

*The Queensland Journal
of Labour History*

No. 4

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The Brisbane Labour History Association



Brisbane
Labour
History
Association

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Front Cover Photo: George Lawson

(Photo courtesy Transport Workers' Union, Queensland Branch)

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No.4, March 2007

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Editorial

John Kellett

This fourth edition of the *Queensland Journal of Labour History* celebrates 100 years of the existence of the Transport Workers Union in Queensland.

On 17 December 1906 a group of men who earned their living by driving horse-drawn vehicles around Brisbane met at the Commercial Hotel in the city. By the end of the following year these men had gathered some 600 drivers into the Trolley, Draymen and Carters' Union, under the leadership of George Lawson. Through 100 years of continuous existence, and via several name changes, it was this union which became the modern Queensland branch of the TWU.

An article by Manfred Cross outlines the early history of the union and provides a biographical sketch of George Lawson. Through his involvement with the Labor Party and his efforts to re-establish a Brisbane Trades and Labour Council in the early-1920s, Lawson occupied a place at the very centre of the Queensland labour

movement. After 23 years leading the union, Lawson won the federal seat of Brisbane in 1931. He had had his political blood in local politics and as one of the 'suicide squad' of MLCs who voted the state's Legislative Council out of existence in 1921. Lawson held his federal seat until his retirement in 1960, aged 80 years. Manfred Cross is well placed to provide this sketch of Lawson, for it was Manfred who replaced George Lawson as the Labor Member for Brisbane in 1961.

Murray Johnson's article focuses on the TWU in the 1970s and the Bjelke-Petersen government's persecution of trade union activists. Murray documents how in the Mandarin Case one of the state's major transport industry employers was able, with the backing of the government, to ruin the working life of a TWU delegate. Murray then discusses the Zaphir Case, where we read of the government's success in transforming what should have been a simple industrial dispute into criminal proceedings involving the Criminal Investigation Branch and the District

Court. TWU organiser, Hughie Williams, had been marginally involved in the Mandarin Case; the Zaphir Case set a precedent that the Queensland Criminal Code could be used against union organisers; Murray Johnson's third case study narrates the circumstances under which Hughie Williams, in carrying out his duties as a union organiser, came to the attention of the CIB and almost fell victim to the Criminal Code.

The Brisbane Labour History Association has a special relationship with the TWU as the union's Queensland Secretary, Hughie Williams, has been patron of the Association since 2003. In an interview which is reproduced in this journal, Hughie reflects on the changes which have occurred within the TWU and within the broader labour movement during his 43 years involvement with the union.

Readers will also find book reviews and notices of coming events in the calendar of the Association and the wider labour movement.

I am very pleased to edit an edition of the *Queensland Journal of Labour History* which is devoted to the history

of a trade union. By promoting an awareness of the history of unions, the Brisbane Labour History Association is directing attention to a fundamental aspect of the human condition, namely, the urge to organise ourselves into groups for mutual protection. It is this urge which is at the heart of the sense of community which informs civilised society and which led to the creation of the first trade unions. In the present age of ascendent neo-liberal political and social agendas there is a compelling need to identify and celebrate the forces and institutions which unite us in our endeavours to live a civilized existence in an increasingly uncivilised world. The present edition is a small step in that direction.

This edition of the Journal would have never reached publication without the technical assistant of Belinda Eastgate, an administrative assistant in the School of Economics at the University of New England.

Thank you Belinda.

Federal ASSLH President's Column

Lucy Taksa

It gives me great pleasure to bring you the second edition of the 'President's Column', which aims to keep Branch members of the Australian Society for the Study of Labour History (ASSLH) in touch with activities of the Society and acquaint them with the members of the Federal Executive. In the first 'President's Column', President Rae Frances introduced members to the structure and functions of the Society and provided an update of recent activities in 2006. Unfortunately, Rae did not renominate for the position of President at the 2006 Annual general meeting. I would like to take this opportunity to thank her for the work she did as President and especially for her long-standing commitment to the Society over many years. We all owe her a debt of gratitude for her active role in promoting the Society and its interests. Likewise I would like to acknowledge the contribution made by two other long-standing members of the Federal Executive who did not seek re-election. Bruce Scates and Mark Hearn have both demonstrated immense dedication to representing and promoting the Society to organisations devoted to history and also the labour movement. I would like

to wish them all the best in their future endeavours. Below I will take this opportunity to introduce you to the members of the Federal Executive for 2007, who were elected at the Annual General Meeting of the Federal Society, held 24 November 2006.

On this occasion, the President reported on a number of critically important developments. The first was the decision to use funds from author's royalties from articles published in the Society's journal, *Labour History*, to finance the *Bede Nairn Fund* in order to help cement the relationship between the Federal Executive and the Society's Branches. Three Branches, including your own and the WA and Illawarra Branches successfully applied for grants from the Fund to support new initiatives and I will be pleased to provide further details on these in a subsequent report. In 2006, Rae Frances announced that \$2000 would be set aside for 2007.

During the year, the Federal Executive was informed of the intention to establish a new 'virtual' Branch in the Northern Rivers region of NSW to be co-ordinated by Rosemary Webb. Its aim is to

overcome the problem of distance that separates labour historians in the region by providing a means of communication that will help to promote the ASSLH and its interests. Also during the year the ASSLH re-affiliated with the International Conference of Labour Historians (ITH) based in Linz, Austria. ASSLH members attended ITH conferences in the past and those who attend in future will have their fees paid by the ASSLH.

Perhaps the most significant development was the resolution by the Federal Executive to form a committee to review the ASSLH constitution. It has been many years since the constitution was amended and many new issues and demands have arisen, not the least of which are problems relating to insurance coverage for activities and event. The first meeting of the new executive, held 15 February 2007, raised the possibility of restructuring the organisation as part of the constitutional reform process to ensure closer relations with the branches and to deal with issues like insurance.

The following officers and executive members were elected to the Federal Executive for the remainder of 2006 and 2007:

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See biographies of ASSLH Executive on page 38.

BLHA President's Column

Greg Mallory

In December the Association held its AGM with Andrew Vickers, General Vice-President, CFMEU Mining and Energy Division as guest speaker. The meeting was well attended and a number of important matters were discussed. I would like to thank Connie Healy for her work as Treasurer in 2006. Connie has decided to step down from this position. Connie has been actively involved in the labour movement all her life and I wish her well in the future. I would also like to congratulate Ted Riethmuller on his Life Membership of the BLHA. As I stated in my speech, Ted has contributed greatly in making the BLHA a vibrant labour history organisation in Brisbane and I thank him for all his work. I would also like to congratulate the TWU on its centenary. This edition of the journal has been dedicated to this union. Our Patron, Hughie Williams, has devoted most of his life to making the TWU a strong and viable organisation. I would lastly like to thank John Kellett for accepting the responsibility of Editor of this volume of the *QJLH*. John is a former Secretary of the BLHA and author of a book on the history of the Queensland Branch of the TWU.

Incorporation

One of the most significant items that the AGM discussed was the incorporation of the Association. It has been decided that this will go ahead as soon as possible. The Executive will be considering a report on procedures at its next meeting. Because we are a branch of the ASSLH, 'incorporation' in the State of Queensland raises a number of legal issues. In my capacity as Federal Executive member of the ASSLH, I have been elected to a Federal committee of the Society to consider changes to the Federal constitution. In the next few months both the BLHA and Federal ASSLH will be in a position to propose changes to the respective constitutions at general meetings of both organisations.

Rekindling the Flames of Discontent

In September the Association hosted a conference/dinner/concert on the theme of the labour movement and the folk movement. I would like to thank the organising committee for their work as well as all the performers and helpers on the day, who made the event such an outstanding success. In particular I would like to single out Dale Jacobsen for all her work over a six month period prior to the event. There is much

discussion over a short and long term follow-up to this event and the Executive will be discussing this at its next meeting. Our guest for the day was the 93 year old Wally Stubbings, a veteran of working-class struggle in Brisbane through his involvement with the Waterside Workers Federation and the Communist Party of Australia.

Planning

At its next meeting the Executive will be considering a number of events proposed for the next few years. In 2007 a number of smaller events have been proposed, namely a seminar on the Ekka and a seminar on the New Left. If members wish to propose an event could they please contact the Secretary, Ted Riethmuller. In relation to long term planning, discussions have been taking place with various organisations to run three major events in 2008/2009. These are:

A major conference on trade unionism and the environment. Janis Bailey has presented a brief report to the Editorial Committee of *Labour History* for papers to be published in a special edition of that journal.

A conference on 'Sport and Working-class Culture'. This conference was originally planned to go ahead this year, but at this stage we are looking at 2008. The Australian Society for Sports History (ASSH) has endorsed the conference and discussions have taken place with Noel Butlin Archives in Canberra who would give us some support. There is also a possibility that Leeds Metropolitan University (UK) will support it.

A major labour/folk event of international standing. There has been ongoing discussion about where to go after our successful 'Rekindling the Flames of Discontent' event in September. Bob and Margaret Fagan, Mark Gregory, Margaret Walters and others have been considering various options. One idea is to have a smaller event this year featuring Brisbane people in order to keep the momentum going. The Queensland Folk Federation (QFF) supported us financially for this event and Bill Hauritz, the Woodford Folk Festival Director, hopes to see this project continue. I had informal talks with him at Woodford this Festival and I will be seeing him in the next few months to see how we can develop a relationship with the Festival.

I wish all members and supporters a productive New Year, a year in which industrial relations will be one of the main political issues confronting the Australian public.



BLHA Secretary Ted Riethmuller was awarded Life Membership of the Association

Rekindling the Flames of Discontent

Conference and Concert

23 September 2006

reviewed by Jan Nary

Named after an album issued in 1979 by the Seamen's Union of Australia during the Utah Dispute, this one-day event was organised by the Brisbane Labour History Association to celebrate the links between the labour movement and folk music. Held in the East Brisbane Bowls Club, it combined an afternoon conference and an evening concert and attracted close to ninety participants.

Dr Robert V. Anderson OAM (Uncle Bob), an Elder of the Ngugi people, gave the Welcome to Country on behalf of the traditional landowners, the Coorparoo clan of the Jagera nation. A former ships painter and docker and Building Workers Industrial Union organizer, he recalled parts of his youth spent in the area and some of the local working class history. He shared memories of jogging down from his mother's house to the saltwater baths at the north end of Mowbray Park and the band playing in the rotunda on Sundays; of nearby Forsythe's Rope works, where the rope making shed stretched for nearly two residential blocks and of the "green hat" raffles (held for the local maritime branch of

the Communist Party of Australia), named after the hat the tickets were drawn from in the local pub, now The Shafston.

Greg Mallory, President of the BLHA, opened proceedings with observations on the fading trade union presence in some big folk festivals, citing the CFMEU's continuing support of the National Folk Festival as an encouraging and natural liaison. The need to reunite the festival and trade union movements was a topic explored at length in the forum held later in the afternoon, chaired by Senator Claire Moore.

Doug Eaton gave the first presentation of the afternoon, a fascinating, first-hand insight into the life, work and times of John Manifold. Communist, poet, writer, singer, bush instrument maker, folk song collector and founder of Bandicoots (the Manifold family band plus friends, including Doug), Manifold was Cambridge educated and had worked for some time in Africa. He once remarked that "all we gave Africa was corrugated iron, bully beef and syphilis".

Ross Gwyther from the NTEU (National Tertiary Education Union), spoke of his lifelong interest in working people's music, how it reflected and grew out of working class struggle. He recounted a nighttime demonstration against a railway shipment of uranium yellowcake. Knowing that they couldn't halt the shipment the handful of

protestors were feeling defeated until Geoff Wills started singing “We Shall Overcome”. The group took up the song and suddenly there was a new meaning and energy rekindled as the power of song was writ large in their hearts.

Bob and Margaret Fagan spoke of the Realist Writers of Sydney and its publication *The Realist Writer* (later *The Realist*). With John Manifold as editor, the publication attracted some of the great left-wing writers of the day, including Judah Waten, Helen Palmer, Dorothy Hewett and Merv Lilley. Bob and Margaret spoke of poems that had become songs, often being set to traditional tunes, and gave stirring renditions of a selection that included two poems by Dorothy Hewett : “Norman Brown”(to the tune of “Collier Laddie”), and “Where I Grew to Be a Man” (commonly known as “Weevils in the Flour”) both of which are often mistakenly attributed as traditional songs. They closed with Denis Kevan’s tribute to the Green Bans, “Monuments”, to which Bob wrote the tune.

Another member of the NTEU and BLHA committee member, Janis Bailey, gave a talk on researching unions and shared some personal anecdotes. She introduced Bernard Carney’s “Stand Together” (sadly, only on CD) then Mark Gregory took the floor to talk about collecting and disseminating music about working class struggle.

Mark is working on a Masters Degree called “Sixty Years of Australian Union Songs” based on his research for the MUA centenary CD “With These Arms” and the growing collection of songs and poems on his Union Songs website (www.unionssongs.com). Describing himself as “a hunter of union songs”, Mark shared the work from the books and writers he has unearthed in his research. One of these was the almost unknown wharfie poet Ernest Antony who published his “The Hungry Mile and Other Poems” in Sydney in 1930. Another was the miners’ poet Jock Graham. He cited the work of poet and writer Bartlett Adamson, author of a collection called “Peace and Friendship”, whose work inspired Denis Kevans’ in his large number of four line poems, and spoke of the contribution to the folk canon of the IWW (Industrial Workers of the World, aka the “Wobblies”). The hard-hitting poetry generated by the end of the Second World War was illustrated through the Dorothy Hewett and Merv Lilley collection “What About the People” published in Brisbane in 1962. Mark’s long interest in union songs was reignited by the plethora of songs and poems that flooded into his Union Songs collection during the Patrick Dispute in 1998. He also spoke of the difficulty in having working class poems and songs published, since those who control publishing houses also control what they deem “worthy” of our attention, and are still affected by the Cold War amnesia that refused to regard political poetry and song as worthy of study.

Margaret Walters and John Warner sang a song written by John which powerfully evoked the atmosphere of the picket line at Penhryn Road during the 1998 MUA struggle, and the whole conference joined in the stirring chorus of “MUA - here to stay!” They then presented another song of John’s set to an old hymn tune – “Bring the Banners out Again”. A straightforward and irresistible song, it bears all the hallmarks of John Warner’s genius: using just the right words and just enough of them. Powerfully and irrefragably honest, passionate and exquisitely singable it could well become the working class anthem of this age, a much-needed call to arms – and hope – for a disenfranchised and wounded working class.

Sue Monk and Lachlan Hurse spoke of the songs of Latin America that had come out of working class experiences. They had everyone singing along to the classic Cuban song “Guantanamera”, with Cuban Jose Marti’s words set to music by Joseito Fernandez, and recorded and popularised by Pete Seeger during the Cuban missile crisis. They spoke of the “new song” movement that swelled through Chile after the election of Allende in 1970, the collecting of songs from workers and peasants all over the country that generated a new form of national music. They spoke of the national singer / songwriter Victor Jara, who was arrested and had his fingers broken so that he could not play again.



The Fagans in full swing at the Flames of Discontent concert

They recalled the military coup and bombing of the President's Palace in 1973 and the diaspora of Chilean musicians in exile, who brought to Australia their songs and their stories of the outrages. The ACTU placed a trade union ban on loading Chilean ships and while the political scene has now shifted the music of Latin America has won a permanent place in Australia.

The conference then moved into a forum where the only thing missing was time. The forum discussed ways and means of getting people singing again, at rallies, marches and trade union gatherings; the need for trade unions to access more grass roots singers for meetings; striking the balance between booking big-name drawcards for political events and booking working class performers who sing from conviction born of experience; the creation of an e-list of folk who would be happy to turn up and sing at trade union gatherings; the vital role played by the trade union choirs and the need for folk festivals to nurture the links between music and working class movements.

Absolutely Scandalous performed during dinner, while the evening concert featured Jumping Fences, Margaret Walters and John Warner, Mark Gregory, Jack Mancour, Tommy Leonard, Doug Eaton, the Combined Unions Choir, Bob and Margaret Fagan and Sonia Bennett. Writer and activist David Peetz, from *Absolutely Scandalous*, also compered the concert.

A strong feeling came from the day that this should be done again as soon as humanly possible, and that other States might consider similar initiatives. Organisers, in particular Dale Jacobsen, are to be congratulated for identifying and addressing the real need to weave our working class cultures and organisations back together. As John Warner succinctly put it: "You can encapsulate things in a song in a more powerful and emotional way than in a speech. Whether your singing is good or bad we need to sing together – there's a cumulative power in the sheer weight of music created by people singing in a group, reinforcing each other. Sometimes people out there don't want to hear what our song says but **we** need to hear it."



*The Brisbane Combined Trade Union Choir performing at the
Flames of Discontent Concert*

George Lawson and the origins of the Queensland Branch of the Transport Workers' Union

by Manfred Cross

An article in *The Worker* on 28 November 1908 written by George Lawson spells out the genesis of the Trolley, Draymen and Carters' Union (TDCU), the union which was to become the Queensland Branch of the Transport Workers' Union (TWU). The first meeting took place in the Commercial Hotel, Edward Street on 17 December 1906 when a provisional committee was elected. On 6 May 1907 the newly formed Carters' Union marched in the Eight Hour Day procession. In June 1907 the unsatisfactory state of the union's affairs led to a request to Matt McCabe, the energetic secretary of the Brisbane branch of the Federated Waterside Workers, to take over the duties of Secretary. On 28 December 1907 *The Worker* records a sea trip to Redcliffe on the previous Sunday: 'The union is progressing nicely'. On 23 May 1908 *The Worker* records a presentation to Matt McCabe for services rendered as Honorary Secretary and helping to firmly establish the union. McCabe had resigned in April and a young driver, George Lawson, then aged 27 years, was elected as the first paid secretary and organiser. By November J Richards was President and the union had 600 members.

Who was George Lawson?

George was the seventh child in a family of nine. His parents, Alexander and Ellen (nee Rilley) were both born in Drum, county Monaghan, Ireland, and arrived in Moreton Bay by the 'Legion of Honour' on 6 July 1864. By May 1869 the Lawsons occupied a 42 acre block at Warner on the South Pine River. With hard work Alexander established a dairy farm and orchard, grew the family's own food and had a surplus of vegetables and eggs for sale. All the children had their own ponies and became competent riders. The children were baptised Presbyterians and attended the South Pine Methodist Church.

George Lawson was born on 14 August 1880 at the farm and grew up in a secure family environment. He came under the influence of two capable Head Teachers, was a keen student and received prizes for his handwriting. At the age of 13 he entered employment in the boot trade for a few months and then commenced work with R Jackson, a carrier in Fortitude Valley, where his older brothers Jack and Bill were already employed. The three brothers drove three-horse lorries.

In 1901 George enlisted in the Queensland Imperial Bushmen. He trained at Lytton and as No. 102 Private George Lawson, One Company, was paid five shillings per day. The fifth Queensland contingent embarked for South Africa on 6 March 1901 on the steam transport 'Templemore' with 529 men and 476 horses. George saw action

in the Transvaal and Orange Free State and was mentioned in dispatches. His reference on discharge described him as 'a brave soldier and fine horseman'. Returning to Brisbane on 30 April 1902 he returned to Jackson's where he was soon promoted to foreman.

On 16 January 1907 George married Rebecca Jane Buchanan, a civil servant. Two sons were born, George Alexander in 1908 and Leonard James in 1910. In 1909 the family built a house in Wickham Street, Newmarket.

1907: a year of ferment and change for the Queensland Labor Movement

From September 1903 Queensland was governed by a coalition of Liberals led by Arthur Morgan and supported by the

Labor Party. When Morgan was appointed President of the Legislative Council, the Labor leader, William Kidston, became Premier. Kidston, however, was disenchanted with the Socialist Objective which had been adopted two years earlier by the Queensland Labor Party. In March 1907 the fifth Labor-in-Politics Convention rejected Kidston's leadership and the coalition divided, leaving Labor on the opposition benches. On 13 April David Bowman was elected Leader of the State Parliamentary Labor Party. The general election of 18 May 1907 saw women vote for the first time in a Queensland state election and the result was: Kidstonites 24 seats; Labor 18 seats; Opposition 29 seats. Labor continued to support Kidston in office.



The Brisbane Carting Board Circa 1910

Throughout these years, a major issue of political contention was the proposal for a *Wages Board Act* which would give unions a continuing role in the negotiation of wages and conditions. It was because of the imminent passage of this Act that the TDCU and many other Queensland unions were formed in 1907.

On 8 November 1907 Justice HB Higgins of the Federal Arbitration Court brought down the Harvester Judgement which established for the first time a federal basic wage. In the absence of a comprehensive Industrial Arbitration Court in Queensland before January 1917, Queensland unions were attracted to the Federal Arbitration Court and for this reason the Trolley, Draymen and Carters' Union had amalgamated with the NSW and Victoria-based Federated Carters and Drivers' Industrial Union (FCDIU) in 1909.

Another major event in September 1907 was the foundation at Irvinebank of the Amalgamated Workers' Association of North Queensland with Edward Granville Theodore as secretary and organiser. By 1911 the AWA had 11,000 members and was the largest union in the state, with Theodore as President and William McCormack as General Secretary. Both of these men were to become Premiers of Queensland. Two years later the AWA amalgamated with the Australian Workers' Union. The AWU was to become the TDCU's (later the TWU's) main rivals for members in the transport industry.

George Lawson in local and state politics: 1916 to 1921

As a resident of Newmarket, George Lawson was a member of the Newmarket Workers' Political Organisation, as the local branches of the Labor Party were then known. With the WPO's endorsement, he was elected as Alderman for the West Ward of the Windsor Town Council on 5 February 1916. In 1919 he was re-elected unopposed and held his seat until July 1921 when a massive swing against Labor unseated many aldermen throughout the metropolitan area. Lawson's career in local politics seems to have prepared him for a role in the Legislative Council.

Since the nineteenth century the Legislative Council, which was nominated by the government of the day, had formed a conservative barrier against democratic, enlightened and progressive reforms. Appointments were for life and usually came from the ranks of the colony's squatters and business leaders. The Council regularly rejected legislation endorsed by the electorate in policy speeches by Liberal and Labor leaders alike. From 1893 the Labor platform had included abolition of this nominee chamber, and from November 1915 the Ryan Labor government sought to abolish the Council.

The assault on the Council commenced in October 1917 when Governor Goold-Adams appointed 13 members to ensure



Rockhampton branch of the Federated Carters and Drivers Union, May Day, circa 1914

the elected government could form a quorum. Then in August 1919 George Lawson and two others were appointed to replace deceased members.

In February 1920 William Lennon, Lieutenant Governor and a former Minister in the Ryan government, appointed 14 members who were all pledged to abolish the Legislative Council. This now gave Labor a majority in the Council for the first time. It was not, however until 17 October 1921 that the new Premier, Edward Theodore, introduced a bill to abolish the Council. After debate, the second clause which actually abolished the Council was carried by 51 votes to 15, the Country Party voting with the government. On 27 October the Legislative Council adjourned for the

last time. It remained for Royal Assent to be given. With a favourable report from Governor Sir Matthew Nathan, King George V gave his assent on 22 March. Proclamation on the following day gave effect to what the historian Denis Murphy has described as the most important single constitutional reform in Queensland's history.

Being a member of the 'suicide squad' was a badge of honour in the labour movement, a badge which George Lawson wore with pride. When he died in 1966, Lawson was the sole survivor of Queensland's Legislative Council.

George Lawson as Union Secretary

I do not propose to deal with the detail of George Lawson's role as Secretary of the Union, nor with the significant part he

played in the establishment of the Queensland Trades and Labor Council, both of which are comprehensively dealt with in *A Fighting Union* by John Kellett (Boolarong Press, 2001). I will, however, make some general comments.

Reports in *The Worker* and the *Daily Standard* show Lawson to be an efficient and energetic secretary and organizer. After his Brisbane-based union affiliated with the Federated Carters and Drivers Industrial Union in 1909, he represented the FCDIU at the first Queensland Trade Union Congress in 1910 and at subsequent Congresses. In October 1912 he brought about the amalgamation of seven carters' unions from regional Queensland under the leadership of the Brisbane branch. He attended the first federal conference of the FCDIU in August 1909 and maintained a role in the Federal Council of that union until 1932.

Lawson was a competent administrator carefully building the union's resources. He moved the union's office from the Maritime Hall to the Trades Hall in July 1911 and three years later he oversaw the union's affiliation with the Queensland Labor Party.

The union established its credentials with the trade union movement by its support for the AWA in the sugar workers' strike in August 1911 and by joining the strike committee for the Tramway and General Strike from January to March 1912.

From April 1918 George Lawson was involved in two committees which were intended to facilitate an amalgamation of Queensland unions under the banner of a new Trades and Labour Council. In January 1922 a proposed constitution was circulated to unions. On 23 February at a meeting between the Brisbane Trades Hall Council and the Labour Day Committee, Lawson moved a resolution for immediate amalgamation which led to the inaugural meeting of the Queensland Trades and Labour Council on 12 April 1922. He was Vice-President of the TLC in 1922 and 1923, President in 1924/5 and from February to July 1927. In all, he served on the TLC Executive from 1922 to 1932. Lawson was strongly opposed to the Communist Party and an advocate of their expulsion from the Trades Hall. A further achievement on 23 July 1930 was for George Lawson to be elected by the Queensland Trades and Labour Council as one of its two delegates to the ACTU Executive.

In March 1925 Lawson was elected as Australia's union representative to the Seventh Session of the International Labor Organisation of the League of Nations at Geneva. He returned on 23 September. The ILO's main business was the Workmen's Compensation (Occupational Diseases) Convention. This was a great honour for Lawson and for the Queensland labour movement.

In August 1926 the FCDIU changed its name to the Amalgamated Road Transport Workers' Union and in 1939 it became the Queensland branch of the Transport Workers Union.

George Lawson's official connection with the union he did so much to create ended when he was elected MHR for Brisbane on 19 December 1931. His successor as Secretary was Alfred Milton.

George Lawson MHR for Brisbane 1931-1961

On 19 December 1931 the Scullin Labor federal government was defeated in a devastating swing in every state except Queensland where the unpopularity of the Moore Country National state government saw Labor returned with two additional federal seats and all three Senators.

George Lawson defeated Colonel Donald Cameron, a pastoralist with a distinguished war record, and Brisbane's Nationalist Member since 1919. Lawson was subsequently returned in the next eleven elections and he was never opposed for pre-selection.

Serving as Whip from 1934, he was elected to the Ministry in the first Curtin government and served as Minister for

Transport and Assistant to the Postmaster-General. After the 1943 election Lawson, then aged of 63, lost his place in the Ministry to Arthur Calwell. George then served on the Immigration Advisory Committee and in 1945 was again elected to the ILO Conference, this time in Paris.

As the local member, George Lawson worked hard in the Brisbane electorate and is remembered for his campaign for a new General Post Office for Brisbane.

In 1947 he moved in caucus to increase the size of the Commonwealth parliament, which took effect in 1949. Over the next 14 years he enjoyed the role of the elder statesman of the parliament.

With Pat Hanlon, I had the privilege of directing Lawson's last campaign in 1958 when he scraped home with 18% of the Queensland Labor Party (later the DLP) preferences.

George Lawson was loyal to the principles and policy of his party and forthright in expressing his views. A devoted family man, his interests outside of the labour movement were reading, his garden and a modest bet on the horses.

A comparison of working conditions between 1909 and 1928

Queensland Government Gazette
Mon 9 July 1928

Queensland Government Gazette
Wednesday 26 May 1909

“*The Wages Board Act of 1908*”
determination of the “*Brisbane Carting Trade Board*”

to take effect from 12 June 1909

Carriers Hours

That the ordinary working hours for such drivers shall not exceed 60 hours in any one week, exclusive of such time taken up in bedding, feeding and watering horses and cleaning stables on Sundays and holidays.

Before 6.30 am and after 6.30 pm (2 pm Saturdays) overtime is payable.

Wages

£2.2.6 per week for drivers of one horse vehicles

£2.7.6 per week for drivers of two horse vehicles
an additional 2/6d per week for each additional horse

overtime 1/- per hour
2/- on Sundays

W.D. Grimes Chairman

The Board of Trade and Arbitration Carters and Drivers, Draymen and Lorrymen Award 1 July 1928
Drivers employed by carriers

One horse vehicle
£4.12.0 per week

Two horse vehicle
£4.17.0 per week

Three shillings per week for each additional horse over two.

Motor vehicle up to 1 ton £4.14.0
Hours per week 44

Ordinary working hours between 7 am and 6 pm Monday to Friday (1 pm Saturday) and shall not exceed 8 hours Monday to Friday inclusive, and 4 on Saturday.

Overtime – time and a half, Sundays double time.

Fruitless Endeavours: The Genesis of The Bjelke-Petersen Government's Persecution of Unionists in Queensland, 1976-77

by Murray Johnson

The 1974 Queensland State election was seen by many throughout Australia as a good indicator of Labor Party prospects in the federal arena. An ardent states-righter, Premier Joh Bjelke-Petersen had already shown himself to be more than a thorn in the side of Labor Prime Minister Gough Whitlam. Bjelke-Petersen's fundamental Christianity was totally opposed to anything remotely smacking of socialism, communism or centralism, all of which – according to the Premier – were so inextricably entwined that they were virtually inseparable. With his own conservative government motivated by a developmental ethos and devoid of substantial policies, Bjelke-Petersen had previously campaigned none too subtly on a platform of 'law and order' – the first notable instance occurring during the 1971 Springbok tour, when police batons were unleashed on anti-apartheid protesters in Brisbane.¹ The 1974 state elections therefore provided a chance to link 'law and order' within the state to an ideological threat without, and with the Whitlam government struggling from one crisis to another Bjelke-Petersen's summer election, the first to be held in

Queensland since 1908,² was a resounding success. Labor was gutted, winning only eleven of the eighty-two seats, while Bjelke-Petersen's Nationals captured thirty-nine, the Liberals thirty and an Independent and the North Queensland Party taking one apiece.³ This stunning electoral victory did nothing to encourage the government in the formulation of solid policies, and in the lead-up to the next election in 1977 Bjelke-Petersen again fell back on the tried and tested 'law and order' platform, except that this time it was the labour movement which was specifically targeted. Three interconnected episodes involving the Transport Workers' Union (TWU) in 1976 and 1977 revealed the extraordinary lengths to which this persecution extended, and while farcical in the extreme, it was merely a foretaste of what was to come.

Legislation passed through parliament became increasingly harsh. In 1976 amendments made to the *Industrial Conciliation and Arbitration Act* of 1961 retained the section making secondary boycotts illegal and, at the same time, removed union protection against charges of conspiracy and breach of contract which had been in place since the passing of the *Trade Union Act* in 1915. The 1976 amendments also empowered Industrial Relations Commissioners to order striking unionists to return to work, and unions which did not comply with this direction faced very severe penalties – including deregistration. Moreover, employers

were also authorised to stand down employees who were left idle during strike actions. Three years later the introduction of the *Essential Services Act* carried this further by taking away from the Industrial Relations Commissioners their power to deal with strike action involving services considered to be 'essential'; thereafter it was placed in the hands of Cabinet so that the Minister could order a return to work. Throughout these three years there was a distinct shift from civil to criminal law, and under the *Essential Services Act* all cases were to be heard by a District Court judge without the right to trial by jury.⁴ With its own spin-off, the *Electricity (Continuity of Supply) Act*, this legislation was to be used in 1985 to bludgeon the Electrical Trades Union during the SEQEB dispute.⁵ The genesis of all these initiatives, however, was in 1976, when the Bjelke-Petersen government made its first tentative moves to test the depth of industrial waters. Rather than the state's essential services, the first action involved the alleged theft of two mandarins valued at twenty-two cents.

Married with three young children, thirty-year-old Noel Gilby was employed by Bell Freightlines in Brisbane as a forklift driver. He was also a delegate for the TWU. In July 1976 he was loading railway wagons at Acacia Ridge with colleague and fellow union member, Neil Griffiths, when their world was suddenly turned upside down. An owner-driver

told the company's rail manager that he had seen Gilby remove two mandarins from one of the wagons and hand one to Griffiths.⁶ The reaction was quite extraordinary. Police were called, but by the time they arrived the wagons had departed and the only incriminating evidence that could be found was a solitary *orange* peel lying on the ground nearby;⁷ a lemon peel would surely have been more appropriate. Although the police were reluctant to take any further action in what was obviously a trivial matter, Bell Freightlines was adamant that charges be laid, and both men subsequently appeared in the Inala Magistrate's Court. Although they were ably defended by solicitors appointed by the TWU, who pointed out the glaring inconsistencies in the prosecution's case, Gilby and Griffiths were nevertheless committed to stand trial in the District Court the following year. Just before the hearing their defence counsel appealed directly to the Solicitor-General for 'this madness to be put at an end', outlining the flimsy circumstantial evidence on which the entire prosecution was based:

The only substantial evidence against our clients was given by one Desmond Charles Skinner, the Rail Manager employed by Bell Freight Lines Pty. Ltd., and further by one Douglas Edward Nystrom, a Truck Driver employed by Bell Freight Lines Pty. Ltd. Nystrom claims that he saw Gilby hand a mandarin to Griffiths and Skinner claims to have

seen some mandarin peels near a railway wagon on the day in question. Our clients totally deny the allegations against them and a reading of the cross-examination in the Lower Court will indicate to you that the relationship of our clients and Skinner falls against a background, particularly in Gilby's case, of considerable industrial dispute.⁸

Gilby was an active union delegate, and this was clearly why he was targeted. With the government now determined to undermine the trade union movement, the Solicitor-General declined to intervene, and Police Commissioner Ray Whitrod – who was soon to have his own battles with the government – also determined that the case should proceed.⁹ It did, coming before Judge McGuire of the District Court in June 1977, and it was there that this petty campaign was finally terminated at the insistence of the judiciary. After perusing transcripts from the Magistrate's Court, Judge McGuire was scathing in his criticism of what had already occurred. During cross-examination, for instance, it was revealed that Nystrom 'had a criminal record of sorts for dishonesty'; neither Gilby or Griffiths had any previous convictions. McGuire questioned whether the case could be justified 'in the public interest' – meaning, of course, whether the expenditure of taxpayers funds could be justified. At this point Crown Prosecutor A.P. Gundelach concurred with the 'intimations' of the judge and withdrew the charges.¹⁰ An obviously relieved

Noel Gilby wrote to TWU State Secretary Arch Bevis:

I would like to express great thanks to the Transport Workers Union on behalf of my wife and myself for the support and dedication we have been shown as a family as well as a union member all throughout the past 11 months whilst I was being prosecuted by the police for the theft of 2 mandarins ... we would like to say a very special thanks to Organiser Williams who has worked so hard and put in so many hours on our behalf.¹¹

Hughie Williams had indeed supported the pair throughout their ordeal, and he was also representative of a new breed of younger, more aggressive unionists who were coming to the fore to meet the government's challenge. Bevis, on the other hand, typified the older style of leadership who adopted a veneer of external militancy to protect their positions within their unions. These forces would ultimately collide, and in a number of instances it would be the young Turks who emerged supreme. Before that happened, however, Hughie Williams would also become a target for government intimidation.

Nor were Gilby's problems at an end. While Griffiths had wisely found alternative employment, Gilby continued working for Bell Freightlines, which by 1977 had become a subsidiary of the expanding Mayne Nickless empire.¹² Arch Bevis decided that this was an opportune time to make a show

of strength by imposing three demands on Gilby's employer. First, Bevis required the TWU to be reimbursed for legal expenses; second, he wanted the company to pay the medical expenses for Gilby's wife, whose health had deteriorated during the drawn-out saga; and finally, he insisted that Gilby and his wife were entitled to a week's paid holiday to relieve their mental anguish. Bevis ominously warned that if his demands were not met in full 'all hell is going to break loose'.¹³

L.C. Ryan, general manager of Bell Freightlines, responded by forwarding a cheque to cover the TWU's legal expenses as a gesture of 'goodwill towards our respective organisations'. No mention was made of medical costs or paid holidays, and as far as Ryan's company was concerned the matter was 'now concluded'.¹⁴ Bevis took no further action. Gilby, on the other hand, was now a marked man, on one occasion being falsely accused of deliberately damaging a truck with his forklift.¹⁵ How long he remained in the employ of Bell Freightlines is not known.

This case coincided with the exposure of a number of medical practitioners rorting the Medibank scheme. In a letter to Brisbane's *Courier-Mail* newspaper, W. Nelson Gracie of Coolum Beach, on Queensland's Sunshine Coast, reflected on both incidents when drawing attention to the inequity of the justice system:

The anomalies of the judicial system seem to be great, when doctors who say they did not intend to defraud and yet pay back sums of \$50,000 to the Government and are still not named or prosecuted. And yet two men who say they did not intend to defraud with two mandarins are publicly named and their families exposed in a court which involves a judge and jury. Where is the basic honesty in our society? If the judicial system finds it "hard" to prosecute for fraud of \$50,000 then why is it easy to prosecute over two mandarins? It appears that the moneyed or privileged of our society can manage to avoid being named, prosecuted or exposed ...¹⁶

For all that, the Queensland government's involvement in the 'Mandarin Case' had been peripheral at best. Moves, however, were already being engineered for direct intervention into union activities. The attack was launched just two months after the judiciary had finally brought an end to the persecution of Gilby and Griffiths, and involved the metaphorical crucifixion of Edward Zaphir, an organiser with the Storemen and Packers' Union (SPU). The web which ensnared Zaphir was to be cast even wider in an attempt to trap the TWU organiser who had played his own minor role in the 'Mandarin Case'.

In late 1976 Edward Zaphir called on a number of fuel depots around the Darling Downs in southern Queensland and notified the proprietors that as some of the duties carried out by their employees fell within the ambit of the SPU it was necessary for at least one of those employees to be a paid member of his union. Many employees were already members of the TWU, and both Giovanni Pirio and Jack Cairns, respectively the Toowoomba agents for AMPOL and AMOCO fuels, refused to comply with Zaphir's demands. Shortly afterwards their fuel supplies suddenly dried up, deliveries only being resumed after they took out SPU membership on behalf of their employees. It was a little different with Anthony Hillier, Toowoomba agent for Golden Fleece, who refused to acquiesce, and secretly taped Zaphir's demands that his employees join the SPU. When Hillier's fuel supplies were terminated he handed Toowoomba police the tape-recording he had made, albeit, without lodging a formal complaint.¹⁷ It was at this point that political involvement began.

Rather than being dealt with as a local matter, Kevin Martin of the Crown Law Office was instrumental in having the complaint investigated by the Criminal Investigation Branch in Brisbane.¹⁸ Martin was president of the Young Liberals, and the officer chosen to carry out enquiries was Inspector Charles Dwyer, ranked third in the branch hierarchy. In subsequent court actions Dwyer expressed surprise that he had

been instructed to conduct the investigation:

[Dwyer] agreed with a suggestion by Mr. W.J. Cuthbert [for Zaphir] that it was extraordinary that he should investigate what was a Toowoomba matter. Toowoomba police normally would have dealt with it ... He agreed with a suggestion that Hillier's letter did not make a complaint to police; nor did it seek police action. Dwyer denied that his being put on the investigation was political. He did not realise it was political until after Zaphir was charged and he read newspaper reports.¹⁹

Zaphir was charged under Section 359 of the Queensland Criminal Code, initially formulated by Sir Samuel Griffith in 1899. This archaic law had been resurrected by the Bjelke-Petersen government to prevent union officials from carrying out their duties, and its legal parameters were extremely broad:

Any person who threatens to do an injury, or cause any detriment of any kind to another with intent to prevent or hinder that other person from doing any act which he is lawfully entitled to do, or with intent to compel him to do any act which he is lawfully entitled to abstain from doing, is guilty of a misdemeanour, and is liable to imprisonment for one year or to a fine of four hundred dollars.²⁰

Any complaint about Zaphir's actions would previously have been settled by the Arbitration Court; now it had become a criminal offence, and that is what made

this case unique. Setting a precedent nevertheless proved difficult at the outset, for after a four-day trial in Toowoomba District Court at the beginning of August 1977, the charges against Zaphir were withdrawn on a legal technicality. Not that Zaphir escaped; fresh charges were almost immediately laid, with the venue being shifted to Brisbane District Court.²¹ In response, General Secretary of the Trades and Labor Council (TLC), Fred Whitby, organised a four-hour stopwork meeting to coincide with the commencement of Zaphir's second trial. While the Bjelke-Petersen government regarded this proposed industrial action as 'a blatant attempt to pressure the judiciary',²² Independent MP for Townsville South, Thomas Aikens, revealed where his true political allegiance lay when he savagely attacked Zaphir's character in State parliament:

Is the man Zaphir who is the vortex of proposed industrial action by the Storemen and Packers' Union the same person who, in 1968, was fined \$500 by the Customs Department after a public hearing for distributing pornographic films and, if so, will arrangements be made to fully publicise the matter so that the people of Queensland, who will be subjected to considerable inconvenience and distress by the proposed strike, will be made aware of the type of man on whose behalf they will grievously suffer?²³

Zaphir retained his support within the labour movement, appearing in Brisbane District Court on 8 September 1977,

following the TLC's protest rally at the Roma Street Forum which attracted an estimated 6000 unionists. They were closely watched by upwards of 1000 police officers, an ominous presence which rally organisers believed was assembled solely with one purpose in mind:

The Police presence was not requested by trade unionists who felt in no need of protection. Were they there to guard the streets? The streets in their deadly way still lay in wait for the unwary motorists. They were there to intimidate persons who have different views to the self-styled government of the Premier. They were directed to be there by Premier Joh in the hope of a confrontation with the unionists so that he could launch his election campaign of "Law and Order - Who's running the country, the unions or the government?" Responsible unionists did not fall for confrontation and Joh's provocation was a fizzer ...²⁴

The fact that protesters refused to be drawn into a confrontation clearly disappointed Fred Campbell, Minister for Labour Relations, who regarded the rally as having been nothing more than 'a damp squib'.²⁵ To be sure, it had no bearing on the outcome of Zaphir's trial. On 15 September a jury comprising eight women and four men found him guilty of 'threatening to cause a detriment', with Judge Loewenthal handing down a \$100 fine or two months' imprisonment. Zaphir was allowed seven days to pay.²⁶

Although an appeal was lodged immediately, such was the support for the SPU organiser that the fine was

actually paid twice, with a number of other would-be benefactors being turned away by court officials.²⁷ While the fine was not required to be paid until after Zaphir's appeal had been heard, it was probably just as well, for the appeal was dismissed on 15 December 1977.²⁸ The establishment of a new legal precedent now paved the way for the Bjelke-Petersen government to begin targeting other union officials, with their attention being drawn towards the TWU and the organiser who had played a minor role in the 'Mandarin Case'.

Hughie Williams had come directly to the attention of the government in March 1977, when he carried out a brief investigation of a trucking firm, Queensland Express Haulage, in the southern Brisbane suburb of Rocklea. Local carriers had already voiced complaints that this company, which operated under a number of alternate names, offered cartage rates well below those generally accepted by the industry. Williams suspected that their operations might also be breaching the Award, a suspicion fully confirmed after a brief perusal of the firm's time and wages book, which contained a solitary entry recording fourteen hours and the sum of forty-five dollars. There was no name attached to this entry, and the proprietor, Peter Schuback, insisted that he employed only one person. That employee was the forklift driver. Williams found this man to be unlicensed, and demanded that he step

down from the machine. This aroused Schuback's fury, and he ordered the union official from the yard while ostensibly sacking the forklift driver and a surprised office girl who happened to appear at the wrong time. Williams declined to leave, and the police were called. Much to the proprietor's chagrin, however, they agreed with the TWU organiser that he was legally entitled to carry out his duties.²⁹

Shortly after the police left, events took a slightly different twist when a delivery driver from Dunlop-IBC entered the depot. According to Peter Schuback, the TWU official ordered the driver, Raymond Hines, not to make the delivery as the yard had been declared 'black'.³⁰ The driver's recollection was somewhat different. Hines admitted Williams had 'requested' that the goods remain on his truck, but he had every intention of making the delivery until he was verbally abused by Schuback.³¹ Only one thing is certain: the delivery was not made.

The following month Williams returned to the depot and found two men, one of whom was the previously 'sacked' forklift driver, and both openly admitted they were employed by Queensland Express Haulage. The union organiser insisted they become members of the TWU – effective immediately; failure to comply would result in the premises being black-listed under the preference clause of the Award. Another heated discussion with Peter Schuback ensued,

at the end of which the two employees joined the TWU after marking their respective application forms 'under protest'.³² Up to this point both encounters had been routine union matters of no great significance – but as it turned out, it was just the beginning.

On 5 August 1977, the day following Edward Zaphir's first trial in Toowoomba, State Secretary of the SPU, Fred Nichols, telephoned Hughie Williams to warn him that he would soon be interviewed by police over the affair at Queensland Express Haulage. Nichols' informant was a serving member of the police force.³³ While no names were mentioned, the Brisbane press announced two days later that a number of union officials were currently under police investigation,³⁴ though it was not until 23 August that Williams was finally interviewed by two officers of the CIB.³⁵ His name was made public on 30 August, when the Brisbane *Telegraph* announced that the TWU organiser was likely to be the second union official charged under the Queensland Criminal Code. The decision on what charges were to be laid, however, would not be known until after the conclusion of Edward Zaphir's second trial.³⁶

The following day Raymond Hines, the delivery driver who had arrived during Williams' first altercation at Queensland Express Haulage, was interviewed by police. He contacted TWU State Secretary Arch Bevis immediately

afterwards and advised him that the police had been adamant that they had not been responsible for the press release naming Hughie Williams, and nor were they particularly anxious to lay any charges against the TWU organiser.³⁷ Clearly, the strings were being pulled from a much higher level, though they did advise Hines that he would be interviewed again at a later date. That proved to be beyond their power. Although aware that Hines had changed employment and was currently working for the biscuit manufacturer, Arnott Morrow, the police did not know that Arnotts management and staff were equally supportive of the TWU. Thus, every time the police arrived to interview Hines he suddenly disappeared; unbeknown to the police he was very close by, hidden amongst pallets of biscuits.³⁸

While this cat-and-mouse game was in progress, Fred Nichols of the SPU was notified by his informant that Frank Rose, an organiser of the Federated Engine Drivers and Firemen's Association, was also being investigated by police.³⁹ Yet neither Williams nor Rose were ever charged, and although rumours of impending legal action hung over their heads for some time afterwards, this particular anti-union crusade by the Bjelke-Petersen government slowly ground to a halt. Edward Zaphir therefore remained the only trade union official to be prosecuted under Section 359 of the Queensland

Criminal Code. While his actions were considered by conservative politicians to be nothing less than 'stand-over tactics',⁴⁰ the legality of aggressive recruitment was a very fine line indeed – and one that could be used on both sides of the labour divide. In the same year that Zaphir was hauled through two court cases the Melbourne Tramways Board dismissed a conductor who had refused to become a member of the Tramway Employees' Union.⁴¹ From the trade union perspective, the issue turned on the right of organisers to carry out their duties. In the case of Zaphir, Williams and Rose this meant recruitment, but as illustrated by the 'Mandarin Case' it could also mean protecting union members from unwarranted harassment and persecution.

One thing was certain: the Bjelke-Petersen government used these issues for political purposes. A tougher stance against the trade union movement was taken in the aftermath of the exconservatives' resounding electoral victory in 1974. The next election was scheduled for 1977, and with no firm policies in place the government had to at least be seen to be doing something. Kev Hooper of the ALP was under no illusion the entire crusade had been engineered solely for political gain: 'Because the government is bereft of policies,' Hooper told parliament, 'it will manufacture a sham campaign for the forthcoming election and it has picked on union-bashing because it thinks that is a good subject.'⁴²

Despite the 1977 election being a less spectacular success for the conservative

coalition than their win three years before, they still held an overwhelming majority. Labor did manage to win three seats from the Nationals and four from the Liberals, but it fell a long way short of what was required to regain office. Indeed, the Nationals considered that their seats had been lost solely through the poor performance of their coalition partner in three-cornered contests. There may have been some truth in this, for the Liberals had tended to distance themselves from their coalition partner after Premier Bjelke-Petersen made a number of embarrassing off-the-cuff remarks on wider issues during the campaign.⁴³ The Liberals had still lost four seats of their own but, importantly, the coalition had survived intact. This electoral victory also meant that 'union-bashing' would occupy an important place on the Bjelke-Petersen government's platform in the future, and when coupled with a denial of general civil rights it ensured that resistance would not only continue – it was set to become increasingly violent.

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Interview with Hughie Williams

by John Kellett

The following is an edited transcript of an interview with Hughie Williams, the General Secretary of the Queensland branch of the Transport Workers Union. Hughie joined the TWU in 1964, was first elected as an organiser in 1972, and served as State Secretary from 1982 to 1984 and again from 1992 until the present. He is Patron of the Brisbane Labour History Association. This interview was recorded in December 2006.

Queensland Journal of Labour History: I'd like to ask you about the major changes in the union during your 43 years of involvement. First, has the employers' attitude to the union changed in that time?

Hughie Williams: There has been very little change in the attitude of the major transport employers so far – we've always had a reasonably good relationship with them. But where there has been change is in the attitude of what I refer to as transport operating scoundrels. They are tougher to deal with. They have sniffed the fact that there is new legislation that will help them out, and I think that they are becoming harder to deal with.

QJLH: Are you seeing evidence of that already?

HW: Yes, they've certainly got their tail in the air at the moment. There's nothing we can really put our finger on, but there's a general attitude amongst many of the smaller operators that they can get away with anything now.

QJLH: Has the TWU's relationship with other unions changed in the past 40 years?

HW: I'd say that there hasn't been a great deal of change. Factions within the ALP have done a great deal of harm. These factions still have a big impact on the relationship between unions, and a lot of union energy goes into supporting particular factions. But a lot of people in unions seem to forget that we are here to fight for the working class, and that we shouldn't be putting all our energy into getting a particular person into parliament, because sometime the wrong person might get in. And all of the battles between the factions tend to spread across to trade union officials and sometimes to rank and file members.

QJLH: What about the TWU's relationship with other unions in the transport industry?

HW: Any union that rings me personally with a problem, they get immediate help. We've still got very good relationships with other unions, but things are not as easy as they used to be. For example, with secondary boycotts, we used to be able to stop trucks going into and out of work sites where there was industrial action going on. Even though that's no longer possible, we still do what we can to help

other unions, although we can't be as blatant as before.

QJLH: Have there been changes in the TWU's attitude to and role within the Queensland TLC, now known as the Queensland Council of Unions?

HW: The QCU still plays a coordinating role, but a lot of unions have become very independent. This is because, under current legislation, it's not possible to organise inter-union cooperation like we could in the old days, especially because of the ban on secondary boycotts. So the TLC used to be able to play a leading role, but there is no such role available to the Council of Unions now, so their position is not as strong as it used to be.

QJLH: Has the role of the Secretary within the TWU changed over the last 40 years?

HW: The Secretary of any union now has to be very much a business person able to deal with the union's finances, and to appear in the Industrial Commission at any time, and has to be the union's main negotiator. The job is much bigger than it was 30 or 40 years ago when the Secretary would rarely appear in the Commission – the Industrial Officer always used to do that job. The Secretary is the public face of the union and should have a line constantly open to the membership – you'll find my number in the phone book and I consider myself to be on call every day of the year.

QJLH: Since the 1980s, the popularity of unions has declined around the country, so that in 2006 fewer than one

quarter of all workers belonged to a union. What do you see as the reasons for this decline?

HW: Very, very clever legislation put in place by the conservative government, particularly freedom of association, brought in by Peter Reith in 1996, and the ban on secondary boycotts. Unions are about the only organisations that now have to provide a service to people, but those people don't have to pay for that service. If you get on a plane, or you buy something at the supermarket, you have to pay, but if you work in a transport depot and the TWU negotiates an enterprise bargaining agreement for you, and you might get a five percent pay increase and improved conditions, you don't have to join the union, but you still get the advantages of that enterprise agreement. So a lot of people with no principles will say, why pay union fees when I'll get the benefits any way! And I know of bosses who have urged their employees to not pay union fees, who have told their non-union employees to put their money into their super funds, because the employees will get the benefits of union membership anyway.

I had thought that union membership had already reached its lowest point, but now, with the new legislation, I think there might be a further drop off in membership. But eventually, in the long run, I think the recent legislation will cause a growth in membership – because of the fear that the legislation is generating. Right now, most of the major employers are sitting back, not actually implementing the legislation, because

they want John Howard to be re-elected next year. But right now some terrible things are also happening – I've had a report from members in Rockhampton that an employer there is offering drivers a one month trial on \$3 an hour. This is the sort of thing that Howard's legislation allows to happen.

QJLH: Compared to most unions, the TWU has maintained its membership fairly well. How has this union been able to do this when all around it unions have been losing members?

HW: We were doing better than most other unions up until the last couple of years, but we've had a down turn in the last year or so – nothing very significant – we've been able to hold our membership, but I don't feel very comfortable about the future. We've had to adopt different tactics in order to try and retain members. In the old days we had the preference clauses in our awards, but now our union officials are becoming more professional and better at talking to potential members face to face – because this is the way that we will survive as a union, by people hearing by word of mouth what the union can do for them.

QJLH: Until 1999 the TWU's Organisers were elected by the members, with additional Organisers being appointed by the BCOM for special projects, such as big recruitment drives. But since 1999 Organisers' positions have been advertised, and all

Organisers have been appointed, not elected. And from 2000, the Branch has employed a number of Organisers from outside of the union – even from outside of the transport industry. What difference has the appointment (rather than the election) of Organisers made to the way in which the union goes about its business?

HW: To an extent, this change was forced on us by the 1996 legislation – we had to become more professional. The problem with the old system was that, while someone might be a very good organiser, they could fall out of favour with the members who elected them, or the employers could mount a campaign against them – the better these organisers were at their jobs, the more outgoing and efficient they were, the more they could come under attack. Another problem was that factions could develop between groups of organisers, and they could start playing politics for their own purpose. These sorts of problems were overcome by having the organisers directly employed by the union – they don't have to fight elections every few years, they can put their energy into fighting the bosses, and they are still responsible to the Secretary.

QJLH: How important is it these days that Organisers come up through the transport industry? Or are the generic skills (like negotiating skills, communications skills, the ability to organise and motivate people) more important?

HW: A few years ago I would have said that the best organiser is the person who has come through the ranks of the transport industry. But now I think that the law is so much more complex that it doesn't make sense to say that a person could be a truck driver today and an organiser or an industrial officer tomorrow. If unions are going to survive we need to employ people who are professionals – but, of course, many of these people can still come from the rank-and-file.

QJLH: The branch has many female members, mainly in airport catering and courier services. In the past decade or so you have employed women in the roles of Industrial Research Officer, Superannuation Officer, and Organiser, and the BCOM now has one female member. Has the union had to make any significant changes in order to accommodate the growing number of women in its membership, and in its leadership ranks?

HW: Transport has traditionally been considered a blokey industry, but we need to have a very open mind about this. Women in the transport industry work the same as men and are treated the same as men. Our present industrial officer, our north Queensland organiser and our call centre operator are all women. So of our 14 officials, three are female. I've certainly found that women can handle any of these jobs and are just as dedicated as the men.

QJLH: In 1972 you stood for state parliament for the ALP in the seat of Ithaca. And in the 1980s there was talk in some ALP circles of you taking a place on Labor's Senate ticket. Until the 1980s there were many close links between the union and the ALP – after federal intervention in the Queensland ALP in the early-1980s you became Senior Vice-President of the Queensland branch of the Party, at the same time that you became the State Secretary of the Queensland branch of the TWU. What is the current relationship between the TWU and the ALP?

HW: At the moment the union has its hands full with industrial matters, but the Labor Party remains very relevant to us. In particular, the next federal election will be more important than any other election we've ever had. Right now I'm travelling the state urging members to vote Labor in the next election so as to get rid of the harsh legislation brought in by people who represent the employers.

QJLH: One day, sooner or later, the ALP will regain control of federal parliament. When the new Prime Minister rings you up and says, "Hughie, what should we do about the IR laws?", what will be your advice?

HW: I would want to go back to the status quo, where there was decent legislation, where we in Queensland had the smallest number of hours lost through industrial action. I'd say to the new PM that the

Labor Party has a duty and an obligation to represent Australian workers – the Labor Party was born from the union movement – and to get rid of this unfair legislation.

QJLH: Do you think that the Labor Party has the will to do that?

HW: I sometimes worry about that. Even though I've been a member of the ALP since 1957, I'm very concerned that it is becoming a more conservative party, that it has grown too close to the business community. Some of the people currently in the Party need to be reminded of the Party's working class origins – some of the candidates who have been endorsement lately are a bloody disgrace to the labour movement. This has a lot to do with the damage done to the movement by ALP factions, which I mentioned before.

QJLH: The Howard government's *Workplace Relations Act* and the recent *WorkChoices* legislation were deliberately intended to restrict the activities of trade unions. I'd like your views on the extent to which the provisions of this legislation have impacted on the TWU in Queensland. For instance, have the new limits on union officials' right of entry to workplaces hindered the work of the union?

HW: We are a little bit lucky in that we can see a lot of our members outside of their workplaces. But it remains very important that union official do go into

the workplace in order to make sure that things are working correctly – that people have got their correct amenities and that proper safety procedures are laid down. And the Queensland Labor government under Peter Beattie has put in place legislation to give us right of entry under occupational health and safety provisions and this has allowed us to get around the limits on right of entry under the Howard government's legislation. So far, we are finding that only a limited number of employers are trying to stop us from entering their workplaces, and we haven't been confronted with a serious problem yet. We will always find a way to represent our members.

QJLH: How has the union been dealing with AWAs? Are many of the employers in the industry attempting to force their employees to sign AWAs? How has the union dealt with this?

HW: You'd have to wonder why any transport worker in Australia would sign an AWA for less money than they'd get under an enterprise bargaining agreement, but people do strange things. I think AWAs will become a problem in the future, but for now we've been able to lock in quite a few enterprise bargaining agreements for the next few years, but it is such clever legislation that employers can now simply sack all of their employees, or go through a labour hire company, so that the EBA doesn't mean a thing any more, and they can then put their new employees on AWAs.

QJLH: Now that employees in workplaces of fewer than 100 workers have lost their right to take an unfair dismissal case to the Commission, how has the union been dealing with cases of unfair dismissal?

HW: In order to deal with this, we as a union have to be rock solid, so that bosses know that if they are going to dismiss anyone unfairly they will have to deal with the union. We had one case recently in a small depot – we called a stop work meeting on the footpath outside the workplace, and by three o'clock that afternoon the state manager of that organisation came to the workplace and reinstated the worker. That exercise really wound the clock back – we can still do what ever we want to do, as long as we're clever about it. But some of the better organised, bigger companies would straight away go to the Commission to get orders against the union, and if we breached those orders there would be massive fines on the union. We've got to outsmart these scurrilous bosses who want to dismiss people unfairly – we've done it before and we'll do it again.

QJLH: The latest legislation places severe restrictions on workers' right to strike, to put limitations or bans on normal work practices, and even to have stop work meetings. Yet you have been able to hold stop work meetings. Is this because some bosses simply don't know what the new laws say?

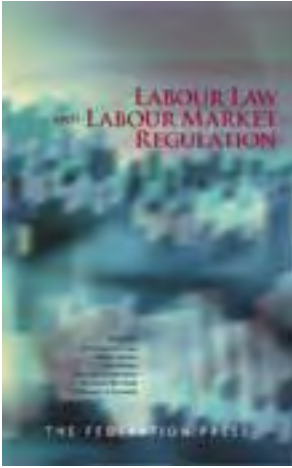
HW: Yes, that's right. Not every boss is going to run off to the Commission, simply because they don't know that they can. So we have to use our muscle wherever we can. The real danger is in the larger firms which can afford better legal advice and have the expertise to put a case to the Commission.

QJLH: The High Court decision of November 2006 means that the Howard government is now free to go ahead and take over the state industrial relations systems. What difference will the abolition of the state system make to the Queensland Branch of the TWU?

HW: I think the biggest problems will be in the rural Shire Councils – because these will come under the corporations provisions of the WorkChoices legislation. I think some of the conservative Shire Clerks in the rural areas will be some of the worst to deal with, and council workers will be in a lot of trouble.

QJLH: Thanks for talking to the Queensland Journal of Labour History, Hughie.

HW: You're very welcome.



Review of

Labour Law and Labour Market Regulation

by Christopher Arup, Peter Gahan,
John Howe, Richard Johnstone,
Richard Mitchell and
Anthony O'Donnell (editors)

Federation Press, Sydney, 2006.
\$125.00, hardback, 752 pp.

Reviewed by Janis Bailey

At a time when public policy in the area of labour law and labour market regulation is receiving an active airing as the new Workplace Relations Act 2006 (aka 'WorkChoices') rolls out, this is a timely scholarly collection that examines some fundamental issues in the arena in a fresh way.

The book is the fruit of a number of distinguished Australian scholars in the field. It has been carefully devised by the editors to include some key theoretical debates, as well as to examine many of the issues that are encompassed within the labour law/labour market regulation area.

One of the key theoretical debates concerns the boundaries of labour law. This book extends beyond a focus on the rights and responsibilities in the employment relationship, to broader issues about labour market regulation, work and family life, corporate governance and globalisation. As the boundaries of what constitutes an 'employee' become more permeable (witness the recent new Federal legislation on independent contractors and the furore it has generated) the field of labour law is widening its scope, and coming to grips with new issues.

Another key theoretical debate with which the book grapples concerns the need to take a broader socio-legal perspective to the thorny issues of labour law and labour market regulation, rather than focusing more narrowly on legal reasoning about formal legal issues such as case law. The broader view can integrate thinking on issues such as the intersections between industrial relations law, welfare law and family law which may (for example) affect single parents. Traditional legal scholarship puts all these things in boxes, whereas this book seeks to understand these issues in tandem. Work, as the publisher's blurb says 'extends way beyond the workplace gate'.

Given these kinds of theoretical concerns, the subject matter of the various chapters is very broad. It includes topics familiar

to those interested in industrial relations, such as industrial tribunals, unfair dismissal, trade unions as ‘regulators’, and occupational health and safety. It includes less familiar topics, such as welfare reform and the gaps between labour and social security law, and labour law/labour regulation approaches to the more ‘atypical’ worker such as the volunteer and the ‘unauthorised’ worker. There are interesting chapters on the household, on the regulation of the family through employee entitlements, and that touch on EEO requirements.

Those with a critical interest in the ways in which business governs our lives in unseen ways will find much of interest. Because the book’s approach takes a broad view of ‘what is regulation?’ there are chapters on how business contributes to labour market regulation, and many of the contributors problematise how employers grapple with their legal obligations – or fail to do so. For instance, the book deals with a range of issues relating to the internal dynamics of firms (such as supply chain outsourcing and business franchising), good faith and fair dealing at work, and how business regulates key issues such as OHS and EEO.

Queensland contributors include BLHA member Margaret Lee (on the regulation of bargaining systems), and colleagues at Griffith University: Richard Johnstone, Graeme Orr, Michael Barry and Emeritus Professor Peter Brosnan.

This book is not for the fainthearted: at 38 chapters (running to 750 pages) by a total of 39 distinguished scholars from 12 Australian universities as well as a number of practitioners, it is not particularly a bedside read (nor is it designed to be), and its cost puts it beyond the range of many.

However, this is an invaluable book for academics (legally oriented or not), via its fresh approach which relocates traditional labour law scholarship in a new frame which will expand academics’ horizons when thinking about their research, or about teaching.

For practitioners and those with a general interest in industrial relations and labour history, dipping into the book provides insights into a range of areas, helping ‘join the dots’ between previously unconnected areas of scholarship and raising all sorts of fascinating issues. A book like this comes along only rarely: its editors and authors should be congratulated for this show of strength. Don’t be put off by its length: the authors of this scholarly and important book will force all of their readers to see these subjects anew.

Brief Biographical Profiles of Members of the ASSLH Executive

President: Lucy Taksa was Head of the School of Organisation and Management until 2006 when she was appointed Associate Dean (Education) in the Faculty of Commerce and Economics, UNSW. She is Director of the UNSW Industrial Relations Research Centre and was appointed Chair of the State Records NSW Board in February 2007. Her current work focuses on labour and industrial heritage and the history of Sydney's Eveleigh railway workshops. Between 1994 and 2004 she was an Associate Editor of *Labour History* and until late 2006 she was the Vice President of the ASSLH.

Vice President: Greg Patmore is Editor of *Labour History*, and Director of the Business and Labour History Group, Faculty of Economics and Business, University of Sydney. He serves on the governing council of the History Co-operative, based at the University of Illinois. With Ray Markey, Greg is investigating the history of non-union employee participation and he is also currently working with Harry Knowles and John Shields on a commissioned history of Citigroup in Australia. Greg is currently Chair of the discipline of Work and Organisational Studies in the School of Economics and Business. He has been Editor of *Labour History* since May 1999 and was also Treasurer between 2002-2006. He served as President for a number of years prior to 2002.

Secretary: Nikola Balnave is a senior lecturer in the School of Management at the University of Western Sydney. She completed her PhD in 2002 on Industrial Welfarism in Australia, and has published a number of journal articles and conference papers on this topic. Her current research is focussed on Rochdale consumer co-operatives, and their historical and contemporary significance to regional Australia. Nikki has been active in ASSLH Sydney Branch, and has served on the Editorial Board as a Trainee, but this is her first year as an office bearer in the Federal Executive.

Treasurer: Harry Knowles lectures in the Discipline of Work and Organisational Studies in the School of Business at the University of Sydney. He is co-author (with Mark Hearn) of *One Big Union: A History of the Australian Workers Union 1886-1994* (1996) and has a particular interest in labour biography and trade union leadership. Harry became an associate editor of the journal during 2006.

Executive Officer: Tony Harris is currently teaching Australian and labour history in the School of History and Philosophy at UNSW. His book, *Basket Weavers and True Believers: making and unmaking the Labor Left in Leichhardt Municipality c1970-1991*, will be published in April this year. Tony has been an Associate Editor of *Labour History* and member of the Editorial Board since 2005.

Executive Officer: Andrew Moore is an associate professor of history at the University of Western Sydney. His most recent book is *Francis De Groot: Irish Fascist, Australian Legend* (2005). Andrew has served on the Editorial Board, the Federal Executive and on the Sydney Branch Executive since the protests against the logging of the Sahara Forests. He is also a long term member of the New South Wales working party of the *Australian Dictionary of Biography* and chair of the Tom Brock Bequest Committee which promotes the scholarly study of rugby league.

Executive Officer: Melanie Oppenheimer is a Senior Lecturer and teaches twentieth century Australian history at the University of Western Sydney. She has published numerous articles on aspects of unpaid labour, volunteerism and war. Her book, *All Work, No Pay: Australian Civilian Volunteers in War* (2002) was shortlisted for the NSW Premier's History Awards in 2003. Her most recent publication is: *Oceans of Love: Narrelle: An Australian Nurse in World War I* (2006). Melanie has served as Associate Editor on the Editorial Board of *Labour History* since 1999 and has been a member of the Federal Executive since 2002.

CONTRIBUTORS

Janis Bailey is a lecturer in the Department of Industrial Relations at Griffith University. Her research interest include union strategy and culture. Before moving to Queensland in 2002, she taught at the University of WA and Edith Cowan University, and was variously secretary, editor and committee member of the Perth Branch of the Australian Society for the Study of Labour History. She worked as a union industrial officer in the 1980s and 90s for various blue- and white-collar unions in Perth.

Manfred Cross held the federal seat of Brisbane for the ALP from 1961 to 1975 and again from 1980 to 1989. He has been a Member of the Royal Historical Society of Queensland, the Royal Society of Queensland, the Australian and New Zealand Association for the Advancement of Science, the Royal Geographical Society, the Queensland Council for Aboriginal Advancement, and the Royal Institute of Public Administration. Since his retirement from federal politics he has been Chairman of the Library Board of Queensland.

Murray Johnson has taught Australian history at the University of Queensland, the Australian National University and the University of Tasmania. He has published widely in many fields of Australian history, including a biography of leading Queensland trade unionist Hughie Williams. Currently a Research Fellow at the Brisbane Institute, he is conducting a series of heritage studies on proposed dam sites in south-east Queensland.

John Kellett was secretary of the BLHA in 2003/4, when he taught industrial relations at Griffith University. In 2001 he published a history of the Queensland branch of the TWU, entitled *A Fighting Union*. He currently teaches IR and Australian economic history at the University of New England.

Greg Mallory is an adjunct lecturer in the Department of Industrial Relations at Griffith University. His book, *Uncharted Waters: Social Responsibility in Australian Trade Unions*, was published in 2005. He is currently working on a history of the Queensland Coal Miners' Union and a history of rugby league in Brisbane. Greg is president of the BLHA.

Jan Nary is a former national media spokesperson for *Choice* magazine and a presenter on ABC Radio Queensland. She is now a freelance publicist, occasional journalist, a regular contributor to *Trad&Now* magazine, and publicist for the National Folk Festival. Jan is also a member of the Media Entertainment and Arts Alliance.

NOTICEBOARD

‘Women’s Labour’: September 2007

Issue of The Queensland Journal of Labour History

This issue will be devoted to various aspects of ‘women’s labour’. Articles are sought on women’s involvement in unions, and in social justice organisations concerned (directly or indirectly) with women’s labour issues. Articles should be a maximum of 3 000 to 4 000 words, and shorter pieces are most welcome. These can be first person accounts or research articles. Accompanying photographs and other visual material are also welcome (if available).

Articles will be due by the end of July, but a short summary of your article by the end of March is required.

The issue is being edited by Janis Bailey, Department of Industrial Relations, Griffith University, j.bailey@griffith.edu.au, tel (07) 5552 7748. Please contact Janis if you have an idea for an article as she would love to discuss your idea with you.

CONFERENCE

The Australian Society for the Study of Labour History, Melbourne Branch, in association with the University of Melbourne and Swinburne University of Technology are hosting the

10th National Labour History Conference: LABOUR TRADITIONS

on 4-6 July 2007 at the University of Melbourne and the historic Melbourne Trades Hall.

As the labour movement in Australia is resisting a sustained attack from a hostile Federal Government, it is time to explore the resilience and fragility of labour traditions. The 10th National Labour History conference will feature themes on trade union mobilising, working-class culture, the Cold War, workplace safety, the centenary anniversary of the founding of the IWW in Australia, the Spanish Civil War debate 70 years on, the centenary anniversary of the Harvester decision, the Waterfront Dispute nine years on, and much more. Details can be found on the Melbourne Branch website: <http://www.asslh.org.au/melbourne> or by contacting Julie Kimber jkimber@swin.edu.au or Peter Love plove@swin.edu.au

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Members of the **BLHA** who are not already receiving *Labour History* are encouraged to subscribe – the full rate for individuals is \$50.00 (concession rate for students/unwaged is \$35.00). Rates are kept relatively low as ASSLH is a non-profit organisation. New subscribers to *Labour History* receive the current year's journals and a free back issue of their choice.

The support of the journal by individual subscribers makes it possible for *Labour History* to continue to promote and publish labour history research in Australia and beyond. Please send for the *Guidelines* if you are interested in contributing to the journal.

A series of articles on Co-operation and the Politics of Consumption appeared in the November 2006 issue of *Labour History* contributing to our understanding of co-operatives and their role in past and present Australian society. These authors include Patmore and Balnave, Cutcher and Kerr, and Darnell. Also in November: *A Look at the Right and the ALP between 1917 and the Early 1930s* (Kirk); a piece on John Bernard Sweeney QC (Shaw); *Workplace Activism in the NSW Branch of the FEDFA* (Westcott); the *Teaching Service (Married Women) Act 1956* (Dwyer), and more.

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