

ABOLISH THE PENAL POWERS FREEDOMS FIGHT OF '69



INTRODUCTION

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

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

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

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

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in having the objectionable Melbourne City Council By-Law prohibiting distribution of leaflets on city streets withdrawn.

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

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

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

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

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

PRICE 20 CENTS

ABOLISH THE PENAL POWERS

FREEDOMS FIGHT OF '69

BY J. ARROWSMITH

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

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

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

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

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

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

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

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

The Federal President of the Boilermakers

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

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

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

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

Before the changes were passed by Parliament

MR. R. G. MENZIES
SENATOR J. G. GORTON (now Prime Minister)
MR. P. E. JOSKE, Q.C.
and
SENATOR THE HON. J. A. SPICER, Q.C.

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

spoke in support of the new laws.

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

NOW LET'S MOVE ON BY 13 YEARS

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

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

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

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

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BUT FINES are only one side of our picture.

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

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

He replied—

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

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

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

SO THERE IT IS.

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

Somewhere a voice will say.

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

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

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

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

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

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

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

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

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

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

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

NOW LET'S RETURN TO 1956

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

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

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

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

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

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

"In addition there is probably more

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

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

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

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

The Penal Powers were considered necessary because

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

BRING ON "TAME CAT" UNIONS

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

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

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

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

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He was knighted in 1963.

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

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

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

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

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

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

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

THE NEXT OBJECTIVE WAS THE BASIC WAGE ITSELF.

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

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

In these separate judgments over a few years, the Commission firstly

- REJECTED THE EMPLOYERS' APPLICATION
- THEN

- ADOPTED IT IN "PRINCIPLE" BUT NOT IN APPLICATION.
- THEN ON JULY 1st, 1967
- ABOLISHED THE BASIC WAGE AND MARGINS AND INCORPORATED BOTH IN A "TOTAL WAGE."

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

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

Its judgments are now based on "national interests."

Events like the involvement of METAL — requiring vastly increased machinery — are factors that are taken into consideration.

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

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

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

NO THEY ARE NOT!

Let us recall the events round the Margin case.

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

JUDGMENT CAME OVER 2 YEARS LATER ON DECEMBER 11, 1967

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

THAT'S EXACTLY WHAT HAPPENED!

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

other actions took place.

FOR THIS THE UNIONS WERE HEAVILY FINED.

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

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

Unskilled workers like "employees assistants" were left behind with only \$1. So the decision was unsatisfactory from the Unions' point of view. The employers and the Government held the contrary view. They thought too much had been granted!

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

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

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

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

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

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

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

The two major Metal Trade employer organisations in Eastern Australia, the METAL TRADES EMPLOYERS ASSOCIATION (N.S.W.)

and VICTORIAN METAL INDUSTRIES ASSOCIATION

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

THEY INCLUDED SUCH JUICY PROFIT MAKING CONCERNS AS

- BROKEN HILL PTY. LTD.
- DUNLOP RUBBER

and AUSTRALIAN CONSOLIDATED INDUSTRIES

What were the workers to do in these circumstances?

They took action in a number of ways to

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

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

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

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

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

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

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

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

"UNITY," Union Journal, May, 1969.

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

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

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

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

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

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

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

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

They have unlimited sick pay and are appointed for LIFE!

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

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

But not the honorable gentlemen of the Bench.

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

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

Now let us look at

THE POWERS THE DETAILS, AND HOW THEY OPERATE

The power of the Industrial Court rests on two foundations. One is IT IS A "COURT OF SUPERIOR RECORD" We asked MR. FELIX MARTIN (Victorian Secretary, Moulders' Union) to explain the meaning of this.

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

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

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

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

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

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

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

THE FOUNDATION OF UNIONISM AND FOR ALL WHO SEEK SOCIAL PROGRESS

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

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

The Arbitration system has NOT stopped strikes.

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

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

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

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

IN AUSTRALIA TODAY —

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

• PENSIONERS ARE MAKING THEIR PROBLEMS WELL KNOWN AND SEEKING A BETTER DEAL.

• MANY ARE ASKING SHOULD WE PERMIT FOREIGN CAPITAL TO BUY UP OUR INDUSTRIES AND MINERAL RESOURCES?

• SOME SECTIONS OF THE FARMING COMMUNITY SEE PROBLEMS OF OVER PRODUCTION LOOMING.

• AUTOMATION IS MAKING ITS PRESENCE FELT IN THE WHITE COLLAR FIELD — TOMORROW ELSEWHERE.

• TAKEOVERS AND MERGERS ARE CREATING AN EVEN MORE WEALTHY AND POWERFUL FEW AT THE TOP, WHOSE VIEWS ARE CONSTANTLY DRUMMED OUT FROM T.V., RADIO AND THE PRESS.

• ABORIGINAL AND NEW GUINEA PEOPLE ARE ORGANISING, AND SUPPORTED BY WELL-WISHERS IN ALL STATES, ARE PRESSING THEIR NEED FOR LAND, ETC.

• PRICE RISES ARE EATING INTO WAGES AND THOSE ON FIXED INCOMES.

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

THAT WHICH LIMITS THEIR ABILITY TO MAKE PROGRESS LIMITS ALL.

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

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

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

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

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

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

(Signed) C. L. O'SHEA.

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



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

CONFRONTATION WILL CONTINUE

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

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

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

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

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

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

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

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

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

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

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

manding the complete repeal of the penal powers.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

New South Wales:

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

Queensland:

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

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

Western Australia:

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

Northern Territory:

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

South Australia:

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

Tasmania:

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

Victoria:

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

Canberra:

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

Seamen's Union of Australia:

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

New Zealand:

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

Canada:

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

England:

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

