

CHAPTER 3

A TIME OF DRAMATIC CHANGE

1951-1969

Introduction

This Chapter describes how changes to various acts of parliament removed barriers to high-rise development and encouraged development of multi-storied residential units.

It analyses various changes to the structure and operations of building unions, and to building industry awards. It describes the way in which the Master Builders Association of NSW (MBA/NSW) changed its membership structure, and outlines the formation of the Australian Federation of Construction Contractors (AFCC).

Also described are the nature of changes in social attitudes during the 'sixties; and, how the authority of the Commonwealth Conciliation and Arbitration Commission (the Federal Tribunal) was seriously undermined in the aftermath of the jailing of an union official in 1969.

The Anti-communism attitudes of the post-war years

The Menzies Government successfully introduced the *Communist Party Dissolution Bill* 1950 which not only declared illegal the Communist Party of Australia (CPA), but also declared certain persons to be prohibited from holding office in trade unions.

The communist-led Waterside Workers' Federation and Ironworkers Union successfully challenged the Act as unconstitutional before the High Court, and a

referendum put by the Menzies Government to achieve such constitutional power in 1951 was narrowly defeated.

While no further legal challenges were launched against the CPA, various groups had been formed, with the endorsement of the Australian Labor Party, to challenge and replace communist union leadership.¹ Communist leaders countered by pursuing the united front concept in which they sought “to ensure that the tickets they supported in union elections represented left-wing Labor as well as communist elements” - the Unity Ticket.²

The Building Boom begins

High-rise construction had been inhibited by legislation, introduced in 1912, which restricted the height of buildings to 150 feet (45 metres),³ due to the existing length of fire ladders and the limitations of steam-pumped water pressure. In 1957, the NSW Parliament removed those height restrictions.⁴

Fear of profiteering during the Second World War, influenced the Commonwealth government to introduce, by regulation, rent controls to both commercial and residential property and this inhibited investment in development.⁵ In 1954 those regulations were modified and by 1957 rent control was lifted for all new commercial buildings,⁶ thus making investment in both commercial and residential property more attractive.

Another event which contributed to the building boom was the production of the Holden from 1948. The Holden, the people's car, put 'motoring' in reach of 'the many' rather than, as in the past, restricting it to a luxury enjoyed by 'the few'.

¹ Ian Turner, *In Union is Strength*, Thomas Nelson Australia Pty Ltd, Melbourne 1978. p.112

² Ibid, p.113

³ *Height of Buildings Act, 1912*, Act No. 58, 1912 (10.12.1912)

⁴ *Height of Buildings (Amendment) Act, 1957* Act No. 12, 1957 (8.4.1957)

⁵ National Security (Fair Rents) Regulations - No. 104, *Commonwealth Statutory Rules*, 1939, pp.446-453

⁶ Mary Murphy, *Challenges of Change*, Lend Lease Corporation Limited, Sydney, 1984, p.16

The increased use of the motor car, as an alternative to public transport, created the need for multi-storey parking stations.⁷

The market for *Own-your-own flats*, which emerged in the 1950s,⁸ was inhibited by the inability of purchasers to obtain title for individual flats as title was only available for blocks of flats which were recorded on Company Title. The introduction of the *Conveyancing (Strata) Titles Act*, 1961 overcame the problem of Company Title and this led to a dramatic increase in flat ownership. The increase in flat ownership, from 1,646 in 1957-58 to 15,991 in 1964-65,⁹ provides some evidence of the effect, of the introduction of strata title, on the construction of what came to be known as home units.

The growth of interest in home unit ownership, as distinct from house ownership, had implications for the union movement. House construction was, and is, carried out by self-employed sub-contractors working as sole traders or in partnerships. There is little, if any, trade union involvement in the Housing sector of the building industry. Sub-contractors in home unit construction, however, employ labour and the congregation of labour (attracting union organisation) create on-site relationships similar to those in the commercial sector.

The MBA/NSW changes its structure

The MBA/NSW experienced a change to its 'Major Contractor dominated' structure in 1953 when each of its autonomous branches, with the exception of the Newcastle (NSW) Master Builders Association, affiliated directly with the MBA/NSW.¹⁰

⁷ For example: the Sydney City Council, in approving the construction in 1956 of 'Caltex House', insisted that five floors of the building be provided for car parking. - Ibid, p.18

⁸ Ibid, p.48

⁹ Master Builders Association of NSW Housing Advisory Committee, "Report to the Council of Management From the Housing Advisory Committee for the period 1 August 1969 - 5 September 1969" in MBA/NSW, *Minutes*, 9 September 1969, p.24

¹⁰ The MBA/NSW established its first Branch at Newcastle in 1874. The operations of the Newcastle MBA were completely autonomous and that autonomous approach was continued when the MBA/NSW fostered the formation of MBAs in the developing suburbs of Sydney after the First

The upsurge in commercial building works, with the accompanying increased activity of the trade unions, and its own sudden growth due to its affiliated membership, led the MBA/NSW to outlaw any individual discussion or bargaining with the trade union movement by its membership.¹¹

By 1956 most standard building contracts contained escalation ('Rise and Fall') clauses related to movements in award wages.¹² In 1967 the MBA/NSW adopted a policy forbidding any member from tendering for any project which would take a period of fifty-two weeks or more to complete without the inclusion of a 'Rise and Fall' provision.¹³

In 1957 the Suburban MBAs became Divisions, and an integral part, of the MBA/NSW. The original members of the MBA/NSW, the major general contractors, formed themselves into the Sydney Division of the MBA/NSW.¹⁴ This event broadened the membership base of the MBA/NSW and it became the direct representative of builders from all sectors of the building and construction industry. In 1968 the MBA/NSW amended its rules to enable it to accept sub-Contractors as Ancillary Members, and changed the title of its Chief Executive Officer from "General Secretary" to "Executive Director"¹⁵ - the title adopted by John Martin who was elected to that position earlier that year.¹⁶

World War. The suburban Master Builders Associations generally comprised housing builders and each registered under the NSW Industrial Arbitration Act as a branch of the MBA/NSW, for example 'The Master Builders Association of NSW, St. George Branch' (File No.55 24 October 1918).

¹¹ While the MBA/NSW had little success with its ban on 'individual discussion' with a union, it did have general support from its membership for its ban on 'individual bargaining' with a union. - Master Builders Association of NSW, Minutes, 6 July 1954.

¹² The MBA/NSW established a committee comprising representatives of builders and from the Institute of Architects, and the Federal and New South Wales State Public Works Departments "to meet every quarter to issue a points increase or decrease for adjustments of rise and fall in contracts".

¹³ Master Builders Association of NSW, Minutes, 12 December 1967

¹⁴ The MBA/NSW then comprised nine divisions - Sydney, Main Southern, Canterbury-Bankstown, St. George and Sutherland, Eastern Suburbs, Manly-Warringah, Main Northern, Western Suburbs and Central Cumberland. Master Builders Association of New South Wales, Annual Report, 1957

¹⁵ Master Builders Association of NSW, Minutes, 3 December 1968

¹⁶ Ibid, 10 September 1968

The formation of AFCC

References, in MBA/NSW Minutes, to the construction of such projects as the Lucas Heights Centre and Wangi Power House (24.1.56), Wallerawang Power Station (28.2.56), and Tallawarra Power Station (25.9.56) indicate, to some degree, the increase in civil engineering public works at that time. By this time many major construction companies were operating in both the civil engineering and building industries. Civil engineers were appearing in senior positions in the 'building' arm of these companies. Civil and Civic, for example, had since its formation in 1950 engaged civil engineers to oversee building projects. The growth in civil engineering works, and the involvement of civil engineers in the booming building industry, led to informal meetings of senior executives of many major construction companies at the offices of the Master Builders Association of Victoria (MBAV) during the mid-1950s.¹⁷ Those informal discussions ultimately led to the separate formation in Sydney and Melbourne of organisations each bearing the name, Federation of Civil Engineering Contractors (AFCEC). AFCC was formed on 7 December 1959 as the Australian Federation of Civil Engineering Contractors (AFCEC), a name derived from its two sponsoring bodies from NSW and Victoria, each of which became branches of the new federal organisation.¹⁸

This highlights the basic difference that existed between AFCC and the Master Builder Movement. The membership of the Master Builders Federation of Australia comprised its autonomous State-based sponsoring organisations (the MBAs) while the membership of AFCC comprised major national civil

¹⁷ Interview: Commissioner John Luckman, Victorian Industrial Relations Commission (MBAV Senior Industrial Officer 1954-78), 8 August 1992

¹⁸ The AFCEC was renamed the Australian Federation of Construction Contractors (AFCC) on 12 July 1971. See:- Australian Federation of Civil Engineering Contractors, *Minutes of Extraordinary General Meeting*, 12 July 1971; *Minutes of Combined Meeting NSW and Victoria*, 7 December 1959

engineering contractors who, despite the existence of AFCC branches in each state, had a central decision-making forum.¹⁹

The Builder/Developer emerges - a new type of member for the MBA/NSW

In 1958, G J (Dick) Dusseldorp, of Civil and Civic Contractors, introduced a new concept when he floated the company Lend Lease Corporation Limited, which was to act as the proprietor to Civil and Civic Contractors for buildings that Lend Lease was to develop for lending or leasing.²⁰ As Civil and Civic Contractors owned 40% of the shares in Lend Lease, this introduced a new identity to the commercial building sector - the builder/developer. Civil and Civic Contractors, through its symbiotic builder/developer relationship with Lend Lease Corporation Limited, avoided the highly competitive tendering system with its under-cutting practices, and its restrictive contracts which related escalation benefits solely to movements in wage rates prescribed by building awards. This situation enabled Dusseldorp to pursue his advanced industrial relations theories through direct negotiations with building unions leading the MBA/NSW Industrial Advisory Committee, of which Dusseldorp was a member, to pass the following resolution:-

The Industrial Advisory Committee is of the opinion that the firm Civil and Civic Contractors Pty Ltd has violated the Rules of the Association in entering a private agreement with various Building Trades Unions and should be charged under Rule 58 of the Association's Constitution.²¹

The issue was, on that occasion, amicably resolved as Dusseldorp was able to convince the Association that the agreement had no implications for the rest of the industry.²² The MBA/NSW Council of Management became less tolerant of such

¹⁹ The Constitution of the AFCC was drawn up by representatives of the NSW and Victorian Federations of Civil Engineering Contractors who had been appointed by the two organisations as a Provisional Council of the soon to be established federal body. Australian Federation of Civil Engineering Contractors, *Minutes of Provisional Council*, 31 August 1959 and 9 October 1959

²⁰ Mary Murphy, *op cit*, p.31

²¹ Master Builders Association of NSW, *Industrial Advisory Committee Minutes*, 11 November 1958

²² Master Builders Association of NSW, *Minutes*, 9 February 1959

private arrangements during the early 'seventies when it was seeking the de-registration of the ABLF.²³

The Builder/Developer was also changing the structure and character of the residential sector of the NSW building industry and, with the growth in home unit construction, was affecting the position of traditional house builders. In 1969, the MBA/NSW Housing Advisory Committee complained that:

- Large development companies are rapidly taking over the major share of residential flat construction;
- The size of the builder-developer indicates that the 'traditional' building-for-a-client is on the decline and that builders who are unable to adjust themselves to the new pattern in the industry - residential flat (home unit) construction - are in danger.
- The developer-builder, or project builder, prevails in the house building sector - most important is the control of land by the large developer who is taking up the newly released areas.²⁴

Further Developments within the union movement

The Amalgamated Society of Carpenters & Joiners of Australia (ASC&J),²⁵ which broke away from the federally deregistered, and Communist led, Building Workers Industrial Union of Australia (BWIU) had the conditional registration it was granted, on 17 October 1950,²⁶ revoked on appeal by the BWIU.²⁷ The

²³ Civil and Civic Contractors Pty Ltd were, in 1973, again charged under Rule 58 of the MBA/NSW's Constitution for entering a private agreement with various building unions. On that occasion the company management refused to answer the summons and immediately resigned. The expulsion of Sir Paul Strasser's PDC Constructions from the MBA/NSW (for entering a private agreement to pay its employees 20 cents per hour over the awards' rates) had just preceded the service of the summons on Civil and Civic.

²⁴ Master Builders Association of NSW Housing Advisory Committee, "Report to the Council of Management from the Housing Advisory Committee for the period 1 August 1969 - 5 September 1969" in: MBA/NSW, *Minutes*, 9 September 1969, p.28

²⁵ The break-away union (ASC&J) adopted the original name of the Building Workers Industrial Union

²⁶ *Commonwealth Arbitration Reports*, Volume 68, pp.1028-1049

ASC&J was ultimately registered on 4 June 1952,²⁸ and was granted a Federal award, the Carpenters & Joiners (Interim) Award, 1953.²⁹ The Master Builders Association of New South Wales (MBA/NSW), however, regarded the main, or parent, award as being the Carpenter and Joiners and Bricklayers (State) Award which it negotiated with the NSW-State-registered Building Workers Industrial Union (NSW) Branch - (NSW/BWIU), due to the long standing character of that State award and the continued dominant role of the NSW/BWIU in representing Carpenters and Joiners as well as Bricklayers in New South Wales.³⁰

Pat Clancy, a member of the CPA, became Secretary of the NSW/BWIU in 1955. Notwithstanding the deregistration of its federal body in 1948, the NSW/BWIU during 1956 and 1957 acted as the spearhead of industrial action on behalf of a reconstituted Building Trades Group (BTG) which formed part of the Labor Council of NSW.³¹

The activities of NSW/BWIU officials were so aggressive as to lead one builder early in 1957 to successfully apply for the revocation of the entry and inspection permit held by a BWIU organiser.³² Later that year, the MBA/NSW successfully applied for the deregistration of the NSW/BWIU under the NSW Industrial Arbitration Act.³³ The order for cancellation was allowed "to lie in the office of the Registrar" for a short period to enable the union to make application to the Commission for the Executive of the Union to give an undertaking satisfactory to the commission that it would observe its policy against illegal Strikes.³⁴

²⁷ *Commonwealth Arbitration Reports*, Volume 71 (1951), pp.67-81

²⁸ *Commonwealth Arbitration Reports*, Volume 74 (1952), pp.921-933

²⁹ *Commonwealth Arbitration Reports*, Volume 77 (1953), pp.373-374

³⁰ Interview: L J Cooper, Life Member of MBA/NSW, (and member of the MBA Industrial Relations Negotiation Committee 1950-1972), 4 June 1992.

³¹ Master Builders Association of New South Wales, *Annual Report*, 1957

³² *NSW Industrial Gazette*, Volume 126, pp 751-767

³³ *NSW Industrial Gazette*, Volume 127, p.406

³⁴ Ibid

Those undertakings were given by the NSW/BWIU and it was reported the following year that the number of disputes had decreased and the lightning strikes had ceased.³⁵

Due to the increasing high-rise construction, the NSW/BWIU when applying for a new Carpenters and Joiners and Bricklayers (State) Award in 1956, *included a claim for an allowance for multi-storey work - that is, for work “above the fourth floor storey”*. That award, with the multi-storey allowance included, was established in the face of opposition from the MBA/NSW who claimed that multi-storey work had been undertaken for many years and that any disabilities peculiar to it had already been considered during the fixation of margins.³⁶ The MBA/NSW did admit however that there had been an increase in the number of multi-storied buildings constructed.³⁷

When making the 1960 Carpenters and Joiners and Bricklayers (State) Award and varying the formula for multi-storey allowance, Mr Justice Taylor observed that the relevant change was not in the number of multi-storied buildings but in the high-rise nature of such works³⁸.

This created a demand for drivers of tower cranes³⁹. To overcome a wage ‘injustice’,⁴⁰ the Lofty Crane Drivers Agreement was registered with the Industrial Commission of NSW (the State Commission) on 27 December 1961.⁴¹

The ABLF gets a new award and the NSW/BLF gets a new leadership

³⁵ Master Builders Association of NSW, *Annual Report*, 1958, p.7

³⁶ *NSW Industrial Gazette*, Volume 123, at p.40

³⁷ *Ibid*, Volume 55 (1956), at p.372

³⁸ *Ibid*, Volume 59 (1960), at p.704

³⁹ The marked growth in the use of tower cranes due to the increase in high-rise building led the Australian firm Favelle Mort Ltd, to recognise its market potential. In 1962 its first Favco tower crane was put into operation in Sydney. By 1974 there were 300 Favco tower cranes operating in Australia. - Master Builders Association of NSW, *Builder NSW*, Vol.3, No.2, Sydney, March 1974, p.91

⁴⁰ The crane drivers' rate of pay provided by their generic award, the Engine Drivers General (State) Award, was far below those established for tradesmen in the building construction industry.

⁴¹ *NSW Industrial Gazette*, Volume 143, at p.1208

The incumbent leadership of the NSW Branch of the Australian Builders' Labourers' Federation (NSW/BLF) during the 1940s and 1950s were each members of the Australian Labor Party (ALP) and their ideology regarded by some as right-wing.⁴² Left-wing builders' labourers formed rank and file committees on various projects in the early 1950s, and these received support from many of the builders' labourers who were thrown together by the concentration of commercial construction undertaken in the Central Business District (CBD) of Sydney. A formal central Rank and File Committee was established within the NSW/BLF during the late 1950s, with encouragement from the Communist Party of Australia (CPA), having as its main objective the fielding of a Rank and File Team in the NSW/BLF elections.⁴³ In 1961, the left-wing Rank and File Ticket won the majority of places in the NSW/BLF elections with Mick McNamara replacing the former right-wing incumbent as Secretary.

The Australian Builders' Labourers Federation (ABLF), in 1962, successfully applied for a new federal award - The Builders Labourers (Construction On Site) Award 1962,⁴⁴ which introduced a more complex wage structure despite the union's submission that the previous two classifications structure (comprising 'skilled' and 'unskilled') should be retained. The new award accentuated the superiority of 'ticketed' builders' labourers over the fourth classification which in the 1970s became known as the 'unskilled' labourer:

TABLE 3.1

CLASSIFICATIONS AND WAGE MARGINS IN THE NEW 1962 ABLF AWARD

1 (i) Rigger (ii) Drainer	(iii) Dogman	(This Group received four pounds per week - \$8.00)
2 (i) Scaffolder (ii) Powder Monkey	(iii) Hoist or Winch Driver	(Three pounds, five shillings - \$6.50)
3 (i) Bricklayer's labourer	(viii) Jackhammerman	(Two pounds, five

(The agreement between the MBA/NSW and the NSW/FEDFA linked the lofty crane driver's pay to the carpenter's award rate. A provision for 'climbing time' was also introduced into the agreement)

⁴² For example: Jack Munday, "From Red To Green: Citizen-Worker Alliance" in Drew Hutton (ed.) *Green Politics in Australia*, Angus & Robertson, Sydney, 1987, P.109

⁴³ Peter Thomas, *Taming the Concrete Jungle*, NSW Branch, Australian Building Construction Employees & Builders Labourers Federation, Sydney, 1973, p.65

⁴⁴ *Commonwealth Arbitration Reports*, Vol.101 (1962-62), commencing at p.318

(ii) Assistant Rigger (iii) Ass'tant Powder Monkey (iv) Demolition Work (after three months experience) (v) Gear Hand (vi) Pile Driver (vii) Tackle hand structural erector	(ix) Concrete Mixer driver (x) Steel and/or Bar bending (xi) Steel erection (xii) Aluminium alloy (xiii) Gantry hand or Crane hand (xiv) Crane chaser	shillings- \$4.50)
4 Builders' labourer employed on work other than that specified in the previous classifications		(One pound, one shilling- \$2.10)

Source: *Commonwealth Arbitration Reports*, Volume 101 (1962-63), p. 340

Changes to Societal mores and structure, the CPA suffers defections, and the Australian industrial relations system breaks down

While the BLF Award was achieving a structure more appropriate to changes in technology and the scope of work required of builders' labourers, the traditional philosophies and structures of society were also coming under enormous challenge. Australia, and in fact the entire Western world, underwent dramatic social change during the 1960s and early 1970s.

John F. Kennedy was inaugurated President of the United States of America on 20 January 1960 and pursued a programme of civil rights. In 1964 Martin Luther King, Jnr., received the Nobel Peace Prize for his work against racial discrimination which had included organizing sit-in campaigns in 1960 and street demonstrations and marches in 1963. Street demonstrations and marches became a common form of protest as the United States of America, in August 1964, increased its involvement in the Vietnam War following President Lyndon Johnson seeking and receiving Congressional approval to take "all necessary action" against the Communist regime in North Vietnam.⁴⁵

The University of Sydney became the rallying point for many of the emerging movements and their demonstrations in the late 1960s and early 1970s. For example, Sydney University students, including Charles Perkins, embarked on the Freedom Ride of 1965 designed to get "Aborigines to realise they did not have to go on accepting that sort of treatment".⁴⁶

⁴⁵ *The Age*, Melbourne, 7 August 1964

⁴⁶ Sam Lipski, "Alien Son - The Dark Side of Charles Perkins", *The Bulletin*, 24 September 1966, p.28

In 1966 the newly elected Prime Minister of South Africa, B.J.Vorster, announced the racist and white-supremacy policies of his National Party.⁴⁷

In 1965 the Menzies Government committed Australian troops to fight in Vietnam.⁴⁸ In April 1966 there were violent demonstrations at Garden Island Naval Base in Sydney and at the RAAF Base at Richmond over the departure of the first Australian conscript troops.⁴⁹ Three months later, President Johnson was told by Australian Prime Minister, Harold Holt, that Australia was 'All the Way with LBJ'.⁵⁰

The horrors of the Vietnam War were brought graphically to Australians by television. The 1967 'summer of love' celebrated by the hippies of Haight - Ashbury, San Francisco created a new culture - the flower children, psychedelic shows and pot smoking - and Sydney was introduced to Hippies and Flower Power during a protest march against the Vietnam war.⁵¹

The death of Joseph Stalin in 1953; the invasion of Hungary in 1956 and of Czechoslovakia in 1968; the criticism of Stalinist policies by the new Soviet leadership; and, differing interpretations of the ideology of Marx-Lenin between Moscow and Peking, had a dramatic and divisive effect on the membership of the Communist Party of Australia (CPA). Both the national leadership of the CPA under Sharkey and the Victorian branch of the CPA under its secretary, Ted Hill, lined up at first with the Chinese. However 'towards the end' Sharkey began to swing around to the Soviet position.⁵²

When a pro-Peking group within the CPA, under the Victorian Ted Hill, broke away in the early 1960s and pursued the Maoist version of Marxist-Leninist

⁴⁷ "Divine Right of Vorster", *The Bulletin*, 1 October 1966, p.34

⁴⁸ *Sydney Morning Herald*, 30 April 1965

⁴⁹ *Ibid*, 20 April 1966

⁵⁰ *Ibid*, 5 July 1966

⁵¹ *Ibid*, 13 August 1967

⁵² Tom O'Lincoln, *Into the Mainstream*, Stained Wattle Press, Westgate, NSW, 1985, pp.101-102

philosophy,⁵³ among the pro-Peking group were members of the Victorian/BLF leadership including Norman Gallagher⁵⁴ who had been elected (federal) ABLF Secretary in 1961. L.L. Sharkey, CPA National Secretary, regarded the politicising of strike action as having a “revolutionary character” but such an approach was discouraged by the right-wing leadership of the Australian Council of Trades Unions (ACTU) until the election of the R.J.L. (Bob) Hawke team to office in 1969.⁵⁵ A new mood was identified by Laurie Aarons, who had replaced Sharkey as CPA National Secretary in 1965. Aarons suggested that “the time has come for determined militant confrontation of this system of legalised repression - workers are looking for a new policy now that the deadlock is broken on the ACTU Executive - A new stage of industrial struggle may emerge in which the Arbitration system itself is challenged”.⁵⁶ Later that year, Aarons developed a New Line or New Left approach by abandoning the United Front policy and implementing ultra-left policies, involving vanguard action by small groups, based, some suggested, on Trotskyism.⁵⁷

This new ultra-left direction was outlined in a speech by Aarons in November 1969.⁵⁸ The union movement during the 'fifties and 'sixties, however, was somewhat constrained by the powers of the (federal) Industrial Court to order compliance with an award "bans" clauses and to punish a union for not observing such an order by the imposition of fines or imprisonment.⁵⁹

As McCallum and Tracey pointed out:

⁵³ David Plowman, "The Victorian Trades Hall Split: A Study of Inter-Union Conflict", in Bill Ford and David Plowman (Eds), *Australian Unions*, Macmillan Company of Australia, South Melbourne, 1983, p.306

⁵⁴ Munday pointed out that Gallagher was a member of the Communist Party and suggested that he, “like many Victorian unionists”, relied on the advice of Ted Hill, a lawyer and then the secretary of the Victorian branch of the Communist Party of Australia.

Jack Munday, *Green Bans & Beyond*, Angus & Robertson, Sydney, 1981, p.43

⁵⁵ *Current Affairs*, Vol.48, No.1, June 1971, p.21

⁵⁶ L. Aarons, "The Stage is cleared for a Showdown", *Tribune*, 29 January 1969

⁵⁷ Building Industry Branch of the Socialist Party of Australia, *Six Turbulent Years: Lessons from the rise and fall of the NSW Builders Labourers leadership and building industry struggles 1969-75*, Sydney, undated, p.66

⁵⁸ Ibid

⁵⁹ *Commonwealth Conciliation and Arbitration Act, 1904*, Sections 109 and 111

These contempt powers were extensively used by employers through the 1960s and many unions were fined on very many occasions.⁶⁰

This situation was to come to an abrupt end in May 1969 by the events referred to as the Clarrie O'Shea Case. O'Shea, the secretary of the Australian Tramway and Motor Omnibus Employees' Association, was imprisoned due to his union's continued refusal to pay fines imposed on it during the one-man bus dispute between 1962 and 1969. Widespread strikes and demonstrations occurred, and there was enormous pressure for the penal provisions to be reformed.⁶¹ Thousands of workers and students marched on the Industrial Court in Melbourne, to be met by a cordon of mounted and foot police. Those unionists, on that day, passed a motion which concluded with the words:-

We determine that the unions opposed to the penal powers carry out a series of rolling strikes and demonstrations until Mr O'Shea is released, and , if necessary, a general stoppage.⁶²

Clarrie O'Shea was released from gaol after the fines were paid anonymously and the contempt provisions fell into disuse and were virtually done away with in 1970.⁶³ In light of the O'Shea furore and general social unrest, the CPA therefore selected a most opportune time to signal an aggressive change in its ideological direction in 1969. It was a period in which the social and political more were undergoing change.

The late 'sixties and early 'seventies was, for Australian politics as a whole, a period of change in both the content and style of politics. The student movement; the New Left; the Anti-Vietnam movement; and, the Anti-Apartheid movement:

⁶⁰ R.C. McCallum and R.R.S. Tracey, *Case and Materials on Industrial Law in Australia*, Butterworths, Sydney, 1980, p.226

⁶¹ Ibid, p.227

⁶² Australian Building Construction Employees' and Builders' Labourers' Federation, *Builders' Labourers' Song Book*, Widelscope, Melbourne, 1975, pp.111-112

⁶³ R.C. McCallum and R.R.S. Tracey, *op cit*, p.227

each with their confrontationalist tactics of sit-ins, mass demonstrations and rallies often ending in violence and large numbers of arrests.⁶⁴

It was, Willis suggests, "in the atmosphere of heightened political awareness and activity that Sydney Women's Liberation gave birth to itself" - in 1969 - on the campus of Sydney University.⁶⁵

Conclusion

The 1950s and 1960s were decades of enormous change with a buoyant economy, improved standards of living, and a population enlarged and becoming cosmopolitan through post-war immigration. The MBA/NSW had absorbed its autonomous branches, with the exception of the Newcastle (NSW) Master Builders Association, thus broadening its membership base to include builders and sub-contractors from all sectors of the building industry. AFCC was established to represent major national civil engineering construction contractors.

Standard building contracts contained escalation (Rise and Fall) clauses which members of the MBA/NSW were required to utilise when entering contracts requiring at least fifty two (52) weeks to complete. MBA/NSW also introduced a policy designed to prevent its membership from negotiating individually and separately with trade unions. Design and Construct contracting was introduced during the 1950s and the Builder/Developer emerged at the time various legislation was enacted which encouraged investment in the construction of commercial and residential rental property through the removal of height restrictions to buildings, amending provisions related to fair rents, and introducing Strata titles. The Builder/Developer, without the restrictions of the tender system

⁶⁴ Sue Willis, "The Women's Liberation Movement" in Richard Lucy (Ed.), *The Pieces of Politics*, The Macmillan Company of Australia, South Melbourne, 1983, p.313

⁶⁵ Ibid

and commercial contracts related to Industrial awards, began to negotiate directly with trade unions against the policies of the MBA/NSW.

The NSW Branch of the BWIU (NSW/BWIU), of which Pat Clancy became secretary in 1955, continued its dominant representation of carpenters and joiners despite the existence of the ASC&J which had been formed by breakaway members of the federally deregistered BWIU. The NSW/BWIU became extremely militant during the 1950s however the threat of deregistration under the NSW Industrial Relations Act in 1956 and 1957 encouraged that union to moderate its behaviour.

The increase in high-rise construction in NSW led to the introduction of multi-storey allowances into building awards, and to an industrial agreement being established between the FEDFA and the MBA/NSW which prescribed rates of pay and working conditions for the drivers of Lofty Cranes. Changes in technology led to a broader usage of the skills of builders' labourers and this was reflected in the numerous classifications of builders' labourers in the new ABLF award established in 1962. Norm Gallagher was elected federal secretary of the ABLF in 1961 and, in that same year, the leadership of the NSW/BLF was deposed by a militant "rank and file" group. Jack Munday became secretary of the NSW/BLF in 1968. The Communist Party of Australia (CPA) suffered from the defection by those of its members who supported the ideology of Mao Tse-tung. One of the pro-Mao group was Norm Gallagher.

Pat Clancy and other CPA members within the BWIU leadership were becoming disenchanted with the CPA due to its shift to the ultra-left in ideology, details of which were enunciated by the new CPA leadership in 1969. Those ultra-left policies were supported by Jack Munday, the NSW/BLF secretary, and by Jack Cambourne, the secretary of the NSW branch of the FEDFA (NSW/FEDFA), both of whom were CPA members. The announcement of the new ideology of the CPA followed the events referred to as the "Clarrie O'Shea Case" which virtually destroyed the contempt/penal provisions of the federal

Industrial act - provisions which had be widely pursued by employers during the 1960s. These events occurred at a time of great social change due to the formation of ad-hoc pressure groups opposing the war in Vietnam; opposing the conscription of young Australians to fight in that war; and, opposing the apartheid policies of the South African government; as well as those involved in the Women's Liberation Movement and the Aboriginal Rights movement.

The 1970s therefore began in an environment of social upheaval; violent street demonstrations; impotent industrial laws in the aftermath of the O'Shea Case; and, a NSW/BLF and NSW/FEDFA leadership ready to try out the new ultra-left policies of the CPA.