

ABOLISH THE PENAL POWERS FREEDOMS FIGHT OF '69



AUGUST 31st, 1969.

INTRODUCTION

This booklet is published by a group of twenty-seven Victorian Unions known as the "Trades Hall Council Administrative and Financial Review Committee."

These Unions decided in 1967 to withhold affiliation fees from the Melbourne Trades Hall Council until that Council provides for:—

1. An improved method of representation on the Trades Hall Council.
2. A basis of executive representation that brings together the main trends in the trade union movement without any section being restricted with regard to their individual rights.
3. The recognition of individual union rights which must include the lifting of the suspension of four Unions.

As a result of their decision to withhold affiliation fees they were suspended from attending meetings of the T.H.C.

Consequently these Unions began to co-ordinate their own activities and have been involved in a number of successful public campaigns, which the Trades Hall Council had either ignored or condemned. These campaigns included opposition to the Victorian Supreme Court Rules changes, a black ban on the discharge of sewage into Port Philip Bay at Carrum, giving assistance in having the objectionable Melbourne City Council By-Law prohibiting distribution of leaflets on city streets withdrawn.

It was this group of Unions together with a number of other Unions who led the Victorian protest over the gaoling of Clarence Lyell O'Shea on Thursday, 15th May, 1968. Mr. O'Shea, Victorian Secretary of the Tramway and Motor Omnibus Union, who had been gaoled for alleged contempt of the Commonwealth Industrial Court arising out of legal summonses instituted under the penal sections of the Commonwealth Conciliation and Arbitration Act.

The gaoling of O'Shea, who acted in accordance with the instructions of his Union, brought about an explosive nation-wide series of actions and stoppages which for the first time in the history of Australian Industrial Arbitration seriously challenged the Establishments' concept of imposing penalties on workers and their Unions.

Here the twenty-seven Unions record some of the events which led up to the gaoling of Clarence Lyell O'Shea, and the bitterness expressed by Australian workers who have for so long suffered the hated class law which led to his imprisonment.

The booklet is also a tribute to the fine action taken by these Australian workers, an action which attracted world-wide attention.

OUR COVER: Photograph shows Clarrie O'Shea being escorted by Commonwealth Police to Pentridge Gaol on 15th May, 1969.

PRICE 20 CENTS

ABOLISH THE PENAL POWERS

FREEDOMS FIGHT OF '69

BY J. ARROWSMITH

Our story begins at 11.20 a.m. on May 10th, 1956. At that hour the late Harold Holt (then Minister for Labour) rose in the House of Representatives at Canberra and launched the penal powers, as they are today, on their way.

Ever since its formation in 1904 the compulsory Arbitration system in Australia contained penalties. The original legislation banned lockouts and strikes and provided for penalties of up to \$2,000 on the Unions and \$20 on individuals. Onus of proof was on the party charged.

In 1930 the SCULLIN LABOR GOVERNMENT removed most of the "teeth" in the Act and cut back the penalties. The system then operated FOR 17 YEARS WITHOUT ANY HARSH PENALTIES.

In 1947 the Chifley Government re-inserted stronger powers in the Act.

Mr. Holt's proposal of 1956 provided for a distinct division between the award making machinery, and the power to punish those who did not accept the decisions made. They provided for an

- ARBITRATION COMMISSION
TO MAKE LAWS RELATING TO WORKING CONDITIONS.
- AN INDUSTRIAL COURT
TO ENFORCE THOSE LAWS.

The Government moved in this direction because the whole process of penal powers had been thrown into a tailspin by the BOILERMAKERS' SOCIETY.

Rank and file Ironworkers employed at Morts Dock (Sydney) in 1955, went on strike in defiance of their Union leadership.

The Federal President of the Boilermakers

(MR. STAN WILLIS) takes up the story.

"Without any need for decision of our Union our members at Morts Dock (N.S.W.) collected for their mates. In the Court the Ironworkers officials reported this, and we were cited before the Court for keeping the strike going. Our Union was fined \$1,000."

We strongly objected, and finally through our efforts (backed by the A.C.T.U.) the High Court found the Act was unconstitutional, but despite our repeated requests the Government refused to refund our \$1,000."

The High Court ruled (and the Government went to the Privy Council in England and again were defeated) that the Court as it was then set out, could not MAKE AN AWARD AND ALSO FINE ANYONE FOR BREACH OF IT.

The penal powers being "the apple of the employers' eye" the Menzies Government acted swiftly to end this by creating a system with TWO ARMS.

Before the changes were passed by Parliament

MR. R. G. MENZIES
SENATOR J. G. GORTON (now Prime Minister)

MR. P. E. JOSKE, Q.C.
and

SENATOR THE HON. J. A. SPICER, Q.C.

(We will hear more of the last two gentlemen later).

spoke in support of the new laws.

So we can record that the penal powers came out of the top circles of the LIBERAL PARTY with the "top brass" of that anti-working class organisation joining the chorus for their adoption.

NOW LET'S MOVE ON BY 13 YEARS

In the same House on FEBRUARY 25th, 1969, MR. CLYDE CAMERON (Labor, Hindmarsh, South Australia) asked the present Minister for Labor (Mr. Bury)

How many times Unions have been fined, and by what amounts since 1956? The Minister's reply — broken up into groups of Unions as adopted by the A.C.T.U. is as follows:

Group Union	Total Fines Section 111	No. of Times Union Fined
Metal Group —		
Amalgamated Engineering Union	\$42,650	160
Federated Ironworkers Union	35,500	132
Boilermakers & Blacksmiths	32,060	131
Australasian Society of Engineers	20,100	75
Sheet Metal Workers Union	16,300	52
Electrical Trades Union	16,350	40
Federated Moulders Union	3,590	9
F.E.D.F.A.	800	1
Blacksmiths Society (now amalgamated with Boilermakers Society)	600	1
	<hr/>	<hr/>
	\$167,310	601
Transport Group —		
Waterside Workers Federation	\$50,200	58
Seamen's Union	5,400	9
Tramway Union	14,800	43
Transport Workers Union	11,600	23
Australian Railway Union	1,400	2
A.F.U.L.E.	800	1
Miners	100	1
	<hr/>	<hr/>
	\$84,300	137
Building Group —		
Plumbers Union	1,400	5
Timber Workers	800	1
	<hr/>	<hr/>
	\$2,200	6
Food & Distribution Group —		
A.M.I.E.U.	5,000	12
Liquor Trades Union	4,600	7
Federated Storemen & Packers	4,200	7
	<hr/>	<hr/>
	\$13,800	26
Manufacturing Group —		
Vehicle Builders Union	5,550	7
Gas Employees	1,000	10
Glassworkers Union	700	1
Rubber Workers	1,900	4
Wool & Basil Workers	400	1
	<hr/>	<hr/>
	\$9,550	23
Not Affiliated with A.C.T.U. —		
Air-Line Pilots	\$4,000	4
Municipal Officers	1,000	1
Australian Journalists Assn.	250	1
	<hr/>	<hr/>
	\$5,250	6
	<hr/>	<hr/>
TOTAL	\$282,410	799

("HANSARD," PAGE 81 — QUESTION NO. 1027)

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BUT FINES are only one side of our picture.

EMPLOYERS' LEGAL COSTS are loaded on to a union with the fines. So we asked MR. KEN CARR (Secretary, Trades Hall Council Financial and Administrative Review Committee)

Can you estimate what amount of legal costs Unions have been saddled with?

He replied—

"About three times the total of the fines, because there are about two cases before the Court for every one that results in a fine and the Unions are saddled with costs of these."

MR. PAT CLANCY (Secretary, N.S.W. BRANCH, Building Workers' Industrial Union) added to this

"In the Metal Trades struggles last year one Union was fined \$15,000 plus \$16,000 in costs for the employer."

SO THERE IT IS.

THE GENERAL ESTIMATE IS THAT MORE THAN \$750,000 has been taken out of workers' union dues through the penal powers and legal costs.

Somewhere a voice will say.

"Ah yes—but what about the employers — the Arbitration System works both ways you know."

MR. CAMERON WAS NOT ONE SIDED. HE ASKED ALSO WHAT FINES HAVE BEEN IMPOSED ON THE EMPLOYERS?

Here Mr. Bury was most generous. His figures covered the period 1943 to 1968 — A QUARTER OF A CENTURY — and they show that in that time employers were charged with 332 breaches of awards AND FINED ONLY \$2,978.

We asked three Union officials to comment on the significance of this contrast.

MR. ALEX MACDONALD (General Secretary, Trades and Labor Council of Queensland) said —

"The fines paid by the employers equal 0.8 per cent of the fines paid by the Unions. So the bosses do not worry much about fines by the Arbitration Court."

MR. TED INNES (VICTORIAN BRANCH SECRETARY, ELECTRICAL TRADES UNION) commented —

"The employers have the right — uncontrolled by any authority whatever — to increase prices to cover any wage

increase the Court may grant. On the other hand if the workers regard a decision as unsatisfactory, and take action to gain more, then they are subject to all the weight of the penal powers." "The arbitration system therefore is loaded against the worker."

MR. LAURIE CARMICHAEL (VICTORIAN STATE SECRETARY, AMALGAMATED ENGINEERING UNION) said —

"The boss has the right to hire and fire as the ups and downs of the business world effect him."

But workers who withdraw their labor, because of some grievance, and nobody does this lightly; in the vast majority of cases every avenue of settlement is explored before a stoppage — they are regarded as some form of criminals and speedy action is taken to plunder their union funds in the hope this will drive them back to work."

NOW LET'S RETURN TO 1956

This time the scene is the SENATE CHAMBERS, the date — JUNE 12th, SENATOR SPICER (Attorney-General in Mr. Menzies Government) has the floor. Speaking in support of the penal powers, he said:—

"Industrial relations and the just settlement of industrial disputes are matters which, quite obviously, directly effect the prosperity and contentment of any country, but they have special importance in Australia."

"From a combination of circumstances, they have become more controversial and more complicated in this country than probably in any other."

Senator Spicer then went on to give some reasons for this.

"Australia has become the most highly unionised industrial country in the free world. We have some 60 per cent of our wage and salary earners, both male and female, members of some appropriate union." By way of comparison, I could mention that the United Kingdom, which is a highly unionised country on standards of other parts of the world, has only 40 per cent of its wage-earning population members of unions.

"Another highly industrialised country, the United States of America, has only 27 per cent.

"In addition there is probably more

political activity on the part of the organised trade union movement and individual unions, in this country than in any other, and the tendency is for major industrial issues to become political issues.

"We have had, over recent years, a sustained experience of full employment and this has greatly strengthened the bargaining power of the individual employee and of the Union.

"There is a potentiality in the industrial movement of this country for the exercise of power unsurpassed in any other democratic country, but would we claim that our industrial movement has yet developed that recognition of the responsibility which power carries with it, and which is to be found in other countries of the world?"

THAT'S LETTING THE CAT OUT OF THE BAG PROPERLY!

The Penal Powers were considered necessary because

- The Unions were too strong.
- They took up political issues vital to workers.
- Full employment enables a worker to stand up for himself more effectively.
- Therefore the power of the industrial movement must be curbed.

BRING ON "TAME CAT" UNIONS

Senator Spicer's remarks are nothing new from the top Liberals, but this particular speech is of special significance for our story.

TWO MONTHS after making clear his anti-union bias SENATOR SPICER wrote a letter (13.8.1956) in which he resigned from the Senate and on that same day was appointed MR. JUSTICE SPICER, CHIEF JUDGE OF THE INDUSTRIAL COURT — A POSITION HE HOLDS TO THIS DAY. He had two terms as a Liberal Party Senator. The second began in 1949 and he stepped straight into Menzies Cabinet.

Born in 1899, he graduated as a Barrister and Solicitor in 1921.

His record of support for anti-working class politics goes back at least to 1933 — a year of widespread unemployment — when he became President of the YOUNG NATIONALISTS (forerunner of the Liberal Party).

He was knighted in 1963.

Wage struggles are the arena where the penal powers come into play more often than others, so we turn now to examine some recent wage judgments by the Commission, and their effect on the struggle of Trade Unionists. For many years in Australia, wages were based on the following formula:

- A BASIC WAGE
(An equal amount in every adult male pay envelope — 25 per cent less for females).
- A MARGIN FOR SKILL
(Higher or lower according to the Court's estimate of the skill required in each job).
- QUARTERLY ADJUSTMENTS TO THE BASIC WAGE
(An increase or decrease of wages according to the rise or decline of prices of a limited range of commodities).

The UNIONS always said this system was inadequate BUT AT LEAST IT HAD BUILT INTO IT A RECOGNITION THAT WAGES CHASE PRICES.

In the post-war period of inflation — a system where the amount of currency in circulation is vastly increased — prices started to rise consistently. THE QUARTERLY ADJUSTMENTS were of some cushioning effect here. Wages rose — however inadequate the amount — each three months.

What happened to wage judgments following the introduction of the penal powers?

In 1953 after a consistent campaign by employers and the Menzies Government, the COURT CUT OUT THE SYSTEM OF QUARTERLY ADJUSTMENTS.

It was one step towards ridding the wages system of the idea that wages chase prices or that the price of goods is the ARGUMENT for a wage increase.

THE NEXT OBJECTIVE WAS THE BASIC WAGE ITSELF.

IN BASIC WAGE APPLICATIONS the Union advocates were able to clearly show the increase in prices and profits as evidence for an increase. An embarrassing — TO EMPLOYERS — amount of evidence was at hand. Again a consistent campaign was launched.

THE EMPLOYERS APPLIED FOR WHAT THEY CALLED A "TOTAL WAGE."

In three separate Judgments over a few years, the Commission firstly

- REJECTED THE EMPLOYERS' APPLICATION THEN

- ADOPTED IT IN "PRINCIPLE" BUT NOT IN APPLICATION.

THEN ON JULY 1st, 1967

- ABOLISHED THE BASIC WAGE AND MARGINS AND INCORPORATED BOTH IN A "TOTAL WAGE."

The Unions strongly rejected this Judgment for the loss of the basic wage meant an end to the system whereby an equal amount went into every adult pay envelope after an increase in the basic wage.

The "total wage" concept has led to a position whereby the Court tries to set worker against worker. To particularly rob the unskilled and semi-skilled production workers, yet all workers have to pay the same prices for food, clothing and shelter. The Commission has made it more difficult for the Unions to submit evidence of price rises as argument for a wage increase.

Its judgments are now based on "National Interests."

Events like the involvement in VIETNAM— requiring vastly increased military spending — are factors that are taken into consideration.

Not the level of prices or the welfare of the worker.

This fundamental change — a real about turn in wage fixation — has led to a great deal of discontent.

For instance in the METAL TRADES the years 1966-67-68 were fairly stormy. Are the workers in this section of industry "strike happy?"

NO THEY ARE NOT!

Let us recall the events round the Margin case.

ON NOVEMBER 23rd, 1965, the A.C.T.U. LODGED an application for increased margins on behalf of all metal trades workers. The Court changed the long standing method of hearing such applications and ordered a "work value" enquiry. This meant a detailed examination which involved visits to factories and as a result a long drawn out case!! (This system has now been extended to many other awards).

JUDGMENT CAME OVER 2 YEARS LATER ON DECEMBER 11, 1967

Now — who would expect the unions and their members not to complain about such a state of affairs?

THAT'S EXACTLY WHAT HAPPENED!

The Metal Trades Federation called a four hour stop-work in Victoria, a nation-wide stoppage was called by the A.C.T.U. and

other actions took place.

FOR THIS THE UNIONS WERE HEAVILY FINED.

The Judgment gave top tradesmen \$10.05 per week and the FITTER \$7.40, but they are only a part of the workers involved.

There were 320 classifications in the Metal Trades Award under which men and women are employed. Two hundred and ten of them got \$1.60 or less — some only 10 cents!!

Unskilled workers like "employees assistants" were left behind with only \$1.

So the decision was unsatisfactory from the Unions' point of view. The employers and the Government held the contrary view. They thought too much had been granted!

The Employers launched an attack on the Judgment which the "Age" (Melbourne, 12.12.67) said

"Was the most violent attack on the Australian wage-fixing machinery in memory."

And of the comments of Mr. Bury (Minister for Labour) the same paper said they:—

"Went even further — they were without parallel in Federation (since 1900).

Overboard goes any pretence that the Court should be "impartial" and "above classes"!!

The Unions were concerned about these comments by MR. JUSTICE GALLAGHER who, in giving judgment, said he wished

"to make it clear to the Unions and to the employers themselves that so far as this Commission is concerned there is nothing in principle to prevent an employer from using existing over-award payments to offset the increases whether in whole or in part."

The two major Metal Trade employer organisations in Eastern Australia, the

METAL TRADES EMPLOYERS
ASSOCIATION (N.S.W.)

and

VICTORIAN METAL INDUSTRIES
ASSOCIATION

on the other hand took this advice to heart and advised their 7,710 member companies to absorb the wage increases in OVER AWARD PAYMENTS.

THEY INCLUDED SUCH JUICY PROFIT
MAKING CONCERNS AS

- BROKEN HILL PTY. LTD.
- DUNLOP RUBBER

and

- AUSTRALIAN CONSOLIDATED INDUSTRIES

What were the workers to do in these circumstances?

They took action in a number of ways to

protect what they had won by insisting that the Court's decision was the minimum not the maximum, and again were heavily fined for doing so.

The alliance of the Government and Employers against the judgment continued.

The new rates of pay came into effect on JANUARY 22nd, 1968. They operated for only 22 days (remember after a two-year wait) the Court then reviewed the Judgment, this took only three days — and six days later came judgment — the Court took 30 per cent off all tradesmen and decided to review the case six months later!!

To put it mildly this did not increase metal workers' love of the Commission.

It is a matter of history that they continued their struggle — despite large fines — defeated the Government — Employer — Court plan to absorb the increases — won back the 30 per cent — and by their struggle helped considerably to secure the "flow on" (something the Court said would not happen) of the Metal increases to other awards. This then is the great contribution made by Metal workers toward the welfare of their fellow workers in other industries. It explains two things —

- WHY THEY HAVE FELT THE HEAVIEST LASH OF THE POWERS.
- WHY SO MANY OTHER UNIONS, AND THOUSANDS OF THEIR MEMBERS RALLIED BEHIND THEM.

One Union official who understands this very well, and pays this unstinted tribute to Metal workers and others in the forefront of the fight is MR. E. DIXON (Secretary No. 2 Branch, Hospital Employees, Victoria). He said —

"The right of strike for the employees of hospitals is one which can very rarely be used. It is one which we are all extremely reluctant to use, because of the fact that we are dealing with sick people — either physically sick or mentally sick — and so we tend to rely to a very large degree on other unions who are perhaps in a better position to take this type of activity to do it for us. Conditions which we now enjoy, such as the eight-hour day, forty-hour week, long-service leave, sick leave provisions, have been brought about by the activities of unions. We must support the Tramways Union and any other union which is fighting these vicious penal clauses."

"UNITY," Union Journal, May, 1969.

**FOR THE WORKERS IT IS ARBITRATION
AND PENAL POWERS BUT NOT SO FOR
THE "TALL POPPIES."**

Of the many scandalous actions to come out of the Federal Parliament in the last 20 years everyone is aware of the big salary rises and juicy pension handouts they have voted themselves. They are just as quick to hand out large lumps of the taxpayers money to others — you have to be in their good books of course!

Clarrie O'Shea was in gaol on May 20th and a million workers were in action against the powers of the Industrial Court but this was the day the Gorton Government chose to introduce legislation to increase the Judges' salaries.

Mr. Justice Sir John Spicer went up from \$19,000 to \$24,000 per year — OVER \$460 per week!!

To tell workers, thousands of whom would like to take home the \$5,000 per year he got as a raise, let alone the rest of his salary, that they can't do this or that to win an increase!

Mr. Justice Dunphy and the other Judges of the Court went up from \$17,000 to \$22,000.

On top of salary Mr. Justice Spicer gets an allowance of \$1,500 per year and the other Judges \$1,000. All have a Commonwealth car available when they call for it.

When called on to hear a 109 Order against a Union interstate, they get \$25.20 per day travelling allowance.

They have unlimited sick pay and are appointed for LIFE!

They have a long holiday of from four to six weeks annually and a short one of three to four weeks at another part of the year. All, of course, on full pay.

Every worker in the Commonwealth Public Service gets three months' long service leave after 10 years service.

But not the honorable gentlemen of the Bench.

They get 12 months' long service leave after 10 years.

It goes by the strange name of "sabbatical leave," but whatever its name — wouldn't it sound sweet to have your boss come up and say "Here you are Jim. Here's a year's pay. You've been with us 10 years today. See you next year!"

Now let us look at

THE POWERS THE DETAILS, AND HOW THEY OPERATE

The power of the Industrial Court rests on two foundations. One is
IT IS A "COURT OF SUPERIOR RECORD"

We asked MR. FELIX MARTIN (Victorian Secretary, Moulders' Union) to explain the meaning of this.

"A Court of Superior Record is one that has the power to order any person to appear before it for refusing to carry out an order or direction of that Court." For instance, if a group of workers in a factory consider a certain part of the plant is dangerous, too dirty or too hot to work in, and boycott it, then their boss can ask the Industrial Court to issue an order directing them to work in that section of the plant and if they fail to do so they are "in contempt" of the Court and face penalties under the Act. "It is the same, of course, with a stoppage of work over any other issue. All of the Criminal Courts and the High Court are clothed with similar power."

**FOR THOSE WHO COMMIT "CONTEMPT"
THE COURT CAN IMPOSE ANY OF THESE
PENALTIES.**

- \$1,000 FINE ON A UNION.
- \$400 FINE OR IMPRISONMENT FOR ONE YEAR ON AN OFFICER OF A UNION — COMMITTEE OF MANAGEMENT MEMBER, PRESIDENT, VICE-PRESIDENT, EXECUTIVE OFFICER, SECRETARY, ETC.
- \$100 FINE ON A RANK AND FILE MEMBER OF A UNION.

In January this year T.A.A. had the Court proceed against 82 rank and file workers in their employ, over a stoppage of protest against the dismissal of their Union delegate.

The fines outlined above can be imposed for each day of the contempt, so these workers faced a \$100 a day fine!! Their case was adjourned.

Clarrie O'Shea was gaoled under these powers which can also be the fate of an officer who is not a full time official!!

This takes industrial affairs into an area usually thought to be reserved for criminal charges.

There is no provision for the Unions to argue before the Court the merits of the action taken.

The only debate is — has an order been defied? If so, what is to be the penalty?

The second foundation is the insertion into the Metal Trades Award in 1951 (and subsequently into some other Awards) of this clause:

- (1) "NO ORGANISATION PARTY TO THIS AWARD SHALL IN ANY WAY, WHETHER DIRECTLY OR INDIRECTLY, BE A PARTY TO OR CONCERNED IN ANY BAN, LIMITATION, OR RESTRICTION UPON THE PERFORMANCE OF WORK IN ACCORDANCE WITH THIS AWARD."

We thought MR. PERCY JOHNSON (Secretary, Metal Trades Federation, Victoria), would be the best to answer our queries on this clause. He told us —

"The Metal Trades Award was, until 1967, the 'yardstick' by which every other Award was measured.

"If Metal workers won an increase it flowed automatically into other Awards, so the employers were concerned to restrict the power of the Unions under that Award, hoping to keep wages and conditions of all workers to a low level.

"The 'Bans Clause' is therefore designed to deny the workers power to take industrial action by strike or in any other form.

"Its presence in the Award gives an employer a speedy means of approaching the Industrial Court and having penalties imposed on the Unions."

Around the Union Movement today is all too often heard the remark

"WE HAVE COPPED A 109."

This relates to the machinery of fines. The procedure is this.

A limitation of work of some kind takes place often without consultation with Union officials.

Immediately the employer sends the Union concerned a telegram.

AUSTRALIAN POST OFFICE TELEGRAM	G SEELAF AMIEU TRADESHALL LYGON ST 77 MELBOURNE VIC	AUSTRALIAN POST OFFICE TELEGRAM
AUSTRALIAN POST OFFICE TELEGRAM	WE HAVE BEEN ADVISED BY WORKS REPRESENTATIVE THAT THE STATE EXECUTIVE OF THE AMIEU HAS DIRECTED THAT YOUR MEMBERS EMPLOYED AT FOOTSCRAY WILL STOPWORK FOR 24 HOURS FROM THE COMMENCEMENT OF ORDINARY HOURS TOMORROW FRIDAY 16TH MAY STOP IN VIEW OF THE AWARD AND THE SETTLEMENT OF DISPUTES PROCEDURE AND THE ORDER OF THE INDUSTRIAL COURT UNDER SECTION 109 WE REQUEST TO BE ADVISED OF THE STEPS YOU INTEND TO TAKE TO COUNTERMAND THIS DIRECTION COPY OF THIS TELEGRAM HAS BEEN SENT TO F T HALL ... CULBERT ANGLISSCO (AMIEU 24 16TH 109) 7	AUSTRALIAN POST OFFICE TELEGRAM
AUSTRALIAN POST OFFICE TELEGRAM		AUSTRALIAN POST OFFICE TELEGRAM

Reprint of telegram sent to the Meat Industries Union in Victoria on May 15th. Note that it relates to a STOPPAGE TO TAKE PLACE NEXT DAY (the first of the two 24-hour stoppages in Melbourne).

Nothing more was heard by the Union of this threat after a million workers went into action.

If the Union refuses to order its members to cease their activity and work according to the Award, the employer sees a Judge in his Chambers and he issues an order under Section 109 of the Act directing the Union to appear in Court and then the Court issues an order that the Union shall cease any support for its members.

If they refuse, the Union and sometimes also the workers concerned, are brought before the Court to show cause why they are not in "contempt" of the 109 Order and fined as the Court sees fit under Section 111 of the Act.

This is the procedure where a "Bans Clause" is already in the Award. Where such is not the case the Arbitration Commission may quickly insert the obnoxious Bans Clause.

Here is an example of how this works against Unionists.

The Liquor and Allied Industries Union

(N.S.W.) had a "Bans Clause" inserted in their Award in November, 1967, following two stoppages of work at Millers Brewery and were fined \$1,500.

The 109 Order was to remain in force for 15 months.

JUST before the 15 months expired — January, 1969 — the workers took action to secure the reinstatement of a dismissed workmate.

An action totally unrelated to the original stoppage.

A Conciliation Commission fixed a date to hear the case but a few days before this hearing the employer had the Union brought before the Industrial Court and fined \$750 with costs under the original order!!

When the Industrial Court got under way such orders were usually for one month — then three — a year, and in 1968 — all Metal Trades workers in every factory in N.S.W. had a ban put on them for two years!!

One great big wet blanket against any form of industrial activity that caused any limitation of work whatever!!

PENAL POWERS?

TRAMMIES HAVE HAD THEM!

Our spotlight now turns on the Victorian Branch of the Tramways Union. SID EDWARDS, the Branch Industrial Officer, opens their story:

"In 1964 a dispute over rosters developed in the Malvern Depot. Our members ran their cars in, and as we have a rule that no cars from other depots should run over routes in dispute, our other depots stopped as well. The Court imposed a \$1,000 fine for the Malvern stoppage and another \$1,000 for the general stoppage. We strongly objected — considering that we had been fined the maximum twice for the one offence."

Then, in 1965, the Board decided to introduce one-man operation on a bus route through Melbourne, that HAD BEEN OPERATED BY TWO MEN FOR 26 YEARS.

In the interest of the health of its members, and public safety, the Union objected.

In the course of the dispute about 200

UNION MEMBERS WERE ON STRIKE for about 14 weeks.

THE ARBITRATION COMMISSION UPHeld THE UNION'S OBJECTION ON THREE OCCASIONS. Commissioner Horan made an award preventing the Board from introducing one-man operation without permission of the Commission.

The Board REFUSED to accept this judgment and appealed to the High Court, which on two occasions, found in favour of the Board on the basis that it was not an interstate dispute, not on the merits of the case.

Clarrie O'Shea commented to us —

"We are always told to 'accept the umpire's decision' but when it went against the Board they refused to accept and involved us in high legal costs to argue before the High Court and we were also saddled with the Board's costs even though they were appealing against a judgment in our favour."

While the COMMISSION was making decisions in FAVOUR of the Union, the INDUSTRIAL COURT was FINING THE UNION on the application of the Board WHICH HAD REFUSED TO ACCEPT THE COMMISSION'S DECISION!

At the height of the industrial action we will deal with later, the A.C.T.U. issued a statement. Of the Tramway Union events it said: "The jailing of an official of the A.T. & M.O.E.A. was the direct result of that union determining to work in accordance with a decision of the Arbitration Commission.

The Commonwealth Government must accept the responsibility for its failure to support Commissioner Horan's decision in the one man bus dispute. In this dispute A.T. & M.O.E.A. incurred \$15,619 in fines and costs." — 22.5.1969.

On JANUARY 19th, 1966, with all traffic stopped on the route in dispute and 200 STILL ON STRIKE — AN EVENT OF CONSIDERABLE IMPORTANCE TO TRADE UNIONISTS OCCURRED. COMMISSIONER HORAN, on the application of the Union, DELETED THE BANS CLAUSE FROM THE AWARD thus robbing the Board of its path to the INDUSTRIAL COURT to secure further fines on the Union!!

Commissioner Horan used these strong words in his judgment:

"It might properly be said that the Bans Clause was inserted in the award made in settlement of an intrastate industrial dispute to protect the provisions of such award. It is now being used by the Board to discipline the Association for being concerned in what the Board considers to be an intrastate dispute.

"On several occasions the Association has attempted to have such dispute determined by the Commission. Each attempt has been strongly resisted by the Board which has not, as far as the Commission is aware, made any attempt to have the dispute settled in any other way.

"It appears to the Commission that in the present circumstances the continuance of the Bans Clause in the Traffic Section of the Award is a hindrance to the settlement of this dispute rather than a help to its settlement."

The dispute ended with a return to work on the original conditions AFTER THE BOARD FAILED TO UPSET ANOTHER JUDGMENT BY COMMISSIONER HORAN ON ITS THIRD APPEAL TO THE HIGH

COURT !!

Now the Union faced up to paying off the fines AFTER repeated protests to the appropriate FEDERAL MINISTERS and calls for action to the Melbourne Trades Hall Council and the A.C.T.U. had failed to get any response.

ON MAY 15th, 1966, a letter containing a cheque for \$100 was sent to the Court, the Executive of the Union having decided that this sum would be paid each month. This was done EACH MONTH without any comment by the Court except the forwarding of receipts for payments.

Then in MARCH, 1967, the Federal Government introduced new statutory rules which clothed the Court with power to issue garnishee orders and to order an official to appear before it for oral examination.

This action was prompted by legal doubts as to the power of the Court to compulsorily collect fines. Coming events cast their shadows before them as we shall see.

The seventeenth payment to the Court was made on the 31st AUGUST, 1967. Then the newly appointed Registrar, Dr. Sharp, contacted the Union and demanded an immediate payment of \$3,000. The Union Executive considered this and on September 26th, 1967, together with the eighteenth \$100 payment enclosed, a letter was sent to Dr. Sharp offering to increase the payments 100 per cent to \$200 per month. NO REPLY OF ANY KIND WAS RECEIVED TO THIS LETTER.

If it could be called a reply, on OCTOBER 12th the MARSHALL OF THE HIGH COURT served writs on the Union, INVADED ITS OFFICE, AND TOOK AN INVENTORY of its property.

Clarrie O'Shea had this to say at the time—

"I was made custodian of the goods of the Association. This means they might decide to have an auction of the goods to raise the money. We would just go and buy more chairs and desks."

This exercise was an absolute failure! The Union knew of the impending visit and notified the T.V. people. EVERYWHERE THE MARSHALL WENT THE T.V. COWBOYS WERE NOT FAR BEHIND!

Then comes the most outrageous act of all — ON OCTOBER 27th, 24 garnishee orders on the Union's bank account were issued. The bank was presented with a cheque and EVERY PENNY OF THE WORKERS MONEY IN THE ACCOUNT — \$3,741.56 — WAS TAKEN OUT BY THE COURT.

Clarrie O'Shea continues the story —

"The Court couldn't even do this rotten thing right. They failed to include costs, which they loaded on to us, of \$441.00, so they had to put the money back in the account, alter the garnishee orders to cover costs and then draw all our members' money out again."

Naturally after such treatment the Union suspended the \$100 per month payments.

Now our story moves on to November 25th, 1968. On this day a rank and file meeting of Union members took place at the Glenhantly (Victoria) Depot. The men and women present had before them the problem of what to do about one Tom Pesteranovich, who had violated Union principles on the occasion of a general stop-work called by the Union Executive the previous week, in protest against the Board making further cuts in services and increases in fares.

It was decided to give him 24 hours to apologise and that he should make a donation to a charitable body.

He failed to do this within the time requested and another meeting decided to hold a SECRET BALLOT of all members in the depot to decide policy.

THE BALLOT HELD ON 28-11-68 DECIDED BY 111 TO 38 NOT TO WORK WITH HIM,

Meanwhile, Pesteranovich apologised and paid up as asked to do, but only after being called to attend a Compulsory Conference before Commissioner Neil when the apology and payment were made.

A further meeting then decided that the Board should be asked to transfer him to another location. Clarrie O'Shea again gives us the facts —

"This was a reasonable demand. In all my years in the service I have never known the Board to refuse to transfer an employee where problems developed between workers in one depot. The Board refused to do so in this case and thus brought about a situation where our members were suspended, for they felt very strongly, after many more facts came to light, about working with Pesteranovich."

From December 6th on, members began to be suspended as their roster called on them to work with Pesteranovich. Among them were:—

HELEN BIRMINGHAM
ALICE CURYER
PATRICIA MOSELY
and HARRY GARBUTT

who, on December 16th WERE ORDERED TO APPEAR BEFORE THE INDUSTRIAL COURT to show cause why they should not be dealt with for contempt of Court.

THE PENAL POWERS REVEALED!

Four ordinary workers acting as their conscience directed them, AND ABIDING BY A DECISION OF A SECRET BALLOT OF THEIR WORKMATES, are hauled before such a forbidding apparatus as the Industrial Court and, of all people to appear before, MR. JUSTICE SIR JOHN SPICER himself.

For all four it was their first appearance in a Court of any kind and they acquitted themselves well. Alice Curyer told His Honour —

"I WOULD SOONER WORK WITH THE LAST MAN ON EARTH THAN TOM PESTERANOVICH."

Their obvious sincerity and courage caused the Court to have second thoughts. The charge against them was quietly dropped. The Union was found to be in contempt and was fined a total of \$2,400. THIS IS ONE LOT OF FINES THE UNION HAS NOT PAID.

ON JANUARY 7th, 1969, the dispute again came before the Court. What happened on this day is important to our story. Before Mr. Justice DUNPHY, Mr. Justice JOSKE and Mr. Justice SMITHERS, the Board made an application for further fines to be imposed on the Union.

(It should be noted here that at an earlier hearing the Court had suggested that under the new Regulations we have already referred to, the Board had power to collect the fines).

CONFUSION ALL ROUND — IN FACE OF THE DETERMINED STAND OF THE UNION AND THE GROWING SUPPORT ROUND THEM SEEMS THE BEST DESCRIPTION OF THE PROCEEDINGS.

Mr. Justice Dunphy said —

"We are at the stage of wondering what use there is imposing fresh penalties when there has been no attempt made to collect the ones already imposed."

The Board's legal representative could offer no solution. Mr. Justice Dunphy then said —

"It is all wrong, of course, that a Union should not pay its debts.. This is the only Union that I know of that has not paid the penalties imposed on it for this type of proceeding. Last year when all the Metal Trades Unions were involved, in this State and in New South Wales, penalties amounting to something like

\$80,000 odd were imposed, and costs awarded which came to at least that, all those Unions have either paid or made arrangements to pay. It is not fair that they should pay their debts and this Union escape. It seems to me at any rate that if you want us to do anything more by way of penalties you (meaning the Board) have to do something."

Finally the three Justices agreed on an order:

"To convict the defendant (the Union) on all charges, make an order for costs in each case, such costs to be taxed by the Registrar, and to reserve the question of penalty in relation to all the contempts as charged, and to reserve that question sine die."

FROM THAT DAY UNTIL MARCH 14th, with 15 workers suspended (in the middle of the dispute the Board decided that they would not suspend any more workers — thus admitting the failure of this tactic) NO FINES WERE IMPOSED ON THE UNION!

Pesteranovich was finally "kicked upstairs" out of Glenhuntly, BUT THE BAN ON HIM REMAINS TO THIS DAY!!

As a footnote to this part of our story, we draw attention to the company the Tramway Union now enjoys.

MR. JUSTICE DUNPHY can no longer single out the one Union for refusing to pay fines.

The Boilermakers and Blacksmiths' Society made this decision at its recent Federal Conference —

"That the outstanding fines for 1968 and all future fines will not be voluntarily paid by our Society. Federal Council further recommends that in the event of the fines being arbitrarily extracted from the Society's finances, that Federal Council immediately decide what action be taken by the members of this Society as a protest against this action."

and the Commonwealth Conference of the Amalgamated Engineering Union on 19.5.1969 unanimously carried this resolution:

"In the light of our members expressed determination to fight the penal powers, this conference determines that no further or outstanding fines will be paid by the A.E.U. and any move to forcibly collect such fines will be met with industrial action by our membership."

AUDITOR'S REPORT

We report that we have examined the books and accounts of the Victorian Branch of the Australian Tramway and Motor Omnibus Employees' Association for the half year ended 31st December, 1968. We have obtained all the information and explanations we have required and in our opinion the above statement of Assets and Liabilities is properly drawn up so as to exhibit a true and correct view of the affairs of the Branch and the accompanying Revenue Account, signed for identification with this report, is properly drawn up so as to exhibit a true and correct view of the Income and Expenditure of the Branch for the half year, according to the best of our information and the explanations given to us and as shown by the books.

49 Elizabeth Street,
MELBOURNE.

9th April, 1969.

JACKSON, HIPPARD & CO.

per:

Jan Hunter

On April 30th, in the Industrial Court, Mr. JUSTICE DUNPHY said: "All that is involved is a failure by the Secretary of the Victorian Branch of the Union to attend to be orally examined and to produce certain books. His failure to obey that order leaves me with the feeling that it is possible Mr. O'Shea has something he does not want disclosed through the examination either of himself or the books, but if I am wrong in that respect it is for Mr. O'Shea to appear before the Court to clear that suspicion from my mind."

Once the threat to the finances was lifted the Union WITHIN TWO DAYS OF O'SHEA'S RELEASE, issued the normal balance sheet.

We reproduce part of the Auditor's Comments here because Justice Dunphy's remarks were given wide coverage.

They destroy any suggestion of improper conduct on the part of Clarrie O'Shea.

And on May 29th, 1969, the A.C.T.U. Executive decided to advise its affiliated membership —

“Not to pay outstanding fines to the Industrial Court pending discussions aimed at repeal of the Penal Provisions.”

In July the Australian Council of Salaried and Professional Association advised its affiliates not to pay fines.

Late in 1968 the heat was turned on Clarrie O'Shea personally. Commonwealth Police started to follow him.

He was summoned to appear in Court on January 17th, 1969, and February 18th. He made no appearance —

“I have never been a liar and if I had attended and answered questions about the books or the funds of the Branch, I would have had to tell lies, so I decided not to appear,” he told us.

Then in Hobart on March 6th the Australian Council of the Tramways Union unanimously carried a resolution which said in part —

“Council gives notice in the event that the Court seeks to collect such fines and costs from other branches or proceeds against the person of the Victorian Branch Secretary or any other officer of the Union, immediate stop work action will take place in all States to determine on further Industrial action against the application of the Penal Clauses to our Union.

“Such action to be mandatory on all Branches.”

UNITY WAS ON THE MARCH

Clarrie O'Shea was followed by police to Hobart and they even hounded him at his home.

He was again summonsed to appear in Court on March 20th. Again he decided not to appear.

On March 24th the 27 Unions reviewed the situation. They decided —

“This Committee of the 27 Unions declares its concern at the hounding and intimidation of the Tramways Union State Secretary for the purposes of enforcing the penal powers of the Arbitration Act.

“We express our commendation to those members of the Tramways Union who have remained steadfast in the face of the use of the penal powers against them as individuals.

“We call on all State Union Executives to discuss this as an urgent matter, express their support, and to call for the support of the A.C.T.U. through their Federal bodies.

“We further determine to form a sub-committee to formulate detailed recommendations for a campaign on the situation.”

On April 10th Clarrie again refused to appear after a further summons.

On April 30th he was personally fined \$500 for contempt of Court. Again he was absent.

He received a further summons to appear on May 15th.

The 27 Unions decided that the rank and file must be fully informed of developments and convened, in Festival Hall, Melbourne, a shop stewards and delegates rally for 8.30 a.m. on the same day, May 15th. This date is now added to the many historic days in the calendar of Australian Unionism.

The timing was perfect.

About 5,000 attended and showed quite clearly their support for the clear lead given. They carried — with only one vote against — a resolution which declared:

“We express full support for the Tramways, Boilermakers and any other Union that makes a stand against the Penal Powers. We determine that any attempt to take direct punitive action against any Union funds or property or the person of any official will be met with an immediate 24-hour stoppage of work by all workers represented at this meeting and call upon all other workers to stand up and defend Unions and what they mean to Australian workers.”

A burst of cheering greeted the Chairman's announcement that a march to the Industrial Court would follow the end of the meeting.

OUTSIDE

Thousands of workers lined up outside Festival Hall. Led by Clarrie O'Shea and other Union leaders, the march moved off. Clarrie dropped out early in order to proceed by car to the Court, as he had decided to appear on this occasion.

Jim O'NEILL (Boilermakers Organiser, Victoria) was in the front of the march and here is his story ---

“As we neared the Court I hurried ahead as I had made up my mind to hear the proceedings. I entered the Court in time to hear His Honour Mr. Justice Kerr say, ‘Call Clarence Lyell O’Shea.’ There was no appearance. Then, to my surprise, Clarrie appeared. I knew I was seeing Trade Union history made. After the formalities Clarrie was asked to step into the witness box. He refused to take the oath and said, ‘I challenge the authority of this Court to deal with my case. I am merely defending the funds of my organisation.’ His Honour said, ‘I do not want to hear any speeches from you except to know do you or do you not intend to be sworn or make an affirma-

tion to answer questions and to bring the books which you have been ordered to bring?’ Clarrie said, ‘I do not.’

“Later His Honour said, ‘I order and direct you to produce the books which you were asked in the order to produce.’ Clarrie said, ‘I do not intend to produce those books.’ I knew then that Clarrie would go to gaol.

“After further legal points were discussed His Honour ordered Clarrie’s formal arrest and adjourned the Court for half an hour.”

AT THIS STAGE WORD OF THE ARREST WAS CONVEYED TO THE MEETING OUTSIDE THE COURT WHICH LAURIE CARMICHAEL WAS ADDRESSING AT THE TIME. HE WAS INTERRUPTED AND GIVEN THE NEWS. He then told the meeting —

“That’s it fellas — the stoppage is on to-



An Historic Moment: Mr. Laurie Carmichael (Victorian State Secretary, Amalgamated Engineering Union) announces the arrest of Clarrie O’Shea to a meeting of unionists outside the Industrial Court in Melbourne on May 15th, 1969.

morrow. Don't delay — return to the factories and mobilise your mates. This is the time for discipline."

Meanwhile we return to Jim O'Neill's story from inside the Court.

"The Court resumed and the discussion went something like this,"

HIS HONOUR: Mr. O'Shea, as you know, I have required you to make your defence to this charge. You do not want to be represented and you do not want an adjournment. Will you now make your defence.

MR. O'SHEA: Yes. Your Honour, my organisation feels that they were unjustly fined under this clause of the Act. We feel very deeply about this position because the matter that bears the bulk of the fines was finally tested in the High Court and that High Court upheld the Arbitration Commission's award which we were defending.

HIS HONOUR: Has your organisation made any application for the remission of these fines?

MR. O'SHEA: Yes. Following the High Court's decision our lawyers made representations to the Attorney-General and the Minister for Labour and National Service, and I understand also that personal representations were made by our senior counsel in that case, Senator Lionel Murphy, in the Federal Parliament.

HIS HONOUR: Are you saying that the fines were not remitted?

MR. O'SHEA: They were not remitted.

HIS HONOUR: As a result of your application?

MR. O'SHEA: As a result of this. Our members feel deeply incensed with what went on. We did, under protest, pay some of the fines. But then Dr. Sharp without any warning issued garnishee proceedings, following the alterations to Regulation No. 35 of 1967, and under those regulations Dr. Sharp issued a garnishee order on the Commonwealth Bank and \$3,700 were confiscated under that order.

HIS HONOUR: Mr. O'Shea, I want to understand what you are saying. You appreciate, of course, that you are charged with defying an order of mine to yourself on the floor of the Court within this Court, thus committing a contempt of Court. The charge against you is that you have refused to be orally examined. Do I understand you are now trying to give to the Court by way of defence your reasons why you refused?

MR. O'SHEA: I think it is pertinent that we are not merely refusing to do this out of

some sense of perverseness but that we feel we have been unjustly treated, and in defence of the attitude that my members have taken — I am acting under their instructions in regard to this matter — we have refused to attend the previous proceedings. In those circumstances today I felt that I should attend the Court. Some remarks were passed on the last occasion that maybe we have something to hide. I want to assure this Court that we have nothing to hide in regard to our finances. What we are doing, we are doing justly to protect the funds of our members and what we think is to protect the rights of the working people in regard to the viciousness of the Penal Clauses that have been imposed upon us.

HIS HONOUR: These are all matters of reform of the law which you must handle elsewhere. Whilst the law is as it is it must be administered.

MR. O'SHEA: I would expect Your Honour to say that, but we point out that in the administration of this law trade unions have been fined a total of \$282,000 whereas the employers have been fined a total of \$2,900.

HIS HONOUR: The explanation of that may be simply that the unions and their officers, acting through their officers, break the law and commit contempt of Court far more frequently than employers do.

MR. O'SHEA: If I may say so, whether under Section 109 or Section 111, this is a mere formal procedure when workers are engaged in industrial struggle which is part of the Trades Union Movement.

HIS HONOUR: Mr. O'Shea, I think you may address me on whether you are to be found guilty of this charge; you may defend it; you may seek, if you wish, to try to show that you have not committed contempt here this morning. You may address arguments to me now to the question of what I should do about it if you are to be found guilty of contempt. But I cannot allow a debate from the floor of the Court about questions whether the law is just or not, whether the law should be altered or not or whether you are entitled to adopt some form of protest about the law: any of these matters are not, it seems to me, relevant to the serious problem that I am confronted with.

MR. O'SHEA: In regard to the arguments that I may direct to the charge of contempt, I think under Section 111, and then again again under Section 184, it lays it down fairly clearly that if a person refuses to produce documents or answer questions, he commits a contempt.

HIS HONOUR: You are not seriously trying to argue that you have not committed a contempt?

MR. O'SHEA: No, I am not trying to argue that the way the law stands at the moment.

HIS HONOUR: You are not, I gather, willing to purge your contempt?

MR. O'SHEA: No, I am not. The only point in regard to the last point you raised about what you should do about it, we say that you should not do anything.

HIS HONOUR: Have you any relevant reason for suggesting that I should do nothing when you deliberately defy my order to be orally examined?

MR. O'SHEA: Yes, because I am a paid servant of my members, I am directed to protect their interests at all times, whether it is in regard to their wages, working conditions or their funds, and I am doing what appears to me and to our members to be the only logical course that I can take to protect their funds. If I were to answer those questions which would be directed to me by Mr. Gilbert, it would merely mean that a further garnishee order would be issued on our funds.

HIS HONOUR: You mean that if you were to answer the questions, you would, if you answered truthfully, have to disclose what the funds are and where they are?

MR. O'SHEA: That is right. I do not tell lies and I did not come here to tell lies.

HIS HONOUR: You are not prepared to do that, and hence you are defying the Court.

MR. O'SHEA: That is the position, Your Honour.

"Then came the moment I will long remember. Justice Kerr —

"In those circumstances, Clarence Lyell O'Shea, I have no alternative but to order you to be committed to prison, there to be detained until you shall make to the satisfaction of the Court proper answers on your oral examination or until the Court shall otherwise order."

CLARRIE O'SHEA WENT TO PRISON AT 11.45 A.M. ON MAY 15th, 1969.

Not even a SUPER OPTIMIST could have forecast the upsurge that followed.

Ken Carr tells us of events that afternoon in Melbourne.

"With the stewards on their way back to report to other workers in the factories it was decided that officials of the 27 unions should meet at 2 p.m. to organise the action for Friday 16th.

"By the time the officials had assembled it was after 3 p.m. Some had come from urgently called executive meetings, many had been held up answering unceasing telephone calls from the factories supporting the stoppage and seeking information on Friday's demonstration.

"The atmosphere in the Builders' Labourers' building across the road from the Trades Hall was almost indescribable. Batteries of T.V. cameras were being set up in the passageways, radio men with tape recorders and reporters from all the Melbourne dailies were gathered in the doorways. When the Chairman, Jack Healey, opened the meeting reports came in thick and fast.

"George Windberg, of the Engine Drivers and Firemen, announced that his executive would meet at 5 p.m., but he was confident they would support the strike. After talks with his members in the LaTrobe Valley, which is the source of Victoria's power supply, he was suggesting a power stoppage from 10 a.m. to 4 p.m.

"Jack Brown, of the A.R.U., stated that his executive had adjourned its meeting to await our decision. Should the trains stop all day or should they run till 10 a.m. and again after 3 p.m.?

"John McEwan, the Builders Labourers' Organiser, who was on the phone in an outer office continually, had to interrupt the meeting. Could the Secretary give a T.V. interview? Provincial Trades and Labour Councils had rang. Would officers be available to speak at meetings in their centres?

"Jim Roulston, of the Boilermakers, was wanted on the phone and came back with the news that more than a dozen Unions were stopping in N.S.W. By just after 5 p.m. Bill Bourke was able to announce that a telegraphic vote was being taken from his executive. He was confident that Transport Workers would stop. What did the meeting think of exemptions for milk deliveries, etc.?"

A NATION RISES UP!

Within a few days of the gaoling

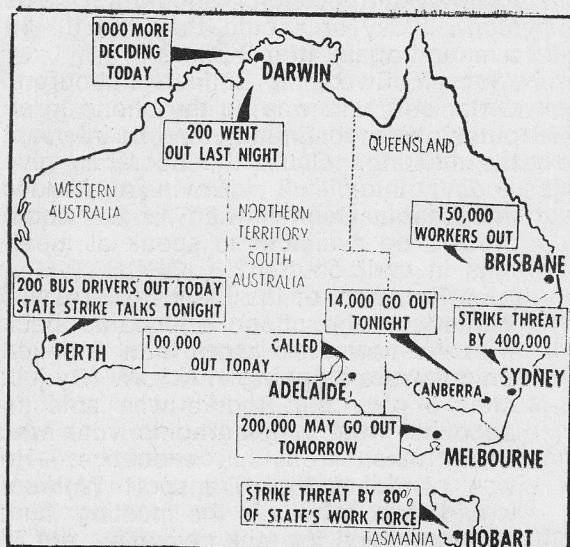
THREE STATE BRANCHES OF THE A.C.T.U.

- WEST AUSTRALIAN TRADES AND LABOR COUNCIL
- UNITED TRADES AND LABOR COUNCIL OF SOUTH AUSTRALIA
- QUEENSLAND TRADES AND LABOR COUNCIL

called a 24-hour stoppage of all affiliated unionists within their State.

- NEWCASTLE (N.S.W.) TRADES AND LABOR COUNCIL
- SOUTH COAST (N.S.W.) TRADES AND LABOR COUNCIL
- CANBERRA TRADES AND LABOR COUNCIL DID LIKEWISE.

This was the picture throughout the nation as the Melbourne "Herald" saw it on May 19th, 1969.



In Victoria, two 24-hour stoppages took place.

KEN CARR AGAIN SUPPLIES THE DETAILS

"Not even the heavy rain could dampen the enthusiasm of those who attended Friday's demonstration. In Melbourne they marched from the open air meeting at Olympic Park to the Arbitration Court chanting, 'All the way with Clarrie O'Shea.'

"Flanking the main mass of marchers were men distributing pamphlets in the streets. When they reached the Court they battled with scores of police who were guarding this holy of holies of the establishment.

"When it was over the officials again gathered at the Labourers to plan the next move. By this time the press from all over Australia had gathered in the old pressroom at the Melbourne Trades Hall. The 27 so called 'Rebels' were the focal point of workers throughout the country but they were not an isolated group. Word had come in about thousands of workers in all parts of the land supporting the strike and that the Queensland Trades and Labour Council had called a 24-hour stoppage for Monday 19th."

After a discussion on tactics interrupted by numerous messages and reports, Friday's meeting of officials, acting on the resolution of the rank and file, gave its ultimatum to Government, "Release O'Shea by 1 p.m. Monday or we stop again on Tuesday." The result is history, after secret talks with the A.C.T.U. officers on Sunday the Government refused to back down and it was back to town on Monday afternoon to plan action for Tuesday."

The weather on the 20th was even worse than on the Friday. The rain teemed down to such an extent that a march was impossible but still thousands of workers turned up at the meeting at Olympic Park to direct their officials to meet again that afternoon and plan further stoppages.

All this was in direct contrast to the part played by the narrow group at the top of the Trades Hall Council.

The night O'Shea was gaoled, the Trades Hall Council met.

Its Assistant Secretary (MR. K. STONE) moved a resolution which offered lip service to the need to get rid of the powers, but then went on to say:

"We advise Unions and Unionists that they are in no way obligated to participate in these unauthorised stoppages as such action is contrary to the rules, procedures and decisions of the A.C.T.U.."

Not 100 yards from the Council Chamber on that same day, the Council Representative had attended the A.C.T.U. meeting which called for the release of O'Shea and the remission of the fines imposed on the Union. NO REPORT OF THIS DECISION WAS MADE TO COUNCIL ON THIS NIGHT.

It is significant that the A.C.T.U. NEVER AT ANY STAGE CRITICISED THE STOP-PAGES.

The resolution was NOT PUT TO THE MEETING because of uproar once the presence of what were described as "strangers in the Chamber."

TWO OFFICIALS OF SUSPENDED UNIONS!!

Just as King Canute failed to turn the tide, so did MR. STONE and his isolated group.

MR. J. SPARKS (President, Meat Industry Employæes' Union) told us:

"Support went well beyond the 27 Unions at first involved. I estimate that in one way or another about 40 Unions in Victoria participated in the campaign after Clarrie went to Pentridge."

"The second 24-hour stoppage was wider than the first."

Some officials explained why to us.



Police barricade awaits striking marchers outside the Court in Melbourne on May 16th. Hundreds of workers approaching the Court from the opposite direction in the same street were not impeded.

THE FUEL and FODDER UNION in Victoria is also not among the 27 but acted with them.

MR. G. McDONALD (State Secretary) explained why.

"The Fuel and Fodder workers decided to support both stoppages because of what we regard as elementary Trade Union solidarity. The Unions that took the initiative in this fight are to be applauded. It was a stand that had to be taken. We supported their action because we also know that if the penal clauses are not removed or made unworkable in the Federal sphere that they would eventually be introduced into the State Wages Board system where our Union operates."

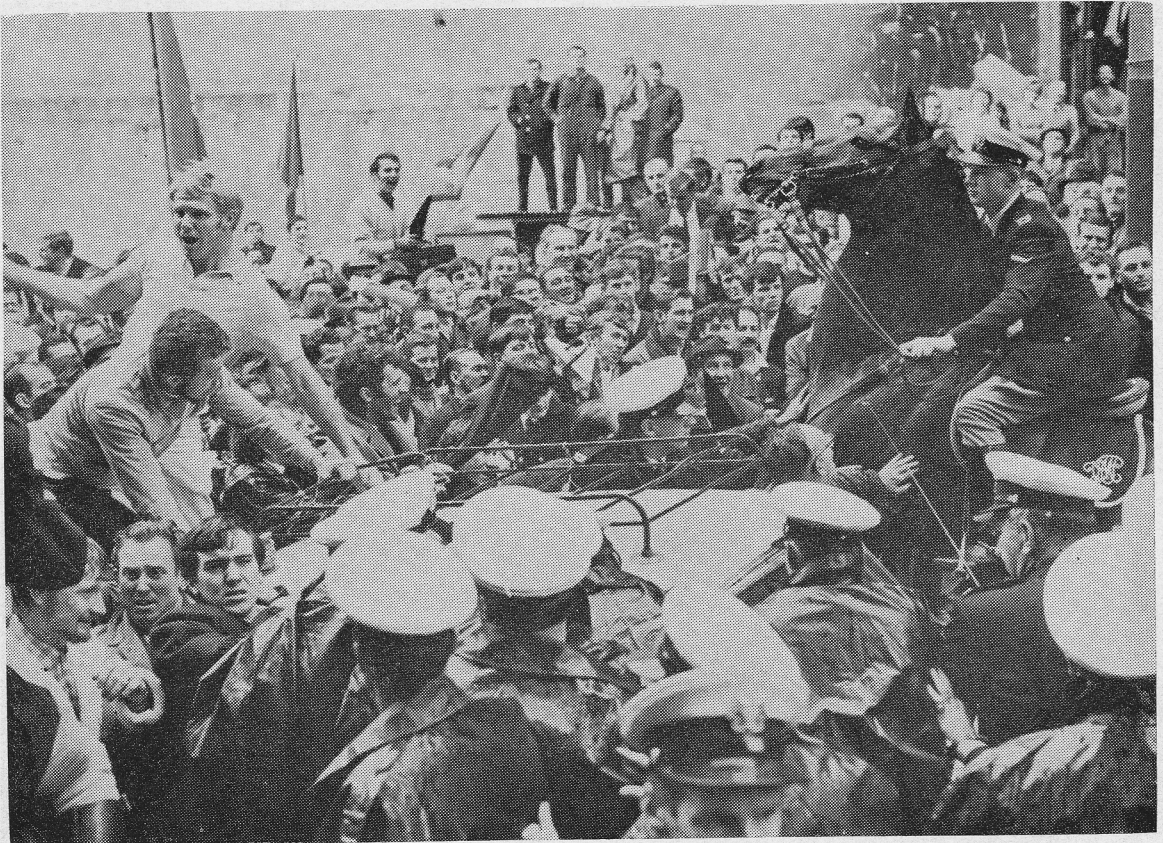
Mr. Ern Dixon (Victorian Secretary, No. 2 Branch, Hospital Employees' Federation) told us:—

"My main concern was the gaoling of a Union Official for carrying out his job.

"My Executive gave me permission to discuss with other Unions what could be done. Because the strike weapon is one we are reluctant to use — we deal with physically and mentally ill people — we tend to rely to a large degree on other Unions in a better position to use this weapon than we are. So we must support their activity against the vicious penal clauses.

"The discussion I had with the Unions suspended from the Council were democratic and we were asked to give whatever support my Executive considered necessary. I attended the stop-work meetings as a representative of the Branch."

Geelong (Victoria) had the biggest Union meetings for years on both days of the 24-hour stoppages.



Police forcefully preventing many workers from joining the protest meeting then in progress outside the Court.
Leading Union officials pointed out to high police officers in the scene the stupidity of their insistence on the barricade while hundreds of workers had by-passed it and attended the meeting.

The Trades Hall Secretary (Mr. Bernie O'Leary) reported to us:—

“The response of the rank and file in Geelong was great.

“My Council made its hall available for the first stoppage and it was nowhere big enough.

“The stoppage on Tuesday was just as big and held in the larger premises of the Waterside Federation.

“The workers marched to the Parliamentary offices and made quite clear their demand for the repeal of the clauses.

“Although some Unions were not officially involved in the stoppages, in some cases large numbers of their members did not attend work and attended the stop-work meetings.”

Mr. O'Leary went on to tell us that at a meeting of his Council, on May 20th, a motion was carried — 42 to 4 — fully endorsing the Union's action in calling the stoppages and concluded:

“We call on the Victorian Trades Hall Council to endorse and support such actions and to implement an intensive campaign to have the penal clauses abolished from the Statute books.”

The other provincial centres — BENDIGO, BALLARAT, LATROBE VALLEY, ETC., all reported tremendous solidarity at well attended meetings.

Mr. Joe Chandler (Victorian State Secretary, Building Workers' Industrial Union) told us —

“Our Union is not one of the group now suspended from the Trades Hall Council



Clarrie O'Shea at a press conference the afternoon of his release from gaol on May 21st, 1969. With him are Union leaders who played an outstanding part in the fight for his release and the repeal of the powers. From the left: Ted Innes (Electrical Trades), Ken Carr (Furnishing Trades), Clarrie O'Shea, Sid Edwards (Tramways), Jack Sparks (Meat Union) and Percy Johnson (Boilermakers-Blacksmiths).

but our Committee of Management and Officials have always demonstrated their desire to co-operate, in accordance with our Union policy, with those Unions who actively campaign against the penal clauses.

"On April 21st, 1969, we carried a resolution suggesting our members hold job meetings in support of the Tramway Employees' Union."

"When Clarrie O'Shea was gaoled we again looked at the situation and decided to direct our members to stop work and attend the stop-work meeting held on May 20th."

"I am pleased to say that the response of our members was overwhelming."

The Victorian Branch of the Liquor Trades Union did not involve all its members in the stoppage on Friday 16th.

Its leadership told members they would hold meetings and where a majority voted to stop work, that decision would be binding

on all members in the particular work place concerned.

Mr. Jim Munro (Branch Secretary) gave us the story —

"In most canteens associated with the metal industry my members voted to stop work."

"It was also decided to call a special meeting of the State Management Committee of the Union for 10 a.m. on Monday, May 19th.

"The Committee decided to instruct all members to attend the stop-work meeting at Olympic Park and to report back for work according to the decision made at that meeting. With odd exceptions, members carried out this policy."

And the GAS WORKERS joined on the 20th also.

Mr. M. "Rex" Poynton (Acting Secretary) contributed the view of his Union —

"The Federated Gas Employees' Union is not one of the group of Unions that is



Another scene near the Court. One policeman has one worker by the throat. The penal powers grip all workers' throats.

suspended from the Trades Hall Council, but on the campaign against the penal clauses we supported them, which was in accordance with a vote of our members taken at the various works areas.

"Any action that may be taken in the future will be in accordance with the policy of the A.C.T.U. and the vote of our members."

The interstate position has been summed up for us by those who participated.

FROM QUEENSLAND

Before his untimely death, Mr. A. MACDONALD (Secretary, Trades and Labor Council) reported —

"I have never known greater enthusiasm, and determined working class response, on any issue like what happened round the penal powers in our State," he said. "A meeting of the Council Executive and representatives of 26 Unions decided that our contribution would be a 24-hour stoppage from midnight on May 18th. This was after a stop-work meeting of Tramway Workers held on May 16th in the Trades Hall, had declared full support for action round the release of C. O'Shea. The members of this Union considered the penal powers 'to be vicious anti-working class and designed to destroy trade unionism in Australia.' "Our method is in such cases to forward a Council resolution to all centres for consideration at meetings," he said.

"We put the same resolution to a quite successful meeting in Brisbane on May 19th where officials of six different Unions spoke and the resolution was — as in all parts of the State — overwhelmingly supported."

"Here is a summary of what took place in other centres."

CAIRNS

Two State and one Federal Members of Parliament attended a meeting of 400. The resolution endorsed, and a telegram supporting national industrial action sent to A.C.T.U. \$80 collected Telegram to Council said —

"Campaign should not be allowed to wane."

INNISFAIL

Mass meeting held. Endorsed action of Council in calling stoppage and further action to ensure abolition of Powers.

TOWNSVILLE

Fifteen Unions involved in a very wide stoppage which included 17 cabin attendants, porters and drivers at Garbutt Airport. Production halted at Stuart Copper Refinery at lunch time due to walk out of A.W.U. members who had been officially notified by their Union that they were not involved. Seven hundred estimated at meeting. Resolution carried and arrangements made for job meetings to send telegrams to Government, etc.

BOWEN

Three hundred at meeting. Feeling very good. Resolution demanded immediate repeal of powers and elimination of Industrial Court.

COLLINSVILLE

Sent telegram to Council, "Collinsville workers support stand of Council in any action necessary to obtain release of O'Shea and repeal of Powers."

MACKAY

Metal, Building, Railway, Meatworkers, Printers, Electrical Trades and Engine Drivers stopped. Two hundred at meeting unanimously endorsed resolution.

ROCKHAMPTON

After 450 attended a meeting (resolution carried with only two against) more than half then marched to the office of DR. EVERINGHAM, M.H.R., to ask that the protest against the gaoling of O'Shea be forwarded to the Government. Seamen from the "Walkely" were well received at the meeting.

GLADSTONE

Local Trades & Labor Council very pleased with meeting of 150. Great feeling of unity and solidarity. Telegrams sent to Government, A.C.T.U. and Mr. G. Whitlam.

BUNDABERG

Estimated that 9,000 members of 14 affiliated Unions responded to the stop-work call. More than 500 at the biggest meeting for a long time. Only nine voted against the resolution.

MARYBOROUGH

Only apprentices worked at Walkers Ltd. (big engineering works), about half the workers in sawmills responded. City Council truck drivers, plant operators, plumbers and carpenters joined the stoppage. A combined Union meeting at the local Trades Hall endorsed the resolution.

IPSWICH

Heavy industry stopped. All mines, railway workshops and running services, Swanbank Power Station, Engineering works, bus services and major construction jobs closed down. Hotel employees stopped and some A.W.U. members attended the meeting of about 400. Alderman E. Marginson (newly elected member for Ipswich East in the Queensland Parliament) attended. A telegram from Mr. W. G. HAYDEN (M.H.R.) was read. A nice gesture was a decision to send Mr. O'Shea a telegram of support.

SOUTHPORT

About 100 attended the meeting at this sunshine resort at which there was considerable discussion. Telegrams forwarded to Government. The hotels at nearby Coolangatta were closed by the stoppage.

TOOWOOMBA

Four hundred workers gathered in the local Trades Hall for the meeting, which was addressed by Mr. L. TOWNSEND (Queensland Secretary Vehicle Builders' Union), who represented the Queensland Trades and Labor Council. Resolution adopted.

MT. ISA

A meeting held on Friday night, May 16th, condemning the gaoling and endorsed 24-hour stoppage. Another on Sunday, 18th, decided that the rank and file were in favor of the stoppage which then took place from midnight. The stoppage halted smelting in Mt. Isa Mines Ltd. lead and copper smelters.

Mr. Macdonald concluded his despatch to us with these remarks —

“This brief survey is enough to show that

Queensland workers are fed up with the penal powers. They are aware of what they mean to their bread and butter and are ready and willing to do anything they are called on to get rid of them.”

From DARWIN

Mr. Brian Manning is our “Man in the North,” he contributed this: “DARWIN is about 2,500 miles from Pentridge but distance doesn't count when Union principles are at stake.

“At 10 a.m. on May 16th, 14 seamen and a shipwright walked off the M.V. BULWARRA in protest against the gaoling of O'Shea and the penal powers.

“They sent off telegrams of protest.

“Then at 12 noon, watersiders held a meeting and decided to walk off. Later the night shift joined them.

“The labour force on the waterfront here is very cosmopolitan. One Greek lad rose to the occasion, he said.

‘I'm speaking for all the Greeks here. We don't know what the rest of you are doing but we are walking off. There are no Trade Unions in Greece now because of these kind of laws.’

“A German lad said:

“Hitler broke up the Unions in Germany with these Fascist type laws.”

“The Watersiders sent this telegram to the A.C.T.U.:

“Darwin Waterside Workers insist that the A.C.T.U. act NOW — we repeat NOW — on decisive national actions to repeal penal clauses and secure release of Victorian Tramways Union Secretary. “They also wired the Government and the Tramways Union.

Brian continues his story:

“At 10 a.m. on Sunday mornig the Executive of the North Australian Workers' Union met and decided to call a stop-work meeting for Monday, May 19th, at 9 a.m.

“The meeting began at the Union office and built up to over 1,000, so we marched to the centre of the town and held a meeting there (the Watersiders stopped again to join this meeting).

“Several strong resolutions were passed and then it was decided to extend the stoppage for 24 hours,” Brian reported. About 900 miners stopped work in such far away places as RUM JUNGLE, TENNANT CREEK and GOVE.

“The Northern Territory members of the BOILERMAKERS & BLACKSMITHS,

A.E.U., F.E.D.F.A., and E.T.U. also stopped for a day and a combined Union meeting of their representatives with N.A.W.U. took place in the form of an INTER UNION PANEL.

"The Panel will be called together in the event of any further actions under the penal provisions on any Union whatsoever and decide on further action necessary.

"During the stoppage on Monday essential service workers wanted to join us but the Union thought it wise not to involve them, so you see the feeling up here is real good," were Brian's concluding words.

From SOUTH AUSTRALIA

Mr. J. E. SHANNON (Secretary, United Trades and Labor Council of South Australia) sent us these remarks.

"The news of the gaoling of a Union official appalled us in South Australia. There was spontaneous action among Unionists.

'My President convened a special meeting of the Council Executive on May 16th at which we called for the immediate release of C. O'Shea and assured the A.C.T.U. of our united support for any action for the repeal of the oppressive penal provisions and asked that the fines imposed by the Court be rescinded.

"ON MAY 19th MY EXECUTIVE called a MEETING OF UNION OFFICIALS. I have never known a more determined gathering.

"We decided:—

"No law in this country is as discriminating as in the penal provisions of the Act against Trade Unions and Trade Unionists and therefore moves that a 24-hour stoppage, as in initial action be implemented as from midnight tonight, 19th MAY, 1969, and called on the A.C.T.U. 'to declare that no further fines or costs should be paid voluntarily by any affiliated body' and also 'We further call upon them to render full support on a national scale to any Union official or member making a stand on this issue and to conduct a national stoppage of indefinite duration until the penal provisions are repealed. It is our belief that recent discussion has failed to produce results and the time has now come for action.'

"Naturally," said Mr. Shannon, "AS THIS

WAS THE FIRST TIME THE COUNCIL had called a State wide 24-hour stoppage, some had their doubts. They need not have worried. Even the press said 6,000 attended our stop-work meeting on the 20th where our policy was endorsed with enthusiasm."

"Messages started to come to us from other corners of the State.

"The Whyalla Branch of the Waterside Federation advised us by telegram —

"'Whyalla Watersiders call for state-wide 24-hour stoppage in support of ATMOE'

'The COMBINED SHOP STEWARDS at General Motors plant, Woodville, also wired us:

"'Fully support the stand taken by Mr. O'Shea.' 'Fully support the demand by A.C.T.U. that the fines be cancelled and Mr. O'Shea released.'

"From the YOUNG LABOR CONTINGENT also by telegram.

"'Congratulations on your organisation's stand against the penal clauses.'

"The BOILERMAKERS AND AMALGAMATED ENGINEERING UNION members held a combined meeting at PORT PIRIE and notified us by telegram —

"'Combined meeting Port Pirie request Council adopt policy for national stoppages re O'Shea.'

'The COMBINED UNIONS' COUNCIL at PORT AUGUSTA held a meeting and advised us by letter of their resolution which in part said, after condemning the gaoling of Mr. C. O'Shea,

"This meeting also calls on the Federal and State Governments to immediately legislate for the removal of the penal provision of both Federal and State Arbitration Acts, as it is obvious that the operation of these vicious provisions do nothing to solve industrial unrest, and in fact by their very operation intensify industrial unrest.

"Our brother Unionists in this part of South Australia also asked the Federal Labor Party to introduce into Federal Parliament a Bill of Rights similar to that introduced into our State Parliament in recent years," said Mr. Shannon.

"The UNION OF AUSTRALIAN WOMEN made clear their support for us. Their telegram said, 'Support stoppage for repeal of penal clauses and free O'Shea,'

while a private citizen wired me and expressed his views this way—

“Mr. Shannon, the working class has been pushed around as a pawn by the L.C.L. for too long, stop with bared teeth they now thunder.”

The Council leadership enjoyed the warm support of the rank and file who I am sure appreciated our forthright stand. There is no doubt in their minds — the penal powers must go,” his report concluded.

FROM NEW SOUTH WALES:

Mr. Charlie Brown (Secretary of the N.S.W. Branch, Metal Trades Federation) is our spokesman from Sydney. He said: “The Sydney Trades Hall and Union offices generally, were swamped with calls from jobs when news of the gaoling of Clarrie O’Shea reached us. Nothing like it had happened for years.

“When the news was received on May 15th approximately 13 Unions called for a stoppage of work the next day with a mass rally in Hyde Park. These Unions included: Omnibus Employees, Metal Trades, Building Trades, Maritime Services, Miscellaneous, Liquor Trades.

“That night, the Labor Council of N.S.W. met and unanimously carried a resolution condemning the gaoling and requesting the A.C.T.U. to immediately call upon the Federal Government to repeal the Penal Clauses. However, in the meantime it did not propose to take any further action until the A.C.T.U. Executive had met and determined what action it recommended.

“On Friday, May 15, the response to the call for action by 13 Unions was tremendous.

“Thousands of workers walked off jobs and approximately 5,000 attended the rally in Hyde Park and the march to the Commonwealth Arbitration Court. Elizabeth Street, between King Street and Martin Place, was completely blocked off and jammed full with demonstrating Unionists, while a deputation met Deputy Industrial Registrar Hastings.

“FREE O’SHEA”

“While we were informing Mr. Hastings of the contents of the resolution carried, which demanded not only the release of O’Shea, but also the abolition of the powers and the Court itself, we could hear the roar of the crowd five floors below chanting — ‘Free O’Shea,’ ‘Abolish the Penal Powers.’

“Other Unions were also active. From midnight on May 20th, seven transport Unions held a 24-hour stoppage. For the first time in Sydney’s history ALL public transport stopped. Six thousand Watersiders in Sydney, Newcastle and Woolongong stopped with them.

“The Federation called a meeting of interested Unions on the same day as this stoppage and 18 Unions were represented.

“We decided to recommend a stop-work of 24 hours on Thursday 22nd. Later the Actors’ Equity, Musicians’ Union and Architects, Engineers, Survey and Draughtsmen’s Union joined in. About 100,000 members of 22 Unions finally ‘stopped.’

“At the least, 6,000 attended the rally and another march, this time to the N.S.W. Premier (Mr. R. Askin) whom a deputation asked to pass on to the Prime Minister our demands about the penal clauses.

“It was the same story in other parts of N.S.W.

“The Newcastle Trades Hall Council called a district-wide mass meeting for 1 p.m. next day with a meeting in Civic Park. The great majority of workers stopped for four hours and marched up the main street. Hunter District Water Board Employees Assn. stopped for 24 hours on 16.5.69. A further stoppage of 24 hours was held on 21st May. Workers joined from many Unions not affiliated with the Council. They included Textile Workers (never before in such stoppages) also Waterfront Watchmen, Stevedore Foremen, Mine Deputies, Mining Mechanics, etc. Some workers stopped on jobs as far as 300 miles from Newcastle. The Council issued a leaflet and inserted a large advt. in the local paper.

“At Wollongong 25,000 were out also.

“Four Labor Members of Parliament led the march through the main street of this city to the mass meeting. They were: Mr. R. Connor (M.H.R.), Mr. R. Jackson (M.L.A.), Mr. L. Kelly (M.L.A.) and Mr. W. Petersen (M.L.A.).

“Printing Industry members abided by the call of the Trades and Labour Councils and the dailies in both these cities were not published.

“In Canberra the Trades and Labour Council stop-work involving about 14,000 Unionists took place on Wednesday, May 21st.

“Workers in the Government Printing Office and the Mint participated.

“The Governor-General (Sir Paul Hasluck) was in Melbourne and had to use a Victorian

State Car because his Commonwealth driver was on strike.

"A mass meeting was held outside Parliament House. One of the speakers was Senator Keefe (Federal President of the A.L.P.).

"At the mass meetings many members of Unions who did not officially endorse the stop-works attended. Quite a few requests were made to announce the presence of large groups from these Unions, who wanted their disappointment that they were not officially involved, made known.

"So we can quite clearly say that N.S.W. workers have played their part up to date — and ready to meet the next round — in the campaign to get rid of the penal powers.

"Later the Labor Council of N.S.W. endorsed — again unanimously — the decisions of the A.C.T.U. that Unions should not pay fines and called a meeting of Union representatives to discuss the campaign round the clauses.

"Unions were represented up to a maximum of five members.

"While we thought it would have been more desirable to convene a mass rally — Council defeated an amendment to this effect — as has been done by other Councils, it is a worthwhile part of the campaign that this form of meeting was called," concluded Mr. Brown.

FROM WESTERN AUSTRALIA AND TASMANIA

The story of the upsurge is the same.

Coastal Seamen, Watersiders and Marine Workers at Fremantle decided to stop work at 1 p.m. on Friday, 16th, for 24 hours. Then at 4.30 p.m. the Committee of the W.A. Branch, Watersiders' Federation, called all members out until Monday, 19th.

At Medina, 3,000 Metal Tradesmen attended a meeting on a local dispute which began at 12.30 p.m. After discussing their domestic issue they carried a resolution asking the W.A. Trades and Labour Council to consider the most drastic action against the penal powers and decided not to return to work for the day in protest against the gaoling of O'Shea.

On Monday 18th, 1,300 members of the Tramways Union stopped for seven hours. At a mass meeting at Leederville Oval they were told by their Secretary (Mr. I. T. Fraser):

"If Trade Union fury failed to remove the penal clauses they would probably be used more strictly in the future."

From midnight on the same day Commonwealth Railway employees in W.A., S.A. and Victoria began a 24-hour stoppage.

On May 20th the Trades and Labour Council met.

In moving a motion for a State-wide 24-hour stoppage, the Secretary (Mr. R. Coleman) said —

"Let's think about what the workers around Australia expect the leaders of the Trade Union movement to do tonight. I think that they expect a militant decision from this Council — a decision which will move forward to rid the Statute books of objectionable provisions."

For only the second time in Council history delegates — by 78 to 40 — voted to call out 85 affiliated unions with about 100,000 members from midnight on May 21st.

For this stoppage the officers joined the workers in the Perth Metropolitan Transport Trust, leaving only five top Executives working in the service.

In the far off centres of mineral exploitation — Mt. Newman, Mt. Tom Price and Mt. Goldsworthy, production was halted by the stop work.

A.W.U. members, despite the opposition of their leaders, stopped work here, and also at Kalgoorlie.

At Bentley, metal workers held a lunch-time meeting and sent Prime Minister Gorton a telegram:

**"WORKERS EMPLOYED AT FOREWARD
DOWNS BENTLEY WILL GO WALTZING
MATILDA WITH CLARRIE O'SHEA."**

Members of the Musicians Union loyally abided by the decision. A performance by the West Australian Symphony Orchestra was cancelled. Orchestras working in hotels and on television also stopped.

IN TASMANIA

In Hobart, Launceston and Burnie (Tasmania) all Tramway Union members stopped work for four hours on May 16th. At a stop-work meeting in the Hobart Town Hall on that day 320 Tramway Union members attended.

Only one voted against a resolution condemning the gaoling of O'Shea!

On May 23rd AFTER Clarrie was released the members stopped work for 24 hours as a protest against the penal powers.

Also, on May 16th 22 Union Secretaries, representing 50,000 Unionists, met in the Hobart Trades Hall.

In view of the position taken up by Mr. R. Harradine (Secretary Trades and Labour Council) we print in full the decision reached:

"We are mindful of the A.C.T.U. Congress decision of 1965 when Congress warned 'that the penal action taken by the Government or employers against Unions involved in industrial action authorised or endorsed by the A.C.T.U. or its Branches, must inevitably be met by the Trade Union Movement, taking its own practical steps to bring about industrial justice within the community.'

"The T.T.L.C. demands the A.C.T.U. engage now in positive action for the repeal of this legislation which, if allowed to continue, would place all Unions and officials in the same situation as Mr. O'Shea.

"The removal of this vicious legislation and the release of Mr. O'Shea is of paramount importance to the Trade Union Movement. If necessary to obtain these two fundamental objectives a special meeting of A.C.T.U. Congress be called in order that a proper and decisive campaign of industrial action be organised nationally.

"It is the opinion of the T.T.L.C. that only by the strongest immediate industrial action on a national scale will this legislation designed to nullify legitimate Trade Union activity be removed.

"This meeting requests that the President of the T.T.L.C. inform the Tasmanian Delegate to the A.C.T.U., Mr. R. W. B. Harradine, of the decision of this meeting of affiliates of the T.T.L.C."

Mr. Harradine was in Melbourne attending the A.C.T.U. meeting at the time this resolution was carried. Its contents were conveyed to him by telephone. We know that he did not move to get the A.C.T.U. to take the action recommended.

The A.C.T.U. meeting on May 20th decided to advise Unions NOT to pay fines. Mr. Harradine — far from accepting the decision taken in his home city as outlined — voted against this proposition. At a meeting of the Tasmanian Trades and Labour Council on May 20th, with O'Shea still in gaol, he attacked the A.C.T.U. decision and said:

"We are witnessing, if it is not arrested, the disintegration of the Australian Trade Union Movement."

A million workers in action and this is called 'disintegration'!"
Councils joined Victoria as the only two Councils to oppose the A.C.T.U. decision.

The great upsurge posed the question in essence, ARE YOU FOR OR AGAINST THE PENAL POWERS?

UNITY GROWS AS A.C.T.U. — WHITE COLLAR UNIONS — AND OTHERS JOIN THE FIGHT

Eight days before Clarrie O'Shea was gaoled — May 7th, 1969 — a joint meeting of the Councils of the three Trade Union centres in Australia took place. They are:

AUSTRALIAN COUNCIL OF TRADE UNIONS (A.C.T.U.).

AUSTRALIAN COUNCIL OF SALARIED AND PROFESSIONAL ASSOCIATIONS (A.C.S.P.A.).

COUNCIL OF COMMONWEALTH PUBLIC SERVICE ORGANISATIONS (C.C.P.S.O.).

They spoke on behalf of every Trade Unionist in Australia when they decided to continue to seek the repeal of the penal clauses.

OUR STORY NOW RELATES THE PART THEY PLAYED FROM MAY 15th ONWARD.

THE A.C.T.U. EXECUTIVE MEETING ON MAY 15th WENT FURTHER THAN EVER BEFORE IN DENOUNCING THE POWERS. IT SAID BY RESOLUTION:

"The pernicious nature of the penal provisions has been dramatically highlighted this day, the 15th May, 1969, by the gaoling of a Union official as a result of the operation of these provisions.

"The Executive instructs the Officers to immediately initiate urgent negotiations at the highest Government level to secure the immediate release of an official of the Australian Tramway and Omnibus Employees Association and the remission of the fines and costs imposed on the Tramways Union." And

"In the event of our representations being unsuccessful, an emergency meeting of the A.C.T.U. Executive be convened to determine the steps to be taken up uphold the policy of the A.C.T.U."

THE AUSTRALIAN COUNCIL OF SALARIED AND PROFESSIONAL ASSOCIATIONS is a body made up of 40 affiliated Unions covering Architects, Engineers, Municipal

Officers, Insurance Staffs, Bank Officers, etc., with about 300,000 members.

ON MAY 15th THIS PRESS STATEMENT WAS ISSUED.

"The whole Union Movement should condemn today's decision to gaoi a Union Secretary," the Federal President of the Australian Council of Salaried and Professional Associations (Mr. P. D. Allsop) said this afternoon. Mr. Allsop went on to say: "This Council, which represents 40 Unions in the white-collar sector of the workforce has, for many years, along with the Australian Council of Trade Unions, called for the repeal of the penal sections of the Commonwealth Conciliation and Arbitration Act, but Federal Governments in the past have repeatedly refused to do this. However the Council considers the Prime Minister should now receive an immediate deputation to discuss this long-standing grievance.

The penal provisions come into play against the workers because wages and salaries are substantially governed by awards of industrial authorities while employers are free to raise price levels without legal responsibility and with a simple eye to maintaining their profit standards."

The A.C.T.U. was advised by TELEGRAM OF THIS STATEMENT.

ON MAY 16th telegrams seeking implementation of A.C.S.P.A. policy and requesting Prime Minister to receive deputation from whole Union Movement were sent to the Prime Minister, Leader of the Federal Opposition, the Commonwealth Attorney-General, and the Minister for Labour and National Service, and on the same day, the President of the COUNCIL OF COMMONWEALTH PUBLIC SERVICE ORGANISATIONS (Mr. D. L. Linehan) which has about 29 affiliated Unions covering some 109,000 public servants, issued this statement:

"The Council of Commonwealth Public Service Organisations fully supports A.C.T.U. policy concerning the penal provisions of the Conciliation and Arbitration Act.

"The Council joins with the A.C.T.U. in seeking the immediate release of Mr. O'Shea and the remission of the fines and penalties imposed on the Australian Tramways and Motor Omnibus Employees' Association. Council urges the Prime Minister to take heed of the request of Mr. Allsop, Federal President of the Australian Council of Salaried and Professional Associations, and meet the leaders of the Trade Union Movement in

discussions on the repeal of the penal provisions."

ON MAY 18th —

Three representatives of the A.C.T.U. met two Ministers in the Gorton Government.

They were unable to persuade them to agree to release O'Shea or to remit the fines. The Ministers would not go beyond agreeing to examine submissions about the clauses made by the A.C.T.U.

Then on MAY 19th BOTH THE WHITE COLLAR ORGANISATIONS WE HAVE REFERRED TO SENT IDENTICAL LETTERS TO THE A.C.T.U. AS FOLLOWS:

"The Federal President (Mr. P. D. Allsop), after consultation with the Federal Officers of this Council, has asked me to advise you and your Council that A.C.S.P.A. is willing to join with the A.C.T.U. in endeavours towards the abolition of the penal provisions from Arbitration legislation and in support of action towards a just settlement of the present dispute. The Council would appreciate information as to developments so that it can consider marshalling the support of the white-collar Unions in any projected action by the A.C.T.U., including a deputation to the Prime Minister. Whilst it is realised that this matter at present more widely involves the physical Unions affiliated with your Council, a number of A.C.S.P.A. affiliates have been penalised, and it is likely more could in the future. Consequently on this ground, and the obvious necessity to display solidarity across the whole Union Movement, we offer our support and, as requested, would be glad of advice as to developments."

LABOR MEN ACT IN PARLIAMENT

ON MAY 21st the FEDERAL PARLIAMENTARY LABOR PARTY LAUNCHED AN URGENCY MOTION IN THE FEDERAL PARLIAMENT on the Government's refusal to repeal Sections 109 and 111 of the Act.

Speaking in the Senate, SENATOR COHEN (Deputy A.L.P. Leader) said —

"It is from these provisions that the rottenness stems." He said, "It is against these provisions that not only the Trade Union Movement, but the Labor Political Party, and wide sections of the Australian community, have risen up in resentment.

"The Government has a responsibility to take a long, hard look at these provisions which have remained on the Statute Book far too long.

"Coercion in industrial relationships is a bad thing."

Similar action was taken in the HOUSE OF REPRESENTATIVES.

HOSPITAL EMPLOYEES VOTE.

ON MAY 16th a telegraphic vote of the FEDERAL EXECUTIVE OF THE HOSPITAL EMPLOYEES FEDERATION unanimously carried a resolution which condemned the "penal provisions as being unjust, unnecessary, and conducive to industrial disruption and industrial warfare."

and finally

"We ask the A.C.T.U. Interstate Executive to give firm and immediate leadership designed to bring about the repeal of the present coercive provisions of the Act and in the absence of such repeal to draw up a master plan for the whole of Australia for effective and sustained resistance to these provisions." THE FEDERAL EXECUTIVE of the AUSTRALIAN LABOUR PARTY, which was meeting in CANBERRA on the day of the 24 hour stoppage in that City ADJOURNED ITS BUSINESS AT 10 A.M. so that all delegates could attend the STOP WORK MEETING, and the AUSTRALIAN LABOUR PARTY IN VICTORIA SWIFTLY MADE ITS POSITION QUITE CLEAR.

The Party officers issued the following statement ON THURSDAY MAY 15th.

"The full responsibility for the serious industrial dispute which has arisen over the fining and arrest of Mr. C. O'Shea, the Secretary of the Victorian Branch of the Tramways Employees' Association, lies with those who enacted this repressive industrial legislation, and those who took the decision to prosecute.

"Mr. O'Shea and his organisation are making a stand on matters of fundamental principle.

"The defence of these principles is important to every Australian worker.

"Mr. O'Shea's organisation was prosecuted and fined for carrying out legitimate industrial activity to protect and advance the

wages and conditions of members of the T.B.A. and to protect and collective bargaining strength.

"If trade unionists acquiesce in the exercise of these penal powers, which are formally opposed in the official policies of the A.C.T.U. and every trade union centre in Australia, then the inevitable result must be loss of the benefits and living conditions won for the people by the trade union movement over many years of hard struggle.

"The attack by the civil power on Mr. O'Shea is basically a fundamental attack on the right to organise industrially, on the right to strike, on the right of Australian workers to seek to improve their wages and conditions and to protect the industrial organisations which provide their collective bargaining strength.

"The stand which the unions are taking may involve public inconvenience.

"The stand which we are taking should, if not adequately understood, involve political disadvantage to the Australian Labour Party.

"These would in any case be small prices to pay when the defence of Mr. O'Shea and his organisation means the defence of fundamental freedoms.

"But we are confident that the people will see clearly the importance of the issues raised, and that the mass reaction registered by the trade union movement will be regarded with sympathy and understanding by all sections of the community."

The FEDERAL EXECUTIVE of the PRINTING AND KINDRED INDUSTRIAL UNION meeting in Sydney on May 21st, carried a resolution which in part said:

The Union expresses its contempt for the penal provisions of the Conciliation and Arbitration Act and pledges its wholehearted support to the A.C.T.U. in its fight to destroy those provisions.

As the A.C.T.U. is the controlling body of the Trade Union Movement, we expect that it will take the campaign forward at its meeting in Melbourne on 21st May so that the whole Trade Union Movement will combine and defeat the hateful penal provisions.

As the abolition of the penal provisions of the Conciliation and Arbitration Act can be achieved only by amendment of the Act, the Union urges the Australian Labor Party in the Commonwealth Parliament to press for the amendment of the Act to abolish the ob-

noxious penal provisions.

As 1969 is Federal Election year the Union urges all of its members to combine to vote Labor and defeat the Anti-Labor Gorton Government, amend the Conciliation and Arbitration Act and so assist the A.C.T.U. and the Trade Union Movement generally to finally win at the Parliamentary level the campaign to eliminate the penal provisions and free the Unions of the fascist-like provisions causing the present industrial unrest.

Into the centre of this GREAT UPSURGE stepped MR. DUDLEY MACDOUGAL. On his own admission his family thought him a "nut" and he said he had never been in a Union in his life.

But when this private citizen paid \$8,600 (being the amount the Tramways' Union owed and the \$500 fine personally on O'Shea) he triggered off a kind of comic opera series of events.

Millions of people would have their doubts about his action. Perhaps this is best summed up in a resolution carried at a mass meeting in Newcastle (N.S.W.) on 21st May.

"We view with grave suspicion the payment by Mr. Dudley Macdougall, a former advertising manager of the "Financial Review," and it is our opinion that such payment of the fines owing not be accepted by the Trade Union Movement as a means of resolving the issue, as this would simply rescue the Federal Government from the position it created for itself and would consolidate the continued use of the Penal Powers in the future."

Soon after the payment MR. BOWEN (Attorney-General) announced that he had given instructions for the order against O'Shea to be discharged.

Now our story returns to the Industrial Court — 10.30 a.m. ON MAY 21st, 1969. Be-gowned and be-wigged, HIS HONOUR MR. JUSTICE KERR enters the Court. All rise — silence reigns — and the Court is open.

MR. GILBERT, representing the Crown, equally be-gowned and be-wigged, rises and addresses the Court.

He informs His Honour that the money has now been paid.

"I am now instructed to apply to Your Honour for a discharge of the order of 6th May requiring Mr. O'Shea to attend and be examined and produce documents."

Within 40 minutes it's all over.

Clarrie O'Shea is to be released!!

- HE PAID NOT ONE CENT.
- HIS UNION PAID NOT ONE CENT.
- HE ANSWERED NOT ONE QUESTION.
- HE PRODUCED NOT ONE PAGE OF THE UNION'S BOOKS.

WHO WON?

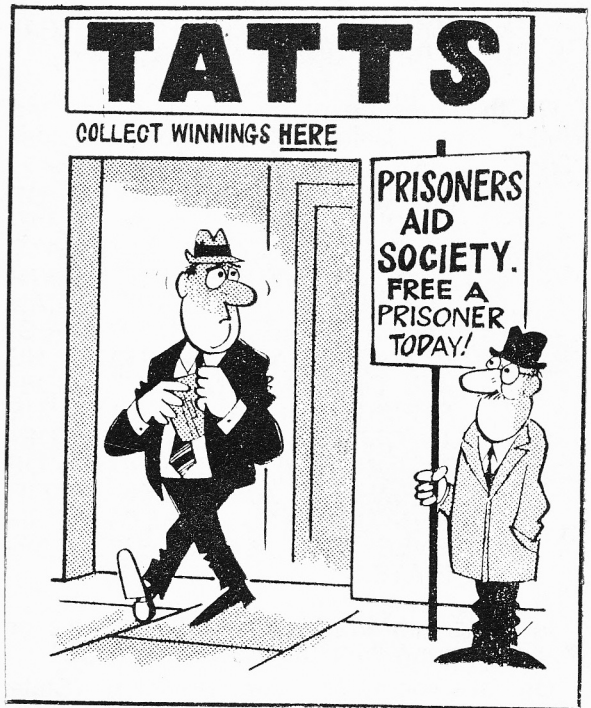
THE GOVERNMENT?

THE EMPLOYERS?

THE COURT?

OR THE WORKING MEN AND WOMEN OF AUSTRALIA?

For the last word on this episode it's over to "WEG," of the Melbourne "Herald."



Clarrie O'Shea was released
BUT THE PENAL POWERS REMAINED.

A special A.C.T.U. Executive meeting was held on May 22nd. IT WENT FURTHER THAN THE PREVIOUS MEETING.

The resolution carried called on

- ALL AFFILIATED UNIONS (ABOUT 109), "NOT TO PAY OUTSTANDING FINES TO THE INDUSTRIAL COURT, PENDING DISCUSSIONS AIMED AT REPEAL OF THE PENAL PROVISIONS."

DECIDED THAT:

- "SHOULD ANY ACTION IN RESPECT OF ALREADY IMPOSED PENALTIES BE IMPOSED OR TAKEN AGAINST ANY UNION OFFICIAL, THE EXECUTIVE SHALL BE CALLED TOGETHER IMMEDIATELY TO DETERMINE WHAT ACTION SHOULD BE TAKEN ON A NATIONAL OR STATE BASIS TO PROTECT THAT UNION OR OFFICIAL."
- DECLARED "THAT THE COMMONWEALTH GOVERNMENT MUST RECOGNISE THAT IT CAN NO LONGER PURSUE ITS TRADITIONAL ADHERENCE TO THESE PENAL PROVISIONS IN THE FACE OF THIS DETERMINED ATTITUDE ON THE PART OF THE AUSTRALIAN TRADE UNION MOVEMENT."

On the question of co-operation with the White Collar Unions, the resolution concluded:

"TO MAINTAIN THE SOLIDARITY OF THE WHOLE TRADE UNION MOVEMENT EVIDENCED BY THE IMMEDIATE DECLARATIONS OF SUPPORT FORTHCOMING FROM THE AUSTRALIAN COUNCIL OF SALARIED AND PROFESSIONAL ASSOCIATIONS AND THE COUNCIL OF COMMONWEALTH PUBLIC SERVICE ORGANISATION, THE A.C.T.U. OFFICERS KEEP THOSE ORGANISATIONS FULLY INFORMED OF DEVELOPMENTS AND SEEK THEIR CO-OPERATION AND ASSISTANCE IN WHATEVER WAY CONSIDERED APPROPRIATE."

In some quarters there is talk that this or that tampering with the Act will suffice.

On this point Mr. Jim Roulston (State Secretary Boiler Makers — Blacksmith Society) told us—

"Changes that leave the teeth in the Act will not satisfy the workers. There is no room for compromise on the question of the freedom of the Unions to strike. We want the powers repealed in full, and if this demand is not met by the Government, then the full weight of the movement must help any Union that refuses to pay fines. In this way we can make the Act a dead letter."

"In Victoria the Unions have the experience of the Essential Services Act. No State Government has been game to take it out of the pigeon hole, although it still remains on the Statute Book."

Faced with this MASS PARTICIPATION and such a high note of UNITY reactionary elements were jolted.

It took several days for them to decide how to "cope" with the problem.

THEN THEY ALL SPOKE WITH ONE TONGUE.

"It's a Communist plot to get rid of Arbitration."

The same old thread bare story!!

MR. BURY told Parliament this.

MR. SANTAMARIA said it over T.V.

MR. LAURIE SHORT told the Ironworkers Union the same thing.

SENATOR McMANUS (Democratic Labor Party) joined the chorus in the Senate, and the President of the METAL TRADES EMPLOYERS ASSOCIATION OF N.S.W. (MR. J. B. CLARKSON), speaking to the Annual Meeting of that body on June 3rd, said —

"The recent series of strikes by Unions opposed to the penal clauses were a brazen attempt to destroy Arbitration so that militant and powerful Unions can exact their demands upon Governments and private employers without any control."

We asked MR. TED INNES to comment.

"I remember the old saying — 'You can judge a man by the company he keeps'."

"When people who claim to have the workers' interests at heart speak with the same voice as top members of the Liberal Government and big employers, then the workers will know where they stand."

"We have reached a position where there is unanimous agreement that the Penal Clauses, and the Industrial Court, must go, but the question of the elimination of Arbitration has never been discussed."

The LIBERALS are not at one on this issue.

A wiser LIBERAL MEMBER is MR. D. L. CHIPP (M.H.R., HIGGINBOTHAM, VICTORIA). He told Federal Parliament on May 22nd —

"He would not associate himself with claims that the current dispute was entirely the work of the Communist Party. There were too many moderate Trade Unions associated with the present dispute for it to be shrugged off by the Government.

"I believe there could be some justifiable causes in the present turmoil," he said.

MR. CHIPP IS RIGHT. The cause of the hatred of the penal powers is that they hit at THE RIGHT TO STRIKE.

THE FOUNDATION OF UNIONISM

AND FOR ALL WHO SEEK

SOCIAL PROGRESS

In November, 1968, the Federal Executive of the Australian Council of Salaried and Professional Associations expressed its total support of the basic tenets of

- The right to strike.
- The right of Unionists to refuse to do the work of strikers.
- Opposition to the use of strike-breakers.

The Arbitration system has NOT stopped strikes.

The Industrial Court with all its powers has NOT STOPPED STRIKES.

They rise out of the nature of the Society we live in and will be WITH US until that Society is fundamentally altered.

THIS IS NOT ONLY A MATTER FOR WORKERS — BY HAND OR BY BRAIN. IT CONCERNS A WIDE RANGE OF CITIZENS.

In any country where the right to strike is forcibly suppressed ALL WHO SEEK SOCIAL PROGRESS SUFFER SERIOUS LIMITATIONS.

IN AUSTRALIA TODAY —

- STUDENTS, EDUCATIONALISTS AND OTHERS ARE SEEKING A MODERN EDUCATION SYSTEM AND IMPROVEMENT IN CONDITIONS GENERALLY FOR YOUNG PEOPLE.
- OUR RELATIONS WITH THE U.S.A., AND COUNTRIES TO OUR NORTH ARE QUESTIONS ROUND WHICH AN INCREASING NUMBER OF PEOPLE ARE CONCERNED.

- PENSIONERS ARE MAKING THEIR PROBLEMS WELL KNOWN AND SEEKING A BETTER DEAL.
- MANY ARE ASKING SHOULD WE PERMIT FOREIGN CAPITAL TO BUY UP OUR INDUSTRIES AND MINERAL RESOURCES?
- SOME SECTIONS OF THE FARMING COMMUNITY SEE PROBLEMS OF OVER PRODUCTION LOOMING.
- AUTOMATION IS MAKING ITS PRESENCE FELT IN THE WHITE COLLAR FIELD — TOMORROW ELSEWHERE.
- TAKEOVERS AND MERGERS ARE CREATING AN EVEN MORE WEALTHY AND POWERFUL FEW AT THE TOP, WHOSE VIEWS ARE CONSTANTLY DRUMMED OUT FROM T.V., RADIO AND THE PRESS.
- ABORIGINAL AND NEW GUINEA PEOPLE ARE ORGANISING, AND SUPPORTED BY WELL-WISHERS IN ALL STATES, ARE PRESSING THEIR NEED FOR LAND, ETC.
- PRICE RISES ARE EATING INTO WAGES AND THOSE ON FIXED INCOMES.

The workers, in their Trade Unions, are among the best organised forces seeking advance in our country.

THAT WHICH LIMITS THEIR ABILITY TO MAKE PROGRESS LIMITS ALL.

The abolition of the PENAL POWERS AND THE INDUSTRIAL COURT will help all AUSTRALIANS WHO DESIRE SOCIAL PROGRESS.

My release is a great victory for the workers, working people and all other democrats who have stood up against the shackling of workers struggle. I should like to congratulate everyone in Australia who has played and is playing a part in this magnificent struggle. I am certain that all workers remain adamant in their opposition to the penal powers, which are designed to suppress the workers. They will carry on the struggle. My imprisonment and release were only a small part of the much bigger question of oppression of the workers. I will try to play my full part in bringing it to an end.

It is perfectly clear that the employers and their Government have found a device to extricate themselves from the dilemma into which they have not themselves by imprisoning me in an attempt to intimidate the workers. Neither the Tramways Union nor I have paid one penny of the workers. Neither the Tramways Union nor I have paid one cent of the fines, nor will we ever do so.

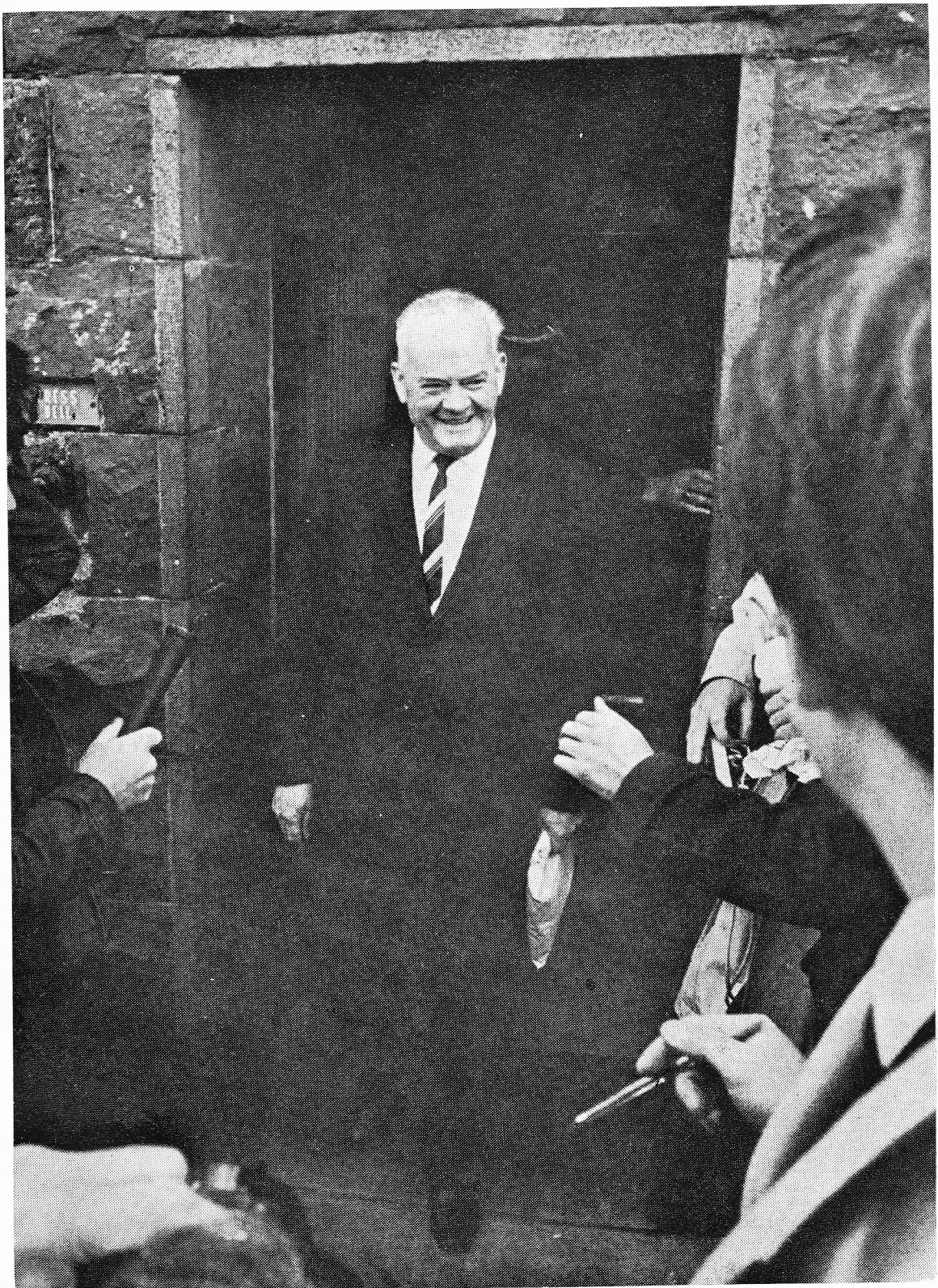
The infinite power of the workers when they are really aroused has frightened the life out of the Government and the employers.

It will go on to greater victories. Therefore I am certain the workers, working people and all democrats will continue the struggle for the abolition of all penal powers.

Australian workers have never before conducted such a magnificent struggle. Again I feel certain that they will use the initiative they have displayed so far in this struggle to some much more radical social advance such as social services and pensions.

(Signed) C. L. O'SHEA.

(Statement released at 11.32 a.m. on May 21st, 1969, as he left Pentridge Gaol).



CLARRIE O'SHEA STEPS THROUGH THE GATES OF PENTRIDGE ON MAY 21st, 1969.

CONFRONTATION WILL CONTINUE

In Melbourne the "27" called a Shop Stewards and Delegates' Rally on May 28th. Again the attendance and enthusiasm were very good.

In moving the resolution, Mr. LAURIE CARMICHAEL told the meeting:

"What we are discussing is freedom and democracy for the working class against vested interests.

"The struggle against the penal powers, against the essence of the penal powers and not just their appearance, goes deep into the heart of capitalist society, to the heart of exploitation.

"They are intended to keep the working class in a submissive state so they can be exploited through their wages, and burdened with higher taxation which in turn goes to help the monopolies.

"This struggle goes to the heart of exploitation and the relationship between employers and employees, so it will be drawn-out and will require all the resources of Shop Stewards and activists to explain and argue out the issues in the workshops."

The resolution was seconded by MR. W. BROWN (Furnishing Trades) and included these sentences:

"This meeting, in noting that discussions are taking place with the Federal Government about the legislation, insists that the penal powers must go. Changes for appearance only will not be good enough and will not be accepted by the workers we represent, and in all of the circumstances we again call for the abolition of the Industrial Court.

"We endorse the proposal that all unions must not pay any fines at all, and we further propose that unions should not attend the Industrial Court for any purpose that relates to the Penal Powers of the Arbitration Act.

"We re-affirm that any union proceeded against by confiscation of funds, property or action against any union officers because of a determined opposition to the penal powers, will be fully and immediately supported by industrial action.

"We determine that regular factory meetings be held, deputations elected, and telegrams and resolutions sent de-

manding the complete repeal of the penal powers.

"We state that any protraction in the talks to secure the full repeal of the penal powers must be met by the full force of the Australian Trade Union Movement."

Similar rallies were held in other States so the stage was set for the next moves in the campaign.

During June and July the discussions between the Government and the A.C.T.U. failed to produce any worth while progress towards the repeal of the powers.

On July 30th the A.C.T.U. Executive decided that factory meetings should be held, as from August 11th to enable the rank and file to hear progress reports on the negotiations.

The States Trade and Labour Councils were to organise the meetings.

On the reaction to this decision in Victoria Ken Carr has the last word of our story.

"The Victorian Trades Hall Council failed to implement the A.C.T.U. decision. Not one meeting was organised by its leadership.

"We of the 27 Unions carried out the decision to the fullest extent possible. We arranged about 85 factory meetings — some extended beyond lunch hour and in others the workers stopped for the day."

"As was the experience in May, we found tremendous support, for our demand for the removal of the powers.

"The A.C.T.U. Executive, as well as the factory meetings decision, also decided to advise the Government that it must be in a position to report settlement of the penal powers issue to the A.C.T.U. congress which opens on September 8th.

"As we have said many times, and as this booklet shows, with massive support throughout the whole movement, we do not believe that an alteration here or there will suffice.

"We want the repeal of the repressive side of the Act in total."

"If the Government fails to agree to this by the time the Congress assembles, we confidently look to that gathering to take the necessary decisions to lift further the demand for repeal."

"Since May only one Union has been fined — and refused to pay — so let's keep up the pressure," concluded Mr. Carr.

MESSAGES OF SUPPORT AND ENCOURAGEMENT RECEIVED BY THE VICTORIAN BRANCH OF THE TRAMWAYS UNION DURING THE COURSE OF THE PENAL CLAUSE DISPUTE

New South Wales:

J. M. (Harry) Richards, Secretary, The Motor Omnibus Employees' Association.
F. Purse, Federal Secretary, Building Workers' Industrial Union of Australia.
N.S.W. Branch, H. Cook, Acting Secretary, Australian Builders Labourers' Federation.
Assistant Secretary Sweetensen, Seamen's Union of Australia, meeting 300 Seamen Sydney pick-up centre.
400 Construction Workers A.P.M. Botany.
Waterboard Union, Newcastle and Hunter District — Dumbrell, General Secretary.
K. Wilson, Secretary, Newcastle Trades and Labour Council, 500 Job Delegates and Union Officials.
Morcom, Chairman, Macquarie University Students' Council.
Eveleigh Loco Workshops Combined Unions workers.
Wool and Basil Workers, N.S.W. Branch.
Stop Work Meeting Cranedriers, Cockatoo Dock and Meeting of Striking Powerhouse Workers.
Federated Liquor Industries Union, South Coast.
Combined Job Meeting, Pyrmont Waterside Workers Fed., Seamen, Clerks, Watchmen.
South Coast Labour Council, Woollongong.
Sydney May Day Committee.
Water Supply Railway Workshops, Chullora.
Simon Townsend, Conscientious Objector.

Queensland:

Postal Workers' Union of Australia.
Q'ld Branch, A.T. & M.O.E.A.
Union of Postal Clerks and Telegraphists.
Australian Seamen's Union, Innisfail.
Amalgamated Engineering Union, Townsville.
600 Aust. Meat Industry Employees' Union Members meeting, held Borthwick's Brisbane Meatworks.
Mass Meeting, Innisfail — signed Joseph.
Collinsville Workers, Collinsville.
Mass Meeting Rockhampton Unionists, Rockhampton.
Federal Council Meeting in Brisbane of Transport Workers' Union of Australia.

Wharfies, Hamilton Central.
Ship side meetings of Vessels Andros & American Star working in Hamilton area.
Watersiders, Clerks, Watchmen, working on Vessels Sonoma and Sierra, Dalgaty's Wharf.
Workers, Hume Steel, Brisbane — signed BBSA, FIA, AEU.
L. J. Riches, South Brisbane.
1969 Fed. Conference, Association of Architects, Engineers, Surveyors and Draughtsmen of Australia.
Mass Meeting Unions affiliated Queensland Trades & Labour Council, Hanran Park, Townsville.
Ray Preston, via Cairns.

Western Australia:

Waterside Workers Federation of Australia, Fremantle.
All Unions represented at Forwood Downs Pty. Ltd., Bentley — A.E.U. Shop Steward.
Membership Federated Miscellaneous Workers Union, W.A. Branch.
Boilermakers & A.E.U. Members employed at Ledgers, Welshpool.
Building Workers Industrial Union of W.A.
W.A. Boilermakers Union.
Communist Party of Australia, W.A. State Committee.
Gordon O'Shea.

Northern Territory:

Darwin Wharfies — North Aust. Workers' Union, Waterside Section.
Whole Membership North Aust. Workers' Union (600 members), Darwin.

South Australia:

Builders Labourers Federation.
Constituents & Members of Para A.L.P. Sub-Branch — Martin Nicholls, M.H.R., Federal Member for Bonython.
Provo — Student Organisation, Adelaide.

Tasmania:

Den Jacob, T.R.I. 1914-18 War, Ferntree, Tas.
Hobart Branch, A.T. & M.O.E.A.

Victoria:

Australian Railways Union, Executive Meeting 25.3.69.
Meat Workers Union.
Building & Metal Trades from Cresco site, Hastings.
Melbourne University Campaign Against Conscription.
Monash University Labor Club.
Australian Timber Workers Union.
Hospital Employees' Federation of Australia.
Building Workers Industrial Union of Australia.
Combined Unions Shop Committee, North Melbourne
Rail Workshops Mass Meeting.
James Hardie & Co., Shop Committee (A.E.U., Boiler-
makers, MWU, FEDFA, Painters, Carpenters and
Iron Workers), Brooklyn.
Croydon Branch, Aust. Labor Party.
Bendigo Division, A.T. & M.O.E.A.
Ballarat Trades & Labour Council.
Bendigo Trades & Labour Council.
Miscellaneous Workers Union.
Australian Meat Industry Employees Union.
Diamond Creek Branch A.L.P.
Melb. University Campaign against Conscription and
Melb. University.
Municipal Employees Union — Coles, Secretary.
Melb. Branch, Young Labor Association.
National Committee Union of Aust. Women.
State Sec. & National President, Bill Webber, Australia
Firefighters Assoc.
Retired Tramwaymen's Association of Victoria.
Ballarat North Workshops Employees, Inter Union Shop
Committee.
E.T.U. Members at Bowater Scott.
Melb. University Revolutionary Left.
Portland Members, Aust. Builders Labourers Fed.
Assoc. Architects, Engineers, Surveyors & Draftsmen
— Fed. Sec.
Assoc. Architects, Engineers, Surveyors & Draftsmen
— Vic. Sec.
The Connolly Association of Victoria.
Central Gippsland Trades & Labour Council.
The Prahran Commune — Ralph, Hadedn, Valentine
Franks, Davi McMullen, Richard Buckdale, Valerie
Palmer, David Bland, Peter Raisin, Adrean
Desailly, Larry Lacey, Helen Lacey.
Jack Downey, retired trammie, Surrey Hills.
Joy Porter Atherton, ex C-ss, Upwey.
W. Halliday, Tower Wagon Driver, Coburg.
Jack Kerrigan, Clayton.

Canberra:

At opening of Bendigo By-Election E. G. Whitlam.
Jim Cairns, M.H.R.

Seamen's Union of Australia:

Perth Radio: Seamen's Union Members SS "Hemi-
glypta."
Darwin Radio — Seamen's Union crew members "Iron
-linders."
Seamen's Union members "Bulwarra."
Adelaide Radio — Seamen's Union members MV "Il-
lowra."
Combined Maritime Unions "Iron Clipper" —
Whyalla, S.A.
Seamen Members 'Troubridge.'
Port Adelaide — Crew SS "Yarrunga" — Seamen's
Union Delegates.
Sydney, N.S.W. — Seamen's Union Members "Seaway-
king" — Stop Work.
Carrington, N.S.W. — Crew MV "Iranqa."
Newcastle, N.S.W. — MV "Lake Macquarie."
Sydney Radio — Seamen's Union Members MT "Cel-
lana."
Crows Nest, N.S.W. — Seamen's Union Members
"Bilkurra."

New Zealand:

N.Z. Tramways & Public Passenger Transport Authori-
ties Employees Industrial Union of Workers, Auck-
land Branch.
Petition from Workers in Auckland, New Zealand, with
44 signatures.
Otago Drivers Union, Dunedin, N.Z.
N.Z. Boilermakers Federation.
Crew of N.Z. Freighter MV "Karamu."
N.Z. National Seamen's Union Members of the MV
"Kowhai."
NZ Seamen's Union Members vessel "Nhahere."

Canada:

United Fishermen's & Allied Workers' Union, Vancouver.

England:

J. R. Hunt, Transport & General Workers' Union.
Imperial Relations Trust.
Mr. Tom Barker (82 years old), London, England.

