

CHAPTER 81974

With the economic situation in the building industry rapidly deteriorating, the major building companies moved to break several green bans, with violent physical confrontations occurring in January at Victoria Street and in September at Ultimo. Other more subtle methods were used by the developers to counter the public support which was building up in favour of the bans.

The event which provided the employers with their opportunity to deliver the final coup de grace was the deregistration of the Union in June. With Gallagher anxious to achieve re-registration as part of his own industrial power-play with Pat Clancy, the employers had a willing instrument. Taking advantage of the N.S.W. leadership's poor relations with the B.W.I.U. Gallagher moved in to "clean up" the N.S.W. Branch in October. In March 1975 the N.S.W. Branch and the green bans ceased to exist.

The most obvious employer attack on the green bans occurred on 3 January, traditionally a time when building projects, if not totally closed down, work at a greatly reduced capacity. Most builders' labourers take their holidays in January to coincide with the industry close-down which occurs between Christmas and New Year. Consequently, early January would be a time when employers would expect a minimal number of labourers to be "on deck" to defend a threatened green ban.

Frank Theeman's company, Victoria Point Pty Ltd, had been trying to evict squatters from the old mansions in Victoria Street ever since Mick Fowler's reinstatement in the street, with the physical support of the B.L.F. in 1973. Threats, intimidation and law actions having failed, Theeman resorted to outright confrontation. With the aid of 250 police,¹ thirty men employed by Theeman "led the assault wielding axes, sledge hammers and crowbars".² The squatters did not go quietly. Reinforced by builders labourers who rushed to the scene, the squatters barricaded themselves in the buildings, climbed on to roofs and even clung precariously to chimney pots. Fifty three demonstrators and labourers were arrested, including Joe Owens, in a seige which lasted two days and which attracted an estimated crowd of 400 green ban supporters.³

1 Daily Mirror, 3 January 1974.

2 Sun, 3 January 1974.

3 Daily Mirror, 4 January 1974.

The confrontation which had been partially engineered by Theeman to test the new Secretary's adherence to the Union's green ban policy was a dismal failure at this level. Wendy Bacon, one of the organisers of the squatters commented "Joe was as committed and militant about the ban as Jack was".⁴ Although the squatters were physically eliminated from the scene, the B.L.F. ban remained as solid as ever and the Victoria Street Resident Action Group continued its effective publicity campaign, producing, in co-operation with the B.L.F., a poster featuring photographs of Theeman's "security" employees entitled: "NOT WANTED in Victoria Street or anywhere, THEEMAN'S SCABS".⁵ They also produced a lively publication Victoria Street Rag which, in popular press-style, included boxed weather reports such as "Forecast: There might be trouble but there will be no demolition"⁶ and "Forecast: Victoria Street will be saved. Low-cost co-operative housing will triumph".⁷ Other slogans such as "People before Profits"⁸ and "Greenbans Forever" which had become popular green ban slogans were used and the hopeful subtitle "We'll go on forever"⁹ of one edition was changed to "We'll go on forever and forever"¹⁰ in the next.

Confrontations of a minor nature continued for several weeks and mass meetings were organised by the squatters. The B.L.F. also held a special meeting to discuss plans of action "regarding the use of scab labour in both industrial disputes and other issues in which the Union is involved".¹¹ Eventually an agreement was reached with Theeman whereby "he will not demolish, he will withdraw the thugs from the Street, and no development will take place until it has been endorsed by the residents". The B.L.F. leadership saw this as an acceptable compromise and Joe Owens thanked all the members "who assisted in Victoria Street with pickets etc. during the confrontation".¹² In actual fact, although the "thugs" remained patrolling the street, no further demolition did

4 Interview: Wendy Bacon, 16 January 1978.

5 Poster, Not Wanted, n.d. Authorised by V.R.A.G. and B.L.F.

6 Victoria Street Rag, 10 January 1974, Daughter of Special Extra Edition, 2pp. Authorised by A. Follyman.

7 Victoria Street Rag, 5 January 1974. Special Extra Edition, 2pp. Unauthorised.

8 Victoria Street Rag, 10 January 1974.

9 Victoria Street Rag, 5 January 1974.

10 Victoria Street Rag, 10 January 1974.

11 B.L.F., Circular to All Job Delegates and Activists, 9 January 1974, No. 1/74.

12 B.L.F., Circular to All Job Delegates and Activists, 22 January 1974, No. 2/74.

occur until Gallagher had gained control of the Branch.

It was the Victoria Street evictions that brought to the attention of the Resident Action Groups, and in particular the V.R.A.G., the relentless pressure that the N.S.W. B.L.F. was enduring. Wendy Bacon wrote:

...the pressure, through the Rocks episode and the deregistration case has been on the BLF membership and leadership for months... For the green bans to survive...mass action by residents will be needed.¹³

Support activities began to be organised. One particularly imaginative demonstration concerning Victoria Street occurred when Frank Theeman held a party at his luxurious Bellevue Hill house at which Askin was to be present. A group of resident activists and builders' labourers "disguised" as high society guests managed to infiltrate the proceedings. They distributed small cards amongst the guests which informed them that "the person next to you may be a demonstrator"¹⁴ and placed propaganda leaflets under plates and in the bathrooms. Eventually they were discovered and noisily ejected. A fashion reporter for one of the daily papers told demonstrators later that she had "spotted" Joe Owens with powdered grey hair and an elderly dinner suit and was about to award him best dressed male of the occasion when he was summarily eliminated from the proceedings. During the noisy demonstration of several hundred green ban supporters outside the house, police made arrests including Lyn Syme and Bob Pringle.¹⁵

However, even with the enthusiastic support of the Resident Action Groups the green bans were creating almost daily controversy. By January, the bans had "stopped work on more than 50 construction sites worth \$3000 million".¹⁶ Because of their obvious popularity with the general public a more subtle attitude on the part of a section of the developers began to take place. Most prominent of these "new wave" spokesmen for the developers was Bruce McDonald, Senior Vice President

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- 13 Wendy Bacon, "They huffed and they puffed and they blew doors down", The Living Daylights, 8-14 January 1974.
- 14 Another card simply stated: "Under Concrete and Glass Sydney's Disappearing Fast..." which were the opening words of the popular "Green Ban" song.
- 15 Sun, 6 April 1974. Differing versions of the conduct of the demonstration are found in Frank Theeman's Letter to the Editor, (Sydney Morning Herald, 15 April 1974) and the reply by Joe Owens and Bob Pringle (Sydney Morning Herald, 18 April 1974).
- 16 Daily Mirror, 21 January 1974.

of the Institute of Real Estate Development.¹⁷ McDonald saw his role in the green ban debate as "a catalyst for the vested interests involved".¹⁸ McDonald approached various government bodies in an effort to upgrade State and Federal planning laws. McDonald painted the villains as the government, not the developers but did not directly attack the green bans or the B.L.F.:

State and Federal governments have until recently, appeared to lack understanding and imagination on social planning issues.

Much blame could be directed towards them for the social and planning failures which manifest themselves in green bans and other confrontations.¹⁹

Later McDonald publicly conceded that "the squatters and the B.Ls had caused us to stand still and look at things, and to realise that things weren't right". But this admission was used to direct blame once again at the government rather than the builders themselves: "The Government hasn't responded so we've got to go to the government and let it know what's happening out in the streets".²⁰

Allan Vogan, the President of the Institute of Real Estate Development, was also careful not to adopt what could be interpreted as an anti-green ban stance. He conceded that "the unions certainly have a point - maybe they have done Sydney a service".²¹

The Institute spokesmen were careful in their choice of words for a very good reason. They had initiated a series of meetings with the B.L.F. leadership to discuss some form of code to handle green ban disputes. It is obvious from the two sets of proposals submitted to the meetings, that substantial agreement was unlikely. The B.L.F. submission re-emphasised resident participation and agreement in planning decisions, provision for low-income housing, non-negotiable bans on expressways, historic buildings or precincts and "parklands or public amenity areas".²² The Institute proposals focussed on "discussion" with residents and the

¹⁷ The Institute was formed at "a time when the development industry was running into problems in Sydney. Green bans were becoming the fashion". Catherine Harper, "The N.S.W. Liberal duel: Dowd v. McDonald", Sydney Morning Herald, 28 May 1981. The Institute included most of the major development companies and from it sprang the Urban Development Institute of Australia - a national body.

¹⁸ Gavin Souter, "Steering Clear of Green Bans", Sydney Morning Herald, 25 January 1974.

¹⁹ The Australian, 14 January 1974.

²⁰ Gavin Souter, "Steering Clear of Green Bans", Sydney Morning Herald, 25 January 1974.

²¹ Daily Mirror, 21 January 1974.

²² B.L.F., Institute of Real Estate Developers: B.L.F. Proposals for the Meeting on 22 January 1974, lp., typed.

Union and promised imponderables, such as "members of the Institute will act with due social conscience..."²³ Joe Owens commented after the meetings:

They wanted a moratorium on green bans. That's not on. But if people start looking at the causes rather than the effects of green bans, then we'll get somewhere.²⁴

A vaguely worded "formula for development guidelines" was drawn up by the Institute, the Coalition of Resident Action Groups (C.R.A.G.) and the various unions involved in the bans. This was discussed at a large meeting of property developers in April.²⁵ However, little change of a practical nature resulted from the guidelines.

What was a more significant gain from the Institute's qualified approval and the Resident Action Groups' wholehearted support of the green bans, was the State Government's decision to abolish the much-maligned State Planning Authority and to replace it with a N.S.W. Planning and Environment Commission. Sir John Fuller, in announcing this change admitted: "The Government realises that communities are looking for opportunities to participate in planning and we are looking to make this possible".²⁶ The Financial Review pinpointed the reason for this policy change:

This is an obvious reaction by the Government to the rising power base being cemented by the increasing number of resident action groups.

The Government has been embarrassed into recognising them following their alliance with the B.L.F. which has become their muscle arm in imposing green bans...²⁷

However, not all the builders were reacting in the same way as those involved with the Institute for Real Estate Development. Owens made this distinction when he remarked of the Institute "these fellows are very progressive,...its the first time developers, unions and residents

23 Document, Proposal for Discussion Meeting 25.1.74, lp., typed.

Presumably prepared by the Institute of Real Estate Development.

24 Gavin Souter, "Steering Clear of Green Bans", Sydney Morning Herald, 25 January 1974.

25 Sydney Morning Herald, 29 March 1974.

26 Australian Financial Review, 1 March 1974. Similar statements were made by Alderman Andrew Briger, Chairman of the City Development Committee, Letter to the Editor, Sydney Morning Herald, 25 January 1974 and Les Johnson, Federal Minister for Housing, The Australian, 11 January 1974.

27 Australian Financial Review, 1 March 1974.

have got together".²⁸ The M.B.A. remained its obdurate self and refused to discuss with the Union and residents the Peoples' Plan for the Rocks "until the ban was lifted". The B.L.F. then offered to discuss the green bans in general terms but with certain conditions. These conditions were not acceptable to the M.B.A., "so dialogue between us and them went out the window".²⁹

Nor were Liberal Parliamentarians any more likely to approve of the B.L.F. bans, even though espousing the now popular environmentalist views. The Liberal M.L.A. for Burwood, Mr Jackett, argued in Parliament "the need for legislation for some practical means of providing incentives to ensure the preservation of historical buildings". When Kevin Stewart interjected "You have Jack Munday", Jackett's reply was

God forbid that we should ever have to rely on Jack Munday...The formulation of such a means of protecting valuable historical buildings should not be handed over to persons who have an axe to grind or to the self-appointed judges of what should be preserved.³⁰

Another variation of this mixed reaction was that "the green bans were fine but we don't need them now" or "they've gone too far". John Ducker was a leading proponent of this view. In a speech to the Institute of Chartered Secretaries and Administrators he made ritual criticisms of "a small elite of developers and speculators who...redesign the city with profits as their only motivation" but pilloried the B.L.F. leadership who "had used tactics that often precipitated violence and they had been far too indiscriminating in their selection of targets".³¹ Later, in reference to Woolloomooloo he expatiated: "I do not support the approach of the BLF leadership in slapping green bans on Willy Nilly". He argued for "official union action rather than unilateral".³² The fact that official union action was noticeably lacking was not touched upon.

The "gone too far" approach was taken up by a visiting Professor of "information science" from Syracuse University, U.S.A., who believed that:

28 Quoted in Gavin Souter, "Steering Clear of Green Bans", Sydney Morning Herald, 25 January 1974. This statement is more charitable than Owens normally was about McDonald. He was always sceptical of McDonald's claims to an environmental consciousness. He reminded an audience recently that "it should be remembered where his [McDonald's] background lay". Sydney Morning Herald, 27 July 1981. Another statement he made at the time was "All developers are Shylocks but some are smarter than others", quoted in Dennis Minogue, "The Green Revolution Gets a Strong New Voice", Age, 8 February 1974.

29 Interview: Joe Owens, 24 January 1978.

30 N.S.W., Parliamentary Debates, Third Series, Vol. 111, 20 August 1974, p.396.

31 Sydney Morning Herald, 2 May 1974.

32 Australian Financial Review, 23 May 1974.

impact stands like the B.L.F. used to preserve the historic Rocks area of Sydney, are worthwhile only in the early stages of a conservation campaign...

Excessive emotionalism and devices such as green bans can destroy the conservation movement.³³

Despite such attacks, the Union continued to impose green bans throughout the year. The most significant of the new bans was on the construction of a Maximum Security Block at Long Bay Gaol (Katingal)³⁴ which was banned in January. Originally the B.T.G. supported this ban but eventually succumbed to public opinion and conservative union pressure and withdrew their support.³⁵ The B.L.F. ban remained and their position was eventually vindicated by the Nagle Commission which reported four years later:

The cost of Katingal is too high in human terms. It was ill-conceived in the first place, was surrounded by secrecy and defensiveness at a time when public discussion should have been encouraged. Its inmates are now suffering the consequences.³⁶

Katingal was closed upon Judge Nagle's recommendation in 1978.

In February, the Union refused to demolish a kindergarten in Surry Hills until alternative facilities were found for the mothers and children. This was described colourfully by the Sunday Mirror.

The rough, tough Builders' Laborers Federation this week joined forces with the kindergarten set...to stop demolition of a Sydney nursery.

Their hearts were touched when they heard of the plight of unmarried and deserted mums...³⁷

In March Union members voted at a stop-work meeting to extend their ban on expressways to cover all houses liable for demolition in the path of Sydney's inner-city expressways.³⁸ In May, they banned demolition work on an Edwardian mansion near Centennial Park.³⁹ In June they refused to

33 The Australian, 23 July 1974. The Professor (Marta Dosa) was described as "a researcher for the United Nations environment program". I cannot ascertain under whose auspices she was touring Australia.

34 Daily Mirror, 18 January 1974.

35 The Australian, 26 January 1974.

36 1976-77-78, Parliament of New South Wales, Report of the Royal Commission into New South Wales Prisons; [J.F. Nagle, Commissioner], Sydney, 1978, p.165.

37 Sunday Mirror, 3 February 1974. The kindergarten ban was part of a "Planning for People" Campaign in the area. A residents meeting in August 1973 had voted to call on the B.L.F. for a green ban "on all development in Surry Hills...not in keeping with the Action Plan for the area". Surry Hills News, No. 1, n.d. (late 1973?). Authorised by the Planning for People Campaign, 4pp.

38 Daily Telegraph, 29 March 1974.

39 Sydney Morning Herald, 23 May 1974.

demolish the State Theatre,⁴⁰ placed a ban on any rebuilding of the burnt-out Bathurst Gaol,⁴¹ and banned a proposal for home unit development in Matraville.⁴² In July, they placed a green ban on the proposed Northgate Shopping Complex at Hornsby and also banned demolition of the old Capital Theatre at Inverell.⁴³ This latter ban provided massive local publicity which is probably a reflection on the usual languor of rural life rather than any intrinsically controversial aspect of the ban.

Another ban of some interest took place at the request of students from Macquarie University. The B.L.F. banned construction of a partition which would have segregated staff from students in the previously integrated University Bar.

The Newcastle and Wollongong Branches also imposed bans during the year. In these they were more often supported by their local Labor Councils than was the Sydney Branch. Newcastle B.L.F. imposed bans on a proposed home units project in a historic area known as "The Boltons";⁴⁴ on a high rise development on the Tomaree Peninsula;⁴⁵ and on further development in Newcastle's East End.⁴⁶ The Wollongong Branch joined in a South Coast Labor Council "green ban" on a development site in Austinmer.⁴⁷

Although some of these bans were very controversial and confrontation situations sometimes developed the only ban, apart from Victoria Street, to be seriously threatened in 1974 was the ban on the North Western Expressway.

In September the Department of Main Roads, presumably with the whole-hearted support of the Askin Government, took advantage of the B.L.F.'s deregistration and began to demolish houses in Fig Street, Ultimo, using A.W.U. bulldozer drivers and labourers. After the unannounced destruction of the Sunderland Arms Hotel, hundreds of resident activists and builders' labourers arrived on the scene and the D.M.R. "with massive police assistance smashed their way into some of the houses".⁴⁸

40 The Australian, 8 June 1974.

41 Western Advocate (Bathurst), 3 June 1974.

42 Sydney Morning Herald, 17 June 1974.

43 Inverell Times, 26 July 1974.

44 Newcastle Morning Herald, 15 February 1974.

45 Newcastle Sun, 16 January 1974.

46 Document, Agenda Public Meeting, 25 March 1974, 2pp., roneod. Authorised by Newcastle East Residents' Group.

47 Illawarra Mercury, 17 January 1974.

48 Concerned Residents of Sydney, The Fig Street Fiasco, No. 1, n.d. (October 1974?), 2pp. roneod.

Ten demonstrators were arrested⁴⁹ and the violent confrontation brought work to a halt. Representations were made to Charlie Oliver and to Tom Uren.⁵⁰ Uren threatened to cut off all road grants to the N.S.W. Government if the Expressway project proceeded.⁵¹ Further large scale demonstrations eventually halted the demolition work.⁵² Resident activists from Glebe and the surrounding area saw the situation as a "last ditch" attempt to stop the Expressway,⁵³ as well as a serious threat to the power of the B.L.F. Because of this, the "Battle of Fig Street" as it became known, was fought hard, with demonstrators being physically and often violently manhandled rather than arrested.⁵⁴

Less sensational but probably more significant were the other moves made by the Union to reinforce their "social responsibility of labour" principle. By 1974 the Union was using its industrial power, not just to protect the environment, but virtually to direct social policy.

When a National Stoppage over rates and conditions was called in May, the N.S.W. Branch sought to include four extra claims in the National Award log. The first of these was a demand that "60 percent of the industry's resources...be used to build hospitals, kindergartens, creches and houses". The other claims included award wages for prisoners engaged on construction work, a midday meal and clothing to be provided by the employer, and the right of women to work in the building industry to be recognised.⁵⁵

In support of the Union's demands to divert 60% of resources to building public amenities, Bud Cook undertook a study in collaboration with the Teachers' Federation of what "socially beneficial construction"⁵⁶ was necessary for education purposes in N.S.W. B.L.F. organisers even attended Teachers' meetings to pledge support in their struggle for better facilities.⁵⁷

The quality of the final product, not just its purpose, came under

49 Anti-Urban Radial Expressway Committee, Demo in Support of the Fig Street Ten, n.d., lp. roneod.

50 Stephen Myers, "The Fig Street Fiasco", Tharunka, 9 October 1974.

51 Daily Telegraph, 1 October 1974.

52 Document, Expressway Stopped at Fig Street, n.d. (October 1974?), 4p.

53 Document, To the Residents of Chippendale, Redfern, Alexandria and Beaconsfield, n.d. (October 1974?), 2pp.

54 Document, War Notice, n.d. (October 1974?), lp., roneod.

55 Age, 23 May 1974.

56 Speech, Jack Munday, Australian Conservation Foundation Seminar, 1975.

57 Graham Campbell, "Meeting Attracts Union Support", Education (Journal of the N.S.W. Teachers' Federation), 19 June 1974.

scrutiny. Bob Pringle caused a controversy when he reported in the Federal Department of Housing magazine, Shelter, that unsafe building methods were being used in construction to cut costs and save time. He claimed that he had found "serious bulging and wall cracks in dozens of high-rise office and residential blocks in Sydney". The Union called for a "full enquiry into building methods used for high rise buildings".⁵⁸

The Union also launched a campaign against "jerry builders" and promised to use its "industrial muscle" to discipline house and home unit builders".⁵⁹ Joe Owens announced that the Union would co-operate with C.R.A.G. in "protecting low-income home buyers who were financially stretched to the limit",⁶⁰ and that "our objective is to stop rackets in the home building industry".⁶¹

The Union even placed bans in Newcastle⁶² and Wollongong⁶³ because inadequate drainage of the sites rendered "slippage" probable, leading to dangerous foundations and possible land slides.

The Union became involved with numerous other political issues during the year. In addition to their long standing participation in aboriginal, prisoners' and women's issues, they embarked on an enthusiastic effort to combat the fast-growing "Australian Ballot Campaign" which had been set up to agitate for government legislation to force secret ballots for union strike decisions. The B.L.F.'s involvement in this campaign was not organised but arose ad hoc by virtue of the fact that, as so often occurred, when a situation presented itself, it was the highly politicized builders' labourers who responded to the situation. The climax of the secret ballot campaign was intended to be a Town Hall public meeting at which the "public" would vote (by secret ballot) on the issue of whether "properly conducted secret ballots would help prevent unnecessary strikes".⁶⁴

With only a little prompting from the B.L.F. leadership, which included some interesting research on the chairman of the Campaign, Aleco Vrsakis, who turned out to own property in Woolloomooloo and to have considerable connections with Londish,⁶⁵ the Union's rank and file

58 The Australian, 10 May 1974.

59 Sydney Morning Herald, 6 July 1974.

60 The Australian, 8 July 1974.

61 Sydney Morning Herald, 6 July 1974.

62 Newcastle Morning Herald, 14 May 1974.

63 Illawarra Mercury, 17 January 1974.

64 Australian Ballot Campaign, Ballot Paper, n.d., lp.

65 B.L.F., Aleco Vrsakis: Chairman, Anti-Union Meeting, n.d., lp., typed.

responded well. Hundreds of labourers attended the Town Hall meeting. Not only did they manage to "rig" the secret ballot, which was extolled during the meeting as "the only fool-proof voting system" but when Vrsakis refused to accept the result, they broke up the meeting by physically removing him from the stage. Although these acts did have the usual effect of earning the labourers both public and union-movement condemnation, it is important to note that the secret ballot campaign never really recovered from the Town Hall debacle and Vrsakis, in particular, was a spent force from then on.

Another issue which received attention was that of Crown Land Auctions. The Union joined with members of N.S.W. Young Labor to organise a demonstration against crown land auctions at Davidson, near the National Park.⁶⁶ The Union declared the area black banned and hoax bidding took place⁶⁷ for blocks of land. Bob Pringle was instrumental in changing the thrust of Young Labor's campaign from "No Crown Land Auctions" to "Nationalise Land Now".⁶⁸ He also helped produce a detailed motion on land nationalisation for Young Labor to present to A.L.P. State Conference.⁶⁹

Another issue in which Pringle became involved was that of community access radio. He saw the possibilities that were unfolding at the time and became heavily involved in communications issues. He was invited to attend a Media Department seminar on public broadcasting but walked out in protest when the Media Department refused to make public a confidential plan for major expansion of radio services. Before he left he read aloud extracts of the plan and told the other delegates he would give them copies of the "secret" plan if they called at his office.⁷⁰ He was followed out of the meeting by other delegates. Describing himself as the gathering's "token radical"⁷¹ he seemed unimpressed by the official Media Department invitation he received. It is not clear how he received a copy of the "secret" report but it was quite usual in the period for interesting information, no matter what its subject matter, to be "leaked" to the B.L.F. who could be relied upon to take action on the matter.

66 Sydney Morning Herald, 9 February 1974.

67 Melbourne Herald, 9 February 1974.

68 Badge, No Crown Land Auctions, Nationalise Land Now.

69 Document, That There Be a Referendum to Give the Federal Government Power to Nationalise Land on the Following Basis, n.d., lp. roneod.

70 The Australian, 5 July 1974.

71 Peter Manning, "Look Back in Anger", The Bulletin, 13 July 1974, p.10.

Pringle also campaigned to replace the Anzac Day public holiday with a "National Peace Day" on the first day of Spring.⁷²

Jack Munday was busy too. Some of the controversy he caused was not of his own making however. On Australia Day, the Australian of the Year, Patrick White named three "mavericks" whom he felt should receive the award with him. They were Manning Clark, Barry Humphries and Jack Munday. White said he wanted to use the opportunity to salute Mr Munday:

Munday was the first citizen of our increasingly benighted, shark-infested city of Sydney who succeeded effectively in calling the bluff of those who have begun tearing us to bits, ostensibly in the name of progress, but in fact for their own aggrandisement, with little regard for human need.⁷³

The media grappled with the problem of how to encompass this quixotic gesture of their Nobel Laureate. The Australian concluded in its editorial that the three "unofficial fellow-Australians-of-the-year" had one thing in common: "Each in his own way has forced Australians to look at themselves and their values".⁷⁴ The Age decided that "energy"⁷⁵ was the common factor, while Max Harris could find no linking characteristic so contented himself by launching into personal attacks. He described Munday as the "rough-diamond hero of the environmental goody goody army" and mixed his metaphors to conclude "the environmental ship is overmanned and tacking about aimlessly".⁷⁶

Munday's return to the industry as a rank and file pick and shovel labourer was also heavily publicised.⁷⁷ On 4 February he began work on a Lend Lease project, the new annex to St Vincent's Hospital. He described the construction as "socially beneficial"⁷⁸ and maintained that he was "just another builders' labourer". He spoke of his plans to influence more trade unions to take direct action on ecological issues, because "intellectuals and academics, while important, do not have the

72 Letter to the Editor, The Australian, 15 April 1974; and Correspondence: Bob Pringle to all State and Federal Politicians, 4 April 1974.

73 Sydney Morning Herald, 26 January 1974.

74 The Australian, 26 January 1974. The editorial utilised even this event for a little commo-bashing, maintaining that if Australia was an insecure or immature society "we would not tolerate in our community men like Manning Clark, Humphries, Munday - or Patrick White. Ask Alexander Solzhenitsyn."

75 Douglas Aiton, "The Mavericks", Age, 2 February 1974.

76 The Australian, 9 February 1974.

77 The Australian, 2 February 1974, Daily Mirror and Sydney Morning Herald 5 February 1974, all featured photos of Munday busily shovelling, wheeling and jackhammering. The Australian photograph was misleading, however, because it was actually one taken during the May 1973 anti-noise campaign.

78 Daily Mirror, 5 February 1974.

muscle to change developers' minds".⁷⁹

However, Munday's efforts in this direction caused a problem that he and other proponents of the limited tenure of office rule had not foreseen. Because of his national notoriety, his appointment to the Federal Government's Cities Commission and his election to the Executive of the Australian Conservation Foundation, Munday found himself in great demand as a speaker. He could either become a 6-day-a-week labourer with little outside political activity or he could become a part-time labourer and part-time propagandist, which was what he tried to do. The experiment was not very successful as the frequent absences from his job because of his speaking engagements, gave the opposition ammunition to attack the limited tenure of office rule.⁸⁰ Munday would always reply to critics that the rule was designed to benefit the institution (i.e. the Union) not the individual, which indicates that he was aware of the problem that his conflict of interests was causing. The whole situation became exacerbated by his decision to stand as a C.P.A. candidate in the 1974 Senate Election.⁸¹ This involved even more speaking engagements. His employment with Lend Lease was eventually terminated because of these many absences. The loss of his union ticket after Intervention made further employment as a labourer impossible to find. Besides, by then he was in his forties and without a classified skill⁸² and with a formidable reputation he was virtually unemployable. He has worked in manual jobs since Intervention but never again as a builders' labourer.

Munday's engagements took him all over the country, speaking in front of audiences as diverse as The Institute of Instrumentation and Control,⁸³ the Glen Innes Rostrum Club,⁸⁴ the National Congress of Urban

79 Sydney Morning Herald, 5 February 1974.

80 Both the "Maoists" and the S.P.A. opposed the limited tenure rule. Six Turbulent Years criticised Munday for not remaining on the job. Joe Owens wrote of this criticism: "Jack agrees with this and so do I. But that isn't a criticism of the idea. I also agree with Jack when he says '...I should have knocked back some of the almost daily speaking invitations and spent more time on the job, but the important thing was the release of power'", Joe Owens, "S.P.A. Analysis of Builders Laborers: Mind Bending Distortion", Tribune, 19 August 1975.

81 The Australian, 21 March 1974.

82 Munday was one of the very few N.S.W. officials who was a pick-and-shovel labourer. Most labourers who have remained in the industry long enough to get involved in the Union have classified skills. This was in direct contrast to the Federal Union officials who took over the Branch in 1975. Very few of their officials had ticketed skills. Many simply had University education.

83 Australian Electronics Engineering, August 1974.

84 Glen Innes Examiner, 30 July 1974.

Developers⁸⁵ and of course numerous environmental and student groups. Mostly he was received with great enthusiasm, his message of the social responsibility of labour finding receptive audiences. The Students' Council of Wollongong University even directed the students to vote for Munday in the Senate Elections.⁸⁶ Occasionally his speeches caused controversy before they were even made. Lismore City Council, for instance, objected to the Regional Library Committee's invitation to Munday to address a public meeting during Library Week. The Council directed that the invitation be withdrawn and a heated debate about free speech took place in the area.⁸⁷ Another ruckus was caused when he was invited to speak at a meeting organised by the Narrabeen Lagoon Regional Park Association.⁸⁸ The local M.H.R., Michael MacKellar, hotly opposed the invitation describing Munday's acolytes in somewhat colourful terms:

The people who support and encourage him remind me of rabbits mesmerised by snakes - only as they lie twitching do they realise the extent of their foolishness.⁸⁹

Although Munday was becoming extremely popular with middle class environmentalist groups he never played to their beliefs and values. He was accepted on his own terms. He was unrepentant about the storm of abuse he caused in August when he called for a "Spring Offensive" on wages, culminating in a National strike. Although this call received some support from the shop floor, trade union officials were unanimous in their condemnation. Ducker, Hawke, Laurie Short and Pat Clancy all criticised Munday and his proposal.⁹⁰ Clancy commented: "Mr. Munday's statement was highly demagogic and an example of self-advertising. It played into the hands of opposition parties which are calling for strong action against the union movement".⁹¹ Gallagher's comments were even less charitable: "As a union leader, Munday is dead, and you can't rule from the grave".⁹²

Munday may have been "dead" as a union leader but he still continued to attract more publicity than Gallagher. The importance of this factor cannot be disregarded in an analysis of Gallagher's animosity towards Munday. Munday had made the headlines as State Secretary to the extent

85 The Australian, 23 March 1974.

86 Illawarra Mercury, 8 May 1974.

87 The Northern Star (Lismore), 15 August 1974 and 28 August 1974.

88 Manly Daily, 23 May 1974.

89 Manly Daily, 25 May 1974.

90 The Australian, 6 August 1974.

91 Tribune, 13 August 1974.

92 Sunday Observer (Melbourne), 25 August 1974.

that he was a National celebrity whilst Gallagher, the Federal Secretary, was virtually unknown outside Victoria. But now, Munday as a rank and file labourer was still receiving more press attention than Gallagher. Gallagher's grandstanding during Intervention displayed a liking for media publicity that even his supporters have never denied.⁹³

In August Munday, the pick and shovel labourer, was once again back in the news.⁹⁴ His defamation case against Askin was heard before the State Supreme Court. With T.E.F. Hughes appearing for Askin and Clive Evatt for Munday, the media had a field day.⁹⁵ The suit was eventually dismissed and Munday ordered to pay substantial costs but not before Munday's position in the C.P.A. and the B.L.F.'s activities over the previous six years, particularly the vigilantes' actions in the 1970 strike, had been fully exploited by Askin's counsel.

The Union's industrial activity during 1974 was mainly centred around the campaign for a National Award for building workers.⁹⁶ Stoppages were held throughout the year, sometimes in conjunction with the other building unions⁹⁷ and sometimes alone. Even after deregistration, the campaign continued, with the other building unions respecting the traditional scope of the B.L.F. and Justice Elizabeth Evatt admitting the Branch to Commission deliberations on the grounds that, although not registered with the Commission, the Union's members were affected by Commission decisions and therefore deserved representation during National Award proceedings.

Individual job-site disputes continued to occur along the same pattern as 1972 and 1973, with the C.B.D. leading the way and Newcastle being particularly active. Disputes in the C.B.D. were mainly the result of employer resistance to the encroachment strategies described in chapter 6. A prolonged dispute went on throughout the year with

93 Interview: John Rose (P.G.E.U.A. organiser, Victoria), 7 March 1981.

94 It is hard not to be reminded of a comment made about T.E. Lawrence during his "Ross" days. "He had a genius for backing into the lime-light."

95 One particular headline in The Australian, 17 August 1974, emphasises the near-comic nature of the hearing. "Askin Agrees he said Opposition M.P. was a Maggot." Presumably the importance of this evidence was to establish Askin's proclivity towards entomological metaphor and hence his use of the epithet "vermin" to describe Munday.

96 The National Award was finalised in 1975 with only the P.G.E.U.A. remaining outside its coverage in the building industry.

97 See Documents, Decision of Meeting of Building Union Representatives, 7 March 1974, lp. roneod; and B.T.G. Recommendation to Stopwork Meetings of Building Workers, Sydney-Newcastle-Wollongong 12-13 March, 12 March 1974, lp., typed.

the giant multi-national corporation Dillingham Constructions. In February there was a lengthy strike when the company refused to employ a female safety officer on the Clarence Street site.⁹⁸ In May, Dillinghams dismissed all the workers on the Clarence Street job over a log of claims and threatened to do the same in Newcastle.⁹⁹ In August workers on the two large Dillinghams sites in Sydney walked out in solidarity with Dillinghams employees in Newcastle who were in dispute over a B.W.I.U. member who had been refused employment because he failed to "check out"¹⁰⁰ (i.e. he was on a black list).

These disputes were all eventually won by the workers but their significance lay not only in the length of the stoppages but in the fact that the Dillinghams workers were acting in a united fashion, not just between job-sites, but in a limited way between unions. Labourers at Clarence Street took action in support of a tradesman in Newcastle. B.L.F. propaganda during these disputes was also significant. One particular leaflet closely analysed Dillinghams' activities as a multi-national, and its involvement in cattle, shipping and mining:

This company's interests are not just in the Building industry, they exploit Australian workers, and the Australian environment in many other areas.

The leaflet described the way company tie-ups occurred through multiple directorships and explained how multinational control of beef exports made Australian hamburgers more expensive. It detailed Dillinghams' profit from U.S. military aggression in S.E. Asia and described the detrimental effect its mining operations had on the Australian environment and on aboriginal workers. It placed Dillinghams' treatment of building workers in Sydney and Newcastle in the broad perspective of international capitalist exploitation.¹⁰¹ Another leaflet emphasised the destructive nature of the Company: "These people tear down workers homes to build giant office blocks for investment purposes".¹⁰² The Clarence Street

98 Documents: Dillinghams Discriminate Against Women, n.d. (February 1974?) lp. roneod. Authorised by the B.L.F. Women's Collective; Dillingham Clarence Street Dispute, 5 February 1974, lp. roneod. Authorised by Tom Hogan on behalf of the N.S.W. B.L.F.. Also Correspondence: Don Crotty to R. Cram, Secretary, Miners' Federation, 18 February 1974.

99 Document, U.S. Giant Attacks Aust. Workers, 24 May 1974, 2pp. roneod. Authorised by Clarence Street Building Workers and B.L.F.

100 Newcastle Morning Herald, 23 August 1974.

101 Document, U.S. Giant Attacks Aust. Workers, 24 May 1974. Authorised by Clarence Street Building Workers and B.L.F.

102 Document, Workers Struggle Against Dillingham's Continues, n.d., lp. roneod. Unauthorised.

workers even telegraphed Tom Uren in his capacity as Minister for Urban and Regional Development, requesting an expression of the attitude of the Government towards the operations of overseas-based multi-national companies in Australia.¹⁰³

Another dispute of significance occurred when police were called to the Longspan site at Bankstown. The men were "working in" four labourers who had been sacked by Longspan because of a job slow down "due to miscalculations by Longspan".¹⁰⁴ Four builders' labourers were arrested and the site went on strike. The dispute was successfully resolved, but only after bitter struggle.

However, the industrial dispute that created the most excitement and attention in 1974 occurred in isolated Wyong. Like many spectacular industrial incidents, it began quietly enough. A builders labourer was dismissed when he returned to work on the Shopping Plaza project after being absent for a period on compensation. A meeting of all workers decided to "work in" the sacked labourer. The Company, Miruzzi South Seas, called the police and dismissed all 67 workers on the site. Sixty police arrived on the site and seven workers were arrested.

At this stage a number of the workers managed to position themselves in the jib of the crane and announced they would remain there until the job was reopened for all workers without loss of time and the charges dropped against those who were arrested.¹⁰⁵

Amidst enormous publicity¹⁰⁶ the four labourers occupied the crane for the next 63 hours. About thirty labourers and supporters from Sydney were arrested while attempting to get food and medical supplies to the men. Police eventually withdrew from the site at 4 a.m. on Sunday morning amidst loud cheers from the large crowd gathered around the site in pouring rain.

The men on the site organised work the next day along self-management lines. The Company faded almost completely from the scene because of financial problems of its own. The workers held a meeting of residents

103 Correspondence: Clyde Cameron to Secretary, N.S.W. B.L.F., 29 August 1974. All these actions were a good example of what Lenin describes as the generalising of the workers' particular struggle, seeing the dispute in its context within capitalism.

104 B.L.F., Longspan Uses Police to Sack Workers, n.d. (September 1974?), lp. roneod.

105 Document, Building Workers Demand the Right to Work, n.d. (May 1974?), 2pp. roneod. Authorised by the locked out workers from Miruzzi South Seas.

106 All Sydney and Newcastle morning and afternoon dailies, 3 May 1974, carried photos and stories. Most did follow up stories too.

to decide whether they wanted a shopping Plaza or a hospital.¹⁰⁷ Although the workers believed a hospital was more necessary they accepted the residents' vote and agreed to go ahead with the Plaza.¹⁰⁸ This workers' control situation lasted for six weeks and the men only ended their occupation after certain agreements were reached with the Company. The men were to receive generous site and wet weather allowances; they had the right to elect their own foremen, leading hands and safety officers; they were to have one hour a fortnight for site meetings; the unions were to be consulted on "hire and fire"; and the building contractor was only to be allowed on to the site for discussion with the Supervisor of Works, and was excluded from any dealings with the workers.¹⁰⁹

The labourers on site had the strong support of the F.E.D. & F.A.¹¹⁰ and of the Central Coast Trades and Labour Council¹¹¹ during the dispute. Another factor which helped considerably was that the job delegate was Harry Connell, old C.P.A. member and B.L.F. Rank and Filer from the fifties. Also Ron Dumbrell and his brother-in-law Arthur Hitchcock, both experienced militants, were labourers on the job. In fact Ron's father, another old union militant travelled from outback N.S.W. to encourage his "sons" up the crane during the 63 hour seige.

Wyang was not the only country town to see action during 1974. Construction in the rural areas, particularly in the Northern region, began to accelerate as the boom in the Sydney C.B.D. subsided. This trend continued throughout the seventies. Disputes occurred at Gunnedah,¹¹² Casino¹¹³ and Coffs Harbour.¹¹⁴ In Coffs Harbour, the membership became so active that a sub-branch of the Union was formed. Bob Pringle visited the area¹¹⁵ and it was regularly serviced by Jack Francis, the Newcastle organiser.

107 Poster, Why Wyong Workers Work-In. Authorised by Joe Owens and Bob Pringle on behalf of N.S.W. B.L.F., F.E.D. & F.A., Central Coast Lab. Council.

108 A detailed description of the deliberations which took place at this meeting is contained in Scrounge, 31 May-14 June 1974, pp.9-12.

109 Tribune, 2 July 1974.

110 F.E.D. News, Supplement 17 May 1974, lp. roneod. Authorised by Jack Cambourn, Secretary F.E.D. & F.A.

111 Poster, Why Wyong Workers Work-In. Authorised by Joe Owens and Bob Pringle on behalf of N.S.W. B.L.F., F.E.D. & F.A. Central Coast Lab. Council.

112 B.W.I.U., Meeting Held B.W.I.U. 5th June 1974 between B.W.I.U., A.B.L.F., and Mathew Hall and Company re: Gunnedah Dispute, lp. typed.

113 The Northern Star (Lismore), 17 May 1974 and 22 May 1974.

114 Coffs Harbour Advocate, 26 August 1974 and Grafton Examiner 26 and 27 August 1974.

115 Coffs Harbour Advocate, 9 August 1974.

Other industrial issues which occupied the Union during the year were the successful introduction of the long service leave scheme for building workers in March,¹¹⁶ and yet another amenities campaign in June. The Union believed it was "necessary to remind Builders"¹¹⁷ of conditions and amenities regulations. The leadership believed that standards in such matters were falling, and true to form advocated that decisions on standards must be made by the workers: "DON'T LET THE BOSS DECIDE FOR YOU."¹¹⁸

The other issue that preoccupied the building unions was the poor economic state of the building industry and the consequent threat of widespread unemployment.¹¹⁹ Clancy, in fact, sought an urgent conference with the Federal Government on the matter.¹²⁰ The collapse of the two large construction companies, Mainline Corporation and Home Units Australia, added to the atmosphere of instability in the industry. The bankruptcies elicited very differing responses from the organisations in the industry. Gallagher responded to Mainlines collapse by announcing: "It could not have happened to a greater pack of prize bastards".¹²¹ B.W.I.U. officials began a round of negotiations with employers which included asking the State and Federal Governments to guarantee that their contracts with Mainlines would go ahead. Sharkey announced that "work will proceed as normal"¹²² on Mainlines projects and Tom McDonald said "the unions had to act responsibly; there were 5000 jobs at stake".¹²³

Although Sharkey "made it clear that his union's decision had not been taken out of a desire to save Mainline, but to keep its members in employment",¹²⁴ Rydge's still reported: "Ironically...the B.W.I.U.,... the Moscow-leaning Marxist group, was playing the leading role in trying to salvage the Mainline wreckage".¹²⁵

116 Sydney Morning Herald, 14 March 1974.

117 B.L.F., Attention: Notice to All N.S.W. Builders, n.d., lp. roneod.

118 B.L.F., Handy Guide for State and Job Organisers, 7 June 1974, 2pp., roneod.

119 The Master Builders' Federation of Australia accused the Federal Government of causing this unemployment because it had "over-reacted to deflate the building boom". The spokesman then claimed that for the first time since 1961 "large numbers of skilled tradesmen and laborers were in some places walking in off the street and seeking jobs". Age, 31 May 1974. This statement totally neglects the slumps of the mid sixties, late sixties and early 1972.

120 The Australian, 17 August 1974.

121 Sun-News Pictorial (Melbourne), 21 August 1974.

122 Australian Financial Review, 23 August 1974.

123 Daily Mirror, 22 August 1974.

124 Australian Financial Review, 23 August 1974.

125 Rydge's, 1 October 1974.

The N.S.W. B.L.F. produced a detailed analysis of Mainlines' finances and argued:

A number of commentators have blamed the 'guerilla tactics' of unions for the Mainlines crash. (126) This is simply not true. The real reason is that Mainlines' greed forced them to speculate in property for which they did not have the money. 127

The Union statement then listed those properties "that caused Mainlines' demise". It further argued:

The headlines of the last few months tell the story. Construction companies going broke; unemployment 100,000 and rising; workers being laid off. Yet at the same time the need for houses, schools and hospitals is as urgent as ever. The present situation in the industry is the result of years of unplanned and uncontrolled speculation by major builders and developers... (128)

It is imperative that action be taken now to save the industry from total collapse... The action that must be taken is the immediate introduction of a system of Permanency... with the emphasis shifted from uncontrolled profit mongering to building what is in the community interests.

The statement then discussed the Permanency Inquiry and its likely result and concluded:

BUT 1975 WILL BE TOO LATE, THE BUILDING INDUSTRY NEEDS PERMANENCY NOW... it will be up to the rank and file to take the strongest industrial action to bring sanity to the industry. 129

Consequently the Union stepped up its permanency campaign. Literature produced both before and after Intervention emphasised Permanency as an issue of number one priority.¹³⁰ This was in direct contrast to the actions of the Federal body.

Although Gallagher had publicly announced during the 1973 Federal Conference that "if permanency did not come to the building industry by

126 Rydge's (1 October 1974) argued: "The strikes were a major factor in the crash of the Mainline Company". The B.L.F. was also accused in the Home Units crash. "Sydney developers claimed that a B.L.F. green ban on Darlinghurst could have contributed to Home Units' troubles. The ban had stopped the company going ahead with its \$25 million Palisades development." Sydney Morning Herald, 20 July 1974.

127 N.S.W. B.L.F. Mainline, n.d. (August 1974?), 5pp. typed.

128 One newspaper (Albury Mail, 22 August 1974) claimed the B.L.F. Executive announced: "There was no doubt other building companies would find themselves in the same position soon. In the face of this situation, the executive called for the nationalisation of the building industry, under workers' control". I can find no other report of this particular statement from the Executive but it certainly sounds like the sort of statement they would have made.

129 B.L.F. Mainline, n.d. (August 1974?), 5pp., typed.

130 For example see B.L.F., Vigilante, September 1974, 16pp. Also Jack Munday, in his speech at the final meeting of the N.S.W. B.L.F. on 24 March 1975, saw Gallagher's inaction on Permanency as one of the serious problems facing the industry.

next July a national strike would be staged",¹³¹ his efforts in that direction faltered as his plan to intervene in N.S.W. took shape. The N.S.W. Branch had always been acknowledged, even by Gallagher,¹³² as the main advocate and industrial activist¹³³ on the Permanency issue. To proceed with the National Permanency Campaign would have entailed, for Gallagher, spending time and money on what was seen as a N.S.W.-initiated move.¹³⁴ A successful permanency campaign would have greatly boosted the reputation of the N.S.W. Branch. Consequently Gallagher's active support for the Permanency campaign waned and by late 1974 he was actually speaking in opposition to permanency at Victorian stop-work meetings.¹³⁵ The B.L.F.'s submission on permanency to the Inquiry into the Building Industry was also affected by Gallagher's luke-warm attitude.

In February 1974 Bill Holley, the N.S.W. Branch's research officer, tried to stimulate action from the Federal body over the Permanency survey:

If the Permanency Inquiry is to be kept alive it is essential that we move on the survey as soon as possible....I cannot stress too greatly the importance of getting a decision from you immediately for the O.K. to go ahead...If we wait any longer it will be too late.¹³⁶

His proddings had little effect. In fact before the Federal Permanency Officer, Bud Cook, could present his evidence to the Inquiry he was dismissed by Gallagher for "poor attendance".¹³⁷ Joe Owens believed that this dismissal had more to do with meetings between Gallagher and the "national construction companies" in Melbourne between 13-19 September¹³⁸ than with Cook's "poor attendance". Consequently, "when it became apparent that Gallagher did not intend to pursue [the N.S.W. Branch's] submissions to the Inquiry the N.S.W. Branch sought leave to intervene on its own behalf and carry on with the submissions".¹³⁹ The

131 Quoted in Sydney Morning Herald, 22 November 1973.

132 A.B.C.E. & B.L.F., Permanency: What it's all About, 5 October 1973, 4pp. Authorised by N.L. Gallagher for the F.M.C., p.1.

133 The Building Industry Inquiry into permanency originated out of the May 1973 dispute in N.S.W. (See C. No. 983 of 1973 Commonwealth Conciliation and Arbitration Commission)

134 Bud Cook (Interview: 5 March 1978) commented: "He (Gallagher) didn't like us having carriage of the dispute anyway".

135 Document, Rank and File News: Permanency Betrayed, n.d. (1974?), 2pp., roneod. Authorised by Tony McGuigan, Chairman, and Danny Purcell, Secretary on behalf of the Rank and File Committee of Builders' Labourers (Victoria).

136 Correspondence: Bill Holley to N.L. Gallagher, 22 February 1974.

137 Interview: Bud Cook, 5 March 1978.

138 Nation Review, 13-19 September 1974.

139 Correspondence: Joe Owens to The Hon. C. Cameron, Minister for Labor and Immigration, 2 December 1974.

Branch presented a written submission but when the unions and employers were called to a meeting in November the Federal body did not inform the N.S.W. Branch that the meeting was taking place.¹⁴⁰

Given Gallagher's history of inaction and obstruction on the issue, the Victorian Rank and File's claims that the only action taken by Gallagher on Permanency was to place a \$2 levy on the national membership¹⁴¹ would seem substantiated. In fact when Gallagher was challenged at a stop-work meeting "to act on Permanency or refund the \$2 Federal Permanency Levy, he stated his opposition to Permanency and then, rather than debate the issue, proceeded to attack the questioner".¹⁴²

The N.S.W. Branch, despite the tribulations of deregistration and Federal Intervention, continued to see Permanency as the vital industrial issue. The C.P.A. members in the building industry campaigned under the slogans "One Award, One Union and Permanency" and "Permanency and the Construction of Useful Buildings".¹⁴³ The N.S.W. Branch produced a four page leaflet in September calling for "Action for Permanency".¹⁴⁴ The September job delegates' meeting called for the F.M.C. to step up the Permanency Campaign and to immediately reinstate Bud Cook as Permanency Officer.¹⁴⁵ The N.S.W. items for the 1974 Federal Conference Agenda included Permanency¹⁴⁶ but of course, by the time the Conference was held, the N.S.W. delegates were not there to pursue the issue. Permanency as an issue in the building industry died with the N.S.W. Branch in March 1975.

Deregistration proceedings had been in action throughout 1973 and early 1974. There was a difference of opinion between the N.S.W. and Federal bodies of the B.L.F. as to whether the deregistration case should have been fought in the courts. Bud Cook argued that the employers' case should be refuted in court. He put to Gallagher that there would be no need to waste money on a lawyer because he (Cook) could present the Union's case. Cook maintained that deregistration should be fought publicly over the issue of green bans as "their tremendous popularity would have helped us". Cook's argument did not affect Gallagher's

¹⁴⁰ Ibid.

¹⁴¹ Document, Rank and File News: Permanency Betrayed, (1974?).
Authorised by Rank and File Committee of Builders' Labourers
(Victoria).

¹⁴² Ibid.

¹⁴³ Helmet, A Bulletin of the Communist Party of Australia, July 1974.

¹⁴⁴ B.L.F. (N.S.W. Branch), Action for Permanency, September 1974, 4pp.

¹⁴⁵ Ibid.

¹⁴⁶ N.S.W. B.L.F., N.S.W. Agenda Items, Federal Conference 1974.

attitude: "He knew the popularity was there but he didn't use it".¹⁴⁷

Gallagher did not oppose deregistration for a very good reason. Deregistration was not aimed at the Federal or Victorian bodies but at the leadership of the N.S.W. Branch. An M.B.A. Leaflet made the point clearly:

The sole aim of the M.B.A. in seeking deregistration of the B.L.F. was because the industry has been brought to the brink of chaos by the irresponsible actions of B.L.F. leaders in N.S.W.¹⁴⁸

Ray Rocher from the N.S.W. M.B.A. explained the employers' tactics:

There was no way that the Industry could work with the Munday, Owens, Pringle Group, and so the deregistration...was to get rid of those people from our industry...

Our only defence was deregistration, in fact it was the only way the saneness could be brought in from the other states. Eventually it...forced Federal intervention with a consequent resolution of our problem.¹⁴⁹

Gallagher, on hearing the court's decision announced: "Tremendous, at last they have cut the chains of arbitration from us".¹⁵⁰

That same attitude and imagery was echoed in all the Federal and Victorian Branch literature.¹⁵¹ One leaflet titled "Deregistration: Foreign Bosses' Plot" claimed that: "Now the Labourers are not as encumbered as they were by the chains of the arbitration system. THIS IS A GOOD THING".¹⁵² Another pamphlet was headed "Deregistration Means Nothing" and repeated again the Maoist line that: "The bosses, led by the foreign building companies, picked up a rock only to drop it on their own feet".¹⁵³ In fact the N.S.W. M.B.A. which had initiated the deregistration move was basically an organisation of Australian building

147 Interview: Bud Cook, 5 March 1978.

148 Document, To All Building Workers, n.d. (mid 1974?), 4pp. Issued by R.L. Rocher, Executive Director, Master Builders' Association of N.S.W.

149 Ray Rocher: Interviewed by Pat Fiske, 1980. Gallagher actually reported to the June F.M.C. that "the original proposition the employers put to him was that he knock off the N.S.W. Branch or deregistration was ON". N.S.W. B.L.F., Report on Federal Management Committee Meeting 26th June, 1974, 2pp., typed.

150 The Australian, 22 June 1974.

151 Another newspaper that used virtually the same wording as the Federal B.L.F. literature was the journal of the Victorian Socialist Left unions Scope, no doubt reflecting the soft "Maoist" influence on the Socialist Left at that period. Scope (Melbourne Edition), 27 June 1974.

152 Document, Deregistration: Foreign Bosses' Plot, n.d. (mid 1974?), 4pp. Authorised by N.L. Gallagher, General Secretary, A.B.C.E. & B.L.F.

153 Document, Deregistration Means Nothing, n.d. (mid 1974?), 2pp. Authorised by N.L. Gallagher, General Secretary, A.B.C.E. & B.L.F.

companies. The Maoist line at the time however was for a nationalist alliance with the "progressive national bourgeoisie".¹⁵⁴ In August, Gallagher was still arguing: "Under the leadership of the foreign owned companies, the employers are trying to fool us around until the recession really hits".¹⁵⁵ The Maoist press used the same phraseology. Independence Voice proclaimed: "Foreign Bosses' Plot Succeeds" and "De-registration Ends Court Shackles".¹⁵⁶

The N.S.W. Branch's reaction to deregistration was more low key, possibly because the leadership knew they were the real target of the attack and also because they were less prone to use the dramatic phraseology of the General Secretary.¹⁵⁷ Gallagher warned of "likely bloodshed" if officials were denied right of entry to building sites as a result of the deregistration decision. These words were criticised by Joe Owens as "unnecessary"¹⁵⁸ during his report to the stop work meeting of N.S.W. builders labourers which was called for 24 June in the Lower Town Hall.

The meeting utterly condemned "provocative statements made by Glover (M.B.A.), who said armed guards will be used on building sites with orders to shoot on sight" but emphasised that although the statement was "clearly designed to bring about a physical confrontation...we will not fall for such provocative tactics".¹⁵⁹ The meeting of labourers also

154 See Humphrey McQueen, "National Independence and Socialism", Melbourne Journal of Politics, No. 9, 1977, pp.68-79. This is an important distinction. The Company which provided Gallagher with the most support during Intervention was Concrete Constructions, a firm which could be described as Australian owned - hence the National Bourgeoisie.

155 A.B.C.E. & B.L.F., Builders' Labourers Stop Work Meeting: Tuesday 27th August, (1974), 2pp.

156 Independence Voice, No. 8, July 1974. This reaction to deregistration remained official Federal B.L.F. orthodoxy despite the later evidence of Gallagher's unseemly haste to re-enter the "shackles" of arbitration. For example Builders' Labourers' Song Book, (Widescope in association with A.B.C.E. & B.L.F., Melbourne 1975) pp.115-117, describes deregistration in similar terms. Gallagher actually entered the court wearing a ball and chain which he theatrically unshackled.

157 This is not to argue that the N.S.W. leadership was backward in the use of colourful terminology or arousal of public interest. They were simply more subtle and less inclined to indulge in threats of future dramatic action which never eventuated such as the "likely bloodshed" prediction.

158 Daily Mirror, 24 June 1974.

159 N.S.W. B.L.F., Builders Labourers Mass Meeting: Lower Town Hall Sydney, 24 June 1974, lp. roneod.

declared that they appreciated "the principled support and recognition of the B.L.F. by the A.C.T.U. Executive [and] the Federal and State Building Unions"¹⁶⁰ which had made statements earlier in the year in opposition to B.L.F. deregistration.¹⁶¹ The meeting also applauded Bob Hawke's "fine statements"¹⁶² that deregistration was an act of "lunacy" and that "Courts come and go but the trade union movement will be there forever".¹⁶³

The N.S.W. Branch's general reaction to deregistration was to re-emphasise the importance and necessity of green bans,¹⁶⁴ to stress the need to work in closer unity with other building unions¹⁶⁵ and to continue the campaign for permanency in the industry.¹⁶⁶

The C.P.A. building branch newsletter Helmet particularly stressed the importance of green bans. While quite correctly describing the N.S.W. Branch as "pioneering [a] new type of unionism" the newsletter argued somewhat unrealistically:

...it's business as usual, with the B.L.'s more united and militant than ever, and backed by the whole trade union movement...

The Arbitration Court cannot tie down the B.L.F. because the B.L.F. Green Bans policies belong to the people...It is this community support that alarms the boardrooms of the developers, and other powerful monopolies.¹⁶⁷

160 Ibid.

161 The Federal Building Unions were urged to adhere to the principle "that no Union should seek to cover the membership of a Union which is subject to employers' application for de-registration" in Correspondence: H. Souter, Secretary A.C.T.U. to A.C.T.U. Officers and Secretaries of the Following Unions in the Building Industry, 8 April 1974. The decision was made at a meeting on 8 May 1974. The N.S.W. B.T.G. notified the M.B.A. of their support for the B.L.F. in Document, Building Trades Group Statement Forwarded to M.B.A. on B.L.F. Deregistration, 22 April 1974, lp. roneod. The A.C.T.U. Executive made their decision in May. Document, Decisions of the A.C.T.U. Executive Meeting Held in Melbourne from 20th May to 24th May 1974, p.1.

162 N.S.W. B.L.F., Builders' Labourers' Mass Meeting: Lower Town Hall 24 June 1974.

163 The Australian, 24 June 1974.

164 See N.S.W. B.L.F., Builders' Labourers' Mass Meeting 24 June 1974.

165 See Ibid.; also N.S.W. B.L.F., B.L.F. Log of Claims for a National Award, 3 July 1974, lp. roneod. Handwritten after a recommendation for job meetings are the words "and we call on all building unions to join us in these job meetings"; also N.S.W. B.L.F., Builders' Labourers' National Award: Is There a Deal Going On?, 12 September 1974, 2pp. argued "The N.S.W. Branch state that the principled approach of the Federation should be to link up more strongly with the National tradesmen in achieving both Awards".

166 See N.S.W. B.L.F., Builders' Labourers' National Award: Is There a Deal Going On?, 12 September 1974.

167 Helmet, Bulletin of the Building Branch, Communist Party of Australia, 3 July 1974.

The Victorian Rank and File Committee which was basically a C.P.A.-influenced group placed the same emphasis on the green bans and quoted in its newsletter Gallagher's announcement of 23 June: "Union policy on Green Bans will not change". It also recorded with approval the Victorian Branch's support for N.S.W. It stated, once again somewhat optimistically:

The Rank and File committee supports the N.S.W. Branch in the struggle against the Master Bastards and commends the stand by the Victorian branch on the issue. We believe that immediate and strong action must be taken against the M.B.A. in Victoria upon the request of the N.S.W. Branch for assistance.¹⁶⁸

From his subsequent actions it is obvious that Gallagher was not at all happy about deregistration.¹⁶⁹ He felt that it had been foisted upon him by the recalcitrant N.S.W. Branch and he was not prepared to lose status in his continuing rivalry with Clancy on account of the N.S.W. leadership with whom he had nothing politically, and little industrially, in common. There are two other events, apart from his Intervention in N.S.W., which lend credence to this opinion about his real attitude towards deregistration.

When the Federal B.L.F. applied for re-registration in 1976 the Union made certain undertakings which were industrially crippling to say the least. To have promised such restraint Gallagher must have been desperate to regain legal standing. The Union promised that the Arbitration Commission:

...can properly and confidently assume that the policy of this federation is to resort to conciliation and arbitration through the commission rather than direct action in breach of the act or in breach of awards of the commission...

The union gives assurances that the employers can expect that acts of destruction of property, interruption of concrete pours, interrupting the unloading of vehicles and the use of selective bans on vertical transport machinery such as cranes, passengers' material hoists, which would inhibit the work of builders' labourers and of tradesmen, will be foregone...¹⁷⁰

The second occasion is very recent. Andrew Peacock, Minister for

¹⁶⁸ On Site, Newsheet of the Rank and File Committee for Builders' Labourers (Victoria), n.d. (July 1974?), 4pp. roneod. Authorised by Colin Williamson and Danny Purcell. Tribune, 9 July 1974, reported that at a mass meeting of builders' labourers in Fitzroy Town Hall an amendment was carried which stated that "in the event of deregistration of N.S.W. or any other branch 'appropriate action' would be taken".

¹⁶⁹ Gallagher's insistence that the N.S.W. Branch sign a "no-strike" clause during the 1971 deregistration scare also supports this analysis.

¹⁷⁰ Cited in The Australian, 27 February 1981.

Industrial Relations, moved to deregister the B.L.F. because of demarcation disputes with the F.I.A. and A.W.U. which had caused serious disruption to Government projects at the Omega Base and at the Loy Yang Power Station site. Gallagher's reaction to Peacock's threats over the Omega Project was significant, "...the B.L.F. sent a secret but very clear signal to the employers that private construction would not suffer because of the Federal Government's action".¹⁷¹ Also, he hastily concluded a "peace" agreement with the Victorian M.B.A. which provided for immediate talks between union and employer "the moment a dispute arises" and a seven day cooling off period during which "building work will continue while talks are held". Gallagher announced that "he thought the agreement would help to stabilise the industry. He said it would restore employers' confidence and would encourage more investment."¹⁷² That this agreement was a great concession to the employers and an attempt on Gallagher's part to evade deregistration is emphasised by the actions of George Crawford, General Secretary of the Plumbers' Union, who refused to sign the agreement. Crawford commented that it was madness to bind your union to a cooling off period without getting anything at all in exchange.¹⁷³

Gallagher's disparate words¹⁷⁴ and deeds caused more than public

- 171 Richard L'Estrange, "Make-or-Break Men", The Australian, 27 February 1981. L'Estrange interviewed several building industry employers in the course of research for this article.
- 172 The Weekend Australian, 28 February-1 March 1981. Gallagher made other conciliatory statements in this period. On 19 June he announced on A.B.C. Radio: "At the present time...we can ill afford the 35 hour week in this industry", cited in Document, Working Class Leaders?, n.d. (July 1981?), Authorised by W.B. Spellman and W.D. Preece, A.W.U. Organisers, lp. roneod.
- 173 Interview: George Crawford, 5 March 1981.
- 174 It is not only Gallagher among the Federal B.L.F. officials whose words do not always coincide with his deeds, or in fact with previous words. In a letter to all N.S.W. union Secretaries, Steve Black argued, "The B.L.F. cannot be expected to take this [deregistration] lying down. We will fight on tooth and nail, registered or not". Yet in the next sentence he contradicts this denial of the bourgeois courts' importance with the implicit assumption that unions do not exist if the state does not recognise them. "We put it to you that it is against the interests of all workers for Fraser to be allowed to determine which unions will exist and which will not." Correspondence: Steve Black to J. Morrison, State Secretary, University Academic Staff Association of N.S.W., 19 March 1981. This Correspondence did not endear itself to the U.A.S.A. Executive because of its bald assumption that Jane Morrison was male and began Dear Brother. Even the right-wing unions now use "Dear Colleague".

confusion. Peacock, who probably judged the B.L.F.'s relations with the employers to have been as turbulent and threatening as Gallagher's public posturing indicated, was no doubt stunned by the employers' reaction to his deregistration move. The Victorian M.B.A. "flatly refused" to support deregistration.¹⁷⁵ The N.S.W. M.B.A. also considered the move unwise. Ray Rocher commented that "the association did have some problems with the B.L.F. but it would have been wise if the Government had consulted building-industry organisations before announcing its intention to deregister the union".¹⁷⁶ Bruce Shaw, industrial relations manager of the Victorian M.B.A., put the situation succinctly:

...Gallagher knows when we can't take too much more, he really only pushes so far...
 He knows what the limit is and he backs off if the industry is about to collapse...
 The B.L.F. is no worse or no better than the other unions in the industry.¹⁷⁷

Substantiation for this point of view is provided by Gallagher himself who, in explaining a sudden backdown over the Omega picket line, claimed: "We weren't going to fight on the Government's battleground. We pick our own battlefields".¹⁷⁸

Since the elimination of the real targets of the 1974 deregistration, Munday, Owens and Pringle, Gallagher had enjoyed a close relationship with the employers.¹⁷⁹ During the period 1974 to 1976 while the Union was deregistered, the employers had applied to the Commission for increases for B.L.F. members, following C.P.I. increases or movements in tradesmen's awards.¹⁸⁰ In 1976 the M.B.A. did not oppose Federal re-registration.¹⁸¹ In 1978 when Gallagher opposed the readmission to the Union of the

175 Richard L'Estrange, "Make-or-Break Men", The Australian, 27 February 1974.

176 The Weekend Australian, 28 February-1 March 1974.

177 Richard L'Estrange, "Make-or-Break Men", The Australian, 27 February 1974. The building industry employers eventually decided to support Peacock at a meeting of the National Industrial Construction Council on 4 March 1981. Sydney Morning Herald, 5 March 1981. However I am still firmly of the belief that he will use his ability at wheeling and dealing to negotiate his way out of deregistration.

178 John Hurst, "B.L.F. Loses a Round at Omega", National Times, 8-14 February, 1981.

179 One of the complaints most often aired by Gallagher's opponents within the union movement, both in N.S.W. and Victoria, was that he indulged in "frequent booze ups and luncheons with top executives from Grollo, E.A. Watts etc." Document, Industrial Crimes of Norman Gallagher, n.d. (early 1975?). Authorised by Builders Labourers Unity Committee [Victorian rank and file opposition], lp. roneod.

180 Ray Rocher: Interviewed by Pat Fiske 1980.

181 Ibid.

expelled N.S.W. leaders in a case before the Federal Court of Australia, the M.B.A. sought to enter the case on Gallagher's side.¹⁸² Gallagher also had mutually co-operative relationships with individual builders. One particular building employer Bruno Grollo described his widely publicised relationship with Gallagher as the same as "with any other business associate".¹⁸³

However in 1974 what Gallagher had to demonstrate to the employers was his ability to deal with the N.S.W. Branch. Ray Rocher made this quite clear. Federal deregistration put the pressure on Gallagher rather than on the states:

He couldn't stay out of it like he attempted to...he was being hurt. He couldn't control [N.S.W.] so we took him out of the ballpark as well. While they said they had no concern about deregistration, clearly a union without rights in court [is disadvantaged]. In fact all the time they were deregistered we applied for the labourers' wages to go up. That really doesn't sit well for a union when the employer has to get the money for the workmen.¹⁸⁴

When Rocher was questioned whether the B.L.F. would have achieved re-registration whilst the Munday, Owens, Pringle group remained as the N.S.W. leadership, he was emphatic:

I doubt it because we would have continued opposing...re-registration. Had there been no change in the structure or the people involved in N.S.W. there wouldn't have been a chance that we would accept an agreement or promises made by them.¹⁸⁵

So the pressure on Gallagher to take action against N.S.W. was building up.

The N.S.W. leaders were aware that Gallagher was probably anxious about the issue but they underestimated the pressure on him, and thought themselves safe because of undertakings of the kind indicated by the resolutions of the F.M.C. meeting held five days after the Court's decision:

...We regard the N.S.W. M.B.A.'s deregistration attacks as being aimed to smash the militant industrial actions of this Union and

182 Jack Munday, "Beyond B.L.F.: One Industry, One Union", Sydney Morning Herald, 10 March 1981.

183 National Times, 22-28 February 1981.

184 Ray Rocher: Interviewed by Pat Fiske, 1980.

185 Ibid. The opinions expressed by the anonymous Employers' Organisation official tend to confirm this view. Speaking of the present situation in the building industry in N.S.W. he commented: "This is a piss in the Pacific compared to the stuff we got from Munday, Owens and Pringle. The older builders often make comparisons between them and Steve [Black]. The trouble we're getting now in terms of economics is nothing". Interview: Anonymous source, Senior Employers' Organisation Official, 10 July 1981.

the socially inspired "Green Bans", which have saved the homes of thousands of people.

...if the N.S.W. M.B.A. goes ahead with State deregistration (186) then National action will be taken against all builders who are members of the M.B.A.

This F.M.C. declares that deregistration will not alter the structure nor the policies of this Union. 187

One of the main reasons for the build up of pressure on Gallagher over the period was the Union's isolation from the rest of the building unions and the growing danger of Clancy again becoming the prime mover in the industry. Isolation had never troubled Gallagher whilst within the Arbitration system, (as evidenced by his propensity to "body snatch"), but it could become a dangerous position while B.L.F. "scope" was unprotected by the Commission. Certainly the building unions had guaranteed to protect traditional B.L.F. coverage but this was a formal declaration expected by the union movement in any such situation. The truth was that Clancy's moves during National Award negotiations and, in particular, his suggestion that the B.L.F. solve its deregistration problem by amalgamating with the B.W.I.U. (from a position of weakness),¹⁸⁸ caused Gallagher great disquiet. Gallagher actually foresaw such problems at the June F.M.C. meeting. Owens reported that he "said we should not get too far in front nor too isolated".¹⁸⁹ The S.P.A. building workers commented upon this aspect:

There is a contradiction in the B.L.F. leaders attitude to deregistration. On the one hand they say to hell with arbitration but on the other hand are strongly pressing to get back before the Arbitration Court as is the case in the current hearing around the tradesmens national award.¹⁹⁰

The National Building Industry Award negotiations were an important part of the conflict between Gallagher and Clancy. The plan for united negotiations which had been discussed during preliminary meetings in December 1973¹⁹¹ was beginning to disintegrate.¹⁹² Gallagher had an agreement with the tradesmen that the B.L.F. would get whatever the

186 State deregistration proceedings began in early September.

187 Document, Resolution Passed at the Federal Management Committee Meeting 26 June 1974, lp. roneod.

188 Socialist Building Worker, Vol. 1, No. 5, 3 July 1974. Bulletin of the Building Industry Branch of the Socialist Party of Australia, p.2.

189 N.S.W. B.L.F., Report on Federal Management Committee Meeting 26 June 1974, 2pp. typed.

190 Socialist Building Worker, Vol. 1, No. 5, July 1974. Bulletin of the Building Industry Branch of the Socialist Party of Australia, p.2.

191 Daily Mirror, 10 December 1973.

192 Gallagher took no part in discussions after August 1974.

tradesmen gained from the Award. However the B.W.I.U. cancelled this agreement because Gallagher "did not give undertakings to stop body snatching in Victoria, South Australia and Western Australia".¹⁹³ The B.W.I.U. particularly complained of a "raid" on the Plasterers Union membership in South Australia, claiming that this "broke the agreement [that Gallagher would] respect the work coverage of the other unions".¹⁹⁴

...instead of filching members of the Plasterers' Union, the B.L.F. could best serve their interest and the interest of all building workers, by uniting with the other Federal Building Unions in the struggle for new National Awards for building workers...¹⁹⁵

The N.S.W. Branch basically agreed with this approach and blamed Gallagher for not involving himself in the negotiations:

The mistake by the Federal B.L.F. was that during the latter part of 74 when the Tradesmens' National Award was being finalised we should have been involved in discussions with them on the content of the Award. Despite De-registration we could have argued our points strongly, and if any part was considered inadequate we should have fought the issue out then...There are certainly shortcomings in the National Award, but the reality is that it is now operating, and Gallagher and Robinson have missed the boat.¹⁹⁶

This may sound like wisdom in hindsight, but the N.S.W. Branch had maintained a consistent line throughout. Although differing with the Federal body on certain aspects of the Award, such as Gallagher's willingness to include a no-strike clause,¹⁹⁷ the N.S.W. leadership had continually emphasised the importance of the National Award. In fact it was the N.S.W. Branch that had originally pressed the Federation in 1970 to initiate "a levelling up of wages and conditions throughout Australia",¹⁹⁸ in the form of a National Award Campaign. Discussion

193 B.L.F., National Award - State Award: Current Position, 29 November 1974, lp., typed.

194 B.W.I.U. Federal Office, B.W.I.U. Policy - One Union in the Building Industry, March 1976, 6pp., roneod.

195 B.W.I.U., B.W.I.U. Open Letter to Brother Norm Gallagher, n.d. (1974?), lp. roneod.

196 Document, Builders' Labourers for Democracy, n.d. (1975?), 2pp. roneod. Authorised by Joe Owens and Bob Pringle.

197 Tribune, 13 August 1974. The article pointed out that no-strike clauses had been included in previous Victorian B.L.F. Awards negotiated by Gallagher; also the "No-Strike Clause" showdown of 1971 indicates the two bodies' differing views on the subject.

198 Document, Builders Labourers for Democracy, n.d. (1975?), 2pp., roneod. Authorised by Joe Owens and Bob Pringle. The highest rates in 1974 were paid in Victoria. This was a result of the agreement concluded by the Building Industry unions in 1956 during the Olympic Games construction boom. The Victorian B.L.F. had agreed to the No-Strike Clause in exchange for this higher rate.

of the issue was widespread among the labourers¹⁹⁹ and combined stop-work meetings with the tradesmen were encouraged.²⁰⁰

The N.S.W. leadership believed that Gallagher was not reacting correctly to the situation, and that he was underestimating the importance of the National Award. In March 1974 they urged:

We...call on...the National Leadership to launch a campaign around a National Building Workers Award. The Federal Building Tradesmen's Unions are now moving nationally and unless the B.L.F. get moving we will miss out.²⁰¹

However, although the N.S.W. B.L.F. supported the idea of united action on the Award, they were not over pleased with the B.W.I.U.'s attitude towards the Branch's deregistration problems. Both the B.W.I.U. and the S.P.A.²⁰² advised the N.S.W. B.L.F. to amalgamate immediately with the B.W.I.U. as "a simple way to achieve re-registration of the B.L.F. and at the same time build the unity of building workers".²⁰³

Given the bitterness that existed between the two unions and the position of weakness from which the B.L.F. would have to enter such a liaison, the B.W.I.U.'s "solution" seems hardly a serious proposition. Owens maintains that Tom McDonald simply announced at a stopwork meeting of labourers a week after deregistration "that the way out of our problem was to amalgamate with them, and then he walked out of the meeting".²⁰⁴ No further discussion on the issue appears to have taken place²⁰⁵ yet Six Turbulent Years chides the B.L.F. over their reaction to this and other "fraternal advice":

B.W.I.U. leaders tried to warn the B.L.F. leaders where they were heading. Fraternal advice was given by B.W.I.U. leaders urging the N.S.W. B.L.F. to unite on a combined union basis in the B.T.G.

199 Dave Shaw (Interview: 7 August 1977) commented as a relative newcomer to the industry that during 1974 "the main issue really was the National Award Campaigns" and that job delegates' meetings discussed the Campaign exhaustively.

200 N.S.W. B.L.F., B.L.'s National Stoppage, 31 July 1974, lp. roneod.

201 N.S.W. B.L.F., N.S.W. Builders Labourers Under Attack Again, n.d. (March 1974?), 2pp. The C.P.A. building workers were also strongly in favour of a unified national claim. See Tribune, 6 August 1974; and Helmet, Bulletin of the Building Branch, C.P.A., March 1974.

202 See Socialist Building Worker, Bulletin of the Building Industry Branch of the S.P.A., Vol. 1, No. 4, 24 June 1974; and Document, B.L.F. Deregistration: An Open Discussion, n.d. (July 1974?), lp. roneod. Authorised by Don McDonald, S.P.A. Building Industry Branch.

203 Socialist Building Worker, Bulletin of the Building Industry Branch of the S.P.A., Vol. 1, No. 5, 3 July 1974.

204 Interview: Joe Owens, 4 April 1978.

205 The Victorian B.L.F. also criticised the amalgamation proposal. Tribune, 9 July 1974.

around major campaigns. The advice was ignored. The B.L.F. leaders chose to continue the very sectarian process which was steadily bringing them into disrepute among fellow unions.²⁰⁶

As the next step towards "unity", the B.W.I.U. State Conference called for an end "to some of the green bans that are holding up building and demolition work worth \$3,000 million in N.S.W." Tom McDonald explained that the question was "were some green bans blocking home building for the needy and should they be reviewed?"²⁰⁷

By this time the chasm between the unions was so great²⁰⁸ that even the Sydney Morning Herald editorial felt obliged to point out that:

B.W.I.U. officials will need to have a chat to Messrs. Pringle, Owens, Munday and Co., of the B.L.F. Otherwise anything they may urge will be in vain, and their generous offer to help the N.S.W. Housing Commission to lay down a "guideline for its future housing activities" will be fruitless...the Housing Commission would be deeply upset if deprived of the B.W.I.U.'s sage advice.²⁰⁹

At this stage, even the conservative press could distinguish the differences between the unions in the building industry. As was often the case News Weekly saw the situation with greatest²¹⁰ clarity:

The driving hunger for membership, common to all unions, coupled with the three-way struggle by the three Communist factions for industrial power, threaten the present structure of the Builders' Laborers with rapid dismemberment.

"Like sharks around a dying whale", as one industrial commentator puts it.²¹¹

Or as Joe Owens put it: "In the dispute between us and Gallagher, the M.B.A. knew they could count on Clancy not defending us, because although he hated Gallagher he hated us worse".²¹²

By October, deregistration was beginning seriously to hamper

206 Building Industry Branch of the S.P.A., Six Turbulent Years, p.49. The parent-child metaphor whereby the B.L.F. "child" grows up in the sixties and wants to leave home in the seventies to the dismay of the B.W.I.U. "parent" is hard to escape when passages such as the above are read.

207 Sydney Morning Herald, 7 August 1974.

208 As if to add insult to injury The Singleton Argus, 7 August 1974, editorialised about the B.W.I.U.'s decision but confused the two unions and railed against the B.W.I.U. and its "communistic leaders [who] yelled for green bans...[and] played merry hell with the building industry over the past couple of years".

209 Sydney Morning Herald, 8 August 1974.

210 Rydge's (1 June 1974) as was quite common saw the situation with least clarity. It ascribed the lack of unity within the B.L.F. as being caused by a power struggle within the N.S.W. leadership.

211 News Weekly, 26 June 1974.

212 Interview: Joe Owens, 4 April 1978.

Gallagher in his power play with Clancy.²¹³ The B.W.I.U. was seen to be making the running over the negotiations for the national paid rates award, negotiations which in their official stages excluded Gallagher. Clancy was discussing amalgamation with the other unions in the industry.²¹⁴ "Association" over the years with the smaller craft unions such as the stonemasons, the plasterers and the glaziers, had led to the B.W.I.U. and in particular, Pat Clancy, emerging as the leading figure in the building industry.²¹⁵ Although Gallagher had won the building industry seat on the A.C.T.U. Executive with right-wing support in 1973, he could not rely on pulling off such a "deal" at the next A.C.T.U. Congress in 1975. He had to regain registration to take the limelight away from Clancy in the national arena. Another problem for Gallagher was his own standing within the B.L.F. Although he totally dominated the F.M.C. and was untouchable whilst the election of General Secretary remained a collegiate vote, Clyde Cameron's proposed changes to the Conciliation and Arbitration Act which provided for "popular" election of Federal union officials,²¹⁶ was a real threat to his position. In a "popular" election, nearly half the votes would come from N.S.W., giving that Branch's candidate, presumably Jack Munday, a very good chance of defeating the lesser known candidate from the less populous state, Gallagher.

Another factor which would have weighed heavily in Gallagher's calculations was the economic situation in the building industry. The boom which had come to Sydney in the late sixties was beginning to wane there whereas Melbourne which had "taken off" at a later date was still at peak activity. A report on major building projects²¹⁷ released in January 1974 disclosed the fact that Victoria had overtaken N.S.W. in overall building activity²¹⁸ and had the fastest building growth rate in

213 Joe Owens (Interview: 24 January 1978) also emphasised that the ideological gap between Clancy and Gallagher had industrial consequences: "With the Sino-Soviet dispute, every time the tanks moved up to the border, you could rely on a demarcation dispute in Pitt Street or Flinders Street".

214 A complicating factor for a deregistered B.L.F. is that virtually all B.L.F. "scope" is also covered by other unions, i.e. the B.W.I.U., A.W.U., F.I.A., F.E.D. & F.A., A.M.W.S.U. and P.G.E.U.A.

215 All three leaders, Munday, Owens and Pringle made these points in their interviews.

216 When Cameron's proposals were made public in May 1973, Munday was one of the first union officials to support the concept of "rank and file election", Sydney Morning Herald, 11 May 1973.

217 The report was prepared by a leading Sydney firm of industrial economists, John Jackson and Associates, and covered nearly all development projects in Australia worth more than \$500,000.

218 The only area in construction where Victoria was exceeded by other states was in high rise residential projects.

Australia. Victoria's share of big development was 30.6%, worth \$282.3 million, compared with N.S.W.'s 28.1% worth \$258.7 million. This was a dramatic change from the first half of 1973 when the figures had been Victoria 25% and N.S.W. 31.9%.²¹⁹

This situation was propitious for Gallagher because a booming industry and therefore full employment in his home state provided a strong base for intervention in N.S.W. As a corollary, a declining industry and unemployment in N.S.W. provided perfect conditions for a raid on the Sydney branch membership. With employer support, Gallagher could enforce the policy of "Federal tickets only" on new building sites with the alternative being unemployment for most labourers.

Did Gallagher have employer support? It is clear from what Ray Rocher says and from what actually happened during Intervention, that he did. Munday goes even further and suggests that Gallagher and the M.B.A. were in league to bring about Federal deregistration.²²⁰ This would explain Gallagher's reluctance to fight the charges in court. The advantage that Gallagher would obtain from a short period of deregistration (so long as the employers still supported wage rises and flow-ons for his members - which they did) would be the total absence of any legal restraints on him in his attack on the N.S.W. Branch.²²¹ Because the Federation no longer had any legal standing, Gallagher did not have to obey the Union's rules during Intervention or indeed until re-registration in 1976. When the N.S.W. officials were expelled they had no recourse to the industrial courts as an avenue of appeal. They were in fact forced to take action in the Equity Court. Gallagher was under no obligation to hold monthly branch meetings, stop work meetings or even elections. Under the Federal regime the membership of N.S.W. had no say in the running of the Union's affairs until Branch meetings were reintroduced in 1976.

²¹⁹ Age, 26 January 1974.

²²⁰ The anonymous Employers' Organisation Official corroborates Munday's viewpoint. He claims: "The deal was all worked out before deregistration. Some National builders got together and Wally Glover was the front man. We gave Norm a package. He'd be deregistered and then we'd help him knock off N.S.W. There was more to the deal too. Norm was to use his industrial muscle to make trouble for those builders such as Hollands who were not in the M.B.A. This was to force them into the M.B.A. He did that and now the builders have joined the M.B.A. We all got what we wanted." Interview: Anonymous source, Senior Employers' Organisation Official, 10 July 1981.

²²¹ Interview: Jack Munday, 23 March 1981.

Whether one can conclude from Gallagher's actions that he was a willing party to the deregistration is doubtful. To begin with, illegality of action was not a problem for Gallagher because he knew that the ultimate sanction for any illegal act against the N.S.W. officials could only be gaol²²² and that if presented with that as the only way out, the N.S.W. officials would never agree to gaoling another unionist, no matter how strongly they felt about him.²²³

It is much more probable that Gallagher, as argued above, saw deregistration as a major obstacle in his pursuit of the dominant position among the building unions and eventually acceded to employer pressure.²²⁴ In August, the M.B.A. applied for deregistration of the N.S.W. Branch which had retained its State registration. At the same time, the National employers offered to facilitate all states receiving increases under the National Award on the condition that Gallagher sent a Federal official into N.S.W.²²⁵ Les Robinson described the "deal" as an attempt "to get Arbitration off our backs". He maintained that pressure was even exerted on the C.P.A. through Harry Carslake who was "sent to the Party [C.P.A.] to make some concessions".²²⁶ Joe Owens remembers when the matter was raised at the August F.M.C. meeting:

Gallagher put to me in the presence of William Fisher Q.C. that one of the ways of getting over the problem of the N.S.W. Branch that would pacify the employers was for us to allow him to bring in a Federal organiser to the N.S.W. Branch to "assist" was the word he used.²²⁷

222 Gaol being the penalty for non-payment of fines, or refusal to obey court orders.

223 This situation actually occurred in 1978 when the Federal Court of Australia ordered Gallagher to admit the expelled N.S.W. officials to membership of the B.L.F. When Gallagher refused, there was much discussion amongst the N.S.W. members about whether Gallagher should be gaoled for contempt and also whether Gallagher should be regarded as a "unionist" at all. Although there was strong support for the view that Gallagher was a "boss's stooge" and should be treated as such, the eventual decision was not to take action against him.

224 As well as criticising himself for underestimating the employer pressure on Gallagher, Joe Owens (Interview: 24 January 1978) also explained: "We didn't properly understand Gallagher's political position. We still regarded him as being of the "left"...We did not fully comprehend the swing to the right and the chauvinism of the CPA(M-L)...We also missed Gallagher's ego tripping over his position on the A.C.T.U. Executive".

225 B.L.F., Builders Labourers National Award: Is There a Deal Going On?, 12 September 1974, 2pp. roneod.

226 Interview: Les Robinson, 20 February 1978.

227 Interview: Joe Owens, 24 January 1978.

The N.S.W. leadership²²⁸ refused the offer for many reasons. Firstly, they had consistently supported the policy of non-interference in the affairs of member branches of the Federation.²²⁹ Secondly, the Branch was in perfectly good shape both financially and industrially so they could see no point in "assistance". But thirdly, and most importantly, they realised that to relinquish partial control to Gallagher would not be enough. The real issue at stake was the green bans:²³⁰ "If we leave any [green bans], it won't satisfy the hunger that exists to destroy us. So long as you challenge, they'll attack".²³¹

The employers would not have been satisfied with the partial control of the N.S.W. Branch. Once they had come as far as deregistration it would have been foolish to decrease the pressure before they had achieved their goal, the destruction of the N.S.W. Branch. Joe Owens explained:

There was a chance we could have avoided Intervention (232) but in that there would have been a deep and serious danger of us having to give away certain principles which would have been unacceptable ...The price demanded by the employers would have been our autonomy ...a dismantling of the State apparatus...certain policies such as job action and the green bans. Besides the membership wouldn't have copped it.²³³

The employers saw the situation as clearly as the N.S.W. leadership did. Reporting that "the N.S.W. B.L.F. is being quietly brought into line", Rydge's argued:

228 Munday, Owens and Pringle all agreed at the time that Federal interference would not stop at just an organiser. Les Robinson, whose views on Munday were often astray, believes that "Owens and Pringle said 'no'. Jack would have agreed". (Interview: 20 February 1978).

229 For instance, in his report on the 1963 Federal Conference, Mick McNamara said: "In a resolution it had been pointed out that our policy and Federal policy was non-interference in affairs of other Branches", (Minutes: General Meeting, 5 May 1964). See Appendix A for numerous other instances of N.S.W. adherence to this policy.

230 During this period Joe Owens visited Gallagher in Melbourne. Gallagher "offered a deal...drop the green bans and he'd back off". Interview: Joe Owens, 14 November 1979.

231 Handwritten statement by Joe Owens, n.d. (mid 1974?). The statement summarised the position of the F.M.C. regarding green bans and implied some doubts as to whether the F.M.C.'s policy would be adhered to.

232 Some builders labourers and C.P.A. members still believe Intervention could have been avoided by a partial submission to Gallagher and the Employers. Mick McNamara claims: "The differences with the Federal body, I have always said, could be overcome. It was a question of backing off I think" (Mick McNamara: Interviewed by Pat Fiske, 1976). Judy Munday believes that by abandoning "just some of the green bans" Gallagher could have been appeased. (Interview: 13 March 1978).

233 Interview: Joe Owens, 24 January 1978.

The N.S.W. B.L.F. will not only have to toe the line on industrial matters but also on these so called green bans which have been holding up development programs to a ridiculous level, no matter how justified some of the stands may have been on environmental grounds...234

When the State leadership rejected the Federal body's ultimatum Robinson concluded: "It left us nowhere to go. We had to move in".²³⁵ And they did. Gallagher hastily convened a weekend F.M.C. meeting which neither Owens nor Pringle could attend because of the short notice they received. Owens was in Lismore and Pringle was committed to address a Young Labor Conference.²³⁶ In their absence, the F.M.C. decided to freeze the funds and property of the N.S.W. branch and set up a new branch in the State. In his statement to the press Gallagher claimed that: "The N.S.W. Branch continually had opposed the F.M.C., had been irresponsible and had gone 'too far on green bans'. It also had taken action that had brought about the deregistration of the Federal office of the union".²³⁷ It is important to note that Gallagher did not mention, or even suggest the charges of financial mismanagement which were later to emerge as his "reason" for intervention.

On 12 October Gallagher arrived in Sydney and set up headquarters in the Hyde Park Plaza Hotel. He announced that he was in town to "take over the N.S.W. Branch", and also informed the puzzled Sydney press, unused to his somewhat florid style, that he would have "green ban soup" for breakfast.²³⁸ Rocher believed that this step was inevitable:

Intervention? It had to happen. It had to be a consequence of it [deregistration] because a union in Australia couldn't exist without registration. So we took that step [deregistration] knowing in the end that it was going to force some issues.²³⁹

But Intervention was not simply the result of the employers forcing an issue which then resolved itself. The question posed earlier about Gallagher's collusion with the M.B.A. needs to be examined again at this stage. I do not have enough evidence to support Munday's belief that deregistration itself was a set-up between Gallagher and the employers, but consider that Intervention was the result of ongoing collusion between the M.B.A. and the Federal body.

Even the Sydney Morning Herald saw the significance of Gallagher's observation that the N.S.W. Branch had gone "too far with green bans".

234 Rydge's, 1 June 1974, p.18.

235 Interview: Les Robinson, 20 February 1978.

236 The Australian, 9 October 1974.

237 Sydney Morning Herald, 8 October 1974.

238 Sydney Morning Herald, 14 October 1974.

239 Ray Rocher: Interviewed by Pat Fiske 1980.

Undoubtedly there will be those who will see the federal move as an unholy alliance between unionists and employers against other unionists. [The] move...may well be seen as setting a precedent for the removal of irksome branches by the combined forces of internal factionalism and employer pressure.²⁴⁰

The M.B.A. was predictably coy about the subject of intervention. Rocher, when interviewed by the press said that "the Federal takeover" was "not surprising" and added: "The only surprising thing is that it has taken so long, particularly since it was the State body which brought about deregistration". When questioned about allegations of a deal between Gallagher and the M.B.A. he replied that it was "a load of garbage" but he did proffer the information that he expected "more responsible leadership" from the Federal Body. When questioned about the all-important green bans and Gallagher's attitude towards them, Rocher claimed ignorance despite the fact that the previous day's Herald had headlined the decision on page one. He suggested with unlikely naivety, "if there was a decision by Mr. Gallagher it would be far more likely to be reasonable".²⁴¹

Gallagher and Robinson, his newly installed N.S.W. Secretary, were much less reticent on the subject. Gallagher was widely reported to have said that he had an "understanding" with the employers in N.S.W.²⁴² - perhaps a tactic to dishearten the State Branch officials who were already aware that the odds were stacked against them.²⁴³ Robinson was less forthright but admitted that: "The boss is never neutral, the boss always plays a hand".²⁴⁴

The most important "hand" that the boss played during the early stages of Intervention was the M.B.A. decision, taken on 21 October 1974:

That the M.B.A. of N.S.W. maintain its stance of non-interference in the labourers' dispute but we reaffirm out publicly stated attitude that the Association or its members will not in any way assist the State branch. [my emphasis]

The resolution went on to delineate the ways in which the State branch was to be impeded:

²⁴⁰ Sydney Morning Herald, 9 October 1974. The editorial also pointed out the importance of the differing ideologies of the two factions.

²⁴¹ The Australian, 9 October 1974.

²⁴² N.S.W. B.L.F., Unity of Builders Labourers NOW!, 13 October 1974, 2pp. roneod.

²⁴³ Bob Pringle (Interview: 8 March 1978) said: "When I heard the news that they were coming into N.S.W. I thought it would be all over in six weeks, or even six days. It's a tribute to our rank and file that it took them six months."

²⁴⁴ Interview: Les Robinson, 20 February 1978.

We bring your attention to clause (4) where the resolution states that State Organisers...may be admitted on to a site BUT only during the lunch period or any non-working time as is required by their right of entry permit...Such restrictions are not placed on the Federal Organisers...²⁴⁵

This policy was to cause considerable problems for the State officials who were greatly restricted in access to their members in a way not known in the building industry since the fifties. On numerous occasions the employers called police to sites and many State organisers and members who supported them were arrested.²⁴⁶

Rocher gives evidence that many builders went further than the resolution suggested and actually barred State officials outright from building sites. He says:

That was a tactic of ours in fact...We certainly did as much as we could to make it impossible for Munday, Owens and Pringle to work... they were the people who had caused us all the problems over the years and there was no way in the world we were going to give them a chance to get control...if we could prevent it...

There was no exclusion of the Federal people...there were no obstacles put in their way...The role we played was to facilitate or not oppose Federal Intervention. Obviously from our point of view there was nothing we were going to do that would assist the Munday, Owens, Pringle group...so we started policing the role that they had no right-of-entry...they weren't getting on our sites... If we could find a way to obstruct...the State Union, we certainly helped. So to that extent we were of some benefit to the Federal body.²⁴⁷

The N.S.W. Master Builders were also involved in an attempt to have the metal trades margins flow-on of \$9 granted only to members of the Federal Branch in N.S.W.²⁴⁸ In this they were eventually unsuccessful, but did manage to delay its introduction for some time.

However as Intervention proceeded, the M.B.A. was forced to take a more overt role. Perhaps the most graphic example of the employers' support for the Federal body occurred on the large E.A. Watts (Institute of Technology) job on Broadway where fourteen State Branch supporters were dismissed by the Company. The Construction Manager, Ron Masters, maintained the dismissals were because the men refused to take out Federal

²⁴⁵ M.B.A. of N.S.W., All Member Circular No. 81/1974, 22 October 1974, lp. roneod. Attached to the Circular was a specimen right of entry permit signed by N.L. Gallagher and a list of those people designated as Federal organisers. This in itself is proof that Gallagher had close communication with the M.B.A. at this stage.

²⁴⁶ See further details this chapter.

²⁴⁷ Ray Rocher: Interviewed by Pat Fiske 1980.

²⁴⁸ N.S.W. B.L.F., N.S.W. Branch Builders Labourers Win \$9, n.d. (October 1974?), 2pp. roneod.

tickets.²⁴⁹ When the case reached the N.S.W. Industrial Commission, Judge Sheehy concluded:

There is some difficulty in determining the real reason for the dismissal of the men who would not take tickets in the new Federal body...

The views I have formed are these...The attitude of the Company was not neutral and it actively favoured the taking out of Federal tickets by its employees.

The Company's attitude was a reflection of the policy of the M.B.A. of N.S.W....²⁵⁰

Sheehy ordered the reinstatement of the dismissed labourers, but the site remained the centre of controversy, with State members and officials being arrested and the Federal ticket holders working on the site with police guards.²⁵¹

Another significant dispute occurred on the Dillinghams (Clarence Street) site. Thirty five builders labourers were dismissed, supposedly for breaking a concrete pour but in reality because they were staunch State Branch supporters. Judge Sheehy recommended their reinstatement but Dillinghams ignored the recommendation and kept the workers locked out. Eventually Sheehy made an order against Dillinghams that the workers be reinstated and that the Company pay all lost time. He believed that the workers' actions "flow from the attitude of the M.B.A. and its members in actively supporting the Gallagher faction against the N.S.W. branch". He referred back to his previous judgement:

This was the conclusion I reached in the E.A. Watts Pty Ltd dispute on October 31, 1974...after hearing evidence on the matter and notwithstanding protests on behalf of the M.B.A. that it was endeavouring to be neutral in the intra-union dispute...

In the circumstances the workers may well have wondered whether the treatment given them was from the hand of the company or the M.B.A. or even the executive of the Federal body of the union. It purported to come from the company in the guise of a disciplinary measure taken because of the interruption of a concrete pour but I think that the workers could have said that although they felt the hand of Esau, they heard the voice of Jacob. I stop short of concluding that the dismissals were made at Mr. Gallagher's request but find the action difficult to explain except as a measure of retaliation by the company in collaboration with the M.B.A. for the implementation of the resolution passed at the Martin Place meeting.²⁵²

Although the biblical imagery was a little esoteric for the industry, the

249 Document, E.A. Watts Dispute, 29 October 1974, lp. roneod. Authorised by the E.A. Watts Strike Committee and Joe Owens and Bob Pringle N.S.W. B.L.F.

250 Industrial Commission of N.S.W., Dispute F.E.D.F.A. & ors and E.A. Watts Pty. Ltd. re dismissals, etc., No. 74/480, 31 October 1974.

251 Document, E.A. Watts Dispute, 29 October 1974.

252 Industrial Commission of N.S.W., No. 74/523, 22 November 1974.

judgement was clear.

Further proof of the M.B.A.'s active support for the Federal body was provided when the M.B.A. decided to cut the wages of crane drivers back to the award rate and to ban overtime. This entailed a \$60 a week loss for the crane drivers. This wage cut was because the F.E.D. & F.A. crane drivers had refused to work with Federal B.L.F. ticket holders. Sheehy again ordered the employers to restore the men's wages²⁵³ but the combined M.B.A.-Gallagher attack on the F.E.D. & F.A. eventually proved too powerful. While the crane drivers were on strike over the pay cuts Gallagher flew crane drivers from Victoria²⁵⁴ to Sydney to work in place of the striking drivers. Finally, after a six weeks strike, the F.E.D. & F.A. was forced to concede defeat and an agreement was signed with the M.B.A. whereby the drivers undertook to work with Federal B.L.F. ticket holders.²⁵⁵

When the N.S.W. Branch called a stoppage to demand permanency, Gallagher and the M.B.A. co-operated to keep jobs open and Federal ticket holders worked whilst the majority of labourers were on strike.²⁵⁶

By March 1975, the employers abandoned the pretence of neutrality and came out openly in support of the Federal body. Their hand was forced by the resistance that the rank and file were showing. On 12 March 1975 Gallagher and Rocher met and agreed to a "deal" whereby the M.B.A. was to practice preference of employment for Federal ticket holders.²⁵⁷ This final "deal" was too much, even for the B.T.G. which bore no love for the State B.L.F. and had, prior to this event, remained studiously "impartial". The B.T.G. passed a unanimous resolution:

This Sub-Group expresses its concern at the published statement attributed to a spokesman from the M.B.A. (N.S.W.) that the M.B.A. would repudiate the agreement entered into by the M.B.A. and the F.E.D. & F.A. and other unions to the effect that no interference would take place from those organisations into the internal A.B.L.F. dispute. We believe that any agreement granting preference to

253 N.S.W. B.L.F., M.B.A.- Gallagher Collusion, n.d. (April 1975?), lp. roneod.

254 In Victoria, the B.L.F. not the F.E.D. & F.A. covers crane drivers. Gallagher supporter, Geoff Gold, during a heated debate on the subject among the Australian Union of Students espoused the line that "the sole reason why the Federation flew up B.L.F. crane drivers from Melbourne [was] to safeguard union democracy and the livelihood of members". Correspondence: Geoff Gold to The President, A.U.S., n.d. (early 1975?).

255 Tribune, 10 December 1974.

256 Tribune, 18 March 1975.

257 Document, The Builders Laborer: A Regular Newsheet of the Democratically Elected N.S.W. Branch, 17 March 1975, lp. roneod. Authorised by Joe Owens and Bob Pringle.

members of the A.B.L.F. Federal organisation would constitute a breach of the above agreement.²⁵⁸

Some employers actually told their labourers that if they did not take out Federal tickets they would be sacked.²⁵⁹ With the rising unemployment of the period this was the crucial element in the struggle.

Although it is easy to prove collusion between the M.B.A. and the Federal body during Intervention it is much harder to prove that the employers provided financial backing for the take-over. Certainly the builders had the motivation for spending money on such an enterprise and there is evidence that the Federal body could not have afforded to undertake such a large scale operation without financial aid from some source. The auditor's report on Federal Office finance for the half year preceding Intervention showed a \$6,297²⁶⁰ loss for the period and anticipated difficulties in receiving sufficient income to cover future expenses.²⁶¹ The report showed no reserve funds; only a permanency fund of \$23,754.²⁶²

Estimates of the cost of Intervention vary widely. The N.S.W. Branch estimate of Federal expenses was \$10,000 a week²⁶³ in the early stages but this would have eased a little as the number of organisers stabilised from the original 25 to something like fifteen. But six months of officials' wages, office staff's wages, office expenses, air fares, hotel bills, apartment leases and organisers' cars, not to mention massive Court costs must have amounted, at a very conservative estimate, to at least \$200,000. Only a minute percentage of that would have been recouped in membership dues, because recruiting was extremely slow and most Federal tickets were simply exchanged for State tickets with no money being paid.

The Federal body did not have this money so where did it come from? The motivation for the N.S.W. M.B.A. or even individual builders, to

258 Document, The M.B.A. Proposals for Preference for Federal Builders Labourers, 18 March 1975, lp. typed. (Presumably a section of the B.T.G. Minutes, reproduced by the N.S.W. B.L.F.)

259 Interviews: Mick Curtin, 29 February 1976; Ian Makin, 14 December 1977; Graham Pitts, 2 May 1980; and Viri Pires, 30 November 1976.

260 A.B. & C.W.F. Federal Office, Statement of Income and Expenditure For the Half Year Ended 31st March, 1974, lp. roneod.

261 Correspondence: Winter, Pratt & Houghton to the Federal President, A.B. & C.W.F., 23 July 1974.

262 A.B. & C.W.F. Federal Office, Statement of Income & Expenditure "Permanency Campaign Fund", For the Half Year Ended 31 March 1974, lp. roneod.

263 N.S.W. B.L.F., Federal Office Audit, n.d. (November 1974?), 3p. roneod.

bankroll such a venture is obvious. Even builders not affected by green bans believed that they would fare better under a Gallagher regime than under the Munday, Owens and Pringle leadership. In May three major developers had announced that they would switch their operations to other states "because of building industry unrest in N.S.W." and predicted that other construction companies would follow suit.²⁶⁴ The N.S.W. Minister for Labor and Industry, Hewitt, agreed with their analysis and added that the "crisis" in the state was caused by "extremist groups such as the B.L.F. hold[ing] employers to ransom".²⁶⁵

Those builders affected by the bans had even more reason to spend money in an attempt to destroy the N.S.W. Branch. The economic situation had caused interest rates to double in the preceding two years, with the long-term government bond rate rising from an average 5% in 1972-1973 to more than 10% in 1975-1976. With available money being shortened in supply, buildings had to be built quickly in order for profits to be made or losses avoided. Some green bans were costing individual developers millions. Frank Theeman, whose name was most often linked to that of Gallagher,²⁶⁶ claimed that three years' delay in the construction of his Victoria Point development had cost him an extra \$3 million in rates and taxes, and "at least \$3,000 a day" in holding charges.²⁶⁷ The first green ban to be lifted by Gallagher was Victoria Street.²⁶⁸

Another major company which had close connections with the Federal officials was Concrete Constructions whose efforts to force their employees to join the Federal Union eventually precipitated a major strike. The General Manager of Concrete Constructions, Bill Kocass, was

264 Age, 18 May 1974. The three developers were Sir Paul Strasser (Project Development Corporation Ltd.); Irving Graf (Stocks and Holdings Ltd.); and the general manager of Hooker Projects Pty. Ltd., Peter Thompson.

265 Daily Telegraph, 18 May 1974.

266 Apart from Theeman's obvious anxiety to begin construction, an incident which added fuel to the rumours about Gallagher being "bankrolled by Theeman" was an almost comic coincidence that occurred during Intervention. Munday was walking down Elizabeth Street, having just received the verdict in his defamation case against Askin, when he saw Gallagher, Robinson and Theeman driving towards Park Street in Theeman's Mercedes. "Gallagher and Robinson ducked down when they saw me." (Interview: 23 March 1981) The incident was reported on 2JJ and caused great controversy.

267 The claims were made in letters from Victoria Point's chief architect, Neville Gruzman, to the Town Clerk of Sydney, 24 April 1975; and from Theeman to the Chief Planner, John Doran, 2 July 1975. The National Times, February 15-21, 1981.

268 Sun, 18 April 1975. In this report Theeman claimed that "The green ban had already cost the development company \$2 million interest on loans..."

the Senior Industrial Officer of the N.S.W. Master Builders. His close association with the Gallagher-Robinson leadership was inadvertently disclosed when his Secretary rang the N.S.W. Branch, instead of the Federal Office. Kocass, mistakenly believing he was speaking to Les Robinson (impersonated on the spur of the moment by Mick McNamara who had answered the phone) revealed an obviously on-going process of consultation and co-operation between the two bodies. He said:

Do you know that business you were talking to Wal Glover [M.B.A.] about yesterday? We are in the process of getting it fixed up... Wal told me how you wanted a few jobs to move in on next Monday. We are setting up a few for you to hit also whilst that Court Case is on...I will phone you back and let you know about the other jobs.²⁶⁹

Whether the covert alliance also entailed financial assistance is impossible to prove. Kocass has made remarks since that seemed to indicate that something more than industrial assistance was involved.²⁷⁰ Ray Rocher denies that the M.B.A. funded Gallagher, and when queried about individual builders replied simply: "Not to my knowledge".²⁷¹

So really, the major evidence is circumstantial: all the green bans have been lifted.²⁷² Given Gallagher's often stated position that he is in favour of environmental bans,²⁷³ he has either made misleading statements to the media or he is paying back favours from employers in N.S.W. Perhaps the most telling piece of circumstantial evidence comes from the M.B.A. itself in its Circular to all members at the time of

269 Affidavit: Mick McNamara, November 1974. Cited in Document, Who Would Trust a Union Led by this Man?, n.d. (December 1974?), 4pp. Authorised by Joe Owens and Bob Pringle on behalf of N.S.W. B.L.F. and Jack Cambourn on behalf of N.S.W. F.E.D. & F.A.

270 He referred to "the set-up we had going with Gallagher" in a conversation with a Federal Plumbers' Union Organiser in late 1980. (Interview: Glen Batchelor, 14 December 1980)

271 Ray Rocher: Interviewed by Pat Fiske 1980. The anonymous Employers' Organisation Official however claims that: "In theory it was not the M.B.A. that supplied Gallagher with money but it was individual builders who were members of the M.B.A. They took collections and handed it over in cash. We paid for all his court costs". Interview: Senior Employers' Organisation Official, 10 July 1981.

272 The only bans that have remained are those where the F.E.D. & F.A. or the B.T.G. have retained bans or where financial difficulties or public opinion have made development impossible. In April 1974 Gallagher stated that only two reasons were acceptable as justifications for a ban - historical value and a request by the National Trust. Even these were subject to an additional qualification: "that the National Trust rally 'adequate' public support within two months". He criticised the resident action groups, saying they "have deprived our members of their jobs. We will make our own decisions in the future". Quoted in Mark A. Haskell, "Green Bans: Worker Control and the Urban Environment", Industrial Relations, Vol. 16, No. 2, May 1977, p.212.

273 See previous chapters, especially his statements after the Hobart Federal Conference in November 1973.

Gallagher's arrival in N.S.W. It advised builders that the M.B.A. "actively encourages commencement of work on projects subject to illegal bans and limitations... [i.e. green bans]".²⁷⁴ If they were not certain of Gallagher's obliging policy on N.S.W. green bans, and of his ability to withstand financially a long hard struggle, they would hardly have issued such a directive.

Although green bans, re-registration and control of the Union were the real motives for Gallagher's intervention what were his stated reasons? They are difficult to catalogue because he announced a different justification or set of justifications at different times and in different places.

The F.M.C. decision to intervene on 7 October was announced with completely general reasons being given:

This resolution is decided upon because of the failure of the N.S.W. Branch Executive to carry out the decisions of the F.M.C. and because its general behaviour over the last three years has been detrimental to the real interests of the membership of the whole Federation and because their actions have prevented the Federation from fully participating in a vigorous campaign to improve wages and conditions of the members.²⁷⁵

If such generalities were sufficient justification for Federal-State interventions, then some unions would be in permanent intervention situations with their ideologically opposed State Branches. A good comparison from within the building industry is provided by the Plumbers' Union. The Socialist Left Federal Council of the Plumbers' Union had been making exactly those accusations against the right-wing N.S.W. Branch for twenty years and were often urged to intervene, especially in 1972. However they felt legally without justification until 1979 when the N.S.W. Branch set up a breakaway State-registered union and began recruiting members from the Federal union.²⁷⁶

In a later publication Gallagher is much more specific about his reasons for Intervention:

While other states have taken united action, the N.S.W. leadership has stood to one side. They have seriously disrupted the campaign for the federal paid rates award, the \$9 flow-on, and have split the union in the face of de-registration.²⁷⁷

274 M.B.A. of N.S.W., All Member Circular No. 81/1974, 22 October 1974.

275 A.B.C.E. & B.L.F., Keep One United Federation, n.d. (October 1974), 4pp. Authorised by N.L. Gallagher, General Secretary, A.B.C.E. & B.L.F.

276 See Documents, Judge Says Bignell Can't Be Believed, n.d. (March 1981), 4pp. Authorised by Sydney Branch Rank and File, P.G.E.U.A.; and P.G.E.U.A. Head Office Report on Decision of Federal Court of Australia, n.d. (March 1981), 4pp. Authorised by G.R. Crawford, General Secretary, P.G.E.U.A.

277 Document, Builders' Labourers - Unite to Defend the Federation, n.d. (late 1974?), 2pp. roneod. Authorised by F.M.C., A.B.C.E. & B.L.F.

These claims have to be seriously considered. Gallagher's contention that N.S.W. had disrupted the federal award campaign stems from a difference of opinion over stoppages which were held in all states on 30 September. Gallagher wanted the stoppages to be prolonged as a protest against Writs of Prohibition taken out in the High Court against the Union's participation in negotiations around the B.L.F.'s current log of claims. The N.S.W. justification for their position was:

The N.S.W. Branch DID stop on the day in question but did NOT recommend a prolonged stoppage as the builders concerned with the Writs had previously agreed to withdraw their support. We regarded this stoppage as unnecessary as it would not affect the decision on the Writs and was losing workers time and money with no purpose. This has since proved correct as NO DECISION ON THE WRITS HAS YET BEEN HANDED DOWN.²⁷⁸

An interesting reversal of positions is revealed here. Gallagher, who continually accused N.S.W. of causing unnecessary strikes and "losing workers' time and money", is here accusing them of not striking. The N.S.W. Branch's support of the paid rates award campaign was enthusiastic. Their record of stoppages during the year and their criticism of Gallagher for not attending the negotiating sessions have already been discussed. Even Pat Clancy, believed the B.L.F.'s lack of progress in the campaign stemmed from Gallagher, not the N.S.W. leadership.²⁷⁹

The \$9 flow-on charge was not substantial. Gallagher himself claimed in propaganda leaflets that only Federal ticket holders would receive the \$9 flow on,²⁸⁰ indicating that some sort of "deal" with N.S.W. employers was involved. However these attempts proved unsuccessful and on the same day that Equity Court Judge Holland issued orders restraining Gallagher from setting up a Federal Branch in N.S.W., the State Branch won the \$9 margin, backdated to 11 October 1974.²⁸¹

As for Gallagher's claims that the N.S.W. Branch had "split the Union" there is no evidence. N.S.W.'s adherence to a green ban policy, was in line with official Federation policy which had advocated environmental bans since the 1973 Federal Conference. N.S.W. was always at pains to stress "unity within the Federation":

We believe in remaining within the Federation. N. Gallagher has consistently refused to address the N.S.W. membership and is

²⁷⁸ N.S.W. B.L.F., An Open Letter to Victorian B.L.F. Shop Stewards, 30 October 1974, 3pp. roneod. Authorised by Joe Owens and Bob Pringle, p.2.

²⁷⁹ B.W.I.U. Federal Office, B.W.I.U. Policy - One Union in the Building Industry, March 1976, pp.3 and 5.

²⁸⁰ N.S.W. B.L.F., N.S.W. Branch Builders Labourers Win \$9.

²⁸¹ N.S.W. B.L.F., M.B.A. - Gallagher Collusion.

continuing to interfere in the most undemocratic manner in our affairs...

N.S.W. representatives at the Federal Council proposed that the current intervention in N.S.W. Branch should cease and that a committee be set up consisting of two representatives from the Federal Council and two representatives from N.S.W. and that this committee should discuss all problems facing the Federation, including re-registration. In a period of economic uncertainty ...the current division within our Federation is disastrous to our Union.²⁸²

The Branch also opposed the concept of dual unionism within the State because it "is terribly destructive and only benefits the employers, and the workers are sacrificed every time".²⁸³ This statement of belief was proved to be not just high-sounding propaganda when the N.S.W. leadership stood down from office, whilst still commanding the loyalty of thousands of members, because in their opinion the one thing worse than a Gallagher-controlled Branch was a dual union situation.²⁸⁴

While it could be argued that N.S.W. only expounded the virtues of unity once Intervention occurred, this is not so. Despite repeated trouncings at F.M.C. meetings and Federal Conferences,²⁸⁵ the Branch continued to contribute financially and industrially²⁸⁶ to all the Federation's activities. Not once did they suggest or even imply that the N.S.W. Branch would take action to sever its connection with the other States. Yet Gallagher and the F.M.C. did exactly this. On 7 October 1974, two days before Intervention, the Federal Management Committee (in the absence of Joe Owens) resolved to make "immediate application for the re-registration of the Union with the exception of the N.S.W. Branch [my emphasis]".²⁸⁷ What more divisive tactic could be conceived? In the face of this threat to their ability to protect the wages and conditions of their membership the N.S.W. Branch took the only course

282 N.S.W. B.L.F., An Open Letter to Victorian B.L.F. Shop Stewards, 30 October 1974, p. 3.

283 N.S.W. B.L.F., Unity of Builder Labourers NOW!, 13 October 1974.

284 N.S.W. B.L.F., 3 Hour Stop Work Meeting, All N.S.W. Builders Labourers: Settlement of N.S.W. B.L.F. Dispute, n.d. (March 1975), lp. roneod.

285 Apart from the continual defeats suffered by N.S.W. (although the largest Branch) in the seventies, it is important to remember the history of Federation aggression toward the Branch. See Appendix A.

286 The 1970 strike was a glaring example of the Federation not supporting N.S.W. industrially, although all states benefited from the final result.

287 Document, Keep One United Federation, Authorised by N.L. Gallagher, A.B.C.E. & B.L.F.

open to them.²⁸⁸ The Mass Meeting of builders labourers held on the 14 October resolved:

Because the F.M.C. has decided to re-register the Federation without N.S.W. we declare full support for the formation of a new Union in N.S.W. to cover Builders Labourers under Federal jurisdiction. This new union is to be called the Australian Builders Labourers Federation (N.S.W.). We have no desire to split the Federation, but have been forced to take this action as Gallagher and the F.M.C. have seen fit to leave N.S.W. out of re-registration. We will not seek to cover work done by any other union in N.S.W. (289) and we undertake to work in harmony with other building Unions and respect their traditional rights.²⁹⁰

Gallagher added another charge against the N.S.W. Branch when he was interviewed by the press on his arrival in Sydney. He alleged that the N.S.W. Branch auditors, A.J. Williams and Co., had said they were "unable to obtain verification of the income of the permanency campaign fund of \$19,722 and the green ban lock-out fund of \$6,344".²⁹¹ Gallagher announced that the F.M.C. "would seek to take legal action to recover any money which was found to be missing".²⁹² Gallagher's implication of dishonesty on the part of the N.S.W. officials received front page publicity. However a letter of reply from the auditors received no publicity at all. A.J. Williams and Co. wrote:

Our attention has been drawn to the recent conflicting and misleading reports in the Sydney press concerning our Auditor's Report dated 28th June 1974...

We have not inferred that there has been a mis-appropriation of funds in these areas. Consequently we deny the allegations.²⁹³

288 The decision to authorise Pringle and Owens to lodge an application for registration of a union to cover Builders Labourers in N.S.W. under the Federal jurisdiction, was made by a meeting of 130 job delegates and the N.S.W. Executive on 9 October 1974, two days after the F.M.C. decision was made. (N.S.W. B.L.F., Unity of Builders Labourers NOW!, 13 October 1974). They were guided in this decision by Jim Staples. (Interview: Joe Owens, 4 April 1978.) Later, Gallagher alleged that this application was made before the F.M.C. decision and was added to his charges of "divisiveness" against the N.S.W. Branch.

289 This statement is in marked contrast to Gallagher's fanaticism on the issue. Even when under concerted attack such as in the 1981 deregistration crisis, the Federation's N.S.W. Branch was suspended from N.S.W. Labor Council after complaints from building unions of membership "poaching". Minutes: Labor Council Meeting Held 26 March 1981, pp. 5-6.

290 N.S.W. B.L.F., Mass Meeting of N.S.W. Builders Labourers 14 October 1974: Recommendation to the Meeting, lp. roneod.

291 The Australian, 9 October 1974.

292 Ibid.

293 Correspondence: A.K. Williams for A.J. Williams & Co. to J. Owens, A.B.C.E. & B.L.F. (N.S.W. Branch), 14 October 1974.

Gallagher did not furnish the auditors with evidence for his claim, he simply accused the N.S.W. officials of other financial dishonesties which could not be verified by audit. He raised certain matters which had originally been raised and disposed of in 1972 and again during the 1973 N.S.W. Branch election. One of these charges, that the Branch lent money above the amount allowed by the rules, was admitted by the N.S.W. leadership:

Sure we lent money to groups like the aborigines flooded out at Wee Waa and to members in distress and to strike funds. The rules only allowed us to loan \$10 which was so out of date it was laughable. Every loan was properly recorded and processed. We had nothing to hide.²⁹⁴

Other allegations, which were widely circulated concerned thefts from Union dues by various organisers and other dishonest practices. The names and circumstances varied depending on the leaflet.²⁹⁵ These charges had already been investigated by the F.M.C. in February 1974. They were originally laid by Joe Ferguson,²⁹⁶ one of the defeated Branch election candidates sixteen months earlier. The February F.M.C. made the extraordinary decision not to allow Bob Pringle to replace Joe Owens, who was ill and had taken his annual holidays, as the N.S.W. delegate to the F.M.C.²⁹⁷ Consequently the charges were heard without a N.S.W. member present. Gallagher also advised the M.B.A. that the Right of Entry of all N.S.W. organisers was withdrawn.²⁹⁸ The Western Australian Branch accused Gallagher of openly collaborating with the M.B.A. and completely dissociated themselves from his actions.²⁹⁹ Gallagher refused to accept N.S.W.'s offer to open their books to the F.M.C. and to the membership for a full inspection and decided to audit the N.S.W. Branch books with

294 Interview: Joe Owens, 4 April 1978. Similar admissions are made in Vigilante, March 1974, pp.3-4.

295 Examples are Documents, Charges of Corruption, n.d. (early 1974?), lp. Authorised by Builders Labourers' Committee Against Graft; and Builders Labourers Don't Be Fooled, n.d. (early 1974), 2pp., roneod. Authorised by the Building Workers Rank and File. These documents were never authorised with members' names, and the titles of the authorising groups changed continually. They were all produced by essentially the same group that stood in opposition in the 1973 Branch election.

296 Ferguson himself was expelled from the C.P.A. in the sixties allegedly for stealing from another C.P.A. member.

297 N.S.W. B.L.F., Vigilante, March 1974, 12pp., p.3.

298 Correspondence: N.L. Gallagher to J.D. Martin, Executive Director, M.B.A., 6 February 1974.

299 N.S.W. B.L.F., No Scab Branch Here, n.d. (February 1974), lp. roneod. Authorised by T. Hogan, Acting Secretary and Bob Pringle, President, N.S.W. B.L.F.

three different auditors.³⁰⁰ Having failed to prove any of the charges in February, Gallagher simply repeated them again in October. It was on the basis of these claims that the N.S.W. leadership was expelled in 1975. The media was quick to publish the allegations but, as with the Auditor's letter, were loath to publicise important evidence in rebuttal. Without canvassing the correctness or otherwise of the charges, two pieces of evidence must be quoted. Firstly, in reply to a letter from the N.S.W. officials' solicitor, the Premier, Neville Wran wrote:

Following your approach, I discussed this matter [Gallagher's allegations] with the Commissioner of Police, who has now advised me that the police have in fact investigated a number of matters relating to the affairs of the union. Mr. Hanson went on to say that these inquiries are now complete and that as they failed to disclose the commission of any criminal offence by officers of the Branch, no further police action is proposed in the matter.³⁰¹

The second piece of evidence is contained in the Federal Court's Judgement on 20 April 1978 that the expelled N.S.W. officials should be re-admitted to the Union. In reply to Gallagher's allegations that \$93,000 had been stolen and that the officials were "of general bad character", the Court found that the transfer of money between accounts:

...was not done clandestinely and was not done with any intention of theft or dishonest motive. The monies were repaid to the organisation without the organisation suffering any loss...

The upshot of all this is that no material has been placed before us on which it could possibly be held that one of the applicants is of general bad character.³⁰²

Consequently the Court ordered the re-admission of the N.S.W. officials to the Union. Despite the fact that first the police, and then the Courts exonerated the N.S.W. leadership, Gallagher has still refused to re-admit the majority of expelled officials, including Munday and Pringle,³⁰³ giving rise to speculation that fear of their popularity and

300 N.S.W. B.L.F., N.S.W. Builders Labourers Under Attack Again, n.d. (March 1974?), 2pp. Half of the charges laid by Ferguson were found to be illegal in the N.S.W. Equity Court in late February. A national petition signed by thousands of members called on Gallagher to put the other charges to special Branch meetings in all states for consideration under the Rules. Gallagher refused. Ibid.

301 Correspondence: W. Haigh, for the Premier to G.D. Campbell and Co., 29 October 1976.

302 Cited in Document, Owens Munday Pringle Cleared, n.d. (April 1978?), 1p. Other evidence of "general bad characters" submitted by Marcus Einfeld Q.C. for Gallagher was that N.S.W. Branch officials had been arrested in demonstrations and had sworn at employers. This latter charge elicited the comment from the Bench that the applicants were seeking readmission to a labourers union, not a ladies' knitting group.

303 Owens was readmitted in 1979 after intense pressure from certain key rank and file militants.

possible ideological ascendancy has motivated Gallagher rather than the desire to eliminate "bad characters"³⁰⁴ from the Union.³⁰⁵

By the time Gallagher arrived in Sydney there was really very little the N.S.W. Branch could do to avoid annihilation.³⁰⁶ Gallagher appointed 22 Federal Organisers,³⁰⁷ six of whom were unsuccessful candidates in the 1973 Branch election, one was a local "Maoist", and ten were interstate officials. On his arrival, he was immediately met by a noisy demonstration of 200 residents chanting "Go Home Gallagher". The hastily organised rally also delivered a petition calling on Gallagher to leave the N.S.W. Branch alone. Hotel staff told the protesters that Gallagher was out sailing.³⁰⁸

On the same weekend, the Australian Conservation Foundation voted at its Annual General Meeting to support the N.S.W. Branch and its green ban policy.³⁰⁹ Several A.C.F. members left the A.G.M. to join the residents' demonstration outside the Hyde Park Plaza Hotel. Gallagher's response to such indications of support for the N.S.W. Branch was to tell

304 Especially ironic is the fact that one of the two men chosen by Gallagher to conduct an inquiry into "allegations which have been made concerning the conduct of the members of the Executive Committee of N.S.W. Branch" [F.M.C., Schedule, n.d. (October 1974?), 5pp. roneod, p.1] was Thomas Domican who was himself charged by the N.S.W. Police with "conspiracy to commit forgery" in August 1980 in the wake of the "Baldwin Bashing" police inquiry. Sydney Morning Herald, 19 May 1981.

305 A possible breakthrough has recently occurred when the A.C.T.U. President, Cliff Dolan, announced that he would ask Gallagher to lift the expulsion. He said "I know Mr Munday was a militant bloke and he may have overstepped the mark on the green bans, but on the other hand he was a catalyst in bringing the public attention to what was happening to historic buildings..." Munday announced that he had no intention of assisting the Federal Government in its moves to deregister the B.L.F. but the Herald Industrial Reporter pointed out that Gallagher's "refusal to obey a Federal Court order is certain to be used by the Government in the deregistration proceedings". Sydney Morning Herald, 6 April 1981. However Gallagher "made it clear...that he has no intention of lifting the union's illegal ban" and said "he had tried unsuccessfully to telephone Mr. Dolan 'to tell him to keep his nose out of B.L.F. business'...he said the union did not accept the findings of the Federal Court that Mr. Munday should be readmitted". Sydney Morning Herald, 7 April 1981.

306 Federal unions with their greater resources and ability to put pressure on employers in other states, almost invariably win State/Federal confrontations, even without the added advantages that Gallagher enjoyed. An extra disadvantage for the N.S.W. Branch was that 80% of N.S.W. builders labourers worked under Federal Awards.

307 Federal Management Committee, Schedule, n.d. (October 1974), 5pp. roneod, p.4.

308 Tribune, 22 October 1974.

309 Ibid.

Dr. Richard Jones, Vice President of the A.C.F. to "keep his nose out of B.L.F. business".³¹⁰

A mass meeting of 1500 builders labourers voted unanimously to reject Gallagher's take-over and reiterated support for the N.S.W. leadership.³¹¹ Gallagher was invited to address the meeting but refused, saying that the meeting was stacked with "residents and poofsters".³¹² Gallagher, in fact consistently refused to speak at meetings during the entire six months of Intervention.

In the second week of Intervention, Mr Justice Holland in the Equity Court issued an order restraining any members of the F.M.C. or their agents from signing up Federal members or further intervening in the affairs of the N.S.W. Branch. The N.S.W. Branch recorded with bitterness: "Gallagher, and the bosses who usually harp on legalities have ignored the order".³¹³ When Judge Sheehy in the State Industrial Commission gave decisions in the E.A. Watts case,³¹⁴ the employer and the Federal "administration" similarly ignored the order.

In December, Judge Holland in the Equity Court ruled that the purported meeting of the F.M.C. on 16 October 1974 was "neither convened nor conducted according to the rules of the Federation...and the resolution made at the meeting was invalid".³¹⁵ Holland ordered that Gallagher be restrained from taking any step pursuant to the resolution and from setting up a new Federal Branch.³¹⁶

In fact, the N.S.W. leadership won every case about Intervention in the Equity Court, the Industrial Commission or the Federal Court of Australia from October 1974 until the present day. However, because of Gallagher's non-compliance with the rulings, the victories were not of

310 Wallace Crouch, "Some Black among the B.L.F. Green", Sydney Morning Herald, 12 November 1974.

311 Correspondence: Mick Ross, Finance Officer, N.S.W. B.L.F. to "Dear Comrade", 11 November 1974.

312 N.S.W. B.L.F., M.B.A. - Gallagher Collusion, n.d. (April 1975?), lp. roneod. Although this source is obviously partisan, Gallagher never denied making such statements and one of his propaganda leaflets repeats the allegations in less florid language "...the N.S.W. leadership has allowed all sorts of people from amongst their political friends into mass meetings..." A.B.C.E. & B.L.F. N.S.W. Branch (Under Federal Council Administration), Victorian Builders' Labourers Win \$9.00 Flow On, n.d., lp. roneod.

313 N.S.W. B.L.F., Trades Hall Information Sheet, 25 November 1974, 3pp. roneod, p.2.

314 Cases No. 480 and 523 of 1974, N.S.W. Industrial Commission.

315 Supreme Court of N.S.W., Equity Division, No. 2192 of 1974.

316 Ibid.

any strategic advantage unless the N.S.W. leadership was prepared to goal him for contempt. The Branch leadership decided not to pursue legal action because of its inefficacy and the cost to the membership but even this action produced an undesirable backlash. The three morning newspapers carried reports saying the N.S.W. Branch refused to produce financial records and had withdrawn from the case. They also reported the Federal body was the legal body.³¹⁷ After threats of legal action, the three papers carried corrected reports of the court case³¹⁸ but a lot of damage had already been done, especially as the Federal body had produced a poster containing the incorrect newspaper reports. Although Holland reprimanded the Federal body for producing the poster and called it "gross misrepresentation and falsehood", the Federal organisers continued to circulate the poster.³¹⁹

The N.S.W. Branch was having problems at the job-site level too. It was a hard dispute to fight, no matter how militant or loyal the membership was:

We had to convince them to stay on the job rather than go on strike because once our blokes went on strike Gallagher would send his scabs in.³²⁰

That Gallagher had no compunction about "scabbing" in such situations is revealed in his attitude to the F.E.D. & F.A. During the E.A. Watts dispute Gallagher wrote:

Cambourn from the F.E.D. & F.A. has instructed crane drivers not to work with labourers who oppose the Owens group. Labourers have told Cambourn in no uncertain manner to keep out of our affairs. Cambourn has left us no choice. If they won't work with us - bad luck. On Wednesday 23rd, builders labourers drove the two Favcos [cranes] on the Watts Institute job. Cop that Cambourn.³²¹

317 Sydney Morning Herald, 11 February 1975; The Australian, 11 February 1975; and Daily Telegraph, 11 February 1975.

318 Sydney Morning Herald, 14 February 1975; The Australian, 14 February 1975; and Daily Telegraph, 14 February 1975.

319 N.S.W. B.L.F., M.B.A. - Gallagher Collusion, n.d. (April 1975?).

320 Interview: Bob Pringle, 8 March 1978.

321 N.S.W. Branch, A.B.C.E. & B.L.F., News Bulletin, n.d. (October 1974), lp. roneod. Authorised by N.L. Gallagher. Yet another irony arises out of Gallagher's present deregistration battle. In an attempt to find a way out of his predicament, he asked Cambourn (now Federal Secretary of the F.E.D. & F.A.) to consider an amalgamation between the two unions. Not surprisingly, considering Gallagher's past history, Cambourn told reporters: "I wouldn't like to commit myself ... We are opposed to the Government's efforts to de-register the B.L.F. and the same sort of principles arise on the question of de-registration of individual members of a union, which is the position that Jack Munday is in". Sydney Morning Herald, 10 April 1981.

The Watts job was the site of the most spectacular of the many industrial actions undertaken by the rank and file.³²² N.S.W. B.L.F. members and two crane drivers occupied the two cranes hundreds of feet above Broadway and stayed there for several days, bringing the job to a virtual standstill. The Sydney Morning Herald featured two dramatic front page photographs and reported Joe Owens as declaring that the workers "would stay up until the company abided by last week's court orders".³²³ The Federal Branch argued that the Watts dispute was about democracy:

Who makes decisions which decide the interests of building workers and our families - the minority or the majority? We say the majority!

Can elitism (that is action by small groups in contempt and defiance of democratic decisions) be allowed to run things in dead opposition to basic union principles? We say elitism is out.

Basic union principles demands decision-making by majorities not minorities.³²⁴

Despite such calls for democracy the Federal body refused to debate the issue with the N.S.W. leadership and refused to call Branch meetings or elections.³²⁵ When eventually they were forced to call an election they ruled invalid every opposition nomination they received³²⁶ and then described the uncontested result "a bonecrushing defeat".³²⁷

The rank and file and the resident activists continued to be actively involved during Intervention. Amongst other activities the rank and file raised money by raffling a prize greyhound donated by a loyal member.³²⁸ They also brought out several editions of a journal called The Rank and File Rag.³²⁹

322 Good evidence of the Rank and File's willingness to undertake unorthodox industrial actions is the Crane Occupation Book, n.d. (November 1974), which recorded food deliveries, donations and changes of shift on the various cranes that were occupied.

323 Sydney Morning Herald, 7 November 1974.

324 Document, Rank and File Control Not Minority Rule, n.d. (November 1974?), 2pp. roneod. Authorised by Delegates on behalf of Rank and File labourers and tradesmen.

325 The N.S.W. Branch continually called for an election to decide the issue, (Trades Hall Information Sheet). They offered to "resign all positions and let the membership decide" on 10 November. (N.S.W. B.L.F. & N.S.W. F.E.D. & F.A., Who Would Trust a Union Led By This Man?, n.d. (December 1974?), 4pp., p.3.

326 Because the nominees had not paid the \$8 levy which they maintained was illegal.

327 A.B.C.E. & B.L.F., Election Result, n.d.

328 Raffle Ticket, Guessing Competition: Fill in the missing Letters: Gallagher is a T--D, n.d. (early 1975?).

329 The Rank and File Rag: Bulletin of the Job Delegates & Activists Association, Nos 1, 2 and 3.

The resident activists organised various demonstrations of support, including an occupation of the M.B.A. Headquarters and a rally where over a thousand "residents, blacks, prisoners, women, homosexuals, environmentalists and students"³³⁰ marched from Martin Plaza to the Head Office of Concrete Constructions. The Resident Action Groups also held fund raising parties³³¹ and dances.³³²

The most significant support for the N.S.W. Branch came from 34 Federal Labor Members of Parliament who signed a press statement which declared:

The "green bans" policy of the N.S.W. Branch of the Builders Labourers' Federation is too valuable to be swept aside in an internecine union wrangle...

We have no doubt that the Builders Labourers' policy on green bans is being attacked in order to accommodate the interests of those most responsible for the insensitive destruction of mainly working class areas.

It will be a sad day if the awakening environmental consciousness of the working class is frustrated by a weakening of the green bans policy.³³³

Despite this support from the political wing of the labour movement, the industrial wing remained with the strength. A.C.T.U. President, Bob Hawke, came out in support of Gallagher³³⁴ and refused to chair a meeting between the two factions when requested by the N.S.W. officials.³³⁵ Hawke cited as a justification for his stand, the N.S.W. Branch supporters' occupation of the M.B.A. Offices. The C.P.A. criticised him for this stand, pointing out that:

Hawke...has stated "support for the Gallagher takeover", using as an excuse the M.B.A. occupation.

330 Poster, We Support N.S.W. B.L.F. Because They Support Us, signed by Residents, Blacks, Prisoners, Women, Homosexuals, Environmentalists and Students.

331 Parties were held at Glebe, The Rocks, Woolloomooloo and Mt Colah.

332 Two dances were held, The Green and Black Ball, and the Green Ban Ball.

333 Press Statement, Unions and Green Bans, 24 October 1974, signed by Adrian Bennett, John Button, G. Clayton, D. Everingham, A. Gietzelt, Jim Keefe, D. McKenzie, Joan Melzer, Justin O'Byrne, C. Primmer, L. Wallis, Tom Uren, W. Brown, Don Cameron, John Coates, John Dawkins, Don Grimes, John Kerin, Gordon McIntosh, Peter Morris, Max Oldmeadow, Len Reynold, P. Walsh, G. Bryant, Moss Cass, Ruth Coleman, K. Fay, H. Jenkins, Anthony Lamb, James McClelland, A. Mulvihill, Gordon Poyser, R. Thorburn, John Wheeldon.

334 The Australian, 12 March 1975. The A.C.T.U. Executive also voted to support the Federal body. Gallagher's position on the Executive would have helped him obtain Hawke's support because, with the numbers on the Executive very close, Hawke relied often on Gallagher's maverick vote.

335 Daily Mirror, 18 March 1975.

Yet he stays silent on the blatant political attack by Gallagher's occupation of the C.P.A. Office in Melbourne.³³⁶

The C.P.A. Building Branch also criticised the rest of the trade union movement for its inactivity:

While this attack has gone on the trade union [movement] has remained silent. In the words of the B.W.I.U. "staying neutral", and thus by their non-action aiding the employers.³³⁷

The only unions in N.S.W. which openly supported the N.S.W. Branch were the F.E.D. & F.A., the Teachers' Federation³³⁸ and the A.T.E.A.³³⁹

During Intervention the N.S.W. Branch had to contend with opposition from a formidable number of forces. These included the N.S.W. union movement, the A.C.T.U. Executive, all the building unions, the Employers, the Askin Government, the police, their own Federal body and even the economic situation in the industry, which by the end of 1974 was experiencing an acute depression.

The final blow came on 17 March 1975 when the N.S.W. Branch's office in Trades Hall was broken into overnight and all their membership files stolen.³⁴⁰ As the N.S.W. officials pointed out: "These records would have no commercial value, and would only be of use to the Federal body of this Union".³⁴¹

The latest Chicago-style burglary of the N.S.W. Branch Office, at which all of our membership records, which are personal to you [the members], have been stolen and the Office smashed up, is designed to prevent the N.S.W. Branch from functioning as a viable organisation. The N.S.W. leadership and members fought this struggle cleanly and in a principled manner, despite interference from employers and police. This latest provocation has no place in the Labor Movement.³⁴²

The loss of their records probably only hastened the inevitable conclusion. A week later the N.S.W. officials called their final stop work meeting. In pouring rain, 2,000³⁴³ builders labourers crowded into the Lower Town Hall for an emotional finale. Determined not to allow a

336 Helmet, 19 March 1975. Authorised by C.P.A. Building Branch.

337 Ibid.

338 Teachers' Federation official Richard Walsham spoke at the Final Meeting in the Town Hall, 24 March 1975.

339 Interview: Jack Kreger, N.S.W. President A.T.E.A., 25 July 1980.

340 Daily Mirror, 18 March 1975.

341 N.S.W. B.L.F., Press Statement re Break In of the N.S.W. Branch of the B.L.F., 18 March 1975.

342 N.S.W. B.L.F., 3 Hour Stop Work Meeting, All N.S.W. Builders Labourers; Settlement of N.S.W. B.L.F. Dispute, n.d. (March 1975), lp. roneod.

343 The leadership estimated this was almost half their Sydney membership.

dual union situation to exist,³⁴⁴ the leadership advised members to change their State tickets to Federal tickets and to begin paying the Federal Branch. The officials promised to fight as rank and filers within the Federal Union³⁴⁵ for democratic organisation and socially responsible policies. At the end of the meeting, Munday, Owens and Pringle were chaired off the dais amidst a tearful standing ovation which lasted ten minutes.³⁴⁶ Les Robinson, the new Secretary, admitted three years later:

I think we destroyed a virile organisation and it didn't do the Federation any good either.³⁴⁷

344 The officials often spoke about the importance of "not leading the members down a hole" and "not hanging onto leadership and destroying the members in the process".

345 This possibility was obstructed by Gallagher expelling the entire leadership and refusing to issue tickets to the more prominent militants.

346 I tape-recorded the final meeting.

347 Interview: Les Robinson, 20 February 1978.