889-1903, Leader of the Progressive Labor Party 1892-1903, and Commonwealth Senator 1903-1910. See Kathleen Thomson and Geoffrey Serle, *A Biographical Register of the Victorian Parliament 1859-1900*, (ANU Press, Canberra, 1972), pp.210-11.

104 *Age*, 11 August 1885. Also *Ibid*, 12 August 1885.

to include other carters and drivers. On Saturday, 6 February 1886 a mass meeting of two hundred drivers voted to change the name of the union to the Melbourne United Drivers' Society.<sup>105</sup> In the process the THC's representatives strengthened their hold over the union. Trenwith was elected Treasurer while Henry MacDonald, who had emerged as the most vocal critic of their policy of conciliation, was replaced as Secretary by the more pliable W. Robertson.<sup>106</sup> MacDonald had previously identified the pursuit of a policy of conciliation as the main factor in the declining power of the Coach Drivers' Union.<sup>107</sup>

The United Drivers' were to show promising signs of growth during early 1886. By the end of April Robertson could declare "that when he was elected . . . the society was chiefly composed of omnibus drivers, but since then so many new members had joined that the majority of the members were general carriers."<sup>108</sup> However there were ominous signs for the union's future. Trenwith's continued support for conciliation and his opposition towards any strike action<sup>109</sup> left union activists open to continual victimisation and by May 1886 the union's initial base amongst omnibus drivers had largely been destroyed.<sup>110</sup> As victimisations continued the United Drivers became increasingly dependent on Edersham and Trenwith for leadership, with Edersham being elected Secretary in December 1886.<sup>111</sup> Even their interest in the union was waning, however, as Trenwith found his time being taken up by his new duties as THC President in 1886, while Edersham became involved in a dispute in the Cigar Trades. The union does not appear to have survived past the end of 1886.

In commenting on the failure of the United Drivers' the Secretary of the THC, David Bennet, wrote in June 1890 that the union had "only passed out of existence through the apathy of the men themselves after they had obtained the greater part of what they then wanted."<sup>112</sup>

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105 *Ibid*, 8 February 1886. Newspaper reports still sometimes referred to the union as the Coach Drivers. It was also called the Bus Drivers' Union. The confusion in names led June Phillipp to believe that they were separate unions. This is not the case. See Phillipp, *op.cit.*, p.77.

106 *Ibid*.

107 *Age*, 23 January 1886.

108 *Ibid*, 26 April 1886.

109 *Ibid*, 11 March 1886.

110 This was observed by the union's pioneer President, John Kedrick. See *ibid*.

111 *Ibid*, 24 December 1886. Such was the decline in the union in the latter half of 1886 that Alison Churchward claims that it "faded out of existence" after May 1886. See Alison R. Churchward, "Attempts to form a Union: the Employees of the Melbourne Tramway and Omnibus Company, 1882-1898", *Labour History*, No.42, May 1982, p.35. This is, however, incorrect. The union lasted until at least December 1886.

112 *Ibid*, 16 June 1890.

This comment is misleading. The union failed because it followed a strategy that allowed the men to be progressively victimised while gaining few benefits in return. While the absence of any legal mechanism for forcing employers to recognise and deal with unions remained the greatest obstacle faced by drivers' unions during the 1880s, the history of the United Drivers' Society demonstrated that a blind commitment to the principles of conciliation also posed dangers for future efforts at unionisation. The opposition of Henry MacDonald to Edersham and Trenwith's support for conciliation was to be but the first manifestation of an enduring conflict over industrial strategy that was to tear at future efforts at institutional unity by road transport unions.

With the collapse of the United Drivers' and with THC officials once again seeming to lose interest in road transport, Melbourne's drivers were to remain largely unorganised until the 1890 Maritime Strike.<sup>113</sup> In addition the disintegration of the union destroyed the institutional link between omnibus drivers and other drivers. By 1885 cable trams were beginning to operate in Melbourne and the future of this workforce was to largely belong to the Melbourne Tramway Employees' Union.<sup>114</sup>

### **South Australia 1887-1890: A Militant Approach**

Between 1887 and 1890 carters and drivers in Port Adelaide and along Adelaide's Port Road were to establish a union presence and win wages and conditions unequalled by any other drivers in Australia at the time, representing the success of an industrially militant approach which benefited from a combination of unique local circumstances.

Unlike elsewhere in Australia, the construction of a railway between Adelaide and Port Adelaide in 1856 did little to undermine the local road carrying trade. With only eight miles between the two centres companies found that it was often cheaper to ship goods directly along the Port road than engage in double-handling through the rail system.<sup>115</sup> Even the major

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113 A Bread Carters' Union emerged in July 1888, while a Milk Carters' Union and a Hay and Corn Drivers' Union both affiliated with the THC for a short-period during 1889. None of these unions, however, survived for any length of time. See *Ibid*, 9 July 1888. Also Phillipp, *op.cit.*, p.84.

114 Churchward, *op.cit.*

115 *Observer*, 22 February 1879.



'railway-carrier', H. Graves and Co., found it more convenient to haul goods by road, especially for "express work".<sup>116</sup> Instead Graves emerged as one of the leading Port road carriers, along with Rofe and Co., H. Hill and Co., Willsmore and Co., and Bushell and Co. All of these firms were of considerable size, employing up to sixty drivers each.<sup>117</sup>

One of the peculiar features of South Australia was the emergence of an association of small employers, the Licensed Carters, as the first bastion of unionism amongst the colony's road transport industry. Registered as a trade union on 6 May 1879,<sup>118</sup> the Licensed Carters affiliated with the Port Adelaide Maritime Labour Council (MLC) in 1886.<sup>119</sup> With the thirty-four members of the Licensed Carters enjoying a near monopoly of Port Adelaide's carrying trade, they were to provide the MLC with a major source of strength during the colony's 1887 Maritime Strike. In a dispute that foreshadowed the wider battles of 1890 the MLC attempted to force shipping companies to accept the affiliation to the council of ship's officers. While this campaign was unsuccessful, the MLC could not but have been impressed by the contribution of the Licensed Carters, their stoppage having paralysed local commerce.<sup>120</sup>

With the events of 1887 having demonstrated the importance of road transport in the Port Adelaide region, the MLC subsequently commenced a campaign to consolidate and extend the influence of unionism in the carrying trade. Between 1887 and 1890 the business rivals of the Licensed Carters in Port Adelaide were systematically pushed out, with H. Graves complaining in 1890: "I acceded lately to the request of the Maritime Council in regard to carrying against the licensed carters of the Port, and they are very pleased at my taking all my carrying plant away from Port Adelaide."<sup>121</sup> The MLC also encouraged the growth of the Port Adelaide Drivers' Association, a body established on 15 September 1887 under the leadership of Geo. Wilkes to cover the drivers employed by the Licensed Carters.<sup>122</sup> By December 1889

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116 *Adelaide Advertiser*, 18 January 1890.

117 *Ibid.*

118 "Report of the Registrar of Trade Union", *SAPP*, 1897, Vol.II, No.61.

119 Robin Walker, "The Maritime Strikes in South Australia, 1887 and 1890", *Labour History*, No.14, May 1968, p.4.

120 *Observer*, 15 October 1887.

121 *Adelaide Advertiser*, op.cit.

122 *Ibid*, 16 September 1887.

the MLC was prepared to collaborate with Adelaide's United Trades and Labour Council (UTLC) in extending unionism to the drivers employed along the strategic Port Road.

The battle between the Port Road carriers and their drivers commenced in December 1889 when the drivers declared their intention to establish their own union.<sup>123</sup> The Port Road carriers responded to this announcement by threatening to lock their men out. On 17 January 1890 a delegation of drivers appealed to the UTLC for assistance.<sup>124</sup> After some initial hesitancy a combined UTLC-MLC meeting on 18 January decided to throw their united weight behind the drivers.<sup>125</sup>

Following the special UTLC-MLC meeting the assembled delegates immediately proceeded to the Half-Way House Hotel on the Port Road to participate in the inaugural meeting of the Adelaide and Suburban Port Road Drivers' Association (ASPRDA).<sup>126</sup> The meeting elected the founder of the South Australia Typographical Association, A.A Kirkpatrick, as the Society's first President, with C.N. Loader being chosen as Secretary, Thos. Luscombe, as Vice-President and a Mr. Williams as Assistant-Secretary. The Rules adopted at the meeting sought a minimum wage of two pounds, two shillings and a ten hour working day.<sup>127</sup>

On returning to work on Monday 20 January the drivers found themselves faced with dismissal and victimisation, as had the Melbourne Coach Drivers following the establishment of their union. With the drivers receiving the militant backing of other unions, however, these threats proved ineffective in breaking adherence to the new union. Instead it was the employers who found themselves isolated, with the editorial of the *Adelaide Advertiser* predicting their defeat, noting that "there cannot be a doubt that the employers will be obliged to withdraw from an untenable position."<sup>128</sup>

The predictions of the *Adelaide Advertiser* proved correct. Rebuffed when they appealed to the local Employers' Union for support the Port Road carriers had little option other than complete capitulation.<sup>129</sup> Under the terms of an agreement accepted by the carriers in

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123 *Ibid*, 20 January 1890.

124 *Ibid*, 18 January 1890.

125 *Ibid*, 20 January 1890.

126 *Ibid*.

127 *Ibid*.

128 *Ibid*.

129 *Ibid*, 25 January 1890.

February 1890 a virtual 'closed shop' was conceded for union drivers. Non-union labour could be employed in an emergency but after two weeks it became the responsibility of the employer to see that such workers joined the union. The union's demands for a ten hour day and a wage of two pounds, two shillings per week was also conceded in full.<sup>130</sup> All work after 7 pm was to be paid overtime.

The conditions and union recognition won by the ASPRDA was unequalled by employee drivers anywhere else in Australia during the nineteenth century. In part this success rested on a number of unique circumstances. The support of the Licensed Carters provided a mutually beneficial alliance between one section of road transport employers and organised labour, while the Port Road drivers were easier to organise than their counterparts in Melbourne, Sydney or Brisbane. They operated in a limited geographical area, worked for a small number of employers, and possessed considerable potential industrial strength, controlling as they did the sole road link between Adelaide and its port. But the success of three road transport unions in the Port Adelaide-Port Road area had also depended on their militant alliance with the unions affiliated with the MLC, which took selective industrial action against employers in the Port area. The trouble with this strategy was that it tended to provoke an eventual counter-attack by capital as a whole.

### **Sydney 1888-1890: A Partial Success**

By the 1880s Sydney had supplanted Melbourne as Australia's premier port, with the rich products of the New South Wales interior arriving by rail at Darling Harbour for the short trip by road to the waiting ships. This gave Sydney's waterfront workforce of wharf labourers, carters and seamen a position of considerable latent industrial power. In 1884 this latent power was given substance with the formation of the Sydney Maritime Labour Council. On 24 July 1888 the position of the maritime unions was to be further strengthened when a number of maritime and mining unions participated in the launching of the Sydney Trolley and Draymen's Union in Sydney's Maritime Hall. Drawing a crowd of over one thousand the

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<sup>130</sup> *Ibid*, 27 February 1890.

inaugural meeting elected A.J. (Andy) Kelly as the union's first President, while Moses Wheeler became Secretary, P. Cleary the Vice-President, T. Doyle the Assistant-Secretary and A. Roberts the Treasurer.<sup>131</sup>

Despite the fact that the Trolley and Draymen's Union was, as Mark Bray and Malcolm Rimmer note, "sponsored by Sydney's established waterfront unions",<sup>132</sup> the Sydney MLC failed to provide the active support received by the ASPRDA and the other road transport unions in South Australia. When the Trolley and Draymen's Union tried to enforce the union's Rules on the city's carrying companies—including a demand for a base rate for drivers of forty shillings—the drivers found themselves left to their own resources.<sup>133</sup> Their cause suffered accordingly. When one of the larger firms, the City Carrying Company, successfully resisted a union strike during October-November 1888<sup>134</sup> the union's hopes of securing union rates from the other carrying firms—whose earlier provisional agreement to pay higher rates was made conditional upon compliance by all master carriers<sup>135</sup>—also collapsed.

Industrially defeated, the Trolley and Draymen's Union battled to survive. Bray and Rimmer have concluded from a study of the union's balance sheets that financial membership peaked in October 1888, prior to the Maritime Strike, with 407 members, before plummeting to 128 members in June 1890.<sup>136</sup>

The failures of the Trolley and Draymen's Union seemed to confirm that unless drivers could count on the assistance of more powerful allies they lacked the power in the 1880s to force concessions from employers. Yet there were some positive signs for the future. Despite the continued hostility of Sydney's master carriers toward union organisation they had shown a willingness to consider higher rates if uniformity could be ensured, thus alleviating some of the competitive pressures under which they operated. Unfortunately the union lacked the ability to discipline employers who undercut wages and the possibility of an accord was lost.

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131 *Sydney Morning Herald*, 25 July 1888. Bray and Rimmer wrongly list the Treasurer as A. Rogers. See Bray and Rimmer, *op.cit.*, p.12.

132 Bray and Rimmer, *op.cit.*, p.13.

133 This was despite the wharf labourers declaring that "the interests of the two unions were wrapped up together" when they received a request for support. See *Australian Star*, 1 November 1888.

134 *Ibid*, 31 October 1888, 7 November 1888, 14 November 1888.

135 *Ibid*, 6 October 1888. This dispute is handled in greater detail in Bray and Rimmer, *op.cit.*, pp.15-16.

136 Bray and Rimmer, *op.cit.*, p.17.

## Brisbane: 1888-1890

During the 1880s Brisbane's population grew from 31,109 in 1881 to 101,564 in 1891, making it Australia's fourth largest city.<sup>137</sup> Despite this growth observers continued to comment on the provincial, small-time nature of this "drowsy capital with its far-stretching suburbs."<sup>138</sup> Largely by-passed by the exports of central and northern Queensland, Brisbane failed to develop the large labour force of drivers which characterised Melbourne, Sydney and Adelaide. Hire and reward carrying in Brisbane remained largely the preserve of self-employed carriers. The bulk of these carriers were to be found either transporting goods to and from the wharves or in carting ballast for the construction of the city's suburban railway.<sup>139</sup> Even these numbers were relatively small. Of Queensland's 5,035 carters, draymen, and carriers in 1891 only 568 were in Brisbane.<sup>140</sup>

Given the domination of hire and reward carrying in Brisbane by the self-employed, the history of road transport unionism in that city during the 1880s is largely synonymous with the unionisation of the self-employed. As in South Australia and Sydney it was Brisbane's maritime unionists who emerged as the leading advocates of unionism for the city's road transport workers. Speaking to a meeting of Brisbane TLC on 5 October 1888, W. Marbott, Secretary of the local wharf labourers' union, declared that "he thought it was time something was done by the Organising Committee to organise the draymen of the city."<sup>141</sup>

Marbott's speech seems to have had some effect. The Organising Committee attended a meeting in the Maritime Hall on 7 December 1888 which saw the establishment of a Navvies and Draymen's Union.<sup>142</sup> This union, however, proved to be short-lived, drawing recruits from workers on the suburban rail lines rather than from the city's carrying trade. The efforts to organise the carrying trade were, nevertheless, not to be without substantive result. By August 1890 the city's 120 waterfront carriers had been organised as the Licensed Carriers.<sup>143</sup>

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137 *QVP*, 1892, Vol.3, p.792.

138 *Boomerang*, 22 September 1888.

139 *Evening Observer*, 15 and 20 August 1890. Also *Courier*, 9 July 1889.

140 *QVP*, 1892, Vol.3, pp.1060-61.

141 *Courier*, 6 October 1888.

142 *Ibid*, 8 December 1888.

143 *Evening Observer*, op.cit.

It was these self-employed carriers who were to find themselves at the forefront of the Maritime Strike in Brisbane.

## Rural Carriers

Although unions of self-employed carriers were of considerable importance in Australia's major capital cities during the late 1880s, it was to be in the western pastoral districts that such unions were to achieve their greatest impact. In dismissing these rural carriers' unions Bray and Rimmer declare: "All were small and short-lived."<sup>144</sup> This is hardly an accurate assessment. Many of the rural carriers' unions were larger, more long-lived and wielded greater industrial muscle than their urban counterparts. In western New South Wales the most prominent carriers' unions in existence in 1890 were the Bourke-based Central Australian and Queensland Carriers' Union with 420 members, the Riverina Carriers' Union with 287 financial members, the Bogan River Carriers' Union with 148 members, the Young-based Amalgamated Carriers' Union of Australasia with seventy members, and Broken Hill's Albert Teamsters and Carriers' Association encompassing 300 carriers.<sup>145</sup>

In Queensland the largest carriers' unions were centred on the western termini of the colony's three trunk lines at Charleville, Barcaldine and Hughenden, embracing a total of 650 unionised carriers in September 1890.<sup>146</sup> The unionisation of Queensland's carriers was extended during early 1890 when carriers' unions were established in Charters Towers, Townsville, Rockhampton, Bundaberg and Mackay as the result of an organising campaign by the Australian Labour Federation (ALF)—a body which had replaced the Brisbane TLC during June 1889.<sup>147</sup> Altogether at least two thousand carriers were organised into unions in Queensland and western New South Wales by August 1890.

The primary purpose of these rural carriers' unions was to challenge the pastoralists concept of 'freedom of contract' in allocating cartage contracts. By the late 1880s rural carriers

<sup>144</sup> Bray and Rimmer, *op.cit.*, p.13.

<sup>145</sup> "Literary Appendix", *Report of the Royal Commission into Strikes*, pp.137-38. Also *Australian Workman*, 1 October 1890.

<sup>146</sup> *Boomerang*, 17 September 1890.

<sup>147</sup> *Ibid*, 5 July 1890, 12 June 1890, 19 July 1890.

could no longer afford to compete for contracts allocated through forwarding agencies, particularly as these firms deducted up to five shillings per ton as commission.<sup>148</sup> Banding together, and allying themselves with the other bush unions, they sought instead to force pastoralists to direct all work through the local carriers' unions at a standard rate.

The carriers' union most successful in achieving this goal was the Central Queensland Carriers' Union (CQCU). Established in Barcaldine in late 1887 under Arthur Parnell<sup>149</sup> the CQCU became the focal point for the unionisation of western Queensland's carriers. Delegates from the CQCU were influential in establishing carriers' unions in Charleville, Hughenden and Clermont—Queensland's other key pastoral centres—during 1889. In January 1890 the annual meeting of the Barcaldine, Charleville and Hughenden carriers unions were all held within a week of each other to demand an agreement with pastoralists whereby all loading was to pass through the hands of the carriers' agents in return for a ten per cent reduction in rates.<sup>150</sup> The Central Queensland Employers Association's agreement to this demand represented, as one historian of industrial relations in Queensland's pastoral sector has noted, "another cruel blow to 'freedom of contract', but the wool teams were the pastoralists life-lines, and it was in their interest to arrive at some accommodation with the carriers."<sup>151</sup>

During the first half of 1890 the CQCU established itself as one of the key bush unions in Queensland. In January 1890 it joined the QSU and the Queensland Labourers' Union (QLU) in creating the Barcoo District Council of the ALF—a move which added the resources of the powerful bush unions to what had previously been a Brisbane-based organisation.<sup>152</sup> Ties were particularly close between the CQCU and the QLU, with Parnell serving as Secretary of both for a time.<sup>153</sup> It was this latter organisation which was responsible for organising the numerous wage-earning drivers of western Queensland, covering drivers employed both by the pastoralists and the larger carries.<sup>154</sup> Despite the close ties between the carriers and the other

148 *Ibid*, 11 May 1889. The role of the forwarding agent is described in Tom Collins, *Such is Life*, (Eden, Sydney, 1987), p.213.

149 According to local historian Jack Arden there were thirty-five carriers in attendance at the inaugural meeting. *Correspondence with Author*, 25 October 1988.

150 *Boomerang*, 11 January 1890, 18 January 1890.

151 Stuart Svensen, *The Shearers' War: The Story of the 1891 Shearers' Strike*, (University of Queensland Press, Brisbane, 1989), p.59.

152 D.J. Murphy, "Queensland" in Murphy (ed.) *op.cit.*, p.138.

153 *Boomerang*, 23 November 1889.

154 *Brisbane Worker*, 1 July 1890.

bush unions their interests were not necessarily identical, as the carriers' unions sought to act as both industrial unions and commercial forwarding agencies. The great strikes of the early 1890s were to test how far these unions of non-wage earners were to go in defence of the principles of unionism.

### **Road Transport Unionism Before the Maritime Strike: A Summary**

On the eve of the Maritime Strike attempts at union organisation amongst Australia's road transport workers had achieved only limited success. Their greatest success had been in the Port Adelaide-Port Road area of South Australia where an interlocking network of unions covering master carriers, drivers and maritime workers gave them control of the transport corridor that linked Adelaide with its port. Elsewhere unionism had been more successful amongst the self-employed than amongst employee drivers.

No evidence exists of any attempts at either national or colony-wide organisation of drivers, although the CQCU acted as a co-ordinating centre for western Queensland's carriers. With the exception of drivers employed by the shipping firms and coal importers of Melbourne and Port Adelaide, and the bush drivers of western Queensland, unionisation had been restricted to the hire and reward sector of the industry.

In the absence of national or colony-wide unions to bargain for road transport workers the attempts to regulate working conditions through unilateral or collective bargaining depended on local organisation and peculiarities and upon the degree of assistance received from other unions. Where these favoured carriers and drivers, as in the Port Adelaide-Port Road area and amongst the carriers of western Queensland, employers were forced to abandon the concept of 'freedom of contract', recognise the union's right to bargain for its members, and make major concessions as to conditions of employment. In most centres, however, local conditions were not favourable and few inroads were made into managerial authority.



#### 4: ROAD TRANSPORT UNIONS IN THE GREAT STRIKES

The industrial victories scored by the road transport workers of both South Australia and western Queensland during early 1890 reflected the wider gains being made by an increasingly aggressive and self-confident labour movement during the closing years of the 1880s. During the 1889 wool season some ninety per cent of sheds had 'shorn union', while in May 1890 pastoralists suffered a major defeat when Queensland unionists blocked the movement of non-union wool from Jondaryan station. This latter dispute in particular served, as the historian of the affair has concluded, "as an alarm which alerted capital to the newly-demonstrated strength of federated labour."<sup>155</sup> Between May and August 1890 employers rapidly developed their own organisations to counter the advance of labour, with one major employer testifying the following year: "Eventually the employers were forced into combination to resist the increasing demands of the unions."<sup>156</sup>

Although the economy had already begun its slide into depression by 1890, conditions outside Victoria were not appreciably worse during 1890 than they had been the year before.<sup>157</sup> Rather than being a dispute over specific wage demands that employers could not afford to meet, the Maritime Strike appears to have erupted primarily as a struggle about the total framework of relations between labour and capital.<sup>158</sup>

While employers were still prepared to make concessions as late as July 1890 when pastoralists indicated to the ASU that they would 'shear union' after 1890,<sup>159</sup> they drew the line when W.G. Spence demanded immediate acceptance of his union's demands. Rebuffed, Spence issued an appeal "to every unionist to assist by giving such co-operation as . . . to draw a cordon of unionism around the Australian continent as will effectively prevent a bale of wool leaving unless shorn by union shearers."<sup>160</sup>

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155 Jan Walker, *op.cit.*, p.90.

156 "James Burn, Minutes of Evidence" in *Report of the Royal Commission into Strikes*, p.207.

157 Butlin, *I.A.E.D.*, p.9. Also John Rickard, *Class and Politics*, (ANU Press, Canberra, 1976), p.7.

158 Rickard, *op.cit.*, pp.20-21.

159 "W.E. Abbott, Minutes of Evidence" in *Report of the Royal Commission into Strikes*, p.111.

160 *Age*, 17 July 1890.

The final spark that was to ignite the conflict between capital and organised labour was to come not from the shearers, however, but from a demand by ship's officers that they be allowed to affiliate with the Melbourne THC, triggering a general conflict when they left their vessels on 16 August 1890. Once commenced the dispute escalated rapidly, spreading throughout the colonies, ultimately involving shearers, miners, maritime unionists and transport workers. Multi-focused though the Maritime Strike was, the conflict essentially hinged on the ability of organised labour to control the production and movement of the two commodities upon which the colonial economy depended for its survival—coal and wool. The importance of carriers and drivers in controlling the movement of these commodities placed them at the forefront of the struggle, briefly lifting road transport unions to a pinnacle of power before the final, crushing defeat.

For carriers and drivers the battle was to be fought in two parts. During the Maritime Strike itself it was the urban carriers and drivers along the coastal fringe who bore the brunt of the conflict as the rural carriers largely sat on the sidelines. Eventually, however, the rural carriers were to find that they were unable to avoid being drawn into the wider social conflict. Forced to side with the other bush unions in the Queensland Shearers' strike of 1891 they too went down in defeat.

## Queensland

Amongst the first road transport workers involved in the Maritime Strike were those of Brisbane and Rockhampton. In Brisbane the Licensed Carriers were quick to commit themselves, passing a resolution on 15 August warning members "not to take loading from any ship that is manned by officers who are not members of the Mercantile Marine Officers' Association."<sup>161</sup> By 23 August the Licensed Carriers' 120 members had stopped work,<sup>162</sup> forcing employers to canvas amongst city businesses for the use of their drays and drivers.<sup>163</sup> The consequences of the failure to organise these drivers were soon revealed, as the drivers

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161 *Evening Observer*, 15 August 1890.

162 *Courier*, 23 August 1890.

163 *Ibid*, 27 August 1890.

employed by these ancillary operators were swung into action to defeat the strike. With employers moving their goods to and from their wharves with relative ease by mid-September the strike was clearly lost in Brisbane, although the unions failed to concede defeat until 29 October.

If the union carriers of Brisbane made a solid if ultimately unsuccessful contribution to the cause of organised labour this was not the case in Rockhampton. A meeting called by Rockhampton's Lorry, Van and Draymen's Union to discuss joining the strike ended in a violent brawl that only abated when the police were called.<sup>164</sup> The anti-strike faction seems to have had the better of this argument as the union decided not to join the stoppage.<sup>165</sup>

A particularly disappointing feature of the Maritime Strike for Queensland unionists was the attitude adopted by the powerful CQCU. Despite voting 700 pounds to the strike during its early stages the CQCU rejected an appeal from other bush unionists that it join them in a stoppage from 24 September.<sup>166</sup> In justifying the refusal to join the strike Parnell—who was both the union's Secretary and forwarding agent—declared that "if the carriers agreed to strike it would only affect a few, as the majority are under contract."<sup>167</sup> The alienation of the CQCU from the rest of the union movement was highlighted by their decision to withdraw from the ALF, taken at their annual meeting on 6 January 1891.<sup>168</sup>

## Melbourne

In Melbourne the outbreak of the Maritime Strike acted to revitalise unionism amongst the city's drivers. A week after the commencement of the strike, on Saturday 23 August, over 300 drivers and draymen met at Trades Hall, forming the United Drivers' Union of Victoria to cover men employed by "importing, shipping and other firms".<sup>169</sup> It was announced by the THC "that this union will complete the blockage of the shipping trade, as its members are

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164 *Argus*, 27 August 1890.

165 *Age*, 26 August 1890.

166 *Courier*, 27 August 1890, 3 September 1890, 25 September 1890.

167 *Ibid*, 25 September 1890.

168 *Brisbane Worker*, 10 January 1890.

169 *Age*, 25 August 1890. Also *Argus*, 25 August 1890.

prepared to strike if necessary in the interests of the labour party."<sup>170</sup> This sudden appreciation by the THC of the strategic position occupied by carters and drivers contrasted sharply with their contemptuous dismissal of the coal drivers' strike some seven years previously.

Demonstrating a breadth of vision that was rare amongst nineteenth century road transport workers, the new United Drivers' Union declared its intention to admit all drivers of carts, drays and lorries, including self-employed carriers.<sup>171</sup> Response to the formation of the union was enthusiastic and by 6 September 1890 the organisation could boast some 692 financial members.<sup>172</sup>

As in 1883 the most industrially significant section of the Melbourne carrying trade were the coal drivers, particularly those hauling loads to the gas works which provided lighting for the city. It was to be around the gas works that some of the fiercest battles of the Maritime Strike were waged in Melbourne, with the unions banning the supply of coal needed to fuel its operation. By 29 August the gas works was described as a 'beleaguered citadel', it being recorded that "the sudden failure of the gas supply created the utmost consternation in the city."<sup>173</sup>

On 5 September an attempt was made by Morley and Co., contractors to Howard Smith, to shift 4000 tons of coal from the wharves to the gas works. The drivers, who were union members, refused to handle it.<sup>174</sup> Howard Smith responded by sending down one-horse carts driven by clerks. Despite a slow start these drivers were shifting 200 tons per day by 22 September.<sup>175</sup> By this stage the coal drivers had already begun to drift back to work and it was becoming clear that the strike was facing defeat.

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170 *Ibid.*

171 *Ibid.*

172 *United Drivers' Union Contribution Book*, 6 September 1890 (ANU ABL, E103/20/61).

173 *Age*, 29 August 1890.

174 *Argus*, 6 September 1890.

175 *Ibid.*, 22 September 1890.

## Sydney

As in Melbourne the Maritime Strike initially boosted the flagging fortunes of road transport unionism amongst Sydney's carters and drivers, the membership of the Trolley and Draymen rising from 156 in August 1890 to 1221 in October.<sup>176</sup> On coming out on strike on 14 September 1890 the Trolley and Draymen's Union decided to link the stoppage with demands of their own, insisting upon a base rate of forty shillings, a twelve hour day with an hour for lunch, overtime payments, and the employment of union only labour.<sup>177</sup> To enforce these demands some 600 pickets were mounted outside the yards of the master carriers, with one major carrier condemning "the illegal, arbitrary and cruel manner in which the unionists have threatened employees."<sup>178</sup>

Unfortunately for the Trolley and Draymen's Union it was to be confronted by the most formidable organisation of carrying trade employers in Australia, the Sydney Master Carriers' Association. Established on 20 August 1890 under the Presidency of James McMahan, the MCA proved to be an implacable foe of unionism, its rules stating unequivocally: "That we do not recognise the right of any person or persons to interfere with our employees."<sup>179</sup>

The determination of McMahan and the MCA to resist the further expansion of unionism led to what was perhaps the most dramatic event of the whole Maritime Strike. On 19 September, accompanied by an escort of special constables and mounted troopers, McMahan led a procession of trolleys from Darling Harbour to Circular Quay, transporting the first wool of the season. The successful attempt infuriated the assembled crowd of over ten thousand. A full scale riot ensued which was quelled only after considerable violence.<sup>180</sup>

In the fortnight following McMahan's successful foray unionists had to stand by helplessly as the wool crop was ferried to the wharves by non-union drivers with ever increasing ease.<sup>181</sup> In the same period master carriers also successfully filled most vacancies

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176 *Sydney Morning Herald*, 22 August 1890. Also "Literary Appendix", *Report of the Royal Commission into Strikes*, p.138.

177 *Ibid*, 15 September 1890, 16 September 1890.

178 *Ibid*, 24 September 1890.

179 *Rules of the Master Carriers' Association*, (H. Bethel and Co., Sydney, 1890), p.12, Rule 12.

180 *Sydney Morning Herald*, 20 September 1890.

181 By 1 October the drays no longer even needed a police escort. See *Australian Star*, 1 October 1890.

left by striking drivers.<sup>182</sup> By 15 October the Trolley and Draymen's Union could resist no longer, attempting to put a brave face on its return to work by declaring that drivers "have obtained all their demands from the employers."<sup>183</sup> The *Sydney Morning Herald* quite rightly condemned these assertions as being "too transparent to exclude from sight the failure of their undertaking."<sup>184</sup> The MCA certainly had no intention of granting the union drivers anything, curtly dismissing their claim by observing that "the men are not now in our employ."<sup>185</sup>

### South Australia

Nowhere in Australia were carriers and drivers to put up such a prolonged resistance to employers during the Maritime Strike as in their strong-hold in the Port Adelaide-Port Road area. As early as 20 August 1890 the Licensed Carters and the Port Adelaide Drivers' Union had both agreed to support the stand taken by Maritime unions by refusing to handle 'black goods'.<sup>186</sup> So strong was the union control of the waterfront that employers made few attempts to challenge it during the first month of the strike, their caution being reinforced by the reluctance of the liberal Tom Playford government to become involved in the dispute as long as violence was avoided.<sup>187</sup>

By 20 September the patience of South Australian employers had worn thin and, no doubt encouraged by union reverses elsewhere, they decided to begin the recruitment of non-union labour. From 23 September drivers found themselves under order to handle 'non-union' cargo.<sup>188</sup> By early October most drivers were on strike, with employers advertising for non-union replacements.<sup>189</sup> The employers' cause was bolstered by the arrival of non-union labour from Melbourne on board the 'Chemnitz' on 22 September and thereafter by a steady stream of non-unionists arriving from Adelaide.<sup>190</sup>

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182 *Sydney Morning Herald*, 1 October 1890.

183 *Ibid*, 15 October 1890.

184 "Editorial", *Ibid*, 16 October 1890.

185 *MCA (NSW) Minutes*, 3 October 1890.

186 *Adelaide Advertiser*, 25 August 1890. Also *Observer*, 23 August 1890.

187 Robin Walker, *op.cit.*, p.8.

188 *Adelaide Advertiser*, 23 September 1890, 29 September 1890.

189 *Observer*, 4 October 1890. Also *Adelaide Advertiser*, 4 October 1890.

190 Coghlan, *Labour and Industry in Australia*, Vol.3, p.1603.

The attempts by employers to introduce non-union workers into the carrying trade provoked stiff resistance. Serious violence broke out on a number of occasions in early October, with non-union trolleys being surrounded and their horses taken away.<sup>191</sup> By mid-October, however, the initiative was in the hands of employers, with it being observed in Port Adelaide that "trolleys were driving about the streets in larger numbers than have been seen from some time past."<sup>192</sup> Nevertheless it was not until 11 November that union carriers and drivers endorsed a return to work, accepting employer demands for the recognition of 'freedom of contract.'<sup>193</sup>

### Defeat of the Rural Carriers

With the conclusion of the Maritime Strike the industrial power of the carriers and drivers' unions along the coastal fringe lay shattered. Only in the pastoral interior of Queensland and New South Wales did the organisations covering carriers and drivers survive with their power more or less intact. This was particularly the case in western Queensland where the CQCU and the other carriers' unions had preserved their closed-shop arrangement with the pastoralists by abstaining from active involvement in the Maritime Strike. In January 1891, however, a new industrial conflict began which Queensland's bush carriers could not avoid.

Meeting in Sydney in December 1890 pastoralists decided to enforce a new contract for shearers and labourers, effectively enforcing 'freedom of contract' although the actual term was avoided.<sup>194</sup> The carriers' hopes of abstaining from this conflict were soon dashed. On 12 January 1891 a committee of pastoral employers informed two delegates from the CQCU that they intended repudiating their closed shop agreement with the carriers.<sup>195</sup> The repudiation of this agreement brought to the surface internal tensions within the CQCU. A number of its members, including Parnell and the Treasurer, Henry Ellis, were employers in their own right

191 *Observer*, 4 October 1890. Also *Adelaide Advertiser*, 10 October 1890.

192 *Adelaide Advertiser*, 17 October 1890.

193 *Ibid.*, 12 November 1890.

194 Svenson, *op.cit.*, pp.66-68.

195 *Ibid.*, p.78.

and sought to have nothing to do with the strike.<sup>196</sup> Others, angered by the repudiation, favoured industrial action. On 21 February the GLU helped to settle the issue by threatening to withdraw its drivers from the teams of the larger carriers unless they endorsed strike action.<sup>197</sup> When a general call-out of bush unionists was made on 23 March the CQCU joined the stoppage, as did the other carriers' unions in Charleville, Hughenden and Clermont.<sup>198</sup>

By early May 1891 the pastoralists were finding the resistance of the carriers' unions, particularly of the powerful CQCU, a major obstacle to their success. On 12 May the pastoralists issued the CQCU with an ultimatum, ordering them to return to work or be replaced. To enforce this ultimatum the pastoralists began to hire non-union teams from the south, culminating in the establishment of their own carrying company, the Carriers Company Ltd, in Melbourne on 29 May 1891 with a capital of one hundred thousand pounds.<sup>199</sup>

Despite the intense pressure placed upon it the CQCU refused to buckle, voting fifty to thirty-four to reject a return to work on the terms offered by the pastoralists.<sup>200</sup> The act of defiance, however, split the union. Led by Parnell and Ellis most of the union's officials resigned, establishing a new union which began to work on the employers' terms.<sup>201</sup> By 6 June the rump CQCU had also capitulated.<sup>202</sup>

## 5: DISINTEGRATION

In the immediate aftermath of the Maritime Strike the Sydney TLC announced a historic change of direction, declaring that as its members had been compelled to return to work defeated "it would be better to transfer the fight to the House of Parliament."<sup>203</sup> Although the

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196 *Courier*, 23 January 1891.

197 *Boomerang*, 28 February 1891. Also Svensen, *op.cit.*, p.153.

198 *Ibid*, 28 March 1891. Also Svensen, *op.cit.*

199 *Age*, 13 May 1891, 30 May 1891. Also *Boomerang*, 23 May 1891.

200 *Boomerang*, *op.cit.*

201 *Age*, 22 May 1891, 25 May 1891.

202 *Boomerang*, 6 June 1891.

203 *Australian Workman*, 15 November 12890



labour council had sponsored labour candidates even before the Maritime Strike their political involvement was to be qualitatively different in its aftermath. In New South Wales Labor Electoral Leagues were established and a platform adopted which candidates were pledged to support. At elections held in June 1891 Labor won thirty-five of the ninety-nine seats contested.<sup>204</sup>

While in the other colonies support for Labor parties was initially to fall short of that achieved in New South Wales, and even slipped back in New South Wales during the remainder of the century, the success of June 1891 confirmed the emergence of laborism as a political current. Containing within itself a conflicting amalgam of ideological views of which a loosely defined socialism was perhaps the most important, laborism differed from the social-democratic parties of western Europe in that its origins and functioning were directly shaped by the institutionalised involvement of the trade unions. Essentially seeking reform and legislative concessions for labour through constitutional means, laborism has provided the main focus for political action by organised labour while at the same time containing that action within constitutional norms.

The legislative advances offered by laborism, however, provided little comfort for Australia's pioneer carriers' and drivers' unions as the Australian economy slipped into depression. The economic downturn was to be of major proportions, with Australia's GDP in 1895 standing at only eighty per cent of its 1891 peak.<sup>205</sup> Coming as it did on top of the industrial defeats of 1890-91, the depression virtually doomed the first generation of Australian road transport unions.

In a number of instances, such as with the Licensed Carriers of Brisbane, road transport unionism did not survive the initial defeats of 1890.<sup>206</sup> Even where carriers and drivers' unions did survive the great strikes of 1890 and 1891 they did so with their industrial power destroyed, their membership decimated and their chances of long-term survival severely dented. In Sydney the already grave position of the Trolley and Draymen's Union was weakened

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204 For a description of the events leading up to the first success of NSW Labor see Nairn, *Civilising Capitalism*, pp.38-60.

205 Butlin, *I.A.E.D.*, p.9.

206 There is no evidence that carters' or carriers' unions survived in either Brisbane or in any of the Queensland coastal ports.

further by the election of its President, Andy Kelly, to Parliament in June 1891—a move which seems to have had more to do with Kelly's personal ambitions than with the development of a political consciousness amongst the union's remaining members.<sup>207</sup> By October 1892 the position of the union had so deteriorated that the TLC unsuccessfully attempted to reform it as the Trolley and Draymen and General Carters' Union of NSW—a move which failed to save it from oblivion.<sup>208</sup>

The demise of the United Drivers' Union of Victoria was, if anything, even more rapid than that of the Trolley and Draymen. Most members failed to continue their financial contributions after the conclusion of the Maritime Strike, and by December 1890 barely fifty drivers remained in the union.<sup>209</sup> While the union battled to survive through 1891 under its Secretary, J. Trail, its cause was hopeless. On 14 May 1892 only five members remained and the union folded.<sup>210</sup>

In the pastoral interior the surviving carriers' unions proved powerless to resist a series of rate reductions forced upon them in the months and years after 1891.<sup>211</sup> Commenting on their plight in November 1892 the Brisbane *Worker* observed:

The carriers' unions should have known that fair rates can only be obtained—like liberty—by eternal vigilance and solidarity. That gone, they're like maidens who have surrendered everything—and can obtain nothing except by selling body and soul.<sup>212</sup>

By early 1895 the great network of carriers' unions which has once covered western Queensland had collapsed entirely, their registration being either cancelled or listed under the category of "existence doubtful."<sup>213</sup> Their counterparts in New South Wales seem to have fared little better, either disappearing or surviving in greatly reduced circumstances.<sup>214</sup>

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207 Kelly listed his previous occupation on election as that of a wharf labourer, not a carter or driver. See Nairn, *Civilising Capitalism*, p.62.

208 *Sydney Morning Herald*, 3 October 1892. Also Bray and Rimmer, *op.cit.*, p.22.

209 *United Drivers' Union Contribution Book*, 24 December 1890.

210 *Ibid.*, 14 May 1892.

211 For descriptions of the rate reductions forced on rural carriers in Queensland after 1891 and their unsuccessful efforts at resistance see Brisbane *Worker*, 7 May 1892, 9 July 1892, 7 August 1892, 20 August 1892.

212 *Ibid.*, 12 November 1892.

213 *QVP*, 1895, pp.1220-21.

214 "Report of the NSW Trade Union Registrar, 1900-01", *NSWVP*, (1904), Vol.2, pp.44-45.

After the 1891 Shearers' strike the only organisations which could claim to represent Australia's bush drivers were the Australian Workers Union (AWU) and the Amalgamated Workers Union of Queensland—both these bodies having resulted from the fusion of the previously distinct shearers and general labourers unions.<sup>215</sup> The emergence of the AWU—with the New South Wales and Queensland bodies merging into a single entity in 1904—was to have major consequences for the future organisation of Australia's road transport workers. In the late 1880s and early 1890s the strength of carriers and drivers' unions, at least in New South Wales and Queensland, had rested as much upon the transport workers of the pastoral interior as upon those in the large coastal towns. The formation of the AWU as a general purpose union covering most bush workers meant that these rural drivers were to be largely excluded from any future carters and drivers' unions.

Of all Australia's carriers and drivers' unions only those in South Australia seemed to have survived the industrial defeats of 1890-91 with their organisational structure, although not their industrial power, more or less intact. The ASPRDA in particular maintained its presence amongst drivers through a system of yard delegates,<sup>216</sup> while the union's leadership remained stable under the Secretaryship of C.N. Loader.<sup>217</sup> Even relations with employers seemed to have remained relatively cordial with a dispute between the ASPRDA and master carriers in January 1892 over the payment of overtime being settled by conciliation.<sup>218</sup>

Despite its continued survival it was clear that the ASPRDA could no longer rely on the support of other unions to supplant its bargaining power. Instead it sought to compensate for its declining industrial power by supporting the United Labor Party (ULP), established in early 1891.<sup>219</sup> By January 1893 the ASPRDA had formally affiliated to the ULP, its interests at ULP meetings being represented by four elected delegates headed by J.W. Dyett, the union's President.<sup>220</sup> With the election of the liberal Charles Kingston in 1893 hopes were raised for

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215 The AWUQ was established in 1892 while the ASU and the GLU covering the southern states merged in 1894. See John Merritt, *op.cit.*, pp.227-230. Also Svensen, *op.cit.*, pp.200-01.

216 *Adelaide Advertiser*, 20 January 1892, 4 February 1892.

217 *Ibid*, 5 January 1892, 4 July 1892, 19 January 1893.

218 "Annual Report of the UTLC", *Adelaide Advertiser*, 19 January 1893.

219 Jim Moss, *Sound of Trumpets: History of the Labour Movement in South Australia*, (Wakefield Press, Adelaide, 1895), p.161.

220 *Adelaide Advertiser*, 19 January 1893.

an alleviation of organised labour's plight through the passage of a Conciliation and Arbitration Act. These hopes, however, were dashed with the emasculation of the bill by the conservative upper-house.

Deprived of the expected benefits of Kingston's arbitration bill South Australia's road transport unions battled to survive. The Port Adelaide Drivers' Union does not seem to have survived past the end of 1892,<sup>221</sup> while by 1894 the Licensed Carters had also disappeared. Between 1894 and 1897 the ASPRDA was the sole survivor of the once powerful network of carriers and drivers' unions in the Port Adelaide-Port Road area. It was by then also almost certainly the last surviving drivers' union to be found anywhere in Australia. By 1898 it too had disappeared.<sup>222</sup>

## Conclusion

During the 1880s and 1890s the tactics of industrial militancy and unilateral or collective bargaining were the only ones available to those Australian road transport workers seeking redress of their industrial grievances. Unfortunately these tactics proved to be of only limited applicability, benefiting only those road transport workers whose strategic placement gave them exceptional bargaining power. Such strategically placed road transport workers were largely engaged in carting either wool or coal—the two commodities vital to the functioning of the colonial economy. Yet even these carriers and drivers seldom found that their industrial strength was normally sufficient to force employers to the bargaining table.

If a militant industrial strategy that relied for its success upon the bargaining power of the workers involved did little for the majority of road transport workers lacking strategic importance, there was one area in which a reliance on collective bargaining backed by industrial

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221 *Ibid.*, 8 December 1893.

222 With the declining fortunes of the South Australian road transport unions becoming increasingly evident, the only proof of their continued survival was their participation in the annual eight-hours celebration. See *Ibid.*, 3 September 1894, 30 August 1895, 1 September 1897. Also *Register*, 1 September 1898.

pressure proved superior to the subsequent reliance on arbitration after 1900—the organisation of the small, independent carriers. Largely neglected by drivers' unions between 1900 and 1939, unions of self-employed carriers during the 1880s and 1890s proved to be generally more stable, long-lived and industrially powerful than their counterparts covering wage-earning drivers. Their ownership of their own carts or wagons gave them an additional, albeit limited, protection from replacement in times of industrial action by forcing employers to find a new cart as well as a driver. In rural areas in particular, where all local drivers were unionised, this could involve employers in considerable inconvenience if industrial action threatened to coincide with the peak of the season. While their ambivalent class position as small, independent contractors made the alliance of carriers with organised labour a sometimes uneasy one, on the whole they provided a valuable addition to the strength of labour.

If the tactics of industrial militancy and unilateral or collective bargaining ultimately proved deficient in protecting unions from the consequences of industrial defeat or economic depression, they also failed to overcome the limited political and geographic vision that remained the hallmark of road transport workers. In a highly fragmented industry, characterised by short-haul work following the development of the railways, unions of carriers and drivers showed little inclination to extend their organisation beyond the specific locality in which they had emerged. Certainly there was no attempt to link industrial militancy with any sort of social or political objective. Fragmented, essentially apolitical, and with a merely local consciousness, Australia's pioneer road transport unions remained organisations of limited vision, incapable of evolving either an organisational structure or an industrial strategy that could either civilise or overturn the social relationships in which they found themselves.

Yet, although defeated in the great strikes of 1890 and 1891 and destroyed by the ensuing Depression, Australia's carriers and drivers had demonstrated that they could play a decisive role in influencing the future direction of the overall industrial relationship between capital and labour. If they abstained from involving themselves in any repetition of the Maritime Strike then such strikes were unlikely to succeed. On the other hand, if road transport unions could be strengthened and united around politically and industrially militant policies than any future industrial struggles between labour and capital were more likely to result in a labour

victory. When road transport unions reorganised after 1900, therefore, their industrial direction became increasingly a political as well as an industrial issue, with both laborists and radical socialists focusing their attention on the reorganised unions.

## CHAPTER 2

# TOWARDS A FEDERAL DRIVERS' UNION 1900-1914: EXPERIENCES IN ARBITRATION, WAGES BOARDS AND INDUSTRIAL MILITANCY

### INTRODUCTION

Overshadowed by the development of the railways during the latter half of the nineteenth century, Australian road transport had been characterised by a relative immaturity in its economic and industrial organisation. Where possible, employers had sought to maintain a personal—and unequal—relationship with their workforce, engaging in collective bargaining over employment conditions only when forced by rare instances of union pressure. Although by 1914 only the first faint signs of the technological revolution that was to transform road transport were evident, the growing scale, complexity and sophistication of the industry demanded the creation of a new collective relationship between master and transport worker. If in 1900 both employers and drivers were still unorganised industrially, by 1914 both groups had established their own federal organisations with each attempting to define its attitude towards the involvement of the State in the regulation of industrial relations and working conditions.

For Australia's revived drivers' unions, the attempt to define an appropriate response to the introduction of arbitration courts and wages boards was to have divisive consequences, leading to a prolonged estrangement between the federal union and its counterparts in New South Wales and Port Adelaide. The union itself later explained the dispute between the federal and New South Wales unions by depicting it as the outcome of a personality clash. Long-term

Federal Secretary, Rudolf 'Bob' Cheney recalled that the estrangement had resulted from his defeat of William Morris 'Billy' Hughes, the NSW President, in the ballot for Federal President at the union's 'first Federal Conference' held in 1910.<sup>1</sup> These recollections are incorrect. Federal founding conferences were held in 1909 and 1911, not 1910. It was Hughes, not Cheney, who was elected Federal President at the first Federal Conference.

Rather than being the product of personality clashes, the institutional divisions within the federal drivers' union after 1909 were essentially differences of industrial and political orientation. The early success of the NSW leadership and its later marginalisation are related. While Hughes, with his commitment to industrial moderation and arbitration, was able to dominate the 1909 Federal Conference, the failure of industrially moderate policies to achieve a rapid and sustained improvement in drivers' conditions of employment resulted in the rapid erosion of his support within the federal union. Instead the leadership of the federal union passed into the hands of a radical group of union activists who sought to force concessions from employers through industrial action and direct collective bargaining. With the federal union pursuing an aggressively militant course between 1910 and 1912 the NSW union under Hughes found itself isolated from its counterparts in the other states, continuing to seek its own advancement through state arbitration. Ultimately, despite a brief rapprochement with the federal union during 1913 and 1914, it decided to pursue a separate course.

Unfortunately for the radical socialists who replaced Hughes in the leadership of the federal union after 1909 the benefits of collective bargaining and industrial militancy proved to be less than expected, despite a number of industrial victories. With an arbitration-oriented strategy that had focused on state arbitration or wages boards and industrial militancy both having failed to achieve their desired results the federal union became confused as to its future direction, although the pursuit of a federal award was being seen as a solution to its problems. Devoid of a clear sense of industrial purpose the federal union, never strongly constituted, began to show signs of disintegration. The South Australian and Queensland branches threatened to defect while the industrially powerful Port Adelaide Sub-Branch succeeded in breaking away to form a separate union.

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1 *The Union Carter*, May 1944.



# 1: ARBITRATION COURTS AND WAGES BOARDS— A NEW CONTEXT FOR LABOUR RELATIONS

Left without any union organisation to defend their interests after the industrial defeats and Depression of the 1890s, road transport workers were to benefit from a general revitalisation of Australian unionism after 1900 as total union membership rose from 97,174 in 1901 to nearly half a million in 1913.<sup>2</sup> In part this revival in the cause of unionism can be attributed to a general economic recovery, with real GDP surpassing its 1891 peak in 1903-04 and advancing a further forty-one per cent by 1913-14.<sup>3</sup> Though important, economic expansion in itself does not explain the extent of union growth. Of at least equal importance was the introduction of arbitration courts or wages boards throughout Australia after 1900, allowing the extension of regulated employment conditions to those workers who lacked any real industrial power.

In understanding the labour movement's relationship to schemes for wage regulation and dispute settlement, the conventional wisdom has been to see 1890 as "the turning point in Australian labour history"<sup>4</sup>—a year in which trade unions, following their defeat in the Maritime Strike, turned away from industrial action towards arbitration and political action. In fact support by trade unionists for arbitration in the wake of the Maritime Strike was neither firmly held nor unanimous.<sup>5</sup> Similarly the legislation that created Australia's regulated system of industrial relations was a product primarily of liberal middle class opinion, not working class agitation.<sup>6</sup> Amongst the labour movement it was to be the political leadership—men such as Billy Hughes and William Hollman—who emerged as the strongest advocates of arbitration,

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2 *Commonwealth Year Book*, No.8, 1915, p.906

3 Butlin, *I.A.E.D.*, Table 13, pp.33-34. Also Colin Forster, "The Economy, Wages and the Establishment of Arbitration", in Stuart Macintyre and Richard Mitchell (eds.) *Foundations of Arbitration: The Origins and Effects of State Compulsory Arbitration 1890-1914*, (Oxford University Press, Melbourne, 1989), p.216.

4 Spence, *Australia's Awakening*, p.24.

5 A German observer to the 1891 Royal Commission into Strikes described trade union attitudes towards arbitration as "a disjoined and confused multi-coloured muddle". See Max Schippel, "Workers' Conditions in Australia", in Jurgen Tampke (ed.) *Wonderbar Country*, (Hale and Iremonger, Sydney, 1982), p.62.

6 Stuart Macintyre, "Neither Capital nor Labour: The Politics of the Establishment of Arbitration", in Macintyre and Mitchell (eds.) *op.cit.*, pp.178-200. Also Rickard, *op.cit.*, pp.83-84.

not its weakened industrial wing. Seeking like their liberal counterparts to avoid a repetition of the social discord that had characterised the Maritime Strike, these labor leaders were successful in making support for state regulation of industrial affairs an essential component of the laborist ideology that was to dominate Australia's trade unions after 1900.<sup>7</sup>

Whatever its political origins, state involvement and regulations soon provided the central feature of the Australian industrial relations scene. Two forms of wage and labour regulation were developed, each approaching the problem from a different perspective. The wages board system, pioneered in Victoria and copied for varying periods in all states except Western Australia before 1914, concentrated on the legal establishment of minimum working conditions, including wage rates and hours of work. Such a system gave no formal recognition to unions as representatives of labour nor provided any direct mechanism for dispute settlement. By contrast, the systems of conciliation and arbitration developed in Western Australia and New South Wales from 1900 and 1901 respectively, and federally from 1904, were primarily concerned with dispute settlement. Only slowly did these later systems develop a comprehensive approach to wage regulation, culminating in Justice Higgins' historic Harvester Judgement in the Commonwealth Arbitration Court in 1907. In this judgement Higgins advocated the concept of a 'living wage' based on "the normal needs of the average employee regarded as a human being in a civilized community".<sup>8</sup> Higgins' standard, however, was not adopted outside the Commonwealth Arbitration System before 1914, and even within it remained "little more than another pious expressions of a social ideal."<sup>9</sup>

The advantages of compulsory arbitration for labour over a wages board framework was that, in demanding a legally binding contract between capital and labour, it rested on the legal recognition of unions as the representatives of the nation's employees. In an article published in 1915 Justice Higgins stressed that: "The system of arbitration . . . is based on unionism. Indeed, without unions, it is hard to conceive how arbitration could be worked . . .

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7 Ray Markey, "Trade Unions, the Labor Party and the Introduction of Arbitration in New South Wales", in *ibid*, pp.156-77.

8 2 *CAR* p.4.

9 P.G. Macarthy, *The Harvester Judgement: An Historical Assessment*, (Ph.D. Thesis, ANU, 1967), p.25.

it follows that the Court will not assist an employer in decisions to stamp out unionism."<sup>10</sup> Such a legal standing implied not only a new relationship between employers and unions but also between unions and their members. Unions ceased to be purely voluntary associations with union membership often becoming, through union preference clauses in awards, a condition for employment, and with unions being granted legal powers to discipline, sue and fine their members.<sup>11</sup>

While the legal status given to awards and determinations promised both employers and workers a more stable and predictable economic environment, jurisdiction over Australia's industrial relations system proved to be diffuse rather than centralised, resulting in a maze of over-lapping and often contradictory laws and judgements. Despite the federation of the six Australian colonies in 1900 each state maintained the ability to regulate working conditions and industrial relations within its domain. In consequence a diversity of arbitration and wages board structures developed throughout the Commonwealth.

To add to the confusion the Commonwealth Conciliation and Arbitration Act of 1904 imposed a Federal arbitration system on top of the disparate state systems. While the supremacy of federal awards was assured by Section 106 of the Constitution, which gave precedence to Federal laws over State ones where they were in conflict, the federal system nevertheless laboured under a number of major legal limitations.

Unlike state governments the Federal parliament lacked the ability to legislate directly on working conditions or industrial issues outside its own territories, its powers being restricted by Section 51, placitum xxxv of the Constitution to "conciliation and arbitration for the prevention and settlement of industrial disputes extending beyond the limits of any one state." While any union with over one hundred members could seek registration before the Court,<sup>12</sup> to obtain a federal award a union had to prove the existence of an interstate dispute. Such disputes had to be "of real substance",<sup>13</sup> and were restricted to the parties actually involved in the

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10 H.B. Higgins, *A New Province for Law and Order*, (Dawsons of Pall Mall, London, 1968), p.15.

11 J.H. Portus, *The Development of Australian Trade Union Law*, (Melbourne University Press, Melbourne, 1958), pp.115017.

12 "Commonwealth Conciliation and Arbitration Act", *Commonwealth Acts of Parliament*, (1904), Vol.III, p.29.

13 4 *CAR* p.2.

dispute. In the 1911 'Boot Trade' case the High Court explicitly rejected the concept that the Commonwealth Arbitration Court could grant a common rule—similar to those operating under state arbitration systems—that would be binding on all industry participants.<sup>14</sup> This decision forced unions to serve logs of claims on each individual employer to bring them within the scope of the federal arbitration system.

Although approaches to the Commonwealth Arbitration Court involved, as Justice Higgins noted in 1910, "a veritable Serbonian bog of technicalities",<sup>15</sup> federal arbitration possessed attractions for organised labour. Following Justice Higgins' Harvester Judgement in 1907 the federal arbitration system appeared to unions as a relatively sympathetic arena for the redress of their grievances. An added benefit of federal arbitration was the legal authority it gave to those who registered under its provisions. Unions which achieved federal registration were given virtual monopoly rights to represent their designated workforce before the court, any potential rivals having their applications rejected if it could be shown that they could 'conveniently belong' to a previously registered body.

While arbitration courts and wages boards helped establish trade unions as a permanent feature of Australian industrial life they nevertheless posed a number of major problems for all unions. Perhaps the greatest danger was that, with conditions of employment being decided by industrial tribunals, unions would rely on them rather than on their own membership to achieve their goals. Any resulting tendencies towards conservatism and bureaucratisation were reinforced by arbitration's delineation of what was, and what was not, the proper concern of trade unions. While unions could argue for higher wages, shorter hours, and safer working conditions they could not question managerial authority or the system of wage labour itself. As Justice Higgins declared in his historic Harvester Judgement:

The employer . . . can make the work as monotonous and mind-stupefying as he thinks to be for his advantage. He has absolute power of choice of men and of dismissal. He is allowed . . . to make any profits he can, and they are not subject to investigation.<sup>16</sup>

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14 11 *CLR* p.311.

15 4 *CAR* p.42.

16 2 *CAR* p.17.

A major disappointment for the advocates of arbitration and wages boards was that neither system proved capable of guaranteeing increases in real wages. In most industries awards and determinations proved more effective in generalising 'ruling rates' previously determined by market forces than in substantial lifting the underlying wage rate.<sup>17</sup> In the longer-term any sustained increases in real wages were constrained by the fact that advances in real GDP between 1890 and 1939 did little more than keep pace with increases in population.<sup>18</sup> Nevertheless, the years accompanying the introduction of compulsory arbitration into the Australian industrial relations system between 1901 and 1913/14 proved to be a period of rising prosperity in a half century otherwise characterised by largely stagnant living standards, with rapid economic growth and low unemployment enabling arbitration to become, as Colin Foster observes, "an established part of the economic landscape, in a period when both employers and employees could feel that it was not incompatible with their interests."<sup>19</sup>

### Road Transport—Peculiar Problems

Like other sections of the organised labour movement the drivers' unions which emerged in Australia after 1900 shared in both the general benefits and limitations of state regulation of industrial affairs. For these unions, however, arbitration and wages boards were to bring a number of problems that were peculiar to road transport.

During the 1880s and the 1890s the reliance on unilateral or collective bargaining had largely restricted road transport unionism to the hire and reward sector of the industry. Awards and determinations offered for the first time a mechanism for winning benefits for the majority of drivers employed by ancillary operators—a section of the industry which had little bargaining power. In seeking coverage of these workers, however, road transport unions were to discover that awards and determinations consolidated not only an extension of their own power but that of a number of rival unions as well. These rivals consisted of two types—small

17 Stuart Macintyre, *The Labour Experiment*, (McPhee Gribble, Melbourne, 1989), pp.45, 47. Also Forster, *op.cit.*, p.204.

18 Forster, *op.cit.*, p.207.

19 *Ibid*, p.216. Unemployment fluctuated between 4.7 and 6.7 per cent amongst unionists between 1901 and 1914. See *Commonwealth Year Book*, *op.cit.*, p.1000.

specialist or localised road transport unions and large industry or general purpose unions that cut across craft lines.

The emergence of a large number of small specialised drivers' unions after 1900 represented the most obvious barrier to any union attempting to cover all sections of road transport. Covering groups such as milk carters, bread carters and fuel and fodder carters, these unions were individually small but in total they amounted to a large section of the industry. In 1912, for example, while 4,600 New South Wales drivers belonged to the Trolley and Draymen's Union almost 3,500 belonged to other road transport unions.<sup>20</sup> Small and industrially weak as these unions were the security given to them by the arbitration system made them difficult to dislodge. A similar problem was faced from industry unions such as the Australasian Meat Industry Employees Union (AMIEU) who successfully sought to cover all workers, including drivers, within their industry.<sup>21</sup> An even greater threat, however, came from Australia's largest union, the AWU.

During the late nineteenth century some of the most powerful Australian carriers and drivers' unions were to be found in the pastoral districts of western New South Wales and Queensland. With the collapse of road transport unionism during the 1890s the AWU was given a free hand to organise these workers into its own ranks. By 1911 the AWU had enrolled sufficient numbers of pastoral drivers for it to attempt to incorporate them into its federal award, albeit unsuccessfully.<sup>22</sup>

The AWU's position was strongest in Queensland where the AWU(Q) merged with Edward 'Ted' Theodore's Amalgamated Workers Association in July 1913. Established in 1907, Theodore's union had organised the great bulk of the workforce in north Queensland, drivers included.<sup>23</sup> In recognition of this fact, and of the AWU's immense political and industrial power in the State, the Queensland Industrial Court was to grant the AWU a virtual

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20 *New South Wales Statistical Register*, (1912), p.489.

21 10 *CAR* p.502. Other unions to recruit large numbers of drivers were the Federated Engine Drivers' and Firemen's Association (FEDFA) and the Timber Workers' Union.

22 5 *CAR* pp.49, 60.

23 K.H. Kennedy, "Theodore, McCormack and the Amalgamated Workers' Association", *Labour History*, No.33, November 1977, pp.14-28.

monopoly of all awards north of the central Queensland town of St. Lawrence.<sup>24</sup> With the Queensland AWU also having control of most awards in the state's western divisions, drivers' unions in Queensland were effectively restricted to the coastal strip between Rockhampton and Brisbane. Even here transport awards were not safe from AWU encroachment, with the AWU gaining control of most drivers employed by local councils and municipalities.<sup>25</sup>

The AWU's ability to exploit the arbitration system for its own benefit left it with a viable claim to be the pre-eminent organisation covering Australia's road transport workers, although the TWU's predecessor organisations dominated the hire and reward carrying trade in the capital cities. In 1925, for example, the AWU claimed coverage of some forty thousand road transport workers throughout Australia at a time when the Federal Drivers' Union could claim barely eleven thousand members.<sup>26</sup>

### **Arbitration and the Self-Employed**

If the ability of other unions to secure awards and determinations for drivers hindered the emergence of a single union that could cover all Australia's road transport workers, a further obstacle came from the legal inability of either arbitration courts or wages boards to regulate those workers outside of a direct employer-employee relationship. During the 1880s and the 1890s carriers' unions had been, if anything, of greater industrial importance than unions covering wage-earning drivers. After 1900, however, the preoccupation of drivers' unions with securing awards and determinations for wage-earning drivers led them to neglect the plight of the self-employed. In fact the only serious attempt to organise this section of the industry came from the AWU.

During 1912 a number of rural carriers' unions which had re-established themselves around Hay, Nyngan and Bourke in New South Wales and Charleville in Queensland

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24 Drivers in north Queensland were covered by the Northern Carting Board, with preference being granted to the AWU. See *QGG*, Vol.CVIII (Jan-June 1917), pp.1017-18.

25 *QGG*, Vol.CVII (July-December 1916), pp.887, 984-85.

26 *Commonwealth Arbitration Commission Registrar's Records* (hereafter CARR), FCDIU File 11/Vic/70 and 11/Vic/75.

amalgamated to form the Australian Carriers' Union (ACU).<sup>27</sup> Attempting to enforce a return to the union controlled loading won by rural carriers in 1889, the members of the ACU found themselves locked out by pastoralists and forwarding agents from 7 January 1913.<sup>28</sup> Unable to enforce its authority unaided the ACU decided to amalgamate with the AWU, forming a separate section with it.<sup>29</sup>

The AWU took its responsibilities to its carrier section seriously. Its rules dictated: "All loading shall be sent through the union office or agency."<sup>30</sup> To implement this rule the AWU sent out organisers to enforce union-only loading and to organise boycotts of storekeepers employing non-union carriers.<sup>31</sup> The AWU's campaign was to come to an abrupt halt, however, after an employer's application to the Commonwealth Arbitration Court.

On 1 September, 1914 a pastoralist, William Killen, applied for the federal deregistration of the AWU, arguing that it had breached its rules by enrolling non-employees.<sup>32</sup> In responding to this request Justice Powers ordered the AWU to ensure that from 1 July 1915 "employees only . . . shall be allowed to become members" or face deregistration.<sup>33</sup> The AWU had little option but to comply.<sup>34</sup> Powers' decision effectively destroyed the old-time rural carriers' unions which had once been a source of great strength to organised labour. Industrially isolated, the rural carriers' unions gradually disappeared. Powers' judgement also meant that not only the AWU but no other federal union could seek to organise self-employed carriers and still hope to retain its registration.

The legal inability of trade unions to enrol and obtain awards for self-employed carriers meant that a large sections of road transport could not be regulated. Despite a relative decline in their economic importance with the growth of the professional carrying firm, the self-employed continued to make up a large percentage of the total industry workforce. In 1902, for example, 300 out of the 750 carriers plying for hire in Melbourne were owner-drivers.<sup>35</sup> In arguing

27 *Australian Worker*, 13 August 1914. Also *Daily Standard*, 8 January 1913, 8 February 1913.

28 *Daily Standard*, 8 January 1913.

29 *Australian Worker*, 22 January 1913.

30 9 *CAR* p.42.

31 *Australian Worker*, 25 June 1914.

32 9 *CAR* pp.33ff at p.44.

33 *Ibid*, p.51.

34 *Australian Worker*, 18 March 1915.

35 "Minutes of Evidence, to the Royal Commission into the Operation of the Factories and Shops' Law of Victoria", *op.cit.*, p.949, Q.20078.



against awards and determinations for wage-earning drivers, employers invariably stressed that the introduction of higher wages and shorter hours would leave them unable to compete with the owner-driver. As one road transport employer testified to a Victorian Royal Commission: "A large man could not compete with a one-cart man. It does not matter how long he [the owner-driver] works. He may do so half the night through."<sup>36</sup>

Despite its inherent limitations, the benefits of State regulation of industrial relations and working conditions through awards and determinations appeared to outweigh any shortcomings in the eyes of drivers' unions between 1900 and 1909. Indeed, given the initially limited industrial strength of these unions, pursuit of industrial objectives through legal means seemed the only realistic course.

## 2: ROAD TRANSPORT— TECHNOLOGY AND ECONOMIC STRUCTURE

If arbitration courts and wages boards provided key factors in defining and limiting the actions of Australia's drivers' unions after 1900 another major determinant was the impact of changing technology on road transport. Throughout the second half of the nineteenth century the economic and industrial importance of road transport had steadily diminished throughout Australia. While it was long distance road transport that was worst affected by technological change before 1890, as the railways reduced road transport's role to that of a feeder service, by 1900 mechanisation was also having a serious impact on urban road transport.

The sector of the industry that was to bear the brunt of these changes was passenger transport. In England it was to be omnibus drivers, whether horse drawn or motorised, who were to make up the militant core of the Transport and General Workers' Union (T&GWU).<sup>37</sup> This was not to be the case in Australia. Within a few years of 1900, and for a number of

<sup>36</sup> *Ibid.*, p.336, Q.7348.

<sup>37</sup> James Hinton, *Labour and Socialism: A History of the British Labour Movement 1867-1974*, (Wheatsheaf Books, Brighton, 1983), pp.121, 153. Also Hugh Clegg, *A History of British Trade Unions Since 1889: 1911-1933* (Clarendon Press, Oxford, 1985), p.193.

decades afterwards, omnibuses were to be virtually eliminated from the centre of Australia's capital cities by tramway services powered by either steam, cable or electricity.<sup>38</sup>

By comparison with passenger transport Australia's road freight industry was to be only slightly affected by the impact of new technology before the end of World War I, despite the invention of the internal combustion engine by Karl Benz in 1885. In July 1909 the *Sydney Morning Herald* observed the motorised vehicles had only appeared on Australian roads "during the last few months."<sup>39</sup> Similarly a survey by the Victorian Ministry of Labour during 1912 could identify only forty-seven employers using motor vehicles commercially, employing a total of 292 drivers.<sup>40</sup> Those firms that did decide to buy motor vans normally regretted the decision as these early models proved both expensive and unreliable.<sup>41</sup>

While motorised road transport was to have only a minimal impact before 1914 its introduction nevertheless signified the beginning of a revolutionary change for Australia's drivers. Previously the skills involved in road transport were those of an agricultural age; in future they were to be those of an industrialised society. In the past the speed of work, the distance travelled in a day and the number of trips performed were all determined in the final analysis by the stamina of a horse's muscles; in future they would be determined by the speed of a machine. Given that all drivers' unions in Australia were initially based on horse-drivers their ultimate survival depended on their ability to adapt to and exploit the possibilities of the spread of motorised transport within the industry.

If technological change was to have only a limited impact on the carrying trade before 1914 the industry nevertheless witnessed a considerable transformation in its economic and industrial organisation. By the first years of the twentieth century a significant expansion had occurred in the number of professional carrying firms operating in Australia's major cities, boosting the number of wage-earning drivers in the hire and reward sector of the industry. In Brisbane, where self-employed carriers possessed a virtual monopoly of hire and reward

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38 Michael Cannon, *Australia in the Victorian Age: Life in the Cities*, (Nelson, Melbourne, 1975), pp.56-62.

39 *Sydney Morning Herald*, 30 July 1909.

40 *Parliamentary Debates of Victoria*, (December 1912), Vol.CXXXI, p.3952.

41 One of Australia's largest carrying firms, Mayne Nickless, was nearly destroyed when it replaced its horse-drawn fleet with motor vans. See *Truck and Bus Transportation*, July 1967, Vol.31, No.7, pp.94-5.

transport in 1890, the firms of H.G. Noble, Bob Jackson, G.V. Cowan and J. Soden had won a position of pre-eminence by 1907.<sup>42</sup> Hobart's carrying trade in 1911 comprised some seventy firms who employed some four hundred workers, providing a pool of recruits for Tasmania's first drivers' union.<sup>43</sup> It was Melbourne, however, that perhaps best signified the growing importance of the professional carrying firm. By 1913 Melbourne's master carriers were claiming that they were employing seventy-five per cent of the city's drivers.<sup>44</sup>

The expansion in the number of professional carrying firms seems to have stemmed in large part from growth in manufacturing, which by 1900-01 were contributing 12.1 per cent of Australia's GDP. When George Osbourne, an official of the Victorian Carters and Drivers' Union was asked in 1902 what the members of his union did he replied: ". . . we cart pig-iron blocks and so on about town."<sup>45</sup> While the wharves and railway depots continued to provide the single most important source of work for hire and reward firms,<sup>46</sup> the demand by the growing manufacturing industry for transport services reduced the reliance of the industry on the seasonal wool industry—a prime cause of the insecurity of employment in the late nineteenth century. While casual work did not disappear from road transport the *Final Report of the Victorian Royal Commission into Factories and Shops' Laws* nevertheless concluded in 1903 with regard to the carrying trade: "In many cases men were . . . employed continuously throughout the year."<sup>47</sup>

### Employer-Employee Relationships

During the 1880s and 1890s industrial relations in road transport had been fluid and informal, with employment conditions being determined largely by personal negotiations between master and driver. After 1900 this earlier informality in industrial relations rapidly

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42 "Interview with George Lawson", *Truck and Bus Transportation*, July 1961, Vol.28, No.7, p.173.

43 *Hobart Mercury*, 22 July 1911, 27 July 1911.

44 *General Carriage and Cartage Contractors' Association (GC&CCA) Minutes*, (La Trobe Library, MS11581/Bay 105/Book 10), 7 August 1913.

45 "Minutes of Evidence to the Royal Commission into the Operation of the Factories and Shops' Law of Victoria", *op.cit.*, p.917, Q.19306.

46 In 1902-03 work around Melbourne's wharves and railways provided an occupation for 2500 out of the city's 4000 drivers. See *ibid.*, p.922, Q.19240.

47 "Final Report", in *ibid.*, pp.1xix-1xxii.

disappeared from the industry. Employment conditions became primarily those set down by awards and determinations.

While there is little doubt that arbitration courts and wages boards provided the major mechanisms for creating a more structured and formalised set of industrial relations in road transport there were other factors at work as well. The gradual displacement of the small carrier by larger professional transport firms made impracticable a continuation of the personal employment relationships that had characterised the industry. Although there was initially no consensus amongst Australia's various master carriers' associations as to how they should deal with State intervention in labour relations, by 1910 they had all come to realise the connection between stability of cartage rates and uniform wage rates and hours of work. This realisation was to transform them into strong supporters of regulated employment conditions.

If master carriers gradually came to support uniformity of employment conditions for all road transport workers this strategy was resolutely opposed by ancillary operators represented by the various Chambers of Commerce, Chambers of Manufacturers, and Employers' Federations. Such employers invariably favoured having their drivers covered by the same award as the rest of their employees, thus insulating them from receiving any advances scored by drivers' unions that would upset workplace relativities. In seeking this result they could normally count on the co-operation of the industry union concerned, anxious as it was to boost its membership by including drivers within its ranks.

### **Conditions of Employment**

If awards and determinations aided the regulation of employment conditions it was nevertheless the often atrocious nature of these employment conditions within road transport that provided the major impetus for unionism within the industry between 1900 and 1914. In 1900 working conditions for road transport workers were as bad, if not worse, than they had been in the early 1880s, with some drivers working up to nineteen hours per day.<sup>48</sup> Wages,

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48 *Age*, 11 May 1900.

while normally between twenty-five and thirty-five shillings per week, could be as low as fifteen shillings.<sup>49</sup>

### **3: TOWARDS A FEDERAL DRIVERS' UNION 1900-1909**

Until 1910 the unionisation of road transport workers in Australia was largely restricted—as it had been in the late nineteenth century—to Victoria, South Australia, Queensland and New South Wales. In general the leadership of these unions was to rest with men who were industrially moderate and committed supporters of the Labor Party. The major exception to this was to be found in Victoria. More pragmatic and less political than its counterparts in the other states, it was to be the Victorian union that first achieved federal registration, providing the organisational focus around which a federal drivers' union developed. Successful as it was in gaining federal registration, however, the early Victorian leadership lacked the experience and vision to guide a true federal union. By 1909 the leadership of the federal union had passed to the politically more sophisticated Billy Hughes and the NSW Trolley, Draymen and Carters' Union.

#### **Victoria: The Emergence of the FCDIU**

The disintegration of the United Drivers' Union in 1891 left Victorian drivers unorganised for the rest of the century, subject to long hours and low pay. The first light at the end of the tunnel came with the passage of an amended Factories and Shops' Act in 1900, providing for an extension to other trades of the wages boards first established for five 'sweated' industries in 1896. The amended Act had particular relevance for carters and drivers

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49 *Ibid.* Also *Herald*, 15 February 1902.

by limiting the working week for drivers to sixty hours. The Act also conceded carters and drivers a weekly half-day holiday.<sup>50</sup>

The amended Act of 1900 operated as a catalyst for union organisation. On 1 September 1900 over two hundred drivers met in Melbourne's Trades Hall to declare that their hours were excessive and that the time had come "to bring the calling under the operation of the Factories and Shops' Act."<sup>51</sup> To achieve this goal a provisional committee was elected to draw up the rules for a new union, the United Drivers, Carters and Lorrymen's Union—a title shortened to the Victorian Carters and Drivers Union.<sup>52</sup>

The most pressing concerns for the new union involved negotiating an immediate improvement in wages and hours of work with employers while simultaneously campaigning for a wages board. Unfortunately the union was to find itself frustrated in its efforts to achieve these goals. Attempts to regulate the employment conditions of drivers, and to unionise the workforce, had provoked a swift response from Melbourne's master carriers. On 6 May 1900 they organised a meeting which sent a deputation to the Chief Secretary of Victoria declaring their opposition to anything less than a seventy hour week for drivers.<sup>53</sup> This counter-organisation by master carriers was to provide the nucleus for the formation on 23 May 1902 of the major employer body in Victorian road transport, the General Carriage and Cartage Contractors' Association (GC&CCA)—a name it was to change in 1914 to the Victorian Master Carriers' Association.<sup>54</sup>

Although its position was to moderate over time the GC&CCA initially proved extremely hostile to the unionisation of its workforce, refusing to negotiate with the fledging union.<sup>55</sup> With the Victorian government refusing to grant drivers their own wages board the union found itself in a bind, being too weak to engage in direct action.

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50 "The Factories and Shops Amendment Act, 1900", *The Acts of the Parliament of Victoria*, (1900), pp.430-31.

51 *Argus*, 3 September 1900.

52 *Age*, 10 September 1900.

53 *Ibid.*, 7 May 1900.

54 *GC&CCA Minutes* (La Trobe Library, MS11581/Bay 105/Book 1), 23 May 1902. Also *MCA (Vic) Minutes*, (La Trobe Library MS11581/Bay 105/Book 10), 20 April 1914.

55 In January 1903 the GC&CCA informed the union that it would allow "no . . . interfering between employers and their men." See *ibid.*, 6 January 1903.

## The Victorian Leadership

The responsibility for finding a way out of this strategic dilemma fell on a small group of part-time union activists. Unlike drivers' unions in other states, no dominating personality emerged in Victoria to guide the union in a fixed industrial or political direction. While J.E. Baker and William Wilmott were elected as the first Secretary and President of the union respectively—holding these positions until 9 August 1902<sup>56</sup>—neither position was full time. Instead Baker and Wilmott seemed to have shared power with a group of fellow drivers that included J. Budge, W.K. Phillips, George Osbourne, Maurice Barrett and James Morse. Although the Secretary's position became a permanent one in August 1902 this change led to no real concentration of power within the union as the inner group rotated the key official positions amongst themselves. Maurice Barrett served as Secretary for a year before being replaced by Baker in September 1903, while Phillips, Budge and J. Bailey all served one year terms as President between 1902 and 1905.<sup>57</sup>

Politically the group seems to have been lukewarm in its commitment to the Labor Party, cancelling its affiliation in March 1906 and not renewing it until February 1911.<sup>58</sup> If support for radical socialism provided a boost for anti-labour sentiments after 1909 it nevertheless appears that the bulk of the opposition to affiliation rested on a general disinterest in political affairs within the union.<sup>59</sup> Approaching problems in a pragmatic fashion, the Victorian leadership proved capable of sudden shifts in industrial orientation, fluctuating between support for collective bargaining, state wages boards and federal arbitration.

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56 *Tocsin*, 25 October 1900, 3 January 1901, 14 August 1902.

57 *Ibid.*, 14 August 1902. Also *Age*, 17 September 1903, 8 September 1904.

58 *Age*, 12 March 1906. Also *FCDIU (Melbourne Sub-Branch) Minutes*, (ANU ABL, E103/52), 11 February 1911.

59 During one debate on affiliation with the Labor Party it was noted how members were "adverse to political action of any kind". See *ibid.*, 9 January 1909. Also *ibid.*, 17 October 1908, 6 December 1909, 12 March 1910.

## Federal Registration

Between 1900 and 1905 the dedication of the Victorian leadership ensured the survival of the union but little more, with the organisation lacking the strength to engage in collective bargaining or force the government to concede a wages board. By February 1905 an outsider, Patrick McGrath—the Secretary of the Bread Carters' Union—had been appointed Secretary in an attempt to give the union a new sense of direction,<sup>60</sup> although real power remained in the hands of the union's 'old guard'. McGrath brought with him a strategy that seemed to offer a way out of the impasse in which the union found itself in 1905—federal registration. It was a strategy which McGrath had already applied to his own Bread Carters' Union the previous year after it had likewise failed to secure any advances through either collective bargaining or the Victorian wages board system.<sup>61</sup>

The idea of a federal union was not entirely new for the Victorian Carters and Drivers' Union. In August 1902 W.M. Hughes, Federal member of parliament and President of the Sydney Trolley and Draymen's Union, had addressed the union on the need for the federation of the carters and drivers' unions in the various states.<sup>62</sup> Hughes, however, played no role in the decision by the Victorian Carters and Drivers' Union to seek federal registration. In fact, Hughes was fiercely opposed to the proposal, advising them that it could not occur unless they had previously affiliated with the Sydney union.<sup>63</sup> The planned federal registration disrupted Hughes' scheme for a wider union of transport workers, and in July 1906 Hughes attempted to counter the proposal by informing the Victorian union of "a great scheme of federation which could embrace every section of waterside workers."<sup>64</sup> The Victorian union was, however, uninterested in such grandiose ideas. McGrath advised against any affiliation with the Sydney Trolley and Draymen's Union, stressing that an interstate union was not necessary for federal registration.<sup>65</sup>

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60 *Herald*, 18 February 1905.

61 *Age*, 14 January 1906.

62 *Ibid*, 14 August 1902.

63 *Ibid*, 25 September 1905.

64 *Ibid*, 16 July 1906.

65 *Ibid*, 11 October 1905.



In securing the certificate of registration for the Federated Carters' and Drivers' Industrial Union (FCDIU)—as the union was subsequently known—on 8 September 1906,<sup>66</sup> McGrath gained for the Victorian body a document of incalculable importance. In future, unions attempting to gain federal registration in the area of 'carting and driving' would have to demonstrate why their members could not 'conveniently belong' to the FCDIU. It also meant that no movement towards federation by Australia's drivers' unions could realistically occur unless it involved the Victorian union.

### **Back to the Wages Board Option**

The FCDIU's new federal status left it well short of a federal award but it did prompt the GC&CCA into abandoning its long standing opposition to the establishment of a wages board for Victorian drivers. On 31 August 1906—eight days before the FCDIU gained its federal registration—a special general meeting of the GC&CCA was warned that "if the drivers were not successful in obtaining a wages board . . . they would endeavour to bring the industry under the Commonwealth Arbitration Act, which would be much worse."<sup>67</sup> In response to this warning the meeting immediately passed a motion informing the FCDIU that it would no longer oppose a wages board for the industry.<sup>68</sup>

Although fear of a federal award acted as a catalyst for change it is clear that a strategic reappraisal was already occurring within the ranks of Victorian master carriers prior to the FCDIU's application for federal registration. By August 1906 the leadership of the GC&CCA were appreciating that wages boards and unionism did not in themselves threaten their economic survival. Rather they could be used as disciplinary agents to enforce higher costs on their smaller business rivals. In pointing to the likely advantages of a wages board Mr. C.A. Puckwell, Chief Executive Officer of the GC&CCA, informed his fellow master carriers:

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66 *FCDIU Certificate of Registration*, (ANU ABL, E120/12), 8 September 1906.

67 *GC&CCA Minutes*, (La Trobe Library, MS11581/Bay 105/Book 3) 31 August 1906.

68 *Ibid.*

By the trade being regulated the fair employer would be assisted, as it would ensure more uniformity, as regards wages, hours, payment for overtime, holidays etc. There was no doubt that at present the rates for cartage were . . . much too low, and as long as reputable employers had to compete, with employers who notoriously underpaid their employees, and worked them long hours, there would be no improvements.<sup>69</sup>

The combination of federal registration, employer recognition and the prospect of a wages board seemed to have acted as a boost to union organisation. After a period of stagnation the union embarked on a policy of geographical expansion, with new branches being established in Port Melbourne, Geelong, Footscray, Ballarat and Bendigo between July 1906 and December 1907.<sup>70</sup> The union also expanded its industrial base in this period by actively taking up the concerns of milk carters, stablehands and drivers employed by ancillary operators.<sup>71</sup>

As its expansion continued, so the FCDIU seems to have lost all interest in the concept of a federal union. By late 1908, however, it was becoming clear that the FCDIU was not having any success in achieving a wages board—an object that had been the central goal of the union since its formation.

Despite the concept of a wages board for carters and drivers being supported by the union and master carriers alike, the Victorian government had failed to act on this vital measure. While master carriers had come to favour some measure of industrial regulation for drivers these sentiments were not shared by other employers of road transport workers. Representatives of the Victorian Employers Federation (VEF), the Chamber of Manufacturers, and the Chamber of Commerce successfully campaigned for the Victorian government to resist any extension of wages board legislation to road transport.<sup>72</sup>

## **Towards a Federal Conference**

With the chances of obtaining a wages board once again diminishing, the Victorian union began to show a renewed interest in the idea of a federal union. At the union's executive meeting on 2 October 1908 it was resolved: "That the Secretary open up communication with

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69 *Ibid.*

70 *Age*, 16 July 1906, 7 September 1906, 14 January 1907, 7 September 1906, 16 December 1907.

71 *Ibid.*, 22 October 1906, 15 October 1907.

72 *Ibid.*, 2 July 1907, 17 December 1907.

the other states' Carters and Drivers' Unions with a view to federation throughout the Commonwealth."<sup>73</sup> The FCDIU, however, evidently lacked confidence in Patrick McGrath's continued ability to lead the union. At the first meeting of 1909 he was evicted from the leadership in a coup organised by the union's 'old guard'. He was replaced as Secretary by Ed Schmidt.<sup>74</sup> In the eyes of the Victorian leadership the proposed federal union was clearly seen as a stepping stone to achieving a federal award. When members queried the benefits of federation they were told: "That by federating the Preference to Unionist Clause would be carried out in its entirety."<sup>75</sup>

The call issued by the Victorian FCDIU on October 1908 for the formation of a genuine federal drivers' union soon brought a positive response from other states. By early 1909 correspondence had been received from drivers' unions in Adelaide, Brisbane and Sydney. All were enthusiastic in their support for a federal union.<sup>76</sup>

Central as the Victorian union was in bringing about the first federal drivers' union conference, which was held in Melbourne on 26 August 1909, there was little indication that it possessed either the men or the ideas that could turn the concept of a federal union into a practical reality. Indeed its very support for a federal union remained fitful, as future events were only to confirm. Whenever there emerged the slightest prospect of achieving a wages board the enthusiasm of the Victorian union for federation rapidly ebbed. To discover the men and policies capable of guiding a genuine federal drivers' union in 1909 it is necessary, therefore, to look outside Victoria.

### **The Brisbane Trolley, Draymen and Carters' Union**

The attendance of representatives from the Brisbane Trolley, Draymen and Carters' Union (TDCU) at the 1909 federal conference ensured that any policies advocating industrial and political moderation would be given strong support. Indeed, according to oral accounts

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<sup>73</sup> *FCDIU (Melbourne Sub-Branch) Minutes*, 2 October 1908.

<sup>74</sup> *Ibid.*, 9 January 1909.

<sup>75</sup> *Ibid.*, 13 February 1909.

<sup>76</sup> *Ibid.*, 21 November 1908, 13 February 1909, 20 February 1909.

handed down within the Queensland Branch of the TWU, the union was established in late 1907 with the active support of the large local carrying firms. According to this tradition the founder of the union, George Lawson, was given money and time off to organise his fellow workers, leading to accusations that the organisation he established was a bosses' union.<sup>77</sup> While Lawson himself contended that he had formed the union "to the annoyance of the carriers",<sup>78</sup> ties between the Brisbane TDCU and master carriers were certainly close. Lawson recalled that he collaborated in the formation of the Queensland Master Carriers' Association in May 1908, noting: "Competition at the time was very keen."<sup>79</sup> In fact the formation of both the TDCU and the MCA(Q) seems to have been part of a common strategy by Lawson and the master carriers to stabilise both employment conditions and cartage rates.

A veteran of the Boer War and a committed supporter of laborism, Lawson normally showed little sympathy with either industrial militancy or radical socialism.<sup>80</sup> Under Lawson's leadership the Brisbane TDCU got off to a cautious and conciliatory start, negotiating an agreement in January 1908 for a sixty hour week and a base rate of 37s.6d.<sup>81</sup> The establishment of a wages board system in Queensland in April 1908, and the creation of a Brisbane Carting Board the following November, enabled the union to give this agreement legal force, helping boost union membership from 151 in 1907 to 694 in 1909.<sup>82</sup>

The fact that the Brisbane Carting Board determination varied little from the earlier agreement suggests, however, that it did little more than enforce existing industry standards. While this favoured the larger operator against his smaller competitor it did little to raise the 'ruling rate' at which drivers were employed. Certainly the union's members had little reason for satisfaction after their first experience with the wages board system, with many categories of drivers receiving under two pounds per week—less than that set down for an unskilled labourer by Justice Higgins in the Commonwealth Arbitration Court.

77 *Interview with Arch Bevis*, 6 July 1990.

78 "Interview with George Lawson", *op.cit.*

79 *Ibid.*

80 During 1915 Lawson served on a Queensland Labor committee entrusted with the task of driving IWW supporters from its ranks. See D.J. Murphy, *T.J. Ryan: A Political Biography*, (University of Queensland Press, Brisbane, 1975), p.418. Also D.B. Watson, *A Biographical Register of the Queensland Parliament*, (ANU Press, Canberra, 1972) p.105.

81 *Brisbane Worker*, 11 January 1908.

82 *QGG*, (Jan-June 1909), pp.1191-1200. Also *QVP*, 1908, Vol.2, pp.240-41. Also *QVP*, 1910, Vol.2, p.723.

In participating in the first federal drivers' conference in 1909 the Brisbane TDCU, like the Victorian FCDIU, seems to have been driven by growing dissatisfaction within the union with its state wages board system. It would also appear likely, however, that Lawson—a politically ambitious individual who was to hold the federal seat of Brisbane from 1931 to 1960—saw in the federal union a mechanism for consolidating and advancing his own power. In 1909, however, he was too inexperienced an operator to contend with the more established leaders of the New South Wales and South Australian unions.

### **The South Australian Drivers' Association**

A bastion for road transport unionism during the 1880s and 1890s, effective union organisation was re-established amongst South Australia's drivers with the formation of the South Australian Drivers' Association on 1 October 1904.<sup>83</sup> The new union was centred on Adelaide rather than the old drivers' stronghold of Port Adelaide, and owed its creation largely to the efforts of an English immigrant, C.H. Marshall, who became the union's first President, with W. Gilbert acting as Secretary.<sup>84</sup>

Although the SADA attracted only twenty-nine recruits on its formation,<sup>85</sup> on 30 August 1905 a branch of the union was established in Port Adelaide, representing the first occasion in which drivers in Adelaide and Port Adelaide had belonged to the one union.<sup>86</sup> The key figure in the Port Adelaide branch was James Stephens, a figure who was to dominate much of the subsequent history of the union in the Port district. Between 1910 and 1937 Stephens was to transform the Port Adelaide branch into his personal fiefdom, leading it in and out of the state and federal union as whim commanded.

By the time the Port branch was established Gilbert had retired as Secretary of the SADA, to be replaced by Reginald Pole Blundell.<sup>87</sup> A tobacco-twister by trade, Blundell was a leading figure in both the political and industrial wings of the South Australian labour

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83 *Herald*, 21 March 1908. This issue contains a brief history of the union up to this date.

84 *Ibid*, 29 September 1906.

85 *Ibid*.

86 *Ibid*, 9 September 1905.

87 *Ibid*, 29 September 1906.

movement, serving as UTLC President in 1905 and holding the state seat of Adelaide from January 1907 to 1918.<sup>88</sup> During 1908 and 1909 Blundell also served as Secretary of the United Labor Party (ULP).<sup>89</sup>

Blundell's election as Secretary gave the SADA a high profile and dynamic leader who was to bring about a rapid growth in the union's membership—and commit it to a policy of industrial moderation. By September 1906 the union was already being described as "one of the largest and most progressive trade unions in Adelaide."<sup>90</sup> The passage of an amended Factories Act with provisions for wages boards in July 1906 cleared the way for the creation of a Carriers and Drivers' Board on 14 July 1907.<sup>91</sup> A board determination followed soon after on 18 July 1907 setting a base rate for drivers of nineteen shillings with a working week of fifty-eight hours.<sup>92</sup> On 31 October the base rate was increased to two pounds.<sup>93</sup>

The success of the SADA in securing a wages board and the growth in membership—numbering over seven hundred in September 1906—cemented Blundell's authority within the union. An official photo taken of the SADA's officers in March 1908 seems to confirm the respectable, almost middle-class air that pervaded the union at this time, with officials posing before the camera in three-piece suits, stiff collars and ties.<sup>94</sup> The union appeared to be very much based on the traditional 'craft' model, providing an accident fund for members as well as a solicitor to handle industrial problems stemming from the wages board.<sup>95</sup> In 1909 the SADA therefore had a natural affinity for the industrially moderate policies that were to be advocated at the 1909 federal drivers' conference by Billy Hughes and his NSW union.

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88 Howard Coxen, John Playford, and Robert Reid, *Biographical Register of the South Australian Parliament*, (Wakefield Press, Adelaide, 1985), p.20.

89 *Herald*, 25 September 1909.

90 *Ibid*, 29 September 1906.

91 "Report of the Chief Inspector of the South Australian Factories and Early Closing Act, 1908", *SAPP*, 1909, Vol.3, p.6.

92 *SAGG*, (July-December 1907), p.1119.

93 "Report of the Chief Inspector of the South Australian Factories and Early Closing Act, 1908", *op.cit.*

94 *Herald*, 21 March 1908.

95 *Ibid*.

## W.M. Hughes and the NSW Trolley, Draymen and Carters' Union

Of all those who attended the 1909 federal drivers' conference there was no one who could equal the President of the Sydney Trolley, Draymen and Carters' Union (TDCU), Billy Hughes, for reputation, strategic vision or political experience. A future Prime Minister, Hughes was in 1909 at the zenith of his influence within the Australian trade union movement.<sup>96</sup> Like few other Labor leaders either before or since, Hughes successfully bridged the political and industrial wings of the labour movement. Elected to the NSW parliament in 1894 and the Commonwealth parliament in 1901, Hughes had in 1899 also founded the Sydney Wharf Labourers' Union (WLU), being elected General-Secretary.<sup>97</sup> On 2 February 1901 Hughes' influence amongst Sydney's waterfront workers was reinforced when the founding meeting of the Trolley, Draymen and Carters' Union of Sydney and Suburbs (TDCU) elected him as their first President.<sup>98</sup> Hughes position amongst Australia's maritime workers was extended even further when he was elected President of the Waterside Workers' Federation (WWF) in 1902.<sup>99</sup>

To Hughes the obtainment of positions of power within both the political and industrial wings of organised labour provided more than just a personal empire—it provided the necessary framework to apply the perceived political and industrial lessons of the 1890s. Of particular importance in shaping Hughes' future policies was the example of the 1890 Maritime Strike, when industrial militancy had led the union movement to disaster.<sup>100</sup> Unlike many other advocates of arbitration, Hughes realised that arbitration would rest on sand if it depended for its application merely on legislative enactments and legal sanctions. Instead he sought to build a disciplined body of support for the principles of arbitration within the union movement itself.

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96 L.F. Fitzhardinge, *William Morris Hughes: That Fiery Particle*, (Angus and Robertson, Sydney, 1978), pp.216, 224-25.

97 *Ibid.*, pp.56-7, 105.

98 *Daily Telegraph*, 4 February 1901.

99 Rupert Lockwood, *Ship to Shore: A History of Melbourne's Waterfront and its Union Struggles*, (Hale and Iremonger, Sydney, 1990), pp.102-03.

100 Fitzhardinge, *op.cit.*, p.99.

The organisational structures that Hughes sought to build within the Australian labour movement were guided by another important lesson that he had learnt from the 1890 Maritime Strike—the key role of maritime and transport workers in any industrial dispute. For it was through the involvement of transport workers that the conflict had spread to involve the whole labour movement. If rigid control could be exercised over the transport sector then any potential disputes could be isolated and dealt with piecemeal in arbitrated settlements. While Hughes did not believe that effective federation of labour as a whole was possible, he did argue that it was possible "to secure united action of . . . the whole maritime and transport workers throughout the Commonwealth."<sup>101</sup>

Hughes realised that in attempting to establish control over Australia's key transport unions he could not supervise in detail every union under his command. Instead, as Hughes' biographer, L.F. Fitzhardinge, observes, he "confined himself to matters of general policy and work of negotiation, leaving the day-to-day industrial and secretarial work" to others.<sup>102</sup> To carry out these tasks Hughes' moulded in the unions under his leadership a generation of officials who bore the imprint of his influence in their beliefs in the benefits of arbitration, industrial peace and union discipline.

Hughes' key lieutenant within the Sydney TDCU was Michael (Mick) Connington. A highly capable figure in his own right, Connington served as Secretary of the TDCU from November 1901 to October 1916, emerging as a skilled practitioner in the NSW arbitration system.<sup>103</sup> Although Connington, like a number of other NSW officials, was to leave the union when Hughes was expelled in October 1916, the influence of the Hughes' period was to have an enduring impact on the NSW union. When a particularly difficult problem was encountered at the 1929 federal conference of the union, Frank Miller, the then NSW Secretary, called for an adjournment so that he could have "the benefit of the advice of Mr. Connington."<sup>104</sup>

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101 W.M. Hughes, *The Case for Labor*, (Sydney University Press, Sydney, 1970), p.25.

102 Fitzhardinge, *op.cit.*, p.104.

103 On his death in 1930 Connington was to be described as "the leading advocate in that jurisdiction." See *Sydney Morning Herald*, 3 December 1930.

104 *ARTWU (Federal Council) Minutes*, (ANUABL, Z181/Box 103), 14 May 1929, p.7.



## New South Wales 1901-1909: Arbitration in Practice

Although Hughes failed to achieve his goal of a national transport federation prior to 1909, his control over NSW drivers and wharf labourers nevertheless provided him with a testing ground for his organisational principles and the merits of an arbitration-oriented strategy.

Hughes and the TDCU were fortunate in that their advocacy of arbitration found a ready ground for application with the operation of the NSW Industrial Arbitration Act from February 1902 to July 1908. Also, unlike Victoria for example, the master carriers in New South Wales from the start showed a willingness both to accept the union's authority and support the introduction of a compulsory arbitration system. Reorganised on 27 August 1900,<sup>105</sup> the Sydney Master Carriers' Association sought to restrain competition within the industry, gradually seeking to impose a series of binding rate schedules on the industry.<sup>106</sup> The MCA eagerly secured its registration under the NSW Arbitration Act, declaring proudly in February 1902 that "the members now had the full protection of the Court."<sup>107</sup>

Given these favourable industrial circumstances what is surprising is how limited were the gains achieved by the union for its members. The key factor, perhaps, is that to Hughes arbitration was an end in itself, with the union under his direction showing little willingness to push employers to a position where conflict ensued. This was indicated by the union's acceptance of an agreement with the MCA for a sixty-six hour week in August 1901<sup>108</sup>—a standard six hours longer than that laid down under the amended Victorian Factories and Shops' Act the previous year.

Even when the union was able to secure its first legally binding award in November 1904 it did materially little better, with an effective working week of sixty-three hours being ordered.<sup>109</sup> The union did somewhat better under the wages board system introduced in 1908,

105 *MCA (NSW) Minutes*, 27 August 1900.

106 *Ibid.*, 13 January 1902. By October 1911 over 330 master carriers had pledged themselves to observe the MCA schedule. See *MCA Agreement on Cartage Rates* (Held NSWRTA, Sydney), October 1911.

107 *Ibid.*, 24 February 1902.

108 *Ibid.*, 26 August 1901.

109 4 *NSWAR* (1905) pp.38-54.

but the gains were by no means spectacular. The union's determination obtained in October 1909 still set a sixty hour week in summer and a fifty-eight hour week in winter, with a minimum wage of forty-three shillings for a one-horse driver<sup>110</sup>—conditions roughly equal to those won by Adelaide drivers in 1890. These modest industrial gains were reflected in a relatively slow growth in the union's membership from 951 in 1901 to 1,703 in 1908.<sup>111</sup>

### The 1908 Maritime Strike

Modest though the gains of Hughes' arbitration-oriented strategy were in terms of winning improved working conditions for drivers, a more serious test for Hughes' overall strategy came on 11 March 1908 when a stoppage of Sydney wharf labourers threatened to lead to a repeat of the 1890 Maritime Strike.

Hughes, however, was to prove the master of the situation, using his control of the TDCU and the maritime unions to manoeuvre the various labour organisations around like pieces on a chess board, with unions striking one moment, returning to work the next. It was a strategy that was to leave employers floundering. The key to the strike was Hughes' control over Sydney's carters and drivers. On Sunday 15 March, Hughes was able to persuade striking wharf labourers to return to work after a meeting of 1100 carters and drivers the previous day had voted to 'black' goods at three disputed wharves on the condition of a prior return to work by wharf labourers.<sup>112</sup> Hughes' strategy was explained to employers by Connington at a conference between the TDCU and the MCA, with Connington confiding: ". . . we are going to minimise the trouble and probably prevent a repetition of a the great maritime strike of 1890."<sup>113</sup>

When the MCA decided to dismiss Connington's conciliatory comments and order its drivers to handle 'black goods' it was amazed to discover that they carried out their duties as directed.<sup>114</sup> Hughes had simply used his control of the maritime unions to once again shift the

110 9 *NSWAR* (1910).

111 *NSW Statistical Registers*, (1903), p.805 and (1909), p.572.

112 *Sydney Morning Herald*, 16 March 1908.

113 *Ibid.*

114 *Ibid.*, 27 March 1908.

focus of the dispute, with the striking carters being replaced by striking seamen. The 'black' goods were soon piling up on the wharves and by 12 April the employers had had enough, agreeing to a settlement.<sup>115</sup> The 1908 Maritime Strike brought Hughes' prestige in the labour movement to a new peak. Even the *Sydney Morning Herald* joined in the praise with a "merited tribute".<sup>116</sup>

### Hughes and the 1909 Federal Conference

In the wake of his success in the 1908 Maritime Strike Hughes was no doubt eager to spread his principles for the joint organisation of maritime and transport unions to a national level. The holding of Australia's first federal drivers' union conference in 1909 at the initiative of the Victorian FCDIU offered Hughes an unequalled opportunity to bring to fruition his scheme for the formation of a Transport Workers' Federation firmly committed to an arbitration-oriented strategy. Having been rebuffed by the Victorian union in 1906 when it had secured federal registration against his wishes, Hughes was determined that any federal union that emerged in 1909 would do so under his auspices.

By early 1909 the Victorian union had received a draft constitution from Hughes, along with a request for Schmidt—the new Victorian Secretary—to meet Hughes to finalise the details of the proposed federation.<sup>117</sup> On 20 February 1909 a general meeting of the FCDIU formally adopted the Hughes' constitution, while shortly afterwards Hughes and Schmidt met to organise the holding of a conference.<sup>118</sup> Following these preparations delegates from the Sydney TDCU, the Brisbane TDCU, the Victorian FCDIU and the SADA met in the federal parliament in Melbourne on 26 August 1909 to form a federal union.

The conference, although adopting the title of the Victorian union as its own—the FCDIU—was to prove to be a New South Wales dominated affair. Hughes took for himself the Federal Presidency while Connington became the first Federal Secretary. Schmidt and

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115 *Ibid*, 13 April 1908.

116 *Ibid*.

117 *FCDIU (Melbourne Sub-Branch) Minutes*, 13 February 1909.

118 *Ibid.*, 20 February 1909, 2 March 1909.

Blundell, the SA Secretary, contented themselves with the lesser positions of Vice-Presidents while Queensland missed out completely in the allocation of offices. The influence of Hughes and the NSW union is evident in the future projected for the union as well as in the distribution of official positions. Delegates were appointed from the conference to represent carters and drivers at a conference to be held with the WWF, with the ultimate aim of forming a Transport Workers' Federation.<sup>119</sup> Clearly this new federation of drivers' unions was not, to Hughes at least, to be an end in itself, but rather a stepping stone to a wider union that would cement in place support for arbitration amongst Australia's key transport unions.

In the wake of the conference two major tasks remained to be achieved by the new federation—the final endorsement of the federal constitution adopted at the conference, and the transformation of the interest expressed at the conference into a functioning organisation. The first of these two tasks appears to have been undertaken, with the Victorian union endorsing the federation proposals at a special meeting on 2 October 1909.<sup>120</sup> However, the attempt to build a working organisation was to prove an abject failure, with even the proposed changes in the registration and constitution of the FCDIU failing to eventuate.<sup>121</sup>

While the 1909 federal conference is of historical importance in that it was the first occasion in which the various state drivers' unions met to form a federal union the effort was, on this occasion, to be largely fruitless. Committed to an arbitration-oriented strategy, the federal union established in August 1909 proved irrelevant in the face of growing radical and militant challenges from within Australia's drivers' unions between 1910 and 1912. Although Hughes was to maintain a firm control over the Sydney TDCU, elsewhere drivers' unions increasingly sought to advance the position of their membership through collective bargaining backed by industrial action. The principal advocates of this more militant direction were to be a core of radical socialists who by 1911 had gained effective control of a revived federal union. Inevitably, as support in the federal union for radical socialism and industrial militancy grew, so too did the position of Hughes and the NSW union become increasingly marginalised.

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119 *Labour Call*, 2 September 1909.

120 *FCDIU (Melbourne Sub-Branch) Minutes*, 2 October 1909.

121 The reasons for Connington's failure to register the federal rules are unknown but the preoccupation of Hughes and Connington with the NSW coal strike from November 1909 is a possible explanation.

#### 4: RADICAL CHALLENGES 1909-1912

The growth in support for industrial militancy and radical socialism that was to characterise most Australian drivers' unions between 1909 and 1912 was in part a reflection of a growing dissatisfaction within the wider labour movement with the policies of laborism. For in an effort to win the middle class support necessary to achieve political office the Labor Party had, as Robin Gollan notes, "elevated industrial peace into the position of the supreme social good."<sup>122</sup>

The catalyst for the transformation of existing labour discontents into a militant and sometimes revolutionary form was to come from the United States in the shape of a dynamic model for labour activists—the Industrial Workers of the World (IWW). Established in Chicago on 27 June 1905, the IWW issued a challenge to traditional, craft-oriented methods of organising workers, with its Preamble stating that workers' interests could only be upheld "by an organisation formed in such a way that all its members in any one industry, or in all industries, if necessary, cease work whenever a strike or lockout is on."<sup>123</sup>

In Australia the initial impact of the IWW came through its influence on pre-existing socialist organisations. During July 1907 the Socialist Federation of Australia, which incorporated the majority of Australia's socialist groups, issued a declaration emphasising: "That to win economic freedom the . . . working class organise along the lines of the Industrial Workers of the World."<sup>124</sup> The spread of these ideas added a new dimension to industrial relations in Australia, helping to polarise the labour movement between those who sought industrial progress through legislative and arbitrated means, and those who were prepared to resort to direct militant action.

For Hughes the growth in support for the industrial principles advocated by the IWW came at a particularly inopportune time. In September 1909, a month after the first federal

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<sup>122</sup> Gollan, *Radical and Working Class Politics*, p.87.

<sup>123</sup> Cited Bill Haywood, *The Autobiography of William D. Haywood*, (International Publishers, New York, 1958), p.185.

<sup>124</sup> Brian McKinley (ed.) *A Documentary History of the Australian Labour Movement 1850-1970*, (Drummond, Adelaide, 1979), pp.545-46.

drivers' conference, the Sydney IWW Club published *An Open Letter to the Australian Working Class* specifically rejecting proposals such as those by Hughes for "a federation of craft union" as being merely a "substitute for revolutionary industrial unionism."<sup>125</sup> Signs of Hughes' changing fortunes came with a strike in NSW's northern coal fields in November 1909. The strike was crushed with Hughes receiving much of the blame for the defeat. After the 1909 coal strike Hughes' prestige in the labour movement was severely dented as he lost effective control of the Sydney WWF to a more militant candidate, J. Woods.<sup>126</sup>

### **South Australia 1909-1911: A Militant Direction**

If Melbourne was to provide the organising centre for the creation of a federal drivers' union, it was Adelaide which, by 1910, was to most clearly demonstrate the radical ideas and militant impulses that were gripping key sections of Australia's road transport workers. The militant upsurge in the SADA after 1909 was to prove decisive in shifting the balance of power within any prospective federal drivers' union away from Hughes and the NSW union to a more radical body of officials in Melbourne, Adelaide and Hobart.

Although the SADA had benefited through its formative years from the leadership of R.P. Blundell, by 1910 his political pre-occupations were leading to a neglect of his union duties. With the union's membership complaining of a lack of leadership Blundell stepped down from the Secretaryship on 10 September 1910, being granted life membership for his services.<sup>127</sup>

One of the consequences of Blundell's resignation was that it provided an opportunity for a relative newcomer, John Gunn, to gain control of the SADA. A twenty-five year old former Victorian who had only arrived in South Australia the previous year, Gunn was elected President of the union on 17 September 1910.<sup>128</sup> In this position he soon overshadowed Blundell's replacement as Secretary, G. Baird, demonstrating the personal brilliance that was to

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125 Sydney IWW Club, *An Open Letter to the Australian Working Class*, (Sydney IWW Club, 1909), unpagged.

126 Fitzhardinge, *op.cit.*, p.241.

127 *Daily Herald*, 12 September 1910.

128 *Daily Herald*, 19 September 1910.

take him to the leadership of the South Australian Labor Party at the age of thirty-three and the Premiership before he was forty.<sup>129</sup>

Gunn was a leading member of the Socialist Party of South Australia, an organisation formed by the English socialist Tom Mann during a visit to Adelaide in January 1908, and which was affiliated to the Socialist Federation of Australia with its support for the organisation of workers along IWW lines.<sup>130</sup> By the latter half of 1910 Gunn was collaborating closely with the officials of the United Labourers' Union (ULU)—a militant organisation of railway navvies, construction labourers and fruit pickers modelled along lines similar to the IWW—to co-ordinate a general stoppage by drivers.

### The 1910 Drivers' Strike

Gunn had little trouble finding support amongst drivers for industrial action. Despite its initial promise the Carriers and Drivers Board soon proved a disappointment. As the Inspector of Factories reported in 1909: "This board was early in trouble . . . The determination of this board has, with one exception, given more trouble than any other determination so far made."<sup>131</sup> Although an appeal to the state Industrial Court in December 1909 brought an increase of three shillings in wages and a reduction in hours from fifty-eight to fifty-four per week—except on the Port road where fifty-six applied<sup>132</sup>—it was soon being noted that the determination was being widely evaded by employers, particularly by ancillary operators.<sup>133</sup>

On 3 December 1910 a joint meeting of the Adelaide and Port Branches decided to issue an ultimatum to the local Master Carriers' Association demanding a forty-eight hour week and a five shilling increase in wages.<sup>134</sup> When the MCA rejected this demand Gunn promptly announced that a mass meeting would be held on Sunday, 11 December to consider strike action. It soon became clear that the strike involved more than a fight for shorter hours and

129 Coxen, Playford and Reid, *op.cit.*, p.90.

130 Moss, *Sound of Trumpets*, pp.215, 217.

131 "Report of the Chief Inspector of the South Australian Factories and Early Closing Act, 1908", *op.cit.*

132 SAGG, (January-July 1910), p.2.

133 SAPP, (1910), Vol.3, p.10.

134 *Daily Herald*, 5 December 1910.

better pay, but was rather a planned challenge to the whole system of wage regulation as it then existed in Australia. Speaking in favour of strike action by drivers before the UTLC on 9 December, Harry Clarke, a member of the SPSA and the ULU, announced that "it was particularly pleasing . . . to see that drivers had recognised the true way to fight the class war—that was to get away from wages boards, arbitration courts, and all such devices."<sup>135</sup> Gunn also emphasised the wider implications of the strike when he told the mass meeting of drivers on 11 December: "They were setting the pace for the Commonwealth."<sup>136</sup>

Endorsing Gunn's call for a general stoppage over three thousand drivers stopped work from 12 December 1910, paralysing all commerce. The *Daily Herald* declared the strike to be "the greatest upheaval . . . known in the history of the state,"<sup>137</sup> later adding that: "A strike conducted on the lines of industrial unionism is quite novel in Australia."<sup>138</sup> The *Observer* was not so complimentary. It blamed the problem on "revolutionary socialism", describing how "hundreds of non-union drivers were pulled up by industrial highwaymen and forced to join the union."<sup>139</sup>

As the strike continued employers increased the pressure on the Verran Labor government to use the police and the courts against the strikers. With the Government moving towards a confrontation with the union a key figure became its former General Secretary, R.P. Blundell. Blundell was faced with the prospect of choosing between supporting the government or endorsing the strike. He unreservedly chose the latter course, resigning his office as government whip and advising the men they must be prepared to stay out for four to six months.<sup>140</sup>

Despite Blundell's solidarity with the strike he was unable to prevent the government from using the powers of the courts to bring the strike to an end. On 21 December Cabinet decided to intervene, referring the strike to the Industrial Court which immediately issued writs against Gunn and the President of the MCA. The following day the union voted to return to

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135 *Ibid*, 10 December 1910.

136 *Ibid*, 12 December 1910.

137 *Ibid*.

138 *Ibid*, 13 December 1910.

139 *Observer*, 17 December 1910.

140 *Daily Herald*, 13 December 1910.



work, leaving the resolution of their dispute to the Industrial Court. Although the strike leadership had been well prepared for dealing with opposition from employers and police, it found itself unable to cope with the combined opposition of the Labor Party and the Courts.

### **The Strike's Aftermath**

The Industrial Court's decision announced on 20 February 1911 was a disappointment for the union. Although they were successful in their wage claim, obtaining eight shillings per day for a one-horse driver, their demand for shorter hours was rejected.<sup>141</sup> While the union could not be said to have been defeated, neither was the hoped for industrial breakthrough achieved. Gunn, in particular, greeted the decision with a bitter broadside against the concept of court-based arbitration, emphasising that: "Mr. Justice Homburg has signed the death warrant of the Industrial Appeals Court . . . If our going to court has done nothing else, it has provided the workers with a lesson that it is folly to leave their case to the tender mercies of the capitalist legal machinery."<sup>142</sup> Nevertheless, it was clear that Gunn's industrial strategy had come to at least a temporary dead-end. It was Blundell who mapped out a new path for the SADA based on the recreation of a Federal Carters and Drivers' Union. Immediately after the Industrial Court decision Blundell told the waiting press: "I am inclined to think the matter now rests entirely in the hands of the conference that meets in Melbourne on March 8, where representatives from the various states will be present and a plan of campaign will be arranged."<sup>143</sup>

### **Bob Cheney, Socialism and the 1911 Federal Conference**

The federal drivers' conference in which Blundell placed the future hopes of his SA union had been organised, as in 1909, by the Victorian FCDIU. Although the Victorian parliament had finally passed legislation allowing for the formation of a carters and drivers'

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141 *Adelaide Advertiser*, 21 February 1911.

142 *Ibid.*

143 *Daily Herald*, 21 February 1911.

wages board on 4 January 1910, no determination had been granted over twelve months later. Even when a determination was finally granted in late March 1911, clauses dealing with owner-drivers were struck out by H.M. Murphy, the Chief Inspector of Factories, as being beyond the power of a wages board, while hours for drivers employed by master carriers were raised from a proposed fifty-two hours per week back up to fifty-eight hours.<sup>144</sup>

Frustrated by its attempts to obtain a wages board determination acceptable to its members, the Victorian FCDIU began efforts to revive a federal drivers' union during February 1911, sending out invitations to other state drivers' unions.<sup>145</sup> In seeking to rebuild a federal drivers' union the Victorian FCDIU was seeking an organisation that would support rather than constrain direct militant action by drivers, as Hughes had attempted to do in August 1909. For as enthusiasm had waned for wages boards in the Victorian union so had support grown for industrial militancy and radical socialism.

The most forceful advocate of militant and socialist beliefs within the Victorian union was Fred Katz, a long-time socialist activist who had belonged to the Social Democratic Party of Victoria.<sup>146</sup> Publicly dedicated to the overthrow of capitalism, Katz began to rapidly increase his power within the union from 1909, being elected Melbourne Branch Assistant-Secretary in June 1909, Tasmanian Branch General-Secretary in early 1911 and Federal Vice-President in July 1912.<sup>147</sup>

Despite Katz's rapid rise through the union's ranks he was overshadowed by another rising star within the union, Bob Cheney. Elected Melbourne Sub-Branch President in June 1909, Cheney replaced Ed Schmidt as Victorian Secretary on 28 May 1910.<sup>148</sup> Although Cheney shared the non-ideological, pragmatic perspective of the 'old guard' Victorian leadership, he was in 1911 willing to support the more radical views within the South Australian and Victorian unions. During the Adelaide drivers' strike Cheney had telegraphed his support for their actions, declaring: "Earnest wishes for victory. With you whole-

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144 *Age*, 3 April 1911. Also *Argus*, 3 April 1911, 4 April 1911, 5 April 1911.

145 *FCDIU (Melbourne Sub-Branch) Minutes*, 18 February 1911.

146 Verity Burgman, *In Our Time*, (Allen and Unwin, Sydney, 1989), pp.128, 135.

147 *FCDIU (Melbourne Sub-Branch) Minutes*, 26 June 1909, 15 April 1911. Also *Age*, 2 August 1912.

148 *Ibid.*, 28 May 1910.

heartedly. Yours in unity."<sup>149</sup> These remarks had contrasted with the attitude taken to the strike by Hughes who had condemned it as being "not only unjustifiable and unreasonable; it is ridiculous."<sup>150</sup>

While condemning the Adelaide drivers' strike, Hughes and the NSW union once sought to seize control of the proposed federal union, with Hughes and Connington deputising themselves to "draft rules for the proposed federation."<sup>151</sup> These efforts, however, came to nothing. When the federal conference met on 8 March 1911 it saw the exclusion of the NSW union from any positions of influence within it, power being transferred to a more radical South Australian-Victorian axis through the election of Blundell as Federal Secretary and Cheney as Federal President.<sup>152</sup>

### Tasmania—A Militant Victory

In the aftermath of the 1911 federal drivers' conference it was to be Tasmania, hitherto virtually devoid of union organisation amongst drivers, that was to provide the federal union with the most successful example of what could be achieved by a policy of collective bargaining backed by industrial action. Although a Hobart Carters and Drivers' Union had been established in June 1910 it had been too weak to send a delegate to the 1911 conference. Instead it had appealed in February 1911 to the Victorian FCDIU for someone to be sent over "to organise the drivers of the state."<sup>153</sup> The man selected for this task was Fred Katz, the FCDIU's leading exponent of radical action.<sup>154</sup>

The arrival of Katz in Tasmania in March 1911 transformed the local union. Within a month Katz had been appointed General Secretary of the Hobart Branch, with Hobart being regarded as a fully fledged affiliate to the federal union from April 1911 onwards.<sup>155</sup> Indeed much of Katz's subsequent success can be attributed to the authority he possessed as the

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149 *Daily Herald*, 16 December 1910.

150 *Adelaide Advertiser*, 20 December 1910. Also *Daily Herald*, 22 December 1910.

151 *FCDIU (Melbourne Sub-Branch) Minutes*, 18 February 1911.

152 *Age*, 31 July 1911.

153 *FCDIU (Melbourne Sub-Branch) Minutes*, 4 February 1911.

154 *Ibid.*

155 *Ibid.*, 15 April 1911.

representative of the federal union, with Katz declaring that "he could rely on the utmost support they could give."<sup>156</sup> The most pressing concern for Katz on his arrival in Tasmania was to devise a strategy that could lift the wage level of Hobart's drivers, which were restricted by the Tasmanian wages board system to a thirty-five shillings 'ruling rate' paid by 'reputable employers.'<sup>157</sup> In devising such a strategy Katz decided to ignore the wages board system and instead rely on direct bargaining with employers, backing up his demands with industrial action.

The precondition for success in a strategy of collective bargaining backed by industrial action is effective union organisation. This Katz rapidly secured, transforming the branch in a few short months from one with only thirty members to one with over four hundred.<sup>158</sup> Determined to bring about a dispute that would assert the union's authority in the carrying trade, Katz ordered an 'all-out' strike from Monday, 31 July 1911. So successful was the response to the strike call that the *Hobart Mercury* declared the conflict to be: "The first serious strike which has occurred in Hobart for the last twenty years."<sup>159</sup> Enthusiasm for the strike amongst drivers was so high that by the second day of the dispute the union's membership had grown to over six hundred.<sup>160</sup>

After three days the employers were ready to throw in the towel. They offered the union two pounds for one-horse drivers and two pounds, five shillings for two-horse drivers, promising that if a wages board eventually approved a higher increase they would make the decision retrospective.<sup>161</sup> The following day the union voted to accept the offer. The completeness of the union's victory was confirmed in April 1912 when the determination of the Carters and Drivers' Board granted in full the union's wages claim along with provisions for a fifty-four hour week.<sup>162</sup>

While the union's victory in Hobart was complete it was not immediately reproduced outside the capital. The Launceston Branch, which had been formed shortly after the one in

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156 *Age*, 31 July 1911.

157 *Acts of the Tasmanian Parliament*, (1910), p.319. Also *Hobart Mercury*, 31 July 1911, 27 July 1911.

158 *Hobart Mercury*, 27 July 1911.

159 *Ibid*, 31 July 1911.

160 *Ibid*, 2 August 1911.

161 *Ibid*, 3 August 1911.

162 *TGG*, (1912), Vol.1, pp.1135-37.

Hobart, cautiously sought a conference with local employers to negotiate for working conditions similar to those operating in Hobart.<sup>163</sup> Katz showed little patience for such a tame approach. In a lightning three day visit to Launceston from 22 August 1911 he reorganised the local branch, forced the resignation of its Secretary, E.L. Bailey, and issued an ultimatum to Launceston's master carriers' demanding that they accept the union's terms or face the consequences. The employers quickly came to heel, agreeing to accept the union's demands.<sup>164</sup>

The victory in Launceston brought to an end a highly successful campaign by Katz. In the wake of the strike Tasmanian Branch membership peaked at over eight hundred, with two hundred of these being in Launceston.<sup>165</sup> Yet in its very success Katz's victory was to reveal major shortcomings in a strategy of collective bargaining backed by industrial action. Although such a strategy had achieved a rapid growth in union power it could not create institutional mechanisms through which the gains won in industrial battle could be preserved and advanced after the battles were over. Nor could the high state of militancy demonstrated by the membership during the strike be maintained. Katz seems to have recognised this by having the final settlement laid out in a wages board determination.

As militant enthusiasm abated on the aftermath of the strike so did a decline begin in the branch's membership. The Launceston Sub-Branch slipped quietly out of existence,<sup>166</sup> while the Hobart Sub-Branch also seems to have had trouble in meeting the expenses of a full-time official. Facing the gradual disintegration of his branch Katz suddenly resigned all his positions in the union in January 1914,<sup>167</sup> returning to the mainland to build a career outside the union's ranks.<sup>168</sup>

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163 *Hobart Mercury*, 11 August 1911.

164 *Ibid*, 23 August 1911, 25 August 1911.

165 *Ibid*, 11 September 1911.

166 The Launceston Branch was revived on 10 February 1915. See *FCDIU (Launceston Branch) Minutes*, (ANUABL, E120/24), 10 February 1915.

167 *TGG*, (January-June 1915), p.1184.

168 Katz went on to become Federal Secretary of the Federated Clerks' Union and a Labor Senator. In old age Katz returned to the Victorian Branch of the TWU to serve as its Returning Officer until his death in early 1961. See Joan Rydon, *A Biographical Register of the Commonwealth Parliament 1901-1972*, (ANU Press, Canberra, 1975), p.120. Also *TWU (Victorian Branch) BCOM Minutes*, (held TWU (Victorian Branch), Port Melbourne), 2 May 1961.

## Victoria—A Militant Defence

While Tasmanian drivers were engaging in militant campaigns during mid-1911 their counterparts in Victoria were undertaking similar actions. Yet whereas the strikes undertaken by Tasmanian drivers were an attempt to win concessions outside the formal industrial relations, the militant campaign in Victoria was aimed at preserving their position under the state wages board system.

Although the Victorian FCDIU was unhappy with the revised determination finally gazetted in April 1911, it did at least provide a mechanism for covering all the state's drivers.<sup>169</sup> As such it seemed to provide an avenue for the future advancement of all drivers within Victoria, whether employed by master carriers or ancillary operators. This hope was, however, soon dashed.

On 2 June 1911 a mass deputation of employers waited upon the Victorian government to campaign for the dismantling of the Carters and Drivers Board. Representing a wide range of ancillary transport operators, they were alarmed by the increased wages that had accrued to their drivers as a result of the Board's determination.<sup>170</sup> While the forty-five shillings stipulated for one-horse drivers in the determination was still less than that required to match the 'living wage' established by Justice Higgins when adjusted for inflation,<sup>171</sup> it was up to ten shillings more than what ancillary operators were used to paying under a variety of industry determinations.<sup>172</sup> Unable to pass on higher wages through increased cartage rates, they demanded that drivers outside the hire and reward sector be placed under other determinations with lower wage rates for drivers.

The employers' campaign soon yielded results. By 10 June 1911 pastrycook's drivers had been withdrawn from the Board and on 15 July quarrymen's carters were also withdrawn.<sup>173</sup> Within a week of the latter decision the Master Drapers' Association, the

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169 *VGG*, No.65, May 1911.

170 *Age*, 3 June 1911.

171 P.G. Macarthy, "Wages for Unskilled Workers and Margins for Skill, Australia, 1920-21", *AEHR*, Vol.XII, No.2, September 1972, pp.144-45.

172 *Age*, 10 June 1911, 30 November 1912.

173 *Ibid* 10 June 1911, 16 July 1911.

Timber Merchants' Association and the Aerated Water Manufacturers' all notified the government of their desire for the withdrawal of their drivers from the Board's determination.<sup>174</sup>

The partial breakup of the Carters and Drivers' Board meant the end of the union's chances of working effectively under the Victorian wages board system. A letter by Cheney on 22 July 1911 to the *Age* indicated that a fundamental turning point had been reached. Cheney declared: "No body of workers has been subjected to more intolerable treatment at the hands of the government than the carters and drivers . . . No body of workers has displayed more patience under trying conditions. But that patience is exhausted."<sup>175</sup>

Cheney's implied threat to undertake industrial action was one that had to be taken seriously by both government and employers. By July 1911 the Victorian union was a mass industrial organisation with an estimated 4000 members.<sup>176</sup> With perhaps half of these members having joined during 1910 or early 1911 in expectation of a wages board determination,<sup>177</sup> the threat to disband the board evoked considerable bitterness. Declaring themselves "hoodwinked", a mass meeting of the union's members held on 30 July 1911 voted to support a general strike. The chances of this dispute becoming a national drivers' strike seemed to become a real prospect when Blundell arrived from Adelaide to declare "the fight would extend all over Australia."<sup>178</sup>

Concerned at the prospect of a national drivers' strike the Victorian government ordered a six month delay in the break up of the board.<sup>179</sup> Clearly, however, further attacks on the board could be expected when the reprieve ended. Once again the Victorian FCDIU was in a strategic bind. While a wages board orientation was no longer a viable strategy on which to base the union's future, a reliance on collective bargaining would only leave rival unions free to bring drivers under their own industry determinations and awards. Increasingly, federal arbitration appeared to be the only solution to the union's problems. It was a strategy which the

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174 *Ibid*, 21 July 1911.

175 *Ibid*, 22 July 1911.

176 *Argus*, 3 April 1911.

177 Meetings of the FCDIU Melbourne Sub-Branch regularly accepted hundreds of new members throughout this period.

178 *Age*, 31 July 1911.

179 *Ibid*, 10 August 1911.

union was to argue for at the federal drivers' conference set to meet in Adelaide during July 1912.

### The 1912 Conference—A Turning Point

The July 1912 conference was to prove a turning point in the history of the federal union, representing both the zenith of socialist influence within the union prior to World War I and the point at which industrial militancy was abandoned in favour of federal arbitration. The conference began with what seemed an enthusiastic endorsement of the militant policies that had characterised the previous two years. Cheney and Katz, elected Federal Secretary and Federal Vice-President respectively by the conference, were particularly keen to announce the impending overthrow of the capitalist order. Cheney declared that Katz's victory in Hobart had shown that "as soon as the employers found that the men were ready to fight they literally went down on their knees."<sup>180</sup> Even the normally conservative Queensland union was caught up in the euphoria, having played a vital role in the 1912 Brisbane Tramways' strike when its members had joined a general stoppage.<sup>181</sup> Only the lone NSW delegate, J. Rudd, raised his voice in protest against such ideas, emphasising the commitment of his union to laborism.<sup>182</sup>

Despite the socialist rhetoric the conference, by adopting a Victorian resolution to place a log of claims before the Commonwealth Arbitration Court,<sup>183</sup> was implicitly recognising that the militant policies of the previous two years had failed to achieve their expected results. To ensure that this resort to federal arbitration would succeed the conference endorsed new federal rules to be registered with the Commonwealth Registrar. This task was necessary as the only body then registered before the Court was the Victorian entity of 1906, which could hardly lay claim to an interstate dispute. The rules adopted at the conference were historically important in defining the relationship between the federal union and its state branches. The rules, as registered, unequivocally asserted the primacy of the federal union, stating: "The supreme

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<sup>180</sup> *Daily Herald*, 27 July 1912.

<sup>181</sup> During the general strike Brisbane transport operators could only continue in business by obtaining one of the union's red permit cards. See *Brisbane Strike Bulletin*, (No.29), 4 March 1912.

<sup>182</sup> *Daily Herald*, 27 July 1912.

<sup>183</sup> *Ibid*, 26 July 1912, 5 August 1912.



control of the union shall be vested in a Federal Council."<sup>184</sup> By the end of 1914 the Tasmanian, Queensland, South Australian, and Victorian unions had all endorsed these rules, formally becoming branches of the federal union.<sup>185</sup>

The 1912 conference was to prove a turning point for the FCDIU in terms of leadership as well as strategic orientation. Between 1909 and 1912 control of the federal union had seemed to be a contest between the strongly laborist Hughes and the socialists Gunn and Katz. Yet the relative failure of both arbitration and industrial militancy to achieve substantial and sustained improvements in wages and hours for drivers had undermined the standing of both groups. Despite the NSW union remaining marginalised within the federal union during 1912, the socialist grouping around Gunn and Katz began to disintegrate. On the eve of the conference Gunn distanced himself from Katz by declaring before his own union that "they could get just as good conditions through wages boards as if they were to cease work."<sup>186</sup> In the end it was Bob Cheney who was to emerge the victor in the union's factional battle. Pragmatic rather than ideological in his views despite his brief flirtation with socialism during 1912, Cheney was to hold the Federal Secretary's office—with one brief gap—for the next thirty-two years.

Around Cheney there gradually coalesced a conservative laborist leadership that included George Lawson in Queensland, Frank McIntyre and Alf Angel in South Australia, and Oscar Nilsson in Western Australia. Politically and industrially the vision of this leadership was far narrower than that of either Hughes or his more radical opponents such as Gunn and Katz. While Gunn and Katz had tried to directly link industrial struggles with radical political change, it was disillusionment with the results of collective bargaining backed by industrial action that led Cheney to support an arbitration-oriented strategy and abandon his earlier support for radical socialism. But whereas for Hughes support for arbitration had been part of a wider political strategy for civilising rather than overthrowing capitalism, under Cheney an arbitration-oriented strategy became a mechanism for separating political and industrial issues. Inherent in the subsequent orientation of Cheney and the FCDIU was an essentially passive

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184 Rule 10(i). See *CARR* FCDIU File 11/Vic/10.

185 *Ibid*, 11/Vic/11, 11/Vic/15.

186 *Daily Herald*, 21 June 1912.

conception of unionism, in which industrial disputes were simply directed to arbitration for resolution while political problems remained the preserve of the Labor Party.

## 5: MILITANCY ON THE WANE 1912-1914

### Defeat in the Commonwealth Arbitration Court

If by the July 1912 federal conference Australia's drivers' unions had begun another review of their industrial orientation, a setback suffered by the federal FCDIU in the immediate wake of the conference demonstrated that the union could continue to ignore the Commonwealth arbitration system only at the expense of its own future survival.

On 20 August 1912 the Commonwealth Industrial Registrar granted federal registration to the Motor Transport and Chauffeur's Association (MT&CA)<sup>187</sup>—a Victorian union which claimed to represent Australia's motor drivers. The FCDIU promptly appealed against this decision. In the subsequent hearing before the Court's President, Justice Higgins, the FCDIU claimed that it held the legal right to represent all road transport workers involved in the cartage of goods under its 1906 registered rules. Higgins, however, ruled against the FCDIU, contending that "motormen constitute a special craft" clearly distinct from "the carters and drivers craft".<sup>188</sup> To Higgins the "natural distinction is between those who have a motor and those who have the function of driving a horse."<sup>189</sup>

Higgins' decision should have theoretically doomed the FCDIU to gradual extinction as a union covering a branch of industry destined to disappear before the onslaught of changing technology. In fact the MT&CA was not to prove a serious rival to the FCDIU, being largely restricted to the coverage of Victorian bus drivers. Nevertheless the episode demonstrated that unless the FCDIU could secure its own federal award it would face a steady erosion of its

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187 6 *CAR* p.123.

188 *Ibid.*, p.124.

189 *Ibid.*

membership base as rival unions exploited the Commonwealth arbitration system for their own advantage.

### Western Australia and Queensland—New Forces for Arbitration

If many of the strongest advocates of industrial militancy in the federal FCDIU such as Fred Katz and John Gunn either left the union or revised their earlier orientation between 1912 and 1914, then there also appeared within the union new forces who were to demand that the union concentrate its attention on obtaining a federal award. The most important of these forces were to come from Queensland and Western Australia.

In October 1912 delegates from drivers' unions in Bundaberg, Maryborough, Gympie, Ipswich, Warwick, Toowoomba and Rockhampton met with representatives from the Brisbane FCDIU to establish a "federation of all carters' unions throughout the state."<sup>190</sup> There is little doubt that the Brisbane union's federal connections—and the prospect of a federal award—provided the main attraction for the country drivers' unions in their decision to affiliate with Brisbane and accept it as the 'head centre' for the state branch.<sup>191</sup> Dissatisfied with their progress under the state wages board system,<sup>192</sup> the provincial drivers' union forcefully expressed the need for a federal award at the inaugural state conference.<sup>193</sup>

If the prospect of a federal award was the major attraction in bringing Queensland country drivers' unions into the state branch, they quickly made it clear that their continued membership depended on rapid progress in obtaining such an award. At the second state conference in 1913 Lawson was warned by the country sub-branch secretaries that: "The country members were losing faith in the Brisbane executive through their delay in dealing with this question."<sup>194</sup>

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190 *FCDIU (Queensland Branch) State Conference Minutes*, (held TWU (Queensland Branch), Brisbane), 5 October 1912.

191 *Ibid.*

192 Country drivers were particularly upset by the decision of the Governor in Council to override the Central Carting Board's determination of January 1912 which granted drivers a forty-eight hour week. For the granting of this determination see *QGG*, (No.33), 27 January 1912. For details of its overturning see *QGG*, (No.123), 9 May 1912.

193 *FCDIU (Queensland Branch) State Conference Minutes*, *op.cit.*

194 *Ibid.*, 23 August 1913.

If the affiliation of Queensland's provincial drivers' unions was directly linked to the achievement of a federal award by the FCDIU then a similar assessment may be made about the decision of Western Australia's largest drivers' union, the Horse and Motor Drivers' Union (H&MDU), that it too would affiliate with the federal union.

Established in Perth's Trades Hall on 12 August 1911,<sup>195</sup> the WA union had had unhappy experiences with both state arbitration and industrial militancy. Its first industrial agreement, registered in March 1912, had been described in the local press as "one of the worst ever made between employee and employer",<sup>196</sup> with provisions for a sixty hour week and dismissal after two hours notice. When the union's Secretary, J.P. Singleton, decided to engage in direct collective bargaining with employers in February 1913 he was rebuffed.<sup>197</sup> Attempts to back up the union's demands by staging a general stoppage of drivers from 4 March 1913 only ended in a crushing defeat.<sup>198</sup>

Forced to return to state arbitration, the union faced long delays in its hearing. Frustrated by these delays the H&MDU telegraphed its intention to affiliate with the federal body in December 1913.<sup>199</sup> A final decision on federal affiliation, however, seems to have been delayed until after the announcement of the state award finally handed down on 30 April 1914. When this proved unsatisfactory, largely due to the bungling of the union's wage claim by Singleton,<sup>200</sup> the union decided to respond to a request by Cheney in June 1914 that it clarify its position with the federal union.<sup>201</sup> Although the H&MDU was to be only represented by a proxy at the Brisbane conference, its addition to the federal unions strengthened the move towards federal arbitration within the FCDIU.

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195 *Ibid*, 14 August 1911. The original title of the union was the Horse Drivers' Union. It was changed to the H&MDU on 18 August 1912. See *Westralian Worker*, 30 August 1912.

196 *Ibid*, 11 March 1913. Also 10 *WAAR*, p.227.

197 *Ibid*, 4 March 1913.

198 *Ibid*, 4 March 1913—11 March 1913.

199 *Age*, 20 December 1913.

200 Although granted an effective working week of fifty-one hours, Singleton had placed the union's wage claim too low at fifty-eight shillings. When this was awarded Singleton complained: ". . . had the union thought it would have been delayed so long in coming before the Court it would have asked for much higher wages." See *Westralian*, 14 March 1914. For award details see 13 *WAAR*, pp.15-25.

201 *Westralian Worker*, 26 June 1914.

## New South Wales—A Failed Leadership Bid

The return to an arbitration-oriented strategy within the FCDIU after 1912 allowed Hughes and the NSW union an opportunity to rebuild their power within the federal organisation. By December 1913 a revived NSW influence was evidenced not only by the fact that the union's federal conference was being held in Sydney but also by the election of Thomas Weir, a NSW official, as Federal President—the first major position held by New South Wales in the federal union since 1909.<sup>202</sup>

Despite the rapprochement between the New South Wales and federal unions in 1913 it soon became clear that a number of substantive differences separated the two bodies. While the breach between the New South Wales and federal unions between 1909 and 1912 can be attributed largely to the militant policies advocated by the federal union, the emergence of a general consensus on the benefits of arbitration failed to bring about institutional unity. Unlike the other state drivers' unions, the union in New South Wales was not prepared to commit itself to the campaign for a federal award. By 1913 the NSW arbitration system was proving itself superior to any other industrial system in Australia in terms of providing award coverage for all sections of road transport. Although conditions won under the system remained relatively modest—the TDCU's 1913 parent award still stipulated a 56-1/2 hour week<sup>203</sup>—these deficiencies were more than compensated for in the eyes of the union's leadership by the preference clauses that were inserted in the union's award from February 1913.<sup>204</sup> With their awards covering over 4,800 drivers employed by a wide range of ancillary operators and master carriers, in both country and urban areas, the NSW union was understandably reluctant to abandon these benefits for the uncertainties of a federal award.

In the end the rapprochement between the federal and NSW drivers' unions turned out to be something of an illusion. The July 1914 federal conference in Brisbane saw New South Wales again lose its representation at the higher levels in the federal union. The NSW delegates

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202 *Age*, 20 December 1913.

203 *NSWIG*, (December 1912-March 1913), pp.1385-86.

204 Union preference had been granted in the union's first award but was overturned on appeal to the Supreme and High Courts. See 4 *NSWAR* (1905) pp.50, 349-56.

were revealed as continuing to aim at different goals from those sought by other states. Rather than concern itself with the issue of a federal award, New South Wales was preoccupied with winning conference's endorsement for Hughes' latest scheme for the federation of labour, the Australian Union Federation.<sup>205</sup> While the conference endorsed the proposals, obviously wishing to maintain New South Wales' involvement, it was evident of the fact that it was an involvement premised on different grounds from the other states. In a reflection of its separate industrial and political goals the NSW union failed to formalise its position with the federal union before the Commonwealth Industrial Registrar. With Western Australia also having failed to formalise its position the federal union in 1914 remained restricted to four states—Victoria with 5,400 members, South Australia with 3,400, Queensland with 2,350, and Tasmania, which encompassed 500 drivers.<sup>206</sup>

### **Employer Responses—Federal Structures**

Between 1912 and 1914 Australia's master carriers became increasingly alarmed at suggestions that their drivers would soon be brought under a federal award. Although the various state master carriers' associations had all gradually come to support state industrial regulation of working conditions for drivers they remained fearful of the federal award system under Justice Higgins. Employers' concern culminated in a special meeting held in Sydney on 19 February 1914 by the secretaries of the master carriers associations of Melbourne, Brisbane, Sydney and Adelaide "to consider the question of drivers seeking application to the Federal Arbitration Act."<sup>207</sup> The meeting resolved to form a Federal Council of Master Carriers' Associations, the first federal conference being held in Melbourne on 9 April 1914.<sup>208</sup>

Although premised on opposition to a federal drivers' award, the emergence of the federal MCA in April 1914 brought a step closer the establishment of a national industrial relations system within Australian road transport. By early 1914 the existence of a federal

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205 *Daily Standard*, 25 July 1914. This scheme was also referred to as the Australian Labour Federation or as simply the Big Union Federation.

206 *CARR FCDIU* File 11/Vic/15.

207 *MCA (NSW) Minutes*, 19 February 1914.

208 *Ibid.*, 24 April 1914.

drivers' union, a federal MCA and a commonwealth arbitration system all made possible a formalised, and federal, pattern of negotiation, collective bargaining and award fixation for transport workers.

### Signs of Union Disintegration

While by 1914 opportunities existed for the FCDIU to work within a national context there were signs that it would not survive long enough to exploit these opportunities. Despite the endorsement of the need for a federal award by federal conferences, no step had been taken to achieve this goal before the outbreak of World War I. The result was confusion as to the direction of industrial strategy and an undermining in commitment to the federal union.

As early as August 1912 the SA union was considering an amalgamation with the Distributing Trades Union—a state-based union of storeman and packers—as an alternative to participating in the FCDIU.<sup>209</sup> While the SA union ultimately decided on 30 August 1913 to reaffirm its commitment to the federal FCDIU<sup>210</sup> this sentiment was not shared by the powerful Port Adelaide Sub-Branch. By April 1914 the Port Adelaide FCDIU—while still using the federal title as its own—had broken away.<sup>211</sup> Frequently upstaging the SA Branch through its more aggressive tactics, the Port Adelaide FCDIU's independent course was to seriously undermine the federal union's credibility when it sought a Commonwealth award for South Australia.

If the defection of the Port Adelaide FCDIU and the continued non-commitment of the New South Wales TDCU provided major setbacks for the federal union, an even greater calamity threatened to occur in Queensland during 1914. Amongst the speakers at the FCDIU's 1913 Queensland state conference were Ted Theodore and W.J. Dunstan, the Queensland leaders of the AWU. In addressing the conference Theodore and Dunstan appealed for an amalgamation of the AWU and the Queensland Branch of the FCDIU.<sup>212</sup> The sole barrier to

209 *Daily Herald*, 7 August 1912, 17 August 1912, 28 September 1912.

210 *FCDIU (SA Branch) Minutes*, (held TWU (SA) Branch, Adelaide), 30 August 1913.

211 *Ibid.*, 28 March 1914, 8 April 1914.

212 *FCDIU (Queensland Branch) State Conference Minutes*, 11 August 1913.

the AWU's absolute control of the state's road transport workers, an amalgamation with the Queensland FCDIU would provide the AWU with the basis for a national challenge to the FCDIU and the subsequent incorporation of all Australian drivers within the AWU's awards.

Despite the Queensland Branch's previous commitment to the FCDIU the pressure for a workable award from provincial sub-branches resulted in a decision being made in August 1914 to prepare for amalgamation through a formal membership ballot.<sup>213</sup> Held in February 1915 the ballot came within the barest of margins of endorsing amalgamation, the vote being tied 108-108.<sup>214</sup> Although a subsequent ballot held in December 1915—after the commencement of federal award proceedings—decided to reject the AWU's overtures, the episode nevertheless demonstrated the need for the federal union to implement an effective industrial strategy if it was to ensure the continued commitment of its state branches.

## Conclusion

As Australia's drivers' unions reorganised after 1900 they found themselves confronted with the need to choose between a number of conflicting industrial strategies, with state-based systems of arbitration and wages boards vying with federal arbitration in providing a formalised framework through which road transport workers could advance their industrial interests. Alternatively drivers' unions could continue to seek industrial redress outside the formalised industrial relations system through collective bargaining backed by industrial action.

Institutionally and industrially the emergence of a formalised industrial relations system acted to both consolidate and fragment the development of Australian road transport unionism. Although registration under state or federal systems of compulsory arbitration gave drivers' unions legal authority to represent the industrial interests of their members, arbitrated awards also consolidated the position of other rival trade unions seeking to represent certain categories

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213 *Ibid.*, 10-14 August 1914.

214 *FCDIU (Queensland Branch) Board of Control Minutes*, 1 February 1915.



of road transport workers, the most important of these rival unions being the AWU. Perhaps even more seriously, awards and determinations did nothing to regulate the working conditions of self-employed carriers, with Justice Powers eventually excluding such workers from membership of federally-registered unions. Even when Australia's key drivers' unions met together to consider the formation of a federal drivers' union the existence of separate federal and state systems of arbitration and wages' boards acted to divide as well as unite them, with support for federal awards being linked with support for federal unionism while support for state arbitration or wages board led in the opposite direction.

If the adoption of an arbitration-oriented strategy by Australia's drivers' unions after 1900 in itself implied neither support nor opposition for the concept of a federal drivers' union, the formation of such a union eventually hinged as much on political as on industrial considerations. Although federal registration of the FCDIU was initially achieved by the politically unsophisticated Victorian union in 1906, the dominating personality at the first Federal Drivers' Conference in 1909 was Billy Hughes. Hughes sought to use the formation of the federal union to secure his control of the vital transport sector, hoping to cement support for arbitration and thus avoid a repetition of the 1890 Maritime Strike. Such an achievement would help ensure that any industrial advances secured by the Australian labour movement would come through arbitrated awards rather than through class conflict, while political change would come through the election of Labor governments—governments that would seek to civilise rather than overthrow capitalism.

Hughes' attempt to incorporate Australia's drivers' unions into a grand, arbitration-oriented trade union alliance was to be singularly unsuccessful. By 1911 radical socialists had managed to exploit rank and file dissatisfaction with the industrial gains being secured through awards and determinations to seize control of the federal union, seeking to use collective bargaining backed by industrial action as a strategy for directly linking industrial struggles with the concept of revolutionary social change. Despite major industrial struggles in South Australia in 1910 and Tasmania in 1911, this more radical industrial strategy proved ultimately unsuccessful. Any industrial victories secured by the radical Left were localised and short-lived, leaving them with the continued need to adapt to the reality of Australia's formal

industrial relations system. By attempting to place the union outside this system, they jeopardised its legal rights to represent and obtain awards for transport workers.

When Justice Higgins announced his decision to award the MT&CA the right to enrol Australia's motor drivers, he demonstrated to the FCDIU that if they did not use the federal arbitration system to secure awards for road transport workers then other unions would soon usurp its place. By 1912 the FCDIU had reached a consensus that an arbitration-oriented strategy was the only one that would ensure the union's survival within the existing industrial and social order.

## CHAPTER 3

### ARBITRATION AND STAGNATION: FROM THE FCDIU TO THE TWU 1914-1939

#### INTRODUCTION

The beginning of World War I was to catch the FCDIU in the process of attempting a major change in industrial orientation, from one which had involved the liberal use of strike action during the period 1909 to 1914, towards industrial advancement through the use of the federal arbitration system. It was not perhaps an opportune time to attempt such a change of course, with rising prices soon leading to mounting rank and file dissatisfaction. Nevertheless, the unions' leadership remained committed to a single federal award application that would set uniform rates of employment for members throughout Australia. By 1921, however, this attempt to use federal arbitration as a mechanism to achieve the sustained advance of the interests of the FCDIU and its membership had collapsed in the face of a series of disappointing judgements.

After 1921 the union was to split into two distinct camps, one based on federal awards, the other on state awards. This division, combined with a leadership that became increasingly bureaucratised and unimaginative as it structured its activities to suit award servicing and dues collection, left the Federation largely unprepared to meet the consequences of either the Depression or the dramatic transformation of the role of road transport in the Australian economy in the inter-war years.

While an arbitration-oriented strategy consolidated the union's institutional standing before Australia's various federal and state industrial tribunals it did little to advance the union's standing amongst rank and file transport workers. Despite the formal addition of Western

Australian and New South Wales Branches to the Federation, and the extension of the union's constitution to cover bus drivers and airline industry workers, national membership was only marginally higher in 1940 than it had been in 1913.

Given the virtually total commitment of the union to an arbitration-oriented strategy between 1914 and 1939 it is difficult to gauge the possible effectiveness of a more militant strategy based on collective bargaining backed by industrial action. The few militant actions undertaken by the union were usually poorly co-ordinated and ended in defeat, confirming support for arbitration rather than providing an alternative to it. Yet a comparison with the experience of the International Brotherhood of Teamsters (IBT) in the United States suggests that an attempt to combine collective bargaining and industrial militancy with formalised agreements or awards would have won the union greater gains. By pursuing such a militant policy the American union was to transform itself into the leading labour organisation in the United States and win benefits for its members that were sometimes not matched in Australia for almost thirty years—when the Australian union adopted similar tactics.

## **1: THE IMPACT OF ECONOMIC CHANGE ON LABOUR RELATIONS**

If the railways had provided the cutting edge for economic change during the latter half of the nineteenth century it was to be the motor vehicle that was to be at the forefront of industrial development during the twentieth century. Both private citizens and business discovered that the advent of affordable and reliable motor transport heralded a new mobility, causing the *Sydney Morning Herald* to proclaim in December 1926: "Verily we live in the age of the motor car".<sup>1</sup> Whereas the railways had demanded fixed routes, complex social and industrial organisation and state ownership, motor vehicles could alter routes at will, were operated by a single individual, and were privately owned.

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<sup>1</sup> *Sydney Morning Herald*, 9 December 1926.

The demand for motor vehicles helped create new industries and destroyed the viability of old ones. Led by Henry Ford in the United States, the manufacture of motor vehicles pioneered new techniques for mass production and workplace management. Partly in response to the needs of the motor vehicle assembly and road transport industries the production and sale of steel, chemicals and petroleum products all boomed in Australia after 1914<sup>2</sup>, with the outline of a modern, industrialised economy emerging for the first time.

With the spread of new manufacturing industries there flowed new ideas for the management of labour—ideas that were to help shape the total context of industrial relations in Australia between 1914 and 1939 by transforming the economic and industrial objectives of the Australian arbitration system. In its formative years around the turn of the century arbitration had been primarily concerned with the liberal ideas of ending industrial disputes and the extreme forms of wage-labour exploitation. From 1914 these goals became increasingly overshadowed by a concern that was to progressively preoccupy arbitration through the century—how to use arbitration to increase productivity while minimising industrial disputes.

The demands of World War I soon imposed on Australian governments the need to consider the application of 'scientific management' to Australian industry.<sup>3</sup> An attempt to introduce a 'time-card' system into New South Wales railway workshops, however, soon demonstrated the level of working class opposition to changed work practices, provoking a general strike amongst New South Wales trade unionists during August 1917. Nevertheless 'scientific management' seemed to provide a mechanism for the resolution of two seemingly contradictory demands—the need to concede to organised labour improved hours of work and increased real wages in order to contain industrial and political militancy, while simultaneously increasing productivity.

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2 By 1926-27 Australia was assembling 90,000 motor bodies while total steel production rose from negligible levels in 1914 to over 400,000 tons in the late 1920s. Between 1919-20 and 1926-27 the total value of Australian manufacturing rose by almost sixty-four per cent before falling as the first effects of depression were felt. See Colin Forster, *Industrial Development in Australia 1920-1930*, (ANU Press, Canberra, 1964) p.15.

3 For a detailed study of the impact of scientific management on Australian industrial relations between 1914 and 1939 see Chris Nyland, *Worktime and the Rationalisation of the Capitalist Production Process*, (Ph.D. Thesis, University of Adelaide, 1985).

In the wake of the 1917 General Strike, the New South Wales government sent George Beeby, a former Labor minister who had played a major role in crushing the strike, to study United States production methods. Beeby returned convinced of the need to make major concessions to a radicalised working class, believing that this could be achieved without disrupting production. Beeby reported in 1919 that: "The system of capitalistic production, the wage system, is on trial . . . It must prove itself capable of meeting the reasonable aspirations of all classes."<sup>4</sup> Beeby went on to call for prompt introduction of the eight-hour day, stating that this could be achieved "without any serious effect on production."<sup>5</sup>

### A New Basis for Arbitration

Beeby was not alone in seeking to make increased efficiency a major component in any review of hours, wages or conditions. Concern about economic efficiency had already been a key component of pre-1914 Federal arbitration, with Justice Higgins praising the Sunshine Harvester Company for its "devices for economy in labour" in his 1907 Harvester Judgement.<sup>6</sup> During World War I Higgins had been further influenced with regard to the need for greater industrial efficiency through his contacts with two American jurists, Louis Brandeis and Felix Frankfurter.<sup>7</sup> In his 1920 hearing of the Timber Workers' Case, which resulted in Higgins granting a forty-four hour week to timber workers, Higgins demonstrated that his concern was as much for increased efficiency as for the well-being of the workforce. Throughout the case Higgins constantly called upon both union and employer representatives to demonstrate the link between the proposed changes to hours and output, expressing his dismay at the lack of "scientific evidence".<sup>8</sup>

Federal arbitration's gradual shift from being a system concerned with ensuring "the normal needs of the average employee regarded as a human being in a civilized community" to

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4 George Beeby, "Industrial Conditions in Great Britain and the United States of America", *NSWPP* (1919) Vol.1, p.5.

5 *Ibid.*

6 2 *CAR* 19.

7 Nyland, *op.cit.* p.331.

8 *Ibid*, p.334.

one that emphasised increased production and industry's 'capacity to pay' was confirmed by Higgins' successors. These however, failed to share his belief that shorter hours could lead to increased production, with Chief Justice Powers rejecting a forty-four hour week application in the 1921 Standard Hours' Case.<sup>9</sup> For the FCDIU the movement away from a 'needs' concept in federal arbitration had a disastrous impact, for it was on an extension of this concept that its first two federal award applications were made. The rejection of the union's arguments, despite their being endorsed by the 1920 Piddington Royal Commission, was to destroy the concensus of support within the union for federal arbitration. Although the union's leadership remained committed to an arbitration-oriented strategy, it no longer did so in a united fashion, with some state branches remaining under federal awards while others sought state awards.

If the growing preoccupation of federal arbitration with increased production and 'capacity to pay' had detrimental consequences for the union during the 1920s and the Depression, in the longer term the union was to benefit from this orientation. Representing workers in an industry that came to be characterised by rapid technological change, the union discovered in 1939 that the Commonwealth Arbitration Court was prepared to award it substantial increases in recognition of the industry's improved productivity, restoring the union's faith in its arbitration-oriented strategy after the traumatic events of the previous decade.

### **The Revolutionary Alternative**

Despite the shift away from the liberal concept of a 'living wage' towards concern about industry's 'capacity to pay', trade unions made solid gains in the wake of World War I. Having purged itself of its conservative political leadership when Hughes attempted to introduce military conscription during 1916, organised labour was in a militant mood. Strikes, driven by an inflationary spiral which saw 1920 prices 56.5 per cent above their 1914 level,<sup>10</sup> resulted in a record 6,308,226 work-days being lost in 1919.<sup>11</sup> Support for radical political

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9 13 CAR p.1071.

10 *Commonwealth Year Book*, (1923) Vol.16, p.602.

11 Ian Turner, *Industrial Labour and Politics: The Dynamics of the Labour Movement in Eastern Australia 1900-1921*, (Hale and Iremonger, Sydney, 1979), pp.182-202.

and industrial ideas embodied in the concept of the One Big Union movement was also strong, contributing to the formation in 1927 of a National Peak Council representing Australia's blue-collar workers—the Australian Council of Trade Unions (ACTU).

The reality of a revolutionary alternative to the existing economic and social order following the Bolshevik revolution in Russia was soon reflected in Australia's industrial awards. In granting Australia's carters and drivers a forty-eight hour week for the first time, Justice Powers admitted in his 1919 judgement that "many old conditions are passing away in all countries [either] by granting fair conditions to workers or by revolution."<sup>12</sup>

Reaping the benefits of the upsurge in working class militancy, a majority of Australia's adult male wage earners were by 1921 receiving the 'living wage' for the first time,<sup>13</sup> while the introduction of quarterly basic wage adjustments ensured that this level would be largely retained. Even when the militant upsurge began to abate in Australia after 1921 a core of revolutionary activists remained with the formation of the Communist Party of Australia (CPA) in 1920,<sup>14</sup> providing a lasting challenge to the established moderate laborist tradition.

Within the FCDIU and its successor organisations the formation of the Communist Party was to lead to a revival of the revolutionary tradition that had been in abeyance since 1912. For from the early 1920s until the late 1960s the Communist Party was to continually maintain an organised presence in the union, no matter how small, persecuted and marginalised that presence was. The communist threat to the laborist leadership of the union meant that from the early 1910s to the late 1950s, when the Communist Party itself began to disintegrate as a revolutionary force, any debate over industrial strategy possessed a political as well as an industrial dimension. If support for arbitration implied at least a tacit acceptance of the capitalist order then the strategy of collective-bargaining backed by industrial action came to be seen by many of its advocates and opponents as representing the basis on which a revolutionary social alternative could be built.

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12 13 *CAR* p.231.

13 P.G. Macarthy, "Wages for Unskilled Work and Margins for Skill, Australia 1920-21", *op.cit.*, pp.144-45.

14 Alaster Davidson, *The Communist Party of Australia*, (Hoover Institute Press, Stanford, 1969, p.10).



## Unionism on the Defensive

The substantial industrial gains secured by organised labour in Australia between 1919 and 1921 were not to last. By the mid-1920s Australian wages were fifty to one hundred per cent higher than comparative wages in Britain,<sup>15</sup> leaving Australian industry unable to compete with foreign imports despite a sixty-six per cent increase in tariff protection between 1920 and 1929-30.<sup>16</sup> Employers in industries covered by overlapping federal or state awards also found themselves paying the highest minimum wage and the shortest standard week stipulated by either state industrial law or federal award. To address these combined problems the conservative Bruce-Page government sought a fundamental restructuring of Australia's industrial relations system.

To eliminate the overlapping of federal and state industrial awards the Bruce government sought an extension of the Commonwealth's constitutional powers through a referendum in 1926. While this was unsuccessful, the overlapping of federal and state awards was substantially reduced as a result of a High Court ruling in 'Cowburn's Case' during 1926. This freed employers from the need to obey both federal awards and state law, the High Court determining that state industrial law did not apply to workers covered by federal awards.<sup>17</sup> By April 1927 Bruce had also completely restructured the composition of the Commonwealth Arbitration Court, with the appointment of Chief Justice J. Dethridge, and Justices L.O. Lukin, Beeby, and E.A. Drake-Brockman. Throughout 1928 and early 1929 Australia's industrial relations climate steadily worsened as the Bruce government and the Commonwealth Arbitration Court sought to introduce changed work practices by restructuring a number of key awards, provoking major industrial disputes in the maritime and timber industries—disputes which witnessed the defeat of the labour movement and left it prostrate even before the full onset of the Depression.

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15 Forster, *Industrial Development in Australia, 1920-1930*, p.16.

16 *Ibid*, p.17.

17 37 *CLR*, p.466ff.

## Depression

Although the attempts by the Bruce government and the Commonwealth Arbitration Court to restructure key awards provoked intense trade union hostility, they were seldom enough for employers concerned with the steady deterioration in Australia's economic position. During 1928 the Central Council of Employers, Chambers of Manufacturers, the Associated Chambers of Commerce, the Australian Mines and Metals Association, and the Metal Trades Employers' Association all declared "that they found arbitration intolerable" and established an Advisory Committee of Employers "to ensure an end to arbitration".<sup>18</sup>

While employer attempts to dismantle the arbitration system and replace it with a deregulated labour market were frustrated by the election of the Scullin Labor government in 1929, the onset of the Depression ensured that organised labour's position continued to deteriorate. The Scullin government soon revealed that it possessed neither the programme nor the will necessary for the implementation of policies capable of defending labour's interests. Nor did the arbitration system, state or federal, prove capable of sustaining pre-Depression wage rates and conditions. In January 1931 the Commonwealth Arbitration Court announced a ten per cent cut in wages, declaring: "All must adapt themselves to the fundamental fall in national income and national wealth and to our changed trading relationships with other countries."<sup>19</sup>

For individual workers and unions alike the depression years were extraordinarily difficult times, with simple survival often becoming the main issue. Even in 1939 Australian living standards as measured in terms of real product per head hardly differed from those existing in 1890.<sup>20</sup> Yet for the TWU and its predecessor organisations the period between 1914 and 1939 offered opportunities as well as obstacles, as technological change helped make road transport one of Australia's most dynamic and rapidly growing industries. How it exploited these opportunities, and overcame the obstacles presented, depended on the union

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18 Graeme Powell, *The Role of the Commonwealth Government in Industrial Relations, 1923-1929*, (MA Thesis, ANU, 1974).

19 30 *CAR* p.131.

20 Ian W. McLean & Jonathan Pincus, "Did Australian Living Standards Stagnate between 1900 and 1940", *Journal of Economic History*, Vol.43, No.1, 1983, pp.193-95.

itself and the effectiveness of the strategies that they devised to advance the cause of their members.

## 2: ROAD TRANSPORT— NEW TECHNOLOGY AND EXPANSION

Until 1914 changing technology had steadily reduced the economic and industrial importance of road transport in Australia. While motor vehicles were used for freight and passenger transport in Australia since before 1910, they had proved unreliable and expensive, making few inroads into rail or tramway services. The First World War was to transform this situation, forcing manufacturers to abandon previous custom-built designs in favour of mass produced trucks and buses modelled on the world's first true truck assembly line, pioneered at Dearborn, Michigan by Henry Ford in 1914.<sup>21</sup>

With standardisation came a number of major advances in vehicle component design. The construction of multi-wheeled goods and passenger vehicles brought large increases in carrying capacity. By 1925 companies such as Leyland were producing buses with a carrying capacity of fifty-two passengers, while Leyland's 'Hippo' trucks had a capacity of over twelve tons.<sup>22</sup> A range of relatively cheap but powerfully engined light commercial vehicles marketed by Ford and Chevrolet brought the ownership of new commercial vehicles within the reach of wage-earners, particularly as these dealers offered: "Easy and convenient purchase terms."<sup>23</sup> Second-hand trucks could be purchased in the 1920s and 1930s for as little as forty pounds.<sup>24</sup> Accessories and parts such as tyres were also offered for sale on: "The easiest system in the world for deferred payment."<sup>25</sup> Fuel costs for motorised vehicles were kept at around two

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21 Dennis Miller, *The Illustrated Encyclopedia of Trucks and Buses*, (Golden Press, Sydney & Auckland, 1982), p.21.

22 *Ibid.*, pp.202-3.

23 *Westralian Worker*, 22 July 1938.

24 *Sydney Morning Herald*, 1 December 1926, 1 December 1936.

25 *Ibid.*

shillings per gallon due to stiff competition amongst suppliers in the twenties and thirties.<sup>26</sup> These costs compared more than favourably with the expenses involved in maintaining and feeding a horse, with firms having discovered even in the late nineteenth century that it could cost more to maintain a horse than pay for its driver.<sup>27</sup>

In technological advance lay the basis for an explosion in the use of commercial motor vehicles in Australia during the 1920s, with the number of such vehicles registered rising from 13,438 in 1922-23 to 104,487 in 1929-30.<sup>28</sup> In few countries in the world did the expansion of motor transport have the impact that it did in Australia. By 1931 the total number of motor vehicles in Australia was double that of Italy, almost equal to that of Germany, and only exceeded by the United States, Britain, Canada, France and Germany.<sup>29</sup> Even the onset of the Depression did little to slow the advance in the use of commercial motor vehicles.<sup>30</sup> Despite an approximately ten per cent drop in registrations between 1929-30 and 1930-31, pre-Depression levels were exceeded as early as 1932-33,<sup>31</sup> and by 1939 there were 258,025 commercial vehicles on Australian roads.<sup>32</sup>

The advances in truck design and construction during the 1920s and 1930s made road transport a serious competitor to the railways for the first time. By 1929 the NSW Railway Commissioner, James Fraser, was complaining: "Motor vehicles . . . have already reduced railway revenues to a very considerable extent."<sup>33</sup> So deep were the inroads of road transport into railway profitability that it seriously undermined the financial viability of state governments. As NSW Premier, Jack Lang, later observed: "When I was Treasurer I quickly learned the solvency of the state depended on the state of the Railway finances. If the Railways were losing money, the Treasury was in trouble."<sup>34</sup> To defend the railway's monopoly of

26 *Ibid.*, 2 December 1926, 1 December 1936.

27 Graeme Davidson, J.W. McCarthy, and Alison McLeary, *Australia: A Historical Library—1888*, (Fairfax, Syme and Weldon, Sydney, 1988), p.80.

28 *Commonwealth Year Books*, Vol.17 (1924) p.334 and Vol.23 (1930) p.776. Note that until 1929-30 Victoria only included 'motor buses' in commercial vehicles, while Queensland only included solid tyred vehicles until 1931-32 and then produced no separate commercial figures until 1934-35. Nevertheless the trend of development is clear despite the statistical limitations.

29 *Ibid.*, Vol.24 (1931) pp.216, 756.

30 The number of commercial vehicles registered fell from 104, 483 in 1929-30 to 90,430 in 1930-31. *Ibid.*

31 *Ibid.*, Vol.26 (1933) pp.196,868.

32 *Ibid.*, Vol.32 (1939) p.960.

33 Cited John Gunn, *Along Parallel Lines: A History of the Railways of New South Wales 1850-1986*, (Melbourne University Press, Melbourne, 1989), p.321.

34 J.T. Lang, *The Great Bust: The Depression of the Thirties*, (McNamara, Katoomba, 1980), p.181.

long-distance land transport state governments introduced a variety of legislative restrictions on the operation of road transport where it competed with rail. These included prohibitive taxes and charges, licencing quotas, and uncompetitive speed control limits.<sup>35</sup>

Despite these restrictions, continued technological advances ensured the long-term viability of road transport as an alternative to rail and sea transport. Special weight-bearing additions to the chassis meant that axles no longer had to bear the weight of the load carried, increasing carrying capacity and speed, while the growing use of diesels during the 1930s reduced fuel costs.<sup>36</sup> Improved service facilities, including the development of an engine-exchange system for reconditioned motors,<sup>37</sup> also acted to reduce costs. By 1938 semi-articulated vehicles with large capacity V-8 motors were also operating in Australia, offering added flexibility in the handling of heavy freight.<sup>38</sup>

The total effect of these technological advances was to dramatically reduce wage costs in the industry. By 1939 employers were conceding: "That the wages cost per ton in motorised transport had been reduced by half over the past fifteen years."<sup>39</sup> It is doubtful if few other sections of the Australian economy matched these advances in productivity during the 1920s and the 1930s.<sup>40</sup> For the FCDIU/ARTWU such advances were something of a double-edged sword. On the one hand, the advances undermined employer arguments that high industry costs demanded that their employees must work longer hours than most other workers. The improvements in productivity in the industry were to prove decisive in the Commonwealth Arbitration Court's decision to grant the industry an eighty-eight hour fortnight in August 1939.<sup>41</sup> On the other hand, although the industry became far more sophisticated and complex, the union's officials still belonged to the horse-drawn era, with Lawson, the Queensland Secretary, admitting in 1924 that "he did not know anything about cars."<sup>42</sup>

35 H.M. Kolsen, *The Economics and Control of Road-Rail Competition*, (Sydney University Press, Sydney, 1968), pp.132-46. In Western Australia the speed limit for commercial vehicles in areas where rail competition occurred was 15 m.p.h. See *Westralian Worker*, 18 March 1939.

36 *Westralian Worker*, 16 September 1937.

37 *Ibid*, 6 August 1937.

38 *Ibid*, 8 April 1938.

39 40 *CAR* p.525.

40 C.B. Schevchin says of the 1930s that "the decade is exceptional for its absence of productivity gains", C.B. Schevchin *Australia and the Great Depression*, (Sydney University Press, Sydney, 1970), p.309.

41 40 *CAR* pp.525-6.

42 *FCDIU (Queensland Branch) Board of Control Minutes*, 22 December 1924.

The growing sophistication of road transport was revealed by the 1933 Census. Although horse-operating carters and carriers still comprised a majority of those engaged in 'carting and carrying', they were rapidly being overtaken by the industry's 13,062 motor drivers.<sup>43</sup> Indeed, if the 4,459 drivers of taxis and buses were added, it is clear that by 1933 horse-drawn operators were a minority of the total workforce in road transport.<sup>44</sup>

1933 Census also indicated that only approximately twenty per cent of commercial motor vehicles were being used by professional carriers,<sup>45</sup> a figure which seems to have remained fairly consistent to the present.<sup>46</sup> It can be assumed that the majority of users of commercial vehicles in 1933 were ancillary operators, a group of employers the union had not traditionally had great success with. As well, a large proportion of commercial vehicle owners were owner-drivers,<sup>47</sup> another group the union had made few serious efforts to organise. Even as late as 1937 delegates to the federation's federal council were still declaring in relation to owner-drivers that they "did not think they were worth helping."<sup>48</sup> This attitude contrasted with the stand of the AWU which, by 1937, was winning union wage rates and holiday pay for owner-drivers employed by public authorities in Queensland and Western Australia.<sup>49</sup>

Despite the dramatic expansion in motorised transport and marked improvements in driver productivity during the 1920s and 1930s there was to be remarkably little change in the social and industrial relationships between the union and the established carrying firms who employed the bulk of its membership. For such relationships are not determined simply by technological change but rather by the response of human beings and their social institutions to that change. Until the mid-1940s most professional carrying firms, inhibited by legislative restrictions on long-distance transport, remained small or medium-sized family firms or partnerships engaged in local cartage. In addition the union's own narrow reliance on

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43 *Report of the 1933 Census*, p.1628.

44 *Ibid.*

45 By comparison with the number of commercial vehicles, registered. See *Commonwealth Year Book*, Vol.27 (1934), pp.199, 872.

46 In 1989 there were four ancillary operators for each hire and reward operator. See *Australian Road Transport Year Book 1989*, p.92.

47 In March 1945 the TWU's Federal Council was informed by the NSW Branch's owner driver representative that there were 60,000 owner-drivers operating in Australia. *TWU Federal Council Minutes*, 15 March 1945, p.22.

48 *ARTWU Federal Council Minutes*, March 1937, Session 8, p.1.

49 *QGG*, Vol.cxxxiv (January-July 1925) p.2237. Also *Westralian Worker*, 14 January 1938.

arbitration and its lack of national cohesion also restricted it from recruiting in areas in which motorised transport was having some of its most far-reaching effects—amongst long-distance and country road transport and owner-drivers. As a result of its failure to respond to the new opportunities in road transport the union continued to stagnate throughout the 1920s and 1930s.

### 3: INTO FEDERAL ARBITRATION

During the period between 1900 and 1914 neither collective bargaining supported by industrial action nor state-based systems of arbitration or wages boards had proved entirely suitable for regulating employment conditions within Australian road transport. To find a way out of the industrial impasse in which it found itself the policy of applying for a federal award was one that was adopted by successive Federal Conferences of the FCDIU after 1912, yet by 1915 no substantial progress had been made towards the achievement of this goal. Increasingly concerned that such delays were threatening the continued viability of the union, delegates from all states except New South Wales met in Hobart during September 1915 to hasten the process, with all the rules of the Federation being placed on the agenda paper for review and amendment to ensure that no legal problems would delay the federal award application.<sup>50</sup>

The care with which the Conference approached this task was rewarded when the revised rules were submitted to A.M. Stewart, the Commonwealth Registrar. Stewart declared "that all the Rules were properly gone through at the Hobart conference . . . He was of the opinion that the Federation was quite legally sound."<sup>51</sup> Stewart went on to assure the union's representatives that the past participation of the NSW union "did not invalidate the Federation."<sup>52</sup> With Western Australia having formalised its relationship with the FCDIU in Hobart, it appeared as if no major barriers remained for the citation and obtaining of a federal award.

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50 *FCDIU Federal Council Minutes*, (ANUABL, Z181/Box 103), 20 September 1915, p.2.

51 *Ibid*, 30 September 1915, p.8.

52 *Ibid*.

Yet despite the progress made by the Hobart Conference, a number of obstacles in fact remained. The continued non-participation of New South Wales was recognised by all as a major weakness, and a delegation was appointed from the 1915 Conference "to wait upon the Executive of [the] Sydney Trolley and Draymen's Union to urge them into the Federation."<sup>53</sup> This delegation seems to have met with some success, and in January 1916 New South Wales sent a representative, J. Rudd, to a special Federal Council meeting. Despite Rudd expressing the opinion "that the New South Wales carters would soon come under the banner of the Federation"<sup>54</sup>, unity failed to eventuate. The subsequent departure of the long established Hughes' leadership from the Trolley and Draymen's Union in October 1916 as a result of Hughes' stand on conscription heralded a lengthy period of turmoil in the NSW union that ensured that its participation would be indefinitely postponed.<sup>55</sup>

If the continued non-participation of the NSW Trolley and Draymen's Union represented a major if not altogether unexpected obstacle to the FCDIU's hopes for a national, all-embracing federal award, an additional obstacle emerged when Bob Cheney announced to the Hobart Conference his intention to stand down as Federal Secretary due to ill-health.<sup>56</sup> R. McCormack, a Brisbane organiser, was elected as his replacement, with the Federal Office being transferred to Brisbane.<sup>57</sup> Initially McCormack carried out his duties competently, commencing the federal award application, serving logs of claims on employers, registering the claim before the Court and applying for a Compulsory Conference with employers.<sup>58</sup> However, on 22 May 1916 a crisis struck the union when the Queensland Branch first demanded the resignation of and then subsequently expelled McCormack for the use of unfinancial FCDIU members in the ballot rigging of a Labor Party plebiscite.<sup>59</sup>

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53 *Ibid.*, p.9

54 *FCDIU Special Federal Council Minutes* (Held by the TWU (SA Branch)—Note all Federal Council minutes referred to are held at the Business and Labour Archives with this exception), 28 January 1916-1 February 1916, p.3.

55 Bray and Rimmer, *op.cit.*, pp.62-66.

56 *FCDIU Federal Council Minutes*, 20 September 1915, p.5.

57 CARR File 11/Vic/24.

58 "Files attached to" *Transcripts of 31 of 1916: FCDIU v L. Arthur and Others* (hereafter Transcript of 31 of 1916), File 1.

59 *FCDIU (Queensland Branch) Board of Control Minutes*, 22 May 1916. Also *FCDIU Brisbane Sub-Branch Minutes*, 26 August 1916.



The FCDIU's Federal President, John Gunn, and the recently retired Cheney were hastily called upon to tidy up the mess left by McCormack's removal from office. The sorry episode of McCormack's Secretaryship demonstrated clearly the need for a permanent, full-time Secretary based close to the Commonwealth Arbitration Court in Melbourne. The lesson was not long lost on the union, and in December 1916 Cheney was re-elected Federal Secretary,<sup>60</sup> a position he was to hold for the next twenty-eight years without interruption, with the office being declared a full-time position in 1918.<sup>61</sup>

It was not, however, to be either organisational imperfections or the confusion that surrounded McCormack's term in office that provided the major internal obstacle to the obtaining of a federal award during World War I, but rather the opposition of the rank and file to the union's new arbitration-oriented strategy. Between 1910 and 1912 officials had encouraged militant action by drivers, building unions with considerable industrial striking power in the process. Now they desired to curtail these same militant sentiments at a time when rising prices were placing renewed pressure on drivers' living standards.

By the time of the 1915 Federal Conference all state officials were already reporting "great dissatisfaction" amongst the membership.<sup>62</sup> This discontent exploded before the Victorian officials during December 1915 when a rank and file petition was raised for a mass meeting to be held on 5 December to consider strike action.<sup>63</sup> At the meeting, as Cheney later recalled, the membership "derided the idea of going to the Court, they wanted something which would afford them speedier relief. They heckled the officers, said the executive was too slow."<sup>64</sup> Only the threat of the mass resignation of all the Victorian Branch officials was able to narrowly avert a majority in favour of immediate strike action.<sup>65</sup>

Although strike action was narrowly averted at the end of 1915, the pressure for direct action continued, not only in Victoria but in every branch of the Federation. In 1917 one official was to tell the Commonwealth Arbitration Court that "at nearly every meeting of the

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60 CARR FCDIU File 11/Vic/28.

61 FCDIU Federal Council Minutes, 4 March 1918, p.6.

62 *Ibid.*, 20 September 1915, p.4.

63 Evidence of R. Cheney, *Transcript of 31 of 1916*, (Vol.1) pp.10-12.

64 *Ibid.*, p.11

65 Evidence of W.H. Turner, *Ibid.*, p.39.

organisation . . . sections of members come along and attack the officers because they believe they are standing between them and the strike which they consider would get them justice in their eyes."<sup>66</sup>

Why did the union's officials endure the long delays of the federal arbitration system when they were under such intense pressure for direct action from the rank and file? Partly it was due to the fact that their previous experience in strike action had shown the limitations of such a strategy in securing long-term gains. As well the union seemed to have an exaggerated idea of the gains to be made under federal arbitration, with Cheney informing Powers in the course of hearings in 1917 that the Court generally fixed higher rates than the state courts, despite warnings from Powers that this could not be assumed.<sup>67</sup>

But perhaps more important, the FCDIU was under pressure to secure an award that would consolidate its coverage of its designated workforce and protect it from encroachment by other unions. In 1916, for example, the Queensland Industrial Court granted the FEDFA coverage of all motor vehicle drivers in South-East Queensland outside the metropolitan area,<sup>68</sup> while, as we have seen, Higgins' judgement in 1912 had rejected the FCDIU's federal claim to cover such drivers. A federal award was one way of overcoming the consequences of such decisions. The AWU was also steadily encroaching on the FCDIU's preserve, particularly in Queensland where they showed particular success in gaining coverage of drivers engaged in road and waterways construction, sanitary drivers and municipal carters.<sup>69</sup>

In short, the FCDIU was trapped. To reject strike action in favour of a federal award was to alienate many of the rank and file, while the failure to secure a federal award would almost certainly guarantee the marginalisation of the union before encroachments from other unions, and its permanent exclusion from the industrial relations mainstream. Not surprisingly, the FCDIU accepted the short-term alienation of the rank and file as the lesser of two evils. Nevertheless, the move into federal arbitration confirmed a right-ward drift in the union's orientation, reinforcing support for laborist rather than revolutionary politics within the union.

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66 *Ibid.*, p.43.

67 *Ibid.*, (Vol.4) pp.1805-6.

68 *QGG*. Vol.cvii (July-Dec 1915), p.924.

69 *Ibid.*, Vol.cxii (July-Dec 1916) pp.877, 1221, 984-85.

When Cheney informed Justice Powers in 1917 how he and the FCDIU's Federal Council deplored strike action<sup>70</sup> it demonstrated the ground the union had covered since the 1912 Federal Conference, when Cheney and Katz had spoken about the impending overthrow of the capitalist system.

### Arbitration Court Strategy

Clearly a lot rested on the FCDIU's first venture into federal arbitration, with the union's continued support from its rank and file and from its constituent branches, as well as its ability to resist encroachment from other unions, all resting on the outcome. When hearings finally commenced on 17 April 1917, Bob Cheney submitted a single claim for all horse drivers, whether employed by professional carriers or ancillary operators, along with an application for a unified rate for drivers in all states, despite the variation in the cost of living from state to state.<sup>71</sup> Cheney went on to inform the presiding judge, Justice Powers, that "it is not really necessary to take every particular industrial section into account and deal with them separately . . . you can recognise a certain principle of uniformity running right throughout."<sup>72</sup>

Cheney's arguments spelt out a major effort to overcome the divisions, both between one section of drivers and another and between the various state drivers' unions, which had bedevilled the previous history of unionism in road transport. The application of this strategy, however, demanded that the federation and its officials show a unified approach to employers, with a firm commitment to remain behind a single claim before the Commonwealth Arbitration Court. This they were unable to do.

In January 1917 the Port Adelaide FCDIU, a union the Federation no longer had any connection with or control over, threatened a campaign of strike action to improve the wages of its members.<sup>73</sup> With members of the official SA Branch also indicating that they would

70 *Transcript of 31 of 1916; FCDIU v L. Arthur and Others (South Australia)*, Vol.1, p.1874.

71 *Transcript of 31 of 1916*, (Vol.1) pp.35-6. Also 11 *CAR* pp.345-46.

72 *Ibid.*, Vol.1, p.250.

73 *Daily Herald*, 25 January 1917.

support a strike, the SA Branch officials decided to join the Port Adelaide union in a common claim before the State Industrial Court, in return for the proposed strike action being called off. In taking such action the SA Branch was endorsing a claim which differed markedly from the federal claim, seeking as it did a forty-eight hour week rather than the forty-four hours stipulated in the federal log.<sup>74</sup>

The employers' representatives in the Commonwealth Court soon exploited the SA Branch's departure from the federal claim, asking the branch's Assistant-Secretary, F. McIntyre: "I suppose if the State Arbitration Court gives you what you ask for you will be satisfied."<sup>75</sup> For McIntyre to answer yes to this question would be to indicate that a dispute no longer existed between the SA Branch and employers. When he did so answer, confirming his response to Justice Powers, the chances of a unified federal award almost immediately disappeared.<sup>76</sup>

When Powers handed down his judgement on 26 June 1917 he excluded South Australia and Queensland from the terms of the award, pending separate hearings as to whether disputes actually existed between the FCDIU and employers in those states.<sup>77</sup> Fearful of being left with nothing, the Queensland Branch came to accept a separate agreement with employers which, while registered as a federal award, contained provisions for hours considerably worse than the main award.<sup>78</sup>

While Powers eventually granted South Australian drivers a federal award, it too was separated from the main award, and Powers concluded his judgement with a scathing indictment of the widely varying conditions of employment that the union's divided industrial tactics had resulted in, noting: "I have never had a case in which employers have had greater cause to complain of the effect of federal and state arbitration awards operating on the same industry, fixing different sets of conditions of work, and hours of labour—and wages awarded on different basic and other rates."<sup>79</sup>

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74 *Ibid*, 13 February 1915. Also *South Australian Industrial Reports*, Vol.1 (1916-1918) pp.153-69.

75 *Transcript of 31 of 1916*, Vol.1, p.107.

76 *Ibid*.

77 11 *CAR* p.827.

78 *Ibid*, pp.765ff

79 *Ibid*, p.831.

Overall, the conditions granted in the award were a disappointment. The wages for horse-drivers were set only one shilling above the 'living wage' of three pounds, while hours were to remain above the community average at fifty-one hours per week until 1 January 1918, and thereafter be set at fifty per week.<sup>80</sup> To add to the union's general disappointment no preference clause was granted. The main beneficiaries under the award were motor drivers, who were granted a forty-eight hour week and a wage level at least five shillings above that of a horse driver.<sup>81</sup> Although the higher wages awarded to motor drivers had little meaning as the overwhelming majority of drivers were still engaged in handling horse-drawn vehicles, the court's decision reflected an early appreciation that the nature of a drivers' work was being transformed by the mechanisation of the industry.

The FCDIU's first venture into federal arbitration was thus not particularly successful. Despite a carefully planned strategy to set uniform hours, wages and conditions for drivers throughout all the states covered by the union, the FCDIU demonstrated that it lacked the unity and sense of purpose to carry through such an undertaking. Nevertheless, whatever the failings of an arbitration-oriented strategy in this instance, the granting of a federal award at least established the federation's presence in the Court, consolidated its right to represent Australia's carters, drivers and motor vehicle operators, and laid the ground-work for further gains in the future. Indeed one could conclude that if the union had not implemented an arbitration-oriented strategy at this time its changes of survival would have been extremely problematic. Another positive gain from the FCDIU's first experience of federal arbitration was that it seemed to have demonstrated to the two feuding branches in South Australia the need for unity. On 13 December 1917 a Conference of the two branches' executives brought about the reunification of the South Australia Branch.<sup>82</sup>

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80 *Ibid.*, pp.348-50.

81 *Ibid.*, pp.349-50.

82 *FCDIU (Port Adelaide)*, 11 December 1917 and 8 January 1918.

## The Cost of Federal Award Unity

The greatest single achievement of the FCDIU's first federal award was to be found in its coverage of drivers outside the hire and reward sector, something which the union had had great difficulty in achieving either through collective bargaining or through state systems of arbitration or wages boards. The federal award accepted no difference in the work of drivers, whether employed by master carriers or ancillary operators, stipulating the same conditions for both. The industrial and award unity the FCDIU had achieved, however, came at a heavy cost.

Previously the union had always had greater success in gaining concessions—whether through collective bargaining, wages boards or state arbitration—from master carriers, who could pass on wage increases through higher cartage costs, than from ancillary operators, who could not. By seeking a comprehensive federal award that would ensure them a wider coverage of members the FCDIU inadvertently forced transport employers to close ranks against it in a common block—the Carters and Drivers Employers' Arbitration Defence Committee (CDEADC).

Originally established to provide a means of meeting employer financial costs in the federal award hearing,<sup>83</sup> the CDEADC survived as the major strategic forum for road transport employers covered by the FCDIU's federal awards. In this committee the interests of master carriers were completely subsumed by those of ancillary operators, with effective leadership of the CDEADC passing to the Employers' Federation.<sup>84</sup> While in the decades to come the MCA was to continually express within the committee the need for greater industrial flexibility than was possible through arbitration—supporting extra concessions to the union to ensure industrial peace and to stop a drift of experienced drivers away from the industry<sup>85</sup>—these suggestions were continually overridden by other employer representatives. Instead the CDEADC united in insisting that conditions of employment in the industry be strictly those set

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83 *MCA (Vic) Minutes*, 3 January 1917-16 July 1917, (Latrobe Library, MS11581/Bay 105/Book 12).

84 By the 1940s representatives from the hire and reward sector covered by the Victorian Road Transport Association, formerly the Victorian Master Carriers' Association, were continually complaining about how their suggestions were being over-ruled by representatives from the Employers' Federation. See *VRTA (General Cartage Division) Minutes*, 28 June 1948, 27 August 1948 (Latrobe Library MS11581/Bay 105/Book 36).

85 *Ibid.*

by arbitrated awards while endeavouring to ensure that those award rates were kept as low as possible. Until an industrial strategy could be devised to breach this united employer opposition without threatening award coverage for all drivers the federal union was to find that it would extract only minimal concessions from the federal arbitration system. In the meantime the FCDIU discovered that the paucity of conditions under its first federal award brought it few new recruits from drivers employed by ancillary operators while doing little to stem defections from its original base amongst hire and reward firms.

### Membership and Branch Dissatisfaction

As World War I continued the FCDIU's membership began to express their dissatisfaction with the union's arbitration-oriented strategy by voting with their feet. FCDIU national membership, which had stood at 11,650 in December 1913, plummeted to 6,212 at the end of 1917.<sup>86</sup> Although the FCDIU's second federal award, granted on 25 July 1919, was to mark a considerable advance on the first—Justice Powers awarding a forty-eight hour week, overtime rates of time and a half, and a five shilling basic wage increase<sup>87</sup>—the award remained a poor one. Margins remained extremely low, with a driver's base rate being only one shilling above the 'living wage'. Hours also remained a source of concern despite the introduction of a forty-eight hour week. Under the federal award drivers could be asked to work nine hours and forty minutes without overtime, compared with eight hours and forty minutes in most other awards.<sup>88</sup>

While the improvement in award conditions was sufficient to induce a slow return to the union of the membership lost between 1914 and 1917 it did little to expand its overall base. Membership in December 1919 still stood at only 8,108 and it was to be December 1926 before national membership crept above the level of 1913.<sup>89</sup> To add to the federal union's woes the Queensland Branch began to make it clear that it was contemplating abandoning the federal

<sup>86</sup> CARR, FCDIU File 11/Vic/16 and 11/Vic/38.

<sup>87</sup> 13 CAR pp.230-41.

<sup>88</sup> *Ibid.*, p.232-33.

<sup>89</sup> CARR, FCDIU File 11/Vic/50. Also FCDIU membership return May 1927.

award in favour of a return to its state arbitration system<sup>90</sup>—a system made more sympathetic to union claims following the election of the Ryan Labor government in 1915.

### The Piddington Commission

With the federal arbitration system having failed to deliver its expected results, and with CDEADC refusing to countenance collective bargaining,<sup>91</sup> Bob Cheney had to devise a strategy that would bring the union greater industrial gains. To fail to do so would result in a gradual stagnation in the union's membership and a defection of state branches towards state arbitration. Such defections would inevitably reduce the relevance of the union's federal structure and virtually ensure widely varying conditions of employment for road transport workers throughout the Commonwealth.

In devising such a strategy Cheney decided to reject a return to the industrial militancy that had characterised the union between 1910 and 1912. Instead, in a novel approach, he sought to transform the very nature of the federal arbitration system itself. It was on the need for a fundamental overhaul of the principles upon which federal wage-fixing was based that Bob Cheney concentrated much of his attention in the union's first and second award applications; an overhaul which would result in the federal system remaining attractive to all state branches. As Powers noted in his 1917 Judgement, Cheney challenged "for the first time in this Court the basic wage . . . fixed in 1907 by the President."<sup>92</sup>

In his arguments before the Court Cheney was not content with merely demonstrating that current wages were well below the Harvester equivalent, but rather was intent on proving that the Harvester Judgement itself was inadequate as the basis for a 'living wage'. Cheney revealed that the cost of living figures upon which the Harvester Judgement were based covered only sixty per cent of the total expenses of a worker and his family and, perhaps more importantly, made no provision for periods of unemployment.<sup>93</sup>

90 *FCDIU Brisbane Sub-Branch Minutes*, 11 October 1919 and 5 November 1919.

91 *MCA (Vic) Minutes*, 9 December 1920 (Latrobe Library, MS11581/Bay 105/Book 16).

92 11 *CAR* 344.

93 *Transcript of 31 of 1916*, Vol.4 pp.1796, 1793.



Although Powers lacked the authority to establish new principles for the setting of the basic wage without a major inquiry, he was sufficiently impressed by Cheney's case to recommend that: "The statements and arguments submitted to me by Mr. Cheney would be very valuable indeed before a Commission sitting to inquire into the cost of living."<sup>94</sup> When Hughes, by now Australia's Nationalist Party Prime Minister, agreed to such a Commission in October 1919, Cheney was appointed one of the Royal Commissioners.<sup>95</sup> While the Commission's Final Report endorsed Cheney's criticism of the Harvester Judgement as being an inadequate basis for a 'living wage', the Government's subsequent rejection of the Commission's findings destroyed the concensus within the union's leadership in favour of federal arbitration. Not until 1968 would the Federation again seek a five-state parent award through the Commonwealth arbitration system.

Whereas the adoption of an arbitration-oriented strategy had acted to unite the various state drivers' unions between 1912 and 1919, by the early 1920s it was having a divisive impact, with the union splitting into two industrial camps. On one side were the 'federal award states'—South Australia, Victoria and Tasmania. Opposed to them were the 'state award states' of Queensland, Western Australia and, when it joined the Federation, New South Wales. Following the High Court's ruling in 'Cowburn's Case', these two groups often came to regard each other with distrust and suspicion, with the 'state award states' usually fearful that the generally inferior federal awards could be used to undermine their own conditions, showing a reluctance to support either the extension of federal awards or the power of the federal branch of the union; a reluctance which hindered the Federation's ability to co-ordinate a national response to industrial problems.

### Queensland—A Separate Path

The first state to defect from the federal award was Queensland. In January 1920 the Queensland Branch applied for a separate state award, guaranteeing "that no proceedings will

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94 11 *CAR* p.344.

95 "Report on the Royal Commission on the Basic Wage", *CPP*, 1920-21, Vol.4, pp.535-36.

be taken against any employer under the award of the Commonwealth Court of Conciliation and Arbitration now in force, and that every effort will be made . . . to have . . . Queensland excluded from its operation."<sup>96</sup> The Queensland Branch was to prove more than happy with its decision when the award was handed down, with George Lawson, the State Secretary, declaring; "the rates agreed upon [being] above all expectation."<sup>97</sup>

In the following two decades Queensland was to set the pace for the federation, causing Cheney to comment as early as 1924 that the Queensland awards were "the best in the Commonwealth".<sup>98</sup> The gains secured by the Queensland Branch included the winning of a five shilling margin for drivers from 1924,<sup>99</sup> a forty-four hour week from 1 July 1925,<sup>100</sup> a week's annual leave in some awards from as early as 1925,<sup>101</sup> along with wages which were significantly in advance of federal rates.<sup>102</sup> In addition, the branch was awarded a preference clause in its parent award that was regarded by the State Industrial Court as one of the best in Queensland,<sup>103</sup> as well as award coverage of some owner-operators, although they had to share membership of these drivers with the AWU.<sup>104</sup>

### Western Australia—A Conservative Strategy

Western Australia was the next state to withdraw from the federal award, with the state no longer participating in proceedings before the Commonwealth Arbitration Court after 1921.<sup>105</sup> The change involved no sharp break with past practices, as the WA Branch had concluded a number of interim agreements before the Western Australian Arbitration Court

96 *QGG*, Vol.cxix (Jan-July 1920) pp.627-30.

97 *FCDIU Brisbane Sub-Branch Minutes*, 24 January 1920.

98 *FCDIU (Queensland Branch) Board of Control Minutes*, 29 September 1924.

99 *QGG*, Vol.cxxii (Jan-July 1924) pp.1099-1103.

100 *Ibid*, Vol.cxxiii (July-Dec 1924) p.1551.

101 *Ibid*, Vol.cxxiv (Jan-July 1925) pp.2121-26.

102 Although a federal award adjustment in March 1925 brought federal award wages within sixpence of the Queensland award, it involved working a four hour longer week. See 14 *CAR* pp.258ff and *QGG*, Vol.cxxiv, (Jan-July 1925) pp.2121-6. However, by 1932 the Queensland basic wage was more than sixteen shillings above the federal award equivalent, with margins also being higher. See *QGG*, Vol.cxxxix (Oct-Dec 1932) pp.1245-8.

103 *QGG*, Vol.cxxvii, (July-Dec 1926) p.2236-7, 2023.

104 *Ibid*, Vol.cxxiv (Jan-July 1925) p.2237. Most of these owner-operators would have been engaged by local councils or state government public works departments. Most would also have chosen AWU membership over FCDIU membership.

105 Formal withdrawal came in the union's 1924-25 federal award hearing. See 21 *CAR* p.248.

while waiting for the outcome of federal award hearings.<sup>106</sup> The major gain secured for WA drivers from their separate state awards came from the high basic wage fixed by Justice Walter Dwyer after his appointment as Industrial Court President in 1926. Dwyer fixed a wage which stood between the Harvester equivalent and that advocated by the Piddington Commission.<sup>107</sup> In 1931 this wage was almost twelve shillings above the federal award equivalent.<sup>108</sup>

While the basic wage received by WA drivers under state awards after 1926 was considerably higher than the federal basic wage, the hours worked by WA drivers ended up being the worst in Australia. Despite the declaration of the Court in 1926 that it intended to endorse a forty-four week standard throughout all awards,<sup>109</sup> the state's commercial drivers continued to work a forty-eight hour week until 1938.<sup>110</sup> For drivers of passenger vehicles it was even worse, with a fifty-six hour week being set.<sup>111</sup> By 1936 even the WA Industrial Court was forced to admit that the awards of the branch, particularly for passenger drivers, were "an anachronism."<sup>112</sup>

The person most responsible for the generally poor industrial performance of the WA Branch was Oscar Nilsson, who seized control of the union from the old-guard leadership of Singleton and Sidebottom in November 1918.<sup>113</sup> Nilsson was to prove to be perhaps the most autocratic, fiercely anti-communist and industrially conservative of all the Federation's officials. In his thirty-six years in office Nilsson was to be highly successful in maintaining his position against internal competitors. Under him, however, the WA Branch remained small and industrially weak during the 1920s and the 1930s. Only its 1927 amalgamation with the local Bread Carters' Union enabled it to lift his membership above five hundred,<sup>114</sup> while during the

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106 See 14 WAAR pp.646-9 and *Western Australian Industrial Gazette* (Hereafter WAIG) Vol. 1 (1921) p.36.

107 WAIG, Vol.6, No.1, (1926) p.99.

108 *Ibid*, Vol.11 (1931) pp.86-87.

109 *Ibid*, Vol.6, No.1, p.214ff.

110 *Ibid*, Vol.18, No.2 (1938) pp.166-20.

111 *Ibid*, Vol.4, No.1 (1927) p.26.

112 *Ibid*, Vol.16, No.3 (1936) p.189.

113 *FCDIU (Western Australia Branch) Minutes*, 17 November 1918.

114 WAIG, Vol.4, No.1 (1927) pp.34, 39.

Depression the figure was to sink as low as 278.<sup>115</sup> Even in 1940 the Branch contained only 416 members.<sup>116</sup>

So intent was Nilsson on implementing a non-confrontationist approach in his dealings with employers that he failed to even have them cited for award hearings, simply having the WA Arbitration Court register industrial agreements he had concluded with employers through private deals. This approach brought together the worst elements of both an arbitration-oriented strategy and collective bargaining backed by industrial action, with little pressure being placed on employers to grant concessions.

#### 4: PASSENGER DRIVERS AND THE FORMATION OF THE ARTWU

Despite the withdrawal of Western Australia and Queensland from federal awards in the early 1920s, the FCDIU as a whole continued to make steady if unspectacular progress. Stable leaderships had emerged in all branches, membership figures slowly returned to pre-war levels, and amalgamation negotiations with the Sydney Trolley and Draymen, while remaining unsuccessful,<sup>117</sup> offered the possibility of a major addition to the FCDIU's strength. Regular basic wage adjustments assured that the union's membership could at least keep pace with inflation, and in March 1925 the federal margin for a one-horse driver was doubled to two shillings, although this margin remained a poor one, with the Commonwealth Arbitration Court admitting "that in no other award in the Commonwealth is so low a margin awarded."<sup>118</sup>

The union's ability to make steady if unspectacular industrial gains through federal arbitration was brought to an abrupt halt after 1925. As the economy began its slide into depression the personnel of the Commonwealth Arbitration Court under the conservative Bruce

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115 *Ibid*, Vol.13, No.1 (1933) p.49. Also see *Perth, Fremantle & Suburban Bread Carters' Union Receipt Book*, 1927.

116 *Ibid*, Vol.20, No.3 (1940) p.394.

117 Bray and Rimmer, *op.cit.*, pp.96-99.

118 21 *CAR* p.252.

government showed themselves less sympathetic to trade union interests. Between 1925 and August 1939, when an interim award was granted, conditions of employment under the union's federal awards were virtually frozen, the only significant advance coming in 1934 when a two shilling margin increase was awarded. Even this increase did little more than help compensate for the ten per cent basic wage cut handed down by the Full Bench during 1931.

If the Commonwealth arbitration system proved largely ineffective in improving the employment conditions of the union's members during the 1920s it nevertheless remained a viable system for advancing the institutional interests of the union. By the mid-1920s both the FCDIU and the NSW Trolley and Draymen's Union were seeking to extend their constitutions to give them the legal right to represent Australia's omnibus drivers before the Commonwealth Arbitration Court. It was this common need that finally united the FCDIU with its New South Wales counter-part, the FCDIU being transformed into the Amalgamated Road Transport Workers' Union (ARTWU).

### **New South Wales Developments**

Although the adaption of the union to changes in the road transport industry was generally painfully slow, such delays were not possible if the union was to gain coverage of passenger transport, as no provisions to cover such workers existed in the FCDIU's constitution. Such pressures were also imposing themselves upon the NSW Trolley and Draymen's Union, as half the total Australian bus fleet was found in New South Wales.<sup>119</sup>

Since the 1916 departure of the Hughes-Connington leadership the NSW union had gone through a period of industrial and organisational turmoil. The union's involvement in the 1917 General Strike had been followed by its deregistration and the cancellation of all its awards in September 1917.<sup>120</sup> The Master Carriers' Association was also able to successfully intervene in the union's affairs at this time, using the weakened state of the union to win

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119 Gunn, *op.cit.*, p.345.

120 16 NSWAR (1917) pp.394-5, 340-2.

assurances from its officials that they would not seek to join the FCDIU in a common federal award application.<sup>121</sup>

Although the TDCU's state registration was restored in 1918 the union's membership remained in a militant frame of mind. NSW drivers continued to work a fifty-six hour week with a wage rate for a single horse driver that was three shillings less than that in the federal award. Threats of industrial action forced the local MCA to concede a five shilling increase in September 1919 through collective bargaining although this gain was eventually absorbed into a seventeen shilling state 'living wage' increase the following month.<sup>122</sup>

Despite the gains of September 1919 the union's leadership under A.C. Brightfield, who had been a Vice-President with Hughes, seems to have been disturbed by the militancy of the membership. In November 1919 the leadership attempted to reassert its authority by expelling striking coal carters from the union.<sup>123</sup> Mick Connington, despite his resignation as Secretary in 1916, also continued to exercise considerable influence upon the union's leadership, handling industrial negotiations and award cases for the union throughout the 1920s. Through Connington's influence, Bray and Rimmer conclude, the industrially moderate policies of the Hughes-Connington era continued to "cast a long shadow" over the TDCU's strategic direction.<sup>124</sup>

While the TDCU's leadership remained unsettled, with five Secretaries succeeding one another between late 1916 and 1925,<sup>125</sup> the union had by 1920 rejected industrial militancy in favour of a renewed commitment to state arbitration. This commitment was made acceptable to the membership as a result of substantial award improvements that followed the election of the Storey Labor government in 1920 and the Lang Labor government in 1925. In March 1921 the NSW Arbitration Court reduced the working week for the state's drivers to forty-eight hours,<sup>126</sup> while in December 1925 the Lang government legislated for a forty-four hour week

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121 *MCA (NSW) Minutes*, 1 November 1917.

122 *Ibid*, 24 September 1919.

123 *Sydney Morning Herald*, 10 November 1919.

124 Bray and Rimmer, *op.cit.*, p.77.

125 These were R. Woodbridge (1916-1917), A.C. Brightfield (1917-1921), W. Baldwin (1921-1923), G. Buckley (1923-1925) and F. Miller (1925-1931). For details see *Ibid*, pp.70-77.

126 20 *NSWAR* pp.214-220.

for all workers under NSW awards. Margins for NSW drivers also improved, being 4s.6d. higher than those under federal awards between 1921 and 1925.<sup>127</sup>

From 1922 to 1924 the FCDIU began serious efforts to induce the NSW union to link up with the federal body, but with conditions in the NSW award generally superior to those in the federal one the NSW membership could not see the benefit of such an amalgamation, while the union's officials lacked the authority to persuade them.<sup>128</sup> This picture was to change in early 1925. The election of Frank Miller as NSW Secretary brought to an end, at least until 1931, the leadership problems of the NSW union. Miller started talks with the Tramway Employees' Union on who should organise the growing numbers of Sydney bus drivers. The breakdown of these talks, however, and the subsequent application of the Tramway Employees for a federal Bus Drivers' Award, were to convince Miller that only through a federal union could coverage of the road passenger industry be secured.<sup>129</sup>

### The ARTWU—Formation

The application of the Tramway Employees for a federal Bus Drivers' Award brought objections from the FCDIU, the Trolley and Draymen and the MT&CA. Faced with such disputed claims for coverage, the Commonwealth Registrar advised that the four unions organise a conference to try to resolve the issue through negotiations.<sup>130</sup> The subsequent conference, in June 1925, although boycotted by the Tramway Employees, proved a highly successful affair. The three participating unions agreed on the need for their amalgamation into a common organisation, the Amalgamated Road Transport Workers' Union.<sup>131</sup> A provisional constitution was drawn up to cover all persons employed in connection with the transport of goods or passengers by road, with a major effort being made to assure prospective members

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127 Bray and Rimmer, *op.cit.*, Table 3.4, p.84.

128 *Ibid.*, pp.97-9.

129 *Ibid.*, p.99.

130 *Minutes of Road Transport Unions Conference*, 24-30 June 1925, p.1.

131 *Ibid.*, p.5.

from the passenger sector that their separate interests would be recognised, by dividing the proposed union into passenger and commercial sections.<sup>132</sup>

In January 1926 representatives of the FCDIU, the NSW Trolley and Draymen, and the MT&CA once again met in Melbourne to formally establish the ARTWU. Officers were elected, with Bob Cheney becoming the union's first Federal Secretary and Frank Miller the Federal President. Provisions were also made for the establishment of state branches, and a motion was carried for "the registration of the union . . . at the earliest opportunity."<sup>133</sup> Despite these achievements, and despite the formation of ARTWU Branches in New South Wales, Victoria, Western Australia and Queensland by the end of 1927,<sup>134</sup> it was not until 3 August 1928 that federal registration finally occurred.<sup>135</sup>

In July 1927 the Commonwealth registrar had decided that the rules and procedures adopted for the formation of the ARTWU were invalid.<sup>136</sup> By the time this problem was resolved the MT&CA had moved from support for the proposed amalgamation to an attitude of outright hostility, emerging as the main opponent to the ARTWU's registration.<sup>137</sup> When the Registrar finally granted the ARTWU's registration on 3 August 1928, recognising it as the "representative organisation of road transport workers",<sup>138</sup> the new amalgamated organisation was to incorporate only the FCDIU and the NSW Trolley and Draymen.

### **The ARTWU and Passenger Drivers**

Although the ARTWU's constitution gave it the right to cover passenger drivers, the withdrawal of the MT&CA seriously effected the credibility of the union's claim, denying it a ready-made base in the industry. Forced to start from scratch, the union's record with passenger drivers was not to prove a happy one with no federal passenger award eventuating

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132 *Provisional ARTWU Constitution* (June 1925), p.3.

133 *Minutes of Road Transport Union Conference*, 12 January 1926, Session 8, p.1.

134 See Bray and Rimmer, *op.cit.*, p.102; *ARTWU (Victorian Branch) Minutes*, 1 February 1927; *WAIG Vol.4, No.1* (1927) p.34; *ARTWU (Queensland) Board of Control Minutes*, 16 August 1927.

135 *CARR*, File 179/24.

136 *Ibid.*, File 179.

137 *Ibid.*, File 179/10.

138 "Transcript of Hearing into Objections to the Registration of the ARTW", *ibid*, File 179/24.



until the 1960s. The Victorian Branch found itself unable to make any headway against the MT&CA,<sup>139</sup> while in New South Wales the bulk of the union's passenger members defected to the Motor Omnibus Employees' Association during the 1930s.<sup>140</sup> In Tasmania the failure of the branch to organise passenger drivers enabled the MT&CA to move across Bass Strait in 1939 and establish a rival organisation to the ARTWU in Hobart.<sup>141</sup> South Australia was also unable to establish a passenger section during the 1920s and the 1930s.<sup>142</sup>

Even in Queensland and Western Australia, where the ARTWU was to prove most successful in organising the passenger industry, conditions remained poor, with drivers working up to twelve hours per day without any provision for overtime rates.<sup>143</sup> Union coverage of taxi drivers remained even more difficult, with cab companies using contract employment in an attempt to defeat the application of awards, arguing that such workers were bailees rather than employees, as no master-servant relationship existed.<sup>144</sup> Employers success in adopting this tactic varied considerably. In New South Wales their arguments were accepted by the Courts, while in Queensland and Western Australia they were not and union awards were granted.<sup>145</sup>

The most significant advances for the ARTWU in the passenger sector were to come in Western Australia after 1936 when the branch's leadership under Nilsson was forced to temporarily abandon its rigid adherence to arbitration under pressure from rank and file bus drivers and conductors. A month long strike by metropolitan bus drivers from 6 October 1936 saw the first example of bus drivers forcing concessions from employers through industrial action, with drivers and conductors winning reductions in the spread of shifts and improved overtime payments.<sup>146</sup> Following this, in January 1939, the WA Industrial Court granted passenger drivers a forty-four hour week, even though Nilsson, the WA Secretary, had failed

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139 *Report from Victorian Branch to the ARTWU Federal Council 1938*, p.2.

140 Bray and Rimmer, *op.cit.*, pp.122-25.

141 *ARTWU Federal Council Minutes*, 20 March 1939, Session 11, p.30.

142 Like Victoria, South Australia continued to operate industrially as the FCDIU, which had no coverage of passenger drivers.

143 See Queensland's Motor Driver's Award, 28 October 1926 in *QGG* Vol.cxxvii (July-Dec 1926), pp.1893-4.

144 Bailees are neither independent businessmen nor wage-labourers. Instead they enter into a contract to use the property of a second party in exchange for payment or for a share in any earnings.

145 Bray and Rimmer, *op.cit.*, p.136; *QGG*, Vol.cxxix (July-Dec 1927) pp.597-8; *WAIG*, Vol.4, No.1 (1927) p.26.

146 *Westralian Worker*, 9 October 1936 and 13 November 1936.

to ask for this in the union's log.<sup>147</sup> Another positive experience for the ARTWU with passenger drivers was to occur in Canberra, with the 1936 Federal Council accepting representatives from a Canberra Branch for the first time.<sup>148</sup> Although the Canberra Branch remained small, with only forty-seven members in 1936,<sup>149</sup> its base amongst the capital's bus and ministerial drivers made it unique within the ARTWU.

## 5: BUREAUCRATISATION

Although the affiliation of the NSW Trolley and Draymen's Union represented a major advance for the Federation, in practice the ARTWU proved even less capable of co-ordinated action than its predecessor. In part this reflected confusion over the union's legal and industrial identity after amalgamation, with the union's federal awards remaining in the name of the FCDIU, not the ARTWU. Even when a new federal award was achieved in June 1934 it was in the name of the FCDIU, not the ARTWU.<sup>150</sup> In consequence the South Australian, Tasmanian and Victorian Branches continued to effectively operate as branches of the FCDIU, with Bill Turner, Melbourne's Assistant Secretary, observing in 1931: "The present position was grotesque. This union was really two unions."<sup>151</sup> To add to the general confusion J.E. Stephens once again declared Port Adelaide's independence from the state and federal union during 1931. Not until September 1937 was Port Adelaide to rejoin the Federation, with Stephens subsequent election to State Parliament the following year, removing a long-running barrier to unity in the branch.<sup>152</sup>

If part of the ARTWU's institutional and industrial difficulties can be attributed to peculiar problems of legal identity, a more fundamental factor was the union's rigid and

147 *WAIG*, Vol.18, No.3 (1939) pp.394-6.

148 *ARTWU (Federal Council) Minutes*, 30 March-9 April 1936, p.1 (ANUABL, Z181/Box 103).

149 *Ibid.*, p.4.

150 33 *CAR* 857ff.

151 *ARTWU Federal Council Minutes*, 11 March 1931, Session 4, p.7.

152 *FCDIU/ARTWU Adelaide Sub-Branch Minutes*, 21 September 1937.

unimaginative pursuit of an arbitration-oriented strategy. Having experimented with state arbitration or wages boards, collective bargaining backed by industrial action and federal arbitration only to find them all wanting, the union was by the late 1920s prepared to passively accept whatever gains came its way through arbitration. This in return reflected the growing conservatism of its leadership, with new men and ideas being actively discouraged from the union's internal decision-making process. The period between 1914 and 1939 was one that saw few changes in the leadership of the union, either at the federal or the state level. Basically the men who were leading the union in 1939 were the same as those who had led it in 1914, or their carefully chosen successors.

In Queensland the branch's founder, George Lawson, was replaced on his election to Federal Parliament in 1932 by the branch's President and close Lawson ally, Alf Milton.<sup>153</sup> Similarly in South Australia, F. McIntyre, who had succeeded John Gunn as Secretary in 1918, was replaced without fuss on his death in 1936 by Alf Angel, an organiser with the union since 1911.<sup>154</sup> The Tasmanian Branch's fortunes were presided over by John O'Neil from 1914 to 1933, when his resignation to concentrate on his duties as THC Secretary added to the branch's already considerable problems.<sup>155</sup> Western Australia saw Oscar Nilsson reign supreme after 1918.

A similar picture was reproduced in Victoria following Cheney's election as a permanent Federal Secretary in 1918. Control of the branch rested in the hands of a group of officials elected around 1912, with J. Stack serving as Melbourne Secretary from 1918-1924, Arthur Lewis from 1924-1929, and John Behan from 1929-1945.<sup>156</sup> Bill Turner contributed to the stability of the leadership by serving as Assistant Secretary without interruption during the period, until his election as Federal Secretary in 1944.<sup>157</sup> Even in New South Wales, the most faction-ridden branch during the period, power tended to change hands as the result of

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153 *ARTWU (Queensland Branch) Board of Control Minutes*, 8 February 1932.

154 *FCDIU/ARTWU (Adelaide Sub-Branch) Minutes*, 17 March 1936 and 7 April 1936.

155 *Union Carter*, April 1939. Also *ARTWU (Queensland Branch) Board of Control Minutes*, 18 September 1933.

156 *Union Carter*, May 1944.

157 *Ibid.*

struggles between a small group of officials, rather than as a result of outside challenges to the control of the inner group.<sup>158</sup>

The prolonged grip of these officials over their respective branches enabled them to effectively assert their independence from both the federal union and the union's membership, with the FCDIU/ARTWU coming to resemble a collection of semi-independent fiefdoms. By the late 1920s members were speaking openly of the emergence of "the paid officials association" that acted to assert its own interests over the concerns of the membership<sup>159</sup> with the FCDIU/ARTWU's reliance on arbitration rather than direct action to achieve its goals having made it less dependent on active rank and file involvement. For following the granting of union preference and award coverage union organisers no longer actively recruited new members, with their role degenerating into that of dues collectors, a fact admitted to by the organisers themselves.<sup>160</sup>

Another sign of the growing conservatism of the FCDIU/ARTWU during the 1920s and 1930s was the gradual strengthening of organisational barriers to restrict any potential opposition to the incumbent leadership. With the exception of Victoria, branch elections were held at general meetings where officials could normally ensure the 'numbers' rather than by postal ballots of the whole membership. In 1939 Queensland Branch officials could still declare, with a certain misguided pride: "We have never had the popular ballot here."<sup>161</sup> A particular focus of the leadership's attention were communists or other left-wingers who were liable to challenge in an organised fashion the growing political and industrial conservatism of the union.

In Queensland attacks on left-wingers had long characterised the Lawson regime, with purges of communists simply representing an extension of techniques used previously to handle IWW supporters. By 1926 Queensland officials were declaring themselves to be "very keen on the anti-Communist question."<sup>162</sup> Ten years later they could proudly announce:

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158 Bray and Rimmer, *op.cit.*, pp.112-6.

159 FCDIU (Melbourne Sub-Branch) Minutes, 7 November 1928.

160 FCDIU (Queensland Branch) Board of Control Minutes, 21 June 1926. Also see comments of J.P. Horan, future Federal Secretary, in TWU Melbourne Sub-Branch Minutes, 2 May 1945.

161 ARTWU (Queensland Branch) State Conference Minutes, 14 August 1939.

162 FCDIU (Queensland Branch) Board of Control Minutes, 18 January 1926.

"This organisation is governed so . . . that the Communist element would not have any chance."<sup>163</sup> Similarly the WA branch under Nilsson proved, if anything, more hostile to any left-wing dissent than Queensland.

If the purging of communists in Queensland and Western Australia represented a continuation of traditionally conservative politics within these branches, this was not the case in South Australia. Although the branch had drifted steadily to the right since the 1910 drivers' strike, it continued to accept revolutionary activists in its ranks. By passing a motion to exclude communists from the branch in September 1930, however, the SA leadership brought to an end a long tradition of socialist involvement in the organisation.<sup>164</sup> With communists led by Jim Cullen advocating that control of industrial disputes pass from the hands of officials to elected strike committees<sup>165</sup> the SA leadership was making it clear through the communist exclusion motion that it was not prepared to have its authority or the moderate industrial direction of the branch compromised. The SA Branch leadership was particularly concerned that the establishment of strike committees would see the branch drawn into destructive industrial battles similar to the one which occurred amongst maritime workers during 1928-29.<sup>166</sup>

By the beginning of the 1930s the Communist Party had been excluded from all branches except Victoria, where it managed to maintain a toe-hold in the Melbourne Sub-Branch during the 1930s and early 1940s. The purging of the radical Left from the union's internal processes effectively closed the door on those activists who could have mobilised the union's membership around militant policies. Instead the union became renowned for its industrial as well as political conservatism. More militant unions such as the Timber Workers and the WWF came to openly despise the ARTWU, describing it as "unreliable in the industrial movement"<sup>167</sup> and equating its leadership with "Judas" and "Jack McScab".<sup>168</sup>

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163 *ARTWU (Queensland Branch) State Conference Minutes*, 17 August 1936.

164 *FCDIU (Adelaide Sub-Branch) Minutes*, 1 September 1930.

165 *FCDIU (SA Branch) Minutes*, 31 August 1930.

166 Although the SA Branch of the ARTWU was represented on the Combined Disputes Committee during the 1928-29 Maritime dispute in Port Adelaide it showed little enthusiasm for the conflict, its members returning to work at the earliest possible occasion. See Moss, *op.cit.*, pp.276, 279.

167 *FCDIU (Melbourne Sub-Branch) Minutes*, 18 July 1928 (ANUABL, E103/55/1).

168 *Ibid.*

Occasionally the union's strategic position meant it could avoid being drawn into wider disputes, but such disputes were rare and failed to have any significant impact on the union's basic pro-arbitration orientation. The major industrial dispute the union found itself involved in during the inter-war period was the 1928-29 timber strike—a dispute which the union could not avoid due to its coverage of a number of metropolitan timber carters. Unfortunately the strike ended in a crushing defeat with the Victorian Branch, which had born the brunt of the struggle, finding itself virtually bankrupt.<sup>169</sup> This defeat only tended to confirm the belief within the union's leadership that any departure from an arbitration-oriented strategy would be a rash and fool-hardy manoeuvre that could only endanger the union's survival.

## 6: THE DEPRESSION

By the late 1920s the FCDIU/ARTWU had become a conservative and bureaucratised structure, with a leadership that was lacking in organisational dynamism and fearful of involving itself in any industrial conflict. Instead the union had become dependent on arbitration, whether state or federal, to defend and advance the interests of its members. It was a situation which left the Federation little prepared for the shock of the Depression.

For the FCDIU/ARTWU the Depression began early and hit hard. An examination of the membership records of the powerful Victorian Branch, which had been the largest branch of the ARTWU in 1928, gives an impression of the Depression's effect. With a peak membership of 5,309 in 1927, of whom 2,002 were financial, the branch was to witness a rapid erosion of its strength in the following years. Between 1927 and 1928 financial membership dropped by nearly twenty-five per cent, reaching a lowpoint of 838 financial members in 1933 before slowly recovering.<sup>170</sup>

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169 Despite generous support from the Queensland Branch the Victorian Branch was forced to declare in April 1929: "All the branch's assets had been disposed of." See *ibid*, 17 April 1929.

170 FCDIU (*Melbourne Sub-Branch*) *COM Minutes*, 4 November 1936.

The fortunes of the other branches mirrored those of Victoria, with total national membership in 1935, when economic recovery was already discernible, still only 8,873.<sup>171</sup> This contrasted markedly with the 14,392 members the ARTWU had possessed on its registration in 1928,<sup>172</sup> and, indeed, was less than the 11,650 members the Federation had possessed in 1913, when neither New South Wales nor Western Australia had been members.

The onset of the Depression evoked an 'every branch for itself' response from the ARTWU/FCDIU, with the continued effectiveness of each branch largely dependent on local levels of unemployment and the degree of sympathy they could expect from their respective state governments and local Industrial Courts. The 'federal award states' were left the most exposed by the Depression. The conditions stipulated in the disappointing 1925 award remained in force until October 1934 when a major review was held. Even then, however, the Commonwealth Arbitration Court was reluctant to update the award with the economy remaining in depression.<sup>173</sup>

Although the Victorian Branch's membership was seriously eroded, it at least possessed the organisational resources for survival, with eight full-time officials in Melbourne alone.<sup>174</sup> Tasmania, however, lacked these resources and by 1934 the Hobart Branch had become defunct, with only a small Launceston Sub-Branch under James Grant continuing to fly the union's flag.<sup>175</sup> The decision by the Victorian Branch to sponsor a Victorian, John O'Reilly, as a full-time organiser in Hobart led to a temporary revival.<sup>176</sup> However, by 1939 O'Reilly had fallen out with both the local THC and the ARTWU, with the ARTWU's Federal Council intervening to force O'Reilly's resignation.<sup>177</sup> Unfortunately, the Hobart Branch decided to follow O'Reilly out of the ARTWU, and established a rival organisation, the Horse and Motor Drivers' Union.<sup>178</sup> The episode was the first serious effort by the Federal Council to

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171 *ARTWU Federal Council Minutes*, 30 March 1936, p.4.

172 *CARR* File 179/4.

173 33 *CAR* pp.861-2.

174 *FCDIU Melbourne Sub-Branch Minutes*, 9 December 1931.

175 *ARTWU Federal Council Minutes*, 16 March 1934, Session 7, p.10.

176 *Union Carter*, April 1939.

177 *TWU Federal Council Minutes*, 16 March 1939 and 20 March 1939.

178 *Ibid.*, 20 April 1939, Session 6, pp.15-18.

discipline a recalcitrant branch and its failure demonstrated the ability of entrenched Branch Secretaries to thumb their noses at the decisions of the Federal Council.

Of all the branches, Queensland was in the best position to survive the Depression. Unemployment in Queensland was the lowest in the Commonwealth throughout the 1930s, officially standing at 18.8 per cent in 1933, whilst the rest of Australia averaged twenty-nine per cent.<sup>179</sup> The election of the conservative Moore Government between 1929 and 1932 proved to be only a short interruption of the long Labor domination of the State between 1915 and 1957, leaving the branch with a generally sympathetic Government for the bulk of the Depression years. So successful was the Queensland Branch at handling the Depression's effects by comparison with the other States that by the Depression's end it was the largest branch in the Federation, with almost a third of the union's 12,400 national members.<sup>180</sup>

Yet if Queensland was the most successful state branch in handling the effects of the Depression, it also demonstrated the limited protection award conditions provided in the face of mass unemployment, with employers replacing awards with individual agreements in many workplaces. By early 1937 the Queensland Branch estimated that seventy-five per cent of bread carters were operating under such agreements.<sup>181</sup> Such agreements were also common in freight haulage, and were effective in returning working conditions for many drivers to the levels of the 1880s. By the mid-1930s large numbers of drivers throughout Australia were signing contracts that bound them to work up to twelve hours a day without a lunch break for as little as thirty shillings per week.<sup>182</sup>

The most detailed study of the effect of the Depression on the FCDIU/ARTWU was one prepared by the Victorian Branch in 1936-37. The study concluded that casual employment had once again become the norm in the industry, noting: "most of the large carriers have gangs of men hanging around the yard all day and every day on the chance of getting some work 'by the hour'."<sup>183</sup> Of the branch's total paper membership of 4200 the study discovered only 1,498

179 *Commonwealth Year Book*, Vol.26 (1933) p.743.

180 Correspondence from R. Cheney Cited *TWU (Queensland Branch) Board of Control Minutes*, 22 April 1940.

181 *ARTWU (Queensland Branch) Board of Control Minutes*, 22 February 1937.

182 *Ibid.* Also *FCDIU Melbourne Sub-Branch COM Minutes*, 3 August 1936.

183 "Victorian Branch Report on the results of an examination of Membership", *op.cit.*, p.2.



who were in full-time employment.<sup>184</sup> In these circumstances the maintenance of the union's membership became extraordinarily difficult, with the Victorian study commenting: "Many cases occur of employers bringing pressure to bear on their men to leave the union."<sup>185</sup> Such were the conditions in 1937 that the Victorian Secretary took the Federal Council to task for their citing of award rates and conditions, reminding them that "at present . . . no conditions except employers' prevailed."<sup>186</sup>

Throughout the Depression of the 1930s arbitrated awards thus provided little more protection for Australia's road transport than collective bargaining backed by industrial action had done during the 1890s Depression. Despite the widespread reversion to individual work contracts within road transport few attempts were made to mobilise the members to defend their conditions or employment. Instead the union simply concentrated on ensuring its own institutional survival.

### **Long-Distance Transport**

The commitment of the union to a rigid arbitration-oriented strategy meant that although it survived the Depression it did so with a conservative and bureaucratised leadership that was slow to adapt the organisation to technological and social change. By the mid-1930s even the union's leadership was having to admit to a general failing to recruit new members, particularly amongst the "younger generation."<sup>187</sup> It was in the area of long-distance road transport, however, that the long-term consequences of the union's arbitration-oriented strategy was perhaps most clearly revealed.

Despite legislation designed to protect the railways from competition from road transport, long-distance country and interstate road transport continued to grow during the 1930s. By 1937 the Victorian Branch had targeted the organisation of these drivers as a major

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184 *Ibid.*

185 *Ibid.*

186 *ARTWU Federal Council Minutes*, 19 March 1937, Session 8, p.1.

187 *FCDIU Melbourne Sub-Branch Minutes*, 18 September 1935.

goal, declaring in its journal: "country motor transport has come to stay. At present the industry is carried on under the worst sweating conditions."<sup>188</sup>

The Victorian Branch soon discovered that, given the interstate movement of these hauliers, coverage of their drivers would be ineffective without a federal award or agreement that 'roped-in' all states, a development vehemently opposed by the New South Wales and Queensland Branches which had become fearful that any extension of federal awards would threaten to undermine the generally superior conditions in their state awards.<sup>189</sup> Although the 1938 Federal Council unanimously approved a national policy for organising country motor transport, the policy merely provided for the regulation of conditions "by awards or agreements with the appropriate union."<sup>190</sup>

When the Road Transport Workers (Road Hauliers) Award was finally granted on 31 August 1939 its coverage was restricted to Victoria.<sup>191</sup> Even here this award proved largely ineffective. Few efforts were made to actively organise these drivers, many of whom, as owner-drivers, were beyond the union's constitution and the scope of any award.

### **A Comparison: The International Brotherhood of Teamsters**

While the rigid adherence to an arbitration-oriented strategy can be directly linked to the bureaucratisation and stagnation of the union the question remains to be asked: Was there any alternative to such a policy given the unfavourable effects of the Depression on union organisation? A comparison with the United States suggests there was. For during the 1930s the International Brotherhood of Teamsters (IBT) combined a policy of collective bargaining backed by industrial action with formalised industrial agreements that won its members benefits that were sometimes a generation ahead of those in Australia, particularly with regard to owner-drivers and long-distance road transport. The success of these tactics transformed the IBT into

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188 *Union Carter*, July 1937.

189 *ARTWU Federal Council Minutes*, 18 March 1937, Session 7, p.3.

190 *Ibid.*, 14 March 1938, Session 8, p.17.

191 40 *CAR* 561ff.

the largest and most powerful labour organisation in the United States, with its national membership rising from eighty thousand in 1933 to half a million in 1939.<sup>192</sup>

In the early 1930s the IBT closely resembled its Australian counter-part, following a generally ineffective policy of industrial moderation under long-term General President, Daniel Tobin. Its internal organisation was also remarkably similar to Australia's, with the IBT's major internal critic, Farrel Dobbs, later noting:

The IBT's focus had been determined by earlier conditions, when cartage by dray or truck was confined to local operations, and railroads handled long distance hauling generally. Under these circumstances union activists in a given city remained sealed off from those in other localities. Structurally, therefore, the organisation as a whole was little more than a loose Federation of city formations.<sup>193</sup>

The turning point in the IBT's history came when Dobbs and a number of fellow Trotskyists from the Communist League of America led a ten-day drivers' strike in Minneapolis during May 1934. Successfully resisting attacks on union picket lines by police and special deputies, the IBT forced local trucking companies to concede significant increases in wages to drivers.<sup>194</sup> Having won a base in Minneapolis, Dobbs began to campaign for similar militant policies to be adopted elsewhere. The major means for the extension of industrial militancy was through the medium of long-distance drivers, hitherto—as in Australia—virtually ignored by the IBT. As Dobbs later observed: "Overland truck drivers occupy a position in the industry very similar to that of the railroad worker . . . unionisation of long-distance drivers in turn gave the union a toe-hold in areas devoid of a union presence."<sup>195</sup>

By 1938 Dobbs had negotiated a formal agreement with trucking companies covering 125,000 long-distance drivers in eleven mid-west states.<sup>196</sup> Under the agreement hours for long-distance drivers were reduced from up to 120 hours per week to fifty-four, with rest facilities being provided to end continuous driving.<sup>197</sup> As the larger trucking firms were forced into union agreements Dobbs discovered that they soon became supporters of the union,

192 Farrel Dobbs, *Teamster Power*, (Monad Press, New York, 1973), pp.9, 241.

193 *Ibid.*, p.171.

194 *Ibid.*, p.11-17. Also see Farrel Dobbs, *Teamster Rebellion*, (Monad Press, New York, 1972).

195 *Ibid.*, pp.145-46.

196 *Ibid.*, p.208.

197 *Ibid.*

noting; ". . . they usually want to see their competitors in the same fix."<sup>198</sup> A major component in Dobbs' ability to force the trucking companies to the bargaining table was his success in organising the owner-operators who had previously been used by employers to undermine the union. Dobbs established special owner-driver sections within the IBT, securing them agreements that guaranteed them union wage rates with extra payments to cover the cost of operating their vehicles.<sup>199</sup>

So successful was Dobbs' tactics that they were adopted by Tobin and the national union, with Dobbs himself being appointed national IBT Organiser for long-distance transport in 1939.<sup>200</sup> Even though Dobbs and his Trotskyist supporters were eventually hounded out of the union in the early 1940s, their industrial tactics continued to be followed by their right-wing successors—men such as David Beck and Jimmy Hoffa. Until his jailing for jury tampering in 1967 Hoffa continued to ensure that American road transport workers remained amongst the best paid workers in the nation. Targeting the larger companies in national Master Freight Agreements, and then allying the union with these companies to force the same union rates on their smaller competitors, Hoffa ensured that the gains won by collective bargaining and industrial militancy in the areas where the union was strong flowed through to all sections of the industry.<sup>201</sup>

In assessing the relevance of the Teamster experience for the ARTWU it must be conceded that there were a number of marked dissimilarities between the industrial relations frameworks in which the two unions operated. America lacked a formalised arbitration system that could constrain dramatic wage increases, while the Roosevelt administration in the United States was generally more supportive of union organisation than the conservative Lyons government in Australia. Yet if anything the organising task faced by the IBT was a more daunting one than that confronting the ARTWU. Certainly Australian road transport unions

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198 *Ibid.* p.204.

199 "How the Teamsters' Union Organised Independent Truckers in the 1930s" in Farrel Dobbs, *Teamster Politics*, (Monad Press, New York, 1975), pp.241-49.

200 Dobbs, *Teamster Power*, p.253.

201 Samuel Friedman, *Teamster Rank and File: Power, Bureaucracy, and Rebellion at Work and in Alliance*, (Columbia University Press, New York, 1982), pp.110-122. For an admission by Hoffa that he based his industrial techniques on those first pioneered by Dobbs see James Hoffa (as told to Donald Rogers), *The Trials of Jimmy Hoffa*, (Henry Regenery, Chicago, 1970) pp.105-111.

have never had to face the organised violence and company 'goons' that were a regular feature of life for IBT activists.

While there were differences between the United States and Australian experience there were also striking similarities. Outside of North America the number of motorised commercial vehicles per capita was higher in Australia than anywhere else in the world during the 1930s. Through the 1930s and early 1940s successful road transport firms in Australia such as Ansett Roadways, Colliers and F.H. Stephens consciously copied the advances in America road transport.<sup>202</sup> By the early 1940s the main employer association in Australian road transport, the Australian Road Transport Federation (ARTF), was also regularly sending its officials on trips to study American developments.<sup>203</sup> Only the union seems to have been blissfully unaware of the US experience. Yet when the TWU finally achieved industrial leadership in the early 1970s it was through the repetition of many of the tactics pioneered by the IBT, organising its own owner-driver sections and transforming benefits won through industrial action and collective bargaining into formal agreements or awards. The application of these tactics in Australia, however, seems to have owed nothing to the IBT experience.<sup>204</sup> Instead the union was to eventually evolve such tactics independently in response to similar problems.

## **7: RECOVERY AND THE FORMATION OF THE TWU**

Despite the industrial conservatism of the ARTWU, the gradual recovery of the Australian economy from the depths of the Depression in 1932-33 ensured a slow improvement in the union's position. With the recovery of the economy the ARTWU began to reap the benefits of the expansion of road transport during the 1920s and 1930s, ensuring an improvement in award conditions for road transport workers despite minimal efforts by the

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202 *Truck and Bus Transportation*, Vol.7, No.7, June 1943.

203 *Ibid*, Vol.8, No.7, July 1944.

204 Despite repeated invitations from the TWU the IBT had still not established any contact with the Australian union as late as 1990. *Interview with Ivan Hodgson*, February 1990.

union on its own behalf. For the ARTWU one of the most industrially significant effects of the expansion in road transport was to be found in the delivery of fuel and oil products by the major oil companies. Industrially weak as the union was during the 1930s, the oil companies were nevertheless fearful of the consequences of any industrial disruption by their drivers. Even during the worst of the Depression the oil companies had not applied the ten per cent federal wage reduction, and their apprehensiveness only increased as the union slowly rebuilt its strength. In a letter to the ARTWU dated 30 August 1937 the oil companies reacted to a union claim by offering margins of sixteen to eighteen shillings for oil company drivers, as well as a forty-four hour week in return for a prompt settlement.<sup>205</sup> On top of these gains the ARTWU was also able to secure a week's annual leave when a separate Oil Drivers' Award was handed down in the Commonwealth Arbitration Court during October 1937.<sup>206</sup>

The Federal Oil Drivers' Award became the pace-setter for further industrial gains, and in 1939-40 the benefits first won in the oil industry in regard to hours and annual leave flowed on to most other federal award drivers and employees when the federal Road Transport Workers (General) Award was overhauled.<sup>207</sup> Although margins for drivers of horse-drawn vehicles remained low despite the review, with a six shilling margin being stipulated for a one-horse driver, these rates became less relevant as most road transport workers found themselves transferred to motor vehicles by the late 1930s. When the long-running review of the federal General Award was finally completed in December 1940 the eighteen shilling margin already obtained by oil company drivers was awarded to all drivers of large three to six ton capacity motor vehicles, while those driving twenty-five hundred weight motor vehicles received a fifteen shilling margin for skill.<sup>208</sup> This meant that margins for drivers of medium-sized trucks became roughly comparable with those stipulated for semi-skilled workers under the metal trades award, where second and third class mechanists received margins for skill of twenty shillings and fourteen shillings respectively.<sup>209</sup> Even the driver of a twenty-five

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205 *Correspondence from the Shell Oil Company to R. Cheney*, 30 August 1937. (Held by the TWU (SA) Branch, Adelaide.

206 38 *CAR* pp.371ff.

207 41 *CAR* pp.104ff. Also 43 *CAR* pp.913ff.

208 43 *CAR* p.926.

209 37 *CAR* p.176.

hundred weight utility or light truck received an eleven shilling margin under the 1940 award.<sup>210</sup>

### The Formation of the Transport Workers' Union

During the late 1930s the ARTWU's success with the oil industry drivers seems to have encouraged it to seek coverage of another growth sector—air transport. On 29 April 1937 the union was granted the right to cover persons engaged in the transport of passengers and/or goods by air.<sup>211</sup> The following year a further application was made to change the name of the union to the Transport Workers' Union (TWU) to accord with its new status as a body covering workers engaged in the transport of passengers and good by both road and air—an application granted on 26 June 1938.<sup>212</sup>

The name change to the TWU was accomplished without any of the confusion that accompanied its previous change of identity, largely because there was—in practice—little more than a name change involved. The attempt to cover airline crews was to be an overly ambitious one for a union whose past and future were firmly tied to road transport. Although the union was to make major gains in the airline industry, it was to be in the coverage of baggage handlers and refuellers who serviced the airplanes, rather than through the recruitment of the aircrews themselves.<sup>213</sup>

Despite the extension of the unions constitution and major improvements in award conditions the union as a whole continued to stagnate. Few, if any, efforts were being made to organise owner-drivers, country drivers, and long-distance hauliers—areas which were to expand dramatically as road transport began to supplant rail services. Instead the union's membership remained concentrated amongst those employed by professional carriers operating within a relatively small radius of the centres of Australia's five mainland capital cities, with smaller memberships in Launceston, Canberra and some Victorian and Queensland provincial

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210 43 *CAR op.cit.*

211 *CARR*, File 179/83.

212 *Ibid.*, File 179/95.

213 The TWU has continued to make intermittent attempts to gain coverage of airline pilots, the most recent being during the 1989 Pilots' strike. These efforts have not been successful.

towns. Total membership in 1940 stood at only 12,400, barely above 1913 levels despite the addition of two state branches and the extension of the union's constitution to cover passenger drivers and air transport workers.

## Conclusion

Between 1914 and 1939 the TWU and its predecessor organisations became firmly tied to an arbitration-oriented strategy. The implementation of this strategy secured the union's place in Australia's formal industrial relations system. The changes in the eligibility for membership that accompanied its successive name changes, and which gave it coverage of both road passenger transport and airline crews, seemed to indicate that the union was making serious efforts to adjust itself to the rapid changes that occurred in the transport industry in the inter-war years. Similarly the incorporation of the NSW Trolley and Draymen's Union into the Federation between 1926 and 1928 suggested a major consolidation of organisational strength.

These achievements, while important for the future viability of the union, tended to disguise the fact that adherence to an arbitration-oriented strategy had contributed to the general stagnation of the union. Organisationally, branches remained hide-bound, geared towards Arbitration Court procedures and dues collection, and giving little indication that they were preparing to meet the challenge posed by the expansion of road transport. Institutionally, support for compulsory arbitration resulted in the fragmentation rather than the unification of the union, with some branches being bound by federal awards while others favoured state awards. Politically, support for a strict arbitration-oriented strategy had consolidated support for a conservative brand of laborism that resulted in the union distancing itself wherever possible from wider industrial or political struggles. Conversely, the advocates of more militant industrial policies within the union tended to be firmly identified with the Communist Party—a party whose members saw a greater commitment to collective bargaining backed by



industrial action not as an end in itself but merely as a tactic from which a revolutionary challenge to the existing social order could be built.

Despite the tremendous expansion in motorised road transport in Australia during the 1920s and the 1930s, the strength and industrial power of the union failed to reflect this change, with the union less capable of actively organising its members in industrial campaigns in 1939 than it had been a quarter of a century earlier. While a narrow application of both collective bargaining backed by industrial action and an arbitration-oriented strategy had both failed to fully overcome the obstacles facing the union in attempting to organise Australia's highly fragmented road transport industry by 1939, the United States Teamster experience suggested that these two strategies were not mutually exclusive. Although the Teamsters relied on formalised industrial agreements to spread gains won through industrial action throughout the industry rather than on arbitration as such, Australia's award system could be used for the same purpose. Such awards would have an added benefit in that they would have legal force, something lacking in the United States.

By using industrial pressure to force concessions from selected trucking companies, and then seeking to spread these increases through awards, the union could hope to exploit strategic differences amongst road transport employers. This would break up the employer block around the CDEADC that stood as the major barrier to the union maximising its gains from the arbitration system. The evolution of such a strategy in Australia, however, was to be delayed by a bitter political struggle for the control of the union between Left and Right that was to last for decades.

## CHAPTER 4

# ORGANISATIONAL REFORM, ARBITRATION AND INDUSTRIAL MILITANCY IN THE TWU 1939-1956:

## THE IMPACT OF LABORISM, COMMUNISM AND THE MOVEMENT

### INTRODUCTION

In the years between 1914 and 1939 the FCDIU/ARTWU virtually abandoned attempts to actively assert its authority in Australia's road transport industry through industrial militancy and collective bargaining. Instead it came to passively rely on arbitration court procedures to do the job for it, becoming increasingly conservative and bureaucratised in the process. This strategy ensured the stagnation of the union despite the transformation of road transport through the spread of motorised vehicles

If a passive reliance on arbitration—whether state or federal—led to stagnation during the inter-war years it nevertheless proved a viable means of protecting the union's base amongst the professional carrying firms concentrated in Australia's capital cities. Throughout the 1920s and 1930s legislative restrictions by state governments had impeded the ability of professional carriers to compete with sea and rail services for a national market. Operating in a localised environment these firms could be regulated with equal ease by federal or state awards. By the early 1950s this was no longer the case. Despite the continuation of legislative restraints on road transport until 1954 the emergence of a number of large national freight forwarders led to the rapid decline in the importance of the traditional local cartage firm. Using rail and sea

services as well as road transport, these national freight forwarders could not be adequately controlled by the union's traditional mix of state and federal awards.

Influenced by the organisational successes of left-wing 'progressives', wide sections of the TWU's leadership during the 1940s came to see that the union's very survival as a serious industrial force depended on a major programme of organisational and institutional reform. This involved a recognition of the need for increased national co-ordination through a strengthened federal union, if the problems facing the union were to be adequately addressed. The continuation of this support for a national approach to industrial problems, however, ultimately depended on federal awards or agreements proving superior to state awards in dealing with the union's new industrial problems. This in turn hinged on the federal union's ability to break up the conservative employer bloc around the Transport Employers' Committee (formerly the CDEADC). To achieve this the TWU could not simply rely on arbitration court procedures. Instead it had to place industrial pressure on employers as the American Teamsters had done during the 1930s, winning advances in specific areas through the strategy of collective bargaining supported by industrial action that could then be spread throughout the industry through awards or agreements.

Any attempts by the TWU to engage in strike action during the 1940s or the early 1950s, however, inevitably entangled it in wider issues of political and class conflict, since during the 1940s the Communist Party of Australia (CPA) was at the peak of its power, posing an apparent threat to the established social order through concerted industrial action. For the TWU's politically conservative leadership any attempt to endorse industrially militant tactics at this time was seen as playing into the hands of communists. In this context support for a greater reliance on collective bargaining backed by industrial action became primarily a political rather than an industrial issue within the TWU.

While communists and other left-wing 'progressives' were at the forefront of efforts to reform the TWU during the early 1940s, a new breed of right-wing activists—either members of, or politically close to the Industrial Groups or the Catholic-dominated 'Movement'—came to join the union's traditional labourist leadership in reaffirming TWU support for arbitration. Defeating the communist challenge they turned the union once again into a bastion of support

for an arbitration-oriented strategy, only to see it splinter into competing political factions during the 1950s. By rejecting the use of more militant tactics the TWU's leadership, however, ensured that the union would remain in an industrial backwater during the 1940s and 1950s.

## 1: CONTEXT—THE IMPACT OF POLITICAL CONFLICT

Throughout their formative years between 1883 and 1914 Australia's road transport unions had laboured under two broad economic constraints, with technological change steadily eroding the industrial importance of road transport while slow economic growth undermined chances of winning job security and sustained advances in real wages. The spread of motorised transport after 1914 freed the union from the first of these constraints, substantially widening the parameters of its future development. With the beginning of World War II in 1939 the second major economic restraint on the union's advancement was lifted as the Australian economy entered on an unprecedented period of sustained expansion, gradually making unemployment a distant memory for most workers. Whereas Australia's GDP at factor cost had taken twenty-five years to register a two fold increase from \$830 million in 1913-14 to \$1,697 million in 1938-39, it almost trebled between 1938-39 and 1948-49 and then more than doubled again by 1955-56 to stand at \$9,483 million.<sup>1</sup> Similarly, real GDP per head, which in 1938/39 was virtually identical with the level of 1913-14, by 1958-59 stood sixty-nine per cent above the pre-war figure.<sup>2</sup>

The economic changes that Australia experienced in the post-1939 period were not just quantitative but qualitative, with manufacturing's contribution to total GDP rising from 18.5 per cent in 1938-39 to twenty-eight per cent in 1955-56. By contrast, primary industry's share of total GDP fell from 19.5 per cent to 15.9 per cent in the corresponding period.<sup>3</sup> This steady

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<sup>1</sup> Boehm, *Twentieth Century Economic Development in Australia*, Second Edition, (Londman Cheshire, Melbourne, 1979) Table 1.1, pp.10-11.

<sup>2</sup> *Ibid.*, Table 8.3, p.281.

<sup>3</sup> *Ibid.*, Table 1.1, pp.10-11.

growth in the importance of manufacturing helped complete a shift in the orientation of road transport from an industry that relied heavily on the needs of the primary sector to one that primarily serviced manufacturing—a development that helped eliminate the seasonal work that had once cursed road transport unions.

### Communism and Industrial Militancy

Despite the commencement of the 'long boom' heralding full employment and rising prosperity the immediate post-war years in Australia were characterised by industrial militancy, acute class conflict and political turmoil. With the ending of the Second World War in 1945 the very purpose and direction of the labour movement came under question from a resurgent Communist Party. By early 1945 the CPA had emerged as a mass party with some 23,000 members and support amongst some forty per cent of all trade unionists.<sup>4</sup>

The rise in support for the CPA was directly linked to the Second World War. Following the German invasion of the USSR in June 1941 the CPA abandoned its previous opposition to the war, becoming a forceful advocate of an enhanced war effort and basking in the reflected glory of Russian victories in Europe. With the war's end, however, rising tensions between the former war-time allies soon foreshadowed the commencement of the Cold War, leading to Australian communists once again linking industrial struggles over improved working conditions with wider issues of class conflict and revolutionary change. Even before the war's end a new wave of militancy was becoming evident amongst Australian workers, despite calls for restraint from government, the ACTU, and communists alike. From a low point of 378,195 work days lost in 1942, the number of work days lost because of strike action rose to exceed 900,000 in every year from 1943 to 1949.<sup>5</sup>

Although the vast majority of these strikes had their origins in genuine dissatisfactions about the pace of post-war improvements in wages, hours and working conditions, the communist leadership of many of the unions engaged in strike action only reinforced

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4 Davidson, *op.cit.*, pp.92-3.

5 *Commonwealth Year Book*, No.38, (195), p.448.

perceptions that industrial disruption was part of a communist conspiracy to overthrow the established order. It is also true that within the Communist Party itself industrial militancy was seen as the major mechanism through which workers would gain a sense of their own social power and an awareness of wider issues of class conflict—experiences which the Communist Party believed would transform Australian workers into supporters of revolutionary change.<sup>6</sup>

The existence of a mass communist party advocating revolutionary change through class conflict between 1945 and 1949 meant that few unions could take industrial action without having to consider the complexities of the situation within the wider labour movement. This was particularly the case in the transport sector which, as Billy Hughes had previously realised, held the key to the overall industrial situation. For if communists could win support within the transport sector they could move to impose boycotts and secondary strikes to support striking workers elsewhere. By contrast if enough transport unions remained in the hands of anti-communist activists then any major strikes could be isolated and doomed to certain defeat. With technological change having made road transport the key to control of the overall transport system, it was inevitable that the wider political and industrial struggle would dominate the TWU's history during the 1940s and the early 1950s.

## Labor and Arbitration

In moving to resist the extension of communist influence into its traditional base amongst Australia's organised labour movement the Labor Party could count on a number of advantages. The foremost of these was the prestige of the Curtin-Chifley government which had replaced the discredited Menzies' conservative administration in October 1941. Leading Australia successfully through the remainder of the war, the Curtin-Chifley governments<sup>7</sup> progressively laid down the framework for a new system of social welfare which helped bring about a revitalisation of the laborist model in Australian politics. All the social services established by Labor, including unemployment and sickness benefits, widow's pensions, and

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6 Tom O'Lincoln, *Into the Mainstream: The Decline of Australian Communism*, (Stained Wattle Press, Sydney, 1985), pp.57-59.

7 Ben Chifley replaced Curtin on the latter's death in June 1945.

hospital benefits, were provided as a right rather than as a charity, removing much of the insecurity that had previously marred working class life. The credibility of the laborist model was also enhanced through the use of Keynesian economic principles that legitimised post-war state intervention in the economy in the interests of stability and growth. A central component of this intervention, as spelt out in the *White Paper on Full Employment* tabled by the government in May 1945, was aimed at eliminating the worst feature of unrestrained capitalism by seeking to ensure continued full-employment in the post-war economy.

With the war's end the economic concerns of the Chifley Labor government about continued growth and full employment combined with its antipathy towards communism to make it a resolute opponent of industrial militancy. For in a booming economy characterised by full or even over-full employment the application of market forces would have allowed unions the opportunity to win rapid improvements in wages, hours and working conditions. Anxious to contain such developments in the interest of business profitability and future private investment the Chifley government fulfilled, as Tom Sheridan has concluded, "the classic integrationist role of social democratic ministries."<sup>8</sup>

In calling for industrial relations to be conducted strictly through the arbitration system rather than through collective bargaining backed by industrial action the Labor government could normally rely upon the support of the ACTU, the trade union movement's leading organ.<sup>9</sup> Having had its own power boosted by its war-time alliance with government, the ACTU was to remain a force for industrial moderation even after the eventual defeat of the Chifley government in December 1949. A continued basis for government-union collaboration was assured when the second Menzies' government committed itself to the principles of full-employment, the maintenance of which was the prime concern of the ACTU leadership.<sup>10</sup> Employers also proved willing to abandon their traditional suspicion of federal arbitration, seeing in the Court a bulwark against union bargaining power in an over-stretched labour market.<sup>11</sup>

8 Tom Sheridan, *Division of Labour: Industrial Relations in the Chifley Years 1945-1949*, (Oxford University Press, Oxford, 1989), p.318.

9 Jim Hagan, *The History of the ACTU*, (Longman Cheshire, Melbourne, 1981), p.179.

10 *Ibid.*, p.205.

11 Sheridan, *Division of Labour*, p.76.

Reflecting the concerns of government, employers and, to a lesser degree, even the ACTU, the post-war decisions of the Commonwealth Arbitration Court were marked by caution and restraint. With the exception of the adoption of the principle of two weeks annual leave in November 1945,<sup>12</sup> the other major industrial gains of the period—a seven shilling interim basic wage increase in December 1946,<sup>13</sup> the granting of a forty hour week and the winning of a sixteen shillings margin increase by metal trades workers during 1947, a one pound basic wage increase in October 1950,<sup>14</sup> and a further metal trades margin increase in February 1954<sup>15</sup>—all came only after considerable delays.

Despite the transferring of the bulk of federal arbitration's duties to lay Conciliation Commissioners in 1947, reserving only the hearing of standard hours, male and female basic wage rates, and annual leave for the Court's Full Bench,<sup>16</sup> the new appointees soon proved, as Sheridan notes, "more Catholic than the Pope."<sup>17</sup> The conservative tone of federal arbitration was reinforced by the appointment in 1949 of Raymond Kelly as Chief Justice, a position he held until the Court's replacement by the Commonwealth Conciliation and Arbitration Commission in 1956. Influenced by his close ties with the right-wing Catholic Social Studies Movement,<sup>18</sup> Kelly identified the need to contain inflation as the prime task facing federal arbitration, calling for a rejection of any wage increases during the 1950 basic wage judgement.<sup>19</sup> Although Kelly's recommendations were not accepted in 1950, the subsequent decisions of the Commonwealth Arbitration Court reflected growing support for his ideas, leading to the 1953 decision to abandon quarterly basic wage fixation.<sup>20</sup>

If federal arbitration proved an effective mechanism for restraining wages and industrial militancy it also provided a means for directly dealing with communist trade union power. Amendments to the Commonwealth Arbitration Act in 1949 allowed the Arbitration Court to set aside union elections where doubts existed as to the propriety of the result, while from 1951 the

12 55 CAR pp.600-601.

13 57 CAR pp.107.

14 68 CAR pp.839.

15 80 CAR pp.3ff.

16 "Commonwealth Arbitration (Amendment) Act", in *Acts of the Commonwealth Parliament*, Vol.XLV(1947) pp.89-116.

17 Sheridan, *Division of Labour*, p.80.

18 Santamaria, *op.cit.*, p.43.

19 68 CAR p.775.

20 77 CAR pp.477ff.



Court was empowered to enforce elections through postal ballot.<sup>21</sup> Two of the most significant defeats suffered by the Communist Party during the late 1940s and the early 1950s—the loss of the FIA and the Federated Clerks' Union to anti-communist 'Groupers'—both stemmed from such Court interventions in union ballots.<sup>22</sup> In addition leading communist trade union officials such as Jack McPhillipps and Ted Roach were jailed for contempt by the Court for advocating industrial action outside the arbitration system. Where necessary the Chifley Labor government was also prepared to throw the full power of the state against what it saw as communist attempts to sidestep arbitration, leading to a crushing defeat of striking communist-led coal miners in 1949.

### The 'Movement'

Important as arbitration court procedures were in restraining industrial militancy, they did not in themselves seriously threaten the entrenched power of the Communist Party within the trade union movement, resting as it did on thousands of dedicated activists. Indeed court intervention to unseat an incumbent communist leadership could only succeed if there was an organised challenge from within a union appealing for the redress of unfair electoral practices. Although state Labor Party branches in New South Wales, Victoria, and Queensland officially sponsored anti-communist Industrial Groups in trade union elections after 1945, the driving force within the Groups proved to be the Catholic Social Studies Movement.

Providing between thirty and ninety per cent of active Industrial Group members,<sup>23</sup> the 'Movement' had been established in August 1941 by B.A. Santamaria, a young Catholic intellectual who enjoyed the full support of Australia's Catholic bishops.<sup>24</sup> Despite its avowed defence of Labor through the Groups, the Movement's political and social goals differed from

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- 21 See *Acts of the Commonwealth Parliament*, Vol.LVII(1949), pp.123ff. and Vol.LXIX(1951) pp.49ff.  
 22 Robert Murray and Kate White, *The Iron Workers: A History of the Federated Ironworkers' Association of Australia*, (Hale and Iremonger, Sydney, 1982), pp.210-221. Also Robert Murray, *The Split: Australian Labor in the Fifties*, (Cheshire, Melbourne, 1970), p.19.  
 23 Jack Kane and Robert Murray both estimate Movement membership in the Industrial Groups at around thirty per cent. See Jack Kane, *Exploding the Myths: The Political Memoirs of Jack Kane*, (Angus and Robertson, Sydney, 1989), p.24. Also Murray, *op.cit.*, p.52. B.A. Santamaria, however, believes these figures underestimate Movement influence, stating that ninety per cent of active Group members were in the Movement. *Interview with B.A. Santamaria*, September 1990.  
 24 B.A. Santamaria, *Against the Tide*, (Oxford University Press, Oxford, 1981), pp.76-90.

those traditionally associated with laborism, seeking instead to reform capitalism along Christian-Democratic lines by encouraging small-scale ownership and the development of a closer, corporatist relationship between unions and employers.<sup>25</sup>

By 1953 the Industrial Groups and their supporters—including the powerful AWU—had clear majorities on the ALP state executives of Australia's three largest states, and were wielding a direct and pervasive influence on the Australian labour movement.<sup>26</sup> Within the unions in which they operated the 'groupers' came to be recognised, even by many of their communist opponents, as dedicated and often selfless unionists,<sup>27</sup> committed to what they saw as the reform and revitalisation of the labour movement. Nevertheless, the Movement's strategy of deliberately seeking to polarise internal union affairs by targeting left-wing ALP members as well as communists<sup>28</sup> added much to the poisoned and embittered atmosphere within a great many Australian unions at the time, including the TWU. By 1954 the Groups and their supporters had alienated many in both the political and industrial wings of the labour movement, where growing numbers felt their own positions under threat from the power of the Groups. Increasing disquiet as to the activities of the Groups culminated in their being effectively disbanded by the ALP Federal Conference held in Hobart during March 1955, with their remaining supporters being subsequently driven out of the party.<sup>29</sup>

Throughout the 1940s and early 1950s the battles between communists and anti-communist 'groupers', and then between 'groupers' and traditional Labor supporters, was to overshadow the need for the TWU to reappraise the effectiveness of its traditional arbitration-oriented strategy in dealing with new developments in road transport. While owner-drivers remained in most instances beyond the scope of any award, even the industrial advancement of the union's wage-earning members depended on the TWU's ability to drive a wedge between hire and reward carriers, who were often prepared to engage in collective bargaining and offer

25 The inaugural copy of B.A. Santamaria's *Freedom* (later *Newsweekly*) published a twenty-point programme for social reform which included calls for public control of monopolies and credit, and dedicated itself to "social reconstruction based on the inspiration of Christianity". See *Freedom*, 25 September 1943. Also Murray, *op.cit.*, pp.55-56.

26 Murray, *op.cit.*, pp.124-6.

27 *Interview with Stan Tapper*, CPA activist in the TWU (Q'ld. Branch) during the 1950s.

28 Santamaria, *op.cit.*, p.98.

29 In theory the resolution passed at the Hobart conference did not disband the Groups but merely withdrew official ALP recognition. In practice it amounted to the same thing. The resolution passed is reproduced in Kane, *op.cit.*, p.66-7.

enhanced working conditions, and ancillary operators, who were not. Yet any attempt to shift the weight of the union's industrial orientation towards a greater emphasis on industrial militancy and collective bargaining was liable to involve it in a political and industrial maelstrom, winning it the approbation of governments, arbitration courts and Industrial Groups alike.

## 2: THE DEVELOPMENT OF ROAD TRANSPORT 1939-1956

During the 1920s and 1930s road transport had witnessed remarkable technological advances, expanding dramatically in the process. Despite this growth, Australia's state and federal governments continued to regard sea and rail links as the nation's prime transport modes, actively discouraging road transport operators from competing for long-distance transport contracts. With the commencement of the Pacific War in December 1941 such restraints were no longer feasible. Australia's road transport industry soon found itself straining to the limit of its resources to fill the deficiencies left by overburdened rail and sea services. Employers in the industry were rapidly confronted with acute labour shortages, with drivers being called upon to work up to eighteen hours per day to maintain the flow of materials needed for war-time production.<sup>30</sup> It was soon recognised by such employers that labour shortages had undermined their industrial bargaining power, with the industry's main journal, *Truck and Bus Transportation*, observing that "the employee is now in a position to dictate to the boss."<sup>31</sup>

The enhanced bargaining power of their employees forced employers in the industry to reconsider their industrial relations strategy, previously premised on a continued oversupply of drivers. On 14 February 1944 the central body for the organisation of employers in road transport, the Federal Council of the MCA, dissolved itself, being replaced by the Australian

30 Butlin and Schedvin, *op.cit.*, p.274. Also *TWU (Brisbane Sub-Branch Executive) Minutes*, 17 January 1942.

31 *Truck and Bus Transportation*, Vol.7, No.8 (July 1943), p.4.

Road Transport Federation (ARTF).<sup>32</sup> The new body issued a declaration which committed it to providing "the best possible conditions of employment for those engaged . . . , envisaging as a part of such a policy a clear recognition of the place of industrial unions of employees in the structure of industry."<sup>33</sup>

The industrial position of the TWU was also abetted by the creation from July 1942 of government-supervised War Transport Pools in all the mainland capitals, as well as in a number of provincial centres, temporarily abolishing the largely unregulated competition within the industry.<sup>34</sup> Although the Pools did not long survive the war's end, they and a number of other war-time organisations—such as the Allied Works' Service—seem to have been responsible for engendering a more collective consciousness amongst owner-drivers that survived the war's end. Significantly, as the war continued, two branches, Queensland and New South Wales, were able to make the TWU's first serious inroads into the ranks of owner-drivers.

### **The Challenge: Towards an Integrated Industry**

If war-time changes in road transport held a number of short-term benefits for the TWU, longer-term developments in the industry posed a significant challenge to the union. Since the victory of the railways over the horse and bullock teams in the 1880s, the development of integrated state-wide drivers' unions, let alone a federal union, had been hindered by the fragmentation of the industry into a multitude of short-haul operations, which left drivers in one locality with little contact or sense of community with drivers in another. The Australian economy as a whole, hindered by the lack of a rapid land-based transit system, tended to function in practice as a collection of self-sufficient islands.<sup>35</sup> This situation, prolonged by the use of regulatory restrictions on road transport during the 1930s, acted to

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32 *Ibid.*, Vol.8, No.4, pp.43-44.

33 Cited *ibid.*, Vol.8, No.5(May 1944), pp.22-23.

34 The first pool came into existence in Sydney during July 1942 under *Operating Plan No.1*, (21 July 1942). (Original copy held by the NSWRTA, Sydney). The largest pools were in Sydney, with 1,790 vehicles, and Melbourne, with 1,510 vehicles. See Butlin and Shedvin, *op.cit.*, p.277.

35 P.J. Rimmer, "Freight Forwarding: Changes in Structure, Conduct and Performance", in K.A. Tucker (ed.), *The Economics of the Australian Service Sector*, (Croom Helm, London, 1977), p.171.

confine the TWU prior to 1939 to its base amongst urban drivers from which it had sprung in the first decade of the century.

During the war this situation began to change significantly, with the process accelerating after 1945. With the return to peace-time conditions the railways battled to defend their previous pre-eminent position in land transport. Between 1945 and 1955-56 the number of commercial vehicles in Australia rose from 290,961 to 678,857, with 250,630 of the latter being lorries or trucks.<sup>36</sup> Such was the expansion of Australia's stock of commercial vehicles that between 1946 and 1955 some £457 million was spent on the purchase of commercial vehicles, compared with £259.5 million spent on capital works by Australia's railways,<sup>37</sup> helping to make Australia's trucking industry the sixth largest in the world in 1958.

### Technological and Organisational Change

In seeking to explain this dramatic growth in road transport most commentators have stressed the importance of the running down of rail services, the temporary lifting of restrictions on road transport during a number of rail strikes during the late 1940s, and the entry into the industry of up to 30,000 ex-servicemen driving war-surplus vehicles.<sup>38</sup> While all these factors were important, of at least as equal importance was the adoption of new advanced techniques and equipment within the industry.

By the late 1940s the most successful Australian transport firms were those such as Colliers' Interstate Transport, Antill Rangers, and Ansett/Pioneer, whose founders consciously set out to apply American road transport techniques in Australia.<sup>39</sup> In freight transportation the most important developments were the replacement of hand-loading by the combined use of

36 *Commonwealth Year Books*, No.376 (1946/47) p.176 and No.44 (1958), pp.411-15.

37 "Report of the Committee of Transport Economics Research-Australian Transport Advisory Council, 30 September 1956", cited in LDRTA, *The Case for the Trucking Industry*, (Sydney, 1958), unpagged.

38 See, for example, G. Wotherspoon, "An Historical Review of Rail Freight and Road Freight in New South Wales: Some Aspects of their Development, Competition and Regulation," a Submission to *The NSW Road Freight Industry Inquiry*, (Sydney, 1980), Vol.III, 91-92. Also Rimmer, *op.cit.*, pp.171-2. Also Bureau of Transport Economics, *Review of the Australian Road Transport Industry*, (AGPS, Canberra, 1984), p.1. Also Susan Wheeler, *Surface Freight Transport in Australian* (Productivity Promotion Council of Australia, Melbourne, 1977), p.3.

39 *Truck and Bus Transportation*, Vol.13, No.4 (April 1949), pp.26-7 and Vol.7, No.6 (June 1943) pp.4-13.

fork-lifts and pallets, the use of mobile cranes to aid loading and unloading at wharves and railway yards, and the arrival from 1947 onwards of a new generation of lorries and articulated vehicles from Britain and the United States. Following a visit to the United States during 1948, James Collier of Colliers' Transport was to pioneer a number of services that were to be copied by other large operators, including the use of light vans for the day-time pick-up of goods to provide loadings for the night-time dispatch of large semi-trailers on interstate runs.<sup>40</sup> Other services pioneered by Colliers' included the provision of rest depots for crews on interstate routes, the use of specialised bulk tankers and refrigerated transports, and the creation of a fleet of trucks for the delivery of ready-mix concrete.<sup>41</sup>

Despite the rapid post-war expansion of long-distance and interstate road transport through the entry of large numbers of owner-drivers using war-surplus equipment, most owner-drivers soon found themselves disadvantaged by comparison with the larger operators through their inability to secure guaranteed back-loading at profitable rates, the key to success in interstate haulage. Observers were soon commenting on the "transient nature of the business. Lured by big profits then disillusioned by hard experience, men with second-hand vehicles of doubtful safety enter and leave the business with regularity."<sup>42</sup>

The domination of the large operators in long-distance transport was confirmed following the re-equipment of the rail system by 1952, leading to improved rail schedules and the more stringent application of road taxes as state governments sought to redirect freight traffic to the rail system.<sup>43</sup> While small operators found it difficult to survive, a number of larger concerns—such as Thomas Nationwide Transport (TNT), F.H. Stephens, and Young's Transport—were able to establish themselves as freight-forwarders, negotiating the Forwarding Agents Scheme with the railways. Under this agreement the freight-forwarders obtained the use of rail vans at discounted rates, to offer three day door-to-door services between Melbourne and Sydney and Sydney and Brisbane.<sup>44</sup>

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40 *Ibid.*, Vol.13, No.6, (June 1949) pp.25ff.

41 *Ibid.*

42 *Ibid.*, Vol.11, No.7, (July 1947) p.105.

43 *Ibid.*, Vol.17, No.1 (January 1953) pp.25ff.

44 *Ibid.*

The partnership between the freight-forwarders and the railways increased the competitive pressures on small and medium-sized transport firms, pressures that were exacerbated after the total deregulation of interstate transport in 1954 following a ruling by the Privy Council that the previous regulation of the industry was invalid under Section 92 of the Constitution.<sup>45</sup> The ultimate effect of these competitive pressures was to polarise the road transport industry into a relatively small number of freight-forwarders providing a wide range of services—heavy haulage, refrigerated and insulated transport, car carrying, furniture removal, overnight express services, dry and liquid cartage, and armoured car services—surrounded by a large number of marginal operators, most of whom were owner-drivers. These smaller operators often found themselves forced to become sub-contractors to the larger concerns.

### **The Implications for the TWU**

The growth in road transport between 1939 and 1956 offered the TWU major opportunities. But the realisation of these opportunities was fraught with difficulties. While the economy had moved into a situation of full employment by 1945, the entry into the industry of large numbers of owner-drivers gave employers the option of substituting owner-drivers working on a contractual basis for employee drivers. To complicate matters coverage of owner-drivers remained beyond the scope of the TWU's federal constitution.

During the 1930s the United States Teamsters had successfully responded to similar developments after undertaking major organisational reforms, with Teamster organisers establishing separate owner-driver sections, actively organising long-distance drivers and forming rank and file yard committees. For the radical Teamsters who pioneered these reforms organisational change was not seen, however, as an end in itself but rather as a mere pre-condition for the winning of substantial industrial gains through collective bargaining backed by industrial action.

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45 The case of "Hughes and Vale Pty.Ltd. v. The State of New South Wales and Others". See 93 *CLR* p.1ff. Section 92 stipulates that "trade, commerce and intercourse" between the states shall be "absolutely free".

In Australia after 1939 many of the organisational techniques used by the Teamsters were reproduced, apparently as an independent response to similar problems. Yet despite the fact that these reforms were initiated by communist-dominated 'progressives', no sustained attempt was made to steer the union away from its narrow reliance on an arbitration-oriented strategy. In consequence, although organisational reform resulted in an expansion of the TWU's membership, the union failed to reproduce the industrial successes of the American Teamsters.

### 3: THE RISE OF THE 'PROGRESSIVES'

#### Continuing Inertia

The TWU's initial response to the onset of World War II was marked by the same inertia that had come to characterise its performance during the 1930s. So incapable was the TWU of reacting to the changed industrial and political conditions that in January 1942, over two years after the war's onset, one official was forced to admit that "the organisation has not yet determined its war policy."<sup>46</sup>

The same ineptitude also characterised the federal TWU's performance before the Commonwealth Arbitration Court. Although in September 1941 members under federal awards in South Australia and Victoria were granted a three shilling war loading, this seems to have been despite rather than because of the quality of the union's case, with Chief Justice Piper warning: "I point out to the union for its future guidance that the Court requires something more than evidence which is second hand or even more remote."<sup>47</sup>

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46 B. Hough to Queensland Board of Control. See *TWU (Q'ld Branch) Board of Control Minutes*, 27 January 1942.

47 45 *CAR* p.644. Tasmanian members did not receive the war loading until July 1945. See 55 *CAR* p.380-381.



The immediate cause of the TWU's problems was the continued paralysis of the federal office under Bob Cheney. By the early 1940s Cheney was a sick and decrepit figure, forced to defend his inaction by declaring to Federal Council that he was "even now far from well."<sup>48</sup> Despite his ill-health Cheney clung to power, apparently driven by financial circumstances,<sup>49</sup> but perhaps also by a desire to keep the seat warm for his son, Bill Cheney, an organiser and rising force in the Victorian Branch.

On 15 July 1943 Cheney collapsed in his office and never again actively returned to work. Nevertheless, so tenacious was his grip on the position that it was only on 1 April 1944 that he finally submitted his resignation, being eventually prised out of office by the lure of a three pound per week pension for life.<sup>50</sup> A final victory for Cheney was to come a few days after his resignation when Federal Council elected Bill Cheney as Federal Assistant-Secretary, only one step from his father's former position.<sup>51</sup> The younger Cheney was to find unexpected obstacles to his succession, however, and it was not until 1956 that the leadership of the TWU eventually returned to the Cheney family.

The departure of Bob Cheney was an indication of the gradual disintegration of the 'old guard' laborist leadership that had led the union since 1912. Partly this disintegration was simply a reflection of the age of the leadership, with Cheney's successor as Federal Secretary, William 'Bill' Turner, being only four years younger than Cheney. Having declared prior to his election that "he could not start learning Federal Court work at his age",<sup>52</sup> Turner was to have little impact on the union's direction before his death in November 1947.

If age was an element in the declining influence of the TWU's 'old guard' a more decisive factor was the emergence of new left-wing 'progressive' factions exploiting membership dissatisfactions with the past performance of the TWU. By the time of Cheney's resignation 'progressives' had already won office in New South Wales and Brisbane, seeking a more active approach to industrial problems. Yet despite being overshadowed by first the

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48 *TWU (Federal Council) Minutes*, April 1940, p.2 (ANUABL, Z181/Box 103).

49 On Cheney's retirement his close colleague, O. Nilsson, noted "that Cheney has always been a liberal spender". See *TWU (Federal Council) Minutes*, 3-19 April 1944, p.39. (ANUABL, Z181/Box 104).

50 *Letter of Resignation by Bob Cheney*, 1 April 1944, attached to *TWU (Federal Council) Minutes*, 3-19 April 1944.

51 *TWU (Federal Council) Minutes*, 3-19 April 1944, pp.43-4.

52 *Ibid.*, 10-21 March 1941, p.20.

'progressives' and then by a new generation of right-wing activists associated with the Movement or the Industrial Groups, the TWU's 'old guard' was hardly a spent force during the 1940s and 1950s. Containing younger officials such as Bill Cheney it was able to use its entrenched power to maintain control over the Western Australian, Queensland and South Australian Branches, allowing it to recapture the federal leadership of the union in 1956 when factional battles left the union internally exhausted.

### **The 'Progressives'**

The highly-organised 'progressive' factions which emerged to challenge the incumbent TWU leaderships in Queensland, New South Wales and Victoria during the early 1940s contained a variety of left-wing activists, as their chosen title suggested, but their core membership was communist. While the Communist Party publicly supported the TWU 'progressives' a decision seems to have been made to place non-communists in the leadership of these factions, apparently fearing that a blatantly communist ticket would not succeed in a right-wing union such as the TWU.

Organisationally the impact of the 'progressives' was to be immense, representing a turning point in the history of the union, with branches under 'progressive' control seeking to recruit owner-drivers, establish a network of yard delegates, and use teams of organisers equipped with union-owned motor cars to build support for the TWU in country areas. Although the progressives were defeated during 1945-46 the organisational techniques that they pioneered were adopted by their right-wing opponents, leaving the union better equipped organisationally despite a change in political direction.

If the 'progressives' were to have a major role in shaping the organisational structure of the TWU they failed to seriously challenge the TWU's arbitration-oriented approach to industrial problems. Following the entry of the USSR into the war in June 1941 the communists joined their traditional factional enemies within the TWU in advocating full support

for the war effort and the avoidance of industrial disruption.<sup>53</sup> Instead the 'progressives' concentrated on the need for organisational change to distinguish themselves from their political opponents, rather than challenging the union's reliance on arbitration.

### Reform in Queensland—A Failed Attempt

The largest branch in 1939, with almost one-third of the TWU's national membership, the Queensland Branch was also the first to see the emergence of a 'progressive' faction which was committed to organisational reform. Even before the outbreak of war the long established domination of the branch by State Secretary, Alf Milton, and Brisbane organiser, Bernie Hough, was under threat from a 'progressive' faction led by Edward 'Ed' Brady, a left-wing ALP member, but dominated by communists, the most notable of whom were Ted Combey and M. Crowe.<sup>54</sup>

Throughout the first three years of the war the entrenched branch leadership was to hold the 'progressives' at bay, with the strongly anti-communist T. Rasey occupying the Presidency of the Brisbane Sub-Branch. By December 1942, however, Brady had defeated Rasey as Sub-Branch President, with Crowe winning election as Vice-President.<sup>55</sup> Once established in the Brisbane Sub-Branch, the 'progressives' attempted to secure a thorough going organisational reform of the Queensland Branch, advocating the election of officials by ballots of the financial membership,<sup>56</sup> the appointment of an additional organiser to co-ordinate a system of yard delegates,<sup>57</sup> and the recruitment of owner-drivers.

Disgust at the domination of the Brisbane War Transport Pool by master carriers, with one member declaring "the Pool was a master carriers' outfit"<sup>58</sup>, seems to have contributed to the success of the policy of owner-driver recruitment. By February 1946 one official of the

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53 See *Tribune*, 5 August 1942, where a TWU Shop Committee announces its aim "are 100 per cent war effort." Significantly, this Shop Committee was headed by Barney Platt, soon to elected NSW Branch Secretary on a 'progressive ticket'.

54 *TWU (Q'ld Branch) State Conference Minutes*, August 1939, pp.40-50.

55 *TWU (Brisbane Sub-Branch Executive) Minutes*, 10 December 1942.

56 *Ibid.*, 19 February 1944.

57 *Ibid.*, 3 November 1944.

58 *Ibid.*, 16 June 1944.

union was claiming 1,200 members for the owner-driver section in Queensland.<sup>59</sup> A significant feature of the recruitment of owner-drivers into the Queensland Branch was the tendency of at least their most articulate representatives to support the cause of communism within the branch, with N. Hoffman, an owner-driver elected to the Brisbane Sub-Branch Executive, declaring in June 1944: "The future belongs to the working class. This is a class struggle and owner drivers must be shown their class interests."<sup>60</sup>

Despite some success in their recruitment of owner-drivers, the reform programme of the 'progressives' was frustrated by the fact that although Brady and his supporters controlled the Brisbane Sub-Branch, their factional rivals continued to dominate the branch's main governing body, the Board of Control. Although the Brisbane Sub-Branch in 1944 contained 2,692 of the Queensland TWU's 4,000 members,<sup>61</sup> the smaller country sub-branches were guaranteed a majority of the positions on the Board of Control.<sup>62</sup> With full-time positions within the Queensland Branch being elected by the Board of Control, and with the country sub-branches remaining strongly anti-communist, there was little chance of the Brady-led faction winning control of the Queensland Branch.

In the end the reform programme of the Brady-led 'progressives' was to have only a limited impact in the Brisbane area, and virtually none outside it. Committed to a passive arbitration-oriented strategy, the subsequent performance of the Queensland Branch was to be disappointing, effective membership growing from 4,120 in 1940 to only 4,816 in 1947. Industrially the branch also lagged behind, being condemned by other branches for retarding the progress of the TWU elsewhere through its acceptance of the lowest-margin rate of any TWU branch.<sup>63</sup> While the Brisbane Sub-Branch still considered itself to be "in the vanguard

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59 The estimate of 1,200 was made by the TWU's South Australian Secretary, W.A. Simons to *Truck and Bus Transportation*, Vol.12, No.2 (February 1946). The relatively slow growth in total membership in the Queensland TWU during these years suggests that the branch never recruited more than a few hundred owner-drivers.

60 *TWU (Brisbane Sub-Branch Executive) Minutes*, 16 June 1944.

61 *Ibid.*, 2 June 1944.

62 "Officers of the Queensland Board of Control, 1940 and 1941", *TWU (Q'ld. Branch) Board of Control Minutes*, (September 1940-January 1944) Coverpage.

63 See comments by O. Nilsson, WA Branch Secretary in *TWU (Q'ld. Branch) Board of Control Minutes*, 23 July 1948.

... with regard to the progress of the Organisation"<sup>64</sup> throughout 1944, in fact this was no longer the case, with the primary impetus for reform coming instead from the NSW Branch.

### New South Wales—A Successful Reform Programme

In July 1942 the Communist Party newspaper, *Tribune*, gleefully announced the success of a 'progressive' ticket in an election for a number of positions within the New South Wales Branch of the TWU.<sup>65</sup> The main beneficiary of the 'progressive' victory was A.G. 'Barney' Platt, who was elected Branch President. The incumbent leadership of the branch, already weakened by the departure of long-term Secretary, Alf Birkinshaw, in June 1942 for a government position, found itself struggling to limit further gains by the 'progressives'. Despite the promises of Birkinshaw's successor, T.E. Gilbert, to carry out a programme of reform, including the completion of an amalgamation with the Newcastle Trolley and Draymen's Union,<sup>66</sup> the 'progressives' rapidly advanced their control over the branch during late 1942 and early 1943. Platt replaced Gilbert as provisional Secretary towards the end of 1942,<sup>67</sup> quickly completing the long-delayed amalgamation with the Newcastle union; a merger which strengthened the factional position of the 'progressives', with the President of the Newcastle body, Frank Ticehurst, being a prominent communist.<sup>68</sup>

The amalgamation with Newcastle allowed Platt and his supporters to draw up a new set of rules at a State Conference held in January 1943,<sup>69</sup> with the governing body of the branch becoming a State Council. Also provided for in the new rules was a biennial postal ballot for the election of all official positions. The first election under the new rules was held in

64 *TWU (Brisbane Sub-Branch Executive) Minutes*, 23 June 1944.

65 *Tribune*, 29 July 1942.

66 "NSW Branch Report to Federal Council", in *TWU (Federal Council) Minutes*, 7-16 October 1942 (ANUABL, Z181/Box 103), pp.16-17.

67 Bray and Rimmer, *op.cit.*, p.140 state that Platt was elected as provisional Secretary in July 1942, failing to mention Gilbert's role. This does not accord with Gilbert's attending the TWU's Federal Council in October 1942 as NSW Secretary, or with correspondence tabled at the Queensland Branch's Board of Control in November 1942 from Gilbert as NSW Secretary. See *TWU (Q'ld. Branch) Board of Control Minutes*, 16 November 1942. However, by the beginning of 1943 Platt was certainly in the leadership of the NSW Branch. See *Rough NSW Minutes*, (ANUABL, T29/14), 1 February 1943.

68 *Tribune*, 28 April 1943.

69 *Ibid.*, 20 January 1943.

April 1943, with the 'progressives' sweeping most positions within the branch and Platt's occupation of the Secretary's office being confirmed.<sup>70</sup>

The position of the 'progressives' within the NSW Branch was further strengthened, at least in the short-term, by two additional mergers between 1942 and 1944 which were to give the branch a ready-made base amongst owner-drivers and taxi-drivers. The first of these came during 1942 when the NSW Taxi-drivers' Association dissolved itself to operate as a separate section within the TWU; a course which was duplicated when the Owner Motor Lorry Drivers' Association (OMLDA) merged with the NSW Branch in May 1944.<sup>71</sup> This latter body's decision to merge with the TWU seems to have been influenced by amendments to the NSW Industrial Arbitration Act during 1943. These amendments sought to "deem" as employees "persons plying for hire or reward in the delivery of goods with any vehicle or vessel the use of which is obtained under a contract of bailment."<sup>72</sup> In speaking to the TWU's Federal Council the OMLDA's former Secretary, F. Watson, identified the passage of this legislation as the major attraction for TWU membership amongst owner-drivers, declaring: "As an owner-driver for 20 years he recognised that this section was among the most backward industrially of all workers. These men had not had a fair go and the amendment of the NSW Arbitration Act gives an opportunity for the union to do something for them".<sup>73</sup> Significantly for the TWU's factional balance both Watson and J. Doyle, the Secretary of the Taxi-Drivers' Association, were—as in the case of the most articulate owner-drivers in Brisbane—either communists or close communist supporters.<sup>74</sup>

Buttressed by the amalgamations with the Newcastle Trolley and Draymen's Union, the Taxi-Drivers' Association, and the OMLDA, Platt undertook an aggressive organising campaign between 1943 and 1945, aimed at expanding the branch's strength amongst country drivers, owner-drivers, and in the field of work place organisation. By March 1945 the NSW

70 *Ibid*, 26 May 1943.

71 Bray and Rimmer, *op.cit.*, pp.146-7. Also Mark Bray, *Contract Labour and Industrial Regulation: Owner-Drivers in New South Wales Road Transport*, (Ph.D. Thesis, University of New South Wales, 1989) pp.176-7.

72 *NSW Industrial Arbitration (Amendment) Act* (1943), Section 2 (a)(iii). Also see Bray, *Contract Labour and Industrial Regulation*, pp.208-10.

73 *TWU (Federal Council) Minutes*, 12-22 March 1945 (ANUABLM, Z181/Box 104), p.22.

74 Watson and Doyle were to be among the main targets of anti-communist groups within the NSW Branch during late 1945. See pamphlet entitled, *Facts that should be known to members of the Transport Workers' Union* (ANUABL, E103/44).

Branch had nine full-time officials and a fleet of eight modern cars to attend to this organising work, resulting in the formation of a system of yard delegates in 210 work-places.<sup>75</sup>

Throughout 1945 recruitment of new members, whether wage-earners or owner-drivers, was aided by changes to the branch's state awards. Changes to the state parent award in May and September 1945 lifted the base margin paid to NSW drivers to twenty-three shillings,<sup>76</sup> compared to the fourteen shillings received under the equivalent classification in the TWU's federal award.<sup>77</sup> In September 1945 the NSW Industrial Court also inserted a clause in the branch's parent award to regulate rates and employment conditions for owner-drivers for the first time,<sup>78</sup> although these clauses proved to be of limited effectiveness, being subsequently undermined by legal challenges. Nevertheless, these award variations acted to consolidate support for arbitration within the NSW Branch, with the organisational changes undertaken by the communist-dominated 'progressives' building on and improving an arbitration-oriented strategy rather than becoming a means for challenging it.

### **The 'Progressive' Model: The Federal Reaction**

The performance of the 'progressive'-led NSW Branch stood out like a beacon against the generally lack-lustre performance of the other TWU branches during the Second World War. While the TWU's national strength rose from 12,089 in 1939 to 17,754 in March 1945, 4,304 of this increase came from New South Wales,<sup>79</sup> making the NSW Branch the largest in the Federation. In this context the emulation of the successful 'progressive' model recommended itself to even the more conservative sections of the TWU's Federal Council, while Platt actively sought the reorganisation of the federal TWU following his election as Federal President in March 1945.<sup>80</sup>

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75 "NSW Branch Report to Federal Council, March 1945", p.2, attached to *TWU (Federal Council) Minutes*, 12-22 March 1945. (ANUABL, Z181/Box 104).

76 44 *NSWAR*, pp.178-190.

77 As varied 22 December 1944. See 54 *CAR* pp.125ff, at p.139.

78 79 *NSWIG*, pp.447ff.

79 Branch Reports to Federal Council.

80 *TWU (Federal Council) Minutes*, 12-22 March 1945, p.43.

-At the TWU's Federal Council meeting in March 1945 Platt launched a devastating broadside against the internal administration and industrial performance of the TWU, declaring: "In the opinion of NSW this union is not a unified body. In some states . . . they had become hide-bound and were not moving with the times. The whole machinery needed overhauling."<sup>81</sup>

To overcome this problem the NSW Branch proposed the holding of a special Federal Conference of the union which would undertake a major reform of the TWU's internal structure, with the aim of establishing "a progressive and vigorous organisation, centrally controlled and administered, actively guiding and assisting the branches."<sup>82</sup> The proposal was regarded with considerable suspicion by the union's 'old guard', particularly in Western Australia and Queensland. The WA Secretary declared that reforms were "unnecessary",<sup>83</sup> while the Queensland attitude was summed up later in the year when one official told the Branch's State Conference that "if we give . . . power to the Federal people we are going to have a smack in the neck."<sup>84</sup> Nevertheless, the Federal Council was persuaded to endorse the holding of a Special Council meeting, subsequently held in Melbourne from 30 April 1945.<sup>85</sup>

### A 'Progressive' Victory in Victoria

The most important and enduring effect of the Special Federal Council was its decision to intervene in the affairs of the Victorian Branch, seeking to build a state-wide organisation by transferring authority from the Melbourne Sub-Branch to the Victorian Branch, a body which had previously enjoyed only a symbolic existence.<sup>86</sup> This issue was a pressing one for the NSW Branch in particular, with Platt explaining to the Melbourne Sub-Branch: "New South Wales had reorganised right down to the border, but on the Victorian side of the border no organising had been done, due to the peculiar nature of the Victorian Branch."<sup>87</sup>

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81 *TWU (Federal Council) Minutes*, 12-22 March 1945, p.28.

82 *Ibid.*

83 *Ibid.*, p.29.

84 *TWU (Qld. Branch) State Conference Minutes*, 13 August 1945, p.3.

85 *TWU (Federal Council) Minutes*, 12-22 March 1945, pp.28-34.

86 *Ibid.*, p.5.

87 *TWU (Melbourne Sub-Branch General Meeting) Minutes*, (ANUABL, E103/55/3), 2 May 1945.



In a series of meetings with the members and officials of the Melbourne Sub-Branch the federal officials found strong support for intervention, with state officials declaring that the coverage of drivers outside Melbourne had largely fallen to the AWU.<sup>88</sup> A State Conference was set for June 1945 to formalise the transfer of authority to the Victorian Branch, while provision was made for the establishment of shop committees in every yard. It was decided that these latter bodies would become responsible for the collection of dues, thus freeing organisers from much of their routine work.<sup>89</sup>

As the process of reform continued in Victoria a communist-dominated 'progressive' faction was able to exploit the situation by winning the vote for a new leadership for the Victorian Branch at the State Conference held on 14 June.<sup>90</sup> The strategy followed in the election of this leadership closely followed that used in the 'progressive' tickets in New South Wales and Brisbane, where non-communists Platt and Brady headed communist-dominated teams. In Victoria it was to be the non-communist, T.J. 'Tom' Doyle who was elected as Secretary/Treasurer, while communists held the positions of President, Vice-President and Assistant-Secretary.<sup>91</sup>

The victory of the Doyle-led 'progressives' in Victoria meant that communist-dominated leaderships had won control of the Victorian and New South Wales Branches as well as of the large Brisbane Sub-Branch. This base, which encompassed the bulk of the TWU's membership, should have ensured them control of the post-war direction of the union. This was, however, not to be the case.

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88 *Ibid.*

89 *TWU (Melbourne Sub-Branch General Meeting) Minutes*, 16 May 1945.

90 "Victorian Branch Report to Federal Council, March 1946", p.4, attached to *TWU (Federal Council) Minutes*, 11-29 March 1946 (ANUABL Z181/Box 104).

91 *Ibid.*

#### 4: A BATTLE FOR CONTROL 1945-1948

Although it was perhaps inevitable that the growing communist influence within the TWU would ultimately provoke a right-wing counter-attack, with the Movement having organised its own TWU Group within the Victorian Branch by mid-1945,<sup>92</sup> the ultimate demise of the 'progressives' also reflected their own failure to address the central strategic problem facing the union—the need to strike a balance between collective bargaining supported by industrial action and an arbitration-oriented strategy.

During the war 'progressive' support for an enhanced war effort had helped contain the development of any industrial militancy within the road transport industry. Employers were not unappreciative, with one major employer in Brisbane—an area of strong communist influence—noting in 1944:

Tribute must be made to the loyalty and co-operation by the officials and members of the Transport Workers' Union of Australia. Not one minute has been lost in Brisbane due to industrial disputes since the Pacific war commenced.<sup>93</sup>

By early 1945, however, the 'progressives' could no longer sweep the question of industrial strategy under the carpet by concentrating on issues of organisational reform with a number of industrial disputes occurring amongst road transport workers in Western Australia and New South Wales reflecting growing rank-and-file dissatisfaction with long war-time hours of work. These disputes owed little to communist or 'progressive' influence, with longest dispute in the industry during 1945—an eighteen week ban on Saturday work—occurring in Western Australia, where progressive influence was non-existent.<sup>94</sup> Nevertheless, by late 1945 a number of anti-communist groups were circulating leaflets within the NSW Branch blaming communist manipulation for bans placed on printing houses to aid the campaign for a forty-hour week for drivers employed in the delivery of newspaper.<sup>95</sup> A

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92 Interview with B.A. Santamaria, op.cit.

93 G. Nelson King, "Letter to the Editor, 16 May 1944", in *Truck and Bus Transportation*, Vol.8, No.5, (May 1944), p.56.

94 *Westralian Worker*, 8 June 1945.

95 See leaflet by "United Servicemen" (ANUABL, E103/44).

leading anti-communist TWU activist of the time, Jack Kane, later recalled: "more than anything else, what motivated ALP members to take up arms . . . against the Communists in the trade unions were wild-cat strikes which plagued the eastern States in the mid-forties."<sup>96</sup>

Under assault from anti-communist activists, the 'progressives' previous failure to win support for a defined, militant alternative to the arbitration-oriented strategy of their opponents left them rudderless and often divided. The placement of non-communists in the leadership of the 'progressives' meant that they lacked the cohesion to rapidly shift from being opponents to advocates of industrial militancy, with a damaging split soon emerging between Barney Platt and his former communist allies in New South Wales. It was in Victoria, however, that the communists were to first lose their battle for control of the TWU.

### **J.P. Horan and the Movement**

The key figure responsible for the defeat of the 'progressives' in Victoria was to be J.P. 'Jack' Horan, a large, heavily-built man of immense talent elected as an organiser only the previous year. Immediately following the election of the Doyle-led 'progressives' on 14 June 1945, Horan handed in his union belongings to the Melbourne Sub-Branch Secretary, J. Behan, declaring he "would not work with an executive controlled by communists."<sup>97</sup> Joined by another recent appointee as organiser, Gordon Hill, Horan distributed widely amongst the membership a letter calling for the overturning of the State Conference decisions at a meeting scheduled for 17 June.<sup>98</sup> Both sides mobilised for the show-down, which was won convincingly by Horan and his supporters by 110 votes to sixty-six.<sup>99</sup> The previous election of Conference delegates was declared invalid, with new ones subsequently being elected by postal ballot. A second State Conference held on 25-26 August 1945 confirmed the anti-communist victory, with Bill Cheney replacing Doyle as Secretary/Treasurer, while Horan was elected as Assistant-Secretary.<sup>100</sup>

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96 Kane, *op.cit.*, p.25.

97 "Victorian Branch Report to Federal Council, March 1946", *op.cit.*

98 *Ibid.*, pp.7-8.

99 *TWU (Melbourne Sub-Branch General Meeting) Minutes*, 27 June 1945.

100 *Ibid.*, 5 September 1945.

Following their victory, Cheney and Horan began a thorough purge of communists and their supporters. Amongst the victims was the long-serving Behan, who was removed from office after attempting to fence-sit during the factional battle, with Cheney subsequently combining the positions of Secretary for Melbourne and Victoria.<sup>101</sup> Miraculously, the leader of the communist ticket, Tom Doyle, not only survived the axe but was elected as an organiser in October 1945,<sup>102</sup> apparently owing his survival to a seventeen year old friendship with Horan.<sup>103</sup> Not for the last time in his career, Doyle was to make a rapid switch of political camps, condemning his former allies<sup>104</sup> in a move that was to mark him as one of the great survivors in the TWU's factional wars and which was to eventually lead him, once more, to the leadership of the Victorian Branch.

While Bill Cheney was elected as Secretary of the Victorian Branch it was Horan who emerged as the key power-broker. Although not himself a member of the Movement, Horan was nevertheless politically close to it, his victory in mid-1945 apparently the result of a Movement mobilisation of support.<sup>105</sup> Certainly Horan's victory helped the Movement achieve one of its major industrial objectives since its newspaper, *Freedom*, had previously identified the maintenance of a non-communist TWU as a key battle in the struggle to stop total communist domination of Australia's transport unions.<sup>106</sup>

### **New South Wales: Platt and the Defeat of the 'Progressives'**

The factional conflict that divided the Victorian Branch was soon reproduced in New South Wales, where the battle was to be waged with much greater intensity and destructive effects. By the end of 1945 the Communist Party had developed a stranglehold on the positions within the NSW Branch, with it being estimated that they and their supporters controlled fifteen out of the twenty-five positions on the branch's State Council, seven out of

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101 *Ibid.* Also J. Behan, *Letter of Resignation*, 5 September 1945. (ANUABL, E103/12).

102 *Ibid.* 3 October 1945.

103 *Ibid.* 27 June 1945.

104 *Ibid.* 9 September 1945.

105 Interview with B.A. Santamaria, *op.cit.*

106 *Freedom*, 9 October 1943, 25 December 1943.

ten salaried positions, as well as all the branch's Trustees.<sup>107</sup> Despite this strength, the communists found their positions threatened by a deterioration in their relationship with Platt. A key factor in this rupture seems to have been the virtual bankruptcy of the NSW Branch, with Platt trying to shift the responsibility to his former allies.<sup>108</sup> Even without these financial strains, however, the continuation of the war-time alliance between Platt and the Communist Party would have been unlikely. A practising Catholic, Platt was unwilling to see his union drawn into post-war industrial disputes directed by communists.

By November 1945 Platt had decided to throw in his lot with a growing number of anti-communist activists within the branch.<sup>109</sup> While allying himself with these anti-communists, Platt formed a separate, ALP sponsored Industrial Group—the ALP Road Transport Discussion Group<sup>110</sup>—which excluded from its ranks those anti-communists perceived by Platt as not being personal supporters, the most prominent of these being an owner-driver activist, Jack Kane.<sup>111</sup> As a result a factionally distinct Group emerged around Kane—the TWU Anti-Communist Group.<sup>112</sup>

In the resulting conflict between the communists and their combined Group opponents at the branch's State Council meeting in January 1946, the Group supporters were able to negate the numerical supremacy of the communists through an appeal to the NSW Industrial Registrar. In a ruling on 21 January 1946 the latter held that not only were fourteen out of the twenty-five Conference delegates invalidly elected, but that the branch itself was improperly constituted as the rules had no provisions for sub-branches on an industrial rather than a district basis.<sup>113</sup>

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107 *Sydney Morning Herald*, 26 January 1946. Also see various *Anti-Communist TWU Pamphlets*, late 1945-early 1946. (ANUABL, E103/44).

108 *TWU (Federal Council) Minutes*, 11-29 March 1946, pp.16-18.

109 The most active of these included a number of returned servicemen, the most prominent of whom were Laurie Brown, A.G. Cooper, and Jack Hargrove. See Pamphlet by these three entitled *To be or not to be a Communist-controlled Transport Workers' Union*, early 1946. (ANUABL, E103/44). Another anti-communist TWU activist, Jack Kane, was already a Movement member by the end of 1945. See Kane, *op.cit.*, p.23.

110 *Sydney Morning Herald*, 22 February 1946. Also Bray and Rimmer, *op.cit.*, p.141.

111 Murray, *op.cit.*, p.123.

112 *Sydney Morning Herald*, 22 February 1946. Also *Newsweekly*, 14 January 1948.

113 "Correspondence Platt to Turner, 24 January 1946", see *TWU (Federal Council) Minutes*, 21-29 March 1946, Addendum 3.

The improperly constituted nature of the State Branch allowed Platt to secure his ultimate victory by playing on the separate existence of the Federal Branch—a move that was to set a terrible precedent for the TWU. On 8 February 1946 the TWU's Federal Committee of Management intervened, dissolving the NSW Branch "owing to the flagrant disregard of its own state rules."<sup>114</sup> Platt was then given power to reconstitute the branch, establish a provincial council and provide direction for the branch in his role as Federal President. Bolstered by these new powers, Platt and his Group supporters scored a convincing victory over their communist opponents in an election held during August 1946.<sup>115</sup> This victory was to be followed by an even more resounding success in January 1948 when the communists lost their last remaining stronghold in the branch with the defeat of William Sherry as Newcastle Sub-Branch Secretary.<sup>116</sup>

### The Progressives Defeated

By early 1948 the victories of the right-wing factions had reduced the once powerful position of the Communist Party within the TWU to that of a marginalised rump. Only in the Brisbane Sub-Branch were the communists able to maintain a significant presence within the union, with Brady defeating the moderate E. Kelly in a ballot within the Sub-Branch for the position of organiser during February 1948; a position which had become vacant when the former organiser, Bernie Hough, replaced Alf Milton as State Secretary following the latter's death.<sup>117</sup> However, even here the incumbent leadership began to show increased firmness in dealing with Brady and his supporters, using their domination of the branch's Board of Control to overturn Brady's election as organiser<sup>118</sup> and effectively by-passing the Brisbane Sub-Branch in the subsequent formulation and implementation of Queensland Branch policy.

114 "TWU (Federal Committee of Management) Minutes, 8 February 1946", see *TWU (Federal Council) Minutes*, 21-29 March 1946, Addendum 4.

115 *Sydney Morning Herald*, 29 August 1946.

116 47 *NSWAR* (1948) pp.355-64. Also *Newsweekly*, 10 March 1948.

117 *TWU (Brisbane Sub-Branch) Minutes*, 20 February 1948 and 13 February 1948.

118 *TWU (Q'ld. Branch) Board of Control Minutes*, 1 March 1948.

## The Mechanism for Control

Although the politically moderate regimes that were secured in office in all branches by early 1948<sup>119</sup> had for the most part obtained their positions through democratic elections,<sup>120</sup> the methods used in the maintenance of that power were not always to be so democratic. These methods included the banning from office, suspension and expulsion of left-wing critics and other opponents. Specific measures adopted included the passage of a motion by the Victorian Branch debarring from office for a three year period any official "found guilty of either working for or assisting in anyway the return of any person who is not a member of the ALP."<sup>121</sup> Although this rule was subsequently held to be invalid by the Commonwealth Industrial Registrar,<sup>122</sup> a similar rule remained on the books in the state-registered Queensland Branch.<sup>123</sup>

Following the failure of its attempts to directly debar communists and their supporters from office the Victorian Branch was forced to resort to other measures which effectively secured the same result. Any discussion of broad political issues was banned,<sup>124</sup> while an old, formerly discarded rule, outlawing canvassing for office was revived and used to disqualify communist-supported candidates.<sup>125</sup> Meanwhile the NSW Branch attempted to go a step further, voting in November 1946 to expel leading communists F. Watson, James Doyle and George Splayford, only to have the expulsions overturned on appeal to the State's Industrial Registrar.<sup>126</sup> The use of expulsions to defend the *status quo* seems to have been more successfully used in Western Australia by Oscar Nilsson during the early 1950s as his long reign entered its twilight years, although Nilsson's victims seem to have been simply

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119 Besides Platt in New South Wales, Cheney in Victoria, and Hough in Queensland, these regimes were H.T. McGee in Tasmania, W. Simons in South Australia, M.F. Macdonald in Canberra, and the long-established O. Nilsson in Western Australia.

120 The main exceptions were Tasmania and Queensland where officials were elected by either state conferences or a state council, rather than by direct, popular ballot.

121 *TWU (Melbourne Sub-Branch General Meeting)*, Minutes, 9 September 1945.

122 "Correspondence Turner to Federal Council Officers", Cited *Ibid.*, 11 November 1945.

123 It was this rule that was used to disqualify Brady as Queensland Branch organiser in 1948, even though Brady was not a communist. See *TWU (Q'ld. Branch) Board of Control Minutes*, op.cit.

124 *TWU (Victorian Branch) State Council Minutes*, 21-22 February 1948. (These and all other Victorian Branch Minutes after late 1945 are held by the TWU (Victorian Branch). They are uncatalogued).

125 *TWU (Victorian Branch) Committee of Management Minutes*, 25 September 1945.

126 "Watson and Others v The NSW Branch of the TWU", in 45 *NSWAR* pp.802-13.

perceived as rivals rather than as political dissidents.<sup>127</sup> In their efforts to secure the 'numbers' at TWU meetings it also appears that the incumbent leaderships in some branches occasionally collaborated with employers to have them truck in numbers of their employees.<sup>128</sup>

Throughout their campaign against perceived communist supporters within the TWU, the branch leaderships in New South Wales, Victoria and Queensland could normally count on the support of the ALP's Industrial Group organisations, even though no formal Groups were established in the Victorian and Queensland Branches.

In Queensland the support of the Industrial Groups was guaranteed by the fact that the branch's anti-communist former President, T. Rasey, was elected by the ALP's Labor-in-Politics Convention to the three-man Group Committee responsible for overseeing the activity of all Industrial Groups within the State.<sup>129</sup> A close working relationship soon developed between R.J. Bukowski, the Committee's Chairman and State President of the AWU, and the officials of the Queensland TWU. The TWU Branch Secretary, Bernie Hough, subsequently attended lectures at the AWU's Dunstan House headquarters on methods for blocking communist influence, and was advised that "experts" would be made available to the TWU "to discuss tactics and methods for checking and controlling communist propaganda."<sup>130</sup>

### **An Intelligence Service Connection**

One of the consequences of the moderate political stance adopted by the TWU during the late 1940s and early 1950s was that it came to be regarded as a 'safe' union by sections of Australia's intelligence services who were seeking to counter communist union power in strategic sectors of the economy. As a result the TWU was able on at least one occasion to utilise the active support of the intelligence services to advance its own geographical and industrial expansion.

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127 CARR, File 179/198, 207, 223, 227.

128 See address by A. Park, President of Tasmanian Road Transport Association, 26 March 1952, in *TWU (Federal Council) Minutes*, 17-27 March 1952 (ANUABL, Z181/Box 105), p.31.

129 Murray, *op.cit.*, p.22.

130 *TWU (Q'ld. Branch) Board of Control Minutes*, 23 October 1950.



During the late 1940s Australia saw a dramatic expansion in the amount of international air traffic between itself and the rest of the world; a process which transformed the previously insignificant Darwin airport into the major refuelling point for all aircraft entering or leaving the country. The strategic implications of this were dramatically demonstrated during the course of the 1954 Federal Election campaign when Mrs. Petrov, wife of the Russian defector Vladimir Petrov, was dragged from the arms of her Russian guards when her plane stopped at Darwin for refuelling.

Unfortunately for Australia's security services, while the TWU had since December 1947 gained coverage of airport refuellers elsewhere in Australia, in the Northern Territory such workers remained members of the communist-dominated North Australian Workers' Union (NAWU).<sup>131</sup> In January-February 1949 the TWU's Federal Secretary, J.P Horan, and its Assistant Secretary, Bill Cheney, began campaigning in Darwin for the transfer of these workers to the TWU. Cheney subsequently reported back to the TWU's Federal Committee of Management that on arrival in Darwin he had promptly contacted Lieutenant Scrivener, Naval Intelligence Officer for Darwin, to co-ordinate the union's campaign. Scrivener presented Cheney with "a dossier on all people in the territory that are worth tabbing . . . and also their politics, which is [sic] in direct opposition to the Federal Labor Government."<sup>132</sup>

The Communist Party responded to this threat to its strategic interests by seconding to Darwin one of its leading Queensland activists, Ron Brown.<sup>133</sup> Besides being a research officer for the Queensland Trades and Labour Council (QTL), Brown was also the head of the Queensland Branch of the Communist Party's internal Control Commission unit.<sup>134</sup> However, despite Brown's efforts, the NAWU subsequently lost coverage of the Territory's airline refuellers, with the Commonwealth Arbitration Court registering an industrial agreement between the TWU and employers of airport refuellers in the Northern Territory.

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131 *Newsweekly*, 26 January 1949.

132 "Assistant-Secretary's Report on Darwin Visit, 26 April 1949", attached to *TWU (Federal Committee of Management) Minutes*, April-May 1949. (ANUABL, Z181/Box 110).

133 *Newsweekly*, 27 April 1949.

134 *Interview with Jean Bowden*.

## 5: THE RIGHT ASCENDANT

The victory of the Labor right in the union's post-war factional battles directly shaped the way in which it sought to advance the interests of its members for the following decade. The identification of communist manipulation as the cause of a number of strikes undertaken by the union during 1945, particularly in New South Wales, had, as we have seen, played a major part in the initial outbreak of factional fighting within the union. The TWU leadership remained suspicious that such disputes within the industry were still largely communist inspired. Platt, for example, informed the Federal Council in 1947 that much of the industrial disputation occurring within his branch was "irresponsible" and "engineered by political bodies with a foreign outlook."<sup>135</sup>

Rejecting direct action, the TWU remained firmly committed to the advancement of its industrial interests through the mechanisms of the arbitration system. Its strategy was summed up by Bill Cheney when he declared on one occasion that "the policy of the union is for increased rates whilst the members are still working."<sup>136</sup> Employers in the industry appreciated that the industrial moderation of the TWU gave them major advantages in their competition with other transport modes. The President of the ARTF, F.H. Stevens, noted during 1953: "The industry is fortunate in that it works with a union which has never lost the original Australian outlook, and this is a big asset to the industry."<sup>137</sup>

While the TWU's renewed commitment to arbitration brought it public accolades from employers it failed to bring the union substantial industrial rewards. The failure of the federal TWU to gain any increases in award margins between December 1944 and August 1948—when it was granted an interim three shilling increase<sup>138</sup>—led to the union's federal parent award becoming once again one of the laggards of the Australian industrial relations system.

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135 "NSW Branch Report to Federal Council, March 1947", p.3, attached to *TWU (Federal Council) Minutes*, 10-21 March 1947 (ANUABL, Z181/Box 104).

136 *TWU (Victorian Branch) General Meeting Minutes*, 26 August 1947.

137 F.H. Stevens, "What does 1953 hold for the Industry?", in *Truck and Bus Transportation*, Vol.17, No.2 (February 1953) p.70.

138 65 CAR p.406.

By 1948 even senior right-wing TWU officials were declaring their federal parent award to be "antiquated"<sup>139</sup> while in 1949 the Commonwealth Arbitration Court noted that "it was abundantly clear that the margins fixed by the Transport Workers (General) Award had lagged behind . . . other comparable awards."<sup>140</sup>

Despite these expressions of concern from the Commonwealth Arbitration Court the only subsequent federal margin increases received by the TWU in this period were to occur in May 1949 and January 1955 when the union benefited from a flow-on of increases previously granted to metal trades workers. These increases lifted the margin for a driver of a twenty-five hundred weight vehicle from 24s.6d. in 1948 to thirty-six shillings in 1955.<sup>141</sup> This margin, however, compared poorly with the margin of seventy-five shillings being received by metal tradesmen in 1955, corresponding instead with that fixed for a third-class machinist.<sup>142</sup>

### **The Possibilities for Collective Bargaining and Industrial Militancy**

The poor industrial returns that stemmed from the TWU's arbitration-oriented strategy left the union's officials with an acute sense of grievance, witnessing as they did the considerable gains being won by more militant unions with striking metal workers gaining a sixteen shilling increase during early 1947.<sup>143</sup> By July 1948 the TWU's Federal Committee of Management was told that members were "seething with discontent" and "not paying their contributions because of their dissatisfaction with the present awards."<sup>144</sup> To add insult to injury members began defecting to more militant unions such as the WWF and the Builders Labourers' Federation (BLF) where award rates were higher for certain driver classifications such as crane drivers and fork-lift operators.<sup>145</sup>

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139 W. Simons, SA Branch Secretary, in "SA Branch Report to Federal Committee of Management, July 1948", p.1, attached to *TWU (Federal Committee of Management) Minutes*, July 1948. (ANUABL, Z181/Box 110).

140 65 *CAR* p.406.

141 66 *CAR* pp.985-6. Also 80 *CAR* pp.686-9.

142 80 *CAR* p.54.

143 Sheridan, *Mindful Militants*, p.177.

144 *TWU (Federal Committee of Management) Minutes*, 21 July 1948, pp.6-7.

145 *Ibid.* Also *VRTA (General Cartage Division) Minutes*, 11 June 1947, 2 August 1947 (La Trobe Library, MS 11581/Bay 105/Book 35).

Reflecting the increasingly desperate industrial position of the federal TWU, J.P. Horan unsuccessfully appealed to the Transport Employers' Committee (TEC) in March 1949 in search of concessions for drivers and other road transport workers. Horan warned:

... our members are not satisfied, and our officers find it very hard to keep them at work. We are finding many who say to us: 'See what the militant unions are getting for their members,' but we are not interested in that sort of thing . . . We want parallel wages right throughout Australia and it is going to make us very powerful. If we do not do this we are finished.<sup>146</sup>

In announcing to transport employers the intention of the TWU to continue to abstain from industrial action despite the dire position of the union Horan was accurately assessing the political and industrial conjuncture in which the right-wing TWU leadership found itself. Leaders such as Horan had come to power through their opposition to what they saw as communist attempts to undermine Australia's social order through industrial action. Throughout the late 1940s and early 1950s the TWU leadership continued to ask its membership not only to reject strike action themselves but to actively break the strikes of other workers, with the TWU ferrying non-paying passengers in a Victorian transport strike during early 1947,<sup>147</sup> breaking ranks with other unions during the 1948 Queensland rail strike,<sup>148</sup> and removing vital amounts of coal from stockpiles during the 1949 Coal strike.<sup>149</sup> For the TWU leadership to begin advocating strike action under these circumstances would involve an incalculable political and industrial risk, there being every chance that any road transport strike would get out of control and allow the revival of the 'progressive' factions that still survived in Melbourne, Sydney, Newcastle and Brisbane.

The tragedy of the situation for the TWU was that it was highly probable that a greater reliance on collective bargaining backed by industrial action would have won greater industrial gains for the federal TWU—gains that would have strengthened its support within the industry and eased the development of subsequent tensions between the federal and state branches over award differentials.

146 *Minutes of Conference of TWU and Transport Employers' Committee*, 30 March 1949 (La Trobe Library, MS 11581/Bay 105/Book 37).

147 *TWU (Victorian Branch) Committee of Management Minutes*, 6 April 1949, 13 April 1949, 27 April 1949.

148 L.F. Crisp, *Ben Chifley: A Biography* (Longmans, Melbourne, 1963) p.364.

149 *TWU (Victorian Branch) General Meeting Minutes*, 16 April 1947.

Despite rejecting the TWU's appeals for greater industrial benefits the Transport Employers' Committee was itself deeply divided on how to respond to the union's claims during the late 1940s. Master carriers, represented on the TEC by the Victorian Road Transport Association (VRTA), continually appealed to other transport employers covered by federal awards to accede to what it called the "reasonable" claims of the TWU even if this involved some collective bargaining outside arbitration.<sup>150</sup> In making these appeals the VRTA called upon ancillary transport operators to recognise that: "Our industry was losing men to other industries because of greater remuneration."<sup>151</sup> It also warned that all road transport employers had gained benefits from the TWU's leadership not being a militant one and that the time had come to reward them with sufficient industrial concessions to ensure their survival in office.<sup>152</sup>

Unfortunately for the master carriers they possessed only two votes amongst the twenty-two employers' associations represented on the TEC, despite their standing as the most significant section of the road transport industry.<sup>153</sup> Rather than winning support for their proposals they came under vehement attack from representatives of other road transport employers, with the Employers' Federation's Mr. Boykett warning: "I do hope that in the future none of us . . . will enter into any agreement with the union which will upset any other industry concerned."<sup>154</sup> Fearful that any lapse into collective bargaining would result in increases for drivers that would disturb wage relativities amongst their other employees, ancillary operators on the TEC banded together to block any concessions to the TWU outside arbitration, passing a motion in August 1948 that declared:

That in future no negotiations would be entered into with the Transport Workers' Union on wages or working conditions without first consulting the Employers' Transport Committee.<sup>155</sup>

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150 *Report of Meeting of Transport Employers' Committee, 27 August 1948* (La Trobe Library, MS 11581/Bay 105/Book 36).

151 *VRTA (General Cartage Division) Minutes, 28 June 1948.* (La Trobe Library, MS 11581/Bay 105/Book 36).

152 *Report of Meeting of Transport Employers' Committee, 27 August 1948.* Also *Minutes of Conference of TWU and Transport Employers' Committee, 30 March 1949.*

153 *VRTA (General Cartage Division) Minutes, 20 December 1954* (La Trobe Library, MS 11581/Bay 105/Book 40).

154 *Report of Meeting of Transport Employers' Committee, 27 August 1948.*

155 *Ibid.*

While the passage of this motion temporarily papered over divisions within employer ranks it is likely that any concerted campaign by the TWU directed at master carriers would have detached them from the TEC, allowing the union to win substantial increases in this sector before picking off the other twenty-one associations covered by the TEC at will. Even without any industrial pressure from the TWU master carriers were increasingly questioning the value of their alliance with other road transport employers. By December 1954 the VRTA was contemplating splitting employer ranks by striking a separate deal with the TWU for "a special industry award for Hire and Reward Carriers."<sup>156</sup> Unfortunately for the federal TWU its commitment to arbitration meant that no industrial pressure was placed on employers at this time and the opportunity was missed. In consequence a further sixteen years were to pass before a separate award was established for the hire and reward sector—an award that became the pace-setter for substantial industrial gains that would eventually spread throughout the union's awards.

Throughout the late 1940s and the early 1950s the only section of the TWU to achieve any substantial gains outside arbitration were oil tanker drivers. An elite sector of road transport, these drivers functioned as a virtually autonomous unit within an otherwise industrially conservative union,<sup>157</sup> exploiting their strong bargaining position to negotiate over-award and incremental payments that gave them effective wage margins of between 86s.6d. and 105s.9d. per week by 1955<sup>158</sup>—higher than that received by metal tradesmen. Significantly, many of the leading figures in the TWU after 1956 were to come from this section of the industry.

### Further Failures of Federal Arbitration

With the federal TWU proving incapable of achieving substantial industrial gains through its parent award the union also found itself unable to make serious advances through

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156 *VRTA (General Cartage Division) Minutes*, 20 December 1954.

157 *Interview with Ivan Hodgson*, February 1990.

158 "Federal Secretary's Report to Federal Council, 30 May 1955", p.16. Attached to *TWU (Federal Council) Minutes*, 30 May-10 June 1955 (ANUABL, Z181/Box 105).

federal arbitration in areas where it was traditionally weak or in areas of recent expansion. Amongst the most significant failures of the TWU in the field of federal arbitration was its inability to secure awards for either passenger drivers or interstate freight drivers. The TWU's failure to obtain a suitable federal passenger award<sup>159</sup> left the TWU without any award coverage for passenger drivers in Victoria, where they remained the responsibility of the MT&CA. In Queensland the TWU lost its previously shared coverage of Brisbane City Council bus drivers under state awards to the Tramways' Union,<sup>160</sup> while in 1956 the WA Branch also faced losing its seven hundred members employed by private bus companies when a state government take-over threatened to place them under a Tramways' award.<sup>161</sup> Even in New South Wales, where Platt described an award secured for omnibus drivers and conductors in 1946 as "the best award of the type in the Commonwealth",<sup>162</sup> the branch had to share coverage with the rival Motor Omnibus Employees' Association.<sup>163</sup>

One of the most significant failings of the TWU's reliance on arbitration during the 1940s and early 1950s was revealed in its handling of owner-drivers. During World War II the TWU, under the influence of the 'progressives', had embraced the task of organising these drivers with considerable enthusiasm. By February 1946 it was claimed that there were over 2,000 owner-drivers enrolled in the NSW Branch, with another 1,000 in Victoria and 1,200 in Queensland. A section for owner-drivers was also established in South Australia in May 1945 after encouragement from Platt.<sup>164</sup> Unfortunately owner-drivers, as non-employees, were not covered by the union's constitution<sup>165</sup> and remained beyond the scope of federal awards. With suitable awards or agreements also being unobtainable for owner-drivers in most states

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159 A draft passenger award was made by Blackburn during 1952 but rejected by the TWU. On 9 September 1953 the High Court issued an Order Absolute restraining Blackburn from implementing his draft award after an appeal by the TWU. See "Federal Secretary's Report to Federal Council", 10 May 1954, p.20, attached to *TWU (Federal Council) Minutes*, 12-20 May 1954. (ANUABL, Z181/Box 105).

160 "Queensland Branch Report to Federal Committee of Management, April-May 1949", p.2, attached to *TWU (Federal Committee of Management) Minutes*, April-May 1949.

161 "WA Branch Report to Federal Council, 9 September 1957", p.2, attached to *TWU (Federal Council) Minutes*, September-October 1957 (ANUABL, Z181/Box 106).

162 "NSW Branch Report to Federal Council, 11 March 1946", p.1, attached to *ibid.*, 11-29 March 1947.

163 80 *NSWIG* pp.335ff.

164 *Truck and Bus Transportation*, Vol.10, No.2 (February 1946), p.101. Also *TWU (SA Branch) Minutes*, 22 May 1945.

165 In signing up owner-drivers into the TWU the union simply argued that the driver concerned was in an employee relationship, leaving the onus on employers to prove otherwise. *Interview with Ivan Hodgson*, February 1990. Although this argument was adequate for enrolment purposes there was little chance that it would be accepted by the Commonwealth Arbitration Court as the basis for a federal award.

support for the union amongst these new recruits rapidly waned. Organisers were soon reporting difficulties in collecting dues from owner-driver members who felt the TWU was doing nothing for them.<sup>166</sup> One official summed up the situation when he declared simply: "Owner-drivers are our big problem."<sup>167</sup>

By the mid-1950s only the NSW Branch had managed to maintain a substantial following amongst owner-drivers, reflecting the fact that the 1943 amendments to the state Industrial Arbitration Act had made NSW arbitration a superior system for the application of arbitration-oriented approach to owner-drivers. Even here the TWU suffered a major reverse when the NSW Industrial Court ruled in 1948 ruled that taxi-drivers were not employees, despite the amendments to the Act, and thus not entitled to award protection.<sup>168</sup> This ruling cast doubt on the validity of the union's other awards covering owner-drivers—which were proving in any case to be of dubious value for regulating owner-drivers, being subject to widespread evasion.<sup>169</sup> Attempts by the NSW Branch to agitate for further amendments to the act were frustrated in 1953 by a successful court challenge from taxi owners.<sup>170</sup>

Despite these legal set-backs the NSW Branch could still claim 4,609 'contributing members' amongst owner-drivers in 1957, most of whom worked as contractors for public sector organisations, including the Department of Main Roads, the Department of Railways and the Metropolitan Water and Sewerage Board.<sup>171</sup> In private industry, however, the branch was to have less success, with Mark Bray observing: ". . . the TWU's attempts to [bring] . . . owner-drivers within the coverage of the arbitration system achieved gains which proved to be more apparent than real."<sup>172</sup>

The unwillingness of the TWU leadership to mobilise either owner-drivers or the union's employee members in militant campaigns to force employers to accept TWU membership for all owner-drivers and grant them regulated employment conditions, with fixed

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166 "SA Branch Report to Federal Committee of Management for the year ending 31 December 1950", attached to *TWU (Federal Council) Minutes*, April-May 1949.

167 W. Simons, in delivering "SA Branch Report to Federal Council for the year ending 31 December 1950", attached to *TWU (Federal Council) Minutes*, 2-13 April 1951 (ANUABL, Z181/Box 105).

168 42 *NSWAR* (1953) pp.624ff.

169 Bray, *Contract Labour and Industrial Regulation*, p.213.

170 *Ibid.*, p.214.

171 *Ibid.*, p.167.

172 *Ibid.*, p.127.



payments to cover wages and vehicle costs, meant the union found itself largely excluded from many areas of employment in road transport that came to be dominated by owner-drivers—areas which included the haulage and delivery of bricks, earth and gravel, coal, eggs, pies, newspapers and cement.<sup>173</sup> Outside New South Wales TWU strength amongst owner-drivers in the early 1950s seems to have been largely restricted to those carting for newsagents in Adelaide<sup>174</sup> and brick carters in Canberra and Victoria.<sup>175</sup> In Western Australia and Queensland coverage of unionised owner-drivers largely reverted to the AWU<sup>176</sup> whilst the Tasmanian Branch simply decided to dissociate itself from the task of organising owner-drivers.<sup>177</sup>

Perhaps the most significant failure of the TWU with regards to owner-drivers was in the field of long-distance and interstate road transport, where employers were able to thwart union organising attempts amongst employee drivers by switching to owner-drivers, with one director of a major transport firm noting: "The owner-driver . . . helps to preserve long distance transport from the curse of militant unionism."<sup>178</sup> The failure of the TWU to make serious inroads into long-distance transport meant that by the mid-1950s it remained a union covering workers engaged in local cartage at a time when road transport was being dominated by national firms offering an integrated range of long-distance, interstate and local services.

## Federal Organisational Reform

By 1947 the inability of the TWU to advance its industrial interests through federal arbitration had become a matter for considerable concern within the union's leadership. As in 1944-45 it was New South Wales' Barney Platt who emerged as the primary advocate for a

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173 *Ibid.*, p.168. Also *Branch Reports to Federal Council, 1948-1956*.

174 "SA Branch Report to Federal Council for the year ending 31 December 1956", attached to *TWU (Federal Council) Minutes*, September-October 1957.

175 "Canberra Branch Report to Federal Council, September-October 1957", attached to *ibid.* Also "Victorian Branch Report to Federal Committee of Management, July 1948", attached to *TWU (Federal Committee of Management) Minutes*, July 1948.

176 *Westralian Worker*, 16 January 1948. Also *TWU (Q'ld. Branch) Board of Control Minutes*, 23 July 1948. Also *TWU (Brisbane Sub-Branch Executive) Minutes*, 11 November 1949.

177 *TWU (Tasmanian Branch) State Council Minutes*, 30 August 1947.

178 G.E. Hughes, Director of McColl's Interstate Transport, in *Truck and Bus Transportation*, Vol.20, No.9, (September 1956), p.51.

process of internal reform within the federal union that sought to address these problems. Abandoning the NSW Branch's traditional hostility to federal awards between 1948 and 1952, Platt saw in stronger federal awards not only a more effective means of dealing with industries involving interstate transport such as the airline industry, but also a mechanism for safeguarding the benefits already achieved under state awards.

In a reflection of his 'progressive' political past, Platt's answer to the TWU's award problems was organisational reform rather than a re-evaluation of the effectiveness of the union's arbitration-oriented strategy. Speaking to the TWU's Federal Council in early 1947 Platt observed that: "... if the federal office had been up-to-date the federal award would not be a menace to the whole union."<sup>179</sup> So seriously did Platt regard the problem that he declared that power in the union had to be shifted from the state branches to the Federal Council, and that the NSW Branch feared for the future "if the Federal Council does not become the dominating factor."<sup>180</sup> The trouble with Platt's analysis was that it failed to consider a strategy for overcoming the employer opposition around the TEC to any federal award increases for road transport workers. This guaranteed the ultimate collapse of the reform programme despite a number of organisational advances that helped boost the union's membership during the late 1940s and early 1950s.

Platt found a valuable ally for his proposed reform programme with the election of Jack Horan as Federal Secretary on 15 March 1948. Although industrially and politically conservative Horan was—like many Movement or Group supporters—a dynamic and committed union activist who was unwilling to endorse the previous inaction of the TWU's 'old guard' laborist leadership. Together Platt and Horan were to dominate the TWU's internal affairs between 1948 and 1952, seeking to transform the union into an organisation that was, while politically conservative and committed to arbitration, nationally co-ordinated and organisationally dynamic. To supervise this proposed federal co-ordination a regularly functioning Federal Committee of Management was established in March 1948 on Platt's suggestion.<sup>181</sup>

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179 *TWU (Federal Council) Minutes*, 10-21 March 1947, p.54.

180 *Ibid.*, p.23.

181 *TWU (Federal Council) Minutes*, 8-19 March 1948, pp.40-2.

With the renewed commitment to federal unionism went a growing awareness within the TWU that sections of the ever-growing road transport industry could no longer be dealt with on a state basis. In 1948 the TWU's Federal Council resolved that oil company drivers and TWU members in the airline industry would be catered for by federal awards in all states, with federal awards also being sought for passenger drivers, timber carters, and sanitary and garbage carters.<sup>182</sup>

Following the formation of the Federal Committee of Management in March 1948, Horan and Platt sought a more interventionist role for the federal TWU in branch affairs. Horan warned that "if it was necessary and a state was not obeying and carrying out the decisions of Council, rather than have Council's decisions overlooked . . . Federal Council would go into that state and see that the job was done."<sup>183</sup>

The first example of this new interventionist role was to come in Queensland, where the Queensland Branch had long been calling for federal assistance in its attempts to recruit members in the AWU stronghold of north Queensland. In May 1948 Platt and Horan led a federal delegation into the state to co-ordinate a joint federal-state campaign against the AWU, with recruits in north Queensland to be enrolled directly into the federal branch so as to be covered by the TWU's federal award.<sup>184</sup>

Unfortunately, by this stage the Queensland Secretary, Bernie Hough, had lost his previous enthusiasm for the task of taking on the AWU, partly it seems because his own factional position within the branch was being bolstered by AWU support. Despite further visits by Horan, continued inaction by the Queensland Branch eventually led to the abandonment of the project, with north Queensland remaining an AWU preserve.

The lack of support shown by Hough for the expansion of TWU influence in north Queensland was a demonstration of the continued power of the union's laborist 'old guard' leadership outside New South Wales and Victoria. While sharing the industrially moderate views of Horan and Platt, leaders such as Nilsson in Western Australia, William Simons in

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182 "Federal Committee of Management Report to Federal Council, 8 March 1948", pp.4-5, attached to *ibid.*

183 *TWU (Q'ld. Branch) Board of Control Minutes*, 28 May 1948.

184 *Ibid.*

South Australia and Hough in Queensland were used to running their branches as they saw fit, unchallenged by either the union's rank and file or its federal leadership.

Although Hough proved sufficiently alert to adopt many of the new organisational techniques being advocated by the federal office, establishing the Queensland Branch as a growing force within the union with a fleet of six cars and a staff of ten servicing over 7,000 members by 1956,<sup>185</sup> this could not be said of his colleagues in South Australia and Western Australia. By 1956 both branches were admitting to serious problems, with the SA Branch declaring that its financial resources were exhausted, while in Western Australia the branch organisers found themselves having to provide their own cars for organising work.<sup>186</sup> Such was the state of affairs in South Australia that a later branch secretary has recalled that during the Simons era much of the running of the branch devolved on the female office staff, with Simons and the other officials preferring to spend their time fishing.<sup>187</sup>

Despite the poor performances of their respective branches, Simons and Nilsson maintained a tenacious grip on power. Although replaced as South Australian Secretary by V.B. Taylor in March 1956, Simons was back in the saddle by June.<sup>188</sup> Nilsson emulated this success. Despite age forcing him to step aside as Secretary early in 1955,<sup>189</sup> Nilsson continued to act as a union trustee<sup>190</sup> from where he remained a major power-broker within the union.

If Horan and Platt's reform programme had little influence in Western Australia and South Australia, the organisational effectiveness of the smaller Canberra and Tasmanian Branches also continued to depend more on the dedication of a handful of officials and activists rather than on federal direction and support. The survival of the small Canberra Branch during the 1940s and 1950s was largely dependent upon the part-time efforts of M.F. Macdonald,

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185 "Queensland Branch report to Federal Council, September 1957", pp.1-8, attached to *TWU (Federal Council) Minutes*, September-October 1957 (ANUABL, Z181/Box 106).

186 "South Australian Branch Report to Federal Council of the year ending 31 December 1956" and "WA Branch Report to Federal Council, 9 September 1957", both attached to *TWU (Federal Council) Minutes*, September-October 1957.

187 *Interview with Keith Cys*, September 1989.

188 *TWU (SA Branch) Minutes*, 6 March 1956 and 6 June 1956.

189 *CARR* File 179/231.

190 *Ibid.*, File 179/237.

whose availability for union work was restricted by his duties as a government driver.<sup>191</sup> Despite his best efforts the Canberra Branch remained small, with less than three hundred members.<sup>192</sup>

The Tasmanian Branch also continued to suffer from a shortage of resources. Although a Sub-Branch was re-established in Hobart on 10 November 1942 under the leadership of H.J. Large,<sup>193</sup> it remained largely ineffective until a fusion was brought about in 1946 with the H&MDU, which had previously broken from the TWU in 1939.<sup>194</sup> A period of expansion followed under the leadership of H.T. McGee, who replaced Large as Tasmanian Branch Secretary in March 1947.<sup>195</sup> Membership expanded from 127 Launceston-based members in 1939 to a peak of 1,856 in 1952, with Sub-Branches established throughout the state. Financial problems, however, soon re-emerged, and between 1952 and 1956 the branch rapidly went backwards, membership falling to 1,192.<sup>196</sup> Growing dissatisfaction with the performance of the physically ailing McGee, culminating in his replacement by C. McKenna in November 1955,<sup>197</sup> also added to the branch's problems.

Although the reform process advocated by Horan and Platt was never fully supported by the union's leadership outside New South Wales and Victoria, the gradual adoption of more efficient organisational and administrative methods within the organisation helped the TWU substantially increase its membership following in road transport. Between 1947 and 1952 effective national membership rose from 20,234 to 36,399 despite the lack-lustre performance of the union's awards. By 1952, however, vital NSW Branch support for a further strengthening of the TWU's federal structure had begun to wane. In large part this reflected emerging political differences between Platt and his former right-wing allies. But it was also a

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191 "Canberra Branch Report to Federal Council, August-September 1957", attached to *TWU (Federal Council) Minutes*, August-September 1957. (ANUABL, Z181/Box 106) Macdonald had replaced M. Collins as Canberra Branch Secretary in 1946. See "Canberra Branch Report to Federal Council, 11 March 1947", attached to *ibid.*, 10-21 March 1947.

192 At the end of 1956 the Canberra Branch still possessed only 296 members.

193 "Meeting of Hobart Transport Drivers, 10 November 1942", in *TWU (Tasmanian Branch) Minutes*, (ANUABL, E120/18).

194 "Tasmanian Branch Report to Federal Council, March 1947", attached to *TWU (Federal Council) Minutes*, 10-21 March 1947.

195 *TWU (Tasmanian Branch) State Council Minutes*, 2 March 1947. (ANUABL, E120/1).

196 *TWU (Federal Council) Minutes*, 16-23 September 1956, p.33.

197 *TWU (Tasmanian Branch) Special Committee of Management Minutes*, 26 November 1955, (ANUABL, E120/1).

product of a growing realisation within the NSW Branch that internal organisational reform in itself had been insufficient to revitalise the union's federal awards.

While NSW award margins for road transport workers had remained consistently higher than those existing under federal awards during the 1940s, reflecting the presence of a Labor government eager to win union support after the bitter political feuding in the state during the 1930s between Jack Lang and his opponents,<sup>198</sup> differentials increased as Chief Justice Kelly sought to restrain any rises in either federal award margins or the basic wage.<sup>199</sup> In addition workers under NSW state awards were granted long service leave in 1951 under state legislation—thirteen years before federal award workers received similar benefits. By contrast margins for road transport workers under Queensland and West Australian awards continued to lag behind those set down in the union's federal awards, as the following table demonstrates.

**Table 4.1: Comparative Trends in TWU Parent Awards 1940-1955: Margins**

(Note: Rates compared are those for the lowest classifications in each Award)

	1940	1945	1948-49	1952	1955
Federal	11s.	17s. <sup>1</sup>	27s.6d.	31s.6d	36s
Western Australia	14s.6d.	14s.6d	23s	31s.6d <sup>2</sup>	36s.
Queensland	9s.	9s.	18s.	25s.	36s. <sup>3</sup>
New South Wales	18s.	23s.	33s.	33s.	47s.

(Sources: *Commonwealth Arbitration Reports*; *Western Australian Industrial Gazettes*; *NSW Industrial Gazettes*; *Queensland Government Gazettes*.)

- 1 Federal margin includes three shilling war loading.
- 2 March 1952 WA parent award formally tied to federal award with regards to margins.
- 3 November 1955 Queensland parent award tied to federal award with regards to margins.

198 Ken Turner and Jim Hagan, *A History of the Labor Party in New South Wales*, (Manuscript, 1991) pp.245-46.

199 In a highly controversial episode in January 1951 Kelly persuaded Commissioner Galvin to abandon his planned fifteen shillings increase in metal trades margins—an increase that would have flowed on to most other workers under federal awards. See Blanche D'Alpuget, *Mediator: A Biography of Sir Richard Kirby*, (Melbourne University Press, Melbourne, 1977), pp.139-40.

So dismal was the performance of the laborist 'old guard' leadership in securing wage increases for their members through state arbitration that by March 1952 the WA Branch had successfully applied for margins in its state parent award to be tied to those in its federal counter-part, with the Queensland Branch adopting a similar course in November 1955.<sup>200</sup> These actions signified a gradual return of these branches to the federal award system that they had abandoned in the wake of World War I—actions that were to eventually culminate in a common five-state award application in 1968.

As the Western Australian and Queensland Branches began to link their own industrial advancement with the union's federal awards, so the industrial course pursued by the NSW Branch began to increasingly diverge from that being undertaken by the rest of the union even though all branches remained committed to arbitration. Higher margins, improved industrial legislation, and limited award coverage for owner-drivers all convinced the NSW Branch that its local arbitration system was superior to the federal alternative—the possibilities of which the federal TWU had been unable to develop through its inability to overcome the opposition presented by the TEC.

In a move that signified its disenchantment with the union's federal awards, the NSW Branch applied to the union's Federal Council for exclusion from the federal Transport Workers (Oil Companies) Award. Although this request was rejected the application demonstrated that the TWU's common commitment to arbitration had not brought with it a united approach to industrial problems. While federal-state award tensions in themselves need not have proved fatal to the development of industrial and institutional unity within the TWU, these tensions came to be inextricably entangled with wider political struggles within the union, eventually leading to a formal, if temporary, split between the New South Wales and federal unions in 1956—a split that was to be a precedent for a more prolonged schism in 1969.

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200 *WAIG*, Vol.32 (1952) pp.62-8. Also "WA Branch Report to Federal Council, March 1953", p.1, attached to *TWU (Federal Council) Minutes*, 2-13 March 1953. (ANUABL, Z181/Box 105). For Queensland see *QGG*, Vol.CXCI (January-April 1956), pp.383-9, at p.384.

## 6: THE RIGHT DIVIDES

Although the pursuit of an arbitration-oriented strategy during the late 1940s and early 1950s had failed to either lift wages for road transport workers from their position at the lower end of the award scale or achieve a united approach to industrial problems by the TWU, improved organisational techniques and internal stability helped to raise national effective membership to a record 36,255 in 1952—three times higher than the 1939 figure. In the following four years, however, this growth first stalled, and then started to move in reverse, with national membership for 1956-57 standing at 35,112—below that for 1952.<sup>201</sup>

The fall in membership was but one sign of new fissures that emerged within the ranks of the union. Between 1948 and 1952 the stability of the union had in large part rested on an alliance between Platt, the Federal President, and Horan, the Federal Secretary. From 1953 onwards the position of each of them within the TWU began to crumble, as did the internal unity of the union itself. While these new internal divisions involved no questioning of the effectiveness of the union's arbitration-oriented strategy, being between different factions of the union's right-wing leadership, they helped delay the application of a more effective industrial strategy at a national level by leaving a lasting legacy of factional bitterness and by restoring control of the TWU's Federal Office to the 'old guard' around Bill Cheney.

### The Fall of J.P. Horan

The events leading to the declining influence of Horan as Federal Secretary, and to his eventual departure from the TWU in 1956, are inextricably linked to the defeat of the Movement and its supporters within the wider labour movement during 1955 and 1956. Following the denunciation of those associated with the Movement by the ALP's Federal Parliamentary Leader, Dr. Evatt, in October 1954, Horan found himself, as State President of the Victorian ALP, in the front line in the ensuing split. With the pro-Evatt federal ALP Executive intervening in the affairs of the Victorian ALP, establishing a rival, federally-recognised state

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201 *Branch Reports to Federal Council.*



branch, Horan emerged as one of the key strategists for formulating the response of those allied with the Movement.<sup>202</sup> In January 1955 Horan was entrusted with the vital task of visiting the Queensland and NSW Executives of the ALP, in an attempt to co-ordinate a united front against Evatt and his supporters.<sup>203</sup> When the show-down came at the Federal ALP Conference held in Hobart during March 1955, Horan headed the 'rebel' Victorian delegation whose credentials were rejected by the conference.<sup>204</sup> Returning to Victoria, Horan was expelled from the ALP on 7 April 1955.<sup>205</sup>

Horan's alignment with those who split off from the official Labor Party effectively destroyed his base of support within the TWU. The political and industrial ties between Horan and the union's laborist 'old guard' had always rested more on a shared anti-communism than a common ideological viewpoint and, with Horan under virulent attack from the ALP the 'old guard' around Bill Cheney decided to dissociate themselves from him. In April 1955 the Victorian Branch—Horan's former stronghold—issued a press statement declaring "that Mr. J.P. Horan is not in any way expressing the opinion of the TWU in his support of the bogus branch of the ALP."<sup>206</sup> It is an indication of the mistrust with which Horan was regarded by his fellow officials during his last two years in office that from May 1954 Federal Council denied him the authority to spend more than fifty pounds without the endorsement of two other federal officers.<sup>207</sup>

Fortunately for the TWU, Horan was to be removed from office without a major factional brawl. Amendments to the Commonwealth Arbitration Act during 1956, which saw the replacement of the Arbitration Court by the new Conciliation and Arbitration Commission, created vacancies for three Conciliators. On 17 September 1956 Horan accepted appointment to one of these positions, being promoted to Commissioner the following year.<sup>208</sup>

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202 Murray, *op.cit.*, p.210. Also *Newsweekly*, 24 August 1955.

203 Kane, *op.cit.*, pp.58-9.

204 *Newsweekly*, 16 March 1955.

205 Murray, *op.cit.*, p.239.

206 *TWU (Victorian Branch) Committee of Management Minutes*, 26 April 1955.

207 *TWU (Federal Council) Minutes*, 11-20 May 1954, p.21.

208 "First Annual Report by R.C. Kirby, President of the Commonwealth Conciliation and Arbitration Commission," *CPP* (1957-58), Vol.v, pp.905-6. Also "Second Annual Report by R.C. Kirby", *CPP* (1959-60), Vol.iv, p.863.

Horan's departure allowed the 'old guard's' Bill Cheney to occupy the vacated position of federal secretary, taking up the mantle laid down by his father twelve years before.<sup>209</sup> Cheney's election represented the restoration to power of the TWU's least dynamic faction, one which, while sharing Horan's anti-communism and his support for arbitration, had shown little interest in his attempts to revitalise the union. It was a leadership that was to prove lacking in either the ideas or the organisational abilities necessary to adapt the federal TWU to the demands being placed upon it by an expanding and changing road transport industry.

While Horan's eventual departure was secured without any major blood-letting, the crisis in the federal leadership between 1954 and 1956 was one that had profound consequences, severely diminishing Horan's authority and eventually seeing his replacement by a leadership lacking in organisational drive. Unfortunately for the federal TWU these events occurred at a time when resolute leadership was required to deal with a major crisis within the NSW Branch—a crisis which saw the emergence of a legally separate, state-registered union counterposed to the federally registered body.

### **The Manoeuvres of Barney Platt**

If the TWU were to escape relatively unscathed from the events which led to the demise of J.P. Horan, it was not to be so fortunate with Barney Platt, whose complex manoeuvrings to defend his position were to undermine the institutional integrity of the TWU, while placing Platt himself at the forefront of a growing, and ultimately successful, opposition to the continued existence of industrial groups within the Australian labour movement.

The alliance between Platt and his former 'grouper' allies had begun to sour as early as 1948, when the original Road Transport Group was dissolved by the ALP at Platt's request, leading to a public break between Platt and his previous allies during the branch's 1948 election campaign.<sup>210</sup> While Platt's official TWU Group was dissolved, it appears a second "ALP Group" continued an informal existence, running the branch's President, W. Melville, against

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<sup>209</sup> TWU (*Federal Council*) Minutes, 3-14 September 1956, p.43.

<sup>210</sup> Kane, *op.cit.*, p.40. Also *Newsweekly*, 10 March 1948.

Platt during the branch's 1950 biennial election.<sup>211</sup> Although this challenge was unsuccessful, as was another by the branch's Assistant-Secretary, Dick Carling, in 1953, Platt's position began to deteriorate from late 1952.

In the course of 1952 Carling discovered that Mackenzie's Garage, which had been allocated the servicing of the branch's fleet of cars, was secretly owned by Platt and Miss P. Herbert, the branch's senior clerk.<sup>212</sup> This discovery seemed to substantiate allegations running back to the branch's 1945 financial crisis about Platt's impropriety with the union's funds. The scent of corruption around Platt grew stronger when, in two separate judgements delivered in November 1953 and February 1954, Justice De Baun of the NSW Industrial Court declared the 1953 election of Platt and six of his supporters to be invalid, having ascertained that large-scale "forgery and falsification of records had taken place."<sup>213</sup>

The revelations about Platt's corrupt financial and electoral malpractices confronted the leadership of the Movement with a major dilemma. Should it mobilise its full resources behind the campaign to oust Platt, seeking official ALP support for an Industrial Group to unseat him? Or should it forget the issue and concentrate on targeting communism? According to the Movement's lay leader, B.A. Santamaria, this debate caused the Movement more internal trouble during the early 1950s than any other trade union issue.<sup>214</sup>

For Santamaria and Platt's former TWU Group rival, Jack Kane—now Assistant-Secretary of the NSW Branch of the ALP—the campaign against Platt became a matter of high principle, their views being articulated by *Newsweekly* when it later declared: "Can the ALP Groups mobilise the workers against Communist corruption in one trade union, and refuse to take similar action against corrupt officials of another union simply because they are members of the ALP."<sup>215</sup> Opposing this view Sydney's Bishop Carrol argued that as a practising Catholic and anti-communist Platt was entitled to the protection of the Catholic Church and the Movement.<sup>216</sup> Although by late 1953 the views of Santamaria and Kane had prevailed over

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211 *Newsweekly*, 14 December 1949.

212 *Ibid.*, 30 March 1955. Also 80 *CAR* p.283.

213 52 *NSWAR* pp.704ff. at p.712. Also 53 *NSWAR* pp.4ff.

214 *Interview with B.A. Santamaria*, op.cit.

215 *Newsweekly*, op.cit.

216 *Interview with B.A. Santamaria*, op.cit.

those of Bishop Carrol, the issue heralded the beginning of a lasting breach between Bishop Carrol and the Movement's lay leadership that was to culminate in Carrol's decision to advise Movement members in New South Wales to stay within the ALP, rather than form a separate party as they had done in Victoria.<sup>217</sup>

With Santamaria and Kane's views prevailing within the NSW Movement, the campaign against Platt was officially endorsed by the NSW Executive of the ALP in December 1953 when it accepted a request from the President and Secretary of the Sydney Sub-Branch of the TWU for the reformation of the Transport Workers' ALP Industrial Group.<sup>218</sup> This decision left Platt in a perilous position, with it being later alleged that Kane offered the TWU Industrial Group "unlimited money and thousands of workers" to aid in the removal of Platt.<sup>219</sup>

### Platt Counter-Attacks

Under attack from both within and outside the TWU, Platt counter-attacked. To deal with his external enemies Platt began to exploit concerns within the labour movement that the ALP Industrial Groups had exceeded their charter by targeting an ALP official rather than a communist. This sentiment was felt particularly strongly by the Federal Secretary of the AWU, Tom Dougherty, who feared that Groups were about to be formed within the AWU.<sup>220</sup>

By January 1955 Platt had built up a powerful countervailing force to the State ALP machine when Dougherty and a number of other union leaders joined Platt in establishing the Combined ALP Unions Steering Committee; a body which was to provide Evatt with an industrial base for his struggle against the Groups and their supporters.<sup>221</sup> As *Newsweekly* later ruefully commented: "The case of Barney Platt built up the explosive triggered by Evatt and Dougherty."<sup>222</sup>

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217 *ibid.*

218 *Newsweekly*, 30 March 1955. Also Kane, *op.cit.*, pp.40-1

219 Fred Campbell, ETU Secretary, cited Murray, *op.cit.*, p.140.

220 *Newsweekly*, *op.cit.*

221 Murray, *op.cit.*, p.281.

222 *Newsweekly*, *op.cit.*

While Platt's objective of securing the dissolution of the Industrial Groups was effectively achieved at the ALP's Hobart Federal Conference, his final victory over his enemies within the State ALP machine came in April 1956 with his selection to present the case against the NSW State Executive to a Federal ALP inquiry.<sup>223</sup> Following the inquiry, another Special Federal Conference decided to reconstruct the NSW Branch. Kane was sacked as Assistant-Secretary, with he and his remaining supporters being subsequently driven out of the ALP, leaving Platt's factional enemies within the NSW Branch of the TWU bereft of outside support.

### The TWU Splits

While Platt was by 1956 able to secure a decisive victory over his opponents within the NSW Labor Party, his success within the TWU itself was to be less conclusive. Platt's tactics within the union were initially dictated by the possibility of his being defeated in the new election scheduled by Justice De Baun for 1954. To avoid the consequences of this possible defeat, Platt decided to exploit a problem which had been troubling the TWU for a number of years.

In early 1949 the TWU's Federal Committee of Management had taken legal advice from Messrs. Brady and Fraser that discrepancies existed between the federally registered rules and those registered in Western Australia, Queensland, and New South Wales, with Brady warning that "as far as the New South Wales Rules are concerned . . . they are not a branch of the federal body."<sup>224</sup> To overcome this defect the WA Branch Secretary, O. Nilsson, was delegated to draw up a new, uniform set of rules for all branches.<sup>225</sup> However, by 1953 the NSW Branch rules had still not been amended to accord with the new federal rules.<sup>226</sup> In February 1954 Platt used this discrepancy to reject calls from the TWU's Federal Committee of Management that he stand down from his position as Secretary of the NSW Branch of the

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223 Kane, *op.cit.*, p.89.

224 *TWU (Federal Committee of Management) Minutes*, April-May 1949, p.9.

225 "Federal Secretary's Report to Federal Council, 14 March 1950", p.1, attached to *TWU (Federal Council) Minutes*, 14-24 March 1950. (ANUABL, Z181/Box 104).

226 "Federal Secretary's Report to Federal Council, 2 March 1953", p.4, attached to *TWU (Federal Council) Minutes*, 2-13 March 1953.

federal union so as to allow for simultaneous elections under state and federal rules. Platt instead reiterated that whatever the consequences of De Baun's ruling he remained the Secretary "pursuant to the federal rules."<sup>227</sup> Horan summed up the TWU's predicament when he stated that "the union was now in a very embarrassing position", adding that the TWU faced the possibility of having two NSW Secretaries, and two governing bodies in the state, one set elected under the federal rules and the other under state rules.<sup>228</sup>

Although Platt was spared a contest for his state position as Secretary following a successful appeal against De Baun's February 1953 judgement,<sup>229</sup> by April 1956 the scenario presented by Horan in 1954 had eventuated. Following joint elections held under both sets of rules Platt found himself defeated as Secretary of the federally registered branch by E.A. 'Ernie' Wilmot, while maintaining his position under the state registered rules, thus reversing the position of 1954. As well, Platt's supporters maintained their majorities on both the state union's State Council and the federal branch's Committee of Management.<sup>230</sup>

After years of having sought to build the federal TWU between 1945 and 1952, Platt now found that factional considerations were forcing him to move in the opposite direction. To deny Wilmot the resources to function effectively as Secretary of the federally registered branch, Platt declared that all the assets and property of the TWU in New South Wales were owned by the state body rather than the federal union.<sup>231</sup> Federal intervention on Wilmot's behalf proved futile, as did subsequent legal action, and by September 1956 the TWU's Federal Council had been forced to accept a compromise settlement which called on the two parties "to solve the difficulties in New South Wales by harmonious co-operation";<sup>232</sup> a settlement which left Platt in effective control of the New South Wales TWU for the following three years. The settlement also implicitly accepted the supremacy of the state registered union with regard to the ownership of the TWU's assets within New South Wales—a precedent that helped guide the

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227 *TWU (Federal Committee of Management) Minutes*, 15-18 February 1954 (ANUABL, Z181/Box 111) p.12.

228 *ibid.*

229 53 *NSWAR* pp.501ff.

230 *TWU (Special Federal Committee of Management) Minutes*, 30-31 May 1956 (ANUABL, Z181/Box 111), pp.2-3.

231 *ibid.*

232 *TWU (Federal Council) Minutes*, 3-14 September 1956.

Commonwealth Industrial Court when it held in the 1969 *Moore v. Doyle* case that the federal and NSW branches of the TWU were distinct and legally separate unions.<sup>233</sup>

## Conclusion

Between 1939 and 1956 the expansion of Australian road transport opened up considerable opportunities for the TWU as the industry finally shed its previous status as an auxiliary to rail and sea services. The pioneering of new organisational techniques by the 'progressives' during the early 1940s provided the union with one means of responding to these opportunities. At no point, however, did any TWU faction seriously review the appropriateness of the union's arbitration-oriented strategy. During World War II the communist-led 'progressives' were preoccupied with curtailing industrially militant policies, while at the war's end they were swiftly evicted from power by a resurgent Right. Throughout the rest of the 1940s and the early 1950s the union's conservative leadership remained more concerned with the broader political implications of any industrial disputes than with harnessing such industrial militancy to advance the union's own interests.

The TWU's continued reliance on an arbitration-oriented strategy during the 1940s and early 1950s seriously affected its ability to cover Australia's growing road transport industry and improve the working conditions of its members. The failure to place concerted industrial pressure on employers meant that major divisions within employer ranks were not exploited, leaving wages for employee road transport workers at a level that did not adequately reflect the increasingly skilled nature of their work, corresponding instead with the lower classifications of the metal trades award. Similarly owner-drivers discovered that the union's reluctance to engage in collective bargaining backed by industrial action left the majority of them without any industrial benefits from their union membership. Even in New South Wales, where awards were obtained for owner-drivers, such awards proved to be of dubious effectiveness.

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233 15 *F.L.R.* p.99.

The lacklustre performance of the TWU's federal awards meant that by 1952 the powerful NSW Branch had withdrawn its earlier support for a greater concentration of power in the union's federal office. Although any real institutional unity would have been difficult to sustain given the depth of political divisions within the TWU during the early 1950s, the failure of the Horan-Platt reform programme demonstrated that organisational changes alone would not resolve the union's problems if they failed to address the continued appropriateness of an industrial strategy that relied virtually entirely on arbitration. By 1956 the union was once again stagnating, with the air poisoned by factional divisions, and with a newly elected Federal Secretary who represented the least dynamic section of the TWU.



## CHAPTER 5

### A PERIOD OF TRANSITION 1956-1966

#### THE GROWTH OF INDUSTRIAL MILITANCY AND THE DEMISE OF REVOLUTIONARY POLITICS WITHIN THE TWU

##### INTRODUCTION

The factional conflict which had brought the TWU to the edge of institutional disintegration in the early 1950s was a battle waged not between Left and Right, or between supporters and opponents of industrial militancy, but rather a conflict fought out between former right-wing allies who had earlier combined to safeguard the union's position as a bastion of arbitration. Although the TWU's small left-wing remnant played little or no part in this factional conflict, the open breach within the union's leadership nevertheless brought with it a diminution of the mechanisms established to contain the Left, leading to a resurgence in left-wing 'progressive' factions within the union during the late 1950s and early 1960s. This left-wing resurgence ensured a new bout of factional conflict within the union, this time between Left and Right.

Except in Brisbane, where the Brady-led 'progressives' had survived factionally intact from the early 1940s, the TWU Left of the late 1950s and early 1960s differed markedly from their predecessors of the 1940s. Although committed to socialism the leading figures in most 'progressive' factions between 1956 and 1966 were members of the Labor Party, not the

Communist Party, seeing political change coming through a laborist rather than through a revolutionary model. In a further departure from the conduct of their 'progressive' predecessors, who had been swiftly evicted from power at the end of World War II, the TWU 'progressives' of the late 1950s and early 1960s consciously sought to direct the union in a more industrially militant direction. However, unlike earlier union militants such as John Gunn and Fred Katz, they did not seek the complete destruction of the centralised wage fixing system. Instead they sought to use industrial pressure to make the existing arbitration system more amenable to the interests of their members, supplementing award benefits where necessary with collective bargaining backed by industrial action. Through its preparedness to move outside the formalised industrial relations system the TWU enhanced its ability to secure regulated employment conditions for owner-drivers, consolidating support for the union in this sector and making it more difficult for road transport employers to ignore the union's authority in the industry.

Targetting the ageing and industrially conservative 'old guard' administrations within the TWU, the Left had won effective control of the Western Australian, South Australian, Canberra, Victorian and Queensland branches by 1962. Federally, however, the Left found itself thwarted by an alliance between the remnants of the union's laborist 'old guard' around Bill Cheney and a new right-wing administration in New South Wales under Ernie Wilmot. The heirs to the anti-Platt Industrial Group of the early 1950s, the Wilmot leadership lost little by comparison with their left-wing adversaries when it came to industrial militancy. For with the Communist Party rapidly declining as a serious political and industrial force, industrial militancy lost much of its earlier political significance within the union, allowing the more dynamic sections of the TWU's right-wing to undertake industrial campaigns without having to fear that they were adding to the destruction of the social order.

An emerging consensus between both Left and Right about the need to evolve more effective industrial tactics by combining elements of an arbitration-oriented strategy with collective bargaining supported by industrial action unfortunately did little to bring about unity in action. On the TWU's Federal Council the Left and the Right continued to regard each other with deep suspicion, seeing in their opponents either disguised communists or 'groupers'. The

result was that the increased militancy and industrial effectiveness of the TWU's branches was not fully reflected in the performance of the union at a national level, leaving it with only a limited ability to combat the power of the national transport conglomerates who were coming to dominate the industry.

## 1: CONTEXT—THE VICTORY OF LABORISM

Throughout the first half of the twentieth century the internal debate within the TWU and its predecessor organisations over support for either an arbitration-oriented strategy or collective bargaining backed by industrial action had been as much a political as an industrial issue, reflecting wider divisions within the organised labour movement. With support for arbitration having become a key component of the dominant laborist ideology within the trade union movement around the turn of the century, the opponents of laborism within the union—radical socialists, the IWW, and the CPA—had all at various times sought to challenge its political hegemony by mobilising the union's members around more industrially militant policies, attempting to directly link industrial militancy with revolutionary change. By the late 1950s, however, this link between industrial militancy and revolutionary socialism was being effectively destroyed by rising prosperity and declining support for communism, fundamentally altering the context in which industrial relations occurred.

While the Communist Party managed to stage a solid recovery in the early 1950s after its crushing defeat in the 1949 Miners' strike, with national membership rising from around 6,000 in 1948-50 to 8,000 in 1955,<sup>1</sup> Krushchev's revelations about Stalinism and the Russian invasion of Hungary in 1956 decimated the party's ranks, sending it into terminal decline.<sup>2</sup> Although the trade union movement, and the Labor Party itself, remained broadly divided between Left and Right, these divisions reflected differences within laborism rather than

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<sup>1</sup> Davidson, *op.cit.*, p.120.

<sup>2</sup> O'Lincoln, *op.cit.*, pp.98-100.

alternatives to it, narrowing the parameters for the political and industrial debate about the purpose and direction of unionism.

If the Left continued to see the achievement of socialism as the ultimate objective of organised labour, and tended to support industrial militancy more readily than the Right,<sup>3</sup> those within its ranks who saw socialism coming through a cataclysmic industrial upheaval became progressively fewer, with even the CPA expressing support for a democratic, parliamentary road to socialism by 1966.<sup>4</sup> At the same time the Right, despite its avowed support for arbitration, showed an increasing tendency to engage in collective bargaining and direct industrial action, blurring past industrial differences between them and their left-wing opponents. For with the effective defeat of the Communist Party the Right's room to manoeuvre increased, allowing it to implement industrially militant tactics without having to worry that it was playing into the hands of communist militants within organised labour's ranks.

In the TWU the adoption of more aggressive industrial tactics by sections of the union's right-wing as well as by a revived Left was to be the major feature of the union's history between 1956 and 1966. Such developments were by no means peculiar to the TWU. Robert Murray and Kate White have observed that the industrial tactics pursued by Laurie Short and his former Group supporters in the FIA during the mid-1950s was "not so different" from that of their communist predecessors.<sup>5</sup> Similarly in late 1961 Joe Riordan, the right-wing secretary of the FCU, launched his union in a new, industrially militant direction, forcing Australia's motor vehicle manufacturers to accept the unionisation of their white-collar workforce.<sup>6</sup>

Within the TWU the industrial militancy demonstrated by the right-wing Wilmot leadership in New South Wales during the early 1960s emphasised the increasing irrelevance of political labels when it came to strictly industrial issues. This is not to suggest, however, that political divisions lost their importance within either the TWU or the wider labour movement. The bitterness of the battles between communists, laborists and the Movement in the late 1940s

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3 Hagan, *The History of the ACTU*, p.251.

4 Davidson, *op.cit.*, pp.169-172.

5 Murray and White, *op.cit.*, p.236.

6 D'Alpuget, *op.cit.*, pp.171-78.

and early 1950s was not easily forgotten, with Left and Right remaining deeply divided over the question of direct union involvement in political issues.

While the Right continued to see a clear distinction between political and industrial issues, arguing that politics was the preserve of the ALP, left-wing union activists believed that they had a social duty to their members to take a stand on issues such as peace, disarmament, and apartheid in South Africa. A particularly divisive issue was left-wing support for the exchange of trade union delegations between Australia and socialist nations. For the Right such connections seemed to confirm the communist sympathies of their opponents. Within the TWU it was divisions over these political issues, rather than the question of industrial strategy, that emerged as the major barrier to institutional unity in the early 1960s. Yet as important—and divisive—as this debate was, it nevertheless reflected a narrowing of the parameters in which the labour movement saw itself acting. For in the future unions would continue to engage in militant industrial actions, sometimes even for specific political purposes rather than for industrial benefits. But rarely, if ever, would such industrial actions be seen as a stepping stone for revolutionary change.

### **Economic Growth and Arbitration**

If the collapse of any serious political alternative to laborism after 1956 had a decisive impact on the way in which Australian trade unions approached industrial problems, this outcome was itself largely a reflection of the way in which social change and rising prosperity were destroying working-class support for radical political experiments, be it socialism or the rural arcadia advocated by the Movement. Despite wage's share of GNP remaining virtually static during the late 1950s and the early 1960s,<sup>7</sup> the continuation of the 'long boom' meant that total real household income per head in Australia rose by almost thirty per cent between 1956-57 and 1966-67.<sup>8</sup>

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7 Robert V. Horn, *Australian Labour Market Economics*, (Longman Cheshire, Melbourne, 1975), p.131.  
8 Boehm, *op.cit.*, Table 8.1, p.278.

While rising living standards helped convince trade unionists that their personal needs could be met within the existing economic order, the manual working class which had long provided the base for the organised labour movement began to disintegrate as a cohesive social force.<sup>9</sup> Abandoning their inner city communities for life in the suburbs,<sup>10</sup> manual workers steadily declined as a proportion of the workforce. Between 1947 and 1971 the white-collar work-force rose from one million to 2.4 million, overshadowing employment in manufacturing which peaked at 1.3 million in 1966.<sup>11</sup> Particularly hard hit by technological change were traditionally militant unions such as the miners, seamen, and waterside workers, where support for socialist and communist ideas had long been strong.

As technological change eroded the membership of many of Australia's more militant and politically conscious trade unions, the continuation of full employment and strong economic growth did much to take the edge off industrial conflict. Even the conservative Menzies government proved more amenable to the interests of the trade union movement than pre-World War II anti-Labor governments had been, with this government actively seeking ACTU support or at least acquiescence in its policies for economic management.<sup>12</sup> Concerned that the federal arbitration system under Chief Justice Kelly was alienating the trade union movement through an effective freeze on the federal basic wage, the Menzies government used a successful legal challenge by the Boilermakers' Union in 1956 against the judicial powers of the Commonwealth Conciliation and Arbitration Court as an opportunity to restructure the institutions and personnel of federal arbitration.<sup>13</sup> The Arbitration Court was replaced with the Commonwealth Conciliation and Arbitration Commission under Chief Justice Kirby, while Kelly was transferred to a new Commonwealth Industrial Court entrusted with judicial matters but with no direct role in conciliation and arbitration.

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9 This was not a peculiarly Australian occurrence. In Britain Eric Hobsbawm has commented that by the mid-1950s "the forward march of labour and the labour movement, which Marx predicted, appears to have come to a halt." See Eric Hobsbawm, *Politics for a Rational Left*, (Verso, London and New York, 1989), p.1.

10 For a description of the disintegration of the cohesive working class community in Richmond, which provided the social base for the formation of the Victorian FCDIU in the early 1900s see Janet McCalman, *Struggletown: Portrait of an Australian Working Class Community 1900-1965*, (Penguin, Ringwood, 1984), pp.245-47.

11 Horn, *op.cit.*, p.62.

12 Hagan, *History of the ACTU*, p.316.

13 D'Alpuget, *op.cit.*, pp.140-43.

Although the restructuring of federal arbitration brought no immediate change in its approach to wage fixation, palpable evidence of changing sentiments within the new Commission became evident during the 1959 basic wage case when a fifteen shilling increase was awarded, bringing the basic wage to a level two shillings above the sum it would have been had quarterly indexation been continued.<sup>14</sup> A twenty-eight per cent increase in margins for metal workers in November 1959,<sup>15</sup> that flowed through to most other workers, seemed to confirm a new liberalism within federal arbitration. When the Commission announced a new formula for basic wage adjustments in 1961, based on annual reviews to maintain purchasing power with further triennial reviews to consider increases according to changes in productivity and capacity to pay, the ACTU Executive warmly applauded the judgement as "the most significant handed down by the Commission since the 1953 decision abolishing quarterly adjustments."<sup>16</sup> Besides receiving National Wage Case outcomes that compensated them for any increases in prices and productivity between 1961 and 1964, employees under federal awards were also granted a third week's annual leave in 1963 and long service provisions in 1964.

The ACTU's hopes for a sustained increase in real wages through federal arbitration were frustrated, however, by growing divisions within the Commission itself over the future principles of wage fixation. Although Chief Justice Kirby continued to support the formula advocated by the Commission in 1961, he was by 1965 in a minority on the Bench, with a majority of his colleagues sharing employer concerns that increases in both the basic wage and margins on the same economic grounds would destroy industry's 'capacity to pay'.<sup>17</sup> In 1966 the Commission formally endorsed the employer-advocated total wage concept, which was to see the incorporation of margins and the basic wage into a single wage, although implementation of the new system was delayed until June 1967 pending a 'work value' inquiry into the metal trades award.<sup>18</sup>

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14 Hagan, *The History of the ACTU*, p.295.

15 92 CAR pp.793ff.

16 Cited Hagan, *The History of the ACTU*, p.297.

17 110 CAR pp.189ff at p.195.

18 115 CAR pp.93ff at pp.101-2.

## Arbitration and Over-Award Payments

Despite a more sympathetic hearing of union claims by the Commission between 1959 and 1964, the Commission found itself increasingly resorting to the penal clauses in the Commonwealth Arbitration Act to maintain its authority, with fines totalling more than thirty thousand pounds being imposed in 1964—roughly equal to the total imposed between 1959 and 1963.<sup>19</sup> During the 1965 National Wage Case the Commission reaffirmed its intention to restrain any union attempts to exploit full employment in the labour market to win wage increases outside arbitration, warning that it would not "register gains won by force."<sup>20</sup> Unlike the 1940s, however, when the Curtin-Chifley Labor governments and the Industrial Groups had both acted to restrain industrial militancy, the Commission's calls for strict adherence to arbitration procedures fell on increasingly deaf ears within the trade union movement.

As early as 1959 the Commission was forced to concede the widespread existence of over-award payments as employers were forced to compete for available labour.<sup>21</sup> Even though the conservative leadership of the ACTU continued to support the centralised wage fixing system, showing little interest in campaigning against the use of penal powers, such views failed to reflect the industrial practices of wide sections of the trade union movement. By 1965 Chief Justice Kirby was observing that over-award payments were "prevalent" and that "in some cases the amount of over-award payment would be double and in others more than double the amount of the margin prescribed by the award."<sup>22</sup>

For the TWU the gradual erosion of the arbitration system's ability to restrain market forces in the labour market gave it new opportunities to obtain industrial gains through direct industrial action and collective bargaining, coming at a time when political differences within the union over the social consequences of such a strategy were beginning to lose their earlier force. Conversely, for the TWU to continue its rigid application of an arbitration-oriented

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19 Hagan, *The History of the ACTU*, p.258.

20 110 CAR p.261.

21 92 CAR p.806.

22 110 CAR p.227.



strategy at this time would ensure that the benefits won by the union for its members would rapidly fall behind those being obtained by more militant unions, leading to a renewed drain of membership to other unions covering transport workers. For the union as a whole the years between 1956 and 1966 therefore became ones of transition and experimentation, in which it gradually abandoned its strict adherence to the principles of arbitration to follow a strategy that included elements of both an arbitration-oriented strategy and collective bargaining backed by industrial action. Unfortunately for the TWU it continued to lack the internal unity and cohesion necessary to fully co-ordinate the application of these new tactics, being hindered by political divisions and disharmony over the suitability of federal and state awards.

## **2: DEVELOPMENTS IN ROAD TRANSPORT 1956-1966**

Despite a three-fold increase in national membership between 1939 and 1956, the TWU during these years failed to effectively respond to many of the opportunities and problems presented by the expanded role of road transport within Australian society. Hindered by both internal political divisions and a continued over-reliance on arbitration procedures to solve its industrial problems, the union had still made few inroads amongst long-distance transport workers or owner-drivers by 1956—twenty years after the United States Teamsters had turned these sections of the industry into strongholds of American unionism. By the mid-1950s the TWU's support within the industry was stagnating, being sapped by internal divisions at a time when the ownership and control of road transport firms was being concentrated in ever fewer hands.

### **The Impact of New Technology**

Throughout the late 1950s and early 1960s the Australian road transport industry continued to achieve growth rates well in excess of those being experienced elsewhere in the

economy, with the industry expanding at an average annual rate of eight per cent between 1960 and 1965 compared to five per cent for the economy as a whole.<sup>23</sup> The basis for the industry's continued advance was the increasing sophistication, capacity and speed of trucks, with one industry journal observing: ". . . in a labour-intensive industry such as transport . . . economics in the industry are primarily economics of vehicle scale."<sup>24</sup> By the early 1960s the 'standard' truck driven by the 'average' truck driver was no longer a small, light truck or utility but a larger, three to six ton capacity vehicle, requiring considerably greater skill and responsibility on the driver's part.<sup>25</sup>

As the size of trucks increased a veritable revolution occurred in the performance of large, articulated vehicles following the invention of the Maxidyne engine by MACK in 1952; an invention that gave articulated vehicles high torque or pulling power at low engine revolutions.<sup>26</sup> With further improvements to performance coming through turbocharging and intercooling of engines, the 'big rig' had become the very symbol of the industry by the 1960s, accounting for fifty-six per cent of all tonne-kilometers performed by road transport by the decade's end.<sup>27</sup> To supplement improvements in vehicle performance came advances in dock handling and the development of new containers such as 'piggy-back' containers and flexi-vans for rapid transit of goods between sea, rail, and road modes—developments that foreshadowed the full containerisation of international freight in the late 1960s.

Such were the improvements in the efficiency of road transport during the late 1950s and early 1960s that significant sections of Australia's manufacturing industry began to restructure their operations to take advantage of these developments, further increasing the demand for road transport services. In assessing the reasons for their growth during the 1960s IPEC, a pioneer in the field of interstate express freight, notes:

As national distribution by road became more cost effective, a number of manufacturers built central factories and warehouses from which their goods could be dispatched promptly and cheaply to their interstate branches. This increased their freight costs but substantially reduced their overall

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23 Rimmer, *op.cit.*, p.83.

24 *Truck and Bus Transportation*, Vol.38, No.3, March 1974, p.115.

25 111 *CAR* p.560.

26 *Truck*, Vol.1, No.8, September 1985, pp.13-14.

27 Bureau of Transport Economics, *Overview of the Australian Road Freight Industry*, pp.26-7.

distribution costs . . . It was really a snowball effect. For, as industries grew, so too did the flow of manufactured goods from State to State.<sup>28</sup>

While helping to create new markets for its own services, improved technology also enabled road transport to make severe inroads into the more profitable cargoes carried by rail and sea transport. As early as 1957 transport commentators were observing that "the railways are attracting the high-priced tariffs and leaving the heavy, dirty cargoes to shipping and, to a lesser extent, railways."<sup>29</sup>

### Oligarchic Control and Owner-Divers

Although the deregulation of interstate road transport in 1954 had brought a flood of what seasoned industry observers described as "get-rich-quick Johnnies" into road transport,<sup>30</sup> leading to a number of years of fierce competition, the long-term advantage continued to lay with the larger established firms. For the key to survival in modern road transport is guaranteed loading, with expansion being dependent not so much on one's ability to build up fleet's of vehicles as on success in finding the necessary work for such vehicles. As transport magnate Sir Peter Abeles has since observed: ". . . there is no money in owning a truck. It is only the business you can build around the truck which is important."<sup>31</sup>

In late 1961 twelve of Australia's largest transport companies came together to reassert and extend their control of the interstate freight industry through the formation of the National Freight Forwarders' Association (NFFA).<sup>32</sup> The primary purpose of the NFFA was to guarantee its members a 'reasonable' profit margin of fifteen per cent by "facilitating the concentration of the industry into fewer hands."<sup>33</sup> By the mid-1960s these goals were largely achieved. Even before the formation of the NFFA a wave of take-overs was sweeping away

28 *IPEC: An Overnight Success, 1955-1989* (IPEC Transport Group, Adelaide, 1989), pp.23-4. IPEC's assessment is shared by a number of academic observers. See N.G. Butlin, A. Barnard and J. Pincus, *Government and Capitalism*, (Allen and Unwin, Sydney, 1982), p.281.

29 Frank Shennen, "What is Learned from Overseas", in *Truck and Bus Transportation*, Vol.21, No.8, August 1957, p.92.

30 *Truck and Bus Transportation*, Vol.21, No.7, July 1957, p.11.

31 Sir Peter Abeles, "Changing Directions in Transport Requires Flexible Operators," *Australian Transport*, April 1981, p.8.

32 *Truck and Bus Transportation*, Vol.25, No.11, November 1961, p.61. The twelve firms were Ansett Freight Express, Antill Rangers, Challenge Transport, Mayne Nickless, Mercury Transport, Morris Middleton, Rudder's Transport, F.H. Stephens, TNT, Yellow Express, Young's Transport.

33 Bureau of Transport Economics, *The Long Distance Road Haulage Industry*, pp.11-12.

the traditional local carrying firms that had previously dominated the industry, with 135 take-overs occurring between 1960 and 1967.<sup>34</sup> What was being sought by these take-overs was not so much the vehicles and premises of the companies concerned, which were frequently run down, but rather their business and clients.<sup>35</sup>

Although the effects of economic concentration were felt most strongly in interstate transport, with the top eight companies handling 67.7 per cent of all interstate freight in 1967 whether transported by road, rail or sea,<sup>36</sup> there were few aspects of the road transport industry that were unaffected by the take-overs of the early 1960s. By the mid-1960s the gradual elimination of local cartage firms was consolidating the position of the freight forwarders as the purveyors of a wide range of integrated transport services, with Australian businesses discovering that virtually any transport need from interstate transport to heavy haulage could be met by a phone call to their local TNT, Brambles or Mayne Nickless office.

As the process of economic concentration continued within road transport during the early 1960s even the members of the NFFA began to find themselves swallowed up by their larger rivals. With the incorporation of the large Rudders and Mercury fleets into the TNT empire in late 1966 effective control of the hire and reward sector of Australia's road transport industry was vested in five conglomerates—Ansett, TNT, Mayne Nickless, Brambles and the rapidly expanding Alltrans/Comet group owned by Peter Abeles and George Rockey.<sup>37</sup>

The domination achieved by these conglomerates provided an almost insurmountable obstacle for TWU branches under state awards during the late 1950s and early 1960s. Even such simple union tasks as inspecting wage books became impossible when these were kept at head-offices in another state, causing the TWU's Queensland State Secretary to complain plaintively in 1964 "that when the award was made it was not contemplated that this sort of thing would happen."<sup>38</sup>

34 *Truck and Bus Transportation*, Vol.31, No.12, December 1967, p.59.

35 In 1959, for example, the large firm of Blakistons declared: "More clients were needed to justify full-scale development." See *Truck and Bus Transportation*, Vol.23, No.7, July 1959, p.41.

36 *Ibid*, Vol.31, No.12, December 1967, pp.59ff.

37 *Ibid*, Vol.30, No.10, October 1966, p.174.

38 *TWU (Queensland) BCOM Minutes*, 10 December 1964.

If award enforcement became a major problem for TWU branches under state awards following the domination of road transport by interstate transport companies, a more disturbing development was the undermining of the traditional relationship between employers and employees in the industry. One tactic interstate firms used to avoid regulated conditions of employment was to recruit drivers from the rural areas through which their routes passed, and which were less exposed to TWU organisers, in preference to city drivers. Interstate employers believed, as one medium-sized operator notes, that "the country town still fosters attitudes of hard work, respect for the boss and his equipment."<sup>39</sup> The TWU was to see the matter somewhat differently, with one branch secretary concluding in 1958 that country drivers faced poor employment prospects in their home towns, leaving them little option but to accept below award wages and long hours of work.<sup>40</sup>

Although the TWU could eventually offset employer use of country drivers by improved country organising, a more intractable problem was posed by the displacement of employee drivers by owner-drivers employed on a sub-contractual basis for whom the TWU possessed no legal right of enrolment. Despite having originally built up their operations by using their own vehicles and drivers, by 1960 firms such as TNT, Brambles and Mayne Nickless were beginning to sell their trucks off.<sup>41</sup>

Like their counter-parts in other industries, road transport employers were by the early 1960s facing growing problems in attracting suitable labour, with many transport firms offering over-award payments of between fifty cents and eight dollars per week by 1966.<sup>42</sup> Transport operators, however, were able to at least partially offset these labour shortages by increasing their utilisation of owner-drivers. Attracted into the industry by the prospect of financial independence only to find themselves unable to secure loadings and clients of their own, owner-drivers competed amongst themselves for sub-contracts handed out by the established operators, with some large hauliers cynically observing that "it has been proved that there are

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39 Terry Nolan of Nolan's Interstate Transport, cited *Queensland Transport News*, Vol.4, No.6, March 1989, p.26.

40 *TWU (Queensland) BCOM Minutes*, 26 May 1958.

41 Bureau of Transport Economics, *The Long Distance Road Haulage Industry*, op.cit.

42 *Truck and Bus Transportation*, Vol.30, No.10, October 1966, p.71.

always more 'mugs' ready to take the place of those who 'go broke' and who will take loads at piece-work which show they have no idea of their true operating cost."<sup>43</sup>

If the use of owner-drivers in both long-distance and local cartage allowed employers to often meet their haulage requirements at a fraction of the cost of doing it themselves, freeing them from the expense of purchasing and maintaining their own vehicles, the use of owner-drivers was seen as also providing protection from a resurgent TWU. By the early 1960s road transport employers were becoming increasingly wary of the militancy being demonstrated by a new generation of TWU leaders, with the 'ideal fleet' being seen as one composed of half employee drivers, half owner-drivers.<sup>44</sup> While employee drivers using company trucks provided a core workforce, owner-drivers could be used to respond to the inevitable ebb and flow of work in road transport, fulfilling a role once met by casual employee drivers. By playing the two groups of drivers off against each other transport employers could minimise the effects of any industrial trouble, with it being widely conceded by employers that they would be "very vulnerable to strike action" if the TWU was able to recruit extensively amongst owner-drivers.<sup>45</sup>

For the TWU to respond effectively to the changes in road transport between 1956 and 1966 necessitated a review of both its national organisational structure, in which real power rested with the state branches rather than the federal office, and of its arbitration-oriented strategy. Although Platt and Horan had unsuccessfully tried to assert an enhanced role for the federal union between 1948 and 1952, few efforts had been made to review the appropriateness of the union's industrially moderate policies. Paradoxically events within the TWU during the late 1950s and the early 1960s were to see the reverse of this earlier process, with the adoption of more militant tactics by state branches not being fully reflected in a unified, nationally co-ordinated response to industrial problems.

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43 *Ibid*, Vol.21, No.10, October 1957, p.66.

44 *Interview with A.P. Beamish*, op.cit.

45 *Truck and Bus Transportation*, Vol.30, No.3, March 1966, p.123.

### 3: FACTIONAL CHANGES AND INDUSTRIAL MILITANCY

Although the departure of Jack Horan as Federal Secretary and a *rapprochement* between the federal and New South Wales Branches had saved the TWU from a major internal split during 1956, factional divisions continued unabated within most state branches of the union between 1956 and 1962, with the union's effective membership continuing to stagnate as a result.<sup>46</sup> While long-standing ideological differences contributed to this internal strife in a number of branches, factional divisions also reflected growing dissatisfaction at the gains being secured by the union's virtual total reliance on arbitration. By the early 1960s a new generation of leaders had emerged within the TWU's state branches who, while politically divided, shared a common determination to pursue the interests of their members more aggressively, being prepared to go outside the arbitration system and engage in industrial action where they felt the need.

#### Queensland—Progressive Victory, Communist Disintegration

Of all the factional conflicts within the TWU during the late 1950s and early 1960s none had deeper roots than that which occurred in the Queensland Branch, where the Brady-led 'progressives' had been unsuccessfully attempting to unseat the branch's conservative 'old guard' leadership since the early 1940s. Having come into the leadership of the union during the early 1920s, Bernie Hough, the Queensland Branch Secretary, epitomised the TWU's traditionally conservative approach to industrial problems. Even in the early 1960s Hough would allow no deviation from the formal practices of arbitration by his organisers. New organisers were confined to their offices until they had full mastery of award details and were expected to report any award breaches to Hough for redress through the Queensland Industrial Court. Any organiser daring to support direct industrial action by the branch's membership

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46 Effective national membership only advanced from 35,512 to 36,213 between 1957 and 1960. *Branch Returns to Federal Council*.

could expect a severe dressing down from Hough, and removal from office if he continued such indiscretions.<sup>47</sup>

A tough and authoritarian figure, Hough had managed to keep his opponents at bay during the late 1940s and early 1950s, although his chief factional opponent, Ed Brady, was elected Brisbane organiser in March 1953.<sup>48</sup> From late 1956, however, Hough's position began to deteriorate. In November 1956 a communist bread-carter, Stan Tapper, began circulating *The Transport Worker*, the first regular journal issued in the branch's history.<sup>49</sup> Although officially non-political, and receiving the endorsement of the Brisbane Sub-Branch, where another communist, Bert Nord, held the presidency, the journal allowed the 'progressives' a forum to campaign for a more militant industrial direction for the branch. Initially the journal concentrated its attention on the need for the re-establishment of yard committees amongst drivers, which had largely lapsed under Hough's leadership, arguing that "the only virile and effective unions are those whose rank and file members take a lively and active interest in their union's affairs."<sup>50</sup> As in the early 1940s, the Brisbane 'progressives' also sought active TWU recruitment amongst owner-drivers, calling on Hough to campaign for annual leave, workers' compensation and award rates for labour for owner-drivers.<sup>51</sup>

By September 1960 the 'progressives' had some sufficient support within the Brisbane Sub-Branch for them to receive endorsement for a stoppage of Brisbane TWU members in protest against a State of Emergency being declared by Premier Nicklin to force striking metal workers back to work. In emphasising the significance of the TWU's involvement in the stoppage *The Transport Worker* observed:

. . . the Union has taken no part in activity of this sort for approximately 40 years . . . the part played by the Transport Workers' Union in this stoppage will do much to convince the employers that they are faced with an organisation capable of fighting and not the 'tame cat' union they fondly imagine us to be.<sup>52</sup>

47 *Interview with Arch Bevis*, op.cit.

48 *TWU (Queensland) BCOM Minutes*, 27 January 1953, 7 April 1953, 18 May 1953.

49 *The Transport Worker*, Vol.1, No.1, November 1956. (Held by Stan Tapper, Ekibin, Brisbane).

50 *Ibid*, Vol.1, No.34, November 1959.

51 *Ibid*, Vol.1, No.33, August 1959.

52 *Ibid*, Vol.1, No.43, September 1960.



The decisive battle between Hough and his left-wing opponents came in March 1961 when Ed Brady defeated Hough's candidate, Fred Brown, for the newly created position of Industrial Research Officer (IRO), with the election being regarded as a contest to decide a successor for the ageing Hough.<sup>53</sup> Although Hough continued in office until his resignation in December 1964,<sup>54</sup> he played a progressively diminishing role in the affairs of the branch, even allowing Brady to replace him as the branch's representative on the TWU's Federal Committee of Management.<sup>55</sup> On winning his position as IRO, however, Brady rapidly began to distance himself from his former communist allies. Like Barney Platt, the former 'progressive' leader in New South Wales, Brady was no communist, his long alliance with communist activists being more a reflection of a common opposition to Hough's conservative industrial leadership than the product of a shared ideology.

As Brady distanced himself from his former allies, he built up an alternative power base amongst a number of left-wing ALP members including Bryan Davis, Len Ward and Arch Bevis, all of whom were elected as organisers between November 1964 and March 1965.<sup>56</sup> It was these officials, rather than Brady's former CPA allies, who were to dominate the future history of the branch. Bevis in particular was to have a meteoric rise through the branch's ranks, being elected IRO when Brady finally replaced Hough in February 1965 before succeeding Brady on the latter's death in February 1967.<sup>57</sup>

Although opposing the communist ideology of Brady's former allies, Bevis, Ward and Davis were prepared to work with them to build a more militant union, supporting efforts to establish a network of yard committees that would be the basis for future industrial campaigns. Such efforts were necessarily slow, involving numerous petty disputes that required support from union organisers.<sup>58</sup> By April 1964, however, the branch's Brisbane membership was sufficiently well organised for Brady to announce the successful implementation of an over-award campaign amongst the city's transport firms to the Queensland BCOM, observing:

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53 *TWU (Queensland) BCOM Minutes*, 13 March 1961.

54 *Ibid.*, 16 December 1964.

55 *Ibid.*, 27 August 1962.

56 *Ibid.*, 16 November 1964, 23 March 1965, 22 February 1965.

57 *TWU (Queensland) Special BCOM Minutes*, 12 February 1965, 9 February 1967.

58 See Brady's comments in *Ibid.*, 22 April 1964.

There are a number of firms paying well over the award due to the activities of the organisers on the job. Where they found that the firm was dragging their toes they would put on a lighting stoppage or a succession of stoppages, and the employer is then glad to bargain and agree to the over-award payment.<sup>59</sup>

Although the Queensland Branch's over-award campaign was effectively limited to Brisbane hire and reward operators, where the branch possessed its greatest bargaining power, it nevertheless demonstrated a new militant direction within the branch, a preparedness to combine the use of arbitrated awards with collective bargaining backed by industrial action.

To consolidate their work amongst employee drivers the Queensland Branch also established its own owner-driver section in July 1963.<sup>60</sup> In April 1965 the previously independent Lorry Owner-Divers' Association (LODA) placed itself under the branch's direction in recognition of its campaign to force employers to pay owner-drivers according to Part II of its parent award, which stipulated that payments for owner-drivers engaged as employees must cover both labour and vehicle costs.<sup>61</sup> This campaign, however, seems to have limited impact, with the Queensland Industrial Court ruling in October 1964 that "in general, owner-drivers were independent contractors,"<sup>62</sup> and thus not capable of receiving award protection.

Although the Queensland Branch under Brady slowly shed the 'tame cat' image that had largely characterised it since its formation by George Lawson in 1907, the branch's inability to regulate interstate transport companies brought with it a realisation that any efforts that it took on its own behalf were merely short-time palliatives to problems that could only be fully addressed by national industrial campaigns and a strengthened federal award that included the Queensland Branch.<sup>63</sup> Even Bernie Hough, in one of his last speeches to the branch, advised that the TWU's organisational structure, where real power rested with the state branches rather than the federal union, was "outmoded" and that the time had come to support a strengthened

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59 *ibid.*

60 *TWU (Queensland) BCOM Minutes*, 1 July 1963.

61 *TWU (Queensland) BCOM Minutes*, 1 April 1965.

62 *QIG*, Vol.57, September-December 1964, pp.324-26.

63 *Interview with Arch Bevis*, op.cit.

federal union.<sup>64</sup> Echoing such sentiments the Queensland BCOM in February 1965 endorsed the principle of the state's inclusion in the TWU's federal parent award.<sup>65</sup>

One of the most parochial and conservative branches of the TWU in 1956 the Queensland Branch had by 1962 become a bastion of the Left, sending solidly left-wing delegations to the TWU's Federal Council to advocate that the federal union follow at a national level the example of the Queensland Branch in adopting more militant policies. Although the victory of the 'progressives' in 1961 had seen the disintegration of the former communist-dominated alliance, the Brisbane Sub-Branch remained the only place where the CPA could have a direct impact on the TWU's direction, with its presence being boosted when the former Brisbane-district Secretary of the CPA, Warren Bowden, joined the branch in 1966.<sup>66</sup>

Unfortunately for the CPA its faction within the Brisbane Sub-Branch began to rapidly lose its cohesion during the mid-1960s, reflecting the general disintegration of the Communist Party itself, with Tapper and Bowden supporting the left-wing Labor leadership of the branch, while Bert Nord issued leaflets denouncing its 'reformist' nature.<sup>67</sup> The disintegration of the communist faction within the Queensland Branch, after nearly a quarter of a century of continued existence, helped ensure that the political and industrial future of the TWU would be in laborist rather than communist hands, bringing to an effective end a long, if fitful, tradition of revolutionary politics within the union.

### Victoria—A New Laborist Leadership

If in Queensland the emergence of an industrially-militant but laborist leadership after 1956 was the product of a break-up of an earlier communist-dominated opposition, in Victoria the challenge to the incumbent conservative leadership owed nothing to the Communist Party

64 *TWU (Queensland) BCOM Minutes*, 28 January 1965.

65 *TWU (Queensland) Special BCOM Minutes*, 5 February 1965.

66 *Interview with Warren Bowden*.

67 See *Left Wheel*, November 1973. For official TWU repudiations of this CPA pamphlet see *TWU (Queensland) Monthly News Report*, Vol.3, No.12, December 1973. (Both held Arch Bevis Personal Papers, Ashgrove, Brisbane).

but rather reflected the emergence of a new generation of industrially militant and left-wing Labor activists within the branch.

The first of these to win an official position within the Victorian Branch was Ivan Hodgson, a former bus-driver and Shell Company oil tanker driver, who was elected Trustee in the reshuffle that accompanied Cheney's election as Federal Secretary.<sup>68</sup> Elected as an Organiser in November 1957, Hodgson subsequently encouraged other like-minded activists to stand for office, being joined by William 'Bill' Burke in 1960, Eric Boulter in 1961, and Jack Thompson, Tom Benjamin and Clem Frost in 1964.<sup>69</sup>

Politically this new leadership was of the Left, with Hodgson remaining a firm supporter of socialism,<sup>70</sup> but it was a more moderate variety of 'Left' than that of either Fred Katz in the first decade of the century or of the CPA in the 1940s. Hodgson and his supporters remained committed ALP members, seeking political reform within the system unlike their more radical predecessors who had sought to channel industrial militancy into a force for revolutionary change.

Together the new leadership around Hodgson actively sought to move the Victorian Branch away from its previous identification with Labor's right-wing, with the branch by 1961 becoming a major supporter of the left-oriented Trade Union Defence Committee;<sup>71</sup> a group which became the focal point for opposition to the conservative policies of the Victorian THC. In addition the group supported sending delegates to peace congresses,<sup>72</sup> organised opposition to the apartheid system in South Africa,<sup>73</sup> and supported the exchange of trade union delegations with the USSR and China. For Hodgson himself this latter policy was highlighted when he joined the Queensland Branch's Arch Bevis in a trade union delegation to China in 1965.<sup>74</sup>

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68 *TWU (Victoria) BCOM Minutes*, 13 November 1956.

69 *Ibid.*, 19 November 1957, 26 April 1960, 12 December 1961, 14 July 1964, 1 September 1964, 22 September 1964.

70 *Interview with Ivan Hodgson*, September 1990.

71 *TWU (Victoria) BCOM Minutes*, 8 November 1961.

72 *ibid.*, 27 October 1959.

73 *ibid.*, 12 April 1961.

74 See *Report on Labor Men's Visit to China*, (Industrial Printing and Publication Co., Carlton, 1966).

As the 'progressive' faction around Hodgson attempted to consolidate its position within the Victorian Branch it found itself facing only intermittent opposition from an incumbent leadership showing signs of organisational disintegration. Unable to find sufficient right-wing members to fill vacancies for official positions, the conservative Victorian leadership was forced to acquiesce in the election of left-wing activists such as Hodgson through their simple inability to offer alternative candidates.<sup>75</sup> The Right's long hold on the branch was further weakened by the fact that Bill Cheney's replacement as Victorian Secretary in September 1956, Gordon 'Roy' Hill, was by the time of his election a very sick man. Constantly ill until his eventual departure from office in June 1964, Hill was replaced in his frequent absences by Tom Doyle. Briefly a 'progressive' leader during 1945, Doyle soon began to ally himself with the younger group of industrially militant and politically conscious union activists around Hodgson.

By the early 1960s the Left's gradual consolidation of power within the Victorian Branch, culminating in the election of Doyle as State Secretary in June 1964,<sup>76</sup> placed it in a position to seriously challenge the branch's traditional passive reliance on arbitration. If any single factor differentiated the new industrial policies of the Victorian Branch from those pursued by the union in preceding decades it was the increasingly active involvement of the membership in award settlements, rather than a simple reliance on compulsory arbitration procedures. This strategy found expression not so much in over-award campaigns,<sup>77</sup> as in the use of direct industrial pressure to hasten settlements before the Commission on a favourable basis to the union, with all three of the major federal award adjustments between 1956 and 1966—1959, 1963 and 1965—being accompanied by widespread stoppages. These stoppages represented the first occasion since the handing down of the union's federal parent award in

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75 *Interview with Ivan Hodgson*, February 1990.

76 Initially elected as Acting Secretary on 23 June 1964, Doyle's position was confirmed by the results of the triennial election announced on 8 December 1964. See *TWU (Victoria) BCOM Minutes*, 23 June 1964 and 8 December 1964.

77 The degree of over-award payments in the industry remains one for debate. Certainly many employers did pay over-award payments and the Victorian Branch sought to defend these, but particularly amongst hire and reward operators the Award seems to have remained a 'paid rates' one and employers certainly regarded it as such. *Interview with Beamish*, op.cit.

1917 that the union had attempted to use industrial pressure to effect federal award outcomes, exploiting divisions within employer ranks in the process.

Initially these tactics were greeted with considerable scepticism by the Victorian Branch's 'old guard', with Hodgson being warned by Hill before the first mass stoppage in March 1959 that the members would not respond, only to find six thousand attending the stop-work meeting.<sup>78</sup> In October and November 1962 stop-work meetings were once again held at a yard level to endorse a federal claim for an extra week's leave and increased margins,<sup>79</sup> although an attempt by Hodgson and his supporters to secure a general stop-work was blocked by Doyle and Hill.<sup>80</sup>

By December 1964, however, Hill had been replaced, while Doyle was cautiously endorsing the new approach. When it appeared that the union's federal claim for increased margins in late 1964 faced long delays before the Commission a campaign of stop-work meetings was again mounted. This campaign was to be historically important in that it set a precedent for a strategy that was to be applied at a national level after 1969, with concessions being initially sought from hire and reward operators before being generalised through the award system. The stoppages directed against master carriers soon had their desired effect, with the VRTA negotiating a five point settlement with Doyle. This involve the VRTA collaborating with its sister organisations in Tasmania and South Australia to secure an early settlement of the union's claim before the Commission.<sup>81</sup> When ancillary operators later objected to the terms of the award the union showed its displeasure at their appeal to the Commission by staging a twenty-four hour stoppage of all Victorian TWU members on 12 April 1965.<sup>82</sup> However, even at this stage many within the branch still felt that such strikes were too radical a break with past practices and a motion for a further twenty-four hour stoppage on 3 May 1965, supported by Hodgson, Burke and others within the branch's left-wing was defeated.

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78 *Interview with Hodgson*, September 1990. Also *TWU (Victoria) BCOM Minutes*, 24 March 1959.

79 *TWU (Victoria) BCOM Minutes*, 26 October 1962.

80 *Ibid.*, 27 November 1962.

81 *Ibid.*, 8 December 1964.

82 *Ibid.*, 7 April 1965 and 27 April 1965.

The tactics followed by the Victorian Branch in 1965 represented the integration of a collective bargaining strategy within the overall framework of the arbitration system, securing gains for the weaker sections of the industry as well as for those who were in a strong bargaining position. But it also meant an acceptance of the existing industrial relations system; an attempt to reach an accommodation with capital on the most favourable terms rather than seeing industrial action as providing the basis for a challenge against capital.

A major complement to the industrial strength of the Victorian Branch during the mid-1960s was its ability to secure a substantial base amongst owner-drivers for the first time, which until the early 1960s had been largely restricted to brick carters. The turning point was the signing of an Agreement in July 1965 for improved cartage rates for the hundreds of owner-drivers employed by a number of Melbourne pie manufacturers.<sup>83</sup> An Agreement covering owner-drivers employed by IPEC was also signed at this time.<sup>84</sup> These victories encouraged further activity amongst owner-drivers, with efforts in the ensuing months being concentrated on ready-mixed concrete-drivers and owner-drivers employed by Taxi Truck firms.<sup>85</sup>

Despite the industrial gains secured by the Victorian Branch at a state level it remained particularly vulnerable to any deficiencies in the TWU's Federal Office, being dependent as it was almost entirely upon federal awards. In addition, the militant approach of the branch had caused it to frequently fall foul of the penal clauses of the Commonwealth Arbitration Act<sup>86</sup> causing the branch to advocate strong federal union action against these clauses.<sup>87</sup> Like their counter-parts in Queensland, the new Victorian Branch leadership came to believe that any industrial actions that it undertook were mere substitutes for a more effective federal union, with the Victorian BCOM passing a motion in March 1965 calling for an "extension of federal office staff" to enable the federal TWU to deal with the union's industrial problems.<sup>88</sup> In

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83 The major firms involved were Herbert Adams' Pies and Noon Pies. See *TWU (Victoria) BCOM Minutes*, 29 June 1965 and 24 August 1965. Previously these owner-drivers had been represented by the VRTA.

84 *TWU (Victoria) BCOM Minutes*, 24 August 1965.

85 *Ibid.*

86 The Victorian Branch's most severe penalties were incurred when it had one thousand, two hundred and forty pounds in fines and costs awarded against it in 1962 after a dispute with Liquid Cartage plus three thousand, eight hundred pounds incurred in 1965 after a sympathy strike at Commonwealth Industrial Gases. See *ibid.*, 13 February 1962. Also *TWU (Federal Council) Minutes*, 6-16 April 1964, p.14.

87 *Ibid.*, 20 October 1964.

88 *Ibid.*, 16 March 1965.

issuing such a call the Victorian Branch was reflecting growing support within the TWU for a more assertive and militant federal union.

### Western Australia—The End for a Conservative Bastion

As support for a more industrially militant direction grew within the TWU the WA Branch remained a major force for conservatism, resolutely defending the union's traditional arbitration-oriented strategy. Dominated by Oscar Nilsson since his election as State Secretary in 1918, the branch had long been the most conservative and authoritarian within the union, and it would remain so as long as Nilsson wielded effective power.

Although theoretically Nilsson's long reign came to an end when he resigned the secretaryship in February 1955,<sup>89</sup> to be replaced by Cyril Francis 'Frank' Pettitt,<sup>90</sup> in fact Nilsson's resignation seems to have been merely a ploy to circumvent the TWU's rules, which provided for mandatory retirement at age sixty-eight. Nilsson continued to serve in a paid capacity,<sup>91</sup> signing industrial agreements on behalf of the branch,<sup>92</sup> while being publicly described as the branch's 'assistant-secretary'.<sup>93</sup>

In February 1959 Nilsson and Pettitt's domination of the WA Branch was shaken when they lost an election for positions in the branch's state-registered body, the Transport and Motor Operators' Union (T&MOU), to a team headed by Don Culley and the branch's President, Gordon Hockley.<sup>94</sup> Although supported by prominent communist Paddy Troy,<sup>95</sup> and generally to the left in their political opinions, Culley and Hockley were more concerned with the failure of the branch's conservative arbitration-oriented industrial policies than with politics, declaring that their primary goal was to end the "industrial picnic" enjoyed by Western Australian transport employers for over fifty years.<sup>96</sup>

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89 *CARR*, File 179/231.

90 *Ibid*, File 179/237.

91 *TWU (Federal Council) Minutes*, 11-21 September 1961, p.1 (ANUABL, Z181/Box 107).

92 *WAIG*, No.38 (1958), p.485.

93 *Newsweekly*, 4 February 1959.

94 *Ibid*, 4 February 1959, 18 March 1959.

95 *Ibid*, 28 January 1959, 22 March 1961.

96 Gordon Hockley, "President's Address", in *The Wheel*, Vol.1, No.1, p.1.



While Nilsson and his supporters managed to maintain control of the federally-registered branch of the TWU—in a situation reminiscent of the schism in the NSW Branch in 1955-56—the factional struggle soon proved to be a one-sided affair as members defected from the federally-registered union to Culley's T&MOU, reducing the federal branch's membership from 2,433 in September 1958 to 679 in early 1962.<sup>97</sup> Recognising their imminent extinction while Nilsson retained effective power, the federally-registered TWU Branch voted to dispense with his services in June 1960, ending his forty-two year control of the branch.<sup>98</sup> With Nilsson's departure the Queensland Branch's Ed Brady was able to successfully undertake the reconciliation of the two legally separate WA unions on behalf of the TWU's Federal Council, although formal reunification of the WA Branch under Culley's leadership was not achieved until 19 June 1962.<sup>99</sup>

Although lacking the committed political beliefs or the well-formulated industrial strategies of many of their counterparts in the eastern states, with the WA Branch failing to make any serious attempts to organise owner-drivers, the Culley leadership was in broad accord with those within the TWU seeking to modify the union's conservative use of arbitration. Once in power Culley also discovered that changes in the road transport industry were making ineffective many of his branch's efforts to regulate conditions of employment through state awards, even when the branch attempted to mobilise shop committees to defend the union's interests.<sup>100</sup> By March 1964 Culley was adding his voice to those calling for a stronger and more assertive federal union, warning: "With the constant take-overs by monopolies and combines . . . the days of the small state registered union is numbered."<sup>101</sup>

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97 WAIG, Vol.40 (1960), p.929.

98 "WA Branch Report to Federal Council, 8 September 1960", attached to *TWU (Federal Council) Minutes*, 12-22 September 1959. (ANUABL, Z181/Box 106).

99 *TWU (FCOM) Minutes*, 21-22 June 1962, p.3 (ANUABL Z181/Box 111).

100 *The Wheel*, Vol.1, No.1, p.3.

101 "WA Branch Report to Federal Council, 25 March 1964," p.1, attached to *TWU (Federal Council) Minutes*, 6-16 April 1964. (ANUABL, Z181/Box 107).

## South Australia—The Rise of Ted Harris

Although factional changes within the Queensland, Victorian and Western Australian Branches fundamentally altered the balance of power within the federal TWU during the early 1960s, it was the South Australian Branch that provided the eventual leadership for those seeking a more cohesive and industrially militant federal union.

Once the most militant road transport union in Australia, the SA Branch was by 1956 an industrially conservative backwater. An admission by long-serving State Secretary, Bill Simons, in November 1956 that the branch was "insolvent"<sup>102</sup> clearly demonstrated the need for a change in direction. After a period of considerable confusion, in which three secretaries—Simons, V.B. Taylor and J. Bursil—replaced each other in rapid succession between March 1956 and February 1957, the branch finally found a more decisive leadership with the election of veteran left-wing activist George Fisher in December 1957.<sup>103</sup>

On his election to office Fisher's policies were to be dominated by dismay at the TWU's inability to respond to the changes that were occurring in the industry as the result of the expansion of interstate transport, with Fisher warning the union's Federal Council in 1960 that the problem "could annihilate the union unless solved forthwith . . . The development of road transport has definitely eliminated any restricted area of operation with the result that any one individual state branch is powerless to organise and effectively police awards or working conditions."<sup>104</sup>

The particularly vocal concerns of the SA Branch about the problems of interstate transport reflected the State's peculiar geographical position, with the close vicinity of the Victorian border to the State's population centres making it vulnerable to 'border-hopping' operations. Despite Fisher's attempts to highlight the problems posed to the TWU by interstate transport it was to be the man whom he appointed as SA Branch country organiser in 1959, Edward 'Ted' Harris, who was to lead the way in formulating a response. By December 1961

102 *TWU (SA Branch) Pamphlet*, 1 November 1955, p.1 (Held TWU (SA Branch), Adelaide).

103 *TWU (SA) Special BCOM Minutes*, 6 March 1956, 6 June 1956, 8 February 1957, 17 December 1957.

104 "SA Branch Supplementary Report to Federal Council", pp.2-3, attached to *TWU (Federal Council) Minutes*, 12-22 September 1960. (ANUABL, Z1818/Box 106).

Harris had replaced Fisher as SA Branch Secretary,<sup>105</sup> setting the stage for his emergence as the key figure in the TWU's history between 1962 and 1976.

A former interstate driver, Harris possessed a fierce determination to assert what he saw as the interests of the TWU over any adversary, whether internal or external, with his major employer opponent later commenting: "Harris was the most uncompromising individual I have ever met."<sup>106</sup> Politically well to the Left despite a lack of formal political connections, Harris provided the major focus for the emerging left-wing majority in the TWU's Federal Council, although his often abrasive personality ensured that his support was built more on respect than on personal affection.<sup>107</sup>

Within his own branch Harris was determined to use a combination of improved awards, collective bargaining, and industrial militancy to enforce the union's authority, relentlessly driving non-TWU members out of the industry by placing bans on any firm employing non-union labour.<sup>108</sup> Such tactics proved highly effective, with branch membership rising from 2,900 in 1960 to 5,176 in 1966.<sup>109</sup> By 1963 Harris was campaigning for the federal union to adopt a similar approach to industrial problems, preferably under his leadership. This campaign was greeted with considerable ambivalence and even hostility not only by the TWU's Federal Secretary, Bill Cheney, but also by the powerful NSW Branch, the largest in the federation. For although the NSW Branch had developed more militant and industrially flexible industrial tactics during the early 1960s, its political and industrial evolution continued to place it at odds with its counterparts elsewhere in the union.

### **New South Wales—The Emergence of an Industrially Militant Right**

Although Platt had been successful in forcing the withdrawal of official ALP support for his Group opponents by 1955, his position continued to deteriorate throughout the

105 *TWU (SA Branch) Special BCOM Minutes*, 18 December 1961.

106 *Interview with A.P. Beamish*, op.cit.

107 *Interview with Keith Cys*, op.cit.

108 "SA Branch Report to Federal Council, April 1964", p.1, attached to *TWU (Federal Council) Minutes*, 6-16 April 1964.

109 *Branch Reports to Federal Council*.

remainder of the decade. This was despite the fact that he was able to secure the replacement of his chief rival, Ernie Wilmot, as State Secretary of the Federal Branch of the TWU on 3 August 1958<sup>110</sup>—Wilmot's successor being Bert Clancy, a Platt supporter who was to hold the position until 4 October 1959.<sup>111</sup>

Wilmot's supporters retained a strong basis of support within the union despite Platt's manoeuvrings, and as elections for positions on both the federal and state registered unions neared in 1959 the battle between the two camps intensified. Threats were made against the life of the Returning Officer, P.J. Mansell, after he rejected nominations from the Platt supporters,<sup>112</sup> while in February 1959 a meeting of the Branch Committee of Management was broken up by fifty Wilmot supporters during which the sixty-three year old Platt was physically assaulted.<sup>113</sup> In the subsequent elections, held for the state union in June 1959 and for the federal branch in August, Platt's supporters suffered overwhelming defeat.<sup>114</sup> The ensuing replacement of Bert Clancy by Wilmot as Secretary/Treasurer pro tem of the federal branch on 4 October 1959 effectively brought to an end more than a decade of factional strife in New South Wales, uniting in practical terms the federal and state registered unions under a common leadership.<sup>115</sup>

Although it had broadened its base considerably during the late 1950s with the recruitment of former Platt loyalists such as H.V. Henry, Gordon Cooper and Harry Quinn,<sup>116</sup> the victory of the Wilmot faction brought to power a group of activists who had evolved from the Movement-influenced Transport Workers Industrial Group. Throughout the late 1950s Platt's supporters had continued to depict the Wilmot group as "a faction which . . . is controlled and directed from outside the TWU."<sup>117</sup> While it appears that such views were false, with B.A. Santamaria stating that the NCC was unable to maintain an organised presence

110 *TWU (New South Wales Branch) Rough BCOM Minutes*, 3 August 1958. (ANUABL Z277/Box 1).

111 *Ibid.*, 4 October 1959.

112 *Newsweekly*, 4 March 1959.

113 *Ibid.*, 11 February 1959.

114 *Sydney Morning Herald*, 9 June 1959 and *Newsweekly*, 26 August 1959.

115 Legally these two bodies remained distinct. An attempt to have the Federal TWU rules registered in New South Wales was rejected by T.J. Kearney, the State Industrial Registrar, in December 1957. See "Correspondence" T.J. Kearney to G.W. Cooper, 6 December 1957", reproduced in *TWU (Federal Council) Minutes*, 8-19 September 1958, p.12. (ANUABL, Z181/Box 106).

116 For details of the split within the Platt camp see *TWU (NSW Branch) Rough BCOM Minutes*, 3 August 1958. (ANUABL, Z277/Box 1).

117 *TWU (New South Wales Branch) Rough BCOM Minutes*, op.cit.

in the TWU after the 1955-56 split,<sup>118</sup> the accusations left suspicions as to the ideological credentials of the new NSW leadership amongst other TWU branches. Certainly the politics of the Wilmot leadership proved to be, as Bray and Rimmer note, "largely conservative",<sup>119</sup> opposed to support for peace congresses,<sup>120</sup> or trade union delegations to communist countries and when informed that a TWU delegation had been invited to the USSR a motion was passed declaring "this Branch opposes the visit to Russia under any circumstances."<sup>121</sup> The subsequent decision by the Victorian Branch to accept this invitation<sup>122</sup> highlighted the political differences between the NSW Branch and the TWU Left, as did Hodgson and Bevis' visit to China in 1965.

Despite its identification with Labor's right-wing the new New South Wales leadership differed from the 'old guard' TWU Right in its more pragmatic approach to industrial relations, being prepared to undertake militant campaigns in the workplace to establish its authority in the industry. The preparedness of the New South Wales leadership to adopt industrially militant tactics represented a significant blurring of past divisions within the union over its attitude towards compulsory arbitration and collective bargaining, where the Right had normally supported the former and the Left the latter. In their ability to link the more conservative political ideas of the laborist tradition with an industrially militant form of unionism the Wilmot faction represented a new breed of right-wing labour activists; activists who were to create far more formidable union structures than their more traditional predecessors on the Right.

The new militancy of the New South Wales Branch was publicly demonstrated during 1962 when, in seeking an upward revision of award rates before the State Industrial Commission, it called for a twenty-four hour stoppage within the Sydney area. The stoppage was highly effective, with industry commentators noting: "The strike resulted in an almost complete stoppage of goods transport in Sydney . . . The back-up of goods lasted well into the

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118 *Interview with B.A. Santamaria*, September 1990,

119 Bray and Rimmer, *op.cit.*, p.209.

120 *TWU (New South Wales Branch) Finance Committee Minutes*, 16 September 1964. (ANUABL, Z277/Box 1).

121 *Ibid.*, 16 June 1965.

122 *TWU (Victoria) BCOM Minutes*, 29 June 1965.

following week."<sup>123</sup> The subsequent award review confirmed the success of the tactic, with rises of between eight and ten shillings being won.<sup>124</sup>

During 1964 and 1965 the New South Wales Branch also campaigned strongly for over-award payments to supplement award rates, with the MCA complaining: "The union's campaign was a form of collective bargaining which was contrary to the system of conciliation and arbitration."<sup>125</sup> After a substantial industrial conflict during late 1964,<sup>126</sup> the branch finally accepted a twenty-five shilling award increase from Commissioner Cahill in April 1965 in return for calling the campaign off.<sup>127</sup>

The increased militancy of the New South Wales Branch during the early 1960s was reflected in its dealings with private bus companies. Although the TWU (NSW) had long shared an award for this industry with the MOEA, it was the latter organisation which possessed the bulk of the employees so covered. The branch was able to make its first major inroads into the industry when it adopted a more militant attitude than its rival to the introduction of automatic ticket machines on Wollongong buses during 1962.<sup>128</sup> When private bus drivers were granted only three shillings per day for using these machines, as against seven shillings for Government drivers, the TWU organised a general stoppage of Sydney, Wollongong and Newcastle private bus drivers during October 1962.<sup>129</sup> The following month Roy Corrigan, General Secretary of the NSW Omnibus Proprietors' Association, warned his members that their past ability to avoid meeting award rates and conditions was coming to an end, noting:

An intense drive for new members is now being made by the Transport Workers' Union, which is a very powerful union with field organisers travelling through most parts of New South Wales.<sup>130</sup>

The industrial militancy of New South Wales Branch during the early 1960s helped reassert the union's authority in the industry, which had waned during the factional disputes of

123 *Truck and Bus Transportation*, Vol.26, No.10, October 1962, p.9.

124 148 *NSWIG* (1963) pp.1016ff.

125 *MCA (NSW) Minutes*, 13 April 1964.

126 For details of this campaign see Bray and Rimmer, *op.cit.*, pp.212-16.

127 65 *NSWAR* (1965) pp.258-263.

128 *Truck and Bus Transportation*, Vol.26, No.7, July 1962, p.21. Also 61 *NSWAR* (1962) pp.148-52.

129 *Ibid.*, Vol.26, No.11, November 1962, p.16.

130 *Ibid.*

the late 1950s. Effective branch membership rose as a result from 14,564 in 1959 to 22,526 in 1964.<sup>131</sup> But by 1965 the branch was reviewing this industrial strategy. In November 1964 the State Industrial Commission warned of "a lack of control by the union over its members."<sup>132</sup> This assessment seems to have corresponded with that made within the branch itself. Bray and Rimmer note that following the 1964-65 over-award campaign "a number of the leaders were disturbed at the rapid escalation of the dispute and the disruption it caused."<sup>133</sup> They go on to conclude that this factor, combined with the difficulty in spreading over-award payments to all members, caused the branch's leadership "to abandon over-awards and instead advocate a greater commitment to arbitration."<sup>134</sup> The adoption of a more conservative approach to industrial problems after 1965, however, represented more a shift of emphasis than a reversion to the industrially conservative tactics that had previously characterised the TWU. Indeed the NSW Branch remained prepared during the 1960s to shut down the whole of the state through its industrial actions in instances where it felt that its authority was threatened.

If differences over industrial tactics cannot be seen as a source for institutional disunity between the NSW Branch and its more left-wing counterparts in other states between 1960 and 1966, the NSW Branch was also unable to argue as it had done in the past that wage rates paid under federal awards were a threat to the working conditions of its members. Despite the militancy of the NSW Branch during the early 1960s wage margins prescribed under the federal Transport Workers (General) Award advanced more rapidly than those in the NSW parent award between 1959 and 1965, reflecting a reluctance of the NSW Industrial Court to pass on all the increases in margins being obtained under federal awards at this time. As a result the gap between the TWU's federal and New South Wales' parents awards was, at least temporarily, substantially reduced or even eliminated. (See Table 5.1) Indeed Bray and Rimmer see these "set-backs within the [state] arbitration system" as a prime cause of the militancy of the NSW Branch at this time.<sup>135</sup>

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132 Branch returns to Federal Council.

132 64 *NSWAR* (1964) p.667.

133 Bray and Rimmer, *op.cit.*, p.216.

134 *Ibid.*

135 *Ibid.*, p.213.

Table 5.1

**A Comparison of Margins Received Under the Federal Transport Workers (General) Award and the NSW Carters and Motor Wagon (State) Award 1957-1965**

	Federal		State	
	25 cwt	3-6 tons	20-40 cwt.	40-60 cwt.
1957	36s.	55s.	45s.	63s.
1960	49s.6d.	76s.	52s.	72s.
1963	54s.6d.	84s.	60s.	82s.
1965	78s.	108s.	85s.	107s.

(Sources: Commonwealth Arbitration Reports, NSW Arbitration Reports)

Although federal-state award differentials temporarily lost much of their traditionally divisive role in defining the relationship between the federal TWU and its NSW Branch during the early 1960s, the NSW Branch refused to endorse the call being made by other TWU branches for a common series of federal awards to regulate the Australian road transport industry. Instead the NSW Branch informed the TWU's Federal Committee of Management in 1965 that "if New South Wales could have all state awards, it would be pleased."<sup>136</sup>

Fiercely protective of its own autonomy within the union, the NSW Branch was unwilling to give ultimate control of its industrial future to a federal body whose politics were increasingly at odds with its own. In addition, despite the erosion of the gap between state and federal award margins, the NSW Branch continued to see its state arbitration system as being superior to the federal alternative. In particular the branch saw in amendments to the NSW Industrial Act in 1959 a mechanism for securing award coverage for owner-drivers. Under Section 88E of the amended Act certain categories of workers—including taxi-drivers, milk vendors and lorry owner-drivers—were declared to be 'deemed employees' and thus liable to the protection of NSW awards and industrial agreements.<sup>137</sup> For the NSW Branch the

<sup>136</sup> Dick Carling at *Joint Meeting of New South Wales BCOM and Federal Committee of Management*, 21 September 1965, p.7 (ANUABL, Z181/Box 111).

<sup>137</sup> "The Industrial Arbitration (Amendment) Act, 1959", in *The Statutes of New South Wales (1959)*, pp.162-192 at pp.179-83.



certainties offered by its state arbitration system, which it could supplement by its own industrial campaigns, continued to be preferred to the uncertain prospects involved in federal arbitration and national industrial campaigns.

## Canberra and Tasmania

Throughout the late 1950s and early 1960s the small Canberra and Tasmanian Branches remained largely untouched by the factional conflicts and increasing industrial militancy that characterised the TWU's larger branches. Too small to engage in any significant industrial campaigns of their own,<sup>138</sup> both branches remained heavily dependent on the efforts of their local leaders for their survival and advance. While both experienced a number of leadership changes, with Dave Lucas replacing C. McKenna in Tasmania during December 1956,<sup>139</sup> and long-standing Canberra Branch Secretary M.F. Macdonald being replaced by first R. McDonnell and then D.D. 'Doug' Carpenter,<sup>140</sup> none of these changes effected their basic political or industrial orientation. The Canberra Branch remained aligned with the Left while Tasmania identified with the Right.

Despite being relatively untouched by the wider process of factional conflict and internal change within the TWU, the fate of the Tasmanian and Canberra Branches remained bound up with developments occurring elsewhere in the union. More than any other branches their survival depended on the commitment of greater resources to the federal union; resources which could be reallocated to allow them to build up the membership base necessary for the pursuit of more militant and effective tactics.

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138 Even in 1966 the Tasmanian Branch possessed only 1,732 effective members, while the Canberra Branch's 428 members in 1966 still did not allow for the appointment of a full-time Secretary. See *Branch Reports to Federal Council*.

139 *TWU (Tasmanian) BCOM Minutes*, 10 December 1956 (Held TWU (Tasmanian) Branch, Launceston).

140 *TWU (Canberra) BCOM Minutes*, 5 September 1960, 29 June 1960. (ANU Archives of Business and Labour, T32/3).

#### 4: COMMON STRATEGIES AND NATIONAL DISUNITY

Despite the continuation of factional divisions within the TWU between 1956 and 1966, the increasing militancy shown by the TWU's state branches was bound to have an impact on the union's federal awards, where sustained advances in working conditions had been hindered since 1917 by the union's inability to break up an industrially conservative alliance of transport employers. Traditionally regarded as a semi-skilled occupation, margins for drivers had since 1940 roughly approximated those being received by second or third class machinists under the Metal Trades Award. By 1965, however, margins being paid to the driver of a 'standard' three to six ton truck under the federal Transport Workers (General) Award were within four shillings of the margin being received by a fitter. (See Table 5.2)

**Table 5.2**

**A Comparison of Margins Received Under the Federal Transport Workers (General) Award and the Metal Trades Award, 1954-55-1965 (by shillings)**

Years	Drivers		Metal Industry		
	25 cwt.	3-6 tons	Fitter	2nd Class Mach.	3rd Class Mach.
1954/55	36s.	55s.	75s.	50s.	35s.
1959/60	49s.6d.	76s.	96s.	64s.	45s.
1963	54s.6d.	84s.	106s.	70s.	50s.
1965	78s.	108s.	112s.	76s.	55s.

(Source: Commonwealth Arbitration Reports)

The ability of the TWU to close the gap between the margins set for drivers and those stipulated for fitters hinged on the outcome of two work-value cases and their accompanying appeals in 1959-60 and 1965—cases in which the TWU benefitted from both a genuine recognition by the Commission of the changed nature of work in road transport and a concern felt by hire and reward operators that it was no longer feasible to deny their increasingly militant workforce substantial wage increases.

In granting road transport workers covered by the Transport Workers (General) Award a twenty per cent margin increase in February 1959 after a work-value inquiry Commissioner Austin based his judgement on a recognition of the way in which technological change had transformed the skills required by drivers, commenting: "I know of no other industry where . . . employees . . . perform the work for which they are paid without constant supervision."<sup>141</sup> If road transport employers were alarmed by the size of the increases awarded, they were further dismayed when on 29 January 1960 Austin granted TWU members under federal awards a full-flow on of the twenty-eight per cent margin increases awarded to metal trades employees in November 1959,<sup>142</sup> giving a total margin increase of forty-eight per cent in less than twelve months.

The increases awarded by Commissioner Austin between February 1959 and January 1960 were particularly disturbing for the ancillary operators, upsetting as they did the traditional wage relativities between road transport workers and their other employees, with employers' appealing to the Commission's Full Bench on 26 February 1960 in an attempt to have Austin's second increase disallowed.<sup>143</sup> The Full Bench, however, showed little interest in the employers' case, merely advising Commissioner Austin to review his findings.<sup>144</sup> When Commissioner Austin proceeded to announce virtually unchanged margins the Commission decided to abstain from further intervention.<sup>145</sup>

In effectively rejecting the employers' appeal against the increases awarded by Commissioner Austin, the Full Bench was showing an astute appreciation of the likely consequence of their overturning Austin's judgements. Stoppages by the TWU's Victorian and South Australian Branches during both the initial work-value case and the subsequent appeal indicated that a rejection of substantial increases for road transport workers at this time would in all likelihood lead to a prolonged transport stoppage, involving at least Victoria and South

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141 91 CAR pp.344ff. at p.349.

142 95 CAR pp.416ff. at p.417.

143 *Ibid*, p.420.

144 *Ibid*, p.421

145 *Ibid*, pp.425-28. Under this third review of margins in the industry Austin announced a slight reduction in margins for drivers of smaller capacity vehicles of between six pence and one shilling. However, margins for drivers of heavy and articulated vehicles were increased even further.

Australia and perhaps Queensland as well.<sup>146</sup> Nor were transport employers likely to present a solid front against the TWU in the event of a major conflict. Under the continuing pressure of conflicting industrial interests the forty-year old alliance between ancillary and hire and reward operators in the Transport Employers' Committee collapsed<sup>147</sup> removing one of the major industrial barriers to the TWU's advance.

The breach between hire and reward and ancillary operators was fully revealed when Commissioner Gough awarded road transport workers under the TWU's federal parent award increases of up to twenty-two shillings on 22 March 1965 after his own work-value inquiry.<sup>148</sup> When the Victorian Chamber of Manufacturers led an appeal on behalf of ancillary operators covered by the TWU's federal awards the Victorian, South Australian, and Tasmanian Road Transport Association's dissociated themselves from this action, indicating their willingness to pay the recommended increases.<sup>149</sup> Recognising the industrially isolated position of the appellants, the Full Bench not only rejected their appeal but awarded further increases of between two and three shillings to reflect additional adjustments in the metal trades award.<sup>150</sup>

The 1965 work-value inquiry and its subsequent appeal represented a historic moment for the TWU. For the first time since the union's federal parent award had come into being in 1917 the two major employer groups in the industry had gone into an industrial hearing arguing opposing positions, with the refusal of hire and reward operators to endorse an appeal effectively undermining employer opposition to the TWU. The TWU's victory, however, was dependent on a peculiar conjuncture of forces that would not necessarily be repeated. No formula was established for further adjustments of wages outside the formal processes of arbitration, with any industrial pressure on federal-award transport employers being largely dependent on the balance of factional power within the Victorian Branch rather than on a still largely ineffective federal TWU.

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146 Although the Queensland Branch failed to stop work in protest against the employers' appeal, the Brady-led 'progressives' assured the Victorian Branch of "Brisbane's full support." See *The Transport Worker*, Vol.1, No.37, February 1960, p.1.

147 *Interview with Beamish*, op.cit.

148 111 *CAR* pp.553 ff. at pp.565-68.

149 *Ibid.*, p.569.

150 *Ibid.*, p.576.

## A Divided Federation

If the wage gains secured by the TWU through its federal parent award between 1959 and 1965 were achieved more despite the federal TWU than because of it, the reasons for the continued ineffectiveness of the federal union were not difficult to discern. Many of the failings of the federal office between 1956 and 1966 must be attributed to the Federal Secretary, Bill Cheney, a figure who proved incapable of welding together the diverse factional groupings within the federation. Always overshadowed by the long career of his father before him, Cheney left behind him an impression of easy-going inaction with contemporaries recalling how his days were often spent simply reading the newspapers.<sup>151</sup> Even employer representatives found Cheney's performance frustrating, with the VRTA's Executive Director from 1961 to 1984, A.P. Beamish, recalling that attempts to contact Cheney often evoked no response.<sup>152</sup> Cheney's award applications to the Commission were widely regarded as sub-standard by both his union colleagues and employers, requiring frequent correcting and prompting from Commissioners Austin and Gough—figures who fortunately showed themselves to be sympathetic to the TWU's cause.<sup>153</sup>

While Cheney's personal failings impaired the federal TWU's performance, it must be conceded that he was never given the resources or support necessary to carry out his duties. Throughout Cheney's term in office the position of the federal TWU was continually described as "desperate",<sup>154</sup> with Cheney being expected to carry out his duties without any research staff or even office equipment.<sup>155</sup> In its final analysis the financial plight of the federal Branch under Cheney was a reflection of its continued deep-seated factional divisions, with branches

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151 *Interview with Arch Bevis* (former TWU (Queensland) Branch Secretary, 1967-1980 and TWU Federal President 1969-74, 1975-80), July 1990. Also *Interview with Beamish*, op.cit.

152 *Interview with Beamish*, op.cit.

153 *Ibid.* Also *Interview with Arch Bevis*, op.cit.

154 *TWU (FCOM) Minutes*, 23-25 November 1959 (ANUABL, Z181/Box 111). Also "Federal Secretary's Report to Federal Council", p.16, attached to *TWU (Federal Council) Minutes*, 8-12 May 1968. (ANUABL, Z181/Box 108).

155 *Interview with Ivan Hodgson*, February 1990.

being unwilling to surrender their own resources to a federal office which could fall into the hands of their political opponents.

Although the TWU as a whole progressively moved away from a passive reliance on arbitration between 1956 and 1966 to develop more effective industrial tactics that involved combining elements of an arbitration-oriented strategy with collective bargaining backed by industrial action, it did so in a largely unco-ordinated fashion. If the Victorian Branch concentrated on using industrial pressure to effect federal award outcomes, than the New South Wales and Queensland Branches sought over-award increases built on top of a state award structure. While New South Wales and Queensland sought to use industrial legislation to regulate employment conditions for owner-drivers, South Australia and Victoria relied solely on collective bargaining and direct industrial action. These different applications of more industrially militant tactics demonstrated that industrial militancy was in itself no more effective in bringing about a common basis for union action than an arbitration-oriented strategy.

By the early 1960s the left-wing leaderships of the Western Australian, South Australian, Queensland and Victorian Branches had all come to recognise the limitations of their attempts to regulate the Australian road transport industry on a purely state basis. Attempts to achieve greater national co-ordination, however, were frustrated by the polarisation of the TWU's Federal Council around a Left-Right division. This polarisation occurred despite the fact that the substantive issues separating the Left and Right within the union were probably less than they had been at any time in its history. Both the CPA and the Movement had been destroyed as significant forces within the union, while the use of industrial militancy as a tactic to supplement arbitration was no longer an issue as it had been in the late 1940s. Nor was there any attempts to argue for the destruction of the arbitration system as a whole or to link industrial militancy with revolutionary change as John Gunn had done in 1910. Both the TWU's Left and Right tended to share a common membership of the ALP, seeing political change coming through a democratic and parliamentary path. Nevertheless, differences over the union's involvement in political issues and support for socialism as the final objective of organised labour were sufficient to convince each faction that the goals of their opponents were fundamentally opposed to their own. Both factions met and caucused before Federal Council

meetings, with any new representatives being quickly sounded out to establish their likely political allegiances.<sup>156</sup>

Although the Left-Right division became the prime means by which the members of the TWU leadership defined themselves in this period, it was underlaid by a further division between those who wished to extend the power of the federal union and those who wished to maintain the autonomy of the state branches. This issue tended to unite the Left, who supported the strengthening of the TWU's Federal Office as a pre-condition for a stronger, more assertive union. By contrast it tended to divide the Right, with its supporters in Victoria and Tasmania, who operated under federal awards, at odds with the state-award orientation of the powerful New South Wales Branch.

Until 1961 the Right was able to maintain its majority on Federal Council, with the Right's Bernie Hough holding the Federal Presidency between 1957 and 1959, and New South Wales' Ernie Wilmot securing the post in 1961.<sup>157</sup> From this point, however, the position of the Right deteriorated and by 1962 Cheney was allegedly complaining that "this union was being taken over by communists".<sup>158</sup> While such comments exaggerate the politics of the TWU's left-wing, it is nevertheless true that from 1962 the Left was able to secure a majority on the TWU's Federal Council which enabled it to increasingly dictate the union's direction, with Queensland's Ed Brady successfully contesting the Federal Presidency on behalf of the Left between 1962 and 1966.<sup>159</sup>

As the Left's power in the federal TWU increased the relationship between the Federal and NSW Branches steadily worsened. Serious disagreements emerged over the passage of a motion condemning Australia's involvement in the Vietnam War,<sup>160</sup> while the NSW Branch resolutely opposed an attempt to expand the finances of the Federal Branch by increasing state branch contributions.<sup>161</sup>

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156 *Interview with Bevis, op.cit.*

157 With Hough standing down in 1960 and no New South Wales Delegates in attendance the Left's George Fisher, the South Australian Branch Secretary, was able to secure the Presidency in 1960.

158 *TWU (Federal Committee of Management) Minutes*, 8-12 October 1962, p.7. (ANUABL, Z181/Box 111).

159 The Left's initial majority was a tenuous 8-7. By 1964, however, this had improved to 10-7. *Interview with Bevis, op.cit.*

160 *TWU (Federal Council) Minutes*, 3-13 May 1965, p.9.

161 *TWU (Federal Council) Minutes*, 6-16 April 1964, pp.1,7.

The growing tensions between the Federal and NSW Branches were to explode during 1964 and 1965. At the commencement of the TWU's 1964 Federal Council meeting the NSW Branch linked its continued participation in the union to a change in the method of representation to Federal Council by granting branches an extra vote for each one thousand members over nine thousand.<sup>162</sup> Previously branches were limited to a maximum of four votes, a system which favoured the smaller branches. The NSW Branch's claim for a change in the method of representation possessed considerable merit. In 1964-65 the Branch possessed forty-five per cent of the TWU's national membership, yet it held only four of the seventeen Federal Council positions. For the TWU to concede the justice of the NSW Branch's demands, however, was to guarantee it, and its more conservative brand of politics, control of the federal union. In consequence the New South Wales demands met with a fiery response, revealing considerable division between the New South Wales Branch leadership and their left-wing counterparts in other states. The Victorian Branch's Tom Doyle stated that "he hoped the Federal Council would not hand up their principles to pressure from a very strong branch of the Federation,"<sup>163</sup> while Queensland's Arch Bevis insisted that "the Council should not be black-mailed into agreeing to the wishes of the New South Wales Branch".<sup>164</sup>

Although the New South Wales Branch was persuaded to remain part of the Federal Union in 1964 the issues raised remained unresolved. At a joint meeting of the Federal Committee of Management and the New South Wales Branch's Committee of Management, held in September 1965 at the insistence of the New South Wales Branch, veteran New South Wales activist Dick Carling bluntly warned his Federal counterparts: "The representation to Federal Council must be altered, or the New South Wales Branch would have to make up its mind where it was going in future."<sup>165</sup> Carling's implied threat to disaffiliate, however, failed to have the desired impact, with delegates from other branches accusing the New South Wales Branch of being "a DLP show" and stating that they "had never seen anything very militant coming from New South Wales to the Federal Council."<sup>166</sup> The failure of the joint meeting to

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162 *Ibid.*, p.1.

163 *Ibid.*, p.2.

164 *Ibid.*

165 *Joint Meeting of New South Wales BCOM and Federal Committee of Management*, op.cit.

166 *Ibid.*



resolve the issues raised by the New South Wales Branch highlighted the political differences between the two camps, it becoming clear that both sides were seriously contemplating an institutional breach.

### **Federal Industrial Action—An Interstate Drivers' Award**

Factionally divided though the TWU was between 1956 and 1966, there were nevertheless a number of industrial issues that proved so important to the union's interests that factional divisions were temporarily over-ridden. This demonstrated the TWU's emerging consensus on the need to combine an arbitration-oriented strategy with collective bargaining backed by industrial action.

One issue that all sections of the TWU were forced to address, whatever their factional allegiances, was interstate road transport—a growing and intractable problem for the union's state branches. Despite the fact that the interstate transport of both passengers and freight by road had been a major industry since 1945, the TWU's first award in this field did not occur until April 1963 when Commissioner Gough handed down the Transport Workers (Passenger) Award—an award effectively restricted to interstate passenger drivers employed by one company, Ansett/Pioneer.<sup>167</sup> Important as this award was in giving the TWU a toe-hold amongst interstate coach drivers, it did nothing for the union's ability to regulate the much larger and industrially more important interstate freight industry.

In March 1963 the SA Branch's Ted Harris decided to highlight the TWU's lack of award coverage in this vital industry by placing a ban on a company called Blue Freight for their use of contract labour in interstate transport.<sup>168</sup> Receiving legal advice that Blue Freight drivers had all signed written contracts and were thus non-employees and beyond the scope of a federal award,<sup>169</sup> the TWU's Federal Committee of Management decided to deal with the matter by national industrial action rather than through compulsory arbitration. A resolution

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167 102 *CAR* pp.223 ff.

168 *TWU (SA Branch) BCOM Minutes*, 19 March 1963.

169 "Correspondence from Blackburn and Co. to Bill Cheney, 8 April 1963," reproduced in *TWU (Federal Committee of Management) Minutes*, 8-11 April 1963, p.7. (ANUABL, Z181/Box 111).

was agreed upon that from 31 May 1963 the TWU would "declare a national ban on any firm which continues to use labour . . . designed to avoid award wages and conditions of employment . . . on interstate work."<sup>170</sup> Although the TWU was forced to call off the proposed ban two days before its planned implementation due to pressure from the ACTU,<sup>171</sup> the campaign nevertheless represented the first occasion in the union's history in which it had endorsed national industrial action to achieve an industrial objective.

In practical terms the threatened National Stoppage seems to have impressed upon the major interstate transport employers that serious negotiations with the TWU over an Interstate Drivers' Award could no longer be postponed. Negotiations between the TWU and the ARTF, the Australian Hauliers' Federation and the National Freight Forwarders' Association were successfully completed on 15 July 1963.<sup>172</sup> A month later a Consent Award, the Transport (Interstate) Drivers' Award, was granted by the Commission, covering interstate drivers in all States and Territories.<sup>173</sup> For the first time in its history the union had an award covering the interstate transportation of goods by road.

The award the TWU had secured, however, could not but reflect the union's organisational weakness in the field. Indeed Ted Harris—who had initiated the original dispute with Blue Freight—was so disgusted with the final Agreement that he stormed out of the negotiating meeting.<sup>174</sup> Under the terms of the award interstate drivers were allowed to work twelve hours per day and 120 hours per fortnight.<sup>175</sup> The worst feature of the award from the union point of view was its acceptance of a clause that deemed an hour's work to be equal to "thirty miles actually travelled".<sup>176</sup> This meant that, in practice, drivers would be paid on a mileage or piece-work basis, rather than at an hourly rate.<sup>177</sup>

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170 *TWU (Federal Committee of Management) Minutes*, 8-11 April 1963, p.7.

171 *Ibid.*, 29 May 1963, p.2.

172 *Truck and Bus Transportation*, Vol.27, No.8, August 1963, pp.96, 100.

173 103 *CAR* pp.571ff.

174 *Interview with Beamish*, op.cit.

175 103 *CAR* p.573.

176 *Ibid.*, p.575.

177 *Ibid.*

## Increasing Federal Militancy

Despite the failings of the Interstate Drivers' Award its achievement through the threat of national industrial action seems to have acted as a boost for those seeking a more industrially assertive federal union. In April 1964 the TWU's Federal Council voted for a national stoppage in protest over the issue of penal powers, the use of which was proving the major legal barrier to the union's implementation of more industrially militant tactics. The problem was forcibly highlighted when the TWU found itself fined £3,300 in early 1964 following a dispute involving the Victorian Branch.<sup>178</sup>

Although ACTU intervention once again saw the planned national campaign called off, subsequent events were to confirm a new industrial orientation within the federal TWU. At a Federal Union's Conference held by the ACTU on 28-29 April 1964 as part of the deal for the TWU's postponing industrial action, the TWU called for a national strike of all unions on 17 June 1964 in protest against the use of the penal powers.<sup>179</sup> When this resolution was rejected the TWU decided to go it alone. A national strike was set for 5 May 1964.<sup>180</sup> Faced with direct action by the TWU, industry employers, were forced to enter into negotiations with the union and agree to the removal of a bans and limitations clause previously inserted in the TWU's federal parent award<sup>181</sup>—a concession which saw the union abandon the planned strike.

Although the concessions granted by the employers fell far short of ending penal clauses, it demonstrated that employers could be forced to abstain from applying these clauses if they feared the industrial consequences. As such the campaign represented a major victory for the TWU, bringing it accolades from other unions,<sup>182</sup> and heralding a new ability by the union to combine elements of both an arbitration-oriented strategy and collective bargaining supported by industrial action to advance its interests.

178 *TWU (Federal Committee of Management) Minutes*, 1 May 1964, p.3. (ANUABL, Z181/Box 111).

179 "TWU amendment to resolution submitted by the ACTU Executive to Federal Union's Conference, 28 April 1964", cited *ibid.*

180 *Ibid.*, p.2.

181 "Note by Federal Secretary", appended to *ibid.*

182 *TWU (Federal Council) Minutes*, 3-13 May 1965, p.2.

## Conclusion

For the TWU the period between 1956 and 1966 was largely one of transition, years in which it went from being one of the most industrially and politically conservative unions in Australia to one which was a force to be reckoned with by employers. By 1962 the 'old guard' laborist leadership which had long dominated the union's history, committing it to a strict observance of arbitration processes, had largely been displaced. In their stead was a new, industrially militant generation of officials, with Bill Cheney becoming almost a relic of a by-gone era in his position as Federal Secretary. Reflecting the more aggressive industrial tactics pursued by these new leaderships, the TWU began to renew its institutional advance after a period of stagnation dating back to the break-up of the Horan-Platt leadership in 1952, with effective national membership increasing from 36,213 in 1960 to 52, 838 in 1966.<sup>183</sup>

The major factor in the union's advance after 1960 was the ability of both left and right-wing officials to implement an industrial strategy that combined an arbitration-oriented approach with collective bargaining and industrial militancy, with a consequent blurring of past political differences over the use of industrial tactics. The common acceptance of more militant tactics within the TWU in large part reflected the decline of a revolutionary Left within the union who had hoped to link industrial militancy to radical social change, with the TWU's factional leaders—whether of the Left or the Right—coming to share a commitment to laborist rather than communist values. At the same time the possibilities of the pursuit of more industrially militant tactics at a national level was made increasingly viable by the disintegration of the Transport Employers Committee, ending united employer opposition to the TWU's federal claims.

The common acceptance within the TWU of a strategy of combining arbitrated awards with collective bargaining and industrial militancy, however, did not bring institutional or industrial unity to the organisation. Despite the narrowing of the substantive issues separating the Left and Right within the TWU, differences over political matters, rather than over the

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183 *Branch Reports to Federal Council.*

question of industrial strategy, remained the major barrier to internal unity within the union during the early 1960s. As the Left increased its power within the union the powerful NSW Branch, representing almost half of the TWU's total national membership, began to make it clear that it was contemplating a breach with the federation if its level of representation on the TWU's Federal Council was not increased. With the federal TWU remaining polarised around a Left-Right division, instances of national co-operation and co-ordination between all of the union's branches proved rare, despite the common application of more militant tactics at a branch level. For if the majority of TWU branches were by 1966 seeking to combine industrial militancy with an application for a unified federal award, so the NSW Branch was seeking to maintain a militant approach to industrial problems with continued support for state awards.

## CHAPTER 6

### TOWARDS WAGE LEADERSHIP 1966-1975

#### INTRODUCTION

Throughout the first fifty-six years of the twentieth century the history of the TWU and its predecessor organisations had been fundamentally shaped by a strict commitment to arbitration. The primary benefits of this strategy were those of security, both for the membership in terms of legally enforceable conditions of employment and for the union itself through legal recognition and guaranteed rights of enrolment amongst road transport workers. These legal rights were vital for the union's very survival under Australia's peculiar industrial relations system—a system that the union could ignore only at the cost of seeing other unions win the right to represent and enrol transport workers.

With the continued existence of the union dependent on the maintenance of its legal rights to represent and secure awards for road transport workers, the only feasible tactics for advancing the interests of the union and its members within the existing industrial relations framework were ones that incorporated at least some elements of an arbitration-oriented strategy. While some elements of such a strategy were necessary for the union's existence under Australia's system of compulsory arbitration, the rigid adherence to it led to the stagnation rather than the dynamic advance of the union. As the TWU's leadership relied on arbitration procedures rather than on the actions of its members to achieve improvements in working conditions amongst road transport workers, so the union's internal structure became increasingly bureaucratised and undemocratic, while its industrial strength atrophied. By concentrating on winning uniform employment conditions for all transport workers through arbitration the union

failed to exploit real differences within employer ranks, with the union's members sharing wages that reflected the industrial power of the weaker rather than the stronger sections of the industry.

If the rigid adherence to an arbitration-oriented strategy was a recipe for stagnation rather than dynamic advance, then the attempts to revitalise this strategy by combining it with collective bargaining and industrial militancy proved to be as much political as an industrial issue. For while supporters of an arbitration-oriented strategy invariably supported the dominant laborist tradition of the Australian labour movement, so the advocates of industrial militancy tended to come from an organised revolutionary Left that sought to directly link struggles for improved working conditions with revolutionary social change.

While this threat from the revolutionary Left existed, the supporters of laborism continued to believe that any shift away from an arbitration-oriented strategy would only play into the hands of their ideological enemies. Only after 1956, with the effective defeat of the CPA, did both left and right-wing sections of the TWU begin to revitalise the industrial tactics used by the union. Yet even at this point the national co-ordination of this more militant industrial strategy to counter the growing power of Australia's transport conglomerates remained hindered by continuing divisions over state and federal award preferences and divisions between Left and Right—even though both factions shared a common commitment to Labor.

In 1966 the TWU found itself at a critical juncture in its history. Over thirty years after the United States Teamsters had used industrially militant tactics to become one of the dominant forces of American unionism, the TWU remained an organisation incapable of fully transforming the potential involved in the expanded role of road transport into industrial reality. In retrospect it is clear that the late 1960s and early 1970s was an ideal period in which to have implemented more industrially militant campaigns that could have enforced the TWU's authority within the road transport industry, with the penal provisions of the Commonwealth Conciliation and Arbitration Act being rendered ineffective following massive industrial action over the jailing of Clarrie O'Shea in 1969.

From 1969 to 1975, when the power of the centralised wage fixing system was restored with the introduction of wage indexation, Australia's industrial relations system operated under conditions that amounted to partial deregulation, allowing unions with industrial muscle to effectively exploit continued shortages in the labour market.

The TWU was not to let the industrial opportunities present in the late 1960s and the early 1970s slip by. The election of Ted Harris as Federal Secretary and Ivan Hodgson as Assistant Federal Secretary in 1966 brought together a leadership that was intent on forging a militant and cohesive federal union. If the often uncompromising stance adopted by the Harris leadership exacerbated the long-standing conflict between the TWU's Federal Council and the more politically conservative NSW Branch, contributing to a formal breach between the two following the 1969 *Moore v. Doyle* judgement, it is also true that Harris had a unifying effect with regard to the other TWU Branches, convincing them that the TWU existed as a federal organisation, rather than as a sum of state parts. Waging nationally co-ordinated industrial campaigns that sought to maximise the benefits obtained from centralised federal awards, rather than seeking their destruction, the TWU under Harris rapidly surpassed Australia's metal unions as the trade union movement's industrial leader when it came to securing wage increases.

## **1: THE COLLAPSE AND RESTORATION OF CENTRALISED WAGE FIXING**

By 1966 many of the objective factors that had once restrained the development of trade unionism amongst road transport workers had disappeared. Since the end of World War II road transport, not rail and sea links, had provided Australia's major system of transportation. The development of a modern, industrialised economy during the post-1945 'Long Boom' had removed the pools of unemployed or seasonal workers that had



once characterised the industry. Federal road transport employers were no longer united in their opposition to the TWU's claims by a common membership of the Transport Employers' Committee. At the same time the collapse of radical political alternatives to laborism had acted to depoliticise the use of direct militant action when it came to strictly industrial issues. With the union less encumbered by political divisions over the use of industrial tactics, it was Australia's centralised system of wage fixation that stood as the major institutional barrier to the TWU's use of more militant industrial tactics. Between 1966 and 1969 even this barrier was to collapse.

In announcing the results of a work-value inquiry into the Metal Trades Award in December 1967 the Commonwealth Conciliation and Arbitration Commission explicitly declared its intention to bring to an end union campaigns for over-award payments outside the centralised wage fixing system, emphasising: ". . . the increases which we would grant would apply to existing award wages and it should not be assumed by employers that over-award payments cannot or will not be offset against them."<sup>1</sup> This attempt to reassert the authority of the centralised wage fixing system was to end in abject failure. Massive industrial unrest in the 'absorption battle' of early 1968 forced a public back-down by the Commission with an admission in February 1968 that: "It appears to all of us that substantial absorption in over-award payments . . . had not been . . . practicable in the existing circumstances."<sup>2</sup>

The 'absorption battle' of early 1968 represented a fundamental turning-point in Australia's post-war industrial relations system. It demonstrated that even the extensive use of penal powers by employers and the Commission could no longer prevail against unions prepared to use their industrial muscle in an economic environment which was highly favourable to them. This new industrial reality was confirmed when nationwide industrial stoppages against the gaoling of Clarrie O'Shea for contempt in May 1969 left the penal clauses as a virtual dead letter.

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1 121 *CAR* p.594.

2 122 *CAR* p.170.

In the five years after 1969 collective bargaining backed by industrial action became the primary mechanism through which Australian trade unions achieved wage increases,<sup>3</sup> with industrial relations becoming characterised by rising levels of strike activity culminating in a record 6,292,500 working days being lost in 1974 as unions sought to maximise their bargaining power. Such was the shift away from centralised wage fixing in the early 1970s that E.A.Boehm has commented: "For a time it appeared that compulsory arbitration had become an ancillary part of Australia's industrial relations system."<sup>4</sup> For the TWU the movement towards a more decentralised system of wage fixation could not have come at a more opportune time, as an industrially militant federal leadership under Ted Harris sought to use a more flexible mix of industrial tactics to assert its authority and win substantial benefits for its members.

### Social Radicalism and Organised Labour

The adoption of more industrially militant tactics by Australian trade unions after 1966 reflected a process of social radicalism common to all Western industrialised societies during the late 1960s and early 1970s<sup>5</sup>—a process which saw the emergence of a New Left that challenged many of the conservative assumptions that had developed during the Cold War between communism and capitalism. Although the Australian New Left proved to be, in the words of some of its own writers, "fragmented and highly changeable",<sup>6</sup> and without an organised presence within the Australian working class, its ideas nevertheless helped highlight the fact that sustained economic growth had failed to

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3 David Plowman, "Developments in Australian Wage Determination 1953-1983: The Institutional Dimension", in John Niland (ed.), *Wage Fixation in Australia*, (Allen & Unwin, Sydney, 1986), pp.22-23.

4 Boehm, *op.cit.*, p.256.

5 For a comparative study of similar developments in North America and Western Europe see Solomon Barkin (ed.), *Worker Militancy and its Consequences 1965-1975*, (Praeger Publishers, New York, 1975).

6 Richard Gordon and Warren Osmond, "An Overview of the Australian New Left", in Richard Gordon (ed.), *The Australian New Left*, (William Heinemann, Melbourne, 1970), p.8.

address many of Australia's underlying social equalities, with the top twenty per cent of the population still holding seventy-one per cent of the nation's wealth in 1972.<sup>7</sup>

Rather than posing a coherent alternative to Labor the ideas associated with the New Left acted to revitalise it, bringing it new supporters amongst white-collar and professional groups concerned with such issues as social justice, improved education and health, and the environment. Intellectually exhausted after twenty years in office, Australia's conservative federal government found its electoral base substantially eroded in the 1969 General Election, proving largely incapable in the ensuing three years of imposing its authority over the nation's political or industrial agenda.

Following the election of the Whitlam Government in 1972 the benefits for organised labour of previous ideological and political changes became more tangible. To increases in social welfare programmes and a national health scheme was added a more sympathetic attitude towards union demands for improvements in pay and conditions. Throughout its first two years in office the Labor government's own public servants became pace setters in winning improvements in working conditions, with a fourth weeks annual leave and a 17.5 per cent annual leave loading first granted to public servants flowing through to most other workers.

Throughout the late 1960s and the early 1970s the gradual shift to the Left within Australian society was reflected within the trade union movement itself, with Bob Hawke replacing the politically more conservative Albert Monk as ACTU President in 1969.<sup>8</sup> Not only did the new ACTU leadership actively encourage a union shift towards collective bargaining backed by industrial action, with Hawke pointing out to the ACTU's 1971 Congress "the inadequacies of complete reliance on the Arbitration Commission",<sup>9</sup> it also sought to foster union involvement in wider issues of political and social concern. Australian trade unions placed themselves at the forefront of campaigns to redress perceived social or political injustices, supporting equal pay for women,

7 Phillip L. Raskall, *The Distribution of Wealth in Australia 1967-1972* (Planning Research Centre, University of Sydney, 1977), p.29.

8 For a detailed account of the swing to the left within the ACTU in the late 1960s see Hagan, *The History of the ACTU*, pp.251-262.

9 *Ibid.*, p.271.

placing 'green bans' on inner-city development, and using industrial action in an attempt to stop a planned visit by South African rugby union players as part of an on-going campaign against apartheid.

While union involvement in political and social campaigns was fiercely opposed by Labor's traditional Right, these campaigns indicated not the displacement of laborism but its revitalisation, not an attempt to overthrow capitalism but an effort to civilise life within its structures. For the TWU the union's strategic industrial position and the continued strength of more traditional laborist elements within its ranks ensured that support for the concept of greater union involvement in political and social issues would involve more than token motions of endorsement. Between 1966 and 1976 divisions over political rather than industrial issues once again posed the greatest threat to the TWU's institutional integrity. Such divisions, however, revolved around different concepts of laborism rather than alternatives to it, obscuring the growing consensus within the union in favour of social democratic rather than revolutionary politics.

### **Inflation and the End of the Boom**

The use of more industrially militant tactics by Australian trade unions during the late 1960s and the early 1970s depended on the continuation of a peculiar combination of circumstances—continued economic growth, full employment, and a shift to a more decentralised system of wage fixation. Between 1968-70 and 1974-75, however, consumer prices in Australia increased by fifty-seven per cent,<sup>10</sup> while economic growth slowed perceptibly, advancing at an annual rate of only 1.1 per cent between 1973-74 and 1975-76.<sup>11</sup> While spiralling inflation initially strengthened trade union militancy, as workers attempted to protect the real value of their wages, inflation and slowing economic growth heralded an imminent end to the post-war economic boom, with the Australian economy sliding into recession from the June quarter of 1974.

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10 *Commonwealth Year Book*, No.61 (1975/76) p.251.

11 Boehm, *op.cit.*, Table 2.1, p.18.

As unemployment reached a post-1945 high of 4.6 per cent during 1975-76, Australian trade unions discerned the dilemma involved in basing their conduct on a laborist model of action. By attempting to civilise capitalism rather than change it, using collective bargaining supported by industrial action as a vehicle for maximising their gains within the system, trade unions made the advance of their own interests dependent on the continued profitability and growth of the existing economic order, with J.E. Isaac observing in 1973 "the incompatibility of the overall claims of pay and profits in relation to the national income."<sup>12</sup>

In April 1975 the Commission announced the implementation of a scheme—supported by both the ACTU and the Whitlam Government—whereby wages would be indexed to inflation in return for promises of industrial restraint by unions.<sup>13</sup> The introduction of wage indexation brought to a sudden end the relative independence that trade unions had experienced during the period 1969 to 1974. In accepting restraint of their wage claims the unions no doubt hoped that they were helping to ensure the maintenance in office of the Whitlam Labor Government while contributing to a gradual return to conditions of full employment. In both these hopes they were to be disappointed, with Labor being summarily dismissed from office by Sir John Kerr in November 1975 and the economy failing to recover its earlier vitality. For the TWU the return to a centralised wage fixing system brought to an end the most industrially successful period in its history, years in which it established itself as one of the major forces in the Australian trade union movement.

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12 J.E. Isaac, "Incomes Policy: Unnecessary? Undesirable? Impracticable?", *Australian Economic Review*, First Quarter, 1973, p.72.

13 167 *CAR* pp.18ff.

## 2: DEVELOPMENTS IN ROAD TRANSPORT 1966-1976

If Australia's more decentralised industrial relations environment between 1969 and 1975 allowed the TWU an unequalled opportunity to flex its industrial muscles, the source of the union's power rested on its ability to harness the continued expansion of Australia's road transport industry. For despite a slowing in the overall rate of economic growth between 1970-71 and 1975-76 road transport was hardly affected, expanding at an annual rate of 6.1 per cent.<sup>14</sup> As in the past, the precondition for road transport's success was to be found in an accelerating process of technological change, enabling it to steadily erode rail and sea transport's share of the profitable non-bulk freight industry, leaving them to carry the heavier and less profitable items such as coal, iron ore, and grain. By 1975-76, of Australia's 75.1 million tonnes of non-bulk freight transported either interstate or intrastate, road transport was responsible for 53.3 million tonnes.<sup>15</sup>

Although the total transport task performed by road transport in both local and long-distance haulage increased from 27,991.1 million tonne-kilometres in 1971 to 36,702 million tonne-kilometres in 1976 the number of trucks involved in carrying this increased workload hardly varied, expanding from 419,500 to 423,000 vehicles.<sup>16</sup> By contrast, the average load per truck almost doubled in the same five year period, from 2.1 to 4.1 tonnes, while average vehicle length increased by over a quarter from thirty-eight to forty-nine feet.<sup>17</sup>

This virtual doubling of driver productivity between 1971 and 1976 hinged on the steady expansion of the number of high-powered, multi-axled (bogie-rigged) vehicles engaged in the Australian road transport industry—vehicles that were to be responsible for seventy per cent of all tonne-kilometres performed by Australian road transport by 1981-82.<sup>18</sup> Although such machines gave the road transport industry a new capacity for

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14 Bureau of Transport Economics, *Overview of the Australian Road Freight Industry*, p.61.

15 *National Road Freight Industry Inquiry Report*, Table E.11, p.408.

16 *Ibid*, p.392.

17 *Ibid*.

18 Bureau of Transport Economics, *Overview of the Australian Road Freight Industry*, pp.26-27.

volume transport, their purchase was to prove an expensive business. In 1970 it was estimated that a bogie-axled semi-trailer cost around \$22,000, at a time when a federal award three to six ton truck driver was earning approximately \$2,600 per year.<sup>19</sup> The cost of this equipment and the skill required to manoeuvre such vehicles in heavy traffic brought a fundamental reappraisal of the value of drivers' skills by employers. As one leading industry identity noted: "Today's equipment is too expensive and too sophisticated to hand over to untrained drivers."<sup>20</sup> The obtaining and holding of such skilled drivers became a major problem for employers during this period with the ARTF, the major employer organisation in road transport, commenting in 1969: "A constant complaint from truck and bus operators concerns the shortage of competent, reliable drivers."<sup>21</sup> In these two related facts—the higher degree of skill required by drivers and the difficulty of finding such skilled drivers—lies the key to the subsequent success of the TWU's industrial campaigns.

Although the growing economic and industrial importance of road transport, the increasingly skilled nature of a driver's work, and the difficulty faced by employers in finding such skilled labour all contributed to the TWU's industrial potential, there were a number of countervailing factors that acted to restrict the union's power. The most important of these factors was the continued concentration of ownership and control of the road transport industry into the hands of a few conglomerates, and the ability of these conglomerates to exploit the existence of a pool of owner-drivers to undermine the TWU's position.

Throughout the late 1960s and early 1970s the major threat to the long-term viability of union organisation within road transport came from an acceleration of the process of economic concentration that had characterised the industry since the early 1950s, with a series of take overs ensuring that effective control of the hire and reward

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19 Evidence of Mr. Williams, Assistant General Manager of Brambles, cited in Industrial Commission of New South Wales, *Report to the Honourable E.A. Willis . . . on Section 88E of the Industrial Arbitration Act* (Hereafter S.88E Inquiry Report) (Sydney, 1970), para. 18.3, pp.417-18.

20 George Yates, LDTRA Official, cited in *Truck and Bus Transportation*, Vol.33, No.7, July 1969, p.35.

21 "ARTF Viewpoint", *ibid.*, p.36.

sector of the industry passed into the hands of the 'big four'—Mayne Nickless, Brambles, TNT and Ansett. The most important merger/take over was to occur in April 1967 when Peter Abeles' Alltrans/Comet group seized control of Ken Thomas' financially embattled TNT to create the largest transport conglomerate in Australia.<sup>22</sup> Under Abeles' leadership TNT's financial woes were quickly remedied, with TNT/Alltrans taking over the large Kwikasair fleet the following year,<sup>23</sup> before securing a 23.5 per cent share in Ansett in March 1972.<sup>24</sup> By 1975 TNT was a highly sophisticated operation with over one hundred subsidiaries, employing eleven thousand people and owning over four thousand vehicles.<sup>25</sup> While TNT was consolidating its economic position, undertaking forty corporate take overs between 1965 and 1975, its two major business rivals relentlessly pursued a similar course of action, with Mayne Nickless engaged in sixty-eight takeovers in the same period while Brambles undertook forty-nine takeovers.<sup>26</sup>

Despite the industry domination achieved by the 'big four' during the early 1970s, road transport continued to be characterised by a large number of small operators, with eight-eight per cent of the 18,889 truck fleets operating in Australia's five mainland states in 1976 containing only one or two trucks.<sup>27</sup> The survival of the small operator in road transport depended not on their ability to compete with the national conglomerates, but on those conglomerates consciously choosing to sub-contract haulage work to owner-drivers and small fleet operators.

While in part the use of owner-drivers by the transport conglomerates was a ploy to undermine the TWU's growing industrial power, it also provided a mechanism through which larger operators could avoid meeting increased vehicle purchase, repair and maintenance costs. Between 1957 and 1967 vehicle repair and maintenance costs rose by 150 per cent, yet sub-contract rates fell by twenty-five per cent.<sup>28</sup> Throughout

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22 *Ibid*, Vol.31, No.6, June 1967, p.104.

23 *Ibid*, Vol.32, No.10, October 1968, p.32.

24 *Ibid*, Vol.39, No.4, April 1972, p.130. Also *National Road Freight Industry Report*, p.36.

25 Rimmer, *op.cit.*, p.182.

26 *National Road Freight Industry Report*, *op.cit.*

27 Bureau of Transport Economics, *The Long Distance Road Haulage Industry*, p.31.

28 *Truck and Bus Transportation*, Vol.31, No.9, September 1967, p.142. Also *Ibid*, Vol.32, No.6, June 1968, p.115.



the late 1960s and early 1970s sub-contractors in road transport were squeezed ever more tightly, with freight forwarders increasing their payments to sub-contractors by only forty-five per cent between 1973 and 1977, despite the fact that operating costs rose by 110 per cent.<sup>29</sup>

Often lacking any sense of business acumen, with TNT's General Manager estimating in 1969 that ninety-seven per cent of interstate owner-drivers were enmeshed in hire-purchase obligations,<sup>30</sup> owner-drivers increasingly discovered that individually they lacked any bargaining power when it came to negotiating cartage rates with the large prime contractors. In consequence growing numbers of owner-drivers were forced to put aside their individualistic orientation during the late 1960s and early 1970s, allying themselves with the organised labour movement as self-employed carriers had done during the 1880s and 1890s. Unlike the 1880s and the 1890s, however, there was no longer any room for a plethora of small, independent carriers' unions. Sub-contractors rather than independent businessmen, self-employed drivers seeking to improve their lot by collective bargaining had little option but to seek the support of the only serious industrial force counter-posed to the transport conglomerates—the TWU.

### **Employer Power and Profits—The Benefits for the TWU**

If the size and economic power of transport conglomerates such as TNT, Brambles, Ansett and Mayne Nickless posed an immense challenge to the TWU, particularly given their ability to circumvent the union's power by employing owner-drivers under sub-contract, the economic concentration within the industry nevertheless possessed potential benefits for the union. In the past the hire and reward sector of the industry had normally been more prepared than ancillary operators to grant road transport workers improvements in wages and working conditions, although between 1917 and the late 1950s hire and reward operators bound by federal awards were effectively vetoed by

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29 Bureau of Transport Economics, *The Long Distance Road Haulage Industry*, p.15.  
30 Cited in *S.88E Inquiry Report*, para. 18.6, p.421.

the Transport Employers' Committee from granting any increases outside arbitration. By the 1960s, however, the large hire and reward firms were no longer prepared to take their industrial marching orders from organisations such as the Employers' Federation and the Chamber of Manufacturers who represented the interests of ancillary operators. In 1967 Australia's Road Transport Associations—in which the large transport conglomerates possessed a decisive voice—accepted a VRTA proposal to form a Federal Industrial Relations Committee to handle industrial problems and union claims on a uniform basis, with the VRTA's Executive Director, A.P. Beamish, becoming Convenor of the new body.<sup>31</sup> The formation of this Committee indicated a widening of the public breach between hire and reward operators and ancillary firms that had become evident in the early 1960s, a prelude to hire and reward firms striking a separate deal with the TWU.

The reasons for Australia's large hire and reward transport operators contemplating a separate deal with the TWU, even if this involved considerable economic cost, were to be found in the extraordinary profit rates being secured within the industry. With their control of the industry enabling them to pass on any wage increases through higher cartage costs, the after tax profits of Ansett, Brambles, Mayne Nickless, and TNT persistently remained at a level almost double that being returned by ten-year bonds between 1971 and 1976.<sup>32</sup> Even in 1975, when most industries were reeling from the effects of the 1974-75 recession, road transport companies continued to report "record profit achievements",<sup>33</sup> with Ansett and TNT both securing a twenty-one per cent after tax profit in 1976.<sup>34</sup> With these sorts of profits being maintained Australia's large transport conglomerates were prepared to buy industrial peace rather than see their operations curtailed by industrial disruption.

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31 *Road Transporter*, Vol.28, No.7, July 1980, p.8.

32 Bureau of Transport Economics, *The Long Distance Road Haulage Industry*, pp.50-51.

33 *Truck and Bus Transportation*, Vol.39, No.10, October 1975, p.153.

34 Bureau of Transport Economics, *The Long Distance Road Haulage Industry*, op.cit.

### 3: A NEW LEADERSHIP—DEFEATS AND DIVISIONS 1966-1971

Throughout the period 1956 to 1966 the industrial advances secured by the TWU had occurred despite the federal leadership of Bill Cheney, rather than because of it. While the TWU's branches had implemented a more militant approach to industrial problems, Cheney continued to concern himself solely with the formal procedures of federal arbitration, carrying out these duties without any marked degree of competence.

By May 1966 the leadership of Bill Cheney was no longer acceptable to a majority of his peers on the union's Federal Council. As with his father, who was prised from office by the promise of a life pension, Cheney's removal was achieved through "a gratuitous payment".<sup>35</sup> His departure enabled the Left to seize control of the TWU's Federal Office, not only through the election of South Australia's Ted Harris as Federal Secretary in May 1966,<sup>36</sup> but also through the appointment of Ivan Hodgson as the union's first full-time Assistant Federal Secretary on 3 October 1966.<sup>37</sup>

The election of Harris immediately resulted in an expanded role for the TWU's Federal Office. In his first report to Federal Council Harris informed it: "Quite unhesitantly, I now forecast that the Federal Office of this union must 'in our time' extend considerably . . . Otherwise, the union must be relegated to a sphere of functioning completely abhorrent to our present day thoughts."<sup>38</sup>

Securing a levy of twenty cents per effective member to finance this expanded federal role,<sup>39</sup> Harris found himself able to build on growing sentiments in the Western Australian and Queensland Branches that their state awards were no longer sufficient to meet the changed circumstances in road transport. By 1967 both branches were

35 *TWU (Federal Committee of Management) Minutes*, 7-8 July 1966, p.4. (ANUABL, Z181/Box 112).

36 *TWU (Federal Council) Minutes*, 9-18 May 1966, p.36 (ANUABL, Z181/Box 108).

37 "Federal Secretary's Report to Federal Council, 8 May 1967", p.2 attached to *Ibid*, 8-12 May 1967 (ANUABL, Z181/Box 108).

38 "Federal Secretary's Report to Federal Council, 8 May 1967", p.3, attached to *Ibid*, 8-12 May 1967.

39 *Ibid*, 8-12 May 1967, p.35.

expressing themselves in favour of an extension of the federal Transport Workers (General) Award to their respective states,<sup>40</sup> a move which would restore an industrial unity that the union had not possessed since the early 1920s by bringing five of Australia's six states under a single General Award. The growing support for federal awards within the TWU was to find substantive form when in November and December 1968 logs were served on employers in all states except New South Wales for a new Transport Workers (General) Award.<sup>41</sup>

Although the submission for a common award claim by five of the TWU's state branches suggested a new cohesion within the union, the years between 1968 and 1971 proved to be amongst the most turbulent and divisive in its history, with break-away movements occurring in both the NSW and WA Branches. Between 1968 and 1970 the TWU also suffered a number of major set-backs in the industrial arena as the Commission rejected the union's claims in a number of key award hearings.

### The Split with New South Wales

Between 1961 and 1965, as we have noted, factional tensions between the New South Wales Branch and the new majority on the TWU's Federal Council had strained relationships to breaking point. In 1968-69 the relationship collapsed entirely. Although it was to be the *Moore v. Doyle* judgements that provided the final breach, the possibility of effective unity between the New South Wales Branch and the federal union had already been destroyed prior to this case by a bitter wrangle over the handling of a strike by New South Wales petrol tanker drivers.

Once the highest paid drivers in road transport, tanker drivers had seen their relative position deteriorate throughout the early 1960s and by 1967 wages for tanker

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40 "Western Australian Branch Report to Federal Council, 25 March 1964", p.1., attached to *Ibid*, 6-16 April 1964. Also "Queensland Branch Report to Federal Council, 8 May 1967", p.10, attached to *Ibid*, 8-12 May 1967. Also "Western Australian Branch Report to Federal Council, 22 April 1965", p.1. attached to *Ibid*, 3-13 May 1965.

41 "Federal Secretary's Report to Federal Council, 12 May 1969", p.13, attached to *Ibid*, 12-16 May 1969. (ANUABL, Z181/Box 108).

drivers were less than those for equivalent classifications in the federal Transport Workers (General) Award.<sup>42</sup> In addition, tanker drivers found their employment threatened by increased use of contractors by Oil Companies, leading to a stoppage by New South Wales tanker drivers in 1961<sup>43</sup> and a wider, national stoppage over the same issue in May and July 1967.<sup>44</sup> At the same time New South Wales tanker drivers had continually demanded a greater say in the negotiation of their award—a demand that was rejected by the federal union.<sup>45</sup>

On 4 July 1968, while negotiations were continuing between the Federal TWU and Oil Company representatives, a strike began of 600 New South Wales tanker drivers.<sup>46</sup> Despite requests from the Federal Branch that the stoppage be called off due to the completion of negotiations,<sup>47</sup> the strike continued for a further twelve days. As the strike progressed, causing a swift depletion of petrol supplies in New South Wales and major industrial dislocation, relations between the Federal and New South Wales Branches deteriorated rapidly. A motion passed by New South Wales tanker drivers, and endorsed by the New South Wales Branch, condemned Harris and the federal union for their "unreal attitude",<sup>48</sup> while the Federal Committee of Management declared the strike "to be against the objects of the union."<sup>49</sup>

Although theoretically directed against employers the strike was widely interpreted to be the product of an internal union brawl, and there seems to be considerable justice in this conclusion. An elite group of workers, the New South Wales tanker drivers had the industrial power formerly possessed by their State's coal miners, but with a narrower vision. As one commentator at the time noted: "They are a detached,

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42 Under the Transport Workers (Oil Companies) award a driver of a 14-19 ton tanker received \$15.95 versus the \$18.60 he would have received under the General Award. See "Federal Secretary's Report to Federal Council, 8 May 1967", p.14, *op.cit.*

43 *TWU (Federal Committee of Management) Minutes*, 4-5 May 1961, p.1 (ANUABL, Z181/Box 111).

44 *Ibid.*, 19-20 June 1967, p.2; 13-14 July 1967, p.3; 28-31 August 1967, pp.1-3, 9. (ANUABL, Z181/Box 112).

45 *TWU (New South Wales Branch) Rough BCOM Minutes*, 29 January 1961. Also *TWU (Federal Committee of Management) Minutes*, 27-30 August 1963, p.3 (ANUABL, Z181/Box 111).

46 *Sydney Morning Herald*, 4 July 1968.

47 *TWU (Federal Committee of Management) Minutes*, 8-9 July 1968, p.7 (ANUABL, Z181/Box 112).

48 *TWU (New South Wales Branch) Rough BCOM Minutes*, 30 July 1968.

49 *TWU (Federal Committee of Management) Minutes*, 8-9 July 1968, p.11.

largely autonomous little group. The big union is not their representative."<sup>50</sup> More than any other episode the 1968 petrol strike demonstrated that industrial militancy could divide as well as unite the TWU, its use posing a potentially greater threat to the union's organisational cohesion than an arbitration-oriented strategy would have done if sectional and factional elements within the union undertook strike action without regard to the wider interests of the union.

The 1968 tanker drivers' strike highlighted long-running dissatisfactions within the New South Wales Branch with the federal union. Conversely, it left the federal branch determined to resist any further attempts at what they saw as efforts by the New South Wales Branch to hijack control of the union. In July 1968 the Federal Committee of Management issued a resolution declaring that the tanker strike "had been directed solely against the union and its officers",<sup>51</sup> going on to warn that in future it would "take every action within its power to prevent the destruction of the union."<sup>52</sup> It was in this context of hardened internal divisions that the *Moore v. Doyle* judgement was delivered.

### Moore v. Doyle

On 30 April 1968 hearings began in the Commonwealth Industrial Court to halt the New South Wales Branch from enrolling persons other than employees.<sup>53</sup> Although the action against the New South Wales Branch was taken by two of its own members, Joseph Murray and Kevin Moore, it seems highly probable that their action was taken with the connivance and support of the Australian Taxi Council and other employers seeking to block the impending success of the New South Wales Branch's campaign to enrol such non-employees as legal members under Section 88E of the New South Wales Industrial Arbitration (Amendment) Act of 1959.<sup>54</sup> With some 4,239 owner-driver

50 The Financial Editor, *Sydney Morning Herald*, 13 July 1968.

51 *TWU (Federal Committee of Management) Minutes*, 19 July 1968, p.2. (ANUABL, Z181/Box 112).

52 *Ibid.*

53 15 *FLR* pp.59-124. The *Moore v. Doyle* judgement is also to be found at 127 *CAR* pp.1397ff.

54 This was in fact achieved on 2 May 1969. See 69 *NSWAR* pp.98-107.

members in 1967,<sup>55</sup> the legal right to enrol these members, previously rejected by the State Commission,<sup>56</sup> seems to have been of such importance for the branch that it was prepared to jeopardise its already strained relationship with the federal union.

With the commencement of the hearing the arguments presented by Moore's Counsel were directed against the Federal TWU under its then President, Tom Doyle, stressing the point that as a branch of a federal union the TWU (New South Wales) could not validly enrol owner-drivers as such enrolment conflicted with the eligibility provisions of the Commonwealth Conciliation and Arbitration Act.<sup>57</sup> The officers of the New South Wales Branch countered these arguments by claiming that their actions were taken not as officers of the federal union, but as members of a legally distinct state-registered union. The Court agreed with this latter argument, ruling that the TWU (New South Wales) was not a branch of the federal union but rather a separate union registered under New South Wales law with its own distinct legal personality.<sup>58</sup>

The *Moore v. Doyle* judgement created a clear legal breach between the TWU (New South Wales) and the federal union. In itself it would not have stopped *de facto* unity continuing, but by 1969 the goodwill to overcome the legal obstacles presented by the judgement no longer existed. A TWU (New South Wales) proposal that the state and federal unions "work as parallel, but separate bodies"<sup>59</sup> was rejected by Harris who declared that "the federal union . . . cannot any longer afford the luxury of 'marriages of convenience'."<sup>60</sup> In May 1969 the TWU's Federal Council formally dissolved the New South Wales Branch for alleged failure "to carry out the Rules of the organisation."<sup>61</sup>

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55 Bray, *Contract Labour and Industrial Relations*, p.225.

56 62 NSWAR pp.760-995.

57 15 FLR pp.61-62.

58 *Ibid.*, p.59.

59 R.E. McGarvie, "Legal Opinion Upon the Moore v. Doyle Judgement", appended to *TWU (Federal Committee of Management) Minutes*, 12-15 March, 1969. (ANUABL, Z181/Box 112). Also "Correspondence Ted McBeatty to Ted Harris, 31 October 1969", cited in "Federal Secretary's Report to Federal Council, 29 June 1970, pp.8-11, attached to *TWU (Federal Council) Minutes*, 29 June-3 July 1970. (ANUABL, Z181/Box 109).

60 "Correspondence Ted Harris to TWU FCOM Members, 25 February 1969", p.2, reproduced in *TWU (Federal Committee of Management) Minutes*, 12-15 March 1969.

61 *TWU (Federal Council) Minutes*, 12-16 May 1969, p.20.

The schism with the TWU (New South Wales) was without doubt a catastrophic blow to the Federation's claim to speak for all Australia's road transport workers. The departure of the New South Wales Union's 23,000 members from the TWU's ranks saw national membership plummet from 53,922 in 1967, the last year New South Wales submitted a return to the federal union, to 31,988 in 1968. Continuing antagonism between the federal union and the TWU (New South Wales) was to provide a major source of industrial conflict in the early 1970s, to the detriment not only of the TWU but of the wider community.

Disputation between the two unions was to be centred on coverage of federal award workers in New South Wales, with the TWU (New South Wales) discovering that if its legal breach with the federal union had helped to secure it the legal right to cover owner-drivers it was at the cost of losing award coverage for interstate drivers, for tanker drivers, airport employees and Commonwealth government drivers. These workers remained the responsibility of the federal TWU. In an attempt to counter the federal TWU coverage the New South Wales union from May 1972 unsuccessfully sought registration as a federal union,<sup>62</sup> while on 31 October 1972 the Federal TWU established a rival Branch in New South Wales under Geoff Grimshaw to cover these workers.<sup>63</sup> A twelve-day strike by New South Wales tanker drivers in January 1973 over the exclusion of TWU (New South Wales) officials from award negotiations brought the dispute forcibly before the public, with an oil industry spokesman complaining: "The cause of the trouble . . . was not the oil industry, but a 'fractured union'."<sup>64</sup>

Despite its damaging consequences, the *Moore and Doyle* judgement was not without unintended beneficial results for the federal TWU. As a result of the 1973 tanker drivers dispute the Federal Government decided to act unilaterally to remove the legal obstacles to the reunification of the federal and state unions.<sup>65</sup> The result was the establishment of a Committee of Inquiry headed by John Sweeney to advise on means of

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62 160 *CAR* pp.1047-8.

63 "Federal Secretary's Report to Federal Council, 26 June 1973", p.8 attached to *TWU (Federal Council) Minutes*, 26 June-4 July 1973. (ANUABL, Z181/Box 110).

64 *Courier Mail*, 17 January 1973.

65 *Australian Financial Review*, 31 January 1973.



overcoming the legal problems raised by *Moore v. Doyle*,<sup>66</sup> along with the passage of amendments to the Conciliation and Arbitration Act during 1973 which provided for persons other than employees to be enrolled by unions on the condition they represented similar workers who were employees.<sup>67</sup> In consequence, on 16 January 1975, the Commonwealth Industrial Registrar granted the federal TWU rights to legally enrol owner-drivers similar to those already possessed by the TWU (New South Wales).<sup>68</sup>

### Industrial Set-Backs

Throughout the late 1960s and early 1970s the federal TWU found that the schism with the TWU (New South Wales) was but one of a number of obstacles that it had to overcome. Between 1966 and 1970 three major industrial judgements were to go against the union, affecting its award coverage amongst bus and coach drivers as well as in the growing field of containerised transport while limiting the number of respondents to the union's new General award claim.

While the Commission was to grant the TWU a federal award covering interstate bus and coach operations in 1968,<sup>69</sup> an earlier decision in 1966 had excluded from the terms of the award the great bulk of private bus drivers who operated on local or intrastate routes thus leaving the TWU's traditional weakness in this field unchanged.<sup>70</sup> Only in Canberra, Tasmania and southern Queensland did the union possess a significant presence amongst bus drivers, while in Victoria it remained excluded by its old rival, the MT&CA.

If the 1960s was a time of great technological and organisational change for Australian transport, nothing symbolised that change more than the growth in

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66 The recommendations of this Inquiry was published as the *Report of the Committee of Inquiry on Co-ordinated Industrial Organisations*, (AGPS, Canberra, 1974) and called for complementary legislation by Federal and State Governments so as to allow for the dual registration of the state branches of federal unions.

67 "The Commonwealth Conciliation and Arbitration (Amendment) Act, 1973, Section 51(c)", *Acts of the Australian Parliament*, (1973) pp.892ff. at pp.905-6.

68 164 *CAR* pp.1120-5.

69 The Transport Workers (Passenger Vehicles) Award 1968. See 123 *CAR* pp.809ff.

70 115 *CAR* pp.279ff at p.286.

containerisation. Although containers had been used in Australia since 1936,<sup>71</sup> Australia's international trade had remained untouched by this innovation. The announcement in 1966 that two major consortiums intended to introduce containerised shipping into Australia by 1968, however, heralded a revolutionary change, with one transport journal warning "that the writing is on the wall for the small wharf-hopping terminal carrier."<sup>72</sup> Faced with this impending change the TWU, like all unions engaged in transport, manoeuvred to maximise the advantages of containerisation for itself while minimising the loss of traditional work.

Initially events seems to go in favour of the TWU. In a hearing of a demarcation dispute between the TWU and the WWF during August 1968 over the palletisation of cargo on the waterfront Justice Moore reaffirmed the TWU's right to engage in such waterfront activities.<sup>73</sup> Moore's subsequent decision to accept an employer recommendation to fix demarcation lines for the introduction of containerisation, however, dealt a crushing blow to the TWU's hopes. Under the terms of the Container Depots Demarcation Award handed down on 3 March 1969 the TWU found itself excluded from all container terminals and depots except for one in West Melbourne and another in Fremantle.<sup>74</sup>

The TWU's attempts to overturn Moore's judgement through an appeal to the High Court<sup>75</sup> and through the use of industrial action proved equally unsuccessful. In reporting the containerisation defeat to the TWU's Federal Council in 1969 Harris concluded: "This matter . . . has caused more dissipation of the Union's resources, both financially and otherwise, than any other factor of our activities."<sup>76</sup>

Admidst the defeats and divisions of the late 1960s the TWU's application for a new Transport Workers (General) Award embracing five states became the principal flag-bearer of the union's industrial hopes. In February 1970 these hopes suffered a severe

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71 *Truck and Bus Transportation*, Vol.25, No.7, July 1961, p.247.

72 *Ibid.*, Vol.30, No.4, April 1966, p.12.

73 123 *CAR* pp.747ff.

74 127 *CAR* pp.10ff.

75 119 *CLR* pp.529ff.

76 "Federal Secretary's Report to Federal Council, 12 May 1969", p.32, *op.cit.*

rebuff when Commissioner Gough rejected the union's application. While Gough indicated that he was prepared to add workers employed by master carriers in Western Australia and Queensland to the revamped award, he would not accept those employed by Government Departments or Instrumentalities or by ancillary operators.<sup>77</sup> Although it appears Harris and the federal union were already preparing to accept a separate agreement with hire and reward operators, Gough's decision destroyed the chance of one federal award covering all workers previously employed under the TWU's parent awards outside New South Wales.

### **Turmoil in Western Australia**

Although differences over industrial tactics had lost much of their earlier significance in the TWU by the 1960s, divisions remained as to the political role that trade unions should play in society. While the TWU's left-wing saw the ALP as the major mechanism for social change, they also believed in taking an active role in specific political issues. To Ted Harris political issues were as much a part of the union's concerns as industrial concerns, and state branches which failed to actively involve themselves in support of the federal TWU's declared opposition to the Vietnam war found themselves taken to task.<sup>78</sup> To right-wing activists within the TWU, however, the use of the union's resources for such purposes was an anathema, with the TWU's (New South Wales) Ted McBeatty condemning those "not prepared to observe the lawful acts of society."<sup>79</sup> When the Federal TWU decided in May 1971 to endorse a call by the ACTU's Bob Hawke for a ban on all services and facilities to a planned visit by South African 'Springbok' rugby union players<sup>80</sup> it found itself faced by another internal rebellion—this time by the Western Australian Branch.

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77 132 *CAR* pp.698ff at 706-7.

78 *TWU (Federal Council) Minutes*, 29 June-3 July 1970, p.17.

79 *Sydney Morning Herald*, 18 February 1975.

80 *TWU (Federal Council) Minutes*, 3-14 May 1971, p.41.

Even before the arrival of the Springboks the Western Australian Branch was in a state of turmoil. In April 1971 the Acting Secretary of the branch, George Brown, was forced to resign after allegedly attempting to rape one of his female office staff.<sup>81</sup> In the reshuffle that accompanied his departure Robert "Robbie" Cowles was elected as Acting Secretary/Treasurer, and Terry Farrow as President.<sup>82</sup> Both were to prove to be controversial characters, but while Cowles was prepared to co-operate with the federal union Farrow was not.

An English migrant whose declared purpose in coming to Australia was "to escape the grip which unions were getting on workers in Britain",<sup>83</sup> Farrow was in the perfect position to oppose the TWU's efforts to block the arrival of the Springboks in Australia. Through his employment at Perth airport Farrow was able to mobilise opposition to the ACTU ban and on 24 May 1971 the TWU's sixty members at the airport announced their intention to refuel the Springboks.<sup>84</sup> When the Springboks arrived in Perth on 25 June 1971 Farrow and his fellow rebel airport workers duly serviced the flight, surrounded by large numbers of police and security men.<sup>85</sup>

The TWU had discovered that once again different conceptions of the proper functions of trade unions in society had played a divisive role in its internal affairs. Farrow's stand, along with a similar refuelling carried out by the TWU (New South Wales), became a focal point for right-wing opposition within the wider labour movement to the more politically active role adopted by the ACTU since the election of Bob Hawke as its President in 1969. Commenting on the refuelling carried out by the Western Australian Branch and the TWU (New South Wales), leading NCC activist, J.P. Maynes, declared: "Political strikes and bans threatened the whole future of unionism in Australia and the time had come to call a halt."<sup>86</sup>

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81 *TWU (Western Australian Branch) BCOM Minutes*, 22 May 1971. Also see Statutory Declaration of Mrs. Irene Besch, reproduced in "Federal Secretary's Report to Federal Council, 3 May 1971", p.28 and attached to *ibid*.

82 *TWU (Western Australian Branch) BCOM Minutes*, 2 April 1971 and 31 May 1971.

83 *Melbourne Herald*, 25 June 1971.

84 *West Australian*, 6 July 1971.

85 *Australian*, 26 June 1971.

86 *The Unionist*, Vol.7, No.3, August 1971.

Farrow's refusal to carry out the directions of the Federal TWU was thus more than a public blow to the union's prestige. It became a test for the ACTU's wider vision of the role of organised labour in Australia's political affairs. In early July 1971 the TWU's Federal Committee of Management responded forcefully to the challenge, disbanding the Western Australian Branch Committee of Management and dismissing Farrow as Branch President.<sup>87</sup> Unfortunately for the federal TWU leadership these decisions were overturned on appeal to the Commonwealth Industrial Court<sup>88</sup> and by late August 1971 the pro-Farrow forces, including the former Secretary, George Brown, had secured a narrow majority on the Western Australian Branch Committee of Management.<sup>89</sup> By early October 1971 Robbie Cowles had been sacked as Acting Secretary, being replaced by a Farrow supporter, John Relf, while Farrow and Brown became organisers.<sup>90</sup>

The federal TWU was thus in October 1971 faced with a split in Western Australia similar to that which had occurred in New South Wales, with the branch controlled by officials whom the federal union was incapable of working with. While the Federation had survived a breach with one state, the defection of a second would reduce the remaining TWU to a rump. A major difference between the events in Western Australia and those in New South Wales however, was that, while the New South Wales Branch leadership presented a united front against the federal union, in the West there existed a major internal opposition to the Farrow group around deposed Acting Secretary Robbie Cowles.

On the night of 13 October 1971 a commando-style operation led by the TWU's Federal President, Arch Bevis, and Cowles—both large, burly individuals—resulted in the physical reoccupation of the Western Australian Branch Office. Repeated attempts by

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87 *TWU (Federal Committee of Management) Minutes*, 5-8 July 1971, pp.6-7. Also *TWU (Special Federal Committee of Management) Minutes*, 6-7 July 1971, pp.1-5. (ANUABL, Z181/Box 112).

88 *West Australian*, 25 August 1971.

89 *Ibid*, 28 August 1971.

90 *TWU (Western Australian Branch) Special BCOM Minutes*, 20 September 1971. Also *TWU (Federal Committee of Management) Minutes*, 11-16 October 1971, pp.2-8. (ANUABL, Z181/Box 112).

Farrow and his supporters to evict them throughout the following day were repelled.<sup>91</sup> Reinstated as Acting Secretary of the Federal Committee of Management, Cowles' position was to be confirmed when he defeated Farrow in a ballot of members during August 1971.<sup>92</sup> Although a number of Farrow supporters such as Brown remained in the Western Australian Branch leadership, adding to internal tensions, relations between the Western Australian Branch and the federal union returned to normal during 1972. The Western Australian Branch under Cowles was to subsequently display a new aggression in its dealing with employers, while Cowles himself was later to be described as "one of Western Australia's most militant unionists."<sup>93</sup>

### Enhanced Federal Branch Power

The departure of the powerful New South Wales Branch and the forcible reinstatement of the Cowles leadership in Western Australia could not but have an impact on the power relationships within the TWU. Following Cowles' reinstatement the federal leadership under Harris and Bevis was able to undertake a more interventionist role in the affairs of the various branches. When long-time Tasmanian Branch Secretary, Dave Lucas, resigned in February 1972,<sup>94</sup> Harris and Bevis intervened in the branch's affairs, condemning its past failure to hold regular meetings of members and declaring its internal administration to be "unconstitutional."<sup>95</sup> In doing so they spelt out a new supervisory role for the federal union in state branch affairs, with Harris declaring that "some branches appear to think anything they do matters to nobody but themselves, but this leaves the doors open to someone to come in and start proceedings against the union."<sup>96</sup>

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91 *Daily News*, 13 October 1971. Also *Interview with Bevis*, op.cit.

92 *West Australian*, 22 August 1972.

93 *Brisbane Sunday Mail*, 28 October 1974.

94 *TWU (Tasmanian Branch) BCOM Minutes*, 19 February 1972. (Uncatalogued. Held at TWU (Tasmanian Branch) Office, Launceston, Tasmania).

95 *TWU (Tasmanian Branch) Special BCOM with Federal President, Federal Secretary and Secretary Elect*, 20 April 1972, p.3.

96 *Ibid*, p.1.

In settling the Tasmanian Branch's affairs Harris and Bevis endorsed the installation of an outsider, John Rolph—a former Canberra Branch owner-driver and organiser—as Branch Secretary. Like Cowles in Western Australia, Rolph was to prove a controversial character who eventually fell foul of Tasmania's more conservative trade union structures.<sup>97</sup> But between 1972 and 1976 he was to provide the branch with its most militant leadership since the departure of Fred Katz in 1914.

By early 1972 the power of the Federal Branch of the TWU, while not absolute, was incomparably stronger than at any previous time in its history. Most Branch Secretaries shared common left of centre political beliefs and were either active supporters of federal unionism or dependent upon it for their installation in office. Paradoxically the only serious obstacle remaining to the Harris leadership came from Victoria, where a resurgent Right under Mark Windram had evicted the Doyle-led Left in May 1968.<sup>98</sup> Yet while Windram was unhappy with the politics of the federal TWU, with relations between him and the federal leadership remaining frosty, as Secretary of a branch almost entirely dependent on federal awards he could not afford a formal breach with the federal union. Despite his political conservatism, Windram also proved—like his right-wing counterparts in New South Wales—quite willing to endorse militant industrial tactics.

#### 4: TOWARDS WAGE LEADERSHIP

By the early 1970s the TWU found itself in a position to reverse the institutional disadvantages under which it had previously operated, with the union emerging as a cohesive, centrally directed force. In organisational terms the TWU possessed resources which eclipsed any other industrial organisation representing road transport interests. Whereas, for example, the Victorian Branch in 1973 employed fourteen full-time

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97 Deposed in July 1976, Rolph was to commence a lengthy legal battle for his reinstatement which still continues fourteen years later.

98 *TWU (Victorian Branch) BCOM Minutes*, 28 May 1969.

organisers, and the Queensland Branch ten,<sup>99</sup> the major employer organisation in the industry, the ARTF, remained without a single full-time Industrial Officer, with one industry commentator observing in 1975: "The paltry, shoestring finances of the ARTF . . . has to be seen to be believed. There is no money for research, . . . there is no money for publicity."<sup>100</sup>

In addition to the large number of organisers and other officials at its disposal, the TWU had also by the end of the 1960s built up a substantial presence at most major transport yards and depots, with state branches actively building up and training a layer of job delegates. Unlike in the metal industry where shop committees developed considerable independent power, job delegates within the TWU remained integrated into the existing union structures. As one *Yard and Depot Delegates Manual* issued to delegates to instruct them on their responsibilities emphasised:

Delegates should bear in mind that job or shop committees are not a substitute for . . . the trade unions . . . If a dispute cannot be settled by a conference with the employer, it is necessary for the Delegate to contact his area Organiser or Union Office and the matter will be handled from thereon by the Union.<sup>101</sup>

The development of a strong yard and depot presence was to make the loading dock the front line in the union's battles. The effective implementation of the policy of "No financial card, no loading"<sup>102</sup> made it almost impossible for non-union drivers to operate in the industry, particularly when reinforced by periodic membership 'blitzes' by organisers.

In May 1969 the TWU's Federal Council, frustrated by delays to its claim before the Commission for a new General Award, unanimously decided to mobilise its expanded industrial presence in the industry, instructing all branches "to support the union's present Log of Claims by a vigorous campaign that will include job and mass

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99 *Ibid.*, 11 February 1974. Also "Queensland Branch Report to Federal Council, March 1973", p.20, attached to *TWU (Federal Council) Minutes*, 26 June-4 July 1973.

100 Editorial, *Truck and Bus Transportation*, Vol.39, No.4, April 1975, p.110.

101 *Yard and Depot Delegates Manual*, (Issued by the TWU (Queensland Branch, 1966), p.5.

102 TWU (SA) BCOM Minutes, 17 November 1966.



meetings . . . , and that where thought necessary by the Federal Committee of Management action be taken on a national basis."<sup>103</sup>

## Employer Attitudes

While the basis for the success of the Federal TWU's industrial gains in the early 1970s lay in its own enhanced industrial power, it is clear that a number of factors beyond the TWU's control were conducive to a more militant approach. On the very day that the TWU's Federal Council endorsed a more militant strategy, word came to delegates of the imprisonment of Clarrie O'Shea<sup>104</sup>—an event which was to result in the effective demise of the hated penal powers. Although some employers attempted to compensate for their demise by taking civil actions against the TWU during the early 1970s these actions failed to achieve their purpose. In the most celebrated case Jack Nyland, the South Australian Branch Secretary who had succeeded Harris, was jailed in July 1971 for contempt of court after ignoring a civil injunction, only to be freed after a six-day strike of all transport workers in South Australia.<sup>105</sup>

Although the demise of the penal powers removed a major obstacle to industrial militancy, the key to the subsequent success of the TWU was to be found in the road transport industry. Boom conditions in road transport in the early 1970s increased driver shortages<sup>106</sup> and made employers reluctant to engage in industrial disputes that would only see them lose business to competitors. As one representative to the ARTF Conference in 1970 declared: "A company could win a prolonged battle with the unions and simultaneously put itself out of business."<sup>107</sup>

By 1970 it was not only the TWU that was expressing dissatisfaction with compulsory arbitration within the road transport industry. Employers were coming to the

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103 *TWU (Federal Council) Minutes*, 12-16 May 1969, pp.73-4.

104 *Ibid.*, p.71.

105 *Adelaide Advertiser*, 21 July 1971. Also "South Australian Branch Report to Federal Council, 23 June 1972", pp.102, attached to *TWU (Federal Council) Minutes*, 26 June-5 July 1972.

106 *Truck and Bus Transportation*, Vol.37, No.8, August 1973, p.124.

107 *Ibid.*, Vol.34, No.11, November 1970, p.139.

same conclusion. Speaking to the *Australian Financial Review* in October 1970 Ken Thomas, Executive Chairman of TNT, declared himself in favour of collective bargaining, noting that his firm was "in favour of paying a bit more and having stability rather than the present system."<sup>108</sup> Although most ancillary operators would not have shared Thomas' views, the preparedness of the big professional carrying firms to do a deal with the TWU split employer ranks and made effective resistance to the TWU's campaigns impossible.

With the federal TWU growing in power and applying for a five-State award that was liable to face prolonged delays in the Commission, hire and reward carriers realised that they would bear the brunt of any TWU campaigns. Unlike other employers, the large transport companies were well placed to pass on any costs incurred by higher wages. For such employers the growing power of the TWU was seen as posing no major problem, as long as they could strike a deal with it.<sup>109</sup> The large employers represented by the Road Transport Associations had to pay award wages anyway, and under Harris the TWU was better placed to impose such award conditions on their smaller competitors. Tim Beamish, who was the Convenor responsible for negotiating a separate Transport Workers Award on behalf of Road Transport Associations, believes that industrial peace and a common industry rate were the major concerns amongst transport companies. Beamish states that transport industry representatives realised that a separate deal would "cost us", but they were prepared to accept that cost.<sup>110</sup>

The deal the Federal TWU was to strike with the representatives of hire and reward carriers was to bring its members unparalleled benefits in wages. But it also revealed the ability of powerful sections of capital to accommodate themselves to militant unionism. No longer as in the days of John Gunn and Fred Katz did industrial militancy necessarily lead to heightened antagonism between capital and labour. Rather collective bargaining, even when backed by militant campaigns, was just as likely to result in a mutual accommodation as had long been the case with collective bargaining in the United

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108 *Australian Financial Review*, 5 October 1970.

109 *Interview with Beamish*, op.cit.

110 *Ibid.*

States. With the negotiation of the Transport Workers 1970 Award it becomes increasingly difficult to apply a simple capital versus labour analysis to industrial relations in the road transport industry. Instead the large professional carriers and the TWU found they could come to a common accord to the detriment of other employers of transport workers and even of capital as a whole.

Throughout the early 1970s the leaders of Australia's large transport companies were to make extraordinary efforts to come to an accord not only with the TWU, but with the leadership of organised labour generally. In addressing a meeting of TWU State Secretaries at the opening of a new Kwikasair depot during late 1974 TNT's Sir Peter Abeles assured them that he had "laid down a policy of complete co-operation with the unions",<sup>111</sup> while in Western Australia Robert Holmes a Court, in taking over the leading transport company of Bell Bros., similarly declared: "I don't think a company can hope to operate properly with a division between labour and management."<sup>112</sup>

For the general public the closeness of the relationship between the large transport companies and organised labour was highlighted by the friendship that developed between ACTU President Bob Hawke and Alltrans/TNT bosses Sir Peter Abeles and George Rockey, with the ACTU and TNT launching a joint venture travel company in early 1973.<sup>113</sup> While the TWU's federal leaders, Harris and Hodgson, failed to share these close feelings towards Abeles and Co., the union was later to have its public image dented by press allegations—legally unsubstantiated though they were—of corrupt dealings between some state branch officials and some transport operators.

### **The 1970 Award Break-Through**

Although negotiations for a separate award for TWU members employed by hire and reward operators commenced in 1969, impetus was given to these negotiations by

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111 *Wheel*, December 1974, p.9.

112 *Ibid.*, p.1.

113 Blanche d'Alpuget, *Robert Hawke: A Biography*, (Schwartz Penguin Books, Harmondsworth, 1982) pp.9, 236-7.

Commissioner Gough's decision in February 1970 to exclude ancillary operators in Western Australia and Queensland from the union's new award claim.<sup>114</sup> The breakthrough for the TWU came on 2 July 1970 when representatives of Australia's hire and reward operators outside New South Wales signed a Memorandum of Agreement for a 12 1/2 per cent wage increase for their employees,<sup>115</sup> lifting the wage of a three to six tonne driver to \$57.15—a rate above that set for a fitter.<sup>116</sup> Eight days later this Agreement was duly registered in the Commission as a consent award, the Transport Workers 1970 Award.<sup>117</sup> Rather than face TWU industrial action some of the more powerful ancillary operators, represented by the Metal Trades Industry Association, the Victorian Chamber of Manufacturers, and the Victorian Timber Merchants' Association also agreed to come to terms with the TWU, becoming parties to a second consent award, the Transport Workers (Mixed Industries) Award.<sup>118</sup> The payment of the increase to drivers working for manufacturing establishments made it inevitable that gains won by transport workers would flow through the Australian wages system.

The agreement by employers now covered by the Transport Workers and Mixed Industries Award to pay the 12 1/2 per cent increase left the remaining employers industrially isolated, exposed to a rolling campaign of stoppages by the TWU. Although the remaining employers did not give up without a fight, it soon proved an unequal contest. Amongst the most significant stoppages to occur were an eight-day general stoppage in Canberra,<sup>119</sup> a similar seven-day stoppage in Tasmania,<sup>120</sup> and a strike by over two thousand state award workers in Brisbane.<sup>121</sup> With the passage of each day

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114 132 *CAR* pp.938ff at p.706.

115 "Federal Secretary's Report to Federal Council, 3 May 1971", p.6, attached to *TWU (Federal Council) Minutes*, 3-14 May 1971.

116 132 *CAR* pp.938ff at pp.941-6. Following a National Wage variation in December 1970 the wage for a three to six tonne driver was \$60.00—eighty cents above that set for a fitter. See 135 *CAR* 715ff for the Transport Workers Award and 135 *CAR* 280ff for the Metal Trades Award. Note: These rates quoted are for Victorian drivers and fitters, with other states showing slight variations due to the incorporation of the old basic wage rates into the total wage. The relativities, however, remain the same.

117 *Ibid.*, pp.938ff.

118 135 *CAR* pp.911ff.

119 "Canberra Branch Report to Federal Council, 16 March 1971", p.2, attached to *TWU (Special Federal Council) Minutes*, 17-19 April 1972 (ANUABL, Z181/Box 109).

120 "Tasmanian Branch Report to Federal Council, 3 May 1971", p.1, attached to *ibid.*

121 *Courier Mail*, 12 October 1970.

the employers' position deteriorated as more and more individual employers defected to agree to the union's claim.<sup>122</sup>

Faced with widespread industrial unrest and the spread of the higher wage rate the Commission was forced to intervene to concede the inevitable. As a result of a decision by Commissioner Gough on 3 February 1971 all workers who remained under the union's old parent award, the Transport Workers (General) Award, were granted the full 12 1/2 per cent increase,<sup>123</sup> a decision which was replicated in the Western Australian and Queensland Industrial Courts.<sup>124</sup> In granting the increase Gough attempted to maintain decorum by maintaining that the rise was due to changes in work-value but he was forced to admit: "The new level of wage rates is higher than would have been awarded on the usual work-value grounds alone . . . This case had been unique in the Commission's experience of the road transport industry."<sup>125</sup>

### The 1972 and 1974 Wage Campaigns

As a result of the TWU's wage campaign during 1970 a considerable change occurred in the union's award structure. In the place of the old parent award, the Transport Workers (General) Award, there were now three 'parent' awards—the Transport Workers Award, the Transport Workers (Mixed Industries) Award, and a rump Transport Workers (General) Award. In addition, as a result of the extension of the Transport Workers and Mixed Industries Awards to Western Australia and Queensland, it appears as if a majority of TWU members in these two states now came under federal rather than state awards, with Queensland Branch Secretary, Arch Bevis, estimating in 1973 that seventy-two per cent of Queensland members were under federal awards.<sup>126</sup>

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122 *Ibid.*, 13 October 1970.

123 137 *CAR* pp.513ff.

124 *WAIG*, Vol.51 (February-July 1971), pp.356ff. Also *QIG*, Vol.76, (January-April 1971), pp.699ff.

125 137 *CAR* p.521.

126 *TWU (Federal Council) Minutes*, 26 June-4 July 1973, p.5.

For the TWU the 1970 campaign was of particular importance in that it set a precedent for wage campaigns that were to follow in 1972 and 1974, with increases granted to workers employed under the Transport Workers Award as the result of collective bargaining flowing to other transport workers. In 1972 the TWU was able to secure a \$13 flow-on relatively peacefully, with employers under the Transport Workers (General) Award and under Queensland state awards agreeing to consent variations after the increase had earlier been negotiated with employers under the Transport Workers and Mixed Industries Awards.<sup>127</sup> An attempt by Western Australian employers to block the flow-on to their state awards was undermined when significant numbers of employers broke ranks and agreed to the union's claim when Western Australian Branch Secretary, Robbie Cowles, threatened them with industrial action.<sup>128</sup>

In 1974, however, the TWU was to discover that its claims were to meet stiffer resistance. In part this was due to increasing concern amongst both the Federal Labor Government and the Commission with inflation, with Minister for Labour, Clyde Cameron, publicly condemning trade union "anarchy".<sup>129</sup> But the major focus of opposition centred on the sheer size of the TWU's claim, with the union demanding that a \$25.40 increase already negotiated with representatives of hire and reward carriers and registered in a Consent Variation on 1 July 1974<sup>130</sup> be paid to all transport workers. Such an increase would not only see the wages for a three to six tonne driver rise by almost a third to \$109, it would also lead to a second round of pay increases in the wider wages system, with a \$15 rise granted to metal workers in April 1974 already having flowed on to most other workers. In attempting to isolate other transport workers from the \$25.40 already won by their counterparts under the Transport Workers Award, Deputy President Gaudron declared on 6 August 1974 that "an increase of the magnitude

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127 These increases were paid in two parts, the first part being a \$9 increase received in early 1973, with the remaining \$4 being paid in early 1974. For variations in the Transport Workers and Mixed Industries Awards see 147 *CAR* pp.363ff and 149 *CAR* pp.933ff. For developments in the Federal General award and the Queensland Parent Award see 149 *CAR* pp.876ff and *QIG* Vol.82 (January-April 1973) respectively.

128 *WAIG*, Vol.53 (February-July 1973), pp.432-439 at p.432.

129 *Australian*, 14 August 1974.

130 162 *CAR* pp.953ff.

of \$25.40 would distort and destroy relativities between transport workers and employees in other areas."<sup>131</sup>

Gaudron's efforts to limit the spread of the \$25.40 increase were to be unsuccessful. The initial Agreement of the employers party to the Transport Workers Award to pay the \$25.40 irreparably damaged the employers cause. Even before Gaudron announced her decision other employers were agreeing to the increase, particularly in Queensland where a general stoppage in July had led to substantial employer compliance with the union's demands.<sup>132</sup> Following Gaudron's decision the industrial pressure on employers mounted rapidly. On the day after her decision seventy-five thousand transport workers stopped work,<sup>133</sup> with thirty thousand TWU members in Victoria voting to stay out until Monday 12 August 1974.<sup>134</sup>

Confronted with major industrial disruption, and with the employers' front collapsing, the full-bench of the Commission decided to grant the TWU's claim in full on 11 September 1974.<sup>135</sup> The TWU's victory was completed when the Western Australian and Queensland Industrial Courts decided to follow the example of their Commonwealth colleagues and grant the full \$25.40 increase.<sup>136</sup>

### **The 1970-1974 Wages Campaigns: An Assessment**

The four years from 1970 to 1974 were undoubtedly the most industrially successful in the union's history. Between July 1970 and September 1974 wages for three to six tonne drivers more than doubled from \$51.65 to \$109. While consumer prices rose by approximately fifty per cent in the same period,<sup>137</sup> transport workers were still left with a real wage increase of up to fifty per cent. These increases helped attract a flood of new recruits into the union, with effective national membership rising from

131 164 *CAR* pp.485ff at p.488.

132 *Sunday Mail*, 14 July 1974.

133 *Australian*, 7 August 1974.

134 *Courier Mail*, 9 August 1974.

135 164 *CAR* pp.491ff.

136 *WAIG* Vol.54 (July 1974-January 1975), pp.1194-8 at p.1195. Also *QIG* Vol.87 (September-December 1974), pp.265-7.

137 *Commonwealth Year Book*, No.61, 1975/76, p.251).

39,799 in 1970 to 57,579 in 1975. The increases won by transport workers in 1974, as E.A. Boehm noted at the time, "set a new standard",<sup>138</sup> with metal workers joining other workers in applying for an additional \$9 increase to match the gains won by the TWU. Even after metal workers secured this additional payment, however, the wage for a fitter still lagged \$2.90 behind that received by a three to six ton driver.<sup>139</sup>

In assessing the TWU's success it must be stressed that despite the collective bargaining that accompanied the establishment of Transport Workers and Mixed Industries Awards the union had always remained within the arbitration system. The Agreements arrived at through collective bargaining were registered as Consent Awards by the Commission and it was always the expectations of both the union and the employers party to those agreements that the rates negotiated would become the new industry norm. This combination of aspects of both collective bargaining and compulsory arbitration guaranteed both the TWU and the larger industry employers a common industry rate.

## **5: CAMPAIGNS AMONGST OWNER-DRIVERS: 1970-1975**

An essential complement to the TWU's campaigns for higher wages for employee drivers was the necessity for it to short-circuit employer attempts to avoid awards through increased utilisation of owner-drivers. In this regard the large carrying firms were undoubtedly playing a double game, on the one hand ensuring industrial peace by agreeing to higher wages for their drivers while simultaneously seeking to minimise wage costs by switching much of their work to owner-drivers. As early as June 1970 the TWU's South Australian Branch Secretary, Jack Nyland, was warning the federal TWU:

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138 E.A. Boehm, 'Distortions in Relative Wages: The Inflationary Consequences and Policy Implications,' *Australian Economic Review*, Fourth Quarter, 1974.

139 163 *CAR* pp.820ff at p.824.



"The big transport companies in an effort to offset wage increases have shown no compunction in extending the use of owner-driver sub-contractors."<sup>140</sup>

Initially the TWU's response to this development was to negotiate with the ARTF in an attempt to secure from prime contractors a promise that they would in future reduce their use of owner-drivers.<sup>141</sup> A break-through in the Queensland Branch, however, whereby TNT was forced to recognise owner-drivers on permanent contracts as 'employees' —paying them entitlements such as sick pay, annual holidays, and award rates of pay with an additional payment for the hire of the vehicle<sup>142</sup> —seems to have helped prompt a changed approach from the TWU. In July 1972, following this development, a Queensland Branch motion was passed by the TWU's Federal Council endorsing a campaign for all owner-drivers to be regarded as 'employees', with similar entitlements to those won by TNT drivers in Queensland.<sup>143</sup>

Following the passage of this resolution road transport employers found themselves facing industrial campaigns by TWU-led owner-drivers that often exceeded the militancy of the union's employee drivers. Once again the Queensland Branch under Arch Bevis played a prominent role, with a state-wide campaign being launched amongst owner-drivers during March 1973.<sup>144</sup> But whereas the Victorian, Queensland, and to a lesser degree the South Australian Branches at least had substantial followings amongst owner-drivers upon which they could build,<sup>145</sup> this was not the case in the smaller Canberra, Tasmanian and Western Australian Branches. Yet even in these branches the TWU was able to make often spectacular gains amongst what had previously been a virtually unorganised workforce.

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140 "South Australian Branch Report to Federal Council, 26 June 1970", p.1, attached to *TWU (Federal Council) Minutes*, 29 June-3 July 1970.

141 *TWU (Federal Council) Minutes*, 3-14 May 1971, p.42.

142 This initial break-through was achieved by Queensland's Rockhampton Sub-Branch. See "Queensland Branch Report to Federal Council, June 1974," pp.34-5, attached to *Ibid*, 11-20 June 1974. (ANUABL, Z181/Box 110).

143 *Ibid*, 26 June-5 July 1972, p.38.

144 *Brisbane Telegraph*, 13 March 1973.

145 In June 1970 the Victorian Branch reported that of its 14,870 effective members, 1,250 were owner-drivers. See "Victorian Branch Report to Federal Council, 29 June 1970", p.1, attached to *TWU (Federal Council) Minutes*, 29 June-3 July 1970.

The TWU's gains amongst owner-drivers in both Canberra and Tasmania were both largely attributable to one man—John Rolph. A founder of the Concrete Carriers' Owner Drivers' Association in Canberra which affiliated with the Canberra Branch of the TWU,<sup>146</sup> Rolph led an eleven-day strike by ready-mix concrete operators in the ACT during July 1971.<sup>147</sup> In the settlement of this dispute an Agreement was negotiated with industry employers which provided minimum rates, and even penalty rates, for owner-drivers.<sup>148</sup> When Rolph transferred to Tasmania to take up the position of Branch Secretary—a position he was not technically eligible for as an owner-driver—he sought similar gains for owner-drivers in that state. His efforts were crowned with success when he signed a Memorandum of Agreement with the Tasmanian Road Transport Association (TRTA) on 3 September 1974, guaranteeing owner-drivers on contracts with TRTA members minimum contract rates, sick pay, paid overtime, and annual leave entitlements.<sup>149</sup>

The most dramatic evidence of the TWU's new-found presence amongst owner-drivers was perhaps to be found in Western Australia. In that state serious organisation amongst owner-drivers only commenced in March 1973,<sup>150</sup> yet by September 1973 it was estimated that eighty per cent of the state's owner-drivers were in the TWU.<sup>151</sup> The poor conditions of employment for owner-drivers in the state, with sub-contract rates per tonne mile lower than they had been in 1946,<sup>152</sup> provided a hot-bed of discontent that the Western Australian Branch under Robbie Cowles was able to exploit, with up to one thousand Perth owner-drivers striking from 28 August to 10 September 1973; a strike which brought much of the city's commerce to a halt.<sup>153</sup>

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146 "Transcript of Proceedings", *J.C. Rolph v. TWU of Australia*, No. ACT 2 of 1983, pp.154-5.

147 *TWU (Canberra Branch) BCOM Minutes*, 3 August 1971 (ANUABL, Z269/Box 6).

148 *Copy of Agreement between Lorry Owner-Drivers and Manufacturers and Vendors of Ready-Mixed Concrete*, ACT, 1971 (Held by TWU (Tasmanian Branch), Launceston).

149 *Memorandum of Agreement between TRTA and the TWU (Tasmania)*, 3 September 1974. (Held by TWU (Tasmanian Branch), Launceston).

150 *TWU (Western Australian Branch) Special BCOM Minutes*, 15 March 1973. An earlier attempt to organise owner-drivers in 1970 had failed. See *Wheel*, July 1973, p.5.

151 *West Australian*, 3 September 1973.

152 *Ibid*

153 *Ibid.*, 31 August-8 September 1973.

The growing industrial strength of the TWU amongst owner-drivers evoked a historic policy reversal from the ARTF on 18 September 1973, when it submitted to Harris a plan "for the remuneration of Owner/Drivers who are permanently sub-contracted to a hire and reward transport operator."<sup>154</sup> The plan offered to cover such owner-drivers for all costs involved in running their vehicles, including depreciation, as well as payment for labour based on the Federal Transport Workers Award. While the Agreements subsequently negotiated between state TWU branches and the relevant Road Transport Association in accordance with the plan provided no benefits for itinerant owner-drivers, they nevertheless represented an acceptance by transport employers, as one Road Transport Association admitted, that they were no longer "in a position to prevent the efforts of the union in obtaining the membership of sub-contractors, particularly those engaged by transport companies on a permanent basis and who mainly operated in the local cartage."<sup>155</sup> Although the Agreements concluded by TWU branches to cover owner-drivers lacked legal force, it is the opinion of federal TWU officials that they were as effective in regulating those owner-drivers covered as the more formal system developed in New South Wales after 1980.<sup>156</sup> Both systems were subject to evasion, but they nevertheless brought the benefits of regulated conditions of employment to growing numbers of owner-drivers. By 1974 most, if not all, TWU branches would have been able to say what the Victorian Branch said when it declared: "Most firms' sub-contractors are now financial members of the union."<sup>157</sup>

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154 "Correspondence A.P. Beamish to Ted Harris, 18 September 1973", reproduced in *TWU (Federal Committee of Management) Minutes*, 9-12 October 1973, pp.11-12. (ANUABL, Z181/Box 112).

155 Cited *Truck and Bus Transportation*, Vol.38, No.3, March 1974, p.107.

156 *Interview with Hodgson*, February 1990.

157 *TWU (Victorian Branch) BCOM Minutes*, 4 February 1974.

## 6: THE LIMITS OF COLLECTIVE BARGAINING

The combined use of collective bargaining and industrial action to generalise negotiated Agreements to arbitrated awards served the TWU well between 1970 and 1974. But in early 1975 the bubble burst abruptly, with the Commission demanding 'substantial compliance' to the principle of wage indexation a condition introduced with the endorsement of both the ACTU and the federal ALP government. This commitment of organised labour as a whole to wage indexation made impracticable the TWU's continued pursuit of a highly independent policy characterised by liberal use its industrial muscle.

Even prior to the introduction of wage indexation there were indications that the TWU's continued ability to combine elements of a collective bargaining approach within the framework of the arbitration system was being restricted. The willingness of the larger employers represented by the ARTF to concede increases in wages had largely been a product of their oligopolist domination of the industry which allowed them to pass on any wage increases to consumers. On 2 August 1974 an attempt was made to close this loop-hole in the wages system when the Prices Justification Tribunal (PJT)—established by the Whitlam Government in 1973 to control prices—refused Mayne Nickless an eighteen per cent increase in interstate freight charges to cover the cost of its \$25.40 wage increase to drivers, with PJT arguing that the Company should not have paid more than a \$16 increase.<sup>158</sup>

While the direct effects of the PJT decision should not be exaggerated—it only applied to interstate cartage rates and former VRTA Executive Director, Tim Beamish, believes that the twelve per cent eventually granted to Mayne Nickless compensated them for the \$25.40 increase anyway, the eighteen per cent request being an 'ambit claim'<sup>159</sup>—the decision nevertheless cast a shadow over future negotiations between the

158 Prices Justification Tribunal, *First Annual Report, 1973-74*, (AGPS, Canberra, 1975), p.31.

159 *Interview with Beamish*, op.cit.

TWU and hire and reward operators. At the TWU's 1975 Federal Council meeting the PJT was roundly condemned, with its Federal President for the year, Jack Nyland, warning: "This usurption of the functions of wage tribunals by that body . . . does not augur well for our 1975 Award negotiations and for our continued use of the Transport Award as a 'pace setter' for other transport Awards."<sup>160</sup>

Despite the worsening economic situation and the decision of the PJT, the TWU endorsed a return to a centralised system of wage fixation with some reservations. In describing the principles involved in wage indexation Harris cautioned his colleagues that they were "complex" and likely to lead to "divisiveness" within the trade union movement.<sup>161</sup> Harris' caution was well founded, with the return to centralised wage fixation seeing an erosion of the relative position of transport workers, particularly of those employed by hire and reward operators. At the 1976 Federal Council Jack Nyland complained on behalf of the South Australian Branch:

The . . . position is that members employed by the hire and reward section of the industry, in what is virtually a 'paid rate' section of the industry, now find, despite the 1974 struggle for uniformity of wage rates . . . they have fallen, in respect of take home pay, almost hopelessly behind the Mixed Industry section, once regarded as the Cinderella section of the transport industry.<sup>162</sup>

The introduction of wage indexation thus served to demonstrate the limits of the TWU's power. Despite the success of its wage campaigns between 1970 and 1974 it now found that it lacked the ability, as did all other sections of organised labour, to follow an independent course in a time of unfavourable economic and political circumstances.

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160 *TWU (Federal Council) Minutes*, 14-23 April 1975, p.5, (Uncatalogued. Held at TWU Federal Office, Carlton, Melbourne).

161 "Federal Secretary's Report to Federal Council, 14 April 1975," p.13, attached to *ibid.*

162 "South Australian Branch Report to Federal Council, 13 May 1976", p.2, attached to *TWU (Federal Council) Minutes*, 18-21 May 1976 (Uncatalogued. Held TWU Federal Office).

## Conclusion

Although the schism with the TWU (NSW) remained a continued institutional problem for the federal TWU during the 1970s, the national application and co-ordination of an industrial strategy that combined an arbitration-oriented strategy with collective bargaining backed by industrial action proved effective in solving many of the industrial problems that had previously bedevilled the history of the TWU and its predecessor organisations. In a highly fragmented industry, the TWU under Ted Harris was able to use federal arbitration as a conveyor belt for transferring increases won through collective bargaining in areas where the union was strong to other sections of the industry, with selective industrial stoppages being staged whenever opposition from employers or the Commission threatened to delay the process. By supplementing this strategy with formalised collective agreements outside arbitration to regulate employment conditions for owner-drivers, the TWU was able to thoroughly entrench its position in the road transport industry, making it virtually impossible for employers to circumvent its authority.

The implementation of this dynamic and industrially militant strategy not only exploited divisions within employer ranks, it also revitalised the union's own internal structures. TWU members were called upon to take an active rather than a passive part in award advancement as a powerful rank and file presence was cemented in the workplace. No longer, however, was there any attempt to link this mobilisation of the rank and file with the achievement of revolutionary social change, as the advocates of collective bargaining backed by industrial action had attempted to do between 1910 and 1912, and then again during the late 1940s. Instead, following the effective demise of a revolutionary tradition in the TWU during the mid-1960s, the union sought to use industrial militancy to civilise rather than change capitalism.

By civilising rather than changing capitalism the TWU was limiting rather than destroying the power of Australia's transport conglomerates, its industrial campaigns seeking to increase its members' share of the industry's profits rather than to expropriate

those profits altogether. For the great bulk of the TWU's membership the union's ability to civilise capitalism would have undoubtedly seemed a fulfilment of almost one hundred years of struggle by road transport unionists. Yet the danger existed that, having restrained capitalism within road transport, the revitalised federal union forged in the industrial struggles of the early 1970s would decay, with future generations of officials and members losing a sense of being part of a wider labour movement with its own distinct social and political objectives that were opposed to the dominant ethos of capitalism—an ethos that stressed individual rather than collective advancement.

## CONCLUSION

While reliance on unilateral or collective bargaining backed by industrial action was a key factor in the collapse of Australia's pioneer road transport unions in the late nineteenth century, it is the contention of this thesis that between 1901 and the late 1950s the major obstacle to the creation of a single union covering all road transport workers was to be found in tensions between an arbitration-oriented strategy and collective bargaining backed by industrial action. The tensions created between these two alternative industrial models for action can be seen as hindering the development of the union in two ways—firstly through disagreements over industrial strategies leading to internal factional divisions within the union itself, and, secondly, through the inadequacies inherent in each model limiting the union's advance. Only when these tensions were resolved during the 1960s, with the TWU combining elements of an arbitration-oriented strategy with collective bargaining backed by industrial action, was the union able to fully develop its industrial potential.

The major reason why the debate over industrial tactics had such a divisive impact on the development of the TWU and its predecessor organisations was to be found in the fact that this conflict became a political as well as an industrial division. As the events of the 1890 Maritime strike had demonstrated, and as Billy Hughes and later the Industrial Groups realised, control of Australia's road transport sector was potentially decisive for deciding the overall political and industrial direction of the Australian labour movement. For if unions covering road transport workers could be persuaded to abstain from supporting wider trade union struggles than those struggles could be isolated, and dealt with in arbitrated settlements. Conversely, if road transport unions supported industrially militant actions then such support could lead to them playing a major role in any wider political and industrial struggles to overturn the existing social order. In consequence support for an arbitration-oriented strategy tended to be linked with support for laborist policies, while the advocates of collective bargaining backed by industrial militancy were identified with the revolutionary Left. In this situation the supporters of laborism were particularly reluctant to undertake industrially militant action for fear that they were playing into the hands of their ideological enemies.



Until 1966, when a left-wing leadership won control of the federal TWU, the history of the union was largely dominated by a conservative brand of labor politics. Only on two occasions prior to the early 1960s was the Right's control of the union seriously threatened—first by a group of radical socialists during the period 1910 to 1912, and then by the Communist Party in the 1940s. Even when the Left won control of the federal TWU in 1966, this victory was secured by a left-wing laborist rather than a revolutionary leadership.

Much of the Right's long domination of the union can be attributed to the fact that the deficiencies of collective bargaining backed by industrial action were more obvious than those relating to arbitration. These deficiencies were first revealed during the 1880s and 1890s. In a highly fragmented industry collective bargaining backed by industrial action proved incapable of winning common employment conditions for all road transport unions, with Australia's pioneer road transport unions collapsing entirely during the 1890s in the face of industrial defeat and economic depression.

Compulsory arbitration helped overcome many of the problems inherent in organising road transport workers. It made a common rate for drivers a legal requirement for all employers who came under the union's awards, whether ancillary or hire and reward operators, and it gave the union formal recognition as the major industrial representative of Australia's road transport workers. But this strategy also possessed a number of deficiencies. Institutionally it fragmented the union. As Australia had a number of industrial relations systems—both federal and state—support for arbitration manifested itself in an institutionally divisive form. While Victoria, Tasmania and South Australia came to be covered by federal awards secured by the federal union, the other states opted for state awards. For these state branches the federal union often had little real industrial significance. Nor did arbitration guarantee it coverage of all drivers, with the awards of other unions also covering drivers. Indeed it would appear that until 1939 there were more road transport workers in the AWU than there were in the TWU's predecessor organisations. Arbitration also did little for the regulation of owner-drivers, who had emerged as a major force in the late 1880s under collective bargaining.

Perhaps the greatest failing of an arbitration-oriented strategy, however, was that it placed an excessive emphasis on Arbitration Court procedures to the detriment of active organisation by the union itself. This led to a bureaucratisation of the union, with little emphasis on workplace organisation. Consequently the union's awards reflected the union's weakness in the workplace, with the union remaining an industrial laggard in terms of wages and conditions until the 1960s.

The emergence of the TWU as a major industrial force during the 1960s and the early 1970s was dependent upon it overcoming the previous dichotomy that had existed in its approach to industrial relations. The solution to this problem can be seen as coming through the integration of elements of a collective bargaining strategy within the framework of arbitration. This expressed itself in the development of a strong workplace organisation, bans on non-union drivers, the use of industrial pressure to maximise award gains and the effective coverage of significant numbers of owner-drivers through collective agreements. The ability of the union to apply industrial pressure selectively to all industry operators meant that gains won through collective bargaining with hire and reward operators were forced upon other operators as well. This resulted in gains well in excess of those that could have been expected from a simple reliance on arbitration procedures.

In large part the TWU's ability to marry elements of a collective bargaining strategy within the framework of arbitration was conditional on two factors. The first of these was the willingness of the large hire and reward transport companies to accommodate the union and its demands. Of at least equal importance with this was the fact that the previously counterposed strategies of arbitration and collective bargaining backed by industrial action lost their earlier political significance. With the decline of the Communist Party from the early 1950s support for collective bargaining and industrial militancy no longer implied support for revolutionary change. This is not to say that political divisions within the union lost all meaning, with considerable differences remaining as to the proper place of unions in society. The factional divisions between Left and Right which had emerged in the 1950s continued to divide the union, contributing to the split between the federal TWU and its New South Wales Branch during 1969. However this political division had lost much of its earlier historical significance

with the demise of a revolutionary current within the union, and the disappearance of the link between industrial militancy and social radicalisation.

The successful combination of elements of both collective bargaining backed by industrial action and an arbitration-oriented strategy saw the TWU secure its place as the representative of Australia's road transport workers, welding a union of considerable industrial power out of the industry's highly fragmented workforce. Yet in doing so its role can best be described as one of 'restraining' or 'civilising capitalism' rather than seeking its replacement.

## Notes on Sources

The sources used in this thesis, both primary and secondary, are extensive. Primary sources used include the reports and minutes of evidence of royal commissions and other official enquiries, published parliamentary papers, state and commonwealth arbitration reports, industrial gazettes, newspapers and periodicals.

The sources which require the most comment are the minutes and other records of the TWU and its two main predecessor organisations—the FCDIU and the ARTWU. The problems involved in using these records include both ones of scarcity and overabundance. Unfortunately no federal records exist prior to 1915, although a surviving volume of minutes from the Melbourne FCDIU covers the years 1908-1912, giving some indication of the issues involved in holding of the first federal conferences in 1909 and 1911. Nevertheless, despite this surviving volume, the history of the union prior to 1915 has had to be reconstructed largely without the use of union records.

A set of federal minutes covering the years 1915 to 1974 are held at the ANU Archives of Business and Labour. Also held at this location are the Canberra Branch minutes, a range of material from the NSW Branch, and the surviving minutes of the Tasmanian and Victorian Branch's minutes prior to 1945. Victorian and Tasmanian Branch records after 1945 are both held in an uncatalogued form by the respective branches concerned, as are the minutes of the South Australian, Queensland and Western Australian Branches. While the South Australian and Queensland records contain an almost complete collection of minutes dating back to 1912 in both instances, only a single volume survives in Western Australia prior to 1968—covering the period November 1918-December 1921. All other Western Australian minutes seem to have disappeared during a factional struggle in 1971.

While the TWU's records were generally made available with the fullest assistance possible, difficulty was experienced in securing access to the minutes and records of the NSW Branch, previously granted to Mark Bray and Malcolm Rimmer. This obstacle was partly overcome by obtaining access to a number of the original, hand-

written NSW Branch minutes held by the ANU's Archives of Business and Labour. This was supplemented by use of NSW Branch reports to Federal Council and extensive use of newspaper accounts. Only as a last resort was Bray and Rimmer's account of the history of the union in New South Wales used as a primary source.

In addition to the minutes of the TWU and its predecessor organisations access was also obtained to the records of two employer organisations—the NSW Road Transport Association (formerly the NSW Master Carriers' Association) and the Victorian Road Transport Association (formerly the General Carriage and Cartage Contractors' Association and then the Victorian Master Carriers' Association). While the former provides a valuable supplement to the study of the history of the NSW Branch of the union, the latter is particularly useful in that the VRTA's minutes record federal employer attitudes and responses to the union's industrial conduct.

Despite the many gaps in the union's records—where its history had to be reconstructed from newspaper accounts—the mass of surviving records are nevertheless so extensive that only a fraction of the detail combined within them can find expression in the subsequent history. The selection of material requires an organising principle, provided in this instance by the central question delineated in the introduction to this thesis.

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| Beamish, A.P. | former VRTA Executive Director, September 1990                                    |
| Bevis, A.     | former TWU (Queensland) Branch Secretary; former TWU Federal President, July 1990 |
| Bowden, J.    | former CPA activist   |
| Bowden, W.    | former CPA official; former TWU (Queensland) BCOM member                          |
| Cys, K.       | TWU (SA) Branch Secretary, September 1989   |
| Estoe, K.     | TWU (Tasmania) Senior Office Secretary, September 1990                            |
| Greenway, W.  | TWU Interstate Truck Driver, September 1989                                       |
| Heffernan, R. | TWU (SA) Branch Organiser, September 1989   |

- Hodgson, I. former TWU (Victoria) Branch organiser; former TWU Assistant Federal Secretary; current TWU Federal Secretary, February 1990; September 1990
- McGrath, K. TWU Assistant Federal Secretary, February 1990; September 1990
- McPaul, A. TWU (Queensland) Branch Secretary, July 1990
- Santamaria, B.A. former founder and leader of the Catholic Social Studies Movement; current National Director of the National Civic Council, September 1990
- Tapper, S. former communist activist in TWU (Queensland) Branch; former TWU (Queensland) Branch Industrial Research Officer, June 1988
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