

STRIKES: CAUSES, CONDUCT & CONSEQUENCES by Douglas Blackmur, Sydney, Federation Press, 1993, xvi + 232pp, \$35, ISBN 1 86287 114 0

Despite its title, this work is not a general study of the causes, conduct and consequences of strikes. Rather, it consists of case studies of two prolonged and bitter disputes in Queensland in the period just after World War II: one in the meat industry in 1946 and the other in the State railways in 1948. In the first part of the book the author endeavours to locate the disputes in their international, national and local context, whilst in the fourth he offers some reflections on theoretical and methodological issues. In between, he presents highly readable factual accounts of the two disputes.

The international context was inevitably dominated by the spread of communism in Eastern Europe, and at the regional level, by the struggle for Indonesian independence. Nationally, the ALP was in power, and was trying to come to terms with the multi-faceted problems associated with post-War reconstruction. Labor was also in power in Queensland, and had been for most of the previous thirty years. Historically, the ALP in that State had been dominated by the right-wing Australian Workers Union. The Roman Catholic church was also an important influence upon Labor politics in Queensland, as elsewhere. There were, nevertheless, a number of powerful left-wing unions in Queensland: for example in the meat, transport and mining industries.

It is against this background that the author presents his case studies. In both instances the State government went to extraordinary lengths to try to ensure the defeat of the unions concerned. In the case of the meat industry strike they were largely successful. In the case of the rail dispute, which was more of a lockout than a strike, they were rather less successful. In both instances, the government's handling of the dispute, and the behaviour of some of the participants, left a legacy of bitterness which has not fully dissipated even today. The author suggests (p209) that it is not possible in the current state of knowledge to determine whether the disputes contributed in any way to the split in the Labor party in Queensland in 1957. However, the evidence he presents of contemporary and continuing bitterness generated by the disputes makes it almost inconceivable that they did not play a significant role in the events of the mid-50s.

The law was a significant factor in both disputes. In the meat industry dispute, for example, the Australasian Meat Industry Employees Union (AMIEU) was deregistered under the *Industrial Conciliation and Arbitration Act* (ICAA) because of its participation in the dispute. It was re-registered later in the same year (pp105-106), but not before a rival union comprised largely of workers who had opposed the strike had also been registered under the Act. The Australian Railways Union (ARU) was threatened with deregistration because of its support for the AMIEU — a potentially disastrous development for that union in view of the proliferation of competing unions in the railway industry (p89). Employers in the meat exporting industry took legal advice as to the possibility of prosecuting unions who were taking action in support of the AMIEU under section 30K of the *Crimes Act* 1914 (Cth), although no such action was actually initiated. On the other hand a striking meat worker was convicted of common assault in consequence of a brawl on a

picket line (p95). Intriguingly, a number of unions in the railway industry who were opposed to taking action in sympathy with the AMIEU sought and obtained injunctions under the ICAA to restrain the ARU and the Australian Federated Union of Locomotive Enginemen (AFULE) from continuing to support the strike (pp84–85). In the later stages of the dispute the government proclaimed a State of Emergency because of the economic impact of sympathy action by rail workers and miners. It also ordered the holding of a secret ballot of AMIEU members to ascertain whether there was majority support for the continuation of the strike. In seeking to implement this order the Industrial Registrar, accompanied by police officers, raided a number of union offices throughout Queensland (pp91–93). This ballot was cancelled before it was actually conducted, but the cancellation was accompanied by an Order in Council directing “all parties to the meat industry awards to resume work by 12 July 1946 on the terms of the then existing awards”, and requiring that they negotiate on all matters in dispute between them, with reference to the Industrial Court in the event of continuing disagreement (pp99–104). This eventually led to the calling-off of the strike. In the aftermath of the dispute the ICAA was amended to try to “ensure the more effective implementation of the principle that strikes were illegal unless authorised by a secret ballot of the workers concerned” (pp111–112). These amendments generated enormous ill-feeling, and seem to have contributed significantly to the occurrence of the railway dispute two years later.

There was a rather similar pattern of legal intervention in the case of this later dispute. For example, the Commissioner for Railways sought and obtained a return to work order under the ICAA (p148); the government again proclaimed a State of Emergency (p148); unusually in the Australian context, there were systematic attempts to use the social security system to try to force strikers back to work (p145); and, above all, the government introduced far reaching anti-strike legislation (pp157–158):

The Act made illegal on the pain of a fine up to 100 pounds and/or six months imprisonment all activities designed to prolong the strike. Any argument or advice in favour of the strike; any physical presence of people in any location which the police believed could in any way assist the continuation of the strike, any display of whatever type, all were outlawed by the Act. Exceptional powers of enforcement were conferred on the police, and included the authority to arrest without warrant, to issue instructions to any person to prevent a breach of the Act, and ... the right of forcible entry to any place.

The government was not bluffing. Within days of its proclamation, a number of leading unionists were charged with offences under the Act, and as time went by there was an increasing preparedness on the part of the police to use violence to enforce it. This culminated in a “wild brawl” in the centre of Brisbane on 17 March 1948 in the aftermath of police attempts to prevent striking workers marching from the Trades Hall to the centre of the city. In the course of this brawl, one of the legal advisers of the strikers (who was also a member of parliament) was assaulted by a plain clothes officer whilst observing the procession from the pavement (p166). The legislation was eventually repealed after the dispute had been settled. Before that, however, all charges laid under the Act were dealt with by the courts (p175). A number of strike leaders were fined for illegal picketing. They refused to pay their fines, and were sent to prison for contempt of court. In an episode strongly

reminiscent of the Clarrie O'Shea incident of 1969, they were released from their martyrdom when an anonymous benefactor paid their fines. In contrast with the meat industry dispute, the terms of settlement of the rail dispute were generally favourable to the workers concerned. However, as in 1946, it left an enduring legacy of bitterness and resentment.

In his concluding section the author sets out what he sees as the virtues of the traditional historical method as opposed to "the non-historical social sciences or social science history". He presents a persuasive case for the position he adopts, and certainly to this non-historian he seems to have followed his own precepts to an admirable degree. This, however, serves to highlight to the major failing of the book.

The overview of the social, economic and political context is excellent. The description of the two disputes is clearly written, carefully sourced, and makes fascinating reading. The account of the aftermath of the disputes is well-considered and enlightening. But the author makes absolutely no attempt to draw any conclusions of general application from the material he has presented. This is most unfortunate. There are many striking parallels between the circumstances in which these disputes arose and those of today. For example, Labor was in power in Canberra and Brisbane, but was either in opposition or in electoral difficulties everywhere else. There were close links between the government and the trade union movement — in contrast, for example, with the Whitlam years. Both State and federal governments were consumed by the need to control inflation. Avoidance of a return to the high levels of unemployment which characterised the pre-War period was a major preoccupation of government and unions. Employers were advocating a more workplace-orientated approach to industrial regulation, albeit within a framework of compulsory conciliation and arbitration. And the State government was obsessively concerned to protect the integrity of the Queensland industrial relations system against federal incursion.

Of course there are also profound differences between the circumstances of the immediate post-War years and those of the mid-90s. But the parallels are surely sufficiently significant to make it appropriate at least to refer to them and to offer some thoughts as to the potential lessons of history. For the lawyer, the failure to attempt to draw any inferences from these disputes in the context of the role of law in labour relations is particularly frustrating.

That said, the author has provided a clear and insightful account of two significant disputes. In doing so, he gives much food for thought. For those achievements, he is to be congratulated.

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