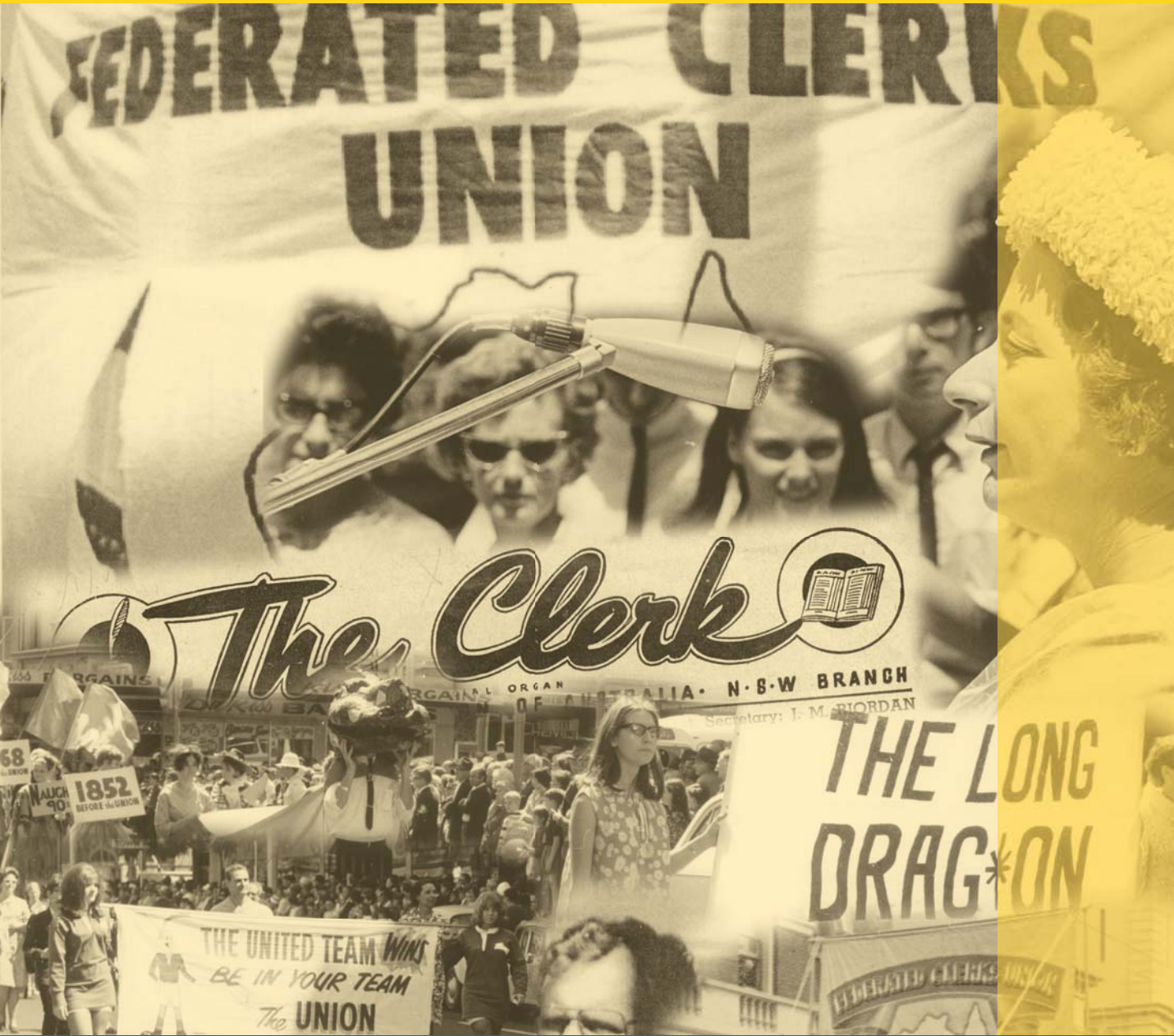


THE CLERKS



A History of the Federated Clerks Union
in New South Wales

Lynn Milne



**The Clerks:
Life and Work
of the Federated
Clerks Union in
NSW, 1907-2003**

Lynn Milne



FEDERATED CLERKS UNION

OF AUSTRALIA

All St. Catholics Journal Church

BE AUSTRALIAN BE A UNION

It doesn't cost • IT PAYS

TO BELONG TO THE....

FEDERATED CLERK
UNION of AUSTRALIA

The Clerks: Life and Work of the Federated Clerks Union in NSW, 1907-2003

*A History of the Federated Clerks Union
in New South Wales*

1907 - 2003

By Lynn Milne



Published by the United Services Union
Sydney

First published in 2008 by
The United Services Union
Level 7, 321 Pitt St
Sydney, 2000 NSW
www.usu.org.au

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Copy edited by Michael Hogan

Index by Neale Towart

Typeset and cover by Southland Media Pty Ltd

Printed by Novocastrian Print Management

National Library of Australia Cataloguing-in-Publication entry

Author: Milne, Lynn.

Title: The clerks: life and work of the Federated Clerks Union in
N.S.W, 1907-2003 : a history of the Federated Clerks
Union in New South Wales 1907-2003 / Lynn Milne.

ISBN: 9780958011754 (pbk.)
9780958011761 (hbk.)

Notes: Includes index.
Bibliography.

Subjects: United Services Union.
Labor unions--Clerks--New South Wales--History.
Clerks--Labor unions--New South Wales.

Dewey Number: 331.88116513709944

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Foreword

The ninety six years of the “Clerks Union” history needed to be recorded. It needed to be recorded so that the contribution from the men and women of this great union, over these vital decades of Australia’s workplace development, could be told. Although the Federated Clerks Union amalgamated with the Municipal Employees Union in 2003 to form the United Services Union, the principles that led to the formation of the union in 1907 still drive the union, its officials, delegates and members today.

There are many epoch events in the history of the Union. The initial claim by Arthur Jones for a fair go is still repeated by clerical and administrative staff across all sectors of the economy every working day. It was his courage and determination to beat the exploitation by management that led to the formation of the Union in 1907.

The history covers the Industrial and Political involvement of the Union over the years 1907 to 2003. In that time there have been prominent members of the Union who occupied positions such as Judges, Premiers, Lord Mayors and Minister of the Crown, Members of Parliament from all sides of the political spectrum, Commissioners, Barristers and Solicitors. Some commenced their working life as employees of the FCU.

The narrative reveals that the objectives of the Union have been pursued with vigour and integrity in every sector of the economy. Clerks/Administrative workers record the orders, the banking of the cash, organise the payment of the wages and ensure the earnings of the employer are properly recorded.

Lynn Milne, the author has meticulously researched the contents of the book from the files of the Union and those held at the Mitchell Library.

She has interviewed members of the Executive whose involvement with the Union dates back to the 1940’s.

Lynn ensured the history was written as recorded. She scrutinised all records thoroughly. She went back and forth to ensure the interviews she conducted reflect the history. This process extended the time required to have the history recorded. I thank her sincerely for the significant effort she has put in this very worthwhile project.

Fiona Hancock reviewed the contents of the history. Her work with the Union prior to admission as a Barrister assisted with the project.

The FCU had a good reputation with the Tribunals, most Employers, its members and other Unions.

The Union was able to respond to the requirements of its members and led the way for White Collar Workers to protect and improve their wages and conditions. Most of the gains were made through the arbitration process. The leaders of the Union insisted that “members must come first”.

In 1907 Arthur Jones did not have a Union to represent the “Clerks” interest. We owe him heaps of gratitude.

The Federated Clerks Union of Australia, N.S.W. Branch amalgamated with the Federated Municipal and Shire Council Employees Union of Australia, N.S.W. Division in May 2003.

It is five years on after the amalgamation and we are still agitating for the recognition of Clerical and Administrative staff to be recognised within the Union movement.

A special thanks to all those who took the time and effort to contribute to the process. Their endeavours are very much appreciated.

Yours faithfully,

Michael Want
Executive President

Introduction and Acknowledgments

The Federated Clerks Union of Australia New South Wales Branch, founded as the United Clerks Union in 1907 and registered in New South Wales, had a difficult beginning. At first clerks were denied union representation as an occupation before Arbitration Courts and Wages Boards in New South Wales. After a long struggle their union won that right but the arbitration system found clerks perplexing and difficult to classify. Events outside the industrial sphere also had their effects on the union's direction and progress. Wartime brought Commonwealth temporary clerks in large numbers to New South Wales and they faced the particular problems of a workforce deployed under wartime measures without the security of permanent Public Service jobs. The Depression and unstable leadership threatened the union's survival but it rallied in the mid 1930s. During the 1940s the first significant batch of Federal Awards was obtained, mainly through the initiative of the New South Wales Branch, which also organised the wharf clerks into a closed shop, protecting their employment in a casualised industry. The union obtained many first time State Awards for commercial clerks, notably in heavy industry, and in the 1950s the union joined the fight to have margins restored after the war years. The following decades saw the union make ground breaking advances in the fields of equal pay, clauses covering technological change, membership agreements and preference clauses and significant progress was made in the difficult area of gradings in Awards.

The most controversial episode in the life of the union took place in the 1940s and early 1950s when its leaders were communists and there was a fierce struggle between them and the moderate Industrial 'Groupers'. At stake was not only the control of the union; the fight was also seen as a battle in the war for the future direction and ideology of the labour movement. Those were exciting and well publicised times and the way events unfolded within the union is absorbing. The long term effect of this era has been to set the union's political outlook towards the right wing of Labor. For Phil O'Toole, long serving Secretary of the union in the 1960s and 1970s, the events of that time were memorable but he was also concerned that the industrial work of the union should not be overshadowed by its political past. The moderates were determined that under their leadership industrial matters would be the union's main preoccupation. This account of the union's life attempts to reflect not only the union's political beginnings but its struggle to find ways and means of organising and advancing the interests of one of the most numerous, variously skilled and inherently unstructured and patternless of all workforces.

The focus of this book is on the union in New South Wales, as distinct from the Federation and the other State Branches. The union in New South Wales had two identities; it was a Branch of the Federation and a State registered union. As a Branch the union played a crucial part in helping the Federation obtain Awards in the Commonwealth jurisdiction, providing the Federal Office with evidence on behalf of those clerks in New South Wales working in nationwide industries. It also administered Federal Awards for its members and by the 1950s much of its day to day work was with clerks under Federal Awards in such industries as airlines, breweries, wool, oil and on the wharves. Federal Awards offered good rates and gradings and the members were well defined and confident groups, capable of industrial activity when necessary.

The position of many clerks scattered among small employers throughout New South Wales was markedly different from that of those covered by Federal Awards. The range of clerks' work defied classification. The union administered one of the largest Awards in the State, the Clerks (State) Award, wide enough to cover all commercial clerks and establish general rates and conditions for them. The Clerks (State) Award also gave practical expression to the union's broader social policies, such as maintaining full employment and community and family life by keeping the five-day week, restricting increases in spread of hours and part time and shift work, including provisions for maternity leave, equal pay and responding to technological change.

While the union needed resources to meet the needs of such a diverse membership that diversity and the way clerks were widely dispersed meant that they were isolated and difficult to organise. Even when numbers in the union built to some 30,000 in New South Wales this represented less than one third of the potential membership. While the union tried to cover all clerks with some Award or Agreement many of those taking the benefit did not join the union. It was an ongoing battle to keep membership at viable levels while meeting the needs of a huge and scattered constituency. Organisation among so many small and isolated workplaces was a challenging task, calling for solutions such as membership agreements and preference clauses in Awards.

In 1993 several unions, including the Federated Clerks Union, amalgamated at Federal level to become the Australian Services Union. The New South Wales Branches of the Federated Clerks Union and Municipal and Shire Council Employees Union merged and the corresponding two State registered unions amalgamated in May 2003 to create a new State union, the United Services Union. This record of the life and work of the Federated Clerks Union in New South Wales ends at that point where the form of the Clerks' Union changed but its endeavours and its industrial inheritance of Awards and accumulated knowledge and expertise in the field of clerks' work continue in the company of a like-minded partner.

Michael Want has been both patient and determined during the process of writing this account and I am most grateful to him for his help and support. Rhonda Boyce has kindly facilitated assistance from many members of staff and also encouraged me. My thanks go to Betty Spears, Phil O'Toole, Jim Macken, Joe Riordan, Vince Higgins, Michael Want and Nita Breen who gave their time for interviews. Staff of the Mitchell Library have given great assistance and Neal Towart completed the index. Associate Professor Michael Hogan edited the manuscript and his expertise and suggestions were instrumental in reaching publication.

Terminology

The apostrophe is not used in the title 'Federated Clerks Union of Australia New South Wales Branch'. The apostrophe appeared in the early editions of *The Clerk*, for example, but by the 1970s was dropped. It also does not appear in photographs of the union's banner, whose whereabouts and indeed existence are uncertain.

The terms 'the union' and the 'Clerks' Union' are used throughout as alternative titles for the Federated Clerks Union of Australia New South Wales Branch.

Photographs

The photographs are from the union's extensive collection held at the union's office.

Abbreviations

ABEU	Australian Bank Employees Union
ACOA	Administrative and Clerical Officers Association
ACTU	Australian Council of Trade Unions
AEA	Airlines Employers Association
AEWL	Association of Employers of Waterfront Labour
AGE	Australian General Electric
AIEU	Australian Insurance Employees Union
ATEA	Australian Telecommunications Employees Association
AI&S	Australian Iron and Steel
AJA	Australian Journalists Association
ALP	Australian Labor Party
ARU	Australian Railways Union
ATEA	Australian Telecommunication Employers Association
ATOA	Australian Transport Officers Union
ATOF	Australian Transport Officers Federation
AWA	Australian Wireless Association
AWU	Australian Workers Union
BHP	Broken Hill Proprietary Limited
BLF	Builders Labourers Federation
BMC	British Motor Corporation
BWIU	Building Workers Industrial Union
COM	Committee of Management
CPA	Communist Party of Australia
CPI	Consumer Price Index
CPS	Commonwealth Public Service
CSA	Clerks (State) Award
DLP	Democratic Labor Party
EDP	Electronic Data Processing
ER&S	Electrolytic Refining and Smelting
FCU	Federated Clerks Union of Australia
FIET	International Federation of Commercial, Clerical and Technical Employees
GEC	General Electric Company
GMH	General Motors Holden
IBM	International Business Machines
IRC	Industrial Relations Commission
ILO	International Labor Organization
MBF	Medical Benefits Fund
MM	Metal Manufacturers
NAWU	Northern Aboriginal Workers Union

OBU One Big Union
PKIU Printing and Kindred Industries Union
PLL Political Labor League
PSA Public Service Association
RSL Returned Services League
SDA Shop Distributive and Allied Employees Union
STC Standard Telegraph and Cables
TAA Trans Australian Airways
TAB Totalizator Agency Board
TUTA Trade Union Training Authority
TWU Transport Workers Union
UNO United Nations Organisation
WEA Workers Education Association
WFTU World Federation of Trade Unions
WTUC World Trade Union Conference
WWF Waterside Workers Federation

Chapter 1

'Who is going to deal with the case of the clerks?' 1907 – 1910

Introduction: Folklore and fairy tales

The Federated Clerks Union New South Wales Branch was forged during the years 1915 to late 1917 from two existing unions, the United Clerks Union of New South Wales and the Commonwealth Clerical Officers Union. The United Clerks Union was founded first, in 1907, ten years before the Commonwealth Clerical Officers, and it pioneered the difficult task of organizing clerks in a quite hostile time and place.

Tales of the Dickensian miseries clerks suffered before their union found its feet in New South Wales would become part of the union's folklore, handed on from time to time in its journal *The Clerk*.¹ First there was the failure of the Pen Workers Union in the 1890s, and then the hard times for 'one Arthur Jones'. He had an 'interesting' experience while clerking in a city store. The company did not mind shop assistants applying for better wages but the manager was outraged when Jones asked for more: 'What, clerks too! There is not a clerk in Australia worth more than 25/- a week', to which the courageous Jones was said to have replied, 'Let me tell you, Sir, the day will come when clerks will not only ask for £2 a week, but £3'. There was no basic wage in New South Wales until 1914, and without a union to take them to arbitration workers could be at the mercy of contemptuous employers. In 1907 Jones was 'incensed' at his employer requiring him to work overtime for the fourth night running 'without pay except 1/- tea money'. Jones put an advertisement in the *Sydney Morning Herald* calling a meeting of disgruntled clerks and that was the beginning of the United Clerks Union.

Employers boycotted Jones as the first Secretary of the union and, unable to keep body and soul together in these circumstances, he 'was forced to relinquish his honorary position'. When Harold St Aubyn Mercer took on the task the boycott was 'tried out on him' too but Mercer could find work as a journalist and so survive and he also took a room at the Trades Hall. Perhaps he was safe there from the disapproving eyes of the employers.²

While clerks were often treated quite badly, they also seemed to be their own enemies. A particular difficulty in winning conditions for clerks, according to folklore, was the tendency not only of employers but also of clerks themselves to be blind to their needs, and throughout its long life the union would indeed struggle with the way union mindedness did not come naturally to clerks. Comments attributed to Bernard Shaw, once a clerk himself, struck an enduring chord with the union and *The Clerk* often quoted Shaw's views for the members to consider. According to Shaw there were 'two sorts of people whom it is almost impossible to organise - first, the women, second, the clerks, and for the same reasons; they did not intend to stick to their jobs. Neither of them expected to remain in the position of employee. The woman intended to get married, and have a house of her own and be her own mistress, no matter how poor she was. The clerk either hated business and meant to get out of it and become a great man: poet, novelist, Polar explorer, Field-Marshal, actor, world's champion pugilist, Prime Minister, or anything else in the general line of Shakespeare and Napoleon (I was myself in this category, which is more numerous than people think); or else, if he was keen on business, he meant to set up for himself unless the boss took him into partnership'.³

The union would always face the challenge of recruiting and organizing a workforce ‘handicapped by such things as femininity, work-place dispersion and not least, middle class individualism’.⁴ The clerks’ image and demeanour indeed gave them an illusion of being not quite wage earning people; typically they wore suits and were obliged to present a ‘dressy’ appearance. ‘The poor underpaid clerk is compelled to carry almost as much sail as his master’, remarked Walter L Duncan, President of the union in 1909, in a letter to the editor published in the *Herald* on 25 December 1907.

This extravagant dress requirement was one of the clerk’s many burdens, as PJ Clarey, secretary of the Clerks’ Union in Victoria, pointed out in a story, ‘Sacked for Broken Boots’, which first appeared in the Victorian *Clerks’ Journal* and then made its way into the New Wales *Clerk* of January 1909. The tale described an unfortunate young man, with a wife and small children to fend for, able to last just six months in his job because by that time his boots needed mending. Paid 35/- a week, at a time when Justice Higgins of the Commonwealth Court of Conciliation and Arbitration famously set the basic wage of 42/- for an unskilled worker to keep a family ‘in a civilised community’, the clerk was summoned by a partner in the firm two hours after appearing with a neatly patched boot. ‘The shocked partner asked if the salary was not sufficient to clothe himself on, and hinted a suspicion that drink must run away with his weekly wealth’. The clerk ‘rejoined’ that while he may be able to clothe himself well, he could not do so and feed his little family. ‘He was reminded in a grieved tone that his original well-dressed appearance had given the firm the impression that he had other resources, otherwise he would not have been engaged, and that the position would be considered. At the end of the week he discovered the result of the consideration was the ‘order of the sack’, and a dispossessed clerk is still wondering whether a prevalent idea that a man has no right to be a clerk unless he possesses an independent income is the cause of the low salaries a number of employees offer’. Despite this young man’s harsh experience and the lesson he learned, the February 1950 *Clerk* could still complain about the reluctance of the vast body of clerks to support their union, and summed up the dress and demeanour issues in a short poem;

*Because they wear a collar white
They will not join the workers fight
They scoff and scorn at unity
Unite? We’d lose our dignity!*

The fledgling United Clerks encouraged its early members to have high hopes. The January 1910 edition of *The Clerk* offered them an imaginary report of the Union’s birthday party in the year 1928: ‘The big building of the United Clerks Federation of Australasia was *en fête* yesterday to celebrate the twentieth anniversary of the establishment of the United Clerks Union of New South Wales, which is the central figure in the organization’. The splendid ‘Institute’ was described as an ‘ornament of the city’ where young men and women clerks sat their quarterly examinations, rising in diligent and purposeful fashion from grade to grade as they pursued careers in the respected clerical industry. As they did so they enjoyed the security of a Benefit Fund, an Employment Exchange, a club and smoke rooms, a co-operative dining room and even comfortable sleeping apartments should they wish to put up in the city for a night. As part of the ‘United Clerks’ Federation of Australasia’ there were of course reciprocal amenities available interstate.

Such a wondrous combination of vocational university and city club was the stuff of fairy tales but it was not entirely frivolous. Fair rates were under considerable pressure at the time the union was founded, partly because the industry had been brought into some disrepute by an influx of boys and young women. The boys were under-skilled but nevertheless tended to swamp the labour market while the girls, sometimes showing better aptitude and attention to detail than the boys, undermined a living wage for clerks by working for mere pocket money. The union's dream in 1910 was a system of certification and classification so that each clerk could be confident of what he or she should be paid for how many hours work per week under a well drafted and detailed Award and could also see the path of a career ahead. Something had to be done to reform the wages and conditions of clerks' work, a calling where 'boys are welcome but men may starve'.⁵

The union faced a vast task. It would have to pioneer a way of gathering in the clerks when organizing them was a little like catching mercury. They could be found widely scattered in every workplace and the ever changing scope of their occupations would range from such obscure callings as map collector, studiously updating maps with new lighthouses and other coastal changes, to the large numbers of clerks working in retail stores and government agencies; from the stropky and often handy tally clerks on the waterfront to the solitary worker attending to the paperwork component of a milk run. Their jobs ranged from office boy to Labor Premier. Nevertheless significant groups of clerks apparently caught by the union's broad constitution were lost to the union early in its history, partly because it was a relatively late arrival in the industrial system and partly because it faced problems with access to arbitration. Lost opportunities left the union trying to establish itself without the resources and support of a solid, easily organised membership base. The Public Service Association (the PSA), operating from 1899, already represented the large and cohesive body of clerks who attained permanent status through the Public Service examinations, and although from time to time the union would try to loosen the Association's grip or negotiate with it the PSA mainly retained the permanent clerks. The area left to the Clerks' Union consisted of those clerks whose careers started as temporary employees rather than by examination. The UCU had gained permission from the PMG's Josiah Thomas to recruit post office clerks, but the Union was not able to 'capitalise' on this and faced strong resistance from within the Public Service itself⁶, where the PSA had established a 'bridgehead in the field of public employment' and included clerical Post Office employees⁷. In other areas the Union also had an uneasy hold; the Wharf Labourers Union had the right to represent and recruit the wharf clerks, but left them to the Clerks' Union, never changing its constitution and successfully reasserting its rights to the wharf clerks in the 1980s. The Union was also threatened by the Administrative Clerical Officers Association (ACOA) established in 1913 and fought to prevent the Association's registration as an industrial union. The Commonwealth Public Service Clerical Association (ACPSCA) was registered in the same year, excluding the FCU from recruiting permanent clerks in Commonwealth departments. Again, the main opportunities were among those Commonwealth clerks appointed on a temporary basis.

There were precedents for comprehensive unions representing various interest groups under a broad umbrella. The mighty Australian Workers Union (AWU), for example, by 1907 was growing and diversifying through amalgamations into a 'big' union, and thus gathered in many kinds of scattered pastoral workers⁸. Nevertheless, that union had its foundations in a well-defined occupation, sheep

shearing, and although the shearers were widely dispersed, their industry lent itself to organization. The fledgling United Clerks' Union took on the challenge of starting from the opposite direction from the AWU; it cast a wide net over those who worked 'with the brain', or as the union's constitution put it, those 'performing any clerical work whatever'. Their union then set about classifying and organizing the many species of clerk its constitution captured. It began its task with the most far flung clerks, sheep station book keepers. As the station book keepers were pastoral workers they were attractive to the AWU; as an unorganized workforce the station book keepers were potential members of the UCU, eager to bring all clerks was under a clerks' union. Often too scattered to help themselves, the clerks needed a central body able to reach out to all of them under the broad banner of 'United Clerks'. In its first contest with a breakaway union, the Industrial Registrar observed that the United Clerks' Union had 'secured registration with a constitution wide enough to include every clerical worker in New South Wales'.⁹

It took determined leaders to forge a union open for business to all clerks. The union's leadership had to impose the idea of unity from above rather than tap into and organize the natural community spirit of a close-knit rank and file and even the union saw itself in its early days as a 'forlorn hope amongst unions'.¹⁰ It would also have to change the mindsets not only of clerks but also of governments, industrial tribunals and boards, and the public, and that would take nearly a decade. The arbitration system and the union movement were more used to blue collar workers, where it seemed easier to 'gauge the amount of energy expended'¹¹ in the workers' efforts. Arthur Jones' employer could well say 'There is not a clerk in Australia worth more than 25/- a week', confident he would not be challenged on his facts. Getting the measure of clerks' work and making fair awards seemed a rather abstract thing. Even the Court of Industrial Arbitration found the question of rates for 'skilled and confidential' workers' obscure; for example, in 1915 the court observed that 'trustworthiness and personal responsibility' were indeed likely to command higher wages but among such workers there was 'a much greater variety in importance and variety of positions, and the wage has to be a real minimum, it cannot become a standard. A confidential man in a great business might be a vast distance from a confidential man in a small one, yet, if they are classified together, it is the latter whose position shall fix the wage'. Be that as it may, the 'greatest work' of the court was fixing wages for less skilled workers, and the problems involved in differentiating rates for skilled and confidential workers made 'dealing with such classes both more difficult and less important', especially in wartime¹². Without a union to research and put their case, the needs of clerks were not easily understood and for various reasons likely to be put to one side.

Birth of the Clerks' Union

The *Herald* of 9 December 1907 announced the birth of the United Clerks' Union with the plain headline, 'Clerks Union Formed'. The step was taken under the auspices of the Sydney Labor Council, with its Secretary JP Cochran attending the meeting at Queen's Hall, together with Mr Stuart-Robertson MLA. Mr Chas Fox, Vice President of Labor Council in 1902 and later President in 1913, took the chair. Authority was given to apply under the Trade Union and Arbitration Acts for registration and the next meeting was to be held at the Trades Hall. The newly formed union would 'probably merge into a large and influential organization' and its purpose was the fairly just and respectable one of giving clerks and book keepers, 'helpless in division, unrestricted in competition

with one another, and inadequately remunerated', the 'opportunity of regulating the wages of their calling'. Some might have observed that fair-minded employers would also benefit; their rivals could undercut them by exploiting the unregulated section of their workforces, the clerks, to keep their overheads down.

There was nothing unusual or illegitimate about meetings to form unions; it was a regular occurrence at the time as workers organised themselves to register unions to represent them and protect them from victimization. The Labor Council had set up a special committee to help convene workers to form new unions, and in 1910 the Clerks' Harold Mercer was its secretary. That year some 51 such meetings were held and Mercer reckoned that 37 unions were formed in the space of three months.¹³

The infant Clerks' Union was founded in an age when, after the bitter struggles of the 1890s, workers and their unions were no longer left to rely upon industrial action. W Pember Reeves, a contemporary of this era of 'civilizing capital'¹⁴ described the spirit of his time as he saw it:

It was felt that the settlement of labour disputes by the strike and the lock-out - in other words, by a tug of war - was antiquated and barbarous, and meant that the industry was to be controlled by force and cunning merely. The desire for something juster, fairer and more peaceful than this was strong. Men turned to the Government and asked for a remedy.¹⁵

That remedy was arbitration, the installation of an independent umpire with power under law to settle disputes on their merits, and having done so, act fairly by making an Award covering all workers in the same class as those who had made the claim. In 1910 Whybrow's case brought an end to the common rule in Federal Awards, so that only those unions who were parties to the Award were bound. Meanwhile State Awards continued the principle of common rule, and such Awards were attractive to the clerks who first and foremost needed wide Awards to establish minimum rates for clerks everywhere. Arbitration meant that when employer and employees could not agree, instead of resorting to the anarchy of industrial action in a hand to hand struggle, the workers' registered unions marshalled the issues on their behalf. Individual workers and unregistered associations had no standing at arbitration. The system enhanced the role and work of *bona fide* unions, it could make them respected pillars of society, it encouraged industrial leaders to found them and made it worthwhile for the rank and file to join them and ask for their help. It cast the unions almost in the part of a good barrister, whose work was not only to present a case to adversarial scrutiny and challenge the other side's claims, but also to assist the court in arriving at an informed and just decision. The union's function was not to exhibit the collective strength of industrial muscle but to collect and represent its members' interests. The compromises the law required of unions and employers to make arbitration work were that the unions became liable to penalties and deregistration if their members engaged in unauthorized strikes while the employers gave up freedom of contract and complied with Awards. As Bernhard Wise, introducing the *New South Wales Arbitration Act of 1901*, put it: 'Can it seriously be questioned that the community at large has a vital interest in the prevention of strikes, and to do it, may even interfere with a man's 'freedom'?'¹⁶

When they described arbitration in such high-minded terms W Pember Reeves and Bernhard Wise implied that it was based on a kind of a social contract for the betterment of all. But just how idealistic the community and the government were about industrial justice for all, particularly when it came to encompassing the clerks, was about to be tested. To some arbitration always was a two edged sword, able to tame powerful, industrially active workforces as their unions called for quiet while they prepared their claims in a reasoned and painstaking way. According to the more militant elements, this could lull the working classes into false security and dependence when they should be rewriting their place in society. There would be militants among the miscellany of clerks, but on balance arbitration was an essential channel for industrial justice to reach the majority of clerks.

As a scattered and various workforce clerks had never been able to forge and wield the weapon of collective industrial action and a system of tribunals empowered by legislation should have been an excellent thing for them. As John Storey, who later became Labor parliamentary leader, told the New South Wales Legislative Assembly in 1910, clerks were 'so constituted that it is difficult to get any community of interest amongst them' but they had 'as much right to be considered as any other calling'.¹⁷ Yet the news that the clerks were forming a union appalled many, just as Arthur Jones had appalled his employer by daring to ask for more money. Letters pouring in to the Editor of the *Herald* revealed the extent of resistance to the organization of clerks and gave some insight into why there was such unease. The community, including clerks themselves, were anxious about the anomalies which might occur when unionism, arbitration and Awards, well enough suited to the needs of blue collar workers in well defined and cohesive industries, were applied to the diverse, white collared clerks and the variety of work and skills to be found in their calling. The *Herald* summed up the problem in a February article; was it possible that 'what can be done for a colliery worker can be done for a sweated clerk'?¹⁸

A hostile reaction, published 23 December 1907, branded the fledgling Clerks' Union as nothing more than a Labor Party ploy to gain political strength at the 'expense of the clerks'; indeed, a 'bogus' union. As for any legitimate industrial purpose, gaining an Award was clearly a 'socialist measure', where a common rule under arbitration would apply to all clerks so that the minimum salary set would become the maximum salary, reducing competent clerks to the level of the most incompetent. These were dangerous levelling tendencies and it was clear to the letter writer that 'Trades Hall had its eye on the clerks of Sydney'. The best attack was to set up an Association to fight the union. The union retorted that it would prevent any registration of a Clerical Association under the Arbitration Act, and so gave early recognition to the crucial role tribunals and arbitration would play as independent umpires in the clerks' struggle to assert their rights.

The clerks themselves lacked confidence in each other: 'I only hope that a good muster of clerks from my sphere of work attends the next meeting', wrote 'Ledger', published 14 December 1907 while 'Thirty Bob a Week', 19 December, saw fit to remind clerks of the practice of 'sweating' and dismissed as 'all bosh' the belief some clerks held that that they could not join a union, 'because my employer might not like it'. Four long letters were published on 25 December as the debate over the clerks' union became a public controversy. Walter Duncan rallied the clerks in stirring terms, 'Clerks, you have nothing to lose but your chains!' while George Saunders pointed out that it *was* possible to classify clerks, and so recognize levels of skill in Awards. One letter argued that a minimum wage

'weeds out' incompetence while another put it that men should be paid on their merits and not belong to a union to suit the 'claptrap of political mountebanks'. Another letter, 14 December, claimed to quote the Minister for Customs himself; 'the assessing of a clerk's value is very difficult and involved, and can only be done in each individual case, and not by a general rule'. In reply to the assertion that employers would not advance the employee beyond a minimum wage, union supporters pleaded that all the union wanted was a 'living wage' for clerks. The *Herald* contributed 'The Case of the Clerks', an article which sidelined the union from the debate altogether. The problems of the clerical industry were caused by boys 'living for the moment' and leaving school to get low-level clerical jobs with no prospects of advancement. This could be solved not by unions but through 'more strenuousness and care on the part of parents'. The diversity of parents being even greater than the diversity of clerks, and well beyond organization, it was a good thing the union stuck to finding industrial solutions.¹⁹

Eleanor Cameron, a retired clerk who believed that competence had let her enjoy the respect of her employer and good wages and conditions, believed that the clerks should 'shun' the existing Arbitration Court. This went against the view of the Labor Council and most unions but voiced the fear that arbitrated Awards for clerks might cause unintended damage and loss. An Award would only cause another 'huge bungle' of the tragic kind seen in the Shop Assistants' case where attempted regulation had brought about mass dismissals of adult workers in favour of lower paid juniors, who were in turn tossed out as they reached adulthood. Eleanor Cameron saw another evil; if an Award took the opportunity away from young women to work for low wages in clerical positions they would be forced to work in bars. The clerks would 'do better to await the proposed Wages Boards', a new industrial system proposed by the conservative Wade Government.²⁰ As it turned out, Eleanor Cameron trusted the Government of the day more than it deserved when it came to clerks. Her hopes would unwittingly demonstrate why clerks needed to organize and why they needed the spearhead of a union.

Politics

When Mercer took over from the frozen-out Arthur Jones as Secretary of the UCU in 1908, he soon learned that there was a blind spot where clerks, if not their patched boots, disappeared from the view not only of their employers but also of governments. If anything, the realities of the barriers facing clerks were more bloodcurdling than the stories of their workplace deprivations. It soon seemed that, when the mild mannered clerks put it to the test in New South Wales, access to arbitration had much more to do with the Government's response to militant unions' 'force and cunning' than to workers' needs and the ideal of a social contract for the good of all. The clerks' particular reliance on such government-made institutions as preference to union members and arbitration rather than on industrial strength meant their union felt the shifts of government and politics quite keenly. It would need to be able to talk to political leaders of the left and right, put the clerks' cases to them and so get clerks' needs written into protective legislation and Awards. But even Labor Governments, in principle supporting workers' interests, had to face political realities and hold onto office, and they did not always put their policies into practice without some persuasion. Governments had political agendas which could cut across industrial responsibilities and social contracts and it was sometimes convenient to overlook the clerks.

In 1908 the newly formed union met what it identified as a determined effort to keep clerks, a conservative swathe of the workforce, from forging an industrial community likely to weigh in on the Labor side of politics. As Eleanor Cameron had anticipated the conservative Wade Government in New South Wales passed the *Industrial Disputes Act 1908*, assented to 6 September, which cut down arbitration for everyone but at least provided Wages Boards. Wade however did not recognize the clerical industry in the Schedule to the Act and so clerks as such were not eligible to apply for a Wages Board. Thus the union became registered under the Act on 28 September 1908 but found itself in the extraordinary position of not being permitted to represent clerks as an occupation, according to its constitution, at arbitration under the provisions of the very Act that gave it registration. As it fought for recognition the union soon got the measure of the task it had taken on.

A frustrating aspect of Wade's comments in the House on the virtues of his Industrial Disputes Bill when he had introduced it on 12 March 1908 was that he confirmed Eleanor Cameron's view that Wages Boards would suit the clerks' needs well. The reason for his Government's review of the existing arbitration legislation, the Premier explained, was that those deciding on Awards 'must have practical knowledge' to avoid inadequate decisions, and the powers of the Board must be 'very elastic'. Parties on both sides would elect representatives to the Board for their industry. There would be no provision for a common rule, as in the present Arbitration legislation, and instead there would be flexibility to decide 'whatever [was] a fair thing under the circumstances'. This seemed to redress in a most satisfactory way the side effects Eleanor Cameron foresaw for clerks if common rule Awards were made by judges of goodwill but little practical experience. Wade outlined how parties before the Boards could be unions or 'a body of men' (and presumably women). The Premier jibbed at a question about preference to unions being built into the Awards but in debate at the second reading it was resolved that preference could be obtained by voluntary consent, as indeed a 'collective bargain' could be brought by both sides before the Board, and made enforceable. But WA Holman, member of the Clerks' Union and future Labor Premier, asked a more awkward question; which industries would be included? Wade had in mind homogeneous workforces along the lines of coal mining. This made something of an anomaly of clerks and hinted that the 'elasticity' of the new measures might not reach to embrace them.²¹

One of the continuing themes in the history of the Clerks' Union has been affiliation or disaffiliation with the Labor Party. Very early in its life the Clerks' Union decided that, with so much of its industrial prospects depending upon the passing of favourable legislation in Parliament, there was advantage at that time in formalising an alliance with the party. The Executive Report of the Political Labor League for 1908 reported that the Clerks' Union was one of seven unions that had joined during the year.²²

'Unless they can get a Board which will cover all clerks, they do not want a Board at all'.

The *Industrial Disputes Act 1908* schedules permitted those clerks who were incidentally employed in some areas or industries scheduled, such as the Municipal Councils, Government Railways and Trams, and office assistants in shops, to apply for wages boards, along with various other employees in the scheduled industry, but not simply as clerks. This confronted the union with a hard choice; did it accept the government's decision to exclude some clerks and so forget about nurturing 'community of

interest' and a 'living wage' for all clerks? Did it leave many clerks outside the system, at the variable mercies of employers who could keep freedom of contract where their clerks were concerned? Giving in might have given the union itself a quite secure foothold and membership, but it would have been an admission that the idea of 'united' clerks and a clerk's work as an identifiable occupation was futile, and it would have diminished the union from the outset.

The union was clear about its priorities. The *Herald* published a feature article, 'Extraordinary revelation of sweated clerks', showing where the union's heart lay. The 'revelations' had been made at a meeting of the United Clerks Union where various cases, including examples of nervous conditions, had been raised, and conditions for clerks in the employment of carcase butchers, for example, were mentioned. The focus was on the more helpless and unnoticed clerks and bitterness was expressed that Wade ignored particularly dispersed and therefore vulnerable workforces - clerks, domestic servants and warehouse employees. However, the union boasted that this slight had only served to energize its work, and it was now reviewing its position. Of the 11,000 to 12,000 clerks in the metropolitan area, only 400 to 500 were organized, and the union planned a series of meetings and a recruiting campaign. It also expressed hopes for a national federation of clerks, assuring members that the struggle in New South Wales was inspiring other States.²³

The 1908 Act's failure to recognize clerks as an occupation represented by a union pointed up such a gross anomaly for clerks that it helped to soften Labor Council's opposition to unions registering under the Government's *Industrial Disputes Act 1908*. At first Labor Council, reacting to the substitution of Wages Boards for arbitration, had tried to persuade its delegates to resist the temptation to register under this Act and instead 'rely on strikes as the best means of obtaining justice'.²⁴ The tiny United Clerks' Union had no clout of that kind. However, Walter Duncan, President of the United Clerks in 1910 and influential enough in the labour movement to be elected President of Labor Council in 1911, stated that he would 'not see it as an act of disloyalty for a union to register under the Act for the purpose only of preventing any other union from taking its name by means of registration'. When several unions registered, the Labor Council could no longer ignore the peculiar injustice that the Act did not recognize the clerks even if they were registered. The Council appealed, unsuccessfully, to the Premier on behalf of the clerks 'that they be included in the schedule of industries under the Act', and thus the Council recognized the Board system for the clerks' sake.²⁵

Despite this marked encouragement from Labor Council it fell upon Harold Mercer to bear the brunt of the currents of political, legal and industrial forces. He and the union decided to go for broke, and made a desperate but somewhat ill conceived attempt to go to law to get a Wages Board set up for clerks, despite the provisions of the Act. He as well as the clerks suffered a hurtful rebuff from the Court. There was also some evidence that Wade might have dealt a little casually with the union.

On 31st May 1909 the President of the Industrial Court handed down his adverse recommendation in the matter of the United Clerks' application. Mercer had appeared for the union. The President of the Court found it impossible to recommend the union's application for a 'Board which could cover all clerks'. He could only bring some clerks within the Act's Schedule of eligible employees, for example, those who qualified as employees of the Chief Railway Commissioner, or the Council of Sydney or office assistants in shops but there was indeed no mention of clerks in the first column of

the Schedule 'as a general industry in respect of which a Board may be constituted'. Mercer had been adamant that 'unless they can get a Board which will cover all clerks, they do not want a Board at all'. Therefore the application 'must be refused'. Be that as it may, the legislation itself was tested and shown to turn a blind eye to the scope of clerks' work. That, however, was not the only rebuff in store for the union; the President of the Court added a severe postscript to his recommendation, declaring that the 'case was not prepared, but was simply flung at the head of the Court'. Mercer had suggested that the President might as well recommend a general Board because if the Act did not let him, then the Minister would 'put matters right by refusing to act' on the President's recommendation. The President saw this as a reflection upon the standards of the court and on clerks in general; he was appalled by this apparent lack of a work ethic on their part; 'If the applicants discharge their own duties on this principle of doing everything wrong because there is someone else who can put them right, I am not so much surprised at their salaries being small as at their getting any at all'. Even more unfortunately, Mercer had presented a letter to the court where 'Mr Wade' had made rather prevaricating remarks in response to some lobbying from the union, 'something about the court not taking a narrow view', and Mercer found himself before an incensed President roused to defend the great constitutional matters of the separation of powers and the independence of the judiciary. To make matters worse, the Premier had seen the outrage reported in the press, and hastened to support the President; 'In the absence of provisions for a General Board, clerks must obtain redress from association with the claims of the particular industry in which they are engaged'. Mercer's attitude may have been unwittingly provocative but it was rightfully seen as a threat to the independence and rigour of the court and there was something of a political incident. 'I am glad to be able to say that very few secretaries of unions have conducted themselves before me in this fashion', concluded the President. Mercer might have retorted that very few needed to take such desperate measures.²⁶

At best clerks seemed to have been sadly neglected in the system. The *Herald*, on 1 June 1909, published a measured account of what had happened to the clerks. They had not been present when the Wages Board legislation was under discussion and so the Act should be amended. The Government had set up industrial legislation but given the Clerks' Union 'no legislative redress' and 'no one can deny that this is a remarkable anomaly. There is some excuse for [the clerks] if in their enthusiasm and anxiety they may have forgotten the legal aspect of the social machinery they were hoping might be set to work on their behalf'.

'Obtaining relevance'

The union picked itself up after this drubbing and rallied its membership in the first edition of the *The Clerk*, published on 27 August 1909: 'In presenting this journal the United Clerks Union of New South Wales cramps a very large ambition for the future into a very small beginning'. *The Clerk* used boxing ring terms to describe the mixup it had had with the State Industrial Court and conservative Premier Wade; 'only a few rounds have been fought yet', and although the union had run foul of the gentlemanly rules of the 'boxing ring', meaning the court, 'the methods of the union need no apology'. With apologies to Mark Twain *The Clerk* sturdily declared that rumours that the union was dead were 'very much exaggerated'.

Indeed, the very fact that there was 'a necessity for fighting' was seen as 'a lesson in the need for

organization'. The union now declared itself full of 'determination and a high optimism', although it admitted these sometimes seemed 'the only assets it possessed'. However, while it had not gained standing in the arbitration or wage board systems, by August of 1909 its leaders had already put some 'assets' together, although of the intangible kind. The union had looked to its structure, and how in practical terms it could manage the task of keeping clerks 'united' while meeting their many and varied needs.

By November of 1909 the Clerks' Union had prepared a substantial report on the station book keepers after conducting interviews, often by letter, and generally studying the sector. The survey revealed just how many layers and compartments there were to the task of representing clerks. Even within this one industry it was 'difficult sometimes to fathom whether the grievance is specific to the individual member or the general mass'. Conditions varied 'with the peculiar characteristics of the employer' and many different qualifications were needed. These could sometimes include mustering and repairing fences, and the clerks' fees varied wildly, from £30 to £100 per annum. As the union studied its task, starting with the station book keepers, it saw the need to single out groups of clerks for attention while gathering in and uniting all kinds of clerks. It explained its method in *The Clerk*; 'particular needs could be met by sections and in that way the union could obtain relevance' to other areas of clerks' work, 'banks, insurance offices, accountants, the newspapers, shipping offices, wholesale houses and tally clerks'. Armed with this insight the union had then set about surveying the bank clerks, but in October of 1909 a letter from a station book keeper reminded everyone how delicate the balance between the interests of the 'united' union and its various members was: 'I am, of course, more interested in the formation of a station Book Keepers Union, but we must help one another'. 'Unity of clerks', continued the letter, was a 'much stronger thing provided that adequate provision is made to express the wishes of each section, as is done, than sectional unity'. Federation, it was noted, would also be a useful mechanism; it would unite and strengthen the sections of the union nationwide, making them less vulnerable to victimization'.

However, in these early years the union had been active on many fronts, including federation. It was already in touch with the Clerks' Union in Victoria 'with a view to approaching the Federal Court'. Federation clearly offered 'broader, better opportunities than under State law for better conditions'. Indeed, the union felt that organization of the two large groups it had commenced to survey, the station book keepers and the bank clerks, could not be 'properly effected' without federation. By November 1909 Victoria's union was 'now growing' and giving 'some consideration to federation and the proposals of the UCU'. Mercer had prepared rules for federation and on the 27 December there was a special summit meeting and adoption of the Federated Clerks Union of Australasia'. In January *The Clerk* reported that federation was 'almost complete' but the union's hope of founding the federation did not eventuate.

In the April 1910 edition of *The Clerk*, the last on record until the 1940s, the union published its scale for the station clerks, and incidentally described something of the vast pastoral industry of the times. Stations shearing under 30 000 sheep should pay £78 per annum; 50,000 sheep, £90; 75,000 sheep £104; 100,000 sheep £130; 150,000 sheep £156; 200,000 sheep £182, and over 200,000 £208. There was a provision that sheep numbers must be averaged over ten years, and the clerk was paid on that average if the station was understocked in some years.

A detailed report of the banking industry brought to light a standard of sorts; a prohibition on a man's marrying until he earned a certain amount. When the matter was raised in Parliament the response was disarmingly candid; 'It is for the men's own good!' Their journal published the sad song of the clerks in reply;

*The man at the desk with the patient look,
Has written his life in the open book,
Has charged up youth with a small amount,
And crossed off love as a closed account'*

A letter was published in the December *Clerk* declaring that the union's 'agitations' had brought about a wage rise for bank clerks, a rather better and less self serving solution than protecting them from the expenses of marriage. Buoyed by success, the union now held a meeting to organize wool brokers' clerks, determine the special conditions they would need, and put together a log of wages and conditions. Organization also proceeded on a general scale and with attention to practical details. Joining the union was made easy; pay 1/- to join, and send an application to 27 Post Office Chambers, Pitt Street; 'You will be nominated'.²⁷ Meetings were held alternate Wednesdays at 9 Rowe Street, and the subscription was 3d a week. The union also found jobs for members, although Mercer had to remind job seekers that they needed to tell him their qualifications and experience, and let him know if they found a position in the meantime! The union reached beyond its Sydney base; Frank Pittock was 'holding the fort' in Newcastle, and in late 1909 Mercer spent a week there. Charges were to be made on the Sydney 'branch' and a 'float' set up for Newcastle, which would be given 'practical autonomy' in its own affairs. By April 1910 the union resolved to issue tickets instead of contribution cards, payment to be made quarterly. The meetings were by then held monthly, on the second Wednesday each month.

Not only was there a drive for new members but also reassurance for the union's early and rather intrepid supporters. *The Clerk* made light of fears of victimization: 'Very frequently the Secretary, in his wanderings through the haunts of commercial giants and other wicked people, comes across clerks whose only reason for not joining the union is that it may involve them in trouble with their employers'. Mercer promised that the union 'can and will' defend its members, and in any case, membership could be kept confidential. The union also set about building a culture and sense of community among its members, with some ritual and ceremony. It was resolved to award distinguishing medals to pioneering members; gold for the first 100, silver for the next 250, and bronze to rest of the first 1,000, 'to be issued in the future to them'. In 1910 the membership was some 240. The First Annual Dinner was held on 18 March 1910, at the Burlington Cafe and while the gathering was small that was partly due to inexperience; Parliament was sitting and thus many Members sent apologies. One of the union's most constant memberships consisted of Labor MPs; Labor policy dictated they belong to a union, and the Clerks' Union was often the most suitable for their calling. However, George Beeby MLA was present, with a gratifying number of employers. Duncan acknowledged them with a 'Visitors' Toast' and they included TK Browne of Wright, Heaton & Co., GT Clarke, of the Chamber of Manufacturers, and Mr Cardogan, from the Institute of Accountants. E Farrar, President of the Labor Council, was also present. The union affiliated with the Council; Richard Oaten and Harold

Mercer, along with Walter Duncan who was on the Labor Council Executive as Vice President, were delegates. A Benefit Fund Committee had also been set up and the union was pleased in early 1910 to report that while in the first few months of the union's existence progress had been 'obstructed' by a change of officers, for the whole of the last year the leadership had been stable. President Campbell Carmichael resigned in March when he was elected to Parliament, whereupon Walter Duncan was elected, with Richard Oaten as Vice President and Harold Mercer continuing as Secretary.²⁸

Setbacks

Not everyone was pleased with the progress of the Clerks. The Chamber of Commerce viewed the growth of the Clerks' Union with alarm and devoted half of its annual report to this, and the Town Hall refused the clerks' request to hold a meeting there to discuss their bad conditions. Most of all, despite its organizing activities and progress, the union needed access to a Wages Board to get enforceable Awards for its members but Premier Wade continued to sideline the clerks. In mid 1909, after including the Portland Cement Workers in the Schedule, Wade promised to move an amendment allowing all those previously left out to be included. But the union felt that Fitzpatrick, Wade's 'wily henchman', deliberately stymied any motion in Parliament including anything about the clerks. This unenviable state of affairs for clerks in New South Wales was highlighted when the Victorian Premier, in contrast with the 'discredited Premier in New South Wales', agreed in late 1909 to an amendment of the Victorian legislation, so that clerks, stenographers, secretaries, amanuenses, book keepers and accountants were included. The unbudging Wade was described in *The Clerk* as a 'ridiculous Canute' and one JSR contributed a feisty poem, including the lines;

*You are a body that will be surveyed
With pride
When all the world has quite forgotten Wade
Or tried!
To Victory! Bang your conquering drum
The Rod!
Such things as Wade but very seldom come
Thank God²⁹
'An opportunity of being protected against a starvation wage'*

Although the union looked to federation as a way around the intransigent government in New South Wales, pressure had been kept up on Wade, and following a deputation from the union to Labor Council H Connell and JR Cochran (Secretary of Labor Council) waited on the Premier regarding the Schedule. Wade temporized, promising to make his own inquiries as to whether or not the clerks really wanted to be included and how bad their conditions really were. The union then received a response by letter from the Premier within the first half of 1910, blandly stating that 'nothing had arisen'. Wade in fact was planning a very different approach to the clerks. With an election looming in October of that year Wade's motives were open to question and his parliamentary opponents saw his sudden idea of doing something for the clerks to be a 'deathbed repentance' and none too sincere. There was certainly evidence of public opinion against the union's advancement and that explained why Wade hedged his political bets; when the clerks' delegates raised the possibility of compulsory

union membership at the Labor Council Congress in mid 1909, for example, they provoked a hostile response, reported in the *Herald* on 10 July 1909. PC Sparke declared the suggestion 'preposterous' given the small percentage of clerks choosing to belong to the union. Compulsory membership was nothing more than an attempt to swell the union's coffers and many clerks would surely 'repudiate' such a 'socialistic principle'. Sparke announced that a petition was circulating among clerks, actually opposing their inclusion in the Schedule.

Wade's *Clerical Workers Act, 1910* recognised the clerks but limited their industrial rights and crippled their union. The Act constituted a tribunal with the power to fix a minimum wage for persons engaged in clerical work, but 'no specific power to fix the hours or limits of normal work or overtime work or to impose general conditions except in the case of clerks who were aged, infirm, or slow or unable to earn the prescribed wage'. Applications could be made by 'not less than ten clerks' but 'no recognition was given to a trade union or an industrial union of clerical workers'. Wade however had put a plausible enough argument and his July introduction to his bill had been sympathetic in tone towards the clerks; the Honourable Members were 'fully aware of the recent history with regard to this movement, to give those engaged in clerical work an opportunity of being protected against a starvation wage, in the same way as the law now affords protection against similar hardship to those engaged in factories and industrial works'. Careful consideration had been given to this problem: 'The view the Government has taken is that it is more appropriate, and will be more effective, to deal with them by means of a definite Act of Parliament'. The conditions of clerical workers, declared the Premier, were not the same as those found in 'industrial life,' where 'there are what I might call beaten tracks established by usage. There are various classes of industries well recognised, all of which classes and grades carry with them a fixed rate of remuneration. In contrast with these situations we have the whole domain of clerical life ... where the classification is not so distinct, and the lines of demarcation are not so clear. The individual aptitude or ability of a clerk very often plays a larger part in fixing his salary than anything in the nature of established usage'.³⁰

This provoked lively argument in Parliament. When Wade assured the Legislative Assembly that the tribunal would indeed be an industrial court, McGowen pointed out that that meant Judge Herron, sitting alone, would fix wages to be paid 'for all kinds of clerical staff'. Wade's solution denied the point Eleanor Cameron had made; it was 'unfair to clerks' on the grounds that they would have no representation and the objection to the old arbitration system was precisely that there were 'no practical men to listen to the grievances of the body of workers looking for the amelioration of the conditions of their work'. But 'that condition will obtain in connection with the clerks', stated an exasperated McGowen. John Storey asked the question at the heart of the matter of the representation of clerks: 'Who is to deal with the case of the clerks? The judge is surely not going to take up their case himself?' McGowen pointed out that the clerks' grievances had indeed been 'dire and dreadful', and 'they have not a strong organization like many other workers have, and they therefore want all the more to be protected from the dire effects that may follow a mistake in judgment. It is necessary that they should have some practical persons ... before whom to put their case'. Wade's Act seemed to be not merely denying but removing clerks from the measures they most needed, and the debate became satirical and bitter. John Dacey complimented the 'Member for Randwick' on his 'political juggling on the eve of the elections' and declared that the Bill was designed 'to make class distinction'.

The Premier's attempt to distinguish clerks was untenable; if they were such an anomaly, and needed their own special Act, then why did journalists not need theirs? Dacey confronted the Government; this legislation was indeed meant to be divisive, planned to keep clerks 'away from the Trades Hall people, made to look down on the man with the bowyangs on'. Now, when the 'guillotine' was about to fall at election time, the Premier was introducing a Bill to fob off clerks and his only reason was a 'woman's reason - simply because'. To shouts of 'order' and 'rubbish!' Dacey pursued his point as he mimicked the Premier's underlying message to the clerks; 'It would not do for you to mix with the ordinary trades unionists; you must have a special act, in order that we may induce you to go against your fellow workers in the time to come'. It was, Dacey summed up, simply 'class legislation'. Carmichael, past President of the clerks, described the Premier as 'dumb as an oyster' in the face of debate, giving no proper reason for keeping clerks 'beyond the operation of the Act for two years'. It was against such discrimination 'we are protesting'. Beeby, also a friend of the union, pointed out that the shop assistants, whom Eleanor Cameron had identified as similar to the clerks, were a similar case, yet they were included in the Industrial Disputes Act Schedule. When the Bill was read in the Legislative Council, the even more conservative-dominated Upper House, J Garland made clear the level of contempt for the Clerks' Union; it was a mere 243 strong, out of the 20,000 clerks in New South Wales, and in Garland's opinion it had no right to represent them as the 'large body evidently did not care for the union'. JM Creed wondered whether the term 'clerks in any occupation' included clerks in 'holy orders'. F Flowers defended the union and its effect on the morale of clerks; 'the clerk no longer measures his importance by the fact that he is a clerk, or by the gentility of his occupation'. It was 'only a small beginning but that 240 men should be prepared to risk their positions and probably make victims of themselves by taking the first courageous steps towards improving the conditions of their fellow workers, is an act worthy of admiration and praise'. But WJ Trickett saw Wade's Bill as a 'step in the right direction' and declared that 'dissatisfaction with the Bill cannot be very great or we would have heard about it'. WJ Treloar asked 'what do they want this union for?'³¹

The Bill was assented to on 6 September 1910; the issue of overtime and sweating was not addressed and there was no arbitration for clerks. As McGowen put it the Government had offered the clerical workers 'a stone instead of bread'.³² The union conducted a fierce campaign against Wade in the press, fuelled by the approaching election and reluctance to let Wade pass off the Act as a boon for clerks. Fred Cheeseman complained in a letter to the *Herald* 3 August 1910 that although a UCU deputation had waited 'in very mild spirit' on Wade there had been no consultation over the 1910 Act, and to make matters worse the musicians were in the Schedule to the 1908 Act, but unaccountably not the clerks. Cheeseman was quoted in the *Herald* on 18 August 1910 as saying that the Act 'was not meant to be of benefit to clerks, but simply [to] shelve the matter until after the elections'. He likened this to the relationship of the spider and the fly, where the Government meant to lure and trap the clerks into accepting such a mean piece of law so that they would foolishly help to return Wade's administration. Cheeseman turned the tables neatly on Wade; he had done the union 'more good by this Act than he possibly could have done even had he included us under the schedule'. The Premier's action would induce thousands of clerks who have 'hitherto held aloof' to join and help 'swell the fighting power for the purpose of proving our needs and compelling some proper recognition'.

Cheeseman had a point. In a leading article on 13 September the *Herald* attributed the Federal Labor victory that year to the disaffected clerks: 'It is a sign of our sectionalising times that we now speak of the Clerks' vote', and it appeared that 'industrial discontent could find political expression among clerical workers just as well as among manual workers'. Clerks, it seemed, were forgetting their self effacing place in the order of things but the article certainly tried the spider and fly game with the clerks; clerks were not politically minded but had simply hit out in 'blind protest against economic pressure', distressed by their 'inelastic salaries' while manual workers saw their pay raised by the 'compulsive influence of unions or the agency of industrial tribunals'. Moreover, the 'peculiarly individual character of their occupation made organization into a union difficult, if not impossible', and they had no tribunal, they suffered increasing competition from women 'who generally worked cheaper' and they experienced the 'anomaly' of being worse off in more prosperous times. Nationwide, their reaction had been to lash out at those political heads 'most identified with the existing order'. Of course in New South Wales things were very different where 'Mr Wade's Act' was especially designed for clerks. Not under a Wages Board, admittedly, but it 'behooves' all those 'candidates and organisers in the Liberal interest' to 'recognise this is now the law'. The contrary Labor Government was 'fostering' the idea that the provisions of the Clerks' Act were 'inferior' to those of the Wages Boards, when the reality was that clerks had the same right of appeal to the Industrial Court, but by a different route. Instead of making application through the Clerks' Union, the Act put it 'in the power of groups of clerks in the same class of employment to ask for an Award'. The *Herald* article then aimed a blow directly at the union; the provisions of the Act 'may not make for the aggrandizement of the union or its permanent officials but it simplifies the procedure very much for the clerks themselves'. The *Herald* had planted the doubt best designed to eat away at unions; what purpose did the Clerks' Union serve, beyond providing livelihoods and opportunities in labour politics for its officers?

The clerks' views on the Act were made public when the union's Richard Oaten briefed the *Daily Telegraph* on 21 September at a meeting of the union in the Trades Hall. Several meetings preceded this one, and the recommendation now hammered out was that 'the Act is an admission of the point for which the Clerks' Union has fought, and which Mr Wade has so long denied, that clerks are entitled to industrial redress, and that practical machinery must be supplied in the formation of sectional boards to consider their claims'. Oaten labelled the Act a 'legislative swindle' and therefore the union had taken legal opinion. Its solicitor found the legislation 'most loosely worked and indefinite' from a government usually capable of clarity. The meeting then decided that 'speakers from the union should go all round the city and suburbs' pointing out flaws in the Act.

Chapter 2

Dealing with a Labor Government, 1910 – 1914

The Wade Government was defeated in October of 1910, so allegations that Wade's *Clerical Workers' Act* had been a 'death bed repentance' seemed fair comment. A Labor Government, led by James McGowen, took office in New South Wales but with a tenuous majority. Discontent would grow with his inability to deliver all the Labor policy that the unions had helped to develop while Attorney General Holman's opposition to two significant planks in the traditional Labor platform, that industrial matters be given over to the Commonwealth and the Upper House abolished, alienated Labor supporters in New South Wales. The survival of the conservative Upper House would have particular consequences for the clerks while the differences between the industrial and parliamentary wings of the Labor Government grew as parliamentarians looked to holding office and industrialists pursued policy. At the same time the union included in its rank and file most of the Labor parliamentarians of the time, with the result that even such a clear Labor policy as anti-conscription could draw some curious and mixed responses from the members of the union to its leaders' views.

In 1910 the clerks looked forward to a better deal under Labor. Their union proceeded with confidence and even displayed some industrial muscle. The shipping clerks supported the wharf labourers' strike in November and resolved that they would not 'scab'; they refused to unload cargo at the behest of the Steamship Owners' Corporation. The union was reported to be rapidly gaining strength among the wharf clerks, with many supporting full membership for the purpose of 'mutual protection'. The meeting closed amid 'wild enthusiasm' and a number of new members enrolled the next day.¹

On 8 November the McGowen Labor Government amended the Schedule to the *Industrial Disputes Act*, allowing the Clerks' Union to apply for a Board for the Industry of Clerical Workers and also restoring aspects of arbitration. 'Persons employed in clerical work were thus for the first time placed upon exactly the same footing for arbitration purposes as other industrial workers'.² Full of hope, the UCU 'speedily' made an application for a Wages Board, and the application was dealt with on the 7th December. But the whole matter was stood over when, as the United Clerks pursued its application for a Wages Board, the Government set about repealing the 1908 Act, along with its Schedules, and replacing it with the *Industrial Arbitration Act 1912*, assented to 15 April 1912. That Act kept Wages Boards but restored much of the arbitration system. Eleanor Cameron would have approved of this legislation but the clerks, together with rural workers, were left out of the new schedule. The Legislative Council had excluded them and the old Act was repealed on the 15 April 1912, leaving 'no provision whatever' as the *Industrial Gazette* put it with some pointedness, 'for the recognition of clerks as an industry for arbitration purposes'. The Labor Council 'unanimously' condemned the Legislative Council for rejecting a schedule including clerks.³ The idea that there was a plot against clerks joining unions had also been suggested in the press when the *Herald* on 29 September 1911 noted that Mr Batchelor had visited the union from Queensland and alleged that a British warehouse kept sending clerks under contract from overseas to 'defeat the union movement among clerks'. They were slightly better paid, and when approached the Minister had said any amendment would defeat

the purpose of the legislation, which was to keep out competition from lower paid workers. He was however prepared to amend the law to include those clerks paid wages below a specified amount.

Following the 1912 disappointment the union sent petitions and deputations to lobby the Government. By 1913 the United Clerks pursued two main objectives, inclusion in the Schedule and some measure, preferably legislation, to give temporary government clerks fair tenure of their jobs. The long delay over the Wages Board meant the union had to sustain its membership and to do so it turned away from the ideal of surveying and organising the likes of the sheep station book keepers. More accessible and easily organised groups had to be focused upon if the union, with its slender resources, were to keep itself alive. It also had to justify seeking a membership by showing that it could have some effect and provide some benefit for its loyal supporters. There was another way to obtain agreements and even legislation for government clerks while the union waited for a Wage Board and the possibility of Awards. If the Government could not or would not empower the union with access to the industrial system, the union could deal with Government at an entirely different level, as the employer of numerous temporary clerks in the Public Service. While those clerks appointed by examination and enjoying permanent status belonged to the Public Service Association, this left temporary clerks in the State and Commonwealth Public Services unorganised, and a delegation from the union, led by the Reverend FB Cowling, had obtained a promise from Holman to give permanent status to 'his' temporary State clerks after a certain number of years. It was reported that this involved some 400 clerks, and would greatly improve the membership of the Clerks' Union. 'Movement was on foot' to set up a Section for the State government clerks, with the right to vote for their own officers.⁴ In July of 1913⁵ the Premier promised to put up a Bill covering government temporary clerks for consideration but in August the union was disappointed that Holman, who became Premier, made no mention of the temporary clerks in his speech, and so another deputation was sent to McGowen, then Minister for Labour, concerning the temporary clerks and the schedule. The pressure was sustained; the Minutes noted that the 'Secretary of the UCU' maintained 'close contact with the Government about the temporary clerks and a Bill was apparently to be introduced soon'.⁶

On 25 September 1913 McGowen again moved in the Legislative Assembly that 'clerks be added to the Schedule'. Section 6 of the 1912 Act provided for occupations and industries to be added or dropped, and amongst the other additions McGowen raised were stone planers, a new occupation arising from new technology, and indeed a 'marvellous development of our secondary industries'. McGowen was however less confident about the clerks: 'Now we come to a matter that may, though I hope will not, cause discussion. I refer to the clerks'.

Discussion indeed followed, revealing again the anomalous position of clerks under existing legislation and the injustice to them. Wade's *Clerical Workers Act*, still in force, did not actually apply to all clerks because some clerks in scheduled industries came within the *Industrial Arbitration Act*.⁷ This state of affairs amounted to inequity among clerks; those who came under scheduled industries could have Awards, while their fellow clerks in unscheduled industries could not even apply. The *Clerical Workers Act* gave the tribunal no powers to fix normal hours for a minimum wage, and the whole system treated the clerks as 'nomads'; the provisions of the Act were 'so intrinsically absurd that no attempt had been made to put them to use'. McGowen and other Labor members argued and even pleaded: 'Deputation after deputation have waited upon Ministers'. In the Legislative Council

Industrial Arbitration Committee on 1 October 1913⁸ AW Meeks stated that ‘insertion of clerks in this schedule, there being an act in force dealing with the clerks, cannot, I think, have any effect at all. I therefore move that the word ‘clerk’ be omitted’. The omission was agreed to, while the stone planers and others were recognized in the Schedules for Wages Boards and the clerks were left with Wade’s Act. In February of the next year, the union looked at promoting a test case to show the *Clerical Workers’ Act’s* ‘absolute inability to give redress’,⁹ but on 11 February 1914 the Executive noted that employees of James Sandy & Co had in fact already tried it and the Act had been ‘found wanting’.

The union’s fairy tale hopes had faded as it came face to face with the harsh realities of organizing clerks and winning quite ordinary industrial rights and standards for them. As the union failed to tap into the essential support mechanisms provided by legislation it began to lose its way. The United Clerks faced many problems; by the middle of 1913 it had acute financial difficulties and a membership sliding towards a mere 100. It now looked at issuing summonses to get in subscriptions in arrears. Smoke concerts and boxing tournaments were planned to raise funds, and at the July Executive Meeting the typewriter had to be surrendered. Harry Evans acted as Secretary and Miss Dorothy Evans was mentioned as Assistant Secretary. The Executive, with AA Jones as its President, met on a Sunday to assist Evans with the clerical work of the union. On 15 July Walter Duncan wanted to call a special meeting to discuss the financial position and paying off ‘several pressing liabilities’. Even a Moonlight Boating Excursion to raise funds was causing trouble; the proceeds could not be got from the person who organized it.

Not surprisingly the long, humiliating and fruitless early battles caused both lack of interest and tension in the union. Back in 1909 the January edition of *The Clerk* had described plans for the membership to fall into sections and how these would hold meetings and get some idea of conditions in their particular field of work. But when no Board eventuated and they became disappointed at lack of progress they lost faith in the Executive of the union, and rifts started to show. The *Daily Telegraph* on 28 October 1912 reported that the UCU was suppressing free speech; it had ‘excommunicated’ a member for writing a letter to the press, criticising the Executive. This was a ‘striking example’ of how Labor ‘stifles free speech’, and given the union’s policy of preference to unionists, could cost the man his livelihood. The question arose again, in a different form, of who should deal with the case of the clerks, and this time the challenge came from within the union’s own ranks.

The Shipping Section, once enthusiastic, was now losing interest in an alarming way. Armstrong called on the Shipping Section in August of 1913 but its members seemed ‘indifferent to the welfare of the union’ and refused to pay their dues. Armstrong then wondered if the Wharf Labourers’ Union might be called on to help, and Mr Currie was appointed collector and delegate to deal with the ‘apathy displayed’. At first Currie reported back that things seemed hopeful in the Shipping Section and advised calling a special meeting at the Aarons Exchange Hotel, as soon as possible. Twenty-five members attended, elected H Gilbert their chairman and resolved that a special effort be made. However, the shipping clerks were difficult to discipline; clerks working as wharf labourers at Huddart Parker Wharf had to be sent a letter asking if they meant to keep their union membership. On the 26 November 1913 a specially summoned meeting of the shipping section was called and the members were told not to do work of any other nature. At the Annual Meeting at the Sydney School of Arts Mr H Clark reported that the Shipping, or Wharf Section as it was also known, had ‘definitely decided to

break away from the union'. It was reported at the Executive Meeting of 11 February 1914 that the Shipping Section had been registered, but in June the UCU successfully contested the registration. The Industrial Registrar noted that the wharf clerks appeared 'to be sufficiently large in number to largely control the United Clerks' Union, and to effectively use its energies for their benefit if hitherto they have not been directed'.¹⁰ The union spent a good deal of time and effort coaxing the shipping clerks back into the fold.

Meanwhile there had been other inroads into the union's field of recruitment. It was determined to oppose any attempt to register the Public Service Association as an industrial trade union on the grounds Public Service clerks could belong to the Clerks' Union but the Association was registered on 26 May 1920.

The UCU now looked to make its own inroads. In 1911 the Shop Assistants Country Board had been set up, shop assistants including those 'in any capacity relative to clerical work, book keeping, cash taking or typewriting' and the Shop Assistants (Metropolitan Drapers etc) Board made provision for office assistants in its Award. On 14 January 1914 the UCU resolved to facilitate organisation of the shop clerks by letting them have a representative on the Board for Shop Workers. When the Board was consolidated into the Professional and Shopworkers Group the judge ordered that one of the shop assistant representatives retire to make way for a UCU representative and the clerks then became a party to the Award. It was also resolved to apply for a Board in the Shipping and Transport Section.¹¹ In September Judge Heydon referred the application for a board to the Industrial Registrar to enquire and report on 'the nature of work performed'.¹²

Despite these efforts to serve and recruit State Government clerks, clerks in shops and the shipping clerks, real reprieve for the hard pressed union came from an unwelcome event, the outbreak of the First World War. As wartime departments were set up, particularly in Sydney, Commonwealth temporary clerks were needed in large numbers to administer for example the Expeditionary Pay Office and other offices at centres such as Victoria Barracks and Cockatoo and Garden Islands. It seemed likely that the Government would give preference to clerks belonging to a union and as the union also lobbied for permanent status for longstanding clerks the Commonwealth temporary clerks began to join, especially when preference to union members was confirmed in 1916.

In the meantime the union at last won industrial legitimacy when the clerks were added to the Schedule of the Act, notably on the eve of an election. It had taken four attempts and 'it was not until November, 1915, that both Houses of Parliament could be induced to agree to the inclusion of the industry of 'clerks other than articulated, solicitors', or architects clerks' in the schedule of workers eligible for a wages Board.¹³ The clerks were placed in the Professional and Shopworkers' Group of industries under the Act. When Lewis Herman, Secretary of the Clerks' Union, promptly applied on 17 November 1915 for a Board to be set up for clerks, the banks objected that the Act did not apply because the *Clerical Workers Act, 1912* was still on the statute books. It was repealed on 29 December 1915.

Less legalistic and more practical however was the problem of how a Wages Board for clerks in general could actually function. The Court worked on the principle of proceeding slowly. Therefore, while the Board got its bearings with the main mass of clerks, the court saw no harm in granting

applications for exemptions. The exemptions therefore included the employees of 42 of the largest manufacturing and commercial houses in the city' as well as 'articled solicitors', or architects' clerks, cashiers and office assistants in the shops, clerks in banks and insurance officers and the employees of the Chief Commissioner for Railways. The Court reasoned that it should gain some perspective on just what was needed, and the exempted clerks were little more than a drop in the ocean of clerks facing the Board. On this principle the Judge also recommended that the Board, 'in the first instance', should cover only the metropolitan areas, on the grounds that the work of clerks was not the same thing in all places, and country conditions for example might not be the right yardstick for all clerks.

It was also in some cases 'the wish of the employees themselves not to come under the Board', they were 'getting specially good conditions, which they don't want to run any risk of losing. I think', said the judge,' it is fair for them that the first Board should exempt them. To my mind, it is a gratifying thing to find that there are industries in which the feeling between employer and employee is one of confidence and respect not of suspicion and dislike, as I am sorry to say commonly exists'. In the Court's opinion, if Mr Herman could indeed get these clerks, at present 'proud of the service they are in and satisfied with the conditions of their employment', better conditions than well and good. They could then apply for inclusion. The Court summed up the struggle the union faced: 'The real secret, I think, of all this agitation upon the part of clerks is that it is an industry that had never been under a board before, and a very large number of clerks view it with a good deal of suspicion and dislike. Apparently, judging from what I see before me, they do not want to be in a board at all. They are under good conditions at present, enjoying privileges which they are afraid that the effect of a board will be to deprive them of.' However, 'Boards are not established to bring people down', the Judge reassured the clerks. The *Industrial Gazette* observed that: 'The Court, after careful consideration, determined to constitute one board, but greatly increased the list of those employers who were to be exempt, and took occasion to explain that the board would probably find it necessary, in view of the great variety of conditions under which the work of the industry was performed, to make several Awards.'¹⁴

This time 'the Minister acted upon the Court's recommendation', and the Professional and Shopworkers' Group, No. 9 (Clerks, Metropolitan) Board came into existence from 21 December 1915. The *Industrial Gazette* recorded Richard Egbert Oaten, Accountant, and Lewis Herman as the employee representatives on the Board in September of 1916. The experienced State Industrial Court granted the Union's application for a Wages Board with some apprehension: 'This is the first Board that has been established for this enormous industry, and I think it very likely after it has had its sittings and arrived at its Award, we shall be in possession of a body of information that will enable us to see the situation a good deal more clearly than we can at present'. The Court laid out in realistic terms the scope of the task:

There will be an immense amount of work to be done by the board - questions of grading and classifying which will come forward, and when once the work is started, and information comes in, I do not know how many awards may be found necessary, or what subdivisions or classifications. If there is no classification, then, of course, the wage of the humblest clerk must be the minimum; if there is a classification that can be avoided...¹⁵

Having fought so hard to be included in the wages system, the union now faced two limitations for clerks. These had already developed within the industrial system and the reality was that while Awards might provide authority for the regulation of clerks' rates and conditions the system might not suit them. Justice Higgins in the Federal jurisdiction had recognised the difficulty courts had in classifying and grading work: the 'safest line to follow, for one not initiated into the mysteries of the several arts and crafts, is to keep close to the distinctions in grade between the employees as expressed in wages by the employers for many years'.¹⁶ But the courts tended to take a 'passive' role and classifications usually reflected well established competencies based on standardised training and responsibilities, especially evident amongst tradespeople who served apprenticeships. There was a 'going' rate for their services. Hundreds of such classifications could indeed be included in an Award, but clerks, who tended to learn whatever had to be done on the job and were confusingly multi-skilled, could not easily be brought within this kind of system except by Agreements or Awards with specific industries or employers. Across the board classifications for informally trained but skilled clerks seemed almost impossible, and even though clerks became more valuable to their employers as they improved their skills and progressed in their 'career', it would prove difficult to have these progressions arbitrated upon and set out in Awards able to cover all clerks. The default position for clerks generally became that the employer was best able to grade and promote his or her own clerks above a preliminary range of age or years-of-service based increments, and these tended to be available in Awards by consent rather than by arbitration. Many Agreements would be obtained over the century but it would prove almost impossible to negotiate separately with all the employers of clerks.

When the clerks at last joined the industrial system there was also already a formula in place for setting margins for skills. It depended very much upon the traditional trade classifications in many manufacturing and processing Awards. In 1907 Justice Higgins in the *Harvester* judgment had set a benchmark for margins above the Federal basic wage by providing that the ratio of basic wage to margin for skills at the level of fitters and metal machinists should be in the order of 7:1. In this occupation workers practised fairly universal and recognisable levels of skills and responsibility and had formal training. Margin levels for other skilled occupations could be set according to their rankings in relation to the fitters and machinists; comparisons across Awards and industries were possible. The skills of boot makers, for example, could be compared with the skills of machinists. At the same time the courts took responsibility for classifying those who seemed to be at the wrong level, and the method for doing this became known as determining 'work value', based on the levels of skill, responsibility and training required. When Justice Higgins found that the work of butchers was undervalued compared with galley hands' work, this was 'the first 'work value' case. The butchers could then be slotted tidily into the system. Hancock and Richardson note that by the middle of the century most of the work value cases were completed and workers 'slotted in' to the extensive Award coverage of a wages system¹⁷. The metal trades Award for the classification of fitters and machinists served as the pacesetters for increases. Once the fitters and machinists gained a margins increase, other classifications were adjusted according to their ranking in relation to the fitters and machinists.

The problems for clerks could be seen from the start. They were an anomaly in the system. With the exception of such people as stenographers and ledger machine operators, who as women presented yet another anomaly, clerks' skills were highly variable from workplace to workplace. Their

Awards would often offer only average margins. Neither were their classifications based on criteria comparable with those operating in the industrial system and clerks were rarely allowed to 'slot' into it. The result was that while many other workers had their place in the classifications framework and increases, often won by the powerful metal trades unions, flowed on to them on the basis of comparative wage justice, the clerks were often outside this framework. They had to establish work value on a constant basis to keep up with general increases and while so many occupations were safely if rigidly ensconced in the wages system, the clerks' union spent much of the century creating and maintaining a self-contained wage system for clerks. The union faced the daunting double burden of running costly and time consuming work value cases to maintain standards for a most difficult to organise membership. Far beyond acting as the clerks' diligent representative in the arbitration system, the union's task would be to solve the problem of how to make the system work for clerks. The best gradings would be available in industry-based Awards in the Federal sphere, where the patterns of work and careers available in particular industries could be dealt with more thoroughly and there was no common rule. That left a challenging task for the Union in New South Wales as it strove to cover those needing State Award coverage.

The first Award was the Metropolitan Clerks' Award, an interim Award by consent, made by Chairman of the Board HR Curlewis, and gazetted on 9 June 1916, giving metropolitan clerks within the boundaries of the north eastern edge of Manly, the town of Hornsby, Emu Plains, Sutherland and Botany Bay a 48-hour week for weekly clerks and a minimum award rate of £2/12/6 for 23 years of age and over and £1/10/- for females of the same age. Overtime was to be paid over 10 hours in any one day or over 48 hours in a week at the rate of time and a quarter for the first three hours, and time and a half thereafter. Employers may give weekly clerks time off in lieu. Casual clerks worked 8¾ hours Monday to Friday and 4½ hours on Saturday and were paid time and a half, plus overtime as for weekly clerks. Annual holidays could be taken in lieu of any overtime worked. Exceptions were the wharf clerks, clerks in wholesale and hardware, articled clerks, architects clerks, office assistants in shops and clerks in banks and insurance, as well as the long list of exempted companies. The Award did not apply to clerks earning over £3, known as the 'exemption' rate, effectively barring highly skilled and senior clerks from Award coverage.

Putting its faith in the 'several Awards' principle, the UCU had lodged claims for shipping clerks on 5 January 1916. But while Harold Mercer's original application in 1909 had been rejected because it was too broad, seeking as it did a Board for all clerks, the employers now protested that the shipping claim was too narrow; it ought to be for all clerks. The employers had two arguments: it was inconvenient to deal with the clerks 'piecemeal' and there was no jurisdiction to make an Award that did not cover all clerks. The Court made a shrewd observation: 'it is far more convenient that the industry should be dealt with in sections. The term clerk is an exceedingly elastic one...'¹⁸ However, with the advent of war the Government suspended the Wages Boards and wages were effectively frozen. The union however won its Award for casual shipping clerks, gazetted on 6 October 1916. Their wages were 1/9 per hour with overtime at time and a half, double time for Sundays and specified holidays. The minimum engagement was for four hours per day and gave preference to clerks belonging to the union, 'all other things being equal'.

How far the long denial of a Clerks' Wages Board deflected the union from its original vision raises some compelling questions. Without the prospect of being able to obtain Awards for a broad range of clerks, the impetus and original intention of surveying and organising isolated and disadvantaged groups, little by little but with care and thoroughness, were lost as the union was reduced to focusing upon concentrations of clerks, such as the Commonwealth Temporary Clerks, the temporary Public Service clerks and the wharf clerks. None of these was typical of the great body of commercial clerks, but they at least provided an accessible membership. While commercial clerks were not neglected, the union became increasingly caught up with the fortunes of the Public Service clerks and relations with their employer, the Government. The lack of a broad rank and file of commercial clerks, able to assert itself and vote for a stable leadership, also meant years of leadership struggle and instability. The original ideas of building slowly, a process the early leaders seemed able to accept, and the construction of a carefully nurtured and loyal membership had to be set aside to keep the union alive. The sheep station book keepers were not heard of again, and as for the bank clerks, they formed their own union in 1919 and the United Bank Officers Association was registered in 1920. Insurance clerks also registered their own union.

Disharmony at home - Walter Duncan and the Labor Government

The Labor Government's disappointingly slow provision of industrial legislation for the clerks had its source in a wider crisis for the labour movement. This affected not only the industrial prospects but also the solidarity of the Clerks' Union. The labour movement, and particularly its industrial arm, wanted the States to surrender their industrial powers to the Commonwealth, allowing workers the benefits of federal industrial provisions such as a regularly reviewed basic wage and conciliation as well as arbitration, not to mention comprehensive Awards and nationwide solidarity. There were also calls to seize the day and abolish the obstructive Legislative Council. These measures would have suited the clerks very well but Holman as Attorney General in 1910 thought in terms of States rights and later did not move to control and vote out the Upper House in NSW. Instead he later nominated a proportion of non-Labor members and so lost the opportunity to end that conservative brake on Labor Governments. This failure on his part was seen in some quarters as a reward to some Labor members already in the Upper House; keeping the Upper House kept their seats for them. The truth was that Holman was determined to keep his political feet; when he lost Labor support over his lack of opposition to a referendum seeking conscription in 1916 he crossed the floor and held on to the premiership under the aegis of a National Party Government. Industrially minded Labor supporters were frustrated with this lack of policy values in New South Wales and it made labour politics fractious and complicated. The effects within the Clerks' Union took on an extra dimension because the union's Walter Duncan was influential in the Labor Council and the Political Labor League (the PLL, as the Labor Party was then known). He was Labor Council President in 1910, and a PLL Executive member in 1911. Duncan took Holman on in 1911, after Holman did not support the federal referendum in that year to extend Federal industrial powers and thus advance labour policy. Duncan moved the motion to call a special PLL meeting in August to 'consider the future attitude of the movement' towards those who had not helped with the referendum, but at the conference Holman's political skills saved his skin; as Acting Premier he had held onto office after resignations left a minority Labor Government. Duncan's censure motion seems to have fallen flat, and he was left in a fairly extreme

position, not to the taste of all in the Clerks' Union.¹⁹ The union exhibited a range of progressive and moderate elements, not well reconciled between leadership and rank and file.

In September 1913, after a spate of resignations, Duncan succeeded AA Jones, elected in July, as President. Indications are that he was energizing the shop workers' section to dominate the union. By November questions were put on record as to why Duncan took it upon himself to oppose Parliamentary Labor, Premier Holman's endorsement and Holman's attitude to abolition of the Upper House, all without consulting the union? The challenge to Duncan's mandate soon developed into a struggle as Duncan's Section-based faction tried to tighten its hold. When J Richmond, an ally of Duncan, was elected Secretary he was speedily defeated by Lewis Herman, amid claims that the books were in a 'hopeless state' and instructions were given to Richmond to 'hand over the property of the union to the Secretary within 24 hours'.²⁰ The *Herald* reported 'considerable trouble' and a split in the UCU, which had 'a very chequered career since its inauguration'. The union claimed that Messrs Tompkins and Jones were the elected delegates to Labor Council, but when they took their seats a letter 'purporting to be from the union' stated a Mr WL Duncan, an ex-president, and Mr J Richmond were elected. Thus there were two letters of accreditation from 'two distinct sections of the union' and 'insinuations about bogus organisations' were 'thrown around freely'. It was left for the Labor Council Executive to sort out, and as Tompkins and Jones were first, they were accredited²¹. Duncan withdrew from the union, first resigning from the Shop Workers' Section, and then his position on the Executive Committee was declared vacant in October of 1915, along with the positions of Armstrong and Stevens as trustees. They had failed to attend three consecutive meetings. Lewis Herman attended the PLL conference on behalf of the union in March of 1915, with Miss Matthews as alternative delegate. By then a 'breakaway' union had formed, where the inaugural president was Walter Duncan. This 'split' among the clerks would complicate the United Clerks' negotiations to become a Branch of the Federated Clerks' Union of Australia.

Another Clerks' Union

On 12 March 1915, 87 gentlemen met and agreed to form themselves into what was initially known as the Commonwealth Clerical Officers Union (the CCOU). Mr E Riley took the Chair. He referred to the Government's policy of preference for union members over non-union members for the Defence Department's Commonwealth temporary clerks at Garden and Cockatoo Islands. Though the majority of the clerks employed at both had heard representatives of the United Clerks Union on this subject, employees of the Commonwealth Government did not come under the jurisdiction of the State Court, and their interests would be better served as Riley put it by 'our organisation of Commonwealth Government Clerical Workers'.²² Riley stood to draw the United Clerks' richest source of members away from it.

The new union immediately had ambitions to recruit beyond New South Wales. Riley visited the quite flourishing Victorian Clerks' Union and its leader PJ Clarey. The Victorians had already grasped the wisdom of registering a Federal Clerks' Union and had done so, on 13 April 1911, naming it the Federated Clerks Union of Australia. Its full working constitution was not in place until 1915, but the federal cloak it had created was reserved in readiness to accept any clerks' organization prepared to comply with the rules, become a properly constituted branch and, ideally, keep up its payment

of sustenance fees. 'In unity is strength' and on that principle the Victorian union had also staved off federal registration by other unions intending to include clerks. Wearing its FCUA Branch hat, the Victorian Clerks had already ensured that 'all the temporary [Commonwealth] clerks in Victoria' were its members and it had beaten the New South Wales men to this field of recruitment. Riley then persuaded his CCOU to join the Federation as the NSW Branch. PJ Clarey was on hand to address the New South Wales group but did not quite agree with Riley. There was only room for one Branch, apart from Broken Hill, in New South Wales and Clarey no doubt wanted the more established and broadly based United Clerks' Union as that Branch. He suggested that all CCOU members join the United Clerks. It had not yet federated but 'had the whole force and strength of the Trades Hall Movement', including the support of the Trades and Labor Council. Clarey no doubt saw the next step would be that the United Clerks' Union, with an increased membership, would form the New South Wales Branch of the Federation, but this plan was thwarted when Riley won the day against Cheeseman, who supported amalgamation. The meeting resolved to 'adopt the rules of the Federated Clerks Union of Australia, and [make] application herewith to become members of the Sydney Branch thereof', with the present officers the officers 'pro-tem of the Sydney Branch'.

On the 12 August the CCOU changed its name to the 'Sydney Branch of the Federated Clerks Union'. It was federated in name only; to join the Federation the Federal Conference had to admit it. The meeting adopted the rules of the Victorian Branch as a temporary working model. WL Duncan was elected as the inaugural President and E Riley as Secretary.²³ Meanwhile the United Clerks' Union resented the possibility of an upstart and even 'bogus' union getting the upper hand in the Federation. It also felt that the rules of the Federation took away some of its independence and its fears that the Federation could intrude proved not unreasonable. It was certainly not prepared to play second fiddle to the new FCU NSW Branch in any amalgamation. Nevertheless the bold new union had pushed clerks in New South Wales to take the first steps towards being able to engage fully with two great turn-of-the-century watersheds, the Commonwealth of Australia and Commonwealth Arbitration.

Since the inauguration of the Commonwealth of Australia there had been separate State and Federal systems. Unions had to be registered in the Federal system if they hoped to recruit and represent those clerks who were a part of an enterprise, including of course the Federal Government and its instrumentalities, extending beyond the boundaries of a single State. Those members were entitled to Federal Awards and provisions. Shipping clerks working on the Sydney waterfront for a company operating in other States, for example, or clerks in multi-State oil companies, breweries and later airlines and vehicle manufacturing, could work under Federal Awards. The dispersal of clerks through all workplaces and industries and the wide range of clerical work cried out for a system able to pay attention to them and organise them at close quarters and also represent them where possible at the national level. If a union were a branch of a Federal body as well as a State registered union, then its double identity let it claim for State Awards and do the practical, State-based work of organising, recruiting, managing rank and file membership and preparing logs of claims. The Federal body of the union then had standing to present those logs in the Federal sphere for members who were eligible and might be best served by Federal provisions. Federal Awards were more specific and more analytical of the workers' skills, they did not make common rules and were only binding upon those employers party to the dispute. Their focus was specific and highly descriptive of employees' work.

While the United Clerks had always been interested in Federation, and indeed once saw itself as the centre of a national union, in mid 1913 it had advised the FCUA that it was 'not at present able to join'. It could not have met the sustentation fees; that year Labor Council had to waive its affiliation fees²⁴ but by January of 1915 the United Clerks Secretary Lewis Herman moved that a subcommittee be set up to consider the 'advisability' of federating with other states with a view to 'utilizing' the Federal Arbitration court.²⁵ However, the UCU lagged well behind the progress made by Riley's new clerks' union, considering the rules in June, in particular Rule 35A on the resolution of disputes and Rule 50 on sustentation fees. It was decided to take a plebiscite of the members on the matter of Federation subject to satisfactory alteration of these rules. TJ Smith, General Secretary of the Federation addressed the meeting in August, promoting the Federation, describing the help it had given in 'securing better conditions for government employees in Victoria', the Federal log being prepared, and relations between the two Sydney unions and he mentioned the date of the Federation Council in Adelaide, 7 September, when the question of admitting the Queensland and Sydney branches would be 'dealt with'. It seemed a clear invitation for the United Clerks to apply but the union stood its ground on its senior status in New South Wales. The United Clerks would join if the FCU agreed 'not to give official recognition to any clerical organization in NSW with the exception of Broken Hill', and that 'this union would be the head branch'.²⁶ 200 members signed the appropriate membership forms pending the Federation's decision, with Richard Oaten presiding, and resolved to adopt the minutes of the Federal Conference which recommended that interstate unions should 'embrace'. The UCU required just some minor rule changes before it did so.

Rules of the Federation

The Federal Conference insisted upon compliance with the requirement for Federation, that Branches adopt its rules. A carbon copy of the Victorian rules of the Federation was pasted in what had begun as the CCOU's Minute Book and this copy was dated 23 August 1915 and signed by WL Duncan, in good time for the 7 September Federation Council meeting. The document summed up the FCU as 'an organisation under the provision of the Commonwealth Conciliation and Arbitration Act' then in force (or successive Acts 'which may hereafter be varied or amended or by any other lawful means). It was made up of 'all persons male and female' engaged 'in any clerical capacity'. Its membership included workers engaged as shorthand writers and typists and those using calculating, billing or other machinery designed to perform or assist in performing clerical work.

Branches could be made up of 'any union' situated in a State, which was 'not already included in the Federation' and 'eligible to join'. Such unions could apply to the Federal Executive for admission 'as a Branch of the Union'. The result of this was a union consisting of members 'throughout Australia'. Under its rules and protocol it could have 'as many Branches as may be found necessary'. 'Each branch' was to be called 'the Federated Clerks Union of Australia _____ Branch'. All branch meetings were to be held at the head office of the Branch ('or at such other place or places as may be appointed, subject to the approval of the Federal Executive') and each Branch was to hold a general meeting 'at least every six months'.²⁷

At the top of the union's administrative structure was a Central Council vested with 'supreme control'. This was located in Melbourne, with registered offices at 226 Little Collins Street (or 'such

other place as may from time to time be determined by the Federal Council'). The Council was made up of representatives from each State, with the number of Council Representatives from each state in proportion to its membership. If the State Branch had fewer than 50 members it was allowed only one representative. More than 50 but less 100 it was entitled to two, and for 'each succeeding 100 members or part therefore' one more. These representatives were elected annually by the members in their own State's office. Under the Union's rules each state was permitted only one head office. In the case where some dispute might arise over which office was to be the head office, the Federal Council was empowered to decide. At the state level there was to be an Executive made up of a President, two Vice-Presidents, a Secretary and a Treasurer, with three of these offices constituting a quorum.²⁸

The United Clerks took the Federation's rules a little cheaply and the result of the Adelaide Conference was that the Federation wired Riley's union on the 9 September advising it had been admitted to the Federation. So, as its upstart rival held a smoke concert on 15 September to 'commemorate the admittance of the NSW Branch to the Federation' the older United Clerks' Union received the news that the 'Federation had turned it down'.²⁹ The Labor Council however was anxious for amalgamation of the two unions into one Branch in New South Wales. It invited three delegates from the United Clerks and three from the FCU NSW Branch to attend a conference on 8 October with three delegates from Labor Council to try to save the situation. The United Clerks were pleased enough with the conference³⁰ But when William Morbey of the Labor Council addressed the FCU Branch the next day the Executive rejected the arrangements: 'the agreement at conference was not agreed to'.³¹

TJ Smith as General Secretary of the Federation arrived and addressed the FCU Branch on 18 October. He explained there was an amendment accepted by the United Clerks on 9 October securing the position of Financial Secretary in the amalgamated body for Riley subject to the 'office of General Secretary/Treasurer being allotted to the present officer without opposition'. The other condition was a ballot of both unions for candidates for the other positions. Riley however did not proceed. On 15 May 1916 Duncan tendered his resignation as President. The Branch was falling behind the United Clerks, whose membership now was in the order of 2,000 financial members while the Branch had some 400. Duncan moved that 'a delegation wait upon the United Clerks' Union with the view of bringing about an amalgamation'. The motion was carried and Cheeseman, Duncan and Riley were appointed, although at the time Cheeseman was at odds with the Executive. They reported that their address to the United Clerks had been favourably received: amalgamation would be raised at the next meeting of the United Clerks.

On 4 September 1916 Riley resigned as Secretary to enlist for active service with the Expeditionary Forces and Sheiles moved that his resignation not be accepted. His 'position [would be] be safeguarded in any proposal for amalgamation with the United Clerks' Union.' Meanwhile the United Clerks approached the Federation about amalgamation but still on condition that its officers became the officers of the Branch and its rules prevailed. The Federal Council tried to temper this by again suggesting that the members of both unions form the FCU Branch and election for officers be by secret ballot.³² If all else failed, the Federal Secretary would take charge of the Branch's books and in effect hand the FCU Branch to the United Clerks if that union would join the Federation and its members filled in the application forms. The FCU Branch was indeed found to be in financial difficulty and

lacking in unity. The United Clerks however seemed to recognize its strong bargaining position, and not only renamed itself the Australian Clerks Association (registered on 20 April 1917), with Percy Coleman noted as Secretary, but also insisted that the Federation take that name.

In the meantime pressure on the Federation had come from the FCU Branch. Cheeseman resigned as President, along with several others, citing private matters when questioned, and Byrnes, Lewis Herman, previously of the United Clerks, and BW Shieles were elected. Herman moved that the 'Federal Executive be notified that every effort has been made to rectify finances' and that steps be taken to approach the various States to hold a special conference to 'bring about amalgamation'. Jasper Walker was appointed secretary. On 19 February Shieles moved that 'the newly elected Executive take the necessary steps to oppose the registration of the UCU with a view of obtaining registration ourselves', seconded by Herman. TJ Foat, General Secretary of the Federation, attended a Special General Meeting on 28 March 1917, and stated that he believed the Federal Conference would 'come to a satisfactory conclusion' on amalgamation.

On 6 June 1917 the Federal Executive now agreed to amalgamation on the basis of the agreement in October 1916 favouring the newly named ACA's requirements. Conference had given the Branches the right to fix their own contributions subject to a limit and after 'long discussion' the name Australian Clerical Association was reached, later changed back to Federated Clerks Union of Australia in 1924, at the behest of the Victorian Branch: 'if we are a union then let us call ourselves one'.³³ Foat was hopeful that the Branches would now 'sink all bitterness of spirit', given the demands made by the former United Clerks.

In the end only one thing mattered as the first and short-lived FCU NSW Branch rank and file merged into a section of the ACA NSW Branch. Riley and Walker had been displaced and there was the undertaking that Riley would return from the war to his position of Secretary. Herman was prepared to 'accept amalgamation but he was not satisfied with the Federal Conference Action in its treatment of Mr Riley and Walker on figures'. Walker could at least be given the position of organizer until Riley's return. BW Sheiles seconded Herman; Riley's position had been agreed to by the ACA and Walker could fill it until Riley's return. Cheeseman asked that the position of Mr Riley be reconsidered by the Federal Executive and that Mr Walker be paid at least an honorarium of £20. Foat replied that the ACA would consider Mr Riley for the position of organizer and take into consideration the promise made to Mr Riley. As for Walker, he would be treated 'handsomely'. But Herman again moved £20 for Walker, and Foat was spurred to give the Branch a taste of the power of the Federal Executive; if the resolution were carried 'he would place a receiver in the office at 9.00 am next morning'. Herman then withdrew his motion 'stating that he 'accepted the pledge'. The two NSW Clerks' Unions were now amalgamated and federated in one Branch, having gained whatever benefits the Federation could offer at the cost of giving the Federation a say in their affairs.

The forum where Branch and Central Council met was the Federal Conference, known before that as the Council. Representatives reported the outcome to their Branch but attending these conferences from interstate involved the delegates in considerable expense. This cost was shared between the Branch and the Federal Council. Under the Federal Council Rule 27, which related to delegates' expenses set down in August 1915, the amounts involved were not small. There were also sustentation fees

to support the Federal Executive and during the early decades of its existence the New South Wales Branch at times had difficulty meeting this financial obligation.

The newly federated Australian Clerical Association in New South Wales had a troublesome start in the Federation and almost immediately it found itself under the supervision and direction of the Federal body. Percy Coleman remained Secretary as he had been in the United Clerks Union but in 1920 the Federal Executive exercised its prerogative and visited the Branch to check its finances after the Branch needed a loan of £65 to attend the 1919 Conference. Not only were the finances reported to be in a poor state but the union somehow had not registered the name change agreed upon with the Federal Conference, and it still stood as the Australian Clerks, not Clerical, Association. This, it was asserted, left a legal vacuum as far as the Federation was concerned. Coleman altered this promptly on 11 November 1919 but the Federal General Secretary F Katz was instructed to 'proceed to New South Wales' to 'take over the funds and books' of the Branch 'with a view to re-establishing the Branch on a 'sound basis'.³⁴

The Federation itself was not an industrial powerhouse at this time, and indeed did not reach its potential for many years. When the General Secretary of the Federation, TJ Foat visited the New South Wales Branch from Melbourne in March of 1917, he discussed the future submission of a Commonwealth Award for Commercial Clerks, 'somewhere about July next'. The Award did not in fact eventuate and the Federation took some time to become a thriving source of Federal Awards.

By way of postscript to Riley's Commonwealth Officers' Union the Federation attempted to encourage the Branches by applying in 1918 for a new Award for Commonwealth Temporary Clerks. However, the legal status of the Australian Clerical Association, as the Federation was now named for the next six years, to claim an Award before the Commonwealth Public Service Arbitration Board was in serious question. The Federation therefore formed and registered the separate but closely linked Commonwealth Temporary Clerks Association, with TJ Smith, General Secretary of the Association, the new CTCA's secretary. This fell into disuse after the war but was revived at the beginning of the Second World War, when it served the same purpose of representing the temporary clerks while they also constituted a Section of the Clerks' Union.

Chapter 3

A Wide Industrial and Political Front (1914-24)

The clerks in wartime

While the two clerks' unions resolved themselves into the Australian Clerical Association and adjusted to the requirements of the Federation, the Commonwealth Temporary Clerks, who had inadvertently brought about a 'split' and pushed the old UCU to federate, continued to claim attention and support. The Commonwealth Government did little to endear itself to the clerks in the way it treated these emergency workers. In late 1915, for example, a meeting of members of the FCU Branch employed at Cockatoo Island was convened at the General Office to discuss the Government's refusal to pay them a minimum wage of 12/6 a day, given the increases made to unskilled labourers and the increased cost of living. It was noted that 'much dissatisfaction exists amongst temporary clerks in the Commonwealth Service'.¹ The Defence Department moreover proposed to pay corporals just 9/- a day, and the union again protested. Meanwhile Mr Gilby, delegate at Cockatoo Island had to report the engagement of a non-unionist as a timber clerk, and it was moved that the Minister for the Navy be written to 'protesting against the action of the Management in employing a non-unionist'.² Neither was the Federal Award for Temporary Commonwealth Clerks always adhered to, for example, at Cockatoo Island complaints were made at 'the inaction of the management at Cockatoo Island in not complying with the conditions of the Award'.³ In April 32 members threatened a 'united strike' supporting recommendations regarding pay, and on 29 May Walter Duncan moved that the meeting 'congratulate the Cockatoo and Garden Island clerks upon the successful vindication of their trade union principles, and places upon record its appreciation of their magnificent solidarity'. The motion was carried unanimously and a member was charged with misconduct for having worked at Cockatoo while others were on strike.⁴ When the terms of settlement reached were then not carried out, 'drastic action' was threatened 'to compel compliance with promises made'. A lettergram was sent to the Minister for the Navy – did he indeed 'acquiesce in the decision of the Naval Board to the effect that it could not give the necessary authority to Garden and Cockatoo Island management to pay increases to members of clerical staff under the recent settlement'?⁵ However on 24 July the Federation intervened when the Federal President advised the 'discontinuance of serious action against the Minister's attitude' and noted there was a 'motion of censure' passed on the union for not 'fully' advising the General Secretary about the strike.⁶ The best solution seemed to be to ask the Federal Executive to apply for a new Award, and a Special Meeting was called 1 September 1916 'for the purpose of considering claims in connection with a new Award covering Commonwealth Temporary Clerks'. This would include claims to cover those amounts not already paid in accordance with the Award, the whole to be forwarded to the Federal Executive. Failing the Executive's ability to 'secure the claim', the Federation was empowered to enter into a suitable agreement, and if that failed, then the Branch would 'consider the question of taking direct action'.

Cost cutting and job loss were regular concerns. In early 1916 after clerks were discharged from Victoria Barracks the Branch resolved to make 'immediate representation' to the Minister for Defence for the creation of a second shift at the Expeditionary Pay Office as had already been satisfactorily adopted in Melbourne.⁷ They asked the Minister to note that members would 'be instructed to

refuse to work any further overtime after 31 March 1916, whilst eligible members of the Union are unemployed'. Moreover, in the future engagement of labour, members previously employed in the Expeditionary Office were to be given preference. The union also found it necessary to have a place on the demarcation committee and to have that committee called when a dispute arose between the union and the Boilermakers Engineers and Shipwrights Society, who were working as recorders.⁸

Relationships with the Australian Workers' Union

At the time the Clerks' Union had been established the labour movement was dividing into factions both in the industrial and the political arena. In the general trade union movement the largest and most powerful union was the AWU, but by 1908 it was being confronted by a group of unions based on heavy industry, especially the Miners Federation and a group of city unions infiltrated by the revolutionary and syndicalist Industrial Workers of the World (IWW), with its dream of 'One Big Union' (OBU). For the AWU, if there was to be an OBU then it would be the AWU, not the IWW. The Clerks' Union already had to choose sides, and it sided with the AWU. In the political arena centred on the Labor Party, the AWU had been the dominant trade union presence at least since 1895, and it led a chorus of voices in the party critical of the MPs who were regarded with great suspicion as careerists who were not committed to the platform of the party. Again, the Clerks' Union found itself on the same side as the AWU in its early life. Nevertheless, the relationship was always uncomfortable. One question was the role of clerks in pastoral industries; The AWU claimed them, while the Clerks' Union wanted them. Also, the Clerks had no intention of being swallowed up in any mega-union directed by the leaders of the AWU.

The response of the Clerks' Union was to try to carve out a separate identity both in the industrial and political arena. They affiliated with the Labor Party in 1908, and also moved to take a leading role in the Labor Council, where WL Duncan became Vice-President in 1910 and President in 1911. In the Labor Party, although critical of the MPs, the Clerks tried to distance the Clerks from the most damaging attacks on the MPs, especially on Attorney General and later Premier, WA Holman. At the Special Conference of the Political Labor League in 1911, called to discipline Holman over his rejection of Federal Labor policy to transfer industrial relations to the Commonwealth, the representative of the Clerks' Union was more intent on attacking the AWU and its organ, *The Worker*:

Mr Tomkins (Clerks' Union) said it would never do to throw over the State Ministers. He would have felt himself free to adopt any attitude he liked towards the Federal Referendum if he had been a State member. He reckoned The Worker had done the Labor cause more harm than the Herald or Telegraph by attacking Mr Holman, who was the William Pitt of today. (Uproar and ironical cheers.) Mr Holman had just saved his party from a grave crisis; there was not another man who could have done it.

Nevertheless, when Premier Holman negotiated a political truce with the Liberal Opposition at the beginning of the Great War – which involved postponing indefinitely almost all the labor Party programme – the Clerks' Union was firmly on the side of the trade union critics of the Government. When the AWU organised a group of union leaders into a tightly organised faction, the Industrial Section, that took control of the PLL Conference and Executive in 1916, the Clerks' Union's Lewis Herman was its secretary and one of the most outspoken critics of Holman:

Mr Herman (Clerks' Union) said one of the unfairest attitudes ever taken by a politician had been taken by Mr Holman that evening. He attempted to side-step the issue. The industrial side of the Conference was out for measures, not men. They were determined to see whether the Government was going to give them their rights. The Upper House had got to give the workers what they wanted, or it would have to go. Rather than change the party and put it on the rocks, let it be given what it wanted. The ladies in the Conference had consistently voted against the industrial section because they did not know what they were doing.

A Lady Delegate: Oh, yes we do. (Laughter.)

Mr Herman: It was not for Mr Holman to challenge them, but for them to challenge Mr Holman. They would discover whether Mr Holman would give them their rights, or whether they would seek them in a new field. The Industrialists said to Mr Holman, "Give us what we want and we will give you our support".

The alliance with the AWU in the Industrial Section did not prevent niggling disputes. At the 1917 PLL Conference, debate lasted almost all of one day on whether the credentials of the Clerk's Union delegate, H Lestrangle, should be accepted, because he had opposed AWU policy on a curious incident known as the 'Black Chaff' episode. The AWU got its way and Lestrangle was excluded. Moreover, when it came to the major issue of conscription, although the Clerks' Union was generally in tune with the anti-conscription opinion in the wider trade union movement, there were different voices in the union.

Conscription – 'the choice between Empire and Kaiser'

At a personal rather than party political level there could be little doubt that the Clerks and their leaders supported King and Country. A presentation to a member, Lionel B Hanson, 'who had joined the expeditionary forces', was made at a meeting of Riley's union, on 2 July 1915 and Riley himself had enlisted in 1916, walking away from 'his' union and his job as Secretary. Meanwhile AA Jones, of the United Clerks' Union, was farewelled with a smoke concert, along with others departing for the war. The UCU had also noted the death in action of a member, Sergeant ER Larkin, MLA, putting on record the union's 'appreciation of the high standard of public spirit, and intense patriotism' set, and 'deplored the premature quenching of his life on the Battlefield which so suddenly put an end to a career so full of bright promise'.⁹ As far as looking after those who chose to serve or were co-opted to war work was concerned, Riley's union had cause to 'make representations to the Minister' concerning 'the employment of returned soldiers at a lesser rate than 10/- per day' and declared that 'all back monies must be paid to them from the time of their engagement'. At the same meeting the plight of Mr Dore, refused reinstatement by Garden Island management after being called up to work there under Proclamation was referred to the Executive. On 15 January 1917 Lewis Herman moved that 'we consult the Victimisation Committee re the case of Mr Dore and failing immediate action we endeavour to have the matter brought up on the floor of the House of Parliament'.

At the 1916 ALP Conference the AWU and the Industrial Section attacked Holman until he offered the Government's resignation and forced the dissidents to make their peace or bring down a Labor Government. The AWU however successfully moved that endorsement be withdrawn from

any Labor candidate supporting conscription. The State Executive duly expelled 18 Labor members of the Legislative Assembly. When Holman and Prime Minister WM Hughes supported a 'Yes' vote in the conscription referenda of 1916 and 1917 they were expelled from the Party, split with the labour movement and joined the Nationalists.¹⁰ A Griffith, a member of the Clerks' Union, was one of those expelled though he did not 'rat' and remained an independent.

The Clerks' Union's membership was broad enough to gather in all factions in the labour movement and even beyond. Walter Duncan had already discovered a gap between his views and those of the UCU membership when he criticised Holman back in 1911 and over the next decade the union would struggle to find leaders able to represent rather than split the clerks. Conscription revealed that clerks were hard to lead as well as organise. The Commonwealth clerks from both unions showed a certain loyalty to the Government, while Riley, before his breakaway union amalgamated with the United Clerks Union, opposed conscription and sacrifice without choice for the war effort. In December 1915 Commonwealth Temporary Clerks from both unions employed at the Expeditionary Pay Department at Victoria Barracks called an informal meeting among themselves. They resolved that they would not strike in sympathy with the Melbourne Commonwealth temporary clerks, who wanted a living wage. The motion was moved by WH Clutten, a member of Riley's Commonwealth clerks. Clutten also objected formally to Cheeseman's criticism of Mr Norris, Chief of Department of the Expeditionary Pay Office at Victoria Barracks.¹¹ The clerks believed it would be 'unmanly at the present serious time to take advantage of this position' but Riley held an official meeting that evening, where it was resolved that his union supported the Melbourne clerks. He claimed the UCU clerks and not his clerks had taken part in the earlier, unofficial meeting, and he attended the compulsory conference in Melbourne as an interested party in the Federation to settle the dispute. The UCU however was unsympathetic and even telegraphed asking to be made a party in the Federal proceedings although it had no Federal standing. Riley also vigorously supported the Anti Conscription Congress and Stop Work, held Australia wide on 4 October 1916, as recommended by the Federal Executive at a Special Meeting called for the purpose on 29 September 1916. BW Shieles as President moved that the services of the President, Vice President and Acting Secretary 'be placed at the disposal of the National Executive to assist in the Anti-conscription campaign'. The recommendations were carried by a close majority, 53 to 47 votes. At a meeting on 25 September 1916 Trade Union Congress Shieles had moved 'that we go on and pledge ourselves to fall into line with the other unions, and assist them in every possible way'. This was to be broadcast to delegates at the Congress and 'inserted in the press'. The *Herald* of 23 December 1915 reported that the Federation's Assistant Secretary F Katz was tarred and feathered in Melbourne as an anti-conscriptionist.

The question of conscription was raised again when there was an attempt by delegates to override the majority. At a Special Meeting in 1918, J Walker, one-time Acting Secretary in Riley's union, moved that the recent actions of the delegates to Labor Council be endorsed. Ernie Judd, a member of the Socialist Labor Party and supported by new and radical Labor Council Secretary JS Garden, successfully moved a hard line policy against the moderate measure of appealing to the community to enlist. The union's delegates supported the uncompromising approach but the members' endorsement was not forthcoming. There was an amendment that the union disapprove of Labor Council's stand, two members advocated the Labor Council policy, while Coleman (in military camp at the time)

supported a middle course. Conscriptorist Arthur Griffith spoke of making a choice between 'patriot and traitor, and Empire and Kaiser'. Disapproval of Labor Council's policy was carried 78 to 25 and the clerks were described as 'repudiating Juddism'.¹²

The 1920s

As the war ended the union moved on with its industrial work, and returned to some extent to its original purpose of representing all clerks within New South Wales. By the early 1920s several State Awards covered clerks. Besides the Metropolitan, Casual Shipping and Permanent Wharf Clerks Awards, there were now Awards for Solicitors' Clerks and Butter Factories, Country Wholesale and Hardware clerks, Shop Clerks and Time Payment Collectors. This oddly selective group came about partly because some of these clerks, being covered by other Wages Boards, were exempted from the Metropolitan Award and so needed their own provisions. The clerks shared the shop clerks' Award applications with the Shop Assistants' Union, and paid a quarter of the costs, fifteen guineas. The Clerks' Union could make application for a variation for their members but it was seen as appropriate for clerks and other shop workers to work under similar conditions and to make applications for new awards together.¹³ The union campaigned vigorously for its shop clerks, agitating for the abolition of night work and it succeeded in stopping employers from taking advantage of clerks by bringing about 'the stoppage altogether of the unjust practice' of taking work home and recovered 'considerable back money'.¹⁴ This proved a fine recruitment opportunity, with 30 new members in the Section.

The Clerks (Metropolitan) Award was not capable of much refinement beyond setting minimum rates and conditions for clerks, but as other Awards were gained patterns began to emerge of different skills and conditions influencing the value of clerks' work. Nevertheless the Awards recognised little variation among commercial clerks and tended to give fairly uniform rates unless agreements in well unionised workplaces were negotiated. By 1922 the Metropolitan Award provided a 48-hour week and 86 shillings and sixpence per week for an adult male and 48 shillings for a female, while the Butter Factories (Country) Award, reflecting conditions in a well paid and highly unionised industry, gave 88 shillings and 54 shillings respectively, and despite being outside the Metropolitan area where for example the shop workers, including clerks, were under a separate board and their rates were lower than those for Metropolitan shop clerks. The Butter Factory clerks also enjoyed a 44-hour week. Casual shipping clerks, 'tally clerks', earned two shillings and sixpence an hour while permanent clerks earned 89 shillings, for a 44-hour week. Solicitors' clerks earned the princely sum of 100 shillings for males, 60 shillings for females, and worked a 39-hour week, and ledger keepers' skills were recognised with 98 shillings and sixpence, with 60 shillings for stenographers, a skilled but essentially female occupation. The union also diversified its commercial Awards for particular industries through registered agreements, particularly with industries where special conditions to cover the unusual hours worked existed, such as the NSW Bakers' Association, 30 April 1919, the Sydney Daily Newspaper Employees Association, 25 July 1918, and the Interstate Steamship Owners' Association, filed 13 February 1917, covering permanent male clerks mainly at Port Jackson before the Permanent Wharf Clerks' Award was obtained and providing for an exemption rate from the agreement of £225 per annum. Individual Agreements were made with the Daily Telegraph, John Fairfax, S Bennett Ltd, the Sun, and the Sunday Times and there was a regional agreement with the North Coast Co-operative

Ltd. These Agreements provided for such terms as an extra 15 shillings a week for night workers in newspapers, an amount the union argued for strenuously with the proprietors in 1926, and in addition to the base rate of 6 pounds and ten shillings that year.¹⁵

The union expanded its industrial skills not only by obtaining a broader spread of awards and agreements but by watching over them diligently; on 3 April 1922, for example, Secretary Coleman could report a reduction from a 46 to a 44-hour week in the Hardware and Wholesale Agreement, and also a reduction of hours 'obtained by him' in the offices of the *Daily Telegraph* and *Sun*.¹⁶ Coleman's successor as Secretary, LG Smith, made, for example, a determined fight for tea money at the *Sunday Times* Newspaper, going 'so far as to invoke the aid of Mr WA Holman, KC, who in addition to being the chairman of directors of the Sunday Times Newspaper Co. is also a member of the ACA'.¹⁷ However, nothing more was granted than to the daily clerks.

Although they were covered by an Award at State level, the Shipping clerks in New South Wales could be included in a Federal Award on the grounds that their joint employer was the Commonwealth Steamship Owners' Association. The Federation obtained such a Federal Award for casual tally clerks in 1923, but not for those in NSW, and in July of 1924 Secretary Smith complained to the Central Council that the shipowners had refused 'our request for a conference' for a new State Award for permanent shipping clerks. Smith had already raised the matter of applying for a Federal award for permanent wharf clerks with Federal Secretary F Katz. Katz replied that it was 'practically impossible as the permanent wharf clerks in Victoria were not members of the organisation'. Smith therefore lodged a claim in the State Court but had great difficulty in getting witnesses to appear.¹⁸ He had to report that the State matter had been adjourned for want of witnesses but in the meantime 'steps were being taken to include permanent wharf clerks in our application to the Federal Court for casual tally clerks'. The Federal Secretary then felt that witnesses from New South Wales were not necessary in the shipping application and that affidavits would do, but Smith was adamant. 'We are by far the largest State affected as regards membership and we were of the opinion that it was absolutely necessary that witnesses from New South Wales should be present'. JB Martin noted that 'our efforts ... should be concentrated on making as high a casual rate as possible'.¹⁹

The 1926 shipping application was almost a test case for the union. It asked for recognition of the skills of specialist clerks and it also demonstrated the value of obtaining a Federal Award for them. The Award was based on an arbitrated and therefore benchmark decision. Until this Award, little progress had been made with the baffling problem identified in the first Metropolitan award, that is, how to go about prescribing margins levels in recognition of clerks' skills, effort and progress in their work.

The variable nature of clerks' work meant fair ranking of clerks with other workers in the wage system was difficult. As members of an anomalous kind of occupation among the mainstream of manufacturing and processing workforces, and having put in a relatively late appearance in the industrial arena, the clerks now attempted to enter a system which had already grown along lines ill suited to them. The Harvester Judgment of 1907 had set a ratio for fair margins above the basic wage for fitters and machinists. Unlike clerks, these workers practised fairly universal and recognisable levels of skill and responsibility in their work and had formal training. Their work could be given a precise classification and a margin for their class of work could be fixed. Proportions of the fitters' margins

could then be calculated for hundreds of other classifications of manual and technical workers in the metal trades, according to where their skills slotted in relative to the fitter and machinist. There was thus no need to seek a separately assessed margin for every classification. The benchmark Award could also be extended to non-metal trades manufacturing industries; parallels could be drawn between the work of metal machinists and machinists in, for example, the boot making industry, where Justice Higgins, who had given the Harvester decision, said 'there is much general resemblance between the character of the work of such machinists and the work of factory bootmakers'.²⁰ Smaller and weaker unions benefited because gains made by the more militant or industrially strong metal trades in their Awards could be claimed and passed on without much ado to their members in the interests of the comparative wage justice principle of similar reward for similar work. The result was a 'system in which all Awards were determined in relation to some other (similarly determined) award'²¹ This was an awkward system for any occupation which did not relate to the mainstream manufacturing and processing awards.

The union now wanted a secure place in this system but the problem for the clerks was that they fell outside the principle of 'general resemblance between the character of work'. The conduct of the 1926 application for a Federal Shipping Award, asking for the fitters' margin benchmark to be applied to clerks, raised the need to assess clerks independently, even where the clerks were a particular kind, practising specific skills in a particular industry. In 1926 there were some 250 permanent wharf clerks in Sydney, about 70 of them members of the union. Deputy President Sir John Quick heard the application for a new Federal Award, this time including New South Wales clerks, and he also noted that he had made a consent Award in 1923, in the same terms as the Waterside Workers Federation Award, although New South Wales had its own State Award at that time. The Federal Award's rates were the same as the Waterfront Workers' Award rates for wharfies. So this was the first time the matter was to be arbitrated, and Federal Secretary Katz now asked that the wharf clerks be awarded the 'fitter and turner' margin as workers possessing a significant and clear level of skill. Not surprisingly the shipowners argued that their clerks' rates should not exceed the average. Katz could not argue successfully that work of the same nature and demanding similar skills should be paid at the same rate on the principle of comparative wage justice. While parallels could be drawn between fitters' skills and the manual and technical skills of other tradesmen, such as 'millers, borers, slotters, gear cutters, cutting bar drillers', and even 'carpenters, coopers, tailors, printing compositors, butchers',²² the fitter template did not fit the clerks, although the justice of placing them within the wages structure available to other skilled workers was plain. It was therefore necessary to start from scratch, and carry out the much more demanding task of considering the nature of the wharf clerks' duties and the degree of difference between these duties and those of the relatively unskilled 'ordinary commercial clerk', and thus get some fix on what their margins should be. After making personal inspections and examining evidence Deputy President Quick noted a high degree of skill was involved, including a 'qualifying role' where clerks had to exercise discrimination as they identified cargoes. Moreover the clerk in charge had to arbitrate between the tally clerk and the skipper on the nature of cargoes and also certify inflammable and corrosive goods. All of this meant the tally clerk's job 'always calls for a great amount of intelligence' and it was determined that the New South Wales rate was too low.²³ The union did not gain its place in the wages system, tied to the fitter and turner margin, but it did win recognition in an Award that the occupation of clerk encompassed a hierarchy of skills.

Part II of the Award addressed the casual tally clerks. These men worked on a ship to ship basis as required, and a pool of casual workers was a useful and economical thing in an industry where the need for labour fluctuated, the arrival of ships was not a fixed thing, and shipping levels were seasonal. Those offering for such work however had no steady job and competed with each other on an unregulated, day to day basis. This competition may have suited the shipowners but it made for a vulnerable and sometimes desperate group of workers. President Quick decided to keep the rate for casual tally clerks low on the grounds that otherwise the occupation would attract too many clerks for the work available and many would find themselves working too few hours. The Award was later varied to give casual clerks a minimum of 4 hours pay when they were employed on a job, but the problem President Quick had identified would remain a particular challenge for the union. The Depression saw these men on the notorious 'Hungry Mile', where they joined casual wharf labourers waiting at the dockyard gates in the desperate search for work, and a job came to depend as much on corruption, favouritism and exploitation as it did on a man's place in the queue. These experiences would stay with many of the long serving casual tally clerks. Their tendency to militancy together with the opportunity their position gave them to assert themselves through industrial action and their need for regulation would later cause the union to invest a great deal of time and ingenuity in their welfare.

Another issue for the shipping clerks was inclusion in any government action to give preference to unionists on the waterfront, and the Secretary lobbied the Minister for Labour and Industry, Mr Baddeley. The union also adopted a habit of vigilance on the waterfront, watching out for non-unionists. It was noted that 'owing to our activities on the waterfront the Union was 100% organised in the casual section but a continual watch had to be kept on certain firms'.²⁴ When the Federal Award covering casual clerks was made the union was adamant about the 4-hours minimum pay for casual shipping clerks: 'recently the Federal Court had restored the 4-hours minimum but the Commonwealth Government line of steamers had not observed this portion of the Award'.²⁵

The list of early achievements remained the backbone of the union's Awards and Agreements for the decade and beyond, and most of them continued in some form throughout the century. After the success and enlightenment of the Shipping Award in 1926, leadership distractions in the clerks' union and the weak state of the Federation impeded the further progress of the clerks and then the Depression generally interrupted margins increases. Margins dropped along with the reduction in the basic wage and for a time were a lost cause.

Meanwhile, besides extending and adapting the coverage of clerks' work through Awards and Agreements the union's officials had spread the union's territory beyond Sydney, and varied its awards to reach these areas as it went. Although Sydney was the key area of clerical employment in the State, and thus the site of the New South Wales Branch of the Federated Clerks' Union of Australia, there were other pockets where clerks were to be found in quite concentrated numbers. The management of these areas brought home how far the union's resources had to stretch to cover the clerks throughout the State. In order to meet local industrial needs geographical divisions were formed and these created a third layer in the overall structure of the union. Although these were to have some autonomy, they were in the first instance answerable to the State Branch, which in turn answered to the central national council in Melbourne. Not all such district branches were to be content with only a local voice.

Newcastle Sub-Branch

The most significant sub Branch was formed in Newcastle, New South Wales' second largest city. In May 1916 the New South Wales Branch revived the Newcastle section when it was agreed that the Executive 'be given full power to deal with the organisation of Clerical Workers at Newcastle'²⁶ and in June the Secretary proceeded to Newcastle to hold a meeting 'in connection with the formation of a branch'. Others were urged to support him, the minutes observing that 'any member able to attend the meeting from Sydney be authorised so to do'.²⁷ On his return the Secretary was able to report that his visit had resulted 'in the formation of a sub-branch of the Union in that district'. His actions in applying for the sub-branch's 'affiliation with the Newcastle Labour Council was endorsed' and it was agreed that the Newcastle Branch be 'accepted as a sub-branch of the N.S.W. branch subject to the rules of the Federation'.²⁸

As a port city it was inevitable that many of the clerical workers worked in the shipping industry. By September 1916, for example, the Newcastle Sub-Branch had requested that the State Secretary visit the District and address a meeting of Tally and Wharf Clerks. This he did 'after consultation with the President', addressing the meeting on 31 August and was able to report back that the Newcastle 'Branch' was in 'a good financial position' and as a result of his visit he felt 'confident that the Wharf Clerks would join the Newcastle Branch of the Federation'.²⁹ This was followed by a visit from the President who reported back that 'he had 'completed the financial agreement between this Branch and the Division, and soothed over some local grievances etc.'³⁰

By mid-1922 the State Branch had concerns about the management of the local Newcastle District branch. Initially when the Newcastle Secretary wrote to the State Branch concerning a Federal Conference resolution on sustentation fees, the Branch's Central Council took a lenient approach and agreed that the Newcastle sustentation fees 'to this branch be reduced to 10%'.³¹ By July with the situation worsening it became less lenient and exerted its authority. This was triggered by Newcastle's financial statement, which the Secretary presented to the Branch's Central Council at its meeting on 25 July. Such was the growing concern over the Newcastle debt that at the September meeting of the Branch's Council Mr Herschman moved 'that the Secretary ascertain our legal standing in regard to the debt contracted by the Newcastle branch'.³²

In spite of improvements in the Newcastle Branch, the State President Mr BW Sheiles, and the Secretary, Mr Smith still played an active and significant role in the Newcastle Branch's affairs. In October 1924, for example, they visited Newcastle for the purpose of discussing claims before the Conciliation Committee on the following Wednesday at Newcastle. As Smith noted the claims had been lodged with the industrial Court and it was hoped to bring the matter to a successful issue'.³³ Their mission was successful with the Secretary being able to report back to the Central Council that 'a successful meeting had been held with the Conciliation Committee, and that an agreement covering the whole of the members employed in retail shops through the district would result'.³⁴

The autonomy of the Newcastle Branch was limited, with the State Branch as its ultimate rubber stamp. In November 1925, for example it sent its Agreement with Newcastle Shipowners to the Council 'requesting the necessary signatures', which Council 'complied' with,³⁵ though at its next meeting, Council agreed that 'the President and Secretary be empowered to sign the Newcastle Agreement'.³⁶

The links between the State Branch and the Newcastle Branch did not always have positive outcomes. By early 1927, the State Branch was in such financial difficulties as to warrant Federal intervention and when F Katz the union's General Secretary visited from Melbourne, he took a particularly dim view of the Newcastle Branch. Following their visit to Newcastle, which had been authorised as a means to try 'if possible to put the affairs of the Union on a satisfactory basis', Katz and Evers, the State Branch's Organiser reported that they had found that while the members were very dissatisfied with the way the union's affairs had been managed, they had 'great hopes' that Mr Doultree, who had been appointed as Secretary of the Newcastle Branch, would be able 'with the assistance of a few other members' to get their affairs 'on a good working basis again'.³⁷ In September of 1927 the Secretary noted that while a log of claims had been drawn up for Newcastle and country shipping clerks, to be found at places such as Coffs Harbour, the Newcastle clerks were not covered by the Federal Shipping Award and the sixpence per hour overtime granted by a recent conference of shipping interests was only binding on the Commonwealth and Overseas Associations. It was resolved that the Secretary 'ask for a variation of the Shipping Award to include the firms at Newcastle and that claims for the 6d per hour on present overtime rates in the award be made on all firms'.³⁸ Wholesale and Hardware agreements were also obtained for Newcastle and country areas.

Lithgow

While Newcastle was the State second largest industrial city, it was not the only area with its own branch. By 1917 another such division had been established at the industrial town of Lithgow.³⁹ It too required a visit from the Secretary. In May 1922, for example, when the Secretary received no response to his communication and had not received sustentation fees since his last visit, State Branch's Central Council empowered the Secretary to visit Lithgow 'at his discretion'.⁴⁰ The Central Council also oversaw its financial affairs. The Secretary was also involved in establishing and nurturing and new pockets of members within the division. Such was the case in September 1925, when he was requested by the Lithgow Coop Society Secretary to visit with the purpose of forming a shop clerks' branch there. The Council agreed that the request be 'acceded to' and for 'the arrangements be left in the Secretary's hands'.⁴¹ On 12 October the Secretary reported to Council that as authorised by them, he had proceed to Lithgow 'in accordance with a request received to start a Branch there.' On his arrival he had been met by Mr Parker from the Small Arms Factory, and visited the Lithgow Cooperative Society where a Branch of the Shop Clerks' Section was duly formed and an Honorary Secretary Mr Arden and officials elected. The Secretary had since also sent copies of the union's awards and agreements to the Local Secretary Mr Arden. He anticipated that the formation of the Section would result in the enrolment of 'a large number of clerks employed in similar establishments throughout Lithgow'. In conclusion he claimed that his visit had had 'a healthy effect on the Lithgow Section' and 'must result in ultimate good for the whole of the clerical workers in the District and for the Union generally'.⁴²

North Coast

Another division was formed on the North Coast. In April 1922, for example, the Central Council authorised Oaten, Jones and Coleman to sign the North Coast's Agreement.⁴³ In January 1923 A Larsson from the North Coast Branch wrote to the Council requesting that a representative of the

Association to visit the North Coast concerning a new Award. Coleman, who was at the time running for parliamentary election as an ALP candidate advised that he could not make it 'at present' and suggested that LG Smith go instead. Smith however expressed the 'opinion' the expense involved was not justified at the present junction, and it was decided not to take any further action'.⁴⁴ By November 1925 correspondence from the Secretary suggested that the North Coast Branch was running smoothly. The Central Council acknowledged that the Honorary Secretary, Mr AR Wynter had considerably assisted in this and 'had devoted a good deal of energy to the stabilising of the branch.' It was also recommended that 'matter was left in the secretary's hand to finalise' carried.⁴⁵

Relationship with Sub-Branches

The establishment of such branches was significant at a State level for sometimes they covered issues affecting clerks working in specialised industries and key employers in a geographical area. In mid-1926 Wynter advised the Central Council that he had prepared a log of claims and filed them with the Industrial Commission. It benefited not just those employed in the local butter industry but also clerks 'employed in Butter Factories throughout the State'⁴⁶

Not all regional members were as pleased. Five members from Kurri Kurri wrote to the Central Council in March 1927 complaining of the treatment they had received in the past and intimated that they had joined the Shop Assistants Union. The Council agreed that the members at Kurri be informed that their subscriptions would be allowed to 30 June and that their current contributions would start from 1 July, 1927'.⁴⁷

Sometimes the State Branch's Council was overruled by the Federal Executive. Such was the case with the Broken Hill Branch. It was keen to have its own representation on the Council and at a national level. In early 1916 it had sought representation at a forthcoming Council meeting.⁴⁸ In March, 1917 TJ Foat, General Secretary of the Federation who was on a visit from Melbourne to the Sydney Branch expressed the 'opinion' that the Broken Hill Division had been 'distinctly promised' representation at the last Conference at the insistence of the New South Wales Delegates. It was an opinion confirmed by telegram from Broken Hill. The Sydney Executive in keeping with Foat's findings, honoured the promise, which meant allowing two delegates to go from the Central Body Branch.⁴⁹ By mid 1917 however it was made clear at Special General Meeting of the New South Wales Branch that the Broken Hill Division had been transferred from the jurisdiction of the New South Wales Branch to that of South Australia.⁵⁰

Back at Head Office in Sydney by 1924 the union seemed well established and the financial report gave the Councillors cause to be 'gratified at the state of the affairs of the Association as disclosed by the Balance Sheet. They ventured the opinion that the ACA had now passed through its stormiest days and that the future could be looked forward to with confidence.'⁵¹ Secretary LG Smith now had so much court work that he was 'unable to conduct the business of the Association single-handed and required the assistance of a temporary organiser' to replace Mr Tonge, who was on leave. Sheiles was appointed. There was plenty of organising work to be done across all kinds of metropolitan workplaces: in May 1927, for example, Organiser Levy visited Arnotts, and enrolled clerical staff. The Secretary reported addressing the clerks at Nestles, Harbour Street, where 46 out of 47 clerks had joined the union. He had also secured an increase of 1/- for men and 3/6 for women covered

by the Metropolitan Clerks Board, the Retail Shop Clerks Board and the Wholesale and Hardware Board. An example of the court work so preoccupying Secretary Smith was the 1925 claim in the Shop Clerks' Section for a new Award: it involved 23 witnesses 'so far' and better rates for night work were hoped for. The union also addressed the right of entry for the union to workplaces, granted in the Metropolitan Award and the same was sought from the retailers in 1927.

The Postwar Public Service

As the war ended the numbers of Commonwealth temporary clerks declined and the union's membership settled back into the mid two thousands. It continued to organise and assist Public Service clerks, particularly temporary government clerks in New South Wales. As the union saw it, it was often thwarted by the 'Government's vacillation and delay in giving effect to the Labor Party's policy as regards the various matters submitted to it by the Public Service Section' of the union. In 1921 it called upon the Government to give immediate effect to its requests that ⁵² permanency entitlements under the '1915 Act' to be enforced, that legislation be passed to ensure the automatic permanent appointment of all other temporary employees upon their qualifying by fulfilling similar conditions as provided in the 1915 Act, and the threshold for those employed without passing the grade test under Regulation 119 be raised to £321 to allow retrospective payments according to the recent Award of the Arbitration Court, and for the higher grade examination to be fixed at the terminal point of the scale of the Award'. The clerks also asked for a conference with the 'Public Service Section of the ACA' before 'the one with the Public Service Association (Permanent Officers) regarding salaries', the permanent officers having already had their Award granted whereas the temporary offices had 'been waiting over 18 months'.⁵³

State Government clerks were a special case, administered by the Public Service Board. There was no employee representative on the Board and the union called for its abolition, seeing it as 'inimical to this Association' and wanted it to be replaced with a new board, with one member elected by the employees, one by the government and one by the Electors'.⁵⁴ The clerks expressed 'indignation at the action of the Fuller Government in removing public servants from the Arbitration Court'.⁵⁵ The Board was the subject of a Royal Commission so the amount of time and effort the union put into the interests of Public Service clerks seemed warranted. The various public agencies, for example the Railway Commissioners, were also aloof and disinclined to respond even to Government. The union waged a long campaign on behalf of foreman's clerks on the railways, complaining at their being regressed,⁵⁶ and in 1925 the union urged the foreman's clerks' right to appointment on the salaried staff. The Minister had actually recommended this but the Commissioners 'had not seen fit to carry out the Minister's direction' and the Secretary had sent a 'vigorous reply, and asked what further action the Minister proposed to take in order that this recommendation should be put into operation'. The union saw this as a matter of principle: it was only 'prejudice' that kept clerks out.⁵⁷

On 22 December 1924 a crisis meeting was called on public service matters. Secretary Smith read correspondence forwarded to the Public Service Board relating to the compensation payable to retrenched Taxation officers. The reply was that compensation was only payable to permanent officers under the Act amalgamating the State and Federal Departments. Martin and Burnett moved that a deputation consisting of Sheiles, Bennett and Stettler and the Secretary, wait upon the

Attorney General.⁵⁸ Smith reported that he had spoken to the Attorney General's Private Secretary but a deputation to Mr Bavin had to be put off and the Attorney General had now gone on a fishing expedition.

In November 1925 the union sent a delegation to the Public Service Board regarding an agreement for State temporary clerks. This would give them back pay but the Board did not complete the agreement and the Secretary wrote to Mr Kessell, Under-Secretary to the Attorney General, 'urging him of the necessity of his using his endeavours to finalise the Temporary Clerks' agreement'. When nothing was done the union's solution was to refer the matter to Caucus. Sometimes the Board was effective: the union recovered 10 days pay in lieu of recreation leave for the late Mr Huckstadt's widow when the Registrar General's Department decided not to pay the money. The union put the matter before the Public Service Board, whereupon the Department decided to pay. Some authorities were co-operative: the Board of Fire Commissioners for example promptly granted the increase in the new basic wage and made it retrospective for its clerks and in 1924 the Fire Board granted absolute preference to members of the union.

Temporary State clerks faced problems with the State Public Service Grade Test. Retrospective increases were not paid to those who had failed the test, and the union waited on the Attorney General, Mr Bavin, in mid 1922 in regard to this. In October 1923 basic wage increases were also not payable to those who failed the tests because they were 'debarred from proceeding over £301 per annum', and could not be paid above that amount.⁵⁹ In March 1924 the Public Service Board agreed to pay the basic wage increase to all temporary clerks employed in Industrial undertakings. As the Secretary put it, he was 'glad to receive even this small concession' from the Board as it would give the Public Service Section 'greater heart to pursue their endeavours for the payment of the basic wage increase to all men who have failed to qualify by passing Regulation 119', the grade test.⁶⁰ Another problem for temporary clerks continued to be their eligibility for permanency. 1922 had brought to light the problem of demarcation between temporary clerks and permanent clerks in the Public Service. The Public Service Association also had claims on Public Service clerks and an agreement was made with the Association that the union would cover temporary State clerks while the PSA would cover permanent clerks, but neither would take the other's existing members. In June of 1926 the union also had to accept that the Sydney Harbour Trust had gained industrial registration and that 'under the provision of the Amending Industrial Arbitration Act a body comprised entirely of employees of the Crown had the right to registration'.⁶¹

Chapter 4

Relations with the Labor Party and Lang, 1920 – 30

The union's relations with the Labor Party, especially with Lang, were difficult. The peculiarity of dealing with the Government as an employer able to grant such advantages as preference or permanency for the large temporary Public Service sector of the union meant that there was a genuine layer of industrial confrontation and it was fiercely pursued. The union was deeply reproachful of the way Parliamentarians failed to assist the Public Service membership and if Labor politicians belonged to the union the clerks felt they had some purchase on them. Secretary Smith was often outspoken. On 11 November 1924 several Clerks' Union 'contenders for political honours' attended the General Meeting. While congratulating them Secretary Smith 'trusted that if the members mentioned were elected to Parliament they would not forget the Association as a number had done in the past. The ACA was strong in political membership ... he sincerely hoped that members would not forget the Association and attend its meetings thereby learning of its many requirements in the political field'.

After the disastrous split in the Labor party over conscription in 1916-17, the party achieved a remarkable revival over the next three years, enabling it to win Government under Premier John Storey in 1920. Unfortunately for the party it was a hollow victory, because its minority administration depended upon the vote of a non-Labor Speaker to stay in office. It could implement almost none of its electoral promises, which led to renewed frustration in the trade union movement, including in the Clerks' Union. Especially the target of union discontent was the Treasurer, JT Lang, who was blamed for his cautious policies. The disillusionment became worse when Storey died in office, to be succeeded in 1921 by a lack-lustre James Dooley. The Nationalists won the 1922 election which put the firmly anti-union Government of Sir George Fuller in power until 1925. Both at the State and Federal level the arbitration system was under concerted attack. Not surprisingly, one result was to encourage the more radical trade union leaders to militancy.

The Clerks' Union itself had a mixed political background with an element of leftist leadership opposed to a strong conservatism; this led to a struggle for dominance rather than consensus and the leftist group took leadership from 1923. Support of the rights of communists let the union be labeled 'communist' when it asserted itself and a series of ballot rigging rumours as the leadership changed also made it liable to criticism. In 1926 the Federation intervened to review the union's finances and membership records. Several of those within its ranks, including JJ Graves, JC Eldridge and ER Voigt would emerge as key Lang supporters.

While the union attacked conservative governments with enthusiasm, dealing with the Parliamentary Labor Party was more awkward, with considerable tension between the desire to see the parliamentary arm of the party elected to office while obliging it to pursue the unions' industrial needs. A large temporary Public Service membership meant that grievances against Government and parliamentarians were matters of immediate industrial concern.

The factionalism in the Labor Party had started with the contest between the AWU and the Miners' Union, led by AC Willis, for influence in the State Executive of the Party. By 1923 Jack Lang emerged as the Labor leader in New South Wales, with the support of Willis and the Miners but opposed by John

Bailey of the AWU. Another element in the contest for influence was the newly formed Communist Party. JS (Jock) Garden, a member of the Clerks' Union, founded the Communist Party (the CPA) in 1919. The crystallising of communism into a party confronted the ALP and its parliamentary leaders with an ongoing dilemma: to accept the communists in the ALP gave them opportunities to supplant Labor ideology with communist views, but acceptance of communists also alienated many traditional Labor supporters, particularly Catholics and the rural sector, and strengthened conservative opposition, endangering electoral success. At the same time, the communists were an expression of the Labor Movement and were closely linked to the Labor Council in the 1920s, where Garden was Secretary from 1918.

The presence of an alternative Labor Party, the CPA, carried some threat of division, split and weakness in the ALP. This would not serve either party's interests well, and the CPA at first intended to work through the unions and the Labor Party, in line with the policy of a 'united front'.¹ This let the CPA use Labor's existing structures, even 'white ant' those structures and riddle them with communist influence in order to advance the communist objective of rallying class solidarity against capitalism. Policy included supporting industrial unionism which did not always suit the broader concerns of the parliamentary arm of Labor, bent on holding office. In the early 1920s there were accusations of ballot malpractice against John Bailey of the AWU in internal party elections. Some saw the party as dominated by Catholics and others saw it as influenced by communists.

The clerks already had some factions of their own to resolve. Riley's now amalgamated union had favoured the AWU's proposal for 'closer union' and, given the problems with the United Clerks, it had even briefly considered amalgamating with the AWU as the Clerical Workers Section. Willis and Garden on the other hand supported the militant One Big Union (OBU) movement, too radical for the AWU, which by 1919 supported the moderate Labor leader J Storey against the OBU. In 1919 Willis and Garden were expelled from the Labor Party. Garden's power base became the Labor Council and at the Federal Conference Willis and Garden put the socialist objective into the party's policy statement. There was a general 'lurch to the left'² as the socialist objective was made part of the platform. In 1922 the communists encouraged unity, and key communist figures including Garden were members of the ALP. Jack Lang, Labor leader from 1923, was deeply opposed to communism, although the press constantly referred to him as a 'red' because of his alliance with the radicals in the Miners Federation.

By 1921 the amalgamation of the old UCU and Riley's short-lived Temporary Commonwealth Clerks' Union was again running its own affairs after intervention from the Federation. N McGuinness of the Shipping Section was President, with Percy Coleman Secretary and LG Smith Assistant Secretary. McGuinness was censured for declaring to the *Daily Telegraph* of 16 January 1922 that some '5 000 clerical workers' supported McGirr, who was close to the AWU and out of favour with Willis. At the next election there was a return to early officials of the old UCU; RE Oaten, AA Jones and also A Tonge. The ballot was closely questioned but long investigations found nothing out of order. During the year of their administration the union paid its dues to the Trade Union Secretaries Association, a moderate group supported by Lang and Willis,³ and the return of A Griffith to the party was supported. The delegates to the ALP Conference were Coleman, Tonge and Jones and when Sheiles moved that the delegates instruct the Conference to vote for the 'socialisation of industry' the motion lapsed.

When Secretary Coleman won preselection to the seat of Reid in late October 1922 and resigned as Secretary at year's end there was a changing of the guard when BW Shieles, originally from Riley's union and relatively radical in outlook, was elected President in 1923. The union was deeply critical of the last Labor Government but agreed to a levy to sustain the party. At this time JT (Jack) Lang succeeded Dooley as party leader in New South Wales and was determined to sideline the communists, seeing them as an electoral liability. In October the ALP Executive would not accept members of another party, meaning the Communist Party. This meant JS Garden and JJ Howie were effectively expelled. At a Special Meeting on 21 November, with the 'press attending' and W Burnett in the chair, a group in the Clerks' Union including FA Armstrong and 'red' JS Garden, Secretary of the Labor Council and a member of the Clerks' Union, spoke in protest against the proposed expulsion of communists from the ALP. Mr Baker, representing the Communist Party had been invited to attend and it was noted that 'no representative of the ALP attended'. The *Daily Mail* was also allowed to be present. It was moved that 'this organisation is of the opinion that the ALP should proceed to draft a submission to the next ALP Conference to allow affiliation of different working class bodies'. The motion was carried.⁴ An earlier motion upholding the ALP Executive's decision, moved by Ferguson and Fitzpatrick was lost. The union's agenda for the next ALP Conference was the proposal that members of the ALP Executive could not be eligible as candidates for seats in the Legislative Assembly or House of Representatives during their term on the Executive, and no member of the Executive elevated to Legislative Council during term of Labor Government. In February 1924 Garden allied with Bailey of the AWU to form an anti-State Executive faction in opposition to the official Labor Executive which had barred membership to communists. The union's JC Eldridge ran for vice-president of the official Executive but was defeated by loyal Lang supporters EC Magrath and J Tyrrell.

The next annual election of the union in March 1924 returned Shieles as President and JC Eldridge as Vice President, while WG Burnett announced that the Federal Temporary Clerks' Section had elected JB Martin as Central Council Representative. LG Smith was elected Secretary. Some members claimed not to have received ballot papers and the *Labor Daily* commented disparagingly upon this without consulting the union. Secretary Smith deplored 'Labor's Official Organ' publishing an 'ex parte' statement.⁵ AE Evers however was not so supportive of the leadership and moved at the meeting on 22 April that the 'seats of officers and delegates declared elected on March 11 be declared vacant' but the Chairman ruled this out of order, and dissent against the ruling was lost 99 to 43 votes.

In August 1924 the clerks found themselves in the position of most unions, eager to support a Labor victory at early elections. Secretary Smith attended a meeting of unions convened on 11 August 1924 to increase the sales of the *Labor Daily*, in which the union took shares, to promote Labor and by extension assist Lang. At that meeting a committee was also formed to make 'additions and alterations in the Fighting Platform'.⁶ This gesture towards a democratically constructed policy was taken seriously by the clerks, and the union promptly resolved to put its policies for public servants on the ALP Fighting Platform 'to endeavour to have them placed in a prominent position'. In September however the unions were disappointed with the apparent insincerity of the parliamentarians' desire to consult with the industrial section of the labour movement. FA Armstrong spoke out against the ALP's failure to call a Special Conference as requested by the required number of unions, seeing this as 'evading the questions of abolishing selection ballots, the united front and the formulation of an

industrial policy in the forthcoming elections'. Correspondence from Labor Council also expressed 'disgust with the ALP Executive in evading the August 30 Conference' and Armstrong's motion endorsing the action of Labor Council was carried. At the same meeting correspondence from the Leader and Secretary of the Parliamentary Labor Party on the subject of the Public Service Grade test caused Secretary LG Smith to comment that the Association was being treated with contempt and 'if we put up with this insult we deserve no better treatment'. The Clerks' Union then decided to confront the MLAs who were members of the union with a copy of the correspondence and ask them to answer a set of questions, and 'in the event of an unfavourable reply being received' the Association would 'consider their membership'.⁷

Jack Lang's State ALP disparaged the Clerks' Union for having communist leanings. The union however proceeded with its pursuit of the Fighting Platform with energy in 1925. The Public Service matters had been referred to the ALP Executive but Smith was suspicious of a 'hold up' at that point and wanted a deputation to Evatt and the Executive to see whether the proposals 'were to be taken in the light of a joke or if the ALP was really serious when the Fighting Platform Committee was formed'.⁸ At this time the union's annual elections were held, returning BW Sheiles as President and Vice Presidents JC Eldridge and B Bennett. The returning officer T Lockard then found problems with the ballot, including some envelopes containing as many as twelve ballot papers and some, bearing the State Parliamentary Seal, containing six. Lockard detected forgeries and the *Labor Daily* found this out and made a connection between the 'spurious ballot papers', Senior Vice President Eldridge and 'another', a prominent member. The union objected to the 'official organ of the Party' attacking 'this and other unions affiliated with the ALP' and it was decided that the Secretary communicate with HV Evatt to ask if he 'is identical with the anonymous individual described therein as a prominent member of the union'. It appeared that Dr Evatt had made 'serious allegations of corruption against the union' and he was summoned to appear before the Central Council charged under Rule 35 with injuring the union.⁹

Evatt did not attend, but in the meantime Armstrong and WG Burnett moved that the meeting condemn the Senate Ballot Returning Officer's victimisation of Vice President Eldridge 'who has been duly selected as a candidate for the Senate by the vote of the rank and file of the union and Branch affiliated with the ALP of NSW'. This alleged conduct was seen as 'in line with the policy of crookedness and opposition to genuine industrial candidates' and the substitution of Mr Gibbs was questioned.¹⁰ Evatt however gave a satisfactory written explanation for the corruption allegations, regretting any misunderstanding he might have caused and the matter ended there. By 28 April 1925 the union turned to the ALP Fighting Platform again. Several 'unproductive visits had been made to interview members of the Campaign Committee'. Resenting this snub, those present at the meeting of the union resolved to instruct the Secretary to send out a circular to all ALP Clerks' Union Parliamentary candidates asking them to subscribe to the union's policy on Public Servants, and requiring each candidate to 'signify his intention as to whether or not he was in favour of giving immediate effect to such proposals should the Labor Party be returned to power'. Should an unfavourable reply be received, the Council would make 'a definite recommendation to the General Meeting in connection with such candidates'. A resolution was also passed expressing 'disgust' at the delay and evasion which has taken place in regard to the Public Service proposals'.¹¹

By 11 May Parliamentary members A Tonge and B Olde had replied to the circular but the rest stated they were 'prohibited by resolution of the ALP Executive from answering any questionnaires'. The *Daily Telegraph*¹² reported that the Clerks' Union had 'repudiated' 16 members of parliament, including Lang and Evatt, while the *Labor Daily*¹³ reported 'merriment' in ALP Headquarters, where W Carey, Secretary of the ALP, noted that there were several communists on the Clerks' Executive, and they 'always go out of their way to embarrass the real working class party'. Meanwhile Armstrong and Martin censured the ALP 'for their failure to sympathetically consider our demands regarding Public Servants' and Armstrong moved that the union 'publicly vindicate' the way it was 'challenged by deliberate and malicious design'. For good measure the union took the *Labor Daily* to task for advertising a position without adding 'preference to unionist'.¹⁴

In 1925 Lang developed his 'broad platform' and won the State election campaign. His policies included preference, socialisation of industry and arbitration for public servants. The inclusion of a policy of restoration of seniority to striking Railway workers no doubt pleased the clerks. At the General Meeting 12 June 1925 the union congratulated the ALP on its victory at the polls, and Secretary Smith successfully opposed the rider, 'we expect the Party to give immediate effect to its pre-election preludes to the workers of this State'. The union also held its hand on 12 October of 1925 when Premier Lang wrote a seemingly dismissive letter saying that the longstanding matter of Public Service Examinations was under the control of the Attorney General. The union's reason for such reticence was that it wished to do nothing to 'prevent the return of a Federal Government' and the Secretary felt the union must 'give their help and solid support'. The State Parliamentary members would therefore be discreetly invited to attend a meeting. However, the *Sun* reported that the Clerks' Secretary was musing over whether MLAs were clerks, given the 14 State and five Federal MPs the union harboured, and apparently Smith was considering not letting them join.¹⁵ Evers and Martin resolved that the Secretary reply to the report and deny its correctness. It was also decided not to call the Special Meeting with the ALP about the Public Service matters, and they were left in abeyance for the moment.

By late 1926 Lang had the support of all unions affiliated with Labor Council with the exception of the clerks and the AWU. Union leaders, including those with communist sympathies, were determined to keep the AWU from regaining its old power. Lang was determined that official communists would stay out of the party while the AWU, having formed an alliance with McLoughlin who had challenged Lang on the grounds his rules would let communists secretly into the Party, now tried to suggest that moderates would be driven out.

In that year the union was outraged again when Premier Lang appointed a non-unionist to the management of the State Insurance Office. It was resolved that 'those members of the Cabinet who are members of this Organisation, and who are partly responsible for the appointing of a non-unionist to the position of Manager of the State Insurance office be called before this Council, to show cause why they should not be expelled or otherwise dealt with, for violating the cardinal principle of unionism, viz, preference to unionists, and which conflict is deemed to be detrimental to the best interests of this Union'. By 4 August 1926 the ALP Executive had decided to investigate, so no further action was taken for the moment and Lang and the others were given 21 days notice to appear before the

Central Council of the union to show cause why they should not be expelled. The union made good its threat; on 7 September the Premier and MLAs Loughlin, Cann, O'Halloran, Grieg and Murphy were duly expelled and the Secretary was 'empowered' to make a statement to the press on the resolution carried 'here tonight' by 13 to 2 votes. Smith did so, and drew a number of letters to the *Labor Daily* complaining at this action and particularly at the union's Secretary. It was claimed that some 30 members of the Public Service Section had resigned because of the apathetic attitude to their claims, so Smith's sincerity was publicly doubted.¹⁶

When Evers was elected President in February of 1926, with Vice Presidents JB Ferguson and C Gorry, Martin and WG Burnett questioned the ballot and wanted procedural matters put to the Industrial Registrar. Evers was determined to take control of the union; he ruled that neither the Secretary, nor any other official or delegate could accept money or membership forms and he also ruled out of order a motion that the meeting instruct these people to accept money and forms.¹⁷ On 25 May 1926 W Murphy 'in a spirited manner' dealt with the powers of the Chairman and asked Evers to quote the rule he relied upon. Armstrong tried to bolster the standing of Secretary Smith in the face of hostility from the new President, noting that Secretary Smith was administering 25 Awards and agreements and 'during his period as Secretary had obtained a number of new Awards and agreements and had considerably improved the existing conditions'. Indeed, it was noted, given Smith's efforts the only thing needed in the well running machinery of the union was an organiser, so that 'large files, hitherto untouched, could be exploited'. W Murphy, who had argued with Evers over the collection of new members' fees, was appointed.

At a Special Council Meeting on 12 July the union chose an Auditor, JC Williams, from two applicants. Although Williams made recommendations regarding the correct keeping of the books the meeting, comprising Martin in the chair, Morris, Eastwood, Taylor, Burnett, Steenbohm and Armstrong, resolved these methods were no improvement upon the existing system. They appreciated Williams' comments but took it upon themselves to carry on as before. A tussle then developed at the Half Yearly Meeting on 10 August between Evers and the Secretary over whether or not a Mr Partridge's complaints against Lang for failing to appoint a unionist to the management of the State Insurance Board constituted a charge against the Premier. Evers next refused to sign cheques 'thereby harassing and obstructing' the Secretary in his duties' and on 30 August Evers was suspended from office. These events in the union coincided with the expulsion of Premier Lang and the other members of Parliament from the union on the grounds that they had failed to exercise preference principles in the appointment of the State Insurance manager. Evers wired the Federal President to ask if the Branches indeed had power to expel members, and indicated it was 'imperative' for the Federal President to attend the Branch Meeting in Sydney. Federal General Secretary F Katz attended the next Council Meeting and on 26 October Secretary LG Smith tendered his resignation, while Katz claimed that he had received a complaint from those auditors who had applied for the position of the union's auditors but were not successful, alleging 'lack of system in the way business is conducted in the Sydney Branch.' The Federation requested that Evers attend the Federal Conference, the Federation offering to pay his fare and the Federation expressed displeasure at the Branch's expulsion of labor parliamentarians. Evers heartily endorsed their reinstatement and a telegram arrived on 26 October from Katz communicating that it had been decided at the Conference to take over the NSW

Branch and cancel the ballot for Secretary. Katz' instructions from the Federation were to tidy up the membership roll, conduct an election of a Secretary of the Branch and alter the rules and line them up with the Federal rules. There were objections in Sydney to the 'high handed and unwarranted action indicated in their wire, this Executive being ignorant of any dispute or reason for same, particularly with regard to the cancellation of the ballot'. After extensive questioning, especially from JB Martin, Katz claimed that the recent ballot had been rigged but he was evasive on details, and in the end replied that Murphy's fault was that he had failed to hand up the books. Evers, as the Branch's elected representative to the Federal Council, was also asked to explain what had happened at the Federal Conference to put the New South Wales Branch under such scrutiny, given that Evers had promised to 'oppose anything brought up at the Conference against your State Branch'. By 11 November it was suggested that Katz was trying to 'put over some pretty sharp business'.

The dispute was referred to Labor Council. Mr P Fallon, President of Labor Council presided over the Investigation Committee. It found that the Federal Conference was the supreme authority and that Katz could indeed be sent to take over the Branch. Katz should not however be Acting Secretary owing to the animosity against him, and Mr Murphy should not be appointed 'in the best interests of the Branch at this time'. Martin stated that 'there would be no harmony nor peace in the NSW Branch if Mr Katz was allowed to take control'. Mr McCallum was appointed Secretary and Evers and Mr Levy were to be organisers. The Auditor meanwhile found some money paid direct to the Federation and so not traceable in the Branch's books and there was also the matter of delegates not paying fees in regularly as they collected them. This could leave financial members apparently unfinancial, and therefore not able to vote. Katz and Evers then left for Newcastle to put matters there in order, and Katz indicated that he intended to nominate for the position of Secretary upon his return.¹⁸

In the subsequent meeting Sheiles took exception to Federal interference in the union's affairs. George Smith was elected President while Evers continued as organiser and Katz was declared Secretary after the ballot was counted. On 8 February 1927 Sheiles asked for a ruling of the Chairman 'as to whether this meeting was being held under State or Federal control.' He contended that Evers should be in the chair, being the union's elected President and there were protests against the ballot for the position of Secretary although the motion failed. Auditor AJ Williams found the book keeping system, from 'previous years', and apparently still continuing, allowed membership 'to be adjusted to suit those in control'.¹⁹

At this point the union gave its attention to the wider political sphere, especially the postponed ALP Easter Conference. President Seale was backed by Willis while the AWU thought ER Voigt and Garden, now Lang supporters, were communists, and Lang's enemies claimed that he was introducing 'red rules'. At the Central Council Meeting of 17 March 1927 President George Smith reported his 'action in siding with Mr Seale the President of the ALP Executive regarding the conference to be held at Easter'. Lang encouraged support for Seale and the main issue at the Conference would be the passing of the 'red rules' which despite the suggestions of the AWU maintained the exclusion of communists from the ALP.²⁰

The affairs of the union (as of the ALP) became increasingly disorderly, and Katz resigned on 24 April 1928, remaining Acting Secretary for three months and the Federal Council decided to step in

and appoint 'persons to control the affairs of the branch'. Nominations were called for the position of Secretary and JB Martin nominated, as did Sheiles. Martin was accused of calling an unauthorised meeting. It was unanimously carried that the Federal Executive take the 'necessary disciplinary action against Martin' and Martin was suspended. On 31 July 1928 Evers was Acting Secretary and George Smith resigned as President .

By the Annual Meeting in early 1929 the year had been 'a particularly strenuous time financially and at times it would seem nearly impossible to weather the storm'.²¹ The situation had been saved by the Acting Secretary, apparently Sheiles, who had managed to obtain a loan of £35 from the AWU and had himself contributed £36/13/6 to the organisation. It had also been resolved that the union write to the Southern and Central Queensland Branch, which carried the Federation through the depression thanks to compulsory unionism in that State, for a loan of £150 for 12 months. AJ Williams gave his Auditor's Report: 'I have to take a very definite stand', he said, 'on the dangers of such a loose method of book keeping'.²² FA Armstrong was suspended as a delegate to Labor Council pending an inquiry over his revelations of how communists operated and he had already been suspended from Labor Council. He was reported in the press as having been assaulted by a 'basher' gang and hospitalised for five days.²³ There was disagreement again over the question of Murphy as Assistant Secretary at the General Meeting on 9 July 1929 and on 7 August 1929 a Special Meeting was held to deal with the suspension of the President, 'Comrade' AE Williams, on the grounds of non banking of union moneys. It was put forward that the suspension was on a 'trumped up charge' because Williams would not rule that Murphy was Assistant Secretary. WER Bates 'strongly condemned Williams' suspension; Williams had refused to 'establish Murphy Assistant Secretary against the resolution of the General Meeting'.

At the Annual General Meeting 11 January 1930 it was noted that the ballot was to be conducted by the Chief Justice of the Federal Arbitration Court, Justice Dethridge so there was no need for a returning officer from the union. Bates was confirmed President and AE Williams continued as Secretary, having been Acting Secretary. At the meeting in March it was now pleaded that the 'union must go on when members have, by ballot, appointed a certain group of officials'; 'Otherwise we are not going to be a union at all'. 'Whatever has happened in the past, we are all getting along fairly well now'. The tensions had not entirely settled: a charge of disruption against five 'prominent members, already suspended from the State Branch, was to be heard at the Federal Conference in Melbourne. The alleged disrupters included Shieles, Armstrong and Murphy.²⁴ At the General Meeting of 13 May Katz claimed that JB Martin was still a suspended member but at a Special Meeting in August 1930 it was resolved to ask the Federal Council to rescind the suspension of JB Martin. This was carried unanimously and Martin was reinstated.

Chapter 5

The Depression, and Communist Influence (1930-1941)

After some resolution of its inner turmoil the union began to focus again in the 1930s on industrial matters, such as dismissal by the Post Master General of union members from the General Post Office, and the need to ask for 'Ministerial pressure to be brought to bear'. By March the union was preparing a log of claims for a new award for Metropolitan clerks and on the 20 May 1930 the *Herald* reported a little provocatively on the claim filed for clerks in New South Wales in the State Arbitration Court. 'Morning and Afternoon Tea', was the headline, and below that, 'Cushions to be provided'. The claim referred to long back cushions while the clerks sat at their work, and not quite the luxury of tea and cushions implied. The old habits of ridiculing clerks had not quite gone away. Some 30,000 clerks would be affected, the Award applied for being a general Award and setting a common rule. It would, it was reported, not apply to those covered by the Shop Assistants and Office Assistants (Country) the Clerks (Country Butter Factories) and the Clerks (Solicitors, State) Awards. There was some more teasing of the luxury loving clerks when they moved to the State Shopping Block for meetings, having 'forsaken Trades Hall'. The new premises was described as a plush place, with velvet curtains and other extravagances, made even more impressive by the bunting and other decorations put up to welcome the aviatrix Amy Johnson. However, those communists attending were reported as class conscious enough to object, but the *Herald* noted they 'apparently decided to sink their differences for they remained in the congenial surroundings till the end of the meeting'.¹ In May of 1931 a trip was made to Newcastle to constitute it as a sub-branch, with Mr A Osborne the Newcastle Secretary and George Bass as its President. A statement was made at Central Council that the present executive was instrumental in wiping off £114/17/11 of liabilities in December and had persuaded the Federation to wipe off £227 pounds. WE Bates was in the chair, and the election and appointment of J Hughes as assistant Secretary/organiser, elected by 8-5 votes, was noted.

The union now took issue again with parliamentarians over the Public Service. AE Williams protested at 48-hour weeks and reductions² and Lang was again censured for giving employment to non unionists. On 4 June 1931 the *Herald* noted that State Labor members belonging to Lang's group had not responded to the summons to appear before their union. AE Williams was seen to be trying to embarrass the Government and allied with the new Labor Party, endeavouring to set up in opposition to Lang. This would become the Heffron Labor Party, which accepted communists in its move against Lang's Labor Party. Both parties saw the unions as potential bases and the Clerks' Union, lacking either a strong leader or an assertive rank and file, became the centre of a long struggle fought on fairly equal terms between the emerging JB Martin faction supporting Lang, and the AE Williams faction which inclined towards the communists.

The General Meeting in June 1930 resolved that in view of the divided state of the union, the Sections would no longer be represented as such on the Central Council; from now on it would be made up of people elected by the whole of the rank and file. The union was being well conducted by the Council and this situation should 'not be disturbed'.³

In the 1930s the Depression 'greatly weakened unionism'. At its worst in 1931, about one-third

of all workers in NSW were unemployed. Most were providers for families, so that severe economic hardship was very widespread. The shock waves spread quickly to the political system, especially in the Labor Party. Because of disagreements about how to handle the economic conditions the Scullin Labor Government was destroyed in November 1931 by a handful of Labor MPs loyal to NSW Premier Lang. The NSW Premier did not last much longer himself. He was dismissed by Governor Sir Philip Game in May 1932. At both Commonwealth and NSW level the Clerks' Union had to deal with conservative governments for most of the 1930s, while negotiating with a State Labor Party that was crippled with factionalism, especially over the leadership of Lang.

The economic difficulties meant the tribunals began to depart from the notion of a needs-based wage and started to look at industry's capacity to pay while the unions had little bargaining power. 'Many union officials became demoralised and inactive' and were challenged by communists. Communist influence also spread through the shop committee movement.⁴ At this time, in the grip of the Depression, the Clerks' Union led a modest life, with three paid officers in attendance, the Secretary, the long serving and much relied upon and respected Miss Wylie in the office and the young organiser, MJR or JR Hughes, known as Jack. It was noted at the General Meeting of 14 May 1931 that the financial membership was 825 and the whole membership had fallen to 1,423. The wharf clerks set up a trust fund for the alleviation of distress. Times were very hard; the union's bank balance was £95/6/1 up to 7 March 1932 and it was noted on 7 March 1932 that if 'matters brighten up at Cockatoo', Mr Lockard might be reinstated, the result of an interview with the manager there.⁵ The new Arbitration Act, if enacted, would reduce female rates. Women were increasingly prominent in the union's life in the early 1930s; there was talk of a 'ladies' football match' to raise funds, and Miss Swain had been elected to the Council. Miss Matthews continued as 'lady' delegate to Labor Council and in 1933 Miss Thompson and Miss Lockard were delegates to the Working Women's Conference. In 1934 Jessie Street gave an address to the Meeting 13 March 1934 on equal pay, and despite low funds the union did not neglect the practical step of paying Miss Wylie the male rate in the Metropolitan Award. There was also mention of the choice of the Eight-Hour Day Queen, whom the union had been invited to appoint that year.

The balance at the bank in July 1933 stood at £48/5/4. Nevertheless the union had a good deal of industrial capital in the form of its Awards, Agreements and the provisions in place. Breaches in hard times had to be dealt with: Anthony Horder's were 'bringing in the clerks before 7 am', and 'the union has put a stop to this practice'. Griffiths Bros (Tea Merchants) were not paying their time collectors 'our rates' while employers on the waterfront were breaching the four hours minimum. The union also requested the shipowners to select their clerks as early as possible in the day.⁶ In Depression time there were special industrial provisions to consider; applications to ration work could now be made. Hoffnungs for example applied to work their clerks one week in five, which was agreed to but the union opposed an application from Cameron & Co of Five Dock to ration time payment collectors to two days a week. They depended on their commissions as a part of their income and the Conciliation Committee upheld the union. It was a sign of the times that the *Herald* reported that dole inspectors were held ineligible to join the Clerks' Union after the union rejected their application by 64 to 18 votes.⁷ Breaches of Awards by the firm of one Eric Campbell, founder of the New Guard, were also noted at the 10 May 1932 meeting. The union continued to organise; representatives attended for

example the Vacuum Oil Company to address the company's clerks on joining the union.⁸ Mr Allen, the Civil Secretary at Garden Island, had to dispense with two clerks and asked if the union would favour ratifying this measure. The union's main reservation was the possible need, if staff were put off, for other clerks to work overtime while rationing was in operation.

Cuts were made in the public service, and when the union learned that the Government meant to put on a number of clerks at overtime rates it made representations to the Premier for preference to members. These replacement clerks were however to be appointed by the Public Service Board and had Public Service Examination qualifications so that the union was left complaining at the Government's lack of attention to its policy of giving preference; 'this has again been overlooked'. The conditions were not within the Award, and the clerks would start at 5 pm and finish at 9 pm, with no tea money, at 1/6 per hour. The Department of Labour also reneged on preference policy.

The union was again determined to keep Government up to the mark with support for clerks. On 26 July 1930 the *Herald* reported that Federal members of Parliament had been called upon to show cause for dismissing public servants at Cockatoo Island, Garden Island and the Postmaster General's Department. Unionists had been dismissed while others were retained, when the Assistant Minister for Industry, Mr Beasley, had said all work was to be done by union members, and not by labourers. The Secretary's Report dated 11 August 1931 complained at the position of unemployed members. 'Had the Labor Government given the union's unemployed the consideration they were entitled to, it is safe to assert that fifty per cent who are now out of work would have been in jobs secured by anti-unionists'. There was resentment because many had paid 'capitation fees to assist Labor Government to power for decades past. I can hardly credit that any Labor Government in this State would tolerate such a procedure'. 'The members should demand an alteration of such procedure by Labor Government'. Non-union labour was employed in the Lottery Office and a declaration that the Lottery Office was 'black' was amended to a decision to approach Mr Lang on the subject. The result was that all the lottery clerks were told to join the Public Service Association. Hughes took the chair at the Central Council Meeting 21 October 1931 when it was reported that a log of claims for Lottery clerks was excluded by the Conciliation Committee on the grounds that the clerks must join the PSA. The Secretary's Report, dated 8 September 1931 had noted that the lottery clerks were being paid less than Award rates. A notice of motion was tabled that the union withdraw its affiliation because of Lang's refusal to give absolute preference in the Department of Family Endowment and the Lottery Office. Lang had also refused to receive a deputation and it was claimed that 100 female and 16 male non unionists had been appointed to the Lottery Office, yet they were not Public Service Board appointments, and did not have Public Service Examinations qualifications. Members should boycott lottery tickets until the union's members were appointed.⁹

At the same meeting the presence of the radical 'Minority Movement Group', whose mission was to advance the cause of the Communist Party, was evident in the union in the persons of Jack Hughes and D McSween. They had suggested disaffiliation, on the grounds that the ALP was being used by employers. They were cut short with an amendment that the union had already decided to support the Lang Plan and support NSW Arbitration and so 'the officials are being instructed to refrain from supporting any general opposition to that policy'. The amendment was carried. The union later acknowledged a letter from JT Lang thanking the members for their confidence and Clerks' Union

member ER Voigt, influential Lang supporter and instrumental in setting up Radio 2KY, suggested the union raise funds for a 'Lang is right' campaign.¹⁰

Introducing Jack Hughes

In the meantime the *Sun* had recorded Jack Hughes' arrival on the political scene at just 21 years of age, hailing him and D MacSween, also of the Clerks' Union, as 'boys ... but orators' as they 'stirred the Lang camp' at the ALP Conference. Not since Holman some thirty years ago, declared the *Sun*, had Labor seen such a talent. Hughes was described as 'on his feet all the time' while MacSween 'waits, listens and speaks'. It was noted that 'both will be a force in the movement shortly'. Hughes' photograph appeared with the article and showed a golden haired young man, alert, compelling and full of presence. His contemporaries would remember his extraordinary speaking voice and his capacity to turn a good sentence, master his material, and demolish his opponents' arguments.¹¹

At the union's Central Council meeting 5 May 1932 new rules were made – the General Meetings were to be held the second Tuesday of each month, with a quorum of 20. Special General Meetings were to be held at the request of 150 members and the Central Council would meet when summoned. With the exception of the Secretary and Assistant Secretary, officers were to be elected by ballot of the whole union. At this time AE Williams was Secretary, and as at 8 March 1932 WJ Carnell was the new President. When Williams resigned in September of 1932 on the grounds of ill health Evers became Acting Secretary, and the position was advertised with a salary of £450 per annum. In 1933 the *Herald* reported the new officers elected to the NSW Branch - President WER Bates, Vice Presidents MJR Hughes and HP Clarke, Secretary/treasurer AE Evers, trustees MH Gannon, Miss EM Swain, WJ Saville, Councillors GE Bates, JB Ferguson, Lang supporter AW McNamara, D MacSween, RV Wall, FJ Wright; delegates to Labor Council DR MacSween, MJR Hughes, and anti-communist JP Ormonde: ALP Group S Allen, AE Evers, JB Ferguson, MJR Hughes, D MacSween, JP Ormonde, and RV Wall.¹² This line-up reflected a close fight for political control of the union as 82 candidates had nominated, including Clarrie Martin, formerly member for Young.

In July 1933 the mixed political leanings of the union continued to be finely balanced. When MacSween commented on the calling of a Special Conference of the ALP, and the union's negative attitude to those who called it, WG Burnett made it clear that he stood behind Lang, and JB Martin moved that the union should refuse to become involved in a faction fight. This motion was carried, but JJ Graves (President of the ALP) lost a motion on voices to withdraw delegates to the Conference because they had used their position to call the Special Conference. In early 1934 the Executive consisted of WER Bates as President with JP Ormonde and AW McNamara as Vice Presidents and Hughes, McGuinness and JP Ormonde as delegates to Labor Council.

The Secretary's Report in April of 1934 referred to a 'most strenuous year' in industrial terms, with thousands unemployed and 'capitalist society' in a 'chaotic' state. Cockatoo Island was going to private enterprise and the Lyons Government had sacked practically the whole of the Federal temporary clerks in New South Wales. There was also wholesale dismissal by the State Government. The union persevered; work had commenced on a new Federal Award for the shipping clerks and by 1935 the Metropolitan Award had a 'long overdue' variation and consolidation to allow more favourable terms, such as a fortnight's annual leave. There was increased membership among the solicitors' clerks and

rates had been increased for the Butter Factories but the Public Service had suffered the 'most vicious salary cuts in the world' and the union was determined to get up a 'monster petition, given their unfortunate economic position'. The union's own financial position was described as 'satisfactorily holding on', and the Auditor was quite pleased.¹³

In January 1936 the Secretary's Report noted that a Country Clerks Award had been filed, to extend beyond the coverage of the Metropolitan area. The Country Award provided for a 44-hour week, starting and finishing times, overtime and two weeks annual leave. It was a significant step, at last extending the blanket cover for clerks beyond the metropolitan area. The union had also negotiated 'something entirely new', a preference clause, with the newspaper industry and the union was now hopeful of a preference clause in the Master Bakers' agreement. The renewal of the Metropolitan Award had caused 'serious consternation' among employers, especially the holiday clause, and the Goodyear Tyre and Rubber Company had breached the condition, obliging the union to take an action which lasted several days but seemed worth it when the union won. However, the new Federal Award for the waterfront was frustratingly slow, and the Public Service was 'still smarting under the attack of the present government', with the salary cuts still in operation and Premier Stevens non-committal. The union affiliated with the Public Service Defence Committee.

1936 saw a 'metal trades led recovery', when the metal trades unions struck and gained over-Award increases. When Commissioner Beeby incorporated these in the Award, thus absorbing them, the metal trades struck to resist absorption of over-Award payments, '[a]nd so was established the archetypal metal unions' campaign for the next half century, a combination of force applied in the 'hot shops', followed by across the board Award adjustment to help the weaker members catch up. 1937 saw margins again awarded and the matter of industry's general capacity to pay was now taken seriously by the arbitration bodies, given the harsh experiences of the Depression.¹⁴

The basic wage case of 1937 also increased the basic wage to prevent an 'unhealthy investment driven boom',¹⁵ while the Metal Trades case had the effect of taking up the fitters' rate again as the benchmark for margins so that a change in that Award came to indicate more than industry's general capacity to pay increases. The principle of comparative wage justice meant the majority of workers could expect proportional increases to flow on to them according to their ranking. The use of a benchmark did away with the immediate need for most blue collar unions to run elaborate work value cases, involving lengthy reviews of the 'nature of the training, skill and responsibility in particular types of work' in order to gain increases.¹⁶ Quite simply, there was money available from productivity and the workers were entitled to their share in proportion to their skills as classified in their awards. As increases again became available the union turned its attention to improving the classifications in order to gain some comparative wage justice for clerks. In 1937, for example, it amended its retail claim seeking classifications and different rates according to the job: telephonists, correspondence clerks, shipping (despatch) clerks, filing clerks and wages clerks. As one member noted the differences in workplaces may not have been such a barrier to classification; after all, 'hard work performed in larger offices compensated for more responsibility of those in a smaller office.'¹⁷

By February 1937 Secretary Evers could report that 'all angles were satisfactory'; the union's assets had increased and its liabilities were nil. It had achieved a remarkably good agreement with Norco

Ltd, which offered a scale ranging from Grade C at £4/17/- to Grade A at £5/11/0 and absolute preference requiring that employees must join within 14 days. The union was now looking at the Cashiers and Office Assistants in retail shops and the wholesale and hardware clerks, with a view to seeking substantial increases. The Shipping Award was at last about to be decided the next week but a disappointment was that the union's work towards salaried status for railway foreman's clerks the union was 'now ignored' as the foremen clerks joined the Tramways Union after some twenty years. Nevertheless, the union had rallied well overall, and now sported a Social Committee, which had organised its third Annual Clerks' Ball at the Trocadero, attracting a 'record crowd'. The Educational Committee had less success; it had provided a programme of lectures but the attendance had been disappointing. As the city clerks enjoyed the entertainments offered by their union Evers made a point of thanking the regional stalwarts in his Secretary's Reports: R Wynter of Byron Bay, AH Osborne at Newcastle, Mrs Cody of Cessnock, V Daniels of Lithgow and H Lowbridge of Kurri Kurri.

The Communist Challenge

Meanwhile the struggle for leadership of the politically fragile Clerks' Union had been renewed. The first sign of a contest was when the Central Council Meeting of 26 May 1936 carried a motion that an article on arbitration by the Assistant Secretary, Hughes, was his personal opinion and not that of the union. At this time there had been significant changes in the outlook of the Communist Party. The need to ally against the rise of fascism in Germany had caused the communists to soften their line and again form a united front with the labour movement. This was not an open policy but rather involved belonging to the ALP and working from within the party to gain political control. In 1935 the communists had recruited a key figure, the Clerks' Union's Jack Hughes, something of a 'prize catch' and soon after Hughes' recruitment to communism he was joined in the Clerks' Union by other communists, including Della Nicholas and June Mills, both formidable administrators and organisers and highly articulate, together with Jack Sweeney and HA Thorne, trained in the radical law firm of Christian Jollie Smith. They did not let it be known that they were communists at this point and led something of a double life as they infiltrated the ALP. As David McKnight described in his book *Espionage and the Roots of the Cold War* Hughes kept up his links with the communist party through Ernest Knight, who was responsible for the party's involvement in the unions. Knight had a 'nondescript office unadorned by any sign near the dockside in Sydney', where Hughes 'as a Clerks' Union official, excited no attention' as he did the rounds collecting membership dues.¹⁸

At this time the ALP in New South Wales was still dominated by Jack Lang but he both alienated the Labor Council in the mid-1930s and failed in his plan when he tried to get control of the Council's radio 2KY by linking it to the *Labor Daily*. Lang looked to the unions for political strength and the Clerks' Union included an array of political figures who supported him, among them JJ Graves, President of the ALP, JB Martin, Organising Secretary of the ALP and A McNamara. These men fought for the Lang cause within the union while Hughes allied with the anti-Lang ALP faction, the Heffron party. As this group grew it reduced the Lang ALP and when Hughes and Sweeney attended a Federal ALP unity conference as delegates from the Clerks' Union they were both elected onto the ALP Executive.

The parting of the ways within the Clerks' Union could be seen when a dispute erupted between Lang and JS Garden and the union supported Lang, as reported in the *Herald*.¹⁹ A majority of 39 to

25 endorsed expelling Garden from the union for alleged disruptive tactics. P Byrne had moved the motion, and A Thompson amended it to 'give one week for Garden and others to state their case', whereupon A McNamara, a 'prominent supporter' of Lang, 'successfully moved the gag' and debate was disallowed. When his amendment was defeated Thompson claimed the 'real facts' had never come before the rank and file, thus showing where his loyalties lay. McNamara then called for the loyalty of the Secretary and Assistant Secretary, on the grounds that any insubordination from them would under Rule 35 constitute seeking to injure the union. The fight between the communists and the Langites was on.

On 9 September 1936 the *Herald* reported that a discussion of the ALP split at a Special Meeting of the union had ended in uproar after an attempt had been made to use the device of retrospectively identifying members not entitled to vote on the grounds that they were not financial members. This would invalidate the last six months of business, including the support given to the Lang faction. While A Thompson declared that State Labor was the 'laughing stock of the civilised world', JB Sweeney moved at the General Meeting on 10 November 1936 that 'the policy of this union with respect to the various matters in dispute in the labour movement be that adopted by the Trades and Labour Movement'. The motion was carried 91-74 votes. Hughes would become President of the anti-Lang Labor Council in 1938-40.

The *Herald* publicised 'unusual precautions' in the next Clerks' ballot in early 1937.²⁰ Special papers were printed for the election of officers, in 'medium green' in the Government Printing Office with the name of the printer as a watermark. A box was set up at the GPO. Each paper had a number under which there was a secret mark so numbers could be checked. There was a record number of candidates, because since the recent Labor split there had been a 'bitter fight for control' between the supporters of Mr Lang and the rebel union followers'. Both sides therefore nominated a 'parcel of candidates' and issued how to vote cards. Members of the union included Mr Beasley MP, Mr Mulcahy MP, Mr Clark MP, Mr JB Martin MLC, Mr JJ Graves MLC 'and many other prominent political and industrial leaders'.²¹ The Lang nominees were defeated, and this was seen as a victory for the 'industrialists', in fact the communist group, who had now captured almost every position in the organisation.

The fight for control of the Clerks' Union went beyond its own sphere. The *Herald* of 5 November 1937 reported that the Clerks' Union was 'in revolt', with a resolution against the intrusion of the ALP into the domestic affairs of the union. Alderman W Bates of Paddington Municipal Council and Alderman T Morey had been summoned before a disputes committee of the ALP, charged variously with having failed to support the Lang faction in its efforts to capture the Clerks' Union, having failed to support C Anderson as returning officer; and having failed to offer £300 to support a Labor Sunday paper. The union sent two delegates to defend Bates and Morey, and thought up a reprisal of its own. At the November meeting Bates and Morey refused to support the 'clique in the ALP' out to get control of the union and its funds. Mr Simmons expressed 'disgust at the attempted interference of the ALP in union matters', and the 'unjustifiable victimisation' of the President of the union, Bates, was criticised. The *Herald* on 10 November 1937 followed the story, reporting actions proposed by the 'indignant' union against the ALP Executive officials. The suggestion made at the meeting was that four leading executive members of the State Labor Party might be 'disciplined' or

expelled from the union. G Gibson (twice President of the ALP), JJ Graves MLC, (Secretary of the ALP) A McNamara MLC and W Burnett were involved and it was reported to the meeting that Bates and Morey had been refused endorsement at Paddington Council as Labor candidates. The union resolved they should stand for the municipal elections even if not endorsed. As for not supporting the new Sunday Labor Newspaper the members had indeed refused to support a move to put money towards the proposal and resented the impudent attack of the ALP Executive interfering in the union. There was a vote of confidence in Bates and Morey. The *Daily Telegraph* reported that three Lang supporters were disciplined by the Clerks Union 'last night' for 'action calculated to bring the union into disrepute'. George Gibson was severely censured and AW McNamara suspended, while Burnett was fined on charges reported as arising out of circumstances preceding the recent Paddington Middle Ward elections. All those charged were on the discipline committee of the ALP and had assumed that the 'rebels' of the Waverley Branch including Hughes worked for 'anti machine candidates'.²²

The 1938 elections saw Bates as President, Vice Presidents G Bass and HA Thorne, along with three women, Miss E Powell, Miss R Adams and Miss E Lahiff, elected to the Council. A substantial number of women continued to join and the clerks, with the particular encouragement of a member, early and eminent equal rights campaigner Muriel Heagney, had organised 'one of the most successful campaigns in the history of the union' on 22 May 1937.²³ It had attracted delegates from 53 organisations and set up a Council of Action for Equal Pay. Muriel Heagney was Joint President and the project was pronounced 'most praiseworthy and unique'.

The Secretary's Report of February 1938, a particularly elegant production from a printing house, now took the liberty of commenting that the labour movement was not progressive. The union could report various industrial successes: there were 400 new members, mainly in newspapers, and 100% membership in the baking trade. The country areas were progressing, no doubt because of the Country Award, and the Auditor found the financial position good. While the retail case was slow, the new Federal Shipping Award, affecting 500 shipping clerks on the waterfront gave increases of 3d per hour for casual clerks and 9/- for permanent clerks. Many witnesses had appeared in the case, with Katz and Evers attending. A board of reference had been created for that industry, and Assistant Secretary Hughes had also represented the union before the Board of Reference to obtain preference for Foreman's clerks. An agreement had been reached with the *Sun Herald* but there had been a 'cessation of work' at the *Daily Telegraph* with 'action to organise the clerks undertaken by the Council'. House Committees of all in the industry had greatly assisted the clerks, and there was a strike on 31 January. Improvements were also being sought at Radio 2KY and the 'obsolete' Wholesale and Hardware Award needed to be brought up to date. There was considerable contention over Broken Hill, and what would become of its 200 members, who wanted to keep 'local autonomy'. The Federation wanted Broken Hill to become a division of New South Wales while keeping considerable independence. Neither the union nor Broken Hill was pleased, and in the end the Broken Hill group seceded from the Federation.

Although the union failed to 'get a journal running' the Social Committee had organised the Ball at the Trocadero again and also theatre parties, and supported the Peace Conference and Spanish Relief. In mid 1938, after the most careful deliberation, the union purchased its first motor vehicle, a 'Willys' car, at a cost of £377. Despite the hole this made in the finances, Auditor Williams was still able to declare he had 'every confidence' in the accounts.²⁴

In September 1938 the Head Office of the Clerks Federation moved to Brisbane, a change which tended to isolate it and highlight its lack of a full time Secretary. This would open up an opportunity for the ambitious New South Wales communists in the Federation. Meanwhile President WR Bates died in March of 1939 and HA Thorne was elected President, after a rule change on the 13 September 1938 providing that only those who had been financial members for the last twelve months were eligible for election. A benefit dance had been held for Bates, and Muriel Heagney had been elected to the Federal Conference to take the ill man's place.

The Hughes-Evans Labor Party and the Russia Connection

The nature of the union had now changed in subtle ways; there was a declared policy of equality of men and women and the principle of 'equal pay for equal work' was upheld. An equal pay resolution was moved at the General Meeting of 13 February 1940 to be put to the ALP Conference, and in 1941 the union attempted an equal pay case, but the Court 'let it stand, given the war'. Women continued to join the union in large numbers. There was a thriving social committee, and interest in the New Theatre League flourished, although at the General Meeting on 9 July 1940 objection was made to the 'indefensible raids on the new Theatre League, the Left Book Club and other cultural centres'. Political protest was registered against Japanese militancy towards the Soviet Union and fraternal greetings were sent to the Soviet Union on the occasion of May Day 1939. The union formed its own May Day Committee on 9 April 1940, while the National Defence Register was boycotted and there was protest against the French Government's arrest of the communist deputies.

In August 1939 Russia had signed a non-aggression pact with Germany. The ALP supported the British and the war but the communists, fearing that the conflict might be deflected towards Russia through a pact among Britain, France and Germany, reviewed their policy of a united front against fascism and now branded the alliance as 'imperialist'. By October the union set up a committee, chaired by Sweeney, to develop a communist policy statement for the union; it described the 'capitalist war of the ruling class' as 'against the workers' and denounced conscription, and supported a united front against the war effort. Hughes with B Gollan and Lloyd Ross, drafted a resolution for the 1940 ALP Conference. It became known as 'Hands off Russia'.

In June of 1940 Prime Minister Menzies banned the Communist Party but Hughes and many others continued their allegiance, albeit not openly. Meanwhile the ALP split once again. In August 1940 the Federal Executive of the ALP suspended the State Executive, and the party in New South Wales fell into three parts: the Lang ALP; the official State party made up of the remnants of the old Executive loyal to the Federal ALP; and the left wing Hughes-Evans breakaway 'militant labor party'. Frank Graham, Della Nicholas, Booth, Vice President of the union, and President Thorne were all members, and Hughes was Vice President, with W Evans as organising Secretary. The union's affiliation to the ALP was allowed to lapse. Hughes hoped to win the Labor vote in the 1941 State election standing for this new party but he failed, polling a mere fraction of the electorate. Official Labor, led by Bill McKell, won, while the Hughes-Evans party faded and eventually merged in January 1944 with the Communist Party of Australia.²⁵ Hughes became a member of the Communist Party's Central Executive, with June Mills, Frank Graham, and O'Hara members of the Metropolitan committee.

The Clerks' Union now became Hughes' power base in the Labor system. Opposition was still

alive, expressed particularly by Jim Ormonde, who had stood for election as delegate to the Federal ALP Unity Conference in 1939, and suggested that Hughes and Sweeney who would attend anyway, should withdraw from the contest. Five members then rose to demand a ballot which Ormonde lost, polling just 3 votes to Hughes' 33 and Sweeney's 32.²⁶ At the meeting of 12 March 1940 the 'Hands off Russia' campaign was supported, with Ormonde opposing it. Ormonde then confronted the communists on 9 April 1940 with the motion that the 'communist party serves no useful purpose politically or industrially'. By that time the union was conducted by a Council, recorded in the minutes as having six members present, among them Muriel Heagney and Della Nicholas.

Despite the focus on leadership of the union and politics, the January 1941 Secretary's Report noted the progress of the union's industrial work. There were 500 new members, thanks to organiser AJ Thompson's drive for membership. Industrial matters included that the Retail (Metropolitan) Award was 'very unsatisfactory', with Friday evenings counted as part of normal work. The Shipping Section had enjoyed its second picnic and had gained tea money, and there was a new State Award for permanent clerks at Port Jackson, and an agreement with the Red and Yellow Cabs Company, which provided for good rates given the spread of hours worked. The union was policing overtime and would give special attention to it when the Metropolitan Award came up for renewal.

The Executive indeed seemed bent on renovating the union. Hughes and Sweeney devoted themselves to the union's industrial matters and image, with Hughes taking an interest in the opening session of Radio 2KY in late 1940 and thanking the New Theatre League, generally considered to be a leftist cultural organisation, for its contribution on the clerks' behalf, while Sweeney was briefed to appear in the Office Assistants (Newcastle) Clerks in the Retail Stores Award. A purposeful approach was taken; should the union run a test case, for example in the proposed State Wool Stores Award, to challenge the existence of exemptions in clerks' Awards? A deputation on the subject was sent to the Minister, who expressed surprise at the continuance of exemptions, and Secretary Evers made personal representations concerning the 'desperate state' of the Commonwealth Public Service, which had appeared again in force with the outbreak of war, at Garden Island. As the workload increased President Thorne suggested that the officers might divide the Awards between them and 'concentrate and specialise' on their 'subdivision'. At this time, August 1941, the union moved to Federation House and acquired 'modern office furniture', while Miss Wylie was given an assistant so she could take over those administrative jobs 'in the main' attended to by the Secretary. 'Freed from certain routine duties', the Secretary could give 'more time to the industrial sections, and concentrate on industrial work', and 'review and dissect the membership'. Organiser AJ Thompson was allocated to help.

By the Central Council Meeting in September 1941 Hughes had negotiated with the Prices Commissioner for an Award for the Newcastle retail clerks and was able to point to difficulties arriving at a consent Award 'in terms of the Metropolitan'. Conferences had also been arranged with the wool selling brokers and tentative agreement reached while Thompson could report new representatives appointed at retailers Snows, Fays, Farmers, Rheuben Brasch and Cooe. The presence of dynamic personalities in the union was suggested by the Commonwealth Government's appointment of Muriel Heagney as an adviser to ILO delegates leaving for New York. Heagney would take three months leave of absence from her post as a Councillor to attend and it was noted that this was 'most important for equal pay'. Meanwhile the political bearings of the leadership were underscored by a

Friends of the Soviet Union meeting held on 8 July 1941 and it was noted in January that no ALP affiliation fees had been paid. By October of 1941 Thompson had waited on the Federal Minister Mr Ward concerning a central pickup for the casual wharf clerks and had received a favourable reply, the Minister would also look into holding a conference on equal pay and, as the union had done in the last war, a delegation asked the Treasurer, Mr Chifley, on behalf of the Commonwealth Temporary Clerks' Association (the CTCA), to give the Commonwealth Temporary Clerks permanency after two years service and the right to contribute to a provident fund. A log of claims was ready in the Clerks' Metropolitan Award and a leaflet had been sent out regarding the new State Award for wool clerks. In December Evers was ill, and in January he suggested that Hughes should try to specialise in the union's conciliation work. Hughes needed little encouragement; amid this flurry of activity and revitalisation of the union Hughes also turned his sights on the Federation, in a fairly moribund state at this point, and moved an alteration of the constitution to 'modernise' the rules of the Federation to accommodate the Commonwealth Temporary Clerks and their Association and its need to have legal standing of its own, with officers and rules 'to ensure the utmost protection for members'. The Federation should also have a full time officer to 'stabilise and strengthen the union' and should consider the location of the Head Office.

On 11 March 1941 McNamara launched a last attack on the communists, challenging the continuation of George Bass in office in Newcastle. McNamara also wanted all resolutions regarding non affiliation with the ALP rescinded and on 9 September 1941 he made an attempt to upset the communists by trying to remove the President, Thorne. His motion asking for a Special Meeting to consider the matter was carried 45 to 29, but when the meeting was held on 14 October 1941 McNamara did not feel inclined to proceed. There was also a turnaround in October 1941 for the communists, making them more acceptable to the rank and file. The USSR was attacked by Germany, so that the communists now switched to supporting the united front again. Given that Russia was under threat, the communists among the clerks now flung their considerable energies and talents, industrial and administrative, into directing the union towards supporting the war effort, boosting production, taking an obedient and non-militant approach to arbitration and even supporting conscription. By November of 1941 Evers was again ill, a circumstance which would provide an opportunity for Jack Hughes to take up the position of Secretary of the union. He had however paid quite dearly for the opportunity to represent the conservative realm of the clerks. While they might have had little quarrel with the newly changed and moderate views of their communist Secretary, Hughes' recollection of being the official whose duty it was to tell the communist believers that the policy had gone into reverse was one of the worst of his life.²⁷

Amended Branch rules were adopted at a General Meeting 13 January 1942, followed by an Extraordinary Central Council Meeting on 4 February 1942. The meeting dealt with the setting up of sections according to the new rules, and it was 'intimated' that the next Central Council Meeting would be held in April. The Sections at this time were Shipping, Metropolitan and General, Retail Shops, Commonwealth Temporary Clerks, Wool and a possible Newcastle Section.

The April 1942 Central Council Meeting saw Thorne as President, W Booth Vice President and Evers Secretary with Hughes as Assistant Secretary. Thorne set the tone with a Churchillian speech on the war: 'Through many weary months our soldiers and the soldiers of our allies, have suffered

bitter reverses.' As for Britain, once so out of favour with the communists, 'the courage of her people never wavered' as the nation 'repulsed the threatened invasion and drove the Nazi air fleets from the skies'. 'More recently we have been inspired and cheered by the achievements of the Russian people'. To help the struggle an 'enormous increase in the production of munitions and other essentials of war is an answer to the faint-hearted defeatists', and the members' pride 'as an Industrial Union' was emphasised: 'Our movement has supplied the light, which is leading our country in its hour of crisis'. Now all kinds of workers had 'forgone the dearly won conditions of labour, and work unending hours producing the materials of war'. It was the union's duty to 'strain every effort in the great struggle' and it must now organize to defeat the Axis forces and prepare for post war problems so that soldiers would not be 'betrayed and the dearly won standards and conditions lost while they risked their lives'. The union's attitude towards industrial action was epitomised in Hughes' motion of 'concern at stoppages of work on the coalfields', which would of course slow production but at least the solution preserved some of the communists' antipathy to capital; Hughes called on the Federal Government to take action against 'provocative management'.

The Executive and Council seemed to have galvanised into purposeful activity, revitalising the union on all fronts. The first step had been the 'great organisational changes' in the union, including a new membership record system, an additional organiser and industrial progress such as increases for wool clerks and new Awards for retail clerks, the latter 'a considerable step forward', including rest pauses, rates and so on, attracting new members. Norco had a renewed Agreement and was 'very pleased with the union'. Permanency and pensions for Commonwealth Temporary Clerks would be requested of Treasurer Chifley, and on the waterfront the clerks claimed 'the manpower was ready to be absorbed and regulated', and the Executive would therefore take steps towards establishing a pickup centre to rationalise linking up workers and jobs. The struggle for better wages for the waterfront clerks would be pursued through a new Federal Award. Dissatisfaction among the casual tally clerks caused the Executive to note that 'this section of the union was very active, and it is anticipated that they will develop into one of the strongest sections'. The shipping section's McLaren complained of the Federation's unsatisfactory handling of matters in the past and declared that the 'revitalised section' now wanted its own Vigilance Officer, paid for by themselves. Special wartime considerations included equal pay for women by making the 'rate for the job where women replaced men': women would displace men at war's end if they were doing a job for less than men's rates. The proposed 75% should be opposed and the union should insist on full equal pay. The Commonwealth Temporary Clerks would affiliate with the union, which would get a proportion of their funds in return for support, and an application would be made on their behalf for a fresh Public Service Arbitration determination, the last wage award for them having been made in 1926.

As a wartime precaution copies of records would be made 'in case of bombardment', and there are indeed duplicates of the minutes for this era. On the administrative front the skilful and indeed charismatic Della Nicholas was elected as Organiser, her job description including 'book keeping, ability to address crowds, approach prospective members'. Della Nicholas would be more than equal to the task, and she was paid £6, the same as the male organisers. A ballot of the Executive and Council returned Nicholas by 12 votes to four, Carmen Coleman, also a communist supporter, having applied for the position.

The union's cultural development was given energetic attention, with the production of a series of plays on Radio 2KY. As Hughes put it, 'We can influence many young people and this is growing more and more important'. He saw the union's task as educating, not just appealing to clerks on the basis of 'increased spending power'. Muriel Heagney put forward an interesting idea that the union should take advantage of the National Security Regulations brought in for wartime to codify the major Federal Awards, so that future claims would 'relate to an established common code'. Thorne regretted that the unions with their unrivalled knowledge and experience of industrial matters and manpower had 'not been utilised to a greater extent in connection with the manpower regulations in the interests of efficiency in the war effort'. As President he concluded the April meeting: 'I personally feel that this Council may well make a mile-stone in the progress of our union'. It had established a 'high tone', Thorne praised the 'attention the delegates have given', and noted that with the help of Evers and Hughes there had been 'no awkward pauses with people wondering what had to be discussed next' and 'for the first time we have had representatives from every Section who have come here, met each other and discussed Sectional matters from a union standpoint'.

Chapter 6

The Union in Wartime, 1942-44

The Central Council Meeting of October 1942 marked a new era for the union. Changes put in place that year would form its political and industrial character for the next decade. Jack Hughes was Secretary, the union's journal, *The Clerk*, was reborn as the New South Wales journal, and the Executive Report, made to the now twice yearly Central Council meetings, was merged with the Secretary's report. The conundrum of the time would be that a white collar membership, not particularly union minded, would rely upon Hughes, an avowed communist, to lead the union as it faced the industrial challenges of wartime and then made the adjustment back to peacetime.

When the debonair and charismatic Hughes stepped up to the Secretary's place the communists' ascendancy in the union was complete. Bradon Ellem, in his 1996 study of the pursuit of ideology in the NSW Branch in the 1940s and 1950s, observes that the union, with its 'considerable, potentially enormous, membership', had 'attracted some of the best cadres of the Communist Party of Australia (CPA)' and that it was linked to the highest levels of that party 'in the person of its Secretary, Jack Hughes, a member of the Central Committee of the CPA'.¹ The union's leading figures were elegantly glamorous and cultivated people, exemplified by Della Nicholas and the Social Secretary Sylvia Holley. The legal, intellectual and literary backgrounds of the likes of Jack Sweeney, June Mills, Muriel Heagney and Paul Mortier, and members from the Left Bookshop enriched the union's aura of progressive, informed and exciting cultural activity, and offered a further dimension to the union's industrial progress. This culture was also a medium for putting forward communist values and aims, while Hughes and his team had the skills and the dedication to make a marked difference to the industrial image and achievements of the union. The deep desire to promote communist ideology was given the solid and realistic foundation of rigorous attention to the practical side of union life, an efficient administration and dynamic industrial work. As Raymond Markey put it in his history of the Labor Council, 'In the unions, and at the level of the Labor Council and the ACTU, communist influence was a result of their support for popular causes, especially in the industrial field, as well as their energy and efficiency in pursuing them, rather than because of support for communist political objectives per se'.² As long as communist ideology let Hughes support industrial and popular causes, and circumstances such as the need for the Western World to ally against fascism prevailed, Hughes and his supporters kept a hold over the union through their efficiency and diligence. As Sweeney would observe at the 1944 October Central Council Meeting the union had by then changed beyond recognition: 'When I first became a member of the union there were two officers, the retired Secretary [Evers] and the present Secretary, and most of the time was spent with a receipt book in the hip-pocket going around and collecting. We always knew we would see Jack Hughes on Friday, making collections'. Some might have observed that Hughes was industriously visiting communist contacts as well, but in the early 1930s it had indeed seemed that the union was kept 'going to collect fees'. Now in possession of the main executive positions in the union, and with international events and policies at home working in their favour, the communists were able to throw themselves into their work with the energy and dedication of men and women with a cause.

Nevertheless, the communists carried the seeds of their own downfall in the union with them from the beginning. Their dedication to trade union matters had to take second place to their dedication to communist goals and this deeply troubled those ideologically opposed to communism. Even as the communists set out on their political and social campaigns in various unions as well as the NSW Branch of the FCU they almost simultaneously roused an equally committed and increasingly well organised opposition. DW Rawson observes in *Unions and Unionists in Australia* that the communists had moved slowly into positions of dominance, working in teams that did not arouse suspicion³, but as the CPA was reinstated as a legitimate political party in late 1942, and as union leaders such as Hughes could be observed responding to the turnabouts of Comintern directions, the presence of CPA members in positions of leadership became more obvious and the communists became less covert. In the same year that Hughes' appointment as Secretary put the seal on the communist ascendancy in the Clerks' Union, the traditional enemies of the communists, the Catholics, who had attacked communist atheism since the party's beginnings in Australia in the 1920s, became generally 'alarmed'⁴, and in 1942 the Catholic Social Movement was 'secretly formed in Melbourne to fight the growing power base of communist leadership in the unions'. The 'Movement', as it became known, was 'a lay organisation, approved by Archbishop Daniel Mannix and with access to the machinery of the Church'.⁵ It was linked through its leader, BA Santamaria, a 'brilliant publicist'⁶, to Catholic Action, founded in 1938 'to promote Catholic social principles'.⁷ Catholic Action was in turn linked to the National Catholic Rural Movement, and the outlook of prominent Catholic leaders in the Clerks' Union would inevitably reflect some of the ideas these groups put forward. The possibility that the communists might be positioning themselves to take over in totalitarian style and manage even the beliefs and social principles of the community posed a threat to the values of Catholic life and to cultural and religious freedom in general. However, communist energy and success in industrial matters and the circumstances of the times made ideology a minor concern for many. Rawson noted that 'active hostility to the communists had to be prompted by some outside source with particularly strong reasons for opposing communists' and that that source was the 'Movement'.⁸

Catholics had an organisational framework and resolve independent of immediate industrial advantages to oppose the formidable communist machine because as Geoffrey Bolton puts it, many 'found a no less compelling ideology in the teachings of the Roman Catholic Church' than the communists found in their convictions.⁹ 'Compelling ideology', rather than some sectarian, political agenda had been given a new and passionate life for Catholics in the years immediately preceding the war. Greg Patmore notes that the 1936-39 Spanish Civil War placed Catholics and Communists on opposite sides in a tragic struggle that polarised the loyalties of a generation on an international scale and highlighted differences between the two belief systems. This was certainly true for Jim Macken, later President of the Union. Macken had sat in class as a boy and heard of the communists' disinterment of the nuns' graves in Spain and the machine gunning of their coffins, and could not help but side against the communists. With hindsight Macken learned that there were many sides to the story and that those ranked opposite each other all had the dignity of their convictions; later as a friend of Jack Sweeney when they were both barristers and later industrial judges, Macken described Sweeney as a 'decent, left humanist style of bloke'.¹⁰ Back in the late 1940s and 1950s, as the Korean and Cold Wars developed and the communists asserted themselves and their values in the unions, such a broad perspective was not possible.

Mindful of opposition, in 1942 the Executive carefully laid out the structure of a well controlled union. Nine specific industries or locations where clerks worked now had their own Secretaries and Executives, elected by their Section's rank and file. Additional Sections would be formed, and many would go on to develop their own networks of subsections and office committees, reaching down into the remoter corners of the scattered rank and file. The Sections elected representative Councillors, one or more according to their memberships, to the union's decision and policy making body, the Central Council. A ballot of the whole rank and file elected an equivalent number of Central Councillors, and all Councillors together with a five strong Executive made up the governing body of the union. The Secretary and Assistant Secretary were elected then held office at the pleasure of the Council. Central Council Meetings were now held over a weekend in April and in October of each year, when the work of the union for the last six months was reviewed and ratified, and agendas from the Sections were put to the meeting and fed into policy making. Between meetings, the Executive was the management committee for the union. The Executive had power to establish, disband and reorganize the Sections and the old monthly meetings were discontinued. There were no longer any assemblies where the rank and file encountered each other outside their Sections. By October of 1942 the Hughes Executive had already formed a new Section, Metropolitan and General, dominated by Hughes' supporters such as June Mills. The Section took in the old Trades Hall group, including opponents such as McNamara, thus diluting their vote and their influence. The system gave considerable opportunities for gerrymandering the composition of the Council.

The Section system gave the Executive a bi-focal view of the union's industrial affairs. It could win umbrella conditions for the whole membership and influence government and national policy and it could do so without losing sight of its more out of the way members. Few, for example, had any problem with being paid for the extra hours they were required to work for the war effort, especially when wage pegging was still in force in 1945, but for those clerks sent to the Lithgow munitions works during wartime under the Manpower Authority, trading off longer hours for more pay was no help. They were struggling to maintain some order in their domestic lives as they did their bit for the war. Late hours were the last straw for them; they would miss their trains home and their boarding house dinners. Their hours were a kind of grace and favour arrangement and some well meaning, broad agreement, blowing this away, was the last thing they needed.

If the Sections made industrial activity more personal and reached down as Hughes put it to 'the roots' of the union, those Sections also separated the rank and file into self preoccupied compartments. This could make members indifferent to or even unaware of what was going on at the centre of the union. The Sections were partly designed to contain political factions and stop them spreading across the whole membership, and Thorne said as much, but this also left the rank and file without a political identity and gave the Secretary and Executive room to impose politics from the top. Hughes mentioned in his introduction to the Rule Book one of the more mixed blessings of the Section structure: 'In this manner the Union is able to speak nationally for a really organised section of the Community, and can exert its influence in regard to matters of national concern'. Exactly whose voice in the union would speak on politics soon became a vexed question.

The almost overwhelming energy and resourcefulness of the communists live on in the Minutes of the Central Council Meetings in the 1940s. Hughes recounted the industrial successes of the

era with zest and relish, dramatising each exciting instalment in the battle with employers and the authorities in a succession of Secretary's Reports and noting the parts played by his dedicated team as no effort was spared in the service of the members. There is also the sense of intense identification with international affairs and preoccupations well beyond the union's primary interest in industrial matters. The records give an insight into how the communists captured and held the clerks, and how the battle for the unions between communists and their opponents became so intense that it eventually almost split the ALP in New South Wales, and did so in Victoria. Certainly the degree and methods of control Hughes exercised at Central Council Meetings, now the only general forum of the union, were notable. Under the supervision of Della Nicholas and June Mills, and at Hughes' insistence at Council Meetings, the communist administration prided itself on immaculate records and the Minutes for that period were taken word for word in shorthand. They probably reveal more than they might have done if edited and suggest that the Council meetings in the Communists' heyday were carefully stage-managed. Meetings often seemed to run according to a script, and Hughes' formidable debating and meeting management skills together with the communists' teamwork kept that script on track. Rank and file opposition to the communists was played down in union meetings as incidentally irresponsible and disruptive conduct and remarkably little of it appears in the formal records. However, the mainstream, conservatively inclined press took up the other side of the story and much of the emerging struggle in the Clerks' Union was enthusiastically reported to the public. By the 1950s the Cold War and the fierce anticommunism of the McCarthy movement in America made events in the Clerks' Union a gripping and topical story.

The communists' hold on the union owed something to circumstances as well as to their own skills. Not only was the record of past industrial achievement fairly easy to improve upon but wartime also brought unprecedented opportunities in the industrial arena. Wartime measures by happy coincidence generally helped with significant problems for clerks, problems arbitration had dealt with awkwardly in the past. Longstanding difficulties quite specific to clerks included the casual tally clerks' work flow and hiring arrangements, the low rates paid to women, who were more concentrated in clerical work than in most occupations, and above all the obstacles to having clerks' work graded or recognised in separate Awards to provide a better differentiation of rates and parity with other skilled occupations. The Women's Employment Board, a wartime measure, set rates for women as they took on jobs outside traditional women's work as part of the war effort. It was possible to obtain significant improvements for women in some areas and although the provisions applied to a limited section of the workforce there was a general improvement in rates for women by war's end.

The Second World War not only brought back a large and reviving cohort of Commonwealth Temporary Clerks deployed for example to Garden Island, the Post Office, the Victualling Yards, Supply and Development, Customs and the Department of the Interior but also sidetracked the industrial system. This let skilled clerks obtain a better range of Awards in the federal sphere. 1935 had seen a return to margins increases after the Depression and the Metal Trades again emerged as pacesetter but the 'wage pegging' regulations of February 1942 held Award rates steady'.¹¹ If this meant the end of overall increases it also gave the union's communist leadership a window of opportunity to improve the basis of clerks' rates.

When wages were pegged under the extraordinary wartime National Security (Economic Organisation) Regulations, the margins relativity structure was put into storage so to speak, and the tribunals were now required to determine comparative wage justice on principles favourable to the clerks. The only grounds a union could use for improving margins or gaining first time, specialised Awards, better able to recognise skill levels, was by showing that an anomaly existed, and that some workers were clearly not receiving their fair share of an already rationed and restricted pie. This focus on work value suited the clerks well; with the notable exception of some clerks, notably those under the Federal Shipping Award, many a commercial clerk was still disadvantaged by the anomaly of being a skilled worker under a general State Award with few gradings and classifications. Anomaly provisions now let the union obtain some first time, work value-based Awards through arbitration despite wartime restrictions. High levels of specific skill were particularly clear in some emerging industries such as the oil refineries and airlines, and also in heavy industry, where separate Awards were applied for on the quite clear principle that leaving skilled clerks with career prospects at the general level provided by the Metropolitan and General Awards was anomalous. As a first step State Awards were obtained in these areas, and they contained 12 years incremental pay scales, at least recognising the progress in skill and experience these industries required of clerks. During the Second World War the Federal Court was assigned considerable powers and became the dominant tribunal,¹² so that the union then moved on to obtaining Federal Awards.

The Shipping Award already recognized special skill levels dating back to Justice Quick's assessment of their work value in 1926, and this longstanding recognition now let the Union claim that the shipping clerks were falling behind their proper rate. A new Shipping Award was gained in 1943, when Chief Judge Piper found the required anomaly and awarded permanent clerks a total wage of 6 pounds and 7 shillings including the needs based basic wage of 4 pounds 13 shillings, and casual clerks were awarded 3 shillings and 8½ pence per hour. Permanent clerks received double time on Sundays, a fact that put them in competition for work with the casual clerks, whose only income protection remained the 4 hour minimum pay for short jobs. They could however still be selected for work at any time between 7.45 am to 11.15 am at a variety of wharf gates so the likelihood of being in the right place at the right time and being chosen was slim. In Part III of this Award the clerks in shipping offices had 12 incremental gradings reflecting the range of skills.¹³

The Federal Oil Award was gained in 1945 on a similar principle, when an anomaly was accepted and an Award was made giving a 12-year incremental scale. However, stenographer loadings were not awarded; those skills were taken as part of a clerks' general proficiency in that industry. A Federal Award was obtained in the aircraft industry in 1947, just before wage pegging was lifted, providing a 12-year scale on the principle that the air industry should follow the Shipping and Oil Awards on the grounds that the duties were similar: it was 'desirable' that these should be the same rates and it would be an anomaly for this industry not to have an Award setting this out.¹⁴ At State level first time heavy industry Awards were obtained, again on the grounds that it was anomalous for career clerks to be left dependent on the general Metropolitan and Country Awards. BHP appealed in November of 1944 against Justice Ferguson's Award on the grounds that there was no anomaly, and the long and difficult case was argued for gradings where there was 'continued learning and making selves more valuable'.¹⁵ By contrast in 1947, after wage pegging was lifted and a Metal Trades case, backed by

industrial action, set the level of industry's capacity to pay, a Federal Wool Award was gained for the clerks, but this time by consent after fierce industrial action on the part of the union, reflecting the post-war dilemma of whether the better policy was the moderate one of arbitration or the progressive belief in industrial action. The Wool Award provided for a seven year incremental scale and three compulsory gradings thereafter, with a top rate of £489 per annum.¹⁶

Federal Awards in Oil and Airlines had at last activated the industrial machinery of the Federation, which had so far proved something of a disappointment. This wider set of career Awards helped to bring home the fact that many commercial clerks, and not just the shipping clerks, were engaged in skilled work and that there were hierarchies of skills to be learned, making a worker progressively more valuable to an employer and deserving of a range of gradings and classifications. NSW was instrumental in building this raft of Federal Awards and the industrial structure of the union grew in the early 1940s, so that after the war they had their own system of leading Awards, such as oil and shipping in the Federal sphere, and gains in one Award flowed on to another, and sometimes percolated down to State Awards.

The October Council Meeting 1942

At the October Council Meeting in 1942 as the communists assumed leadership the union appeared to be in steady hands. In the report to the October Central Council Committee Jack Hughes recorded that the President, HA Thorne, 'more than any other person,' was 'responsible for the new rules which effected a re-organisation in the conduct of the branch'. Thorne had been re-elected unopposed for a further two year term.

The Canberra, Newspapers, Commonwealth Temporary Clerks, the General and Commercial and the Retail Sections sent their representatives to the first session of the Central Council meeting in October of 1942. Miss Heagney and Miss Mills attended as Central Councillors, Miss Della Nicholas as an organiser, and Mr McLaren, recently appointed as Vigilance Officer and Organiser for the Shipping Section. Miss Coleman and Mr Stevens were other Central Councillors. Thorne as President noted the number of women occupying key positions in the union: 'it looks as if they are in a fair way to taking over the running of the firm'.

The days of the old monthly General Meetings, where a motley quorum of 20 members was sometimes not reached, were gone. Hughes saw a significant change; many members 'today' had 'the opportunity of participating in an active and responsible manner, which previously was denied them'. Thorne in his address as President was even more candid: 'It has been a time of great change in our organisation,' he noted, and 'after years of stagnation it has burst forth into new and sturdy life.'

Hughes' elevation to the most powerful position in the union coincided with the restructuring of the war effort under the Curtin Labor Government and with the extraordinary industrial conditions and legislative measures necessary for that restructure. In industrial terms the war effort threw up obligations for working people and these undermined established industrial standards. There was a need to impose burdens on workers, such as wage pegging, longer hours, 'free time', meaning extra hours worked at night or on Saturdays for no wages, deploying workers to industries where manpower was needed, moving or recruiting women into men's jobs, or workers in general into jobs which had no future when the war ended. New agencies would be set up, and have no industrial Awards or

Agreements in place. These urgent wartime measures were sometimes half-baked and maladjusted and it fell to the unions to monitor them, bring to light unforeseen clashes within the stretched industrial framework and find ways to correct unintended burdens for working people. In 1944, for example, fines were payable for late attendance at work, but wartime munitions works were of necessity set up in out of the way places, staffed under the Manpower Authority, and transport was often irregular to these isolated sites. The union resolved this situation for clerks through negotiations with the Ministry of Munitions at Botany. It couldn't make the trains run on time but it could do something about the fines.

In his October report of 1942 the President, Thorne, praised the 'heroic Russian People' and reminded the Council of the union's duty, 'We must actively assist and encourage our Government, which has faced with such determination and vigour the job of bringing order out of chaos and getting down to war'. The question of the continuing illegality of the communist party, banned briefly under the Menzies Government, did not cause any problems; the Curtin Government would be urged to lift the ban, and it did so in that year. There was however a determined tussle over re-establishing political affiliation with the Labor Party. While Hughes and some of the Executive were not about to take the union back into the Labor Party fold just because there was a war on, they could not be seen to be disloyal to a wartime Labor Government.

Opinion was divided, with Hughes wanting no affiliation. McLure moved against Miss Heagney's proposal of affiliation with 'official Labor': 'It is only a matter of weeks since we have seen the raiding of workers' homes under a Government dominated by official Labor', he said, but he could support State Labor, meaning Jack Lang's splinter party, not the McKell Labor Government. Booth argued that 'proof' of State Labor's sincerity was that they had not 'approved of all the Curtin Government has done', but at the same time knew they must support the Federal Government. When Sweeney proposed that the Council ascertain the views of the members, Thorne as President could see that if the issue were aired among the Sections there would be politics based factionalism again. He reminded the Council how the Lang faction had been defeated in the past and a new executive installed, which had endeavoured to keep politics out of the union. 'Then the same old thing started, meeting after meeting was wasted on this question. Then we got onto the Section idea which would help us get away from politics, and from reports this system is functioning satisfactorily.' As far as Thorne was concerned, 'If you want to affiliate, then decide it tonight.' There might be some grumbling, he said, but at least it would go no further. Hughes saw the issue in broad terms: 'We can either travel the road of the employers, or we can travel the road of socialism; there is no middle course.' And it was possible to support Curtin without any affiliation to the party because the Prime Minister's support in New South Wales was independent of the ALP, and came direct from the trade unions.

Hughes' first report as Secretary spelled out not only the union's affairs for the previous six months but also the contradictions of the man who now held the most influential position in the union. Hughes was at heart a communist and his outlook was international. The first part of his October 1942 report included subheadings 'The Fight over Fascism and the Second Front' and 'Soviet Relations'. Hughes reckoned he had a mandate from the Central Council to state such broad union concerns. He harangued the Council about fascism, invoking the fate of clerks under Hitler's regime and the corruption of the minds of young German clerks against trade unionism. 'Destroy

to live!' must be the new catch cry as the unions threw themselves into the war effort: 'See before us the greatest example of heroism, self sacrifice, aggressiveness, of any factor in human nature which stands for good, overwhelmingly demonstrated in the struggle of the Soviet people'. Hughes then spoke of Soviet Relations: 'The Executive followed with interest' Attorney General Dr Evatt's part in discussion with Churchill, Roosevelt and Molotov, and had sent a cable to Evatt in Washington 'expressing the appreciation of the Union.'

Hughes' impassioned, politically charged comments extolling the Soviets were not out of tune with the times, and closer to home he set aside politics and stressed the importance of union co-operation with the Department of War Organisation and Industry, and the 'Department Administering Manpower'. While Hughes remained adamant about the right to strike, under his guidance the union supported the war effort with industrial restraint. A strike at the Lithgow Small Arms Factory for a war loading found Hughes treading a narrow path; the union's own members were instructed not to strike 'as the union's policy was one of continued production in view of the war', and, the point was made, there were no merits to the strike. Hughes committed the membership to the war effort without losing sight of their rights: 'We must take an immediate stand by indicating to the new Government our anxiety to co-operate in the proposal for the proper use of manpower and clerical workers, but only on condition that any clause re exclusion of penalty rates in the Awards must be removed'. Representations were accordingly made to the Prime Minister.

The October 1942 report suggested how much had needed to be done over the preceding six months. A good deal of the burden and its challenges apparently fell on Hughes, as main union official. His itinerary seemed gruelling; from signing railway passes for whomsoever needed them in the union office to acting as advocate and legal officer, often travelling interstate. He took on the Award for Commonwealth Temporary Clerks across two States, really the task of the badly run down Federal body, and regularly 'waited upon' the Prime Minister and other department and industry heads for whatever could be done by whatever means for the membership. Initiatives from the Sections were encouraged; in 1942 the Metropolitan Section set up a 'small paper', *The Clerk*, and it became the published voice of the Executive.

The Shipping Section was a specialised and often difficult area, with the harsh environment of the waterfront, limited dockside amenities, and the work was not only scattered and highly casualised but also moveable as the labour force followed ships and cargoes as they came in. The union responded with two significant steps in 1942, one being the appointment of McLaren, and the other the institution of the pick up centres. The Manpower provisions could accidentally contribute to harsh conditions for workers and even defeat the provisions' own purposes. The plight of casual tally clerks, for example, sent to the Port of Sydney cried out for some organisation and solutions. The clerks had to link up with work as they were needed but they had been left to fend for themselves, going to wait 'day and night', 'in all weathers' at the gates of the wharves for jobs. They could miss out on work and it was also possible, as Hughes pointed out, for one wharf to have too many clerks turn up and another to be undermanned. Hughes was also quick to see and prepare for the industrial opportunities arising when the tally clerks would be brought under Manpower regulations, limiting the numbers of clerks working on the waterfront, and in force by July of 1942. On the union's initiative a Committee of steamship owners, representatives of the union and the Deputy Director of Manpower was set

up to regulate the 400 casual tally clerks, all members of the union. McLaren, as Shipping Section Organiser, was appointed to the Manpower Committee in place of Evers, and the Committee, 'due to our representations', looked into establishing a pick up centre along the lines of those operating for other waterside workers and the WWF. At first the shipowners 'vigorously opposed' the project, then they wanted four centres, under their management. The union wanted one, and by way of compromise two were agreed upon for the Port of Sydney. They would be set up on the unused portion of the WWF pick up in Sussex Street and the dining room of Darling Island Stevedoring Co. at Pyrmont. The Manpower Authority would conduct them and the system would commence on 1 November. It would be 'an enormous gain for casual tally clerks' and would conserve manpower for the war effort. The union was also working on a pick up centre for Newcastle, where the office of the National Service Department would be made available to clerks. Domestic rules were proposed: 'this fight with the owners resulted in a signed agreement' for pick up times, to be the same hours for selection as the Waterside Workers. The next step would be a roster, to ensure fair sharing of work, and Hughes was already at work on this.

Hughes and the union also achieved important advances for the Commonwealth Temporary Clerks. As had happened in the First World War, the influx of Commonwealth temporary clerks to administer the war effort called for special attention. They were also an attractive group to the union; a Government Regulation of May 1942 required them to join a union to get the benefit of any future Determination setting their wages and conditions. Temporary clerks belonged to a union of convenience, and the old CTCA had now been revived, which let them apply to the Federal Public Service Arbitrator, but there was little industrial structure to support them and their jobs were tenuous. The Temporary Clerks Association was in effect assimilated, without losing its identity, into the Clerks' Union by agreement. In 1943 Thorne described the successful inclusion of 3,000 Commonwealth Temporary Clerks as 'a tribute to our form of organisation, that it should permit such a large body of new members, so rapidly, on the one hand to be organised as a unit to deal unfettered with its own peculiar problems, and, on the other, to be fully represented in the governing body which deliberates upon the problems confronting clerical workers as a whole'.

Thorne noted that by contrast with New South Wales there were problems with the Federation, 'in practice a very weak and loose sort of federation and unpractical and unsatisfactory from the point of view of getting anything done for our members'. There was not even a full time officer and it had been 'irresponsible' to elect Mr Cameron, who was fully employed elsewhere. 'Executive action' was impossible, even for the 10,000 Temporary Commonwealth Clerks who paid fees into the various branches. Barrett, the Federal President had, 'without standing on ceremony, placed the conduct of the matter in the hands of Mr Hughes'. As Thorne remarked, the only problem was that taking on the cases for two States meant that Hughes had to be away from the NSW office, but it was important work and it enhanced the union's reputation and membership. By September 1942 Hughes had speedily obtained Determination 35 of 1942, and had enhanced his own reputation, and by extension, the standing of the communists, among the Commonwealth Temporary clerks. The NSW Branch drew on its own funds to finance the campaign, but in Victoria a levy of 6d was made.

Hughes had set about a two pronged campaign on behalf of the temporary clerks. The first had been the Award, the second was to try for whatever interim measures could be had through other channels.

Long service leave was 'crucial', and Hughes made legal representations to the Prime Minister. One way to obtain long service leave would be to make permanent appointments but that would 'upset the system of selection'. The clerks also had no board of appeal, a matter raised in the log of claims, but in the meantime representations were made to the Minister for Labour and National Service. The temporary clerks were given a right of appeal to the Public Service Board, 'a definite step forward', although the union could not get this concession written into the regulations; the Prime Minister thought it unnecessary.

By October 1942 Thorne and Hughes had already set up and added an important new Section to the system. When 'information was received' from clerks in heavy industry in Wollongong, Thorne and Hughes had attended a meeting with them. A particular problem, 'a feature of the heavy industries', came to light. Thirteen Conciliation Committees made Awards within heavy industry, so thirteen cases had to be made out. It was a 'colossal task', and 'would necessitate good organisation from the clerks themselves'. A Heavy Industry Section gave the members a structure to set about their task, marshalling solid and consistent evidence from the rank and file so the Executive could present thoroughly prepared cases. The union swung into action on behalf of the heavy industry clerks, launching a campaign of notices, wireless talks, newspaper comment, the cases were gazetted and the union sought to have alternate members put on the Commission to hear them as quickly as possible. 'The next step' was to gain right of entry to workplaces for union officers to organise the members. BHP led the charge for the employers, allowing one officer only. 'This fight took place on 12 Conciliation Committees', reported Hughes, so the union took the matter to the Industrial Commission, where Justice Cantor granted right of entry as sought, to three officers. Having achieved these preliminaries by October of 1942, the union now had to 'look to how Awards in heavy industries were to be tackled' and this matter would be important for the industry generally, not just for the clerks.

There were also recent Awards won for Newcastle for the Clerks Wool Stores and the *Newcastle Morning Herald*. 1942 also saw vigorous action to bring about long overdue improvement for 'our country clerks', as Hughes called them, although the 5/- increase still left them 5/- behind metropolitan clerks. The country clerks had 'missed the opportunity of an increase 3 years ago', but now their conditions were on par, and this was 'the most substantial advance for clerks in the country in our history'.

Hughes' capacities were put to work not only in hard fought campaigns and the resounding victories they could offer, but also in some satisfactory negotiation and industrial restraint. At Port Kembla, clerks were not covered by the appropriate Award, but it was being observed with the exception of meal money. Wollongong paid meal money, and, armed with this precedent, negotiations were conducted with the owners in Port Kembla. 'They acceded to our request', Hughes reported. As Hughes recorded these smaller matters, his language conveyed how the union presented itself as a professional and dignified outfit, able to ask politely when not unduly provoked, and command the respect and help of reasonable employers. Oversights were tidied up in a correct manner; the Newcastle and Hunter River Steamship Co. failed to pay overtime, so the 'union caused' the State Labour Department to investigate, with the result that overtime 'was adjusted'. Small, almost domestic advantages were pursued for all members. Hughes tried but could not get a reduction in the number of coupons clerks needed to buy genuine work clothes; on behalf of the union, he graciously accepted the response that such an exemption could be too widely claimed, and cause a 'breakdown in the

system'. However Hughes was 'happy to report' that a concession had been secured, after applying to the Railway Commission, allowing clerks working irregular hours to use workmen's tickets outside the prescribed hours, as long as the concession was signed by the Secretary of the union; a tiresome, petty administrative task Hughes apparently took on with typical energy. A concession was also gained for those working late under Manpower provisions to purchase from liquor stores out of hours, a small but respectful privilege for the membership.

The gentlemanly and responsible demeanour Hughes maintained for the union was extended to other unions. Only the Federated Clerks Union had been chosen to send a delegate to the Prime Minister's All Union Conference, and Hughes was appointed, but before he went he consulted with other clerical bodies, mindful of the importance of 'greater co-operation and co-ordination between clerical associations'. The union in turn co-operated with a WWF Committee, which campaigned for and won 'many excellent provisions for the safety of the workers.' The union also had a civic presence; besides being part of obvious enterprises such as the NSW Aid Russia Committee, to which Mr S Clare was nominated by the Metropolitan Section and appointed by the union, Hughes could note with pleasure that the union had been invited to speak to the YWCA, an 'indication of the result of the publicity campaign'.

The union was always on the lookout for 'bogus' unions. The NSW Commonwealth Service Union Association had just been formed, and the union checked it out. The verdict was it was early days and the union hoped for 'unity among white collar workers'. A different view was taken of the NSW Field Life Officers Association's application for registration as a trade union. It was 'fought before the Industrial Registrar' and was rejected. An even more determined attitude was taken to the Industrial Life Assurance Agents Association, already registered through the Federal Court. It was not a bona fide institution and the union could already protect the industrial welfare of those joining it. The 'full weight of the companies was thrown against us,' said Hughes, and the registrar rejected registration and 'upheld our objections on all points'. It had been demonstrated that it was indeed a company union, but an appeal had been lodged and the 'Insurance companies connived together to produce an industrial agreement for compulsory unionism, in an effort to squeeze our organisation out of the field'. 'Action has been suggested to rectify this position, but many difficulties exist'. An Award had indeed been arrived at between the companies and the bogus union and to ensure no approval was given to it until there was a proper investigation, Hughes, working all avenues, had made an application to Mr Ward, Minister for Labour and National Service. The Government was sympathetic and likely to be represented in the AMP Society case. The Executive was of the opinion that 'a strong publicity campaign' should be launched to fight this 'menace which has very close relationship to the forms of Fascism we are at present fighting'.

The recent formation of the Allied Works Council also posed the problem of a new workplace without industrial structure. Hughes linked this with the Temporary Commonwealth Clerks; their determination, when made, should apply to this new Council's employees. However, some of the conditions would conflict with the Council's code, and Hughes would have to interview the Hon EG Theodore of the Allied Works Council again. Hughes was 'appalled by the extraordinary low rates' for solicitors' clerks. There had been no attempt to improve upon their lot since 1921, and this was grounds for an immediate application for a new Award, despite the Economic Regulations fixing wages.

Another 'black spot in the history of unionism as far as clerks [were] concerned' was the continuing exemption of some firms upon constitution of the Clerks Conciliation Committees. This had made the employers 'law free', and 'haunted' the campaign to have exemptions lifted from some 30 firms. After the union made the application, several firms were reported intimidating staff, and 'spurious ballots, reminiscent of the form of ballot prevailing in Nazi Germany, were conducted'. Hughes claimed 'special stooges were used to appear uninvolved'. Deputations were made to the Minister for Labour and Industry, Mr Hamilton Knight, prior to application to the court, to secure Government intervention against Award free terms, and the Minister intimated that legislation might be brought in under the Industrial Arbitration Act, 'following exposure to State Parliament'. There were other problems with their roots in the past. Applications were made for alteration of the Clerks Metropolitan Award so that overtime was calculated at the rate actually received, instead of reverting to the Award rate, and for the exemption rate, £6/6, above which employees could be worked but overtime was not payable, to be lifted. These applications were rejected on the grounds that the Award had been made by consent, and was still in force so a new Award had to be obtained. Nevertheless, the court did not approve of the actions of the employers, who were 'working employees excessive overtime and using the exemption rate as a means of avoiding penalties implicit in the Award'.

A new Award for the Wholesale Hardware clerks had been commenced and reached, and timed to terminate around the time the Clerks Country and Clerks Metropolitan expired, so that the best features of all three Awards could be consolidated. The Wool Section in Newcastle wanted to work 7.30 am to pm, so that Saturday work was eliminated. Their Award was varied accordingly. Application was also made to raise the exemption rate for paid overtime to 10 pounds, and this had been referred to the Conciliation Court. At Radio Station 2KY the existing agreement had expired, and a log of claims was served for better wages and conditions: 'Resistance was met, the officers of the Labor Council refusing to meet the union in conference' and the matter had been 'thrashed out in open council', although there was no conference yet. The agreement with the Fire Board had expired, and members were applying for increased rates for juniors. The rates were, Hughes observed, in excess of most Awards. There were negotiations with the Electricity Company where the Award had expired, and a tentative agreement had been reached, to be finalised in November, for an increase, minimum 25 pounds per annum, made retrospective. Agreement had been reached with the broadcasting stations for telephonists and although not yet signed, it gave increased rates and improved conditions. There was an agreement with John Daly & Co Ltd that workers be paid fortnightly.

Even the Trade Union offices were circularised; they were covered by separate agreements and many had entered into these but the provisions excluded the rise and fall of the basic wage. They were asked to consider basic wage increases and this had met with a good response 'with beneficial results to members concerned'.

Office Reorganisation

Back in the union office, the 1942 changeover of the administration had to be managed. Hughes described the situation: 'On assumption of office I was confronted with inadequate office staff, space and an outmoded system of filing correspondence'. The membership system was found incapable of handling the increase in members and the bookkeeping cumbersome. 'The internal office was chaotic

and required immediate rectification.' The decision of the last Council had been to install a new system, at a cost of 250 to 300 pounds and it included a Roneodex Card system to cope with new members. Miss Nicholas was reorganising the bookkeeping with a new cashbook, and there was additional office staff in the person of Miss B Murphy. More office space and another telephone line were needed. The new setup was a 'colossal task', taking several months, and 'the strain of the last six months had been particularly telling'. Hughes concluded his October 1942 report by praising the excellent teamwork of the union officers over 'the very difficult and arduous period here reviewed'.

By the April Central Council meeting of 1943, Thorne could declare that the new rules seemed 'to have worked satisfactorily'. The meeting was well attended by nine Sections, and 24 councillors were present, as were union officers McLaren, Thompson, Butler, Gerrard, Miss Heagney and Miss Mills.

The membership had increased from the old level of some 3,000 to 8,000, such a leap that the auditor, Mr AJ Williams, thought that a trust fund for the union's growing resources might have to be considered. Hughes quipped that he was 'very glad to see that the postage had increased, as it was a reflection of the increased activity'. Indeed, the union's membership had increased by 1,827 members since 21 December 1942 and it had become necessary to put on another organiser, Mr Stout, to look after the membership records as they had 'got out of control'.

The Executive and Hughes were not above a little self promotion. The union's recent industrial achievements, and Secretary Hughes' part in these, were dramatised for the meeting by something of a Dorothy Dix question from McLaren, speaking to the Financial Report – why had legal costs fallen from £60 to £27? Hughes 'threw some light on this matter'. Towards the end of the year, he had been appointed to do the union's legal work, previously done by outsiders. The industrial work had in fact increased, but there were now no costs for legal fees, filing documents or amounts for industrial advocates. Indeed, Sweeney believed the Secretary's 'flair for arbitration work' had saved some 2,000 pounds necessary to retain a barrister, and Hughes was known as 'one of the best advocates practising in the court'. Thorne could point out that the review of old Awards was now possible: 'the financial position had always been a barrier.' Some of the Awards had been in place since 1922, and the Commonwealth Temporary Clerks case was an outstanding achievement 'for any industrial advocate to bring about in the space of time'. Barrett, visiting as Secretary of the Federation Council, was happy to give his stamp of approval. He looked to Sandes, Thorne and Hughes for guidance and assistance and there were 'no worries about NSW'. Altogether Thorne could point to 'more improvement and gains in the conditions of members than any other period of ten years in our history'.

The membership also needed to be enthused. Sweeney proposed that the union enter the 'Popular Girl' contest which would publicise the union, and the Sections must try to contribute more to *The Clerk*, a good publicity vehicle. Miss Mills gave editorial advice, reminding contributors that the 'trend of modern journalism was to small paragraphs, written in a bright manner'. As Thompson saw it, publicity and journalism were new to the clerks: 'up to 12 months ago, the union had more or less hidden itself and its achievements'. More office committees were needed: 'people would come together better, work more effectively, if they were working in a group with primarily the one industrial interest'. Office Committee rules were drafted. Nevertheless, Thompson shared Hughes' reservations about the union mindedness of clerks: 'Clerks were different from other workers. They received 2/6

increase from the employer and thought the next day they would be promoted to Managing Director'. Some employers were suspected of working this attitude; Electrolytic Refining and Smelting (ER&S) at Port Kembla, for instance, were suspected of maintaining a kind of class division of wage earners and staff, and the union saw this as creating a psychological barrier between clerks on the staff and the unionised workforce, and keeping clerks away from the union.

Complacency seemed ill founded. The Commonwealth Temporary Clerks (CTC) members, for example, 'owed a great deal to the Clerks' Union', and 'should assist in enrolling members in the commercial world'. The temporary clerks would themselves 'on cessation of the war' return to that commercial world and now was the time to establish union coverage for their futures. There were also localised problems. Some scheme was needed for the 'scattered plants' in Wollongong, where different classifications of clerks had also been enrolled at different times. To raise awareness and organise this dispersed membership, Mancey felt it was 'necessary to canvass and tackle the clerk on his or her doorstep'.

The Section system continued to work to give representation for some sub groups which had fallen through the industrial nets, such as the Temporary Clerks in Canberra. The Canberra Secretary, D Thompson, requested the Executive to arrange to register the Federal Clerks Union in the Capital Territory. At that time the Canberra clerks were left with no access to an Award except the Shop Assistants Award. Registration would also let them have representation on an Industrial Board, there being no Arbitration Court in Canberra. Hughes commended the energy of this Section's elected officers: 'Members problems are taken up by the Executive, and dealt with on the spot, with various departmental officers and the Public Service Board. I congratulate the officers of the Section'. Pride and a sense of excellence and progress were encouraged in all aspects of union endeavour. At the April 1943 Central Council meeting Thorne called up the 'minute girls' for their moment of glory, and put on record how because of their efforts the councillors found the minutes from earlier sessions 'in front of us', a feat never before attempted.'

Some sections presented particular problems. The Wool Section was not very active because of the extensive call-up of males, and the Retail Section had a large proportion of young females, with 'little experience re unions'. Women were widely considered to be difficult to organise, and the fact that the union was also trying to represent clerks was seen as a kind of double handicap. In the Newspapers Section there were problems with female enrolment, and Thompson and Hughes had addressed the staff and held a meeting with management and a 'satisfactory solution was anticipated'. By contrast, the Metropolitan Section was the most active, running *The Clerk* with an editorial board of Misses Mills and Coleman, with McLaren, and organising social activities and lectures at meetings, although its membership was very scattered. That Section also raised the need for childcare at the Council meeting, but it was not taken up to much effect.

The Shipping Section had always been a force to be reckoned with in the union and revitalized by the pickup system it now took on the character of an almost separate union, with its own culture and rules. The section could send four representatives to Central Council, and hold the balance of power. As Executive control and political influence were heightened there would be tensions. One of the first shows of political control and management was made in Newcastle in early 1943, when the Central

Executive suspended George Bass, who had held a 'hole in the corner' meeting in mutiny against the union and gone to the press. George Bass was President of the Newcastle Section. While the reason given was general problems with the Section, apparently of the administrative kind, Bass saw the problem differently; according to the *Sydney Morning Herald* Bass 'openly opposed' conscription while the officers of the union, mainly communists, 'openly advocated' it. Bass' suspension depended on a decision on the affairs of the Section. Newcastle had refused to support the introduction of union passes to the pickup centres for temporary shipping clerks. The union had directed its members not to enter the centres until a pass system was adopted, but the Executive of the Newcastle Section had resigned over the passes, 'in the face of defeat by the members'. The Section was reorganised under the union's rules because of its 'unfortunate state' and a new executive had been put in place, its work 'highly commendable'. By October of 1944 J Crampton, a communist, had been appointed organiser for Newcastle and the pick up centre was operating, with badges to ensure a preference scheme of labour and Award conditions.

As the Sections became more active the Executive continued to deal with a heavy workload. Much of the field work fell upon Secretary Hughes and the union's first woman organiser Della Nicholas. Her salary was mentioned as 'comparable' with those of the organisers. In the meantime the NSW Branch had ambitions for amalgamation with the CTC Association, the Ammunitions, Explosives and Munitions Workers Union, the Professional Officers Association, Public Service Organisation and generally to foster 'gradual development' with the Transport Officers Association. Hughes envisaged 'one big organisation of clerical and professional employees throughout Australia'. By contrast, it was noted, the Victorian Branch was in a sorry state, 'perpetually penniless' and liable to cause a split between the Commonwealth Temporary Clerks and the Federated Clerks Union Australia wide.

The third session of the April 1943 meeting included the Secretary's Report, after a short deliberation about whether the detailed minutes kept were really needed. Hughes felt full minutes should be taken; 8,000 members had a right to know what was said. Hughes' script was meant to reach the rank and file. The war, as he lectured the Council, meant the 'annihilation of socialism in the Soviet Union, democracy in the US and Great Britain'. 'Must you be reminded of the trade union leaders, intellectuals, liberals, Jews and Catholics who fill the war concentration camps?' 'Can you see the shadow of the Gestapo terrorising the women and children? As for German youth, they were 'turned into beasts, machines for slaughter and rape and destruction'. Hughes railed against the evils of appeasement, leaving the Soviet Union almost 'alone on the eastern front' and praised the 'glorious struggle of the Chinese'. 'Have we, as a people, made the sacrifices necessary to place the nation on a wartime footing? I think not'.

There was wide agreement on the call to open a second front. Hughes outlined how there must be one war; the nation was still under the dishonour of the Menzies Government, when pig iron had been sent to Japan, and the closing of the Burma Road had cut off the lifeline of the Chinese people. As Hughes saw it, China had been 'confronted' with Australian assistance to Japan. Thompson supported Hughes' sentiments, and complimented Hughes on his report, 'also on its delivery', suggesting that Hughes had staged quite a performance to the assembled Council. Indeed, Thompson called for two fronts, to take into account 'our own position in the South West Pacific'. The Council voted to support a panel of the ACTU to liaise with the Prime Minister. Thompson hailed this as a 'step in the right

direction, bringing Trade Unions as a whole, closer to the Government, and should help to give Trade Unions a more effective voice'. Miss Mills endorsed the tenor of Hughes' comments, the members 'had to see their union, not only as an organisation fighting for conditions and wages, but as part of a network of Australian organisations, whose responsibility was to see Fascism defeated'.

Political affiliation was shuffled out of the way for the time being. Hughes noted that as a result of the questionnaire/investigation regarding political affiliation the 'whole of the representation were of the opinion that the views of members were opposed to the Union being involved in any political affiliation whatsoever'. Continued affiliation with the WEA was also questioned. The Workers Education Association (WEA) had become 'middle class', presenting a one sided view of Soviet Russia. Hughes 'did not want anything to be all one sided', and thought 'no person believing in free speech could support the WEA'.

The effects of war

The war continued to have its effects upon the life of the union and its members. There was concern for the welfare of those members in the armed forces, with the union keeping in touch with them and sending copies of the *The Clerk*, and the Social Committee sending comforts. The union supported service men and women as deemed financial members for the duration. Men in uniform were invited to the committee's dances, and did not have to pay. This led to discussion in Council of how a union should do more in terms of educationally, culturally, and socially helping the members to 'develop themselves', and it was noted that the American trade unions were doing this. Meetings should be brightened up with community singing, debates, short plays and other broadening activities.

There was the problem of balancing the needs of returned services members and those who had not enlisted. Preference was given to temporary clerks if they had lived for six months in Australia before joining the armed forces. The Women's Employment Board offered a means of equal pay for women but the rates in Federal Arbitration Court Awards were different from those of the Employment Board, and the union resolved to request that the wage pegging regulations be altered to permit adjustment to equal pay. In the meantime Miss Heagney was unhappy about the union's omission in not supporting the Council for Action for Equal Pay, which she stated was not a feminist organisation.

In the Award arena a Heavy Industries Sub Sections Conference with the Central Executive had worked on the log of claims and the creation of office committees. A log of claims had been lodged for clerks at Metal Manufacturers at Port Kembla and Della Nicholas had caught up with the Newcastle heavy industry members, visiting Newcastle to hold a meeting and help organise membership, and a subsection was now set up. Hughes and Nicholas had also completed inspection of all the heavy industry plants in Newcastle and Port Kembla, with the exception of ER&S, the copper smelter, and 'an excellent survey [was] obtained of the class of work' being done at the various plants. The applications had been referred to be heard with other heavy industry applications before the Full Board to prevent the delay of any appeal on the grounds of anomalies in the industry and, it was hoped, expedite the Awards. There was also a related application to the Women's Employment Board, where further regulations had been gazetted, to include all heavy industries. BHP discouraged unionism, especially among clerical staff, with a division between staff and non staff and there had even been victimisation of J Jarvie, a member of the Executive of the Commonwealth Steel subsection. Nicholas had intervened. After

negotiations with the Manpower Authorities Jarvie was reinstated, but to a lesser position. A delegate of the combined unions in the industry then waited upon Manpower, and 'Mr Jarvie was given an improved position in the Company'. For the union, this illustrated the need for 100% membership; union strength got results. There were early indications that the Heavy Industry Award applications would become a struggle but the union had been thorough and dynamic in its preparation.

While Awards did not set precedents as such, they could set up anomalies, important in the light of wage pegging. Valuable and legitimate opportunities for members were taken. When the Clerks Metropolitan and Wholesale Hardware Awards were due to expire, Hughes was eager to see what might be achieved there in the light of the heavy industry applications. For Retail Clerks, the recent Shop Assistants Award gave a 3/- increase in margin, while 'our Metropolitan Award' was still in force, at 3/- below. Being Awards within the same retail industry, this set up an anomaly, and an application should be made to correct this when the Award expired. The Country Award for Office Assistants in Retail Stores had also expired, and there had already been a conference between Mr Justice Webb and Thompson, Assistant Secretary, to apply any increases to 'our' union and reserve the right 'to make any application we consider necessary'. The union had successfully negotiated, partly using the anomaly principle, and partly favourable legislation, with several companies, including the Cockatoo Dockyard Co., where the regulations preserved margins of merit, for the cost of living to be added to the pay of members in receipt of rates in excess of the Award.

On a lighter note Hughes could report some good spirit in the union, with Miss Irene Stratton second in the Popular Girl Contest, having raised 90 pounds for the union's youth centre. This social and cultural side of union life was sustained by the enthusiasm of a social committee and its enterprising Secretary Mrs Holley. The dance held was 'excellently run and highly successful, and although the New Theatre League was temporarily out of action because it had to move to new premises, it had done much to liven up the 'The Voice of the Office', the union's Monday night spot on 2KY. Thompson had secured some advertising to cover the costs of membership cards; it was fine to support the advertisers, because they were all trade union establishments!

In early 1944 the possibility of victory in the war prompted the union to make some early preparations for peace. Peace was of course desired, and Hughes led the Council in support of the United Nations, the British Commonwealth of Nations, and the Atlantic Charter. Peace would bring particular industrial problems for the clerks, besides putting wartime measures such as Manpower and wage fixing in a different, less acceptable light. There was, for example, the disappearance of Commonwealth temporary clerks from the union as their ranks decreased with the end of the war. They were likely to transfer to the less organised commercial sector in a kind of migration, and in these 'declining years' organisers were needed in both areas to handle the 'crossover' and have a union friendly environment waiting for them as they made the transition to commercial clerks. The Commonwealth temporary clerks had been urged to get commercial clerks interested in the union before this, but now the call was for the CTC Awards to be taken into the commercial area to keep up enthusiasm for membership transfer.¹⁷ Hughes had arranged for Frank Graham to be CTC Organiser; they were also to keep access to the services of other union officers, and the CTC were thankful for the appointment, it being difficult for them to make it themselves. Graham was aware of the regulations and knew of the complications in the determination. He observed that the Temporary Clerks formed

a very important and large group, 'called in to do particular work during the period of national crisis', and 'it will be possible to make something substantial and perhaps permanent' in the union. ¹⁸

In the meantime war effort measures had to be considered. The union had opposed part time employment but agreed to support its introduction, provided the minimum weekly wage and hourly rate in excess of the normal rate was paid. Requests were made to the PSB that no deductions be made from salaries if members were late because of the free time worked. Time for dental treatment and sick leave without a medical certificate were negotiated, as was pro rata recreation leave. This was either 'for the duration' or on cessation of hostilities, a five day week.

Attitudes to returned soldiers became confused as their industrial welfare clashed with the civilian clerks. As Miss Heagney put it, 'everyone had been called upon' in the war effort. In the Central Council Meeting in April of 1944, McLaren and Mills supported the ACTU stance opposing preference to returned soldiers; the Federal Government should provide work and security for all, 'so preference was unnecessary'. Thorne looked to 'some real plan on the part of Government'. Nicholas believed that 'demobilisation involved programmes of technical and vocational training'. But Hughes took a more ideological view, based on working class consciousness, and a more inclusive one as far as the union's enlisted men were concerned. 'To come out boldly' with a plain, defensive opposition to preference was 'a slap in the eye for the soldier'. Hughes felt the 'formulation is bad'. 'Say we stand for unity. Preference is really to drive a wedge between workers'.

Meanwhile the Council looked at measures for following up members, kept on the books and deemed financial during service, and they set about a reminder and promotion campaign. A five shilling canteen order was to be sent to all 600 members in the services, and it was hoped offices would adopt a number of members and guarantee to fund the 5/-. The Social committee had started with a contribution of 50 pounds. While *The Clerk* was sent to them, wartime restrictions on newsprint limited print runs, and members were to be asked to pass the journal on to others. ¹⁹

The possibility of peace put such measures as wage pegging in a new light. Riddell asked the Council to look to action towards the abolition of wage pegging, accepting that it was necessary at the moment 'but there may come a time'. The union should be prepared with proposals, especially for typists and machinists, mentioned by Larnach as a special case. A petition to the Prime Minister for increased remuneration had brought no result. Sweeney saw removing wage pegging as 'highly dangerous', although revision was needed, as anomalies were being completely abused. And 'What can we do?', asked Sweeney. The Metropolitan Section felt the basic wage was inadequate, and it was resolved to ask the ACTU to approach the Government to look at cost of living figures.

General Industrial matters

The union had been active on behalf of its members, including the commercial clerks. A new Agreement, with new gains, had been secured with Norco after Hughes had visited Byron Bay, and a log of claims had been filed for the rest of the butter industry. A log of claims was also filed for the Weekly Newspaper Clerks, asking for the same conditions as those for the Truth and Sportsman clerks, with the anomaly question going to the Industrial Commission. The Articled Law Clerks were to be brought under a committee and called together to prepare an application to the Apprenticeship Commission. The Public Services Association's application to include persons under the Commonwealth Public

Service Act was opposed and refused. A draft log had been prepared on behalf of the Newspaper Copy Boys, for presentation to the newspaper proprietors, and was awaiting the final approval of the Copy Boys before it was lodged. The Wool Clerks (State) Award had expired, and Hughes had prepared a draft for the next meeting. There was as yet no finality regarding the Federal Wool Award suggestion, where the Federal office was being pressed to proceed with a federal log of claims. An appeal was made to the Industrial Commission over victimisation by the Cash Order Company when attempts were made to organise the company. Among the Commonwealth Temporary Clerks, a War Loans subsection had been organised, and the union's claim to cover under the Determination were proving successful. The Prices Branch was another subsection, with the union looking at reclassification. There were disputes at the Department of Import Procurement (the DIP) over office conditions and payment of members. This was taken up with Senator Keane, and the application was refused. The members wanted to use all possible legal channels but there was to be no stop work meeting. A dispute had broken out at Villawood and the Executive was 'forced' to summon a number of members before it.²⁰ At Lithgow there had been disputes over the hours of employment and the union had been mainly successful, with the main dispute dealt with 'by your deputation' between the Arms, Explosives and Munitions Workers Union and ourselves before Mr Oliver. The Egg Marketing Board Award had failed to classify staff, and further efforts on behalf of the members were successful.

McFarlane pointed out that on the Waterfront, at CSR timekeepers had 'not even a table let alone four walls and a roof'. There was 'discontentment' and there must be a meeting with the shipowners as soon as possible. There might be no compulsion but there was a code and the union had succeeded in Commonwealth and commercial offices. There were different standards for employers; waterfront and heavy industry were hostile. Bickmont felt there must be something on the statue books, and Hughes pointed out he had raised this 12 months ago, with members of parliament and the Minister for Labour; the shipowners claimed they were happy to make improvements but it was not their property. The union would have to go about it another way; the Shipping Executive needed to 'go into the matter' and draw up a scheme for wharves and other places of employment and again take it up with the Commission. McLure suggested an amendment to the Factories and Shops Act to include a dining room and welfare accommodation for employees in offices and factories and Sweeney thought the Council should approach State and Federal Governments for 'proper standards of working accommodation'. There should be a code; clerks were working not only in big department stores in the city but in 'little rabbit warrens of buildings', 'particularly juniors, working too many huddled up in a room, and under the worst possible conditions'. Page noted the Ambulance Board was put in its place and could not push clerks around; the Ambulance Association had 'showed very great militancy' in telling their member not to do clerical work.

Hughes could report that the South Coast Section was looking 'like being one of the most active in the union', developing its organisation and conducting social and sporting activities. The other sections were all functioning well. The idea of a Trade Union Council in the newspaper offices had the union's 'very active' support. In the retail section an application had been made to abolish late night shopping, and make Easter Saturday a public holiday. Negotiations had been held with the Insurance Agents Association for closer unity with the clerks to secure a Commonwealth Award in the name of the FCU covering the whole insurance industry. As for Christmas holiday pay, that had

been reversed under the Commonwealth Government's provisions, and while representations had been made to the Prime Minister, Hughes was doubtful of success. Hughes had to report that there were many breaches of Awards although the union usually secured a remedy. The Manpower Directorate had also failed to observe the conditions of the Women's Employment Board and the union demanded action through the Labor Council and Dr Evatt. Commonwealth Inspector Eldridge's report had assisted 'in securing justice for these members'.²¹

The ballot of the first biennial elections since the restructure was also approaching, the rules providing that vacancies on the Executive were filled by ballot of the whole membership. Mr Bond was elected returning officer; organisation of the 1944 elections would be a much larger affair than when the union strength was some '2,000', the membership having now reached over 10,000, 'a tremendous increase in two years.' It was noted that the rules were 'completely democratic and vested control of the union in the members'. If a vacancy occurred 6 months before a biennial election, then election was by ballot of Council. On the subject of inclusiveness, there was also some discussion of the union's name, given that some of its members were, for example, qualified accountants. Nothing came of it. However, Hughes felt the growth and increasing prestige of the union warranted sending additional delegates, five in all, to the Labor Council.

The Clerks (Country) Award had met opposition from the companies and the pending appeal had been suspended. With some 1,000 clerks involved, and the need for details of individual salaries for the case, Hughes noted it was the 'biggest claim we have made'. When the South Coast complained that they had not been kept up to date with the situation Hughes was gracious, apologising for the lack of promptness. Miss Heagney noted that there should be sheets in triplicate, one to the union.²²

In the heavy industries matter an Award had been made but application to suspend Mr Justice Ferguson's Award had been granted and the companies had appealed against the Award. In Newcastle BHP had refused right of entry to Della Nicholas, and the union had prosecuted this action in the face of the amending Act, resulting in a conference with Justice Cantor. After the pre Christmas lockout of ironworkers and 'several of our members' at BHP the ironworkers were paid but as no Award existed at that time, the claim made for 'our members' was not paid.²³

In Newcastle the pick up centre was now operating with the help of the union, with badges to ensure a preference scheme of labour and Award conditions. At Port Jackson, there had been a co-ordination conference with the Storemen and Packers Union and the WWF to establish co-operation among the unions. Disputes with the North Coast Company, Dalgety's and Burns Philp had been 'tackled, and in most cases, success was to be recorded'. The first stop work meetings in the history of the union on such a large scale resulted in decisions binding upon the organisation and many members were fined for breaches of rules and decisions.

Housekeeping

Under the leadership of Social Secretary Mrs Holly, the membership continued to enjoy a lively and productive time. The union supported the Southern Cross Servicemen's Hut, there were theatre parties, yachting excursions, a Christmas Fair and dance, an Annual Ball, vigoro for the AWAS at the 9AAC Servicemen's Club; altogether so many activities and so much energy that some, their minds on industrial matters, were 'ashamed at not supporting, and grateful to Mrs Holly'. Miss Miller made

the well received proposal that the union set up the 'Ugly Man' to complement the 'Popular Girl Competition', a motion promptly carried, and Hughes remarked on the importance of activities for young people, noting the emergence of 'youth gangs around Paddington', and other areas.

There was to be a change in office accommodation, in new premises on the same floor of the building. The move would be 'expensive but worthwhile'. Hughes praised Miss Nelson in the union office; she had given excellent clerical support at the Newcastle Federal Conference and told the Council 'you have reason to be proud'. He also noted Thorne was now Secretary of the Federation, which had transferred its office to Sydney.

October, 1944 'A Post War World'

Hughes announced a 'mass of improvements' in his report to the Central Council Meeting of October 1944. Be that as it may, there were also some industrial and political confrontations between the membership and the Executive to be addressed in that year, but the biennial elections had returned Thorne and Sweeney unopposed and Della Nicholas had defeated Miss Mourin as Assistant Secretary by 3,138 votes to 285. 16 Central Councillors had been elected, and 58% of the union had voted.

The union was still at Federation House, in Philip Street, but in new office premises, with new cupboards, 'proper lighting' and structural alterations. There was some progress with the building although the labour shortage meant progress was slow and would be costly. After earlier problems with the Manpower restrictions, the union's own labour shortage had been solved, and Miss Forbes had been employed to help with the outstanding contributions. The enterprising Mrs Holley was given the title of Social Organiser.

This time the Secretary's Report was roneoed and handed out to the meeting. In it Hughes gave his version of world events, under the forward looking sub heading 'A Post War World'. For Hughes, victory was now certain, given that the second front had been opened at last in Eastern Europe, and there had been 'military unity' at the Teheran conference, which also set out principles for economic planning and 'post war aims'. Hughes took the opportunity to declare that, prior to the war, 'one of the most serious conflicts in the world was the conflict between the Socialist Republics of the Soviet Union and the Imperial Powers of the capitalistic world'. The Dumbarton Oaks meeting of the allies, including the Soviets, was the touchstone for unity of the labour movement and international collaboration. With peace in sight, Hughes wore his politics on his sleeve, but he promoted them in the acceptable context of the events of the time. However, Miss Mills pointed out that the 'union was continually carrying out a campaign of the enlightenment of its members', which suggested a more zealous approach than Hughes was prepared to put on display. The line between enlightening information and propaganda in the union was a fine one, and the propriety of propaganda from the Secretary was an increasingly vexed question.

Hughes moved on seamlessly to industrial issues. The 'great matter' facing the union was the industrial fallout of impending peace. While delegates at a recent conference of the entire union at Federation House had been optimistic about the prospects of forming the clerks into one national union, they had also expressed deep pessimism about the changing times which would set up 'a very complicated position for clerks' and indeed 'all industries'. Many Commonwealth or wartime activities 'would not now be required'; tens of thousands had been caught up in a wartime economy,

and Munitions, for example, would 'go'. A deputation to Canberra had some success; in some departments members would be the last to be retrenched and 'proper efforts will be made to find suitable new employment through the Manpower Authorities'. Retrenchment allowances and training for members in the forces were called for, and the union must have representation on the Central Post-War Committee. With so much to be done and so much insecurity, union organisation would be all important and according to Hughes, it must be focused, 'Organisers must concentrate their activities on specific points and allow all other prospective fields to remain for later attention'. The recent referendum, which if won would have given the Curtin Government wide powers to manage the coming economic and industrial upheaval, had been lost. It was 'a bad result', and the Central Executive saw the defeat as no less than a challenge to the Union movement.

After all the early promise of its preparation, the application for a Heavy Industry Section Award was now falling into chaos following the companies' appeal against Justice Ferguson's Award. There was still no Award and no judgment on appeal, and the Section members planned a stop work meeting the following Monday. Although the stoppage had the support of all in the industry, Rudan came to the October meeting to hear what the Council thought. Hughes approached this awkward situation with his usual grasp of the context and history of the problem. He candidly confirmed that the matter was indeed now two years old because the employers had appealed, but pointed out the Award, when it came, would be retrospective and delay did not in fact mean loss. The disgruntled members had to be deterred from striking. The problem was a delay in the court, not an industrial matter and as such it was not suitable for industrial action. Metal Manufacturers were indeed paying low wages, and a short strike had 'helped the judges make their decisions' in the past but having 'smelt blood' the members were losing perspective. Hughes believed that without the intervention of Miss Nicholas there would have been no return to work. If the mainsprings of the proposed strike were fear of intimidation by the companies, then even he, a known 'red ragger', could see that restraint was not a matter of avoiding trouble, it was a matter of 'applying commonsense and judgment to the situation'. And progress was possible; Justice Ferguson for example had granted an interim order in the Clerks (Country) rate. Justice Cantor had been asked to 'work on the judgment over the weekend at home', and Hughes suggested, a little disingenuously, that the problem might well be that one judge was holding out for a better deal for the clerks. The Section must listen to Head Office; the rank and file should take notice of the experienced officers.²⁴ However Mr Green persisted, arguing that the problem was industrial, the companies were anti union. Those companies with low memberships, Australian Iron and Steel (AI&S) and ER&S, had undermined the union by giving pay rises. As the Metal Manufacturers (MM) employees saw it, 'Those other clerks are getting higher wages and had there not been a union, [the MM workers] would probably be on the same level'. Sweeney coaxed that a strike 'would be like boxers, game and punch drunk', and 'completely unscientific and unplanned'. The membership must not push the companies to shut down South Coast heavy industry. As Page put it, the 'South Coast delegates seemed to be getting their baptism of fire'. 'We are not fighting with clowns when we fight BHP and its subsidiaries, and it is much more sensible to fight with your brains and not with your fists'.

There were signs of tension over the control of the union in 1944. When the metropolitan Commonwealth Temporary clerks wanted to extend the Central Council Executive by two more

members, Sweeney felt there was 'too much debate, not enough work done with five, never mind more!' and Hughes reminded the meeting that the governing body of the union was 'a broad based Council meeting which goes right down into the roots of the members'. Larnach pointed out that the 'fact is the growth of the union under our present Government coincides with the number of clerks employed in the various war industries, and there is no other reason'.²⁵

Some members began to tell a different story from that set out in the Central Council. John Roberts and some other members took affairs into their own hands and the *Sydney Morning Herald* had announced on 17 May 1944 a Clerks' Union split over alleged control by communists. The Commonwealth clerks in the Division of Import Procurement (DIP) had discussed disaffiliation and formation of a Miscellaneous Clerical Workers Union. John Roberts, President of the 'Temporary Section', claimed there was undemocratic rule in the union and Hughes had responded by suspending Roberts and others from the committee of management. They were summoned before the State Executive to answer charges of injuring the union and bringing it into disrepute. These early rebels were naive and impetuous, and the Executive dealt ruthlessly with them. There was an irate letter, signed J Roberts, complaining at late notice of the meeting, and asserting it was deliberate: 'Communitic control of the union has gone far enough – as well as the system of practice of certain people in the techniques of becoming 'Tribunes of the People'.'²⁶ All appealed against the fines issued, and Garvan appeared before the Council to speak his grievances by way of defence; if the union was not affiliated with the Communist Party, then it was ruled by it. Moreover, classifications had been 'hanging fire' for 18 months, and 'the union is incapable of getting satisfaction from the PSA'. Some people wanted radiators, said Garvan, but this practical business was 'unable to be brought up. Every time we had this communist versus moderate go and no business could be done – the House Committee was impotent.' Garvan believed 'the union had to learn to take it', and asserted that 'we were not allowed to work on the committee because we were not commies. We had no way of breaking it down', was his quite acute observation of the grip the Executive was seen to have. As Garvan saw it, he was 'a shot bird, but I had to stand up and take it'. His intention was to 'make the Executive take notice'.

The Executive dealt repressively with Garvan, reacting to these pleas from a fellow clerk by throwing the rule book at him: 'The Rules and the Constitution are such you cannot break with the union'. But Page's outburst revealed that there was indeed more than 'injuring the union' at stake; according to him the rebel members were 'riding up the Red Bogey' to smash the union, just like Dame Enid Lyons and Mr Caldwell and Mussolini and Franco and Hitler. It was not a reasoned speech, and was not improved upon when Page went on to pledge his loyalties in overwrought terms: 'I say this tonight that if Hughes and Thorne are representative of Communist Party Officials I would to God that every trade union official in Australia was a Communist because we might then have a more efficient and worthwhile trade union movement'. The CTC claim to more representation was seen as a 'cunning attempt to split the union', and was dismissed contemptuously: 'I could open up the floodgates of my scorn and vituperation, but will leave it to them', said Hughes.

An example was made of Garvan; his term of suspension from the union was increased. However, Buckmaster thought the union's reaction was disproportionate and he wanted Garvan let go: 'We are a big body, a strong body, and cannot we turn around like the mastiff to the little pom, who barks at him - without taking any notice?' he reasoned. When it was then proposed to expel the letter writers, the Deputy

President objected; members, including letter writers, must be heard before they were expelled.

Hughes noted successes in his Secretary's Report. Amenities had become 'an important part' of the industrial relations of the members and Hughes could record that with the help of the Welfare Division of the Department of Labour and Industry, results had been good not only in Government departments but also in private enterprise. Moreover, this was achieved at office committee level. At De Havillands, Camperdown, the female workers had held a stop work meeting over the conditions in the rest room and toilet, the disruption was duly reported to the Court, and as a result of the conference held before the President of the Commission, the management and Hughes inspected the premises. There were 'immediate alterations and considerable improvements'.²⁷ The Manpower appeals were part of the war effort but they were also a useful vehicle for the members, preventing many from being improperly dismissed. These tribunals were 'necessary in the interests of employees', and should be kept in the post war period. The union was successful in a 'large number of cases' and several members were now sitting on the board.

There was an agreement for clerks with the daily newspapers but the union had now secured a new Award to cover all other clerks, £7/17/6 for seniors, and £6/17/6 for juniors, with £5 for female bookkeeping machine operators. Hughes noted that as a result of the Award organisation developed in the offices and there were 'prospects of 100% organisation'.²⁸ The AJA proposal for Newspaper Workers Councils was 'wholeheartedly supported by the Executive'.

The Federal Executive had, as Hughes reported to the meeting, lodged claims for Public Service Arbitration regarding hours, free time worked and other matters such as rates for female and machinists, typists and assistants on behalf of the CTC. Hughes, Thorne and Merrett had gone to Canberra to raise the issues of Saturday morning work, reclassification, pro rata leave, appeals to the board and the general question of retrenchment of members in the Services. The Executive had also contacted the Federal Treasurer about taxation and 'as a result of our negotiations certain additional allowances in respect to dental expenses were incorporated in the recent budget'.²⁹

The Manpower Department and Women's Employment Board were themselves employers as well as regulators, and General Secretary Thorne had 'fought' for the application for classification of female employment officers, although there was no decision yet. At the same time Della Nichols reported that the Board itself was likely to be dissolved, and some of its functions hived off to the Commonwealth Arbitration Court. Provisions for its determinations to operate as common rules were 'not yet acceded to'. Negotiations with the Department of the Navy brought telephonists employed there and operating in connection with the office staff under the Clerks' Determination and there were problems with classification in the Prices Branch, especially for investigative officers. Representations had been made to Canberra and followed up with the Public Service Inspector in Sydney, and the Prices Board itself. However, there was a delay because the Branch had transferred from the NSW State Government, and was new to the jurisdiction of the Commonwealth Public Service. Hughes had discussed rates and conditions with the Government Dockyard at Dyke's End, in Newcastle, and improvements were waiting on the approval of the State Public Service Board regarding the agreement.

There were 'many important' developments in the Shipping Section. In May the new system of cards for each member employed as a casual tally clerk was implemented and this eliminated

absenteeism and made sure all were legitimate tally clerks. There was however also trouble on the touchy waterfront, a stop work meeting over the proposed regulations to bring clerks under the Stevedoring Commission. The proposals had been gazetted but there had been no Government action as yet. At Burns Philp, permanent clerks were not union members and no member had been employed there. That dispute went to the Federal Arbitration Court, where the Commissioner had declared that if he had the power he would have ordered the men to join the union. Another related matter before the Manpower Committee was the employment of returned soldiers, under the Manpower Authority, because of the clerks' decision not to work for Burns Philp. However, when they became aware that the waterside workers refused to work with non union labour, the soldiers had also refused to work. 'At the time of making this report the dispute has developed serious proportions'. 'Mr McLaren and myself,' said Hughes,' addressed a meeting of Waterside Workers and urged them to return to work', in order to let discussion between union and company continue 'with a view to solving this sore problem on the waterfront'. However, Nelson of the Waterside Workers was also unsuccessful, his members also wanting union labour only. Waterside issues were so fraught that the Shipping Section asked the Federation for a Federal Conference 'to discuss the particular problems', and the State Executive endorsed the proposal, approving a levy to fund the conference. At least Hughes could rate the work of 'our reps' on the Canteen for Waterside Workers as excellent. Organiser McLaren reported almost 100% membership among the permanent clerks, and he was 'congratulated' on his work for conditions on the waterfront, including cleanliness and space.

Interstate Shipping Conference -Adelaide, 13-18th September, 1948



Second from the left, front row, is Jack Hughes (Deputy Federal President) and third from left, front row, is HA ('Bunny') Thorne (Federal Secretary).

A McLaren is second from the left, middle row.

In late 1944 there was a glimpse of Hughes' underlying belief in industrial action and solidarity. The Newspaper Section had been part of some industrial action, widely supported because of the anomaly of the newspaper printers' cause. Hughes spoke with pride of the clerks' proper assertion of union power and solidarity; the printers' claim for a 40-hour week and one month's leave was not excessive when they worked Sundays and public holidays. The dispute spread from the *Sun* when the *Daily Mirror* tried to print a composite paper for the *Sun* and the *Mirror* to defeat the industrial action. When journalists and clerks refused to work on the composite paper, the journalists were locked out while the clerks continued to work on normal duties but not the composite paper. The Court directed the printers to return to work, but encouraged a disputes committee, under the auspices of the Labor Council, with Hughes on the executive, to hold mass meetings and negotiate terms of settlement with the proprietors. The result was a '100% victory for the newspaper unions, including 'no victimisation' clauses and no loss of continuity of employment for those not making claims. This part of the dispute was a 'demonstration of solidarity between professional workers as well as members of the Trade Union operating in the industry'. Hughes wanted to 'make clear the important place this dispute must occupy in the history of this union and of the industrial movement generally'.³⁰

Communists and the Federation

With the New South Branch under a communist-led Executive, Hughes and Thorne had wider ambitions amongst the clerks. The Commonwealth Temporary Clerks and their union of convenience, the CTCA provided the opportunity to make inroads in the Federation. By 1943 the Commonwealth Temporary Clerks wanted representation on the Victorian Branch Council and the Branch was faced with the possibility either of a disastrous breakaway by the temporaries or losing control of the Branch to the CTCA section members. At a Special Federal Conference in April of 1943 Thorne tried to move a motion that the Federation step in and take over the by now unstable Victorian Branch. The other States, fearing that the discontent in Victoria might indeed cause the temporary clerks to split, and the States to lose their most plentiful source of members, supported Thorne but the Conference lacked the authority to pass such a measure. Understandably nervous about what might be put in place at the scheduled Federal Conference in February of 1944, the Victorians settled with their temporaries, giving them half the seats on the Central Council. But Hughes and Thorne persevered with the tenacity of men on a mission. Hughes had set about preparing the federal shipping log, obtaining an Award in October of 1943, and it included Western Australia and Queensland for the first time. Hughes' success won him the justifiable support of the Federal President Barrett and no doubt the respect of the Branches at Federation level. At the 1944 Federal Conference Hughes could announce, with credibility, an ambitious programme of federal Awards for commercial clerks, which would not only fulfil the charter of the union but also build up a stable membership when peacetime disbanded the temporaries. A strong commercial membership would, as Hughes also pointed out to the New South Wales Council, establish a framework at war's end to welcome the temporaries as they found places in the private sector. Other proposals for Federal Awards included oil, wool, airways, metal and retail clerks, and these Awards would offer career structures while State Awards tended to be minimum Awards.

Meanwhile the Commonwealth Temporaries' subscriptions had made a full time Federal Secretary and a Federal office possible, and not surprisingly Thorne, from the dynamic New South Wales

Branch, was elected to the position. The office was to be moved to Sydney. Thorne and Hughes, looking to shore up their Branches' hold on the Federation, were still determined to shift leadership in the Victorian Branch to the progressives (communists and supporters), and Thorne next attacked the Victorian Branch's February 1944 elections, where the conservatives held on to office. Thorne challenged the ballot on the basis of a petition from Commonwealth Temporary Clerks, and was elected Returning Officer for a fresh election. On January 31 of 1945 the Executive elected in 1944 refused to recognise Thorne as returning officer, whereupon the progressives tried to occupy the Branch's offices. After various court proceedings another election was held, but with the CTCA voting according to its entitlement of 16 seats to the other members' 10 on the Central Council, rather than a negotiated number of seats as before, and the store of goodwill amongst the temporaries towards the progressive Hughes, Thorne at last saw his colleagues in control in Victoria. In the meantime Hughes became Vice President of the Federation, and Thorne managed to put in place a provision that, in broad terms, three of the Federal Executive could exercise the Council's powers on a day to day basis for the effective conduct of the Federation's work. By 1948 not only was the office in Sydney but the three senior Executive positions were held by Thorne, Hughes and Sweeney, and so the New South Wales communists were ascendant in the Federation. By that time however the political monopoly of the communists had already been challenged at home within the New South Wales branch.³¹

Chapter 7

Peacetime, 1945-47

At the General Council Meeting of April 1945 Hughes declared: 'This Council is probably one of the most representative governing bodies of any organisation', and 'we must be conscious of our responsibility, however, this responsibility is lightened when we consider the democracy existing in the government and administration of our union'.

Reassuring as that might be, Hughes then set about giving the Council his opinion on the international situation. He spoke of how the Allies had made a tremendous advance in the last six months: 'History is being written in our time at a totally unprecedented rate' and all members 'must attune' themselves to this 'rapidly changing situation'. Recent military achievements were 'a monument to Allied unity and co-operation'. The old League of Nations approach 'could never be effective' as it had excluded Russia and, declared Hughes, 'we as a Union reject this'. Members must become committed: 'our organisation, as a national organisation, in the Australian community, can play an effective part in the World Peace Organisation'.

The old call to the clerks to do their bit for the war had now turned into a call to do their bit for peace, although Hughes was about to wage a new kind of battle against the monopolists and opponents of the Soviet Union. He told his captive audience that the world was now more 'international minded'. The First International Trade Union Congress had been founded by Karl Marx and now 42 countries 'gathered under its umbrella'. Hughes implored the union members not to be isolationist in the face of the great shifts in power moving about them. 'New conditions are opening up' and they must affiliate with the World Trade Union Federation. Nevertheless, for many of the members affiliation with a communist dominated organization went against the grain.

The membership tally now stood at 12,710 but resignations had increased, enrolments had declined, membership had fallen by 227 and organisers were to give more attention to the 'quality' of organisation and the 'degree of union consciousness'. The representatives' roles were also much more than collectors of dues, they were the links between the Administration, the rank and file and the office committees. Their numbers were increasing and the union office was now open late one night a month to assist them, but so far the response had been poor. Hughes proposed that a map should be put up in the union office and marked up daily to show where and when workplaces or Sections were visited. The union office was a campaign headquarters, and some thought it was a communist headquarters as well.

The Clerk flourished as the union's channels for propaganda were carefully nurtured. The circulation for January of 1945 had reached 10,000, with copies now distributed to Army canteens and recreation centres and Hughes had asked the Minister for an increased allowance of newsprint, restricted in wartime. Mrs Sylvia Holley was given a whole session of the Central Council Meeting to discuss policy for the union's social and youth work and the question of affiliation with the National Youth Association. 724 members were currently in the services, so there was scope for social and welfare work to be done there. The union kept up its attractive programme of social events; *The Clerk* featured a photograph of Sylvia Holley in July with the debutantes presented at the 10th Annual Ball, where

600 members 'had the time of their lives' dancing to the music of the 'Rhythm Bandits'. There were also monthly dances at Federation House, picnics, a basketball team and Miss Pat Hennessy was the 'popular Sports Secretary'.

Now that peace was at hand, there was a good deal of industrial adjustment to be made. The Prime Minister was not yet prepared to eliminate Saturday, but would review it 'in the light of the war situation in the Pacific'. In the meantime the government would pay for extra time, and Hughes responded: 'We feel that members will have no objection to working 40½ hours if paid over 36½ hours, as proposed by the Prime Minister'. In the Retail Section late night shopping had now been eliminated and the clerks were looking for two weeks annual leave. The clerks in retail were generally poorly treated, and an application before Justice Webb had been refused. In the meantime State legislation had provided that all employees covered by State Awards receive at least two weeks leave and there had been also been an historic judgment of the Full Bench of the Industrial Commission that annual leave and sick leave did not fall under the Economic Organisational Regulations or wage pegging, and could both be granted in an Award. Claims were to be made on the facts and merits of the case before industrial tribunals. The Newcastle Retail Section wanted to apply for leave between 1 January 1945 and 31 December 1945 on the grounds of the judgment and on the principle that office workers always followed shop assistants.

The Commonwealth Temporary Clerks were given the 'foremost position' in the union's priorities because they faced wholesale unemployment at the end of the war and the union had conferred at length with the standing Arbitration Committee (a Federal body) in Canberra, about the 'welfare of our members'. Hughes could report that clerks were now entitled to retrenchment pay on a pro rata basis after any period of employment over six months. The wartime hours clause requiring one night's free time per week was also eliminated and meal money was payable for Saturdays,

Besides attending to the just expectations of clerks as hopes of peace grew, the union also concentrated on its policy of organising the commercial sector and using Awards as a means of attracting members for the future. In the flagship heavy industry campaign the threatening crisis over the Award had been averted and there was now at least a lull in the struggle. It had been hard to hold the members back from striking, especially at Metal Manufacturers, but towards the end of 1944 the Commission had at last given its decision on the appeal; members lost 16/- per week. Then, before the Award was registered, the union was summoned before the Full Bench because a further employer application had been made to remove retrospective pay for under 17-year olds. 'We were astonished', said Hughes. This attempt to reopen the case after judgment was a 'pill was too bitter for the Arbitration Court to coat'. Hughes declared in exasperation to the Central Council that: 'The Executive, along with clerks in Wollongong and Newcastle, are like Micawber, wondering if anything will turn up'. In the meantime the union had applied to have all those employed in heavy industry, especially at BHP Newcastle, included in the Award and at AI&S and BHP the Award provided for two grades of clerks, to be classified by the company, although the union could approach the court if dissatisfied. Some grades, Senior Clerks and Chief Clerks, were above the Award's top scale and this omission was left over for a conference between the parties. The matter could then be referred back to the court if necessary, and Hughes reminded the sub sections that they must now do their bit and have 'up to date information as to those persons whom the sections feel should be classified as Chief or Senior Clerks'.

Perseverance with the Women's Employment Board had resulted in an agreement for 85% of male wages with certain companies. In other areas the Fire Board Commission had considered the union's log of claims at a conference in late 1944. Hughes and Assistant Secretary Della Nicholas had attended, and there was a tentative agreement to rostering one Saturday in four, an overtime increase and tea money. Long service leave was a later issue for inclusion in the Award. An Award had also now been made for the solicitor's offices, and the union had succeeded in having the exception regarding employed solicitors removed. The Award was not 'all desired', but was an 'important gain', including right of entry into solicitors' offices at certain times, although there was still no rate for articulated clerks.

Progress was made in the Federal Award programme. The Federal Aircraft Award already covered all employees except stores clerks at the basic wage rate and Hughes proposed the union should apply for a Clerks' Award covering the industry, possibly in two parts, general and maintenance. In the meantime, the union's position in this industry was threatened by the Shipping Officers Association. It had applied to widen its constitution to include clerical employees in the airways, a step which would 'encroach upon the field covered by this union'. The Oil Section had seen 'tremendous' progress. A conference led to agreement on almost all points of the Award, although the companies wanted the Award for all employees and the union wanted it for members only, which would 'in fact, secure' preference to union members. Perhaps even more important was the union's extended role in negotiating grading and promotion; it 'should be the basis on which other Awards covering specific industries of a career nature can be obtained'. The Primary Producers Agencies and Wool Stores draft claims for a Federal Award had been prepared on principles similar to those of the Oil Award and had the support of the other States. However, the NSW Wool Section was still not strong and in some areas had no organisation and needed to be better established.

While New South Wales had advanced the lot of the Shipping Section with the pickup system, shipping clerks in Melbourne and other States were poorly organised and this threatened the quality of the Award. The Shipping Section's Federal Conference was now set to go ahead in Melbourne. In the meantime a rotary system of work for casual clerks in New South Wales would allow for better continuity of labour and fairness. A ballot had shown a degree of hostility to the proposal but in the opinion of the Executive this was the work of the ship owners, who wanted 'anarchy of selection at the wharf gate'. Be that as it may, only a small margin of Section members had endorsed the rotary system, by 243 to 211 votes, and given this uncomfortable result, Hughes promised that efforts would be made to 'withstand disruption' and maintain 'vigilance, co-operation and loyalty'. In an anti union move Burns Philp was alleged to have increased salaries for permanent wharf clerks, in contravention of the wage pegging regulations, or else it had improperly admitted permanent clerks to membership of the Shipping Officers Association. The union had sought the assistance of the Arbitration Inspector and asked the Inspector's Board to take action.

The delay with the Heavy Industry Award might have hampered the industrial progress of the South Coast Section but the area was living up to its early promise and energy with its social and recreational activities and its participation in the Trades Hall Council and May Day, important to the Executive. The Metropolitan Section also supported May Day, and Della Nicholas, as part time organiser, had been able to build on its enthusiasm; the Lottery Office clerks now wanted to join the

union and a system of advance purchase season tickets on trains had been established to compete with the advantages offered by the Public Service Association. The Newspaper Section was making progress, showing improved membership although there were still problems at *Sydney Morning Herald* and Associated and Consolidated Press.

Politics

Despite a considerable body of industrial achievement, a coherent policy for the commercial sector, and new State and Federal Awards, the progressives attracted criticism in 1945 on account of their political affiliations. Hughes controlled *The Clerk* and the Central Council Minutes by more or less dictating them in meetings, but the moderates had found a voice in the conservative press. On 30 May the *Sydney Morning Herald* reported, 'Non Conformist Clerks' Union formed'. The article set out the reasons for the struggle between the communists and the moderates with considerable clarity. The 'new unionists' openly claimed that communists dominated the FCU in Sydney and the provisional President, C Pettit, 'who had served in the Middle East', explained the purpose was to provide union democracy for clerks and 'rid the clerks of the communistic dictatorship in the existing Federated Clerks' Union'. The petition for registration declared that the discontented members and the existing union were incompatible because 'the avowed aim of communism' was to 'politicise' the unions and 'divert them from acting as instruments of industrial welfare to instruments of class warfare and revolution'.

'Prominent legal advice' was that the 'rules were so constructed' that it would take years to remove 'existing control'. The new union's rules would provide for secret ballots conducted under the direction of the Federal Industrial Registrar, voting would be compulsory and there would be no strikes without a secret ballot of the rank and file. The newcomers however also proposed that all applications for membership must contain a pledge of loyalty to the Australian Constitution and democratic principles, and opposition to totalitarianism. JM Lanarch wrote to the *Herald* on 2 June 1945, observing that the existing union was in fact democratic while the breakaways excluded communists.

Hughes had already replied in the *Herald* on 31 May 1945, to the claims of the new unionists, coolly stating that he had known of their plans for 'some time' and he noted that three groups were involved; there was a small sect attempting to introduce sectarianism into the union, there were those disaffected members who had been dealt with for disruptive activities and there were supporters of the breakaway Lang party. Mr Pettit himself was 'significantly' not a member of the union. The next day Pettit was forced to deny these 'charges', pleading that he was not connected with a religious sect and was not a spokesman for Lang. Pettit added that he had been severely wounded and his brother had been killed in the war, and had then suffered the 'shock' of coming home to find that communists 'who had stayed at home, had captured control of many trade unions'. Furthermore, although the Lang faction 'might be dying', Pettit contended that at least it was not being 'swallowed by the Communist Party' as the Hughes Evans faction had been.

By August of 1945 there was more news of dissent and disorder in the FCU with reports in the *Herald* 7 August of the clash in the Victorian Branch when Executive officers arrived to take charge of the books under an order of the Arbitration Court. They were refused admission to the union office and five men barred the passage. The Court declared the December 1944 election had decided the

right officers but the rival faction were still in possession. As peace drew near the union seemed ready to sink into uproar and discontent as the great threat of the age passed.

In September of 1945 the editorial committee put together a Peace Issue of *The Clerk*. The cover featured a lovely border of artwork representing serving men and women and there were messages of peace from the State President LJ O'Neil and the Federal President WJ Barrett. Della Nicholas wrote at length and Irwin Page contributed a heartfelt poem. Jack Hughes in his regular, comradely column 'The Secretary Chats With Members' wrote of the virtues of the San Francisco Conference, with its vision of full employment. Sylvia Holley, Social Secretary, kept up the good work to make a happy Christmas for those now demobilising, and reminded everyone that last Christmas a cake and book had been sent to every serving member and that a welcoming effort should again be made as the union's serving men and women made their way home.

October 1945: Peacetime, 'a New World'

In his October report to the union Hughes could declare 'Today we meet in a New World'. The Allies were victorious, in itself a good thing, but Hughes took the communists' propagandist view of what the post-war era might bring to working men and women. He outlined a disturbing lack of economic planning for the new peacetime conditions, though with one notable exception. There was widespread retrenchment in the US and in Japan, while Britain was handicapped with obsolete machinery. But the USSR, with its five-year plan, was the only nation to rise above these problems. Hughes admitted that Australian Labor had also made some plans for the future in the form of public works but it was a 'timid approach'. Demobilisation together with retrenchment from the war industries would bring industrial problems; BHP, for example, would be out to use cheap labour to establish postwar monopolies, and its industrial agenda was to 'weaken and render [the trade union movement] ineffective'. Then there were the big issues; freedom for Indonesia, a free and independent India and, at home, a national pension for all. There may have been 'a definite improvement since a labor government came into office', but wage pegging legislation was still in place and the government was opposed to a shorter working week and to increased rates of pay.

Hughes' postwar catch cry would be living standards and the militant, communist outlook now made its appearance. He held it was now time for the loyal and patriotic workers to have their share of whatever post-war conditions offered, but the forces of capitalism and commerce would be out to grab that share. Speaking to Hughes' report, Jim Bullerwell, President of the Newcastle Section and Secretary of the Newcastle Heavy Industry Subsection, chorused its dire predictions. Employers were not interested in living standards, the union should demand retention of marginal rates, and there must be a long overdue revision of the basic wage and the 40-hour week. He also agreed with Hughes that 'the courts have swung in the last few months', and he strongly supported industrial upheaval. Rather than keeping a fair balance between proprietors and workers, 'the Arbitration Court very rapidly entered the fray on the side of the employers with the cessation of hostilities'. The Court also had a 'new feature', apparent in its 'attempt to interfere in the internal control and administration of Trade Unions'. He expressed 'lack of confidence' in the Court as it became 'more of a controller' rather than 'arbitrating between employer and employee organisations on proper industrial disputes'. The Court must be 'overhauled', and Hughes pointed to the kinds of industrial strife already taking place because

of its weaknesses. It had been necessary to resort to strike action to enforce the Court's decision upon those law breaking employers who withheld equal pay, granted by the Women's Employment Board under certain statutory conditions. Reluctance to make fair decisions was also to blame for trouble at Bunnerong Power Station and power cuts, a reference to the long running power strikes.

Hughes also saw the rise of bogus unions as closely connected to 'insidious forces operating from within'. Petitions were 'circulating within our ranks' and the Council had instructed the Executive 'to take vigorous steps by rallying the membership against any attempt to weaken the organisation'. There had been two stop work meetings in the Shipping Section and two 'disruptors' had been condemned for trying to form a new union to 'unify forces on the waterfront behind the Section Executive'. Anti-union agencies were operating from all quarters; there had been a 'flood of publicity' in the *Sydney Morning Herald*, which had promoted the bogus union as 'free from political control and industrial struggle'. Hughes made no bones about who the enemy was in his mind; the political arm of the Catholic Church was the presence behind the bogus unions. In July *The Clerk* reiterated it was founded on the basis of religion; Father Frank P Delaney had addressed the meeting and a list of suspected communists had been drawn up. The Metropolitan Temporary Clerks Section had 'solidly' expressed 'determination to fight against disruption either from within or without'. Nevertheless, 'we know this body is still operating in a secret way and is waiting for the opportunity to once again rear its head in the service of reactionary employers'. If his opponents could ride up the red bogey, Hughes was one step ahead of them, rustling up some terrors of his own.

Despite Hughes' gloomy predictions and militant stance the union continued painstakingly to gather whatever could be had to construct a post-war industrial welfare net for its members. His communist views did not hinder his capacity to work within the system for their benefit. This was so much a feature of the Hughes' Executive's style that he could use it as a point in debate about political affiliation; the union already had its own excellent political networks, and that gave more flexibility than being subservient to any political party. His first peacetime report was typically full of industrial detail, diligence and candour about what yet had to be done. Postwar problems were recognised promptly. Policy included retrenchment bonuses to those who had worked in war industries equal to the free time they had worked up to August of 1945, the rehabilitation of returned soldiers and the retention of government owned wartime factories in government hands. It was the duty of the union to be vigilant about all anomalies and oversights in the transition from war to peace; the Land Army Girls, for example, should be included in the Commonwealth Reconstruction training scheme.

The union's future seemed promising. Membership numbers had recovered; with an increase of 1,223 the tally now stood at 13,933 strong. The union was even thinking of a 'union home', a building of its own. Primrose House, in George Street, could be had for £26,000. Such an acquisition could provide premises for not only the union office but also for such facilities as a youth club. In later discussion it turned out that the proposal for a union home had in fact got off to a 'rocky start', to quote Hughes. The whole cost would be £41,000 and the option to purchase expired next month. Sweeney suggested a debenture scheme; it would 'only scratch the surface of the clerks' and their untapped financial resources. McCormack noted the building could serve as the union's own pickup centre, and so there was serious support from the Shipping Section.

The Minister had agreed to Hughes' request to allow the union more newsprint, and *The Clerks* run had been increased by 5,000 copies, and an addressograph machine had been purchased to overhaul the distribution system. Miss Mills was complimented on her work as editor; there was even a gratifying request from Tasmania for some space in it and for extra copies. A new Clerks Directory, 'the result of successful representations to the [Public Service] Board' was also now available. It contained the Clerks Determination and sick leave and other provisions. There was a copy for every member in the Public Service and the Directory 'should be studied by every Councillor'. Mrs Holly continued to organise the union's social life, and the Youth Club offered dancing classes, a choir, picnics and sailing trips. However, not all the representatives were doing their bit. They should do more than just collect dues, and there had been some 'defalcations'. The union was dependent upon a large amount of voluntary work and it was important for volunteers to attend meetings and work efficiently. There had been some reduction of the union's office staff; one senior girl and a clerk working in arrears were going and Hughes felt that the union could not 'build up' officers' salaries because the union was dependent on voluntary work, 'even from its paid officers'.

The Shipping Section had held stoppages over the Ship Joiners Union, seen as a bogus union on the waterfront, and Hughes commended them; they had upheld 'by their action, the decisions of the Trade Union Movement'. They also supported the decision of the World Trade Unions Council asking for colonial independence for Indonesia, a stance Hughes believed 'should be heartily welcomed by the Council'. On the industrial side of things, the Shipping Section's now nine month long dispute with Burns Philp was at last 'satisfactorily concluded' with all permanent clerks joining the union. At Port Kembla better conditions had been won for clerks on the issue of the number of men to be used on ships wanting several hatches to be dealt with simultaneously. In Newcastle the problem was using ships' officers to tally coal.

Having won the campaign for Commonwealth Temporary Clerks to be paid for free time and Saturday morning work the union then went on to ask for the end of Saturday morning work, and the request was soon granted on pre-war conditions, reducing working hours to 36 $\frac{3}{4}$ hours per week and no free time worked. This 'heartened members considerably', and the 'lessons to be drawn from it should do much to make the present post-war campaign for retrenchment allowances etc an outstanding effort'.

Commercial Sector

Organising the commercial clerks proved a difficult and time consuming task. Despite the apparent increase in membership, the numbers were decreasing in some commercial firms and Hughes was concerned to check whether this was due to the proportion of people leaving or the number of newcomers not contacted. The number of 'live' memberships was in fact falling, now standing at 10 057 and there was a growing suspense ledger, of possibly some 5,000 persons, involving a sum outstanding to the union of about £4,500. This meant better organisation was needed, including a system of return visits and constant checking through representatives to follow up members' needs quickly. Hughes stressed the need to look after existing members, and felt the gains of the last four years were being lost. At least the financial standing of members was more up to date but it was believed the union had 'reached saturation point at its present income'. Della Nicholas, as Secretary of the Finance Committee, said that as 'we are now entering the post-war period the need for [the members'] urgent consideration is apparent'.

There was also resistance from employers. The provisions of the Women's Employment Board had extended to a number of employers but Farmers and Graziers and Australian General Electric (AGE) did not fully observe the provisions, and the union had to take action in the Commonwealth Court. The log of claims for the Metropolitan, Country and Wholesale Hardware clerks was now going to court after the conference with employers produced no results. 'This attitude was typical of the general stand taken by employers today' said Hughes, and the Central Executive's 'immediate reaction' was to 'strengthen organisation in the commercial field', calling on representatives to convene meetings, discuss claims and 'generally make active preparations to assist in the fight which undoubtedly will take place when the matter is before the court'. There had however been a most disheartening response' from representatives and membership. A better response to the appeal in *The Clerk* was needed otherwise the prospects would 'not be bright'. For Hughes organization was everything: 'if we fail to activate our members around the claim, no matter what we succeeded in achieving in the court, we will not record success'. The logs of claims had been responsibly amended to take the decision of the Full Bench in the heavy industries case into account as well as the wage pegging regulations, which 'limit us to rectifying anomalies'.

The union's campaign in heavy industry at last reached some resolution, revealing the attitude of the employers. The BHP clerks' award of 1 June, for example, provided for £5,000 in retrospective pay although BHP had been 'unfriendly' to the organiser. However, lists and private addresses of employees had been given to the union, and a letter and booklet sent out to them. As yet, there was no response from the clerks for whom the union had worked so hard. Awards were now finalised for AI&S and MM and claims covering Lysaghts (Newcastle and Port Kembla) CRM, Rylands, Wire Ropes and Stewarts and Lloyds were negotiated. Goodwins, at Port Kembla, agreed to the AI&S Award. However, there were new problems. Many were overlooked in the classification of Grade 2 clerks. The right to inspect and compare work had been refused and the position of men at the plant was also in doubt. Could they be included in the existing award, or should the union apply to the commission or get a new award 'provided increases obtain? Chief and senior clerks' rates were maintained in the BHP group while MM paid less but had higher exemption rates. At ER&S a company union was offering the incentive of better rates than the award offered. Registered as a trade but not industrial union, it could not obtain an Award but the new union had entered an Industrial Agreement with ER&S, although it needed the approval of the Commission under the wage pegging provisions. The Clerks' Union's case, listed before the Commission, was amended to match the rates and conditions of the bogus union. Hughes also believed that the union's work was 'countered' by AI&S who were seen to be 'white anting' union activity with a petition among clerks expressing opposition to the union. Rumours had been spread that the clerks' Award might actually require members to work longer hours.

Della Nicholas had successfully negotiated before the Conciliation Committee to establish high rates for casuals, especially at the stationers Penfolds and real estate agents Somervilles. At De Havilland and Australian General Electric the union had stopped the practice of compulsory leave at Christmas but the employers had appealed and the matter had been stood over pending the decision of the Full Bench on annual holidays and the Annual Holiday Act. However, an interim settlement had been reached through a conference with management.

The Retail Section still suffered from poor enrolments, the reason, according to Hughes, being that the union 'had nothing to offer because the award was not good'. There were 195 members in retail yet it was noted in the Council meeting that David Jones had some 800 clerks, Farmers 400 and Anthony Horden's 600. The membership and organisation of the Section was of great concern and debated at length. The variations in the paid rates raised the question of whether there should be a special Newcastle Award. Newcastle enjoyed better conditions than the country clerks, whose workplaces had even refused the organiser admission, and an application had accordingly been made to the Industrial Registrar. At least the appeal for two weeks leave in the retail stores had been successful, and entitlements had mostly been settled, but Marcus Clark Ltd was prosecuted for retrospective payments. Agreed to as a war measure, part time employment now remained an issue in the Retail Section; applications for part time workers were to expire six months after the cessation of hostilities. The union's attitude was that no further permits should be granted except in exceptional circumstances and then only if 'greatly restricted'. New Conciliation Committees including shop assistants were now established for the Metropolitan area with a right for representatives from the union to sit in on any matters that affected office assistants only. Although the Retail Section remained generally weak, there were hopes for the post-war return of many active members.

The Wool Section was still not functioning as well as desired. The Section had not elected a Councillor and 'considerable dissatisfaction exists in many of the companies, mainly due to the Farmers and Graziers refusal to implement the decision of the Women's Employment Board'. Claims were however going ahead for a Federal Award, and Hughes stated that the union must assist the Federation in this. It would serve as a basis for gathering a large membership from the unorganised wool firms and building 'greater activity in the Section'.

The union had done a good deal of work for the Newspaper Section. The Section had asked the Executive to approach the proprietors for a registered Agreement on overtime, annual leave increases and a 40-hour week as the basis for calculating overtime. The employers, however, used the Economic Organisation Regulations (wage pegging) and 'bound the hands of the Union as to the points to be raised' although *Smith's Weekly* had agreed not to oppose the increase 'provided the union could secure an alteration in the award covering all newspapers other than the dailies'. When the basic wage fell, the Newspaper Section had asked the union to approach the proprietors with a view to preventing the decrease applying to the clerks in the press and this had been successful. The members were apparently appreciative of the union's efforts and wanted their dues deducted from their pay, but the proprietors rejected this request.

Airways clerks in the manufacturing companies had been recently organized and the union was now moving into the operating companies. Hughes and Thorne represented the clerks at Qantas and ANA, and sought a Federal Award, on a career industry basis, for them. This raised the question of whether the manufacturing companies should be included in that Award, or whether the aircraft manufacturing industry needed to be 'tackled' on the basis of Determination 35 of 1942, because it covered manufacture of aircraft, in turn covered by the Department of Aircraft Production. The State Lotteries Office was also not yet a separate Section, but had held a meeting and 'had the distinction of conducting the first post-war campaign' handled from an office, with the help of organisers Nicholas and Miller, using the tactic of a large volume of letters to State Members of Parliament for the elimination of unpaid work.

Hughes hailed this as 'a major victory for our members in the State Lottery Office'. However, Saturday morning was not included, and a log of claims for an Award was being finalised. The existing Award was old and the Lotteries clerks hoped for improvement despite the wage pegging regulations.

In outlying areas the Western Districts sub-section did not appear to have functioned and the Hartley Trades and Labor Council was approached regarding its offer to help with organisation, on the basis of 60% of dues collected going to the Labor Council, and 40% to the union. The Executive had agreed to this, depending on the Central Council's ratification. Also beyond the reach of the metropolitan office of the union, the Richmond and Tweed River Labor Council Executive had been active and enrolled new members of the Clerks' Union and were policing the Award in Lismore. State Secretary Hughes was to visit Norco and consider the terms of the new Agreement there, and also organise clerks in the area.

Political affiliation

The membership was increasingly confronted with the reality that it had a pro-communist leadership whose political inclinations and purposes now emerged after years of war effort and industrial restraint. At the October Central Council Meeting the Commonwealth Temporary Clerks Section now raised the question of affiliation with the Australian Labor Party. It would help to strengthen the party and achieve things such as the basic wage moving; 'are we to be in or out?' Hughes opposed affiliation, stating that the union should not jump 'on the bandwagon' of the government but stand on the grounds of basic principles. He reminded the meeting that the Prime Minister had said workers could not have a 40-hour week because it would upset the economy of the country, so the practical advantages of affiliation were limited. In any case, Hughes pointed out, if the rank and file wanted affiliation it was a matter of fees under rule 47, requiring voluntary subscriptions from members, and it would be interesting to see if enthusiasm was 'backed up by cash'. When Page seconded the amendment that the proposal of affiliation be put to all the Sections and if there was enough interest it should go to the ballot Hughes dipped into his communist vocabulary: 'the Labor Party is now a part of the machinery of the ruling class'.

Hughes closed the October 1945 Central Council Meeting with a statement which would become increasingly hollow in the coming months: 'We have nothing to fear from a free exchange of ideas and it is pleasing to note we have people here of all political and religious opinion'.

Strike funds

In November there was major South Coast industrial action following victimisation of a delegate of the Ironworkers Union, employed at AI&S. The dispute drew in some 7,000 employees in three companies, catching up some of the Clerks' Union's members when they were required to do work other than clerical work. The Central Executive endorsed the dispute and submitted a statement to the Arbitration Court, as published in *The Clerk*. Hughes as Secretary and Della Nicholas conferred with the Section Executive in Wollongong, and made proposals for activating members. These proposals were not taken up, which Hughes saw as 'an important weakness so far as our participation in the dispute is concerned'. Organiser Frank Graham had gone to the companies' gates where one hundred pounds was donated to sustain the families of those on strike and Hughes declared it was the duty of all to support the appeal, and lists were forwarded for collections from the membership.

By December of 1945 Hughes faced rebellion in the ranks. He had moved for increases in subscriptions from 32/- to 2 pounds for adults, and 16/- to 1 pound for juniors, 'to assist those unemployed through strikes'. His reasons were simple; members were either for 'BHP and the *Sydney Morning Herald* or for trade unionism. When about 1 000 members attended a meeting at Federation House the *Herald* reported on 6 December 1945 that the moderate clerks had defeated the 'militants amid uproar' and won a 'complete defeat of the communist element' over the issue of funds for the steel strikers. The moderates had insisted on a secret ballot and among 'wild cheering and boos' the motion was carried by a six to one majority. The communists had allegedly tried to pack the meeting but the moderates had carried the day, standing at the end to cheer and sing the National Anthem. Two and half hours of uproar were reported, with the moderates assembled in 'blocs' but they were 'infiltrated' by communists who obstructed and 'howled them down'. Hughes' version was less sensational; he recalled an orderly, well attended meeting and 'vigorous discussion'. Be that as it may, Hughes beat an orderly retreat, considered how the country members might vote and decided that all except the Western Districts were in favour. It was unanimously agreed by the Executive that a secret ballot should be held to give members the opportunity to 'confirm the decision of the meeting'. The *Herald* on 7 December 1945 reported 'Clerks hit at militants' as 80 members at the RANA Depot, Spectacle Island, met to object to using 'funds for communist purposes', and they protested at the use of *The Clerk* as a propaganda vehicle. It was also noted that the Australian Clerks' Union was proceeding to registration.

By 19 December a committee of union leaders to combat communism was announced at a Trades Hall meeting. Literature was distributed, a team of speakers addressed the assembly, and it was decided that the campaign in the unions should be intensified just before the elections. As for the strikes issue, Labor Council's recommendations should be accepted. In the meantime 200 temporary clerks at Garden Island, members of the CTCA 'affiliated with the FCU', demanded a general meeting to recall all officers who were communists, and also protested at the use of *The Clerk* for propaganda purposes. These clerks also sent a 'congratulatory message' to Mr Chifley after his recent stand on arbitration and they announced their intention to 'co-operate with other branches to rid the union of communists'.

The Hughes Executive wisely withdrew from the fray; a ballot was now 'unlikely' and the Executive would raise strike funds by voluntary subscription. Outmanoeuvred, the moderates were 'sceptical' of the reason Hughes gave, that papers for the secret ballot could not be printed because of the power restrictions. This 'had not restricted issue of dodgers and circulars supporting the strike' and they believed that this was a mere excuse to 'sidestep the ballot'. Certainly Hughes knew to avoid a ballot he might not win. The Small Arms Factory at Lithgow joined the ranks of the discontented, its 200 clerks backing the Garden Island clerks in the 'move against the communists'.¹ The tidy containment of trouble within the Sections seemed to be in some danger as the Lithgow clerks organised a petition for a general meeting to recall the Executive. The union's constitution was clear that the Executive must comply with a petition if it was signed by 500 members, one twelfth of the whole membership or 50% of the Sections. In well organised concert with their city counterparts the Lithgow clerks also protested at *The Clerk*, wrote to Chifley and, a local touch, dissociated themselves from the communist Hartley District Trades and Labour Council.

At this point the Executive retaliated against the spreading dissent by singling out and summoning a 'prominent member' to appear before the Executive on a charge of disruptive activities. Aubrey T Ockerby was President of the Department of Airways Subsection, and was alleged to have called a meeting of the Clerks Defence Association to protest at unlawful acts of the Executive, especially the 'union funding of Communist organized strikes'. Ockerby was to appear on 16 January to show cause why he should not be fined, suspended or expelled but in the meantime he made out his defence in the press; no such group existed, and the meeting was 'merely a meeting of a majority of members to discuss ways and means of dealing with the Secretary and executive who had broken laws'. There was nothing sectarian about the meeting and for good measure Ockerby declared himself to be a Protestant, and without any religious or political association.²

By 15 January the *Herald* reported high drama: 'Clerks' Union Split by Communists'. The Executive had summonsed five members, and this 'action had brought to a climax the differences between the communists, who have control, and non communists'. There was a real danger that if the general meeting was held, Hughes and his executive would face a motion of no confidence in front of a broad cross section of the union and the tactic of keeping the membership from forming common cause would fail. Opposition was now more substantial and convincing than mere sectarian bigotries. The disgruntled members disapproved of those who had gone on strike in the Port Kembla dispute and 'contended' the legal principle that members were debarred from taking part in illegal strikes. There was also no provision in the union's constitution for contributing to illegal strikers' support without the approval of the Central Council. The rank and file were not aware of such a meeting since the strike began and they also objected to the method of selecting the Section representatives, where the members had no voice. They declared the rules were 'framed for junta control', with other rules designed to give unlimited power to the Executive, for example, to expel a member for 'even interrupting'. The members 'just had to take it', but they meant to fight and although a small section favoured a breakaway union, the majority now supported the campaign to 'clean up the Communists and restore democratic control'.³ 100 members of the department of Air Subsection endorsed Ockerby's statements and denounced the 'high handed and un-Australian methods' of the Executive as it brought the union into disrepute. The subsection promised that organisation 'to get rid of the communists' was nearly complete.⁴

The dissidents cited were unrepentant and the hearing seemed unfair; when H Meadows appeared the *Herald* reported that although there was a legal practitioner (Sweeney) on the Executive, the members were not allowed legal representation. John Roberts' solicitor, Mr McIntyre, was obliged to sit out the three hours of the hearing in an anteroom.⁵ Meanwhile John Roberts set out the extent of the Hughes agenda as his opponents saw it, published in full in the *Herald*. Roberts was President of the Import Procurement subsection and he recalled that a man 'now seriously ill' had joined the staff, 'co-opted' by the committee of management. This person had stated he was a communist and he meant to clean up the committee. It was 'stagnant and dead from the head to the toes' and he intended to 'introduce some life into it and educate it along communist lines'. Militancy would be the order of the day: 'I intend to stand over the bosses and see that we get what we want. I am determined to expel all radishes from the union'. The unnamed committee member was also alleged to have declared that 'Mr Hughes is one of the most prominent communists in Australia. He shakes all 'radish' Labor

Government, such as the Lang Labor Party' and the 'prize radish' was the Australian Labor Party led by John Curtin. Roberts claimed that the State Labor Party in Hughes' hands was a cell of the Communist Party, and steps were taken to form cells in the Department of Import Procurement (DIP). Roberts and a number of clerks considered that 'this communist movement should be opposed' and denied sectarian interest beyond fighting the domination of 'atheistic' communism in the union. The moderates were determined to stand their ground. A spokesman for the moderates said if the dissidents were fined they would take legal proceedings against any 'punitive decision'. Ockerby and R Wilson would also answer no charges without legal representation.⁶

The moderates had used the Press well in their struggle but Hughes countered with an unexpected and subtle move, announcing that there would be a ballot on three important issues. The moderates saw the questions as leading and 'double barrelled' and the ballot was a 'phoney' ballot, designed to counter the 'rising tide of dissatisfaction'. The first question was indeed skewed. Members were asked to express their support for complete religious and political freedom but with the rider that anyone attempting to discriminate against members on religious or political grounds would be liable to expulsion, fines and other penalties, at the hands of the Executive or the Central Council. A 'yes' vote was almost inevitable and the moderates grappled with the fact that it was the 'implication' of the question that mattered. Surely it should be that no member, while permitted to hold religious and political views, 'shall endeavour to use the union as an instrument for advancing those political or religious opinions'. This would have attracted a 'yes' vote, thus 'spiking the guns' of those trying to use the Clerks' Union 'not as an industrial force to better conditions for its members, but as a political instrument' for forwarding the policies of a particular group. The moderates also complained at a 'cyclostyled' letter, endorsed by Della Nicholas, which they believed sought to 'confuse the real issues involved'. WB Dawson of the Prices Branch Subsection saw a 'strange difference' between the wording of the ballot paper and the simplification of issues as set out in Miss Nicholas' covering letter'.⁷

April 1946: 'a small coterie within our ranks'

The Central Council Meeting of April 1946 found the union recovering from an open attempt to overthrow the Hughes Executive and Jack Hughes responded to this turbulent episode in his Report. The Council, he saw fit to remind the union, met to 'deal with the main questions confronting the Union and which have been adjudicated upon by the Central Executive'. Hughes blamed the daily press for stirring up the trouble implying that this outside body, with its anti union policy, had attempted to take the union's affairs out of the union's hands, so the Executive had 'come back to you' [the Central Council] who in the interests of the rank and file have the control of the organisation'. Hughes expressed confidence that the Council would give its 'endorsement of our actions'. Nevertheless, there was growing concern within the union that many clerks may be unwilling to join because of the involvement with the Communist Party. The Communist Party was increasingly seen to be 'playing a dominant role in the Trade Union Movement'.

As Hughes described it, the internal disruption had started when some members had taken action in court to restrain the Returning Officer from counting the ballot ordered by the Central Committee. For Hughes the result represented an 'overwhelming vote of confidence in the administration', with 10 to 1 votes settling an important industrial question, that clerks could not be required to do work

other than clerical work. The other matter decided by that ballot was the rule allowing party political and religious freedom to every member but the dissidents had attempted to prevent the ballot from being counted. A second ballot was held when an outright attempt was made to topple Hughes and the Executive. Dawson and Henry waited on Hughes to present a petition and requisition with 1,000 signatures for a Special Meeting and ballot for the removal of the Executive, despite, as Hughes saw it, the clear vote of confidence suggested by the first ballot. The Executive had been 'determined to make a check of the documents' and claimed that the signatures were '50% ineffective, hundreds of the members signing were unfinancial and some were untraceable'. 500 signatures were needed to compel the ballot at law, but Hughes explained that the Executive had decided to hold the ballot even if, in the opinion of the Executive, no court could compel it. It was the best way to end the 'present disruption and strife'. The result had been a 7-1 victory for the Executive, showing that 'only a small number', of the over 13,000 membership, was 'responsible for the barrage of hostile press propaganda aimed at damaging the union'. Hughes could not resist drawing the conclusion in his Report that the figures suggested that just 500 members entitled to vote supported a ballot requisitioned by 1,000 petitioners. The same litigious group had taken action in court to disallow a large number of rules but had withdrawn after this first defeat. The Court held the Executive's activities had been within the rules and that 'as a general principle, matters should be settled within the Unions themselves in accordance with their rules'. Hughes' comments suggested the proceedings were vexatious and he also noted for good measure that the expense incurred was a 'burden' on the Union's resources 'without securing any real economic advantages for our members'.

Hughes now protested the good qualities of the Executive and emphasised the confidence of the members in it; the Executive pursued 'a working class policy in line with the decisions made by the Central Council of the Union and the Federal Conference of the Organisation'. Any group in the minority attempting to stand in 'an alternate capacity to the Executive within the union can only be anti-union in its policy, can only be espousing, whether consciously or subconsciously, the cause of the monopolists and employers against the best interests of the union as expressed by its members and its legally constituted Executive'. He deplored spending £100 on wages to conduct a ballot and the severe disruption by a 'small coterie within our ranks' and hoped that this was the end of 'activities which so heavily weigh against the unity and progress of our organisation as an integral part of the Trade Union Movement and the working class of Australia'. The Executive pursued the disruptive members, summoning them to appear before it. Mr J Flanagan of the Shipping Section, for example, had been asked to attend regarding the statements he had made to the press, claiming members of the Shipping Section had been disenfranchised in the recent ballot. The charge was framed as seeking to injure the union.

Hughes opened his Report to the October Central Council Meeting with an attempt to unite the union through a common cause. There were more turbulent times ahead and the union must struggle against the organised opposition of the employers, exemplified at Dalgety's, which had refused to negotiate on the wool award, and in the declarations of employers against the growing might of the Clerks' Union. The best attack was to work for improvement in the Sections and find remedies for falling membership and deterioration in the union's finances.

The Secretary's Report commenced with 'The World Background': 'The war had taught us that all national problems must be considered in relation to the entire world situation,' Hughes lectured the Council, and he had a new theme. The Peace Conference had 'clearly demonstrated the manner in which nations have followed the dictates of imperialist groups to establish the basis for WWII'. 'The Western Bloc' with its refusal to 'crush' Franco, American occupational troops in China, support for the Dutch in Indonesia, the Indian struggle for independence, Palestine and Egypt, the 'hullabaloo' about Persia and the Soviet troops there, and now the landing of British troops, were to Hughes all symptoms of the moral decline of the western world. The world's press was mounting an 'hysterical anti Soviet Crusade'. By contrast, Hughes saw the World Trade Union Organisation as 'peace loving', and a fine example: 'The demands of our organisation must be directed towards the proper expression of international policies by the Australian government based upon conscious feeling of the people for peace'. Hughes saw no middle course; if the government was not for peace, it was against it. 'To be used as a tool by the war lusting imperialists should not be the aim or direction of Australian Foreign policy'.

Hughes' addresses to the Council brought the growing divisions in the labour movement home to the union, and stirred up opposition. Wal Flint was not impressed with Hughes. 'A certain gentleman has spoken this afternoon', said Flint, 'I feel he has done so with his tongue in his cheek'. On the subject of Franco and fascist Spain, 'Mr Hughes', observed Flint, seemed to have overlooked the existence of 'other totalitarian regimes', for example those in Soviet Russia. Hughes replied that 'Mr Flint's view comes from lack of understanding'. There was a nice distinction, said Hughes. The Soviets were totalitarian but it was a 'dictatorship of the majority not minority'. A motion supporting Spain against Franco was carried, and Howie of the Metropolitan General and Country Section supported representation at the World Federation of Trade Unions.

The political divisions in the labour movement were stirred again over the question of affiliation with the Labor Council. Booth was critical of the Labor Council: 'Nowadays the Council has declined and has reached the point where it serves no really useful purpose. It is now the cockpit of the left and right where vicious red-baiting goes on night after night, where procedure and rules mean nothing'. Breakaway groups were admitted to Council, when its own rules are to uphold the rules of affiliated unions'. It was suggested the Sections should look at disaffiliation. 'I am confident Sections will move if necessary, and it will not be coming from the Executive'.

Militant Clerks

The NSW Branch of the FCU had earned a very public reputation as an aggressively militant and communist led union as the activities of the tally clerks escalated into nationwide strikes. The tally clerks were well placed to disrupt commerce and production on a nationwide basis as they banned work on some cargoes and this let Hughes and Thorne wield considerable influence from the base of the Clerks' Union in New South Wales. The establishment of the pick-up centre and later the roster system in 1947 at Newcastle, together with the tradition of 100% membership laid down the structure of a 'closed shop' in the Shipping Section. The condition for this protected work environment where the employer would fight for the right to limit the roster and choose its employees was that the clerks' Executive took responsibility for the reliable conduct of its members and could discipline them under

Rule 35 of the union. This was seen in some quarters as the mechanism through which Hughes, Thorne and the communists had control of the Shipping Section members and could direct them to take industrial action sometimes well beyond defending their proper interests.

In mid-1946 the tally clerks' postwar identification with the waterfront culture of militancy was demonstrated when the WWF called a strike over handling double dumped wool, two bales lashed together and weighing 660 lbs, and the Executive of the Shipping Section decided that the 1,000 clerks would not work on a ship employing other than WWF workers. The clerks stopped work when soldiers were called in.⁸ In March 1947 the tally clerks planned one-day strikes in every port in Australia to demand appearance money and paid annual leave. In Newcastle the casual clerks stopped work for 24 hours when they were excluded from the new Stevedoring Act and denied attendance money and annual leave and they served a claim for four hours attendance money and leave. It was recommended that the matter be settled by arbitration but the ports were 'idle today' as 700 clerks attended and 40 ships were idle all day, keeping 4,500 men from work. The clerks continued to assert themselves, declaring for example the 'Babinda' black and walking off the 'Ettrickbank' asking for dirt money. When there was a clash 'in court' between the two rival unions, the FCU and the Shipping Officers Association which the Clerks claimed been formed in response to the clerks' claim for an award. The matter was settled amid complaints that the FCU was under the political influence of the WWF, and the Shipping Officers Association survived. In August there was a sit down strike by 12 clerks when a clerk was dismissed in the Export and Shipping office of Riverstone Meats. The union was reported as considering a ban on the company's products in all ports, pending reinstatement and 100% unionism.⁹

By July 1946 the union reacted to the long delay in the Federal Wool Brokers' Clerks Award, lodged in mid-1945. Justice Foster had ruled there was the necessary dispute and the union saw the employers' denial of this as a play for time to set up a rival union, the Wool Selling Brokers Association and persuade the wool brokers' clerks to join. The union put a black ban on Dalgetys' wool. The ban was then extended to other companies and in August of 1947 the Federal Wool Brokers Clerks Award was approved, bringing more money for wool clerks, and gradings. As that contentious area settled, the Newcastle tally clerks struck when an employer rejected the proposed roster system. The Minister called for a conference and Hughes agreed to resume work pending a decision. Agreement was reached on the roster system but on terms that the companies could have free selection of workers at 8.30 am for the day shift and 11.00 for the night shift. The dispute ended when Federal Commissioner Findlay disallowed free selection in an historic decision establishing the roster system for the Newcastle clerks. The tally clerks were out again in September and the *Herald* reported on 11 September 1947 that they intended to 'tie up all loading and unloading of ships from Cairns to Perth'. They had called a 24-hour national stoppage to enforce the log of claims on employers for annual holidays, paid sick leave and wage increases. Members also stopped in South Australia until 'all persons employed in a clerical capacity at Port of Adelaide became members of the Clerks' Union'.

In October a fresh and more politically focused dispute broke out, this time over the reported refusal of half the Fremantle clerks to join the union, a situation threatening the communists' control of the Federation. The stoppage applied to all Australian ports, including Newcastle, and Federal Vice President Hughes was reported as saying that the clerks in question belonged to a company union. By 7 October

1947 the *Herald* reported that all the maritime unions supported the ban while C Dillon of the Interstate Steamship Owners' Federation said that the Fremantle clerks belonged to a union registered 40 years ago, and there was no court order in place to join the FCU. The FCU began to attract trenchant criticism of its position when its activities caused Federal wharf clerks in WA to be excluded when 40-hours was declared standard for WA by the State Arbitration Court. Mr Justice Dunphy 'strongly condemned the actions of the FCU' and said that its 'callous breach of an undertaking and its complete disregard for principle in associating itself with the hold up of society, put it outside the pale'.

By 25 November 1947 the *Herald* reported a complete ban on wool from Sydney, involving 800 clerks who refused to handle wool until 100% unionism was achieved. The Federal Executive supported the NSW tally clerks and would extend the ban to other ports if not settled by 8 am on Friday. Commissioner Wallis of the Federal Conciliation committee had declared there was no power to deal with the dispute. Again the Clerks attracted severe criticism, with Commissioner Wallis reported as saying that the 'whole economy of Australia was held up by a few clerks in a dispute which has nothing to do with the wool selling brokers'.

By December £15,000,000 worth of wool was held up in New South Wales; 'Reds Behind Strike, Say Clerks' as some tally clerks turned on the communists.¹⁰ There had been no consultation and they feared reprisals and expulsion from the union and loss of their jobs if their names were published but declared the first they knew of the strike was through the press, not the non communist executive of the shipping section. They also claimed the strike was 'scientifically planned', because only wool, and not all work, was banned so no tally clerks were thrown out of work, the union did not have to provide for the activists' support. Hughes 'a member of the communist party', said the decision was unanimous, made at the stop work meeting twelve months ago and that the Federation had 'authority to pursue the matter to a successful conclusion'. The implications of the strike began to cause widespread consternation; PA Wright of the Graziers Association said the wool payment was held up as a 'great industry was held to ransom'. The Sydney sales might have to be cancelled and the waiting ships would have no choice but to sail. On 4 December the *Herald* headlined 'Move By Reds Wool Strike', with news of a communist move to silence opposition from within the ranks of the tally clerks. After a Special Meeting of the Shipping Section Executive Hughes claimed all had 'signed a lettergram to the Prime Minister expressing full confidence in the State Executive of the union'. The letter purported to set out the union's concern that 'far from the Labour Minister's assurance that the 'matter was well in hand', Commissioner Wallis of the Conciliation Commission had said the matter was outside the powers of S56 ss 2 of the Act, which Hughes claimed gave the Commission power to grant preference to the union in order to settle an industrial dispute. The signatories to the letter claimed that they would be victimised on the waterfront if they did not sign the letter, and that the WWF was communist controlled and backing the strike. In the meantime Wallis refused to consider an application for a new Shipping Award while the strike continued; the union was 'defying every principle of the Arbitration Court since its inception' while Thorne claimed there had been no attempt at conciliation.

The situation deteriorated as Hughes mentioned in the press that the wool export ban might extend to Tasmania and Queensland. Deadlock was reached and it seemed 'likely' the sales would be cancelled. The *Herald* on 5 December 1947 also reported that the 'subversive' activity was raised in

the Legislative Assembly and Premier McGirr would 'inquire into who was behind the strike'. The Country Party member for Armidale called for Hughes to be investigated and Sir Earle Page was reported as saying at Lismore that 'bloodshed might occur, worse than in India'. On the same page the *Herald* reported communists taking to violence in France, so the activities of the Clerks' Union's communists must have seemed highly significant. The second page of the same *Herald* bore a leader article, explaining how the 'Reds' had 'engineered the wool holdup'. Only a handful of communists held key positions in the union, and were so successful because they were supported by the militant WWF and had introduced 'red rules' into the union, controlling the 'economic fate of every shipping clerk on the waterfront'. The old rules where the General Meetings let policy be reviewed, and where officers were elected every year by plebiscite of the whole membership had given way to the Sections so that the Secretaries and organisers no longer faced regular confirmation by election. Moves made to change the 'tyrannical' rules failed because of lack of funds and the Central Executive exercised the 'powers of a Supreme Soviet' of five members. Sections could be reorganised and the Executive could fine, suspend or expel members and do as they pleased with the Sections and committees. It was true that 500 members could call a Special Meeting but it was almost impossible to get clerical workers sufficiently interested in the union and courageous enough to turn up at Branch Meetings. There was 'timidity before union threats' and the wool clerks had become resentful, with the rank and file against the present strike but fearing job loss and victimisation. The *Sydney Morning Herald* article gave the opinion that the real reason for the strike was not the unionism principle but the 'Communists' desire to hold up exports vital to Australia's prosperity. 'Misery, not prosperity, breeds revolution'. The conclusion was that the interests of Marx House, the CPA headquarters, were in safe hands'. Hughes was a member of the Centre Committee, an associate of J Healy, of the WWF, and HA Thorne.

The wool sales were cancelled, the 'effect of the ban by clerks'.¹¹ The shipowners tried to make common cause with the wool brokers and T Garland of the Trades and Labour Council (Port Adelaide) declared: 'If the shipowners like to stick their necks out in a dispute which really does not concern them, they must expect a rabbit killer' while the flow on of the strike put 300 storemen out of work. HR Cowdery, of the Australian Woolgrowers Council said it was all due to communist activity while the Royal Agricultural Society wanted the Prime Minister to intervene. The Clerks' Union President, W Hunter however declared that the 'communists were overwhelmingly' in the minority and the union rules provided for election by secret ballot, and 'right of initiation, referenda and recall'.

This militancy stirred reactions within the union. On the 20 November 1946, for example, during the wool dispute, McLaren had gone to the wharf to advise the shipping clerks that sheepskins fell within the ban on wool. John Bateman apparently struck McLaren. There was 'no doubt that McLaren had received a blow, he had a black eye and the side of his face was swollen'. There were also witnesses and the Executive expelled Bateman from the union. Sweeney reckoned that Bateman had been an amateur boxer in Victoria 'of some standing' and 'the suspicion' was he had 'in fact' been working at another wharf, and came around or 'was brought around' for the purpose of assaulting McLaren. Bateman appealed to the Central Council Meeting on 19 April 1947.

The first part of Hughes' Report to the Central Council Meeting of April 1947 dealt under headings with the Drive towards War, United States Expansion, Greece and Turkey, Action for Peace, Economic

Conditions, Higher Living Standards or Overproduction, the Fight for Independence – China, India and the Colonies, and the WFTU. Under the heading 'National Position' Hughes spoke of Evatt's foreign policy, bases in the Pacific, the Central Australian Rocket Range, Native Peoples and External Territories, Aborigines, Labor Governments, policy on the economic position, export of commodities, shortages, rising cost of living, wage pegging, struggles of the unionist, ACTU and Labor Councils, the 40-hour week, the Arbitration Act, perspectives of the Australian worker and the Union's position. Hughes was less supportive of the Labor Government these days. Evatt was no longer in favour, his policies were leading to war, and the Government was at fault with its 'consistent refusal' to abolish wage pegging and address the 40-hour week.

Miss Mills expanded a little upon Hughes' remarks, raising the question of Palestine and a UNO mandate to allow 'Jewish people and the Arabs to live side by side'. Like Hughes, she brought her awareness of foreign affairs to the Council Meeting: 'if the conditions in Palestine are allowed to continue as to-day, there is no doubt it will lead to war'. Butler, from the Commonwealth Temporary Clerks, spoke on the proposed American loan to Turkey, labelling it colonisation. These addresses to the Council may well have been serious minded and aware, but their frequency at the Central Council Meeting of an industrial union could not help but increase uneasiness about the focus of the leadership.

Johnston moved on behalf of the Shipping Section for affiliation with the Australian Labor Party. Green moved that this issue should not be raised 'Council meeting after Council meeting' and was a waste of time but O'Neil commented more pointedly that a 'little coterie, known as the ALP Industrial Group, were endeavouring to discriminate against members'. The union's rule 'gives every member of the Union the individual right to their political or religious beliefs', he said; 'we are not bound to a party, and we are not bound to be affiliated to any Party'. Page noted that the Clerks' Union was in a 'unique position, covering as it did adherence from the Liberal Party 'right down to the Communist Party' and they might not want to affiliate with the ALP.

Not all attention had been given to the Shipping Section and politics. In September of 1947 the Commission consolidated the Clerks (Metropolitan), Clerks (Wholesale) Hardware and Clerks (Country) Conciliation Committees into one Clerks (State) Committee. On 28 April 1948 the Clerks (Metropolitan) Conciliation Committee, Clerks, Wholesale and Hardware and Clerks (Country) Conciliation Committee were dissolved and a Clerks (State) Conciliation Committee was established. It excluded banks and insurance offices while Articled Clerks were at last included in the Clerks Solicitors Committee in 1948.¹² In something of a landmark for the union a Clerks State Award was made 11 June 1948. The needs based basic wage for Sydney was £5/16/-, females £3/2/6, while minimum Award rates for clerks were set at £6/19/6 at 21 years, the female rate at £4/6/-. Casual rates were time and a half. An important advance was optional gradings in the Award, depending on the size of the enterprise; Grade 2 and Senior Clerk for fewer than 20 clerks, and for more than 20 clerks Grade 2, Senior Clerk and Section leader or Chief Clerk. While not compulsory, this was a first step in recognising the career nature of clerks' work in the general Award. Preference, all other things being equal, was included, and an exemption for shiftwork was made for the NRMA. The exemption rate, at which clerks earning that amount were no longer covered by the award, was set at £9/13/6. From 1947 to 1949 this general Award would enjoy a pattern of regular increases.

Chapter 8

Challenge By The Industrial Groups, 1947-52

At the October Council meeting of 1947 Hughes still pursued international concerns as matters of direct interest to the union. He justified his bias; 'on the question of politics in the union' non-party did not mean non political. On this rather fine distinction Hughes continued to press his views upon the union, declaring that the world was moving from the end of World War Two to World War Three. He had now fixed his sights on the USA as the enemy. 'Under cloak of screaming about reds and so on what are American monopolists doing? ... endeavouring to destroy the American Trade Unions'. The remedies were price controls, national banking and there must be no isolationist policies. J Howie pointed out that Evatt's policy was incorrect and Miss Mills and Miss Nicholas also spoke out. The union must support Empire preference to combat American monopolies and the British government must be requested to renounce Article IX of the American Loan Agreement which was bad for Australian exports to Britain. Green again questioned the time spent on 'political' matters, drawing the response 'Mr Green fails to realise the difference between political and party political'. The distinctions were becoming too fine.

Phil O'Toole, who would succeed Hughes as Secretary, joined the union in 1947 as an employee in the Accounting department at Amalgamated Wireless at Ashfield, and with Wally Stone of Australian General Electric (AGE) was elected as a councillor representing the Radio and Electrical Section at the October Central Council Meeting. Looking back, he recalled that as a newcomer he was 'certainly concerned at the format of the Meeting'. His impression was of Hughes holding forth on 'the Democratic organisations in European Countries ousting the warmongering Governments in office', although O'Toole was fair minded and ready to acknowledge that there were also good reports on Finance, Membership and Awards and the Public Service Section, with its 3,000 members in Price Control, Rationing, Defence and other 'carryover Wartime Departments'. O'Toole saw his own uneasiness as widespread in the union. As a result, O'Toole recalled, 'liaison was established by the persons on Council who were not supporters of the obvious Communist Party bias being expounded by the majority'. Most articles in *The Clerk* seemed to be biased, but as O'Toole again observed there were also some satisfactory Reports on industrial matters, including equal pay and stoppages of work around pay claims, and other industrial matters such as the four weeks long stoppage held by the AGE Factory Clerks in 1948 when 130 clerks stopped work after 650 workers at Auburn were dismissed because they refused to use Bundy cards, prepared the executives of the company but normally by the clerks.

Nevertheless a small dissident group formed, most of them members whose anxiety about the political focus of the union was longstanding. Reg Coady of the Breweries Section and Dick O'Sullivan of the Oil Section were already well known for their reservations about the political character of the union. O'Toole recalled that they and Wal Flint of Retail, and O'Toole himself set about meeting at times before and after Council meetings in their homes 'to prepare viewpoints, suggest policy proposals' and to seek the support of other like minded members on the Council, for example from the Meat, Metal, Oil and CPS Sections. By O'Toole's telling this movement to oust Hughes and his supporters came spontaneously from those disgruntled with the political image of the union, a reaction which

had become quite common: 'during this time members in other unions were also concerned with the Communist propaganda and the sponsoring of candidates in elections coming to the forefront of the activities in their unions. They had spearheaded opposition to this through the Australian Labor Party, by the formation of ALP Industrial Groups'. The ALP established rules for the conduct of groups in the unions, and 'on the recommendation of the officers, they would endorse the formation of the group in a union, for the purpose of having candidates not members of the Communist Party supported for Election in that Union'. Candidates did not have to belong to the ALP. O'Toole recalled that in 1947 a Group Ticket actually won the Executive positions in a ballot of the Waterside Workers Sydney Branch. The ALP organising mechanism of the groups was seen as a useful medium for disaffected members. O'Toole's account suggested the clerks made use of that mechanism to give a structure to their existing discontent, and that they were not 'stooges' recruited into a movement infiltrating the unions, as Hughes had already tried to suggest.¹

By the April 1948 Central Council Meeting Della Nicholas, who, politics apart, had worked tirelessly and effectively for the clerks, retired from the position of Assistant Secretary to lend her formidable administrative capacities to the Seamen's Union, although grounds of ill health were given. Hughes paid well deserved tribute to her as 'one of the leading personalities of the Trade Union Movement' and there was an article, with her photograph, in the March issue of *The Clerk*. But perhaps this was seen as a chink in the Executive line up, and before Hughes went on to deliver his report Reg Coady from the Breweries Section moved to have the President and Executive put to election in an attempt to break the Executive's hold on office. The motion was lost.

This time the Secretary's report was firstly but briefly concerned with the 'forces of reaction' in the form of the press and the part it had played in recent industrial trouble over margins. The strike had been 'correctly' reported in *The Clerk*; Hughes claimed the press had not given a proper account and took this as a pretext for lecturing the Council on how the trade union movement was beset by its enemies on a global scale. The WFTU represented the movement, and it should be looked to for information. 'Who amongst us wants war and the misery and degradation it brings? Brother unions in America suffered the same problem. '[T]heir activities are misrepresented', and the purpose of the Taft-Hartley Act in America was to 'attack civil liberties and permit the employers to intimidate workers'. Moreover the Americans were building a navy when there was demobilisation of senior age groups in the Soviet Army. 'So we see plans for war going on', said Hughes, and declared that everything was being blamed on the communists. He described for the Council how the 'President of the UOPWA had lashed into the scream of hysteria and hate against communism'. 'Let us accept the responsibilities that this epoch of history imposes upon us', concluded Hughes.

Representatives reacted strongly to Hughes' report. Powlett pointed out that those present 'must remember they represent members, and [he] felt sure they are 4 to 1 against views expressed this afternoon'. Sherrin questioned whether the Secretary's report was an expression of his own opinions or of the Executive, whereupon the President pointed out the Secretary's report had been adopted, and was therefore not open to discussion. Hughes dignified the query with the reply that the Central Executive had in fact previously endorsed the Report. However, O'Sullivan wanted both sides of the issues represented. To him the Report suggested the union should use the strike weapon but O'Sullivan believed this should not be done until all other avenues were 'exhausted'.

The Shipping Roster Committee for Casual Clerks, 1949



Includes Tony Nicholson, Jim Bowen, Pat Sexton and Jack Dowling-Jones.

In the meantime the militancy of the shipping section had again provoked a reaction. In September the *Herald* gave a specific point of view: 'This is a story told by anti 'communists'. 800 shipping clerks were being 'bullied' over the rotary, or roster, system; it suited the communists because it gave the union control and destroyed personal initiative. There were 500 casuals, 300 permanent wharf clerks, and all had to belong to the Shipping section. A committee had decided back in 1946 the communists 'must go' and the shipping clerks were now booking small halls and also holding on the job meetings and at a 'riotous Trades Hall meeting' the communists had suspended the Committee of Management and the whole section, 'pending reorganisation'.² For their part the communists held a Special Meeting because of a petition but let in casual clerks first, voted on the roster, and then ignored the permanent clerks, generally opposed to the roster. D Holmes, ALP member but communist supporter, 'abruptly closed the meeting' and declared the roster system carried. The anti communists declared they would accept the roster if supported by secret ballot, conducted by a returning officer nominated by the court. There was then trouble over the roster with the companies when the FCU wanted a strict roster, with no free selection period as at present for the first half hour. The clerks went on strike and the 'waterfront tieup' was seen as part of a communist plot.³ As the dispute continued agreements were reached for a period of mutual free selection for the first half hour for special jobs requiring special qualities but this was not accepted and the dispute continued until Mr Justice Dwyer sent the clerks back to work and ordered the shipowners not to challenge any order made. ⁴ In the meantime there were reports ⁵ of widespread communist tactics to prevent meetings among their opponents; John Maynes, who was active in the Victorian anti-communist movement, had discovered an 'elaborate plan to sabotage a meeting of 500 clerks in Melbourne', when 1,000 clerks received faked notices to divert them from the venue. After the discovery cars were waiting to pick them up and ferry them to the right place and there were accusations of propaganda attacks on 'The Movement', open according to the communists to 'practising Catholics'.

The October 1948 Central Council Meeting, in the middle of the Shipping Section troubles, was a particularly splendid affair and its format seemed stage managed as a tribute to Hughes. The Hon

Clive Evatt, Minister for Housing attended as a visitor and had been invited to address the Council. Mr Justice Taylor, President of the Industrial Commission of NSW, and other distinguished visitors were also present, together with large numbers of trade union representatives.

A letter from non-communist WM Hunter, as President of the Federal NSW Branch, expressed broad concerns about the prospect of war, the referendum and the attitude of the press. Within the union there were attempts to divide the membership, especially in Victoria, but in NSW Hunter saw the union was 'strengthened because of campaigns conducted for increase in the basic wage, against high prices and for improved salaries and conditions'.

Evatt took the floor to open the meeting. He also spoke of the prospect of a third world war and the problems of fascism in Greece, the murder of trade union leaders and members, anti trade union fear at home, and on a more positive note, the great growth of the Clerks' Union. He noted the 'particularly splendid work performed by the Secretary, Mr Hughes'. All shades of opinion were welcome in the union 'provided they subscribed to the aims and objects of the union, and with the Australian Labor Party the Union fights for the great objectives of Socialism'.

The President then called on Hughes to deliver his report. Hughes had been 'for fifteen years a paid officer of the union' and 'it is due to his leadership that our membership has so greatly increased and so many gains have been made'. The rest of the administration was described as a 'loyal and capable team', consisting of Proctor as Assistant Secretary, Organisers Graham, Instone, Johnson, MacLaren, Crampton and June Mills and the staff 'who work under her'.

Hughes' Report as Secretary opened on a homely note, reminding the audience of the common purpose and world wide fellowship of trade unions. The union had sent many parcels in response to the Food for Britain fund, and Hughes quoted from a letter from a Mrs DE Hassette of Walsall, Staffordshire; 'Thanks to members of your union for remembering me – as trade unionists I hope we shall work unitedly together to prevent another war from darkening the world'. From there Hughes took up his theme of the danger of war and his view that the communist dominated WFTU pointed the way to peace. The Soviets were calling for disarmament at the UNO and for better standards of living, as well as the reduction of profits by monopolies. As for the union, it had grown and so was 'attacked by enemies' as it became more able to defend and improve the conditions of clerks. 'This union has stood firm against any attempt to prejudice rights of members on party or religious grounds', declared Hughes and described its foundations as non political: 'this union exists as a collection of those who toil by the brain'. However, ALP Industrial Groups were attempting to function in various branches, especially in Victoria, where the Catholic Action movement was also at work. Hughes denounced this as divisive and as an attempt at 'dismemberment of the trade union movement'.

The front page of the *Herald* on 18 January 1949 declared 'Clerks' Union Split - Wharf Strike Sequel'. The moderates, members of the Freedom Debating Society,⁶ had tried to form a breakaway union to end the casual clerks' dispute on the waterfront and the militants had broken up a meeting of moderates calling for a secret ballot. The moderates claimed that at the meeting at the Coal Lumpers at Millers Point the militants 'had surged around the building and started cat calling'. They were 'led by a prominent communist' and shouted 'scabs' and 'stooges' through the windows and the police were called as they tried to break into the meeting place. Members scuffled with each other and the

police sent 'a strong force in attendance' at the next moderates' meeting. Again there was trouble, with two burly doorkeepers telling the six communists who tried to attend they would not be admitted and the doors were locked. A police van arrived but the interlopers had 'dispersed'.⁷ J Langwell then presented a petition of 300 men who did not want to use the roster system, caused by the Executive's refusal to allow the men to accept the free selection period. As the militants spread the strike the Freedom Debating Society obtained legal advice on secret voting and Justice Dwyer said the Section's strike activity was jeopardizing the union's awards and registration.⁸

As the leadership's interest in non union matters began to preoccupy it, and there was less industrial progress to sustain it, the Groupers gained support, especially in the Radio and Electrical Section, where Phil O'Toole and Joe Riordan, the leaders of the struggle against the communists, questioned the Executive. While there would be contention over whether or not the activity against Hughes was a matter of following Catholic Action policy and the narrow goal of defeating the communists, events within the Radio and Electrical Section suggest genuine anxiety among the more aware members of the union rather than the pursuit of some sectarian interest. Instead of a policy of ambush, carping over details and frustrating progress in order to discredit and defeat the communists, the Groupers gave quite consistent warning to Hughes to curb his ideology and devote more time to industrial matters. Had Hughes been able to step back from his political convictions and respond he may have survived as Secretary. Opportunities were given which if taken would have let the Executive restore considerable confidence among the rank and file. In early 1949 'a keen desire' was expressed for an Award for the Radio and Electrical industry, the log of claims having been lodged 8 months earlier. The Executive was politely urged to 'proceed on our behalf'.⁹ By May there were complaints against a circular Hughes had issued against the Industrial Groups, which Chuter defended as the Executive 'only doing its duty'¹⁰.

The Industrial Groups now became determined to shake the communist hold on the Executive and administration of the union. Election to the honorary positions of President, Deputy and Vice Presidents and of Central Councillors would commence in June of 1949. O'Toole's memoir describes how as the election approached, in about February of that year 'the group of members from Sections not supporters of the Communist controlled Executive, selected representatives (four or five) headed by Reg Coady, Breweries, to meet the ALP organiser Bill Coulter MLC to ask for endorsement to form a Group' and run a ticket against the Hughes administration. The Group gathered in a small room in the Trades Hall where Coady was elected President. Other officers were B Cuddon, from Shipping, F Mackay from Meat, G Russell from Metal and Engineering and R Henrys, CPS. There was also a ring-in, William Dobson, who claimed he came from the Airways Section, and had somehow introduced himself to Coulter. Their acceptance of Dobson, a practised conman, probably set the Grouper's cause back a little, but neither the Hughes administration nor the Groupers would manage their first outright confrontation in July of 1949 well.

Groupers and the Press

In the meantime the squabbling between communists and moderates within the membership was highlighted in the press and fed the idea that ballots were indeed rotten in the Clerks' Union. The war in the Shipping Section, where the Freedom Debating Society opposed the Executive's rotary roster system continued.¹¹ Moderates had now set up a legal advisory committee and wanted a secret

ballot on whether they supported striking in support of the system. The Executive advocated strike action to gain the roster and the non militant moderates were being victimized; at a meeting calling for a strike two moderates had dared to vote against it and they were met with cries of 'There they are, the rats'. Then they were not told when the members returned to work so they missed out on jobs. By 26 January 1949 the *Herald* recorded that 550 of the 880 tally clerks had signed a petition in protest at strike action over the rotary roster while the militants called for their expulsion. Three summonses were taken out against communist members alleging assault and 'insulting words' during the dispute. Justice Dwyer then granted the union's application for the roster system but allowed free selection for specified positions while the companies complained that a large number of clerks did not want the change. The *Daily Telegraph* of 27 January 1949 also headlined 'Clerks Petition for Secret Ballot', with 556 signatures sent to Prime Minister Chifley and NSW Premier McGirr asking for a secret ballot. Mr HG Keegan, Chairman of the Freedom Debating Society, declared the three week long January strike was not in accordance with the wishes of the tally clerks. The *Herald* of 6 February 1949 reported that the communists were again active on the wharves, when six tally clerks demanded that a 'well known' communist be made head stacker in charge of the others on the job. They walked off, the vessel was declared 'black' and 144 men stopped work for the day. The *Daily Telegraph* 1 February 1949 stated 'communist Victim Alleged – Retaliation for Strike Protests' and reported that the 'Vigilance Committee of the Federated Clerks' Union had issued a pamphlet demanding the Executive take action against the Freedom Debating Society. If the union did not act then the members would refuse to work alongside 'scabs', who were named. A pamphlet from the Progressive Tally Clerks attacked the moderates; the Progressives 'would never degrade themselves' working with them. When a shipping company refused to dismiss three 'Debaters' the clerks walked off the job. The struggle again made front page news in the *Herald* on 14 February 1949, 'Anti Communists in Shipping Section – Federal Government to be asked to intervene regarding Committee election'. Here 500 of the tally clerks were reported to be members of the Freedom Debating Society.

April 1949: 'sometime or other we may get to the middle course which would suit everybody'

As the main union elections loomed, Hughes' report to the Central Council Meeting held at 188 George Street over the weekend of 9 and 10 April 1949 Hughes considered organisational priorities. These 'should be directed to the industries which will be important in the coming period in the light of the world and national situation'. The shipping industry had been targeted and 'at the end of last year every effort was made to deprive shipowners of power to exploit labor'. The rotary system had been implemented to prevent this. It had been worth striking over - without the system there was no attendance money, and 'no protection economically'. The union would now target monopolies and it needed to pursue the Clerks (State) Award. Not enough work had been done and the membership in the Sections needed to be covered. As for bogus unions, Hughes noted a 'dastardly' occurrence. The Australian Transport Officers Federation (ATOF) case had been taken from the appropriate Commissioner, Wallis, and given to Portus, who had granted the ATOF an adjournment. 'We have the temerity to feel that the new arrangement has some connection with the activity of the ATOF in the industry'. The union had also appealed against the registration of the Wool Selling Officers Association, which organiser Instone saw as a company union, its object to divide the clerks.

Hughes stated 'it will be seen that we have made substantial gains for members in the six months', and he noted Fire Board increases, gains for *Herald* clerks, at BHP, for solicitors' clerks, increases in retail and three weeks annual leave in breweries. But Proctor had to point out that 'we did not improve the finances, rather they worsened and recruitment was actually lower than in the similar period last year'. 'Improvement must be obtained,' he concluded. The Metal and Engineering, Retail, Wool and CPS Sections retired to the back of the room to 'fix up the motion' on the subject of a code of amenities for clerks and Condon recorded the resulting 'composite' effort and further to the decision of the Council Meeting October 1948 a deputation should be made to the Premier regarding a Code of Amenities for Clerical Workers to be implemented as soon as possible. There were also suggestions for a Picnic Day for Commonwealth Service employees and measures to 'activate youth in the movement'. This could be done through a Youth Social Committee, representatives making a special effort to enrol young employees, a column in *The Clerk* for young employees, seconded by June Mills, and a youth committee programme, including a minimum wage of three pounds ten shillings for clerks, time for daylight technical training and an increase in margins for skills and full wage at 21 years of age. Meetings of the Sections had called for the setting up of youth committees.

The Airways Section then raised the subject of equal pay. As an industrial issue it had the support of the whole union. Australian and New Zealand percentages were the lowest in the world, and in the course of the discussion Mrs Goodrich backed this up, noting Mrs Street's report to the Trade Union Equal Pay Committee showing just 54%, with other countries enjoying some 70%. The Section called on the TLC, ACTU and Commonwealth to note the resolution of the Economic and Social Council of the UNO on 10 May 1948 and for State members of the UNO to be asked to implement the principle set out in the Preamble of the UNO Charter. The WFTU's memo should be transmitted to the Commission for the Status of Women and non-government institutions should be invited to present their views to the ILO. The NSW ACTU should discuss this as soon as possible and attention should be paid to 'the adoption in practice of the principle of equal pay for equal worth'. The Commonwealth government should be called upon, as a member State, to carry out the UNO policy. Anderson noted the political undercurrents and obstacles: 'in his ALP branch' there was 'grave concern at the fact that Australia's representative at the UNO voted against the resolution'. Miss Mills seconded Anderson's concerns.

The meeting then veered into political territory, where a common point of view was not so easily found. Despite Hughes' workmanlike approach some Councillors raised now familiar complaints. Gerrard commented on the time spent at the last meeting on international affairs; he thought these 'should be secondary to the items on the agenda'. Bullerwell defended, saying 'it was vital that we look on the trade union movement as a world wide movement', while Hughes argued that Gerrard's motion was not on the agenda, and it was lost. When Claude Grace moved that *The Clerk* was not as valuable an organisational organ as a Union journal should be, that motion was also lost. Hewett moved that the 'Central Council registers strong disapproval of the Sydney Labor Council in persistently overriding rules and departing from established procedure'. A mass meeting had been called where the Labor Council had tried, in Hewett's opinion, to exclude references to the £1 increase in the basic wage and the 40-hour week from the resolution to come before the Labor Council. The Labor Council's Secretary pleaded the omission was inadvertent and could not now be put in as the minutes

had been confirmed. Booth spoke in support and described the Labor Council as a 'steamroller', where decisions were made according to 'right or left, not right or wrong'. The officials, said Booth, were all from small unions, edging out the major unions from having their say. Reg Coady opposed Hewett and Booth, admitting that 'a lot of what was said was correct', but the situation would be no different if the left were in control. Coady 'did not wish to be associated with any resolution in this State that would disunite the Trades and Labor Council which was the governing body for unions in the State'. Edwards saw the opposition to the Labor Council leadership as based not on politics but on the lack of 'expression of working class struggle on the Council', and gave as examples how the matters of free medicine and fares were ignored. Grace weighed in with four reasons for not censuring the Labor Council; it was against the unity of the working classes; it would divide the ranks of the trade union movement and imperil solidarity; divide shop committees and foment trouble in their approach to union matters; and it was a vote of no confidence in fellow trade unionists who appointed the delegates and instructed them in policy matters. 'In other words', said Grace, 'we must hang together or hang separately within the trade union movement'. O'Sullivan opposed the motion, it 'would weaken trade union unity'. Nevertheless O'Sullivan could not resist a critique of the left wing's policies; it 'emphasised many gains but ignored the need for increased production'.

The Secretary's Report did nothing to calm growing anxiety that the parade of the Left's woes and interests was out of all proportion to the union's proper level of involvement in these matters. Hughes launched into a catalogue of terrors, signifying a collapsing economy, American domination, scapegoating the communists and the descent into war. American millionaires prospered, their 'industries developed at a tremendous rate during the last two wars', yet 'their sacrifices were negligible', illustrating the 'contradictions of private ownership'. Menzies' view epitomized conservative policy: 'to successfully interfere in many other countries on the continent of Europe'. There was a growing 'army of unemployment' and the 'effects would be felt in American industry and industry throughout the capitalist world'. New markets were breaking down Empire preference and armaments and bases were the order of the day. The Atlantic Pact was 'a means to further aggressive aims', not peace, and this had been 'exposed by the peace offer made by Stalin on behalf of the Soviet Union', rejected by those pursuing war. 'The Snowy Mountain River Scheme will be controlled by Yanks', Hughes predicted. The WFTU was the 'most important instrument for unity of the trade union movement', its '80 million organised trade unionists representing a barrier against the war mongers that could be decisive'. Sir Walter Citrine was a stooge of American millionaires and had walked out of the WFTU to split and destroy the British trade unions. And there were attempts in Australia to 'disaffiliate' with the WFTU and 'dance to the tune of the *Herald*'. Hughes compared 'smashing the communists and the trade union organisation' with 'Hitler's strategy'; 'the people who helped Hitler to do this are similar to those in Australia today who want to destroy the communists'. The Taft – Hartley law in America attacked the trade unions and there were at the same time attacks on the communists, and attempts to jail the leaders of the American Communist Party.

At home legal communist meetings were being broken up, with the press 'inciting brawls inside the union movement, for example, the Iron Workers'. Then there were the proposals to give the courts powers over trade unions which did not apply to political parties or business undertakings. 'Already the press screams that there should be secret ballots controlled by someone outside the unions. Why? If

you cannot defeat militant trade unions fairly in elections, and you get control of the ballot, you might be able to defeat them unfairly'. Hughes alleged that public funds were being used to fight the unions through the Industrial Registrar, and he attacked the judiciary. Judge Kirby had called on members of the Waterside Workers Federation to disobey a decision of the union's Executive. Hughes resorted to sarcasm: 'I should of course point out that such judges are entirely impartial'. Then there was Judge Forster, jailing McPhillips who had said that the basic wage case would be 'decided outside the court more than it would be inside', and the case against the General Secretary of the Communist Party, Mr Sharkey, who had said the Soviet Union would never conduct an aggressive war but would fight aggressors. The Waterside Workers Federation had sought to rent the Town Hall for a peace rally but it was determined that peace was not the union's business and Mayor O'Dea, a Labor Mayor at that, refused the request, but he had not refused the Leader of the Opposition, Menzies, for the purpose of 'making a war mongering speech'.

In Hughes' view, the unions and the communists were under dire attack on all sides and fighting for survival. They were beset by bogus outfits, and the Oil Section had the same problem as the Wool Section, and for the same reason; they had a good protective Award. For the first time in years the Industrial Registrar had registered one of these organisations, the Wool Selling Brokers Officers Association. The Shipping Industry's dispute over the rotary system was a nasty attack; 'a filthy scandalous example of the leaflets they issued is to be seen here'. Then there were the Catholic Action Groups. Hughes said he was not against the Catholic religion but 'the Report shows that attempts have been made by ALP Industrial Groups and Catholic Action to divide and weaken the Union. This attempt is part and parcel of the move to render ineffective the organisation of the workers and must be fought everywhere. We must turn our face resolutely against all forms of interference in our affairs from whatever source'. In adopting the report, Hughes concluded, the Central Council would be turning 'its energies to the basic wage and price reduction, and make the report 'a declaration of the Union in connection with vital matters I have dealt with'.

This last remark was what some Councillors feared, and adoption was not a matter of course. Crampton immediately lent his support. There was an economic crisis to be faced and this called for 'strengthening our organisation financially and organisationally'. He commented on the activities of the Newcastle Clerical Workers ALP Industrial Group. They had commenced whispering campaigns on the waterfront against the officers and active members of the union. Crampton cautioned that these people were 'devoid of policy and grounds of criticism of the officers'. 'They fall back upon the only weapons they have, red baiting, they set out to divide the Union on the basis of party politics and religion'.

Coady opposed the Secretary's report. The 'matter of war was not one of international capitalism', he pointed out, and he believed that there was genuine fear of the countries of the left. He agreed with those who left the WFTU and he saw no objection to Groups within the Union, 'whether they are Labor Party, Liberal Party or Communist Party'. He was a Labor man himself and if a group was formed in the Clerks' Union he, as a loyal Labor man, would have to belong to it. He was against any resolution regarding interference in trade unions. O'Sullivan opposed the report but endorsed Secretary Hughes' sentiment on standing united 'on matters of progress for the workers and for peace'. However, he commented rather pointedly that the Atlantic Pact was a 'purely defensive measure', 'necessary' because of 'the declared policy of Communist Governments'. In his opinion the ALP Groups were

justified. Booth was inclined to stir the political pot, saying he was 'aghast at the action taken against LJ McPhillips', and demanding his immediate release, added that the radio and press 'were working up to a war psychology'. Henrys stuck a more moderate note; he congratulated Hughes on the report and his comments on bogus unions and observed that 'the primary motive of the secretary has been in the interests of the union'. As for Industrial Groups, he was sure they existed in the union, but he had 'no objections' and could see no reason for objections if they worked 'for better conditions for members': 'Some time or other we may get to the middle course which would suit everybody'. Grace opposed the Secretary's report, declaring that he was not an ALP member but he supported the groups. Hughes responded vigorously; the 'middle road' notion best 'summariz[ed] opposition to the report'. 'It is true that the report is one-sided, it is true that I am one-sided', he declared. The middle course was a 'little bit on the side of the employing class' and 'that means you are really opposed to the working class'. 'What we need to consider', Hughes concluded, 'is the right of people to discuss their various political views'. The Report was adopted.

At the end of the meeting Hughes moved a vote of thanks to the Chairman, Hunter, and Edwards commented on Hunter's impartial chairmanship of meetings. Hunter responded, hoping perhaps a little pointedly that the meetings would be as harmonious in the future.

The Press and the Lead Up to the Union Election

The press gave considerable coverage to the movement against the Hughes Executive as the union election approached and the campaign proceeded in a melodramatic atmosphere of suspicion and outrage. On 17 May the *Sun* headlined 'Anti Red Move by Clerks'; the formation of the Industrial Group was to be announced that day. A large number of 'ex service clerks' had pledged support and the platform was to elect a 'Responsible ALP non-communist executive'. The *Herald* 2 June 1949 reported that the Group was contemplating legal action against the communist controlled Executive for a clean ballot because of the way the ballot was being set up and Returning Officer TJ Bond's attitude. He had refused to discuss how many keys there were to the ballot box, and the scrutineers were not allowed to check the envelopes with the membership cards. Hughes' man Frank Graham was now Deputy Returning Officer, which rather implied that he was 'helping' the elderly Mr Bond fiddle the ballot. McKay, referred to as Secretary of the Group, had also briefed the *Herald* that he had been shadowed for an hour in the city by two men believed to be communists. They had tailed him after he visited the union's Philip Street office and he had to 'evade' them before keeping his next appointment. At a meeting at the Grace Building the members had responded to a 'bitter attack on ALP Group members claiming they were Catholic actionists' by 'decisively' defeating the communists and expressing 'resentment' at Hughes. A member intended to seek redress under the Industrial Arbitration Act over treatment by the 'communist leader of the union' who had denied him a vote: 'such methods savoured of victimisation'. On 4 June 1949 the *Herald* reported 'Court Move in Clerks' Union Poll'. William Dobson had filed a summons with the Industrial Registrar to show cause why the rules of the union were not being carried out in their entirety in relation to the ballot, and applying for orders that J Graham be given a chance to stand for election to the Central Council. The matter had been rather dramatically filed as an urgent matter in case malpractice 'might occur'.

On 12 April a letter to the Editor in the *Herald* from AT Ockerby appealed for support in the struggle against the communists but his comments might not have been entirely helpful. As he saw it there were reasons for Hughes' success; he was a 'very energetic Secretary, a strong personality and he gets things done in the interests of members'. The union must have strong leadership to defeat the communists, and the Industrial Groups had been formed to do that but needed financial and public support. Some 'counter must be found' but banning and prosecution would only make martyrs of the communists.

Just as the ballot opened Liberal Party anti-communist WC Wentworth wrote a leading article, 'Clerks' Union Ballot will test the Communists' Control', published on page two of the *Herald* on 9 June. 'It may be taken as certain that the vast majority of the members of the union are anti-communist', stated Wentworth. So how could the communists win? Wentworth presented the case for the Groupers. Hughes had control of the union rules and propaganda and of course power to establish and disband the Sections under Rule 24. He was a 'ruthless and determined communist' who 'used the union frankly as a communist auxiliary'. He 'undeviatingly supported the communist line' and recently there had been a series of 'key strikes', for example in the Shipping Section. The staff were 'wholly pro communist', and the 'organisers for the union have acted as travelling agents of Marx House'. As Secretary Hughes held 'almost plenary powers' over the rules without consulting the rank and file (Rule 44) the vote numbers game was simple - the present elections were for 17 triennially elected General Councillors, 3 fewer than the numbers sitting from the Sections, and as the Section vote was controlled by the communists, all but 4 votes on the Council were in Hughes' pocket. After giving this quite thorough analysis of the entrenching structure of the union, Wentworth then offered less objective comments; ten days ago McLaren had dropped his notebook containing notes on communist training and it had fallen into the 'wrong hands', there were unfair pamphlets circulating alleging sectarianism among the Groupers, and the Executive told misleading half truths to conceal its ties with the communist party. Hughes described himself as a 'former Labor Council President, and even June Mills 'merely claimed to be a delegate to the Convention for Action for Equal Pay'. But of course the rank and file clerks could hardly be blamed for being duped by the likes of Hughes. Wentworth recalled that in December of 1947 even Premier McGirr had made the 'monumental mistake' of declaring in the House that Hughes' people were not communists. Hughes' supporter G Anderson responded to Wentworth's article in a Letter to the Editor on 11 June 1949, pointing out that the union rules were fair, otherwise the Registrar would not have approved them, and dismissing Wentworth's theories as 'liberal hysteria' and a 'chronic case of red neurosis'; Anderson righteously claimed that many of Hughes' supporters were members of the ALP, with Morey and Holmes for example belonging to the Paddington branch. Wentworth replied a little lamely on 14 June that the Registrar had to work within defective rules.

'This scurrilous leaflet'

At the Executive meeting on 15 June 1949 Hunter and Edwards both declared that they would not seek re-election as President and Deputy President. Hughes wistfully saw this as the 'breaking up of the old team' and Hunter, after stating that he did not share Hughes' politics, nevertheless declared that 'he [Hughes] has never brought any communist doctrine into this Executive.' On the 29 June two communists would be elected, JR Crampton as President and G Anderson as Deputy.

On 14 June, the day before the resignations of Hunter and Edwards, the Groupers had let fly at the Executive. O'Toole recalled in his memoir how they had thrown themselves into preparations for the Central Council election from the beginning of the year. 'A busy time ensued to enrol more members into the Group, ALP members and supporters. We met weekly, candidates were selected and a four page news sheet printed. About three issues were produced, together with Section Circulars'. The news sheet, which actually ran to four leaflets, would have a short but lively life. The Group had observed that the returning officer Bond was in poor health and was not equal to the task of supervising the ballot and the Executive had taken the opportunity to install an 'Assistant RO', Graham, the CPS Organiser, known to be an active Communist Party member enrolled at Lithgow in 1928, 'who no doubt ran the ballot'. During the course of the ballot, on June 14, the Groupers 'reached the conclusion' that 'in this first occasion of strong opposition to the entrenched control', 'the Ballot was rigged'. This 'accusation was spread over the front page of the ALP Group's Leaflet No 4, which was distributed by supporters at members' place of employment'.

The leaflet was carefully timed and drafted. The cover of Leaflet No 4 declared that the Groupers had 'taken court proceedings', implying urgent and serious grounds for their fears, and they made an open play for panic stricken votes to be locked in; 'register a vote against communist intrigue by voting for the Industrial vote ticket as soon as you get the ballot papers'. 'Even if there are continued attempts to obstruct our scrutineers, the Communist bloc can still be defeated. Every extra vote for Industrial Group candidates makes it harder for the result to be rigged'. 'Support the Industrial Group and Help Smash Communist Control of the Union'. While the cover dealt with the here and now and the clerks' election, the leaflet's second page was headed, 'Red Run Unions Make Prospects Blue', directing attention to the big picture, the future of the whole labour movement. Trade union policies affect all, it was stated, and those policies stemmed 'largely' from the ACTU and the Labor Council where the communists were influential. 'In the long term' they would get control and the 'full weight of these important bodies' would be thrown into a 'class struggle', with 'one political strike after another, and general slowing down of production'.

The leaflet took issue with some of Hughes' international concerns. Under the headline 'A Fair Question Answered', the leaflet asked if the US loan to Turkey and Greece was indeed 'colonising' or was the alternative that these nations were being 'starved into the arms of the Soviets'? The leaflet complained at the requirement that all Sections support all disputes in other Sections, irrespective of merit. 'This is just another example of the pernicious Communist edict – no room for honest differences of opinion according to these 'Clerks' Union Commissars'. It was also suggested that the Executive had 'damned' the Labor Council, when, unable to dictate its policy, it 'vent[ed] its spleen.' And Hughes had wanted the ballot kept in the hands of the union Secretary because of his 'direct personal interest in the result' even if he was not a candidate. There was more brandishing of writs; Henrys had taken out one against Secretary Hughes and the publisher, HB Chandler, of the 'official organ of the Communist party', the *Tribune* for damages of fifteen thousand pounds. The leaflet concluded with a how to vote table; the Grouper ticket was Henrys, McKay, Russell, Sudden, Frazer, Barry, Bibo, Bowers, Condon, Dwyer, Elphick, Flint, Forget, J Graham, R Curran, Hart, Ireland, Mylecharane, Poulter, Stacey and Stone.

However the Grouper ticket was 'overwhelmingly defeated' with all contended positions held by the Hughes Executive, demonstrating 'consistent support of leftist policy'.¹² The Groupers were now at Hughes' mercy and he was determined to beat them down and forestall any future challenge to his leadership. Instead of meeting the criticism and accepting that some small anomalies in the ballot were fair game for a bit of spirited campaigning, Hughes took the repressive line that the Groupers' comment 'This ballot is rigged' had injured the reputation of the union. And injuring the union was an offence under the constitution, making the perpetrators liable to suspension and even expulsion from the union. Some of them were Councillors. In addition to the leaflet, the Groupers had started proceedings for an injunction of the ballot, publicized in *The Clerk* which reported that the Groupers were considering legal action 'against the communist controlled Executive' but at the Executive meeting of 15 June 1949 it was noted that Sweeney had answered the 'case in court'. The matter was settled out of court between Dobson and Henrys acting for the Groupers and Sweeney for the union; the result was that 20 scrutineers were entitled to observe the ballot which closed on the 20th.¹³ When Hughes charged them with attempts to injure the union and the hearings were held his oppression of those organising an alternative ticket became a spectacle for all to bear in mind. The Groupers had taken a bold step with Leaflet No 4 and it crystallized the reality that Hughes' communist loyalties left him no option but to hang on to control of the union and answer to an authority separate from the membership, the Communist Party.

'I was thrown out of the union because I fought the Commos'

The Central Council met over the whole weekend starting 9 July 1949 to hear the charges against the twelve Groupers. The *Sun* reported that on Saturday, as the meeting was scheduled to start, two hundred police were placed on alert in the Metropolitan area in case of disturbances and at 10.30 am, when the 'communist' Executive was about to arrive, fifty plain clothes and uniformed police in 'wireless cars, patrol vans and trucks' rushed to the venue, the Ironworkers Building in George Street to deal with a demonstration staged by the Communists and the ALP Industrial Group supporters. Three men with banners urged opposition to the Groupers while the Groupers 'jeered' at the communist Executive as they entered the building. Hundreds gathered to watch as the police dispersed the clerks. The Groupers had successfully drawn attention to their plight at the hands of the communists and the *Sydney Morning Herald* identified those facing charges as 'moderates who campaigned' against the Executive.¹⁴

The Executive claimed it wanted 'an impartial environment with no distracting influences brought to bear upon the councillors', so the hearing was conducted behind closed doors and there was no democratic gallery of members present to observe proceedings. Hughes claimed that the Groupers had sought a permit from the PMG to use walkie talkies, and there were press photographers present, suggesting that the Groupers had clearly been highly organized and provocative. It was alleged in the *Tribune* that there was a plot to record proceedings.¹⁵

If the opposing factions were rowdy outside the building the mood was different inside, where Hughes held control and tried to stage an intimidating drama. William Dobson would prove an outlandish exception but the true Groupers were good union men and the way Hughes pushed them to confess, repudiate their wrongdoings and show contrition had plenty of the communist terror

about it. Breaking the spirit of the opposition was the very kind of communist behaviour described, for example, in George Orwell's contemporary anti totalitarian fable *Animal Farm*, serialized in the *Sydney Morning Herald* in 1947. Each of the accused men in turn sat alone surrounded by a horseshoe of interrogators who were also jurymen and Hughes as Chief Prosecutor conducted an inquisition, 237 pages of transcript in all. According to a 'moderate spokesman' some of those charged were 'grilled for up to 2½ hours'. When the hearing resumed after lunch on Saturday at 2 pm, O'Sullivan had to ask if something could be done about a 'couple of men waiting out there hour after hour in the dark'. O'Toole described the setting as a Star Chamber and the *Sydney Morning Herald* branded the proceedings as a 'Moscow trial'. Nevertheless, the Groupers refused to be intimidated.¹⁶

The charges were made out on the grounds that the Groupers' *Leaflet No 4*, with its headline 'The ballot is rigged – Scrutineers unmask red tricks', was authorised as the 'official organ of the Federated Clerks ALP Industrial Group', and that those charged had published, printed or distributed it with the purpose of injuring the reputation of the union. The charges seemed an overreaction. As IR Henrys put it the leaflet itself was mere 'scuttlebut' on the communists; 'all is fair in love and war and this apparently developed into a war'¹⁷. As the hearings proceeded the Groupers refused to admit anything that could incriminate them on the charges and this caused Hughes to reveal that political opposition was what he really meant by 'injuring the union'.

R Bowers from the Oil Section, for example, was alleged to have wilfully distributed the leaflets in person to HC Sleigh Ltd and, most damningly, through the company's mail to Newcastle. But Hughes' line of questioning and accusation soon ranged well beyond Bowers' conduct in relation to the charges. Bowers might be a representative of the Central Executive but 'in more recent times' he had acted as a representative of the Industrial Group. Bowers had allegedly called a meeting and said 'Never mind about the union, I am going to tell you about the ALP Industrial Group' and Hughes claimed there was a link between the employers and Bowers, who thought that 'the Communist control of this union is a bad thing for it'.

Other cases, such as that against G McGuirk, were more difficult to prove and even more political. McGuirk had alleged that the Returning Officers Graham and Bond were members of the Communist Party and that the 'printer was a fellow traveller' and so had implied that the ballot was rigged. This was not a foundation for the charges being heard and the Central Council did not convict him. But Hughes continued to attack: 'I ask you,' he confronted Coady, if the ballot was indeed rigged, 'what steps have you taken to draw this to the notice of the responsible authorities of the union? To me, for example'. Coady retorted 'I knew quite well that you would know of it'.¹⁸

William Dobson however was an excellent target for accusations of plotting and political intrigue. He managed to fool not only the Groupers but also WC Wentworth and AA Calwell in these early stages of the war against the communists. O'Toole recalled how Dobson had managed to put himself on the Groupers' Executive; he was 'supposedly Airways, not known to the formation group, but a con man who had presented himself to Bill Coulter prior to the inaugural meeting, and was invited by him to come to the meeting'¹⁹. At the hearing Morey picked Dobson as a fraud; although a Hughes supporter Morey reckoned the other Groupers were all right, but he 'hated' Dobson, who was no union man. Dobson claimed to be a 'new unionist', his excuse being 'he was in other parts of

the world where there are no trade unions'. The only place Morey knew of where there are no trade unions was 'the South Pole. Well, one day perhaps the penguins will form one'.

Evidence was produced from the Groupers' Leaflet No 2 against McKay, alleging he had said, 'The only chance the Communist element has of winning the forthcoming ballot is by rigging. Whether they will try any underhand dodges or not we not as yet know'. Morey then questioned him, 'You would not be a member of the Commonwealth Security Service?' provoking McKay to complain bitterly at the nature of the proceedings; 'This is clearly a move to smash the ALP Industrial Group and rid the union of those in opposition to the present Executive'.

Brown, a Hughes supporter, was harsh when it came to sentencing McKay: 'This man is a very bad element in the Union and should no longer remain in our ranks'. O'Toole moved for a fine; McKay was a young and enthusiastic member. Stone thought it unfair: 'it does appear to me that young members like this who are fresh into the political world do not know the pitfalls, are not aware like some of us might have been of the activities of the Union from time to time [laughter from the Council] and they rush into things and I think their zeal and their ardour is more responsible for their activities. I do not for one moment believe Mr McKay was activated by a desire to bring the union into disrepute or ridicule. I think he regarded it as a political fight, and I suppose many of us have been in political fights and have seen fights where no holds are barred, boots and all, and I think this was what this was'. It would also be 'dangerous' for a young man like McKay to walk the streets and say, 'I was thrown out of the Union because I fought the commos'. Such men would 'parade the streets like martyrs'. Stone saw McKay as a capable man, and better disciplined in the union. Nevertheless, McKay was expelled.²⁰

O'Toole insisted on keeping to the charges when his case was heard. Hughes firstly called Instone, Organiser of the Radio and Electrical Section as a witness and Instone reported a 'number of members taking exception' and asking 'could not anything be done to prevent Mr O'Toole and others distributing [the leaflets] throughout the works'. The first two editions had been left on workers' desks, the next distributed 'openly'. Instone would not however give the names of the complainants on the grounds it might prejudice their employment, and instead he implied that O'Toole was on the employers' side; 'I know there is liaison between supporters of the industrial group and Mr Jones'. He noted that Jones was the assistant accountant on the managerial staff, known to O'Toole in the main general office. O'Toole remained cool, 'I am afraid that has not come to my notice'. Instone could not say O'Toole had delivered Leaflet No 4, and O'Toole claimed the right not to incriminate himself and instead made a statement. He had been a member of the union for two years, a member of the ALP at the first meeting this year, and the Industrial Groups were furthering candidates nominated by them 'for the good of the union.' Indeed 'it was quite clearly seen there were two tickets running for office and any person was entitled to form his opinion and to work for their opinion.' 'I choose to become a member of the ALP Industrial Group and work for that particular party'. O'Toole presented his bona fides in an understated way; 'I have worked fairly consistently in my subsection to overcome a natural anti-union activity of our members consequent upon them joining the union in a body.' He admitted to attending Executive meetings of the Group, but declined to answer questions about distributing the leaflet. Hughes suggested O'Toole was 'ashamed'; 'I'm afraid that is not part of the charge', replied O'Toole, unruffled. Hughes asserted that Jones knew all the affairs of the union, trying

to implicate O'Toole as disloyal, but O'Toole would not be drawn. Instead he explained how the leaflet was not the slanderous document Hughes took it to be. 'Rigged' meant no more than 'irregularities in the conduct of the ballot'. Hughes tried to make him recant, 'Do you still agree with the article?' and the reply was, 'I agree with my explanation.' O'Toole denied ever being involved 'in discussion regarding details of the pamphlet' and Hughes tried the line that O'Toole knew but did nothing. 'It was never brought to my attention that anyone was offended,' answered O'Toole, 'There are two teams in this ballot. My opinion is that propaganda in any election is overrated and I thought that anything from either side was fair comment'. It was for the Central Executive, not the Council, to pursue complaints about the ballot.²¹

IR Henrys faced charges that he had gone around offices at the Trades Hall and distributed the leaflet. Miss Betty Holmes was a witness so conviction was inevitable, but Henrys complained; what of a circular against Catholic Action and a meeting on the 27 May where Henrys recalled, 'I thought Mr Butler was going to kiss you'. 'I have no recollection of any amorous advances of Mr Butler', retorted Hughes, with a nice sense of playing to his audience. When GK Hirst was found guilty on the basis of distributing the leaflet Miss Forbes asked 'If a member on the waterfront were suspended, would he lose his employment?' McCormack had fought for 100% membership on the waterfront and wanted Hirst expelled. Proctor was also unforgiving; 'he should be hit and hit hard, and I think a few will do that'. However Bullerwell moved for a fine of £5 and this was carried.²²

Hughes also wanted the Groupers to repudiate the leaflet. R O'Sullivan pointed out that there were examples of communist propaganda in *The Clerk*, but there was apparently no reason to 'repudiate' that. He also noted 'strong talk in the air of numerous resignations from the members because of these proceedings', and Hughes retorted that he would proceed 'even if retired majors or Colonels from the Indian Army are going to lead some resignations from the union'. The ALP Industrial Groupers were causing the disruption, 'designed to intimidate persons around their political beliefs, led by some Johnny-come-lately and a number of people rallied around him'. Eric Campbell of the New Guard was alleged to have written 'threatening the union' as Bower's solicitor.²³

Henrys was allowed to make a statement of rebuttal and he now admitted to handing the leaflet out at the Trades Hall but took the opportunity to speak up for the Groupers. It was true that they meant to remove known communists from the control of the union, but not from the union itself; 'The general party line is what I object to'. O'Sullivan came to Henrys' defence. 'Unless we can show Mr Henrys is a man who came into the Union for the express purpose of creating disruption and trouble in the union we have not proved the case and no matter whether he published and distributed this document if he believed in doing so he was justified and what he was doing was for the benefit of the membership, I feel we must say that the charges are not proved'. However, Henrys was expelled.

O'Toole's sentencing posed serious problems and Hughes' supporters had to approach this case with care. After a 22 year career in the accountancy section of AWA, O'Toole was not young and reckless; he had been calm and focused during the hearings and above all his dedication to the union was clear. He insisted that he could not see how he had injured the union, and O'Sullivan called for a reprimand: 'Mr O'Toole is definitely an asset to the union.' Hughes himself noted O'Toole's good work in getting 100% membership and fighting for members in stoppages; 'It is established beyond

all doubt that he is in the Union for one purpose, to further the interests of the members of his Section and of the interests of the members throughout all Sections.' Loker however pointed out that if 'Mr O'Toole is punished severely it means that his gang will be disbanded and it would be a devil of a job for anyone else to start off when Mr O'Toole had to drop out.' Proctor moved for suspension on the grounds that O'Toole had not been co-operative during the hearing, and commented on O'Toole's 'misplaced loyalty'. J McCormack moved for a fine: 'I take into account the record of Mr O'Toole as outlined by Mr Hughes.' Stone defended O'Toole: 'He has been considered a tower of strength to the Electrical Section.' Hughes was adamant; if suspended O'Toole could not continue on the Central Council and he was not fit as he had not seen the need to report to the Executive. If he had, he could have been reprimanded, and he had shown no contrition to save himself. O'Sullivan pointed out that O'Toole was working on the Radio and Electrical Section log of claims for a first time award and his work would be interrupted; 'members of the Section will suffer and as councillors we have a responsibility to safeguard the interests of members in whatever section they may be'. O'Toole was suspended.

G Russell, one of those charged, was also a good union man. He had been a member since 1914, except for 1914-18, and 1939-40, and he had brought the membership at Commonwealth Aircraft from 15 unfinancial members to 75, all financial. 'When representation was made to me regarding resignations, I called a meeting and told them not to resign but to make the union membership 100%'. Proctor agreed, and asked for suspension, but on the understanding that complaints must be passed on to the 'highest body' in the union. Russell was suspended.²⁴

Booth wanted more members charged, and Morey seconded him, and the motion was carried. At the end of the long proceedings the President, Crampton could at least say, 'I do not think I have had to use the gavel once, I perhaps have had to raise my voice a couple of times'.²⁵

The Dobson Story

If Leaflet No 4 was a 'scurrilous' piece, the Hughes administration soon had no scruples about engaging in some sensationalist pamphleteering of its own. The communists were given some excellent pamphlet fodder when Dobson overplayed his hand in August by staging a patently ridiculous scene where he claimed to have been thrown off the Manly ferry late at night by 'three' communists who he claimed had seized incriminating communist documents from him then tried to murder him. His story made the front page of the *Sydney Morning Herald*²⁶ and he made the front page the next day too, although this time the police, having found him 'numb, cold, half dazed and incoherent' on the grass at Nielson Park, after he had somehow telephoned them, first considered sending him off to the Psychiatric Centre but then declared his story was a hoax. After reporting Dobson's expulsion from the Manly ALP on 20 August, the *Sydney Morning Herald* reported the rumours of this 22-year old man's 'amazing international record'. His alleged exploits included imposing upon the Consul General to extract him from a court in Shanghai, getting accreditation as a war correspondent after the war was over, being flown about the South Pacific by the RAF, sailing as a guest on HMS Indomitable to England where he enjoyed a spell at the Savoy Hotel and getting arrested for possession of a pistol, dressed in an American Officer's uniform at the time. He was alleged to be a petty thief.

Phillip Deery in his article '*Diver Dobson*' suggests the level of antagonism between communists and Groupers at this time. The Groupers were denounced in the communist paper the '*Tribune*' as

‘an unprincipled group of wreckers and bosses stooges who will destroy the workers’ organisation if they are not cleared out in time’ and were alleged to have links to the Liberal Party, the Steamship Owners Association, and the Roman Catholic Church. In February of 1949 Hughes had produced his 43-page booklet, ‘Report to the Members on the Conspiracy in the Clerks’ Union’. Meanwhile Dobson placed an advertisement in JT Lang’s anti-communist paper, *Century*, for the Australian Anti-Communist League. Deery sees JE Henry, an ex Trotskyist who had returned to Catholicism, as Dobson’s likely contact in the Clerks’ Union. Dobson was set up as a kind of intelligence operator in a room in the United States Hotel, in Sussex Street, close to the Labor Council in the Trades Hall. Calwell was also taken in by Dobson, and installed a telephone for him, within a miraculous seven days, so Dobson could pursue his ‘important work’. McLaren’s missing notebook found its way to this watching post and the ‘phone apparently had a switch to the Commonwealth Investigation Service Office to advise when pro Executive organisers were out and about. The more extreme supporters of the two factions apparently took to stalking each other and with increasingly sinister designs. When Dobson organised a radio transmitter to eavesdrop on the July hearing a communist undercover agent tipped Hughes off about the radios. At a more disturbing level there was a plot involving Pat Cain, Secretary of the Waterside Workers to bash communist leader Lance Sharkey but when approached to join the plot McKay drew the line, denouncing this as ‘too brutal’, suggesting that while Dobson might have been able to play upon a certain degree of fervour against the communists, the other Groupers meant to confront the communists through open and legitimate means. It was however this underlay of intrigue and dark deeds that Dobson drew upon when he claimed the communists planned to murder him and seize incriminating documents on the Many Ferry.²⁷

That lurid tale gave Hughes a pretext to deride the Groupers with renewed vigour, claiming Catholic Action interference and making out that treacherous alliances were closing in on the union movement, rather than on his communist administration. By October Hughes had produced *The Dobson Story*. Its cover showed Capitalism holding a wedge while a frenetic Grouper drove it into union solidarity. The text played upon the notions of deceit and betrayal, referring to ‘employers and their mercenaries’, the traducing of good union men as ‘reds’ and ‘fellow travellers’, a ‘police state’ and a ‘Trojan horse attach from within.’ As for the traitors, ‘they have been found in all their glory inside YOUR UNION, the Federated Clerks Union’, shrilled the pamphlet, lodged forthwith at the Mitchell Library as a document of public record.

The pamphlet also took the opportunity to work in a blow against court supervision of ballots. The Arbitration Act No 28 Amendment allowing an application to the court to have ballots upset would, if successful, be favourable to the Groupers. By 1949, the members were reminded, Catholic Action had established Industrial Groups in the Clerks Union, where they worked to win the support of the union and so ‘lay the basis for election to various positions.’ They were the union’s enemies; in January of 1949 the Freedom Debating Society had campaigned against the rotary system. Breaking the rotary system would end union activity on the waterfront.

At the October Central Council meeting Edey of Airways kept the Dobson affair alive; given the ‘machinations of the ALP Industrial Group’, the NSW Attorney General to conduct a full scale enquiry into the activities and ramifications of the ALP Industrial Group in NSW’. Mrs Dorothy Goodrich drew attention to WC Wentworth’s admission of support for Dobson and Calwell’s statement that he

had been 'misled' by Dobson. The Group's finances should be looked at, and a 'wide open inquiry' should be made. O'Sullivan dismissed this as 'basically rubbish'. 'Whatever Dobson has or has not done does not seem to justify putting the ALP Industrial Group under the microscope. It is fantastic to speak of the ALP in Groups attempting to frame officials. I feel the whole motion is unreal and our best course is to reject it'. Morey, however, supported the motion regarding 'certain elements' among the ALP in the Industrial Groups and noted 'there has been not one bit of constructive criticism levelled at the leadership of the Union but there has been a tissue of lies and distortion.' Stone urged that a distinction should be made between class traitors and those promoting an acceptable political position within the Labor framework. He believed that the Groups were founded to further the interests of the Labor Party: 'I do think the resolution is sound up to the point where it suggests that there are additional people of Dobson's calibre in the Groups.' Booth however felt that the Groups were not an integral part of the Labor Party, but were using the 'cover of the Labor Party to carry out machinations', evident in the way that 'Mr Caldwell and the Labor Party have been hoodwinked.' Those 'machinations' should be laid at the feet of the devious, maverick leaders; 'we should not be antagonistic to rank and file members of the Industrial Group who have been misled.' Butler thought the whole lot were 'in cahoots'. Edey however backed off; he did not mean his motion to attack the Labor Party 'as some of the speakers had done!' With that qualification, the motion was carried.

The *Sydney Morning Herald* reported on 29 October that the Attorney General C Martin wanted to know of a disgruntled WC Wentworth if he had a joint bank account with Dobson, which Wentworth denied as a 'lying tale', and Martin observed that 'politics makes some very strange bedfellows'. Was AA Calwell, leader of the opposition, one of them? Calwell had in fact been taken in by the confidence trickster, for whom there was now a warrant out for his arrest.

Phil O'Toole recollected that the Groupers retreated after their defeat at the ballot and some of those punished by the Council at the July hearing did not return. However Hughes had made some tactical errors. The worst was probably the suspension of Phil O'Toole and Reg Coady but Hughes was determined to rout the Groupers and deployed the September issue of *The Clerk* as a propaganda weapon.

Campaign for the Next Election: Propaganda and the Law

The September 1949 issue of *The Clerk* (price 2d) reported 'Unity Calls follow Group Plot'. There was not 'one shred' of evidence of vote rigging, but the 'inner Executive of the Group, Hatfield, McKay, Dobson and Cain (sic) of the Waterside Workers Group, planned further efforts to discredit the union.' Dobson's 'escapade' on the Manly Ferry was extravagantly labelled 'one of the most sinister plots in trade union history' and 'only one of many avenues the Group intended to use to divide the union and render it susceptible to the employers' attacks.' Links with employers had been 'unmasked' and it was also claimed that employers had paid a salary to Dobson. The Executive's forthcoming *Dobson Story* pamphlet was quoted as the source of this scandalous intelligence.

Tom Morey reported in *The Clerk* that 200 members of the ALP had asked to have the Industrial Group Movement disbanded on the grounds that it was bringing the Labor Party 'into disrepute'; 'Labor, Liberals, militants and non-party members must join together in common agreement to outlaw disruption' and 'better the lot of the clerical worker.' The Radio and Electrical Section 'of which Stone and O'Toole, both leading Groupers, are members, had shown their support for a united union' and

'hundreds of members at subsequent meetings' for example at Commonwealth Engineering, on 22 August, where 40 members showed their disapproval. It was also decided to hold a union Convention in October, an attempt to paper over the growing split in the union.

In August, following the suspension of Councillors over the rigged ballot accusation, Assistant Secretary Norm Proctor was present at the Radio and Electrical Section meeting, and candidly announced the October Convention on the grounds that the union was 'undoubtedly split'.²⁸ Attitudes in the Section were revealed when Wally Bray, Secretary of the Section and Grouper supporter, was elected Councillor in place of suspended Phil O'Toole. It was also moved that O'Toole's suspension be lifted and the Section's confidence in its deposed Councillor was confirmed. By November of 1949 C McCafferty, from Mascot, was elected Councillor, an appointment seconded by Joe Riordan. Nita Breen, a longstanding rank and file member who joined the union staff in the mid 1960s, recalled attending rank and file meetings McCafferty organised in the Mascot and Kensington areas to rally support for the Groupers.²⁹

Other Section memberships were also ill at ease and this was soon expressed in the Central Council itself. At the October Meeting Mountain on behalf of the Breweries Section moved that 'the suspension of Mr Coady be lifted' and gave a list of reasons. Members at Tooheys and Tooths thought the penalty too severe: 'People have resigned over the fact that Mr Coady was suspended', 'members take objection to the high-handed action of the Union. The members stand behind Mr Coady in view of his great work for the union.' Coady had 'not said that he regrets what he did', Hughes claimed but when Mountain said, rather pointedly, 'Does Coady have to give up work with the Group?' Hughes referred the matter to the Executive, which had discretion to forgive the No 4 Leaflet culprits. Coady was quietly reinstated by the next Central Council meeting.³⁰

The Clerk in September 1949 acclaimed the Executive's decision to hold a Convention of the rank and file, with representatives from every office. It was an 'opportunity to unite around the fundamental industrial issues' and 'anyone not in support was on the side of the employers'. However, even 'misled members' were allowed to participate and 'honest criticism of the Executive or officers of the Union' was welcome. WA Henderson declared the 'Convention emphasises a democratic outlook.' Not all the membership was as happy as the Executive suggested. As the Groupers were gathering confidence towards the end of 1949, Hughes' bids for support antagonized and alienated parts of the rank and file. While the *Sydney Morning Herald* reported that the union had won new marginal rates in the Clerks (State) Award for 50,000 clerks not already covered by special Awards or indeed even members of the union, the newspaper also revealed considerable differences in what *The Clerk* told the membership and what the Press reported when it came to harmony in the union.³¹ In November the *Sydney Morning Herald* recorded that the Trades Hall typists were up in arms and had 'revolted' against Organiser Frank Graham's 'dictatorial tactics'. One girl had refused to sign the Executive's pledge and as punishment had not been allowed to attend the much vaunted Convention. Another girl, who had not been elected, attended instead and sixty girls had gone to the protest meeting, calling for 'courtesy and attention' and wanting a meeting of the whole Metropolitan and General Section. Betty Spears, later longstanding Deputy President of the Union, recalled that meetings of the Trades Hall members, who were mainly the female clerical staff of the Trades Hall union offices with varying political loyalties, were very 'torrid' encounters as the factions confronted each other.³²

When the employers appealed against the recent increases in the Clerks (State) Award *The Clerk* blamed the Groupers. Their activities 'would lead to disunity and a consequent inability to fully resist the employers' attack on living standards'. The upshot was '50,000 clerks in this State have paid £250,000 a year for the luxury of having an industrial group in the organisation.' The membership was reminded of the 'great achievement' of the union; in 1939 margins were 7/6 for males, 7/3 for females, and were now £2 for males and females, and £2/5/6 for stenographers.

There were also reminders of what the proper business and purpose of the union was; for example, increased salary ranges had been won for the Junior Chart Collectors, a little known and small group who transcribed discoveries, lighthouses etc to maps used by the navy and mercantile mariners. 'Once again, the value of membership in an organisation, able and willing to safeguard the interest of even the most isolated group of its members is seen'. This obscure group had enjoyed the support of the 'whole weight of the union'.

Hughes delivered a restrained Secretary's report at the October Central Council Meeting. He announced that he would be brief given the recent weekend sessions where, he noted that members had been expelled, suspended and fined. He could report that the Convention was a 'landmark' and that the union had now achieved a margin of two pounds over the basic wage, opening the way for improvements in other awards and agreements'. CPS increases also meant an opportunity for further campaigning; 'already we have interviewed the Public Service Arbitrator' seeking a 25% marginal increase for adult males in the 4th Division. Other Sections were busy preparing logs of claims. Some awards, such as Airways, were expiring and others, such as Breweries and Retail, needed review. The administration had 'tackled' ATOF, 'an intruding organisation', in the Airways field, and had started proceedings against the Wool Selling Officers Association with 'hope for success'. Application had been made for union preference in the wool industry, although when the Award was made the shipowners went to the High Court over such a precedent, and it was confirmed that the Commonwealth Arbitration Court could not prescribe preference to unionists. An industrial conditions program was another initiative and, all in all, the union's industrial business was unabated.³³

The report also put on record that the union's membership had stalled and would probably decrease, and a 'big drive' was needed. There were financial problems and future staff retrenchments were likely. The provident fund was down; with peacetime a number of girls had left to marry and the staff were paid above the Award. The union had struggled to keep its country clerks' organisations covered by dint of an agreement with three other unions to pool scarce resources and personnel. Indeed, resources were so tight that 'the position of the membership and finance is such that we should seriously consider the matter and the future for us will depend on the program and the way we work'.

Hughes also seemed intent on some grass roots reforms and the resurrection of basic union values: 'We have been taking things too easily, the organisers had been contacting reps but did not see the rank and file'. Indeed the Convention had served to bring this omission home to the officials; 'the work for the convention meant we had to see the rank and file', and the officers now 'must see members on the job, discuss their problems with them and get activity around those problems.' Other goals would be improving *The Clerk* and getting members involved in writing for it. Hughes concluded on a positive and unifying note; with a concerted effort, 'the future will be ours'.³⁴

The third session of the October Council tested the union's stand on the recent amendment to the Arbitration Act allowing Electoral Office supervision of union ballots. The debate fell along clear faction lines. O'Sullivan moved an amendment to the motion calling for repeal of the Act, seconded by Mountain, while Otlely supported the motion, noting that the amendment invoked Germany and the Taft-Hartley Act in America.³⁵

In November the *Sydney Morning Herald* recorded that the moderates in the union objected to the formation of a clerks' section of the Australian Peace Council and intended to boycott the meeting.³⁶ The March 1950 *Clerk's* version was that the Union held a Peace Meeting in early February, attended by 100 clerks, with C Loker in the chair. Mrs Dorothy Goodrich, of the Airways Section, had addressed the assembly and a provisional committee had been elected, including Crampton, Johnson, Wilson, Pratt, Stevenson, Smith, Kenny and the Misses Jackson, Wheatley, Mills and Dorothy Goodrich. The Groupers were not alone in their suspicions concerning the Peace Movement in the political climate at the turn of the decade. The *Sydney Morning Herald* editorialized on 1 December 1949 that the 'so called peace drive has been the outstanding propaganda feature of the Kremlin's foreign policy for the past nine months'. Clerks' victories over their communist leaders were also announced in the press and drew attention to what seemed to be a catalogue of injustices under the Hughes' regime. It was reported for example that members had won an appeal in court against the Executive. Long after his dismissal over the alleged assault of McLaren during the wool strike in November of 1946 John Bateman had been reinstated. Bateman claimed that McLaren had become heated, rushed at him and prepared to strike him and although Bateman refused to fight later received a letter expelling him from the union. He had never been properly charged and his expulsion had been unjust. JR Kerr appeared for Bateman, so he was well represented. When Simon Isaacs, appearing for the Executive tried to make out the union's case Judge Foster was short with him – the evidence 'should have been in the affidavit'.³⁷

Another legal victory for the Groupers was reported the very next day, with the *Sydney Morning Herald* noting that this was indeed the second reinstatement in two days. This time the Full Arbitration Court had made an order reinstating Robert Henry Poulter, Tally clerk. His offence was described as distributing a pamphlet, referring to 'communist malpractices', and asking for 'watertight security of the ballot and for votes against the communist bloc'. It was held his actions were not 'an attack on union principles'.³⁸ The timing of this reversal of the Executive's findings was fortunate for the Groupers; page three of the *Sydney Morning Herald* that very day reminded the readership of the communist style of hearing, with a description of the treason trials in Bulgaria where defendants were reduced to enumerating 'abjectly' their 'crimes' against Stalin and their failure to act as good communists. O'Toole recalled Hughes telling him that 'in the spirit of Christmas' he was letting O'Toole back into the Central Council. Coady was also reinstated. In the end the Groupers probably gained more from the notorious 1949 hearing than Hughes had hoped for his faction.

By late April 1950 the communists had made a play for control of the Federation. At the notorious Conference at Nowra that year Thorne had attempted to exclude unsympathetic Branches from voting by invoking the rule that they were not financial or had not elected delegates according to the Federal rules. Western Australia, Central and South Queensland, Broken Hill and Tasmania were all involved. Thorne used new and far reaching powers vested in the Executive to close Broken Hill and Tasmania altogether, and looked to setting up a new branch in Northern New South Wales. In the

meantime the Victorian Branch held its elections, and the Groupers, including John Maynes, future long serving President of the Federation, defeated the communists. They made their way to Nowra, but were excluded from the Conference, and the Groupers challenged the validity of the rules. On 7 September 1951 Justice Kelly would resolve this by finding the new delegates duly elected.

The Central Council Meeting of the NSW Branch on 29 and 30 April 1950 saw Crampton in the chair, with O'Toole and Coady reinstated as Councillors. Vigorous debate revealed some intractable policy differences between them and the communists. Coady supported an increase in salaries but not an increase in fees; it was 'difficult enough already to enlist members into the union.' Membership should actually increase to match the increase in organising staff and 'if it were not for the activities of a lot of us in industrial groups we would be worse off in regard to membership at present.' Those unions affiliated to the ALP were financing such progressive measures as compulsory unionism and unions enjoyed better membership under Labor control. Moreover, Coady threw in for good measure, 'the publication of the Dobson Story depleted the finances of the union'

Hughes noted the presence of some of the expelled members: the Executive had decided in view of the charter granted to it, to lift the expulsions, suspensions, and fines imposed upon certain members, including some councillors, but the Groupers had been ungrateful. Claude Grace had dared to challenge the election ballot held 'nearly 12 months ago'. Under Menzies' new legislation, which gave not only the right to challenge ballots but also met the costs, Grace had 'rushed' to the Arbitration Court. Hughes asserted that what Grace said was 'rubbish' and the Executive would attend to this matter 'in the normal course of its duties'. As for the Bateman case, Hughes was outraged: what was wrong with expelling a man for striking a Vigilance Officer? And a 'gentleman by name of Poulter had also been to court, and the court had found that the publication of 'this Ballot is rigged' under no circumstances could injure the union nor bring it into disrepute'.³⁹

There had also been a move, 'so often mentioned by Mr Coady, to direct every Branch to affiliate with the Labor Party and pay funds to it'. The Federal Conference had rejected this, and Rule 27 was to be amended so that no funds could be paid to any political party. And Rule 44 was reinforced to ensure freedom from political or religious ties. Stone was critical; 'I believe we should concern ourselves with questions of awards and conditions and get meetings around these things rather than what happened at [the Federal Conference at] Nowra, or world peace'. But Hewett could not let this pass; 'The whole campaign for peace is an integral part of why young people join the union.' Booth, supporting Hughes, then moved a motion of 'complete hostility' towards those 'holding up the prosecution of awards, including shipping, wool, airways and the demands in 30 resolutions re the CPS'. This was seconded by Williamson who declared himself an old member of the ALP. He had assisted in the forming of the groups, but they were not carrying out the functions for which they were established. Coady was a 'very young man' and Williamson advised him; 'lend your whole energies to the industrial movement'. Coady was defiant; the group was formed at the time of the last ballot and it 'got 1800 votes despite unfortunate propaganda'. Loker's terse retort was that if the groups continued, the union would lose members.⁴⁰

Miss Mills moved no confidence in Justice Dunphy, whereupon Coady pounced on this veiled attack on the independence and integrity of the Arbitration system; the Arbitration Courts, he pointed

out, had made the decision for higher wages. Copley supported Miss Mills and the motion was carried. There was also criticism of the Labor Council, seen to be increasingly the preserve of the right.

Crampton's Report reviewed the Awards and brought home the realities of the industrial climate. He concluded that there was 'a big job in front of us', with the Clerks (State) Award appeal demonstrating that the employers were prepared to fight against an increase and attack conditions. Now they wanted hourly hiring in that Award, and it was an 'iniquitous proposition'. To Crampton, it seemed that 'the membership was not really convinced the period of relatively easy gains is past'. An industrially weak attitude was to blame, especially noticeable in those Sections where the Groupers had influence. The Breweries Association Conference had decided the 1948 awards were satisfactory, but members of the Breweries Section had not even bothered to return forms gathering information to defend their position; 'for instance in Mr Coady's office out 90 questionnaires only 12 were filled in'. By contrast the Metropolitan Section, a Hughes' stronghold, had 'worked out a really good campaign' to re-open the Clerks (State) Award. Above all the union must work for basic wage increases, and it had attended and supported ACTU policies in support of this.⁴¹

Denis Holmes did more than support Crampton's report: 'It is very edifying to listen to a young officer not long in his position present such an excellent report. No mistake was made in the election of Mr Crampton', who had also been elected to the Labor Council Executive. Coady also agreed with Crampton's report, and the Hughes' executive had clearly brought in formidable reinforcements in the person of the new President. But by 1952 Crampton was a very ill man, and he did not live to continue the struggle for his cause. Phil O'Toole recollected attending the funeral at Granville for this tough but worthy opponent.⁴²

The Sunday afternoon session of Central Council saw Hughes dealing with the Anti Communist Bill proposed by the Menzies government, and he spoke passionately of democratic rights, 'the forces of peace headed by the Soviet Union', and how the Chinese had joined the 'camp of peace and progress'. Australia however was in both camps, and references were made to 'US monopolists and their supporters', the 'lackeys of Wall Street millionaires' and 'Quislings'. It was a 'violation of British justice', the right to demand proof of guilt, and he imagined how stoppages of 'our workers' on the waterfront might cause the union to be 'declared' communist and the leaders of the struggle thrown into jail. No one opposed him and his motion against the Bill was carried.⁴³

The Trip to Warsaw

A motion conferring life membership on Hughes, for his 20 years of service and his 'loyal adherence to the principles of trade unionism' was also carried unanimously. On 8 September a function was duly held for Hughes and he was presented with his life membership badge, as was former Secretary Evers, in what seemed something of an oversight made good. *The Clerk* reported in October that four hundred attended, including Federal President Walter Barrett, supported by WP Booth. Hughes was remembered as the 'Boy Orator' and Jack McGilvray and his band supplied 'splendid' music. It was also *bon voyage* for Hughes as he set off overseas where he would be looking at conditions for shipping clerks and civil servants but more significantly attending as a delegate at the Second World Peace Conference in Warsaw. The expedition coincided rather unfortunately with a levy of members, 10/- for females and 20/- for males, and this provided fertile ground for the suspicion that it paid for

Hughes' trip. June Mills would answer this misunderstanding at the October Central Council Meeting by pointing out that in fact donations of some £600 had been made, with the target of £1,000 in sight. In the meantime Hughes' expedition would do a great deal of damage to the Executive's standing and as far as keeping the membership docile was concerned it was probably, as Joe Riordan, future Secretary of the union, later saw it, Hughes' main tactical error. However, perhaps Hughes was not able to reconcile his union life with his political life as he might have wished.⁴⁴

There was bitter opposition to the Peace Conference trip and the levy. In August the *Sydney Morning Herald*⁴⁵ headlined that the Trades Hall employees had voted 52 to 8 to request the Federal Government not to let Hughes attend the Warsaw conference. They also opposed the levy and Miss E Maloney and Miss M Gardiner called for a plebiscite. Thirteen other meetings in various city and suburban offices also passed similar motions and one hundred and fifty members in the Department of Supply wanted a Special Meeting and an independent audit of finances. The next day six more meetings were reported, with one hundred members at Commonwealth Engineering (Com Eng) demanding the Secretary's resignation. There was to be no more propaganda and a declaration was made: 'We will work wholly and solely for the democratic Government of the British Empire'. Members at Associated Newspapers, Caltex, Shell and the Commonwealth Oil Refineries were of the same mind. But in Central Council the peace delegation motion had been carried 37 to 5 votes, and the levy 38 to 4, and this anomaly between the desires of the rank and file and the Council again raised questions about how the Council held sway. One hundred members of the Department of Supply at Lord Street, Botany had duly met and 'booed, jeered and howled down' Frank Graham as he tried to sell them the three contentious proposals: the delegation, the levy and affiliation with the Democratic Rights Council.⁴⁶ By 17 August the *Sydney Morning Herald* reported 'Clerks to Discuss Move to Oust Reds'. A meeting was called at the Trades Hall with about one thousand expected to attend and Members of Parliament belonging to the union were invited. E Peters, MP, President of the Victorian Branch (where the communists were already ousted) would speak. Meanwhile there were more protests in the Navy Department, and the small arms factory in Lithgow applied to Harold Holt, Minister for Immigration, to refuse passports to travel to communist conferences. Hughes said he was going to 'study the conditions of clerks on the continent' an disingenuous statement which drew the scathing response from a member that it might be better if 'clerks from Iron Curtain Countries came to Australia to study conditions here'. The *Sydney Morning Herald* reported '1,000 clerks in revolt' and telling the union officials to 'get out'. Organised by the ALP Industrial Group, the meeting called for a ballot for a new Executive and a doorkeeper was 'knocked to the floor, kicked and mauled' when ten people tried to force their way into the meeting. A 'wild fight' broke out as officials rushed to help the doorman. Police then ejected the intruders, and identified them as members of the Eureka Youth League, a communist Auxiliary. Uniformed and plain clothes police then patrolled the corridors of the building during the meeting and resolutions were passed that Hughes was bringing the union into disrepute.⁴⁷ The *Sun* reported 'New move by Clerks'. Mr J Macken, now referred to as Secretary of the Industrial Group, was seeking legal advice on applying for rescission of some of the union's decisions. It was noted that the members were protesting against the delegation in Poland, the levy to 'recoup' finances and affiliation with the communist controlled Democratic Rights Council.⁴⁸

October 1950

With Hughes overseas Proctor gave the Secretary's Report at the October 1950 Central Council Meeting. There was a good deal of bad blood and misunderstanding about the union's finances, and particularly over the need for a levy. The union certainly was in financial difficulty, Hughes had admitted that the staff had been reduced by three juniors and there was talk of cutting down the issues of *The Clerk*. £750 might indeed have been put towards fighting the Communist Party Dissolution Act but the Industrial Groups had been 'racking up' legal costs since 1946! The union now had to look at its Long Service Leave Fund while the membership had decreased by 212 members, the reasons being a 'shrewd move by the Menzies Government', the removal of the preference clause in the CPS Section and a press campaign of 'lies and slanders' which deterred new members. Nevertheless, the levy was being paid and there was a slight improvement, despite the false assumption that the levy was for overseas delegations. Evans in the Metal and Engineering section was opposed to the fighting fund being used against the 'red Bill'. The Groupers were opposed to the Bill itself but their point was that they wanted consultation. The only information about this had been in the newspapers: 'true democracy is getting down to the members on the job and letting them discuss matters'. O'Toole thought no more money should be spent on peace literature and the fighting fund, and in the meantime the union could not afford to increase officers' salaries.⁴⁹

The image of communist supporters was brought home to the Council when Standing Orders were suspended to deal with Frank Graham's problem with the RSL, where he had been denounced as a communist, 'in line with the political trend which has been developing since last Council Meeting – attempts to have Anderson expelled because he stood on a 'red ticket' in the Clerks Union.' Despite their antipathy to communist domination in the union, the Groupers supported Graham's right to political freedom, as they would always support the communists' right to belong to the union.⁵⁰

Hughes had revisited the matter of fighting the Communist Party Dissolution Act. Otherwise, as the Council was direly warned, everyone who ever voted for Hughes' policies would be liable under it. Paul Mortier noted Dr Evatt's description of it as 'a measure which no decent Parliament could pass'. The Groupers did not oppose the Executive on this, but Coady then again pursued the idea that the union would be much more unified under ALP leadership while Morey claimed the problem was that the Groups and the employers had made inroads. Other unions were not as successful as theirs under Hughes' leadership. Mrs Goodrich noted the role of the daily press in all the disruption while O'Sullivan reckoned apathy among members was obvious from the reports. The reason was that 'many of the union's campaigns were inspired by the Communist Party line rather than the interests of the members'. 'We must purge ourselves of communist propaganda and concentrate on the industrial problems, drive for reduction of arrears and the recruitment of new members'. To which Booth responded, 'Peace is relevant to the economic needs of the members'. As Bullerwell called for the defeat of the Menzies Government O'Toole responded that he believed some 40-50% of 'this organisation support the Menzies Government' and Bullerwell retorted that O'Toole obviously did not want to see the defeat of the Liberal Party.⁵¹

Crampton's report on Award matters rallied the meeting and drew attention to a hostile industrial climate. The Metal Trades Employers log threatened to cut down conditions and this was likely to flow on to the union's Metal and Engineering and Radio and Electrical applications. The Court had also

become 'vicious' over deregistrations, with several unions struck out of the basic wage case because of overtime bans and industrial action. The current railway strikes were led by both communists and non communists and their demands were vital to railway workers, yet the Labor Government in NSW condemned the strike and the 'outburst' from the Labor Minister for Transport was worthy of Menzies. It was all part of the drive towards war, the Labor Party had been betrayed over the Communist Party Dissolution Act and conciliation was disappearing, a state of affairs Crampton 'bitterly opposed'. Crampton referred to internal threats, the challenge to the validity of the Council's 'legislation' and the number of unfinancial members, and mentioned some substantial increases obtained in TAA, CPS and Wool, an achievement 'in the face of sabotage'.

Dealing with matters raised, Bowers, speaking up for the Oil Section, claimed members were not apathetic; the problem was that the Executive was not appointing representatives. O'Toole however was generous and considered the President's Report 'excellent', and Coady settled for dissociating himself from that part which attacked the Industrial Groups.

At year's end the absent Hughes was mentioned in the *Sydney Morning Herald* under the headline 'JR Hughes broadcasts from Moscow' as he stated on Radio Moscow that the Australian Government's opposition to peace was not 'an expression of the aspirations the Australian people'. Although the government had withdrawn passports for delegates to the Warsaw Conference he declared that delegates would return despite the 'warmongers' efforts to stifle democracy'.⁵²

When the Central Council next met on 29 April 1951, G Anderson was in the chair, with Crampton ill and in hospital for a serious operation. The Council met for one day only and against a background of events where the Federal Executive of the union was hamstrung because of the challenge in the Arbitration Court applying for recognition of the Grouper delegates from Victoria. The tone Hughes set was almost conciliatory and perhaps a play for sympathy and support from unaligned Councillors. Back from his mission, he delivered his report on the Second World Peace Conference. His reaction seemed an intense response to what he had learned there: he felt 'prepared to vacate' his position in the interests of the 'struggle' to achieve unity for peace. 'If the Executive as it is at present constituted cannot give effect to this program then it should be replaced by an Executive that will guarantee the struggle for peace among the clerks'. For Hughes, it was impossible to 'separate war preparations' from the union's goals of a £1 increase in the basic wage, equal pay, improved amenities, better conditions for juniors and other proper industrial concerns. He also made it clear that in the meantime the union was paying attention to its day to day work; the Clerks (State) Award expired in June and the union was before the court 'tomorrow' to oppose hourly hiring rates in that award. The union had also gained some permanency for members in the CPS 'because of representations from this Branch to the Public Service Board'.

Finances had improved a little; income was up by £1,200 but the union was still struggling to pay staff, and the girls in the office chose to leave despite some improvement in salaries. The union would have to make its rates comparable with industry. Hughes and O'Toole seemed mutually concerned over these difficulties which went to the heart of the union's survival. O'Toole suggested appointing more representatives, even if only to collect fees. Hughes was happy to take up O'Toole's idea, and even thought O'Toole's Radio and Electrical Section were doing a good job, but they would need to

check the rules about such appointments. A Committee, including O'Toole, was formed to consider the views of the members and report back on the important question of increasing the fees. Hughes frankly emphasised the need to campaign for new members, membership had fallen by some 300, and he noted that 'we are not recruiting at the rate we did previously. There must be an explanation for this': the union was not opening new fields and the organisers were having difficulty covering the existing fields; more organisers would mean more money.

Vice President Norman Proctor was more decisive and guarded; to him part of the reason for falling membership was clear. The CPS section, once 50% of the membership, was now reduced to just 25%. The union had purchased a new car, a Skoda, as it simply could not manage with one car. Proctor was eager to paint a picture of vital industrial work despite financial problems. The Shipping picnic had been a great success and good work was being done on the War Gratuity Committee. The union was also giving tutorial classes for those sitting the new CPS exams to get permanent positions and progress was being made with the Breweries Award, with the members now more co-operative with their union and providing graphs, witnesses and other supporting evidence after losing back pay through about 14 months of delay. The Fire Board members were 100% financial, the Newspaper Section was also active and for the first time in union history there was a sub-section at the *Sun* office. Retail and Meat Sections needed some reform to keep up to the mark and the Radio and Electrical Section had been waiting for their Award 'for some time' but it would now come before the Conciliation Committee on 14 May. O'Toole had reported that AWA was 100% financial, and AGE, Metal and Energy sections were all active while Cockatoo Dockyard had worked on their own idea, consulted the union, and gained a 15/- increase all round. There had been 'much activity' in the Egg Board, with a 6/- margin restored. Visits had been made to country areas, and Organiser Graham had made a journey to the Snowy Mountains. The Executive was eager to put in place the Convention resolution that work in future must be based on the 'particular needs of each Section to achieve unity behind the policy and program'.

O'Toole opposed the reports but offered some kindly advice: 'If the Executive pursues a policy of becoming closer to the members, in giving first priority to industrial matters it will have the effect of strengthening the union'. O'Toole and O'Sullivan did not like the 'policy' aspects and found some faults but Hughes suggested they might have some discussion with the Executive if they felt it did not 'represent the aspirations of the members'. It was a curiously cautious and polite assembly. The decision had been made, for example, to put together a composite motion on industrial rights for Aboriginal people; Shipping, Metropolitan and General, Newcastle and Airways Sections moved condemning the actions of the Director of National Affairs, Northern Territory concerning the punishment of Waters and Lawrence for leading Aborigines 'in their recent strike for £7 per week, better food and the right of free entry into Darwin' and it was also moved that 'the rights of the aboriginal people to assembly and tribal life be preserved'.

In May 1951 the Executive's image was not helped when the *Sydney Morning Herald* reported another 'Moscow Trial' for Clerks. The 'trial' was set for Wednesday night when some tally clerks were due to appear after 'about 12' of them remained at work after the wharf labourers walked off the job protesting at the detainment of the WWF Assistant Secretary E Roach. The implication was that it was clearly a politically motivated protest against communist sympathies and so had attracted

the Executive's wrath. The paper noted that no charge as such had been laid against the non-striking clerks but nothing was known because the trial was to be conducted behind 'closed doors'.⁵³

Throughout 1951 the Groupers let the Executive know what their grievances were, leaving plenty of scope for Hughes to respond, but Hughes seemed to give more attention to curbing Riordan's growing influence. Riordan recalled that, still in his teens, he had been too busy playing football to have experienced the 1949 hearings but Hughes now saw him as a key opponent. Riordan was passed over as a representative for the Radio and Electrical Section, and he wanted to know why Instone had not accepted him. Galvin and McCafferty moved in favour of his appointment and in April the Executive gave in, letting Riordan carry out work on amenities. In June O'Toole and Riordan asked that, with Crampton ill, Hughes 'or an experienced advocate' take up the Radio and Electrical application for an Award, while McDowell complained that splitting the union into Sections would 'ultimately destroy it' and asked for an Annual General Meeting of all rank and file. O'Toole and Riordan supported this, noting that there was 'nothing binding on mere Conventions'⁵⁴. When G Anderson refused to let Riordan vote at the State Awards Committee the members expressed 'surprise and concern'. Holmes as Branch Vice President attended the meeting 13 August to oversee support for the 'no' vote in the referendum on the Anti Communist Bill, and Riordan amended on the grounds that the Bill was against democracy, rather than against communists, and the amendment was carried. By September the Executive was fighting for control in the Radio and Electrical Section. Riordan's remarks about the state of the Award caused Proctor to object and leave the meeting 'forthwith', whereupon Riordan withdrew his remarks but with O'Toole he moved that the election be conducted according to the 1949 Amendment of the Arbitration Act, as introduced by Chifley and providing for ballots to be conducted by the Electoral Office and thus 'clean'. There was also a call for a letter in *The Clerk* calling for a fight against the communists, and a motion of 'unqualified support for the ALP Industrial Groups' was carried. The Section also wanted its officers elected at its Annual General Meeting, while the Central Council wanted them elected at the more restricted COM meetings.

The October Central Council Meeting was tense. The election of Central Councillors was due the next year and the Groupers were determined to put a strategy of clean ballots in place this time around. Joe Riordan attended Council with Phil O'Toole as Councillors elected by the Radio and Electrical Section. Hughes took an aggressive stance: 'In our organisation there were some people who in Section Meetings have suggested that we should hand over the conduct of the union ballots to the Menzies Government.' The atmosphere was quarrelsome: when a motion was moved against 'fascist immigrants' Riordan and Bowers added 'and communists', and their amendment was not carried.

Riordan challenged Hughes outright, moving that Rule 31a be altered to provide that 'the elections shall be conducted by the Industrial Registrar, on the voluntary application of the union, as provided under the 1949 amendments to the Arbitration Act introduced by the Chifley government'. Hughes raised a point of order that this motion was in direct opposition to the decision reached by adoption of his report and Riordan was defeated. The conflict in the Council Meeting escalated, with Riordan harrying the Executive over the finances; the balance sheet showed a 'very serious position' and there was the matter of costs for the Berlin Youth Delegation. 'What the Executive should do', said Riordan, 'is to resign immediately because they have shown by their continued mismanagement that they are incapable of handling the position', not to mention that the 'position in Victoria is much better since

the new executive took over'. Hughes confronted Riordan, declaring that it was 'impossible for the union to live apart from the conditions existing and therefore it is no good attending the Council and making propaganda speeches for the next elections'. Crampton stepped in to draw up the battle lines. 'The members have to make a choice – for peace and achievement of the [industrial] program or for war, destruction of the Union and its consequence the destruction of living standards. There is no middle course. Either we are for the vital interests of our members or we are for the policy of Menzies'. Moreover, 'the Amended Arbitration Act' was 'an act designed to interfere with the internal organisation of trade unions and convert them into servile government controlled "Labor fronts"'.⁵⁵

As Crampton moved on to industrial matters his remarks crystallised the way the communist's ideology and vision parted company with the unionist's vision of looking after the needs of the rank and file. Arbitration was a serious sticking point and for Crampton there were choices that had to be made. Vince Higgins, future Secretary of the union, would sum up why this was a hard choice and how arbitration had such value for the clerks: 'Oh yes, people would say your union, no damn good, right wing reactionaries, arbitration, arbitration all the time, but we had nothing else to go to, arbitration was a godsend to us. How can you bargain on the job if someone's been sacked and you've got six clerks and the other five are terrified they're going to lose their jobs? But you could refer the matter to court, have a hearing even if you didn't win, and at least it showed members and the boss they'd have to be more careful next time.'⁵⁶

In an attempt to discredit the Groupers as timid and un-progressive in industrial rather than political matters Crampton pointed out the Groupers' folly in putting their trust in such useless vehicles as arbitration. The Executive had for example 'bowed to the wishes of the Breweries Section who wanted a 'complete reliance on Arbitration', engaged Counsel to argue their case and the result spoke for itself; they lost 6d a week. The legal costs for this debacle were some £600. United industrial strength, not 'brilliant arguments' brought results. And in the Radio and Electrical case 'we have the classic example of the disastrous effect upon the membership of reliance on the Arbitrators as the panacea for industrial ills'. There the employers had 'deliberately set out to delay the case' and the Executive had now taken it over from the Section, with the result that it would be heard the next week. The attitude of the Egg Marketing Board members, on the other hand, was a fine 'contrast to the reliance on Arbitration'. They had a 10/- increase following on a 6/- marginal increase because they, 'by the most firm and united action forced the employer after two refusals to negotiate'. Crampton went on to outline the decisive approach of the Executive and those sections ready to listen to it: the Clerks (State) Award had been prepared by the Metropolitan and General Section, 'with representatives from other sections involved', and when the employers tried to delay that award, the Executive was 'not prepared to allow the employers to carry out a similar policy as in the Radio and Electrical case'. Several other awards and agreement applications and successes were mentioned, suggesting the vitality and attack of the Executive, and the value of a militant stance was emphasised. Shift clerks at NRMA had made 'a determined stand', and 'prompt action by Union members' resulted in 5/- tea money for waterside workers. The union would offer 'full support' to the Melbourne tally clerks against the Menzies Government shut down of pickup centres, and a stop work meeting had been called to discuss this.

The tone of Crampton's report provoked argument. O'Sullivan thought the idea that Menzies was out to destroy the unions was 'rubbish'. It was a matter of going through the right channels; 'I would never challenge the workers' right to strike' but 'we must be careful to measure up to our responsibilities before we launch out into any stoppage of production. We have to take a realistic view and admit that defence preparations are necessary'.

Riordan opposed the main report, and took exception to comments about the Radio and Electrical Section's delayed Award: the true cause of delay was 'illness of officers', exacerbated by the absence of the Secretary in Warsaw; 'members of the Section have paid dearly for the Secretary's trip', and for good measure Riordan added that 'Arbitration was the greatest thing ever brought in for the working class'.

Crampton replied to the various criticisms. Firstly he made the point that people could do something to stop war: there was the Five Power Pact Petition, for example, and he also noted an omission in his report: the unions must take on the Metal Trades Employers Association, who were having a 'shot' at the 40 hour week. He advocated a robust approach: 'My proposition is that before any conference we must convince the employers by one means or another that we are serious about what we are putting up'.

As for the Radio and Electrical Section's complaints, he took a reasonable tone: it was true the case had been on foot for 2½ years but the union had tried to get the co-operation of the other States and State claims were filed some 15 months ago; 'it is not true to say we just waited and did nothing'. The Award could not be made during the currency of the State Award and the Commission had adjourned in May until the State Award expired. 'During my absence', declared Crampton, 'the Secretary appeared for the case'.

The union had also done its bit in the Federal campaign against the referendum on the 'Red Bill', Menzies' deadlocked legislation to dissolve the Australian Communist Party. 47,000 leaflets were distributed. The next policy matter was struggling against the Federal Budget, the first step a deputation to Canberra. Achievements were noted: country visits, reactivating the wool section, plans to reconstitute the meat section, a campaign against the dismissal of 10,000 CPS workers, organising in the Snowy Mountains Scheme, a youth programme, mentioned by Miss Crawford, and a car for the Newcastle organiser.

As the business of the last session was completed, Hughes took to attacking Riordan, who had suggested that the Executive was 'loath to appoint new representatives'. 'Mr Riordan's contributions to Council have been marked by lack of helpfulness and his whinge in regard to representatives is in the same strain'. Hughes declared 'he is prepared to be anti-executive right or wrong'. Riordan worked the notion that the union was not giving its whole attention to the members and might be using the union more as a facility for the Communist Party's work: he next wanted to know how many staff there were. Proctor then took a turn at undermining Riordan: 'I don't agree that Mr Riordan is a good representative, I think he is a disruptionist'. These attacks had an element of panic about them, and the next item, the Rules Committee Report, raised a highly contentious issue. The committee wanted three changes: that all the Councillors be elected by the Sections and by the Parliamentary polling system, which mean that half would retire each election in the interests of continuity of

administration, and all the Executive positions elected by the Council. The scope for entrenching the Council and Executive was obvious. Riordan thought all councillors should resign in 1952 but the rules were carried.

Over the crucial next six months the whole issue of clean ballots and fair rules in the Clerks' Union attracted considerable press coverage and damaged Hughes. The union's woes had been generally aired in public and built up a disturbing picture of repressive machination and manipulation of the rules in a communist dominated organisation. For example, the union was mentioned in a Parliamentary debate on amending the Arbitration Act to make secret ballot election of all trade union officials compulsory. IC Black (Liberal, Neutral Bay) claimed the last Clerks' ballot, for example, was a 'complete farce' as there must have been a duplicate key or a 'plant' at the GPO. It was also claimed that the ALP Industrial Groups were intimidated over making an application to the court. All this was reported in the *Sydney Morning Herald* and there was an even more critical article under the headline 'Challenge to Reds in Clerks' Union'.⁵⁷ The Groupers had decided to challenge the amendments to the rules made at the last Central Council Meeting, lodging an 'immediate objection' with the Registrar. The offending amendment removed any 'obligation for any member of the State Executive to face periodic elections'. It also provided for the extension of the terms of office of half of the Central Council to 1955, and the other half to six years. It was further claimed that the Executive was afraid to contest a 'clean ballot' and that there was an 'alarming deterioration' in the union's finances which were £2,000 expenditure over receipts despite a £6,000 levy; 'The present communist dominated Executive and Council are a luxury the clerks cannot afford'.⁵⁸ A *Sydney Morning Herald*⁵⁹ update announced 'Protest by Clerks to Union'. A meeting of 500 members had now complained to the Central Council about the amendment to the rules including provisions that the Council could only dismiss the Executive on grounds of serious misconduct and dereliction of duty and that the Council could appoint the Deputy and Vice Presidents. The General Secretary of the Industrial Groups, Jack Kane, had lent his support, saying that members had to fight to remove the communists from official positions. He was quoted as saying this was not 'merely a fight against Comrade Hughes but against the Communist Party. Because behind him stand all the support and financial resources of the Communist Party'.

The *Sydney Morning Herald* headlined 'Clerks Expect to Oust the Reds', stating 'the communist stranglehold on the Clerks Union in NSW is expected to be smashed next year'.⁶⁰ Riordan as Secretary of the 'ALP Group' was now confident because a decision of the Federal Arbitration Court's Registrar meant that the communists were compelled to hold elections next year. The union would apply for the Court to conduct those elections and the Registrar had rejected an application to hold the ballot at the union office instead of the GPO on the grounds that it was unjust or oppressive. The communists however had found a loophole in the Menzies legislation for secret ballots: it did not apply to Sectional ballots. They had applied on these grounds and the Registrar had agreed the union could conduct the election of Council representatives from the Sections. This led to a protest meeting of clerks at the Trades Hall where it was resolved to send a deputation to HE Holt, Federal Minister for Labour, to ask that the Sectional ballots also be conducted by the court. The *Sydney Morning Herald* reported that the clerks were to protest against the 'red move' with a mass meeting at the Trades Hall regarding the alteration of the rules, doubling the term of present office holders.⁶¹ 700 had signed the petition against altering the rules. To make matters worse, the minutes and all other information regarding the

union had been sent to Ernie Thornton at the WFTU in Peking. A resolution would be moved against that as well. The next day it was reported that 500 members had carried a motion censoring Hughes, and Riordan accused Hughes of letting the membership fall to an all time low to let the communist regime remain 'predominant'. Riordan was also critical of the union's funds and an appeal would be made to Thorne, Federal Secretary over doubling the terms of office. The mood was such that in the middle of the Trades Hall meeting Mr Foster Leal of the 'Waterside' Section of the union attempted to reply to criticism of the Executive and continued after his time had expired, whereupon a member of the audience took charge of the microphone and two others 'seized him by the scruff of the neck' and 'frog marched' him back to his seat while members cheered and clapped.

On 12 March 1952, with the ballot due to begin the next week, Justice Dunphy in chambers called on the union to show cause why another rule should be disallowed and the matter was heard before the Full Bench of the Arbitration Court. In October of the previous year the Executive had made a retrospective rule that a candidate could be disqualified at the Executive's discretion if he or she had not maintained continuous financial membership for the previous twelve months. Retaining the services of JR Kerr QC and JH Wootten, the Groupers applied for an order under Section 86 of the Act, on the grounds that the rule, 42(d) (iii) was oppressive. FG Myers and JB Sweeney appeared for the union and costs were awarded against it. The Full Bench of the Commonwealth Arbitration Court, Justices Kelly, Foster and the communists' perceived foe Dunphy, saw that the discretionary power the rule gave the Executive was not reasonable and directed that the provision be altered although the rest of the rule may operate in the future, but not for these elections. Justice Kelly noted the 'notorious fact' that union members often paid their dues to organizers who visit their places of work or to other union representatives, such as shop stewards and 'temporary unfinancialness is notoriously not an uncommon situation.' 'It was also conceded', continued His Honour, 'that of the full membership approximately 1,500 only were eligible to nominate for positions in the several (18) sections of the branch under the provisions of the rule now in question'.⁶² Thus the Executive lost a rather blatant weapon for throwing out Grouper candidates in order to keep its numbers on the Central Council and the court action left little doubt that the Executive had attempted yet another kind of ballot control. The Industrial Groups also applied for a Court conducted ballot.

All of this was reported in the press: the *Sydney Morning Herald* announced 'Court Disallows Clerks' union Rule' and that Sir Raymond Kelly required the alteration to be submitted to the court to-morrow.⁶³ Then on 27 March the *Sydney Morning Herald* reported a significant shift in the Federation – Federal President Thorne had been dismissed at the National Conference in Newcastle. In April the National Conference also brought in a new rule, providing that office could not be held for more than three years without election and a branch election could be held if 500 members or 1/5 of the membership petitioned for it. At the April Central Meeting Hughes took Riordan to task as Secretary of the Groupers, claiming 'the rules have not only been taken out of the hands of members in this way but have been the subject of behind-the-door interference. Group members have had conferences with officers of the Federal organisation and endeavoured to work out a scheme to foist upon members'. Hughes also gave the Full Bench decision on the financial membership requirement a twist: it was a petty matter of not having given notice. The members had approved the rules but the Groupers had taken it upon themselves to object: 'the real objections were against the members

of the branch who made the rules.' The Groupers had also petitioned the Registrar to take the ballot out of the control of the union, although Hughes took some comfort that this was granted only for the election of the Sections' Central Councillors for 1952.

The Executive had tried to inspire confidence by announcing another Convention for March 16, just before the election, but by the Central Council Meeting of April 1952 the campaign was in full flight, with Hughes furious at Riordan's alleged statement 'in the press today' that the accounts of the union were 'virtually falsified'.⁶⁴ Riordan had made much of a 'clear error', and Hughes declared that Mr Dempsey, of Auditors AJ Williams, had passed the work on the accounts 'and particularly [of] the girl who does the accounting' as very efficient. Hughes threatened Riordan with laying 'an information with the police authorities to have action commenced re criminal libel in the *Sydney Morning Herald*', called on auditor AJ Williams to 'note the attack upon their certificate and their registration and the Union's integrity' and finished with the old threat, 'unfortunately, it is an attempt to injure the union'.

The *Sydney Morning Herald* headlined 'Clash in Union' when fifty Groupers walked out of the Union's Convention in the Trades Hall building, according to Riordan.⁶⁵ Their complaint was that the Convention was meant to address the Galvin decision on metal trades margins, but 'it turned out to be just another stunt pulled by our Left wing Executive for the youth carnival crowd'. The Executive had refused to admit ten members from Radio and Electrical's Emmco, all of them moderates who were told their credentials had been lost. Twelve members already inside protested and were 'mobbed, jostled and threatened by about 20 left wingers'. President Crampton had refused to take notice of resolutions of protest moved from the body of the Hall and the moderates walked out. They then held a separate meeting in the Domain and decided to boycott the Convention. Riordan appealed for support for 'ALP' members in the coming election and in an address to a mass meeting at the Trades Hall, he predicted that the 'communist domination' was about to end. He pledged if elected to sever all connection with the communists, maintain clean ballots and support arbitration.⁶⁶

Hughes delivered a speech on the peace question, germ warfare, war preparations and their effect on the standard of living. The effects of the Galvin decision were proof of this: Sir Raymond Kelly in relation to the Metal Trades Award, the measure for all other awards, managed 'coincidentally with the Government', and 'speaking quite airily', to produce a fourteen point programme increasing hours and reducing wages by 10%. A conference of unions was being called to collaborate on 'war plans'. Hughes implied that O'Toole did not agree, a matter of 'great regret', and also rather an exaggeration on Hughes' part. O'Toole in fact supported the ACTU's position on these matters. Hughes also turned on O'Sullivan's support for the United Nations Peace efforts while calling for some measure of self-defence should the United Nations fail; 'In my report this morning I said that the ALP Group was equally pursuing the policy of the Liberal Party with the Union. After hearing Mr O'Sullivan there can be no doubt about this'. The discussion became even more intractable: O'Sullivan saw Arbitration giving justice to all parties, but Hughes was adamant; 'How is that possible? How can you give justice to the workers and to the employers at the same time? I want to see that justice is done for the workers'.

Hughes also made much of the fact that Riordan had caused a rift between the State registered union and the Branch of the Federal Union by changing the rule providing for all councillors to be elected by the Sections and for extended terms. One set of rules now applied for the State registered union, another for the Branch. This meant for the first time in thirty years the two entities could not be conducted as one on the grounds that the membership of the council comprised the same members. O'Toole was patient; he called for blame for this to be eliminated, 'the problems arose out of the court case and were not premeditated'. O'Toole suggested all co-operate 'to prepare proposals that would enable similar provisions to prevail in the Branch'. Hughes accepted and appreciated the proposal 'made by Mr O'Toole that he will co-operate'.

Hughes' report of the Federal Conference was a dire warning of a right wing play for power, and he claimed it was the work of Catholic Action, not the ALP. It was portrayed as a sinister development; a 'Big armament monopolies group in Australia' had 'gleefully' announced through their press 'that right wing supporters assumed control of the fortunes of thousands of clerks by dismissing fighters for Australian independence and peace from office and taking office themselves'. Federal Secretary Thorne had been removed from office, then asked to stay on as an organiser, and it was clear that control was the main question at the Conference. 'The right wing use the anti-communist bogey to conceal their aims but the first victim in our national organisation is not a communist'. This right wing majority were pro compulsory military training, supported the US Japanese Peace Treaty, the occupation of Malaya and Vietnam and was 'openly proclaiming an aggressive policy in opposition to the principle of national independence and self determination of nations'.

Coady's response was detached; 'it could be in view of the change in the leadership of the conference that the delegates' reports are somewhat coloured. I dissociate myself from attacks on the new Executive officers'.

As the election ran Hughes's supporters responded with some desperation to the Groupers' success in court over the rules and the ballot; the *Sydney Morning Herald* headline read 'Red Hand Seen in Strikes'.⁶⁷ The tally clerks, members of the communist dominated Clerks' Union, had suddenly disrupted the waterfront by striking over the conduct of the ballot by JH Martin, Commonwealth Electoral Officer. Two hundred had marched on his office in Frazer House, and police arrived and broke up the assembly but some entered the building, tried to interview Mr Martin and became noisy, chanting 'We want Martin'. They dispersed when police spoke to them but Hughes' response was that the Executive would get legal advice concerning conducting the ballot according to the rules of the union. The 'communist' clerks meanwhile returned to work but ceased again after a pamphlet about Martin was distributed. Instone then took the matter to the Commonwealth Arbitration Court on the grounds that the union's rules did not provide for a postal vote. Sweeney appeared for the union. The case did not succeed⁶⁸. The *Sydney Morning Herald* however again predicted defeat was likely for the 'Reds'.⁶⁹ The ALP, as the paper referred to the Groupers, had won 16 of 24 places on the State Central Council. The ballot of another seven Sections, returning 16 candidates, would be held on Monday, and if the ALP won eight of those places, it would control the Council after this 'smashing win'. Both Riordan and O'Toole had been elected. In the meantime Hughes had overplayed his hand: the *Sydney Morning Herald* reported in terms suggesting the worst notions of Stalinism, 'Clerks Union Purge Alleged'.⁷⁰ According to Stuart-Robertson and McLaughlin's affidavit

for the Groupers, Hughes had removed members from the Miscellaneous Section to keep control of the election, and Justice Kirby called on the Communist Executive to show why the removal was not null and void. Hughes responded that the State Public Service Association was now to look after all Crown employees so they had been removed from the register of clerks and 'cleared' to the PSA. Many of those 'purged' happened to be Grouper supporters. JR Kerr appeared again for the Groupers and obtained a decision that the deletion of the members was made *'male fide'*, in obvious bad faith and that the Groupers were 'entitled to nominate for positions on Council'.⁷¹ Everything was now on the hazard for the communists. The Groupers held 16 places plus four safe votes from Breweries and the Country Sections, while the communists held 13, and so needed 10 of the 12 remaining places to reach a bare majority of one.

On the 26 June the *Sydney Morning Herald's* front page reported it was all over. The communists, previously holding 34 places to the Groupers' four places, were now 'ousted'. Riordan commented to the press that the 19 Sections had made organizing hard, but 86% of the membership had voted and shown 'keen interest'. It had been a 'protracted struggle for power', and the union would embark upon a drive for membership: 'We feel that now the communist shackles have been thrown off the clerks of NSW will at last have confidence in their union'. He indicated that Hughes and Proctor would be dismissed from their offices within the fortnight. The next day Jack Kane, General Secretary of the Industrial Groups in the ALP commented favourably on the ousting, and HE Holt, Minister in the Federal Liberal Government, made his support clear. The result 'heartened' confidence in democracy and should encourage 'all good Australians'. Holt was also quoted suggesting that there had been 'counter penetration' of the communists' infiltration of the unions, but 'obviously little detail could be given'.

Phil O'Toole's memoir describes the lead up to the momentous 'ousting' of the Hughes Executive: 'With the result of the ballot favouring the Industrial Group, a section of the union called on the Executive to summon an urgent meeting of the Council. This was complied with and was held on Sunday, 27 July 1952'. Hughes however was reported in the meantime as taking some petty revenge on the Groupers. Riordan claimed that the five newly elected delegates comprising the Radio and Electrical Committee of Management wanted to hold a meeting in the union's rooms, their purpose being to plan the special Central Council Meeting and consider, 'amongst other things', the Secretary and Assistant Secretary's tenure. Hughes however refused to let them have a room, 'meetings were not being held at that time', so the Groupers convened in the corridor.⁷² But by the time of the extraordinary Central Council Meeting, held Sunday 27 July, Hughes and his Executive had recovered their composure and they would make a graceful enough ending to their reign after fighting to the very end.

Hughes' Swan Song

On that Sunday, 27 July 1952, Geoffrey Anderson took the chair. He called for an atmosphere of calm and sober detachment, 'given the nature of the items to be dealt with today', foremost among them the challenge to the Executive. Hughes commenced proceedings as Secretary, with the incisive Paul Mortier on hand to support him.

Hughes fought to the last, determined to win over any stragglers among the Councillors. The orator took the floor to deliver his final Secretary's Report. The people needed work, and the 'tally

clerks were seized with the importance of opening up trade with China'. He spoke against Menzies, the domination of the USA and he described a bleak world of workers without strong, 'fighting' unions: there would be 'smokeless stacks and closed gates'. He recalled the 'lessons and experience' of the depression years when big organisations such as BHP and Colonial Sugar were free from industrial regulation and there were 'vicious forms of rationing of work, and the clerk, cap in hand, begged to be worked more than one week in three'. Now the union was a 'fighting organisation' and Hughes called upon the Council for 'a great fight for justice'.

Hughes then turned to the subject of the Groupers' intentions, noting that Anderson, Proctor and he himself were even now 'concluding' their work in the CSA application and Radio and Electrical Awards cases: 'Our only desire is to serve the interests of the members'. As for the matter of maladministration, 'it is true that our financial position is difficult' and litigation against the Groupers had drained the union's resources.

O'Toole was wary and would not let the report be received; it could amount to a near vote of confidence in Hughes. However, he accepted Hughes' offer to complete the industrial work on hand; 'any incoming Executive would consider deeply and seriously the offer that the Secretary and Assistant Secretary should complete these cases'. Mortier observed that not a 'shred' of the report had been opposed and the Groupers' agenda was clearly a 'program of head hunting' and policy had nothing to do with it. Hughes' supporters did their best to forestall the sudden death of a Council vote. Mortier and Gill called for ballots of all members but Riordan pointed out that the Councillors, freshly elected by 'probably the highest proportion of members voting in the history of the union', some 80%, had the confidence of their Sections and the 'will of the majority of the members of that Section has been shown and must prevail'. Moreover, another ballot would be expensive.

Riordan simply stated that the rules did not ask for a reason to be given, pointedly citing rule 30(d) and *not* 21(f), which required some charge of dereliction of duty, and saying 'This is the first time the newly elected Central Councillors have come together and I consider it only right and democratic that their pleasure should be ascertained in accordance with the rules of the branch'. Hughes' wit and sense of theatre did not desert him. He had held office for 20 years; 'after all, I have probably given a good deal of opportunity for criticism', but it seemed Riordan could find 'nothing to charge him with'. Mortier turned to the Councillors, as they sat poised to vote Hughes out of office: 'If you disagree with the policy of the Executive you are entitled to change that policy by resolution of this Council'. The motion against Hughes was carried, 25 to 18 votes. O'Toole then moved against Proctor, carried, 25 to 18 votes.

Monday's *Herald* reported that 'members of the union sitting in the gallery cheered loudly' as Hughes and Proctor were voted out. They sat in as observers for the rest of the meeting, in the somewhat unlikely company of the Federal President S Martin from Central & Southern Queensland Branch and the Deputy Federal President John Maynes from the Victorian Branch.

Riordan then nominated O'Toole as Acting Secretary, carried 25 votes to 18, and O'Toole nominated Riordan as Acting Assistant Secretary, carried 25 to 17. The Council was then requested to suspend the President Crampton, Deputy President G Anderson and Vice President Mrs Dorothy Goodrich from office while it appointed a Committee of Messrs O'Toole, Stacey and Riordan to

‘conduct an investigation into the administration of the Branch’. Malcolm Stuart-Robertson was appointed as President during the suspension and the trustees’ tenure was also terminated. Delegates to the Labor Council and Federal Conference were recalled, including Hughes as Federal Vice President. As O’Toole noted, ‘The new officers reported for duty the next morning, Monday 28 July’. O’Toole recalled the personal tension and risk of that final weekend of the old administration. He had left his place of work ready to step into office but he did it without knowing he would have a job come Monday morning.

The Clerk, in September 1952, announced to the membership that the rank and file was now in control – ‘Communist domination was smashed’. In the *Sydney Morning Herald*, 28 July, O’Toole publicly declared ‘We can now get on with the job of building the big, powerful fighting union it should be’. O’Toole did not mince words about Hughes’ purposes and machinations - many would not join because the union had been ‘devoted to the interests of the communist party and not the interests of clerks’, and the ‘communists deliberately left thousands of clerks unorganised because they did not want to upset the cunningly worked out structures by which they clung to control of the union while representing only a tiny percentage of the members’. Indeed, without obtaining expert legal advice, ‘we could not have got around the tricks and manoeuvres’ by which they ‘tried to frustrate the will of the members right up to the last moment’. Riordan described for the press how the Groupers had conducted a three-year struggle, how the communists had tried to amend the rules to stop their domination being broken and how the Commission’s Industrial Registrar had refused to uphold Hughes’ attempt at ‘tyrannical rules’.

The original ‘Grouper’ administration would undergo some shuffling over the next decade. O’Toole would be nominated for the position of Assistant Federal Secretary in January of 1954, a position described at the Executive Meeting of that month as one which ‘ought to be filled’. He took up that position in February, a move which involved a few steps to the Federal Office down the hallway in the Phillip Street premises, the Federal Office having shifted to Sydney in 1944. Joe Riordan became Acting Secretary of the NSW Branch by 30 to 1 votes. In April of 1954 Reg Coady, by then a trustee of the union, won the State Seat of Leichhardt for the Labor Party. When the Federal office moved to Melbourne O’Toole chose to stay in Sydney, taking on the executive role of Chief Office Administrator in the union, and he was elected Vice President in August 1956. Stuart-Robertson resigned as President in November of that year, and O’Toole was elected to that position, then to the position of Secretary of the New South Wales Branch in late 1958, after Joe Riordan was elected Secretary of the Federal office and departed for Melbourne. O’Toole was happy to be back in the Branch office after his Federal experience; he found the Federal position dull and too far removed from contact with the rank and file and the day to day issues of running a union. Phil O’Toole then held office as a distinguished Secretary of the union until he retired in late 1978, while Joe Riordan went on from his years at the helm of the Federal Office to a career in politics, reaching ministerial level and then on the bench of the Industrial Commission.

Chapter 9

Industrial Groups in Control and the Labor Split, 1952-57

At the October Central Council Meeting of 1952 the Acting President, Malcolm Stuart-Robertson took the chair. The remaining Hughes faction were Councillors Mills, Coleman, Mortier, Anderson and Holmes. There had been co-operation for the sake of the union: the registration of *The Clerk* had been transferred from June Mills to O'Toole as publisher and proprietor, and Mills and Proctor had offered their services and been employed for a further two weeks. Hughes had dutifully completed work on the CSA on the 3 October, and reported to the Industrial Section on the 4 October that the case had taken 12 months and involved the interests of 50,000 clerks, a figure which included non members. The decision was reserved.

What had the Groupers won? To Jim Macken it had been a case of 'Congratulations, you've won the union, its assets are that old typewriter in the corner'. The accounts, as at June, showed an excess expenditure of £3,096 over income, the immediate crisis due to the payouts to the dismissed administration, although low reserves had become chronic. Many believed that Hughes' use of the union's office and people as an administrative arm for the Communist Party had put extra burdens on them and this impression was not helped by the discovery as Jim Macken recalled of some CPA Minutes left behind by accident on the premises in the course of clearing out.

Secretary O'Toole's Financial Report noted the investigation of the three suspended Executive members' administration showed the 'handling of finances seemed purely for the purpose of winding up the affairs of the Union in anticipation of a change of administration'. There had indeed been a sale of assets, including two Skoda cars, one originally bought out of the Shipping Section's own funds. A lone Holden was left and the new Executive felt it was 'our responsibility to give the only car the union has to that Section'. O'Toole as Secretary granted that the previous administration's activities were 'within the rules', especially those regarding long service leave and winding up the office but Riordan could not resist remarking that the union had borrowed 'some £1,500 to pay out £1,886 pounds to the staff of the Union' from the Tally Clerks' Holiday Fund. The suspension of the old executive was lifted but Crampton, Anderson and Mrs Goodrich were then promptly voted out on the grounds that they 'should cease to administer the affairs of the Council' at the Council's pleasure.

O'Toole's General Report as Secretary gave a plain account of union matters since July. Many Sections and subcommittees had held their meetings and fifty representatives had attended a meeting on the 19 September. Coady and O'Toole had attended the ACTU Congress in Melbourne while Stuart-Robertson, McGuirk, O'Toole and Riordan were elected delegates to the Federal Council. There were now twelve people on the union pay roll; five girls, four organisers, an accountant organiser, two executive officers and Mr Copley was part time at Newcastle. The President, Stuart-Robertson, on long service leave from his employment, worked full time as an organiser on a voluntary basis for three months; he was given an honorarium of 150 guineas in 1956 when finances were less desperate. Ralph Hills, Shipping organiser, had won the position of Vigilance Officer by 498 votes to 307 against McLaren. The union was running on a tight budget after the payouts and it was noted that the present staff had waived all rights to extra pay including tea money and had deferred contributions to the Provident Fund; 'these matters will be corrected as from the beginning of the new year.'



Reg Coady, Councillor for Breweries - Tooheys

There was as usual little hostility over industrial matters, and the Central Council was quite functional despite five councillors of the Hughes faction still smarting in its midst. When Hughes' supporters raised a matter they were met with a helpful enough response. June Mills was concerned about women's wages and O'Toole suggested a committee to put together a composite motion. The committee members were Mortier, Coady and Stacey. Miss Coleman's call for a scientific investigation into tariff reduction seemed to appeal to Riordan, who responded 'Scientific should be stressed'. Everyone also agreed on public health and June Mills confided to the meeting how after a recent hospital stay she had been very upset at 'appalling sights'.

Nevertheless the Executive, and particularly Riordan, worked some anti communist remarks into the meeting. The Executive had produced 5,000 pamphlets setting out the need to join the union, and Riordan boasted that there was 'nothing political' in them. References to peace and so forth had 'deterred many clerks from joining the Union' and their new executive believed that they had 'a primary allegiance and that is to the members of the union'. 'Councillors will now be able to squash any stories about the union being exploited by communists, and using *The Clerk* for red propaganda, such as germ warfare, Atom bomb etc'. He warned the Council against the communists and their ploy of a united labour movement, the 'unity that is put forward by some people. I think it is only a trap to cut the throats of the Executive in office'. June Mills seconded Mortier on the subject of unemployment while Riordan denounced Menzies over mean unemployment benefits in a style as lively as Hughes' own political addresses: 'they are playing ducks and drakes with a national calamity', and 'the position is that we have been left to hold the baby and we have to do something about it'. When Mortier complained at being denied a passport to travel to the Peking Peace Conference and he seemed to think Riordan was behind it. Riordan made a joke about the allegations: 'I might have said "Yes, give them a passport" – if it were for a one way fare' but Riordan had no time for Mortier's concerns. Chinese troops were at that very moment involved in the conflict in Korea and Riordan was 'in full accord with Dr Evatt [leader of the Federal ALP] in supporting the Government on this issue', the refusal of passports for communist activities.

The other sticking point was compulsory unionism. The CPS Section raised it and Miss Coleman opposed it: 'I do feel you have got to look on this as something more than just an easy way of making people fight for conditions'. Agreement was reached on one point; Wal Bray from Radio and Electrical moved in support of conciliation and arbitration and when Riordan amended the motion with 'reserve right to strike', June Mills 'reaffirmed' that that had always been the union's policy and the amendment was seconded by O'Toole. The Executive was not quite finished; it was moved that no more information be sent to Mr Ernie Thornton, of the WFTU in Peking. There was the matter of a letter, 'Dear Comrade', signed Ernie Thornton, and a reply from Hughes. June Mills seconded ceasing such information.

When November elections were duly held for the three honorary positions on the Executive Stuart-Robertson defeated Mortier 30 to 6 votes, and Fenton defeated June Mills.

The crisis of money and membership: compulsory unionism and debt

Given the political climate of the fifties a policy such as compulsory unionism could appear in two lights, one industrial, the other political. The *Herald* of 24 June 1953 explained how the 'Federated Clerks', now with a membership of some 10,000 and contributing £376 to the ALP, would stand to gain 60,000 members, and contribute £3,000 to the ALP. The union would also have more delegates and would be transformed into the biggest affiliate in the party, despite the existence since 1918 of S.107 of the Arbitration Act, prohibiting use of union funds for political purposes. Thus compulsory unionism, exercised to its limits by the Clerks' Union, could put the Industrial Group right wing in permanent control of the ALP.

In point of fact, the Assistant Secretary had reported the membership of the union as at October 1952 to be 4,303 financial, and 4,903 unfinancial. The Union was clearly desperate for paying members. After some 15 years away from it under Hughes, the Union reaffiliated with the ALP after the Central Council Meeting of April 1953, when O'Toole was quoted in the *Herald* stating that the union would send 10 delegates to the ALP Conference and thus 'play a part in the formation of Labor policy'.¹ At the Central Council Meeting of 2 May 1953 it was stated; 'Many future gains can only be won through Parliamentary legislation'. So the ALP had gained the support of 'another good, clean union and 'only the Communist weeps'.

Compulsory unionism also fed the idea of complacent officeholders in moderate unions; Alan Reid wrote a leading article in the *Herald* describing them as a 'professional bureaucracy' which had taken the 'spirit' out of the ALP. For him compulsory unionism would make the unions 'machine-like', generating wealth and power while making less work for their leaders.² The next decade in fact saw the union more preoccupied with fighting off bankruptcy than planning a political or bureaucratic empire, and it struggled to hold onto hard won industrial standards in the face of employer's efforts to increase hours, reduce the basic wage and freeze margins. Macken reckoned that the officers and staff certainly would not have been there if they didn't care about the union; the rates weren't good enough. Vince Higgins, later long serving Secretary, looked back on the fifties as a 'brutal' time for the administration and staff. He recalled that in the early years money was so tight that Charlie McCafferty, appointed Office Manager, often had to make discreet inquiries about who would be able to accept the week's pay by cheque, and not need to draw it too soon. Higgins believed that no-one

accepted more of these cheques than McCafferty himself, a single man who could manage somehow and was doing his best with the often thankless job of cutting costs. Some who had been there from the 'ousting' days left; in November of 1956, for example, George McGuirk tendered his resignation to 'go to a more remunerative position'³.

Given their far reaching State and other Awards, the Clerks had little choice but to seize the day and help persuade JJ Cahill's State Labor Government to legislate that those covered by the common rule of an Award must be members of the appropriate union. The left opposed this on ideological grounds and, it was suspected, also because a growing membership would swamp schemes to win ballots. In January of 1954 Mortier even claimed at the Industrial Section Meeting that the right had done some deal with the State Government, sacrificing a 3/- increase in the basic wage in exchange for compulsory unionism legislation, a claim J Maloney pointed out was a 'display of complete ignorance'. The Government did not direct the Commission. But it all ended in disappointment anyway, especially for the Clerks. The legislation was passed on 17 December 1953 providing that: 'An employer engaged in an industry or calling to which an Award or Industrial Agreement relates or applies shall give absolute preference of employment to members of the Industrial Union or Unions engaged in such industry or calling' but the Government did not have the political courage to enforce it. The employers commenced a challenge to the legislation on constitutional grounds in the High Court. In the meantime the union had to embark on a recruiting drive and the membership leaped from 9,570 in June of 1953 to 18,161 by December of 1954, then declined by about a thousand a year until in 1959 it leveled almost perfectly to its original 9,590 members. O'Toole recalled how in November and December of 1953 'clerks were coming in droves to the fourth floor at 166 Philip Street, to secure an application card, sign it and leave, very few paying at the time'.

Managing this briefly billowing membership required money, and finances had not improved since the Hughes' administration was paid out. In May 1953 it was necessary to consider overhauling long service leave for the union's staff. In October the union obtained a bank overdraft of £1,500 on condition it move its account to the Rural Bank. This was after the Auditor, AJ Williams, had rather delicately suggested to the 20 August Executive Meeting that the union still needed to deal with 'what might be termed a difficult staff transfer period', possibly referring to the matter of paying back the loan from the Shipping Section.

By November 1952, with the compulsory membership legislation imminent, the union saw it would need an 'accommodation' of some £7,500 from the Rural Bank. The accountant recommended the purchase of a National Cash Register, costing £998, but able to issue receipts as the membership grew. Record keeping equipment had to be updated, so the old machine was traded in and a new addressograph, a kind of small printing machine, able to turn out embossed plates, was bought to cope with the influx of members. Two Holden cars were purchased and four organisers were scrambled to country areas; J Sullivan covering from Canberra to Wagga, Hills of Shipping to Tamworth, McGuirk from Newcastle to Orange, while Hills' job would be done by Fred Toby, Secretary of the Shipping Section.

Jack Galvin was appointed City Organiser and Vince Higgins was taken on as General Organiser, 'particularly to recruit new members', on the same pay and expenses as the others. £200 'floats' were

needed for the country organisers, and of course some provision had to be made for office staff. In Sydney premises were rented in Cathedral Street to provide a more central, additional office as the union struggled to manage the procession of clerks enrolling and making inquiries. The premises had to be sublet in 1956, long after the membership rush had subsided. The overdraft was at last discharged in February of 1960, after years of financial struggle.

Vince Higgins' memories of his first days as an organizer in the early 1950s were vivid. They reflect the union's shoestring budget and the relative inexperience of its officers at the time but also give insight into the problems confronting the union as it set about making commercial clerks the core of its membership. If organizing was difficult, representation and Award making for such an indefinite occupation would prove even more of a challenge. The experienced Jack Galvin was instructed to take Higgins under his wing and teach him the ropes:

Jack Galvin and I found out down the track that Jack had been there four weeks. Jack would have been about a year or two in front, he was ex-air force, in that sort of middle to late twenties. We would go out to an area, let's say Hurstville, in Phil O'Toole's own motor car, he would bring that in by day and it could be used by staff, run into the ground that car was. I can still see the dividing line where the old bridge came over the railway line where it was 'You take that corner, I'll take this corner', and then you'd go and cold canvass. And that is stressful. The whole lot of it, you had to find a place that employed clerks, and nobody wanted to talk to you, and as soon as you got near a manager they'd say, there's no clerks here, no clerks here at all, six people sitting at desks, they were plumbers, electricians, but you had to overcome that hurdle and then ask to check the wages books, haven't got any, oh well, have to get factory inspectors out here to see why you're not keeping them properly, and they'd relent after a while, they'd work on the principle easier to get rid of these people, show him, rather than try and stonewall. And then we'd meet say two hours later or whatever, and then compare notes and get very embarrassed if someone had signed up fifty and someone forty and you hadn't signed up one solitary cove. It was that type of cold canvassing and then the office manager might have a list of locations, they were all small, more than a dozen members at a place. They were big jobs, but you'd go out to a place because someone had phoned in, there were people to sign up, there were quarterly union contributions to be collected, and they wanted someone to go out which was important for us, because it meant the cash came straight in. All of those things, working out which Award covered which people, where they worked, which industry, was it a retail shop, and that wasn't easy to work out sometimes because a person might be in an office with twenty others, retail shop was upstairs'.⁴

Joe Riordan suggested to the Executive in January 1954 that the union might pay the registration and insurance on O'Toole's car, given it was 'used extensively by the organisers of the union'. The union cars were worked hard, for example, in 1957 a car had traveled 90,000 miles and was in bad repair and needed a reconditioned motor, £50 plus labour, £215.

Senior organisers were seen off premises and O'Toole reported to the Industrial Section Meeting that BHP at Port Kembla and Newcastle apparently made all employees write to the Industrial Registrar for exemptions and when only a few were granted the employees were asked to appeal. On 15 February the *Herald* announced that organisers were ready 'today' to start checking if compulsory

unionism was being observed, and this time the union was less naïve. Its officers were ‘armed with entry permits signed by the Industrial Registrar’ and the threat of a £50 fine if entry was denied. About 70% of employers had refused them entry without permits, and the union had obtained legal advice that although on appeal, the legislation was valid. On 3 May the *Herald* reported from the Central Council Meeting that 8,000 more had joined although some employers had instructed their clerks not to do so until the High Court Appeal was heard. In September the *Herald* recorded the Clerks’ determined attitude to compulsory unionism, reporting that they had issued 31 summonses on employers for failure to observe compulsory unionism in five companies where they alleged employment of non union labour.

In the meantime in January of 1954 the Rural Bank needed to discuss the union’s overdraft. Miss M O’Brien had to be let go from the Newcastle office, and Sydney also had to shed a member of staff. In late 1956 O’Toole, as Chief Office Administrator, had to report that cash was very short; the union ‘was facing an acute problem in this regard’, with the overdraft ‘utilised to capacity’. By December things were desperate; the balance was £741/9/5; ‘the position was very close in view of our salary commitments next week, only very pressing accounts have been paid’. The *Herald* reported that the union’s opponents assessed it as ‘practically bankrupt’, with £8,130/14/4 still owing on the £10,000 overdraft. They claimed the union wanted to impose a levy on the 1,000 strong Shipping Section.⁵ The Executive responded that it cost the Branch some £3,000 to get rid of the communists in 1952, and they’d been paid their superannuation. In early 1957 it seemed necessary to sell one of the cars, as the union was ‘on the borderline of the overdraft’ and ‘must have cash for salaries’ on the 3rd and 10th of the month. Disaster was averted when a good bank balance was reported in January: £4,024/13/8. Nevertheless, the Orange office had to be closed in March, and that month the ALP, increasingly out of sorts with powerful unions and in particular with the Industrial Groups, withdrew its support for compulsory unionism. In May summonses for breaches of S.129B were adjourned until the High Court made its determination on the constitutional validity of the compulsory unionism legislation.



Phil O’Toole, Arthur Stacey and Wal Fenton at the Central Council Meeting, Federated Ironworkers’ Building, March 1954.

Councillors



Jim Doherty (Egg Board), Gerry Collett (Canberra) and Jim Sullivan (Canberra) attend the Central Council Meeting in 1954.

On 29 May 1957 the *Herald* reported that Justice Taylor ordered the union to cease an action designed to enforce compulsory unionism when Assistant Secretary Gray had, with Riordan's approval, directed tally clerks to refuse to handle the company's cargo in protest at non-union clerks at Frank Cridlands. Morey complained at the 'high handed action' of the Executive, imposing a black ban without consultation. The communists gave unqualified support for 100% unionism, but by 'conscious conviction', not 'compulsion'.⁶

June brought more financial problems, with 'extreme difficulty in maintaining the number of personnel', so the Wagga office was closed and Organizer Sullivan's services terminated. He was to be given time and help to find other work, and was offered £50 car expenses and removalist's costs to Sydney. More of those employees staying on needed to be organizing '9 to 5 pm' and again the union looked at selling a car, this time to pay a lump sum to the Federal Office to meet outstanding contributions, but it could not be done. The car was needed to cover Sullivan's area. 'Stringent control' was needed 'over all finance and expenditure', O'Toole declared. At the same time staff were to be treated fairly and effort recognized; Mrs Molloy, whom long serving staff member Nita Breen remembered from 1966 onwards with admiration and respect, had 'proved herself very capable and efficient' in keeping the all important membership records and was given an increase of £1 per week.

The Executive seemed vulnerable to the taunts from its opponents. K O'Hara, communist or 'progressive' member of the Industrial Section, was charged with distributing misleading information at the Section's July General Meeting. The pamphlet claimed that the union had in fact had a balance of £6,400 in 1952 and there was now a deficit of £2,000 and also questioned the good judgment in following compulsory unionism. The Executive settled for reprimanding O'Hara. In 1956 and 1957 there were no honoraria for the Deputy and Vice Presidents of the union.



Labor Day Procession – 6 October 1958, near Redfern Post Office

The application of the compulsory membership legislation and the employers' appeal against it were at last resolved in 1959 when a provision allowing preference was substituted for the requirement of union membership. The challenge to the validity of S.129B was listed for 18 August 1959, with the union a party to the proceedings. In the meantime the State Government had indicated that it intended to introduce a different measure to grant preference. In O'Toole's opinion this was 'a substitute and much less effective for this Union than the present provision under S.129B'.⁷ O'Toole recalled of the compulsory unionism venture that it 'took a few years to untangle the Union membership, cleaning out the records of those who had never paid'. The compulsory membership dream was over and despite the effort and the expense, the artificially boosted membership not only failed to solve the Clerks' Union's financial difficulties but made them worse. As for political weight and power, there was nothing in it for the Executive. It had all been rather a case of 'damned it you do and damned if you don't'.

There had also been another disappointment for the union in its struggle for membership. In 1954 it had tried to tap into the rich and most accessible lode of potential members, the State Public Service.⁸ When the Public Service Board announced that all clerks under its provisions must join a union by 19 January 1954 the race was on between the PSA and the Clerks' Union to gather in this windfall. On the 13 January the union told the Public Service Clerical Division that it meant 'to continue in the clerical field in the State Public Service'. There was an agreement that both could recruit but the PSA now wanted the old demarcation, and the Industrial Commission demarked the union from the State Public Service. It already had some members from the Public Service; some clerks had left the PSA in September of 1949 and joined either the Public Service Clerical Officers Association or the Clerks' Union, where 802 enrolled and some 112 had continued their membership. However, as was noted in the case the PSA brought against the union, from at 'least as early as 1927 to September 1949', the PSA 'had exercised the exclusive right to represent and protect clerical officers' employed by Government. It was also noted that from 1927 to July of 1952, no effort had been made to represent

or protect 'other clerical officers in the State' and the Clerks' Union was excluded, with the exception of the Egg Marketing Board and the Fire Commission clerks. There the memberships were 163 and 52 respectively, where the union had a history of obtaining and keeping up Awards and Agreements tailored to these clerks' needs.⁹

Politics: Communists, the ALP and the Industrial Groups

According to Greg Patmore: 'The success of the Groupers was their downfall'.¹⁰ Thus it soon seemed that possession of the union football had passed from an extreme and power hungry communist left to an extreme and power hungry ALP Industrial Group right, both under the influence of organisations outside the Labor Party.

The first Secretary of the Industrial Groups, Harry Jensen, had seemed well aware of the dangerous opportunities the Groups might create and 'emphasised that they would not be used as a 'cloak' for 'any sectarian body'.¹¹ The Groups became the point where the Movement gained strength as it joined forces with other anticommunists. The Catholic Social Studies Movement was also the backbone of the Groups, having had the 'benefit of prior existence', and while the Groups included a much wider membership, Catholics were the best organised and clear in their opposition to communism. They provided a nucleus for the Groups. When under the mantle of the ALP the Groupers started to run rival election tickets to displace communists from office the Movement was seen to be growing too influential in political life, having used the Groups as its vehicle.

The *Herald* noted there were 29 Group supporters and 12 left wingers at a 'recent meeting' of the Clerks' Union.¹² Bradon Ellem suggests in his study of the Clerks' Union in New South Wales at this time that the growing factionalism in the ALP sprang from 'profoundly different ideologies which in turn did generate different views of the politics and purpose of trade unionism' and that the rise of the Industrial Groups signaled not the 'end of ideology' but its 'redirection'.¹³ There was growing concern about where that ideology came from and how much the Groupers were colonising the ALP.

The communists' policies had become familiar enough. *The Clerk*, August 1950 stated that they sought peace, a £10 wage claim, equal pay and price control, to them all 'far more important than any immediate adjustment in particular sections' of the union. The Groupers had responded: 'We must purge ourselves of communist propaganda and concentrate on the industrial problems, drive for reduction of arrears and the recruitment of new members'.¹⁴ However, the Groupers inevitably had political and social views and these were expressed at the Central Council Meeting May 1953. Phil O'Toole proposed a 'pattern for the Future', reported for the members in the May edition of *The Clerk* and mentioned at the Executive Meeting on 5 May. O'Toole gave 'a survey of our position as a responsible body in the affairs of the State', and among his quite broad agenda were continuation of the Snowy Mountain Scheme, a program of public works, maintaining defence capacity, supporting the United Nations and the notion of 'unlocking the land', an immigration scheme focusing on rural areas and 'rectifying' unemployment. These policies set the tone for the union's participation in the wider world. 'Unlock the land' was identifiable as a Catholic Social Studies Movement theory advanced by BA Santamaria in an earlier study. Ellem saw the new Executive's values as 'stability and anticommunism, reflecting a patriotic and masculinist view of unions' and the communists were given little quarter.¹⁵ Members were reminded to attend all meetings and outnumber the 'reds', who

could still organise within the Sections. Disapproval of the 'ousted' faction's interests was expressed at the Executive Meeting on 5 May: 'surely these Myrmidons of Hughes and the Communist Party would have gone quietly for a while. No Sir! Up they come with a proposal that the Executive should support them in the May Day march!' The request was denied and the union supported Labor Day in October, the Executive confirming in April that there would be no more May Day Processions for the union. In December the Executive also voted £10 of its meagre resources to Laurie Short, former Trotskyite and then Grouper, and now Secretary of the Federated Ironworkers, the first union in New South Wales to be won back from a communist leadership, to sustain him as he visited America as Trades Union representative from Australia.

The Section meetings following the ousting in the early 1950s suggest that the Executive's continuing preoccupation with communists had a practical and immediate basis. The remaining communists made it clear from the start that they meant to win back the union if they could. The moderates might well have appeared more focused on industrial matters had the communists and their supporters not demonstrated such determination to regain the leadership. Communists or 'progressives', as they and their supporters were known, were Councillors and leaders at Management Committee level in the Sections and introduced highly provocative political issues at meetings and pushed for militancy in defiance of the Executive's efforts to proceed with its industrial work. The Executive responded by standing firm on the union's opposition to communist affiliations and policies. At the same time the Executive upheld democratic procedures and took pride in the fact that communists were accepted as members. The point at issue was that the membership did not wish to be represented by them. The General Meetings, discontinued in 1942, were reinstated in late 1955 and gave the Executive's opponents a lively forum where they could have their say every third Wednesday of the month in Room 27 at the Trades Hall.

Key communist members tried to make the Industrial Section their stronghold. They still had places on its Committee of Management and G Anderson as Chairman, with Hughes, Mortier, Mills, Instone and Della Nicholas, gave reports and used their Section positions to have their say. A Grouper contingent of Riordan, O'Toole, C Anderson, R Grey and JJ Maloney were conspicuous by their presence at these Section meetings. They held the Executive line, making it clear for example that it did not want a Union Youth Committee and was not prepared to join the leftist Hospital Employees' Association Conference. The communists still had support; when the Central Council decided the Sections should send delegates to a representative Union Committee June Mills was elected for the Industrial Section. In the meantime there was a degree of politeness and respect; at the Central Council Meeting 3 October 1953 for example, Riordan moved for the adoption of June Mills' report on the basic wage and hours, but the Executive kept considerable control. While the May Day Procession was not supported the Six Hour Day March was, and the Executive called for slogans but they could not deal with international affairs; they were to be 'in the industrial field' only.

When it came to reporting back from the Central Council Meetings Councillors Mortier and Mills took the opportunity to make political points. In May of 1953 Mortier claimed that O'Toole's report as Secretary showed a 'do nothing' attitude, endorsing as it did Evatt's foreign policy and displaying the weak politics of 'accepting the status quo'. Mortier's conclusion was that, unlike the last Central Council Meeting, there was nothing positive, so the rank and file should take action against the

employers themselves, 'and not rely on Council and the Executive to do the job for them'. In June there was a squabble between Mortier and C Anderson over compulsory unionism, and it 'provoked uproar and disorder in the meeting'. Anderson chaired the debate which included comments about Mortier's past activities. This raised a nice point of order but Anderson refused to take notice of a motion of dissent then walked out with the Secretary Mrs Woodlands and COM members E O'Neill and Miss P Erundell and 'about forty members'. All four committee members were charged under Rule 35 sub rule (a) par (1) (10) and summonsed to appear before the Executive. Some one hundred spectators and supporters attended while Riordan kept matters on track: 'Anderson refused to take a motion of dissent and that is the charge'. The charges were dropped against O'Neill and Erundell, proven against Anderson and Woodlands, but no action was taken. Meanwhile on the 4 July Maloney moved no confidence in the Industrial Section COM and called on the Executive to remove it. The motion was carried, five members resigned, and a new COM with Grey as President and Maloney as Secretary was elected in October. Grey defeated Anderson by 146 to 74 votes, and Woodlands and Erundell were also defeated in the ballot. 347 members were entitled to vote.

In October 1953 an objection was made against Mills' giving her personal opinion on Secretary O'Toole's support for the United Nations, and criticising the Arbitration Court. J Maloney, seconded by McCafferty, stated that Mills' report was 'one of the best attempts he had heard to insert communist propaganda' and Maloney called either for her resignation or for the Executive to recall her. It was carried 30 to 22 votes that 'this section no longer wants communists to represent them'. In December Misses Coleman and Lindsay of the Metropolitan and General Section were also recalled as Central Councillors by a decision of the Executive and they resigned. But Mills and Mortier would not 'fall on their own swords', as the Executive put it. Hughes claimed the Executive wanted a 'yes' Council, a notion which 'amused' Stuart-Robertson, given the ruthless way Hughes in his heyday had played 'prosecutor, judge and jury' to get the Council he had once wanted. McCafferty moved that the Councillors had not done their duty and had attempted to 'propagate communist propaganda' at the meeting. The motion was carried 31 votes to 20 and the Executive now felt justified in writing to Mills and Mortier to indicate that the matter would go to a ballot of the Section. In January Mills still refused to resign while Mortier had not even replied and the ballot for their recall was held. The recall ballot was passed 106 to 79 votes. By March of the next year 1954, when O'Toole resigned to take up the position of Assistant Federal Secretary the Executive had what Hughes called a 'yes' Council; the Council voted Riordan in as Acting Secretary by 30 votes to one. The *Herald* declared 'ALP Man Returned in Clerks Union' without opposition and that the communist influence was now 'negligible'.

The ALP Split

Reminders of the Clerks' Union's history of 'communist influence' in New South Wales appeared on the front page of the *Herald* 4 May 1954 with news of the Petrov Commission into Russian espionage in Australia set down for 17 May. Petrov had defected from the Russian Embassy where he was a Soviet intelligence agent. ASIO had made careful overtures to him in the hope of gaining documentary evidence of spy activity in Australia. The quality, as examined by the Commission, of both the documents and Petrov's achievements as local spy master seemed to indicate that Australia had become an intelligence backwater. Nevertheless the defection was a great drama in the highly

charged political climate, and CW Anderson, General Secretary of the NSW ALP called for the terms of the Commission to be widened to include communist infiltration into the unions, the use of strikes and the way the WFTU was a conduit for communist directives. One of the unions once involved in this web was alleged to be the Clerks' Union; Petrov was on the mailing list of the NSW Branch, right there on the old addressograph machine and had apparently been receiving information from the union. Hughes was quoted as dismissing this as a smear campaign but was identified as an agent, code-named 'Bask'. Anderson was also mentioned in the course of the 1954 Petrov affair, his codename 'Yeger'.¹⁶

In the meantime I Williams of the Miners Federation was reported in the *Herald* as saying 'certain people' including Riordan were using the Petrov affair as a 'political football'. Members of Federal Labor leader Dr Evatt's staff were also implicated in documents from the Russian Embassy while Evatt came to believe that the whole thing was Liberal Prime Minister Menzies' conspiracy to smear the Labor leader, and that with an election coming up, Menzies had engineered the mock defection of a man who could in fact offer little proof of espionage. Evatt almost hijacked the Commission, representing himself and carrying the terms of reference away from espionage as he made political conspiracy the central issue. He protected his espionage tainted staff and was thus seen to have lost his bearings, particularly in the eyes of the Groupers.

The Groupers from the various unions had grown as a force in the ALP. In 1952 the anti-communist AWU-Grouper ticket had emerged as the controlling faction in the State ALP, but the success of the Groupers rivaled the AWU for the power this delivered. The AWU's policy of excluding communists from membership did not support the Labor Government's compulsory unionism and drew some criticism. When Grouper leaders such as Lloyd Ross and Laurie Short also turned their attention to the undemocratic processes in some of the non-communist controlled unions, and the NSW ALP agreed to re-form the Industrial Group in the Transport Workers' Union, where corrupt practices were suspected, Secretary of the AWU Tom Dougherty was ready to turn on the Groupers, his union having the taint of ballot rigging about it. In October of 1954 Evatt 'provided Dougherty with the opportunity he had been craving'. After defeat at the Federal elections and the effects of the Petrov Commission Evatt turned on the successful Industrial Groups in New South Wales and Victoria as disloyal, seeing them as agents of the Catholic Social Studies Movement, and declaring that 'a serious position exists'. Dougherty used the *Worker* to 'expose' BA Santamaria and the Movement as manipulating the Industrial Groups to 'capture the Labor Party for his own sinister purposes'¹⁷ The AWU Secretary then joined with Evatt and led a faction against the Grouper-dominated NSW ALP Executive.

The communists now positioned themselves as ALP supporters against the Groupers. Within the Clerks' Union there were outbursts of political animosity over the Labor Party rift; at the Industrial Section Meeting 4 September 1954 Mortier had put a provocative resolution, that the Section congratulated the leader of the Federal Opposition Dr Evatt for the stand he had taken in defence of democracy in the Petrov trial. There was a bitter amendment: 'We congratulate Dr Evatt on his effort in the Petrov trial and also congratulate him on his interference by his appearance at the trial to keep the Australian Labor Party on the opposition benches of the Federal House for many years to come' (1972, as time bore out). Seconded by Vince Higgins, the amendment was followed by a flurry of points of order and Mortier's motion was eventually lost 29 to 34 votes. On 23 October 1954

the *Herald* reported the Secretary of the NSW ALP CW Anderson's declaration that the Industrial Groups were now a party within a party, had over-reached their charter and could well split the ALP on a sectarian issue.

Central Council Meeting at the Federated Iron Workers Building, March 1954.



P O'Toole (newly elected Australian Federal Secretary, present on invitation),
A Stacey, Vice President, W Fenton (Deputy President), M Stuart-Robertson (President),
J Riordan (Secretary), Joan Brennan (Minute Secretary), Margaret Clacken
(Minute Secretary), J Macken (Retail), L Martin (Lithgow)

As the union's elections approached Central Council changed the Hughes' administration's rules; as it was put in the January 1955 *Clerk* the 'rank and file were to be masters of Central Executive and NOT vice versa. There would be a ballot every 3rd year, and each Section was entitled to one representative on the Central Council with additional Councillors elected by the whole rank and file, exceeding the Section councillors by five. All members of the Executive now faced a plebiscite of the rank and file in election year. Joe Riordan moved the amendments and it was noted he had voiced his opposition to the union's previous rules when the communists were in power. There was now no room to 'juggle' the Central Council. Under the old rules the Executive could form and disband sections of the union and so could increase the council 'so that the colour of Council could be affected'.

On 28 January 1955 the *Herald* reported that the 'Secret Society', the Movement was seen to be behind the Groups' desire to dismiss Evatt. Compulsory unionism was the 'brainchild' of the Movement and John Kerr QC was its 'brains trust', which Kerr denied. Moreover, they had 'wrested' control of the Clerks' Union and now 'tragedy stalked' it. Of course Riordan denied this description of his union, but it was in this rather poisonous atmosphere that the Executive faced the union's triennial elections. The Executive's opponents were not easily identifiable as hard line communists; this time they were 'ALP men' as the CPA moved back towards a united front strategy with some

ALP members against the Groupers. Denis Holmes now ran for Secretary on an ALP ticket 'against the Industrial Group controlled Executive' as the *Herald* on 23 March put it. He tried to discredit the ballot, alleging collusion between the Commonwealth Electoral Officer and the Executive on the grounds that the Executive had known to send out its 'how to vote' card in almost identical envelopes and in the same post as the ballot papers. The Executive incredulously recorded in its Minutes that they were plain brown paper envelopes, so the point of Holmes' remark seemed obscure to them. Riordan dismissed the charge as 'ridiculous', and identified the 'smear tactics' as typical of Holmes' 'communist minded colleagues'. Holmes then filed an affidavit stating that Riordan had used union funds for his own purposes. Holmes managed to get the ballot halted by Justice McKenna in the New South Wales Supreme Court, but Mr Justice Fullagher of the High Court refused to intervene. The Executive retained all positions by three votes to one, defeating 'the candidates of the Anti-Group faction, supporters of Dr Evatt'. Riordan prepared a press statement on 19 May: '

The opposition of the Industrial Group candidates was sponsored by the Evatt-Dougherty faction, who saw fit to come into this union and try and unseat the present officials. The members of this union were aware of the machinations of Dr Evatt and his stooges and have shown, by their voting, that in spite of the vicious smear campaign against the Industrial Groups, they still have confidence in the Industrial Group leadership of this Union.

Joe Riordan kept up a vehement campaign against the communists. In 1955 he commented on the ALP, where 'communist infiltration was a menace to the safety and security of Australia' and in the December *Clerk* he warned that the 'war against Reds should go on', and the ALP should 'again start organised opposition to the Communist Party in the trade unions' by setting up Industrial Branches in the communist controlled unions. Riordan also observed 'new tactics' from the communists, suggesting that the ALP had become the communists' stalking horse: he referred to 'a united front between stooges, those who could be described as a bright pink', a situation which 'seemed to be confusing people'.

In the meantime political tensions continued to be played out in the union; the *Sun* on 13 April 1955 reported that the Industrial Section, consisting of trade union and political party employees, 'clashed violently' at a 'stormy meeting', and repudiated, by 29 votes to 24, a statement attributed to Riordan that the union would have to review its affiliation with the ALP because of the pro-communist policy of the Party's Hobart Conference. The diplomatic O'Toole smoothed the stormy waters; he told the assembly there was no 'intention' to disaffiliate, the statement merely meant that the matter should be reviewed in Central Council 'because of the manner certain policy decisions were made'. In the *Herald* on 22 April Riordan was reported calling at a Metropolitan and General Section Meeting for prosecution of those witnesses in the Petrov Commission involved in espionage and urging for 'wider powers against spies'. Riordan called for recognition of the Industrial Groups in defiance of the Party's Hobart Conference decisions and also for a Royal Commission after Mr CA Morgan, Labor MHR, had made allegations of ALP linked corruption at Bankstown Council. Morgan was a member of the union.

By May of 1956 the press brought news of another outbreak of the wider ALP faction fight in the affairs of the union. *The Daily Telegraph* on 17 May reported 'Uproar at Clerks Meeting' over a

Councillors at Central Council Meeting 1956



J Lemonde, L Mailer, F Toby, W Fenton, A Quinlivan

resolution supporting the Federal Executive of the ALP. The *Herald* of 21 June 1956 headline read 'Clerks Meeting in Uproar over Labor Split' when in an outright brawl at the General Meeting at the Trades Hall as fifty people struggled for possession of the microphone, 'punches were thrown and the microphone smashed'. The stoush was over a deferred motion from the Anti-Groupers supporting the Federal ALP's plan to dismiss the Industrial Group controlled State ALP. An amendment deploring Federal intervention had been carried on voices and the meeting had been in 'almost continuous uproar'. However, on a number of divisions Evatt supporters were reported to have been beaten by the Groupers by 143 votes to 135'.

The NSW ALP held a unity conference in August of 1956 and an uncomfortable but workable compromise was reached. Nevertheless, in September of 1956 the ALP, anxious to smother the breakaway rightist DLP, threatened anyone running on a union election ticket with a member of any other party, communist or not, with expulsion. At the Executive meeting in November Riordan called for a review of affiliation with the ALP; it was no longer compatible with the viewpoint of a large section of the membership. Bradon Ellem saw Riordan as close to the Victorian Branch, where the Clerks affiliated with the DLP and were part of the more radical split in the ALP. There were varying political opinions among the members in New South Wales, 'particularly since the advent of another political party' and 'rather than having the union indulge in a political dog fight, we should disaffiliate until the present dissatisfaction in the ALP is clarified'. The Executive suffered its first serious 'rebuff', 22 votes to 17 in Central Council. After one and half hours' debate Council rejected the Executive's recommendation to disaffiliate with the ALP. Riordan was noted as an 'outspoken' critic of the Federal ALP, and against the pro-Evatt State ALP Executive. Industrial observers said the split in the union was between ALP and DLP members.¹⁸

The Clerks' Union was now seen to be run by Democratic Socialists according to the *Sun Herald* on 17 March 1957 and the public was brought the news on 10 March the next year that a Clerks' Union ALP member intended to defy the demands of the ALP Executive. The member was Phil O'Toole and he refused to dissociate himself from 'how to vote' tickets for five officers, 20 councillors and 15 'sectional representatives' because he was on it with DLP members. Only one of the Executive was DLP (Assistant Secretary Gray) but O'Toole stood to be expelled from the Labor Party. It was reckoned that in fact 12 of the 20 General Councillors had no political party membership. As the elections approached the opposition named itself the Australian Labor team and Michael Whinfield campaigned against O'Toole on the grounds that O'Toole was running on a DLP ticket, and Whinfield considered the DLP was running the union. The *Herald* reported: 'The election has developed into a fight between the present right wing controlling faction led by retiring President O'Toole and the left wing faction, led by Mr Whinfield'. By 22 March the *Herald* reported: 'Top Clerks Expelled from ALP', being President O'Toole and Vice President Peter Brown, but it also confirmed the election result that the right wing Groupers held sway by two votes to one against a left wing Labour Party team. Riordan claimed this as a victory for the recently formed Industrial Groups Council. He himself had resigned from the ALP, and had defeated BT Mahoney, ALP, by 2,688 votes to 1,370. It was now suggested that the Executive's politics were identifiable as Industrial Group/DLP. At the General Meeting of 9 March 1957 Jim Macken had referred to a 'tiny and disgruntled minority' and called upon the rank and file to cast their votes, so that 'lack of rank and file support may be obvious to all'.

The Clerks then commanded the front page of the press on 19 April with 'Clerks Shock Move over Political Levies'. Macken had tabled a letter at the Executive Meeting, 13 March 1957, giving the legal opinion of JR Kerr and JH Wootten, on Section 107 of the Industrial Arbitration Act 1940-1956, prohibiting use of union funds for political purposes. The Executive confirmed in *The Clerk* of May 1957 that there should be a special fund for political purposes, and contribution should be voluntary. The Executive had in effect found a way of detaching itself from the ALP without defying the resolution of the 1956 Central Council. Affiliation was now up to the individual; members still had a vote, but they now voted with their pockets. It was noted in *The Clerk* of March 1958 that only three contributions had been made to the affiliation fund so members appeared not to be interested in affiliation 'at this time'.

While the moderates had wanted affiliation with the ALP, for years they detached themselves from the party when it seemed that collaborating with communists might threaten moderate values. Ellem saw those values in the union as based on the home and family, decentralisation, the five-day week and the presumption that many women did not work. In this sense the moderates were political and had substituted their own values for those of the communists. However, Ellem's observation was that while the communist view was based on 'an explicit political formulation which drove their unionism', the 'logic of the Groupers' beliefs in the specific context of the 1950s forced them to articulate "'political" unionism'.¹⁹ Standing against communism meant they had to have some political dimension to their identity and so the idea that they were purging the union of politics was not convincing. The moderates had indeed not shed political leanings but as they settled into their leadership role and the threat of a communist challenge faded, their policy became less identifiable as Movement ideology and the union came to represent certain values, such as support for arbitration and concern for family life,

Labor Day March – October 1958



From front, right to left, Vince Higgins (partially obscured), Roger Gray, Phil O'Toole, Ken O'Hara and John Martin. The third woman behind John Martin is Della Nicholas, Assistant Secretary and two behind her is Geoff Anderson, President, both in the Hughes Executive.

attitudes generally to the right of the labour movement. As the industrial realities of representing the clerks took hold, and the inadequacy of such measures as compulsory unionism, the ambivalent and unreliable powers of Labor Governments and even of arbitration became obvious, the Executive looked not so much to politics but to industrial strategy as its main business and method of serving the needs of its members. In that sense the one time Groupers eventually brought the union back to the rank and file and to the business of unions as the moderates saw it, their industrial function. Ellem saw the 1950s crisis in the Union as 'about how the new order, the post-war world, would be negotiated in terms of industrial relations, politics and even family and gender relations'. Both communists and moderates 'were trying to shape their lives as workers and citizens according to their own deeply held principles', and 'none were simple-minded dupes of either the Kremlin or the Vatican, as even the briefest reading of the arguments in the Union will show'.²⁰

If the union had a political point of view and attracted political opponents, the time given to those aspects of union life paled beside the demands of industrial matters, the task of keeping Awards and Agreements up to date and the fight for rates and conditions in an economic environment where employers, government and the industrial tribunals feared inflation. Nevertheless, industrial matters and political loyalties sometimes collided, especially in the Shipping Section.

'Ports Idle Today'

In O'Toole's Secretary's Report to Central Council in late 1952, the main industrial events had been in the Shipping Section – 'the Executive have applied themselves to the problem of this Section', calling a stop work meeting for 30 September, to settle the roster system allowing for equalisation of work, refusing to reduce the number of registered members and pressing for appearance money. Permanent

clerks were not to work beyond 5 pm. The members were in dispute for five days and Commissioner Findlay found in favour of only casuals working after 5 pm, 'seeing it was a casual industry'. The Section could not afford a second Vigilance Officer and there was only one car available.

The Section earned a reputation for rash industrial action. The *Herald* declared on 19 January 1955 that for the shipping clerks 'no pretext was too silly for stopping work'. In the fifties 'ports idle today' was a familiar headline in the daily press. It regularly reported that stevedores were 'block stacking' cargo for later attention while members of the Federated Clerks Union were on strike. Numbers of clerks listed with the union varied but it was noted at the COM meeting 15 November of 1952 that the Shipping Section was 1200 strong, with just 100 currently unfinancial.

Bradon Ellem saw the moderates as distracted from their industrial work by the communists' political activities in the Shipping Section. It was certainly the Section where politics and industrial matters coincided most. The Executive had inherited an industrial setup that made the union both disciplinarian and representative of the wharf clerks as it guaranteed the ship owners a reliable workforce in return for a 'closed shop'. This contradictory position left the Executive open to criticism, especially on the grounds that it was weak and would not stand up to the owners. This suited the communists and their supporters very well, and let them demand industrial activity, pointing to the alleged glory days when they had made gains in the past through industrial action. The communists now harried the leadership, as the Freedom Debating Society had once harried Hughes, by taking positions contrary to Executive policy and playing the union's leaders off against the ship-owners.

The Executive would spend a vast amount of time and patience on the affairs of the tally clerks. It was nothing to commence the hearings of complaints against them for some four hours several days a week, dealing with as many as 20 individuals as some incident triggered walking off the job or defying even the Executive's instructions. The tally clerks were something of a law unto themselves, with a closed shop and highly paid work. As Betty Spears would later recall, they probably earned much more than any union organizer could, and they did not have to work many days a week. Spears remembered going home for dinner at 10.30 night after night. The extraordinary activities of some tally clerks demanded heavy fines or dismissal. Three men, for example, went off the evening shift on HM 'Port Auckland' at 7.30 and were found in an adjacent pub at 8 pm, while another tally clerk abandoned the 'Theban' and went to the races at Randwick. His tally book had blank sheets bearing his signature so the cargoes could be entered as they went into the hold, a 'clear case of deception and dishonesty'. Fred Toby observed that this clerk was something of a 'practical joker'. The companies' complaints were made in formal fashion in a standard letter to the Secretary; an example, from Patrick's Stevedoring was addressed to JM Riordan Esq, marked 'For your information and attention', included a report on the relevant events and concluded 'I trust you will take the necessary and appropriate action in this matter. You will note that the Company intends to exercise its right under Clause J of the Roster Order and not accept (name of offender) for employment in future'.²¹

In February of 1953 five tally clerks challenged the Executive's right to 'take appropriate action' and fine them, and the Executive retained JH Wootten to advise. His opinion was that the Executive had breached rule 35, allowing the union to fine, suspend or expel members for disregarding lawful directions or bringing the union into disrepute, because all the men were first offenders. So the fines had to be withdrawn but the findings stood and the men were no longer first offenders.

Appearance money for casual clerks was a consistent goal and by November 1954 there was total agreement on opposing Menzies' move to get control of the wharves and do away with the pickup centres. However, the Section was also the field for a specific political agenda, the growing contest between Holmes, who ran for the leadership of the union in the 1955 elections, and the Executive. The left had established a considerable presence in the Section. Just before the Grouper Executive took control in July 1952 there was a large surplus of men on the wharves and this had jeopardised appearance money. The Section had a simple explanation for the employment problems - the communists had flooded the wharves with temporary clerks, many of them communists and the 'aim of the new committee should be to weed the communists out of the industry'.²² The presumption that the COM had tried to stack the Section seemed fair enough and the COM itself was still largely leftist, with office holders such as Holmes and Instone, with Morey as Chairman, holding onto a useful forum in the union.

The tally clerks were justifiably frustrated with the continuing delay in their application to the High Court for appearance money and O'Toole and Riordan tried to reassure them and forestall illegal industrial action. At the end of June there was a stop work meeting of 761 clerks as the employers took the attendance money matter to the High Court on the grounds that the court had no jurisdiction. The Section was advised that the Executive had retained Kerr to appear on the attendance money matter. The employers' application was seen as a 'delaying tactic' based on 'legalisms' and it was decided to apply to the Federal ALP parliamentary party to deal with Arbitration delays. At the stop work meeting 15 July 1953 O'Toole commented on the 'admirable solidarity' of the permanent and casual clerks on appearance money but advised that further stoppage would be unwise. This was carried 432 to 213 votes. The rebels then called a meeting without authority at the pickup centre in opposition to the Executive's decision, made on the grounds that it was a legal problem and not an industrial matter. Vigilance Officer Hills deplored their action, but the members believed that the COM was responsible for its members, and should stand up for them as 'Mr Hughes' had done, when he had to face court to retain the roster system. Moreover, a stop work meeting back in 1946 was the first time 'real progress' was made on appearance money, paid to other waterside workers, was made. When the ship owners now served notice of a dispute, Commissioner Findlay was obliged to declare he knew of no dispute but when Riordan appeared for the union before Commissioner Findlay the ship owners retaliated by applying for the abolition of the roster system. The Clerks saw the danger and returned to work. Holmes however then wanted to appear before the Commission and represent, he claimed, 400 members²³ and the *Sun* on 6 November 1953 reported the wharf clerks were waging a faction fight. When Industrial officer JS Cockle called the names of 300 clerks they refused to answer the pickup, uttering 'catcalls and abuse' when their names were called. The men wanted a 24-hour stop work but the union did not.

When in 1956 tally clerks again tried to call all casual clerks not to go the pickup centre for the purpose of demanding more money O'Toole noted that 'tactics such as these, which are aimed at dislocating the routine working conditions should be prevented'. If the clerks did not return they would be 'liable to be dealt with under rule 35 (a) (2)'.

Industrial action tended to break out easily. In July of 1957, for example, the casuals demanded that the permanents not be used for overtime while casuals were waiting at pickup centres. The casuals

refused to work for Patrick Stevedoring and Burns Philp. The Executive ruled there was no justification and permanents may commence on weekends. Numbers of permanents and casuals should be kept to a minimum to ensure the work flow and cope with seasonal variations to support 38-40 hours work for all. The decision of a small section would not be accepted, and all matters must be decided at a stop work meeting. The Vigilance Officer, by then Fred Toby, elected in July of 1954, almost acted as a referee on the wharves; at any time some interpretation of the balance of work between permanents and casuals could arise. On the 'Waikawa', for example, a permanent clerk was told to take over the work of a casual clerk when the job finished at 3 pm. Toby was contacted and 'informed Delegate Mr McCormack' it was 'quite in order' but the casuals refused to work, and were directed to report under S.35 while the ship owners applied to the Industrial Registrar for a hearing.

The tenuous nature of the 'closed shop' was quite clear. It could not depend on arbitration. In 1955 Mr Justice Dunphy ruled on the limits of the closed shop on the waterfront; tally clerks were entitled to membership. The case of John David Bywater was also a reminder that the 'closed shop' for the wharf clerks depended on agreements with the ship owners. Bywater was offered a position as head delivery clerk but the company told him he must first join the union. The union refused to admit him and Riordan said there were ample men already. After a conference with Justice Ashburner, Bywater was admitted.

Chapter 10

The Swing Of The Pendulum, 1952-1960

The successful campaign against the communists left the moderates under scrutiny in the 1950s, by the membership and by history. Bradon Ellem considers the possibility that the moderates had less grasp of industrial policy than Hughes had shown, and that instead of fulfilling their promise to abandon the ideological excesses of the previous era and focus on industrial matters, they had little strategy to offer. Hughes had certainly grasped the needs of clerks and the importance of the commercial sector, obtaining Federal Awards to provide career recognition in several large industries. He had also set out to refine the CSA, obtaining gradings and loadings in the mid to late 1940s, and had rightly pointed out there was much more to be done in that Award. Those however were early days and the moderates had inherited the most difficult stages in this process, and in a hostile industrial climate.

Opportunities for clerks certainly faltered after the benefits of the anomaly provisions of wartime and the 1947 scope for industrial action against the wool brokers, whose commodity could be so effectively held to ransom on the docks by the wharf clerks. The accumulation of new Federal Awards would go no further until the 1960s, and the struggle for increases in State Awards and the quest for first time Awards would meet obstruction, appeal and disappointment. Such issues as equal pay suffered with the end of the Women's Employment Board measures, and improvements in that era were now frozen. The real difficulty was government, employer and tribunal anxiety over inflation.

The re-emergence of Metal Trades led margins in 1947 drew broad resistance. Sheridan suggests that the Federal tribunal was 'instrumental in delaying union claims for higher wages as part of a government tactic of keeping wages down to cushion society from the full shock of labour's new found bargaining power'. The 1949 Miners' strike pitted the Chifley Government against the workers, and events in that year were more about rank and file frustrations than communist inspired and most stoppages were 'defensive'. The union now faced a difficult decade where strict tribunals, employers looking for legal loopholes and an industrially naïve, disappointed membership all had to be addressed. The moderates were particularly vulnerable to criticism that the leading Clerks (State) Award remained depressed and equal pay was not vigorously pursued.

In September of 1952, after the Galvin decision refused the Metal Trades margins application, Phil O'Toole observed at the Radio and Electrical Section Meeting that 'stiffening resistance' was noticeable in all Award matters. In April of 1954 Justice Taylor refused to make a first Award for the Section on the grounds that the work was not much different from other clerks' work and the CSA covered them already. The Galvin Award also emboldened employers to argue before the Commission for longer hours, a reduction in the basic wage, reduction of the women's basic wage back to 60% of the male rate, and suspension of the quarterly basic wage adjustments. This was such a grim prospect that the ACTU co-ordinated a response on behalf of the unions and retained Mr R Eggleston QC to appear in the application. The heavy costs of the Wages and Hours case were to be covered by a 2/- levy of all members and O'Toole vigorously promoted the hearing.

Coady had attended the ACTU Congress where this 'four pronged attack' from the employers was discussed and he reported to the Central Council that the possible reduction of the female rate would

provide a 'pool of cheap labour'. Men would disappear from clerical work; the present priority was essentially jobs for men.¹ June Mills called for women to be represented in the Wages and Hours case but the prevailing view took little note of women; 'within the arbitration system ... there was little inclination for altering long standing principles of female wage determination'. The Federal courts' view was that women covered by the Women's Employment Board would give up their jobs after the war and this was 'only a temporary aberration in wage determination history'.² A principle of continuing inequality had been set in the wartime Munitions workers case where it had been declared that rates would not be raised in occupations suitable for women, where 'they do not encounter considerable competition from men'. Otherwise this would at 'once depress the relative standard value of living of the family as a group ... as compared with that of the typical single woman wage earner'.³

After the numbers and strong presence of women at organising, Council and Executive level during Hughes' administration, women were now noticeably absent from office in the union and from the Council, a disadvantage given that they made up a large proportion of the membership. Betty Spears was the sole voice for women on the Executive and even on the Central Council for many years. She was as Jim Macken described her, 'a very famous sort of woman in labour circles' and 'an absolutely logical person' on the Executive, where she was elected in 1959 as Vice President, and was later long standing Deputy President. She had stood up to the communists in the Industrial Section, and started her role in the union as a representative from Trades Hall, where she worked as an office manager with the Vehicle Builders Union. Spears was an outspoken and determined figure, with a strong sense of the reality of the predominantly male culture of the unions at the time. She had a balanced view of the prevailing attitude; the men were not to blame because women had other duties and interests and had difficulties making their presence felt. They found it hard to attend meetings, especially the forum for members, the General Meetings, reintroduced in 1955, and held every 3rd Wednesday in the month at the Trades Hall at 6.30 pm. The situation improved when meetings were held in the suburbs in the early 1970s but women had to do 'hard yakka' to have a say. Betty Spears found herself re-educating her male colleagues: 'I didn't always agree because chauvinism was very rife. You had to keep pushing to get through, arguments along the lines of married women should go, and I used to say, 'How do you know they're married?' They were the things we talked about, and we had a lot of arguments. I was very outspoken. If I hadn't been there to say it they would have cruised along'. It was an insight into a general habit of mind that put the question of equal pay beyond the powers of any one union and would not show any real change for twenty years, while the likes of Betty Spears persevered.

Women in New South Wales in the 1950s had good reason to be unhappy about their share of the basic wage. In 1950 the State Industrial Commission interpreted the Basic Wage Amendment Act, which provided that women receive 75% of the male basic wage, by discounting the necessary amount by £1 on the grounds that it was a marginal or secondary sum. In October 1953 it was noted that the union membership was 8,323, comprising 5,236 men and 2,006 women, and there were calls from the Radio and Electrical Section to restore the £1 necessary to bring the female rate up to a true 75% of the male wage, as the 'foundational' basis for equal margins. The Metropolitan and General Section asked in 1954 for the restoration of female clerk's margins existing prior to the basic wage decision. The Executive was not unsympathetic towards its women members and equal pay would

Women of the union - Labor Day Procession, October 1954



Left to right: Anne Downey, Betty Spears, Pat North, John Cunningham, Maureen Wicks, Pat Brandt, Brendan Hannelly, Beverley Donald, (unidentified person), Jack Galvin, Josie Williams and Mick McCafferty

be one of its landmark achievements, but in the first half of the 1950s women were asked to wait. Margins were under threat and in March of 1955 a slightly cryptic section headed 'Women's Sphere' appeared in *The Clerk*, signed by 'Marie Celeste', apparently named after the famously abandoned ship. The column raised the issues of 'lower wages and higher obligations' and 'naturally, equal pay'; 'I don't know why I always feel like a suffragette when I mention it: after all, it is only our right'. Margins however must have priority, but when commenced Equal Pay Committees were to be set up and 'will spearhead the attack of the Unions on the question. Anyway, that is for the future'. The union followed the policy of the Labor Council and the ACTU and focused on margins.⁴

As the employers confronted the unions there was some scope for the idea that the system had failed workers and industrial action should pave the way towards a new order. Given this atmosphere of contention and the still lively militants in the union's ranks, the new Executive in the Clerks' Union made its position clear. It respected arbitration and Government as the moderators of industrial life, even if it quarrelled at times with their methods and directions. Joe Riordan would refer to arbitration as the 'industrial conscience of the Australian community'.⁵ Nevertheless in the course of his six years as State Secretary, and then more than a decade as Federal Secretary, Joe Riordan's awareness of the value of legal avenues and arbitration was spiced with his fighting instinct. The supposedly 'mild mannered' union would sometimes tread a fine line between asserting a just demand and finding itself on the wrong side of the Arbitration Act. Some significant battles were won with the help of a little

industrial muscle. The tally clerks were still a useful if volatile strike force and from time to time the moderate Executive turned to them, just as Hughes had done, to get attention for clerks. If some rank injustice to clerks, or some opportunity for a leap ahead was involved, and he could see his way clear, Joe Riordan matched Jack Hughes when it came to confronting the employers. Jim Macken observed that one of the curiosities of the era was that the moderates were in fact more industrially active than the left; the left tended to keep the 'strike weapon' for political purposes while the moderates deployed it in their dealings with employers to make gains for the clerks.

While Hughes had defined policy in broad terms, often looking beyond the union for ultimate solutions, the moderates had pledged themselves to focus upon the union and its work for clerks. This meant looking critically at the Awards and Agreements and forming an industrial policy. With its post-war constituency of commercial clerks, the union now had to find ways of serving the interests of two broad groups, those clerks in large enterprises or industries where there was some definable pattern to the skills required and the work done, and those scattered clerks Vince Higgins had described in the compulsory unionism days, scattered across a 'tremendously varied range of activities and environments'.⁶ The Clerks (State) Award (the CSA) was the main Award in the union's possession, an essential safety net for all those clerks in New South Wales and not caught under some other industrial provision, including another Clerks' Award. It was a huge responsibility, yet at best the Award provided a minimum margin above the basic wage for all clerks, a short incremental scale, loadings for such universally skilled workers as stenographers and comptometer and machine operators, and single scale gradings for supervision and responsibility. It could also serve as the keeper of union policy, for example, holding the line on part time work and filtering demands for shift work and overtime. It covered some large industries and companies; in the 1960s, for example, IBM had to apply for exemptions from the CSA to employ shift workers on its computers. However, the old problems of trying to set rates and conditions to meet the needs of clerks made the CSA a mixed blessing, of which the moderates were well aware. Betty Spears described the Award as 'too broad' and Jim Macken saw that it was necessary to 'follow skills into different industries' to obtain more precise Awards. In 1955 Joe Riordan stated that if the CSA were made 'to cover too wide a field' then justice could 'not be done to every member' and he called for a campaign to 'break up' the CSA into smaller Awards for particular industries.⁷ Vince Higgins recalled that it was impossible to negotiate with all the employers and clerks under it, and many could have no say in it. When it attracted an appeal from a specific industry or workplace the union habitually suggested a specialised Award of its own. Specific Awards and industrial Agreements on an enterprise level were familiar to the union, such as that with Norco, for example, since the 1920s in the dairy industry. While the head office clerks at Norco might be within the CSA, the clerks checking in the cream urns as they arrived on the trucks needed their own Agreement, excepting them from the CSA.

As Joe Riordan wrote in *The Clerk*, March 1958, 'the obvious fault in our present Award structure' was that it 'allowed the Court to fix a rate which could only really assess the base grade clerks'. The solution to this problem meant having every job classified, with its own rate of pay within industry Awards, amounting to 'thousands' of classifications. Many clerks under Awards were paid at above Award rates, a clear indicator of differences in their work and competency, and the union needed to look at writing more career progressions into Awards. Some State Awards, such as the Clerks (Egg

Marketing Board) and the State Breweries included gradings.⁸ That Award illustrated how classifications were not easily generalised from Award to Award even within the clerks' domain; in 1952 there were age based margins and then Grade 2, followed by Senior Clerks and Chief clerks. These had been based on the BHP Award but they did not suit the Brewery clerks. The union applied for gradings A and B, Assistant to the Chief Clerk and Cashier, and both positions were classified by the court.⁹

However, as *The Clerk* noted in March of 1959 the State tribunals consistently refused to award career salary scales in clerical Awards and continued to prescribe minimum rates of pay only. Awards from Federal tribunals offered the best scope for 'career' Awards, and they examined and graded work patterns and conditions in large interstate enterprises.

Federal Awards

The union took a major part in contributing industrial skills and including NSW needs and conditions in Federal logs of claims. Federal Awards covered some 25% of the members. Phil O'Toole and Joe Riordan had a strong sense of the value of the underlying structure Hughes had established in the Awards, the 'patterns', as O'Toole called them, of the way gains in such areas as the oil industry could work as pacesetters for clerks and be made to flow on to their other awards. The recent Federal 'career' Awards in oil, wool and airways, and the Shipping Award, together with Determinations in the Commonwealth Public Service gave benchmarks in big interstate enterprises.

The practical workings of this network and its nuances could be seen when the outgoing Progressive Executive handed over their industrial work-in-progress in late 1952 to their moderate successors. O'Sullivan had assisted with the Oil Award, prepared by the previous Executive, and the log of claims for NSW had been forwarded to the Federal Executive. Federal Secretary JE Henry had already conferred with the oil companies in Melbourne, while preliminary discussions were also held with the Federal Secretary about the Clerks (Airways Operating Industry) Award. The sequence was carefully orchestrated; the Federal Office intended approaching the Oil, Wool and Airways Awards increases in an established 'pattern', dealing first with the oil companies, who seemed the most co-operative, so that gains from them could be a basis for negotiation in the other cases. The Federal Office had also applied for variation of the Shipping Award, which followed the Oil Award, to increase rates.

Federal Awards had their drawbacks, especially when New South Wales had a Labor Government until 1965. Shorter hours and long service leave for example were also available under law in NSW but only by arbitration or agreement in Federal Awards, and in 1953 the Commonwealth Arbitration Commission discontinued quarterly basic wage adjustments while NSW enshrined them in legislation by 1956. But the Federal Office was busier than ever before, and a decision was made at the Federal Executive Meeting on 9 March to call for nominations for an Assistant Federal Secretary. This would mean an increase in sustentation fees to the Federation; one twelfth of the total receipts of the NSW Branch. Nothing further was heard till year's end. Meanwhile 'Popular' Assistant Secretary Joe Riordan¹⁰ was fast gaining experience and reported that in the Shipping Award, which he presented in Melbourne, the employers were 'fighting every inch of the way', showing a 'callous disregard to the one hundred clerks surplus on the waterfront every day'. The members were assured that the union had every confidence in Federal Secretary JE Henry, with Riordan assisting with the difficult shipping matter. O'Toole reported on the Federal Oil and Airways Awards, keeping sight of long term strategy

Federal Executive Meeting in Hobart. March 1957



P O'Toole - Assistant Federal Secretary, J Maynes - Federal President,
J Henry - Federal Secretary, J Riordan - Secretary NSW

as he commented on the 'pattern the union will follow in its campaign to improve the conditions of members' and on the Executive's intention to 'extend still further the industry Awards and Agreements, and enhance their value by pressing for a career scale of wages wherever this is practicable'.¹¹

Commissioner Findlay awarded marginal increases in the Oil Award on 14 September 1953. This was a 'great matter of satisfaction to all members'. However two employers had tried to forestall the decision, and Mr R Eggleston QC had to be instructed to appeal on the legal technicality they raised, that a Menzies' Government amendment in the *Conciliation and Arbitration Act 1952* let the employers apply to have the matter referred to the Arbitration Court. Chief Judge Kelly dismissed the appeals in August. The Oil Award itself was pleasing; besides increases there were allowances for the first time in that Award for female stenographers and for comptometer and machine operators. The arguments and the Awards themselves were 'at some stages similar' so the Oil Awards' loadings for stenographers and the others were then obtained in Shipping. However, the permanent wharf clerks, in Part I of the Shipping Award received nothing. They had already had increases by consent in 1948 and 1951, amounting to 39/-, 'preventing any further adjustment'. Casual clerks received another 4d per hour but the Shipowners had blocked their application for appearance money on a legal technicality, and the union again had to retain experienced legal counsel, this time Mr G McGowans, QC, and JR Kerr. The Shipowners asserted that it was beyond the 'Bounds of the Constitution' for them to have any responsibility for the payment of appearance money, and so the matter went to the High Court. Although *The Clerk* noted the Shipping Clerks appreciated the combined 'perseverance' of the NSW Branch Executive and the Federal Executive, the Shipping Section became determined to engage in a strike over the long delay in the proceedings. The companies appealed the September increases made in Shipping and Oil, but the casual clerks' 4d an hour stood and meal money for 'up town' shipping clerks had been increased. There was no decision yet on attendance money. Despite the appeals, the

Council placed on record its appreciation of JE Henry's efforts in gaining increases when 'the swing of the pendulum was against increases generally'.

In January of 1954 the appointment of an Assistant Federal Secretary went ahead, and Phil O'Toole was nominated. While O'Toole now put his energies into helping to build up the fabric of Federal Awards, Joe Riordan was elected Secretary of the New South Wales Branch and took on the increasingly testing field of the State Awards and the CSA, as well as overall responsibility for preparing the New South Wales logs towards Federal Awards. Roger Gray was elected Assistant Secretary. Gray had organised the Retail and Industrial Sections and worked at Mark Foys before that, where he had helped to boost membership, no doubt in the footsteps of Jim Macken. Gray needed 'no introduction' as an organiser, and was described as 'one of those officials appointed to the Clerks' Union after the removal of the Communists', commencing just two weeks after O'Toole and Riordan took office.

Conferences with the Shipping Companies canvassed increases for wharf clerks on par with those awarded to the Part II shipping office clerks. It was however noted that the shipping clerks' rates had been tied to the waterside workers' rates back in 1937, and Justice Ashburner had already decided that waterside workers would not receive increases in their margins. Looking for loopholes, the employers meant to use this as an argument against the union's claims for increases for casual clerks. 'However, the Executive intends to press for the rights of these members', *The Clerk* assured its members. As for attendance money, refused in August of 1954, Federal President JP Maynes and Secretary JE Henry arranged an interview with Hon. HE Holt in Melbourne as the problem seemed to be a legal technicality: Commissioner Findlay had seen it would indeed be just to award appearance money, but he had no jurisdiction to do so.¹²

On 16 January 1956 the casual shipping clerks were granted a major rise of 9d per hour, their first increase since August 1953, before the 1954 Metal Trades Award and its flow-ons, and also before the 30/- the permanent clerks had received. The employers appealed, and with the wages of 1,600 clerks at stake nationwide the union briefed counsel. But the employers succeeded, and the amount was reduced to 1½ d per hour. Although the union immediately commenced negotiations it was incensed and the disappointment put the Executive's moderate stand to the test in the industrial arena as well as stirring up the tensions between moderates and militants within the union. At a stop work meeting on 14 June moderates and militants found themselves fairly like-minded; Riordan stated he would recommend a nationwide stoppage if necessary although the Committee Of Management (COM) also wanted pickets. At the Shipping COM meeting on 19 June Riordan declared that 'as far as the Executive was concerned the fight was on' and he spoke of the 'omnipresent' nature of the Metal Trades formula. The Executive and the COM decided to put a ban on overtime if negotiations failed. Political opponent Denis Holmes supported the unanimous motion but discontent then surfaced among some members. A deputation of unhappy permanent clerks expressed 'distrust' of the COM and wanted the 'stop work power' revoked. On 27 June Riordan moved for the revocation of the ban on 'strategic grounds', explaining he was not 'running out on a fight' but taking a 'back step, to provide way for two steps ahead', and he now needed 'an open cheque to negotiate'. The motion was carried. Holmes reacted with bitter disappointment; Riordan had been a 'giant' and now he turned out to have 'feet of clay', and Holmes complained at the 'hopelessness of the union's leadership' and the way it would lose the support of other unions. It was however a win for the moderates; Riordan succeeded

with the negotiations, clawing back the increase and paid sick leave, paid public holidays and other benefits, but he had lost Holmes. When a stop work meeting was held recommending that the offer be accepted, Holmes and some others opposed it. Then there was some delay with the settlement and Holmes 'began agitating for a further stop work meeting, in order to upset the decision already made'. Those members then 'brought about a serious and nasty dispute' and the Executive was forced to fine certain members, including Holmes, who then took the matter before Mr Justice Dunphy on the grounds that Riordan's antagonism towards him made Riordan unfit to sit in judgment on Holmes. Justice Dunphy considered the Minute Books and after taking evidence ruled that 'the trial was above reproach, and its members, including Riordan, appear to have given the claimant every opportunity to present his case, and in his own way, and as fully as possible'.¹³

In the meantime the Federal Arbitration Wage case decision of 25 May 1956 again had not restored the quarterly cost of living adjustments so the Federal Awards were affected: shipping, oil, wool, airways, including TAA and the CPS and other authorities. In New South Wales *The Clerk* reminded members in July that they should explain to non-unionists that the union was paying its share of the State basic wage case. There might be quarterly adjustments but State gains still had to be fought for; when the employers appealed the State Basic Wage Decision the union had 'successfully fought the appeal', contending that the 11/- rise should stand: 'The union was a force to be reckoned with', declared *The Clerk*.¹⁴

State Awards

At State level the battle for margins and other gains would prove a long and frustrating process in the 1950s, and the CSA would have a 'sorry history'.¹⁵ The union had to face the limitations of this most difficult and anomalous of Awards, which not only covered tens of thousands of clerks but was also the best means of setting a starting point for margins and increases for clerks. Stuart-Robertson, reporting on the Awards at the Central Council Meeting of 1953, noted that many Awards were waiting on the pacesetting CSA decision before the union could pursue new margins. Some 45% of its members were now covered by individual State Awards.

In 1969 Commissioner Burns would note that throughout the CSA's 'history the tribunals have always referred to the fact that by its nature the rates of this Award are, to a degree, unique in State Awards – and very much perforce highly generalised'. 'Over the years, in wrestling with this problem', the tribunals had arrived at 'some such expression' as the 'average clerk in the average situation'. Many clerks found themselves at 'some disadvantage' under such a general Award.¹⁶ 'When a particular industry is examined there can be a detailed assessment of the duties, and, perhaps, even the type of employees affected. No such considerations are available in the case of the clerks covered by the Award'.¹⁷

Hughes' final 1953 application in the CSA showed some of the problems now facing the union. Justice Taylor, by no means prejudiced against a communist union leader, reviewed the history of this general Award for clerks in NSW, noting that back in 1916 the Award had been made by consent 'pending further enquiry' and was 'not to be taken as evidence of the measure of value of the service of any particular class of clerk'. The present Award dated from 1949, when 'the general character' of the work, including the 'education', 'business experience', the 'knowledge of forms and records' and the need to 'dress suitably' were noted. But when Justice Taylor made the new Award he could not make

it as a response to a complete review of clerks' work; Hughes had argued mainly rates and gradings, and indeed had argued well, but, as Justice Taylor observed: 'I had hoped, this being the first general review of this industry by this Commission, that it would have been possible to produce an Award in which every aspect of the employment had been fully investigated and the questions arising therefrom decided. I regret to say that this had not been possible'.¹⁸ For the rest of the decade the CSA would be assessed on the 1949 description of clerks' work, despite Joe Riordan's efforts to bring a work value case and update of the description of clerks' work in 1958, and the 1953 increases were based mainly on allowances for clothes and fares. In response to Hughes' case on gradings Justice Taylor found the voluntary grading system he had granted in 1949 had not been followed, but there was evidence of some system and so it was 'proper to institute a compulsory grading system in the industry'. The Award provided for a minimum scheme as a first attempt at compulsory grading for clerks, although in the absence of classifications the employers had to decide the basis, 'which class of work was the higher class'. The compulsory aspect was lost on appeal, and in 1969 Commissioner Burns noted that the Award being 'unique in catering for establishments of all sizes, is no vehicle for the imposition of compulsory grades'. Limited gradings for clerks, based on supervisory roles and responsibility, were still optional and did not cover skills as such. In the 1953 application the employers sought part time work provisions and although the union contended that the employers were trying to avoid paying standard hours and conditions Justice Taylor distinguished between the 'piecemeal' nature of casual work and part time work. Part time work should be available, and only to female workers, if no full time employees could be found.¹⁹ Justice Taylor awarded CSA increases of 7/- for males and 5/- for females, the employers appealed but the increases were upheld.

The CSA now played its other role; the union's other major Award, the Retail Award margins application had originally been adjourned, given that margins in Awards for hairdressers, electricians and plumbers had actually been reduced under the Galvin Award. On the basis of the CSA increases, the Executive now proceeded with the retail claim, its margins having fallen seriously behind. Jim Macken, of the Retail Section, again counselled that the union resist continued linkage of the Office Assistants and Shop Assistants and he saw a review of that industry as 'long overdue'. Margins, however, took priority for the time being.

The Metal Trades Standard

When wage pegging was lifted, at first the Bench ruled that the 1947 Metal Trades margins decision was 'in settlement of a specific industrial dispute and ... [had] little value as a precedent', but soon gave in, 'forced to acknowledge' that 'by consent and adjudication, the Metal Trades marginal increases are beginning to percolate into other industries'. By 1952 the Commission allowed that 'since the principles laid down in the Metal Trades Award form the pattern for quite a large number of Awards, the ultimate determination of this dispute has consequences not only to the metal industry but to all industries'. From that time, the cases were 'argued on grounds of general economic capacity to pay, not on the specific capacity of the metal trades industry'²⁰. As a matter of comparative wage justice, this capacity needed to be spread to all workers.

The clerks expected to share in this development in the wages system, but they were left outside the pattern. They could not easily slot into the classification framework riding on the Metal Trades

juggernaut and the 1926 Shipping Award had shown that work value cases might be needed to set margins for clerks. To make representing clerks even more taxing, work value cases were unpopular in the 1950s. They could upset the 'long established wage relativities' in the mainstream system, so 'the burden of proof was placed on unions claiming a wage injustice to demonstrate the fact', 'possibly to discourage the overuse of such cases'. The most rigorous and detailed evidence had to be presented and this put the conduct of work value cases, essential for white collar unions, almost beyond the reach of the union's resources. When the Professional Engineers courageously sought a review through a work value case in 1957, according to Deery and Plowman:

... it turned out to be the most intensive, extensive and expensive work value case ever held. The case took four-and-a-half years to complete from the serving of the log of claims on employers in January 1957 to the handing down of the decision in June of 1961. During the case 26 barristers appeared at various stages, including eight QCs and the Commonwealth Crown Solicitor. The total cost for the claimant organisation was \$200,000. the transcript ran to 11 000 pages and two trips had to be made to the High Court to determine questions of jurisdiction. ²¹

RM Martin observes that the 'distinctive achievement' of white collar unions in the 1960s would be the way they broke away from 'pre-1961 salary relationships by basing their claims before arbitration tribunals on the concept of "work value"'. ²² Martin also notes that the Federal tribunals showed a 'contemptuous attitude' towards white collar unions and 'employers, tribunals and governments ... have all too often appeared to present a casually dismissive face to them while, at the same time, dealing soberly with manual unions whose standing seems to rest on not more than what generations of white collar newspaper leader-writers have summed up in the word "irresponsibility"'. ²³

The clerks certainly seemed disadvantaged. In 1954 the Commonwealth Arbitration Court recognised improvements in the economy as the Metal Trades Award set the increase for margins at up to 2½ times the fitters' margin of 1937. It was a modest enough increase and although the formula was stated as a guide for margin increases for skilled and professional workers Chief Judge Kelly distinguished the clerical and white-collar professional Awards from the Metal Trades Award. The Bank Officers brought their own margins case and it was now hoped that it would serve as a test case to set rates for clerks. The Clerks' Union therefore intervened in the Bank Officers' case, given the bearing that decision might have for clerks, particularly in the Federal Awards. Meanwhile on 25 February 1955 the union argued in the Industrial Commission of New South Wales for a general increase in margins in the CSA to keep the clerks up with the general increases reflecting industry's capacity to pay based on the 1954 Metal Trades Award. A comparative 20s (£1) was now applied for, to follow this 'upward trend' in rates. The clerks claimed on the grounds that it was essential for comparative wage justice, there having been a general wage freeze as the Metal Trades had received nothing since 1947 up to the last November. Other arguments relied upon included that the cost of living had gone up, the Commonwealth Arbitration Court had seen an improvement in the economy and that parity with other clerks in other jurisdictions was at risk.

In the March *Clerk* Riordan met criticism that the union had been slow with the CSA application and he carefully went over the quite complex reasons the union could not act earlier. The CSA was the basis of most State Awards, but increases gained in that Award back in June had been under

appeal until December, when the appeal was rejected. The union had at least successfully contested suspension of the increase over that time. A general wage freeze had also been in place; the Federal Metal Trades Award had at last led an increase in November of last year but the union then had to wait on an Industrial Commission Enquiry in December about whether or not to give any increases by way of a general formula based on that pacesetter Award. The decision went against a formula but, in 'spite of what anyone has to say on this question this is the first opportunity that has arisen to seek general increases in all of our Awards'. Before the 1954 increase there had been nothing for clerks since 1947, so Riordan was confident clerks' margins would be now increased.

On the 31 March 1955 the NSW Industrial Commission let the union down – it refused to grant the CSA claim for a £1 marginal increase. Sheldon for the employers strongly opposed the application, quoting the apparently satisfactory record of increases for clerks dating from 1947 to 1953, and arguing that there was 'no class dealt with by State Awards that has received a fuller measure of wage justice in the years since the war than the clerks', although the last increase was in fact mainly based on such matters as clothes and fares. There was mention of 'hysterical talk of margins'. The clerks had received a 'substantial measure of wage justice'. Riordan called for an overhaul of the Commission; it had not actually rejected the claim, but simply left the matter in abeyance until the Award expired in June the next year. It seemed the clerks had fallen between two stools; when the Metal Trades rates case came through in 1954 the clerks had missed factoring this into their application, but when an application was duly made it failed. It seemed the clerks had been progressing independently of the temporary 'wage freeze'. Riordan felt the system had 'betrayed the trust of the people of New South Wales'. Clerks in general had not gained their share of the advances made in margins after the 1954 Metal Trades Award and as Riordan put it, the union now went through a 'difficult period'. Once the CSA margin increase of £1 had been refused, the employers were 'reluctant to make any decisions' and the union now needed to make gains in all its Awards to 'keep the pattern usually set by the CSA'.²⁴ Riordan now announced a programme of breaking the CSA into 'a series of smaller Awards' and several applications were made. Despite the failure of the Radio and Electrical Section Award application, the union was also determined to persevere and prepared a Federal Metal Trades Industry Award, to cover some 2,000 clerks, about half of them women, in Newcastle, Port Kembla and Sydney. A twelve-years scale was claimed for men, with a six-years scale for women. The employers argued that there was no difference between the Radio and Electrical industry, where an Award had been refused, and the Metal Trades, but the union's new log now sought to cover both, at present under the CSA. Miss E Crouch on behalf of the subsection at Riverstone Meats had also asked for a first time Meat Award, Federal from the outset, now being compiled while a new Award for retail clerks in country stores was ready, the country clerks previously having been covered by the expired Shop Assistants (Country) Award. The new Award would seek gradings. In the meantime variations were at last gained in the three current retail Awards, benefiting some 4,000 clerks.

The union also looked to its other existing State Awards; heavy industry were due for review, and given that they all went back to 1949, 'any variation would be a substantial gain'. Wootten with Stuart-Robertson presented the heavy industry margins claims argued on the basis of comparative wage justice, and witnesses and evidence were not called. Realistic as it had been, the Executive was 'dissatisfied with the inadequacy of the increases' when they were made. The grounds seemed most

unfair; the Court had made it clear that it would 'in future regard the CSA as the measuring stick for the various Awards for clerks in this industry'. Riordan editorialised in *The Clerk* in April that the decision was a 'grave injustice to the steel industry clerk' – in an accumulation of disadvantage the CSA itself had not had the £1 increase in the interests of comparative wage justice yet the court did not feel called upon to determine the 'true rate that should be awarded'.

As the union struggled with the hostile industrial environment, the ongoing tussle with the communists sometimes spilled over into the industrial field. In March 1955 *The Clerk* reported 'trouble' at Australian General Electric at Auburn where 148 clerks became 'incensed' at the company's proposal not to pay additional rates to members who were to be graded. The agreement between the company and the union was that above Award rates or bonuses would keep pace with any variation in the Award. Assistant Secretary Gray and organiser Jack Galvin handled the dispute before Commissioner Gorman and the union confidently expected a 'favourable decision'. AGE however had been the communists' outpost in the Radio and Electrical Section, with Hughes' supporter DA Chuter representing that Subsection in 1951, in the competitive days when AWA was a Grouper powerhouse in the Section. Chuter now stirred the AGE clerks to industrial action beyond the Executive's limits and the dispute soon grew from a problem with the employer to a tug of war as the militants tried to pull the union across the line and into contempt for the arbitration system. The strike was outlawed under S.100 of the Arbitration Act, which did not countenance strikes on over-Award payments, and after a conference with the Metal Trades Employers Association the Executive recommended that the clerks return to work. At a meeting on 20 May Gray warned the members that the strike could bring S.100 down on the union but Chuter declared that he had it on the 'best authority', no less than Mr Justice Taylor, President of the Industrial Commission, that the clerks should not go back to work. Justice Taylor had allegedly 'poo-hooed' the idea of the strike 'ending in a very heavy fine or deregistration'. When Gray did not believe Chuter two other men 'jumped to their feet' to declare they too had been present at the meeting in Justice Taylor's chambers. The Executive's recommendation to return to work was lost 86 to seven votes and at the Executive meeting of 14 June. Riordan noted that Justice Taylor was believed to have said the clerks should stay out on strike if they hoped to 'obtain any benefit from the dispute' and that Jack Sweeney, Counsel for the union, had given similar advice. This situation put the union in a 'farcical' position; to all appearances it was doing its best to end the dispute while a leading barrister and the President of the Commission were 'endeavouring to prolong it'. Riordan called Chuter's bluff; as the *Sydney Morning Herald* reported it Riordan went to seek the 'court's assistance' in this 'extraordinary dispute'. The Executive Minutes suggest that Riordan cried foul, telling the court how members were trying to embarrass the union. This worked well enough; Mr Justice de Baun, Chairman of the Full Bench, issued a denial from Justice Taylor that he had given such advice, whereupon Chuter upheld the denial. Chuter now quoted Justice Taylor as saying that the 'clerks were a mild mannered body' and he did not think they would carry the dispute this far. Jim Kenny of the Labor Council withdrew support for the dispute, AGE took action under S.100 and Justice Dey told the union to discipline its members. The matter then went to conference and was eventually settled; the union did not have to pay the costs. In the meantime the leftist General and Commercial Section resolved to call for a State inquiry into the whole affair, while a member claimed he had 'plenty' on Assistant Secretary Gray, and 'underhanded dealings' with AGE. This obliged the Executive to go through the motions of persuading the informer to show how he had not damaged

the reputation of the union. In the end the Executive had managed to keep control of its militant members and the arbitration process.

The union pressed on with its work. The Primary Producers rejected the Butter Factories log and the union's offer would now go to the NSW Industrial Commission. Talks were held regarding the Clerks (Solicitors) Award, last varied in 1950 in line with the CSA, and shift increases would be negotiated in the NRMA Clerks' Agreement. The union was also organising vigorously; Roger Gray and George McGuirk, for example, had managed to negotiate an Agreement with the Utah Construction Company so there was 100% membership at the multi-million dollar munitions factory being built at St Marys. In early 1956 Vince Higgins was organising the Airways Section, where the membership needed to grow, and was gathering information for the soon to be served log of claims.

The difficult industrial outlook was not confined to the union. The inadequate and unreliable nature of margins increases for white collar workers, given the flow-ons for other industrial sectors, was such that it prompted the Australian Council of Salaried and Professional Associations (ACSPA), to which the union was affiliated, to hold a conference in May 1957 to deal with the problem. *The Clerk* that month reported a proposal to take a case before the Commonwealth Arbitration Commission to 'have a proper assessment of clerical rates made'. The Federal Executive of the union also looked yet again at the attendance money question as an anomaly which should be redressed; it was resolved that the only solution was through legislation, similar to that applying to the Waterside Workers. In the meantime the union persevered with its routines to keep Awards up to date. After the disappointment of the £1 margins claim in the CSA and the Heavy Industry Awards the union was determined to drive forward new standards with a new CSA and the log of claims was well mapped out in April, and lodged in timely fashion in May ready for the expiry of the old Award in June. Interim increases were sought while the new Award was determined, and a further 18 changes were sought in the Award. The application promised to be a 'long process'.

In December the interim application for the £1 margin was again not granted because it was not the Committee's policy to review rates if an application for a full review of an Award was before the court, although it would give an early hearing. By then there were applications for 12 State Award increases and a first Award for taxi clerks, while Riordan and Galvin were liaising with the committee at Riverstone Meatworks, Riordan announced a big industrial programme to the Central Council, with a drive for 'career industry Awards'.

Riordan and B Moore, industrial officer for the union, presented the CSA application for a new Award. This was now argued as a work value case, looking at new work such as that performed by punch card operators at Burroughs. The argument that the technology increased clerks' skills by reducing routine work backfired when the Court rather prophetically found that that technology in general had the opposite effect, bringing about a systematic breakdown of work so that many clerks lost higher skills and responsibilities, and therefore rates fell. It was found that there was no change in the character of their work. Modest increases were awarded and the 1949 case still stood after a decade as a broad statement of clerks' work.²⁵

Reporting on the increases on 6 February 1958 the *Sun* had used 'Pay rise for 60,000' as its billboard headline for the day. The Executive posed with the poster for a photograph in *The Clerk*

but the salary adjustments, 'whilst appreciable, do not satisfy the requirements of the members in this industry'. The *Sun* valued the increases at worth £1 million, but the decision gave small increases of 9/- per week to male clerks aged 23 years, and an 11/- increase to females of the same age, while 12/- increases to stenographers and bookkeepers went some way to refreshing the value of their margins, and double rates were payable for all Saturday afternoon work. The dexterity needed to operate machines such as the comptometer had been recognised although Mr Justice Kelleher noted that while clerks' work might appear to follow routine procedures 'the differences were apparent in the nature of office organisation and structural administrative arrangements which materially affect the duties and responsibilities of clerical staff in particular establishments'. The Award remained an average rate. The increases were immediately incorporated by consent into the friendly industrial Agreement with the trade union offices, which took the rate for 23 year olds in the CSA as its base rate and was tied to the CSA's variations, but other employers would not pass on the CSA increases so eagerly. With at least some sense of having at last budged an obstacle in the way of the union's progress Riordan noted that the immediate task was to 'have all our Awards varied as quickly as possible, in order that all members will acquire the benefit of the gains made' in the State Award. 27 Awards and Agreements were being brought into line. The next task would be to launch an application for long awaited equal pay and 'reappraisal of female rates generally', followed by the 'breaking up of the Clerks (State) Award into industry Awards'.

The Chamber of Manufacturers and the Australian Mines and Metals Trades Association Employers appealed against Justice Kelleher's modest increase. They also asked for a suspension of the increases while the appeal was heard. Wooten was retained to argue that these had been granted after a thorough review of clerks' work and should not be suspended, with 23 witnesses called and the case taking months to complete. The Full Bench however withheld part of the increases and the union cross-appealed, claiming the original rates were too low and the Central Council called on Labor Council to seek amendment to the Industrial Arbitration Act to have 'definite principles laid down governing suspension of Awards which are made then subject to appeal'. Job meetings were held and members' support was pledged. In the meantime a 5/- basic wage increase for the May quarter left the members with just a few pence more than they seemed to have gained in February.

In May the Full Bench made a 'shock slash' to the rates awarded in the CSA, reducing the general increases by 4/-, as well as the loading for stenographers and machine operators.²⁶ Wooten appeared for the clerks and it was held on appeal that Justice Kelleher's principles were correct, but his increases 'a little high', so the appeal succeeded in 'slightly reducing the rates of pay'. Meanwhile Riordan successfully negotiated increases of 9/- and 11/- in the generous Clerks (Egg Marketing Board) Award, together with gradings for all clerks earning not more than £20/5/-. At least 50% of those clerks were to be graded A or B, a situation which seemed to highlight the inadequacy of the CSA provisions for clerks in New South Wales.²⁷

Phil O'Toole returned to the New South Wales Branch in 1956. Not wishing to move to Melbourne when the Federal Office was relocated to that city, O'Toole took up the post of Chief Administrative Officer in the Branch. He was speedily elected President of the Industrial Section by 2-1 majority and President of the Branch upon the resignation of Stuart-Robertson. He was instrumental in instituting a system of liaisons among organisers and putting the union into good administrative order, as well as

dealing with the financial difficulties that dogged it together with the industrial and factional problems throughout the era. At the end of 1958 Joe Riordan was elected Federal Secretary and Phil O'Toole was elected to the post of Secretary of the union in New South Wales. His return to the role he had originally held after the ousting was fortuitous; as the economy picked up, margins became less urgent and the communists also became divided amongst themselves and began to fade as contenders for the leadership and political soul of the union, Phil O'Toole was well suited to the task of maintaining the moderate identity of the union while turning to make the most of the industrial opportunities the next decade offered. He had been both tolerant of the communists if they could leave their ideology and politics at home, and a stalwart supporter of moderate ideas. While giving no ground to the communists within or outside the union, O'Toole was able to confirm the union's industrial stature as it advanced the structure and quality of its Awards, and the practice of organisational and industrial methods became its foremost purpose and concern.

As the Executive managed the load of industrial work the mavericks among the casual shipping clerks continued to need attention. In late 1958, for example, Fred Toby sent a memo to the Executive concerning the Port Kembla workforce. Apparently members in Port Kembla were keeping the registered numbers down to a minimum to ensure themselves a 'very lucrative living from the industry'. It seemed 20 'seagulls' were on call, flying in as their name suggested to scavenge as an auxiliary group when they were needed, none of them FCU members. The 27 registered clerks were enjoying earnings out of all proportion to the 32-hours divisor for casual work, and clearly working more hours than that, calling in the interlopers when they could not quite manage. This denied work to members waiting to be registered and Toby noted there should be 40 clerks at Port Kembla, and the use of 'seagulls' should be discontinued.²⁸

Equal Pay - 'a very narrow view of interpretation of the Act'

At what seemed to be the other end of the spectrum of the clerks' broad membership, the union as long promised now turned its attention to the matter of equal pay. In December of 1958 an equal pay case was prepared, based on the new State legislation providing equal margins for work of the 'same or like nature' and adjustment of the underlying basic wage to set the same rates for women if their work came within the provisions of the Industrial Arbitration (Female Rates) Amendment Act of 1958. The union planned two claims. The first was to establish that the true foundational basic wage for adult females was 75% of the male basic wage and therefore correct the 1950 £1 discrepancy. The union duly applied for variation of its State Awards in January 1959. Wootten presented the case to establish the general entitlement and 'various judgments and clarifications were made by the Full Bench of the Commission as the case progressed'.²⁹ It was ruled the true basic wage was 75% of the male basic wage and so the £1 was restored on 22 May. The supplementary judgment included a schedule of 22 of the union's State Awards to be varied under the decision. The increase was gazetted on June 26, and applied to female members of the union in its State Awards. There was more to be done however as the increase applied only to adults and it therefore 'disturbed the relationship between adult and junior rates', so the juniors also needed a proportionate increase. Starting with the retail Awards, the union, represented by Phil O'Toole and Roger Gray, applied for an increase outright and when that was rejected, they applied on the grounds of the anomaly. The Retail Traders' Association however was just as determined and at the 4 June hearing the Association announced that it had filed a log of

claims the day before for a reduction of 8/- for adult females, and a pro rata amount for juniors, but Mr Justice De Baun refused to delay because of the pending claim. Although a little less than the union hoped, adjustments for juniors were awarded. The union saw the Retail Traders' action as a signal of their 'dissatisfaction with the improved wage standards for females in the industry', and felt it must be vigilant to keep the gains already made. Applications were then filed for the juniors' variation in the other Awards and the *Sydney Morning Herald* publicised this gain for the clerks, reporting that Mr Justice Kinsella in the Industrial Commission granted £10/9/6 for twenty year old female clerks in New South Wales, the basic wage being £10/7/6 for an adult female.³⁰

The second step towards equal pay was then commenced in August; under S.88D of the amended Act the Commission was authorised to insert equal margins in those Awards or Industrial Agreements fixing rates for males and females where the Commission was satisfied that males and females were performing 'the same work of the same or a like nature and of equal value'. The Commission was to take into account such factors as whether the women were 'doing the same range and volume of work as male employees and under the same conditions'. Where margins were inserted on that basis, a percentage of the basic adult male wage from an attached schedule was also added to the female wage, until the full 100% was reached in 1963. The CSA already gave males and females the same margins above the basic wage and that in itself seemed to establish the necessary similarity of work. But the union was anxious about 'serious conflict' between the union and employers on the meaning of Section 9(b) of the Amending Act; the section did not apply to 'those provisions of any Awards and industrial agreements which are applicable to persons engaged in work essentially or usually performed by females but upon which male employees may also be employed'. Such a restriction meant for example that stenographers already paid a loading for additional skills, could eventually fall behind women whose work was classified as the ordinary province of men as well as women. Such work had to be proved in each of the Awards to ensure equal margins, a 'major case' for the union and its many female members, and Mr Wootten would appear in the matter. *The Clerk* noted the enviable way the Act had been implemented for the Teachers Federation; the Public Service Board signed an Agreement giving women teachers not only equal margins but 80% of the male basic wage, and heading towards 100% in four annual steps. This 'realistic recognition' was 'not anticipated, of course, in the dealings between the union and the employers'.³¹

The *Herald* of 25 August reported the proceedings as a test case on equal pay before the Full Bench of the Arbitration Commission, with the Clerks' Union claiming equal margins for 35,000 female clerks and typists in 21 industries in New South Wales. The first case brought since the Amendment in 1958, this application from the clerks would set a precedent for 100,000 women on the interpretation of the NSW equal pay legislation. The claim was made on the wide basis that all clerical work was of the same nature but the barrister for the employers submitted that the clerks were suggesting that there was 'no further need for any investigation at all'. Mr Wootten saw the main problem as establishing the equal value of the work while JB Sweeney, representing five unions intervening in the case, argued that it was impossible to determine the value of clerks' work in 'a profit sense'. Wootten claimed the terms were broad enough to catch typists, telephonists and shipping clerks, as well as the wide range of employers, from the butter factories to Metal Manufacturers.³²

The case did not succeed in establishing the Clerks' Union's interpretation. At the Central Council Meeting in March 1960 it was noted in the Equal Pay Report that the decision gave a 'very narrow view of interpretation of the Act', and one Award, the Hospital Employees Award, had now been chosen to see how the Commission would apply the decision.³³ As Betty Spears put it in a review of the progress of equal pay, looking back from 1973 when at last the 'rate for the job' principle was won, the union's 1959 test case established that the legislation was of 'no real value where the females were working in occupations predominately female', and only a few clerks benefited.³⁴

However, better times were ahead, and work on a Federal Award spanned the end of the 1950s and the beginning of the 1960s. Its slow but successful progress reflected the changes of fortune in store for the union. The brewery clerks' request for a Federal Award, which had been long considered, proceeded following a well attended summoned meeting of the Sydney Brewery clerks at the Trades Hall, 23 June 1959. There was considerable employer resistance to an Award able to deliver better rates and conditions than those in the State Award. The hearing commenced in Sydney in September of 1960, with the brewers 'vigorously resisting' the union's claims. Evidence would have to be gathered from all States, and by 29 December witnesses were called at the Perth hearing, the case then set to travel to Brisbane in February 1961, back to Sydney in March and then on to Victoria, finishing in Canberra in April, with Phil O'Toole in attendance. Some breweries agreed to be bound by the Award but others raised arguments about the 'necessary interstatedness'.³⁵ There were 650 employees in the industry in New South Wales and numerous witnesses gave evidence in their State. The case was finished in June 1962 when Riordan pressed for the same rates as those in the Oil Award for up to an A grade clerk and three new classifications above grade A. The new Award was made on 15 November 1962, and it was felt it gave recognition to the work of clerks in this industry. It allowed equal margins for males and females above the basic wage and gradings were provided, although they were not compulsory, and were based on 'the position created in the NSW Clerks, Breweries (State) Award rather than the Oil Award'. However, the Award made provisions for application to the Commission for a particular job to be graded. ³⁶The 'adoption in a Federal Award of the principles of equal margins for females with males is most realistic. This principle does not apply in our other Federal Awards', boasted *The Clerk* of a Federal Award successfully pursued from a Section of the NSW Branch.³⁷

There was also at last an opportunity at the end of the decade to gain increases and establish parity with other industries when the Metal Trades Award provided for a 28% gain on the 1955 margins. The Federation ran a test case for two of the clerks' 'career industries', oil and wool, to receive the full amount. Commissioner Findlay in the Commonwealth Arbitration Commission granted an interim increase of 20%, until the ACSPA formula could be argued. The Bank Officers ran a test case in February 1960 to establish the rate for white collar workers, settled at 28% and upon the successful conclusion of that case the 8,000 wool clerks gained the full 28%. The same rate was then granted to the oil industry clerks, covering some 10,000 workers in all States.³⁸ The relativity between Part II of the Shipping Award was then argued and there was no opposition to that claim for 28% increase. Casual clerks received 7½ pence per hour more, amounting to about 23% but it was noted that they worked a 32-hour week.³⁹ A 'lot of action' followed in the State Awards as the increased rates flowed on from the Federal Awards. ⁴⁰On 3 June the tide turned for those clerks dependent on State Awards in New South Wales when the CSA was opened during its currency and Mr Justice Taylor cited the

general movement through Awards from the 'measuring rod' of the Metal Trades Award. His Honour declared that that Award was 'an industrial fact' and taking into account recent increases the clerks' application was 'just and reasonable'. The moderates on their part kept their industrial credibility; in the Secretary's Report in March 1960 Phil O'Toole noted the union was not sure it would continue its affiliation with ACSPA. The Association called for 2½ times the 1955 formula plus 28%. The union felt 28% was enough. By then Vince Higgins and Joe Riordan had negotiated the 28% with TAA and the increase seemed likely for the Airways Award.

Chapter 11

The 1960s - 'Diligence in our programme of awards and membership recruitment'

At the beginning of the 1960s Jim Macken led the union as President, Cecil Davies was Deputy President, Betty Spears Vice President (elected in November 1959), Phil O'Toole Secretary and Roger Gray Assistant Secretary. Gray resigned as Assistant Secretary on 5 September 1960 and Vince Higgins was the only nominee for that office. The 1960s saw the union establish itself as a steady right wing element in the labour movement. The succession of Executive members became a smooth process, with officers often serving long apprenticeships as organizers and Councillors within the union and earning the confidence of the rank and file. A tradition of right wing leadership and outlook was handed down from generation to generation of leaders. The demands of the union, seen by Jim Macken as really a 'collection of unions', and the members' needs came to the fore.

Although political tensions eased in the 1960s the Executive continued its opposition to any policies with a whiff of communism about them. Following the March 1961 elections Jim Macken, President, declared the Executive's confidence that the membership had delivered it 'a clear mandate', its officers holding a three to one majority where places had been contested. 'No member of the Communist Party, or even its sympathisers, now held a position on the Executive or Council'.¹ Macken had defeated Arthur Geitzelt by 2,681 votes to 974, O'Toole had prevailed over Denis Holmes 2,681 to 1,012, Lennie Lambourne had polled 16 votes and lost to B Turner as Councillor for the Airways Section and JJ Lamond held against Hughes' old lieutenant, James Bullerwell, in the Newcastle Section, 294 votes to 70. Cecil Davies, Betty Spears and Vince Higgins had run unopposed. Vince Higgins recalled that the Officers' Ticket was generally never safe until the votes had passed the 5,000 mark, with always less than 40% of the rank and file voting, and a swag of some 2,500 votes mustered for the left. The union remained firmly anti-communist; *The Clerk* December 1960 was outspoken on the ACTU's levy to finance visits to Australia from 'so-called trade union representatives', the 'Red Chinese'. These were 'bogus unions' and it was claimed the decision to impose the levy was not submitted to the State branches. Attempts made 'by this union's delegates at a meeting of the Labor Council of NSW to have this matter debated' were ruled out of order by the chairman.

Meanwhile there were more expulsions from the ALP. Vince Higgins, Betty Spears and Cecil Davies appeared on an election ticket with Miss M Grey, who worked as a secretary for the DLP.² The union rejected communism while pulling up short of affiliation with the breakaway DLP. Joe Riordan continued as a Councillor in the Branch and his rallying article, 'Australian Labor Unity Key Weapon vs Communists', in the March 1964 *Clerk* declared the communists to be 'in decline', the Peking-Moscow dispute within the party leaving it 'split' and 'in bitterness smouldering'. Communism was however not extinct and was 'still a considerable influence in the trade union movement', particularly trying to 'infiltrate the organisation of job delegates within particular factories and plants'. Riordan warned that the communists' 'fanatical and ruthless drive' compared with the attitude 'typical of workers in free countries' could still let communists win leadership positions. They had set off 'wild cat strikes' in 1962 without 'the authority of the official trade union movement', and they had won significant votes at the last ACTU Conference.

After the 1961 elections

Cecil Davies Deputy President, Betty Spears Vice President, Vince Higgins Assistant Secretary



Central Council Meeting 1961

Betty Spears with Councillor M Gray, A Traill (Minute Secretary) and Judy Ward

Riordan also confirmed the union's industrial position; arbitration was 'not perfect but delivered well' and did not deny the right to strike, a right the union had certainly not given up. The communists however had agenda beyond industrial results, and were 'provoking actions against unions and getting them into trouble, with a view to destroying arbitration'. Their wider political agenda and influence could be seen in the effect of black bans over the military surveillance installation at North West Cape. Members must not 'underestimate the commies', even though the split in the ALP was 'beginning to heal'. This however would make the unions an even more attractive target for the communists; they could 'operate a sub-national government'. 'The fact is', Riordan summed up, the CPA 'does not use normal and legitimate political methods'.³ The June 1965 *Clerk* reported concerns from the Federal Conference: 'for years the communists have tried to destroy [arbitration and conciliation] for their own purposes'. Communist efforts were 'aided by many employers' who were sidestepping conciliation by refusing to negotiate and driving matters to arbitration, where they made 'capricious use of the penal system' and raised 'technical difficulties'.

The leadership's strong identification with the old Groupers and their values was suggested by the October 1967 edition of *The Clerk*, which marked the death of anti-communist champion and Labor Council President Jim Kenny with a black border. The Executive remained on guard against communist incursions throughout the 1960s; as the union prepared for its 1967 elections the members were again reminded of 'occasions when communists have blatantly and fraudulently rigged union ballots'. This was accompanied by a plea to return ballot papers on the grounds that 'many difficult

Central Council Meeting 1961



C Davies (Deputy President), P O'Toole (Secretary), J Macken (President),
B Spears (Vice President), V Higgins (Assistant Secretary)

situations arise when only a minority of trade unionists bother to exercise their democratic right to vote'.⁴ Councillors included union stalwarts Keith Glover, Jack Best for Newcastle and Fred Toby of the Shipping Section.

While the moderates now enjoyed the security of a sympathetic Council they remained true to their promise that the union would be run on a democratic basis, and the mechanisms for giving even the communists an opportunity to be heard were maintained. In the early 1960s General Meetings were still attended by June Mills, O'Hara and other articulate and well organised communist supporters. The meetings attracted sparse support from a rank and file inclined to take their union for granted. Nita Breen, having joined the union office staff in the mid 1960s, recalled how it was a condition of employment that staff attended the meetings to outvote the left. In an echo of Hughes' time, the main contests tended to be over international policy and political affiliation. Motions included asking the Federal Government to break off diplomatic relations with Russia, a partial ban on nuclear weapons, condemnation of the 'aggressive attitude' of Red China, and congratulations were moved to Senator Kennelly for his 'courage in proposing a conference to secure a United Labor Party'. It was noted that the Executive Council and 'many of the rank and file have stood for a United Labor Party since the split in the labour movement', even when the party was unpopular and beset by 'vicious attacks of extremists, pro-communists and the sectarian element in the Labor movement'. Unity between the ALP and the DLP, it was suggested, would help to oust Menzies and 'personal interest' and 'personal antagonisms' should be put aside. After long debate it was resolved that 'this meeting of clerks' supported the removal of obstacles to a United Labor Party'. Macken was in favour and the motion was carried 53 to 46. 1966 saw confrontation over Vietnam when J Doherty moved that the union condemned Communist China, North Vietnam and the Viet Cong, and O'Hara moved a rescission motion. When Lambourne wanted suspension of standing orders to debate conscription, the vote was equal. O'Toole spoke on the matter at the next meeting, noting conscription was only justifiable in times of emergency and that 'other avenues' had not yet been 'exhausted'. It was observed that it was 'unconscionable that the Government should continue to trade in goods used against Australians', carried 39 to 37.

'From time to time this Union has made public statements on issues which it believes to be vital for the welfare of our country'. As, for example, the Snowy Mountains Project drew to a close, the Executive used *The Clerk*, November 1966 to campaign for the Commonwealth to keep the construction team together as there was 'still much work to be done'. The union had a strong membership in the project and was 'aware of the performance potential of the present team'. Attention was called to Dr Bradfield's scheme to redirect peak run-off in Queensland. The 1962 Central Council Meeting made the Executive's outlook on wage increases clear; instead of a policy of industrial action or arbitration to force rates up, the union believed that increased productivity was the key to getting substantial wage increases. An interest in social issues saw the union not far removed from some of the concerns formerly seen as matters of interest to communists; at the General Meeting of 19 October 1966 O'Toole moved a motion of support for the Aboriginals of the NAWU in their 'struggle for equal pay', further action to be taken after the ACTU's viewpoint was 'ascertained', and the vote was 25 in favour, 17 against.

One of the first Co-operative Building Society Homes



The union supported its regional offices and outlying committees. At the outer edges of the NSW union's ambit a common rule in Canberra in the Clerks (ACT) Award now covered all members in that outpost and on the South Coast a strong committee including MA Lawless as President, Mrs Chatterton as Vice President, Pat Minns on the Committee and Miss M Everett as Secretary was at work. Union life was extended through training and encouraging the individual progress and successes of its officers. In Sydney Organiser Jack Galvin was granted a Commonwealth Bank scholarship to attend the Australian Administrative Staff College at Mount Eliza, Victoria, as a representative of the ACTU where Bob Hawke, Research Officer of the ACTU lectured at the session. Welfare policies were pursued; child endowment was promoted in *The Clerk* together with a petition for members to sign while a long cherished project aimed at the welfare of clerks was achieved in early 1961 when the union announced the formation of the first co-operative building society. After the Rural Bank had not seen its way to fund the scheme, the Commonwealth Bank provided £50,000 for the use of members through the Clerical Workers (No 1) Co-operative Building Society Ltd. An appreciative

letter published in *The Clerk* in December of 1961 suggested that Mr Higham, union accountant and Secretary of the Society contributed considerable time and attention to the success of the venture; Mrs Anne Franks wrote to President Jim Macken praising Higham: 'we realise he had many calls upon his time but on the many occasions we had reason to contact him, he was always courteous and went out of his way to help us'. *The Clerk*, March 1964, published a photograph of a modern home at Merewether, and the proud owners, with the assistance of the union's scheme, were a shipping clerk Mr Frank McDonald and his wife, of Newcastle.

In 1964, WJ Beasley was President, having been elected Deputy President upon the resignation of Cecil Davies. Jim Macken had resigned as President, having completed his legal studies and he left to go to the Bar, where he would pursue a distinguished career in industrial law, becoming a Judge. Joe Riordan said Jim Macken had 'earned respect from Northern Queensland to Western Australia' while Macken noted that in the union 'the leadership is sound and virtually unchallenged' and 'the Award situation is good'. He was voted a life member and Phil O'Toole observed that Macken had been 'an inspiration to the union'.⁵ Colin Hilder from the Metropolitan and General Section was elected Deputy President. In that year *The Clerk* published an obituary for Arthur Stacey, one of the original Groupers who had served on the Executive and contributed as a Central Councillor, and Brian Turner, Central Council member and President of the Airways Section died in a car accident: 'Colleagues such as Arthur Stacey and Brian Turner can never be replaced'.

At the September 1966 Central Council meeting in the Meeting Room of the Teachers' Federation Building, the union declared a \$9,662.35 surplus, and decided to invest \$10,000 in gilt edged securities as a Long Service Leave Fund: 'This is first time the union has been in position to set aside funds to establish a financial reserve as a safeguard and for future expansion, also as a means of earning interest to improve our income'.⁶ The membership was by then 13,500 members, with the biggest recent increase in female members, and there were now 'pretty even' numbers of men and women. In 1967 the Clerks moved to new premises, 300-304 Sussex Street, on the sixth floor of the new Federation House. The Executive was pleased to move after 25 years, an opportunity to modernise the union's facilities. It now had five telephone lines, and a meeting room, a welcome addition, and although the staff had experienced some upheaval in 'establishing themselves in this part of the city' all was now in place. That year saw the union leading the Labor Day March with lively but 'hard hitting' displays, including an old and new car, the new representing 'Union benefits' and the old 'Non union insecurity'. As the procession approached Redfern Oval organiser John Loty appeared dressed as a white rabbit, and four young girl members of the union dressed in South's colours waved the slogan 'Be with the winning team, join the union'. This was well received as the procession passed into South's territory. Trade Union Youth Week saw Paul Toplis of the Clerks speak at Hyde Park, and after the speeches the swinging sixties took over with the Youth Festival in the park, many young people on their way to city discotheques staying to 'go go dance' on the grass to the sounds of 'Heart'n Soul' and the 'Unknown Blues'. The preceding Saturday morning had seen a colourful cavalcade of cars through the busy city streets, and there was a Youth Parliament and Win-a-car competition. Talent quest proceeds were donated to an Aboriginal Scholarship Fund. The union contributed its own activities, with an 'extremely successful' recruiting campaign and a Young People's Forum at the September General Meeting, with 100 attending, chaired by Joe Riordan.

Heading into South's territory, Labor Day 1967



Joe Riordan, the girls, and one white rabbit, in the Labor Day Procession, October 1967.

In 1968 Phil O'Toole was elected to the Labor Council Executive, the first Clerks' Union representative to hold office since Jack Hughes in the late 1930s. O'Toole represented the Printing and Allied Industries Section. It was noted in *The Clerk* that the Labor Council had some 107 affiliates and represented about 800,000 unionists, and was the largest State branch of the ACTU. Both Phil O'Toole and Joe Riordan were nominated for life membership at the Central Council Meeting on 21 May 1969, a recommendation endorsed unanimously at the Central Council Meeting in September 1969, and moved by Betty Spears. In the same year an 18 year-old member of the union, Cynthia Ragga, won a Essay Competition, 'Why you are a member of your Trade Union', one of the Youth Week activities. Cynthia was employed at AWA Ashfield.

The industrial programme

Vince Higgins recalled the 1960s and early to mid 1970s as 'heady days', although the sense of energy came from industrial achievements rather than the old political contests. It was something of a hardworking but golden age for the union in New South Wales as improvements in the economy loosened constraints upon the industrial tribunals' outlook. Issues of equal pay, meaningful preference, the advance of technology, membership agreements, work value, the grounds for reinstatement and the difficulties inherent in the CSA were all addressed. The Clerks' Union took on the demeanour of agents of change as well as providers and enforcers of general increases and standard conditions for clerks. At the March 1963 Central Council Meeting Phil O'Toole could declare: 'With diligence in our programme of awards and membership recruitment, the coming year indicates a further consolidation of our position as a most active union on behalf of clerical employees'.

Membership

The Executive already knew that if anything were to be achieved in the years ahead the union somehow had to recruit a viable membership from the union-shy clerks. As the Arbitration Act was amended in late 1959, ending the failed dream of compulsory unionism, the union saw the provision as 'limited preference offering seniority on retrenchment'.⁷ It was discovered that such a clause was a weak thing when in 1962 Washington H Soul Pattinson & Co Ltd closed down a warehouse and retrenched all the female staff. It was alleged to have 'privately' advised ten of them, all non-union members, to report to a new establishment where they would be re-employed. Apparently the company had 'paid up to date all outstanding annual leave in their manoeuvre'.⁸ A union member was one of the retrenched, and Charles Cullen, barrister, was retained to fight this case testing the new legislation. Although a breach of the Award was indeed found there was no reinstatement available without the difficult proof of 'harsh and unconscionable' conduct on the part of the employer. The decision made it clear that the Act and Award might well specify 'preference' but there was no provision for its enforcement. The Labor Council endorsed the union's request for the legislation to be amended.⁹

Limited preference, enforceable or not, did little to inspire clerks to become members and the union now resorted to its own programme of recruitment. Mindful of the difficulties of enthusing clerks the Executive took a realistic approach, as it had with compulsory unionism. It made an all out effort to establish membership agreements and rights to entry to workplaces and the tally clerks were ready to back up the union in persuading the employers, as they had done at Frank Cridlands for Joe Riordan in the time of compulsory unionism. In September 1960 four hundred clerks were employed at Dunlop Rubber but just four of them were members. Jack Galvin was recruiting there and the tally clerks, with the Executive 'inclined' to support them, lent their 'assistance' to a membership drive by refusing to receive or deliver merchandise waiting on the wharf for Dunlop.¹⁰ The three-weeks-old ban was lifted when the company applied to have the union deregistered. That foray into industrial action was described in Phil O'Toole's matter of fact style as 'not successful'.¹¹

Less bold methods than using the tally clerks were also diligently pursued, with the union engaging as many organisers as it could afford to reach clerks and persuade them of the benefits of joining. Two additional men, Ken Collins, an experienced organizer, and Brendon Hannelly, representative from the successful Egg Marketing Board section, were appointed. Another organiser, John Forrester, was chosen particularly to

look after the Canberra clerks, having been a clerk with the Commonwealth Public Service Section of the union and there was a concerted effort to reach country members; Ken Collins increased the North Coast, always good supporters, by another 100 members, and his other area, the Western Districts improved.

Success in a dispute could put the union in a commanding position to negotiate a membership Agreement. Such an Agreement was made with Mayne Nickless, the cash delivery company, after a long dispute when the union settled the distinction between office staff and payroll staff, employed in the payroll operations of the company. The union was now determined to have a 100% membership arrangement for the clerks, particularly given that the Transport Workers' Union had 100% membership among its workers at Mayne Nickless, as reported in the December 1960 *Clerk*.

Nothing roused the union to action more than a breach of the principle that clerks should have the same access to their union and its Awards as other employees had to theirs in the same workplace. There was lively resentment when clerks were sidelined in this way and it seemed to happen all too easily. An opportunity in 1962 for the clerks to assert themselves in the public eye led to one of the Federation's more sensational triumphs, Joe Riordan's battle and victory as Federal Secretary against the Ford Motor Company. The New South Wales tally clerks played their part in that near legendary dispute, which commanded prominent pages in the *Herald* for days. The Melbourne tally clerks started a ban on Ford manufacturing components when the company refused to enter a membership Agreement with the union. The sore point behind this aggressive reaction was discrimination against clerks; Ford had voluntarily granted the Vehicle Builders a membership agreement but had denied the same to its clerks and Riordan saw this as 'subtle and vicious anti-unionism' and 'cheap intimidation of clerical staff'.¹² This time the union was immune to the threat of deregistration or penalty. The Commission could not prescribe membership in a Federal Award but the element of discrimination left an opening for a prolonged campaign. When the Steamship Owners' Association applied for a clause in the FCU (Shipping) Award to outlaw the tally clerks' ban on goods to and from Ford, Commissioner Findlay said it was reasonable in the circumstances 'to indulge in direct action' and he would not grant the application.¹³ The Sydney tally clerks then joined in. As the car parts stopped at the wharves the Ford plants ran short and threatened to stand down 3,000 vehicle builders, whereupon their union claimed this was in contravention of their Award, where stand down was only available if Ford could not be held responsible for there being no work. However, the Full Bench refused to interfere and £750,000 worth of parts languished on Melbourne and Sydney wharves. Meanwhile the Amalgamated Engineers joined in, demanding reinstatement of six members stood down.¹⁴ At Homebush 13 unions called upon Ford to pay employees because of lost time and passed a resolution threatening 'more determined industrial action'. 1,200 workers were now idle and would support the clerks if the matter did not settle. The ACTU also lent its support while Ford pointed to the tally clerks; while others were out of work they simply refused to handle certain goods and were not suffering at all. The stalemate was broken after long conferences with Sir Richard Kirby, presiding as a private person acceptable to all, and the dispute ended with an agreement that all new clerical employees earning up to £1,000 and not in managerial positions should be union members.¹⁵

In his Secretary's Report dated 26 March Phil O'Toole noted that the Ford case had a 'big impact on the employers in New South Wales'. The membership stood at 9,505. British Motor Corporation had made an Agreement, and 40 membership cards had already been signed. Opposition from Qantas,

'a respondent of some significance to the Airways Award', where the union was not permitted to speak to staff, would be taken up at Federal level, while in the retail trade 20 members were recruited at Anthony Hordens. Farmers, 'now Myers', was not cooperative, but at Peter's Ice Cream recruiting had been successful. There many young men were trained in accounting procedures and were on 'reasonable salaries' and the company had agreed to finalise a membership Agreement along the lines of the oil companies' 1950s statement to their employees, with a similar letter favouring membership to be distributed amongst them. The union itself took to sending out letters inviting prospective members in general to join, and a copy was filed with the Central Executive Minutes, 28 June 1962. The Secretary's Report, 28 September 1963, indicated more progress; membership had now increased at Qantas while at Shell after 'protracted discussion' membership arrangements were 'successful'. British Motors now boasted 210 members out of 350 clerks at the company; 'our agreement with Ford Co. paved the way for this success' where 'new starters' were 'obliged to join and remain members'. Peter Woodhouse, organiser, had 'sacrificed part of his annual leave in the cause' of signing up 70 members. An Agreement would also soon be signed with General Motors Holden. By 1964 the membership had reached 10,009 and a new Section, Automotive Manufacturers, had been formed. The Federation then set about obtaining a Federal Award for clerks in the industry. As the case proceeded before Commissioner Findlay in late 1966 Riordan claimed the work was 'undervalued' and also that female work was at least of equal value, and should attract the same marginal rates. The companies were prepared to grade clerks, with all automatically reaching Grade C. Riordan explained in *The Clerk* of November 1966 that 'in these negotiations the Union is trying to establish appropriate salary scales, based on the work value assessment of the clerical functions performed in this technical manufacturing industry'.

Meanwhile the State union, whose job it was to deal with the members at grass roots level, was not carried away with the more confronting methods of recruiting. It was noted that if 'desk to desk' canvassing were possible, as for example it had been in the Hospital Contribution Funds, where 130 new members were signed up, 'results are generally more rewarding'¹⁶, and the union looked to appointing another organiser, Keith Glover, in 1964. He came from STC, where Vince Higgins recalled Glover was actually an engineer whose work passed for clerical duties. When it became apparent that someone needed to put his hand up and work for the union, Keith Glover characteristically applied. His territory at the outset was STC, South Coast and Canberra. Meanwhile the union continued to gain ground: it made an agreement with the TAB including a membership agreement and at Borg Warner the union was asked to affiliate with the Shop Committee.

The State Awards

The 1960s were less hostile to improvements in rates and conditions than the previous decade had been, and the great if not sensational achievement on behalf of the great body of commercial clerks scattered in small offices would be the way the main State Award and its satellite Awards were used painstakingly to raise the value of clerks' work and gradings above an average measure and represent all commercial clerks. This owed much to the focus and steadiness Phil O'Toole brought to the task of settling the union, with its quite turbulent past, into a sound industrial institution under the example of his strict work ethic. Betty Spears put Phil O'Toole's achievements into perspective; the union needed 'a person like Phil who could dissect it all and do the ordinary, well, no, they weren't ordinary, they were extraordinary things, like getting the Awards up and choosing the right people for

the industrial office and the organisers'. When in 1967 the Commonwealth Industrial Commission stated that the Metal Trades Award did not apply outside those trades, and other workforces must establish the value of their work for themselves, O'Toole could point out in his measured way that the union had already established that habit in its main State and other Award work.

Betty Spears gave some idea of what it was like to be a witness in one of the union's exhaustive applications and the skill needed to present them, even if often before experienced and well known arbiters. She felt that O'Toole was 'very good with Awards, very good at working out the different parts. I appeared in court a couple of times too, and funnily enough the Registrar was Jack Kelleher who I'd worked with. We were trying to get allowances, and I talked about women having to wear stockings, and dresses and gloves and all that, and how expensive that was'.¹⁷

In early 1961 the State Award was due for renewal, having last been made in February of 1958 for three years.¹⁸ Seeking to make amends for the Awards' 'sorry history'¹⁹ in the 1950s, the union now prepared a meticulous case to build a satisfactory general Award for clerks' conditions and pay in New South Wales. In the 1961 CSA application the union sought to generalise some of the gains 'already established in other Clerical Awards both Federal and State' by applying for them in a 'new deal' for the main State Award. The State Award claim was framed on the principle of the 'career nature' of clerical work, and included the need for some training, three compulsory gradings after an incremental seventh year of service, and a requirement that percentages of employees be graded. Further claims were for equal pay for juniors and in the incremental salary pattern, increases for skilled machine operators and stenographers, the meal allowance of 10/- already in some other State Awards, stricter controls on exemptions allowing shiftwork to some employers, and two weeks fully cumulative sick leave.²⁰

The exemption rate now became urgent. Until 1963 the union was generally concerned at the security of members' overtime and work outside the scope of hours but when AWA for example obliged the 40 of its 200 clerks paid over £21/12 per week to work on a public holiday, Phil O'Toole reacted: 'the action of this Employer makes it necessary to combat this exemption situation most forcibly'.²¹ The company would not extend the exemption rate by agreement. The State Award application was not completed until 1964 so an increase of the exemption rate in the Award was now included. The goal was to cover all senior clerical personnel by increasing the rate, at that time £21/12. Organisers Higgins, Forrester and Collins undertook a survey, investigating 70 companies, and in the light of it the union claimed an exemption rate of £35/5, expecting 'stern opposition' from the employers, and calling for members' support. Before commencing the case the union had also asked 44 employers to supply information about the actual wages and salaries being paid but they refused until the union offered to subpoena them, whereupon agreement was reached; the lists included length of service, age and classification. The employers countered that clerks should not have received the 28% Metal Trades margin in 1960, and that there had been no change in clerical work since then. If anything, computers made their work easier. Moreover it was traditionally the role of employers to recognize length of service and career progression with higher rates of pay and this 'should not be disturbed'. The union's reply was that Industrial Tribunals were in a better position to assess value work than single employers.²² As O'Toole had warned back in Central Council, 20 March 1961, the case would indeed prove 'long and tedious'.

The hearing before Commissioner Manuel took 27 separate days and was completed on 2 January 1964. The union engaged 'leading industrial barrister', Mr Charles Cullen, who brought not only legal training but a grounding in economics to the task. *The Clerk* described the case as 'one of the most comprehensive ever presented to the Industrial Commission of New South Wales'.²³ Six inspections of workplaces where clerks were covered by the CSA were made but agreement was impossible on the breadth of matters affecting salary claims. The union was determined to use the Award to push for a 'complete review' of rates of pay for clerks in NSW and confronted the old and difficult question of the value of clerks' work by proving the numbers of employers paying above Award rates. Schedules of actual pay for 1,000 employees were drawn up. The recent Federal Breweries Award was also used to demonstrate how clerks under NSW Awards were being undervalued; the telling difference between rates under the old State Award for brewery clerks and those under their new Federal Award clearly showed comparative wage injustice to clerks under the State Award in New South Wales. Even given the lower Federal basic wage the breweries clerks now had better rates. Eight brewery clerks gave evidence of the kind of work they did, and the case gave many members an opportunity to play a part in the proceedings, with 94 witnesses called, from 14 different companies in 13 industries. Cullen also reviewed the economic changes since 1958 when the rates were last settled in the Award, and changes in the clerical industry calling for new levels of remuneration were explained. The Metal Trades decision of April 1963 was used to indicate changes in the economy rather than as a precedent, and it was demonstrated that a 16.3% increase was needed to restore the standard of living allowed clerks in the 1958 Award. Particular attention was paid to the career aspect of clerks' work, the accumulation of experience and growing efficiency and the need for training. Conditions were agreed upon, including a provision that employers must still make a specific application for shift work but the question of rates awaited a decision.

The Clerk of June 1964 announced a 'New Deal for the union' when the decision was handed down on 16 April 1964. Except for the 1960 28% margins increase these were the first gains since 1958. O'Toole stated the decision recognised the value of clerks' work and had regard for the exceptionally strong argument and evidence submitted. Margins were lifted, although a 28/- per week increase for males and a 23/- and sixpence increase for females departed from equal margins, a particular disappointment to Betty Spears. However stenographer, machine operator loadings at 15 shillings were 'the result of the splendid evidence before the Conciliation Committee on this type of work'. An additional 10/- was awarded for graded positions with supervision or responsibility, the first change since 1953. The exemption rate, previously £3 above the basic wage, was now £13 above it and Commissioner Manuel was described as 'astounded' at the previous exemption rate.²⁴ The Commissioner also refused to continue the 'obnoxious' exemption allowing work on Public Holidays. However the union's application to change the wage structure by extending the incremental scale 23 to 26 years did not succeed. The Secretary's Report 28 April 1964 noted that the Commissioner could not alter the 'pattern' of award increments to extend increments to the age of 26 years in a general Award, and must set the rate for clerks 'capable of carrying on the duties already described by the Commission in earlier decisions'. A longer scale would overpay some clerks and underpay others. It was found that employers were best placed to choose what they would pay for additional experience and skills. The limitations and advantages of the State Award were summed up at the Central Council

Meeting 31 March 1964: 'This must still be regarded as a general Award. With an increase in the bases of our award we must take advantage of the situation and where possible make new Federal and State Awards'. It was nevertheless noted that the new loadings for skills were good, the same level as those obtained in the specialised Clerks (Sydney Daily Newspaper) Award in December of 1961, and that this was the result of the loadings being 'fully substantiated' and based on 'work value'.

The CSA increases served the purpose of drawing on the other State Awards, including the Retail Awards. Those Awards apparently covered some 5,300 clerks, although this estimate rose as the research for the application progressed. The lot of the retail clerks had previously been tied to the Shop Assistants' Award. It had been decided at Central Council in March 1960 that it was 'timely to have the Industrial Registrar have retail Awards under the scope of a clerks' conciliation committee and taken out of the scope of the Shop Assistants' Committee'. There had also been an oversight when the 1960 Metal Trades increases were awarded for the union's 'own two Awards', the Office Assistants Newcastle and the Metropolitan and Offices Assistants' Award, but in the Shop and Office Assistants Country Award, to which Shop Assistants were still shown as the only party, the classification of clerk had been overlooked when the application was made. This 'disregard' had created 'an intolerable situation'. The current application now attempted to refine the Awards' terms and make them more accurate and descriptive of clerks' work. Phil O'Toole presented the retail case, filed promptly in May of 1964 and decided by Commissioner Manuel on 15 November 1965, the first thorough review since 1939. Jim Macken's foresight was now having its day as the union aimed to establish more appropriate rates of pay and conditions for retail clerks and distinguish their work clearly from the shop assistants' duties. Inspections at the behest of the Country Traders Association took place in Mudgee, Lithgow and Muswellbrook and later Tamworth, Lismore and other places. The June *Clerk* noted that the case had increased awareness of the union and shown members how much work goes into claims, and membership had increased. The application sought a review of the industry in much the same spirit as the CSA application, as a work value case. It took 54 days in all, and extensive inspections and evidence from 214 witnesses helped to establish the value of clerks' work in that industry. The varied duties required a range of skills and a clear pattern was established of how employers came to rely on workers developing their skills and of how such workers were 'transferred progressively to more important tasks'.²⁵

Some measure had to be established for the retail clerks and it was contended that their work was firstly comparable with that performed under the State Award, and therefore must be seen as within the general class of clerical work and then the particular standard of that work was argued as equivalent to that in the Federal Breweries Award. Mr Lawrence for the Retail Traders' Association argued that the retail clerks' rates were 'historically the same as paid to shop assistants' but that was a history the clerks wanted to leave in the past. Commissioner Manuel found that the work value was indeed comparable with that covered by the CSA, and it was noted that as he had been the Commissioner in that case he was well placed to make an authoritative assessment. On the relativity of shop assistants' and retail clerks' rates the Commissioner felt that changes now made 'sectionalising' necessary, given the large groups of employees now processing media, performing for example the cycle billing of debtors accounts on 'Sensimatic' ledger posting machines. Increases were granted to the clerks throughout the salary range, incremental loadings were awarded for machine operators, not only for seniors but

for the first time for juniors, and the old distinctions of metropolitan and country clerks gave way to a common State rule. The overhaul of the retail clerks' lot was a marked advance.

The far-reaching and progressive activity on the part of the union had its effects on its growth and public image, especially given the degree of involvement it offered to employees as they were surveyed, asked to provide evidence and generally consulted. By September of 1964 the membership reached 11,000 members. Phil O'Toole saw this as a result of the new State Award, which 'drove home to many clerks their dependence on the union'. Increases were also hoped for in retail, where information gathered from the retail award application now suggested that there were as many as 10,000 retail clerks in the State.

As the membership and the union grew, it did not lose sight of its members' many and varied needs. The increases in the CSA posed problems for the butter factory clerks; they had enjoyed an 8/- advantage and this had to be maintained as the CSA caught up with their Award. It was noted that this would be a hard case to argue. It was also noted that there were many disputes over implementation of the CSA; BMC, AWA, Cockatoo Island Dockyard, Borg Warner, Commonwealth Engineering and Yellow Express all required the 'forceful stand taken by members'.²⁶ When the Sydney Daily newspapers were not cooperative about renewing their longstanding agreement the union was offended; this was as O'Toole put it, a 'departure from the previously existing custom of arriving at a settlement of the dispute' and it was 'not appreciated by clerical workers of this industry'.²⁷ There was a Daily Newspaper Conciliation Committee, and that would provide 'the vehicle for the prescription of an Award'.²⁸ Serving the log of claims on the daily newspapers drew a counter log and the union briefed barrister JT Ludeke to 'present facts and arguments' to obtain an Award able to 'thoroughly cater' for the members. An extensive case was prepared, with inspections and 'all relevant information relating to employees and salary standards'. The union sought 'just and reasonable rates of pay ... including recognition for service and responsibility and special skills', as well as penalties for the hours of work. The preparation was time consuming 'because of the extensive work involved in providing for all of the features necessary for an Award to cover the peculiarities of the newspaper industry' but the union was determined to succeed, and indeed obtained the 'prescriptions' of an Award by arbitration. By contrast the metropolitan newspapers did not antagonise the union, and that Award was renewed by consent, in June of 1962, with the Newcastle Herald under a separate Agreement.

When in 1969 the union renegotiated the Hire Car and Taxi Clerks Award it was noted that the Award covered a small number of members but was an essential Award because it allowed necessary but carefully considered shift work provisions. The union was reluctant to use the apparently more efficient course of general provisions for shiftwork in the CSA. Such provisions would undermine the principles of a five-day week and spread of hours and the CSA required industries to establish grounds of necessity.²⁹ There were also old Awards to be kept up, including the Butter Factories (Country) Award, where in 1960 for example increases of 17/- per week were gained for both male and female employees, with proportionate increases for juniors while the butter clerks were also granted the Picnic Day for the Butter, Cheese and Bacon Factory industry.³⁰ An Agreement was made with the RSL where all clerks were members. They would ordinarily be covered by the CSA but their own agreement had 'additional important features',³¹ such as job classification and a top salary range to £1,520, fully

accumulative sick leave from year to year, additional long service leave and higher duties allowance. One of the union's oldest Awards, dating from 1920, for Time Payment Collectors, employed by the Retail Traders Association, was revived and gained the 1959 Metal Trades 28% increase. The Award had taken two years to prepare because of the changes that had occurred in the industry. Its single rate of pay for adult males attracted some criticism from other unions but this oddity was partly because commissions were paid to the collectors. They also received a car allowance, according to horsepower; a 14 hp car attracted £5/5- per week.

On the Wharves

Despite their eager assistance against the employers in the early 1960s, the shipping clerks continued to draw heavily on the Executive's time and the union's resources. At the end of 1959 O'Toole had asked the Executive to consider the Shipping Section levy; the shipping clerks had paid £1 for four years, but it was 'now insufficient' for present day costs. A levy of £1/10/- was suggested, with 10/- for their mortality fund, a proposal which had to go to the Central Council. The Council approved a 30-shilling levy for the Shipping Section by ballot.³² Meanwhile the level of vigilance and discipline required from the Executive to keep a closed shop for the shipping clerks continued. Adjustments to manning levels were carefully negotiated; at that time twelve casual clerks were to be admitted and O'Toole had also liaised with FT Kelly, the supervisor of the Timber Tallying Association about the need for more timber clerks. After examining the summary of earnings for Port Kembla, two more clerks were agreed to for that port.³³ In March 1960 O'Toole, Toby and the Shipping COM concluded that a 'thorough discussion' was warranted on disability registration'. The COM contended that there was a shortage of clerks and disability clerks should do all work until all positions were filled. Toby said they were available for all but hatch work. The authorised stop work meeting also provided an opportunity to advance the matter of the mortality fund for the shipping clerks.³⁴ Despite all this work on their behalf, some tally clerks did not pull their weight; three of them, for example, were found drunk on duty in particularly unfortunate circumstances. O'Toole and Toby had been before Commissioner Findlay on an application from the Shipping Companies Association after the union, trying to protect the members' jobs, had not allowed shipping clerks to work on the vessel the 'Tulane' unless clerks were engaged to tally-in. The Commissioner asked the employers to engage tally-in clerks while he viewed the position but the three drunk clerks left the job, as reported by 'phone to the union office on Saturday morning. The 'possible repercussions' of their default and seeming disrespect for the Commissioner made O'Toole, who happened to be in the office to do some urgent work and so took the call, summon an urgent Saturday meeting, where it was decided the three clerks should not be registered for work.³⁵ The union later had a telephone installed, and met the expenses, to Toby's home so he could keep well up with events on the wharves. Secretary O'Toole noted in his March Secretary's Report to Central Council that Commissioner Findlay had been moved to comment upon the 'laxity and misconduct' of the three clerks. This was disappointing; the interview and selection of tally clerks, for example, was a 'difficult job' and took 'a good deal of time'. Authority was delegated to Newcastle to deal with infringements there and a deputation attended on the Premier regarding the future of the inner harbour at Port Kembla.³⁶ In May the union noted with disapproval that the shipowners had 'declined to requisition for casual shipping clerks in accordance with published allocation of waterside workers'³⁷ and in September when the WWF held an authorised stop work

meeting and the shipowners again 'declined' to pick up clerks, Toby and the COM recommended that the clerks stop work the next day, and O'Toole duly booked the Assembly Hall.³⁸ 1961 saw the union determined to 'rope in' BHP and Australian Iron and Steel (AI&S) as parties to the Federal Shipping Award to 'secure Port Kembla work for casual shipping clerks' with those large companies and also fix the 'anomalous' position in Newcastle³⁹. BHP and AI&S appealed and the union was not successful until 1964. In the meantime the case cost £800, and the union justified this expense on behalf of the shipping clerks on the grounds of the advantages if the case could be won.⁴⁰ August saw trouble with the permanent clerks replacing temporary hatch clerks. The Executive declared that the 'position must be maintained' and that all clerks must remain on their jobs until they were completed, and not jump to a new job, thus pre-empting temporaries. The advantages to the shipowners were obvious. In November the 'treacherous attempts of the communist party fostering disorder' were seen when casual clerks walked off the 'Beltana' and then attempted to take matters into their own hands and address Commissioner Findlay. When fined and suspended H Powers had summonses served upon Macken, seeking in Proceeding No 1 of 1962 that the Executive show cause for its actions. The result was a ruling that the union treat the wayward shipping clerks as financial members, and the costs were awarded against the union. F Corbett, H Wakefield, B McFarland and Powers then pursued Macken, Spears, Toby and Higgins for damages for breach of contract and for 'campaigning against me as an Ex member of the NSW Branch'.⁴¹

The Executive refused to be intimidated and persevered with the industrial affairs of the Section; in May it reminded the clerks they must get permission to work a second shift if there were surplus clerks at the pickup, and O'Toole was adamant that the £1 levy must be paid; the attitude of some showed 'total disregard of the work performed by the Federation for the Shipping Section members and the cost involved'. It was also a 'grave disservice to the union'.⁴² By June the union found itself challenged; first an unofficial meeting was held regarding midnight shifts. The casual clerks wanted pay for the first day after such a shift on the grounds that they could not work that day but Toby directed them to work according to the Award, whereupon the clerks refused because their demands were not met. They were charged under Rule 35 (a) (2) requiring them to follow any lawful resolution of the Central Executive and at the hearing confronted the Executive: 'I regard the rank and file as being the people who should express union policy'. The hearing of the charges against these clerks was a long affair, swallowing up most of the Central Council Meeting on 28 June 1962, and the substance was that they had taken things into their own hands and ignored the Executive. Meanwhile the shipowners identified 39 'intermittent' casuals who should not stay on the roster because they were absenting themselves. The Secretary agreed, although the men were still members, and would be advised when work was available again, a reasonable position which probably put the Executive beyond reproach.

In September 1963, after a 10% increase, the shipping clerks were still determined to strike, but they drew a radical decision from Commissioner Findlay. He removed the Executive's and Central Council's rights to discipline the clerks and vested them in a Board of Reference, and O'Toole had no reservations about noting the clerks had brought this on themselves. It was 'the direct responsibility of those who have made ineffective the exercise of the union's discipline'.⁴³ The Secretary put 'the endeavours made' on record. Mr Cork, President of the Shipping COM was not happy, seeing Commissioner Findlay's provision as 'very detrimental'.

Jubilant shipping clerks



T Watson, A Gray, R Hector and W Austin are the first to receive Long Service Leaver cheques as T McCauley, F Sheilds, F Toby (Vigilance Officer) W Burt of AEWL, P O'Toole (Secretary) and E Murphy look on.

In May 1965 the casual shipping clerks at last were awarded attendance money. Their 'guaranteed wage' claim was rejected but Clause 36 provided for attendance money for those clerks who made themselves regularly available for work. Twenty-eight shillings and three pence was payable for any day they were not engaged. The procedure for payment having been settled for New South Wales, the first member qualified for payment in Sydney, on Tuesday, 22 June. Permanent and casual clerks Australia-wide also gained substantial improvements in the new Award handed down by Commissioner Findlay on 6 May, after a 41-day hearing. The Commission's decision stated that it was satisfied that a 'marginal relativity ought to be established between a Permanent Wharf Clerk and a career clerk in an eighth year of adult service engaged in terms of the Clerks' Union Award for Shipping for Shipping Offices'. The Award provided for a 14-years incremental salary range, with a £30 a week minimum at the top of the scale. The casual clerks' rate was increased by 6d per hour. The gains were 'a fitting result for the substantial case argued for the union by the Federal Secretary with Shipping Organiser F Toby assisting in relation to the evidence from the NSW ports of Sydney, Newcastle and Port Kembla, where a total of 1,100 members were employed'.⁴⁴ Commissioner Findlay's association with the shipping clerks, and with most of the union's other Federal Awards, went back many years, and when he died suddenly on 28 September 1967 the union paid tribute to 'Commissioner GA (Tom) Findlay', whose 'fairness and experience' would be missed among the clerks.⁴⁵

On the 27 February 1968 the first of the tally clerks to take their long service leave were presented with their cheques, \$10,000 in all, at a 'small social gathering' attended by the Sydney Manager of AEWL, Mr WA Burt, Phil O'Toole and Fred Toby. Mr Tom Watson, a well-known figure on the waterfront, was leaving after 56 years, while three of the men taking leave would return to the industry. Burt calculated that in the next six months \$100,000 would be paid out to casual clerks in leave. \$29,000, for example would go to those accepting permanent employment and some \$12,500 to the

dependents of 15 deceased members. Toby said that the union was 'very pleased' with the progress of the negotiations. Plans were also advancing for a retirement fund for casual clerks and their Award provided for a picnic day; they prepared for an excursion to Parsley Bay, with a special ferry leaving Circular Quay, on 11 February 1970.

It was sometimes possible to gain State conditions, such as leave provisions in New South Wales, for members under Federal Awards. In something of a test case in 1960 the Commonwealth Arbitration Commission rejected the Metal Trades unions' application for three weeks annual leave in Federal Awards on economic grounds, but the Clerks' Union had already gained three weeks leave for oil workers in New South Wales covered by the Federal Award. Nevertheless, the Commonwealth decision was still a frustration because it would have improved the lot of permanent and especially casual shipping clerks and given them the same entitlement 'as is enjoyed by members covered by State Awards'.⁴⁶ The union continued to fight for the casual clerks, and eventually succeeded. Looking after the Awards sometimes had something about it of making sure the needs of each member of a large family were somehow met.

By 1967 the Shipping Section faced a new threat to their livelihood and again needed the support of their union. The Central Council Meeting of April that year noted that Toby had made a tour, financed by a \$2 levy of the Section, of overseas container ports. The Commission now ordered no further registration of shipping clerks although employment was to continue in accordance with recognised practice and manning scale. A dispute arose when the employees had refused to engage clerks to work on containers, and the Commission revoked the order and refused to direct either side. The union and the employers then reached an agreement. Looking back with some disbelief, Graham Gilbert, managing at Patrick's, reckoned the shipping clerks found a leader in Joe Riordan, and Gilbert's astonishment at the way the clerks kept the manning levels and their jobs in the face of containerisation was a backhanded compliment to the union's championship of this threatened minority.⁴⁷

While less volatile than the Shipping Section the airlines clerks also had the advantages of belonging to a clearly defined and close knit sector, well placed to engage in effective industrial action if need be. Vince Higgins recalled that they enjoyed good rates and conditions and were a confident workforce, and the records for their Section suggest that they were assertive. Stop work meetings were frequent and the members were inclined to reject offers and take direct action, for example on a list of complaints, and against Higgins' advice.⁴⁸ It was however also an industry where good career gradings were available and possible under the Federal Awards and the union had the same obligation as it had to the shipping clerks to spend the time and resources necessary to ensure that this group of its members had the best conditions available. Airline clerks had high expectations; 100% membership, automatic gradings, and such advantages as guaranteed seating out of Sydney for concessional travel for their annual leave.⁴⁹ They were also well paid with the Airways Award in 1965 for example providing £25 at Grade 1, £32 at Grade 2 and £39 at Grade 3, the lowest grade well above the 1964 exemption rate in the CSA. It was noted at the Central Council Meeting of 27 March 1965 that 'improvements are always being made in this particular Award', where Higgins and the Federal Secretary looked after TAA, Ansett and ANA negotiations. A 37½-hour week replaced 40-hours in some sections.

In June of 1965 improvements were sought for the Canberra clerks, necessarily under a Federal Award although the membership was part of the NSW Branch. A new 'general' Award was sought and Joe Riordan pursued a log of claims 'befitting the quality of work' of commercial clerks in the ACT. *The Clerk* of December 1965 also noted that 'the establishment of the TAB had created the need for a great number of clerks to be employed in the service. An Agreement with the NSW Totalizator Agency Board was registered on 25 September 1964. Renewable every year, it provided hourly rates of pay for this casual workforce, with overtime and a minimum engagement period of two hours. Assistant Branch Managers and Supervisors, who were weekly employees, also held meetings and were eager for a separate Agreement. Managers were covered by the PSA.

Preparation of a new CSA was commenced in early 1968. It sought to 'establish a new code of employment for some 80,000 clerks in NSW'. The union claimed not only a five-year incremental scale but also gradings of 50% of clerks at Grade A, provided 20% of those were above Grade A. The case would be a 'work value exercise as in 1963-1964'.⁵⁰ New provisions covering technological change were included.

The arrival of computers

As the first computer systems made their appearance in the workplace employers wanted new patterns of work, particularly for clerks. These expensive, data hungry installations needed to be run 24 hours a day for efficiency and this meant data processors working night shifts. The union saw this as 'socially undesirable' and it was resolved that the practice should be discouraged through penalties in the Awards. In 1962 IBM asked for an exemption, to comply with the CSA's provisions, to employ male shift workers. The exemption granted to IBM in 1962 carried a 20% loading. O'Toole noted in the Secretary's Report, 15 September, the ease with which exemptions could be obtained and the increasing tendency for shift work to be used, perhaps without an exemption as the Award required. This 'poses the question as to whether this matter would be better regulated by an Award prescription for shift work with an adequate loading.' O'Toole believed 'this application may come from the employers'. It was observed at Central Council, 30 March 1963, that there were now 70 exemptions, with the numbers rapidly increasing each year. The union remained opposed to general provisions for shift work, even if the applications system meant more work for its officers.

In mid-1965 the Federal Council declared its position on automation, opposing shiftwork, especially for junior employees and females. Phil O'Toole attended the ACTU Seminar on Automation in 1966 and 'deplored' the 'casual' approach displayed by the Minister in his address to the assembly.⁵¹ That year the union met the first opposition to its policy when Commissioner Manuel allowed the NRMA an exception for data processing 'despite union policy', although the union then obtained an Agreement by consent replacing the Commission's finding.⁵² The next year Betty Spears noted one advantage, that the changing conditions in technology provided an opportunity for equal pay; a rate for the job basis should be established from the outset as new jobs emerged.

In 1967 the Federal Executive again stated the union's developing policy; shift work should be restricted to those functions and industries where it was 'essential for the reproductive processes involved or to provide a basic public service'. The union in New South Wales opposed 'the concept that anything goes in the name of progress'.⁵³ In November 1967 the Metal Trades Association made

another application for 'exemption' for IBM shift workers, this time asking to work female clerks over 18 years old as key punch operators from 3.30 pm to midnight. The matter went before the State Clerks' Conciliation Committee and the union insisted on inspections. On 9 February 1968 the Commissioner granted the application for IBM's Palmer Street office, deciding the case on the grounds of 'requirement' and the 'nature of the business', as indeed the CSA provided. The union had argued the safety angle and that IBM's need for shiftwork was a matter of competitive edge, not necessity, but the Commissioner could not agree with this somewhat philosophical argument; greater efficiency mattered and this kind of advance represented 'the whole history of human progress'. It was 'no time to put the brakes on technological knowledge' and the union had to face the reality that the computer age had arrived.⁵⁴ It looked to limiting the effects rather than trying to hold back the flood. The Clerks' Union was at the forefront in this technological revolution and the 1968 CSA application sought pre-emptive terms for shiftwork exemptions and included provision for transport home. It also looked at the problems of termination of employment brought about by technological change and claimed adequate notice or pay in lieu, and continued employment after six years service.

Meanwhile two Federal issues had tested the technology and redundancy issue. The Federation had applied to restrain the 'wealthy oil and shipping company, HC Sleigh Ltd, from sacking about 120 of its clerical employees, many of whom have given very loyal, long and dedicated service to the company'.⁵⁵ The company had implemented technology to centralise its accounting system in Melbourne. It had behaved in a high handed way; only after the union made an application restraining the dismissals did the company 'see fit' to advise the union and this had put the union into battle mode. Application was made to vary the termination clause in the Oil Award to require HC Sleigh to make special provision for redundancy caused by technological change. It was noted that the Queens Counsel retained by the company took 'every conceivable step in an attempt to prevent the Commission from hearing the merits of the union's case'. The Full Bench of the Commonwealth Arbitration Commission was assured that the union was not opposed to automation as such; 'all we seek to do is to ensure that the employees affected are treated fairly and decently'. Barrister J Smythe appeared for the union and for the time being the claim was limited to current employees. Special conditions were gained to meet the effects of technological advances. On 26 March 1968 clauses requiring information at the earliest possible stage and special severance pay were awarded and the union saw this case as a 'breakthrough in providing justice to employees made redundant by technological change'.⁵⁶ The point the union made was that 'an employer had an obligation to his employees far beyond the present provision in the Award when there is retrenchment of staff because of technological change'.

It was noted that the 'computer industry was expanding at an astounding rate', and the union was concerned at its impact upon 'regular social life', especially for young people. Betty Spears recalled this as a difficult area: 'when computers came in they worked people all different hours, and [the clerks] weren't thinking about what effect that would have on everybody, only on themselves, and they thought that having a day off in the middle of the week was great. That was one of the fights we had among ourselves really, over that because the members were looking at themselves, and the employers were pushing like mad so they could get the hours they wanted us to have, and the organisers had a lot of trouble controlling them'. As the CSA application proceeded in 1968 the employers had indeed tried to establish a new work culture in the electronic data processing (EDP) field, claiming a reduction in

Clerks (State) Award decision, 25 March 1969



Employer representatives peruse the Clerks (State) Award 25 March 1969, with three employer Association Representatives, Commissioner Burns, Phil O'Toole, Secretary, and the union's barrister Charles Cullen.

Charles Cullen, barrister for the union, Phil O'Toole Secretary and Vince Higgins Assistant Secretary receive Commissioner G Burns' decision in the Clerks (State) Award at the Industrial Commission, March 1969.



casual rates, shift work, 'stand down' provisions and a starting time of 6 am in the spread of hours. Meanwhile in the TAB, where membership had grown rapidly, the union accepted the Board's offer which included transport home after 11 pm in an industry where there was a clear need for late hours. The challenge was to hold the line in the roaring EDP sector and not allow shift work to become the norm. The union fought to keep the same kinds of special conditions for EDP workers as its Awards and Agreements had established for other essential shift workers.

The CSA decision was handed down on 25 March 1969, and it let the union rein in EDP employers.⁵⁷ 'Despite a concerted attack by employers the Commission retained the exception principle of the Award' on shift work, *The Clerk* reported in August 1969. No female under 18 was to work beyond 9 pm without transport home. Card punch and verifier operators now had loadings and a new Clause 23 made important provisions for redundancy caused by new technology. It required three months notice or payment in lieu, and notice to the union six months ahead. The clause was also introduced into other Awards, including the Retail Award. Commenced 16 January 1968, the case had been an expensive undertaking; the transcript alone cost \$1,200 and the whole cost amounted to \$5,000, leaving the union with a deficit of \$4,189, although finances recovered well by years' end.

Equal Pay slogan, Labor Day 1968



The CSA application had been generally successful, with increases of \$6.50 for most senior clerks, and lesser increases for other levels. Most importantly, a new grade had at last been obtained, at age 24 with five years experience. Experience was thus better recognised although there was no introduction of a skills or responsibility basis rather than an incremental principle. Another important improvement was the increase in the exemption rate to \$18 above the rate for the new grade at 24 years. At that point it could be assumed that a clerk was 'on the road to a degree of executive authority' and prompted by ambition to forego Award provisions, such as overtime, in the interests of advancement to management status. Last, but not least, the loadings for stenographers were extended to juniors, recognising an element of specific skill independent of general experience. The gains made could now be passed on to the other State Awards, and 'many applications' were prepared. By August *The Clerk* reported that many increases had been obtained in State and Federal Awards after the 'work value' case established new standards.

While the CSA case was still running in December of 1968 the union had appointed an Industrial Officer, Greg Maidment, trained as a barrister, to keep up with the work. He negotiated for example a new Award for Hire Cars and Taxi Trucks, reported in *The Clerk* August 1969 as a 'most satisfactory job'. There was also time for some frivolity in the union even if it carried a serious message; Mrs Elsie Byers, a member, organised the Labor Day March, and the clerks entered a float as usual, this time with the attraction of organiser John Oborn wandering alongside dressed as a dragon, with the slogan, 'Equal pay - the long Drag-on'.

Equal pay was at last again on the industrial agenda in 1968. The union was well represented on the Labor Council Equal Pay Committee with Vince Higgins on the Committee and Betty Spears as Secretary and now the Federation, 'acting in concert with' the ACTU helped to pursue an application to have the principle of equal pay for equal work prescribed by the Commonwealth Arbitration Commission. The Federation's role was to apply for the removal of differences in rates for males and females and to maintain existing relativities between job classifications, and it sought to have the case

heard by the Full Bench 'so that the matter could be dealt with in the most authoritative manner as a question of principle'.⁵⁸ The Federation saw the arguments against equal pay, based on the notion of a breadwinner, as 'no longer appropriate' and countered with the suggestion that better family allowances should be paid, and that cheaper female labour may well exclude male breadwinners from jobs. The Bank Officials' Association and the Meat Industry Union also provided test cases. The decision given on 19



Deputy President Betty Spears addresses the Equal Pay Rally at Wynyard Park, 25 February 1969

June 1969 was a 'bitter disappointment'.⁵⁹ The Commission did no more than adopt the principles of the restrictive 1959 State legislation and would not simply insert the amount needed to do away with the discrepancy, as the ACTU Advocate, Mr Hawke, had submitted. The principle was still 'like work and of equal value'. Those 'fortunate enough' to be within these provisions would have 100% equality by 1972 but Joe Riordan reckoned that less than 10% would actually be included, and he predicted that serious anomalies would arise. For the sake of completeness, it seemed, the Meat Award case was used to test the practical workings of the principle and on the day the hearing commenced the Labor Council Equal Pay Committee held a rally in Wynyard Park to support the case. Betty Spears addressed the crowd and appeared that evening on Channel 2's 'This Day Tonight', in a discussion on equal pay.

Chapter 12

1970s – Facing Economic and Social Change

The Women's Decade

Despite the disappointment of the second attempt to establish an equal pay provision in the clerks' State Awards the union continued to thrive in many other aspects of its life and the improved standing and representation of women, including the provision of equal pay, was one of the successes of the 1970s. At the April Central Council Meeting President Colin Hilder declared that 1970 was 'earmarked as a special membership year' and he also encouraged progress in another important area, foreshadowing better industrial conditions and recognition for women; he extended a special welcome to 'lady councillors', whose numbers had now increased from 'two to five' of the 37 places on the governing body. Betty Spears continued as Vice President while Miss M McLoughlin represented the TAB and Mrs L Lahey, Miss E Lacey and Mrs E Lightbody were nominated to represent the whole membership. There was an interesting breakthrough to report in equal pay, recently awarded to women process workers in the Metal Trades, and this prompted Joe Riordan to note the anomaly that process workers but not skilled stenographers were eligible. There were however quite promising improvements in female rates in Airways, helping to set a basis for a further push for equal pay. A successful application was made in the State Award to restore margins to their pre-1964 equality for women, before Commissioner's Manuel's decision. In 1971 an Agreement with Mayne Nickless for equal pay was another important step in the right direction. A success also of some relevance to women was the case of Necia Holloway, dismissed unfairly and supported by the union. The issue became the grounds for unfair dismissal and Judge Sheldon upheld that the dismissal need not be proved harsh and oppressive but rather the test was unfair treatment. Dismissals must be conducted on the principle of a fair go all around.¹ While the case had broader implications, it was significant for groups looking for equality and freedom from forms of oppression in the workplace.

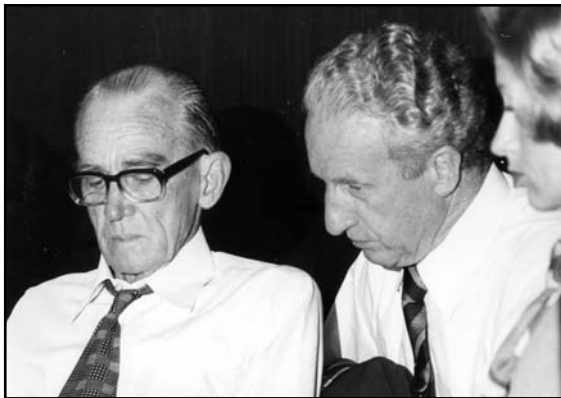
Phil O'Toole saw the eventual and hard won establishment of the principle of 'equal pay for work of equal value' in NSW as a major advance during his administration. Equal pay had remained unsatisfactory and unfinished business, the last test case having gained few consistent and fair results for clerks, although on 12 November 1970 Commissioner Burns granted additions to female rates in the CSA to restore the equal margins existing in the Award up to 1964. At the General Meeting on 15 February 1972 Betty Spears called for information on when the next equal pay case would proceed; 'members were concerned' and the Executive was asked to inform President Hawke of the ACTU that the women of NSW 'require positive steps to be taken immediately to get an early hearing of our claims'. When the National Wage Case commenced in October it included an equal pay case. Ralph Willis, advocate for the ACTU, now submitted to the Full Bench that the principles adopted by the Commission in 1969 should be abandoned on the grounds that they created anomalies.

The Commonwealth test cases were for women in the footwear industry and for female airline clerks. The airline clerks qualified for equal pay, but, as Riordan had predicted, this indeed caused anomalies because the increases the airline clerks received destroyed existing differences in pay between those clerks and the stenographers, who, skilled as they were, could nevertheless not receive the male

basic wage. They were in the extraordinary position of falling behind other women, and for no better reason than that stenography was a traditionally female occupation. The 1969 decision had now led to comparative wage injustice and in December the Commonwealth Commission at last adopted the principle, 'equal pay for work of equal value'. This principle, established at Federal level, then had to be brought to bear in NSW through a test case in a State Award. The Clerks' State Award was selected for the purpose and the union's equal pay committee met Neville Wran QC in early 1973 to discuss the case. The keen interest of women members in these proceedings was clear from their 'pleasing attendance' in the public gallery of the court when the matter was heard.² The union sought a provision to set all adult rates by reference only to the male basic wage, and the gap between the two wages was to be closed in three stages, finishing in June 1975, as in the Commonwealth decision. Equal pay on the recent principles was not automatic; the judgment noted that where margins were not equal it could be assumed that the differences represented the 'relative value of the work of males and females, but it should be open to employers or employees to prove that this is not the case'.³ Thus with equal pay the loadings awarded to stenographers would retain the purpose of rewarding them for superior, if traditionally female, skills. At the General Meeting of 21 November 1973 it could at last be said that the recent equal pay decision in NSW brought 'to fruition our struggles'. Betty Spears wrote in the November 1973 *Clerk* that the success of the application was a 'victory for this union and comes after years and years of struggle'. She warned however that employers would try to restrict the gains made and that above Award payments must not be absorbed in the increase. Betty Spears had few illusions about the practical effect of equal pay; she felt men were still paid above-Award wages while women were not, but at least women now had parity on the basic wage and Award margins. The campaign for equal pay would now move on to address other aspects especially relevant to the clerks, including the relative worth of work traditionally performed by women when measured against other occupations. Instead of equal pay the focus would fall on pay equity and issues such as equal opportunity.

International Women's Year in 1975 was an opportunity for women to shine in the union. Mrs Helga Cammell, of FIET in Geneva, visited Australia in March, and was guest speaker at a seminar jointly organised by the union and the Shop Distributors and Allied Employees Association on 14 March. Helen Prendergast, member of the Secretariat of International Women's Year also spoke, and was 'ably supported' by the union's own Betty Spears, who had also addressed the General Meeting on the various workshops being held. The union's first woman organiser, Wanda Day, was at last appointed and *The Clerk* noted it was particularly fitting that 'the union has gained the benefit of Wanda on the staff during International Women's Year'. Wanda Day had emerged as a talented unionist, and had been noted at the General Meeting of 19 March 1975 along with John Oborn for having obtained a \$22 increase for clerks at Woolworths. Betty Spears recalled that a woman organiser was a big step for the Executive: 'it took a bit of arm twisting to get a female organiser, they weren't keen, because it was still a man's world and very chauvinistic'. Jim Macken however had been very supportive, 'he pushed the women, he pushed me into where I was, he believed that women should be there, because of the predominance of women in the union'. The same year a research officer, Jenny Crawford, was appointed to the industrial office and in 1976 Kerry Spooner, a University of New South Wales graduate, joined the staff as organiser assisting Wanda Day in retail and as Welfare Officer. This appointment extended the services available to members to include advice on the particular needs

'Listening to the women', International Women's Conference, 1975



Clockwise from left: Phil O'Toole in centre; Betty Spears addresses Conference, with Mrs Cammell; Phil O'Toole and Mrs Helga Cammell, International President

of women in the workplace and, as retrenchments and unemployment touched many members in the second half of the 1970s, on social services. In the wake of International Women's Year the government allocated funds to help set up a Women's Trade Union Commission (the WTUC) in Sydney. It would link working women with the unions and promote union education for women, generally paving the way for better participation. Betty Spears was appointed Secretary. Organisers Wanda Day and Kerri Spooner were members, and in late 1976 the union announced that the NSW State Government had appointed Betty Spears to the Government's Women's Advisory Council. It was a 'source of great pride within the Clerks' Union that her ability and good work were recognised by the NSW Government'.⁴

Wanda Day's appointment would prove the case for women organisers. Like Betty Spears, Wanda Day had not been chosen out of some notion of political correctness, and it might even be said, as Betty Spears would indeed say in *The Clerk*, that because the union's women find their own way they became an impressive cohort. Whatever women lacked in numbers as far as holding positions in the union went in those early days they made up in quality of achievement and attitude. When Wanda Day retired on 28 November 1991, President Maryanne Stuart farewellled her. By then Day had pioneered many advances in the difficult Retail Section including taking the matter of security guidelines for interviews (where, for example, money was missing) before Justice Macken, fighting for and gaining redundancy settlements, and all with 'endless optimism and energy'. Day had completed a three-year course on Industrial Relations at UTS and she recalled an episode which spoke of the fighting spirit women brought to the union. Of 800 employees at Woolworth's distribution centre, some 80% were

males. The Storemen and Packers were getting increases, so the clerks asked for a \$10 increase. 'I was told to go back to my seat, and do my work, so I called our members out on strike,' Day remembered. Justice Macken ordered a \$27.50 per week rise and that clerks were not to be disadvantaged in any further circumstances. As an organiser Day looked after Grace Brothers, and aimed for rates the same as the Storemen and Packers. She remembered how well the women could rally; when a wage rise was refused Lorraine Bevins was representative: 'Wanda get out here!' and a picket line was organised. 'We had the employers hiding down low in their cars going past, we even had one truck all the way from Adelaide. We let him in to park his truck and then he had a three-day holiday in Sydney! We ended up with a \$50 bonus and were paid for all time lost'. At Waltons Chullora four trucks had been seen on site loading furniture and Day called a picket: 'I asked the truck drivers to unload and be out in half an hour or they would be locked up behind the picket. They did, and the women thought they were wonderful. They [the women] formed a picket with tents and caravans; the women got dressed up for the occasion and the picket went on for weeks, actually a good result in the end'. Maryanne Stuart observed that Wanda had left 'very big shoes to fill'.⁵

Back in 1975 Wanda Day had already been President of the successful Committee of Management, and her energy and enthusiasm soon set her stamp upon the Shop Clerks' Section. Besides being a woman organiser, she also reflected another trend in the union, the tendency of the organisers, often recruited because of their initiative and involvement as clerks and union members in an industry sector, to lead in a quite personal style, commanding loyalty and trust and cultivating the sense of a close knit community in some Sections. This could pose a threat to the central control of the union but was well suited to motivating clerks to take an interest. Fortunately, or perhaps through judicious appointment, none of the organisers set out to lead a challenge against the Executive. Michael Want, who became an organiser in 1982 and was later elected Assistant Secretary and then Secretary, recollected Wanda Day's approach to the retail clerks; they were always 'her girls', and when he addressed the retail clerks it was: 'Everyone listen now, this is Mr Want and he has some important things to say to you'. John Newman was another individualistic organiser and energised the TAB very much as his own thriving project. Vince Higgins recalled how Newman's skills had come to the Executive's attention during a problem at Borg Warner. These enterprising people enlivened a union sufficiently united and stable to make the most of their energies. By way of balance, Alastair Macdonald, who was appointed an organiser in the early 1970s, was an acute observer, adviser and mentor to all and brought a wide perspective and insight to the union's activities. The Executive valued his incisive mind, and Vince Higgins recalled his ability to pick the trend of voting in elections and defuse the rising anxieties those occasions could bring, particularly in the 1980s.

On the political front the candidates in the 1970 elections for Executive and Central Council were unopposed, and the union supported the ACTU's call for the end of participation in Vietnam. Old political difficulties were set aside when, at the General Meeting on 20 May 1970, R McAllister moved that the union affiliate with the ALP 'immediately in the interests of and for the material benefits of its members', and in April of 1971 application was made, taking into account the 'attitude of the Central Council since 1953'. The application was accepted and nominations were called for delegates; the *Herald* on 24 April 1971 reported the Clerks were now back in the ALP after leaving in a 'bitter squabble of 1955-6'. Their return was seen to ensure that the right-wing Centre controlled

Under the Clerks' Banner

Alastair Macdonald, 1991

the ALP, and it was noted that the 13,654 strong financial membership fielded 14 delegates. However, as far as the union was concerned the rule against using union funds for political affiliation stood, and the fees would have to be met by voluntary donations. That meant fund raising activities, and Betty Spears and Nita Breen both recalled Phil O'Toole's elegant and resourceful wife Olga, who was very good, 'excellent', at organising various socials, buffets and evenings with a speaker 'to liven things up a bit', all to get money for the 'fighting fund'. Phil O'Toole was treasurer and



the union ran raffles and competitions, advertised through *The Clerk*. Joe Riordan was also back in the Labor Party and was elected to Federal Parliament in the seat of Philip, in November of 1972, resigning as Federal Secretary of the FCUA after 22 years holding office in the union, taking with him the congratulations and appreciation of the union. John Grenville succeeded him. When Grenville resigned in August 1975 Terry Sullivan was elected Federal Secretary.

Membership Growth

The other area of long sought after progress was membership, reaching over 15,000 in 1970, with an accounting surplus for the last twelve months of \$8,064. More organisers were appointed early that year in keeping with the membership drive. Greg Maidment, the union's first industrial officer and a barrister, left to go to the Bar, and in the 1980s would continue his association with the union when he presented the State Award applications. Greg Woodward was appointed in August the next year while John Oborn took over Airways as Vince Higgins took on more administrative duties. Betty Spears recollected of Phil O'Toole's capacity for choosing people to work for the union as strong personalities were assembled to form a many talented team where the steady increase in the contributions of professionally trained people throughout the decade was carefully balanced by the skills of those drawn from the rank and file and offering first hand experience of the workplace for clerks.

The union pursued its policies on preference; the incentive for clerks to join and the resources and support this gave the union in its task of representing clerks certainly counted, but preference was also a way of rewarding loyalty and participation in the industrial system. Even at its most basic it gave some protection against retrenchment, a consideration which would become more significant as the decade progressed. A 'watershed', in the Federal sphere but of great interest to NSW, was

achieved in February 1972 when the Full Bench of the Commonwealth Arbitration Commission granted the FCU a 'worthwhile' preference clause in the Oil Award⁶, giving priority to union members not only on engagement and termination but also during employment, extending to promotion opportunities, gradings and first choice of dates for annual leave. It was an 'expensive' but 'historic' case.⁷ The foundation for this extraordinary clause in a Federal Award had been laid ten years before in the oil industry. The Commission appeared to give great weight to a conference on 13 March 1963 between the union and the industry and to the terms of the memorandum the company had issued to its clerks. The clause was seen as a 'big victory' for the past Federal President, Joe Riordan, the advocate in the case. It had made a 'major breakthrough for members of the union, and eventually by extension, all unions'. Given the limits on preference in Federal Awards, the Full Bench of the Arbitration Commission declared: 'We cannot as a matter of law introduce compulsory unionism but we think the Act which is our charter, contemplates that we should encourage unionism'.⁸

While the membership rose to unprecedented levels in the 1970s the way this was brought about confirmed that clerks were not easy to organise. The need to reach clerks through Membership Agreements or devote a good deal of energy and resources towards organising them continued. Membership Agreements in New South Wales certainly helped. TNT for example now required new staff to join and the employer to encourage them by sending an approving letter to staff. 100% membership was achieved at Joy Manufacturing, and Agreements were made with Bradmill, Dunlop and Alcan, so that by 1971 3,000 new members had joined over twelve months, making the NSW Branch the largest in the Federation. However membership was always volatile; in September 1971 the Central Council noted that the numbers of clerks rapidly employed to operate the TAB, with the energetic John Newman on hand to organise them, tended to 'inflate' the figures and the union remained careful about the need to be realistic about the struggle for membership.

Given the growth of the union, almost reminiscent of the compulsory unionism days, a timely move to the new Labor Council Building, further along in Sussex Street, was planned in mid-1970. The Teachers Federation's buildings' rents had doubled, and the lease was only for one year; the union hoped to be in its new home by Christmas. The move was in fact completed in May of the next year when the union was installed on the fourth floor. Nita Breen remembered it as very comfortable, together with other trade unions and the Labor Council. Besides its new offices, where the partitioning had proved a rather hefty expense, the union's resources for serving its members now included six motor vehicles and 12 male and 12 female staff, with Greg Woods as Industrial Officer, and a newly acquired machine able to cut address plates for the members. The expansion of space and staff was soon put to use when by March 1972 the Central Council meeting noted the membership had increased by 5,000 members, 4,000 of them recruited from retail. Oil, Airways and Metal and Engineering Sections had also grown but with two-thirds of the membership now women, more 'lady' councillors were called for. Many members, particularly in Retail, now paid their union fees by deduction and the office staff were noted for their diligence in coping with a heavy workload as the 'girls' cut address plates, filed, did accounts, recorded payments and checked and prepared membership lists.

The springboard for reaching the 25,000 mark in the membership was the new level of organisation possible in the Retail Section, brought about when a Membership Agreement was finalised at national level by the ACTU in 1971 with the 'Big Six' retailers, Coles, David Jones, Grace Bros, Myer, Waltons

and Woolworths. The Agreement included provisions for a scheme to deduct union fees from pay, and three organisers, Trevor Davis, Jack Dunkinson and Alastair Macdonald made the most of the opportunity, soon building retail membership to 6,000, the largest section in New South Wales. It was noted that the increased membership was matched by improvements in wages and conditions; there were three increases in 1973, amounting to \$10 for males and \$13.30 for females as the first stage of the by then successful equal pay case basic wage adjustment fell due.

By 1972, union accounts showed a surplus of \$20,000 and 27 people were now employed – ‘our widespread Award coverage requires close attention from a competent staff’. Two people who had served the union long and well from less prosperous and well staffed times had passed away. Wal Bray, Deputy President, had died in late 1971. He had been one of the old Groupers and Secretary of the Radio and Electrical Section back in 1947. Betty Spears was elected Deputy President unopposed, and G Cahill became Vice President. The other loss was Fred Toby, who died suddenly after 18 years as Shipping Vigilance Officer and delegate to Federal Council. The December 1972 *Clerk* gave a candid description of the complexities of his job, commenting on how his ‘wide but firm application of port custom and practice enabled the difficulties in this industry to be overcome in most instances, either with his conflict with employers, the Employers’ Association or with members. His passing leaves a gap in our ranks’. In 1974 the Shipping Section relived its glory days in *The Clerk*, February 1974, as it marked the 25-year anniversary of the ‘Lock Out Committee’ who ran the campaign to establish a roster. In the 1970s the new threat of containerisation continued, and although the Central Council Meeting on 12 September 1970 noted that there was a ‘much better atmosphere on the waterfront’ after a Federal Containerisation Award for tally clerks was made for two years, there had been constant disputes at the container terminals where the centralisation of shipping was a constant worry for members.’⁹ A breakdown of the Shipping Section given at the Central Council Meeting on 11 September 1971 gave the totals as 1,087 clerks in Sydney, comprising 364 casuals, 444 permanents, 279 now in containers, with 60 at Newcastle and 30 at Port Kembla: ‘changes in the industry would have a pronounced effect on the employment opportunities for casual clerks’. Fred Toby had described to the Central Council, 25 March 1972, the work required of the Vigilance Officer to protect the interests of the tally clerks when the containers were sent to Sydney from Newcastle, ‘denuding the place of the requirement of workers on the waterfront’. There were four established depots where containers should be packed and unpacked according to the Memorandum of Understanding with the shipping companies but the matter had been before the Commissioner ‘six to eight times’ as the shipping companies seemed to try to circumvent the Understanding. They saw the situation from a different angle; the clerks were trying to dictate where the containers could be unloaded. The Secretary’s Report of 9 September 1972 gave some idea of the Shipping problems: ‘One would need a great deal of time to form a complete picture of the negotiations this year for the various groups of Shipping Section Members’. There were now permanents and casual, containers and container depots and administration. Three weeks stoppage had taken place in two of the container depots, and at the Central Council Meeting of 29 September 1975 it was noted that the transport operators unpacking containers under the Memorandum of Understanding should be directed to the licensed Container Depots where ‘our members are employed’. The union stated its intention of pressing ‘very determinedly’ for a satisfactory solution to the bypassing of tally clerks in shipping operations where containers were used.

In 1973 the candidates in the triennial elections were again unopposed, with the exception of the Shipping Section. Norm Glendinning was returned for that Section, and became Vigilance Officer, and Wanda Day was elected Councillor for the Retail Section, with Noreen Briggs representing the TAB. The membership reached 28,000 and contributions were increased from \$16 to \$20 dollars. As usual the union put everything it could into more people to serve the members and in 1974 Bob Goot was appointed Industrial Officer, Adrian Murphy was appointed organiser and John Oborn handed over to another new organiser, Peter Styles, as Oborn took on other duties. In 1975 John Oborn was awarded the distinction of a scholarship to the ILO (International Labor Organisation) in Geneva. Also extending horizons for the union, Phil O'Toole was elected ILO Conference delegate for the Labor Council in Geneva in June of 1974, where he was voted a member of the Human Resources Committee on safety conditions on the waterfront, and on his journey to Geneva he visited office workers' unions in various countries. In June 1977 Pat O'Connell, organiser at Newcastle, was granted a Churchill Fellowship, awarded on the basis of the recipient's particular contribution made to the community of an individual body of knowledge and experience, and giving the opportunity to undertake overseas study to enhance the value of that knowledge. Pat O'Connell attended the Trade Union Training Programme at Harvard University for three months. The union also extended the horizons of its staff and members, running its own leadership training courses with the assistance of Labor Council. The first weekend residential school was held in a Sydney University College and was designed for delegates, Councillors, organisers and as many ordinary members as could be accommodated.

1976 again saw an uncontested election, and the only change on the Executive was Dave Edge as Vice President after Geoff Cahill's resignation. There were now 14 women on Council, including Beryl Ashe representing the Metal and Engineering Section. By then the union had an 'ambitious' training programme, arranged by Senior Organiser John Oborn, offering workshops and lectures in Wollongong and Newcastle as well as Sydney.

The union continued to monitor the effects of technology and the 1970s saw a widespread challenge to the traditional boundaries of working life. Policy and Awards continued to keep pace with the spread of computers. A significant four-way demarcation dispute arose from the introduction of new technology in newspapers in 1977 among John Fairfax and Sons Ltd, the Clerks' Union, the Printing Union and the Journalists Union as to how new technology altered the nature of work and which union's members were entitled to do it. The clerks were copy takers in the editorial department and sales advisers in classified advertising. No objection was made to the introduction of the technology; the union's contention was that the task remained a clerical one, with a video display terminal doing the work once done with typewriter and paper. But this meant that there was no work for typesetters, and Mr Justice Cahill decided the typesetting function had become 'superseded by or merged in, the legitimate clerical function', and that it was the province of employees covered by the Clerks' Union.¹⁰ However, keyboarding was given to the Printers Union. The Classified department was staffed by 251 clerks, most of them part-time or casual, who received advertisements, usually by phone, and their job was also held to be clerical. The terminal was 'a clerical tool' and computers did away with the need for typesetters. If the advertisements were received in written form, then the typesetters had the job because no clerical function was needed. This realignment of work called for considerable examination

Coming to terms with computers



Left: Judge Cahill makes an on-site inspection in the 1977 Newspaper Industry demarcation dispute



Right: Demarcation dispute in Newspaper industry – Judge Cahill considering new technology and its impact on jobs with Charles Cullen, Bob Goot and Vince Higgins

so that the case took 16 days and involved 11 witnesses and several inspections at Fairfax as well as visits to Caltex Oil, Tooths and others to obtain an understanding of the new technology. And the union itself joined the computer age, 'after protracted research and consideration by the Executive', going 'on line' from the beginning of 1978 with a NCR *Century 8200* computer with programmes specified for union membership records. The main advantage was seen to be the statistical information a computer could deliver, and members were assured information was confidential and not available to any other agency.¹¹

From 1 January 1972 the CSA included a new clause recognising and managing the growth of technology and the reality of shift work in some industries. As it was reported from the March 1972 Central Council Meeting: 'We have reached that stage, and the Commissioner indicated that if we did not he would include shift work provisions to eliminate individual applications'. The Award's purpose was not to provide a license for shift work in general but to limit it and control it where it had become clear it could not be halted. The provisions were only available to allow such work, on strict conditions, in the electronic data processing, medical and travel industries. No one under 18 could work shifts, females were to finish by 11 pm, with transport arrangements 'satisfactorily established'. The union stuck to its point about the social impact of shift work; at the hearing Mr PJ Costello, a member of a research team studying work, leisure and stress, gave evidence for the union on the human aspect of working outside the daylight cycle. At Federal level, but of course affecting clerks and the union's grass roots work in NSW, the effects of technological change also made their appearance in the Airlines Section in 1972 when there were technology driven retrenchments throughout Qantas. The union helped the clerks to look at the implications of the 'cut over' to Quantum Phase 11, the biggest computer complex in the Southern Hemisphere. A Central Committee had been elected by and from representatives to strengthen the union's position to deal with change. The provisions the union had established for giving the unions good notice of such technology now proved valuable

and questions were raised about the effects of, for example, sitting in front of a computer screen for seven hours and the possible need to upgrade jobs and build these matters into the award. TAA was also 'cutting over' to TAARSAN, where problems with the new system were discussed and solved before the new Domestic Airlines Award was drafted.¹² By November 1973 there was 'solidarity and maximum support' in Airways, where the members experienced the value of membership and an Award. TAA was still recovering from the 'traumatic experience' of TAARSAN and the effects of the big computer systems were taken into account as work was done on a log of claims ready for the Award's expiry date, 30 June 1974.

Change caused by progress of a different kind also loomed in the retail industry, where Thursday night shopping was trialled for three months. The union's position was there was no need to change the existing hours. A conference included an inspection by bus trip around an eastern suburbs shopping centre testing the proposal. Again the trend could not be held back but the union could watch over its introduction; it appealed Mr Justice Kelleher's decision on 7 March 1977 to proceed with the retailers' application without looking at penalty rates. The appeal succeeded and the matter was now referred to Mr Justice Macken and included penalty rates. Another new and 'increasingly important area of the clerical industry' needing some regulation' was the emergence of temporary employment agencies, and the union obtained an Award including a Membership Agreement with numerous agencies. The terms were based on the CSA although the union proposed to consider the specific needs of the industry more closely. These agencies could make serious inroads into the union's membership and ability to cover temporary commercial clerks.¹³

At State level the union had a shift work victory after meeting with 'vigorous resistance' from the taxi companies. Pitted against Mr K Cohen QC the Clerks' growing in-house industrial team proved its worth; Keith Glover was on the Conciliation Committee and Vince Higgins presented the case, including inspections and witnesses, 'ably assisted' by Jim Hurley. Bob Goot, industrial officer, prepared the documentary evidence. Increases and new clauses covering rostered days off if they fell on a public holiday, and Saturday and Sunday rates, as part of ordinary time, were gained. The TAB was also 'particularly active' in 1973 with John Newman, Phil O'Toole and Bob Goot managing the various Agreements which sought to cover the difficulties of casual and shift work in that industry. The operators were well looked after, with an increase of 27c an hour pending the CSA decision, there were restrictions on hours of work, the minimum daily engagement was increased and overtime, rest pauses, cash handling and postponed meetings were all addressed.

While advances in Federal Awards were usually pursued through the Federal office, there was scope for the initiative of local negotiations. When brewery clerks in Melbourne conducted a 'lengthy and prolonged' campaign to 'entice' over-Award payments in the breweries in that State, some 1,500 members in Sydney attended a meeting at the Trocadero to endorse over-Award payments from the Brewers' Association in NSW. They gained \$4.75 for males and females. The early 1970s Oil Award claim also included an application for a 35-hour week and referral of salaries and gradings disputes to an independent chairman. A conference with the companies through the ACTU established the principle that if clerks were already working fewer than 40 hours, then they should nevertheless receive a reduction in their hours similar to any granted to other oil industry employees, so that the clerks did not see the benefits of existing conditions in their employment casually absorbed.

The union obtained Annual Leave Loading after the Labor Council brought a test case and the principle was adopted by consent and applied in the CSA, whereupon the union applied for a clause in the other State Awards. The Canberra TAB agreement was renewed on the basis of the NSW agreement and the new female rates in that Award were based on the 'milestone' CSA decision. Areas receiving particular attention included the Health Insurance Funds where memberships had always been maintained and Trevor Davis represented several members in Award matters. The union looked at obtaining gradings and above-Award rates and the Federal officers made representations to the Minister for Social Services, Bill Hayden, to provide industrial protection for members and coverage for those members recruited into a National Health Scheme.

State Awards and negotiations

As the restrictions on Credit Unions were lifted and they became lending institutions similar to banks, clerks' skills in that industry were extended and a claim for a specialised Award was filed with the NSW Industrial Registrar in July 1973. This raised the matter of the Bank Officers' capacity to represent clerks in credit unions as the range of duties changed but Commissioner Manuel decided that the Bank Officers had no right to intervene in proceedings and that the employees of credit unions were still covered by the CSA. The hearing for this first-time Award was set down to follow the decision in the CSA Award. Meanwhile the Federation was looking at obtaining a Transport and Customs Award, and Jim Hurley from NSW, with B Philip of Victoria, was involved in the preparation.

In early 1974 the union was pleased with a 'notable first', a win against BHP, always a tough negotiator. After a 24-hour stop work meeting with other unions in August for a minimum, all purpose over-Award payment it seemed that the clerks would be left out but the union made representations and now a \$9.50 'bonus setting' was payable to the company's clerks along with its other employees. The pointed observation in *The Clerk*, February 1974, was that this placed 'clerks on the same level as other unions'. Industrial action by members was quite frequent in the early 1970s. When in 1971 the retail clerks were 'rebuffed' by the Retail Traders over 'justifiable interim increases', they gave due notice to the union, and stopped work at Wollongong. The stoppage was 'fully implemented' and most effective', supported by the South Coast Labor Council. The increase sought would bring the clerks' rates up to those of the shop assistants, with whom the Retailers had negotiated an increase of \$4.00: 'the RTA are using a flimsy argument that our Award is still current. In the meantime our members resent having a worsened comparative wage rate with other employees in the Industry'. The *Herald*, 13 April 1973, reported that contention between the oil companies and the Clerks' Union posed a threat to 'Easter petrol'. The dispute was over exemptions in the Award; 800 clerks were prepared to accept a two-year Award on the condition, as O'Toole reported, that the exemption rate was \$500, not the company's \$208. If the companies would not agree to negotiate then industrial action 'could come before Easter'. The exemption rate was eventually varied, after 'protracted negotiations' ended in Agreement on 17 March 1977, from \$208 to \$416.¹⁴ There were also stoppages at Ansett in May 1974, and when Keith Glover ran a 100% membership drive in the Wool Section, with the employers' union in competition, a ban was lifted to allow conferences on the Award. In July there was an 11-day stoppage in Hire Cars and Taxis, and when the union tried to organise 250 clerks at Avon Cosmetics this 'unveiled an attitude of anti-unionism by the employers' who 'because of their negative action, caused the union to place obstructions on delivery of materials'. The union was given 48 hours to

comply with some obscurely based injunction, a 1916 Broken Hill case, according to the discussion at the General Meeting, or face gaol sentences. It was decided to lift the bans but the union asked the ACTU to examine ways of 'getting around' this 'inadequate law', such as seeking a conference with the company to agree to let the union approach members on the subject of joining. There was also a stoppage at Riverstone Meats, where the members, particularly in Queensland, were not happy about the Federal Award.

The State Award continued to serve as the vehicle for broad union policy, despite its inevitable limitations. In 1971 Commissioner Burns reduced the five-year increment scale in the CSA to three years, noting that the highly developed scales in the other clerks' Awards, such as Airways, Breweries, Shipping, could not be yardsticks for the CSA, which 'stands apart'. The reduced rate seemed designed to 'create an intermediate rate between the existing scale and the graded positions', so that those clerks with some experience to offer and able to take on higher duties would have 'additional remuneration'. The rate 'nevertheless is the rate applicable to all clerks of the age and experience specified, however routine the work'.¹⁵

In February 1974 *The Clerk* announced a major 'breakthrough' in the CSA. Conditions had been determined by consent in December and the Award was 'extensively altered' from the 1971 version. Comprehensive shift work clauses now included sporting and lodging services and there were various improvements in penalties and rates but the restrictions on general shift work still stood. Later that year the Federation looked at obtaining an Electronic Data Processing Award as the industry took on its own character and needs. That Award was made by negotiation in September 1975, and was known as the Business Equipment Award. There were 25 respondents and one of the matters for arbitration when the Award expired was which businesses should be parties to the Award. The employees were identified according to twelve classifications and the union now found itself protecting the work available to these clerks; there were already concerns about material being sent overseas for processing.

The first half of the 1970s saw comparative wage justice as the governing principle for increases. A world-wide economic crisis, precipitated by the OPEC, oil producers' cartel, raising prices for oil, produced shock waves in every developed nation. In Australia by 1973-4 this took the form of an explosion in wages and the general cost of living, with inflation reaching 17%. CSA applications reflected the rapidity of the wages explosion and the need to fight to keep up and preserve the value of a pay packet. The Award was renewed in 1973, with increases, but these were soon overtaken by wage rises in general. The union 'moved quickly' when clerks' rates were no longer 'just and reasonable' as community wages raced ahead of them and the Award was reopened in July of 1974, for increases up to \$15. Leave was reserved for further adjustments, and by November the clerks were falling behind again. The clerks took the lead in insisting that such wages growth must be across the board no matter how many steps it might take to keep up; Bob Goot conducted the four-day case before Commissioner Burns. In a decision reminiscent of the union's 1950s application for comparative wage justice after the 1954 Metal Trades Award, the Commissioner rejected the application on the grounds that the Clerks' 1973 gains could be taken into account to see how well they were keeping up with 1974 increases. The union's anxiety at this response from arbitration was expressed at the January 1975 General Meeting where Goot 'took exception to the type of evidence produced, as no argument against wage justice', and he pointed out that 'all increases at the moment are based on comparative wage justice'.¹⁶ With

little other way of asserting the rights of clerks under the CSA, the union appealed and Mr Justice Dey's decision set a wide and timely precedent in NSW, upholding the principle that some workers should not be left to fall behind current community wage levels. The decision gave the basis upon which groups not fully sharing in wages improvements would be entitled to do so. There had been a general increase of \$24 in 1974, and the clerks having received only \$15 that year, no matter what they might have received the year before, were entitled to a \$9 increase to keep their place in the wages hierarchy. The employers' appeal was dismissed and the union felt the case was 'a long struggle but worth it'. The clerks also filed for a variation in the Retail Award in December, 1974, and it was granted 12 July 1975 as justifiable, given the \$24 standard and the need to 'catch up' with the rest of the workforce. Most of the union's other Awards and Agreements were then reviewed in the light of the CSA decision. An appeal from the Hire Car and Taxi employers early in 1975 failed, and the taxi clerks also had their \$9 'catch up'. TAB casual rates were negotiated for the Casual Operations Staff in line with the CSA decision, and the other TAB Agreements reviewed, and the final equal pay instalment came through for the casual staff 4 April 1975.

While justice might require that in such a wages rush no-one was left to fall behind, by November 1974 the union experienced job losses at Westinghouse Brakes and Signals Ltd. At least the clerks were able to rely on the preference clause in the CSA and other Awards, and as the economic situation became apparent R Shapiro commented at the General Meeting that month that 'one man's pay increase is another man's job'. C Begg wanted to discuss indexation at the next meeting. When John O'Grady was appointed organiser in February of 1975, his territory was the Western Districts and Orange, and one of his first tasks was to manage retrenchments at Email at Orange. Rogers Meats at Orange also retrenched clerks after computers were installed and retrenchments at TNT were covered by clause 23 of the CSA. Clerks' jobs were lost at Standard Telegraphs and Cables, Plessys and Otis Elevators. 1976 brought further retrenchments from Farmers and Tooths Brewery and a redundancy agreement in the Shipping Section was established as work fell off for the casual shipping clerks, with 28 leaving. President of the Committee of Management, Frank Rooney was one of them, and it was clear that there were no further job opportunities for casual wharf clerks.

The CSA proceedings and the 'catch up' had been timely. Although there was scope for those still behind to draw level, steps were underway to put a brake on the pattern of industrially active unions setting a fast pace and creating wage injustice for less assertive workers. Towards the end of 1974 there was growing concern about the economy when after an era of high employment and wage increases there were now retrenchments.

Wage Indexation

The Federal Government had no constitutional power over wages, but when it called on the community to act in the second half of 1974 the ACTU responded to the clearly emerging economic crisis with a policy developed with the help of the trade unions, including the FCU. This support let the ACTU apply to the Australian Arbitration Commission for a National Wage Case with indexation. The decision in favour of the ACTU application was adopted in the NSW Industrial Commission in May and the union saw indexation to the Consumer Price Index as a 'watershed' in wage determination principles. *The Clerk* of September 1975 set out how the unions had backed this development and

described it as neither 'a wage freeze nor wage bonanza' but a response to the 'unprecedented level' of wage increases. The new system sought to maintain the real value of earnings. It was not perfect, especially for the clerks, and could create anomalies because increases applied only to Award wages, not total wages paid, so some relativities could be lost. On the other hand the union noted, almost with a sense of relief after the CSA's struggle at arbitration to keep its feet in the wages rush, that without the burden of trying to keep up with 'leap frogging' wage increases the union had more resources to consider more lasting structural work on the Awards. It could pay more attention to work value, and looked to arbitrate or negotiate on issues such as the classification and evaluation of technological skills. The union's message to its members on indexation was 'We support it!' Unions now had to demonstrate growth in productivity, skills or work value justifying any increase in margins.

When the CSA expired in October 1975 there was plenty to be done as the union looked at shift work, overtime payments, travelling allowances, holiday pay and a picnic day, sick leave, higher duties and suitable terms, meal allowances, a higher rate of pay for casuals and an increase in the exemption rate. The union reserved the right to proceed if the guidelines changed on such matters as wage increases or work value. The Award's provisions for annual leave loadings, jury service leave, bereavement leave and special leave for females, and a new clause in the Award drawing upon S.50 of the *Factories, Shops and Industries Act 1962*, providing for unpaid maternity leave and preventing dismissal while on such leave, were all made applicable to part time as well as weekly employees. The Award also now provided for complete equal pay, and all rates and gradings now applied to 'males and females'.

The 1976 National Wage Decision gave a 3% increase on wages up to the average minimum award rate, \$125 per week. Above that a flat rate of \$3.80 was awarded. This gave an interesting perspective on the CSA. At that time the rate for a 24-year old and over was \$125, with \$129.10 for those with three years experience as well as the age qualification. The Award also provided for two gradings, supervision and responsibility, giving loadings of \$8.90 and \$17.60 respectively. The other main State Award, the Clerks (Retail Shops) Award provided four grades for supervision, noting the numbers of persons supervised to qualify for each grade. While the union had succeeded at arbitration in obtaining a recommendation that above-Award payments be indexed, this was suspended in the 1976 decision. Indexation steadied inflation but it required some particular sacrifices from the clerks because so many of their specialized skills were set out in over Award agreements rather than by gradings or classifications.

New Redundancy Provisions

On 27 April 1976 the *Daily Mirror* headlined its story 'A crucial Award application, affecting redundancy payments for hundreds of thousands of NSW State Award workers'. It was suggested that the case could have 'enormous repercussions' on industries in other States. The CSA was the test case, making a claim for redundancy pay of two weeks' pay plus a severance payment of two weeks for each completed year of service. Other matters were the giving of notice, offering alternative employment, time for employees to seek another job, none of which was covered by any Award provision at that time, 'leaving an employee totally in the hands of an employer'. The union believed 'such provisions are essential for the safeguarding of the dignity of employees and being long overdue, the union is

proud to be associated in so direct a manner with this important application'.¹⁷ The Clerks' test case on redundancy took a dramatic turn. When it came before the Full Bench of the NSW Industrial Commission, the new Labor NSW Government of Neville Wran intervened as an employer but more significantly in the public interest, and on the side of the clerks. The Government went a step further than supporting the case; it sought an adjournment while it considered legislation for a general solution in this significant matter. The union wisely reserved the right to proceed if the legislation proved disappointing, and in the meantime Industrial Officer Bob Goot with Labor Council's Research officer Greg Symonds prepared submissions to Cabinet, based on the union's research for the case. The union could not help but note the difference in attitude between this Labor Government and the 'previous State Government'.¹⁸

Another shift in industrial life threatened in the Daily Newspaper Award when the employers applied for provisions letting them employ part time workers. The union was adamantly opposed; part timers were not paid a casual loading and this move was seen as either an 'attack on the employment of full-time clerical employees or alternatively a device to escape the liability for paying the casual loading to certain employees'.¹⁹ At the same time Commissioner Glynn ruled that the loading should remain at 15% when the union applied in the Metropolitan Newspapers Award for an increase from 15% to 20% in casual rates, in line with an improvement in the CSA. Commissioner Glynn also allowed the Daily Newspapers' application for part time provisions, and the union appealed on the advice of counsel. As the appeal waited for hearing before Mr Justice Dey, the union saw the questions of casual and part time employment as 'very important concepts' and any change should be subjected to thorough judicial review. 'The decisions will be eagerly awaited not only by this union but by others facing similar threats to the welfare of their members'.

In September 1977 the employers argued in the National Wage Case that many unions had not complied with wage indexation principles and had resorted to industrial action. In its decision the Bench took some notice of this, mentioning the state of the economy and the 'many recent strikes and stoppages' and discounting the increase by 5%. The Clerks had been mindful of the guidelines but would soon enough find themselves at the mercy of the activities of more militant unions.

The turbulent years of the 1952 'ousting' now seemed a long way back. Jack Sweeney, a 'member for 37 years', and one of Hughes' supporters, was appointed to the Commonwealth Arbitration Commission and Norm Higham, Union Accountant, retired after 19 years in February of 1976. In that year the Federal Council conferred life membership on Phil O'Toole and Joe Riordan, both of them already Life Members since September of 1969 under the State Rules. At the Central Council Meeting on 23 September 1978 Phil O'Toole gave notice of his intention to retire, thus ending a 'marathon 26 years as a full-time official of the Union'.²⁰ He had also been NSW Federal Vice President for 22 years. Behind all the union's wider activity and the way workloads had successfully devolved to organisers and other officers O'Toole was described as 'always there with sound sensible and concerned advice to members and staff alike'. The union had been 'transformed' during his years as Secretary. Its membership had tripled to 30,000, the Awards and Agreements had been extended, rates of pay had not only increased but also improved relative to other occupations and there were new services available from the union such as industrial and welfare advice. The union had broken new ground and established itself as a leader in preference, security of employment, equal pay, shift



Farewell to Mrs Molloy (centre, front), Senior Office Administrator, 28 March 1978

work standards and safeguards against new technology. It had been an era of stability and progress for the clerks in New South Wales.

The 1978 CSA Award in December 1978 was a crowning achievement of O'Toole's era.²¹ Released from the need to pursue the employers to keep up with 'community standard' wages, the union took a quite radical approach to the next CSA case; it gave up the pursuit of even work value based increases in order to seek 'modernisation and rationalisation of the Award structure'. Greg Maidment, barrister for the union, noted that it was conducted as neither a work value nor a comparative wage justice case in search of increases and therefore co-operation had been 'remarkable'. The case did not exceed the guidelines; the employers wanted existing wages integrated rather than increased, and the union's objective coincided in that it looked beyond present gains and sought a better range of Award rates for commercial clerks covered by the CSA. The result was a departure from age-based increments, referred to in the Guidelines to the Award as a system which had made no differentiation between the rates for a 'filing clerk' and a 'senior accounts clerk', except according to age, if they did not move into the existing grades for supervision of and responsibility for other employees. Five grades were now introduced and the new Award was seen to be 'dramatically departing from existing structure'. However, the new gradings meant the end of 'floating' loadings for stenographers and machine operators, and although Maidment argued for their retention as a long held advantage to female employees, it was held that under the new system such skills should be 'equated with the different skills and acquired knowledge which other employees placed in those grades have acquired'.²² The union also tried to abolish the exemption rate because of its capacity to make gradings obsolete and the fact that those in a managerial role were outside the gradings but the employers wanted the exemption continued, and it remained in the Award. The guidelines were still necessarily flexible and not well defined but they were now based on broad notions of ranking clerks on the extent to which their duties departed from competence in routine work and moved on to include more responsibility, such broad definitions allowing for the many variations in duties and skills among small employers.

Vince Higgins became Acting Secretary under the rules of the Union, holding office until an election was held. He had served as Assistant Secretary for 18 years and with the triennial elections due early the next year was likely to succeed Phil O'Toole as Secretary.



New South Wales delegates to Federal Council 1978 at Surfers Paradise Qld, M Lawless, D Edge, J Oborn and seated, V Higgins, B Spears and P O'Toole

Chapter 13

The Early 1980s: 'Within the bounds of social responsibility'

The scrutineers of the 1979 union elections noted that 6,442 ballot papers were returned, a small slice of some 28,000 members. The Executive was returned unopposed, as were most of the Section Councillors. The Executive confirmed its political position: 'For years the union movement has been plagued by revolutionaries, who infiltrate its councils, seize its resources, and seek to transform a reformist movement into a revolutionary one – the answer to that problem is for good unionists everywhere to be active and to support genuine union leadership against political exploiters'.¹ When J Rankin moved in the General Meeting that, after a leak at the Harrisburg USA nuclear plant, the Central Council should oppose 'new uranium mines in Australia until the nuclear generating cycle is as safe as power generated from coal etc.' the Executive was wary; *The Clerk*, July 1984, observed the Socialist left 'continue[d] to confuse the electorate by equating uranium mining with nuclear disarmament, a line fostered by the Russian Workers Peace Movement in its many guises'.

The 1980s would be a decade of change as unions, employers, governments and the Industrial Commissions, State and Federal, tried to stave off economic collapse. At the beginning of the decade the Fraser Coalition Government was already finding that industrial relations was one of its major problems, with industrial confrontation and conflict at a high level. The sheer volume of work involved for the Clerks' Union is clear from the records as unions became largely responsible for delivering both wage restraint and increases. Industrial life would seesaw between stringent regulation and survival of the fittest as the system moved towards some hybrid of both. The union prided itself on a sense of the 'social compact', the notion that everyone had to look out for each other for the good of all. There was rapid change; from indexation to marketplace bargaining, then a wage pause, followed by the stages of the Accord, and also the ACTU's call for amalgamations. Work value, structural efficiency and enterprise bargaining would become the tools of wage restraint and the old principles of comparative wage justice, wage indexation and arbitration shrank. Through all of this the union pursued consistent policies as it fought for retail rates and hours, managed technological change, stood firm on full time work, resisted shorter hours in favour of the 19-day month, and advanced occupational health and safety. It pursued new Awards for the Health Funds and Building Societies and dealt with the problem of redundancy from business failure and recession; the union was familiar with displacement of employees through technological change, but now there were mass redundancies.

The first General Meeting of Higgins' secretaryship in March 1979 confirmed the union's basic ethic; it was resolved to 'resist unemployment as part of the Australian way of life'. The September *Clerk* registered concern about the extension of part time work in the public service: 'Part time erodes full time opportunities, making for underemployment'. The union did not object if there was no alternative and penalties were paid, 'nor does it believe in inefficiency or feather bedding', but part time was originally created in the 'labour starved sixties to allow extra female workers to join the workforce'. A small minority, *The Clerk* noted, were in favour of 'job sharing' or 'tandem' work, but 'basically it was not enough to live on'. With computers and other time saving equipment, 'reductions in standard hours will become more difficult to achieve'. For older workers wanting part-time work the union recommended a policy of 'Keep the hours – spend the years', where a reduction of hours was taken

as extended leave. In the October 1983 edition of *The Clerk*, Federal President JP Maynes gave this a broad context. The union principle had been to aid the weak: 'This principle arose from the central ethic of unionism which was based on the dignity of man and thus opposed the many revolutionary movements which made the individual subservient to the State'. But changes had occurred with World War Two and sectional interests, and the right to work was becoming a remote possibility. Shorter hours 'would be linked with those employed on reasonable incomes seeking greater leisure, while a substantial section of the community remained unemployed' and 'an hours policy has to be related to the job opportunities and employment conditions forecast for the next two decades.' Lengthy debate was carried over into the March 1984 *Clerk* when the union took issue with the ACTU on the leisure and extra jobs value of the 35-hour week based on the seven hour day: 'Shorter hours is wage increase for those already employed'.

Practical steps were taken to ensure employment and personal security for clerks. Early in 1979 the Clerks (State) Award was used as a 'vehicle' for Amendments of S 20(1) (G) of the *Industrial Arbitration Act* extending preference to annual leave, promotion in gradings, retraining in areas where technological changes were occurring or likely to occur, the cost of this retraining to be borne by the employer who introduced such technological changes. Safety and health issues for employees were also pursued when Central Council asked the Labour Council to approach the Government to include offices and warehouses in the *Shops, Factories and Industry Act*, and pass an Act covering Health in New South Wales. The Occupational Health and Safety draft report was completed at a cost \$700 and the Woolworths bombings would draw attention again to the safety of clerical staff. At the first Executive meeting, 14 January 1980, K Brain moved for harsher penalties for armed hold-ups, and improved compensation for victims. At the TAB a member was injured by gunfire, and there was a hold up in September at the Lidcombe Branch, reinforcing the union's attitude on 'lack of security throughout the TAB'. In the Retail Industry there was a dispute over cash shortages and the protocols for questioning by police and security officers when cash went missing. The union could later report it had brought a cash shortage dispute to a successful conclusion 'in the interest of a member' and recommended guidelines for security procedures were signed with the retail employer bodies in March of 1979 and there was a lengthy dispute with Myers over protective clothing. There was little employer support for safety issues. In 1982 employers were 'aghast' at the conditions clause in the CSA. The union canvassed the membership through a questionnaire in the April *Clerk*, accompanied by an editorial: 'As yet, there is no protective legislation applying to the clerical worker or the office environment'. If nothing was done the union would continue to seek changes to the Arbitration Act or extension of the Factory Shops and Industries Act: 'the employers' self regulation cannot be relied upon'.

The union looked beyond the clerks' immediate interests to contribute to wider reaching reform. The problem of high youth employment, especially in the Western Suburbs of Sydney, was met with the idea of helping young people to develop clerical skills, and this practical response foreshadowed the leading role the union would play in traineeships for young people. The new Federal Maternity Leave Provisions prompted the union to draw up recommendations along the same lines and forward these to the Labor Council in preparation for the NSW test case establishing State maternity leave principles. By April Labor Council had approached Minister Pat Hills and the Industrial Arbitration Act was amended to provide maternity leave in terms similar to the Federal decision. An unforeseen

anomaly arose in late 1981 when Qantas refused maternity leave to Mrs Gilligan, an adopting mother. Qantas took it upon itself to decide the terms of her leave and overlook the maternity leave provisions. The union prosecuted her case vigorously in the Equity Division of the Supreme Court, going to the lengths of obtaining medical reports to establish the need to settle the child in. Qantas backed down, granting maternity leave on the grounds that the provisions indeed applied in Mrs Gilligan's circumstances. This precedent was later included in Federal provisions and the case brought the union media coverage of the best 'motherhood story' kind in the *Sunday Telegraph* on 27 December 1981.

Industrial matters - 'Spreading a Fair Share'

1979 began with 4% flowing on from the December National Wage Case decision to the State Industrial Commission. Increases above that were still limited by the 1978 National Wage Case's requirement of work value in exchange for increases above the indexation rate. The union turned its energies to restructuring gradings in many Awards, including those in the Clerks (State) Award and the Hire Car & Taxis Award, the Solicitors Award, Daily Newspapers and Metropolitan Newspapers Awards, and disputed gradings in the State Award at Arnotts, the Royal Agricultural Society and the MBF. A Colgate Palmolive Agreement for a grading scheme was finalised and at Coles Warehouse a dispute had resulted in a work value case and an increase of \$3.50 from 1 January. In the Payroll Companies Award in April agreement had been reached on conditions, with rates of pay for a Teller Grade A to be determined by a work value case.

Preparation of the work value revision of the 'parent award', the CSA was commenced early in 1980. Mr G Maidment of Counsel was again briefed and Commissioner Patterson took the case over in May. It was described in the General Meeting on 21 May as the most 'detailed work value case in this award since the 1964 case', based on a statement of changed clerical procedures during the last five years, intervening cases having been preoccupied with comparative wage justice and restructuring the gradings. On 10 July 'shift penalties, travelling expenses, meal allowances and exemption rates were all increased in the light of the Committee's decision' following the presentation of a detailed work value case.² The decision gave a wage increase of 4.85% in each of the five grades in the Award. Conferences, inspections, arbitrated hearings and 'dogged negotiations brought about movements in many areas' and there was also a 'spin off', a review of Grade Five, with many clerks regraded, 'staving off the threat of absorption of over award payments if gradings are not clear'. This result was used to encourage those who had 'run the gauntlet' and stood up to management at MBF over 'the grading exercise'. In August the 4.85% flowed on to several State Awards.

In the meantime the work value case for clerks in retail shops was before Mr Justice Macken for four days in August: 'Inspections of various equipment including visual display units, automatic switchboards, small computers, word processors, micro-film, microfiche, collators, automatic inserting machines and mainframe computer systems were carried out. The retailers opposed any increase whatsoever in rates of pay'. The decision was handed down on 21 August – \$8.70 for adults with proportionate increases for juniors from 1 September. The union was incensed that the employers considered an appeal, and it was withdrawn.

In this difficult industrial climate membership and union coverage rights had to be protected. In May new membership agreements were negotiated with Fosseys but the Shop Distributive Association



Michael Want and Vince Higgins with long time member, the Hon Fred Daley.

and Shop Assistants Warehouse Employees Union both applied for registration as Industrial Unions while in August the Airlines Employers Association (AEA) filed for registration as a union; the union filed objections. The Waterside Workers Federation also sought to widen its constitution and the clerks objected; in September 'total opposition' from all the unions in the Airline industry was tabled, and by 17 October M Thompson moved at the General Meeting that 'all the matters of demarcation and working responsibility be discussed with air-carriers, and the Union to report back to delegates'. When the Theatrical and Amusement Union attempted to expand its coverage, the FCU intervened in June and an ATEA application for coverage of employees at the Race Courses was dismissed.

At home in the union

At year's end for 1980 there were staff refreshments and evening functions for the representatives at the PSA Club and Grace Bros at Parramatta, and the whole office had now been relocated, at a cost of \$31,000, from the 9th floor to the old ARU space on the fourth floor. The Secretary and Assistant Secretary were given a 4% increase on the grounds that all other staff had enjoyed the same. Michael Carney, Office Manager, had advised the Executive to revise office procedures, especially membership record processing, and noted that an alteration of gradings in the office may be necessary. On a personal note for 1980, on 18 June P'O'Toole moved congratulations to Vince Higgins and Betty Spears, both awarded the Order of Australia Medal; the motion was carried by acclamation at the General Meeting and the recognition given to these eminent members reflected well on the union itself. In October Vince Higgins was nominated as Federal Vice President for NSW and Keith Glover was appointed in charge of the Federal Council Meeting to be held at Broadbeach. The death of Tom Furey, Auto Manufacturing Section Councillor, was recorded at the Executive meeting of 11 August.

The April 1981 *Clerk* sported a birthday cake on its cover, and a short history celebrating 70 years of the Federation, 'born on 13th April and still going strong', together with a reminder of the profession's genteel image, and George Bernard Shaw's view that women and clerks were impossible to organise. The article boasted that the national membership of some 98,000 (Australia's fourth largest

union) with 66,000 of them women 'belies Shaw's pessimism', and it was important at this milestone to be 'aware' of the 'indispensability to every business' of the clerical profession.

End of indexation

The unions had pursued the best rates possible for their members during the period of full employment from World War Two to the early 1970s. By 1975 the Commission had reasserted itself but in the unions a 'tension between the objectives of making indexation work and maintaining the struggle for higher wages' inevitably grew. Robert (Bob) Hawke, who would lead a National Labor Government in 1983, called for 'consolidation of what we have won' and also 'some sense of responsibility' for the unemployed. The Clerks' Union, true to its principles of social responsibility, had kept within this framework. Others however had not: 'in practice the union movement did not, and perhaps could not - remain for long circumscribed by the indexation system. When some breached it, others found it hard to abstain'. Together with indexation the Commission had allowed for Award wage increases in recognition of 'work value'. The Transport Workers succeeded on the basis of recent changes, greater traffic densities, use of containers, more sophisticated vehicles, and this started a work value round among unions, with flow ons based on the 'existing' relativity structure. 'Eight dollars plus' had become the accepted community standard and the Commission saw unions as generally not able to support wage fixation because they could not 'demonstrate a firm commitment to its essential requirements'.³

Late 1980 saw growing concern in the union over the industrial system and the economy. On 15 October 1980 Higgins reported on the 'history of the National Wage Case and the problems of the future' and at the General Meeting 20 August 1980 O'Toole and Betty Spears had moved 'disapproval and criticism of the Budget presented to National Parliament last night'. There was not enough to stimulate economy and create employment, the oil rate put prices up, and credit should be restricted to control inflation. The union also questioned the strength of the arbitration system. Strong unions, particularly in the metals sector, were undermining the wage indexation guidelines and diluting the work value principle by flow-ons. The arbitration systems 'assist to equalise' employer pressure on workers, but unions often took a 'defensive position' and 'back pedalled'; the union would 'prefer to prosecute for a change and really effect some social economic changes'.

In April of 1981 the Metal Trades, with the support of the ACTU, campaigned for a 35-hour week. The application was rejected on the grounds of industry's incapacity to pay, and there was a strike, with the result that some large firms gave in and the ACTU sought 38-hours as a community standard. In July at the conclusion of the National Wage Case Sir John Moore announced a 3.7% increase and advised that that was the last National Wage Hearing on existing principles. Increases were now left to the unions to negotiate.

The end of indexation commanded a three-page article in the July *Clerk*, with a dramatic illustration of a goose being strangled. The union saw this turn of events as the end of a secure living wage, caused by the irresponsible and greedy behaviour of unions who had slain the golden goose of indexed and work value based wages available at arbitration. *The Clerk* reported that the Commission had given the grounds for the decision as 'an unacceptably high level of industrial disputes', and 'sharply divergent attitudes of the parties on the proper application of the present principles.' The union saw the 35-hour week campaign as partly to blame: 'There is not one rule for the strong and

another for the weak'. It was not happy with the troublemakers; for its part, it had 'supported Wage indexation from the time it was first proposed by the then Minister for Labour and Immigration (the Honourable Clyde R. Cameron) in the Whitlam Government in 1975'. It did not want a direct bargaining system. The Metal Trades agreement in October 1981 gave \$25 as the fitter's rate and \$14 in June pro rata for grades, and a 38-hour week. A commitment of 'no extra claims for the 12 months of the Award was made and the ACTU sought a case by case adjustment relative to metals classifications. The Commission did not accept that the metal industry agreement had again become a community standard, and did not return to the centralised system. That meant the end of indexation and the system turned to collective bargaining, with the Commission taking little part.⁴ By October of 1981 the Editorial in *The Clerk* referred to the 'collective chaos of collective bargaining': 'This union supports the central wage fixing systems as the only equitable method of spreading a fair share of the earned wealth amongst all members'. 'Hence the arbitration system and its needed role' - it 'protects the weak from the strong'.

The Commission rejected the ACTU/Metal Trades application for all Awards to be varied to give a 38-hour week. However, it was left open to unions to negotiate on the matter. Released from the restrictions of indexation and work value based increases, the union now moved quickly and unapologetically to keep parity with other workers. 'Six years in a straight jacket 'was long enough, *The Clerk* declared, and 'it's about time clerks started to flex their muscles and see about some CATCH UP'. Some guidelines were available from the percentage increase in the cost of living and by October the application for renewal of the Clerks' (State) Award, now expired, was well advanced. The union made a wide ambit claim for 20% to compensate for the loss of wage indexation, noting that the Award was the Parent Award for State Awards including the Solicitors' Clerks, Temporary Clerks, Retail Clerks, Newspaper Clerks, Hire Car and Taxi Clerks, and Catholic School Clerks.

There was a wave of increases for the clerks in the new post-July industrial order, including the Egg Board Award increase of \$12.50, the Rothmans of Pall Mall, Granville Award where negotiations resulted in a \$10.70 increase; in the retailer warehouses, there were increases of \$20 at Permewans, and \$18 at Grace Bros, Waltons, Nock and Kirbys and Fosseys. At Woolworths it was \$20 plus other allowances, GJ Coles Warehouse at Smithfield negotiated \$20 from 1 September, Franklins Warehouse Chullora, Davids Holdings, AG Campbells Warehouses Blacktown, Silverwater and Forest Lodge, Jewel Foodstores Warehouse, Lidcombe, all \$20 increases effective from 25 September, and Edgells Warehouse Smithfield, \$20 from 1 August. In more varied enterprises such as Cromwell International – Encyclopaedia there was a 4.5% increase, Colgate Palmolive Pty Ltd \$25 and further increases in January and July, 1982, based on the CPI. A work value case at Kodak resulted in increases ranging from \$7.90 to \$11.00.

Early the next year the Labor Council NSW State Wage Case on behalf of the unions was adjourned until 5 February, but in the meantime the clerks negotiated increases of \$20 in Heavy Industry, payable in three increases over the next seven months, increases in the Retail Award and two increases in the Metal Manufacturers' Award. These advances were partly due to the standard set by the Metal Trades case, which won major wage gains with an 11.9% increase in December 1981 and another 5.7% increase in July of 1982. In late 1981 the members also accepted a 5% offer from the Board of Fire Commissioners, and there was a variation of their Industrial Agreement in November.

While increases flowed there were closures and redundancies. Plant was shut down at Coats Paton and the Commission heard the matter and recommended three months notice and two weeks pay for each year of service and other benefits. At TA Field at Orange severance pay offers were under negotiation upon closure of the plant. The reallocation of jobs resulted in a stoppage at Berger Paints. Initiatives to sustain jobs were encouraged warmly; at the May General Meeting Betty Spears congratulated delegates from Commonwealth Engineering for taking things into their own hands and attempting to gain further works contracts for their place of employment. The union intervened in proceedings before Justice Macken involving the retailer Myer Sydney Ltd, following the company's decision to either reduce their hours or retrench staff because of technological change. The dispute affected 40 shop assistants and seven clerical employees and but when brought before Commissioner Patterson for determination the Company finally agreed that there would be no reduction of hours and no retrenchment of clerical employees. However, the 40 shop assistants were retrenched. Redundancy was widespread; at Tooth's Brewery there was a dispute over redundancy matters 'affecting all members of all unions' and 'the strike had now entered its fifth week and had become extremely complex, and Labor Council was convening a future meeting of unions'. In July the Executive noted that there had been a 'mass meeting in the Trades Hall, and a further meeting of the Clerks' Union Delegates had been called and would be held.

Despite retrenchments, reinstatements included 'a fine effort by J O'Grady' where employees dismissed after 30 years at the AJC returned to their work; at Vickers Cockatoo J Rankin was reinstated in April; October saw a reinstatement at the RSL Building Society, a decision pending at Trafalgar Trading and a case in progress at Chadwick Electrical Trading Co. In September there were reinstatements at Brambles and Armaguard.

Community activities and representation

While the union dealt with the need to keep up with the Metal Trades led increases, it found time for community action and representation. The Labor Council Secretary Barrie Unsworth asked the union in April to nominate an organiser for the State Government Work Experience Review Committee and the March Central Committee agenda included support for the Polish Workers Solidarity Movement; it was resolved that the union 'deplores the threat of intervention displayed both by Russia and the Eastern Bloc countries to prevent the establishment of Free Trade Unions in Poland'. The union donated \$1 000 to the FIET Solidarnosc Appeal. The Minister of Consumer Affairs was asked to look into readable price tags, and the April Central Council addressed such policy and public issues as Polish Solidarity, technological change and the Federal Union Conference on the Myer Report. In July the General Meeting resolved to refer broad band tax and problems for families to the Central Council, and also ask the meeting to 'request the Trades and Labour Council to use its influence to encourage the State Government to provide for automatic quarterly flow on to all employees under State Awards of the percentage increase in the cost of living.' Other agenda for the October Central Council Meeting included calls to be made on Federal Government to fund family housing, noting that funding was now 4 million dollars less than the 1980-81 allocations, with inflation running at 11% and with NSW also taking a large share of refugees from South East Asia.

The union also expressed 'deep regret' that the recent ACTU Congress adopted a position of support for 'free, safe abortion', a stance which would cause 'considerable division within the Trade

Union Movement'. The union did not impose any moral values; its point was that 'abortion was not a Trade Union issue and we congratulate our Federal Clerks Union delegates to Congress who opposed its introduction'. John Newman moved that 'NSW Branch of FCU Central Council congratulates the NSW Government on its tremendous achievement in lowering unemployment and especially youth unemployment in NSW'. In his report on 21 October 1981 from the Central Council Meeting, Higgins noted an increase in the membership, 'now just over 28,000, an improvement on last years', and recorded discussion on the Williams Report into industrial and occupational health, requests for changes to the Compensation Act, the State Industrial Commission to examine flow on of cost of living adjustment, and comments on the Budget, interest rates and family housing, as well as the Congress resolution on abortion.

In 1981 Betty Spears was nominated to attend a FIET Women's Conference and in March Beryl Ashe was appointed Women's Advisor at the Labor Council. A survey of female members, conducted with the help of Dr Paul Langley of La Trobe University, showed that 81.1% worked full time, and 52% said they would not work if they did not need the money. One of their main problems was less opportunity for promotion.

Administration

The union's administration kept up with the demands of new technology as it purchased safes and cabinets to protect the computer discs it had now become dependent upon. In October it looked at updating the computer system to manage the membership records. On a less positive note, the union resolved to appoint Fortuna Mercantile Services to deal with outstanding debts. Staff changes saw K Tulk, Michael Want and Nerida Whittaker commence training in May 1981, and in July Veronica Jones was interviewed and appointed Organiser; her appointment was seen as a boost for Equal Employment Opportunity principles within the union. John O'Grady was appointed as Senior Industrial Officer and Ron Dowdell, Organiser.

Presentation to Jack Brown, Secretary at Newcastle



C Coleman, P O'Toole, J Brown and V Higgins

Good industrial practice was maintained 'at home'; Miss M Lyons had completed three months in her new position, to a 'high standard', and it was recommended that her salary be increased from Grade 2 to Grade 1. In August Miss Cindy Jarrett was also given an increase; her work performance had been 'very commendable' and, as the CSA case proceeded, in November the union observed its usual policy of granting an interim increase to staff pending finalisation of the case. Jack Brown retired as Secretary of the Newcastle Shipping Section after 39 years membership and 33 years as Sub Section Secretary, and the union had a

'\$200 watch suitably inscribed and presented to him' and the representatives 'usual function' at year's end was planned for the City and Parramatta. Labour Council presented an Honour Scroll to Phil O'Toole, and the July *Clerk* reported that Barrie Unsworth was 'pleased to see him still around'. The redoubtable Phil O'Toole would still be interested in the union over 20 years later.

The Shipping Section: the struggle 'to uphold the authority of the Central Executive'

In the October 1981 *Clerk* Vince Higgins observed that members should look to their interests 'within the bounds of social responsibility'. The Shipping Section again claimed the union's attention, this time over the right to control the Vigilance Officer. Shipping member A Curry had been elected in 1977 upon the retirement of Norm Glendinning. The Committee of Management (COM) now presumed that as they elected the VO they would directly control the officer irrespective of the views of the Executive. An advertisement in the *Herald*, of 14 January 1981, 'purported to call nominations for two Vigilance Officers'. At a crisis Executive Meeting on 21 January the Secretary recommended that J Murphy, J Hills and J Gallagher 'cease association with the purported election of Vigilance Officers' and refrain from acting against the 'rules regarding employment of staff.' A Shipping stop work meeting decided that the excess from the payments to the union by the Shipping Clerks was to be paid, in the sum of \$1,650 each, to the two VOs. The Executive sought legal opinion and were advised that an injunction might be needed; 'That the business of this Branch is the responsibility and duty of the duly elected Central Executive. All funds expended and collected, including levies, are also the business of the Central Executive. Rules 22 and 34 make this position clear'. Small and Curry were to refund the money and account to the union Secretary or else more legal action was threatened. In the meantime there were industrial disputes over bans on the movement of containers and by 11 May application was made by the Wharf Employers for penalty provisions to be inserted in the Shipping Awards because of disputation in the Port. Higgins refused to make the balance of \$4,249.61 in the Shipping Section fighting fund available to the Shipping Committee of Management. When a later request, together with a list of disputing Glebe Island Terminal members, was received, asking for the balance in the fund to be divided equally amongst the 56 members on the list, it was resolved that 'a cheque be drawn for each of 56 members on the list for \$75.80.'

Meanwhile, Higgins reported that the job of the union's appointed Vigilance Officer, John Knight, was 'onerous, and work had to be done despite problems'. Knight was assured of his 'continuing employment with the Branch' as he persevered in a most difficult situation.⁵

Higgins made the administration's views on the shipping furore clear to the membership in the April issue of *The Clerk*; 'We now have a few industrial politicians seeking to mislead the membership in relation to the control and administration of the FCU'. On 28 September the Executive meeting noted that 'repeated disregard of directions from Central Executive and breaches of rules have occurred by individuals connected with the Sydney Shipping system'. Directions were given to members of the Committee of Management to distance themselves and give notice to members that a proposed meeting was unauthorised and cancelled by direction of Central Executive. When the Sydney Shipping Section was called out without 'consultation or authority' Higgins wrote to Curry and Small instructing them to 'report to the Pick Up Centre for work within 48 hours, and to continue to do so, otherwise membership would be transferred to another appropriate section of the union.' In November Mr

Justice Hunt in the Supreme Court granted an injunction against all members of the Shipping Section restraining them from interfering with the movement of containers.’

‘What your union is on about’

In October 1981 the Executive duly requested the Electoral Office to conduct the triennial elections the next year, through an independent officer ‘in accordance with the policy of the Branch established nearly 30 years ago’. As the 1982 election approached the disgruntled Shipping Section fielded candidates against the Executive. The Section campaigned vigorously; at the Airlines Section meeting on 25 January pamphlets had turned up and it was noted that there were about ‘12 of these fellows who do not work and make up the Rank and File reform Group’ opposing the Central Executive. They were identified as a militant and a ‘dangerous proposition: they would win increases in pay until the Airlines would not be able to pay’.

The union was determined to hold off a militant challenge and campaigned by setting out its industrial and other achievements. It could boast many increases in rates. Most major State or Federal Awards wage rates had already ‘moved or were about to be finalised; Oil, Breweries, Meat, Paint, Airways, Aluminium, Road Transport, Shipping’ and other areas would be opened for negotiation before their awards expired in late 1982. Renewed confidence was declared in the Conciliation and Arbitration System, which had presided over the deals made with the employers after the end of wage indexation, and Higgins could state in the January *Clerk* that the union ‘has looked after the money matters for the moment. 1982 is the year for improvement in working conditions’. In the March *Clerk* Higgins set out other achievements; over \$125,000 in award breaches recovered, re-instatements, workers compensation, and a pattern of sustained wage rate movements. In election time reminder of the Executive’s policy, it was noted that those gains were achieved as a responsible union should achieve them, ‘within the confines of the Indexation System which this union complied with whilst it lasted [and] Award wage rate standards were maintained.’

Betty Spears, now a member of the ACTU co-ordinating Committee on Women’s Affairs, looked at another sign of the health of the union.⁶ Women had been to the fore in its ranks ‘since the late 40s’, but Spears was adamant that this was ‘not inspired by tokenism, or paternalism or positive discrimination’. They enjoyed the ideal situation, the scope to rise by their own talents, but the union was an EEO leader nevertheless ‘as it has in the past led the pursuit of equal pay’. The Federation now boasted a good proportion of women officers and a large contingent of representatives and Councillors, three female organisers, one industrial officer and an industrial assistant. Profiles of women activists, with photographs, were given: these included Nerida Whittaker, South Coast – Wollongong Organiser; Veronica Jones, Organiser and Central Councillor; Kim Tulk, Industrial Officer; Wanda Day, Organiser and Central Councillor and Beryl Ashe, Women’s Advisory Officer, NSW Labor Council and Central Councillor. In ‘Women Moving Up’, in *The Clerk*, July 1982, Spears wrote how, despite equal pay, barriers still existed, in almost invisible form, to promotion for women, but the union had always insisted on women moving through the grades in career Awards.

Problems loomed in 1982. In retail the old threat of extended trading was back and open ended hours meant penalty rates would go: ‘We said this in 1981’, said the *Clerk*. In the airline industry apparently small issues such as ‘Flaw on the floor’, the problem of standing on concrete tiles, met

by negotiating with TAA agree to buy matting at a cost of \$2,000, were signs of deeper problems. Deregulation meant cost cutting and 'increased pressure to survive', with reliance on 'computers to save on labour'. It was acknowledged that an increase in ticket sales might well create more jobs, but the new 'Apollo' system and the installation of reservation computers in travel agencies for printed tickets and encoded stickers for baggage, all threatened existing jobs. Dave Edge outlined the union's record on technology in his article, 'What your union is on about'. In the field of technical change, the union had started with the Mobil Oil case in 1962. As a result of negotiations no clerks 'at all' were retrenched, and since then it had been an 'ongoing process', dealing with, for example, higher duties allowances and demarcation problems. He quoted Federal President, JP Maynes who in 1972 said this was most rapid change since the invention of the wheel. Edge reassured members that the union was still 'very much involved in the personal, geographic and industry problems associated with the application .. of new Technology'. The union could now boast 20 years in this area, and had a policy of welcoming new technology since 1956. On a less serious note, the July *Clerk* offered a cartoon, with Eve tempting Adam with a small circuit board.

Union success could also be reported in smaller, more specialised areas. At the TAB the Head Office Committee had started off the year with 'some strong representations concerning a number of issues', following up Committee members' concerns about SP telephone betting, telephone betting supervisors, first aid facilities, workers' compensation payment delays and casual staff parking. John Newman reported that submissions following on from the decision in the State Award had won a casual rate adjustment. In the meantime it was also noted that the country organisers had been 'round the traps'; Col Coleman, Newcastle organiser and Graham Sheehan, ACT and Southern Districts Organiser had been busy.

Election results

In April *The Clerk* reported the results of the 1982 triennial elections. The first challenge to the Executive in 18 years, mainly from the Shipping Section, had been 'staved off'. 'Malcontents, for various stated reasons, valid or otherwise, have been trying to have their own way at other members' expense for some considerable time,' *The Clerk* admonished. Of the 17 Section positions, 'only' eight were contested. It was noted that 'in the contested sections ... the results represented a clear lead for the official team led by Secretary Vince Higgins, and [were] a vindication of the Union's policies pursued vigorously since Vince was elected Secretary in late 1978'. The Executive had been closely pursued. John Hill, of the Shipping troubles, won 3,311 to President Colin Hilder's 4,978 votes; Betty Spears as Deputy President held off Patricia Carr's 3,289 votes with 5,007 for Spears; Dave Edge as Vice President won 4,963 to Mark Ryan's 3,336; for the Secretary's position Vince Higgins had 5,012 to 3,283 for Shipping's activist Alan Curry, and Keith Glover, Assistant Secretary, had held off Colleen Greene with 4,900 to 3,383 votes. The membership was given yet another lecture on its response to the ballot. Just 34%, or 8,400 from a possible 25,300 members in a financial position to vote, had turned out; 'It is not good and it is not in the best interest of the membership that such apathy exists'. There were obviously other areas where attention should be paid, and the union saw appropriate improvements as 'the first order of priority'. The 22 Central Councillors elected included 11 women, and there was a high count for Phil O'Toole, re elected to take his place with 'many new faces'. Higgins stated to 'those who did exercise their democratic right and voted,

Inside the Central Council Meeting, March 1983



D Edge, V Higgins, C Hilder,
B Spears and K Glover



Central Council Meeting 1983

Central
Council
Meeting
1983



Central Council Meeting
March 1983 – D Edge
(Vice President),
V Higgins (Secretary),
C Hilder (President),
B Spears (Deputy
President), K Glover
(Assistant Secretary),
A Macdonald (Minutes
Secretary)



Central Council Meeting 1983

Central Council Meeting 1983



notice will be taken of the result cast. And notice will be taken of the minority vote also, and what it represents'. Nevertheless, the administration soon struck out at its leftist opponents; in the July *Clerk* the Editorial claimed that 'reds' gave unions a bad name; the FCU being moderate 'gets attacked by extreme left and extreme right'. The administration showed its quite conservative colours; it claimed that outside elements were to blame for radicalism in universities, and by extension in the unions. There was also news of trouble from the right. Liberal Government Minister Viner's announcement in April proposed changes to the Conciliation and Arbitration Act, which if legislated would affect Federal Awards and Agreements. The changes if made would allow stand downs of those not involved in disputes, end union preference and allow the registration of enterprise unions, 'weak mini unions' as the clerks saw them.

National Wage Case

The National Wage Case was decided in May. There was no return to a centralised wage fixing mechanism, although this would be sought in the August Hearing. In the meantime in June all Award claims were filed for a \$25 increase, and arguments were presented for reopening 17 Awards in mid term to keep up with wage increases. The successful CSA case was the first fully arbitrated case in NSW for a mid term adjustment and 'may even be the first State decision of this nature in Australia.' While the parent Award had been arbitrated most of the satellite awards were made by consent although some perennial hard cases had to be taken to the Commission. The mid term increases were seen as a benchmark and given the climate, very satisfactory, although there might be absorption of the increase in above award payments, especially where the Award was relatively ungraded, particularly in the 'Health Funds, Building Societies and other similar growth locations so dependent on the Clerks' (State) Award.' The union persevered with a first time Award for the Health Funds although *The Clerk*, October 1982 suggested lack of support from members in the quest for an Award 'more reflective of your service type clerical operations'. This was 'understandable given the antagonistic attitude of your employers' but there had been some results, such as reinstatements, regrading and improved working conditions in premises 'from Bondi to Lithgow'. The article then persuasively gave tables of rates in three other awards for clerks in the Oil Companies, Domestic Airlines, Road Transport and Customs Clearing Industry. Higgins concluded that the union could do little without its members' mandate and support.

1983: 'all the ingredients for a difficult year'

By the end of 1982 increases gained by the Clerks were signs of a much wider wage blow out. It was not clear that this was the root cause of economic problems, but the Federal Liberal Government's response to the prospect of economic collapse was to ask for a wage pause in December of 1982. For the union this translated into a State wage freeze for six months with a saving clause of 'work value classification'. The reasoning was that a 'policy of restraint should apply to any proposal for an increase in wages, salaries or allowances, reduction of hours, or improvement in other conditions of employment.' As for thirty-eight hour week agreements, those 'reached by this date ... must be approved by Full Benches subject to ... close scrutiny of labour costs. No other applications for a 38-hour week should be approved nor should any agreement or application for less than 38-hours be approved'.⁷ The union had reason to be proud of itself. Yet 'another first for NSW Clerks' in 1982 had been the 38-hour, 19-day month at Metal Manufacturers at Port Kembla. This condition had been within the economic guidelines. Nevertheless, deeply anxious about unemployment and recession, the union harked back to the security of the old basic wage principles, fixed in the Harvester case at the beginning of the century on the basis of a 'family living in frugal comfort'. It was a sign of the times that International Harvester had gone into receivership by October 1982 and the Court gave the employees the right to redundancy payments.

As the economy worsened there was further job loss and Betty Spears and Beryl Ashe were concerned at the attitude Ashe had met in Newcastle, that married women should give up their jobs in hard times. 'Every woman has the right to work', wrote Spears. Vince Higgins put the membership on guard; 'members should be aware of their rights in these difficult times'. Most importantly, the Preference Clause in the union's State Awards helped members to retain a job and in case of retrenchment the union 'would seek to have every case justified. Preference for a union member is absolute in a retrenchment situation, as indeed it is at the point of engagement.' Higgins assured members that being able to state this position 'will give employers cause to rethink their attitude'. At the same time union contributions did not go up; they were linked to the Clerks (State) Award, and it was noted in October that they would not change for the following year because of the wage freeze, subject to any decision in the national wage case.

The combination of economic pressures together with government policies caused other problems. In the Health Funds the employers wanted to make an award with the Australian Insurance Employees' Union, and the union instructed Counsel to draw up an application under Section 142 A of the Act to ensure that 'the AIEU is thrown out of the industry for good'. Broad threats to the fabric of industrial conditions loomed; in October there was a test case in Western Australia to abolish holiday loading because the economy was by then in deep recession. John Newman recorded 'concern at the decline of productivity and employment in The Australian Manufacturing Industry'.⁸ It was also noted that 'The desperate situation of some Companies to survive is exemplified in cases such as James N Kirby, where a 5% wage cut was implemented against the wish of workers, without success, in attempting to maintain viability'. Senator John Button was to be asked to make inquiry into the manufacturing industry 'and to take steps to afford protection to those Industries where imports are a direct cause of unemployment'.

The union published an Economic Supplement in June, reporting that the Treasurer had said the economy was the worst since the 1930s and employment and job vacancies were plummeting. The

Executive now began to look out for erosion of conditions in this sour economic climate. In July *The Clerk* examined the insidious effect of 'part time work as people lose full time, especially in retail, health funds and building societies'. The retail membership seemed beaten before they started, and Higgins tried to goad them into a fighting spirit. He could report in that 'pirates' den' of retailers the union was 'again' getting reinstatements and redundancy pay claims.

Redundancies plagued the era. For many years the union had thought in terms of technology induced redundancy, but now it was a matter of jobs disappearing at random. Preference was crucial, as were good redundancy provisions. There was a litany of lost jobs. An Ampol/Total merger made more than 58 clerks redundant and a meeting of members was held resolving not to volunteer for redundancy pending further advice from the union. There was rationalisation at Caltex/Golden Fleece, and TNT reneged on previous severance payments. A takeover at Grace Bros Myers affected Miranda and Gordon, and the warehouse at Villawood was also to close. Ten clerks were retrenched at Avis where the union negotiated successfully for its members. The AUF-Grafton Plant was to be closed, and the Newcastle Organiser was trying to save the plant and/or achieve severance payment. In May there was a dispute at Comeng over the retrenchment of 83 employees. JRA (Leyland Plant) was to close at the end of the year and negotiations were taking place between the company and unions, and there were redundancies as the last ship was built at Vickers Cockatoo Dockyard, and at Shell, and FJ Walker at Byron Bay closed, with a redundancy agreement. STC saw redundancies at Alexandria and Liverpool. McPhersons hardware at Alexandria ceased trading in February. The Steel Works industry redundancy case was commenced in September and the long expected amalgamation of Caltex and Golden Fleece meant discussions about transfers. At AFA Meadow Freight there was retrenchment of FCU and TWU members without notice. At Boral BMI desperate members voted to take a 5% wage cut against union advice and there were numerous disputes over dismissals and retrenchments at Prospect Motors where the employers claimed the Clerks (State) Award did not apply. The April 1984 *Clerk* reported success in a case against Boral BMI Prospect Motors Case over the induced transfer of clerical employees to a substandard Federal Award with no provision for clerks. The employers claimed that the application of the Clerks (State) Award was invalid, and that let them proceed with retrenchments under a Federal Award, which did not give the protection of preference. The tone in the September *Clerk* was triumphant: 'This is the Clerk's Union you are dealing with'; 'Any time you want to take us on behind our back without prior consultation then the result will be the same'. The union now declared it meant to retain the 35-hour week at this workplace. It was a 40-year old condition and the clerks had no wish to 'enjoy benefits of shorter working week by increasing hours to 38!'

By October at STC a redundancy agreement was at a 'delicate stage' and agreements were in place at Borg Warner, Victa and Caltex. Ten clerks were to go at the Lithgow Health Fund, where the Board was made up of members of the Miners Federation. Clerks were retrenched on preference at Electrolux. Retrenchments at Simpson Malleys threatened some 130 employees, and as negotiations on severance pay were taking place, Betty Spears moved on 17 June for the 'boycott of products from Simpson Pope Group', and called for dismissals from that company to be advertised in *The Clerk*. Higgins tempered this motion with 'if close down, then action contained in the original motion be pursued'. Meanwhile the Victorian Redundancy Bill was defeated in the Upper House.

The FCU and SDA made a joint application against Myers and Grace Brothers on the grounds of Section 88F, which protected employees' superannuation entitlements. The issues were the advice or amounts paid to employees of Myer Sydney Ltd who transferred to Grace Bros and in July the ACTU took the matter up as a test case on redundancy before the Commission, and was allowed to proceed on merit, while the newly elected Hawke Labor Government wished to confer with the ACTU on this problem. On the 'domestic' front there was also some positive news for the clerks. As requested back in 1979 the NSW *Occupational Health and Safety Act* and *Factories, Shops and Industry Act* with others had been extended to include clerical workers, and 'the days of the cubby-hole office could be over'. The union persevered with its industrial work, especially where gains other than increases, now subject to wage restraint, could be made. The domestic gradings review in the Airways Award for example, had long been a matter of 'concern' and the review was now to take place. The National co-ordinator had outlined the proposed structure and the information required to pursue a claim of 'this magnitude'. 'The meeting was made aware that this would be a lengthy, time consuming and exhaustive review'.

The application in the Permanent Building Societies State Award to provide salaries, gradings and conditions of employment geared to the needs of this growth industry was now lodged on 31 March 1983. It was drawn up to cover all positions including managers. The employees were currently under the Clerks (State) Award and the union believed 'it can establish the criteria necessary for an award'. Nevertheless, after preliminary conferences, the employers decided to oppose 'our application, Inspections have already been held in Sydney, Wollongong and Country regions, and the case is proceeding to determine firstly whether a separate industry award is necessary and desirable'. By September preliminary hearings had been commenced and discussions initiated with all employers through their union representative, the Employers Federation' but response from members was disappointing. Every member had been advised by mail but 'the silence is shattering in terms of response'. The circular was also sent to the Building Societies – but Higgins suspected 'that party ensured that the lesser paid members of the staff were not informed of what the union is trying to do for all clerical employees in the area'. Award working committees were set up at meetings in Sydney, Newcastle and Wollongong and all major societies now had a say in what this new Award should contain. Higgins included a reminder that only registered unions could represent the parties to proceedings before the various State and Federal Industrial Commissions. 'This is supposed to be a participating society', wrote the union's Secretary, but 'like the church or school fete, the work of many is left to the few, but when the 'goodies' are to be shared out, one wonders how far back the non member will be in the queue. Of course if there is to be a staff reduction through restructuring, reorganisation, redundancy, rationalisation, they will head it as the preference clause takes care of the member in most situations. As a member you have a preference in employment. Pass on your copy to a non-union work mate'.

When the Federal Government announced its intention to introduce Medicare, the Federation negotiated with the new Labor Minister for Health, Dr Blewett, to protect the job opportunities of members of the union employed by existing health funds. This would ensure preference for union members in the allocation of Medicare jobs and preserve job opportunities in the industry. The union asked the Government to underwrite an appropriate redundancy plan if there were insufficient jobs; 'A strong voice on behalf of all clerks in the industry will be a vital factor in winning the Government's

support'. The Minister for Health had advised the union that the Health Insurance Commission would not oppose the making of an Award in favour of the Clerks' Union and despite 'collusion' between employers and the Insurance Employees Union, matters were now well on their way to completion. Up to Grade 4 'preference will automatically be granted to applicants in continuous employment by a health fund from a date prior to 24 May 1983, who meet the basic criteria for selection'. *The Clerk* pointed out that FCU membership was 'vital' in this period of change in the industry.

By the end of the year the union had also taken on the retail trade, with a joint claim by Shop Distributive Union, Shop Assistants and FCU for \$9.90 for clerks. The claim was within the guidelines recently set by the National Wage Bench, was successfully argued before a Full Bench of the Commission on 17-18 October 1983 but was then opposed by the Retail Traders Association. In an inset in the October *Clerk* the retail membership was reminded of the injustices of their position:

Between the time retail Clerks receive this journal and Christmas 1983, the following long standing issues should be resolved. The 'catch up' position of your wage rates before the Court since September 1982; the National Wage increase for 1983; the Trading hours issue plus the introduction of generally shorter working hours in retail shops. Every other single section of the industry has received these benefits. Why not retail clerks?

At the General Meeting of 17 August 1983 Alastair Macdonald moved for support for central wage fixing. Such a system provided for regular adjustment of wages and salaries in accordance with price movements.

In respect of 'catch up claims, we accept the concept of the Prices and Incomes Accord, that in the difficult economic circumstances now prevailing, the maintenance of real wages and salaries will be an objective to be achieved over time. We call upon the Union's National Office to inform the ACTU of our decision and we call upon employers to support a return to a centralised wage fixing system providing for regular adjustments in accordance with movements in prices before the Australian Conciliation and Arbitration Commission and advise that if a centralised wage fixing system is not introduced on satisfactory terms in the short term future, then our union will serve specific claims on employers when our current Awards expire.

The motion was carried.

The union's long and lively association with another industrially strong Section, the tally clerks was drawing to a close. They voted to join the WWF and on 29 April 1983 the Federation applied to the Federal Court of Australia 'in form' for an order cancelling the registration of the Waterside Workers Federation. The Court noted that the Clerks' Union in fact wanted an order that the Waterside Workers cease to enrol tally clerks on the basis that they were waterside workers and so eligible to join. The argument clearly had its difficulties and the Clerks did not succeed. It was noted that while historically the tally clerks' awards had been gained and administered by the Clerks' Union, this had been because the Waterside Workers thought 'the proper place for them was in the (clerks) union. As early as 1920 the Waterside Workers had asserted their right to enrol the clerks.'⁹

The union's records would continue to trace the courses of union careers, among them organiser John Newman's path. He left the union to enter politics, and died by assassination at Cabramatta



on the night of 5 September, 1994, after returning from a political meeting. There would be the contributions of many such as Jack Best, 'Councillor and Union official, well known Newcastle member', whose obituary appeared in *The Clerk* in April 1982. 'It is poor tribute to endeavour to encompass the span of those years in a few words recorded in a Union Journal obituary column' was the humble comment on behalf of the membership who owed so much to such diligent officers.

John Newman

Chapter 14

The Accord Era, 1983-7

The Hawke Labor Government had been elected in March 1983, and would usher in the Accord, where the Government and ACTU 'agreed to restore wage indexation and forgo further claims as part of a program of economic reconstruction' and later 'discounted wage increases for improvements in the social wage and superannuation benefits, then linked them to a simplification of award classifications and productivity improvements'. This was similar to 1975 but had union support, especially given the Government's promises of social and taxation policies, and the unions were also bound by undertakings of no further claims. The Accord had brought together the three major participants in industrial relations – employers, unions and Government – so that any outcomes had to be acceptable to all three. It was inevitable that for the trade union movement there would be some gains, but also some elements that were distasteful. In New South Wales the Wran Government accepted the principles of the Accord and conducted its industrial relations in a similar spirit.

The first phase of the Accord would operate from 1983 to 1986¹, and was introduced in September, bringing new wage indexation principles with six monthly increases based on the Consumer Price Index. The first increase was handed down on 23 September, giving a 4.3% increase effective from 6 October but with union undertakings to settle for that. Unions had to show 'substantial compliance' including restricting agreements for reduced working hours and not pursuing extra wage claims outside the principles. Allowance was made for work productivity movements and there was provision for restrictive use of work value. The industrial system was now swung around to the 'most centralised wage determination ever adopted'.² The State Tribunals were willing to follow, as had happened in the previous wage indexation, when the State Commission adopted the guidelines with minor variations. From 1983-5 the Accord would prove reasonably successful in its aim of curbing wage increases.

In October 1983 the union engaged in a rare piece of political protest. *The Clerk* headline read 'Clerks' Union Members at the Barriers', and Higgins wrote about the union's response to the ACTU bans on Russian Aeroflot travel after the Soviet Union shot down a Korean passenger airliner. The Clerks Union joined with the Transport Workers' Union and the Administration and Clerical Officers Association in enforcing the ban 'not only as a protest but also as an indication that members of the Australian workforce do not lack either the will or the resolve to support the free world's condemnation of such an unwarranted and as yet unexplained murderous act'. The ACTU had imposed 60-day bans on Russians and Australians joining Aeroflot connecting flights, and the Clerks union was one of the three unions in a position to enforce the bans under the ACTU's decision. Higgins could report that the 'action of our airline clerks was commended'.

There was a reminder of the stability of the union's administration in January of 1984; at the monthly meeting Betty Spears congratulated Vince Higgins on his 30 years of service and loyalty to the clerks. The March issue of *The Clerk* carried the headline 'John O'Grady retires as Senior Industrial Officer after 9 years service'. O'Grady took on the editorship of *The Clerk* in his retirement, and in September of 1984 it was published from the National Office and became its voice with a section dedicated to the NSW Branch. As the new *Clerk* put it, 'In other words, NSW supports the

Federal Office and its initiatives', and the Branch was 'taking our place in the scheme of things'. This new format of *The Clerk* suggested that New South Wales was the senior Branch and it reflected the close working relationship and camaraderie between the National Office and the New South Wales Executive. Behind the scenes there were sometimes problems; Vince Higgins recalled that the Federation once ran the cover 'This Ballot is Rigged' concerning another branch during New South Wales Section elections.



Organiser John O'Grady at Central Council Meeting, 1979

John O'Grady died on 18 September 1989, and when Vince Higgins retired in 1995 he would acknowledge O'Grady as a particular friend and influence on his industrial career, and a man whose industrial ethic was 'inspirational'. *The Clerk* recorded in the obituary 'John O'Grady's service with the Union was very extensive, his association even more so. From the early 50s as a worker for and supporter of past Federal Secretary, Joe Riordan and past State Secretary Phil O'Toole, John lived to see the wheel take the full turn, the communists and fellow travellers removed from office and the union restored to the responsible progressive management it enjoys today, both at State and Federal levels.' His capacity for taking

academic courses and combining the 'practical experience gained in the field with the theoretical or book lore' commanded respect and '[t]he real underdog was his forte'. Betty Spears remembered him plainly and emphatically as 'a good organiser', and Michael Want had never seen anything like his determination.

The January 1984 edition of *The Clerk* set out the main part of the text of the *Wage Guidelines for 1984/1985* under the Accord. Gains above the basic amount were mainly available to those who could painstakingly demonstrate work value and productivity, and on stringent principles. Automatic increases would come mainly from national adjustments, CPI movements (award wages and salaries adjusted in the light of 6- monthly adjustments in light of national wage case) and national productivity, the latter based on a case the ACTU would not commence until 1985. Changes in work were defined as skill, responsibility or conditions in which work was performed, not changes in work by themselves, and there must be 'significant addition to the value of work requirements as to warrant the creation of a new classification.' As for 38-hours, opposed claims should not be allowed, even with full cost offsets which had to be achieved by changes in work practices. The old 'doctrines' of anomalies and inequities were no longer grounds for general improvements in pay and the concept of comparative wage justice and maintenance of relativities should not be relied upon to establish an anomaly. The only exceptions were 'catch-ups' to the Metal Trade industry standard and adjustment of paid rates Awards to establish an equitable base may be processed as anomalies. All such claims were to be lodged by 31 December 1983. Inequities had a restricted meaning: there had to be no good reason for different pay, there could be no reliance on precedents, and no flow ons, and claims for increases had to be made out on the individual merits of each case. There were no new pay rates except in new Awards; if it was necessary to establish an equitable base this should be processed as anomaly and lodged by

31 December 1983. New Awards would be established according to existing rates according to 'long established principles'. Allowances could be increased only in accordance with these principles. The union made the point that by now all wages should have attracted the October 1983 4.3% increase and absorption of over-Award wages was 'simply not on'.

In his editorial Vince Higgins stated that the guidelines must be followed – 'the increase has only been granted upon the most stringent terms as set out by the principles printed on pages 10, 11 and 12 of this issue. I commend them for your study. It is important that members understand the constraints placed upon participants in a regulated industrial relations system'.

The union had given its support for the guidelines at its National Executive Meeting on 14 October 1983, and the National Council, which 'supported the concept of social compact', endorsed them. They were at least 'superior to a continuation of the current situation', the wage freeze. For the sake of consistency of standards the union would claim the 38-hour week where clerks already worked hours in excess of that time, and take it as a 19-day month. Where clerks already worked less than 38-hours it was hoped that Agreements would be honoured though the clerks would not be seeking ratification. But the Accord did not make all employers mindful of the 'social compact', and the notion of consistency had a double edge. BMG Concrete, for example, wanted to increase clerks' hours of work to 38 to 'bring about uniformity'. Commissioner Patterson saw this as 'pretty heavy handed' so BMG was directed to give the union detailed information and report back to the Commissioner. At Comalco there was a two-day stoppage at Yennora, Villawood, Enfield and Minto, which ended when the company agreed to present reasons for its refusal to enter into working parties on a 19-day month. After the presentation members went out again and the dispute continued into April. The April *Clerk* suggested that the situation at Colgate Palmolive had highlighted the anomaly raised for the clerks by other unions' trade offs. They boasted that their 19-day month would involve giving up five minutes a day whereas the clerks would have to work an extra 30 minutes to gain a day off. The September *Clerk* let the members know that Comalco in Sydney was fighting dirty over the 38-hours, 19-day month, but 'Bans and limitations were imposed in an effort to soften this negative approach and pave the way for a settlement'. It was alleged that Comalco had granted shorter hours to non-unionists, and it withdrew shopping time from female clerks at Villawood, in force for 20 years, and always offset by working an additional 15 minutes daily. The case went to arbitration and in December the *Clerk* reported Comalco pulling out 'all stops' in a huge case, presenting 'massive documentation' and opposing the clerks on grounds that costs were more than negligible and the claim was outside wage fixation principles. The Arbitration Commission found it had no jurisdiction over decisions over hours of business.

The Road and Transport Federation also rejected the clerks' request for a 19-day month in November 1983 on the grounds that the majority worked fewer than 38-hours, but this was a 'strange contrast to [treatment of] TWU members'. Road and Transport then 'assured us that the union will be treated no differently'. In December in the Retail Award 38-hour weeks with rosters for time off were negotiated with Grace Brothers, Woolworths, Coles, Target and Safeways, although the Industrial Commission would not approve the deal if trade-offs could not be shown to minimise cost.

In the midst of this struggle over hours, Federal President John Maynes followed up his 1977 theories on 'Keep the hours spend the years'. The January *Clerk* reprinted Maynes' article and the point was again made that the union was basically against the 35-hour week. The seven-hour day

achieved none of the stated goals, and if extra leisure was needed, it was the nine-day fortnight rather than seven-hour day that worked. The leisure principle now seemed out of place and the new focus in hard times was on how the seven-hour day meant new jobs were not created and employers could work existing employees overtime by paying penalties. This was no help to anyone in a recession.

In the Building Societies' application 'Employer co-operation had evaporated' because the employers 'would rather have you within the broader confines of an Award which can only provide basic minimal wages and conditions', *The Clerk* told its readers. When the Award was at last made on 25 October 1984 the union was disappointed about the scope for part time work and decided to 'consider its position'. The 38-hour week provision had to be ratified as complying with the National Wage Case principles. In January 1985 the employers appealed against the branch manager grading and the exemption rate and the union cross appealed on the part time provisions. Dom Arrivolo made the union's position clear when he moved at the General Meeting in January that 'this General Meeting ... condemns the attitude disclosed by the Permanent Building Societies in appealing Commissioner Patterson's decision to grant award coverage to Branch and Office Managers in the new Clerks (Permanent Building Societies) (State) Award. The effect of this appeal if granted would be to leave a considerable number of clerical employees without industrial protection. The union must continue to give this matter the highest priority'.

On the wages front, at the General Meeting on 8 January 1984 the Executive Report noted that the ACTU estimated the CPI to December at 4%, indicating the 'twin evils' of inflation and unemployment. The ACTU would soon argue for 4.3% increase in the National Wage Case, which would be decided in April at 4.1%. The increase would not be not failsafe. It was implemented through wage sheets and without need for negotiation but it could be absorbed in over award payments, another case of nothing for those whose productivity was already recognised. Higgins felt that there was a double standard; 'Wage Decisions are in Accord - but Tax Scales are not!'

In the meantime the union used the period of restrictions on wage increases to make other progress. There was continuing, successful recruitment at Qantas and the Aussat decision giving union coverage had come through last December. The union set about in February to negotiate an Award for clerical workers at Aussat (due to be launched the next year) and the Award was to be handed down in October, but the members faced a year's delay because of the intervention of the Clerical Officers Association and the Australian Telecommunications Union. The Egg Board Award was varied and consolidated. In April there was a roping in order for an application for further responsibilities, involving some 2,000 respondents in the Road Transport Industry and a further list of respondents to be roped in to this award called for more recruiting. In December an application by PKIU in the newspapers area to take work over the phone on VDTs failed and a work value case in The Clerks Sydney Newspaper Award established a new grade for senior sales advisor or canvasser with an increase of \$13.10 per week.

Retail

The long running Retail claim over salary rates was now concluded and the decision reserved, while legislation for a new tribunal to look at shopping hours was proceeding, but there were still problems in retail. The major retailers continued to pursue longer opening hours, and had responded badly to

discussions about opening on the Australia Day Holiday. The matter went before Justice Bauer, who recommended that the retailers not trade, but they were resolved to open and it seemed only binding decisions would curb them. An increase of \$7.10 was handed down for retail clerks on 17 February and the Myers appeal on redundancy payments was also dismissed. The union had now been notified that the money was being paid. However, the ACTU-run Myer test case on superannuation moneys was ongoing as Myers proceeded with its claim under Section 88F that its superannuation contracts were unfair. When the National Wage Case increase of 4.1% was handed down in April, Higgins commented in the April *Clerk* that the hard-done by Retail Clerks 'certainly need not hesitate to accept' this increase; the retailers had made 'massive profits' but had stalled for 15 months over retail clerks' claims. The Commission saw fit to refer to retail profits and the substandard wages existing in their industry in the National Wage Decision.

Mr Justice Macken's recommendation on retail hours led to legislation allowing new trading hours to 4.00 pm on Saturdays, and the further recommendation was a 35-hours basic roster, but clerks would work only 30 or 32 hours including penalty rates for weekends. This would make up full pay rather than represent an addition to the weekly wage. Other workers might not get overtime penalties for just 30 hours work, but their weekends were their own and it was a cutting down of conditions for retail clerks. Wanda Day represented the retail clerks but resistance from the employers would make this one of the most bitter and hard fought campaigns of the decade.

Technology

In February a number of Sydney members were affected when a technology update brought retrenchments at Caltex. A takeover of Amoco by BP threatened more jobs and Continental Airlines, with financial problems, had gone into liquidation, sacked its employees and taken on non-union labour, on almost half pay. By 1987 the union had set a benchmark in the BP Amoco takeover. Under the ACTU umbrella the union had negotiated severance pay of up to 104 weeks, the 'best deal ever negotiated for displaced employees in a major company restructuring in Australia'. But back in 1984 the dismissals had their effect on employees throughout Australia, with the cabin crew's hours of work causing problems for Qantas. By March the dispute with Continental was referred to the ACTU and an injunction granted against the unions over proposed black bans. However, the union reported that 'the bans were effective and following negotiations with the company, have now been lifted'.

A bitter disappointment for the union was the successful appeal that employers in Victoria conducted against the inclusion of a technology consulting and notice clause in the award. As the case was now a precedent overruling the union's long standing consultation clause in NSW, the union had to go to the High Court to uphold the New South Wales status quo. The Victorian decision now influenced all such claims in NSW Awards and there was little chance of these proceeding until the result of the High Court challenge was known. *The Clerk* Sept October 1984 reported a win in the High Court case and reprinted part of an article from the *Herald* of 21 August 1984 pointing out that the issue was not whether companies may introduce technology but that they must consult on how best to do it. The work of reinstating the clause in the awards now began.

Redundancy

The March *Clerk* looked at Medicare's implementation of proposed redundancies, under the heading, 'Health fund members –how do you assess this claim?' A log of claims had been lodged to manage redundancy with the advent of Medicare, and in particular it sought preference. On 27 Feb 1984 the Full Bench of the Australian Conciliation and Arbitration Court rejected the claim for preference, found a dispute existed for other clauses and directed the Health Commission to confer with the Federation. In March the Health Funds were still reviewing staff levels and evaluating present employees and negotiations were continuing over the redundancies of 'about 2,000 employees, due to the introduction of Medicare', together with a dispute over transfer of members from Blacktown and Mt Druitt to Sydney. In May the Federation conducted a test case for redundancies from the Health Insurance Commission and Health Industry. Members also met at Carlton Breweries over future redundancies and in the light of so much unemployment the union nominated John Newman to attend an Unemployment Seminar at Westmead on the union's behalf.

There was plenty of industrial activity to report at the March meeting; Carlton Breweries was now in dispute, and the Wollongong Radio Cabs dispute had been before the Commissioner and was down for hearing on 26 March. At Nortons Pty Ltd 65 clerks went out on strike over an attempt by the company to alter the redundancy agreement of two weeks for every year of service, ceiling of 20 weeks pay. The members would accept 26 weeks, but only for volunteers. A meeting on 12 March voted to stay out and meet again on 16 March and the redundancy terms at Norton's were eventually settled. In 1984 the end seemed near for everyone at Vickers Cockatoo Dockyard, 100% unionised in 1978 through Alastair Macdonald's efforts, and after a long association with the union from its earliest days. No further large contracts were 'envisaged' for the shipyard. As it stood the decision would cause the loss of approximately 1,000 jobs at Cockatoo, not to mention loss of the skilled labour necessary for maintenance of an Australian shipbuilding industry. The Prime Minister was to be asked to 'receive sympathetically the submissions of Premier Wran'. In April the Commission recommended that all bans be lifted and there were to be no redundancies of clerical staff before October 1984. There was renewed demand for a ship building contract.

Policy

There were various policy tasks to be raised and tackled in the meetings of 1984. The union's stand on OH&S committees was that no member of the union should be appointed by employers to committees with employers in order to comply with the Act, they should be elected and it was time to hurry up and implement OH&S, given the legislation was in May 1983; the employers were avoiding responsibility. Betty Spears requested childcare project officers from Labor Council to assist with the campaign assessing the child care needs of members and the appropriate range of services. There were problems in some small offices of the building societies, where staff were left alone with sums of money for periods of time, with the risk not only of hold up, together with lack of immediate personal support and reassurance, but also allegations of fraud if there was no security camera. In June members signed a petition asking for tax relief for lower and middle-income owners and the union supported the NSW Labour Government against doctors in their perceived efforts to destroy Medicare. The July *Clerk* noted a submission to Premier Neville Wran for long service leave at ten years rather than 15 for casuals and there was also support for casual members to achieve paid long

service leave regardless of the result of any State Government decision. The April *Clerk* looked at 'An old age problem' about to develop and retirement provisions were discussed. At the March General Meeting the Executive did some mild politicking when, with a State election due on the 24, Vince Higgins drew attention to copies of the ALP Election Pamphlet and '*The Radical*', available at the meeting. The union showed its disapproval of the left when it expressed concern for its members passing through the lines as the BLF picketed Alcan.

While the employer was often the enemy in 1984, hard times brought co-operation between members and companies to keep afloat. In December meetings took place to keep the Carlton brewery at Lismore open and as a result it was now producing bulk beer rather than packaged beer, and had not closed. In July Outboard Marine had problems with the company's future and the unions supported the company in submissions to the IAC. The December *Clerk* reported the union having its say to the Egg Corporation about rebel egg producers, and the 'slack' State Minister for Agriculture. A mass rally held with the help of Labor Council in August was well attended and a number of resolutions made 'aimed at continuing the supply of good quality eggs at a reasonable price to the consumer'. The union also supported the Australian Public Service claim for similar rates for similar work.

Breadth of union work

There were various singular problems to be addressed. Atlas Copco members wanted vacant positions with the company advertised internally before being advertised externally. The matter was referred to the Commission who recommended in favour of the members, on the grounds that this situation could destabilise the workforce at the company. The Clerical and Administrative Supervisors, Breweries (State) Award was pursued as an Award to cover employees above the level of the exemption rate existing in the Federal Clerks Breweries Award. In December ambulance clerks wanted a redeployment of clerical positions with NSW ambulance service, and the position of Chief Clerk to be upgraded. In Airlines an anomaly case before the Full Bench of the Arbitration Commission called for 'quantification through market survey' over both cities and the union needed to survey 30 companies. At Email, Orange the company had instituted a 7am start, a request under scrutiny because of changes in the Award regarding shift allowances and overtime on day time work. Conditions had been in place since 1981 and by agreement the matter was referred to Commissioner Patterson who recommended a formula for settlement.

Electioneering

The year ended with dissent from the left. I Galloway wanted calls upon the Hawke Labor Government to 'fully implement the terms of the ACTU/ALP Accord' to restore wage earners' real wages, for a donation to be made to the UK Miners Strike and a campaign to 'include a one day national stoppage' to implement the redundancy package handed down by the Arbitration Commission. The year's business concluded with a complaint about the doctors' withdrawal of services over the implementation of Medicare, and placing 'the community in danger'.

In 1985, with the union election due, the rebels sniped at the Executive's moderate industrial policies. At the January General Meeting Galloway (seconded by Patricia Carr) stated that members of the Tax Branch in conjunction with APS and the Administrative and Clerical Officers Association were seeking an increase of 4-8%. Galloway moved that the 'FCU NSW be requested to support

the Tax Branch claim by stating that it was in line with the Accord'. Galloway added 'This meeting condemns the FCU Federal President for his attack in the press on the right of a branch of the union to attempt to gain wage justice for their members'. The Taxation Branch had elected a socialist, Paul Tregillis, as Secretary. Galloway's agenda was an attack on the National Office's controlling tendencies and by association on the NSW Executive as well. Higgins amended all of this to 'support efforts of members of APSA to restore their salary standards. We support the ACTU initiatives and argument before the Full Bench' and so took the factional sting out of it. P Pearce and P Stoll then called for support for the Queensland power strike, and Higgins sidetracked this with 'get details of dispute and copy of FCU statement'.

At the February General meeting Tim Abrams set the Executive's political compass in election year; 'This meeting of the FCU gives its total support to the decision taken by the Labor Council at its ordinary meeting late Thursday, 14 February, 1985, in condemning in the strongest possible terms, the vehemence, destructiveness and terrorist tactics of the belligerent BLF. Hence we call on their immediate expulsion from the ACTU'. The motion was carried and Veronica Jones wrote to the Minister of Industrial Relations, registering the union's support for deregistration of the BLF. The activities of the left had an extra dimension for moderate unions; the socialists provoked a backlash which made life harder for the clerks and they found themselves squeezed between left and right. There was however a consoling reminder in the May-June *Clerk* of the moderate Federation's stability; John Maynes had now served for 31 years as National President and 35 years as Victorian State President and was awarded the Order of Australia.

The NSW Executive prepared for the re-election of the 'Officers Ticket' by letting 'the record speak for itself'. The membership was reminded in sober detail of what it had achieved against great odds in Keith Glover's lengthy 'Report on Topical Issues' in *The Clerk* of January/February. 'It has been a difficult three years with so many changes in matters affecting members. Changes to the wage fixing guidelines, the aftermath of the 1981 Metal Trades Case (the 'catch up' cases) were followed by the 'wage freeze period', a change in Government and a return to 'revised wage fixing guidelines'. There had also been not only economic downturn but also take-overs, amalgamations and the impositions of Government policy, for example in the Health funds. Nevertheless, 'New Awards have been gained, new conditions and guidelines established in a new award [Building Societies Clerks (State) Award] which will be reflected in other State Awards when it is possible to re-open these awards. The all important catch-up cases were concluded with expedition in 1982, thus establishing the basis from which future wage increases were to stem'. This was 'most important in this new round of CPI linked wage increases'. The arbitration of the Clerks State Award in October 1982 had also allowed 'standards [to be] maintained, [and] relativities between grades and future of clerical rates in the market place protected by the limited life of the award'.

It was also noted that 'in addition to renewal of the union's 19 State Awards to reflect the National Wage Case Decisions and the successful prosecution of the new Award claim during 1983-1984 for members employed by Building Societies, the past three years have seen a heavy commitment in the State jurisdiction on day to day issues affecting members in all sections'. A list setting out some 125 referred disputes taken before the State Industrial Commission during the last term of office was published. There was also the usual reminder that the Commonwealth Electoral Office conducted

the election, and the union had 'followed the established practice' of notifying the Commonwealth Industrial Registrar, so the election would be fair and above board. *The Clerk* March April featured Keith Glover's assurance that the membership level had been maintained despite retrenchments and restructuring. Credit was given to the organisers, who had achieved so much as, it was rather pointedly noted, they 'follow[ed] the policies and directives of the Executive and Central Council'. Membership increases were running at some 700 new members per month, or '8,000 per annum', with the total holding steady. Moreover, levels were maintained in areas of 'overt [employer] campaigns to hamper the union's efforts' such as the Building Societies and Quarrying and Road Surface where employees were not giving way to this pressure.

The upshot of this matter of fact campaigning was that the Executive and supporting Central Council were returned, having again staved off a concerted effort against them in a 'stinging rebuff'. Galloway had stood against Hilder, winning 1,858 votes to the President's 3,932, with the same ratios polled for Patricia Carr, an employee of the 'pro Moscow BWIU', against Betty Spears, Paul Pearce against Vince Higgins, and Crena Morrison against Keith Glover. The National Office would later comment in *The Clerk*, January-February 1987, that in the 1985 NSW branch elections 29 out of the 34 Reform Group ticket candidates were employed in the offices of left wing unions, such as the BWIU, Plumbers, Federated Engine Drivers and Australian Railways. Just how many of the votes cast represented true rank and file opposition or support was frustratingly hard to read; just 25.36% of the membership voted. The 10% decrease on the last election's poor response made Higgins comment that the electoral officers who posted the ballot papers 'may as well have thrown them to the four winds like so much confetti'. The union commissioned a survey of New South Wales and Victoria the next year to check, among other things, its approval rating.

Galloway persevered throughout the year, urging a more militant response given the possibility of discounted increases in the next Wages Case. The union should 'deplore the statement of Treasurer Paul Keating; that government will seek wage discounting for effects of devaluation' by awarding less than the CPI and the union should 'take action to ensure that FCU members are fully compensated for the CPI increase including if necessary action outside indexation guidelines'. Higgins amended this to: 'We support the continuation of the Accord and call on the ACTU to vigorously oppose any proposal to discount the CPI increase in the forthcoming wage case'. W Russell wanted the union to join with the SDA to recommend that retail workers at the stop work meeting to be held on 8 October refuse to work on Thursday and Friday and Saturday afternoons, until such time as the decision of the Industrial Commission to reduce penalty rates is reversed'. Higgins amended this to: 'We give the members of the Unions in the Retail Industry our 100% support in their fight against the attack on their working conditions'. Galloway objected but the motion was carried. And at the October General Meeting the outspoken J Rankin had his say and called for a full scale investigation of the company leasing the Australian Government owned Cockatoo Island shipyard. Rankin concluded a 'viable shipbuilding and repair industry is an essential industry for an island country like Australia' and the motion was carried.



Vince Higgins, Secretary and John Maynes, Federal President, with Deputy Prime Minister Lionel Bowen in 1985.

Anomalies

John Maynes, National President, writing in the January *Clerk* for 1985 expressed Higgins' fears about anomalies for clerks in a changing system. On the one hand unions had to bargain with employers for wages and conditions and on the other they had to comply with the Commission and give up some things in the name of efficiency. The fact that in this only partly flexible system more bargaining points were available to some than others put clerks at a serious disadvantage. They could well find themselves getting nothing in return as they gave up long established and indeed efficient conditions, won over decades for them through the hard work of the union. Maynes identified 'hours' as the 'key issue' for 1985 and Veronica Jones set out the difficulties of establishing 38 hours as the norm for clerks. She was against the 38 hours amendment to the Clerks (State) Award on the grounds that it equalled a 'two hour cut in pay, privileges and work practices long established and cherished' and the union 'views with concern acceptance of these offsets by other unions'. 38 hours should only be written into awards to allow a 19-day month 'rather than the rag tag of working a few minutes less each day'. Jones wanted the individual establishment approach to take into account the hours already worked in the various industries. The 1982 Metal Manufacturers clerks' 38-hour day, 19-day month, for example, was not a token trade off for increased wages and had complied on its own merits with the National Wage Decision principles. An unfair aspect of the hours question for clerks was that the employers sought to oppose the extension of a benefit to clerks 'after so readily granting it to members of other unions'.

Maynes also looked at how clerks must watch out for 'collateral damage' in the new industrial order; in payroll departments for example they lost jobs as blue collar unions traded off cash wages for payment by cheque in exchange for efficiency based increases. The latest anomaly arose over the ACTU's proposal to substitute negotiated superannuation for wages as a share of productivity. Instead of sharing

productivity for all the system could fail the clerks; a 'huge number of our members get nothing from hours reduction and nothing from superannuation'. Maynes feared the ACTU productivity case in October, the first to be brought in ten years, would favour blue-collar workers and clerks would miss out. A member of the ACTU's executive, Maynes was instrumental in persuading the ACTU of the need to make sure that superannuation was available through workplace negotiation for all workers, and not just those who did not already have superannuation in their awards and agreements. There must be something in the 'basket of goodies' for the clerks.

The same kind of anomaly could be identified in the health funds area where the union argued that clerical workers should not bear the brunt of measures to improve health care for all Australians. A Retail claim also tried to address a problem for clerks finding themselves in a vulnerable sector because of the public need to increase trading hours. The application had now been before the State Industrial Commission and was 12 months old; Wanda Day noted the problems which would occur if part time work were permitted for men; women's part time work would go. The union's claims would affect 150,000 employees and the changes sought by the union would alter the award from 'one that mainly provides for an industry of casual employment, to an award providing mainly for permanent employment'.

When on 16 August 1985 the NSW Industrial Commission handed down the Retail Award, the clerks again found themselves in an inequitable position. Not all employers agreed to adequate penalty rates and the union took the matter to the Industrial Commission. The General Meeting of August gave the details of the controversial 'Shop decision'. The Full Bench of the Industrial Commission of NSW 'reduced penalty rates for employees from time-and-one-half to time-and-one-quarter, with less for casuals. Other conditions were also reduced'. A Retail Traders Association spokesman was confident that the Association would be 'able to argue successfully for penalty rates to be scrapped when the Award is next negotiated in 1987' and relations with the union and members were made worse when David Jones reneged on the May 1971 membership agreement, reported in *The Clerk* November 1985, and undermined the union in its 'David Jones Review'. It explained how, 'rightly or wrongly', it had indeed signed a membership Agreement. But in '1985 this raises some very serious questions' and David Jones invoked the United Nations Declaration of Human Rights to question the union's right to enforce 'compulsory' unionism in this way. *The Clerk* delivered a determined rebuttal of the notion that an Agreement 'which has worked well since 1971' was against human rights. It headed its reply 'Union Bashing Retail Style', boldly reproduced the retailer's arguments and systematically attacked them.

The August 1985 decision was one of the most 'most regressive ever to be inflicted upon workers in this country'. The September *Clerk* reported that 'on Wednesday 7,000 retail clerks and shop assistants attended a stop work meeting in Town Hall Square', described as the 'largest in history', and marched on Parliament House. Clerks voted to pursue the problem with the Government and if it had not acted to reverse the decision through legislation by 14 September it would be the end of Saturday afternoon trading. In the union's view the Government was responsible, and Government should do something. T Abrams expressed 'total opposition to the attacks being mounted upon community and trade union standards built up over the decades. Any attempts to abolish penalty rates or force part-time work upon unionists should be resisted by concerted action, co-ordinated by

the Labor Council of NSW'. In the November *Clerk* the August decision of the New South Wales Commission was declared a departure from the Accord and Higgins moved a resolution in ACTU Congress that the decision was 'the most regressive ever to be inflicted upon workers in this country'. Mr Justice Macken's recommendations on hours were 'accepted, but the Industrial Commission Full Bench cut conditions by reducing the Saturday afternoon rate, reducing the lunch hour, scrapping the adult/junior ratio and exempting small shops'. Higgins asked the ACTU to note a major anomaly and inequity in NSW where clerks were now second-class citizens. The campaign was on to reverse the decision and get the Wran Government to support the clerks with legislation.

Some progress could be reported for the year. After the win in the High Court on the technology test case the Awards were being 'progressively amended to incorporate the 1984 High Court decision'. At GEC Regents Park a 19-day month claim before Justice Glynn since 1982 now settled when the claim was 'backed up by stoppage of work'. The claim was implemented from the beginning of the year. Fairfax and News Limited now had an OH&S report and the membership drive was continuing at the Building Societies after the ABEU had unsuccessfully approached the Labor Council in an attempt to get coverage in a NSW Building Society which had declared itself a bank. The response was that it was still a building society. There was a new Award for members at Tomago in the Aluminium Section of heavy industry.

While increases were generally not available in 1985 the union had its work cut out shoring up conditions and dealing with retrenchments. An application was filed in the CSA for 38-hours week and 19-day month, together with meal money and matters of interpretation of some clauses in the Award, and for the application of the Redundancy provisions of the Employee Protection Act. Closure at Count Down caused a dispute and the SDA and the union sought severance payments under what was 'now referred to as the Myer scale of pay'; it was noted the matter should be dealt with under the Employment Protection Act. Gradings were needed in the Catholic Systemic Schools as work became more complex and varied, the Comalco 19-day dispute continued.

In July members went on strike over gradings in the Liquor Trades, a log of claims was served in the Meat Industry and the union intervened in an application from the Bank Officers for an award for clerks working in merchant banks. Respondents continued to be roped in to Award proceedings in the Road Transport industry where radio operators were negotiating a 19-day month provision. There was plenty of local work to be done in the oil industry: an Ampol dispute on downgrading led to a stoppage; there were retrenchments at Caltex where there was also a demarcation dispute over coverage between the FCU and the Shipping Officers; an Ampol Ermington dispute was finalised; at BMI Boral there was a stop work meeting over staffing levels; negotiations at Mobil over transfers and industry superannuation scheme negotiations were ongoing and retrenchments to be negotiated; reorganisation at Caltex and the Oil Award went before Commissioner Sweeney to settle disputes procedures.

In the TAB ongoing issues included concern over the effects of SP booking and a deputation to the Minister for Sport. John Newman was disappointed in the deterioration of consultation; on 'two occasions news articles publicised Government's intentions in the TAB without any prior consultation' and 'immediate steps [should be taken] to introduce an effective consultation process with unions in any industry where new developments may affect job security'.

The union took on the Public Service Board over the conditions of clerks in the Ambulance Service and Home Health Care. Higgins led a deputation of organiser Veronica Jones and Councillor Joan McLachlan to NSW Minister Ron Mulock, to present the union's case for promotion opportunities in the Ambulance Service. The Gleeson Inquiry had recommended this and the union had 'raised flurries through the Service with our claims of discrimination and unfair recruiting practices'. 'Approaches are to be made to the Public Services Board regarding opportunities with the Public Service, and to the Public Health system via Hospitals, to provide clerks with opportunities for advancement'.

The advance of technology continued to raise work value cases, for example at Caltex employees were duly warned of new equipment and at BP changes in the accounts system put 21 jobs at risk, there were negotiations at the Mobil Distribution Control Centre and discussions at Fairfax on a work value case for telephone sales employees, completed in April. In August application was made for a new award for clerks in the John Fairfax Classified Advertisements Section and at NRMA a computerised despatch system meant a successful work value case; at Caltex it was a matter of new systems, new award; at BP there was restructuring and grading of clerks.

Members of the Executive spoke out on particular causes and concerns; Beryl Ashe, seconded by Betty Spears, asked the union to adopt the Labor Council's policy on child care, and in April raised Equal Employment Opportunity for women workers. In the September *Clerk* Michael Want warned against the 'anti union barrow; the National Farmers Federation, National Party Liberal Party, RTA and employers such as Jewels, DJs, Waltons Bond, Boral, McDonalds'. Tim Abrams condemned ABC bans on the Australian Satellite; M Cheles' motion on restriction on immigration while there was high unemployment was carried and J Knight voiced concern about Repetitive Strain Injury.

In August 1985 Veronica Jones resigned, to go to the Women's Directorate of the Department of Industrial Relations as Women's Employment Officer. The union's contribution of well regarded people to other agencies in the industrial field was a sign of its standing and scope. Veronica Jones would continue as a National and Central Councillor, but the union was 'saddened' at her departure.

Productivity Issues and 38-Hours

In August *The Clerk* had advised the members that, in keeping with the Accord, the ACTU would 'launch the productivity case' which it was entitled to bring 'nearly two years ago'. The November/December *Clerk* reported on the National Wage Case decision to allow an increase of 3.85%, operative from 4 November 1985. It was noted that the ACTU opposed discounting and would seek the productivity increase in the form of employer contributions to superannuation. There was a meeting of unions to discuss superannuation schemes in November and the Federation and Branches would soon go about setting up a suitable scheme for clerks. The prospect of the productivity case drew criticism from the 'new right' and calls for a more flexible wage system. In July the General Meeting carried a motion expressing support for the Accord, and particularly for wages and working conditions 'reflected in the October 1983 wage case'. The union did not want market place bargaining and it was not entirely at ease with the path the Accord was treading.

The National Wage Case conferences were held in January and the ACTU agreed that the three cases, the 2.5% wage increase, review of the guidelines and 3% productivity should all be heard together. As Higgins had foreshadowed, this year the case would be a major event. The unions,

including the clerks, found themselves with the task of wresting their members' share of productivity from the employers. In June the Arbitration Commission's decision gave the 'green light' to unions to proceed to negotiate to obtain employer contributions to superannuation. The Commission had stepped outside the guidelines to allow enterprise level bargaining over superannuation, up to three per cent of wages. It was noted that the superannuation benefit 'comes from increasing productivity in the community' and that the clerks should have their share. *The Clerk* in July August 1986 stated that the '1986 State Wage decision applies to all clerical awards from 1 July 1986'. Unions could get a 2.3% pay increase related to price rises unconditionally but the 'offset' was they had to sign a 'no extra claims' commitment for the next six months.

A clerks' superannuation fund would be set up, catering for the special needs of clerks, for example, that their work and Awards were career based and they often did not leave their jobs till retirement, putting a superannuation scheme in place. Initiated by the Federation, the Branch administered the fund for New South Wales. It was jointly sponsored by the Federation and the Shop Distributive and Allied Employees Union to help members share the productivity rise in the form of 3% superannuation in their awards, and was named CARE.

'And now the good news', *The Clerk* announced. The NSW Government had legislated to overturn the August decision in the retail case; the new law allowed the Minister to set penalty rates for Saturday, and anticipated time-and-a-half for Sunday 'before Christmas'. The provisions applied to all full time, part time and casual employees. 'The NSW Government was virtually obliged to legislate because it promised... that if [the unions] agreed to extended shopping hours, the Government would ensure that working conditions were protected. But the August decision of a Full Bench upset all that and the Government told the union it would honour its undertaking. On top of that Myer, Coles and Woolworths have by agreement continued to pay time and half to its workers'. *The Clerk* could not resist the comment '[t]he reduction didn't help the credibility of the Commission, already under challenge from the NSW Labor Council'. Meanwhile the Retail industry 38-hours Agreements were also approved, by the Full Bench of the Commission and Judge Macken had varied the Award in December to increase allowances for meals, use of vehicles and uniforms. Increases took in the last two national wage movements and operated on or after 13 December 1985.

The retail sector remained lively. At David Jones Homebush a Storemen and Packers dispute closed part of Homebush centre and members were provided with alternative employment at store locations. Members now wanted redundancy pay on the Myer Formula as David Jones reorganised its distribution procedure and jobs were lost. Woolworths Silverwater was also transferring members but not their conditions and salary and Wanda Day presented their case before the Commission and gained successful settlement. GJ Coles closed warehouses at Smithfield, Newcastle and Revesby and concluded redundancy agreement on 10 June but the warehouses were now operated by Linfox, causing a disagreement with Linfox about performance of clerical work. In February there was a dispute at David Jones Homebush on penalty rates and a submission was sent to the Minister and in March at Grace Bros the matter of staff discounts was the subject of a claim before the Commission. The DJS Homebush warehouse dispute was resolved but there were asbestos problems at GB stores, where retail hours on Saturday afternoons were not yet finalised though in April 1,000 young people were to be employed in retail. In May Coles/Myer discounts to employees differed and the Coles closure

of warehouses would cause redundancies and the union again negotiated redundancy packages. At Myers Roselands members received 38-hour weeks backdated to April while at Countdown Richmond Justice Glynn did not recognise dismissals as redundancies. In July Coles/Myer at Smithfield closure in the grocery section meant a redundancy agreement and the integration of companies meant differing conditions, discounts, and Christmas bonuses. In August the Coles warehouse redundancy and in October the Coles Discount Scheme were finalised.

Good news for the New Year was that Joe Riordan had been appointed Deputy President of the Australian Arbitration Commission. Other good news was Clerks State Award increases from the Clerks (State) Conciliation Committee giving 25% on allowances, and the parties agreed this adjustment did not take the recent National Wage decision into account and that application would be made for further variation following the 3.8% national wage case on 23 December. Meal money, for example, was now \$4.70 in place of \$3.75. However, the 38-hour week case in the State Award was proving typically troublesome. It included evidence that at least 75% of clerks worked 38-hours or less and so negotiations about off-sets should only affect the 19-day month. The employers were not willing to discuss the 19-day month across the board. The application would proceed further when new wage fixation principles were determined.

Several matters needed to be pushed ahead throughout the year. The TAB long service for casuals issue, for example, now had to be confronted. A member was selected to apply for long service leave and the expected lack of success would set up a dispute as the grounds for the union to proceed with the case. By October Solicitors Bryan Vaughan & Co prepared the claim to be made by a member of the union to the TAB seeking long service leave and the members were now waiting for a reply from the TAB's solicitors.

The union also lodged an appeal in the case against the St George Building Society where two members' employment had been terminated at age 60. They were Barry Morris and Dom Arrivolo, who had been outspoken against the Building Society's award delays. Justice Glynn decided the employer had the right to retire them. The July *Clerk* reported that the Full Bench of the Industrial Commission refused leave to appeal but gave the union a lifeline when the Bench 'held that they did not accept Justice Glynn's reasoning in arriving at her conclusions and that the case was not authority for the proposition that it was acceptable to retire any person prior to the pensionable age'. The union responded in *The Clerk*: 'We'll go along with that reasoning and in the absence of yet to be provided adequate retirement benefits no employer has the right to set arbitrary age limits on employment that fall short of statutory age limits'. The loss of the case led the union with others to approach the Premier Hon B J Unsworth through Labor Council. Preference conditions in State legislation were the only protection against this discrimination retirement, age being a Federal concern. The unions sought amendment to the NSW Arbitration Act unless there was a specific clause in an award or agreement or in overruling Federal legislation.

There was technical change at Atlas Copco and the company agreement to consult with the union was never implemented. The company claimed that 'managerial prerogatives [were] supreme'. The matter was notified to the Commission and as a result agreement was reached for procedures between the parties. 'Further, Atlas Copco agreed not to object to the Full Bench considering their particular circumstance in relation to the test case on consultation' being conducted by Labor Council, where

the Commission would be asked to consider the decision in Victoria. In the meantime technological change was topical; in Road Transport there were problems as the 'Compile' system was introduced. In the oil industry Mobil and BP were rationalising in WA and at Pulpit point, where overtime bans had been imposed on 17 December 1985. By early January the company had not changed its position and members refused to handle paper work for inter terminal movement of products. Bans then intensified to include all dispatches of paper work and the parties settled on 21 January. Caltex proposed new technology and negotiated on changes to systems, while at Esso retrenchments were due to technical change. At Ampol, Botany Bay, there were stoppages after a member was sacked and the matter was referred to the Commission which recommended reinstatement. Members met to consider the matter and were advised by the company that they had until 19 June to return to work before termination notices are issued by the Company. Conferences took place about restructuring at BP and Ampol Exploration applied for exemption from NSW Long Service Leave Act. The Clerks Oil Company Award was due for renewal in June 1986 and the union contributed to the case by discussing priorities with members.

There was as usual plenty of work outside the Awards, much of it conducted by the organisers. Arnotts Snackfoods dismissed a member on discriminatory grounds and K Glover attended the hearing, resulting in reinstatement, before Commissioner Patterson. The Airlines unions met about alterations to the terminal and T Abrams prepared a 'very knowledgeable submission' and appeared before the Parliamentary Committee in April. Qantas upgrading was ongoing. Glover was involved in the APS review of classification and staffing levels. An award was applied for on behalf of the Australian Customs Service and Glover documented the evidence for the barrister appearing before the Full Bench of the Australian Industrial Relations Commission. The union's recruiting work at BHP Port Kembla the previous year led to inspections in May 'for the first time ever', where the union checked that technological change 'interfere[e] with as few clerical positions as possible' and the company 'now agreed to consult'. At Penrith, the Weighbridge Clerks in Quarries Award was varied to include a new classification for a transport clerk at Penrith and allowances were varied in the Clerks Temporary Employment Services State Award and Car Hire and Taxi Award.

The union also looked outwards to the community. At the February General Meeting Michael Want called for support for the University of Western Sydney project, T Rogers raised price marking, and Galloway wanted Aids information for members. At the March meeting there was support for Bill Hartley's expulsion from the ALP because of his public statement of support for the BLF, a bogus trade union, 'at a time when the trade union movement in Australia is under its severest attack by conservative forces'. Beryl Ashe moved that the union 'check all agreements and awards relevant to this union and list all clauses which differentiate in the treatment of men and women; analyse the reasons for such differences, make recommendations to the executive re suitable wording to remove'. Michael Want was on guard against minority groups in the unions, using them to progress their political objectives and, as a result, 'encourage repressive legislation by Governments'; the April Meeting expressed its horror at terrorist massacres at Rome and Vienna and censured the Libyan Government.

1987

Early in 1987 the Executive stole a march on the 'reformers' who had been critical of the union's acceptance of the Accord principles. Union elections were twelve months away but the reformers

commanded one-eighth of the vote, quite enough for a determined group to capture a lazy electorate, given the pattern of ballot paper returns of about 25%. As it was put in the January *Clerk*: 'The Clerks' Union's officials have worked hard and diligently to build up reserves against the day – NOW – when militant employers in big business are mounting attacks on unionism – including the Clerks Union'. The reformers' ulterior motive was seen to be directing those resources to shift the balance of power in the Labor Council and the ACTU; 'that's the reason for the early reminder for 1988. The democratic process should be given full rein and a maximised vote will put to rest once and for all this union's attitude to left wing machinations'.

The NSW section of the January *Clerk* was mainly given over to an anti-reformer broadside. The enemy was tarred with the socialist brush, 'those aspiring for control of this union in the main, are from supporters of one or the other brands of socialism being practised behind the Iron Curtain.' *The Clerk* used an alarmist tone, reporting that the National Council 'has decided to inform all members about the disruptive activities of certain officers of some branches of the Clerks' Union'. The same lot had formed the 'so-called National Reform Group' in Sydney 'at Easter 1986' and they were out to disrupt the union's work. A 'tiny' core of officials, including the Taxation Branch's Paul Tregillis, had announced the Group, and for good measure the reformers were denounced in *The Clerk* as 'careerists', job seeking egotists with no union spirit. Survey results were used to show the membership was indeed behind the Officers' Ticket, and the point was made that the members, and 'not a coterie', were the respondents. More than 80% thought the union good or fair, 60% thought 'about right' on industrial militancy and 34% thought 'we could be more militant'. A strong majority of 85% thought the officials were better or as good as other union's officials. The general message against the reformers was summed up as 'Stop the Rot'. However, in a slightly disingenuous piece of editing, the full, three-page text of His Holiness Pope John Paul's address to the workers of Transfield was interposed between the Secretary's dire warnings of a control seeking minority and the article 'Power Grab for Clerks Union'. The address itself dwelt in general terms upon the spirit of understanding and co-operation, the need for solidarity among people of faith and good will, the great Australian labour traditions of mateship and concern for the weak, and the virtues of the unique arbitration and conciliation system. No reference was made to the left but the timely publication of the address, 'following many requests' to the NSW Labor Council, served to remind a large section of the membership that its deepest anchors were in religion and not secular socialism.

Throughout the year Galloway harried the Executive at the General meetings. In February he sought a rule amendment providing that representatives were not appointed in the workplace and must be elected by a secret ballot of financial members in workplace. The Secretary should only have 30 minutes for his Report. This provoked a mild squabble and the motion was lost 24 to 54 votes. Galloway persisted in calling points of order until Phil O'Toole drew the chairman's attention to the rule concerning misconduct at meeting.

The National Wage Case

The major industrial event for 1987 was the March National Wage Case, which handed down a two-tier system of wage increases. In technical terms it allowed flexibility within a centralised system. The low paid, industrially weak were protected through flat rate increases shared by all. A second tier of increases

up to 4% was available on the basis of plant level bargaining, in which specific productivity trade offs were required by the Commission: multi-skilling, wages payment by electronic transfer, changes in working time, including extension of hours, rostering of days off work, more flexible overtime, and even reductions in smoko and washing up time.³ Some trade offs meant giving up hard won gains and standards. White collar unions found it difficult to demonstrate productivity and the flat rate first tier compressed relativities for higher paid members. The clerks and their like were generally not happy with the ACTU's wages policy. The going was so hard for all that 25% of work places would have no second tier increase by July 1988. Nevertheless the two-tier system gave an outlet for stronger unions and the Clerks' Union fared quite well, relatively speaking. The March-April *Clerk* outlined how the first tier adjustment to all Awards followed 'as a matter of course, with allowances and other permitted money increases by individual application at a later date'. Unions such as the Clerks, with State Awards applying in '100s of locations and to twice as many non unionists as Union members', had 'little recourse' but to give an undertaking that they would not make any claims for increases outside those allowed in the wage case provisions. Higgins made the reality clear: 'It is in the second tier union membership counts; an establishment by establishment movement, secured by union initiated action rather than a general award movement [was] likely'. Second tier rises of 4% and 3% super payments were indeed available but 'no one is going to hand over these increases to you on a plate'.

There were now noticeable shifts in the industrial scheme of things. There had been a positive presumption that although the workers could not have whatever they wanted and employers might try to cut down the ambit of a claim, the workers' reasonable claims were to be met. This was now giving way to the much tougher and negative principle that the workers had to prove they were saving the employer costs. The flaw in this provision was that it could encourage a cost cutting mentality, instead of the desirable goal of reforming industry and making it more efficient and productive by streamlining processes. The point was missed if the parties did not reinvent themselves and make structural improvements and the workers traded off long and properly established conditions. The work of the unions over generations would be lost. The union had not been happy to horse trade conditions at the beginning of the decade and it did not like it now. It clung to the principle that established conditions and the positive value of work must be kept and properly updated. The union's continuing insistence on career paths in Awards, training and opportunity and the preservation of preference, holiday pay and long service leave looked ahead to the last phase of the Accord, enterprise bargaining based on the restructuring of awards. Nevertheless, if the Accord took some trial and error and lost something in translation through the Commission, the true disaster could be legislation proposed by a Coalition Government, and the July/August *Clerk* greeted the return of the Hawke Government with the frank comment, 'members should breathe a sigh of relief'.

In the meantime the union had to live with the two-tier system. *The Clerk* of September/October 1987 found Higgins complaining bitterly; 'The Second Tier. It's enough to make you cry'. The lists for hearing of unresolved claims were jammed – the powers that be 'might as well have been honest if they wanted a wage freeze' and the penalty 'is being paid by those who support the system'. 'In the meantime 1.5% is in the air. No wonder either, it is so light on, as soon as you lift your hands it floats away'. The October stock market crash made money even more tight to mention to the employers but the union methodically pursued the members' share; it made agreement after agreement or fought

on with, for example, Borg Warner, Metal Manufacturers, Egg Corp, Mitsubishi, AWA, Reckitt and Coleman, and continuing negotiations at Norco, Nestles, Advance Bank, TAB, Brook Crompton, RT Ind, Brewery Ind, Aluminium, Overseas and Domestic Airlines, Boral, Arnott's Snack Foods, Brooke Crompton Parkinson, Pirelli, and Nestles. The *Clerk* in July reported that discussions had commenced with the TAB concerning the 4% second tier movement. In October the Clerks Permanent Building Societies Award gave 3% superannuation; in January the 4% increase was finalised.

Some advances in the Awards were still available and a 38-hour week was written into the CSA. The decision applied to all except the Motor Traders Association and their employees. The union believed the provision should only apply where more than 38 hours were worked and while the decision said offsets were not well evidenced in the claim it was historically true that most clerks under the CSA worked less than 38 hours. The *Clerk* July/August 1987 reported that the new provision made 40 clerks at Norco go on strike for the first time in the company's 92-year history, not to mention long association with the union, and management blamed Sydney organiser, Tim Abrams. The local clerks realised that Norco had extended a 19-day month to Norco factory employees but not to clerical workers at Lismore. Abrams pointed out that the Clerks (State) Award had been varied in May to include a 38-hour week, and a 19-day month was one of the variations. In 1983 all unions at Norco had started to work 24 minutes less per day. Congratulations were extended to the Norco clerks on their achievement and to local FCU delegate Janette Thompson for her skilful handling of the dispute and her excellent reporting both to Col Coleman and Vince Higgins in Sydney. The General Manager of Norco, Mr Ron Reid, hit out at 'frequent visits from Sydney-based union organisers who only stir up people who would otherwise be satisfied'.

In March the United Permanent Building Society, having claimed to be a bank, stopped making union fee deductions. Then in April the United Permanent National Mutual Royal Bank negotiated a substandard Award with the ABEU. 'It's a right royal sell-out', howled *The Clerk*, May/June, 'Day of infamy catches former building society clerks unawares'. A letter, dated 2 March 1987, had allegedly been sent to clerks advising: 'I am pleased to confirm that you will not be disadvantaged in your conditions of employment and benefits as a result of the change'. The union claimed there had been a secret agreement with the ABEU transferring clerks from the FCU Building Society Award back to the Clerks State Award, 'a lower pay rates Award and one that does not carry the special benefits obtained for you by this union in 1985'. At the August General Meeting T Rogers endorsed the Commission's criticism of ABEU and National Mutual for conspiring against the FCU in the making of an award for employees of the Bank'.

A tough line was also taken in retail when Waltons/Venture locked workers out at Chullora. It broke the redundancy agreement: 'this action relates to the normal behaviour of the Princes of Retail', said Michael Want in the May General meeting. The 2,000 former workers outwitted the company as it tried to move the contents of the warehouse to its new location. An alert clerk had noticed the trucks moving stock and Wanda Day had hurried to the site on Saturday and held a kerbside meeting which promptly endorsed the establishment of a picket line. The gates were locked but the picket was maintained and members were described as 'upset that the employer had resorted to stealth and premeditated conspiracy to avoid meaningful discussion on the termination proposals'. Ten stores were closed and the members stood 'rock solid' on the picket line.

Picket at Waltons Chullora Distribution Centre, on 20 May 1987



The union continued to support social and welfare matters and took a stand on several issues with a social dimension to them. The General Meetings let members register their views. The family supplement was welcome but the union opposed the Anti-Discrimination Board's attack on preference to unionists and compulsory retirement at any age; it condemned an attack in the media on RSI, given the loss of income and now public humiliation due to this 'woeful type of publicity': it supported the Royal Commission into deaths of Aboriginals whilst in custody and when Betty Spears called for provisions for work related child care centres to be included in all logs of claims. She was able to refer to the Betty Spears Child Care Centre at Tempe, named after her because Spears and Beryl Ashe had obtained \$150,000 government funding to set it up. The technology plan was reviewed: in 1956 the FCU technology plan was put together, in 1962 there was job protection, in 1967 consultation, and in 1984 notification. M Want expressed grave concern at the constant cry of employers that penalty rates cost jobs. Research had revealed that penalty rates were introduced to prevent employees being worked past the eight hour day and at odd times, for example, weekends. R Morgan congratulated the NSW Government on its stand on firearms and C Whitfield opposed the proposed closure of Gladesville Psychiatric Centre. An Agreement was signed with St George covering traineeships for 14 young people, and the September *Clerk* recorded the Federal Minister for Employment and Industrial Relations, Ralph Willis, attending the function to welcome employees and congratulate Vince Higgins. Higgins was asked to lead the Exchange Delegation to the APRO FIET Japan Liaison Council. The union took part in an extensive survey conducted by Professor Langely and by years' end some 2,000 surveys had been despatched to members.

The Executive Meeting of 27 August 1987 made an historic decision when it resolved that as 'there were no elected members of the Shipping Section Committee' the Secretary 'recommended that the Shipping Section be disbanded, those members would then automatically fall within the Metropolitan General and Commercial Section, and a new Section established'. It was resolved that

the Shipping Committee be disbanded as from 2 November, 1987, and a section to be known as the Finance Industry Section be hereby established as from 2 November, 1987, in accordance with Rule 22 (a) (5).

President Colin Hilder noted in the December 1987 *Clerk* that it had been a year 'very much concerned with holding the line', with 'another reform movement seeking to reform this union'. As he noted, it remained 'an attractive recruitment source for many other organizations'. The Executive at the end of 1987 were: Colin Hilder, President; Betty Spears, Deputy President; Patricia Spenceley, Vice President; Keith Glover, Assistant Secretary; and Vince Higgins, Secretary. *The Clerk*, March / April 1987, noted that Michael Want had been appointed Senior Organiser, 'by a decision of the union's Executive': 'Mike gets a hike'.

Chapter 15

From The Accord to Enterprise Bargaining, 1988-1993

The 1988 National Wage Decision 'required unions to co-operate in a fundamental review of Awards'. It listed measures such as career paths, multi-skilling, more flexible working arrangements and more appropriate wage relativities. 'Structural efficiency' was further developed in the two 1989 cases and allowed for increases for compliance. The tribunals 'were heavily involved in monitoring compliance with the principle and approving award wage increases consistent with the decision'. It was a matter not just of 'productivity but facilitation of productivity enhancement'. There was no great 'differentiation between one-off increases in productivity and raising ongoing rate of growth' and some unions were 'sidetracked by second order concerns'. At this point the system only 'marginally' departed from the 'historic presumption that the benefits of productivity advance were to be distributed evenly across the labour force'.¹

The National section of *The Clerk* of January/February warned the membership '1988 and 1989 are going to be tough years around the world and it could be worse in Australia'. In the NSW section of the journal, Higgins set out a comprehensive list of some 150 local workplaces where agreements had been reached on the 4% and 3% second tiers and 3% super. The union encouraged itself at the January General Meeting with the knowledge that so far only 20% of the workforce had gained the second tier of the National Wage Decision. The executive also put out a pamphlet detailing clerks' wages and conditions over the last three years, showing how well the union was travelling, all things considered.

Failed Challenge from Reform Group

All of this was helpful to the New South Wales Branch, with its triennial election due in March. The ballot was promoted in the January *Clerk*; the 'third biggest union election in NSW is about to take place and your vote is very important'. The factions of the left were active and well organised this time around and would soon enjoy success in the Victorian Branch of the Clerks. The communists and the moderates sniped at each other throughout the year. *The Australian*, on 24 June 1988, ran the headline 'FCU a target – outside interference' and there was a scandal in the Victorian Branch where an expert alleged the ballot had been rigged and a call was made for review of election procedures. Bad old memories were stirred in *The Clerk* as it recalled Laurie Short and members of the Ironworkers challenging corruption and being 'physically assaulted and defamed before they defeated the pro-communist left wing who had been caught out at ballot rigging in the ironworkers' elections'. Nowadays Victoria was a nest of communist activity, with complaints of ballot rigging in the election of the pro-Soviet Building Workers Industrial Union (BWIU) before the Federal Court. Closer to home, the BWIU was also cited as a supporter of the left wing Tanner ticket in the FCU Victoria Branch. In July the Secretary's post in the WWF was won for the 'hardline Socialist Party of Australia', prompting the headline in *The Australian*, 'Union wharf ballot upset a threat to exports'. *The Clerk* recounted with some horror how that 'waterside' election between two communist factions was conducted by a returning officer from the union through an on the job ballot. *The Clerk* reported all of this as a kind of cautionary tale to its membership, and not surprisingly the union did its best

to distance itself from any dubious electoral practices. A facsimile of the Returning Officer's Letter confirming arrangements for the election was published in *The Clerk*, making the point in the most literal way that the ballot would be conducted by the Electoral Office.

The Executive and the local left campaigned vigorously against each other. The Reform Group opened the fight by sniping at the confidentiality of the Langley survey. The union fired back that 'members ignored propaganda issued by the so called Reform Group in the Union which sought to sabotage the survey'. The Executive fought smear with smear and in *The Clerk* declared that an 'extreme left mechanism' was responsible for the 'so called Reform Groups in a union. One was formed by BLF boss Norm Gallagher in the BWIU'. The left was also responsible for interference in Victoria and Queensland, and, said *The Clerk* for good measure, the Radical Left Women's machine was also at work. *The Clerk* of March-April 1988 kept up the attack and called for 'Hands off the FCU!' 'The shadowy Socialist left culprits in NSW are a left wing controlled trade union attacking the FCU with the support of the Communist Party that dominates the South Coast Labor Council'. Moreover, the ABC had pushed the left wing line over 2BL in Sydney. Under the heading 'None so deaf' the activities of Paul Pearce on behalf of the Reform Group were exposed. The reformers had claimed in a newsheet that Pearce had taken the union to the Federal Court to get a rule change. The outraged union's response was that the rule change, removing residential qualifications for executive candidates, was actually approved at the September 1987 Central Council meeting and was included in the October report to the monthly meeting. The action was dismissed by the court, leaving the union with the cost of a 'frivolous exercise'.

Organiser Judith Bennett took issue in *The Clerk* with a leaflet suggesting the country members were not getting a fair deal. Bennett addressed the criticism with patience and some tidy sums; the December membership was given as 27,465. Of 16 organisers, approximately a quarter were in country areas, so the ratio of organisers was one per 1,229 members in the country, one to 1,828 members in the metropolitan area. There was a 'clear bias towards the country member'. *The Clerk* also published a report of the January General Meeting, not usually an item, but it contained the extract where Michael Want had asked why I Galloway had given the wrong place of work, and the 'Chairman asked members to put true place of employment'.

Vince Higgins called upon the silent majority to vote, and at the Executive Meeting on 14 March Betty Spears and Keith Glover declared they would not stand again for their positions. A union function and 'separate Union Staff function' were voted as appropriate for these eminent officers and at the Executive Meeting of 11 April the Executive was able to welcome Officers' Ticket candidates Patricia Spenceley as the incoming Deputy President, with Lorraine Bevins as Vice President and Michael Want as Assistant Secretary. The 29 April was marked down for the Betty Spears and Keith Glover farewell.

The Clerk of May-June 1988 rejoiced: 'Clerks reject reform group in NSW Elections' and Higgins declared the 'leadership of the NSW Branch of the Clerks' Union has received an overwhelming vote of support from union members'. It had been returned with a two to one majority. The Reform Group had conducted a 'smear campaign without industrial policy', and the result was that all of the Executive and 'most' of the councillors were returned. The union reckoned the reformers had

spent \$40,000 on a massive tabloid type paper and mailing lists and were backed 'to the hilt' by the extreme Socialist left. Members had clearly rejected the activities of Joe Palmada, communist leader, who advised opponents during the campaign. The voting surely proved 'that the Reform Group had no roots in the membership from its narrow base of political activists from the staff of left wing union offices'. Members had 'voted strongly for the proven Higgins team' and it was claimed that the reformers' motive was getting their hands on the resources of unions to control Labor Governments, Labor Council and the ACTU.

The essential character of the union was confirmed as moderate. The *Herald* noted the wider political significance of the ballot: the 'failure' of the left wing of the Clerks' Reform Group in its 'bid to gain control' of the NSW Branch of the FCU had ended 'fears in the Prime Minister's Centre Unity faction' that it would lose control of a key section of its 'power base'.² John Maynes observed at the National Executive Meeting that the Clerks' Union was 'neither mad nor militant nor ineffective nor incompetent' and Bill Kelty believed 'the Clerks Union has been a practical organisation when you look at its involvement over the past 20 or 30 years'. The union also reassured itself with the results of the Langley survey which backed the 'union's way of working' on the basis of 7,000 responses.

The Langley survey also identified that of the membership, three-quarters of them women, one third never married, three-quarters worked full time, 14-18% were casuals, 6% part timers, 60% were eligible to join the super fund and had done so; 80% worked with electronic equipment, average age 34 years, working an average 32.6 hours per week. It was confirmation of much of the union's policy; women needed equal pay, full time work and a living wage. Clerks indeed had high levels of superannuation, technology featured hugely in their working lives, so that their work was vulnerable to technological change and in general they did not need to work fewer hours in the day. These grass roots needs had to be kept in mind in the set offs now part of rate increases.

Second-Tier Negotiations

With these requirements in mind the union continued its industrial work undistracted by the elections. Its main concern in 1988, in the light of the second tier provisions of the National Wage Decision, was to hold on to Award standards and gains. The interval between the second tier decision and the delivery of results to union members could cause frustration and force member support for bad bargains. The unions found themselves not only with the heavy workload and responsibility of negotiating the increases but also squeezed between reluctant employers and eager and dissatisfied members. In the May/June *Clerk*, Pat Spenceley expressed concern that unions negotiating the 4% second-tier had little success in persuading members not to accept the part time components of employers' proposals.

Some of the employer strategies during the catch up period for second-tier increases and work value claims threatened the whole of hard won awards. Alcoa, for example, offered its clerical employees in Victoria 'monthly paid staff' positions in jobs unchanged from those previously occupied. The offer meant little or no improvement in rates once the 2nd tier of 4% wage rise was settled and members were also expected to work unpaid overtime. 'Alcoa is attempting to avoid Award prescriptions and the protection in employment that FCU membership offers to clerical employees. Over a period [members] will lose salary and other benefits in working conditions'.

The union asked the members to understand how the system worked; in the March April *Clerk* it explained that the 2nd tier was already won 'where employer resistance has given way to sensible negotiations. In some areas such as the airlines stop work action was necessary'. The FCU was well ahead of the average amongst unionists in getting available increases but 'the union is required to argue the restructuring and efficiency criteria under the national wage fixing principles'. It was noted at the Executive Meeting on 11 July 1988 that the Clerks (State) Award for example had been before Judge Glynn on the matter of 4% second-tier negotiations and supplementary payments, but in August her Honour was 'adamant that the restructuring and efficiency principle should be exhausted' and further meetings with employers had to be conducted.

The Clerk of May 1988 again assured the membership that clerks were ahead on wages; it quoted the Bureau of Statistics that members of the Clerks' Union were earning up to \$89 per week more than clerks not in the union. 'The union is also vigorously pursuing second-tier wage rises for all members yet to receive them on top of the February rise of \$6 per week for all Award wage workers.' The slogan was 'It doesn't cost it pays to join the FCU' and a pamphlet set out 'our special targets for 1988'. These included a wages policy of finalising all 2nd tier claims before May, participating in the development of a new wages system to protect the interests of clerks, and the finalisation of all superannuation claims. There would also be policies on family income, traineeships, deregulation and privatisation of key industries such as airlines. Michael Want conducted a kind of 'Award Awareness' campaign: under the eye catching heading 'Have you seen any of these Awards lately?' he published a list of current State Awards to encourage members to put copies of their Awards up on the company display board. There were 27 State Awards, and 42 Federal Awards and if members did not come under them, then the CSA had the 'most common application'. Members should note that all Awards provided a minimum rate with the notion of above-Award payments.

Want also reported Central Council's grave concern at the list of outrageous demands made by employer groups regarding 2nd tier including reduction of minimum of weekly hours of payment; minimum period of employment for casuals from four hours, abolition of 17.5 % loading, meal allowances, flexibility in public holidays. Meanwhile the union worked doggedly through its cases, rounding up the increases conditionally awarded the previous year; in April 'after months of frustration' the 3% superannuation was 'finally extracted from TAB' together with an 'undertaking' that it would be paid to staff, including casuals as from 1 April. In September it was noted that the TAB Industrial Agreement reflected the 3% State Wage Decision, and an Industrial Agreement with Phone Tab at last gave a 38-hour divisor. Other September Industrial Agreements were made with Financial Services Pty Ltd and Clerical Employment Services Pty Ltd for members at Advance Bank for 3% from 1 September and \$10 from March and with Colgate Palmolive, 'reflecting 3% in the State wage decision'.

In the CSA matter negotiations broke down with employers in October on 4% and supplementary payments, and the parties went before Justice Glynn on 13 October 1988. In the Clerks Retail Award the 4% negotiations and increase operating from 14 September 1988 were at last concluded, and negotiations were now finalised for the 3% and \$10 increase, awaiting decision. The CSA 4% second-tier was finalised on 8 December and 'the details of efficiencies were tabled'. However, in the Retail Award the 3% industry superannuation claim went before the Full Bench of the Industrial Commission on 8 December when an Award granting 3% in Super Scheme REST was granted. The Dairy Framers Co-op Ltd industrial agreement on superannuation was accepted by members in October.

In these contentious times the employers often behaved badly and the union had to give as good as it got. No doubt this energised the membership. When the Retailers breached the picnic day provisions and also did not respond to the union's OH&S requests through Labor Council, Michael Want heckled them in *The Clerk*: 'Shame on you Shoey's, Franklins and Jewels. What's this! What's this! Attention all retail clerks. Retail employers flaunt award.' Other liberties were taken. At Advance Bank, managerial and financial services, 'without prior consultation with the union', two weeks notice was given of abolishing flexible working hours for a small portion of workers. The union negotiated an extension of time but conciliation failed to settle the matter. 'Arbitration by Commissioner R Patterson was successful'; the Commissioner said flexible working hours 'should be restored pending discussions, perhaps in the framework of the prevailing Restructuring and Efficiency principles'. Alcoa had brought on a dispute in mid 1987 after its offer to FCU members of 'staff' status and wage increases above the exemption rate of the Award. The union obtained an order against this but Alcoa then had a stay put on the order and was now trying to delete the exemption rate as a threshold for any overtime, preference to unionists and wage increases. Rostered days off were also under threat.

In the interminable negotiations for the Clerks (Permanent Building Society) Award the eight offsets for an increase of 5% were unacceptable to the union. St George would not co-operate with the union on membership but was prepared to co-operate on standardisation of hours. Closures in the wake of the St George and State Bank merger meant 16 country branches were likely to close. Salary and wage conditions were maintained for 12 months in the merger offer but positions were now all declared vacant when the two integrated. The Chief Industrial Magistrate's decision in March in the TAB long service leave case Matter SC No 502 of 87 meant the 'union's case was not successful' and the 'Secretary recommends an appeal be filed on this important matter'.³ A singular industrial problem came from the Canberra Section of the TAB when a clerk did not close down betting 'on the fifth race at Muswellbrook' after the race. She was reinstated after the union threatened to strike at the ACT TAB on 6 March, 'the date of Canberra's biggest race meeting when the Black Opal Stakes is run'. The centre was understaffed, and there seemed no issue that betting had gone on.

The decision in the National Wage Case on 12 August was disappointing, and Higgins commented on the 'shallow concern shown for lower paid workers as employer delaying tactics are condoned by wage tribunals.' The decision was quoted as saying that industrially weaker unions representing lower paid workers such as clerical, retail and service areas were probably getting close to completion date without Agreements in place for the latest \$10 increase, as happened during the claims for the 4% second-tier increase. 'These same workers are also being asked by the Commission to postpone outstanding second-tier wage rises until after yesterday's decision is implemented. Wage justice delayed is wage justice denied', declared Higgins, who saw it as a poor reward for moderate behaviour. The clerks might be pushed to use 'displayed industrial muscle'. It seemed the system was creating a two-tiered workforce. In terms of increases it gave in the short term 3% increases not earlier than September 1 and a further \$10 a week not sooner than six months later. At the same time the union was confronted with the 'anti labor government of Nick Greiner' 'but worse lies ahead for 1989'. Michael Want believed the Essential Services Bill gave New South Wales under Greiner Police State Status. The Industrial Relations Bill was also putting pressure on unions to amalgamate, and some Branches of the Federation were not paying their dues into the Federated union, although New South Wales was managing to do so.

The December 1988 *Clerk* gave a report, prepared by industrial officers Alastair Macdonald and Greg Henry, on the 'legacy' of the 1987 second-tier 4% increase and the 3% Superannuation Award, noting that the reports did not cover the most recent 3% and \$10 increase finalised for 25 State Awards and 'now flowing through to all members'. These had required a 'prolonged and repetitive conference procedure', requiring the increases to be negotiated often at workplace level to allow the efficiencies necessary to obtain ratification by the Commission.

1988 saw achievements beyond wages matters. A Representatives' Handbook had been 'discussed and attempted for many years, and it was pleasing to know that the proof stage had been reached' after John O'Grady had been working on it. 120 pages long, it was a 'milestone in the history of the New South Wales Branch' when it was launched by His Honour Mr Justice Macken of the Industrial Commission of New South Wales on 29 April. The union also produced broadsheets to keep the members informed; *The Retail Clerk* and *The Clerks Bulletin* for country members and other sections, three times a year, together with copies of the Rule Books. Oil, Breweries and Finance Sections also received regular reports prepared by organisers on a local basis as the occasion demanded. Maryanne Lennon and John Lee were Organisers and Greg Henry a Research Officer. Maria Ahern was appointed training officer in August.

Following on the results of its last survey the union now planned a survey of superannuation in relation to the 'union's women'. In May the Traineeship Industrial Agreement in the Clerks (Tubemakers of Australia Ltd Newcastle) Award was ready for signing and the union offered training for the Councillors, with a TUTA Day Seminar on the 'Powers, Duties and Responsibilities of Members at Central Council'. 25 Central Councillors attended and expressed their appreciation. The union continued to appoint officers on the basis of experience in the union as well as recruit them from outside: Greg Henry became Industrial Officer on the grounds he had been 'appearing in Court on work usually performed by an Industrial officer'. Tony Rogers left the union to 'read law'. Two other organisers were interviewed by the Secretary who recommended both, W Iles and P McDonald. With the build up of work there was need for another Industrial Officer and the union's Alastair Macdonald, who was studying law, was the Secretary's recommendation. The union managed to contribute \$3,000 to the Youth Care Foundation and the Staff claim for 4% salaries increase was agreed to. The Wollongong office was refurbished in November and there was a \$500 prize for the reader who could find the words 'off link' in *The Clerk*.

Michael Want nominated Vince Higgins for life membership and Higgins nominated for the position of Deputy National President with Michael Want National Vice President, for New South Wales. Both were duly elected. The July *Clerk* was delighted to report that past Secretary Phil O'Toole had been awarded the OAM.

In *The Clerk* of November-December 1988 Terry Sullivan, National Secretary gave a perspective on the year and where the clerks were heading. The priorities were restructuring of Awards over the coming year, determining the 'proper of value of duties', new classifications, career paths, access to training, certification of skills, appropriate rates of pay and relativity for each new classification. 'In some of the union's Awards, notably Federal Awards, an element of career progression already exists for members through grading structures. Each grade contains job classifications of similar skill and

the way is open for clerks to obtain promotion to higher graded and better paid jobs. Especially at State level, there are 'minimum rates' Awards with a few containing a grade structure for automatic progression'. These matters were already well cared for in the New South Wales branch of the Federation, but it was a succinct comment on how the union saw the new deal in terms not only of restraint but also opportunity, given enough hard work and sound industrial values. 'The union's challenge is to introduce into its many awards classifications which accurately represent the work being performed and to build job ladders which members can climb to better jobs'. A problem was recruitment from outside, even in quite big offices, to supervisory and sub-management positions. Above all, Sullivan reminded the members, the provisions promoted by the Accord were not supposed to be cost saving negotiation.

Keith Harvey, Research Officer in the Federal Office, questioned whether the clerks' union could survive. The lack of career opportunities for clerks meant the union could become the preserve of women who had not had the opportunity to learn skills and climb the career ladder. This meant not only limited job opportunities for them but a diminished role and membership for the union. By July 1989 the union in NSW had made the first steps towards restructuring the CSA, and these were set out in *The Clerk*, July 1989. Five grades were proposed, based on classification and qualifications.⁴

By 1989 the two-tier system had bogged down as the 'Commission insisted on wage restraint while the slow process of Award restructuring meandered on'⁵. Towards the end of the decade the unions had to comply with a requirement of award modernisation to obtain two set wage increases, \$15 or 3.5%. If modernisation, meaning 'structural efficiency' measures, was not agreed upon then the applications went to arbitration. There was considerable confusion about 'modernisation'. Michael Want noted that there was nothing in the Commission's wage decision about trade-offs; Want saw that it talked about 'efficiencies and productivities, collective bargaining was the real term' and he had already seen trade-offs result in a 'lot of redundancies for clerks and their hours pushed up by 38-hour weeks deals'. The difference between structural efficiencies and surrender of conditions for the short term benefit of an increase was not widely grasped: even the Teachers Federation had suggested trading off their clerks' maternity leave conditions for a wage increase, as publicised in *The Herald*.⁶ From the outset the union's policy was to identify efficiency and productivity, not trade offs, in order to revitalise its awards. While it was burdened by the minutiae of negotiating workplace by workplace for available increases according to the prescriptions of the Wage Decisions the union did not lose its grip on the larger picture. While many unions now needed to modernise their Awards by broad banding to allow multi-skilling, the clerks had always been multi-skilled but traditionally the tribunals had been reluctant to make broad classifications. It seemed an opportunity to improve classifications and gradings, providing pathways and incentives for clerical workers to learn new skills and obtain better jobs. In terms of the Accord, this required the efficiency of workers acquiring new and broader skills.⁷ At the same time the union's experiences continuing into the 1990s suggest that while achieving efficiencies for the good of all meant far sighted review and modernisation of awards this was often met by obstruction from employers. Dick Wasson set out the problems in the January 1991 *Clerk*; while some 'enlightened employers who see the advantages of contented well-trained employees may yet sway the management', the majority of employers 'have constantly sought to claw back hard-won award conditions as negative cost cutting' when the guidelines could create 'proper

incentives through career paths and training to award covered employees and may yet become the cornerstone for the re-establishment of Australian business on a sound co-operative basis'. Dick Wasson was clear about the need for award restructure as the key to a better wage system: it could provide 'a measure of justice and equity to the award system which has not previously been evident'.

A New and Difficult Era for Unions

The 1990s saw a decline in unions generally. This was caused by factors including the fall in membership, the alteration of the power of tribunals, the way capacity to pay at enterprise level had taken over from the idea of the community wage and the fact that the Award system was no longer inclusive. Economic rationalism was accepted as a guiding principle by labor as well as conservative Governments at both State and Commonwealth level, so that the last decade of the 20th Century saw the dismantling of the arbitration system that had been absolutely central to industrial relations since the first decade of that Century. The difference between strong and weak unions was magnified; strong unions could bargain for good increases, while those less organised had the minimum rates of the Award safety net. Concession bargaining meant pay and conditions became more dependent on market forces. There were obvious difficulties in negotiating at enterprise level for all clerks and as Michael Want put it, 'So we maintained the Award, we could do that, try to improve it, particularly the classification structure, and through that method we were at least able to keep the Awards up to date, but the servicing for us was a real problem'.⁸

Negotiating with employers to restructure/obtain efficiencies certainly had its limitations. Michael Want reported at the Executive Meeting on 9 December 1989 that the Clerks (State) Award proceedings based on structural efficiency were now before Justice Glynn, 12 months of negotiations having come to nothing. 'The union and the Employers had consulted on over twenty occasions and the only consistency reflected by the Employers was their continual position to renege and deliberately delay'. The union was determined to get its increase. Early in the next year Judge Glynn varied the CSA for the first structural efficiency adjustment, after 'protracted negotiations and arbitration'.⁹ The full amount was not awarded to Grade 5, and the union appealed. On 24 August a Full Bench of the NSW Industrial Commission upheld the union's appeal and increased the Grade 5 by \$12.50, after the Employers' appeals against the increases in Grades 3 and 4 were dismissed. Members were reminded that now the appeal was granted, all employers must pay the increase as from 9 February 1990.

The second structural efficiency increases were granted in early 1991¹⁰. There was deep disappointment at a \$12.50 increase for Grade 5, compressing the effect of the grades and lowering the ranking of clerks in the workforce, and the union was most unhappy. The offsetting efficiencies introduced into the award by the arbitration process were seen as 'opening the door to exploitation of our members who are predominantly female'¹¹. Changes included deregulating casual and part time provisions, the extension of ordinary hours of work, introduction of time off in lieu of overtime and changes in the Sunday and Holidays clause.¹² Assistant Secretary Michael Want 'said the feedback from the membership indicated disgust with Her Honour's decision' and there was concern that the union was still operating under the old wage fixing principles of 1987, where the second-tier increases were available on several grounds, including satisfying the Commission that cost-saving changes had been made.¹³ 'That exercise has left a scar on the minds of a majority of our members', and the 1988

and 1989 principles should have intervened, refining the notion of 'structural efficiencies' to mean 'the more fundamental, institutionalised elements that operate to reduce the potential for increased productivity and efficiency'.¹⁴ These included career paths and multi-skilling as well as 'more flexible working arrangements and more appropriate wage relationships'.¹⁵ Decisions by the Commission seemed if anything to be working against the clerks: the employers were seen to be attempting to 'deregulate' the award, and Her Honour found favour with the employers' argument. That argument was directed at 'freeing up the clerical/administrative labour market' while the four companies giving evidence 'had little to say about career paths and appropriate training for their employees'. After discussions with the Industrial Officers and with his Assistant Secretary Michael Want, Vince Higgins recommended that an appeal be lodged.

The problems for unions when required to demonstrate 'a further commitment to workplace efficiencies' were revealed when an Award increase of \$10 in the Retail Award was gained in July 1991 by conceding the further efficiency of a Labour Flexibility clause. This meant an employer could direct an employee to carry out duties within his or her skill, competence and training. The Clerks' Union was worried that this might mean clerks would work as shop assistants but it had to accept the clause when it was pointed out that there was not enough clerical work for all full time members, and some might have to be made part time. The underlying concern that employment must be protected meant that some concessions had to be made.¹⁶ The union assured members that the clause did not mean clerks could become 'de facto' shop assistants.

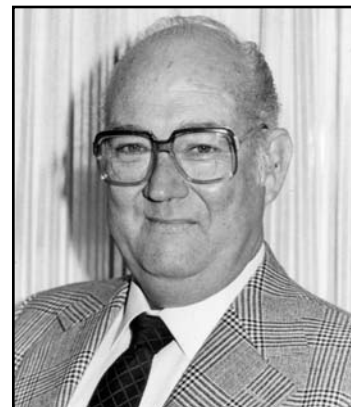
In the meantime the union in NSW had looked beyond the immediate goal of wage increases to consider structural improvements to the awards, with the aim of providing a modern pattern of pathways to careers for clerks, offering them ways of improving and broadening their skills rather than being trapped in a narrowly skilled position, offering few prospects to them and limited efficiency to their employers. That old bugbear, the exemption rate, had to be faced yet again. This time the union fought to have it deleted outright from the CSA, a radical departure from its long history, dating from when the tribunals felt unable to include clerks beyond an average level of accomplishment. The modern idea of career path restructuring could not go very far if the path were cut off at the level of pay appropriate for clerks with modest skills. Accepting higher pay also meant giving up the protection of general Award conditions, often for no more than the higher paid rate for higher skills. This magnified the problem that the main State Awards were minimum rates Awards, the union's 'biggest bane' as Michael Want saw it, making them seem irrelevant to 'thousands of staff without protection'. The fight to do away with the exemption rate was commenced in mid-1990 when a letter was sent to J Gallagher, barrister, setting out the 'union's objective'. The purpose was to establish 'proper career paths' and Vince Higgins reported to the Executive that the case would be very involved, and that this had been a contentious issue dating back to 1916. It would be an 'ongoing and costly claim but with Award restructuring facing us' the Executive needed to be aware that 'this was an important matter to contend with'.¹⁷ The employers reported in November 1990 that all avenues of conciliation on the application were exhausted, and dates should be set for arbitration. As it was put in *The Clerk* of March April 1991: 'It is essential that the classification/grading/wages clause applies to all clerical and administrative employees. The union believes that it should not be left to the whim of employers to decide whether or not they will give people the opportunity to progress through the clerical and

administrative career path to the higher levels' within at their workplace. A survey showed that rates of pay in general were over the exemption rate, and 'this major case' was needed to 'make the Clerks (State) Award relevant to the workplace'. The Secretary observed that 'no stone is being left unturned ... to endeavour that Her Honour Justice Glynn is given every detail in relation to this matter'. The evidence included that many companies, such as BTR Engineering, Stramit, GEC, Kelloggs and Avis paid above the exemption rate but still treated their employees as if the award covered them, suggesting another aspect of how the level of the exemption had little relationship to 'real' or paid wages and conditions. In the May/June *Clerk* 1991, Vince Higgins again reminded the members how important it was to delete the exemption clause 'to allow for career paths ... from top to bottom', and observed that training should be available for clerks in their chosen career. Higgins notes that some 100,000 clerks were covered by the Award, and hoped that success in the union's application would bring 'greater scope for employees to see the relevance of the Award that covers their conditions of employment'. The union made particular reference to Coca Cola in its submissions. That company had tempted its clerks to give up the union as well as conditions of employment. Coca Cola offered \$2,500 over the Award and about 30 of the 60 clerks took the offer up. Among the conditions they let go as they priced themselves out of their Award was their Picnic Day and they now worked 38 hours instead of 35. Justice Glynn was reported as 'scathing' of the company's request that clerks should also resign from their union. It was 'an impertinence at least', whether or not they joined was the clerks' business, even if there might be a point where a clerk might indeed be beyond the scope of a union.¹⁸ There were, incidentally, members of the clerks' union who joined as a matter of principle: for example, Tim Moore, Liberal member for Gordon, 'revealed' that he paid his union dues to the FCU.¹⁹ Michael Want revealed at the time that Coca Cola was breaching a 1984 membership agreement.²⁰

On 4 October 1991 Justice Glynn handed down her decision to delete Clause 24 providing for exemptions, so that now all clerks were eligible for Award benefits. The decision supported the union's claims. Provisions such as wage increases, overtime, weekend penalties, shift loadings, meal money, travelling allowances and other benefits were thus preserved for ambitious and efficient clerks, and the path was cleared to set relevant classifications to ensure their access to career paths, variety and better paid jobs. The employers appealed against the decision.

A National Strategy

At the same time as the union in New South Wales fought for space in its main Awards to allow restructure, the Federation had responded to change. One approach was a campaign to obtain a nationwide classification of clerks' work, and a national strategy was developed from the Federal Office. The project commenced in 1989. As Michael Want put it, 'the Commission said career paths should be provided', and Dick Wasson and Keith Harvey, 'two giants of the union' in Michael Want's mind, looked at what this involved. They and their peer Michael O'Sullivan foresaw that classification of clerks' skills would now matter more than ever as the basis of career Awards and true efficiencies. Dick Wasson died in March 1991, before the classification structure setting out the



Dick Wasson Assistant National Secretary and New South Wales Councillor

skills of clerks was completed. He was mourned and missed by the union in New South Wales, where he had been a Councillor for many years. Over the next few years competencies such as secretarial, financial know-how and less obvious but significant strengths, for example industry knowledge, were researched and ranked. The object was broader than obtaining immediate increases in rates through new gradings. The National Office Skills Formation Advisory Body (NOSFAB) was formed, also on the initiative of the Federation, and its task was to establish competency standards for clerical and administrative work across the private sector. The National Training Board accepted its report by 1994 and this study became the National Clerical Administrative Competency Standard.²¹ This could be utilised in Awards to give clear guidelines for employers and employees.

The Federation also ran a test case in conjunction with the ACTU in 1991, using the general Award in Victoria, the Commercial Clerks' Award, to apply for a seven-level classification structure, based on competencies rather than years of service, and replacing a three-grade system. The FCU was determined to claim higher than trades level for the top four grades, and these when gained were established by a work value case. When these classifications were obtained for the Victorian clerks the decision was made to flow the gain to other States, and *The Clerk*, September October 1991, noted that the restructure was 'comprehensive enough to serve as the basis for restructuring some Federal Awards as well'. Although grading structures were available in Federal Awards, classifications 'based solely on years of service are being replaced by new ones based on skills, knowledge and responsibility'. The efficiencies this offered employers as well as the career incentives for employees were clear. The structure had already been 'adapted to meet the needs of several industry sectors already, including brewery and airline awards', to take account of 'specialist industry skills'. It was asserted that 'A core of common skill levels in major awards across Australia will provide clerical workers with portability of skills plus a simplified basis for training and assessment of skills learned on the job'.

The union in New South Wales duly applied to vary the CSA grades from five to seven levels, seeking a classification structure on the basis of clerical administrative skills and the way office workers were multi-skilled. These were important features in an industry where formal training and qualifications did not establish higher skills, but significant and extensive competencies were nevertheless acquired. There was opposition from the employers because the Federation was in the process of developing its competency standards. Michael Want recalled that this caused the employers to require the NSW union to sign off on an Agreement that 'we wouldn't use competencies in any arbitration to obtain a classification structure for clerks. We did that because we were going for the competency skills we mentioned which were a little bit different, but the employers thought we were going to use competencies to get pay rises'.²² The employers were also determined to delay and in December 1991 ran an argument over whether the court had jurisdiction.²³

By early 1993 Secretary Higgins could report that the discussion concerning an appropriate career path in the CSA, following the test case in Victoria, was now set down for arbitration before Justice Glynn, and noted that the employers were not conciliatory; if 'genuine in their attempts to bring about a beneficial and lasting change to the workplace, they should modify their current position in the conciliation phase so that agreement can be reached!'²⁴ Issues of competency were examined and inspections at Boral, Otis, Phillips, Gough & Gilmore and CIG were conducted. In July it was noted that there was a large number of reports, and concern was expressed that the case would

not finish till the next year.²⁵ 'In the end', Want noted, 'we got a classification structure not much different from what we had in 1978'. He recalled that the Catholic Industrial Office, 'very much in favour of rights for people', 'came down centre with this idea and [Justice] Glynn picked it up', so classifications were improved.

The union also sought variations in the two retail Awards for State wage increases, and pursued the introduction of the National Classification Structure into these Awards. There was considerable resistance from employers. In December of 1991 the retailers had set the case back a 'couple of months' when they tried the jurisdiction argument. Retail traders' assertions about conditions in the Shop Assistants' Award were 'finally flushed out' when it was found that the Award did not in fact 'forgo the right to have a career path'. The basis of an Agreement was worked out in January; 'however the union, in order to protect its position in relation to the classification structure implementation, sought legal advice on procedures to adopt to settle our claim'. The Agreement was subject to the approval of the Commission on 20 March.²⁶

The October 1991 National Wage Decision was a watershed in the industrial system. In 1990 Bill Kelty was angered by the inconsistency of the Commission's decisions which seemed to favour some industries over others and the ACTU withdrew its 'no extra claims' commitment. It would 'win the promised Accord wages outcome in the field'.²⁷ The April 1991 National Wage Decision, which flowed on to the States, saw the Commission keep to its central role of arbitrating increases to keep the flow of productivity gains regulated and shared across the workforce. The variation in the quality of efficiencies was certainly clear from the clerks' experiences. The ACTU asked the Commission to 'approve and assist' enterprise bargaining, a step beyond structural efficiency, in the April 1991 Wages Decision, but the Commission was not confident in the capacity of unions and employers to handle enterprise bargaining. Instead it awarded a 2.5% increase to those demonstrating structural efficiency. Bill Kelty's response was reported in the *Australian* on 2 May 1991: 'It is a sickening decision but there is no reason for the trade union movement to eat the vomit'. On 31 October 1991 the Commission introduced enterprise bargaining, and so stepped back from a centralised wage system. The Commission would take responsibility for conciliation only, and not arbitration of enterprise agreements. Safety net review of minimum rates in Awards would take place but a 'bifurcated' wages system had emerged and the influence of the Commission was diminished²⁸. The safety net provisions were to limit the gap between Awards and bargained wages, and the unions argued that Award-dependent workers should 'share in the benefits of productivity growth'.²⁹ It was counter-claimed that award increases meant workers did not bring any increased productivity to the bargaining table. Meanwhile in NSW the *Industrial Relations Act of 1991* provided enterprise bargaining as an outright alternative to the Award system and, in a revolutionary departure from the principles of the industrial system, non-unionised groups could apply if at least 65% of the relevant workforce agreed. The union warned against such a path, and few employees took it.

The National Wage Case Decisions under the Accord put the Awards under added pressure but, as the union was prepared to see it, this was necessary to achieve efficiencies. *The Clerk* of June 1992 set out the gist of the National Wage Case decision of 30 October 1991. The decision continued the structural efficiency principle and a new principle, enterprise bargaining, had been created. The Bench would not vary Awards but 'indicated that the parties can give effect to their agreement through

Solidarity between the Clerks' banners



Clerks join the protest against the Greiner Industrial Relations Bill outside Parliament House, Sydney in 1991



Rally 17 October 1991

Enterprise Bargaining'. The 'main thrust was that the steps commenced in 1987 with the restructuring and efficiency principle and extended through the National Wage Case decisions of 1988, 1989 and April 1991 with the structural efficiency principle were being continued'. The union plotted its way carefully. Its first priority was to keep its industrial treasure, its Awards, alive while complying with the demands of productivity and structural efficiency and maintaining the balance of power between employer and worker. A lapse of concentration could throw away hard won benchmarks in the quest for increases, and the union assured its members it had a history of obtaining better rates through various means: 'Unions like the FCU have sought through such means as industry Awards, market

based rates of pay and, most recently, skill based career structures, to provide some certainty of income for members.' The main difficulty was that 'conversely' employers could use the system to 'reduce the significance of Awards and maximise their own discretion in setting wages and conditions'. Peter Abrams summed up the situation from the National Office in the January/February 1992's *Clerk*; the union's policy was to make individual employers enter into enterprise agreements, a strategy which 'preserves the operation of existing awards, provides increases to reflect cost of living, permits further increases in return for productivity gains; provides for employer contributions to superannuation in accordance with the schedule provided by the current federal government's legislation.' So far some 40 Agreements had been registered in the Federal IRC. In a kind of statement of compliance with the wage case principles the union declared that the current Award system need 'not be a barrier to productivity'.

By 1992 the union identified the Oil Award as a kind of benchmark, a 'core conditions Award' with its seven levels of grades and skills based classifications.³⁰ Some companies wanted and obtained company specific Awards in the oil industry although Commissioner Leary was watchful, commenting to the effect that enterprise consultative procedures were intended to provide a facility for flexibility of conditions and not diminution of conditions. By end of year there were local site agreements: 'members have been using the expertise and advice of their branch organisers and industrial officers with backup from National Office'. Meanwhile in the Federal Road Transport Award the Industrial Relations Commission rejected the claim that automatic progression through the grades was an award right and adopted the employer's proposal for phasing in wage rates for the skills base classifications as consistent with the National Wage Case.³¹ Australian Airlines demonstrated enterprise bargaining, negotiating a wage increase in return for finding ways of overcoming inefficiencies in operations. By December of 1992 the union was negotiating an enterprise agreement with Phone TAB for casuals, with rostering at Ultimo and Granville and a 4.5% increase based on the increased efficiency 'emanating from the enterprise agreement'.³² There were also agreements for permanents at the Head Office and branch and agencies. In 1994 Vince Higgins would note that the retailers would probably oppose the competency standard being introduced into the National Award planned for clerks, and would try to move towards a single category of employment in a Retail Enterprise Agreement 'which leaves little difference between office employees and shop staff in wages, conditions and career path. This push for one category of retail worker by the employers presents a serious risk to your wages and conditions'.³³

Some situations called for dedicated effort from individuals in the union. In 1993 the merger of Australian Airlines and Qantas brought with it the 'task of merging staff', as the *Herald*, 23 April, put it. This involved meshing pay scales, superannuation, long service leave and other matters. Steve Bower devoted the time needed to working closely with the members on these adjustments, and he was also instrumental in the Road Transport Section, and a delegate with Leo Scully at the hard pressed Cockatoo Dockyard. When Ansett went into liquidation organiser Ted Tamplin worked tirelessly to cover the members' needs.

The union served claims for a Federal Award for retail clerks, obtained in late 1994 and designed to override the individual contracts introduced after the abolition of State Awards by the Victorian Government in 1992,³⁴ while a Food Industry programme was also developed, with enterprise

agreements planned and a Food Industry Committee, including Arnotts, Edgell, Birdseye, Heinz, Kraft, National Dairies and Nestles confectionary. The union found itself fighting on several fronts to keep clerks properly rewarded: the New Federal Industrial Relations Act which came into force in 1994 was designed to foster enterprise bargaining while providing safety nets through the Award system and safeguards. The National Union could declare it was 'moving on wage increases through pressure on employers to enter into enterprise bargaining agreements'. While there was no Award in some areas in the Federal sphere the new Act provided key minimum entitlements required by International Conventions such as equal pay for work of equal value, rights to redundancy pay and protection against unfair dismissal, 12 months unpaid parental leave and minimum wages. The National Union asserted that the changes reflected the importance of retaining the Award system and the equity and fairness it provides workers, in direct contrast to the harsh and unfair policies of the Federal Opposition. At the same time it was obliged to fight on two fronts, at the enterprise bargaining level and on the level of keeping the Awards up to date.

Good management of the Accord had implications beyond industrial welfare. Unions generally were under attack, with conservative forces gathering for what the unions saw as the destruction of their traditional role in industry and society. Harsh policies in Jeff Kennett's Victoria and Ray Groom's Tasmania set the tone of things to come and in NSW only Independents in the upper house prevented similar legislation. National Secretary Hugh Armstrong saw the arrival of the Kennett government as the 'Demise of ethics'. Conservative governments were now prepared to use legislation without respect for the longstanding conventions of industrial relations. It seemed they were bent on destroying the very fabric of industrial conditions painstakingly pieced together over generations. Leave loading had gone in Victoria and weekend penalty rates were threatened and in Tasmania there was the 'Big Bang at Burnie', where a 'ham fisted attempt' to push the unions out of the workplace and cut down conditions and awards caused a bitter strike.³⁵ Burnie seemed to be a 'testing ground for the ideological theories of the New Right'. Higgins compared the situation in NSW; the 'much vaunted NSW *Industrial Relations Act* came into force 31 March 1992.' He noted it was heralded with 'streamers, balloons and toasting' by the Greiner Government. Certainly 'alert managers are beginning to sit down and thrash out decisions on productivity and work practices. And there's greater scope for management to determine work relationships'. The Secretary's thoughts harked back to the arbitration system with its responsibility to 'come up with solutions that were workable'. He warned the membership, 'Don't have any illusions about it'. The old system had put capital and labour on 'an equal footing as far the law was concerned' and the workers had their unions to represent them in court. They were now increasingly on their own.³⁶ Jim Macken also contributed to *The Clerk* that month, under the headline 'slams union bash'. Macken saw the provisions in the NSW Act abolishing preference as designed to wipe out unions in the workplace. In July 1993 the Industrial Registrar advised the union that it needed new authorities, with passport photos, to enter premises under S.733 of the new Act.

Given this climate the union made its support for a moderate but dynamic course clear. The Accord might have its pitfalls but it was achieving a 'quiet revolution'. *The Clerk* of December 1992 reviewed 'nearly ten years of the prices and income accord', quoting Senator Cook's observations. Cooperation, in contrast with the confrontation in Victoria with Kennett, and Award restructuring was 'delivering to office workers skill based classifications structures, offering proper recognition of skill, better pay

and career opportunities'. 'All these improvements depend on the maintenance of Awards, which are under attack by conservative political parties. Award restructuring links pay and promotion for skill acquisition and use'. National Secretary Hugh Armstrong wrote to encourage the Federation in realistic terms, 'The Clerks' Union endorses the Federal Government's approach to workplace change. This is not to say that the union is happy with everything the Government is doing. But the Government's approach offers a constructive role in workplaces, secured by Award protection'.

This delicate balance might be holding but there was fear of what would happen if the conservatives won a mandate in the Federal sphere. *The Clerk* of December 1992 forecast such a scenario in 'Howard's way'. Under a Coalition Government, 'Federal Awards will cease to operate within 12 months of the implementation of Coalition policy unless the employer agrees with his employees that the Award should continue. Even if the Award continues, its terms cannot be varied except by agreement. There will be no facility of a union or employees to drag an unwilling employer into the Commission to have a claim, no matter how just, arbitrated by the Commission.' Workplace Agreements would be 'subject to minimum conditions' and 'hard fought conditions up for grabs'. 'To maintain them will require the agreement of the employer. When an employer does not agree to the maintenance of an award, the existing terms and conditions of employment will be assumed to be the basis of an individual contract between each employee and employer. Whether or not those terms ever change will depend upon agreement between each employee and employer.' The great evil of this was seen as 'removing the independent umpire'.

The Keating Government's new *Industrial Relations Act* in 1993 was designed to assist the spread of enterprise bargaining and maintained a safety net through the Award system and safeguards. Its effects were explained to the members, 'for those in areas where there is no Award in existence it provides access to key minimum entitlements, required by international conventions such as equal pay, redundancy pay and protection against unfair dismissal, the right to 12 months unpaid parental leave and minimum wages'. This was seen as giving 'an opportunity to protect and improve our industrial relations system, based on awards'. The changes were seen to reflect the importance of retaining the Award system and the equity and fairness it provides workers, in direct contrast to the harsh and unfair policies of the Federal Opposition'.³⁷ In December it was reported that the union was 'moving on wage increases through pressure on employers to enter into enterprise bargaining agreements'. Wages claims were also lodged for members where enterprise bargaining has not proceeded to ensure all members receive a wage rise.

The 1990s saw the union almost as beleaguered as it had been in its earliest days. The Awards were under threat, 'freedom of contract' was returning to the workplace, and by 1996 government was not supportive of the Award system or of unions. The Hawke-Keating administration – already receptive to the principles of economic rationalism – was replaced by a strongly anti-union Howard Coalition Government in Canberra, while the Carr Labor Government elected for NSW in 1995 had no intention of reversing the economic strategies of the previous Greiner and Fahey Coalition Governments. The rules of the game had changed irrevocably. Not only was the Accord dead, but there was a concerted challenge to the principles of arbitration and conciliation, with its complex system of court-adjudicated Awards and Agreements. There was again a temptation to believe that if employers treated their clerks well they had no need of a union. The clerks were in danger of again

finding themselves in an unregulated labour market with their pay and conditions at the whim of the employer. The achievements of the Clerks' Union in New South Wales in this last decade of the century need to be put into the context of the economic and political realities of the time and the changing industrial framework. On the surface the union went into steep and serious decline, its membership having fallen from some 28,000 at the beginning of the 1980s to 18,000 in 1996, and just over 10,000 active members by 2003. By 1996 the Retail Section had decreased from 4,000 to 1,800 as members transferred to the SDA, the Metal and Engineering Section from 1,000 to 190, through a major decline in Manufacturing, and management promoting employees as staff. The General Section, their jobs increasingly altered by technological change, fell from 7,000 to 4,000. Sectors such as the Temporary Employment Agencies, brought in as were the shop clerks under Membership Agreements, disappeared from the union as preference and union Membership Agreements were no longer available³⁸. By 1998 the Oil Section, its Federal Award now fragmented into company agreements but once a benchmark for the kind of rates clerks could command in a career industry, had just 32 members, and was disbanded on the grounds that it had fallen below the minimum of 50 members. In 1999 the Public Service Section scraped by with just 56 members, while in that year it was noted that the ghost of the Shipping Section, its Mortality Fund, still had 70 members, and the union would have to charge a fee to continue its administration. It was a far cry from the days when the vigorous Shipping Section was levied to meet the high cost of its complex administration. Given the resources needed to deal with an increasingly decentralised industrial system, the union's plight seemed desperate. As the decade advanced, the Award system diminished, both in its scope and the number of employees it covered, and this meant the unions lost their traditional sphere of activity, and had to adjust to the resource and labour intensive demands of enterprise bargaining.

Chapter 16

From the Clerks' Union to the Services Union, 1992-2003

Amalgamation at the National Level

In May 1992 a stalwart of the union, John Maynes, retired after 40 years as National President. His first memories of the Federated Clerks Union were back in 1948, when he was a rank and file member: 'The union then was a bland and barren, communist-riddled organisation with declining membership and relevance. In that year, its Federal Conference delegates were evicted from a second rate room in a small seaside hotel in Brisbane for drunk and disorderly behaviour'. 'How then was this union converted from a rabble into an organisation of integrity and a major constituent of the ACTU, possessing industrial, social and economic policies respected around the world?'

The union had indeed done well in the years since its era of inner turmoil, still vivid in the minds of long serving officers, but Colin Hilder's message as State Branch President to the members at year's end was an anxious and sobering one: '1992 has been a difficult year for the union. Loss of membership has been due to redundancies, closure of businesses due to the poor state of the economy and structural efficiencies adopted in the workplace'. The union was trying to obtain 'satisfactory redundancy payment to ease the trauma of dismissal. We exist to protect the social and economic fabric of all members and trade unionists generally, and to uphold the rights of Labor, we must continue in this endeavour with more vigour in 1993'.

40th Anniversary of the end of communist leadership in 1952



John Maynes, Joe Riordan, Michael Want, Betty Spears, Marie Andrews, Phil O'Toole, Col Hilder meet on 27 July 1992 at the union office at 377 Sussex Street to mark the occasion.

The very 'existence' of the unions had become a matter of concern. At the same time as it grappled with the challenges of industrial restructuring under the Accord the Clerks' Union also faced a vast change in the structure of the union movement, a change which John Maynes regarded as posing particular problems for clerks and threatening their union's very constitution and occupation based interests. He saw the future as involving amalgamation into some 20 super unions, preferably industry based. The reason for compliance with the peak union body, the ACTU, was familiar enough among the unions – the need to prevent economic collapse and keep Labor in office. This underpinned the embattled principles of full employment and survival of the unions. Modernisation and restructure would hold off the possibility of the return of a conservative government, which might use unemployment to manage inflation as the Fraser Government (1975-83) had done, and the disabling rather than reinvention of unions would also no doubt be attempted. As the scope of the reforms needed in the 1980s became clearer and the possibilities of wage restraint were exhausted, the ACTU turned to more challenging methods. The radical shift from assessing industry's general capacity to pay and the notion of comparative wage justice soon gave way to the need for more than mere restraint; workers must examine the needs of their particular workplace and offer efficiencies and productivity in return for increases. Under the Accord unions had already suffered a diminishing of their autonomy and traditional roles as champions of workers and despite the Accord there was a decline in real wages.¹ From 1983 to 1991 members tended to leave the unions. The alienating effect of the centralisation of decision making, and the way the rank and file no longer had much say in decisions, meant that there seemed little point in agitating for wages and conditions at the rank and file level and therefore there seemed little reason to be a member. The combination of the decline of union membership and the effects of the economic crisis went far beyond the problems facing the Clerks' Union. Along with the development of bargaining at enterprise level for a share of productivity, foreshadowed in 1985 for employer superannuation contributions, the ACTU mooted radical structural reform of the union movement. The need to boost resources and overhaul the union structures while membership fell led to the 1987 ACTU blueprint for consolidating the unions through amalgamations, pooling their resources and moving as quickly as possible into new efficiencies².

Amalgamation held particular problems for the Clerks. If developed along industry lines, as the plan indeed was, amalgamation threatened not only the identity of the Clerks' Union but the means of offering the focus and specialised knowledge necessary to represent a workforce with a consistent history of anomaly within the industrial system. In his report on the 1989 ACTU Congress John Maynes stated the union could not give wholehearted support to amalgamation: clerks' special interests would be overlooked, and 'only a clerical employees' union can provide the recognition and reward clerical workers need'.³ However, the ACTU's Bill Kelly was 'blunt in his criticism', telling delegates he did not support the FCU as an unamalgamated union beyond the 1990s.⁴ The acceptable solution for clerks was that they amalgamate with unions in a similar position as themselves and with similar cultures. By 13 May 1991 there were meetings between the National Executive Committee and the Public Sector Union and with the Municipal Officers Union. By 14 September 1991 talks were held with the Shop Distributive Association and the Municipal Officers Association. 'Quite positive' discussions were noted with the Australian Services Union. As the National Office considered amalgamation it noted it had 70,000 members, many in the same industries or callings as the ASU and MEU, and that they had similar projects such as Award restructuring for better pay and award structures on behalf of union members in office environments.

The amalgamation drew in the State Branches of the participating unions and the federation was named the Australian Municipal, Administrative, Clerical and Services Union (AMACSU). Its trading name was the Australian Services Union. The Clerks' Union in NSW now became the NSW Clerical and Administrative Branch, but its alter ego, the State-registered union, remained the Federated Clerks Union. The last meeting of the National Executive took place on the 30 June 1993, 'as from 1 July 1993 we would be participants in the new Amalgamated Union with the United Services Union and the Municipal Employees Union'. Michael Want attended the National Executive Meeting of the new Union on 1 and 2 July, while the Hon Bob Carr, then Leader of the ALP in NSW 'assisted in the opening of the National Executive of the new Union'.⁵ The *Herald* reported the event succinctly under the heading, 'Unions arrest decline', noting that a new amalgamation of FCU with the ASU and MEU had taken place in circumstances 'where there was under-unionisation in the private sector'.⁶ While amalgamation took place at national level, the Branches were not amalgamated with each other within the States, and there was no amassing of memberships and resources for the union in New South Wales. If anything, the new system demanded rationalisation of membership among the unions, and as Jim Macken put it in his book, *A Death or a Difficult Birth*, the 'fabric' of the FCU was destroyed as transfers were made to other unions.

As membership continued to decline, the union in NSW was faced with opportunities and problems. The new industrial system endorsed something the union had always been obliged to do – try to negotiate agreements for clerks at enterprise or industry level in order to have their range of skills and work value properly acknowledged and rewarded. The difficulty was that Awards were a relatively cheap and efficient and indeed necessary way of obtaining conditions for such a vast body of dispersed workers, while the need to supplement Awards with enterprise bargaining to gain a fair wage structure was a heavy burden. The move towards enterprise bargaining meant training in the Branches became essential, and many more proficient people were needed beyond the traditional roles of organisers and other officers of the union.⁷ Most significantly, the role of delegates in negotiating workplace by workplace had now become crucial. The resources to train office stewards had to be found and used: 'without the necessary training, the union will not move away from the basic tasks of representing employees in relation to their grievances or reacting to management claims'. Good delegates needed to develop such skills as keeping 'a union book' of work practices.

Meetings at the George Hunt Room in the Trades Hall and at Granville were advertised to involve members as much as possible and a printout of union representatives in postcode order including their place of work was prepared to help choose localities for meetings in metropolitan and country areas. Concentrations were at Mascot, Granville, Parramatta, Liverpool, Bankstown and Newcastle, where the union's offices were earthquake affected in January 1990, and in Wollongong and Canberra. Vocational training programmes for clerks were also a union initiative. An application was made to the Department of Education for a Traineeship grant for the Branch, and \$25,000 was received to promote the development of entry level training arrangements for restructured Awards. The union increased its staff to include a position between office administrator and delegate on the job, carrying out functions which organisers, 'because of the demands placed upon them, were unable to fill',⁸ while Training Officer Ahern organised a training programme for staff, to commence as soon as possible and the union prepared to attend a course at the Clyde Cameron College, Wodonga. In May of 1990

Members from a range of industries and workplaces attending a Job Representative Course at Parramatta on 28-30 March 1990.



three new members of staff were appointed, including liaison officer Sonia Wagstaff, organiser Leo Scully, and Christopher Hilder as Research Officer. In December of 1990 a new computer system was installed, the rent \$11,082 each quarter over five years. It was also decided that a CARE coordinator be appointed for New South Wales, to ensure that persons who were 'now entitled by Award to occupational superannuation were acquainted with this and their questions properly attended to. It was important to the Branch that the matter proceed'.⁹ The union appointed Fiona Hancock as Inquiries Officer in 1994 to give backup and support to Organisers and George Maniatis to manage Unfair Dismissals, and Mary Lyons, long serving Secretary to the Union Secretaries, was appointed Office Manager upon the retirement of Col Hilder in 1994. Alastair Macdonald was appointed Senior Industrial Officer, a position which had been vacant for some time. The scope of services to members was extended when Vince Higgins launched the ASU's Clerical Administrative Branch sponsorship of Chifley Financial Services, providing for example investment and mortgage advice.

While training was essential to equip members to make informed enterprise agreements, a quite radical change in the way unions were run was also necessary. The Clerks' Union had needed to operate and make decisions in a centralised way to gain and administer its Awards, especially given the degree of apathy and the small proportion of members among those it represented. The early stages of the Accord had also left members out of the decision making processes and policy and decisions were handed down from on high as the unions developed a 'corporatist' rather than 'grass roots style'.¹⁰ The Clerks' Union had well established habits of democratic process and consistent effort to reach and involve members, and these could be seen in Vince Higgins' efforts to involve and listen to members, but the 1990s called for some rethinking of the union's traditional methods. While the labour movement's attention began to turn to the unions' capacity to function properly in the new order and many were found wanting, the Clerks' Union was quick to grasp the ideas of devolving authority and providing support rather than direction. In his book, *Unions in a Contrary World*,

David Peetz observes that 'decentralisation also means devolving power downwards to the members. This often means someone, somewhere has to let go'.¹¹ Moreover, there is a risk of alternative power bases, again a risk the union had long been prepared to take with dynamic and talented organisers. The Clerks' Union measured up well in the criteria for unions moving into the new empowerment of members. At the same time as it worked on major reforms for clerks the union continued to use its expertise and insight to negotiate grass roots improvements for its members: in 1992 in the Catholic Schools Award, for example, staff were concerned at a reduction in their working hours. The union looked at their problem from the angle of basing their hours of work on functions performed and not enrolment numbers, and how the clerks needed more training in the new Oasis system. A bulletin was dispatched to this scattered subsection of clerks to keep them up to date.¹²

At the Executive Meeting of 12 December 1994 it was announced that the Secretary, Vince Higgins, would resign early in the new year after almost 17 years in the role. *The Clerk*, January 1995, duly announced that Vince Higgins was retiring at year's end after 41 years with the union. Higgins used *The Clerk* to look back and remember his fellow officers in the union – how Jim Macken had promoted an Industrial Relations course at Sydney University, and how Higgins, a young man caught up in the war and with little opportunity to study, had greeted this opportunity with enthusiasm. He also paid particular tribute to John Maynes and the late John O'Grady, and to the next generation of Deputy President Marie Andrews, Vice President Lorraine Bevins, and Michael Want. Elections, now held every four years, would take place within a few weeks. Michael Want was Acting Secretary in the interim and Judith Bennett was Assistant Secretary. As Higgins expected, this team was confirmed for the next term.



Still part of the union – Vince Higgins with Jim Hurley, Organiser, on Anzac Day, 1995

Michael Want had worked at Blue Metal and Gravel, on the banks of the Nepean, for 15 years, before becoming an organiser at the union, and Judith Bennett had been a representative at Bonds Industries. When Life Membership was conferred on Judith Bennett in March 2003 Michael Want observed that her methods of organising were 'quite persuasive. Judith did not say a lot but at all times was working extremely hard mostly by example to encourage new members to join the Union'. It became clear that 'Judith had an extreme potential', and in 1987 the Executive decided to appoint her as an Organiser.¹³ As had been its habit, the union had yet again appointed a woman on indisputable merit, and reaped the benefits. Michael Want's own path to office had also started at membership level; there had been a dispute at the quarries over shift work and how the CSA applied. John O'Grady had been the advocate and they won penalties as early morning shift workers. John O'Grady then encouraged Michael Want to participate more and he took up an opportunity to become an Organiser, although John O'Grady could be a droll mentor at times. Want recalled attending the tribunal over a health and safety issue at a workplace where O'Grady observed he'd seen rats crawling up the walls. Want had earnestly conveyed this information to the Senior Commissioner, who sternly declared it to be a very grave allegation indeed. When Want checked the 'facts' with O'Grady, the workers' champion replied, 'I meant the two-legged variety'.

Beryl Ashe, Jim Macken, Betty Spears and Neville Wran celebrate the 20th Anniversary of the Equal Pay Case



The union also celebrated the twentieth anniversary of equal pay, 'the historic decision on the Basic Wage differential 25 years ago, and more importantly, the NSW decision regarding equal pay in the principal Award of this union, the Clerks (State) Award' at a function at Hyde Park Barracks, 'long time home of the Industrial Commission of New South Wales', attended by Betty Spears and Beryl Ashe, equal pay champion Jim Macken, and Neville Wran who had appeared for the union.¹⁴ Others who were part of the union's life were present; Mr Justice Cullen, Judge John Dey and Judge Glynn. As Betty Spears 'put it succinctly on the night', 'Equal pay – the Right to Earn a Living and to be paid for it according to the value of the work, without regard to sex – has been the campaign cry of many women and men for many decades'.¹⁵ The occasion was reported in the *Herald*, reminding the public of the union's achievements even as it now struggled with the effects of technology displacing clerks, unfavourable legislation and a general downturn in union culture.¹⁶ Equal pay issues and the



barriers to equity for women had not faded from mind; Michael Want believed that there was still not equal pay for equal value, with women still tending to occupy low paid jobs. As career paths and conditions changed, he noted emerging difficulties for women: 'it behoves us to understand clearly what these difficulties are'.

Attending the 1995 Labor Council Annual General Meeting – Beryl Ashe, Marie Andrews, Vince Higgins (obscured) and Michael Want

Progress in the present seemed almost as drawn out as it had been in the struggle for equal pay. In 1994 it was recorded that the State Wage Case giving a safety net increase of \$8 was operative in 14 State Clerks' Awards, but the difficulties of introducing career restructuring into the State Awards were evident. In November 1994 despite NOSFAB and the successful Victorian case on skills-based classifications, and although the case had been commenced 18 months earlier, with more than 30 witnesses and over 100 exhibits, the employers were 'vigorously opposing' new classifications in the CSA. The union was also trying to have relativities with other occupations established through the classification structure in line with tradesperson's rates and believed such a claim 'cannot be rejected'.

In 1996 the Howard Government's plans for review of industrial laws threatened to reduce the scope of Awards even more, affecting even further the conditions the union had clung to over decades such as maximum hours of work, shift and spread of hours arrangements, superannuation and choice of fund and rights of union officials to visit the workplace. Most significantly the Government also proposed to reduce the role of the Australian Industrial Relations Commission so that it had little power to hear test cases, which gave unions a means of having their claims heard on their merits and establishing new standards. It was a dislocation of the way industrial rights had been advanced; superannuation was one of the valuable trade-offs in the 1980s, but it did not cover all casual workers, a situation which cried out for the old test cases, asking for fairness.

In the September 1996 ASU *Office News*, as the journal became known from 1994, Michael Want advised members not to enter into AWAs, as the individual contracts under the new provisions became known. Rather clerks should stay with collective enterprise bargaining, which preserved union support and access to the Commission. The tendency away from arbitration and towards enterprise bargaining had already been seen as a danger to clerks' hard won conditions, especially in important and hard fought areas such as penalty rates and increases in hours, and in meal times and rostered days, all with little advantage beyond the level of increases provided by the Industrial Relations Commission.¹⁷ Members were advised to bargain with their employer on a collective basis to preserve their conditions and keep in touch with their union. A case was given where clerks had been unaware that the Award did not provide for temporary employees and so they were in fact weekly employees, entitled to redundancy pay. The value of belonging to the union, being aware of the Award and protecting the benefits was made clear. It was however, impossible to please everyone. The union had had a brush with anti-discrimination reported on the banning of gender bias in jobs; Vince Higgins was quoted as saying that the Clerks' Union prevented women under 18 doing shift work after 9 pm as a safety measure.¹⁸

The 1996 Workplace Relations Act brought in by the Howard Government made major changes to the industrial system. For the first time in its history the main industrial system legislation did not encourage unionism as 'one of its objectives'. It placed the principal responsibility for determining employment matters upon employer and employees at the workplace or 'enterprise level' and the Awards were reduced to a limited range of provisions and were now a 'last resort'. The Industrial Relations Commission had power to make arbitrated Awards only in relation to a list of 20 'allowable Award matters' although Awards remained important as the basis for the no-disadvantage test for every certified agreement or AWA and 'important issues' of social policy and safety and net wages increases are still dealt with through test cases to the AIRC. Union preference was no longer available and the

'closed shop' was illegal. Membership of unions fell, and a 1999 survey showed that 22% of members were covered by Awards. The Act limited the Award-making jurisdiction of the Commission and 'widened the distance between unions and commission'. The unions had essentially lost the system they had turned to for Awards and also lost the other traditional route for expressing members' needs. In 1998 during the Waterfront strike, aimed at excluding the waterfront workers' union, there was a 'notable lack of action by other unions'. The Clerks' Union was sympathetic and joined in a scheme to support the strikers by taking on three families to sustain. In former times the Shipping Section would probably have withdrawn their labour, but they themselves were now caught up, and belonged to another union, and it was possible such changes in industry and occupational structures once associated with industrial militancy had had an effect. At this time union membership continued to decline, due to outsourcing, downsizing, casualisation, and labour hire arrangements. In his article Bill Harley observes that arbitration itself is flexible and adaptable over time and its initial purpose is protecting workers in an industrially weak position. 'Its jurisdiction has been narrowed and currently its role emphasises the protection of the weak via 'safety net' adjustments and the application of the 'no disadvantage' test. To this extent, it is similar to Higgins' Court early in the 20th Century'. The article concludes, 'The force of history on institutional arrangements should not be discounted'.¹⁹

While all this presented a depressing picture of the future of unions, and especially for a now small union such as the Clerks' in NSW, the union had not lost its way and had responded from the early 1990s to the new order of things. The need for the overview and policy making function of a union was still clear. As the 1990s progressed, the values the union had fought for since the early years of the century seemed as relevant as ever as some industrial problems returned in new form. In the beginning the union had sought to regulate and contain hours of work to avoid sweating clerks, and then met the computer age as it threatened to break the pattern of sociable and safe working hours in the community. The social and psychological disadvantages of out of hours shift work now reappeared in slightly different form, as did the damage caused by lack of consultation, another principle the union had fought fiercely to establish. Those two problems had varied with the increasing numbers of women working, and unregulated shift work and lack of communication now affected not only them but their small children. Kym Wood became something of a union celebrity as she battled Steggle's for a shift suited to her life as tele-sales operator and mother. Waking her children at 4am seemed a hard condition of employment. The workplace efficiency of flexible time was indeed possible, and it seemed a fair thing that Kym won her struggle. As Michael Want put it, 'if people want to get the best out of people, they need to talk to their staff'. That year the union set about a campaign for 'family friendly' hours, and called upon the State Government for an inquiry into this new version of an old problem. Changes made in collective agreements could sometimes prove bad bargains: if an employee had no certainty of hours there was no certainty of time with family or with community groups and sporting teams. People needed community time to sustain community life although as Betty Spears had noticed when data hungry computers were introduced, workers did not always see the pitfalls of a job outside the nine-to-five regime and it fell to the union to hold the line.²⁰

A sign of the tough times was trouble at the Norco factory, one of the union's longest associations, where 42 factory workers now went on strike over unfair payouts, and the Norco clerks supported them. The company was operating at a trading loss, so claimed it could not meet its obligations. It



Representatives at Central Council Meeting September 1999 – Maryanne Stuart, Linda Silva, Terice Cordingly, Kym Wood (from Steggles), Nita Breen, Pat O'Connell, Cheryl O'Connell, Mhairu Sainders, Assistant Secretary Michael Want and Veronica Graham

offered two weeks pay for every year of service. The office staff had received three weeks, plus paid out sick leave and there was also a possibility that the factory workers would be replaced with casual labour. The factory people and the clerks stood firm, refusing to go back and forcing the matter to arbitration where Senior Industrial Officer Alastair Macdonald represented the clerks. Norco agreed to the employees' claims and in the end there were only 20 redundancies. It was a fine experience of the value of solidarity and mutual help.

In terms of practical survival the union faced serious problems as enterprise level bargaining became necessary and the relatively cheap Award system became less accessible. At the same time other conditions had also changed, and for the worse. It had never been easy to recruit clerks and membership now became even harder to sustain. The Membership Agreements with the 'big six' in retail, and the employment agencies, were outlawed in 1988 as discriminatory. Membership Agreements had been part of the union's culture since the early days of the Master Bakers back in the early 1920s and 'discrimination' had once worked the other way for the union. Michael Want recalled for example that in his organising days at Table Talk Chickens the Meatworkers were members but the management was not much interested in the organiser from the clerks. But persistence paid off when shop steward Lorraine Croft from the Meatworkers took note, went to the boss without an appointment, and declared there was a bit of a problem in the shed because the clerks were not members of their union. The clerks were then included in the otherwise unionised culture of that workplace.

There were other developments that may have worked well enough in highly unionised industries and large workplaces but were counterproductive for the clerks; in the 1990s union fees were deducted from payrolls and that meant delegates no longer kept in touch with members as they collected subscriptions and wrote out receipts. Some important groups had also dispersed. The tally clerks had gone to the WWF while the big motor vehicle membership had gone from NSW with the demise of the industry in that

State and, in common with most other unions, membership was in steep decline in the Clerks' Union. There were also many redundancies early in the 1990s and as the union had created 'decent redundancy packages', clerks were tempted to take them. Michael Want felt the union had made a rod for its own back; 'we'd be standing at the gate stopping them from going'. Meanwhile at Chullora, employees of Norman Ross were still battling for the same redundancy pay as the Storemen and Packers.

As the union's role moved even further away from the methodical preparation of Awards and test cases of Phil O'Toole's day its culture became more that of a resource and community centre for members. Enterprise bargaining made training for representatives essential and the union needed to look at decentralising itself and being out in the field more than ever before. Enterprise Agreements were seen as separating clerks, putting them in boxes so that they lost sight of each other and the things they had in common. The union worked at getting them to talk to each other, and they were now no longer in 'sections' but belonged to a sector, so they had a sense of belonging and ownership²¹. The building societies were an example; members had a good deal in common and as Want could not help but note, they'd gone to all the trouble of getting an Award for this sector, and then 'they went into collective bargaining and that cut off the communication'. There was also the age-old problem with representing clerks – they did not 'cotton onto working in the clerical industry, they worked in the metal industry, or paint industry'.²² The union's journal, increasingly in magazine style, advanced the sense of community, with more pages and more space for social notes and photographs and information on such amenities as 'Union Shopper', a modern version of a discount shopping system for limited goods operating in Phil O'Toole's time. Free movie tickets were available if you encouraged a mate to join, and the union also rationalised its resources while helping clerks; it offered a Consultancy Division which could provide non-member clerks with union know-how for a fee.

Office News celebrated commendations and other forms of recognition for officers and members and the union fostered the sense of community. Chris Gill, elected Deputy President March 1991 and Ansett Rep for 16 years, received an Appreciation Certificate, and the sense of teamwork in the union was suggested when he acknowledged the help of Organiser Ted Tamplin who had spent so much time with the members during the winding up of Ansett. Nita Breen had a great story to tell when she was awarded her Distinguished Service Certificate for 33 years distinguished service. Way back she inquired of Phil O'Toole about the possibility of coming to work at the union, and he asked her, 'Who do you vote for, and who do you know?' Nita was also famous for her responsible attitude to the petty cash tin. She had enjoyed 'a marvellous companionship' in the union, a sentiment echoed by a long-serving workmate Judith Anson who remembered the atmosphere as almost a second home. Certainly women



John Mendola, Delegate (Reservations Oxford Square), John Hailstone on his retirement, Ted Tamplin, Organiser

'Behind the scene at home in the union' – 1992-3



Morna Taylor



Judith Anson



Jane McKenna



Colin Hilder and Nita Breen



Lee Murphy, Michael Want, Mary Lyons,
Chris Hilder -1992



Kathleen Barry in the tea room



Chris Hilder



Assistant Secretary Michael Want sets the pace –
City to Surf 1991

now also took their place in the union's leadership: Maryanne Stuart as State President and Judith Bennett as Assistant Secretary, with Julie Harvey, for example moving into Patrick O'Connell's place. These were large shoes to fill. Patrick O'Connell would be given life membership, in honour of 22 years' service, particularly for his role as Secretary of Newcastle and North Coast. He epitomised the progressive union official, having a long record of dedication and was noted for his 'sincerity and demand for justice' while also updating his knowledge of union matters, for example, by attending the Harvard Trade Union Training Programme. Derek Margerison was appointed Liaison Officer in 1997, bringing extensive union experience to this increasingly important task. An Annual Award was also made in honour of the redoubtable Betty Spears, and it was noted she already had a childcare

centre at Tempe named after her. Typical of their initiative and independent mindedness, Betty Spears and Beryl Ashe had set it up in the early 1980s after persuading the government to grant \$150,000 for the project.

Fiona Hancock became the union's Assistant Industrial Officer in 1993, and Senior Industrial Officer in 1999, and afterwards went to the Bar; Alastair Macdonald had already gone to the Bar, and would be appointed a Commissioner of the Industrial Relations Commission of New South Wales. Hancock conducted significant cases for the union, testing new areas. Kaal Australia v FCU established that an employer could not cash out long service leave, and in Deanna Kelly v AWA Wagering Systems it was held that an approved brake in service did not jeopardise a casual employee's long service leave. Hancock also obtained a first Award for Telephone Canvassers, previously without Award coverage.

Amalgamation at State Level

By the 21st Century the membership of the NSW union was at levels near to those that had caused the Executive deep concern in the early and late 1950s. At least in those times comparative wage justice had some currency, and conditions and increases won in one Award could be flowed on through other clerks' Awards, so there were some economies of scale at work. More specific conditions and rates in particular industries and enterprises could then be prioritised and dealt with, and in that sense there was nothing new about enterprise bargaining for clerks. The union had always been stretched to its limits to serve such a widely dispersed occupation, but the 1990s saw it facing the prospect of serving members at an even greater labour intensive level in order to achieve more than the now safety net level of provisions in Awards. Great attention and resources had already been necessary to introduce universal classification into the Awards to uphold the relativities among clerks and help them assert their ranking with other workers in an enterprise or industry. The need to maintain this double system put a severe strain on the union's resources. When the State registered Union Branch in NSW looked to amalgamate at State level, it was ensuring that its members would benefit from the efficiencies of an amalgamation with a like minded and industrially well attuned partner in the labour movement.

In 1997 steps were taken to bring back the 'operation of Branch and State'.²³ The clerks started talking to the Municipal Employees Union (the MEU) and the possibility of an 'honourable amalgamation' emerged. Brian Harris, Secretary of the MEU, was supportive and arrangements were made to protect the identity of clerks if their State union 'went down the road of merging the Federal Branch and amalgamating the Federated Clerks and Municipal Clerks'. The result would be 14 sectors and five branches: Clerical and Administrative Metropolitan and Sydney Branch, the Hunter Branch, the Illawarra Branch, Airline Branch, and the ACT. In the meantime the two unions made a decision to share premises and facilities, having discussed this together with amalgamation in 1999. In February a suitable building was found at 321 Pitt Street, and in March further talks led to the union vacating the premises in Sussex Street on 16 October 2000. It was noted in the Executive Minutes that the 'coming together of the two groups had been very successful to date'.

In her Report to the March 2003 Branch Council Meeting, incorporating the affairs of the ASU NSW Clerical and Administrative Branch and the State registered Federated Clerks Union, President



Branch President
Maryanne Stuart

Maryanne Stuart indicated that 'We need to attend to the administrative side of the Branch Mergers and the State Unions amalgamations. In 1993 we amalgamated seven unions into one to make it a bigger, stronger and more resourceful union. This is just another step to bring that reality to a closure. Today we will be voting on whether to merge two Federal Branches of the union into one and creating a new State union. There are currently two, the Federated Clerks Union NSW Branch, and the Federated Municipal & Shire Council Employees Union Branch'.

The President was candid about the advantages: 'the new Union will then see more integration of resources, going forward as an improved resourced Industrial/Research Department, and Organising Centre and the merging of the administrative duties, resulting in additional resources and a more proactive Union'. At stake was more than the material resources of unions: 'We must grow the Union for the benefit of workers in NSW and globally. It is essential if we are to push back the continual claims by employers against our current working conditions and income'. Bradon Ellem had noted the significance of the Clerks' Union as an important element in the survival of unions given the change in the balance of the workforce towards white collar workers. The union was a major representative of skills associated with non-militant workers, and its role in finding a way ahead for these people, and by extension for the role and survival of unions, was significant. Its huge constituency indeed imposed a burden of responsibility beyond the immediate needs of its members. Maryanne Stuart then focused on the way the 'current working conditions and income' could be preserved: 'This will happen with involvement by yourselves, other members, with support from the union in particular and education training programs like Winning in the Workplace'.

The union's embattled position was undeniable. Michael Want had to advise that the total active membership as at 30 June 2002 was 10,145, with 847 recruitments offset by 853 removals from the union's records. Over six months there had been a decrease of 192 active members. Contributions had declined and expenditure exceeded income but the situation would be redressed by membership increase, not higher contributions. Notes on National Meetings reflected the widespread difficulties of the ASU and illustrated that the clerks were dealing with factors beyond their immediate control. Ansett's collapse alone had caused the loss of \$200,000 in member contributions, and many clerks had not found new jobs in the sector. 'There were more demands on all the staff during the very difficult period'. Nevertheless, 'again we have met the test, not always to the expectations of all'. There was hope: 'Unions are supported' but 'the unfortunate position is that most employees do not want to pay union contributions to keep unions in a viable position to improve wages, job security and working conditions.'

Apart from feeling the dire effects of the epidemic of falling membership throughout the union movement, the NSW union was in a state of excellent health and full of vigorous activity and initiative. The Training Schedule for delegates November 2002, for example, was set out, with at least monthly sessions held in Sydney, Newcastle, Wollongong and the ACT. 'Lunch'n Learns', informal education

systems held by a union official, could be held on request in workplaces, helping out with such topics as 'How to read and interpret your Award/Agreement' and 'What is Collective Bargaining and how does it affect me?' If 'there is a lot to impart' these sessions were available over a series of weeks. While monthly recruitment had fallen, and the 'truth is that the goals and targets ... have not been achieved', the staff were 'very dedicated and enthusiastic', and careful analysis of remarkable results in some areas was encouraging, suggesting that clerks valued union involvement in issues and rewarded it with increased membership. Most importantly members had a role to play: 'passive membership must become active'. Not only should members persuade fellow workers to join to sustain the union but wages and conditions 'that those before us have achieved' must be maintained and outcomes must be secured 'for those who follow us'.

The Secretary's Report Part B showed that the union had little need to regain its relevance. If contributions in the form of membership and fees were not flowing in to the union, it was contributing to the industrial welfare of clerks. The new system had put industrial matters into the hands of members but it had not replaced the know-how and perspective of their union. Although the role of delegates in negotiations and decision making had come to the fore and employees no longer needed a union as mere functionary, there was plenty of demand for the union's officers' time. They formed a buffer, almost as arbitration had once done, between the inexperience and lack of organisation of employees and the interests of the employers. To meet this need the union had successfully devolved authority to members while putting a range of well-practised services and skills on offer. Its repertoire could be seen in the scope of its activities and the outcomes for clerks where union and delegates and committees worked together.

Work reported in 2003 ranged from the technicalities of processing minimum wage adjustments in the State Awards, to protecting employees' entitlements at creditors meetings in the Ansett collapse, and successfully appealing against the decision that when the International Cargo business was sold off to Patricks Cargo the enterprise became a 'greenfield' site and staff were not entitled to a collective agreement. At Qantas members were concerned about job security, contracting out, and competitive tendering and had taken industrial action over ongoing negotiations for a new Agreement. They had been kept informed through a delegates' network and information bulletins. A Negotiating Committee felt the delegates and members were now ready to accept a new offer from Qantas. The union's experience in monitoring and negotiating technological change was called upon when electronic check-in machines and a new computer system put staffing levels and earning capacity at risk. A new Federal Award was obtained with MBF, with Gradings A to G and covering Regional Managers. It was noted the NSW 'Severance Pay Provisions apply which enhances the benefits to those in other States covered in this Award'. Through 'the efforts of the membership and in particular Councillor Paul Tilbrook' clerks resisted management's preference for a non-union Agreement at MBF and it was replaced with a Collective Agreement with the staff and the union as a party. Negotiations were also taking place for a new Collective Agreement with NIB, while the Teachers Federation Health Agreement was approved by Justice Glynn. The health funds sector had held two meetings, and there had been 'enthusiasm from a small number of members'. More enthusiasm was hoped for from this fragmented sector. At a meeting of the Car Rental Sector members responded 'positively' when, after a decision against Thrifty, further problems with outstanding underpayments were solved. Nevertheless,

it was ruefully noted that here there were 'limited opportunities for membership as compared to other Sectors'. In the retail sector negotiations were in progress with David Jones for a new Agreement, and the fallout from a relocation of the finance section at Woolworths was the subject of meetings with management and members. The union took a tough line: 'The issue of staff not knowing of their future is of grave concern. The option to address this matter is continual pressure applied to management by the appropriate means'. Delegates had also participated in a training day on their Collective Agreement and it was noted that OH&S was a major issue. In the Cash Carrying Sector the delegates at Armaguard wanted a new Award for members at the cash counting distribution outlets and delegates at Chubb had met with management to negotiate a new Award. When redundancies were offered to members in Wollongong the union was able to intervene and obtain increased payments and some alternative employment opportunities. The Building Society Sector also demonstrated the union's participation. The situation at Greater Building Society where the two previous Agreements excluded the union was remedied, when the 'Union and its members identified the opportunity and was able to 'claw back' some minor wins for members. It was noted there was now an organised committee on site with the chair of the non-union Committee signing up with the union. A similar situation existed at Newcastle Permanent Building Society, where the union was organising a committee on site to work towards better safeguards than in the present non-union Agreement. Meanwhile problems were identified in the IMB Collective Agreement, where current conditions were in danger of being 'stripped away' and it was noted that the terms were not 'family friendly'. They would have little say in such personal and community needs such as bereavement leave and the taking of picnic days and the proposed Agreement was 'skewed towards management ... deciding what was best for their staff'. Many other matters had claimed the union's attention, including a new Award for the TAB Permanent Staff, where members rejected 'trade offs' sought by management, particularly their nineteen-day month. The backup of a union was needed when the TAB was uncooperative over the OH&S issues at Randwick Racecourse, where a pavilion, 'virtually a glass and metal pyramid', was built at great cost but with no air conditioning. The union called in Workcover. The old question of gradings and career paths was taken up with NRMA, when 'proper gradings for a number of members who were left without the opportunity to progress through the grading structure' were negotiated for the next Collective Agreement. The Ambulance Service Award was varied, and the union also encouraged a Debates Committee quarterly telephone hook-up, was involved in an operational centre review, the 'pursuit of the elimination of discrimination in the Award' continued, and the union had received a report into discrimination/bullying at the Warilla Centre. At Julia Ross a Collective Agreement was approved by Commissioner Lawson and included a clause providing for union information to be made available to employees. A dispute with Allen, Allen and Hemsley law firm ensured rates and conditions in their Agreement for Word Processors, including overtime and rostered meal breaks in each shift. It was noted that the parent Award was the Clerical and Administrative Employees Legal Industry (State) Award. The union also dealt with unfair dismissal cases, although members could conduct their own applications, and attended to disputes over long service and holiday pay.

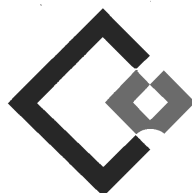
The amalgamation which would give the Federated Clerks Union in New South Wales a partner in its long history of the championship of clerks took place in May 2003. In *Office News*, Summer 2003, Michael Want thanked the membership for electing him to the office of USU Executive President

and looked forward to the development of delegate structures, regional branches and the strategic location of country offices and officials: 'These are exciting times and I am proud to be part of them'. In the light of the Clerks' Union's history in NSW this was no mere attempt at a positive attitude. Unions certainly faced most uncertain times, but it was true that representing clerks by spreading the resources of a union down into their workplaces and empowering members to assess and assert their particular needs had much to offer. It was almost a return to the kind of challenge the founders of the union had envisaged, a methodical progress surveying and addressing the needs of the many species of clerk. If in the meantime the old arbitration system had served the clerks as a sword and a shield it had never become their only strength and defence, or their main reason for sustaining a union. The collective resources, organisation and accumulated expertise and wisdom of a union were needed more than ever. The Federated Clerks Union in New South Wales had stood against the isolation and embattlement of members of such a dispersed occupation, who, without a sentinel union, could easily go unnoticed and unprovided for in any industrial system.

A Proud Past: the last ASU Clerical & Admin Branch Council March 2003



Source: United Services Union. Photo by Oliver Strewé



Into the Future with the New USU Executive from May 2003



Inset: Halim Assoni (Sydney Branch - South Sydney City Council), Christopher Osborne (Sydney C & A Branch – WorkCover). **Front Row:** John Mackay (Vice President – Newcastle Branch – Dungog Council), Maryanne Stuart (Deputy President – Sydney C & A Branch - St John Bosco Primary School) Steve Birney (President – Northern Branch – Tweed Council), Brian Harris (General Secretary), Michael Want (Executive President), Elizabeth Cumming (Treasurer – New England Branch – Inverell Council). **Middle Row:** Chris Gorman (Northern Branch – Kempsey Council), Marilyn Timmins (Hunter C & A Branch – NIB Health Funds Ltd), Val Rietdyk (Metropolitan Salaried Officers' Branch – Sydney City Council), Harry Pittman (Central West Branch – Evans Council) Rhonda Barton (Illawarra C & A Branch – IMB Ltd), Ray Bourke (Murray Branch – Corowa Council), Melissa Williams (Sydney C & A Branch – Electrolux Home Products), Diane Fahey (Metropolitan Salaried Officers' Branch – Warringah Council), Martin Wynne (North Western Branch – Bogan Council). **Back Row:** Jim Taylor (Riverina Branch – Griffith Council), Tony Dean (New England Branch – Moree Plains Council), Joanne Jameson (Airlines Branch - Qantas), Les Coyle (Newcastle Branch – Cessnock City Council), Mark Gill (Energy & Utilities Branch – Pacific Power), Peter Anderson-Smith (ACT C & A Branch – Qantas), Phil Bowering (Southern Branch – Sutherland Council).

Source: United Services Union. Photo by Oliver Strewé



The changing face of *The Clerk*



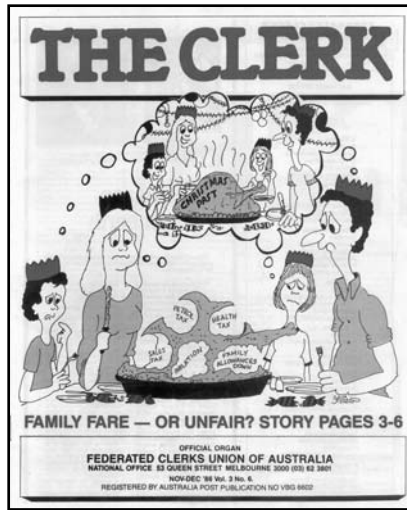
May 1953



March 1971



December 1972



November-December 1986



January - March 1995



Autumn 2002

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THE CLERKS



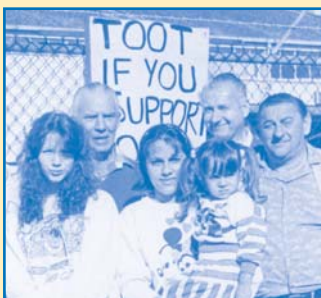
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ISBN: 9780958011754 (pbk.)