The social and moral campaigning of Australian trade unions, 1960s to 2015

Daniel Hannington-Pinto

(ORCID identifier: 0000-0001-6722-5253)

Doctor of Philosophy

May 2020

School of Historical and Philosophical Studies

Faculty of Arts

Submitted in partial fulfilment for the degree of Doctor of Philosophy at the University of Melbourne

Declaration

I, Daniel Hannington-Pinto, declare that the PhD thesis entitled *The Social and Moral Campaigning of Australian Trade Unions, 1960s to 2015*, is no more than 100,000 words in length, including quotes and footnotes and exclusive of figures and bibliography. This thesis contains no material that has been submitted previously, in whole or in part, for the award of any other degree or diploma. Except where otherwise indicated, this thesis is my own work.

Signature: *Date:* 26 May 2020

Contents

List of figures

Acknowledgements

The inspiration for this thesis came to me in late-2015. Having just completed an Honours thesis on Australians who had been willing to sacrifice their lives in defence of the Spanish Republic against Franco's forces, I wanted to commit to another project celebrating idealists: those among us who fight for something bigger than self-interest. Reading for the first time of Jack Mundey, and his union's crusade against reckless destruction and development in 1970s Sydney, I was moved to expand on this story of workers' activism motivated by social and moral concerns. This thesis is dedicated to Jack, a legend of the union movement who sadly passed away weeks before its submission.

For their invaluable guidance, feedback, suggestions, and encouragement, I cannot thank enough my principal supervisor, Professor Sean Scalmer, and co-supervisor, Doctor Jacqueline Dickenson. Working with you both has been nothing short of a pleasure.

I also wish to acknowledge Peter Sheldon and an anonymous referee at *Labour History*, both of whom offered feedback that immeasurably improved my contribution to the May 2019 edition of the journal, and, in turn, a portion of this thesis.

For financial assistance, gratitude is extended to the Australian Government's *Australian Postgraduate Award* (later *Research Training Program*) scholarship scheme, which I accessed in the first half of my candidature and allowed me to undertake much of the archival and interview work that underpins my findings.

Thank you to Amy for the emotional support throughout, and to Oscar and Santiago: may you always, as you grow into wonderful young men, embrace opportunities to care for others in their times of need.

List of abbreviations

ACAS	Aboriginal Children's Advancement Society
ACSPA	Australian Council of Salaried and Professional Associations
ACTU	Australian Council of Trade Unions
AEU	Amalgamated Engineering Union
AFL-CIO	American Federation of Labor – Congress of Industrial Organisations
AGM	annual general meeting
AIATSIS	Australian Institute of Aboriginal and Torres Strait Islander Studies
AJA	Australian Journalists' Association
ALP	Australian Labor Party
AMWU	Amalgamated Metal Workers Union
ANF	Australian Nursing Federation
ANMF	Australian Nursing and Midwifery Federation
APHEDA	Australian People for Health, Education and Development Abroad
APODETI	Timorese Popular Democratic Association
APRA	Australian Prudential Regulation Authority
ASIO	Australian Security Intelligence Organisation
ASU	Australian Services Union
AUS	Australian Union of Students
AWA	Australian Workplace Agreement
BWIU	Building Workers' Industrial Union
CFMEU	Construction, Forestry, Mining and Energy Union
CME	coordinated market economy
CPA	Communist Party of Australia
CWU	Communication Workers' Union
EBA	enterprise bargaining agreement
ESG	environmental, social, and governance
ETRA	East Timor Relief Association
FALINTIL	Armed Forces for the National Liberation of East Timor
FCAA	Federal Council for the Advancement of Aborigines
FCAATSI	Federal Council for the Advancement of Aborigines and Torres Strait Islanders
FMWU	Federated Miscellaneous Workers' Union

FRETILIN	Revolutionary Front for an Independent East Timor
FSPU	Federated Storemen and Packers' Union
GSMU	global social movement unionism
HESTA	Health Employees Superannuation Trust Australia
HSU	Health Services Union
ICFTU	International Confederation of Free Trade Unions
IE	Industri Energi
IFI	international financial institution
ILO	International Labour Organization
IMF	International Monetary Fund
INGO	international non-governmental organisation
INTERFET	International Force for East Timor
ITF	International Transport Workers' Federation
ITUC	International Trade Union Confederation
KSTL	Timor-Leste Trade Union Confederation
LAIFET	Labour Advocacy Institute for East Timor
LHMU	Liquor, Hospitality and Miscellaneous Union
LME	liberal market economy
MIF	Maritime International Federation
MUA	Maritime Union of Australia
MUNZ	Maritime Union of New Zealand
NBAC	Noel Butlin Archives Centre
NDF	National Development Fund
NLI	New Labour Internationalism
NSWBLF	New South Wales Builders' Labourers' Federation
NSWTF	New South Wales Teachers' Federation
NTEU	National Tertiary Education Union
PSC	Peace and Solidarity Committee
PKI	Communist Party of Indonesia
QTLC	Queensland Trades and Labour Council
RTBU	Rail, Tram and Bus Union
SEIU	Service Employees International Union

SMETTL	Maritime, Energy, and Transport Union of Timor-Leste
SMU	social movement unionism
SMWU	Sheet Metal Working, Agricultural Implement and Stove Making Industrial Union
SRI	socially responsible investment
SSAU	Superannuation Scheme for Australian Universities
SUA	Seamen's Unions of Australia
SVA	Social Ventures Australia
TAS	Timor Aviation Services
TESS	Tertiary Education Superannuation Scheme
TNC	transnational corporation
UDT	Timorese Democratic Union
UNAMET	United Nations Advance Mission – East Timor
UNMISET	United Nations Mission of Support in East Timor
UNTAET	United Nations Transitional Administration in East Timor
UTS	University of Technology Sydney
VU	Victoria University
WFTU	World Federation of Trade Unions
WWF	Waterside Workers' Federation
xBorderOps	Cross Border Operational Matters

Introduction and literature review

For much of the twentieth century, Australian trade unions operated within a state-regulated industrial relations system that was marked by centralised negotiations in arbitration, conciliation, and the setting of wages at the levels of industry and trade. In this way, the union movement provided many benefits to workers. Capitalising on a close relationship with one of the nation's two major political parties, the Australian Labor Party (ALP), unions historically held a position of considerable influence in Australian social and political circles. Access to the workings of government came through union representation in internal ALP processes around candidate pre-selection and the formation of policy platforms – indeed, union officials such as Ben Chifley and Bob Hawke utilised such avenues to ascend to the prime ministership. The accordant role unions occupied in shaping Australian society and culture afforded the opportunity to pursue broader causes, including those affecting the interests of the marginalised and disenfranchised. It is on such union campaigns on social and moral issues – away from traditional industrial concerns centred on wages or workplace conditions – that this thesis focuses.

Presented across three thematically distinct sections, the case studies cover union agitation from the 1960s to 2015, specifically involving the advancement of Indigenous rights in Australia, support for the independence movement in East Timor, and opposition to the Australian Government's immigration detention policies. I investigate the motivations behind these campaigns and how their outcomes were shaped by internal union politics and structure. I also examine the role of alliances between the unions and other organisations, and how the media, government, and the wider community perceived the campaigns.

The thesis is intended as a contribution to a small body of literature concerned with the study of union activism on social and moral causes in contemporary Australian history. Its findings additionally serve to enhance our understanding of the underlying campaigns themselves: telling the story of how regular citizens, motivated by idealism and a sense of purpose, took advantage of opportunities afforded them through membership of the organised labour movement to push for change. In making these contributions, I also engage with the international literature on union revitalisation, using the model of social movement unionism (SMU) as the theoretical framework for my research. Employing the key fundamentals of SMU as defined by the US labour scholar Kim

Moody (which I will outline shortly), I measure the extent to which each campaign may be identified as an Australian example of social movement unionism.[1]

Contrasted to coverage of their achievements and struggles in the industrial arena, the campaigning of Australian unions on non-industrial issues has been relatively neglected by labour historians. Among the most notable exceptions is the series of 'green bans' waged by the New South Wales Builders' Labourers' Federation (NSWBLF) in the 1970s. On this topic, the political scientists Meredith Burgmann and Verity Burgmann's 1998 *Green Bans, Red Union* is the authoritative study. It details how the interplay between a progressive, militant leadership and an informed and mobilised membership led to a successful resistance of socially and environmentally destructive developments in Sydney. In explaining the NSWBLF's achievements, the authors attribute significant influence to the strong agency extended to, and the active involvement of, the union's rank-and-file membership.[2] This theme permeates other accounts of the green bans, including the recollections of the NSWBLF secretary, Jack Mundey.[3] The events have taken on an iconic status, recognised both domestically and internationally.[4] This is largely due to the campaign having represented a defining moment of rupture in the traditional tension between environmental conservationists and working-class unionists. The language associated with this idea, that the green bans heralded something of a new beginning, is reflected in Richard Roddewig's subtitle to his book on the developments in Sydney: *The Birth of Australian Environmental Politics*.[5] Another vital element of the green bans was the collaboration between the NSWBLF and members of, and organisations within, the community. Urban sociologist Kurt Iveson's recent article grappled with the development of such relationships, framing them as constituting an "unruly alliance of construction workers, resident activists, and progressive professionals" that presented its claims in opposition to those of "elected politicians, bureaucrats and developers, to represent the interests of the city."[6] Similar sentiments are expressed by Verity Burgmann and Meredith Burgmann, who, in an article published soon after their aforementioned book, wrote of Mundey's success in presenting:

---

[1] See Kim Moody, 'Toward an international social-movement unionism,' in *Workers in a Lean World: Unions in the International Economy* (London: Verso, 1997), 269-292.
[2] Meredith Burgmann and Verity Burgmann, *Green Bans, Red Union: Environmental Activism and the New South Wales Builders Labourers' Federation* (Sydney: University of New South Wales Press, 1998).
[3] Jack Mundey, *Green Bans and Beyond* (Sydney: Angus & Robertson, 1981).
[4] The founder of the Australian Greens, Bob Brown, has spoken about how its German counterpart – widely thought to be the first Green party in the world – received its name from Petra Kelly, who had been inspired by the ideology and terminology of the green bans during a visit to Australia. Bob Brown, *Parliamentary Debates*, Australian Senate (21 March 1997).
[5] Richard Roddewig, *Green Bans: The Birth of Australian Environmental Politics: A Study in Public Opinion and Participation* (Sydney: Hale & Ironmonger, 1978).
[6] Kurt Iveson, 'Building a city for "the people": The politics of alliance-building in the Sydney green ban movement,' *Antipode* 46 (2014): 992-1013.

> trade union work bans as activity on behalf of the whole of society … [thereby] mobilising an enthusiastic 'subaltern counterpublic' in support of [the] bans … [and prompting] a significant change in attitudes, creating a mood much more critical of developers and development.[7]

Other coverage of Australian union campaigns on progressive, non-industrial issues is minimal, and of a disparate nature. It includes an article on union opposition to the Vietnam War and conscription by the historian Malcom Saunders, and a contribution by Graham Willett, also a historian, on the relationship between Victorian teachers' unions and the gay and lesbian movement in the 1970s.[8] Taking a broader outlook, the social scientist Philip Mendes has noted the role of Australia's peak union body, the Australian Council of Trade Unions (ACTU), in combining with the welfare sector to improve conditions experienced by those suffering from unemployment and disadvantage.[9]

With this thesis, I contribute to the scholarly discussion by addressing several campaigns which have been relatively neglected in the Australian labour history literature. Part One begins in the 1960s, where I write into the story of the 1967 constitutional referendum, and the broader struggle for Aboriginal rights throughout the decade, the actions of several unions and unionists. Analysis of archival records reveals this support took several forms, and was often motivated by something deeper than a short-term, tokenistic moralism. I show evidence of rank-and-file commitment to the cause, and of concerted efforts on the part of unionists to both teach and learn from Aboriginal campaigners. While backing for the 1967 referendum (which brought about changes to the way the Commonwealth Government managed Aboriginal affairs) is a key area of focus in Chapter 1, I also emphasise union contributions to the education of Aboriginal and Torres Strait Islander children and adolescents.

In Part Two, I shift focus to the prolonged campaign – spanning a quarter of a century – of Australian trade union support for the independence movement in East Timor. Following the territory's invasion by neighbouring Indonesia in 1975, a large global network of supporters and sympathisers began to apply pressure on governments around the world (including Australia's) to oppose Jakarta's occupation. While a substantial literature on this solidarity network has emerged (which I discuss within a broader literature review on the topic in Chapter 2), the notable contributions of Australian

---

[7] Verity Burgmann and Meredith Burgmann, ''A rare shift in public thinking': Jack Mundey and the New South Wales Builders' Labourers' Federation,' *Labour History* 77 (1999): 44.
[8] Malcolm Saunders, 'The trade unions in Australia and opposition to Vietnam and conscription: 1965-73,' *Labour History* 43 (1982): 64-82; Graham Willett, ''Proud and employed': The gay and lesbian movement and the Victorian teachers' unions,' *Labour History* 76 (May 1999): 78-94.
[9] Philip Mendes, 'The Australian trade union movement and the welfare sector: A natural alliance?,' *Journal of Australian Political Economy* 42 (December 1998): 106-128.

trade unions have been hitherto absent from such studies. In Chapter 3, I detail the diverse ways in which sections of the Australian labour movement assisted the East Timorese cause, including during the especially tumultuous period surrounding the 1999 vote that would ultimately bring about independence. Chapter 4 then explores the specific interventions of two Australian unionists, Didge McDonald and Michael Killick, who worked on the ground in the newly-independent Timor-Leste to assist in the development of a trade union movement in the fragile, post-conflict society. A key argument I prosecute is that the unionists' role in helping develop East Timorese unions was a crucial counterweight to the exploitation of domestic workers by foreign businesses – a phenomenon facilitated by the macroeconomic implications of the broader United Nations-led state-building mission.

Part Three centres on the recent use of financial activism by unionists aiming to influence public debate on the Australian Government's approach to people seeking asylum by boat. In Chapter 5, I detail how, between 2014 and 2015, members of unions in the nursing and tertiary education sectors successfully pressured their occupational pension funds to divest from companies administering controversial offshore immigration detention centres, in which those seeking refuge in Australia had been mistreated and neglected. A particular obstacle faced by such campaigners was the ambivalence of some of their unions' representatives on the pension fund boards, who were required to prioritise their fiduciary duties under trustee law over moral or ethical factors – no matter how persuasive were members' concerns about conditions in the detention centres. As I demonstrate, the activists were ultimately able to win over such officials by developing strategic partnerships with other community organisations, through which they generated convincing financial justifications for divestment.

Interviews with participants largely inform the study throughout, especially in the case of the more contemporary campaigns covered in Parts Two and Three. I also undertook extensive research in the archives of various trade unions and officials, in depositories ranging from the Noel Butlin Archives Centre at the Australian National University to the State Libraries of Queensland and Victoria. The participants I sought out for interviews were those who could help me answer a key research question: to what extent were members of the non-leadership cohort within unions (such as delegates, organisers, and rank-and-file members) able to instigate, engage in, challenge, and shape the featured campaigns? While these conversations provided rich primary source material, the limitations of such testimony include the potential for participants to embellish or mischaracterise the events in which they were involved. To counter this risk, where possible I supplemented my evidence with additional primary source material, such as analysis of union archives and publications (including journals, newspapers, and pamphlets), broader media coverage, and parliamentary

discussions and debates. While it is often a more challenging endeavour to create a historical narrative from interrogation of archival material alone, I believe the extent to which I was able to achieve this – namely in Part One – relied on both the quality and quantity of documents examined. For this, I am especially grateful for the discipline and rigour with which trade union officials documented the events of the era – be it in personal correspondence, union journals, meeting records, or policy statements.

As noted above, the theoretical underpinning for my analysis draws on the constituent elements of social movement unionism. This model of unionism, touted as offering the potential to revitalise organised labour across the Global North, was adapted from literature on a form of highly democratic, collaborative, broad-based trade union activism emerging in the 1980s in the Global South centres of Brazil, South Africa, and the Philippines.[10] Labour scholar Kim Moody was one of the first to advocate its value to unions in the North.[11] In *Workers in a Lean World*, Moody categorised the fundamental elements constituting SMU as being:

- the harmonisation of collective bargaining with a broader social agenda that seeks to improve the living conditions of less-mobilised community members, such as the marginalised, vulnerable, or disenfranchised;
- the development of alliances with community organisations and bodies in pursuing this broader agenda;
- a strong level of internal union democracy, such that the delineation between union leadership and rank-and-file membership is less defined, and members are granted agency over decision-making processes and strategic outlook; and
- an independent political strategy, so as to ensure that the sustainability of relationships between the union and other partner organisations transcends that of "electoral or temporal coalitions" in which unions "are essentially passive troops in an orderly parade to the polls."[12]

By identifying which of these principles were recognisable in the featured campaigns, it is anticipated that rather than simply presenting SMU as a new concept of potentially useful value, the

[10] Ian Robinson, 'Neoliberal restructuring and US unions: Toward social movement unionism?,' *Critical Sociology* 26 (2000): 109; Gay Seidman, *Manufacturing Militance: Workers' Movements in Brazil and South Africa, 1970-1985* (Los Angeles: University of California Press, 1994); Peter Waterman, 'Social movement unionism: A new model for a new world order?,' *Review* 16 (1993): 245-278; Rob Lambert and Eddie Webster, 'The re-emergence of political unionism in contemporary South Africa?,' in William Cobbett and Robin Cohen, eds., *Popular Struggles in South Africa* (London: James Currey, 1988); Rob Lambert, '*Kilusang Mayo Uno* and the rise of social movement unionism in the Philippines,' *Labor and Industry* 3 (1990): 258-280.
[11] Moody, *Workers in a Lean World*, 269-292.
[12] *Ibid*, 275-279.

seeds of its germination will be shown to have already been sown in various settings, and to varying degrees, in the pages of Australian labour history. Accordingly, agreeing with Burgmann and Burgmann's assertion that the NSWBLF embodied "precisely the characteristics of social-movement unionism," I use it as a benchmark. What my research aims to measure is the extent to which other Australian union campaigns, both prior to and since, may warrant similar assessment. In this sense, I seek to build on the work of scholars such as Greg Mallory who, in exploring the 'social responsibility' of Australian unions, found in the NSWBLF (and in an earlier case study predating the period of my research, the Port Kembla branch of the Waterside Workers' Federation) elements of union culture and structure redolent, though not completely constitutive, of the notion of SMU.[13] Adding a potentially prescriptive element, it is hoped that my findings may be applied by others who seek to address a decline in the influence and power of the union movement in Australia, perhaps ultimately helping contribute to the formulation of a blueprint for change.

Collectivism to individualism: the dismantling of arbitration and its impact on unions

Driving the need for this transformation in Australian unionism is the precarious situation in which the labour movement finds itself, both domestically and at the wider global level. Since the end of the Cold War, the effects of rampant globalisation have significantly reshaped economies across the Global North. The pull of cheap labour in the South, heightened competition from the rapidly industrialising East Asian states, and the ubiquity of technological advances amid shifts towards more service-centred economies, resulted in a weakening of the market position of traditional industries such as heavy manufacturing.[14] Alongside this restructuring of industry in many states in the Global North was the consolidation of neo-liberal free market economic models, which only came to be seriously questioned in the wake of the 2008 global financial crisis.[15] At the national level, the approach of 'New Right' legislators to the evolving global market in this period has heaped significant pressure on unions. Although the industry-based 'award' system in Australia (which I will outline shortly) remains an important form of safety net for workers, other wage-setting models of yesteryear have made way for contract systems more favourable to business. Deregulation of

[13] Greg Mallory, *Uncharted Waters: Social Responsibility in Australian Trade Unions* (Brisbane: Boolarong Press, 2005).
[14] Ellen Meiksins Wood, 'Labor, class, and state in global capitalism,' in Ellen Meiksins Wood, Peter Meiksins & Michael Yates, eds., *Rising from the Ashes? Labor in the Age of 'Global' Capitalism* (New York: Monthly Review Press, 1998), 4-5.
[15] Peter Fairbrother and Charlotte Yates, 'Unions in crisis, unions in renewal?,' in Peter Fairbrother and Charlotte Yates, eds., *Trade Unions in Renewal: A Comparative Study* (London: Continuum, 2003), 1; Wolfgang Streeck, 'The crises of democratic capitalism,' *New Left Review* 71 (2011): 20-23.

industrial relations frameworks, geared at ensuring national economic competitiveness, increasingly undermined the effectiveness of the union movement: right-to-work laws in the US, and *WorkChoices* under John Howard in Australia, being prime examples.[16]

In Australia, the willingness of the conservative Howard and Turnbull Liberal-National Coalition governments to put industrial relations at the forefront of federal election campaigns, in 2007 and 2016 respectively, embodied this march toward the erosion of earlier, more hospitable conditions for unions and workers. At the same time, fuelled by a combination of media hostility and political pragmatism, the close relationship unions had shared with the ALP, which had historically insulated them from such attacks from the right, had by this stage cooled considerably. A profound shift in the contours of this partnership – first developed in the 1890s with various colonial Labour parties established as the political wing of the trade union movement – began to take shape during the ALP-ACTU Accord signed in 1983. To understand these transitory developments – which led to what the historian Tom Bramble has characterised as the "ebb tide" of Australian unionism – some historical background is needed.[17] Of significant relevance here is analysis of how domestic responses in Australia to changing global economic trends in the 1980s resulted in the demise of arbitration, identified by the noted journalist and historian Paul Kelly as one of a quintet of political and cultural pillars constituting the 'Australian Settlement.'[18]

Centralised arbitration had been a defining and enduring feature of Australia's employment law framework, at both state and federal levels, since the early years of Federation. Arbitration involved decisions made on disputes between national organisations of workers and employers being encapsulated in 'awards' prescribed by government bodies.[19] Such awards mandated wage rates and working conditions, and were so pervasive that, as the historian Stuart Macintyre notes, as early as the 1920s they covered the labour rights and responsibilities of "a great majority of Australian workers."[20] The system was intricately linked with the protection of domestic industries from international competition through the provision of tariffs.[21] It resulted in the guarantee of a 'basic'

[16] David Sadler and Bob Fagan, 'Australian trade unions and the politics of scale: Reconstructing the spatiality of industrial relations,' *Economic Geography* 80 (2004): 23-43; John Ahlquist and Margaret Levi, *In the Interest of Others: Organizations and Social Activism* (Princeton: Princeton University Press, 2013), 263.
[17] Tom Bramble, *Trade Unionism in Australia: A History from Flood to Ebb Tide* (Port Melbourne: Cambridge University Press, 2008), 4.
[18] Paul Kelly, *The End of Certainty: The Story of the 1980s* (Sydney: Allen & Unwin, 1992), 7-9.
[19] Though the independent federal body responsible for arbitration has had name changes throughout its history (variously defined as a court or as a commission), for sake of readability I will henceforth refer to it simply as the Commission.
[20] Stuart Macintyre, *The Labour Experiment* (Melbourne: McPhee Gribble, 1989), 24.
[21] Rae Cooper and Bradon Ellem, 'The neoliberal state, trade unions and collective bargaining in Australia,' *British Journal of Industrial Relations* 46 (2008): 535.

or minimum wage – introduced by the iconic Harvester Judgement in 1907, which decreed that a male salary had to be sufficient to cover the living costs of a male worker, his spouse, and three children.[22] After much delay, moves towards income parity across the sexes, and for Aboriginal workers, would occur.[23] Under these wage-setting arrangements, trade unions (as the bodies representing workers) played a pivotal, even fundamental, role: as Justice Henry Bournes Higgins, the Commonwealth Arbitration Court's second president, remarked, "without unions, it is hard to conceive how arbitration could be worked."[24] Overall, a reciprocity in the flow of benefits generated by arbitration – safeguarding the interests of employer and employee (union-affiliated or otherwise) alike – meant that awards developed into "instruments *of* collectivism and instruments *for* collectivism."[25]

In time, though, such collectivism came to be treated sceptically: as perhaps having been counter-productive to Australia's wider, national interest. During the post-war boom, the overarching suite of protectionist measures had, on the one hand, provided healthy living conditions and wage security for labour, and, on the other, stability for capital. However, this approach had fostered something of a false safety net. In a quickly globalising world, the rising tides of transnational capital and the concomitant flow of industry from the Global North to the South made national boundaries increasingly obsolete.[26] By the early-1980s, business groups and their neo-liberal political allies had begun lamenting the Settlement's role in having fortified Australia's economy not only from threats, but also from opportunities. Domestically, an economic crisis known as stagflation – rising unemployment coinciding with runaway inflation – heightened the urgency of those calling for change. These pressures had arisen during the short-lived progressive ALP government headed by Gough Whitlam (1972-1975), which had grown the social wage (improving access to healthcare and education, and raising unemployment benefits, among numerous other measures) while also encouraging strong wage campaigns by the union movement. Stagflation was a problem shared by most industrialised democracies in this period.

By the time of Bob Hawke's election win over the Liberal-National Coalition led by Malcolm Fraser in 1983, the ALP had already signed the Prices and Incomes Accord, alongside the Australian Council of

[22] Macintyre, *The Labour Experiment*, 24.
[23] It would not be until 1966 that Aboriginal stockmen were entitled to the same award wages as their non-Aboriginal colleagues, and 1972 when women fully gained the right to be paid the same minimum wage as men, regardless of the sector in which they worked. Fair Work Commission, 'The campaigns for equal pay for women and Aboriginal stockmen and minimum wages for adolescents,' *Waltzing Matilda and the Sunshine Harvester Factory* (Commonwealth of Australia, e-book version, 2016), 110; 118-121.
[24] H.B. Higgins, *A New Province for Law and Order* (Sydney: Constable and Company, 1920), 15.
[25] Mark Bray and Johanna Macneil, 'Individualism, collectivism, and the case of awards in Australia,' *Journal of Industrial Relations* 53 (2011): 156.
[26] Meiksins Wood, 'Labor in global capitalism,' 4-5.

Trade Unions (ACTU). Fearing being sidelined amid responses to the economic crisis, which demanded collaboration between government and business, the ACTU (representing a majority of unions) entered the Accord eager to retain a place at the bargaining table. In doing so, union leadership promised to curb the industrial militancy of the Fraser years (1975-1983), instead accepting concessions on wage increases as the country sought to navigate its way through the economic headwinds. For their commitment to strengthening the competitiveness of the national economy, they received not only recognition as partners with government in policy negotiations, but also an increase in the social wage, as well as promises of greater job creation.[27]

Against the backdrop of the Accord, the Hawke Labor Government had, soon after winning office, also commissioned an inquiry into Australia's industrial relations framework. Despite the subsequent *Hancock Report* concluding in 1985 that the prevailing system of centralised arbitration and conciliation remained the most effective way of managing the country's labour laws, incremental reform nevertheless would be introduced over the following seven years.[28] Small steps towards "managed decentralism" were taken in 1987, drawing on findings from the 1986 *Australia Reconstructed* mission of representatives from government, management, and the unions, to well-performing economies of Western Europe.[29] It would be under Hawke's successor, the Labor Prime Minister Paul Keating, though, that "more changes to federal labour law [were made] than at any time since its establishment some 90 years earlier."[30] Laying the macroeconomic foundations for the industrial relations changes that would occur on his watch, Keating's time as Treasurer in the Hawke Cabinet had included his role in the flotation of the Australian dollar, relaxation of controls on capital movements, continued reduction of tariffs, and other deregulatory policies that opened the domestic "sclerotic economy" to global markets.[31]

The major structural change in Keating's industrial relations legislation – the *Industrial Relations Reform Act 1993* – involved a turn towards voluntary collective bargaining at the level of enterprise or employer, rather than, as previously, at that of an industry more broadly.[32] While a union-

[27] Bramble, *Trade Unionism in Australia*, 114-116.
[28] Owen Covick, 'The Hancock Report on Australia's industrial relations system,' *Australian Economic Papers* 24 (December 1985): 246.
[29] Such amendments were geared at enhancing collaboration and competitiveness – and included wage increases in return for agreeing to work with employers towards greater levels of productivity. Edward Davis, 'Australia Reconstructed: A symposium; Australia Reconstructed: An ambitious report,' *Prometheus* 6 (1988): 150-158; ACTU and Trade Development Council, *Australia Reconstructed* (Canberra: AGPS, 1987); Holland, 'Reforming and restructuring,' 254.
[30] Ron McCallum, 'Trade union recognition and Australia's neo-liberal voluntary bargaining laws,' *Relations Industrielles / Industrial Relations* 57 (2002): 228.
[31] Frank Bongiorno, *The Eighties: The Decade That Transformed Australia* (Melbourne: Black Inc., 2015), 40; 44-50; 52-53.
[32] Bray and Macneil, 'Individualism, collectivism,' 155.

negotiated stream of such enterprise-level bargaining had been introduced the previous year, this further relaxing of the framework foreshadowed an even more dramatic shift in the role of unions in Australia.[33]

A key turning point came merely three years later, when the new Liberal-National Coalition Prime Minister, John Howard, introduced his own contribution to Australian industrial relations law, the *Workplace Relations Act 1996*. Here, the progressive shift from collectivism to individualism in Australian labour laws reached further towards the latter than ever before. The Act introduced the Australian Workplace Agreement (AWA), an individual form of contract negotiated directly between an enterprise and an employee.[34] It also weakened freedom of association provisions around union membership and recognition, and reduced the remit of the Commission.[35] Alongside AWAs, a particularly deleterious impact for unions was the fact that enterprise bargaining provisions were now heavily skewed in favour of the non-union collective streams.[36]

In assessing the impact of the reforms of the Hawke/Keating/Howard era on the union movement, scholarship centres on three key areas:

- The extent to which the typical activity of unions under the earlier centralised arbitration framework affected their adaptability to the new circumstances;
- The limitations directly imposed by the legislative industrial relations amendments on unions' ability to remain key actors in labour relations; and
- The increasingly weakening relationship between the ALP and the Australian working class (and unions).

The first of these points draws on a continuing debate generated by the industrial relations scholar William Howard's 'dependency thesis.' This theory held that arbitration not only assisted unions by giving them a legitimate avenue through which to negotiate, it in fact laid the basis for their very establishment in the first place. As the arbitration system registered unions, it often gave them exclusive coverage over workers – as such, the numbers and density of union memberships rose significantly in the early years of arbitration.[37] Though several of the separate implications of the

[33] Chris Wright and Russell Lansbury, 'Trade unions and economic reform in Australia, 1983-2013,' *The Singapore Economic Review* 459 (September 2014): 7.
[34] Although ostensibly these were subject to the No Disadvantage Test brought in during Keating's voluntary collective bargaining changes, "close scrutiny…and consistent interpretations of the test" were soon to be found wanting. Cooper and Ellem, 'Trade unions and collective bargaining in Australia,' 539.
[35] *Ibid*, 539.
[36] *Ibid*, 538.
[37] William Howard, 'Australian trade unions in the context of union theory,' *Journal of Industrial Relations* 19 (1977): 255-273.

dependency thesis have been convincingly contested, including the assertion that unions did not need to organise members at all because of compulsory unionism, the general proposition linking unionism's stability to the existence of the prevailing industrial relations framework at the very least correlated with the movement's decline alongside the dismantling of arbitration.[38]

One of the defining factors herein related to the activities unions had typically engaged in under arbitration: certainly more legalistic than militant.[39] Labour scholars Peter Fairbrother and Charlotte Yates, for example, suggest that Australian union leaders, "preoccupied with procedural issues" and having primarily "developed specialised arbitral skills," had "gained little experience with mobilising activities."[40] Others though, such as the labour historian Bradley Bowden, argue that while arbitration certainly legitimised and consolidated union influence, labour leaders who worked within the system had not necessarily been "tame bureaucrats."[41] Not incongruous with either of these readings, the employment law scholars Gerard Griffin, Rai Small, and Stuart Svensen contrast the situation in Australia prior to the decentralisation of industrial relations with that in other liberal market economies, such as the United States. They note that the leeway given to the union movement by successive Australian governments encouraged leadership to follow "a hierarchy of, in descending order, arbitral, political and industrial strategies, rather than the industrial strategy complemented by a political strategy found more traditionally in other countries."[42] Such observations support labour law scholar Ron McCallum's suggestion that, owing to the centralised nature of wage fixation and arbitration, the legalistic focus of unions' work had been very much on bigger-picture, industry-level contexts: when decentralisation occurred, unions were exposed as being, relatively speaking, "juridically ill-equipped to engage in collective bargaining at the level of the enterprise."[43]

---

[38] In their thematic introduction to the November 2002 issue of *Labour History*, Cooper and Patmore outline a number of perspectives which challenge Howard's belief that unions were too reliant on, and indeed owed their existence to, arbitration. Elsewhere, Bowden evaluates Howard's suggestion that "unions were effectively called into existence" by arbitration as "an extreme [view] that is not supported by the facts." Rae Cooper and Greg Patmore, 'Trade union organising and labour history,' *Labour History* 83 (2002): 10-11; William Howard, cited in Bradley Bowden, 'The rise and decline of Australian unionism: A history of industrial labour from the 1820s to 2010,' *Labour History* 100 (May 2011): 59.

[39] Though this is said in full acknowledgement of the risk of making sweeping statements which downplay the diverse range of positions taken by unions, from militant to pro-business.

[40] Peter Fairbrother and Charlotte Yates, 'Unions in crisis, unions in renewal?,' in Peter Fairbrother and Charlotte Yates, eds., *Trade Unions in Renewal: A Comparative Study* (London: Continuum, 2003), 6.

[41] Bowden, 'The rise and decline of Australian unionism,' 64

[42] Gerard Griffin, Rai Small & Stuart Svensen, 'Trade union innovation, adaptation and renewal in Australia: Still searching for the holy membership grail,' in Peter Fairbrother and Charlotte Yates, eds., *Trade Unions in Renewal: A Comparative Study* (London: Continuum, 2003), 78.

[43] McCallum, 'Trade union recognition,' 235.

Of course, the difficulties faced by unions as the availability of bargaining streams shifted from predominantly the macro to increasingly the micro level were symptoms not just of their own ingrained practices, but more obviously of numerous external limiting factors. Though such elements existed in Keating's 1993 legislation, they were most pronounced under Howard's *Workplace Relations Act 1996*. As briefly referred to earlier, these laws "undermined collective bargaining and the award system, stripped unions of their traditional armoury as bargaining agents, and reduced their capacity to recruit, access and effectively represent members."[44]

Such legislation emboldened and gave further legal weight to the anti-union resolve of New Right employers who had, from the mid-1980s, adopted an ideology of "militant managerialism," infamously applied in the Dollar Sweets and Mudginberri abattoir disputes.[45] The upshot of these attacks by government and capital was that organised labour was considerably weakened and marginalised by the fall of the Howard Government in 2007. In the eleven years since the Coalition had regained office, union density had fallen from 31.1 per cent to 18.9 per cent, representing a decline in actual terms of just short of half a million members.[46] Much of this was the net result of what McCallum notes as the lack – in both Keating's 1993 and Howard's 1996 legislation – of a mechanism of trade union recognition, effectively putting paid to the principles of compulsory unionism enshrined in past labour laws.[47]

Unionism's influence in political terms, too, had been deeply undermined since the Accord years. Initially understood as a pragmatic necessity to address economic conditions while maintaining some form of power, the corporatist agenda accepted by much of the union movement in the Accord alienated many workers.[48] Historian and political scientist Ashley Lavelle has contextualised this breakdown in the relationship between unions and the major social democratic party in Australia as running parallel with developments in Britain, coinciding with the "pro-business neo-

[44] Cooper and Ellem, 'Trade unions and collective bargaining in Australia,' 538.
[45] Both occurring in 1985, the disputes resulted in the successful use by employer groups of costly legal claims against the respective unions: the Federated Confectioners' Union (Dollar Sweets, a Melbourne-based factory); and the Australasian Meat Industry Employees Union (Mudginberri abattoir, in the Northern Territory). These victories emboldened conservative opponents of trade unions and the principles of workplace regulation, inspiring the establishment in 1986 of the H. R. Nicholls Society, a right-wing thinktank that provides industrial relations policy research for the Liberal-National Coalition. Bowden, 'The rise and decline of Australian unionism,' 70-71; Bernie Brian, 'The Mudginberri Abattoir dispute of 1985,' *Labour History* 76 (1999): 107; Bongiorno, *The Eighties*, 165-171.
[46] Australian Bureau of Statistics, 'Trade union members, Australia, August 1996,' *Catalogue Number: 6325.0* (Canberra: ABS, 1996); Australian Bureau of Statistics, 'Employee earnings, benefits and trade union membership, 1997-2007,' *Catalogue Number: 6310.0* (Canberra: ABS, 2008).
[47] McCallum, 'Trade union recognition,' 228-229; 231.
[48] Elizabeth Humphrys, *How Labour Built Neoliberalism: Australia's Accord, the Labour Movement and the Neoliberal Project* (Chicago: Haymarket, 2019); David Peetz, 'Are Australian trade unions part of the solution, or part of the problem?' (2015), accessed online at www.australianreview.net/digest/2015/02/peetz.html.

liberal" approach of Labo(u)r policies in the face of "the collapse of the post-war economic boom."[49] In Australia, the fact that these macroeconomic policies resulted in Labor's failure to keep promises made during the Accord to blue-collar workers, such as of protection for manufacturing and other heavily-unionised sectors, hardly helped.[50]

Accordingly, while the business and organisational scholars Chris Wright and Russell Lansbury were right to suggest that the ACTU used the Accord to "gain an unprecedented degree of influence over national economic policy" it became subsequently clear that such positioning was not to be sustained in the long term.[51] By the time Labor returned to power in 2007, the willingness of the Rudd and then Gillard Labor governments to negotiate with business had become just as strong, if not stronger, than its openness to discussions with the union movement.[52] As the labour scholar David Peetz suggests, one of the ultimate medium-term outcomes of Hawke and Keating's liberalisation agenda had been the effective relegation of unions to that of "just another interest lobby group" in the eyes of the ALP.[53] In 2002, ACTU Secretary Greg Combet admitted to the National Press Club that concern about possible reductions in the proportion of union representation at ALP conferences was just one element of "the current debate about the relationship between the unions and Labor."[54] Another might have been the growing attractiveness of the Australian Greens to some in the union movement, who saw in the strengthening third-party option the spirit of opposition to inequality and social injustice they felt had been lost from the ALP's platform since its accommodation of neoliberalism and consensus politics in the 1980s.[55]

The principles and potential of social movement unionism

In structural and philosophical terms, social movement unionism has been considered as an alternative, or even antidote, to the older models that prevailed during organised labour's slow demise, including business unionism and political unionism. Business unionism, a concept developed by the inaugural American Federation of Labor president Samuel Gompers in the early twentieth

[49] Ashley Lavelle, 'The ties that unwind? Social democratic parties and unions in Australia and Britain,' *Labour History* 98 (2010): 55.
[50] Bradley Bowden, 'The organising model in Australia: A reassessment,' *Labour & Industry: A Journal of the Social and Economic Relations of Work* 20 (2009): 141.
[51] Wright and Lansbury, 'Trade unions and economic reform in Australia,' 2.
[52] Peetz, 'Part of the solution, or part of the problem?'
[53] *Ibid.*
[54] Greg Combet, 'Union chief at the press club,' *Evatt Journal* 2 (2002), accessed online at http://evatt.org.au/news/union-chief-press-club.html.
[55] Shaun Wilson, 'Labor, the Greens and Union Movement,' in Sean Scalmer and Dennis Altman, eds., *How to Vote Progressive in Australia* (Clayton: Monash University Publishing, 2016), 222-226.

century, sees the primary goal of unions as the defence and improvement of members' immediate material interests – working conditions, job security, and wages.[56] In this model, members tacitly accept an absence of internal democratic agency, with decision-making processes limited to the purview of an upper echelon of white collar leadership dealing directly with management. The interests of the rank-and-file are thus negotiated directly by a centralised core of leaders, who make representations on their behalf in return for membership dues. This 'servicing model' structure – bureaucratic, and with clear delineation between the responsibilities held by the organisation's separate internal entities – has seen business unionism attract the not unjustifiable charge of being relatively undemocratic.[57] The philosophical basis of business unionism draws on a belief that any detrimental position of workers within the capitalist economy is not symptomatic of the rigours of the system itself, so much as manageable and improvable *within* it, contingent on negotiated redistribution of the wealth it generates.[58] The result of such accommodation on the part of business union leadership with prevailing national industrial relations frameworks has been historical relations of 'partnership' or 'jointness' between labour and management, as opposed to any adoption of adversarial attitudes to capital.[59] As early labour scholar Robert Hoxie put it, business unionism is at its heart "trade-conscious, rather than class-conscious."[60]

Political unionism, while internally similar to business unionism in sharing a historical proclivity for the servicing model of activity, differs philosophically with regards to how the interests of members should be pursued. Particularly dominant in the European context, political unions view as integral to their activities an engagement and partnership with political parties. It is this model which is of most historical relevance in the Australian context. Indeed, though one might draw parallels between the Accord and the 'partnership' elements of business unionism, it was not so much a partnership between the union movement and capital (represented by business leaders in the private sector), as one between the union movement and the ALP that defined the years of the Hawke regime. Literature on the current state of this model of unionism in the Global North is framed by a prevailing categorisation of national capitalist economies, based on the nature of structural interactions between labour, management, and the state. The three categories of

[56] Robert Hoxie, *Trade Unionism in the United States* (New York: D. Appleton & Co., 1915).
[57] Jane Walsh, 'A 'new' social movement: US labor and the trends of social movement unionism,' *Sociology Compass* 6 (2012): 192.
[58] Stephanie Ross, 'Varieties of social unionism: Towards a framework for comparison,' *Just Labour – A Canadian Journal of Work and Society* 11 (2007): 16-17.
[59] Kim Moody, 'American labor: A movement again?,' in Ellen Meiksins Wood, Peter Meiksins & Michael Yates, eds., *Rising from the Ashes? Labor in the Age of 'Global' Capitalism* (New York: Monthly Review Press, 1998), 64.
[60] Robert Hoxie, cited in Mark Perlman, *Trade Union Theories in America: Background and Development* (New York: Row, Peterson and Company, 1958), 256.

economy are identified as *liberal market economies* (LMEs; including Australia, Britain and the US), *coordinated market economies* (CMEs; including Germany and the Scandinavian markets of the Nordic model), and a separate so-called 'Mediterranean' offshoot (specifically covering Italy and Spain).[61] In CMEs, unions' more central role in collective bargaining frameworks (representing workers at industry/national-level discussions, in contrast to the largely company-imposed 'negotiations' in LMEs) has meant that their recent decline has not been as dramatic as elsewhere. Nonetheless, the consensus is that a dip in union influence and strength occurring across the board has "generate[d] different degrees of urgency to the goal of union revitalisation," regardless of national industrial relations circumstances.[62]

It becomes clear, then, that SMU offers distinct alternatives to both the internal and external structural characteristics of business and political unionism. Internally, the enhanced democratisation within a union as called for by SMU leads to a blurring of the lines between the leadership and the rank-and-file. At first glance, this notion of the granting of greater agency over the operation of the union to the card-carrying membership invokes an opposing framework to the servicing model of union activity, in which members' involvement is strictly passive – namely the 'organising model.'[63] Under the organising model, negotiations on disputes are developed at more localised levels than in the centralised manner of servicing, with delegates mobilised from the shopfloor or worksite itself to become equipped with the skills required to present and fight for their demands.

As a strategy of union revitalisation, organising gained prominence following its endorsement by the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) in 1995, off the back of famous victories such as the *Justice for Janitors* campaigns led by the Service Employees' International Union (SEIU) across the United States.[64] As a tactical attempt to build up dwindling membership numbers, the model soon spread to Australia, with the ACTU announcing *Organising Works* in 1994. The program's first intake produced 700 new organisers, many from outside the union movement, equipped via a training scheme with the skills needed to assist unions organise and recruit members, as well as, importantly, to educate existing members to do the same. Yet, for

[61] Martin Behrens, Kerstin Hamann & Richard Hurd, 'Conceptualizing labour union revitalization,' in Carola Frege and John Kelly, eds., *Varieties of Unionism: Strategies for Union Revitalization in a Globalizing Economy* (New York: Oxford University Press, 2004), 17; Holm-Detlev Köhler and José Pablo Calleja Jimenéz, '"They don't represent us!": Opportunities for social movement unionism strategy in Spain,' *Industrial Relations* 70 (2015): 240-261.
[62] Behrens *et al*, 'Conceptualizing labour union revitalization,' 17-20.
[63] Robinson, 'Toward social movement unionism?,' 125-6.
[64] Kim Voss and Rachel Sherman, 'You just can't do it automatically: The transition to social movement unionism in the United States,' in Peter Fairbrother and Charlotte Yates, eds., *Trade Unions in Renewal: A Comparative Study* (London: Continuum, 2003), 51.

some, the notion of listening to a "kid organiser," not necessarily familiar with the rigours and requirements of their particular industry, grated.[65] Other members despaired at reduced levels of servicing from their leaderships.[66] It is too early to arrive at a conclusion either way as to the success of the program. On the one hand, it was found to have made little positive impact on overall union membership density in Australia.[67] At the same time, it has been shown that once the necessary cultural shift occurred – from members as customers or clients of a union to members as active agents helping to pull the strings – positive results did sometimes eventuate.

A study examining the transition towards organising by the Victorian branch of the Australian Nursing Federation in the 1990s provides a case in point. In measuring the effectiveness of various organising strategies, the authors concluded that higher levels of collectivism and togetherness were achieved when organisers were elected directly from the workforce, rather than imported in as professional activists: for members, stronger levels of respect were extended to one of their own who had risen to speak on their behalf.[68] In turn, membership numbers grew considerably alongside these developments.[69] In another study, SEIU official (and former director of the ACTU Organising Centre) Michael Crosby revealed similar results in terms of internal union culture at the South Australian branch of the Liquor, Hospitality and Miscellaneous Union (LHMU), after its adoption of the organising model in 1999.[70]

Advocates of social movement unionism, however, go further than simply encouraging the replacement of servicing with organising. What the model calls for is not only the active engagement of the rank-and-file, and the structural conditions allowing them to take a greater decision-making role, but a fuller appreciation of their place in a group which extends beyond the institutional boundaries of the union itself. As Moody explains: "casting the debate as … one between the 'organising' and 'service' models … narrows the discussion by focusing exclusively on the union as an institution – its growth through organising or its effectiveness in bargaining through … [servicing] from above."[71] Gay Seidman, a labour scholar who has written about SMU in the developing world,

[65] Alison Barnes and Raymond Markey, 'Evaluating the organising model of trade unionism: An Australian perspective,' *The Economic and Labor Relations Review* 26 (2015): 519-520.
[66] *Ibid*, 520.
[67] Griffin *et al*, 'Still searching for the membership holy grail,' 91.
[68] James Tierney and Christina Cregan, 'Strategy and structure in a successful organising union: The transformational role of branch secretaries in the Australian Nursing Federation, Victorian Branch, 1989-2009,' *Labour History* 104 (2013): 149-168.
[69] *Ibid*.
[70] Michael Crosby, *Power at Work: Rebuilding the Australian Union Movement* (Annandale: Federation Press, 2005), 63-74.
[71] Moody, *Workers in a Lean World*, 277.

elaborated on this notion, arguing that the model's "constituencies spread far beyond the factory gates … [to include those] whose demands include broad social and economic change."[72]

Hence, the granting of increased internal power to the rank-and-file under SMU is contextualised not simply in terms of the nature of interactions *within* the union – that is, between its members, activists, and leaders. Of equal importance is the acknowledgement that campaigns with a broader social and moral focus can create positive outcomes not only for unionists, but for their families and other members of the community.[73] Such thinking has an impact too on the type of external relationships unions are encouraged to develop. Rather than engaging with management (business unionism) or the governmental/electoral system (political unionism), SMU calls for unions' independence from both groups. Favoured instead is the development of alliances with the myriad social movements permeating civil society – those fighting against the inequality, persecution, or marginalisation often exacerbated by actors in the business and political spheres.[74]

This alternative call for engagement with social and political issues invokes a theory developed by the political philosopher Ernesto Laclau: that of 'multiple civic republicanism.'[75] With this concept, Laclau was referring to an expansion of the public space in which citizens can interact with and help shape politics. As levels of participation in the traditional framework of parliamentary democracy – in which elected officials mediate and present the people's private interests in the public sphere of the parliament – have dropped, different methods of representation have gained in popularity. As political scientist Aaron Martin found in 2012, the incidence of joining a political party, voting, or even enrolling to vote, is on the wane in Australia, particularly among the younger generations.[76] These gaps in political engagement have been supplanted by non-electoral activities like demonstrations, rallies, product boycotts, and the signing of petitions, among others.[77] In this context, unions, particularly those who embrace the internally democratic structures, broad social campaigning, and the political independence prescribed by SMU, may arguably position themselves as spaces in which people disillusioned or alienated by the formal political process can have their authentic voices heard. By emphasising where possible the actions of union rank-and-file throughout this thesis, I will interrogate this possibility.

---

[72] Seidman, *Manufacturing Militance*, 2.
[73] Ross, 'Varieties of social unionism,' 19.
[74] Peter Fairbrother, 'Social movement unionism or trade unions as social movements,' *Employee Responsibilities and Rights Journal* 20 (2008): 216.
[75] Ernesto Laclau, *Emancipation(s)* (London: Verso, 1996), 120.
[76] Aaron Martin, 'Political participation among the young in Australia: Testing Dalton's Good Citizen thesis,' *Australian Journal of Political Science* 47 (June 2012): 211-226.
[77] *Ibid*.

Broadening the targets of campaigns by social movement unions by no means precludes industrial action. Indeed, for some groups of workers, there is an almost symbiotic relationship between the two: in a comparative study of the campaigning of different North American public sector unions, sociologist Paul Johnston showed how calls for improvements in working conditions among public sector workers can be, and often are, intertwined with calls for improvements of the broader communities in which they live. In contrasting the situation of employees in the public health, teaching, or transport industries to that of many in the private sector, Johnston argued that:

> rather than terms for the sale of labour power … demands in the public sector are framed as public policy. They are asserted as legitimate and administrable: as claiming to meet public needs, as appealing to scientific and universalistic justifications.[78]

Given that the beneficiaries of their labour output are everyday citizens, and not private employers, public sector workers can present their industrial demands not as selfish or induced by greed, but as essential to ensuring social cohesion. While I do not intend to suggest here that only unions representing public sector workers hold the potential to contextualise industrial action as compatible with the model of SMU, the argument that the stability and security of their employment rights can more readily attract support from the wider community is compelling. Of course, this is not the focus of my thesis. My case studies are not of industrial campaigns by Australian unions, but of campaigns on social and moral issues, quite distinct from any demands on wages or working conditions. What I borrow from Johnston's account is the observation that unions of public sector employees often feel an attraction to such causes precisely because of the type of work in which they are engaged.

This is demonstrated in Part One of this thesis, for example, where I explain how the New South Wales Teachers' Federation became a key ally of campaigners fighting for the advancement of Aboriginal rights in the 1960s due to members' daily experiences of the inadequate conditions undermining the education of Aboriginal children. Similarly, in Part Three, the Australian Nursing and Midwifery Federation's opposition to the Australian Government's treatment of people seeking asylum can be understood as largely driven by key guiding principles shared by public health care workers, including the notions that all people have a right to free and comprehensive health care and to be treated impartially and with compassion. Elsewhere, several case studies show that such campaigning on social or moral issues did not occur at the expense, or in replacement, of industrial action: for example, in Part Two I demonstrate how the Construction, Forestry, Mining and Energy

[78] Paul Johnston, *Success While Others Fail: Social Movement Unionism and the Public Workplace* (Ithaca: ILR Press, 1994), 209.

Union, and other unions, used targeted, high-profile strikes to apply pressure on government to respond to the political turmoil in East Timor.

Implicit in the adoption of such broader, non-industrial social causes is the SMU principle of alliance-building between unions and other like-minded community organisations. As a strategy of enhancing reputation, the benefits of developing such relationships can be significant. Expanding its scope of activity away from narrow industrial concerns sees a social movement union stand to attract whole new networks of moral support, with the articulation of "mutual-interest, sword-of-justice demands" boosting legitimacy of the union in the eyes of the public as an outward-looking, socially responsible organisation.[79] Following this path, the union steers itself away from approaching what Moody termed "a sort of labour aristocracy," and all the negative exclusivist connotations implied therein.[80] For Seidman, the active and sustained interest in broader social and moral causes marks a repudiation of "faintly archaic … appeals to socialism and working-class unity," opening unions to a far wider audience of sympathisers and supporters across class lines.[81] Case studies of successful campaigns in which unions adopted SMU tactics around coalition-building emphasise such claims.[82] In a way too, the structural changes to industrial relations frameworks detailed earlier have in fact pushed unions toward such strategies. As the employment relations scholar Sian Moore has emphasised, in the context of the United Kingdom but of equal relevance to Australia: "the recognition by unions that they could no longer depend upon collective bargaining to maintain their material interests allowed for the possibility of a more inclusive trade unionism which moved beyond sectional consciousness."[83]

While rightly suggesting that the notion of unions forming coalitions with other groups in the community – be they in the civil, political, or business sectors – is far from novel nor particularly innovative, the labour scholars Carola Frege, Edmund Heery and Lowell Turner agree that under the current conditions besetting organised labour, coalition-building is of great strategic value.[84] However, alliances should not be expected to necessarily consistently herald positive outcomes, nor

[79] Amanda Tattersall, *Power in Coalition: Strategies for Strong Unions and Social Change* (New York: Cornell University Press, 2010), 168.
[80] Moody, *Workers in a Lean World*, 278.
[81] Gay Seidman, 'Social movement unionism: From description to exhortation,' *South African Review of Sociology* 42 (2011): 99.
[82] Lowell Turner and Richard Hurd, 'Building social movement unionism: The transformation of the American labor movement,' in Lowell Turner, Harry Katz & Richard Hurd, *Rekindling the movement: Labor's Quest for Relevance in the Twenty-first Century* (London: ILR Press, 2001), 10; Tattersall, *Power in Coalition.*
[83] Sian Moore, *New Trade Union Activism: Class Consciousness or Social Identity* (Basingstoke: Palgrave Macmillan, 2011), 166.
[84] Carola Frege, Edmund Heery & Lowell Turner, 'The new solidarity? Trade union coalition-building in five countries,' in Carola Frege and John Kelly, eds., *Varieties of Unionism: Strategies for Union Revitalization in a Globalizing Economy* (New York: Oxford University Press, 2004), 137.

be developed without careful consideration. The labour scholar and founding director of the Sydney Alliance network of unions and community organisations, Amanda Tattersall, emphasised the importance of "trading breadth for depth," ensuring that care goes into measuring the mutual compatibility of each union and potential social movement partner with one another, in areas such as internal structure, key goals, and expected strategy.[85] As Tattersall asserted, a successful partnership or alliance should represent a positive-sum coalition; a scenario in which no organisation is required to be burdened with a net loss or sacrifice, instead each being able to point to a distinct victory or gain.[86] A notable recent success of union-community organisation coalition development in Australia was the *Your Rights at Work* campaign – a broad movement against the deregulatory suite of *WorkChoices* industrial relations measures that contributed to bringing down the Howard government in 2007. Despite the short-term success of the campaign, though, Tattersall noted that long-term sustainability of the connections made was ultimately not forthcoming. This was owing to both the disparate philosophical compositions of the many partners of the coalition and the lack of ongoing "coordination between localised organising strategies and more centralised industrial or political strategies."[87]

These principles of social movement unionism – broader social agenda, rank-and-file agency, political independence, and the development of alliances with social movements – provide the theoretical framework against which the case studies in this thesis are assessed. Importantly, I do not set out expecting to find that all the campaigns can be said to feature all of these fundamental elements. As with any theory, these principles are merely a guide for my research. Accordingly, they serve two key, related purposes. Firstly, they facilitate an assessment of the extent to which the various unionist-led campaigns and actions may be identifiable as Australian examples of social movement unionism. Secondly, and of particular relevance to a case study centred approach which might otherwise be vulnerable to becoming disjointed, they ensure that each campaign is analysed through a common lens. Throughout the historical narrative, I examine why certain SMU principles were more applicable to some campaigns than others, and draw conclusions about how such factors contributed to the success (or otherwise) of the unionist-led actions.

[85] Tattersall, *Power in Coalition*, 142.
[86] *Ibid*, 167-168.
[87] *Ibid*, 180.

Part One

Trade union support for First Australians in the 1960s

Chapter 1.

Union solidarity in the struggle for Aboriginal advancement and the 1967 referendum

Introduction

On 27 May 1967, the Australian people were asked to pass judgement on two questions relating to potential amendments to the Constitution. The fate of the first question – on the so-called 'nexus' issue, relating to the proportion of the number of elected federal members in the Senate relative to the House of Representatives – would be inauspicious. Its failure to pass, a common scenario in Australian referenda, rendered it the status of a footnote in the annals of Australian politics. By contrast, the second question was met by what has remained to this day one of the most successful and one-sided public votes in the country's history.

A stunning 90.77 per cent of voters responded in the affirmative with respect to whether Section 127 should be repealed and Section 51 (Placitum xxvi) should be amended. The subsequent result was the deletion from the Constitution of the last two remaining references to Aborigines – leading, respectively, to the consideration of the number of Aboriginal people in certain constitutional calculations (such as the apportionment of federal finances to the states, and the framing of electoral boundaries based on population size), and the ability of the Federal Government to legislate on Aboriginal affairs (ending the previous, inconsistent, state-based legal framework).

The staggering, near-unanimous, endorsement of the populace, however, served to distort the very specific, legalistic impact of these changes. In the decades since, a quasi-mythical status has been bestowed upon the vote, at once reflecting and compounding confusion around what the referendum in fact achieved.[1] A particularly common misunderstanding, afflicting texts as diverse as the young adult fiction of Tim Winton and publicity material for a special Indigenous-themed round of the National Rugby League on the occasion of the referendum's fortieth anniversary in 2007, is that, on that last Saturday in May 1967, Aboriginal people received the vote for the first time.[2] In

[1] Bain Attwood and Andrew Markus, '(The) 1967 (referendum) and all that: Narrative and myth, Aborigines and Australia,' *Australian Historical Studies* 111 (1998): 267-269; Murray Goot and Tim Rowse, 'The 1967 Referendum and the politics of inclusion,' in *Divided Nation? Indigenous Affairs and the Imagined Public* (Carlton: Melbourne University Press, 2007), 27-60.

[2] Attwood and Markus, '1967 and all that,' 269; Russell McGregor, '27 May 1967: The 1967 referendum: An uncertain consensus,' in David Roberts and Martin Crotty, eds., *Turning Points in Australian History* (Sydney: University of NSW Press, 2008), 171-2.

fact, Aboriginal franchise rights, albeit racked by inconsistencies across the different states and territories, were already well established, if not necessarily well-subscribed.[3]

Yet despite such misinterpretations in the nation's collective memory, the referendum has become, as the historian Henry Reynolds has asserted, a "symbolic event enshrined in history," because, for the first time, "it called upon the whole electorate to make a decision on the place of Aborigines in Australian society."[4] Owing to the referendum's obvious subsequent cultural significance to the Aboriginal community, the temptation to place the actions of Indigenous activists at the centre of historical analysis is understandable. Thus, the only national body with influence in Aboriginal empowerment at the time, the Federal Council for the Advancement of Aborigines and Torres Strait Islanders (FCAATSI), has attracted a significant amount of study.[5] Renamed in 1964, FCAATSI succeeded the Federal Council for the Advancement of Aborigines (FCAA), first established in 1958. Analysis of FCAATSI/FCAA has concentrated on either the organisation in a general sense or on the contributions of individual members, such as Faith Bandler and Doug Nicholls.[6] The literature also includes numerous primary accounts in the form of memoirs written by participants.[7]

Other coverage has taken a more localised approach, exploring, for instance, individuals associated with the establishment of the Cairns Aborigines and Torres Strait Islander League – several of whom would also at various times be involved with FCAATSI.[8] Even examinations of the parliamentary processes through which the referendum legislation passed have been placed in the wider context of FCAATSI's work. These include acknowledgements of the catalytic role of petitions presented by the Council to the Prime Minister, and the active campaigning of non-Indigenous members of

---

[3] Murray Goot, 'The Aboriginal franchise and its consequences,' *Australian Journal of Politics and History* 52 (2006): 517-561.

[4] Henry Reynolds, *Aborigines and the 1967 referendum: Thirty years on*, Department of the Senate Occasional Lecture Series (presented on 14 November 1997), Parliament House, Canberra.

[5] Renamed in 1964, FCAATSI succeeded the Federal Council for the Advancement of Aborigines, first established in 1958.

[6] Susan Taffe, *Black and White Together: The Federal Council for the Advancement of Aborigines and Torres Strait Islanders, 1958-1973* (St Lucia: University of Queensland Press, 2005); Susan Taffe, 'Witnesses from the conference floor: Oral history and the Federal Council for the Advancement of Aborigines and Torres Strait Islanders,' *Journal of Australian Studies* 25 (2001): 9-21; Marilyn Lake, *Faith: Faith Bandler, Gentle Activist* (Crows Nest: Allen & Unwin, 2002); Mavis Clark, *Pastor Doug: The Story of Sir Douglass Nicholls, Aboriginal Leader* (Melbourne: Lansdowne Press, 1972).

[7] Faith Bandler, *Turning the Tide: A Personal History of the Federal Council for the Advancement of Aborigines and Torres Strait Islanders* (Canberra: Aboriginal Studies Press, 1989); Jack Horner, *Seeking Racial Justice: An Insider's Memoir of the Movement for Aboriginal Advancement, 1938-1978* (Canberra: Aboriginal Studies Press, 2004); Joe McGinness, *Son of Alyandabu: My Fight for Aboriginal Rights* (St Lucia: University of Queensland Press, 1991); Jessie Street, *Jessie Street: A Revised Autobiography*, Lenore Coltheart, ed. (Annandale: Federation Press, 2004).

[8] Susan Taffe, 'The Cairns Aborigines and Torres Strait Islander Advancement League and the community of the left,' *Labour History* (2009): 149-167.

Parliament, such as Labor's Gordon Bryant, who for a time held office as FCAATSI senior vice-president.[9]

Integral to FCAATSI's success was its capacity to work with other community groups. From the outset of the campaign, FCAATSI sub-committees were established to liaise with various sections of the community, reflecting an appreciation that despite the lack of an organised campaign for the 'no' vote, success was never taken for granted.[10] In the immediate wake of the referendum, the organisation would warmly express its gratitude for what it deemed indispensable assistance from these non-Aboriginal elements.

The trade union movement constituted one such group. Announcing the result of the referendum in the June 1967 edition of its newsletter, *Rights and Advancement*, FCAATSI acknowledged the key role that unions, alongside state-based or regional labour councils, had played in publicising the campaign and its underlying issues.[11] Separate reports of nationwide tours undertaken by Council spokespeople in the lead-up to the vote referred to meetings with, and the backing of, several workers' bodies in Tasmania, South Australia, Queensland, New South Wales, and Victoria.[12] One of these representatives, the first Aboriginal president of FCAATSI, Joe McGinness, would later write in his autobiography that "whatever has been achieved in the way of reforms for Aborigines came about through the involvement … [of] federal trade unions."[13]

As this chapter details, although parts of the union movement were initially drawn to the cause of Aboriginal advancement by the appalling industrial conditions experienced by Aboriginal workers in some regions, they quickly came to contextualise their support as being motivated by far broader concerns – including those related to living standards and access to education. In subsequently formalising alliances and affiliating with organisations and groups focused on Aboriginal advancement, unions contributed to the 1967 campaign in profound ways, not the most inconsequential of which was the encouraging and fostering of vital skills around organising and mobilising. At the same time, in a stance redolent of Tattersall's notion of the "positive-sum coalition," union leaders took care not to impose their administrative or organisational culture upon

[9] Attwood and Markus, '1967 and all that,' 269-275.
[10] Though the size of the vote for the affirmative was considerable, to say the least, the political historian Scott Bennett has made the point that the "9.23% NO figure actually represented 517,007 voters." He goes on to show how opposition to the referendum question was higher in several rural regions, justifying earlier concerns on the part of 'yes' campaigners, such as Faith Bandler. Scott Bennett, 'The 1967 referendum,' *Australian Aboriginal Studies* 2 (1985): 26; 30; 'Aborigines' vote-yes campaign is opened,' *Age* (27 March 1967), 2; Russell McGregor, 'An absent negative: The 1967 referendum,' *History Australia* 5 (2008): 44.1-44.9.
[11] Federal Council for the Advancement of Aborigines and Torres Strait Islanders, *Rights and Advancement, No. 9* (June 1967), N111, Series 12, A1, Noel Butlin Archives Centre (NBAC).
[12] *Ibid*.
[13] McGinness, *Son of Alyandabu*, xiii.

those they were supporting.[14] Rather, they maintained respect for the autonomy of groups such as FCAATSI, additionally developing and sustaining inter-union knowledge-sharing networks in order to contribute to Aboriginal advancement in an informed and proactive manner. In any case, as I will demonstrate, the adoption of unionist principles by parts of the Aboriginal movement was often an organically-occurring process, driven by the simultaneous self-identification of key actors as both Aboriginal and trade unionist.

The union movement's overall contributions have, however, been inadequately reflected in the historiography of the referendum campaign. Entire chapters on the referendum pass without a single mention of unions, despite often discussing the campaigning of church groups and politicians.[15] Elsewhere, other accounts only attribute indirect influence to unions, falling short of drawing out their involvement in detail, generally relegating them to an amorphous collective of allies on the periphery of the scene. In what has become the authoritative text on the event, for example, the historians Bain Attwood and Andrew Markus present the campaign as being "primarily assumed by [FCAATSI], though … [backed by] churches, the Labor Party and trade unions."[16] A similarly perfunctory approach was employed by the historian Russell McGregor, who observed that while "individual voices for 'No' were occasionally given space in the press … the media, community groups, churches, trade unions and governments all supported a 'Yes' vote."[17] In a 2007 talk to the Sydney Institute, the historian Jackie Huggins recalled her peers becoming familiar with the referendum campaign either through "their churches or women's groups or trades unions," while the law scholars Megan Williams and George Davis alluded with even less specificity to unions, explaining the referendum as the result of "agitation and advocacy by Aboriginal and Torres Strait Islander peoples and their supporters."[18] Some labour historians have framed individual unions' input to the Aboriginal cause within wider organisational histories – such as that of the North Australian Workers' Union or the Seamen's Union of Australia.[19] Literature on the distinct interplay

[14] Amanda Tattersall, *Power in Coalition: Strategies for Strong Unions and Social Change* (New York: Cornell University Press, 2010), 142.
[15] Jennifer Clark, ''Yes': The 1967 referendum,' in *Aborigines & Activism: Race, Aborigines & the Coming of the Sixties to Australia* (Crawley: University of Western Australia Press, 2008), 180-202; Susan Taffe, 'The 1967 referendum: Myths and meanings,' *Agora* 42 (2007): 12-16.
[16] Bain Attwood and Andrew Markus, 'The campaign for the 'Yes' vote,' in *The 1967 Referendum: Race, Power and the Australian Constitution* (Canberra: Aboriginal Studies Press, 2007), 44.
[17] McGregor, 'An absent negative,' 44.2.
[18] Jackie Huggins, 'The 1967 referendum…Four decades years,' *The Sydney Papers* (address to The Sydney Institute at the University of Queensland on 22 May 2007), 6; Megan Davis and George Williams, 'The 1967 referendum,' in *Everything You Need to Know About the Referendum to Recognise Indigenous Australians* (Sydney: NewSouth Publishing, 2015), 29.
[19] Diane Kirkby, *Voices from the Ships: Australia's Seafarers and their Union* (Sydney: University of New South Wales Press, 2008); Bernie Brian, *The Territory's One Big Union: The Rise and Fall of the North Australian Workers Union*, PhD thesis (2001), Northern Territory University.

between the Communist Party of Australia (CPA) and Aboriginal campaigners includes a contribution by the education and development scholar Bob Boughton, whose examination centred on the actions of the party as an entity itself, and a book by the historian Deborah Wilson, which analysed the role of Communist union officials in particular.[20]

Illuminating their underexamined role in the achievement of the constitutional changes of 1967, I contextualise the referendum campaign as just one example of contributions made by some unions and unionists – from varying ideological backgrounds – to Aboriginal advancement throughout the 1960s. Linking back to my overarching theoretical framework, I explore how such campaigns variously featured some of the key constituent elements of social movement unionism – most notably the creation and consolidation of community-focused coalitions aimed at achieving broader social and moral (rather than simply industrial) objectives. Other SMU principles were also evident. These included strong levels of engagement by the rank-and-file within democratically strong internal structures and, in the case of one union in the education sector, political independence. By highlighting the presence of SMU principles and characteristics in such union interventions in support of Aboriginal advancement, I contest an assertion that the green bans in Sydney during the 1970s (as discussed in the Introduction to this thesis) were "a prototype for the 'social movement unionism' that [later] emerged on the world scene."[21] As important and influential as the NSWBLF's efforts were, the seeds of an Australian version of SMU had, as I demonstrate, already been sown in the previous decade.

A particular area of attention in this chapter is on some unions' contributions to improving the accessibility and quality of education for Aboriginal children and adolescents. Invoking Johnston's work on the connection between unionised public sector workers and campaigns on issues affecting the wider community, I rescue the unique contribution of the New South Wales Teachers Federation (NSWTF), the only union to become a 'category A' affiliate of FCAATSI.[22] Using their political leverage, the NSWTF lobbied the state government on issues relating to Aboriginal education policy and provided specific guidance to FCAATSI around the formation of the Council's own education policies and statements. Unions largely representing the private sector also contributed to making improvements in Aboriginal education. Blue collar unions allied with and donated to an educational

[20] Bob Boughton, 'The Communist Party of Australia's involvement in the struggle for Aboriginal and Torres Strait Islander people's rights,' in Ray Markey, ed., *Labour and Community: Historical Essays* (Wollongong: University of Wollongong Press, 2001), 263-294; Deborah Wilson, *Different White People: Radical Activism for Aboriginal Rights 1946-1972* (Crawley: UWA Publishing, 2015).
[21] Verity Burgmann, 'The Green Bans Movement: Workers' power and ecological radicalism in Australia in the 1970s,' *Journal for the Study of Radicalism* 2 (2008): 75.
[22] Paul Johnston, *Success While Others Fail: Social Movement Unionism and the Public Workplace* (Ithaca: ILR Press, 1994), 209.

cooperative established by the Sydney-based Anglican Reverend William Alfred Clint, while the Waterside Workers' Federation, in collaboration with bodies from the Aboriginal rights movement and the education sector, introduced a scholarship scheme for Aboriginal students in New South Wales.

The archival records informing this chapter, covering a range of unions, labour councils and individuals, were accessed at the Noel Butlin Archives Centre at the Australian National University, the National Library of Australia, the Fryer Library at the University of Queensland, the State Library of Queensland, the State Library of Victoria, and the archives of the University of Melbourne and the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS). Textual investigation is further supported by oral testimony derived from one interview, undertaken in October 2016 with a key participant in the referendum campaign, the Queensland-based Aboriginal unionist, Bob Anderson.

As I will demonstrate, the historical evidence suggests that the coalitions in which unions participated (and in some cases initiated) clearly represented the broad, community-wide partnerships called for by SMU. My confidence in identifying the existence of another SMU principle – strong rank-and-file engagement and capacity in such campaigns – is, however, somewhat less assured. The type of archival records analysed in the research driving this chapter rarely speaks to the historian with the true voice of the rank-and-file member. Union journals or publications may feature a letter from a member on a particular issue here or there, but, for the most part, the records cover correspondence between union leaders and other high-ranking officials (union or otherwise, including political or industry group leaders), the minutes from meetings of delegates and leaders, or official union positions presented in public material such as pamphlets or speeches. Nonetheless, from the evidence in the pages that follow, there are several instances in which rank-and-file members convincingly contributed to or refined such positions and actions. These findings, I argue, bolster the characterisation of union support for Aboriginal rights in the 1960s as a potential early example of SMU in Australia.

Affiliations with FCAATSI

When an event takes on a profound resonance in later years, it is often wrongly assumed it was the only thing happening of any consequence at the time. For unions, the weeks leading up to May 1967 were dominated not so much by Aboriginal affairs, but, understandably, industrial matters. A

continuing dispute on the Melbourne waterfront had spread to Sydney.[23] Down the Princes Highway in the Wollongong suburb of Port Kembla, steelworkers were striking as negotiations over pay and bonuses stalled.[24] Even butchers in Victoria were threatening state-wide stoppages over pay and conditions, while the national union covering postal workers was calling on the Federal Government to order the closure of post offices on Saturdays.[25] Against this backdrop of blue-collar agitation, a contemporary review of prevailing trends in industrial relations in Australia had concluded that, despite attempts by the conservative Liberal-National government of Robert Menzies to curb union militancy, "the threats and direct action of many … [in] the white collar" sector had added a new dimension.[26]

At the third annual conference of the Boilermakers' and Blacksmiths' Society of Australia, held in Sydney in mid-April, such industrial topics predictably monopolised much of the discussion. The week-long event, though, also presented an opportunity to raise other concerns. When given the floor, a delegate from the Adelaide branch moved a motion linking injustices experienced by Aboriginal workers to the need for the union to "actively … work for the success of the pending Federal Government's referendum to alter the constitution." The motion was promptly ratified by 612 of the 613 members and officials present – the single dissenter no doubt a lonely figure.[27]

The Boilermakers were one of fifteen unions or trades and labour councils around the country affiliated with FCAATSI as at Easter that year, the time when the Aboriginal association customarily held its annual conference.[28] The range of industries represented in this coalition was diverse. Joining the boilermakers were builders' labourers, dockers, firemen, engineers and painters, as well as teachers and actors.[29] The affiliation of trades and labour councils at state and regional levels (Queensland, Western Australia, the New South Wales South Coast, and Central Gippsland in Victoria), and the peak body of the Australian Council of Salaried and Professional Associations

[23] 'One-month truce in container dispute,' *Canberra Times* (3 April 1967), 1.
[24] 'Court deals BHP setback,' *Tribune* (3 May 1967), 8.
[25] 'Butcher strike ban,' *Canberra Times* (3 March 1967), 8; 'No cuts in postal hours,' *Western Herald* (12 May 1967), 10.
[26] 'The year of the white collar worker,' *Canberra Times* (3 January 1967), 2.
[27] Boilermakers' and Blacksmiths' Society of Australia, *Decisions of the Third Federal Conference* (10-14 April 1967), Z102, Box 524, NBAC.
[28] Federal Council for the Advancement of Aborigines and Torres Strait Islanders, *Report on 10th Annual Conference on Aboriginal Affairs - List of Affiliates* (Easter 1967), MS3718, Series 1, Folder 31, AIATSIS Archives.
[29] The full list of affiliated individual unions, with branch details in parentheses: the New South Wales Teachers' Federation; Actors and Announcers Equity (Sydney); the Boilermakers' and Blacksmiths' Society of Australia (Federal); the Building Workers' Industrial Union (Federal); the Waterside Workers' Federation (Federal); the Federated Engine Drivers and Firemen's Association (Victoria); the Amalgamated Engineering Union (Political Committee, Sydney); the Operative Painters and Decorators Union (New South Wales); the Federated Miscellaneous Workers' Union (Federal); and the Victorian Teachers' Union. *Ibid*.

(ACSPA) – all comprising the local branches of many organisations – meant the number of unions publicly supporting the Aboriginal organisation swelled beyond initial impressions.[30]

This was not a group made up of timid, powerless bodies. The New South Wales Teachers' Federation, for instance, was one of the largest unions in that state, and held commensurate political influence. A widely-acknowledged view following the 1965 state election held that it had been the considerable pressure applied by the Federation in calling for an Education Commission (to replace the Teaching Service component of the Public Service Board) that contributed to Labor losing power for the first time since 1941.[31] Elsewhere, while not having a membership base as large as fellow peak body the ACTU, the ACSPA, to which the Teachers were affiliated, was still a prominent labour organisation representing around 40,000 workers in an increasingly well-mobilised white collar sector.[32] Another of the FCAATSI affiliates, the Amalgamated Engineering Union (AEU), was a "crucial site … for the determination of industrial policies in the union movement" during the period.[33] The Metal Trades Award, which covered the AEU's 82,520 members (as at the end of 1966), was the benchmark against which many other awards were set. Accordingly, the majority of federal arbitration cases in which the AEU successfully represented metalworkers led to benefits flowing too to many other Australian workers.[34] Meanwhile, the legendary resilience of the Waterside Workers' Federation (WWF) during the waterfront strikes of the mid 1950s had led to "humiliation for the [Menzies Coalition] government," contributing to what the political historian Julie Kimber has noted would be "the last real effort to de-unionise the [maritime] workforce" until well into the 1990s.[35]

Despite sharing a common affinity for the cause of Aboriginal advancement, the leaderships of unions partnered with FCAATSI differed markedly. On the far left, the ideological influence of the Communist Party of Australia (CPA) remained significant among sections of the labour movement well into the 1960s, outweighing its level of electoral success. FCAATSI affiliates in which CPA

---

[30] Federal Council for the Advancement of Aborigines and Torres Strait Islanders, *Report on 10th Annual Conference on Aboriginal Affairs - List of Affiliates* (Easter 1967), MS3718, Series 1, Folder 31, AIATSIS Archives.
[31] John O'Brien, *The New South Wales Teachers' Federation, c. 1957-1975*, PhD thesis (1985), University of Wollongong, 203-206.
[32] 'Australian Council of Salaried and Professional Associations: 1966 biennial conference,' *Education* (5 October 1966), 281, S248, Box 8, NBAC.
[33] Beverley Symons (with Andrew Wells and Stuart Macintyre), *Communism in Australia: A Resource Bibliography* (Sydney: National Library of Australia, 1994), 12.
[34] Nikki Balnave and Greg Patmore, 'The AMWU: Politics and industrial relations, 1852-2012,' in Andrew Reeves and Andrew Dettmer, eds., *Organise, Educate, Control: The AMWU in Australia, 1852-2012* (Clayton: Monash University Publishing, 2013), 20.
[35] Julie Kimber, 'Conference report: On the waterfront: Union gains and struggles, 1890-1998,' *Labour History* 76 (1999): 164. For a detailed account of the strikes and their impact on the author of the attempted amendments, see Tom Sheridan, 'Harry Bland, the closed shop and the 1954 National Strike,' in *Australia's Own Cold War: The Waterfront Under Menzies* (Carlton: Melbourne University Press, 2006), 164-195.

influence was the strongest were those categorised by the political scientist John Playford as being among the Communist 'fortress unions': namely the AEU, the Building Workers' Industrial Union (BWIU), and the WWF.[36] The CPA's commitment to the principle of equal rights for First Australians extended as far back as the 1920s. In the intervening period, the party had spoken out against injustices experienced by and inflicted on Aboriginal people, applying to the domestic situation in Australia the Communist International's dictum on combatting racial chauvinism.[37] Articles on the subject featured regularly in the party's newspaper. In 1951, a *Tribune* report condemned the imprisonment of Aboriginal strike leaders.[38] Three years later, the Federal Government was criticised for permitting United States-based companies to pay Aboriginal workers £2 a week for work in "extremely dangerous" mining environments, a move decried as "nothing less than condoning slave labour."[39] Such a stance invoked terminology used in earlier pamphlets distributed by the party, including the 1931 pamphlet *Struggle Against Slavery*, which contextualised the inequities faced by Aboriginal workers in the labour market as a result of exploitative state control.[40]

For Communists, though, the issue of Aboriginal equality was marked by the struggle against state and capital not only for industrial rights and conditions, but for broader moral justice and the protection of Aboriginal culture.[41] In urging party officials in trade unions to understand this wider importance – a precursor to Gay Seidman's SMU-inspired notion of "constituencies that spread far beyond the factory gates" – CPA leadership presented the Aboriginal cause as one around which a distillation of the multiple responsibilities of Communists in Australian society could be achieved. Namely, these expectations centred around practice and ideology: the former relating to the fight for improvements in industrial and economic conditions for the Australian working class; the latter concerning the expansion of that class's wider political consciousness. By 1964, Laurie Aarons, who would become General Secretary of the CPA the following year, affirmed his view of the role of Communist-led trade unions:

---

[36] Although by the mid-1960s – following the death of 'Big' Jim Healy – leadership of the WWF had been taken over by Labor's Charlie Fitzgibbon, Communist influence remained at a considerable level among the membership and some elements of the leadership. Symons, *Communism in Australia*, 12; Douglas Jordan, *Conflict in the Unions: The Communist Party of Australia, Politics and the Trade Union Movement, 1945-1960*, PhD thesis (2011), Victoria University, 15.
[37] Markus, *Talka Longa Mouth*, 146-147.
[38] 'Workers demand human rights for Aborigines,' *Tribune* (21 March 1951), 8.
[39] For reference, the legislated minimum weekly wage payable by Australian employers was, in 1953, 11 pounds and 16 shillings. 'Aborigine miners – £2 a week,' *Tribune* (24 March 1954), 9; Fair Work Commission, 'The Australian minimum wage from 1906,' (last updated 12 July 2019), accessed online at https://www.fwc.gov.au/waltzing-matilda-and-the-sunshine-harvester-factory/historical-material/the-australian-minimum-wage.
[40] Stuart Macintyre, *The Reds: The Communist Party of Australia, from Origins to Illegality* (St Leonards: Allen & Unwin, 1999), 265.
[41] *Ibid*, 265-266.

> besides industrial issues, the unions have to concern themselves with broader political questions – the fight to prevent war and safeguard peace; opposition to monopoly domination; united action with other sections of the community for common objectives; defence of democratic rights as they affect … all citizens.[42]

As such, the Aboriginal rights movement was a tailor-made fit, aligning with the 'broader political questions,' 'other sections of the community,' and 'defence of democratic rights' elements of Aarons' exhortation. It was, therefore, a longstanding cause around which Communists would continue to be highly active, particularly through their roles in the union movement. This chapter features several such figures, including Tom Wright and Alex Macdonald (as well as Sam Lewis, who, for political reasons, did not publicise his CPA membership) – who, as leaders of either unions or trades and labour councils, played prominent roles in campaigning for Aboriginal equality and justice.[43]

More moderate leaderships among the FCAATSI affiliates included that of the Federated Miscellaneous Workers' Union (FMWU), under Labor Left's Ray Gietzelt. As a labour conglomerate covering 250 awards across myriad different industries, the FMWU had 50,750 members in 1963.[44] Amalgamation with the Leather and Allied Trades Employees' Federation in March 1967 saw this number rise dramatically to 65,000.[45] A centralised leadership structure, concentrated at the federal level, allowed the FMWU to develop policies on matters not limited to industrial affairs. As such, its officials did "not regard themselves as industrial leaders only, some not even mainly … they [were] political leaders as well."[46] This type of framing of the union's position in society allowed officials such as Gietzelt (whose brother Arthur would be elected as a Labor Senator representing New South Wales in the federal parliament in 1971) to position the union as a key player in debates and discussions beyond the workplace. Alongside active participation in the anti-Vietnam War movement (which was also formally backed by almost every single other FCAATSI-affiliated union),

---

[42] Laurie Aarons, *Labour Movement at the Crossroads* (Sydney: Current Book Distributors, 1964), 38.
[43] Wright was particularly prolific in authoring CPA publications on the issue, writing, as early as 1939, his influential *New Deal for Aborigines*, which formed the basis of the Party's policy on Aboriginal affairs. Tom Wright, *New Deal for Aborigines* (Sydney: Current Book Distributors, 1939); Tom Wright, 'Report to Communist Party of Australia Central Committee Meeting (14-16 February 1947): Fight for Aborigines,' *Communist Review* (April 1947).
[44] John Edwards, 'An experiment in modern unionism – the Federated Miscellaneous Workers' Union,' *The Australian Quarterly* 41 (1969): 69-70.
[45] 'Unions' amalgamation lifts M.W.U. membership to 65,000,' *Federation News* (March 1967), 1, Nef.331.880994 FED, National Library of Australia.
[46] Edwards, 'An experiment in modern unionism,' 76.

the FMWU thus keenly welcomed the opportunity to support the cause of Aboriginal advancement.[47]

Although, as I have noted, the number of unions formally connected to FCAATSI was significantly greater than the fifteen official affiliates (because of the effect of sub-affiliation in the case of labour councils and sectoral peak bodies), it is clear that many other unions opted not to affiliate. While this decision may have been influenced by ideological aversion to the cause (although this is unlikely), a more probable factor discouraging unions from formalising a relationship with FCAATSI may have been the financial implications. In addition to an affiliation fee, a member organisation was also required to raise a specific amount of money for FCAATSI's operations. After recommending in 1964 that this figure be set at £100, the general secretary of the Aboriginal body, Stan Davey, observed that "this merely frightened off some possible affiliates," with "only three of four organisations [having] raised the quota."[48] The subsequent recommendation, duly endorsed at the 1965 FCAATSI Easter conference, was "to call upon affiliates to commit themselves to raise set amounts upon which they can decide themselves."[49] Whether or not it was a direct result of this decision, the growing excitement of the impending referendum, or a combination of these two factors, the number of FCAATSI-affiliated unions and union bodies would almost double over a five-year period: from 8 in 1962 to the fifteen at the time of the 1967 conference.[50]

Unions and the 'yes' vote: Part of a wider push for Aboriginal advancement

For many in the union movement, support for Aboriginal advancement – including the 'yes' vote itself – was framed as part of a broader 'civil rights' narrative employed by FCAATSI. Exemplified by a popular campaign poster urging Australians to 'right wrongs; write yes,' this interpretation glossed over the legalistic specificities of what the constitutional amendments would actually achieve, characterising the vote instead in general terms. For voters in May 1967, choosing 'yes' ostensibly presented an opportunity to remedy the historical, and continuing, mistreatment of Aboriginal people within Australian society.

[47] The exceptions being the NSW Teachers' Federation and the Victorian Teachers' Union. Malcolm Saunders, 'The trade unions in Australia and opposition to Vietnam and conscription: 1965-73,' *Labour History* 43 (1982): 81-82.
[48] Stan Davey, *General Secretary's Report on 8th Annual FCAATSI Conference* (16-18 April 1965), UQFL199, Box 30, Fryer Library, University of Qld.
[49] *Ibid*.
[50] Andrew Markus, 'Talka Longa Mouth,' *Labour History* 35 (1978): 154.

Union proponents of this narrative were particularly motivated by an acknowledgment of Australia's global reputation vis-à-vis race relations. A five-page flyer distributed by the ACSPA, for example, invoked the UN's *Universal Declaration of Human Rights* on its front cover, before referring to an unattributed, but soul-searching enquiry from the 1965 Commonwealth and Empire Law Conference: "'Where are the Aboriginal Australian judges, professors, scientists, parliamentarians?'" It emphatically answered: "THERE ARE NONE!"[51] Elsewhere, the Seamen's Union of Australia (SUA) – not a FCAATSI affiliate, but nonetheless an active supporter of Aboriginal advancement – unfavourably juxtaposed Australia's treatment of its Indigenous population with "the horrors of apartheid in South Africa and the "lynch law" of the Southern States in the U.S.A." For the union representing seafarers, the "good talk … of equal opportunity" employed within the civil rights narrative was presented largely as a case of too little, too late.[52]

Others were yet more forthright, contextualising the struggle of Aboriginal people through the very specific lens of class. Such framing, as noted above, invariably reflected the politics of union officials from either the CPA or the ALP's militant Labor Left faction. Speaking at a conference of the union's delegates in February 1966, the WWF's Joe Howe (a CPA member) argued that:

> we must convince ourselves … that [the Aborigines'] only enemies are the very same enemies that the white worker has – the Land, Industrial, Banking and Manufacturing monopolies which gain so much from our land at the expense of our labours.[53]

Howe's speech, printed in full in the union's mouthpiece, *The Maritime Worker*, portrayed unionists' responsibilities with regards to the Aboriginal question as both synonymous with and complementary to those driving the wider struggle against economic exploitation of all workers.[54] Similar sentiments graced the pages of other union publications. An editorial in the *Amalgamated Engineering Union Monthly Journal*, for instance, associated the living conditions of striking Aboriginal stockmen in the Northern Territory – a "disgusting sight in a country which prides itself on the fair go" – with "a condemnation of the white race in allowing the huge monopolistic concerns to exploit a proud and honest people."[55] Meanwhile, the FMWU's *Federation News* linked inequalities

[51] Australian Council of Salaried and Professional Associations, *Flyer: The Rights of the Australian Aborigines and You* (precise date unknown), N111, Series 12, A1, NBAC.
[52] 'Voices from the ships: Trade unions must support Aborigines' demand for equality,' *Seamen's Journal* (July 1965), 155, 1987/125, Box 1, University of Melbourne archives.
[53] 'Trade unions and the Aborigines,' *Maritime Worker* (16 February 1966), 4, microform held at the State Library of Victoria.
[54] *Ibid*.
[55] 'The struggle of the Aborigines in N.T.,' *Amalgamated Engineering Union Monthly Journal* (October 1966), 18, N.331.880994 AMA, National Library of Australia. See also 'Aboriginals' land taken for aluminium monopoly,' *Amalgamated Engineering Union Monthly Journal* (September 1963), 12-14, N.331.880994 AMA, National Library of Australia.

in Aboriginal wages and working prospects with accordant cultural and citizenship freedoms, such as those around land rights: "Aboriginal tribal lands in the north face imminent invasion from foreign companies exploiting our fabulous mineral wealth, but little opportunity or training exists for Aboriginal employment."[56]

Prior to urging their memberships and the wider public to understand the need for constitutional change, and to accordingly vote 'yes,' unions had leveraged their influence in the political arena to help bodies such as FCAATSI ensure the referendum question itself adequately met campaigners' demands. Early versions discussed in the Cabinet of the Menzies Liberal-National Coalition government, and outlined by the Prime Minister in a reading of a bill to Parliament in November 1965, had limited the proposed constitutional amendments to the repeal of Section 127.[57] For FCAATSI, and their allies in the union movement, this was inadequate. The addition of Section 51 (xxvi) as a passage of the Constitution requiring amendment at the referendum was non-negotiable. As discussed earlier, this section denied the Commonwealth Government an ability to make federally-enforceable laws in Aboriginal affairs. This had given rise to a situation in which legislation affecting Aboriginal people differed from state to state. Removing this obstacle would, as advocates such as the Liberal backbencher, William Wentworth, propounded, enable the Commonwealth to legislate specifically for Aboriginal people by implementing "discrimination in their favour, not against them."[58] In a well-informed and lengthy article in the May 1967 edition of its monthly journal to members, the AEU argued for the need to amend Section 51 by observing:

> In view of the special disadvantages of lack of capital, education and "know-how" suffered by the Aborigines, the well-known principle of justice that 'it is as unjust to treat unequals equally as to treat equals unequally' is a strong argument for special legislation to enable Aborigines to overcome their disadvantages.[59]

Emphasising the inconsistencies that existed across state and territory borders, the historian Jennifer Clark has cited the fact that, as late as 1966, laws in Queensland consigned many Aboriginal people to the status of "government wards … [leading to them being] treated like children – incapable and

[56] 'Advancement of Aborigines,' *Federation News* (June 1966), 10, Nef.331.880994 FED, National Library of Australia.
[57] Attwood and Markus, '1967 and all that,' 270-271; Robert Menzies, *Constitution Alteration (Repeal of Section 127) Bill 1965*, Commonwealth Parliamentary Debates (11 November 1965), House of Representatives.
[58] 'Bill in favour of Aborigines supported,' *Canberra Times* (11 March 1966), 11.
[59] 'Vote yes for Aboriginal rights,' *Amalgamated Engineering Union Monthly Journal* (May 1967), 14, N.331.880994 AMA, National Library of Australia.

dependent."[60] Similar curtailments of personal freedoms and liberties were enshrined in Western Australia's *Native (Citizenship Rights) Act 1944*.[61]

In February 1966, the convenor of FCAATSI's Legislative Reform Committee, Lorna Lippmann, wrote to the secretary of the FMWU, encouraging him to personally petition the government on the matter of Section 51.[62] Ray Gietzelt politely reminded her that he had already made such approaches, at FCAATSI's request.[63] Indeed, the previous November, he had written not only to former Prime Minister Robert Menzies (who would retire in early-1966, to be replaced by Harold Holt), but to his Deputy, John McEwen.[64] Gietzelt had also appealed to the foremost figures in the Australian Labor Party: the Opposition Leader, Arthur Calwell, and Leader of the Opposition in the Senate, Nick McKenna.[65] The responses to all such correspondence had been predictable enough, aligning with party stances on the matter.[66] Menzies and McEwen either respectfully agreed to disagree with Gietzelt, or offered the platitude of having "read your communication, and will bear in mind the views expressed."[67] On the Labor side of the ledger, Calwell advised that his colleague, Gordon Bryant, the member for Wills, had attempted to put the question of Section 51 to the Prime Minister in Parliament, but was ruled out of order by the Speaker.[68] McKenna, meanwhile, was moved to reply that "I find myself in complete sympathy with your suggestion."[69] By the time Holt took office in January 1966, campaigning on the wording issue had convinced the government. On 1 March 1967, the *Constitution Alteration (Aboriginals) Bill 1967* was passed unanimously in the Federal Parliament, mandating the May referendum.

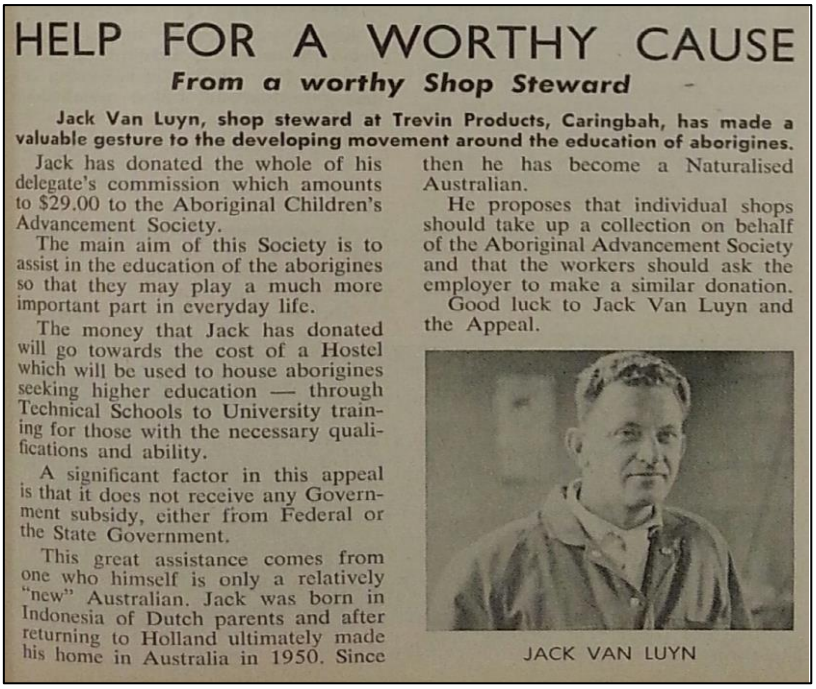
Unions rallied to the cause by digging into their pockets too, donating generously in response to appeals from FCAATSI and other Aboriginal groups – such as the Northern Territory Council for

[60] Clark, ''Yes': The 1967 referendum,' 187.
[61] *Ibid*, 186-187.
[62] Letter from Lorna Lippmann to Ray Gietzelt (2 February 1966), Z370, Box 79, NBAC.
[63] Letter from Ray Gietzelt to Lorna Lippmann (4 February 1966), Z370, Box 79, NBAC.
[64] Letter from Ray Gietzelt to Robert Menzies (22 November 1965), Z370, Box 79, NBAC; Letter from Ray Gietzelt to John McEwen (19 November 1965), Z370, Box 79, NBAC.
[65] Letter from Ray Gietzelt to Arthur Calwell (22 November 1965), Z370, Box 79, NBAC; Letter from Ray Gietzelt to Mick McKenna (22 November 1965), Z370, Box 79, NBAC.
[66] Labor members such as Kim Beazley Snr had, as early as 1949, called for both the repeal of section 127 and the alteration to section 51 (xxvi), before the position was adopted as party policy a decade later. John Chesterman, 'Defending Australia's reputation: How Indigenous Australians won civil rights. Part two,' *Australian Historical Studies* 32 (2001): 214.
[67] Letter from Robert Menzies to Ray Gietzelt (13 January 1966), Z370, Box 79, NBAC; Letter from F. O'Connor (Private Secretary for John McEwen) to Ray Gietzelt (15 December 1965), Z370, Box 79, NBAC.
[68] Letter from Arthur Calwell to Ray Gietzelt (23 November 1965), Z370, Box 79, NBAC.
[69] Letter from Nick McKenna to Ray Gietzelt (25 November 1965), Z370, Box 79, NBAC.

Aboriginal Rights (NTCAR) – and offering up union premises for the holding of meetings.[70] One Aboriginal activist later recalled how the WWF memorably met a request for assistance in alleviating the dire financial conditions faced by residents of Redfern: "they came with a big potato sack full of money – wasn't that lovely of them?"[71] The Sheet Metal Working, Agricultural Implement and Stove Making Industrial Union (SMWU) decked out the new Sydney office of the Aboriginal-Australian Fellowship with much-needed furnishings.[72] Elsewhere, a plea to the Queensland Trades and Labour Council for a loan for the purchase of a typewriter – "a reconditioned Olivetti Elite … we had set our minds on" – carried an acknowledgement that "thus far you have been such a good friend to us that we hesitate to seek your help."[73]

As these generous fundraising initiatives demonstrated, advocacy around the Aboriginal cause was not limited to the ranks of union leadership – exemplifying the SMU principle of campaign support by all levels of a union. In September 1966, the Aboriginal Children's Advancement Society (ACAS) received a letter from the secretary of the SMWU, Tom Wright, explaining that one of his shop stewards had "asked that his delegate's commission be paid to your Society as a donation."[74] Jack Van Luyn's donation of twenty-nine dollars – no small sacrifice indeed – had earlier been applauded in the union's journal, *The Sheet Metal Worker*, as a salutary example of the principle of support for the Aboriginal cause that Wright had encouraged since his early days with the CPA.[75]

[70] Letter from Davis Daniels to T. W. Chard (20 April 1965), UQFL199, Box 30, Fryer Library, University of Qld; Letter from A. Amos to Davis Daniels (1 August 1966), E206, Box 1, NBAC; Letter from Faith Bandler to Tom Wright (30 September 1965), E206, Box 1, NBAC.
[71] Jessica Runge, interviewed by Jeanie Bell (19 August 1991), BELL_J0101912, AIATSIS Archives.
[72] Letter from Jean Horner to Tom Wright (3 May 1963), E206, Box 1, NBAC.
[73] Letter from Kath Walker to Alex Macdonald (2 August 1964), UQFL118, Box 170, Fryer Library, University of Qld.
[74] Letter from Tom Wright to secretary of the Aboriginal Children's Advancement Society (2 September 1966), E206, Box 1, NBAC.
[75] In 2019 terms, Van Luyn's personal donation equated to almost $400. Calculated using the Reserve Bank of Australia's *Inflation Calculator*, accessed online at https://www.rba.gov.au/calculator/annualDecimal.html; 'Help for a worthy cause from a worthy shop steward,' *The Sheet Metal Worker* (July 1966), 9, 1987/119, Box 2, Volume 11, University of Melbourne archives.



HELP FOR A WORTHY CAUSE

From a worthy Shop Steward

Jack Van Luyn, shop steward at Trevin Products, Caringbah, has made a valuable gesture to the developing movement around the education of aborigines.

Jack has donated the whole of his delegate's commission which amounts to $29.00 to the Aboriginal Children's Advancement Society.

The main aim of this Society is to assist in the education of the aborigines so that they may play a much more important part in everyday life.

The money that Jack has donated will go towards the cost of a Hostel which will be used to house aborigines seeking higher education — through Technical Schools to University training for those with the necessary qualifications and ability.

A significant factor in this appeal is that it does not receive any Government subsidy, either from Federal or the State Government.

This great assistance comes from one who himself is only a relatively "new" Australian. Jack was born in Indonesia of Dutch parents and after returning to Holland ultimately made his home in Australia in 1950. Since then he has become a Naturalised Australian.

He proposes that individual shops should take up a collection on behalf of the Aboriginal Advancement Society and that the workers should ask the employer to make a similar donation.

Good luck to Jack Van Luyn and the Appeal.

JACK VAN LUYN

Figure 1. Article in the journal of the SMWU, celebrating shop steward Jack Van Luyn's personal donation to the Aboriginal Children's Advancement Society. *The Sheet Metal Worker* (July 1966), 9, 1987/119, Box 2, Volume 11, University of Melbourne archives.

Unions also facilitated speaking tours by Aboriginal campaigners, helping to spread awareness. One such beneficiary was Kath Walker, secretary of FCAATSI's Queensland branch, sponsored by the trades and labour councils of Bowen and District, and Townsville, to journey throughout North Queensland in late 1962.[76] The Townsville labour council's secretary, F.H. Matzkows, additionally organised key logistics of the tour, including a time slot for Walker on a local radio station and a meeting with officials of the Australian Union of Women.[77] These interventions highlighted another important aspect of union support. Synonymous with the SMU concept of using the development of coalitions to empower like-minded activists, such unionists willingly utilised their position within the community to not just speak *on behalf of* campaigners such as Walker, but also to give them the opportunity to promote, disseminate, and prosecute their own arguments.

[76] Letter from H. Connors to Alex Macdonald (15 January 1963), UQFL118, Box 170, Fryer Library, University of Qld; Letter from F. H. Matzkows to Alex Macdonald (5 December 1962), UQFL118, Box 170, Fryer Library, University of Qld.

[77] Letter from F. H. Matzkows to Alex Macdonald (16 November 1963), UQFL118, Box 170, Fryer Library, University of Qld.

The New South Wales Teachers' Federation and the cause of Aboriginal education

The NSWTF was particularly committed to the cause of Aboriginal advancement throughout the 1960s. Of the fifteen unions and labour councils affiliated to FCAATSI at the time of its 1967 Easter conference, the NSWTF was the only to transcend the 'Category B' affiliate status. Owing to the 'Category A' requirement that an organisation had "Aboriginal affairs as their main platform or … [had] established a [relevant] Standing Committee," the majority of the other twenty-four affiliates in this group were bodies with an Aboriginal focus.[78] Thus, the NSWTF's involvement in the Aboriginal movement not only featured all the examples of solidarity exhibited by other unions, but extended also into the sphere of professional and technical assistance. The principal form of this guidance was the union's provision of advice on the wording of FCAATSI's 'Education Objective' in the Council's policy platform.[79]

The fact that FCAATSI sought out the NSWTF's input into its constitution – the literal embodiment of what the organisation stood for, and was campaigning on – reflected the respect felt by the Council for the union. This was a professional relationship with strong roots. As FCAATSI treasurer, Jean Horner, had told Ivor Lancaster, the union's secretary, in December 1966: "the support which the Aboriginal cause has received from the Teachers' Federation over the years, both from the association as a whole, and from individual teachers, has been greatly appreciated."[80]

The partnership between the organisations drew on a mutual understanding that at stake for both parties was the very future of the communities in which they lived and operated. Via their labour, teachers have a direct connection not only with their students, but with their broader familial and social networks. As educators of some of the most vulnerable members of society, NSWTF members found themselves, on a daily basis, exposed to the disadvantages imposed on Aboriginal pupils of broader systemic inequalities. In the Introduction to this thesis, I cited Paul Johnston's observation that unions representing workers in the public sector often have a natural affinity for campaigning on social and moral issues affecting the people they service. Invoking this convincing interpretation of social movement unionism, I argue in this section that the NSWTF in the 1960s emerges as a salutary case in point.

A key SMU characteristic identifiable in the NSWTF's campaigning for Aboriginal advancement was its political independence. The Federation was not, for instance, affiliated to the ALP. Moreover, its

[78] Federal Council for the Advancement of Aborigines and Torres Strait Islanders, *Report on 10th Annual Conference on Aboriginal Affairs - List of Affiliates* (Easter 1967), MS3718, Series 1, Folder 31, AIATSIS Archives.
[79] Faith Bandler, *FCAATSI Annual Conference Minutes and Short Proceedings* (26 March 1967), N111, Series 7, 2580, NBAC.
[80] Letter from Jean Horner to I. G. Lancaster (4 December 1966), N111, Series 7, 2580, NBAC.

president, Sam Lewis, never publicly confirmed his membership of the CPA – thereby refusing to tie the union down to any one given ideology.[81] Accordingly able to be portrayed as politically objective and independent, the NSWTF was able to push state and federal governments of either party orientation on issues in which the improvement of wider social conditions took precedence. To this end, the quality of educational services provided to Aboriginal children in NSW, and, by extension, demands relating to Aboriginal rights across the board, became a rich ground for campaigning. The teachers' union, as a result, became neither predictable and politically rigid nor "just a polite, respectable lobby group."[82] Instead, the union prided itself on remaining "a vigorous, active, public campaigning organisation."[83] During the mid-1960s members would be hard-pressed to read an edition of the union's periodical, *Education*, that did not feature at least one impassioned article on Aboriginal affairs.[84]

The principles underpinning the NSWTF's philosophical position on the Aboriginal question were reflected in regular resolutions adopted at the union's annual conferences.[85] One such motion in 1966, *Education of Aboriginal Children*, outlined six conditions seen as central to facilitating real change, many of which had already been acted upon in the union's dealings with authorities.[86] Earlier that year, for example, acting secretary Jack Williams had written to the NSW Education Minister (who was also the state's Deputy Premier), seeking consideration of the development of both a pre-school children's centre and an after-school library and cultural centre in the inner-Sydney Aboriginal reserve of La Perouse. In the letter, Williams cited an urgent need to "offset the cultural deprivation of the children," explaining that the plea had been prompted by the concerns of

[81] O'Brien, *The New South Wales Teachers' Federation,* 209.
[82] *Ibid*, 208.
[83] *Ibid*.
[84] For a brief selection of articles, see: 'The Aboriginal people: Will you help?,' *Education* (15 May 1963), page number unclear; 'Nowra Technical College: Motor maintenance for Aborigines,' *Education* (26 February 1964), 14; 'Sydney teachers support Aboriginal advancement appeal,' *Education* (28 October 1964), 8; 'Handicaps they face,' *Education* (3 February 1965), 5; 'A little nearer: Equal wages for Aborigines,' *Education* (30 March 1966), 44; 'Aborigines make gains at Cummeragunja,' *Education* (29 June 1966), 9; 'Federation calls for law against racial discrimination,' *Education* (27 July 1966), 105; 'Aboriginal education conference,' *Education* (10 August 1966), 117; 'Northern Territory Aborigines: Programme for Improved Living,' *Education* (21 September 1966), 134; 'The failure children,' *Education* (5 October 1966), 139; '1966 Aboriginal appeal,' *Education* (5 October 1966), 140; 'Education of Aboriginal children,' *Education* (15 February 1967), 21; 'Aboriginal rights,' *Education* (17 May 1967), 66; 'A "Yes" vote for Aboriginal rights,' *Education* (17 May 1967), 68. All in S248, Box 7 (up to 1963) and Box 8 (1964-1969), NBAC.
[85] 'Annual conference: Aboriginal welfare,' *Education* (6 February 1963), 10; 'Some conference decisions: Education of Aborigines,' *Education* (26 February 1964), 13; 'National Aborigines Day: Conference resolution gives lead,' *Education* (8 July 1964), 6; 'Conference decisions: And some points from debates,' *Education* (2 February 1966), 7; 'Aboriginal advancement,' *Education* (15 June 1966), 84. All in S248, Box 7 (up to 1963) and Box 8 (1964-1969), NBAC.
[86] NSW Teachers' Federation, *Resolution: Education of Aboriginal Children* (20 December 1966), N111, Series 12, A1, NBAC.

unionised teachers, who had "indicated to the Federation the wide gap that exists between the home and school environment of these children."[87] In the following months, after the successful establishment of what became known as the La Perouse Homework Centre, union members were encouraged to offer their services on a voluntary basis, so that the centre could operate on two evenings a week for the benefit of the local children.[88]

That same year had seen a further example of the union leadership's vocal stance on improving conditions in Aboriginal education. Expressing angst at the lack of state government subsidies for Kirinari Hostel, a boarding house for Aboriginal children from rural communities to be established by the ACAS, Lancaster railed against the implication that establishing such a facility could be seen as "conflicting with government policy on assimilation."[89] Rather, it was diplomatically and persuasively argued:

> the hostel will establish the students in the schools and colleges of the area and thus they will be drawn into the community in a way that simply would not happen if they were left in the segregated fringe settlements from which most of them will come.[90]

Such on-the-ground exposure to, and subsequent expertise in, the structural and socio-political barriers to the schooling of young members of the Aboriginal community, legitimised the NSWTF's suggestion of a re-wording of the 'education' pillar in FCAATSI's constitution. The amendment – centred on a more assertive call for "special facilities to overcome the social and economic handicaps which now exist" in relation to Aboriginal children – was agreed to at FCAATSI's 1967 annual general meeting; "the new principles and objectives" henceforth being enshrined in the Council's charter.[91]

Reflecting the NSWTF's overall level of engagement with Aboriginal issues, support for the referendum campaign itself ran deep within its ranks. A month before the vote, in a flyer encouraging readers to "publicise the facts," the Federation urged fellow teachers to contribute in any way possible: "raise the matter at staff meetings, send letters to the local papers, offer your services for the campaign and/or on polling day … [and] contribute to the funds of the Aboriginal Rights Vote "Yes" Committee."[92]

---

[87] Letter from J. R. Williams to C. B. Cutler (29 June 1966), N111, Series 12, A1, NBAC.
[88] 'La Perouse Homework Centre,' *Education* (21 September 1966), 134, S248, Box 8, NBAC.
[89] Letter from I. G. Lancaster to E. A. Willis (25 May 1966), N111, Series 12, A1, NBAC.
[90] *Ibid*.
[91] Letter from I. G. Lancaster to Stan Davey (21 November 1966), N111, Series 12, A1, NBAC; Faith Bandler, *FCAATSI Annual Conference Minutes and Short Proceedings* (26 March 1967), N111, Series 7, 2580, NBAC.
[92] NSW Teachers' Federation, *Flyer: For Immediate Action Vote Yes for Aboriginal Rights* (28 April 1967), N111, Series 7, 2580, NBAC.

Members hardly needed to be told. Three years earlier, in 1964, the distribution throughout schools of an FCAA petition calling for the referendum had collected some 24,000 signatures, impressing unionists from across the labour movement.[93] Meanwhile, in a not dissimilar way to other FCAATSI-affiliated unions discussed earlier in this chapter, NSWTF members also understood that financial support for Aboriginal organisations was vital. Again, their activity in this space was impressive; the union making healthy donations to FCAATSI on a regular basis. At times this was in response to fundraising drives on the part of the Council, but often it involved collections made through Federation-led initiatives.[94] At a function held solely for the purpose of raising funds for FCAATSI, the Federation raised $650 in October 1966, with additional donations from "metropolitan school staffs and Associations" raising this figure to $900.[95] The following year's event was even more successful, collecting some $1,300 (almost $17,000 in 2019 terms).[96] The 1967 audience – treated to an address from Gordon Bryant, reprising his appearance the previous year – helped raise an amount of money without which, as Bandler was to tell her FCAATSI executive, "we would have [had] great difficulty in meeting our financial commitments for conference."[97] This was not the first occasion on which the union was acknowledged as having almost single-handedly salvaged the Council when it appeared, logistically, difficult to continue normal operations. In 1965, the Council's general secretary's annual report had noted how: "mainly due to [the NSWTF's fundraising] efforts, [FCAATSI] has remained financially buoyant and able to provide fares for Aboriginal and Torres Strait Islander delegates from extreme parts of the continent."[98]

[93] Letter from Ron Hancock to Alex Macdonald (21 August 1964), UQFL199, Box 30, Fryer Library, University of Qld.
[94] Letter from Jean Horner to I. G. Lancaster (28 July 1966), N111, Series 12, A1, NBAC.
[95] Letter from Jean Horner to I. G. Lancaster (4 December 1966), N111, Series 7, 2580, NBAC; 'Aboriginal appeal off to a good start,' *Education* (2 November 1966), 156, S248, Box 8, NBAC.
[96] Faith Bandler, *FCAATSI Acting General Secretary's Report – 11th Annual Conference on Aboriginal Affairs* (Easter 1968), N111, Series 12, A1, NBAC; Value calculated using the Reserve Bank of Australia's *Inflation Calculator*, accessed online at https://www.rba.gov.au/calculator/annualDecimal.html.
[97] Faith Bandler, *FCAATSI Acting General Secretary's Report – 11th Annual Conference on Aboriginal Affairs* (Easter 1968), N111, Series 12, A1, NBAC.
[98] Stan Davey, *General Secretary's Report on 8th Annual FCAATSI Conference* (16-18 April 1965), UQFL199, Box 30, Fryer Library, University of Qld.

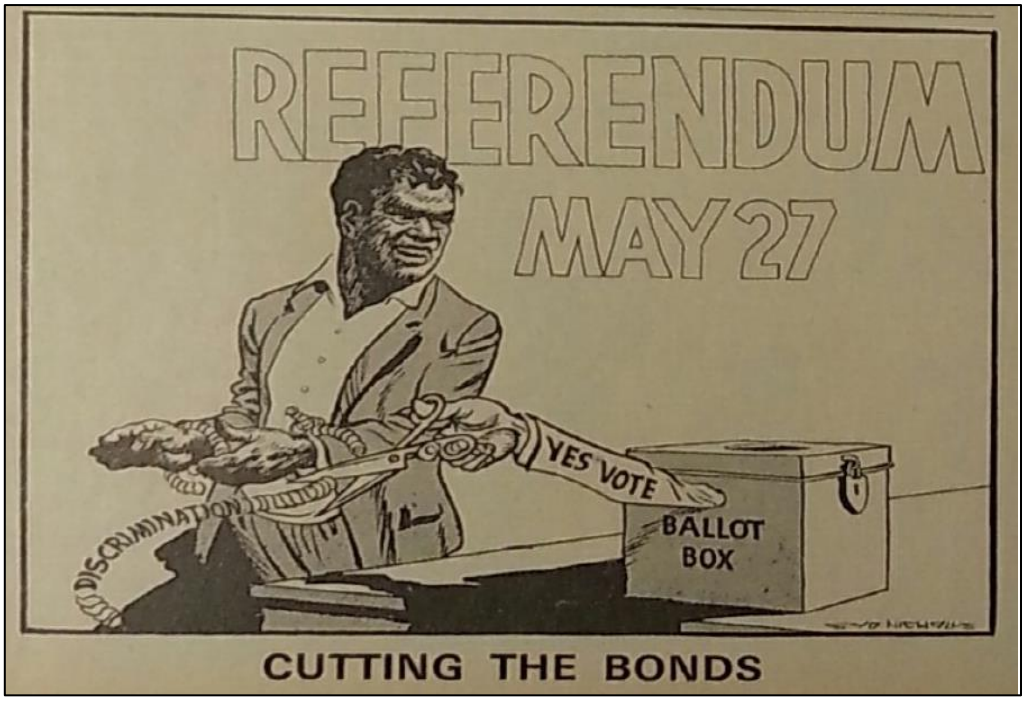


Figure 2. A cartoon in *Education*, the journal of the NSW Teachers' Federation (17 May 1967), 66, S248, Box 8, NBAC.

In numerous ways, then, the NSWTF's contribution to the cause was especially significant. It is noteworthy that, today, the Federation looks back on its intervention in Aboriginal affairs, alongside other public education campaigns during this period, as having been inspired by a unique model of unionism:

> Until 1968, the Union campaigned on the theme of "United Action," emphasising a community of interest between different sectors of the membership and the community … Political, industrial and professional issues concerning public education were given focus and emphasis …
>
> Federation made a major break with the past in 1968 … when the first state-wide strike was called over the appalling conditions in which teachers were working … Since then, industrial action has become a part of the Federation's campaigns – not as a threat to be used lightly but as one way of indicating the depth of teachers' concern.[99]

[99] NSW Teachers' Federation, *History: Public Education* (2016), accessed online at https://www.nswtf.org.au/about/history.html.

Consequently, in addition to the political independence angle discussed earlier, one can identify clear parallels between the NSWTF's strategy of 'United Action' up to the late 1960s[100] and the model of social movement unionism underpinning this thesis.[101] Certainly, both prioritised the formation of coalitions with like-minded organisations, encapsulated succinctly by the Federation's notion of a 'community of interest.' Additionally, the rank-and-file were active in the maintenance and consolidation of such relationships. This was evidenced in the sentiments of members during the referendum campaign itself, as well an earlier willingness to use their own sites of employment as battlegrounds on which to apply pressure for the referendum in the first instance. Moreover, leadership's openness to act on members' specific suggestions – such as the rank-and-file calls for pressure to be applied on the state government, ultimately leading to the establishment of the La Perouse Homework Centre – can be similarly understood as an example of the SMU principle of strong internal democratic structures.

During this period, the NSWTF were not alone in devoting resources and time to the development of educational facilities and services for the Aboriginal community. Joining the Federation in June 1957 as foundation members of the Tranby Co-operative College in Sydney, established by Anglican Reverend William Alfred Clint as a centre focused on the vocational training of young Aboriginal adults, were several other unions, including the BWIU, the WWF, the Boilermakers, and the AEU.[102] Two trade unionists held directorships on the co-operative's first board: the BWIU's Ron Hancock and the FMWU's Bill Rigby.[103] Trades and labour councils that also facilitated Tranby's establishment included the Barrier Industrial Council (representing unions in Broken Hill, a mining town in regional New South Wales) and those covering the New South Wales South Coast and Newcastle regions.[104] In addition, annual appeals for Tranby's scholarship fund attracted a steady stream of support from unions such as the Hospital Employees' Federation, the Operative Painters' and Decorators' Union, the Queensland Plasterers' Union, the Australian Builders' Labourers' Federation, the Federated

[100] The NSWTF's principle of 'United Action,' publicly espoused by Sam Lewis, was by no means uncontested. To conservative leaders such as Harry Heath, who became the Federation's president between Lewis's two stints (1945-1952 and 1964-1967), the associated campaigning on "many activities which are not closely allied to teachers' immediate demands" irritated those who believed "more can be accomplished by quieter methods." Nevertheless, by the time Lewis regained the presidency, he reinstated the philosophy as a driving force behind the Federation's work, telling a gathering of new teachers in 1965 that they each held the "power of united action" to effect change and bring about improvements in their broader communities. Harry Heath and Sam Lewis, cited in O'Brien, *The New South Wales Teachers' Federation,* 209; 240-241.

[101] Not downplaying the fact, of course, that social movement unionism does not necessarily preclude the use of industrial action.

[102] Co-operative for Aborigines Ltd., *Press Release: Union Help Sought for Tranby, Co-operative College for Aborigines* (date unknown), E206, Box 1, NBAC.

[103] *Ibid*.

[104] *Ibid*.

Storemen and Packers' Union, and the Vehicle Builders' Federation.[105] As a result of such support, Clint would extol: "our greatest financial help, and upon which we are dependent, has always come from the trade union and cooperative movements."[106] In a letter sent to the federal secretary of the AEU, and subsequently published in the union's journal, Tranby's assistant general secretary, P. L. Gormley, warmly thanked two AEU officers for having given employment opportunities in the naval dockyard at Sydney's Garden Island to two young men educated at the co-operative.[107] Unions covering the maritime industry also played a crucial role in setting up centres partnered to Tranby in locations along the eastern seaboard of Australia. As far north as on Moa Island, in the Torres Strait, a bakehouse was built upon the request of Jacob Abednego, a cookery student returning from Tranby – "the great difficulties of primitive transport" having been weathered by the WWF and the SUA.[108] Echoing the goodwill exhibited by the union in the Redfern appeal discussed earlier in this chapter, the financial capital required for the endeavour was levied from WWF members nationwide, each sacrificing five shillings.[109]

The WWF's financial and practical support for Tranby reflected its deep commitment to the cause of Aboriginal education. This would be most directly exhibited in the union's own dedicated scholarship scheme for Aboriginal and Torres Strait Islander students. Initially conceived at the maritime union's 1964 All Ports Conference, it took discussions with FCAATSI, the Aboriginal Advancement League, and the Consultative Committee on Aboriginal Education (an alliance founded in 1963 focused on enhancing education opportunities for Aboriginal students, of which the NSWTF was a member body), before suitable students were identified and the scheme could begin to operate.[110] In March 1966, a front-page article in the *Maritime Worker* reported on the awarding of the first four recipients of grants: Colleen Lane, aged thirteen; and Beverley Grant, Diana Dalton, and Kevin

[105] Letter from Alex Macdonald to W. A. Clint (13 May 1964), UQFL118, Box 170, Fryer Library, University of Qld.
[106] Letter from W. A. Clint to Alex Macdonald (4 September 1964), UQFL118, Box 170, Fryer Library, University of Qld.
[107] 'Letters: 'Co-operative for Aborigines Limited' (P. L. Gormley to J. D. Garland, 1 December 1965), *Amalgamated Engineering Union Monthly Journal* (January 1966), 9, N.331.880994 AMA, National Library of Australia.
[108] Letter from W. A. Clint to Alex Macdonald (4 September 1964), UQFL118, Box 170, Fryer Library, University of Qld; Letter from W. A. Clint to I. G. Lancaster (27 October 1967), N111, Series 12, A1, NBAC; Bob Anderson, interviewed by Jeanie Bell (19 August 1991), BELL_J0101912, AIATSIS Archives.
[109] 'Officer's report to Federal Council,' *Maritime Worker* (28 October 1966), 6, microform held at the State Library of Victoria; Bob Anderson, interviewed by author (4 October 2016), Brisbane.
[110] 'Details of Aboriginal scholarships,' *Maritime Worker* (30 March 1966), 2, microform held at the State Library of Victoria.

Williams, all fifteen.[111] Members were subsequently updated on the students' educational progress and on the addition of a fifth scholarship beneficiary, John Nufong, just three months later.[112]

Union-Aboriginal alliances as sites of knowledge transfer and power

Beyond the types of assistance I have detailed to this point – financial, practical, and, particularly in the case of the NSWTF, intellectual – it is important not to overlook another key element of union support: the inherent power-building capacity of the developed coalitions themselves. As called for in Amanda Tattersall's notion of an effective, self-sustaining union-community organisation alliance, the benefits of these networks were often experienced by those on both sides. For Aboriginal activists and non-Aboriginal unionists alike, the relationships fostered between their respective movements presented vital opportunities to expand memberships and accordingly enhance their reputation and standing. It is also no coincidence that some of the most significant players in the Aboriginal movement happened to be long-time card-carrying union members. Joe McGinness, for instance, credited his membership and involvement with the WWF as playing a pivotal role in his life.[113] Signing up with the Cairns branch of the union in 1949, more than a decade before becoming president of FCAATSI in 1961, a key attraction for McGinness had been the collectivist principles of trade unionism. He would later recall being impressed by how members of the organised labour movement who were at risk of, or were experiencing, exploitation found solace and support in those around them: "the workers associated with a union could take their problems to the union, others outside could complain in vain. They cried in the wilderness."[114]

Although organisations such as FCAATSI had worked hard to bring into mainstream Australian society the acknowledgement that enhanced rights for Aboriginal people were long-overdue, Aboriginal people remained relatively isolated from the formal political process. Leaders from across the union movement were intent on helping rectify this in any way they could, duly sharing their organisational experience, as well as contact lists. Stan Davey, acknowledging the dynamic work of such unionists in expanding the Council's network of affiliates, observed in 1965:

---

[111] 'Four Aboriginal pupils get W.W.F. scholarships,' *Maritime Worker* (30 March 1966), 1, microform held at the State Library of Victoria.
[112] 'Scholarship winners: Aboriginal pupils progressing well,' *Maritime Worker* (31 August 1966), 1; 'Federation scholarships for Aborigines,' *Maritime Worker* (28 October 1966), 2, microform held at the State Library of Victoria; 'Fifth WWF scholarship,' *Maritime Worker* (7 July 1966), microform held at the State Library of Victoria.
[113] McGinness, *Son of Alyandabu*, xiii.
[114] *Ibid*, 34.

> due to assistance provided by the Sydney Trade Unions Aid Nomads Committee … [FCAATSI] was able to make contacts as far north as Port Hedland while visiting Western Australia. As a result … the WA Trades and Labour Council has now affiliated.[115]

Unions' success in helping build the social and political capital of Aboriginal campaigners, however, was not measured simply in such tangible terms as the number of affiliations and alliances with supportive groups. Of significantly greater import was the enhancement of the Aboriginal activists' own capacity to mobilise. So valued was the relationship between the organised labour and Indigenous movements that McGinness expanded the horizons of the alliance even further, inviting union leaders from neighbouring Pacific nations – including representatives from the Fijian Mineworkers' Union and the Northern District Workers' Association in Papua New Guinea – to attend and speak at the 1967 FCAATSI Easter conference.[116] Identifiable in such actions, at least to some extent, is the internationalist outlook of SMU Moody had advocated.

Of course, it is important to note that while the expansion of such networks of solidarity played its role, political agitation and activity among Aboriginal people was not so much born out of exposure to unionist ideas and principles, as simply enhanced by it. A rich tradition of Aboriginal leadership and activism, after all, could be traced back to the actions of Aboriginal resistance fighters and community leaders in the colonial era.[117] Following Federation, numerous Aboriginal political and civil society organisations had been established, including the Aborigines Progressive Association, which instigated and commemorated the 'Day of Mourning and Protest' on Australia's sesquicentenary in 1938.[118] As Aboriginal people increasingly found employment in unionised industries, the practices and organisational skills inherent in trade unionism complemented their existing strategies and objectives. Accordingly, the knowledge and principles shared by non-Aboriginal union delegates at FCAATSI conferences in the 1960s had, in many cases, already been internalised by Aboriginal union members within the organisation. These included McGinness, his WWF compatriot, Chicka Dixon, and the North Australian Workers' Union's Sidney James Cook, who

---

[115] Stan Davey, *General Secretary's Report on 8th Annual FCAATSI Conference* (16-18 April 1965), UQFL199, Box 30, Fryer Library, University of Qld.

[116] Letter from Joe McGinness to S. Waqanivavavalagi (20 January 1967), MS3718, Series 1, Folder 4, AIATSIS Archives; Letter from Joe McGinness to Paulus Arak (20 January 1967), MS3718, Series 1, Folder 4, AIATSIS Archives.

[117] Bain Attwood and Andrew Markus, *The Struggle for Aboriginal Rights: A Documentary History* (Crows Nest: Allen & Unwin, 1999), 30.

[118] *Ibid*, 58-64. See also several works by John Maynard, including: ''In the interests of our people': The influence of Garveyism on the rise of Australian Aboriginal political activism,' *Aboriginal History* 29 (2005): 1-22; 'Vision, voice and influence: The rise of the Australian Aboriginal Progressive Association,' *Australian Historical Studies* 34 (2003): 91-105; 'Fred Maynard and the Australia Aboriginal Progressive Association,' *Journal of Aboriginal History* 21 (1999): 1-13.

made history as the first 'full-blood' Aboriginal to become a union organiser.[119] Aboriginal workers involved in the maritime industry became particularly politically conscious. Travelling from dock to dock across the continent not only reinforced the realisation that exploitation and inequalities were experienced by Aboriginals throughout the country; it also, crucially, afforded them direct exposure to how different local cohorts sought to strategically challenge, and at times overcome, such injustice.

Figure 3. Joe McGinness (centre) discusses the 'yes' vote campaign with Barrier Industrial Council spokesmen, J. P. Keenan (L) and J. Fitzpatrick (R), during McGinness's nationwide tour. *Barrier Daily Truth* (19 March 1967), page number unknown, MS3718, Series 21, Folder 4a, AIATSIS Archives.

Reflecting the reciprocal nature of such relationships, non-Aboriginal unionists made similar connections. Returning from having been a delegate at the FCAA conference in March 1964, the BWIU's Ron Hancock emphasised to his Queensland secretary the ongoing importance of their union's cooperation and sharing of relevant skills. In summarising, Hancock noted: "the most important aspect of the developments here is the increasing activity of the Aboriginal people in setting up their own organisations."[120] The following year, the BWIU delegate's report reiterated this observation, noting the progress made in under a decade: "it is of interest to note that at the first Federal Conference two Aboriginals only attended – this, the eighth, seventy attended, which

[119] 'Colorful life of Aust.'s first Aboriginal organiser,' *Sunday Mail* (16 January 1965); 'N.T. Aborigine makes trade union history,' *Canberra Times* (12 January 1965), 7.
[120] Letter from Ron Hancock to Alex Macdonald (21 August 1964), UQFL199, Box 30, Fryer Library, University of Qld.

reflects the emergence of the people themselves from placidity to one of struggle around their own demands."[121]

Union leaders also made it a priority to keep each other abreast of developments in Aboriginal affairs, often along industry-specific lines. In doing so, they defied denigration of union support as opportunistic and hollow, as reflected in author Frank Hardy's critique of: "the propensity of the Left to take up every issue likely to embarrass the established order, as a reflex action without feeling or depth … [robbing] the movement of … moral fibre."[122]

In fact, many officials were passionate and enthusiastic about remaining knowledgeable and up-to-date as to the plight of their fellow Australians. It would be wholly unfair to characterise union backing as some sort of tokenistic or opportunistic afterthought, as Hardy would imply. As these instances demonstrated, the solidarity extended by the labour movement was often the result of an informed, considered process, drawing on an educated appreciation of specific local incidents and developments. Awareness of Aboriginal matters was, indeed, achieved not only following direct prompts from allies in Aboriginal-focused organisations, but also from comrades within the labour movement.

An illustration of this can be seen in the flow of correspondence between the office of Alex Macdonald, secretary of the Queensland Trades and Labour Council (QTLC) and a member of the CPA's central committee since 1937, and those of fellow union officials from across the land.[123] On the topic of Aboriginal education, for example, Lancaster advised Macdonald in December 1964 of an academic study and survey on the state of the system in Queensland.[124] Such information sharing went both ways, the NSWTF official having earlier received from Macdonald copies of a QTLC report into wages among Aboriginal workers in Queensland, for distribution amongst his executive in Sydney.[125] On another occasion, Macdonald had learnt the details of recently-passed changes to Aboriginal welfare legislation in South Australia, from the Boilermakers' secretary in Adelaide, J.

[121] Building Workers' Industrial Union, *Report of 1965 FCAA Federal Conference* (23 April 1965), UQFL199, Box 30, Fryer Library, University of Qld.
[122] Frank Hardy, cited in 'Writers put the case for coloured minorities here and in America: Our race problem dates back to 1788,' *Canberra Times* (20 July 1968), 13.
[123] Cecily Cameron and Greg Mallory, 'Macdonald, Alexander (Alex) (1910-1969), *Australian Dictionary of Biography*, National Centre of Biography, ANU, accessed online at http://adb.anu.edu.au/biography/macdonald-alexander-alex-10925/text19409.
[124] Letter from I. G. Lancaster to Alex Macdonald (9 December 1964), UQFL118, Box 170, Fryer Library, University of Qld.
[125] Letter from Alex Macdonald to I. G. Lancaster (14 October 1964), UQFL118, Box 170, Fryer Library, University of Qld.

Convery.[126] Following media reports of a hotelier banning entry and service to Aboriginal people, the acting secretary of the Queensland branch of the Postal Workers' Union of Australia wrote seeking QTLC endorsement of a resolution banning the delivery of mail to any such establishment.[127] Accusations of police brutality at Mareeba and outbreaks of dysentery caused by squalid conditions at the Aboriginal reserves of Chillagoe, Lockhart River and Palm Island, were further matters discussed by the QTLC secretary with office-bearers in the union movement.[128] Leveraging his position and influence, Macdonald applied considerable pressure on relevant ministers and authorities in addressing such problems as they arose.[129] The sustained level of interest in Aboriginal affairs reflected in such correspondence saw Macdonald, and by extension the Queensland labour movement, receive considerable praise.[130] Jim Tan, the vice president of the University of Queensland's student union, for example, favourably compared the QTLC's activity to that of many of his compatriots in the lecture halls of Australia, expressing: "great admiration for the courageous, foresighted and humanitarian step your union is taking in demanding equal material status for the Australian Aborigines. I am not ashamed to say that … you're more advanced than some of the students' unions."[131]

However, it is important to note that such acclaim for the QTLC's contributions – and indeed those of all union bodies involved in the cause – should not mask the fact that conditions for Aboriginal people remained poor, even after the 1967 referendum. For instance, largely because it had not been until the late 1950s that most states permitted Aboriginal children to enter the public schooling

[126] Letter from J. Convery to Alex Macdonald (23 January 1963), UQFL118, Box 170, Fryer Library, University of Qld.
[127] Letter from Acting Secretary of Queensland branch of Postal Workers' Union of Australia to Alex Macdonald (27 July 1962), UQFL118, Box 170, Fryer Library, University of Qld.
[128] Letter from C. N. Dyer to Alex Macdonald (30 April 1962); Letter from Joe McGinness to Alex Macdonald (29 April 1962), UQFL118, Box 170, Fryer Library, University of Qld; Letter from Kath Walker to Alex Macdonald (15 March 1963), UQFL118, Box 170, Fryer Library, University of Qld.
[129] See, for example, Letter from Alex Macdonald to the Queensland Commissioner for Police, F. E. Bischoff (11 May 1962); Letter from Alex Macdonald to Secretary of the Queensland Branch of the ALP, J. Donald (11 May 1962); Letter from Alex Macdonald to Queensland Minister for Education, J. Pizzey (11 May 1962); Letter from Alex Macdonald to Queensland Minister for Health and Home Affairs, H.W. Noble (21 January 1963). UQFL118, Box 170, Fryer Library, University of Qld.
[130] An illustration of the level of support for QTLC's work in Aboriginal affairs from affiliated unions can be seen in the overwhelming response to an appeal for finances for the labour council's delegation to an FCAA meeting in 1962. Donations were sent in from the Queensland or Brisbane branches of the following unions: the Builders' Labourers' Federation (2 May 1962); the Building Workers' Industrial Union (18 April 1962); the Metropolitan Fire Brigade Officers' Association Union of Employees (16 April 1962); the Queensland Plasterers Union (10 April 1962); the Australian Tramway and Motor Omnibus Employees Association of Australia (4 April 1962); the Hospital Employees Union (4 April 1962); the Australian Railways Union (2 April 1962); and the Federated Ship Painters and Dockers Union of Australia (23 March 1962). UQFL118, Box 170, Fryer Library, University of Qld.
[131] Letter from Jim Tan to Alex Macdonald (5 October 1964), UQFL118, Box 170, Fryer Library, University of Qld.

system, significant gaps in educational attainment between Aboriginal and non-Aboriginal children would not begin to abate until decades later.[132] Moreover, although the passage of the referendum afforded the Commonwealth the ability to develop policies aimed solely at supporting Aboriginal members of the community, government spending in such areas remained as low as less than 0.2 per cent of total expenditure in 1969/70.[133] Despite moves towards equal pay for Aboriginal workers in the late 1960s, the *Henderson Report* (discussed in the Introduction to this thesis) would find that in the mid-1970s between half and three-quarters of Aboriginal residents in Brisbane, Adelaide and Perth were living on incomes less than 20 per cent above the poverty line.[134] So, while not meaning to downplay the important gains made by the NSWTF, the WWF, and other elements in the organised labour movement, it is clear that the struggle for 'equal material status,' as Tan had put it, was far from won in the 1960s.[135]

There was, also, a paradox in terms of unions' influence – particularly involving those ideologically linked to Communism. On the one hand, FCAATSI and other Aboriginal organisations certainly benefitted from the professional expertise and network-building elements of the relationship with organised labour. At the same time, though, there was a risk that the unprecedented levels of sympathy for the plight of Aboriginal people in broader Australian society could be undermined by any perceptible "links with the extreme left [which] could be more of a liability than an asset."[136] Indeed, despite growing community consensus around the need for equality for Aboriginal people, the suspicions of the security apparatus that organisations such as FCAATSI were fronts for the CPA did not abate. As has been shown, within Communist circles the international angle of the Aboriginal issue had been adapted: it was not so much a question of 'how does the rest of the world see Australia?' as 'how can the exploited of the world join forces against their exploiters?' As such, according to the Australian Security Intelligence Organisation (ASIO) in 1962, Communist supporters

[132] Gary Partington and Quentin Beresford, 'The context of Aboriginal education,' in Quentin Beresford, Gary Partington and Graeme Gower, eds., *Reform and Resistance in Aboriginal Education* (Crawley: UWA Publishing, 2012), 35.
[133] Parliament of Australia Library, 'Commonwealth Indigenous-specific expenditure 1968-2012' (28 September 2012).
[134] Jon Altman and Boyd Hunter, 'Indigenous poverty,' in Ruth Fincher and John Nieuwenhuysen, eds., *Australian Poverty: Now and Then* (Melbourne: Melbourne University Press, 1998), 240.
[135] Indeed, as a recent review by the United Nations into the experiences of Aboriginal Australians found, even at the time of writing such an achievement could not be said to have yet occurred. United Nations High Commissioner for Human Rights, 'End of mission statement by the United Nations Special Rapporteur on the rights of indigenous peoples, Victoria Tauli-Corpuz on her visit to Australia, 20 March to 3 April 2017,' accessed online at https://un.org.au/2017/04/03/end-of-mission-press-conference-and-end-of-mission-statement-by-the-un-special-rapporteur-on-the-rights-of-indigenous-peoples-victoria-tauli-corpuz-on-her-visit-to-australia/.
[136] Markus, 'Talka Longa Mouth,' 154.

of the cause portrayed Aboriginal people as "oppressed colonial peoples ready to be organised."[137] The CPA, through its influence in philosophically-aligned trade union leaderships, envisaged its goal as Aboriginal self-autonomy; at stark odds with the official government policy of assimilation.[138] Such a situation led to internal government concerns that "any agitation by or on behalf of Aborigines was Communist-inspired and therefore subversive."[139]

Aboriginal bodies were not only acutely aware of these suggestions, but recognised the need to assure their other allies – presumably those from the church groups, but also more moderate unionists – of their inaccuracies. In an FCAA memo sent to affiliates and executive members in 1963, for example, the Council addressed what they saw as the "McCarthyism threat" by confirming "[our] plans are Aboriginal oriented [only] and not subject to the directions or influence of any political party."[140] Attempting to put a line under the matter, the memorandum bluntly advised that "accusations … [of the Council having] a 'clear majority' of Communist or Communist influenced delegates are utter nonsense."[141]

The demonisation of such progressive organisations – by labelling them as existential threats to the very fabric of Australian public life – was far from unusual in the climate of the Cold War. Speaking to Parliament in 1950, ahead of his failed bid to ban the CPA, Prime Minister Menzies claimed the anti-nuclear peace movement constituted a Soviet conspiracy "to prevent or impair defence preparation in the democracies."[142] More than a decade and a half later, while making such a public connection between Communism and Aboriginal rights would have been political suicide given the prevailing

[137] Australian Security and Intelligence Organisation, 'Aborigines: Summary of Communist Party of Australia Policy and Action' (November 1962), cited in Jennifer Clark, ''The wind of change' in Australia: Aborigines and the international politics of race,' *The International History Review* 20 (1998): 101.
[138] The objective of the official policy of assimilation, as outlined in 1963 by the Federal Minister for Territories, Paul Hasluck, was to see "Aborigines and part-Aborigines … attain the same manner of living as other Australians and live as members of a single Australian community enjoying the same rights and privileges, accepting the same responsibilities, observing the same customs and influenced by the same beliefs, as other Australians." For advocates of Aboriginal autonomy or self-determination, such aims were fatally misdirected. Despite the disparate nature of the many dozens of different Aboriginal nations that persisted since the pre-colonial era, "one of the few things Aborigines held in common was a determination to maintain a distinctive racial and social existence within the Australian community, salvaging what was left of ancient traditions and building on their foundation a culture which would preserve for them a separate identity as Aboriginal Australians." Paul Hasluck, *Statement of Policy presented in statement by leave on welfare of Aborigines*, House of Representatives Hansard (14 August 1963); Herbert Cole Coombs, *Aboriginal Autonomy: Issues and Strategies*, Diane Smith, ed. (Cambridge: Cambridge University Press, 1994), 172.
[139] Clark, 'The wind of change,' 101.
[140] Federal Council for the Advancement of Aboriginals, *Memorandum to affiliates and executive members* (29 July 1963), UQFL118, Box 170, Fryer Library, University of Qld.
[141] *Ibid*.
[142] Robert Menzies, *Communist Party Dissolution Bill 1950*, Commonwealth Parliamentary Debates (11 November 1965), House of Representatives.

sentiment in the community, monitoring of participants was nonetheless maintained.[143] Speaking in 2016, Bob Anderson, an Aboriginal organiser for the BWIU in the 1960s, recalled undertaking a survey of residents of Brisbane with the Queensland Council for the Advancement of Aborigines and Torres Strait Islanders:

> I was in a tram stop in Queen Street … [explaining to] people [how] the Australian Constitution could tell you how many goats, sheep and cattle we've got, but it can't tell you how many Aborigines … my question is do you think Aboriginal people should be included? … well, there was a mixed response, mostly favourable towards it, but what was interesting too was that there were two men from the political police, the Special Branch, that were standing close to where I was, listening to what I was saying, so you were under surveillance all the time for anything that was political.[144]

Anderson's story – one of a committed, passionate trade unionist and a proud Nughi man of the Quandamooka nation (on Minjerribah; also known as North Stradbroke Island) – typifies the connection and camaraderie between the two movements. Having entered the carpentry trade as an apprentice at fifteen years of age, he promptly joined the BWIU, following in the footsteps of his maternal uncle, an organiser with the Federated Liquor and Allied Industries Employees' Union in the mid-1930s. Even before adolescence, Anderson's early years had been shaped by progressive working-class politics, recalling how "at voting time, I'd go into the polling booths and wander around and collect all the anti-Labor how-to-vote cards and tear them up." [145] Like Joe McGinness, Anderson felt a calling to unionist principles and became accordingly respected by his peers, elected as a delegate to both the Brisbane sub-branch committee of the BWIU and the QTLC. Despite needing to navigate the inconveniences of getting to them on public transport, he was soon "attending six trade union meetings a month – every Tuesday and every second Wednesday."[146]

Praising the commitment of unionists such as Macdonald, Lancaster, and Hancock to Aboriginal affairs, Anderson emphasised the depth and substance of such support. In particular, he recalled how care was taken by such leaders not to come across as "do-gooders" simply out to score cheap political or moral points. As Anderson put it, "they were always cautious to wait for a response

[143] Faith Bandler later recalled an incident in which the Lord Mayor of Sydney, Harry Jensen, wary of the rumours of Communist infiltration of the Aboriginal movement, fabricated an excuse to not make an appearance at a town hall meeting on the petition issue. She also recounted: "our telephones were tapped; our letters were opened." Faith Bandler, cited in Terry Townsend, *The Aboriginal Struggle and the Left* (Chippendale: Resistance Books, 2009), 48.
[144] Anderson, interview.
[145] *Ibid*.
[146] *Ibid*.

about what Aboriginal people were thinking."[147] Such a recollection reflected an acknowledgement on the part of these union actors that Aboriginal voice should be prominent. Non-Aboriginal allies' contributions to the broader movement, or indeed specific localised campaigns or actions, were typically in response to Aboriginal leadership.

Anderson witnessed first-hand how the labour movement's dedication to their struggle was appreciated in the Aboriginal community. Visiting the settlement of Cherbourg in south eastern Queensland as an organiser for the BWIU, he was approached by several Aboriginal builders' labourers who expressed their strong desire to sign up. These workers were employed on the mission wage, significantly lower than the award rate covering their white colleagues.[148] Knowing this, Anderson suggested he might encourage his leadership to consider a reduced membership fee, but was abruptly stopped – the workers did not expect, or feel they should request, a concession, so keen were they to become part of a movement they understood to be of value to them both as workers and as Aboriginal people.[149]

Conclusion

As this chapter has detailed, the contribution of unions to Aboriginal campaigns of the 1960s, including the 1967 referendum, took various forms. Such activity included the provision of moral support and financial backing, as well as the lobbying of government and the offering of technical assistance. In addition, unions played a central role in raising awareness in the wider community of conditions faced by Aboriginal people – acknowledged (if too frequently tangentially) by historians of the referendum as instrumental in the overwhelming result of May 1967. While in some cases it was industrial matters around wages and conditions that attracted unionists to the Aboriginal movement, it would be myriad social and moral questions, such as around educational and living standards, which sustained and consolidated the various alliances born.

Among such unions, the NSW Teachers' Federation was perhaps closest to embodying the definition of social movement unionism. This assessment is justified by the union's political independence, and its level of dedication to broader societal issues, as reflected in the principles of the 'United Action' strategy during the period. Accordingly, the Federation's work in improving the education of Aboriginal children led to its unique status as the only top-tier affiliate of FCAATSI from within the

[147] *Ibid*.
[148] Missions were localised communities established by religious orders or denominations, providing housing and employment opportunities alongside pastoral education for Aboriginal people.
[149] Anderson, interview.

Australian labour movement. There is evidence too that this stance not only received active endorsement by the rank-and-file, but was at times directly driven by activism at that level. Again, this invokes a key SMU principle – internal structures that give a real voice to card-carrying members at all levels of the union. As I have detailed, this was exhibited in the successful and popular NSWTF fundraising drives, the raising with leadership of the unequal, inadequate conditions faced by Aboriginal students with whom such members worked and conversed on a daily basis, and the collection of petition signatures throughout the NSW school network.

As I have demonstrated, however, numerous other unions and labour councils made vital contributions to the Aboriginal rights movement during the early to mid-1960s. A common feature linking such alliances was a willingness on the part of those representing unions to commit fully to the cause – whether this involved lobbying parliamentarians on the wording of the referendum question, keeping up-to-date with Aboriginal affairs not simply within their own sector or the boundaries of their own state or territory, or contributing financially in innovative and long-lasting ways (such as through the provision of funding for educational scholarships or facilities). The combination of these characteristics, and in particular the sustained nature of the education-themed campaigns, lends weight to my suggestion that aspects of union support for the Aboriginal rights cause throughout the 1960s can be seen as an early embodiment of SMU in the Australian context.

*

In Part Two, my coverage of Australian union activism on non-industrial issues moves forward to a three-decade period beginning eight years after the 1967 referendum. Here, my attention turns to the labour movement's support for the independence struggle waged by the East Timorese between 1975 and 1999, and the difficult nation-building phase that followed. In addition to considering the presence of the principles of SMU in these actions, my historical narrative throughout Part Two serves to highlight a continuing heritage of Australian unionists' solidarity with the rights of Indigenous peoples: not only those in their own country, as I have examined in Part One, but similarly dispossessed and exploited societies abroad.[150]

[150] A commitment also exemplified by the union movement's opposition to the policy of apartheid in South Africa. Diane Kirkby and Dymtro Ostapenko, ''Second to none in the international fight': Australian seafarers internationalism and maritime unions against apartheid,' *Journal of Contemporary History* 54 (2019); Rowan Cahill, 'Internationalism and the Seamen's Union of Australia,' *Labour History Society of Australia* (February 1999), accessed online at http://asslh.org.au/hummer/vol-3-no-2/internationalism/.

Part Two

Solidarity with the East Timorese independence movement, 1975-2003

Chapter 2.

Introduction and literature review

Introduction

Timor-Leste is one of the world's newest nation-states, officially declaring its independence from Indonesian control on 20 May 2002. Between 1975 and 1999, under President Suharto, the Indonesian military kept the East Timorese people in a constant state of subservience and persecution – countered stoically and heroically by an internal resistance movement whose roots lay in the period immediately preceding the 1975 occupation.[1] With a land mass barely a quarter the size of Tasmania, Timor-Leste is a nation whose history has been shaped disproportionately by violence and despair. It has been, as one observer puts it, wracked by "levels of conflict, poverty, exploitation and … genocide which are exceptional, even in the context of the Third World."[2] Most crucial to the alleviation of these ills would be the unfailing commitment of the territory's guerrilla resistance fighters – outnumbered and outgunned by the Indonesian military, but never pushed into non-existence. A key element of the struggle towards independence, too, was the efforts of a dedicated global network of supporters, activists, and diplomats, who encouraged foreign governments to make moves that would ultimately lead to East Timor's freedom. One element of this transnational solidarity network was the Australian trade union movement. In Part Two, I examine for the first time in an expansive way Australian unionists' sustained and dedicated campaign of support for the people of East Timor, from 1975 to the early years of the twenty-first century.

Such assistance evolved in form. In early stages, beginning in the mid-1970s, it consisted of backing the right to self-determination as the East Timorese struggled first in a vacuum left by Portugal's withdrawal as colonial power, and then against Indonesia's opportunistic and violent occupation. As I explore in detail in Chapter 3, such measures included public awareness raising campaigns and calls on the Australian Government to intervene, as well as, at various times, industrial action targeting Indonesian interests in Australia. As independence neared, and was then achieved, focus shifted to the provision of practical, on-the-ground assistance. In addition to contributing to rebuilding efforts

[1] Throughout Part Two, the following name conventions are adhered to: 'East Timor' is used during the period up until 2002, from which point 'Timor-Leste,' the official name of the newly-independent state, is favoured.
[2] Stephen McCloskey, 'Introduction: East Timor – From European to Third World Colonialism,' in Paul Hainsworth and Stephen McCloskey, eds., *The East Timor Question: The Struggle for Independence from Indonesia* (London: I. B. Tauris & Co, 2000), 1.

after the violence that marked the 1999 independence referendum, Australian union actors played a key role in laying the groundwork for the growth of a trade union movement in the new nation. These union-building actions, in particular, saw Australian unionists directly target their assistance to those marginalised or disenfranchised amid broader attempts by the international community to develop Timor-Leste's governance and administrative framework. The multilateral state entity-driven mission tasked with developing the country's embryonic political culture – headed by the United Nations and implicating institutions such as the World Bank and the Asia Development Bank – has been criticised as constituting a form of "benign colonialism."[3] In this context, the contributions of unions and unionists can be understood as arguably a less conditional form of assistance than that provided by the international financial and diplomatic institutions. As I detail more fully in Chapter 4, these latter interventions were more transactional in nature: requiring, for instance, that the first leaders of independent Timor-Leste agree to macroeconomic reforms amenable to foreign capital.

Australian unions' extended campaign of support for, and activism on behalf of, the people of East Timor featured a number of key SMU principles. To its obvious internationalist outlook one can add active rank-and-file involvement and support, collaboration with social movement partners from within the local and international East Timor solidarity network, and a strategy of political independence, necessitated by the Australian Labor Party's (ALP) consistent acquiescence to Indonesian claims to the territory. To provide the reader with some contextual background, I begin, in Chapter 2, with a review of how the province of East Timor became the nation of Timor-Leste – and the ways in which scholars have interpreted these developments which spanned a timeframe of just over a quarter of a century. Chapters 3 and 4 then make an original contribution to this scholarship by detailing how elements of the Australian union movement played a key role in supporting East Timor throughout each of these stages.

*

There is a rich and comprehensive literature on the decades-long story of how Timor-Leste became an independent state in 2002; and the myriad challenges and opportunities presented by its subsequent nation-building phase. Historians, political analysts, cultural anthropologists,

[3] Damien Kingsbury, 'The UN's benign colonialism,' in *East Timor: The Price of Liberty* (New York: Palgrave Macmillan, 2009), 77-103.

constitutional law experts, and theorists of international relations, national security, and economic development and aid, have all written on the country during this period, approaching the topic in varying ways. Biographies and autobiographies also abound, reflecting a diverse group of actors based both within the country and in an international community of activists, supporters, and bureaucrats. This expansive literature is best summarised as centring on three distinct periods:

- the occupation of East Timor by Indonesia, following the withdrawal of its previous coloniser, Portugal (1975-1999);
- the independence referendum and the violent post-ballot retribution by Indonesian militia which led to an emergency United Nations peace-making operation (1999-2002); and
- the nation-building stage (2002 onwards).

Within this broad academic coverage, however, the role of foreign trade unions – let alone those from Timor-Leste's close neighbour, Australia – has been almost entirely absent. My purpose in summarising the extant literature over the following pages is two-fold: to understand how scholars before me have understood and contextualised the story of East Timorese independence; and to set the scene for my contributions in Chapters 3 and 4, in which I add into the historiography the vital, untold contributions of parts of the Australian labour movement.

Occupation, resistance, and international solidarity

For over four centuries, East Timor was one of the most distant territories in the Portuguese colonial empire, having been occupied by the Europeans in 1566. Loosely governed from another colonial outpost in Goa, Portuguese Timor (as it was known until 1975) developed a culture markedly different from its neighbour, West Timor, which had been influenced by Dutch colonisation.[4] Although the European powers differed in their philosophical approach to colonialism, their rule led to Christianity becoming the dominant religion among the population on both sides of the island: to this day, almost the entire population of East Timor is Catholic.[5] Seen by some as a relatively

[4] These cultural differences reflected the theological approaches of the Portuguese (Catholic) and Dutch (Protestant) colonisers. The Portuguese favoured an assimilationist policy – in which subjects were encouraged to take up the colonisers' language, social norms, and naming conventions. Inspired by notions dating back to the Protestant Reformation, the Dutch took a more integrationist stance: viewing themselves as a "people singled out by God to rule other, less enlightened humans," they thus discouraged widespread take-up of non-religious elements of their culture. Geoffrey Hull, 'East Timor and Indonesia: The cultural factors of incompatibility,' *Studies in Languages and Cultures of East Timor* 2 (1999): 58-59.

[5] Timor-Leste General Directorate of Statistics, 'Table 11. Population by religion, urban/rural location, Municipality and sex,' *Timor-Leste Population and Housing Census 2015*, accessed online at http://www.statistics.gov.tl/category/publications/census-publications/2015-census-publications/.

benevolent occupying force, it would become clear by the time Lisbon relinquished its hold on Portuguese Timor in 1974 that in fact little effort had been made to improve the living and material conditions of the territory's people, beyond provision of the bare basics.[6]

The catalyst for the end of Lisbon's colonial rule was Portugal's Carnation Revolution, a military-led coup on 25 April 1974 which overthrew the right-wing government of Marcelo Caetano, the heir to the 36-year rule of Antonio Salazar. Subsequent transition in Lisbon towards a more liberal administration resulted in the withdrawal of Portuguese forces from its colonies, effectively paving the way for independence in such regions, including East Timor. In the absence of a smooth handover of power to the local population, however, tensions arose as to the future of the territory. Revolution in Portugal had led to an end to the prohibition of political parties in East Timor. Newly-formed political organisations differed in opinion over whether the territory could stand on its own: APODETI (the Timorese Popular Democratic Association) pushed for incorporation into Indonesia; FRETILIN (the Revolutionary Front for an Independent East Timor) and UDT (the Timorese Democratic Union) argued, respectively, for full independence, and increasing self-autonomy under the withdrawing Portuguese. An alliance between FRETILIN and UDT to defeat APODETI was short-lived. Promulgated by Jakarta-based operatives intent on undermining any push for independence, UDT representatives acted on unfounded fears of FRETILIN's desire to introduce a Communist system of government.[7] With all three East Timorese political movements subsequently opposed to one another, a fierce civil war broke out. Approximately two and a half months later, the conflict was won by FRETILIN's military wing, FALINTIL (the Armed Forces for the National Liberation of East Timor), which duly declared independence on 28 November 1975. Yet, despite its failure to influence the outcome of the civil war through physical support for APODETI or political manipulation of UDT, Indonesia remained unwilling to allow a potential new territory to slip from its grasp. Orchestrated by leaders in the military, who had been given dual influence in Suharto's New Order regime as key actors in both the security and policy-making arenas, a ruthless invasion of East Timor commenced on 7 December 1975.[8]

There exist numerous accounts of these developments, and of the ensuing occupation which would not falter, nor be seriously challenged, until the very last months of the twentieth century. The Australian journalist Jill Jolliffe was in East Timor during the first stage of the occupation, and

[6] John Braithwaite, Hilary Charlesworth & Adérito Soares, 'A brief history of Timor,' in *Networked Governance of Freedom and Tyranny: Peace in Timor-Leste* (Canberra: ANU E Press, 2012), 10; Kingsbury, *The Price of Liberty*, 39-41.
[7] McCloskey, 'From European to Third World Colonialism,' 3.
[8] Carmel Budiardjo, 'The legacy of the Suharto dictatorship,' in Paul Hainsworth and Stephen McCloskey, eds., *The East Timor Question: The Struggle for Independence from Indonesia* (London: I. B. Tauris & Co, 2000), 53.

subsequently examined the events in *East Timor: Nationalism and Colonialism*.[9] In addition to the acclaimed *Balibo* and *Cover-up: The Inside Story of the Balibo Five*, both of which told the story of five Australia-based reporters killed in East Timor shortly before the Indonesian invasion, Jolliffe also recounted her efforts in tracking down and interviewing the elusive FALINTIL commander, Nino Konis Santana, in 1994.[10] Elsewhere, the historians Peter Carey and John G. Taylor, and the former Australian consul in Dili, James Dunn, trace the diplomatic and political developments linking the end of Portuguese colonisation of East Timor to the consolidation of Indonesia's annexation.[11] As part of a comparative study, the historian Awet Tewelde Weldemichael frames Indonesia's occupation as an example of a unique form of colonialism – domination by a developing world state (albeit one of the strongest in that category) of a far weaker neighbour.[12] Drawing on his experience as a security analyst with the Australian Army, the historian Clinton Fernandes' *The Independence of East Timor* provides a particularly detailed examination of the military strategies and actions employed by the various factions in East Timor and the occupying Indonesian army.[13]

Having subtitled his book *Multi-Dimensional Perspectives*, Fernandes broadens his scope to detail how an international network of activists strove to keep the plight of the East Timorese on the public's radar. He argues that such patronage, often appearing fruitless particularly throughout what he calls the "little known decade" of the 1980s, played a vital role – sustaining and complementing the enduring struggle of the internal FRETILIN/FALINTIL resistance in East Timor.[14] In the United States, influential early advocates included the investigative reporter Arnold Kohen, the linguist, philosopher, and prominent leftist, Noam Chomsky, and the political scientist and historian Benedict

---

[9] Jill Jolliffe, *East Timor: Nationalism and Colonialism* (St Lucia: University of Queensland Press, 1978).
[10] The precise events surrounding the killings of Australians Greg Shackleton and Tony Stewart, New Zealander Gary Cunningham, and Britons Brian Peters and Malcolm Rennie have never been officially determined. Based on evidence presented to it, the 2005 Commission for Reception, Truth and Reconciliation in East Timor concluded "there is considerable evidence that the attacking [Indonesian] force had prior knowledge of the presence of [the] journalists," contradicting official Indonesian claims that their deaths were a result of "crossfire or … an unfortunate side-effect of the Indonesian operation to take Balibo." Commission for Reception, Truth and Reconciliation in East Timor (CAVR), 'Unlawful killings and enforced disappearances,' in *Chega! Final Report of the CAVR* (2005), 33-34, accessed online at https://www.etan.org/etanpdf/2006/CAVR/07.2_Unlawful_Killings_and_Enforced_Disappearances.pdf; Jill Jolliffe, *Balibo* (Carlton North: Scribe Publications, 2009); Jill Jolliffe, *Cover-up: The Inside Story of the Balibo Five* (Melbourne: Scribe Publications, 2001); Jill Jolliffe, *Finding Santana* (Kent Town: Wakefield Press, 2010).
[11] Peter Carey, with photographs by Steve Cox, *Generation of Resistance: East Timor* (London: Cassell, 1995); John G. Taylor, *The Indonesian Occupation of East Timor, 1974-1989. A Chronology* (London: Catholic Institute for International Relations, 1990); John G. Taylor, *Indonesia's Forgotten War: The Hidden History of East Timor* (London: Zed Books, 1991); James Dunn, *Timor: A People Betrayed* (Milton: The Jacaranda Press, 1983).
[12] Awet Tewelde Weldemichael, *Third World Colonialism and Strategies of Liberation: Eritrea and East Timor Compared* (Cambridge: Cambridge University Press, 2013).
[13] Clinton Fernandes, *The Independence of East Timor. Multi-dimensional Perspectives – Occupation, Resistance, and International Political Activism* (Eastbourne: Sussex Academic Press, 2011).
[14] Fernandes, *The Independence of East Timor*, 63-86.

Anderson, who wrote extensively on the origins of nationalism and South-East Asian (including Indonesian) politics. Also included by Fernandes is brief coverage of solidarity networks in Ireland, Germany, Portugal, and Australia.[15] José Ramos-Horta, appointed Foreign Minister in the failed November 1975 declaration of independence before being stranded in New York on an ambassadorial visit to the United Nations when the invasion began, provided a direct link to the developments in the region. Ramos-Horta's memoir, written before he shared the 1996 Nobel Peace Prize with East Timorese bishop, Carlos Ximenes Belo, detailed his time spent educating and collaborating with international activists, supporters, and diplomats.[16] This "complex, partially integrated network" of activists within and outside East Timor is the focus of an illuminating chapter in a book by the development and labour scholar John Braithwaite, international law scholar Hilary Charlesworth, and Adérito Soares, a member of Timor-Leste's Constituent Assembly between 2001 and 2002.[17] In a book exploring various cases of transnational activism, the historian Hannah Loney presents the story of Isabel (Bella) Antonia da Costa Galhos. Promoting the cause of East Timorese independence throughout the 1990s, Bella Galhos spoke at numerous international conferences and summits about the experience of her people under Indonesian rule.[18] Elsewhere, an article by the political scientist James Goodman examines the relationship between non-East Timorese supporters and the East Timorese diaspora in Australia,[19] while in *Momentum and the East Timor Independence Movement*, the communications scholar Shane Gunderson builds on Fernandes' earlier work, delving deeper into the United States-based web of activists for the East Timor cause through interviews with twenty contributors, including Kohen, Chomsky, and Anderson.[20]

Yet, although trade unions from numerous nations aligned with and participated in these networks, the aforementioned studies have been silent on their contributions. This is an omission I set out to rectify in Chapter 3. Such interventions, I will argue, can be understood as aligning with SMU principles in several ways. The connections and coalitions in which unionists participated were incredibly diverse, spanning not just global borders but, perhaps more profoundly, transcending class-based lines as well. As I will demonstrate, such campaigns brought together militant unions (as well as those of a less radical bent) with more traditional institutions – the Western Catholic church,

[15] *Ibid*, 93-100.
[16] José Ramos-Horta, *Funu. The Unfinished Saga of East Timor* (Trenton: Red Sea Press, 1987).
[17] Braithwaite *et al*, 'Networked solidarity, international and clandestine,' in *Peace in Timor-Leste*, 61-78.
[18] Hannah Loney, 'Speaking out for justice: Bella Galhos and the international campaign for the independence of East Timor,' in Stefan Berger and Sean Scalmer, eds., *The Transnational Activist: Transformations and Comparisons from the Anglo-World since the Nineteenth Century* (Cham: Palgrave Macmillan, 2018), 193-226.
[19] James Goodman, 'Marginalisation and empowerment: East Timorese diaspora politics in Australia,' *Communal/Plural* 8 (2000): 25-46.
[20] Shane Gunderson, *Momentum and the East Timor Independence Movement: The Origins of America's Debate on East Timor* (Lanham Lexington Books: e-book edition, 2015).

for example, or the armed forces. In so doing, these actions clearly invoked Sian Moore's formulation of SMU as the development of coalitions shaped by forces "beyond sectional consciousness."[21] Further, engagement with the East Timorese solidarity movement was – for some unions – not only the direct result of, but also very much maintained and consolidated by, rank-and-file activism.

The international alliance of campaigners, journalists, and supporters continually aimed to challenge and shame the *realpolitik* stances of many Western governments, who they accused of excusing and appeasing Indonesia's actions in East Timor. The tacit ongoing support for Suharto's regime stemmed from wider Cold War-era considerations. Under Suharto's predecessor, Sukarno, the Communist Party of Indonesia (PKI) had enjoyed considerable political influence. After coming to power following a military-led coup, Suharto clinically liquidated the PKI in a brutal series of massacres between 1965 and 1966.[22] Accordingly, Suharto's Indonesia was viewed as welcome relief in an unstable region. Adopting neoliberal economic reforms amenable to institutions such as the World Bank and the International Monetary Fund, Suharto had transformed the country into a bulwark of acceptable political and financial philosophy for the Western powers. In this light, the importance of preserving a comfortable alliance with Indonesia came to outweigh any risks associated with meddling in its domestic affairs, no matter how uncomfortable the reports from East Timor from the likes of Jolliffe or the Australian expatriate journalist, John Pilger.[23]

Nowhere was this more the case than in Canberra. During the tumultuous period of 1974-1975 – which saw Portugal's withdrawal, the civil war between the three East Timorese political factions, and the Indonesian invasion – Australia's prime minister was Labor's Gough Whitlam. Graham Freudenberg, Whitlam's speechwriter, later recalled the prime minister wrestling with the importance of publicly appearing to promote some form of self-determination, while at the same time being firmly of the private view that the issue of East Timor should not undermine an increasingly strong relationship between Australia and Indonesia.[24] Such concerns were shared by subsequent Australian leaders, including the Liberals' Malcolm Fraser and Labor's Bob Hawke,

---

[21] Sian Moore, *New Trade Union Activism: Class Consciousness or Social Identity* (Basingstoke: Palgrave Macmillan, 2011), 166.

[22] An analyst for the CIA in the 1960s, Helen-Louise Hunter, would later put Suharto's elimination of the PKI into stark perspective, claiming they "rank as one of the worst mass murders of the twentieth century, along with the Soviet purges of the 1930s, the Nazi mass murders during the Second World War, and the Maoist bloodbath of the early 1950s." Helen-Louise Hunter, *Sukarno and the Indonesian Coup: The Untold Story* (Westport: Praeger Security International, 2007), xi.

[23] For examples of Pilger's work, see 'Land of the dead: Journey to East Timor,' *The Nation* 258 (1994): 550-553; and 'East Timor – A lesson in why the poorest threaten the powerful,' *New Statesman* 141 (1996): 18.

[24] Graham Freudenberg, 'The Timor Gap,' in *A Certain Grandeur: Gough Whitlam's Life in Politics* (Melbourne: Penguin, 2009), 417-449.

though motivated by different factors. Key for Whitlam was what Suharto – the economic liberalist and overseer of the end of PKI influence – represented in a region susceptible to the spread of Communism. By the time Paul Keating entered the prime ministerial residence at Kirribilli House in 1991, although national security still played its part, an equally important issue was one of economics. In the author and speechwriter Don Watson's lauded insider's account, *Recollections of a Bleeding Heart*, East Timor was portrayed as never more than a footnote in Keating's mind, despite the underlying disquiet among some colleagues or in the wider community. To Keating, the overriding benefit to Australia of Indonesia's economic modernisation and global outlook since the 1970s was obvious:

> Whatever offence it gave to Western notions of democracy and civil rights … [Keating] would say two things about Indonesia that no other prime minister had: that Suharto's new order had brought profound benefits to Australia, and that no country was more important to Australia than Indonesia … Australia would not look at Indonesia 'through the prism of East Timor.'[25]

However, as the journalist Troy Bramston reveals in his 2016 biography of Keating, the affection for Suharto was far from universally endorsed within the ALP. Even Gareth Evans, who himself attracted criticism from activists for statements on East Timor as foreign minister under both Bob Hawke and Keating, recalled: "I always thought Keating overdid it a bit in his enthusiasm for Suharto. I was prepared to accept the *realpolitik* … but I hated Suharto for East Timor."[26] Similar concern was shared by Carmen Lawrence, the Labor premier of Western Australia between 1990 and 1993 before entering federal politics and becoming a minister in Keating's government, who, looking back, noted that "there is a real reluctance to speak truth to power when that power has some benefit to us."[27]

As I expand upon in Chapter 3, tensions within Labor's parliamentary wing on the East Timor question reflected a deep division, more broadly, between the party's rank-and-file membership and political representatives. Indeed, for many members (and leaders) of both ALP-aligned and politically independent unions, opposition to the party's stance on Indonesia during these years would lead to disillusionment with the party supposedly representing the progressive side of Australia's two-party political system; a situation of which the Australian Greens would take political advantage. Such developments, I will contend, invoked the 'political independence' principle of SMU.

---

[25] Don Watson, *Recollections of a Bleeding Heart. A Portrait of Paul Keating PM* (North Sydney: Random House, 2011), 166-167.
[26] Gareth Evans, cited in Troy Bramston, *Paul Keating: The Big Picture Leader* (Brunswick: Scribe, 2016), 565.
[27] Carmen Lawrence, cited in *Ibid*, 565.

By the time of Keating's prime ministership, and further into the 1990s, events had conspired to make East Timor a bigger issue than he would have desired. A massacre of East Timorese protesters in Dili in late-1991, Ramos-Horta's 1996 Nobel Peace Prize, and the uncovering of revelations on the Indonesian military's involvement in the murder of the Balibo Five, were all significant. Something even more momentous, though, was brewing.

Referendum and the post-ballot emergency

Contrasted with the previous 23-year period, the final year and a half of the 1990s represented a momentous shift in fortunes for the people of East Timor. Yet, indicative of the territory's position of subservience to Indonesia since 1975, it was developments in Jakarta – not within East Timor itself – that finally precipitated the first concrete steps towards independence.

The resignation of President Suharto in mid-1998 heralded the rise to power of his deputy, BJ Habibie. The stepping-down had come after Suharto was subjected to intense internal pressure within Indonesia over his inability to respond to the 1997 Asian economic crisis. Driven by the drastic devaluation of the rupiah, public demonstrations across the country had compounded broader calls for the transformation or dismantling of the New Order regime. The *Reformasi* movement, initially led by university students, had begun agitating for democratic reform in Indonesia in mid-1996. As the economist and historian Kevin O'Rourke argues in his investigation of the role of the *Reformasi* in Indonesia's political transition between 1996 and 2001, Suharto's demise can be traced back to the manner in which he dealt with these daily protests. Rather than engaging in discussions or listening to grievances, he chose to crack down with violence, repression, and arrests.[28] As the economic crisis hit, the ranks of the *Reformasi* swelled. Broader swathes of the Indonesian population adopted calls for change, amid rumours that internal government corruption had ruined the country's ability to recover. Utterly delegitimised by his continued mobilisation of the military in attempting to quell the unrest, Suharto finally succumbed on 21 May 1998.

In Suharto's final years in office, diplomatic visits abroad had been met with protests against Indonesia's actions in East Timor.[29] The international network of solidarity activists, alongside East Timorese leaders in exile, had tirelessly ensured that wherever Suharto, or his foreign minister, Ali Alatas, went, they would be reminded that the world was watching. It was clear to Habibie, a

[28] Kevin O'Rourke, *Reformasi: The Struggle for Power in Post-Soeharto Indonesia* (Crows Nest: Allen & Unwin, 2002).
[29] Fernandes, *The Independence of East Timor*, 162.

moderate reform-minded leader with weaker connections to the military than his predecessor, that change of some sort with respect to Indonesia's stance on East Timor had to occur. At first, grappling with the acute concern of securing legitimacy by making overtures to political openness without revealing any major weakness, Habibie considered granting the province a form of special autonomy. On paper, this approach represented a balance between accommodating the competing interests and tensions he faced both within Indonesia and East Timor. It would provide East Timor with democratic avenues to selected branches of the judiciary and executive (including appeal courts), thereby reducing the financial burden incurred by Indonesia of maintaining full administration of the territory. At the same time, the proposed framework would ensure that Indonesia retained control over key elements including defence, and economic and foreign policy. Moreover, the East Timorese would continue to be subject to Indonesian statutory law. By now, though, attitudes within East Timor, and amongst the diaspora of its resistance leaders, had become more self-assured. With the movement for change in Indonesia having toppled a leader who had reigned for 32 years, a pathway to full independence for East Timor was now seen as more realistic than ever.

Pressure from foreign powers also played a role. In Australia, a combination of the weight of decades of advocacy – including by parts of the union movement – and the new era of possibility opened up by Suharto's demise, had finally propelled the issue of East Timor into the mainstream. Public conscience was firmly in support of justice for the East Timorese. Compounding this sentiment, the Liberal-National coalition government of Prime Minister John Howard also had to contend with a fundamental change at the political level. As Fernandes has highlighted, no longer were both major parties in step when it came to prioritising Australia's relationship with Indonesia over the question of East Timorese self-determination.[30] Labor's new shadow foreign minister, Laurie Brereton, had initiated a reversal of the ALP's longstanding policy, actively advocating now for the right of the East Timorese to vote on their own future.[31] This both freed up, and applied pressure on, the government to end the bipartisan stance on East Timor shared by the Whitlam, Fraser, Hawke, and Keating governments. According to an adviser to the foreign minister, Alexander Downer, "public opinion probably ran at 90 per cent that Australia had done the wrong thing by East Timor."[32] Howard himself would later concur: "there was always latent sympathy in the Australian

[30] Fernandes, *The Independence of East Timor*, 164-188.
[31] Paul Kelly, 'East Timor,' in *The March of Patriots: The Struggle for Modern Australia* (Carlton: Melbourne University Press, 2009), 485.
[32] Greg Hunt, cited in *Ibid*, 488.

community towards East Timor, a rare combination of the right and the left, the old Diggers[33] and role of the Catholic church, which was strong."[34]

In a private letter Howard and Downer advised Habibie of this growing weight of public concern for the East Timorese, offering up several suggested options for how to proceed. Possibly in response to this correspondence, and certainly owing to his preoccupation with domestic dramas amid the handover of power from Suharto, the Indonesian president opted for the most dramatic course of action: on 27 January 1999, he announced the people of East Timor would be given the right to vote on their future.

This jolted the United Nations into action. The international body had, since 1976, affirmed the right of the East Timorese to self-determination, but had never fully acted on it beyond discussions – prompting one aid agency observer to dryly note after another round of talks in Portugal in January 1998: "The UN records of these meetings show 'reported progress.' Those being killed in the fields of East Timor must have felt grateful for all this mass debate."[35] Following tripartite negotiations on 5 May between the UN, Indonesia, and Portugal (as the previous colonial power that had never formally recognised Indonesia's occupation), it was announced that the referendum on the future of East Timor would be held in the latter part of 1999. The East Timorese would either accept Habibie's proposed special autonomy within Indonesia, or reject it – the latter option resulting in independence as a new nation.

Shortly after the discussions, the United Nations Security Council authorised, under Resolution 1246, the United Nations Advance Mission – East Timor (UNAMET). UNAMET's chief responsibility was to manage and oversee the election process. Despite the input of a highly proficient, multinational team of contributors, including a cohort from the Australian Electoral Commission, this was no small ask. Logistical challenges included the registration of voters both from within the territory's inhospitable interior, and amongst a globally dispersed diaspora. For UNAMET officials on the ground, more direct obstacles came in the form of the threat of ongoing violence. Prior to the ballot, pro-Indonesian militia in East Timor attempted to intimidate the population into voting to accept Habibie's proposal. Sporadic outbreaks of violence ensued, escalating both in ferocity and scale as

[33] A colloquial term for members of the Australian (and New Zealand) armed forces.
[34] John Howard, cited in Kelly, *The March of Patriots*, 489-490.
[35] Lansell Taudevin, *Half an Island, Twice a Nation* (Lansell Ronald Taudevin, 2009), 161.

the ballot approached.[36] By this point, as I explore in Chapter 3, members of numerous Australian unions were also in East Timor, contributing to the election process in varying ways.

On 30 August 1999, despite the unstable security environment, close to 99 per cent of the eligible population turned out to polling stations to vote.[37] The result, announced on 4 September, was a crushing blow for Jakarta and the pro-autonomy East Timorese: 78.5 per cent had voted for independence.[38]

Sure enough, fuelled by anger as news of the results filtered through, the militia-led violence intensified. Acknowledging that Indonesian control over the territory was nearing its end, pro-Indonesian forces instigated a campaign of rampant destruction, designed to cripple the new nation's infrastructure. Facing a barrage of attacks, the UNAMET officials were forced to flee, raising the ire of international supporters of East Timor who saw the evacuation as an abandonment of a people the UN had promised to support.[39] As I will detail, some Australian unionists – including two journalists who initially refused to leave, citing the need to continue monitoring and reporting on the situation – were among those who criticised the UN's decision. Reacting to the violence, the UN mandated a peacemaking force, to be headed by Australian Major General Peter Cosgrove and dominated by Australian personnel. The International Force for East Timor (INTERFET), not formally a UN peacemaking mission but organised in line with UN resolutions, was signed into action by UN Security Council Resolution 1264 on 15 September. Though it suffered from some initial episodes of disorganisation and under-preparedness, the INTERFET project was ultimately successful in meeting its objective of restoring peace to East Timor.[40] Having quelled the post-vote violence, INTERFET was formally disbanded in February 2000. Upon its withdrawal, responsibility for any remaining peacekeeping needs passed to the United Nations Transitional Administration in East Timor (UNTAET), which had in October 1999 begun the complex, and ultimately problematic, process of laying the groundwork for sustainable independent East Timorese governance.

---

[36] Scholars are divided on the question of the role played in this violence by the Indonesian army, the Tentara Nasional Indonesia (TNI). While some contend that the TNI attempted to play peacemaker, or at the very least had no ownership over the intimidation of the Timorese people, others point to evidence that TNI commanders actively engaged in the clandestine mobilisation of pro-Jakarta gangs and mercenaries. For conflicting views, see Michael G. Smith and Moreen Dee, *Peacekeeping in East Timor: The Path to Independence* (Boulder: Lynne Rienner Publishers, 2003), 43; Louise Byrne and Damien Kingsbury, 'East Timor 1: Witness to Struggle,' *Arena Magazine* 44 (December 1999 – January 2000): 26; Fernandes, *The Independence of East Timor*, 182.

[37] Fay Anderson and Richard Trembath, *Witnesses to War: The History of Australian Conflict Reporting* (Carlton: Melbourne University Publishing, 2011), 259.

[38] Fernandes, *The Independence of East Timor*, 189.

[39] Smith and Dee, *The Path to Independence*, 44-45.

[40] Fernandes, *The Independence of East Timor*, 199-207.

Independence and nation-building

As with the two phases before it, the period of transition linking the independence vote, the 2002 declaration of Timor-Leste's independence, and the nation-building stage in which the new country's governance and administrative functions were established, has been the subject of a whole wave of literature. In 2011, a cross-disciplinary study edited by the international development expert Vandra Harris and law and security scholar Andrew Goldsmith included chapters on the interplay between East Timorese culture and political institution-building, the development of the country's legal system and security services, and analyses of its economic and demographic situation.[41] Other studies have focused on the development of an electoral system and the preparation of Timor-Leste's constitutional framework, and the extent to which conditions have facilitated the growth of a much-needed civil society.[42]

The legacy of UNTAET, the vast international bureaucracy responsible for the development of a sustainable government for Timor-Leste, remains particularly contested. In its unique status as at once a post-colonial, post-conflict, and newly-independent state, Timor-Leste stands as a fascinating case study for the examination of the United Nations' operations across a number of areas. The UN's extensive involvement in the nation, and the significant human and physical resources committed, has seen Timor-Leste presented as a "success case."[43] The Personal Representative of the UN's Secretary General for East Timor during the referendum process, Jamsheed Marker, shared this view. In the opening pages of his memoir, Marker emphatically stated "East Timor *was* a success story."[44] Although writing in 2003 and acknowledging that "further examination" was needed to fully verify such an assessment, the former deputy commander of UNTAET's peacekeeping force, Michael Smith, and the diplomatic and military historian, Moreen Dee, asserted that "there can be no doubt

[41] Vandra Harris and Andrew Goldsmith, eds., *Security, Development and Nation-building in Timor-Leste: A Cross-sectoral Assessment* (New York: Routledge, 2011).
[42] Michael Leach and Damien Kingsbury, eds., *The Politics of Timor-Leste: Democratic Consolidation After Intervention* (Ithaca: Cornell Southeast Asia Program Publications, 2013); Joanne Wallis, *Constitution Making During State Building* (New York: NY Cambridge University Press, 2014); Dionisio da Costa Babo Soares, Michael Maley, James J. Fox & Anthony J. Regan, *Elections and Constitution Making in East Timor* (Canberra: Pandanus Books, 2003); Ann Wigglesworth, 'The growth of civil society in Timor-Leste: Three moments of activism,' *Journal of Contemporary Asia* 43 (2013): 51-74; Caroline Hughes, 'Poor people's politics in East Timor,' *Third World Quarterly* 36 (2015): 908-927; Andrew Harmer and Robert Frith, '"Walking together" toward independence? A civil society perspective on the United Nations Administration in East Timor, 1999-2002,' *Global Governance: A Review of Multilateralism and International Organizations* 15 (2009): 239-258.
[43] Anthony Goldstone, 'UNTAET with hindsight: The peculiarities of politics in an incomplete state,' *Global Governance* 10 (2004): 83.
[44] Jamsheed Marker, *East Timor: A Memoir of the Negotiations for Independence* (Jefferson: McFarland & Company Publishers, 2003), 7.

that sustainable economic and social institutions were developed in East Timor during UNTAET's interregnum."[45]

Yet, in more recent times, several have benefitted from hindsight to question these claims. The relative lack of engagement with local East Timorese traditions and culture, and internal tensions arising between different components of the UNTAET project, have ultimately undermined the achievement of some objectives, attracting a critical gaze from scholars. Some such analyses charge that the international community's efforts in developing Timor-Leste's governance framework were shaped by a faith in a one-size-fits-all Western liberal democratic system. For the international law scholar Anne Orford, this 'paternalistic' approach amounted to "a new form of colonialism" for a population that had already endured centuries of subservience – first to Portugal; then to its neighbour to the west, Indonesia.[46]

International relations scholar Selver B. Sahin has argued that such developments arose due to an existing consensus within the UN on what form of assistance should be provided to fragile states. Defined by the international security and governance expert Roland Paris as "liberal internationalism," UNTAET's mandate was shaped by prevailing policies of democratisation that "centre on the 'stateness' dimension of democratic governance, conceptualised in a mixture of organisational and functional terms."[47] For Sahin, it was this prioritisation of 'stateness' over 'nationness' which would create profound weaknesses in Timor-Leste's administration and governance once the UN handed over full control to the new leadership. This is a convincing contention. It is, after all, one thing to trust that the development of the pillars of statehood – institutions underpinning parliamentary democracy, an independent judicial system, a constitution, and so on – can lead to a sustainable government and a stable future. But it is quite another to expect that imposing such a framework on a weak, post-conflict state can truly have benefit without appreciating, and thoughtfully engaging with, the local cultures, rivalries, histories, and tensions that gave rise to such instability in the first place.

A salutary illustration of this argument was evident in the naïve approach driving UNTAET's formation of Timor-Leste's security forces. In an article outlining the weaknesses of the UN's mission more broadly, international relations scholar Ramon Blanco highlights how the "expeditious manner of incorporating former rival combatants on the police and the army generated a tension between

[45] Smith and Dee, *The Path to Independence*, 115.
[46] Anne Orford, *Reading Humanitarian Intervention: Human Rights and the Use of Force in International Law* (Cambridge: Cambridge University Press, 2003), 138.
[47] Roland Paris, 'Peacebuilding and the limits of liberal internationalism,' *International Security* 22 (1997): 54-89; Selver B. Sahin, 'Building the nation in Timor-Leste and its implications for the country's democratic development,' *Australian Journal of International Affairs* 65 (2011): 221.

the two."[48] Former FALINTIL soldiers, who felt they were owed a position due to their commitment to the decades-long guerrilla resistance, reacted bitterly to not being recruited. The FALINTIL veterans' resentment was heightened when they witnessed the mobilisation of those who, in their mind, had in fact long undermined the struggle for independence.[49] Deep divisions brewing within the new state's hastily-recruited security forces would culminate in the most damaging crisis since independence in mid-2006. After deserting their posts in protest against perceived discrimination by superiors, around 600 soldiers from the western part of the country (those traditionally less supportive of independence during the Indonesian occupation) attacked civilians from the eastern regions.[50] The subsequent sparking of a renewed sectional conflict would lead to the observation that "in the space of two months … [the country's] reputation had traversed the full spectrum between UN success story to failed state."[51]

While acknowledging the failures of the various UN missions in developing a sustainable, productive, and secure system of government in Timor-Leste, the political scientist Michael J. Butler makes a different diagnosis. Less to blame was any "manifestation of 'post-modern imperialism,'" whether intentional or otherwise.[52] Rather, Butler argues, Timor-Leste's ongoing dependence on the international bureaucratic projects was "an unintended outcome, borne of the disjuncture between the UN's expanded post-Cold War mandate and its incapacity to effectively deliver on the responsibilities attendant within that mandate."[53]

Addressing this 'incapacity' of state entities such as the multilateral UNTAET to achieve all that was required of them, others have argued the benefits of the deployment of a different group of actors. Invoking the critical modernist perspective of development, the sociologist Azlan Tajuddin suggests that it is international non-governmental organisations (INGOs) that offer the most potential for supporting the marginalised in the nation-building process. For critical modernists, the underlying values that drove state-led missions such as UNTAET – including the promotion of "internationally-accepted norms of equality and justice" – were not the problem, so much as the inherent model of

[48] Ramon Blanco, 'The UN peacebuilding process: An analysis of its shortcomings in Timor-Leste,' *Revista Brasileira de Política Internacional* 58 (2015): 51.
[49] *Ibid*, 51.
[50] *Ibid*.
[51] James Scambary, 'Anatomy of a conflict: The 2006-7 communal violence in East Timor,' in Vandra Harris and Andrew Goldsmith, eds., *Security, Development and Nation-building in Timor-Leste: A Cross-sectoral Assessment* (New York: Routledge, 2011), 59.
[52] Michael J. Butler, 'Ten years after: (Re) Assessing neo-trusteeship and UN state-building in Timor-Leste,' *International Studies Perspectives* 13 (2012): 85.
[53] Butler, '(Re) assessing neo-trusteeship,' 88.

Western neo-liberal capitalism that accompanied them.[54] As Tajuddin notes, "since the state is a function of elite power," any state-led initiative of peace-making or nation-building is already weighed towards advancing vested interests.[55] For INGOs who are able to resist becoming "complicit in the steering of development projects toward the neo-liberal agendas of their parent [state entity] sponsors" and, better still, can establish sustainable social movements with partner organisations, a more "ethically-driven development" becomes possible.[56] Key elements in such a strategy include enhancing grassroots democratic participation and teaching poor or marginalised citizens how to battle exploitation.

As such, the critical modernist approach to development has clear overlaps with the overarching theoretical framework in this thesis: social movement unionism. Proponents of, and participants in, SMU-inspired actions, after all, are motivated by the same principles of bottom-up, broad-based community unity. This is especially true of SMU campaigns with an internationalist outlook, where the conception of cross-border alliances is driven by mutual understandings of shared threats to actors' economic and emotional wellbeing. For Australian trade unionists and East Timorese workers negatively impacted by the macroeconomic forces imposed by the UN-led nation-building stage alike, the forces of capitalism itself could be seen as constituting this common foe. However, while Tajuddin's exploration of how the critical modernist approach to development might fit the recent experience of Timor-Leste centres on three separate areas, the input of foreign trade unions – or, for that matter, the development of Timor-Leste's own union movement – is not specifically examined.[57]

Indeed, beyond an article by the labour scholar Michele Ford and a chapter in journalist Dani Cooper's history of the ACTU's international development arm, scholarship on the part played by Australian unions in the story of Timor-Leste is extremely minimal. Ford's pioneering work, published as late as 2016, was the first examination of industrial relations in the country.[58] It highlights the challenges posed by Timor-Leste's new leaders in being urged, chiefly by the United States and the International Labour Organization (ILO), to develop an employment law framework while simultaneously building almost every other national institution. Ford then outlines the country's

[54] Azlan Tajuddin, 'Potentials for democratic development in Timor-Leste: A critical modernist perspective,' *Journal of Third World Studies* 33 (2016): 85.
[55] Tajuddin, 'A critical modernist perspective,' 85.
[56] *Ibid*, 86.
[57] The three areas of Tajuddin's analysis are the development of local governance, citizen-centred NGO partnerships, and social movement activism (a category that in Tajuddin's analysis does not appear to include trade union activism).
[58] Michele Ford, 'The making of industrial relations in Timor-Leste,' *Journal of Industrial Relations* 58 (2016): 243-257.

emerging trade union landscape, explaining the valuable assistance provided by the international labour movement in their establishment and ongoing support. One such benefactor was Union Aid Abroad – Australian People for Health, Education and Development Abroad (APHEDA). In *Livelihoods and Liberation Struggles*, Cooper traces the history of APHEDA, from development in 1984 as the international development agency of the ACTU through to the mid-2010s.[59] Amongst the regions to which APHEDA provided support was East Timor – the focus of one chapter in Cooper's book.

Though Ford and Cooper both refer to the role of Australian unionists in Timor-Leste's struggle for, and after, independence, I seek throughout the remainder of Part Two to detail more comprehensively the extent of such support over three decades. Indeed, while APHEDA's contribution from 1998 onwards was invaluable, there existed already a proud tradition within the Australian union movement of solidarity with the resistance movement in East Timor, dating back to the beginning of the period of Indonesian occupation. In addition to exploring the extent to which such actions may warrant identification as exemplars of SMU, my contributions in Chapters 3 and 4 will develop various aspects of the literature on East Timor/Timor-Leste reviewed throughout the previous pages. I will, for instance, place Australian unionists into the existing coverage of the solidarity network – both domestically and internationally. In particular, the interventions of union members on the ground during the tumultuous period either side of the independence vote have been, until now, unfairly neglected. In Chapter 4, I argue that the union-building contributions of two individual activists – Didge McDonald and Michael Killick – were pivotal in supporting East Timorese workers take a stand against exploitative foreign employers. Such contributions, I contend, constituted a clear example of SMU in its global form, as advocated for so eloquently by Kim Moody in *Workers in a Lean World*.

[59] Dani Cooper, *Livelihoods and Liberation Struggles: 30 Years of Australian Worker Solidarity* (Union Aid Abroad: e-book edition, 2015).

Chapter 3.

The Australian union campaign of solidarity, 1975-1999

The long campaign of Australian union support for the people of East Timor started in earnest in 1975, shortly after the withdrawal of the Portuguese. On 10 March of that year, as uncertainty grew over the territory's future, a delegation of concerned union officials travelled to Dili to assess the political environment.[1] Upon his return to Australia, the group's spokesperson, Newcastle Trades Hall Council secretary Keith Wilson, revealed apparent evidence of widespread support for FRETILIN and its stance on independence:

> [It] had to be seen to be believed. [FRETILIN] claimed that out of a total population of 650,000 they had 200,000 card-carrying members over the age of 18 years: that was a rather incredible statement at the time, but as the delegation travelled through the various villages over 10 days, these extraordinary figures were soon verified.[2]

There was almost certainly some exaggeration in these numbers – as the *Canberra Times* journalist Bruce Juddery noted, membership claims by UDT and APODETI were similarly "to be taken with a pinch of salt."[3] Nonetheless, the support for FRETILIN witnessed by the delegation inspired it to call on Prime Minister Gough Whitlam's government to "give its firm assurances that it will not tolerate so-called 'integration' [of East Timor] into Indonesia."[4] Increasing fears of the Suharto administration's motives in East Timor were shared by a large cross-section of Australian society. As early as February, church and aid groups joined unionists in Canberra to release a public statement in support of East Timorese self-determination.[5] Student groups were also signatories to this statement, ahead of the participation of the Australian Union of Students (AUS) in the March delegation. Representing the AUS in the solidarity trip would be Jill Jolliffe, who, as noted in Chapter 2, would go on to write numerous books on the territory's struggle for independence.[6] Peter Murphy, an AUS member at the time and later heavily involved in the East Timor solidarity movement in Sydney, recalled the topic of East Timorese independence being a key discussion point among fellow student unionists at the national conference of the AUS in January.[7] Unions'

[1] 'To check on Timor,' *Canberra Times* (11 March 1975), 11.
[2] 'Letters to the Editor: East Timor,' *Canberra Times* (16 June 1975), 2.
[3] 'Three parties vie for control. East Timor: Which way to turn?,' *Canberra Times* (18 April 1975), 2.
[4] 'Letters to the Editor: East Timor,' *Canberra Times* (16 June 1975), 2.
[5] 'Military action feared,' *Canberra Times* (24 February 1975), 7.
[6] 'Timor visit success,' *Tribune* (25 March 1975), 2.
[7] Peter Murphy, interviewed by author (1 February 2017), Sydney.

involvement in the broad-based February statement was an early portent of a diverse range of alliances and partnerships between organised labour and other elements of Australian and East Timorese civil society, over the succeeding three decades. I expand on several such developments – each of which bring to mind the key SMU characteristic of coalition-building with broader social movement campaigners – in both this chapter and in Chapter 4.

Following Indonesia's invasion and occupation, the mood turned sharply. In response to the full-scale annexation first launched by Jakarta on 7 December 1975, methods of diplomacy and advocacy gave way to outright industrial action. Leading the charge were maritime workers and dockworkers, continuing a proud tradition of international solidarity by Australian unions covering such sectors dating back to support for the Great London Dock Strike of 1889.[8] More recently, the SUA had played a central role in opposition to the Vietnam War and apartheid in South Africa, as well as banning shipments of wheat to Chile following Augusto Pinochet's 1973 military coup against the democratically-elected socialist president, Salvador Allende.[9] Just two days after the invasion of East Timor, dockworkers imposed bans on the loading and shipping of twelve Nomad aircrafts scheduled to be delivered to Indonesia.[10] They were joined by unionists at the other end of the manufacturing process: in Melbourne, rank-and-file members at the Government Aircraft Factory, where engine components for new jets destined for Indonesia were built, also downed tools.[11] Throughout Victoria and Queensland, meat exports to Indonesia were halted, while in Canberra, Jakarta's ambassador to Australia requested a heightened security presence, amid requests to the ACT (Australian Capital Territory) Trades and Labour Council by East Timor supporters to "declare a ban on the Indonesian embassy."[12]

To some, the unionists' threats and actions were not only misguided, but meddlesome. Presciently foreshadowing the subsequent decades of bipartisanship from both the Liberal-National Coalition and the Labor Party on the issue of East Timor, an economist at the Australian National University, and later the editor of the conservative magazine *Quadrant*, Heinz Arndt, reserved particularly direct words for what he saw as:

---

[8] Rowan Cahill, 'Internationalism and the Seamen's Union of Australia,' *Labour History Society of Australia* (February 1999), accessed online at http://asslh.org.au/hummer/vol-3-no-2/internationalism/.
[9] Diane Kirkby and Dymtro Ostapenko, ''Second to none in the international fight': Australian seafarers internationalism and maritime unions against apartheid,' *Journal of Contemporary History* 54 (2019): 442-464; Malcolm Saunders, 'The trade unions in Australia and opposition to Vietnam and conscription: 1965-73,' *Labour History* 43 (1982): 81-82; Cahill, 'Internationalism and the Seamen's Union'; 'ACTU lifts ban on Chile wheat,' *Age* (17 February 1977).
[10] 'Halt all military aid,' *Canberra Times* (10 December 1975), 7.
[11] *Ibid*.
[12] 'Trade union support,' *Tharunka* (17 March 1976), 13; 'Union ban sought,' *Canberra Times* (17 December 1976), 1.

> a campaign waged by an alliance of left-wing ideologues with a small band of misguided idealists … it would be grotesque and deplorable if any Australian Government allowed a handful of zealots inside and outside the trade union movement to make Timor the cause of a serious breach in Australia's relations with Indonesia.[13]

Indonesia's post-invasion strategy relied heavily on demoralising and weakening the East Timorese population. A famine exacerbated by Indonesia's ban on foreign humanitarian assistance and food aid would significantly contribute to an estimated thirty per cent of East Timor's population being killed by 1979.[14] Early on, as the famine conditions were being first recognised, Australian unions moved to respond quickly.

On 27 February 1976, the Peace and Solidarity Committee (PSC), representing some forty unions in Victoria, announced plans to provide direct humanitarian aid and support to FRETILIN.[15] Volunteers from the SUA were to staff a ship, to be financed through donations gathered at factory meetings across the country.[16] An initial figure of $150,000 was targeted to make the shipment possible.[17] The following week, the campaign broadened its scope to seek financial support from international union bodies, including those in Britain, Scandinavia, West Germany and Canada.[18] The operation met with multiple obstacles, however. Chief among them was the Australian Government's refusal to act against the Indonesian blockade.[19] Despite a proclamation by the PSC's secretary, Fred Lack (an organiser with the Plumbers and Gasfitters Employees Union), that the ship would sail regardless of whether it received the Government's protection, such a suggestion proved unrealistic.[20] On 27 April, campaign spokesperson John Halfpenny, the Communist secretary of the Victorian branch of the Amalgamated Metal Workers Union (AMWU), publicly appealed to Malcolm Fraser's foreign minister: "We want approval from Mr Peacock on the grounds of humanitarian aid and protection against Indonesian naval interference."[21]

In Parliament the next day, when asked about the Government's position by Labor backbencher Ken Fry, Peacock asserted that the unions' mission would not be approved.[22] The difficulty in circumventing the Government's stance was emphasised later that year. Four men were arrested

---

[13] 'Letters to the editor: Campaign on East Timor,' *Canberra Times* (19 December 1975), 2.
[14] Fernandes, *The Independence of East Timor*, 47.
[15] 'Campaign to buy ship,' *Canberra Times* (27 February 1976), 7.
[16] *Ibid*, 7.
[17] 'Ship appeal,' *Canberra Times* (3 April 1976), 3.
[18] 'Unions to campaign for Timor,' *Canberra Times* (2 March 1976), 3.
[19] 'Warning repeated,' *Canberra Times* (10 May 1976), 3.
[20] 'Campaign to buy ship,' *Canberra Times* (27 February 1976), 7.
[21] 'Red Cross study wanted,' *Canberra Times* (27 April 1976), 1.
[22] 'Timor team leaves Jakarta today,' *Canberra Times* (28 April 1976), 12.

aboard the *Dawn*, soon after it had left Darwin harbour on the night of 16 September 1976.[23] Having attempted to transport arms, food, and medical supplies to various ports in East Timor, using funds supplied by Community Aid Abroad (which would later become Oxfam Australia), the men were detained by customs officials under the charge of illegal exploitation.[24]

For the PSC campaign, problems arose also at a more logistical level. Having finally been able to charter a suitable vessel – "a three-masted fishing schooner" called the *Sol* – in April 1976, the campaign hit its final setback when the ship was sold by its owners just days before it was scheduled to attempt to leave Newcastle port.[25] As well-intentioned as the mission was, it ultimately suffered from the Government's reluctance to stand up to Jakarta's warning that the ship would be deliberately sunk if it were to enter East Timorese waters.[26] At the same time, there was a general acknowledgement that the campaign was undermined by its stated aim of assisting FRETILIN, and by the presence of militant left-wing union officials among its cohort – thus politicising what could otherwise be justified as a purely humanitarian mission. As the *Canberra Times* editorialised soon after the *Sol* was sold:

> It must be conceded … that the expedition … has been accompanied by statements that were calculated from the outset to provoke a hostile reaction from the Indonesians … It was a capital error, from a public relations point of view, for the unions to ignore both Australian Government warnings … and Indonesian threats … Australian communist participation in the venture is another feature of the plan Indonesia could not be expected to accept. A humanitarian mission undertaken with such a public display of partisanship was, in the circumstances, bound to fail.[27]

Despite its political inconvenience in the *Sol* episode, Communist influence in the East Timor solidarity network was strong. Following on from its active support for Aboriginal rights in the 1960s, as detailed in Chapter 1, the CPA continued to champion social and moral causes, targeting inequality and perceived injustices, in a manner redolent of the broader issue-based motivation behind SMU activism. While Communist union leaders such as Halfpenny and the SUA's Roger Wilson were prominent here, fellow Communist Party of Australia officials not directly linked with

[23] '4 guilty of exporting to Timor,' *Canberra Times* (15 February 1977), 11; '4 men on gun export charge,' *Canberra Times* (18 September 1976), 1.
[24] 'Mission to Timor,' *Canberra Times* (4 June 1977), 11; 'Crown appeals against judge's decision on Timor-aid sailors,' *Canberra Times* (3 June 1977), 6.
[25] 'Red Cross study wanted,' *Canberra Times* (27 April 1976), 1; 'Relief ship sold,' *Canberra Times* (22 May 1976), 3.
[26] *Ibid*.
[27] 'Editorial: Chance for Jakarta,' *Canberra Times* (24 May 1976), 2.

the union movement also took an active, personal interest in the plight of the East Timorese.[28] Among them was Denis Freney, a member of the CPA's National Committee and a journalist for the Party's newspaper, *Tribune*. Across a lifetime of "clandestine to-ing and fro-ing … spent … fighting for [his] beliefs," as one reviewer of his autobiography put it, Freney's faith in Communism (and the internationalist outlook of the Trotskyist variant, in particular) saw him contribute to the struggles against French colonialism in Algeria, and apartheid in South Africa.[29] In a remote part of the Northern Territory back in Australia, Freney set up a radio connection to a FRETILIN base. Before its eventual discovery and destruction by Australian authorities, the connection helped to spread news of the repressive Indonesian occupation.[30] Freney also played a leading role in organising the Campaign for an Independent East Timor. Freney's interest in the future of East Timor had predated the December 1975 invasion. In an article for the *Australian Left Review* in September of that year, he presented a detailed analysis of the historic and sociological conditions under which FRETILIN had emerged since the withdrawal of the Portuguese, concluding that theirs was:

> a revolution without great ambitions, without a desire to strike postures on the world stage. It is a revolution whose achievements … will modestly speak for themselves. If it is worthy of emulation, then it is perhaps above all in its modesty, in its anti-elitism and in its complete devotion to the oppressed people who are making it.[31]

The massacre at Santa Cruz, and new political considerations

Throughout the 1980s, the Australian union movement's attention was largely preoccupied with concerns relating to broader economic insecurity. Subsequently, as I have discussed in the Introduction, the efforts of most union leaders centred on maintaining political influence through the Accord arrangements with the Hawke Labor Government. In this environment, the issue of East Timor largely dropped off the radar. A dramatic turning point, however, would occur in Dili, the territory's capital, on 12 November 1991.

A peaceful rally of East Timorese who had gathered at the Santa Cruz cemetery, mourning the death of two young activists killed on the night of 27 October, was violently disrupted by Indonesian soldiers. The vicious brutality and one-sidedness of the shootings that ensued resulted in the murder of dozens of rallygoers. The diplomatic ramifications of the Santa Cruz massacre would prove

[28] 'ASIO should stop tailing communists,' *Canberra Times* (9 May 1984), 7.
[29] 'The gradual transition from talking to acting on injustices,' *Canberra Times* (23 March 1991), 24.
[30] 'Dynamo of left led Timor protest,' *Australian* (11 September 1995), 13.
[31] Denis Freney, 'The modest revolution,' *Australian Left Review* 48 (September 1975): 3-10.

decisive for Jakarta. It would re-ignite the global solidarity movement and provide obstacles for foreign governments previously in support, whether tacit or direct, of Indonesia's stance on East Timor. A key factor contributing to the event becoming a turning point was video footage of the massacre captured by British filmmaker Max Stahl. Smuggled out of the territory, the vision was subsequently beamed into lounge rooms on evening news broadcasts throughout the world. Finally, here was unequivocal imagery portraying the violence and repression campaigners had been condemning and attempting to highlight for a decade and a half.

In light of a tepid response from the Keating Government, activists in Australia mobilised around the issue of East Timor to an unprecedented degree. Just as the 1975 invasion had united church groups, unions, aid organisations, and students, Santa Cruz resulted in the beginning of a new wave of broad community support for East Timor. Trade unionists, in particular, responded angrily and swiftly, in a vein reminiscent of their actions following the December 1975 invasion. Alongside activists from the broader campaign of solidarity with the East Timorese, they reaffirmed their decade-and-a-half long calls for the Australian Government to stop recognising the Indonesian occupation. In Darwin, just 480 kilometres from the southernmost point of East Timor, the outrage was manifested in industrial action targeting the Indonesian embassy and the country's flagship carrier, Garuda Airlines. The Northern Territory branch of the Communication Workers' Union (CWU) voted in favour of banning all servicing work at the embassy, leaving faults with telephones and other communications networks unattended. As Didge McDonald, a member of the CWU's Northern Territory leadership at the time, recalled, the union's members at Darwin Airport also took a stand:

> It just so happened at the time, the airport terminal was moving from one side of the airstrip to the other, so [because of the CWU action] Garuda couldn't move their equipment, their telephone equipment.[32]

The effect of this industrial action was significant, with the message getting through to the highest levels. Having committed to the bans for several weeks, officials in Darwin were eventually urged by the CWU's national leadership to back down only after the Federal Government threatened litigation of the union under Section 45D of the Trade Practices Act – legislation forbidding certain secondary boycotts.[33] Fearing the financial implications of pursuing such a case in the courts, agreement was reached between the Darwin and national offices that their actions had sufficiently "rattled the cage" of the Indonesians; the bans being subsequently lifted.[34] In considering such action as a

[32] Didge McDonald, interviewed by author (13 February 2017), Port Fairy.
[33] *Ibid*; Andrew Stewart *et al*, *Creighton & Stewart's Labour Law (Sixth Edition)* (Leichhardt: The Federation Press, 2016), 963-966.
[34] McDonald, interview.

possible case of SMU, it is certainly noteworthy that it was the CWU's national leadership who felt compelled to put an end to the work bans. As the vote in the Northern Territory branch demonstrated, it was the union's rank-and-file on the ground who most actively supported – and indeed, carried out – the campaign; this brings to mind Moody's SMU principle of activism being led by the membership.

Workers throughout the country imposed similar bans, blockades and strikes in response to Santa Cruz, though not without provoking opposition from some elements within the union movement.[35] The president of the ACTU, Martin Ferguson, and Victorian Trades Hall Council secretary, John Halfpenny, for example, clashed over the latter's calls for "nationwide industrial action directed at Indonesian interests in Australia."[36] Ferguson deemed such demands, including a ban on the refuelling of Garuda flights arriving in any Australian airport, as hasty. He was of the opinion, instead, that Indonesia be granted a final opportunity to "put its house in order" – in the form of a formal inquiry into what had occurred at Santa Cruz.[37]

The disagreement brought underlying tensions over the philosophy and strategy of the union movement to the fore. On one side was the head of the peak body, deeply entwined in the Accord-era policies of the Hawke Labor regime and with a leadership accordingly dominated by the more conservative of officials. Driven by personal ambitions to enter the parliamentary Labor Party himself (which he would go on to do, serving in the House of Representatives between 1996 and 2013, before controversially abandoning the labour movement in favour of positions with peak business bodies), Ferguson may have been anxious to avoid implicating the union movement in any actions that could threaten the government's prioritisation of accommodation with Jakarta. Halfpenny, a militant, former Communist union leader who, during his time as the secretary of the Victorian branch of the AMWU in 1976, had been a spokesperson for the abortive *Sol* voyage. His was also the union whose Melbourne-based workers had refused to build jet engines for Indonesia in the immediate aftermath of the invasion. By 1991 a member of the Labor Left, Halfpenny's passionate stand was reflective of much of the ALP's rank-and-file membership, who by and large

[35] 'ACT unions to set up an official picket of embassy,' *Canberra Times* (18 November 1991), 6; 'Vic unions mount Dili campaign,' *Canberra Times* (25 November 1991), 3.
[36] 'Unionists split over bans,' *Canberra Times* (29 November 1991), 5.
[37] *Ibid*.

differed with the leadership on East Timor.[38] As McDonald, who regularly sponsored resolutions on East Timor at ALP state conference as a delegate for the Northern Territory Trades and Labour Council, claimed:

> I don't remember a time at any ALP level, whether it's at a branch level or a conference level or whatever, that anything that came up in support of the East Timorese and their independence was ever talked down or anything negative.[39]

Despite the widespread condemnation of the Indonesian military's actions, and the internal and external pressure exerted on Labor to publicly challenge Jakarta on its behaviour in East Timor, Australia's Labor foreign minister, Gareth Evans, was unmoved. At first, he suggested the violence at Santa Cruz was "an aberration, not an act of state policy."[40] In the eyes of the solidarity movement, this betrayed a wilful ignorance of the sustained, calculated actions of Kopassus, the Indonesian Special Forces Command accused of atrocities during the invasion and years of occupation. Evans' commentary on the Indonesian government's subsequent, tokenistic, inquiry into the massacre, the absence of which had been the justification for Ferguson's quashing of nationwide industrial action, raised further ire.[41] Most contentious among Evans' arguments was the suggestion that the officers responsible for the murder of protesters had been dealt with "in a reasonable and credible way by the Indonesian government."[42] Making an oblique reference to the industrial action of Australian unionists, Evans surmised that "under those circumstances we believe that essentially punitive responses … are not appropriate."[43] Behind the scenes, it would become clear that Santa Cruz had made no tangible difference to the relationship between Canberra and Jakarta: in 1998, the Fairfax journalist Hamish McDonald revealed that Australia's ambassador, Philip Flood, had in the immediate aftermath been told a second massacre had taken place later in the day, but had astonishingly agreed to suppress this information.[44]

---

[38] A similar trend was evident in New Zealand, where, just over a year after Australia's Labor Party election win, their counterparts across the Tasman Sea repeated the achievement. From the middle of 1984, however, New Zealand Prime Minister, David Lange, acted against the repeated, unanimous calls from within his own party to support the East Timorese. Despite the fact that "every year since 1976 Labour Party Conferences had accepted remits or report (sic) that affirmed their support for East Timorese self-determination," Lange proceeded to "embark... on a course of betrayal" once he won office. Maire Leadbeater, *Negligent Neighbour: New Zealand's Complicity in the Invasion and Occupation of Timor-Leste* (Nelson: Craig Potton Publishing, 2006), 99-100.

[39] McDonald, interview.

[40] Gareth Evans, cited in Fernandes, *The Independence of East Timor*, 98.

[41] In reality, there was little attempt made to uncover the truth – as Fernandes notes, "the 'inquiry' conducted no investigation, but merely used the year of the massacre (1991) to deliver a casualty number of 19 killed and 91 wounded." Fernandes, *The Independence of East Timor*, 97.

[42] Gareth Evans, cited in Fernandes, *The Independence of East Timor*, 98.

[43] *Ibid*, 98.

[44] 'Exposed: the slaughter that Evans denied,' *Sydney Morning Herald* (18 November 1998), 10.

The philosophical disconnect between the parliamentary wing of the ALP and the alliance of left-wing unionists who persevered on the issue of East Timor stands as an example of one of the key principles of SMU: political independence from any pre-existing relationships. Certainly, such union members (or leaders) could not rely on their traditionally closest political allies for any leadership on a topic many felt particularly passionate about. As outlined in the Introduction, by the 1990s several factors had weakened the relationship between the union movement and the ALP – the party originally conceived to be the movement's political representative arm. To these factors, one could now add East Timor. In November 1991, when Santa Cruz propelled the issue of East Timor into the public conscience in the most significant way since 1975, Evan's statements served to remind many of a particularly shameful set of decisions by ALP leaders, beginning with Whitlam's *de jure* recognition of Indonesia's annexation. The feeling among many in the union movement, as APHEDA's Peter Jennings puts it, was clear:

> they felt a bit betrayed by the political arm of the ALP … there was a degree of shame, a degree that 'the bastards shouldn't have done that' ... so there was always a sense of guilt in the union movement over what [Labor] had done to East Timor.[45]

Soon after Bob Hawke's election win in 1983, there had been an attempt in New South Wales to alter the course of ALP policy. Invoking the "integrity of party policy and the pledge by all party members and ALP Government to be bound by these policies," a motion put at state conference by the left faction, the Combined Unions and Branches Committee (the forerunner to today's Socialist Left faction of the party) was defeated by 474 votes to 255.[46] The defeated motion had argued that "recent statements by the Prime Minister and other senior Federal Labor Government leaders on East Timor" had directly contradicted a policy supporting the territory's push for independence agreed upon at conference the previous year[47] – a position, as Didge McDonald has noted, that had consistently been settled by Labor rank-and-file members at both state and federal conferences. With the failure of the New South Wales branch's motion came, once more, the realisation that unions sympathetic to the struggle of the East Timorese would need to find allies elsewhere in the political domain.

Following Keating's ascent to the prime ministership in December 1991, his courting of even closer diplomatic ties with Suharto further dismayed unionist supporters of East Timorese independence. In early 1995, anger rose again at Labor's accommodation of Indonesia when it emerged that Evans

[45] Peter Jennings, interviewed by author (31 January 2017), Sydney.
[46] 'Government critics beaten,' *Canberra Times* (12 June 1983), 1.
[47] *Ibid*.

had "approved a proposal by Australian Defence Industries to try to sell $100 million worth of Australian-manufactured combat rifles to Jakarta."[48] This came in the immediate aftermath of the execution of six young East Timorese civilians.[49] In the absence of condemnation from both major parties, who maintained a bipartisan approach to prioritising Australia's relationship with Indonesia, it was the Greens party who made the loudest calls. Greens senator for Western Australia, Dee Margetts, spoke out against the proposed sale of arms, weeks after her party colleague in the Senate, Christabel Chamarette (also from Western Australia), addressed a rally in Perth on the third anniversary of Santa Cruz.[50]

Support for the Greens' stance on East Timor in Parliament was limited to the crossbench. In May 1998, well before the new Indonesian president made his shock decision, party leader Bob Brown put a motion to the Senate which called on Habibie to "allow East Timor a free vote on self-determination."[51] Only Margetts, the six Australian Democrats senators, and an independent, Brian Harradine, voted in support.[52] Although an official in the union movement prior to his election to the Senate in 1975, Harradine was a devout Catholic and social conservative: his sympathy for the strongly Catholic territory was likely a key factor in his impassioned stance. For the broader solidarity network, the Greens had thus emerged as among the most sympathetic of parliamentarians – a position drawing on, in some cases, personal involvement in the cause. Kerry Nettle, for example, taught English to women in East Timor before becoming a Greens Senator in 2001. Lee Rhiannon, elected to the NSW Legislative Council in 1999 and the Federal Senate in 2010, had throughout the 1990s worked for Aid/Watch, an independent monitor of aid and trade policy that had critiqued Australian assistance to Indonesia.[53] The emergence of the Greens as the leading parliamentary ally of Australia's East Timor solidarity network was also the result of other political factors, including the dissolution of the CPA in 1991.

Building on the groundswell of activism ignited by Santa Cruz, the East Timor Relief Association (ETRA) was founded in 1992, with an initial office in Sydney quickly followed by branches in Melbourne and Darwin.[54] In 1995, the organisation would succeed in bringing Noam Chomsky to Australia for a speaking tour. In attacking the Australian Government's complicity in Indonesia's

[48] 'End aid to Indonesian military!,' *Green Left Weekly* (1 February 1995), accessed online at https://www.greenleft.org.au/content/end-aid-indonesian-military.
[49] *Ibid*.
[50] 'Thousands rally for a free East Timor,' *Green Left Weekly* (16 November 1994), accessed online at https://www.greenleft.org.au/content/thousands-rally-free-east-timor.
[51] 'ALP, Coalition oppose self-determination for East Timor,' *Green Left Weekly* (17 June 1998), accessed online at https://www.greenleft.org.au/content/alp-coalition-oppose-self-determination-east-timor.
[52] *Ibid*.
[53] Lee Rhiannon, interviewed by author (30 January 2017), Sydney.
[54] Fernandes, *The Independence of East Timor*, 99.

actions in East Timor, Chomsky singled out the Timor Gap Treaty (a contract on shared revenue of oil resources in the Timor Strait, signed by Australia and Indonesia in 1989) as "completely offensive to decent human beings."[55] He also lamented the hypocrisy of official fifty-year anniversary commemorations of the end of the Second World War occurring that year.[56] Instead of honouring the thousands of East Timorese who were killed helping defend against the advance of Japanese forces so close to Australia, such celebrations swelled as Canberra turned a blind eye to the territory it had once relied so much upon. Cliff Morris, one of the men arrested in 1977 aboard the attempted humanitarian aid ship, the *Dawn*, had been a commando in the Australian Imperial Force in East Timor between 1942 and 1943. Interviewed for the Australian Broadcasting Corporation's investigative program, *Four Corners*, in 1998, he shared Chomsky's sadness: "[after] we landed in [then Portuguese] Timor … it didn't take long to learn that they had more humanity in their little fingers than we did in the whole of our body."[57]

Throughout the 1990s, unionists maintained their presence in the solidarity struggle. Didge McDonald spoke at a rally in Darwin on the three-year anniversary of Santa Cruz and sustained close relationships with members of the East Timorese diaspora in the city.[58] The Australian Education Union took up the cause on the international scene, working with their counterparts from Portugal to publicise Indonesia's actions, thereby promoting the issue to teachers across the world.[59]

Based in Sydney, Antonio Vicente, an organiser with the Construction, Forestry, Mining and Energy Union (CFMEU), devoted considerable time and effort to the cause. Over several years, Vicente collected funds for the FRETILIN resistance in East Timor from fellow members of the Portuguese-speaking community throughout Australia, many of whom were employed in the construction industry. Colleague Phil Davey, who would organise fundraising and awareness-raising events in the leadup to the referendum, recalled finding out only later about the breadth of Vicente's contributions.[60] In addition to garnering financial support, he had utilised personal connections in East Timor to help spread knowledge of human rights violations such as the torture of women by

[55] 'End the Timor Gap Treaty; Chomsky,' *Canberra Times* (20 January 1995), 6.
[56] 'Noam Chomsky's Australian visit for East Timor in 1995 (full transcript of press conference),' accessed online at http://togsplace.blogspot.com.au/2015/04/noam-chomskys-australian-visit-1995.html.
[57] Cliff Morris, cited in 'Timor: The final solution,' *Four Corners* (transcript of edition broadcast on Australian Broadcasting Corporation on 15 June 1998), accessed online at https://web.archive.org/web/20011217000907/http://www.abc.net.au/4corners/stories/s12272.htm.
[58] 'Thousands rally for a free East Timor,' *Green Left Weekly* (16 November 1994), accessed online at https://www.greenleft.org.au/content/thousands-rally-free-east-timor; McDonald, interview.
[59] Fernandes, *The Independence of East Timor*, 99-100.
[60] Phil Davey, interviewed by author (6 February 2017), via telephone.

Indonesian troops. Vicente and a fellow organiser, Steve Dixon, played key roles in the Sydney solidarity movement, gaining the trust of, and educating, many CFMEU members.[61]

The network of rank-and-file support for East Timor developed and maintained by Vicente and Dixon was facilitated by the union's strong internal democratic culture, particularly in the construction division in which they operated. As a workforce, the construction industry in Australia – and by extension, the CFMEU membership – had a tradition of employing workers from a wide range of cultural backgrounds. Each of these ethnic groups brought with them specific concerns and viewpoints on the world: inspired by both the experiences that shaped their lives prior to emigration to Australia, and the effects of such experiences on their families and fellow members of their given diaspora. For CFMEU officials representing such a culturally diverse membership, there was an appreciation that these concerns were of particular importance. Accordingly, invoking Gay Seidman's characterisation of SMU as a model of unionism in which an organisation's "constituencies spread far beyond the factory gates," CFMEU organisers and workplace delegates put a premium on being accessible to rank-and-file members eager to raise a matter relating to their specific ethnic communities.[62] It was in this way that solidarity with Palestine, for instance, became a particularly high-profile CFMEU campaign in the early 2000s, during the time of the Second Intifada. After Lebanese construction workers in Western Sydney spoke out about their Muslim counterparts in the conflict with Israel, "they talked to their delegates and organisers, and pushed up that issue from the shopfloor."[63] By April 2002, the CFMEU's New South Wales state secretary, Andrew Ferguson, was personally speaking in support of Palestine at Sydney's Town Hall Square, before a march of some 2,000 demonstrators to the US Consulate in Martin Place.[64] As Davey recounts, a similar openness marked the approach of CFMEU officials to rank-and-file cohorts of other ethnic groups among the membership – be they of Kurdish, Iranian, or Korean origin.[65] Though important in consolidating the union's proud internationalist outlook and commitment to human and labour rights, internal politics, too, played a role:

> There was a level of pragmatism to that – it wasn't just a feel-good 'we'll help save the world' kinda thing. It was also about locking in those communities' support for the leadership of the unions. … If you could demonstrate as a union leader that you gave a stuff

[61] Andrew Ferguson, interviewed by author (6 February 2017), via telephone.
[62] Gay Seidman, *Manufacturing Militance: Workers' Movements in Brazil and South Africa, 1970-1985* (Los Angeles: University of California Press, 1994), 83.
[63] Davey, interview.
[64] 'Australian solidarity demonstrations,' *The Guardian* (24 April 2002), accessed online at http://www.cpa.org.au/z-archive/g2002/1088aust.html.
[65] Davey, interview.

about the issues that they were passionate about, [and] contributed something towards them, then you had the loyalty of that community, you know?[66]

In the broader Australian context of the plateauing of union membership numbers, the continued strength of the CFMEU during this period relied, to a degree, on such concerted efforts to listen to, and act on, issues personally affecting its culturally diverse rank-and-file. Writing around the same time in a North American context, Kim Moody was making similar conclusions about the value to unions of organising workers in newly-established immigrant communities. In particular, he noted that growing membership numbers in such communities were contingent "not only on the efforts of the union, but also on family and community ties."[67]

Initially tapping into the CFMEU's Lusophone[68] membership in order to generate support for East Timor, Vicente was particularly successful in spreading and publicising the issue to the CFMEU's broader member base. As will be shown later in this chapter, these connections, and the enhanced understanding within the union of East Timor's struggle, would be vital in its response to the emergency period and transition to reconstruction.

Union boots on the ground: forays by APHEDA and other unionists into East Timor

The fall of Suharto in May 1998, and Habibie's subsequent agenda of liberalisation in the face of the *Reformasi*, finally made it possible for Australian unionists to consider how they could help on the ground. Since the days of the attempted *Sol* and *Dawn* voyages, Suharto had upheld the restrictions on foreign aid organisations wishing to undertake work in East Timor. This had precluded the ACTU's international aid wing, APHEDA, from providing any practical form of assistance, despite the strong levels of support and concern for East Timor from the broader Australian union movement. Therefore, in 1998 the organisation was quick to respond to one of its members who, with connections to a Catholic organisation already providing literacy training for children in East Timor, urged APHEDA to become involved.[69]

The APHEDA member was Peter Murphy, by now the national media and research officer for the Rail, Tram and Bus Union (RTBU). Having become an organiser with the AUS in 1977, Murphy moved on to a volunteer researcher role with the Transnational Cooperative, an independent think tank

[66] *Ibid*.
[67] Kim Moody, *Workers in a Lean World: Unions in the International Economy* (London: Verso, 1997), 171.
[68] Portuguese-speaking.
[69] Cooper, *Livelihoods and Liberation Struggles* (e-book edition).

generating a knowledge base for progressive Australian bodies. The organisation, with strong links to the CPA, was created to develop research and policy papers for the union movement, and to encourage discussion of the interplay between the interests of workers and the wider community. Here, Murphy developed close relationships with leaders, officials, and members from unions in the maritime and rail transport, and power sectors, As Murphy modestly recalls, some leaders were more receptive to his research than others.[70] Less supportive of the cooperative's work was the WWF's Charles Fitzgibbon. Fitzgibbon, coming from an ideological position in the right of the ALP, differed from much of his union's historically militant rank-and-file. Communist leaders, such as the SUA's Eliot Elliot and the AMWU's Laurie Carmichael, more readily cooperated with Murphy, providing access to their records and "engaging their delegates and activists to think … about the future … [and to consider the] bigger-picture of what's going to happen to the industry as a whole, what's going to happen to Australia as a whole."[71]

For Murphy, this appreciation of the potential of trade unionism to make a positive wider impact complemented a continuing personal interest in the plight of the oppressed around the world, including the East Timorese. In between joining the SUA after the Transnational Cooperative and taking up his role with the RTBU in the 1990s, he joined APHEDA as a financial member soon after it came into existence in 1984.[72] Under the provisions of Suharto's ban on international humanitarian assistance to East Timor, organisations tied to the Catholic Church were granted access. Accordingly, Australia's Mary MacKillop Institute for East Timorese Studies had been on the ground since 1994. Led by Sisters Susan Connelly and Josephine Mitchell, the Catholic congregation founded by St Mary MacKillop in honour of St Joseph was providing literacy services for children in the Tetum language, as well as operating much-needed health clinics.[73] In the new environment of openness initiated by Habibie, Murphy, associated with members of the Institute and aware of the work it was doing in East Timor, recommended to APHEDA that the agency offer its assistance. Peter Jennings, APHEDA's education officer from 1988 and its executive officer between 2002 and 2013, agreed: "We thought the easiest way to start a project was to plug in to one that was already happening initially, until we got feet on the ground and to know people and organisations to do work with."[74]

[70] Murphy, interview.
[71] *Ibid*.
[72] *Ibid*.
[73] The Tetum dialect, an Austronesian language heavily influenced by Portuguese, was sidelined by Indonesian authorities in an attempt to enforce Bahasa Indonesia as the official language during Indonesian rule. Despite this, Tetum remained the *lingua franca* of East Timor, and was adopted by the Roman Catholic Church in the territory.
[74] Jennings, interview.

Raising funds from its membership base, and from a broader appeal targeting the Australian union movement, APHEDA formally partnered with the Mary MacKillop Institute to distribute "funds for emergency support to address critical health and food needs as well as providing assistance to … [the Institute's] literacy training project for school children."[75] As with the Tranby Co-operative College joint venture that brought together unions and the church in the 1960s (detailed in Chapter 1), the partnership between APHEDA and the Institute stood as a powerful example of what is achievable by SMU-inspired coalition-building.

By 1999, APHEDA had added to its relationship with the Mary MacKillop Institute by partnering with FRETILIN's health department.[76] Through this arrangement, APHEDA worked to deliver training services for East Timorese nurses and health workers. The Australian Nursing Federation (ANF), an APHEDA affiliate and one of six Australian unions formally sponsoring APHEDA's work in East Timor in 1999, provided support for the initiative.[77] A small number of ANF members had, by this point, already had direct experience of the circumstances on the ground, which had helped inform leadership and membership alike of the urgency of the union's assistance. Among them were Marianne Crowe and Liz Glynn.

Crowe, a nurse at Melbourne's St Vincent's Hospital, had visited several towns in March 1998, later writing about her observations in the ANF's journal. In an article entitled "The health of a tiny nation," Crowe outlined how a combination of severe shortages of medical supplies and a mistrust of the facilities provided by the Indonesian government were contributing to acute issues in the East Timorese health system.[78] Also making several trips to East Timor between 1997 and 1999 was Liz Glynn, a nurse at the Royal Prince Alfred Hospital in Sydney, alongside her husband, Dr Kevin Baker. A member of both the ANF and a solidarity group known as the Australian East Timor Association, Glynn would be in East Timor at the time of the referendum. Evacuated in mid-September, she returned in October:

> desperate to find alive one of the most inspirational people she [had] ever met – Maria Diaz … [who ran] the 'Sick House,' looking after the poorest of the poor and the homeless, in Becora, where the killings and burnings in East Timor first started after the independence ballot.[79]

[75] APHEDA, *1998 Annual Report*.
[76] *Ibid*.
[77] *Ibid*.
[78] 'This working life: The health of a tiny nation,' *Australian Nursing Journal* 6 (November 1998): 16-17.
[79] 'This working life: Fearing for friends in East Timor,' *Australian Nursing Journal* 7 (November 1999): 22-23.

The ANF and APHEDA – inspired by Crowe and Glynn's experiences, and drawing on the organisations' collaborative work on the vocational training of East Timorese nurses – established a dedicated fundraising campaign in Sydney on 22 September 1999. Launched by Hazel Hawke (the wife of former prime minister Bob Hawke), the Nurses-APHEDA East Timor Appeal would be extremely successful.[80] As ANF federal secretary Jill Iliffe wrote in an October editorial in the union's journal, "the call went out to hospitals, health centres, nursing homes [and] pharmaceutical companies and the response has been overwhelming."[81] Speaking in front of a Senate committee into Foreign Affairs, Defence and Trade References, APHEDA officer Alison Tate noted that by early November the appeal had resulted in "the collection and distribution of some $500,000 worth of medicines" to East Timor.[82] The provision of such medical supplies was vital in maintaining even the most basic of health services: as Jennings recalls, the territory had a grand total of four doctors, and its first annual budget following the referendum was less than that of Sydney's Marrickville Council.[83]

The partnership between the ANF and APHEDA would prove to be an enduring one. Following the civil unrest of 2006, ANF members donated a further $150,000 to assist Timor-Leste's nurses' union (established since independence), with APHEDA distributing the money directly to 130 nurses whose homes had been damaged in the fighting.[84] Ged Kearney, Iliffe's successor as ANF federal secretary, travelled to Dili in mid-2008 to meet the nurses who would benefit from the funding.[85] Alongside Kearney was Agnes Stanislaus-Large, an organiser from the union's Tasmania branch.[86] The commitment of the ANF to their counterparts in Timor-Leste was acknowledged by Bernardo Amaral do Rosario, secretary of the East Timor Nurses' Association, who noted:

> I know this is not the first time the ANF has collaborated with Union Aid Abroad – APHEDA to assist the East Timor Nurses' Association. We are very proud of ANF members who show their solidarity with us through this funding. Even though we are across the water, they still pay full attention to us.[87]

---

[80] *Ibid*, 23.
[81] 'Call for nurses to aid East Timor,' *Australian Nursing Journal* 7 (October 1999): 1.
[82] Alison Tate, cited in Senate Foreign Affairs, Defence and Trade References Committee, *Official Committee Hansard: Economic, Social and Political Conditions in East Timor* (3 November 1999), 631.
[83] Peter Jennings, interviewed by author (31 January 2017), Sydney.
[84] APHEDA, 'Update on ANF and Union Aid Abroad – APHEDA East Timor nurses appeal,' *Relief Web* (3 July 2008), accessed online at http://reliefweb.int/report/timor-leste/update-anf-and-union-aid-abroad-apheda-east-timor-nurses-appeal.
[85] *Ibid*.
[86] *Ibid*.
[87] APHEDA, 'Update on ANF and Union Aid Abroad.'

The ANF's engagement with the East Timor campaign – both in financial and more practical, knowledge-sharing terms – exemplified two particular SMU principles: the need for strong rank-and-file agency; and the importance of robust internal democratic structures that provide members with the capacity to help shape union policy. It is noteworthy, after all, that Crowe and Glynne, both rank-and-file members of the union as opposed to part of its leadership, represented the ANF during their visits to East Timor and were given a platform (the union's periodical, the *Australian Nursing Journal*) to promote the cause upon their return. Their contributions subsequently helped motivate the leadership's decision to run fundraising drives – the success of which, in turn, depended largely on the generosity of those among the rank-and-file. The strong internal democratic structures of the ANF that facilitated such developments will be expanded upon further in Part Three, where I demonstrate how a member in the Victorian branch was able to directly inform the position of the union at the national level on another moral issue: the treatment of people seeking asylum within the Australian Government's immigration system.

Following the announcement of the referendum in early-1999, APHEDA had sought to expand its knowledge of the conditions in East Timor, with one eye on helping the anticipated transition to independence. Study tours were organised, in which APHEDA members, and union leaders and officials, travelled to East Timor to meet with workers, students, health workers, and members of the resistance. In her account of the history of the agency, the journalist Dani Cooper highlights the importance of these tours in enhancing appreciation of the issue among Australian unionists:

> Among the members of the first study tour in February 1999 was the late John Cummins, who headed the construction division of the CFMEU in Victoria. Tour leader Alison Tate says … "John was very cynical about international solidarity work through unions, not because he didn't believe in it, but he thought unions connected with the wrong people in some countries and was particularly critical of that in the Australia-Indonesia relationship. … [but] after a five-day trip … he was sitting on the plane on the way out and said to me, 'This has been the best week of my life' … and that really changed his and his union's commitment to APHEDA's work." … John went in as a cynic and came out as someone totally … passionate and committed [to East Timor]. … He took that back to workplaces and construction sites all across Victoria.[88]

Other unions and workers' groups represented in this February 1999 tour included the ANF, the Australian Manufacturing Workers Union, and the Labor Council of New South Wales. Reflecting on

[88] Cooper, *Livelihoods and Liberation Struggles* (e-book edition).

his own time in East Timor, the Labor Council's assistant secretary, Chris Christodoluou, wrote about witnessing how the APHEDA programs were assisting the local population:

> The next morning we set off to the regions to visit a number of APHEDA-supported programs. In a small town we dropped off our urgent medical supplies to the local Catholic parish. During our inspection of their clinic two locals told us about the role of the militia in their area. It seemed the clinic and church opposite doubled for night-time accommodation for the local villagers. They were frightened to stay in their own homes at night due to previous … raids by the militia.[89]

In August, the month of the vote, the ACTU sent a representative to Dili to help oversee the election process. Jane Nicholls, a member of the Australian Education Union, later published the journal she kept while stationed there, living with FRETILIN activists. In *Flight 642: Jakarta to Dili*, Nicholls vividly portrays the climate of fear and suspicion in the days leading up to the ballot, and the chaos that ensued in its immediate aftermath.[90] At the time a staff member of Victorian Labor senator, Kim Carr, Nicholls describes how a panicked Carr organised her evacuation after hearing reports of the escalating violence. Although not officially a member of the Australian parliamentary delegation in Dili, Nicholls' status as a staffer for Carr allowed her to be transferred, for the day, to the staff of Laurie Brereton (the man who had led the ALP's policy reversal on East Timor earlier in the decade). By early-afternoon on the day of the vote, Nicholls was on a flight out of Dili.[91]

The importance of the ACTU's work in East Timor beginning in 1998 (primarily through APHEDA) cannot be downplayed. In addition to paving the way for vital transnational connections between workers – for instance, through the ANF's contribution – initiatives such as the study tours played a key role in educating Australian union leaders on the issue. While this spread of ideas would be important in generating support among some sections of the Australian labour movement, in some corners the issue was already high on the agenda.

The vote and the violence: the CFMEU takes a central role

Back in Australia, the imminent independence referendum had brought the issue of East Timor into sharp focus. Drawing on a strong level of support within the CFMEU, generated by organisers such as

[89] 'Chris Christodoulou's images of East Timor,' *Workers Online* (2 July 1999), accessed online at http://workers.labor.net.au/20/c_tradeshall_timor.html.
[90] Jane Nicholls, *Flight 642: Jakarta to Dili. An Australian Journal* (Abbotsford: Bruce Sims Books, 1999).
[91] *Ibid*, 198-200.

Vicente and Dixon, Davey organised a series of concerts in the weeks before the vote, all of which were held at the Harbourside Brasserie, a venue on the Sydney waterfront.[92] Though the CFMEU was the primary organising union, Davey requested and received endorsement from the Labor Council of NSW, giving the shows an extra layer of legitimacy as a cross-union initiative. In any case, the impressive subsequent turnouts were, as Davey noted, the result of a strong existing network of unionists in Sydney:

> there was a raft of union officials in their late 20s and early 30s, contemporaries in different unions, we were pretty well-networked and we all came along and brought our mates along … people attended in droves, they were all pretty well sold-out events.[93]

The most significant of the concerts would be 'A Big Drum Up for East Timor,' which took place the night before the results of the vote were to be announced.[94] By now, it was widely expected that the people of East Timor had, on 30 August, voted for a rejection of Habibie's autonomy proposal, and hence for independence. Of more acute concern for supporters, though, was the series of violent retributions enacted by pro-autonomy militia on the East Timorese population in the immediate wake of the referendum. To this end, the concert's title was based on a fluid hybrid of themes: celebration of the impending result, and mobilisation of ongoing support in the event of an escalation in the post-ballot violence.

While the 'Big Drum Up' was taking place on Sydney's waterfront, two CFMEU men who had made the trip to East Timor were spending their fourth night in Dili. As the vast majority of the foreign press and observers fled, freelance journalist Liam Phelan and photographer Huai Tian Lee remained. Both had been mobilised by the NSW branch of the CFMEU: Phelan as a conveyor of the union's support from Australia; Lee as the union's observer during the referendum process. Bravely refusing to leave East Timor until some form of peacekeeping operation (ultimately, INTERFET) replaced the evacuating UNAMET officials, Phelan and Lee played major roles in both influencing that decision and keeping those outside the region informed on what was occurring.

Like all the activists discussed throughout this thesis, both men appreciated that their membership of a trade union afforded them a unique capacity to channel personal convictions about social justice and morality (broader than those related solely to industrial, workplace concerns) into tangible action – perhaps the most fundamental tenet of SMU.

---

[92] Davey, interview.
[93] *Ibid*.
[94] *Ibid*.

Phelan's involvement in the union movement had been shaped by broader shifts in the Australian union landscape during the 1990s. In the early part of his career, he was a member of the Australian Journalists' Association (AJA). As part of the push towards union amalgamations as a strategy of ameliorating the movement's declining influence, the AJA merged with two other creative art organisations, becoming the Media, Entertainment and Arts Alliance in 1992. Against this backdrop, Phelan worked for Bleedin' Heart Media, a Sydney-based independent media company, focused on progressive social and political issues. Trade unions – including the state's peak body, the Labor Council of NSW, as well as local branches of the Australian Services Union and the Liquor, Hospitality, and Miscellaneous Union – constituted a key cohort of the company's client base. But it was Bleedin' Heart's relationship with the CFMEU in particular that resulted in Phelan travelling to East Timor in late August 1999. Being part of the production team behind *Unity*, the journal of the union's NSW branch, Phelan was well aware of the community campaigning being undertaken by Vicente and Dixon. East Timor was also a personal interest: with Bleedin' Heart, Phelan had worked with solidarity groups in Melbourne calling for recognition of East Timorese contributions to Allied defences in World War II. As the historic vote of 30 August 1999 approached, blending his work on *Unity* with his own passionate support for the cause, Phelan volunteered to visit a local contact of the union in Dili to extend a message of support from the CFMEU.[95]

Arriving in Dili a matter of hours before Phelan was Huai Tian Lee, a media officer at the CFMEU, sent as the union's direct observer of the referendum process. Lee, a photojournalist, was also heavily involved in *Unity*. A committed long-time member of the ALP, he had been central in uncovering the branch-stacking scandals affecting some Sydney branches of the party between 1978 and 1983. Along with fellow Labor member Peter Baldwin, Lee exposed how the state's dominant Right faction had manipulated membership numbers and used coercive and violent tactics to quash challenges from the Left. This unwavering fight to seek and reveal the truth stemmed from Lee's upbringing in his native Malaysia – a nation afflicted by "repressive security laws" – which inspired him to live "a life dedicated to battling injustice wherever he found it."[96] Indonesia's occupation and treatment of East Timor was one such cause.

The two men's separate journeys to East Timor, both culminating in arrival into Dili on 29 August, the day before the vote, were tense and uncertain affairs. Increasing the nervousness and danger was the very timing of their visits. Despite the historical importance of the vote, and what it offered the people of East Timor, an apprehensiveness pervaded. Clearly, while the stakes were high, so too

[95] Liam Phelan, interviewed by author (8 February 2017), via telephone.
[96] 'Warrior for human rights,' *Sydney Morning Herald* (27 August 2005), accessed online at http://www.smh.com.au/articles/2005/08/26/1124563024007.html.

were the risks. Citing Elisabeth de Araujo, an electoral officer on the day and later the first East Timorese to be given a leading role in an INGO when she became APHEDA's Timor-Leste country co-ordinator, Cooper sets the scene:

> The East Timorese knew their vote for independence would cost them and planned to flee after casting their vote. "At the time everyone was really happy for the vote, but with a face that was concerned – 'After vote, where you go? – they all asked that, meaning where will you escape?"[97]

On the streets of Dili, pro-Indonesian militia had created an environment of fear and intimidation for those attempting to leave, with security high at all points of departure. Going against this tide, Phelan and Lee were both in a unique position. As Nicholls, referring to the two men, wrote in her journal that day, "why anyone would want to enter East Timor at this time is beyond me."[98]

Nicholls herself would play an important role in facilitating Lee's safe, albeit intrigue-tinged, arrival. Having flown into the airport in Dili, the CFMEU observer had been told to seek out Altino, a FRETILIN member with whom Nicholls was staying, and to confirm his identity through a coded introduction. Not finding Altino, Lee called an emergency number provided to him in the case of such a situation occurring, which turned out to be Nicholls'. The ACTU representative duly organised for another East Timorese contact to go to pick up Lee. Whoever on the CFMEU side had set up Lee's airport meeting had, however, clearly fallen victim to the understandable troubles of communication between Australia and the resistance in East Timor: as it transpired, Altino had run into difficulty getting to the airport in time, but was completely unaware of the intended coded discussion. Had he been "accosted [by Lee] he would have replied in the negative and thus the rendezvous would have failed."[99]

Phelan's trip was even more overtly dangerous. Though recognised as a CFMEU representative – utilising the union's connections on the ground and working in concert with Lee – he completely self-funded his voyage. He had flown into Punang, in West Timor, before making his way by ferry along the northern coast to Dili, arriving around midnight on the night before the vote. As the ferry docked under the cover of darkness and he attempted to discretely disembark, he found the wharf swarming with people desperate to leave the capital. Going in the opposite direction, he heard

[97] Elisabeth de Araujo, cited in Cooper, *Livelihoods and Liberation Struggles* (e-book edition).
[98] Nicholls, *Flight 642*, 192.
[99] *Ibid*, 191-192.

"three or four rounds of gunfire immediately," as the militia threatened and intimidated those attempting to flee.[100]

Despite the tension and acute danger – "the whole, y'know, Balibo thing starts to run through your head" – Phelan successfully met up with Lee and the local contact and his family.[101] The day of the ballot itself ran relatively smoothly, and without major incident. Yet, notwithstanding the bravery of the East Timorese population, it became clear that the tensions simmering below the surface were not going to abate. In the days that followed, prior to and following the official announcement of the result on 4 September, the Indonesian authorities attempted to portray the vote as somehow rigged in favour of the independence campaigners. As part of that strategy, pro-autonomy militia were mobilised to forcibly relocate East Timorese to West Timor and elsewhere into Indonesia. Ironically, those who de Araujo had witnessed expressing a desire to flee after the vote, citing the expected retributive actions, would play into the hands of Indonesia's propaganda: abandoning a supposedly manipulated result, they were framed as "voting with their feet in accordance with their true wishes."[102]

The large community of international observers were just as vulnerable to the viciousness of the Indonesian-backed militias' response. Much of the foreign media contingent, constituting an estimated "four or five hundred journalists," was rapidly evacuated as "the violence spiralled out of control."[103] Compounding the troubles for the local East Timorese population and foreign observers alike was the nature of the security arrangements in place for the referendum. As part of the compromise agreed upon by Indonesia, Portugal, and the United Nations, the Indonesian army alone was mandated to provide armed personnel. With no way of defending themselves, let alone others, UNAMET officials were forced to retreat from the streets, leaving others exposed in the face of the ensuing violence. Incidents of lawlessness followed, as Phelan recounts: "a group of [Indonesian] soldiers would go around the corner, take off their uniforms, stick on militia shirts, stick on bandanas, and come back around and start harassing and attacking."[104]

In this emergency situation, Phelan and Lee very quickly became part of a small minority of foreign observers who remained in East Timor. As soon as the day following the vote, 1 September, the eruption of violence had escalated into open attacks on the assembled media, who were holed up in the United Nations compound in Dili. Jonathan Head, a journalist with the BBC, was assaulted,

[100] Phelan, interview.
[101] *Ibid*.
[102] Fernandes, *The Independence of East Timor*, 189.
[103] Phelan, interview.
[104] *Ibid*.

before being evacuated on 3 September alongside at least seventy other foreign reporters.[105] Media outlets from across the world were similarly pulling out their journalists, correspondents, and photographers. Though appreciative of his agency's concerns for his, and his colleagues,' safety, Head was ambivalent about leaving, remarking "most of my Indonesian colleagues have already left. It's very sad. East Timor is being abandoned by us."[106]

The charge of abandonment of the East Timorese population, however, was soon to be more understandably levelled at the UN officials. Among the "20 or so journalists" who remained, it became known that the UNAMET head, Ian Martin, had, on 8 September, ordered the withdrawal of the entire UN contingent on the ground.[107] The UN community's failure to ensure a peaceful aftermath to the ballot had by now been laid bare. Particularly galling was its impotence in dealing with the militia, especially given the portents of the violence to come during the lead-up to the vote. However, despite Martin's proclamation, the UNAMET staff conveyed the message that they refused to leave until the estimated 1,500 displaced refugees housed in the UN compound were guaranteed a safe passage away from East Timor. What exactly inspired this decision is a matter of contention. Fernandes suggests that the UNAMET staff were "outraged … [by Martin's decision and] collectively refused to leave until all the refugees had been taken to safety."[108] Other accounts argue that the catalyst for this stance was, in fact, pressure imposed by some of the remaining media observers *on* the UN officials, who had shown less reluctance to defy Martin's announcement. Joining American correspondent, Marie Colvin, in applying such pressure was the CFMEU's own observer, HT Lee.[109] As John Martinkus, an Australian journalist also in the UN compound at the time, wrote in his 2005 obituary of Lee:

> It was Lee who organised the petition [for the UNAMET staff] to stay. He collected signatures from the journalists and encouraged the unarmed police officers, many from the Australian Federal Police, to do the same. After angry exchanges with … Ian Martin, who hastily informed Kofi Annan [UN Secretary-General] of the impasse, it worked. [Lee's] petition was

[105] 'BBC man: 'I'm lucky to be alive,' *BBC News* (2 September 1999), accessed online at http://news.bbc.co.uk/2/hi/asia-pacific/435712.stm; Anderson and Trembath, *Witnesses to War*, 259.
[106] 'Journalists tell of Timor terror,' *BBC News* (3 September 1999), accessed online at http://news.bbc.co.uk/2/hi/asia-pacific/437551.stm.
[107] Phelan, interview.
[108] Fernandes, *The Independence of East Timor*, 190.
[109] 'Reporter practises the courage of her convictions,' *Sydney Morning Herald* (24 February 2012), accessed online at http://www.smh.com.au/comment/obituaries/reporter-practised-the-courage-of-her-convictions-20120223-1tqfd.html.

> one of the main reasons the [East] Timorese in the compound were taken to Darwin when the full evacuation took place a few days later.[110]

As part of the evacuative operation, Lee and Phelan were airlifted out, arriving in Darwin on the night of 10 September. In the week and a half he had spent in East Timor, Phelan had himself played an important role, spreading news of the unfolding events by becoming an impromptu freelance reporter. In addition to penning articles for the *Australian*, one of the newspapers which had withdrawn its reporters in the immediate aftermath of the vote, and the *Irish Times*, he also appeared on radio crosses, including for the ABC. A spirit of collaboration between the few remaining international journalists (including Max Stahl, who had filmed the footage of the 1991 atrocities at Santa Cruz) was born – "unusual" for those in the occupation, but vital in corroborating stories and rumours of what was occurring anywhere beyond the confines of the compound and the suburbs of Dili.[111] As Phelan recalls, there was a deep acknowledgement of the importance of their work: "We were the eyes and ears to the world, and there was a great responsibility on us to tell that story which the Indonesians clearly didn't want to have told."[112]

Upon arriving back in Sydney from Darwin, Phelan continued to campaign with the CFMEU to assist in the rebuilding of a devastated Dili and East Timor. Sharing his experiences with union members at worksite meetings, he contributed to a large fundraising drive which had been occurring since news of the post-ballot violence first came through. Davey, Dixon, and Vicente again played central roles in this campaign, encouraged throughout by Andrew Ferguson. At a commercial construction site in the northern suburb of Manly, Dixon organised a one-hour stop-work meeting, during which he urged colleagues to donate what they could to the cause. Referencing a 1996 mass shooting in Tasmania, in which 35 people were killed, he framed the militia-led reprisals in East Timor as "Port Arthur on a daily basis."[113]

Meanwhile, Ferguson offered up the CFMEU offices in Kent Street as a space for large meetings of people concerned about the events in East Timor.[114] At the first of these, an estimated 150 people from "80 different organisations turned up," traversing the spectrum of widespread community outrage and solidarity.[115] Trade unions, predictably, were heavily represented. The disparate alliance further included "quite conservative entities," such as the Catholic Church's Mary MacKillop Institute and an organisation of Australian Commandos, as well as members of groups on the left, including

---

[110] 'Warrior for human rights,' *Sydney Morning Herald* (27 August 2005).
[111] Phelan, interview.
[112] *Ibid*.
[113] Steve Dixon, cited in 'Workers dig in for East Timorese,' *Manly Daily* (17 September 1999), 1.
[114] Ferguson, interview.
[115] Davey, interview.

the Greens and extra-parliamentary activist bodies.[116] Also heavily involved were dedicated East Timor solidarity groups, including ETRA, and members of the East Timorese diaspora living in Sydney.

Beyond hosting and organising this series of meetings – a prime example of the type of broad alliance-building advocated for by proponents of SMU – the CFMEU exerted no particular influence on their proceedings. The union acknowledged, much as in Tattersall's theory of the "positive-sum coalition," that of utmost importance was the betterment of conditions for the East Timorese, not the pursuit of any factional or organisational supremacy.[117] Given the diversity and popularity of the discussions, it was not surprising that attendees agreed upon mass rallies and demonstrations as key strategies. In one such subsequent action, a well-attended sit-in occurred at the Sydney office of Garuda Airlines, receiving nationwide press coverage.[118] Similar public demonstrations, as well as other forms of the targeting of Garuda, were occurring elsewhere.[119]

Where the unions' expertise was most valuable was in enacting the broader group's decision to use industrial action to get their message across. In Sydney and across the country, unions engaged in a range of actions.[120] The Transport Workers Union temporarily refused to unload any freight shipped from Indonesian, while the Maritime Union of Australia similarly placed bans on Indonesian-sourced ships and associated cargo. By 14 September, such actions had "held up more than $100 million in cargo on 11 ships around Australia."[121] Inspired by the actions led by Didge McDonald in Darwin following Santa Cruz, the CWU's successor, the Communications, Electrical and Plumbing Union of Australia, initiated a nationwide ban on work in Indonesian consulates and other official buildings.[122]

---

[116] *Ibid*.
[117] Amanda Tattersall, *Power in Coalition: Strategies for Strong Unions and Social Change* (New York: Cornell University Press, 2010), 142.
[118] Murphy, interview; 'Unions protest East Timor violence,' *AM* (transcript of Australian Broadcasting Corporation radio program broadcast on 7 September 1999), accessed online at http://www.abc.net.au/am/stories/s49758.htm.
[119] 'East Timor / protests in Melbourne and Sydney,' *PM* (transcript of Australian Broadcasting Corporation radio program broadcast on 6 September 1999), accessed online at http://www.abc.net.au/pm/stories/s49707.htm; 'Agent removes Indonesia from its travel itinerary,' *Age* (8 September 1999), 15.
[120] 'Union movement adds voice to anti-Indonesian protest,' *The World Today* (transcript of Australian Broadcasting Corporation radio program broadcast on 6 September 1999), accessed online at http://www.abc.net.au/worldtoday/stories/s49552.htm; 'Union fires first shot in national blockade,' *Sydney Morning Herald* (7 September 1999); 'Patchy response to industrial offensive,' *Sydney Morning Herald* (9 September 1999), 12.
[121] 'Protests start with ships,' *Sydney Morning Herald* (8 September 1999); 'Garuda action stops, freight bans remain,' *Age* (14 September 1999), 9.
[122] 'Ramos Horta calls for workers' support,' *Workers Online* (10 September 1999), accessed online at http://workers.labor.net.au/30/print_index.html.

Elsewhere, the refining of crude oil from Indonesia, which accounted "for about 30 per cent of Australia's imports," was halted by the Australian Workers' Union.[123]

Another strategy devised in the CFMEU's "war room" in Sydney involved lobbying the Australian Government to push for, and mobilise, a peacekeeping force – ensuring the issue remained "on the TV news every night."[124] Among a flood of letters to newspaper editors and Government ministers, others took to applying pressure in a more direct, public manner. In one such case, Sydney members of the Women's International League for Peace and Freedom – a group that had advocated for the ending of violent conflicts around the world since its formation in 1915 – occupied the Philips Street offices of Prime Minister Howard.[125] With the group that day, along with other unionists, was Peter Murphy, acting as the League's media spokesperson.

Following the deployment of the INTERFET forces, the broad-based coalition of unions, political groups, and community organisations shifted their attentions to providing material support to the rebuilding of East Timor. Speaking to the Australian Broadcasting Corporation's *PM* radio program on 11 October, ACTU president Jennie George outlined the sources of such assistance. This included the construction division of the Victorian branch of the CFMEU, who, under Cummins' leadership, provided pre-fabricated building supplies – essential for the erection of emergency shelters and clinics.[126] Also mentioned was the ANF appeal, as well as promises made by Australia's education and public sector unions to provide "much needed administrative support."[127] Among such groups was the New South Wales Teacher's Federation – who the reader will recall were vocal players in the Aboriginal rights campaigns of the 1960s, as detailed in Chapter 1. As early as May 1999, the NSWTF had written to the state's premier, Bob Carr, requesting special provisions that would allow for extended periods of paid leave for employees keen to assist on the ground in East Timor.[128] Despite the urgency of the post-ballot situation, the proposal had by 24 September not yet received the endorsement of education minister John Aquilina. Achieving more success was the NSW branch of the ANF, the NSW Nurses' Association, who had "received in principle support from health minister Craig Knowles for the concept of paid leave for nurses."[129]

---

[123] 'Rupiah suffers from crisis,' *PM* (transcript of Australian Broadcasting Corporation radio program broadcast on 6 September 1999), accessed online at http://www.abc.net.au/pm/stories/s50680.htm.
[124] Davey, interview.
[125] Murphy, interview.
[126] 'Australian unions to help rebuild East Timor,' *PM* (transcript of Australian Broadcasting Corporation radio program broadcast on 11 October 1999), accessed online at http://www.abc.net.au/pm/stories/s58575.htm.
[127] Jennie George, cited in *Ibid*.
[128] 'Public servants seek leave for Timor,' *Workers Online* (24 September 1999), accessed online at http://workers.labor.net.au/32/news1_leave.html.
[129] *Ibid*.

During this rebuilding period in East Timor, the Australian solidarity network developed yet more unexpected partnerships between organisations with traditionally divergent outlooks. For Phil Davey, one particular incident made him rethink some of his own preconceptions. Prior to sailing to East Timor as part of the INTERFET forces, a lieutenant commander of the *HMAS Newcastle*, a guided missile frigate with the Australian Navy, contacted the CFMEU seeking assistance. Davey, taking the call, was asked if the union would be interested in speaking to building companies in order to request donations of much-needed roofing materials to assist in the rebuilding objective of the project. Having successfully coordinated the operation on the CFMEU's side, Davey personally helped with the unloading of "a couple of truckloads full" of supplies onto the *Newcastle*, and had lunch in the officers' mess with some of the crew.[130] The materials would soon be used to re-roof several houses, and the main church, in the Oecusse enclave, a district of East Timor embedded in the northern part of West Timor. As Davey recalls:

> this was a really cool experience for me at a personal level, because I come from a pacifist background, a left background, my Mum's family are all very strong pacifists and lefties …. And I'd never really thought of the military as a force for good. So, to have the armed military reach out to, you know, a militant union and say 'hey, let's collaborate around this issue' – it was really cool.[131]

The interaction reflected, as Prime Minister John Howard would later note, the unique breadth of the wider campaign around East Timor (arguably not seen since the 1967 Referendum 'yes' movement detailed in Part One). As Davey observes, in addition to the more predictable engagement by activists on the left, including many trade unions:

> it was the ultimate 'cross-over appeal' campaign. … You could be military or ex-military and come at it from the World War II angle, or you could be a deeply conservative Catholic and come at it from that angle, because the people in Timor are obviously Catholic.[132]

Notwithstanding the Australian public's overwhelming solidarity with the people of East Timor, the union-led actions would come to be acknowledged as having played an especially vital part. In a Senate discussion on 21 September, the movement's role in publicising and coordinating the campaign was lauded by numerous senators. The ALP's Kim Carr placed the spotlight on the ACTU's assistance with the ballot alongside the UNAMET officials, personalising the issue by singling out the

[130] Davey, interview.
[131] *Ibid*.
[132] *Ibid*.

work of his staff member, Jane Nicholls.[133] Carr's colleague in the Labor Left, South Australian Senator Rosemary Crowley, spoke of how "very proud" she was of unionists' commitment, citing the near-unanimous levels of support from the broader community for their actions throughout the campaign:

> I note that there has been no negative comment about union activities [on East Timor]. Perhaps one should never say 'no' and 'never,' but I have read almost none. Most of the people in the community have said 'well, good on them. At least they did something.'[134]

For Crowley, the dedicated campaign, and the collection of associated actions, was a clear example of how unions play "a considerable role in a much broader social agenda. … outside wages, working conditions and industrial relations … [which] is often a contribution to our community that most people do not acknowledge."[135]

As the Senate discussion highlighted, the Australian union movement could look back with pride at how it had backed the people of East Timor in the aftermath of the referendum. The grass-roots awareness-raising campaign, encapsulated by the diverse gatherings at the CFMEU offices on Sydney's Kent Street, was widely supported and praised. On the ground in East Timor, the work of CFMEU activists Liam Phelan and HT Lee was of even more profound importance. Their bravery in the face of the post-ballot violence underscored the international angle of their work, as they played a key part in sharing to the world's media the horror of the unfolding developments. While the de-escalation of the violence did not mark the end of unions' material and physical support for the East Timorese, it did herald the beginning of a new, significantly important stage.

[133] Kim Carr, cited in Australian Senate, *Official Hansard* (21 September 1999), 8551.
[134] Rosemary Crowley, cited in Australian Senate, *Official Hansard* (21 September 1999), 8541.
[135] *Ibid*, 8541.

Chapter 4.

Union-building amid nation-building, 2002-2003

Introduction

On 20 May 2002, Timor-Leste officially declared its independence, becoming the first new state created in the twenty-first century.[1] The relief of having achieved a long-awaited freedom, though, was tempered by the realisation that a new type of work had only just begun. It would undoubtedly be a long and arduous road ahead for Timor-Leste's new leaders, headed by the country's first elected Prime Minister, Mari Alkatiri, and President, Xanana Gusmão. The violence of 1999 had left the capital and key regions in tatters. Physical and psychological scars marked Timor-Leste and its people. The 'scorched-earth' policy of the withdrawing Indonesian army and the militias it had backed had decimated buildings and townships. The looting and destruction were not indiscriminate: as Peter Murphy, who took a group of supporters to attend FRETILIN's first public conference in decades, laments, "a huge amount of infrastructure had been [deliberately] destroyed."[2] Underlying sectarian tensions – varying in cause – frayed the edges of Timor-Leste's social fabric. Most central among these conflicts was the divide between those who had fought and voted for independence and those who had favoured integration with Indonesia.

On 25 October 1999, less than a week after Indonesia had formally recognised the referendum's result, UNTAET had been mandated by United Nations Resolution 1272. Its objective was to lead the transition from the post-ballot emergency period to the establishment of a sustainable and legitimate governance and administrative framework for Timor-Leste. As I have outlined earlier in Part Two, many pages have been written on the challenges faced by UNTAET: most notably, how an inability to fully address lingering domestic tensions and cultural considerations undermined its implementation of stable governance. However, receiving considerably less attention in this historical context are the events surrounding the establishment and growth of Timor-Leste's trade union movement. In this chapter I seek to fill this gap in the literature, rounding out the story of the Australian labour movement's support for East Timor as elucidated throughout Chapter 3. I highlight how Timor-Leste's nation-building stage heralded a crucial new phase in Australian unionists' input:

[1] Vandra Harris and Andrew Goldsmith, 'The struggle for independence was just the beginning,' in Vandra Harris and Andrew Goldsmith, eds., *Security, Development and Nation-building in Timor-Leste: A Cross-sectoral Assessment* (New York: Routledge, 2011), 5.
[2] Peter Murphy, interviewed by author (1 February 2017), Sydney.

the promulgation of trade unionist principles, and the provision of direct assistance in developing new collectives of workers in the young nation. Linking back to this thesis's overarching theoretical framework, I frame such interventions as an example of transnational SMU-inspired actions by Australian unionists. Without downplaying the sincerity of the various forms of Australian assistance detailed throughout Chapter 3, a key argument prosecuted in this chapter is that the presence of common *industrial* interests shared by the Australian and East Timorese unionists added a new dimension to the nature of solidarity and support provided. In the process, I suggest that Australian union-building initiatives in Timor-Leste feature clear parallels with both *global* SMU (as espoused by Moody) and the associated theory of a New Labour Internationalism, distinguishable from earlier forms of international union solidarity by its emphasis on more democratic, tangible, and sustained actions.

As foreshadowed in Chapter 2, I also contrast unionists' input at the grass-roots level with the more state-centric activities of the United Nations missions in Timor-Leste. To this end, I argue that the motivations driving Australian unionists' assistance in Timor-Leste's nation-building phase were in stark contrast to those of UNTAET. The international bureaucracy's emphasis on establishing a Western neoliberal framework of governance – amenable and connected to institutions such as the World Bank – did little to address underlying risks of poverty among, or exploitation of, Timor-Leste's poorest citizens.

Indeed, the implications of the model imposed by UNTAET – which, under the guise of ensuring 'stability,' exposed the country's economy to the tides of globalisation – included the *enhancement* of these very risks. For example, with a narrow, underdeveloped economy largely dependent on offshore mineral resources for development, Timor-Leste's new leaders were encouraged to enter into business dealings with foreign oil and gas companies, who were only too keen to capitalise on potential new sources of supply for the global market. At the governmental level, the income subsequently generated for Timor-Leste by such endeavours would prove to be significant: by the last quarter of the 2012 financial year, the petroleum fund accounted for some US$11.8 billion in the country's coffers.[3] Yet the problem for Timor-Leste would be that alternatives to such economic accumulation would be few and far between. In 2006, the proportion of the country's gross national income generated by oil and gas stood at 58 per cent – a staggering leap from 33 per cent in 2004, and 3 per cent in 2002.[4] While attempts have been made to use this money to enhance

[3] La'o Hamutuk, 'Timor-Leste Petroleum Fund' (updated 3 August 2018), accessed online at https://www.laohamutuk.org/Oil/PetFund/05PFIndex.htm#2018.
[4] Andrew Rosser, 'Timor-Leste and the resource curse,' in Vandra Harris and Andrew Goldsmith, eds., *Security, Development and Nation-building in Timor-Leste: A Cross-sectoral Assessment* (New York: Routledge, 2011), 186.

diversification, the formal economy remains monopolised by the minerals industry (and, to a lesser extent, the services industry related to it).

Faced with the acute realities of this energy resource dependence, post-independence policymaking prioritised employment generation over attention to industrial relations. Characterising Timor-Leste as an example of what industrial relations scholar Richard Hyman has termed "late late development,"[5] Ford explains:

> with formal sector employment at around 10 per cent, the reach of an industrial relations system predicated on a regulated waged relationship is necessarily limited. … the state has been concerned first and foremost with encouraging sustainable forms of accumulation, and the employment opportunities that accompany them, rather than with regulating labour relations.[6]

Notwithstanding these understandable priorities, Timor-Leste's labour law framework became, on paper, a relatively robust and worker-friendly one. During the UNTAET-dominated transitional period of 1999-2002, numerous influential international aid agencies and experts sought to provide input into the unique nation-building project. Among them was the International Labor Organization (ILO). Alongside the United States' Department of Labor, the ILO played a key role in drafting Timor-Leste's 2002 *Labour Code*, subsequently adopted by UNTAET.[7] The *Labour Code* mandated a tripartite industrial relations system. This design displayed substantial optimism and foresight, as it facilitated negotiations between the state, employer groups, and trade unions. However, with all three institutional groups nascent and under-developed at that time, it proved difficult to avoid obstacles in implementing the *Labour Code*. As Ford asserts, "what could have been best-practice industrial relations institutions … foundered as a consequence of a failure to secure employer buy-in and weak enforcement."[8]

As the ILO and the US Government contributed to the overarching *Labour Code* framework, unionists from Australia were among a small transnational coalition of workers providing invaluable technical and professional expertise to Timor-Leste's new trade union movement. While continuing to commit resources to existing projects around vocational training and the provision of health and literacy services, APHEDA began to venture more into union-building initiatives. In 2001, it assisted

[5] Richard Hyman, 'The state in industrial relations,' in Paul Blyton, Edmund Heery, Nicholas Bacon & Jack Fiorito, eds., *The SAGE Handbook of Industrial Relations* (London: SAGE, 2008), 274.
[6] Michele Ford, 'The making of industrial relations in Timor-Leste,' *Journal of Industrial Relations* 58 (2016): 243-244.
[7] *Ibid*, 244.
[8] *Ibid*, 243.

in the development of Timor-Leste's first trade union confederation – the Konfederasaun Sindicatu Timor Lorosa'e (KSTL: in English, the Timor-Leste Trade Union Confederation). The following year, APHEDA recommended Didge McDonald become technical advisor to the KSTL. McDonald, would play a key role in this important, formative period for the confederation.

Another Australian unionist, the Maritime Union of Australia's (MUA) Michael Killick, made an equally-impressive contribution, helping establish a union covering workers in Timor-Leste's maritime, energy, and transport sectors. Fighting against the exploitation of East Timorese workers by foreign companies (including those based in Australia), McDonald and Killick deeply embodied the 'international solidarity' principle of SMU espoused by Moody. Crucially too, as part of a small transnational network of trade unionists (including representatives from Norway and Canada), McDonald and Killick directly supported workers at the civil society level. This was a level of engagement both inaccessible to, and neglected by, the administrative machinery of the United Nations project, designed as it was to develop institutions and relationships almost solely at the level of the state.[9]

As a potential case of social movement unionism, the transnational nature of McDonald and Killick's work draws attention to one of the model's key principles: the importance not only of effective cross-border *solidarity* (the subject of Chapter 3) but of cross-border *organising*. With this in mind, the following section sets out to provide some context as to how wider developments in global politics throughout the final two decades of the twenty-first century led to simultaneous calls for a new approach to both trade union internationalism and to trade unionism in general. In both contexts, SMU emerged as a model of significant prominence.

Social movement unionism and the New Labour Internationalism

The turn of the twenty-first century brought with it a great deal of soul-searching on what the future held for trade unions in an increasingly borderless, deregulated global marketplace. To some labour scholars and historians, the need for change was distilled in a theory, and strategic blueprint, known as the New Labour Internationalism (NLI).[10] Drawing its title from reference to a century-and-a-half tradition of union internationalism, the NLI was distinguished from earlier forms by a greater

[9] The UN would be represented by both UNTAET, as outlined previously, and its predecessor, the United Nations Mission of Support in East Timor (UNMISET).
[10] See, for instance, Rob Lambert, 'Free trade and the New Labour Internationalism,' *Globalizations* 11 (2014): 119-129; and Pablo Ghigliani, 'International trade unionism in a globalizing world: A case study of New Labour Internationalism,' *Economic and Industrial Democracy* 26 (2005): 359-382.

willingness to acknowledge the connections between labour rights and broader social and moral issues, and a shift towards more democratic, internal structures. It should come as little surprise, then, that SMU gained recognition as the model of unionism of most relevance.[11] The interdependence between the concepts, and the historical context within which they both emerged, was highlighted by political scientist Dimitris Stevis and sociologist Terry Boswell, who framed global labour's support in the late 1980s and 1990s for militant unions in South Africa, Brazil, the Philippines, and South Korea, as simultaneously signalling "the beginnings of a new labor internationalism and of social movement unionism."[12]

Embodying the most significant repudiation from the 'old labour internationalism' was the NLI's acceptance of the value of partnerships with INGOs – the type of organisation lauded by critical modernists such as Tajuddin as potentially key players in non-state forms of international development (see Chapter 2). As labour scholar George Myconos explains, such organisations are "informed by an emancipatory ethic" – and thus view the state as an entity from which freedoms or enhanced liberties must be won, be they in areas including but not limited to ecological, social justice, or gender-based rights.[13]

Prior to the 1990s, the potential development of partnerships between INGOs and trade unions had been undermined, or certainly at least complicated, by broader political realities. During the Cold War, the two most prominent international peak union bodies were existentially shaped by the ideological line separating the Western capitalist and Communist spheres of influence.[14] As such, the agendas pursued by the International Confederation of Free Trade Unions (ICFTU; Western) and the World Federation of Trade Unions (WFTU; Communist) largely prioritised the preservation of their respective political status quo. In both instances, connected national union federations were deeply implicated in the political realm: ICFTU affiliates predominantly in step with social-democratic parties (evidenced in the ACTU/ALP relationship in Australia); WFTU affiliates comprising the state-controlled unions of the Communist Bloc. Accordingly, for the non-state civil actors in INGOs, who viewed their own work as occupying a diametrically oppositional place in relation to any political apparatus, organised labour was generally "considered little more than a hopelessly reformist and

[11] Rob Lambert, 'Labour movement renewal in the era of globalization: Union responses in the South,' in *Global Unions? Theory and Strategies in the Global Political Economy* (London: Routledge, 2002), 185-203.
[12] Dimitris Stevis and Terry Boswell, *Globalization & Labor: Democratising Global Governance* (Lanham: Rowman and Littlefield, 2008), 68.
[13] George Myconos, *The Globalizations of Organized Labour, 1945-2005* (Basingstoke: Palgrave Macmillan, 2005), 150.
[14] Stuart Hodkinson, 'Is there a *new* trade union internationalism? The International Confederation of Free Trade Unions' response to globalization, 1996-2002,' *Labour, Capital and Society* 38 (2005): 36-65.

compromised" movement.[15] The union confederation leaderships, for their part, similarly distanced themselves from the civil realm actors – drawing attention to the large number of such groups, and their apparent willingness to form around exclusive, marginal issues.[16] To some unionists, civil oppositional actors were thus viewed as "one person think-tanks" and a "nuisance."[17]

The fall of the Berlin Wall in 1989 effectively erased the fault line that had sustained the rivalry between the ICFTU and the WFTU. With the demise of its Eastern Bloc governmental backers, the WFTU became a weakened, marginalised force, now largely made up of unions from the remaining enclaves of global Communism. In 2006, the ICFTU merged with a smaller Christian peak body, the World Confederation of Labor, to form the International Trade Union Confederation (ITUC). Henceforth, the ITUC assumed its current position at the peak of the formal international labour movement.

Yet, notwithstanding the end of the underlying Cold War divisions, many legacies of the era endured. Among the most detrimental was the ingrained organisational structure of ICFTU's successor. Labour scholar Ronaldo Munck persuasively links the hierarchical nature of the old labour internationalism, evident to this day in ITUC's operations, to a 'nation-statist' approach to the defence of labour rights.[18] Though ostensibly motivated to fight for workers across the globe, ITUC officials are ultimately drawn from national federations; federations at which they are in turn office-holders "far removed from the realities of today's workplace."[19] The representatives of the old labour internationalism thus continue to personify what Moody termed "bureaucracy three times removed."[20]

Adding legitimacy and urgency to a labour internationalism that thinks beyond these terms – less 'workers as representatives of nation-states' than 'workers as global citizens opposed to global capital' – has been the dramatic impact of economic globalisation. Evidenced in the rising power of the transnational corporation (TNC), capital has increasingly relocated from the national plane to the international. In their quest for cheaper labour and resources, employers have moved considerable amounts of their operations to the Global South. To remain relevant, labour was required to

[15] Myconos, *The Globalizations of Organized Labour*, 150.
[16] *Ibid*, 150.
[17] Fred van Leeuwen (General Secretary of Education International), cited in Robert O'Brien, 'Workers and world order: The tentative transformation of the international union movement,' *Review of International Studies* 26 (2000): 553; Myconos, *The Globalizations of Organized Labour*, 150.
[18] This argument underpins an informative chapter on the broader nature and limitations of the 'old labour internationalism' that prevailed for much of the post-war period of the twentieth century. Ronaldo Munck, *Globalisation and Labour: The New 'Great Transformation'* (London: Zed Books, 2002), 135-153.
[19] Kim Moody, *Workers in a Lean World: Unions in the International Economy* (London: Verso, 1997), 229.
[20] *Ibid*.

understand the implications of this expanded field of play and respond appropriately. It was against this backdrop that the case for the NLI was made. This was to be a fresh style of labour internationalism – one that "cut across the boundaries of national/international, production/consumption and labour/community."[21] As Myconos convincingly demonstrates, the recent proliferation of bilateral, multilateral, and regional trade agreements between states has "led to a corresponding move on the part of organised labour to establish shadow trade union regimes at [… those] regional level[s]."[22] As a result, in a fortuitous development for NLI proponents who have lauded the virtues of a more open, globalist perspective on the part of national union leaderships, "free trade negotiations [have] serve[d] to catapult important domestic (formally inward looking?) labour actors beyond their traditional spheres of influence."[23]

The suggestion of SMU, or *global* social movement unionism (GSMU), as the most appropriate model for labour to model itself around in pursuit of the NLI, brings with it the case for far deeper democratic structures.[24] Alongside the burgeoning new alliances with the formally estranged civil oppositional actors, and the impact of new forms of communication technology on the dissemination and growth of campaigns, has come the need for greater rank-and-file union agency.[25] Ultimately, the complex strategic and operational terrain on which the new labour internationalism must function has demanded a complete overhaul from what the 'old' model represented. Actions and campaigns must be at once local and global (and everything in between; national, regional, and so on) and must no longer simply be shaped and directed by leaderships. The driving factors are no longer simply labour rights, but cover a spectrum of often interconnected concerns related to gender, environmental, and human rights. These issues affect and impact on workers and their families, but also on the wider societal units they inhabit. As Myconos asserts, "the protagonists [of this new approach] are rooted in the particular and yet informed by broader concerns."[26] It is tempting here to invoke the immigrant cohorts among the CFMEU rank-and-file discussed in Chapter 3, who saw membership of the union not simply as a way of pursuing and preserving their financial interests, but as an outlet for expressing concern over issues affecting the cultural diasporas to which they belonged.

---

[21] Eddie Webster, Rob Lambert, and Andries Bezuidenhout, *Grounding Globalization: Labour in the Age of Insecurity* (Oxford: Blackwell, 2008), 193.
[22] Myconos, *The Globalizations of Organized Labour*, 154.
[23] *Ibid*, 155.
[24] Rob Lambert and Eddie Webster, 'Southern unionism and the New Labour Internationalism,' *Antipode* 33 (2002): 337-362; Kim Moody, 'Toward an international social-movement unionism,' in *Workers in a Lean World*, 269-292.
[25] Webster et al, *Labour in the Age of Insecurity*, 193.
[26] Myconos, *The Globalizations of Organized Labour*, 156.

In this sense, the story of Australian union support for the development of Timor-Leste's union movement emerges as a salutary case study. While not directly related to their own material interests, Didge McDonald and Michael Killick understood their work in Timor-Leste as far more than an (albeit important) example of humanitarian activity. It was, rather, indistinguishable from their overall responsibilities as trade unionists in a global environment. For Killick in particular, operating in a maritime industry in which the major employers controlled workers in ports and on vessels around the world, the connections could not be clearer. Indeed, as will be detailed, the development of networks between Australian and East Timorese maritime workers made possible by his pioneering efforts would result in the type of regional alliance called for by NLI advocates as a vital counterweight to TNCs' exploitation and control. Crucially too, the establishment of this Oceania-specific body – the (somewhat misleadingly titled) Maritime International Federation – reflected the value of the Australian's guidance and assistance: in the space of less than a decade and a half, an East Timorese union that had not previously existed would be in a position to contribute to discussions with significantly more-experienced unions about how best to confront and challenge common foes.

The activist contributions of Didge McDonald and Michael Killick

Following his time with the CWU in Darwin – to which he was granted a life membership for services since the 1980s – Didge McDonald had joined the Northern Territory Trades and Labour Council (now Unions NT) as an educational and training officer. By 2002, he had taken up a position as industrial officer for the LHMU. It was from this role that his direct, on-the-ground engagement with the development of Timor-Leste's emerging trade union movement would begin. Throughout the 1990s, and since his leadership of the CWU strike activities targeting Garuda Airlines in the wake of Santa Cruz, McDonald had been active in the Darwin-based East Timor solidarity movement. As noted in Chapter 3, this had included the application of political pressure, manifested in McDonald's regular sponsorship of resolutions in support of East Timor at ALP state conferences. McDonald had been heavily involved at a more practical level too, lobbying unions to donate financial and material support for East Timor, particularly in the tumultuous period since the referendum, and coordinating the shipping of such resources from Darwin. This commitment to the cause, coupled with his extensive professional expertise in workplace training and occupational health and safety, made him a perfect fit for a new vacancy APHEDA advertised in mid-2002.

Since its first entry on to the scene in 1998, APHEDA's footprint had grown considerably. To its initial work with the Mary MacKillop Institute that year, the agency had, by 2001, added a wide range of

East Timorese civil society organisations as project partners.[27] Associated initiatives now included work in the areas of community radio development and an expansion of vocational training services – into the fields of English language, carpentry, and other industrial skills.[28] Such activities drew on the support of a vastly expanded number of unions, community organisations, government bodies, and businesses. There was also an international dimension to this network: among its sponsors were the Canadian Auto Workers Union and the Canadian Labour Congress. At the same time, an important move towards the development of local trade unions had also occurred. During one of the study tours of Australian unionists led by Alison Tate in mid-1999, discussions had been held with an Indonesia-based trade union which had been operating in East Timor.[29] A commitment on APHEDA's part to providing financial support followed. Soon, however, efforts began to concentrate on developing a native union movement within East Timor itself. In 2000, following an approach from activists at the Labour Advocacy Institute for East Timor (LAIFET), APHEDA agreed to dedicate funds to establishing a peak body for the numerous trade unions that had been created since the referendum. By the end of February the following year, the KSTL was born.[30] In addition to providing financial resources, APHEDA was eager to send in someone to assist in a more practical, hands-on way. McDonald, with his years of active experience in the East Timor support network and his proven capacity to lead by example, was encouraged to apply for the role.

Having taken leave from the LHMU, McDonald began his six-month stint as the KSTL's technical adviser in August 2002. He would quickly come to realise that circumstances on the ground would dictate what was possible and realistic. A key obstacle centred on just how underdeveloped the principles of trade unionism and labour rights were among the nation's workers. Much of this lack of knowledge emanated from the decades-long era of the Indonesian occupation. An understandable culture of secrecy and mistrust of questioning interlopers had developed among the population. For McDonald, a seemingly simple query about wages or working conditions would meet with a stubborn wall of silence, an accustomed fear of any real or perceived authority. McDonald remembers a typical interaction between himself, as a representative of the KSTL, and a group of workers:

> it was a huge education process to try to get people to understand what exactly unions were. We'd go to workplaces and the workers would say 'are you from the government?

[27] APHEDA, *2001 Annual Report*.
[28] *Ibid*.
[29] 'Chris Christodoulou's images of East Timor,' *Workers Online* (2 July 1999).
[30] Ford, 'The making of industrial relations in Timor-Leste,' 251.

> What are you?' … This whole thing that they might have civil rights in the workplace was a whole new ball game to them.[31]

Among those who did have some prior understanding, a factor complicating the rollout of the nation's new, little-known *Labour Code* was an over-familiarity with the previous employment law framework, in place under the Indonesian occupation. Compounded by a backlog in Timor-Leste's judicial system, and a general lack of capacity on the part of government to enforce the new laws, industrial disputes would often be mediated in a way that circumvented the courts. Parties on either side would "look at which [of the Indonesian or Timor-Leste labour laws] would give them most value and go with that one, and the one that most people were familiar with was the old system."[32]

Navigating this difficult terrain with McDonald was a core group of four KSTL officials. Most had been educated in Indonesian universities and had been active in occupations and actions calling for the release of Gusmão during his incarceration in Jakarta as a leader of East Timor's resistance. Among the group was José da Conceição (Zito) da Costa, the KSTL's president, and Rigoberto Monteiro, its secretary. Zito da Costa had been active in the Labour Advocacy Institute for East Timor, the local NGO with which APHEDA had collaborated in founding the KSTL.[33] The collaboration between trade unionist McDonald and activists such as da Costa and Monteiro represented a prime example of SMU's (and, by extension, the NLI's) embrace of open-minded partnerships with NGO and other non-union bodies. While da Costa and Monteiro had strong levels of education and experience in activism, an understanding of how to operate and manage a union was justifiably underdeveloped. To assist in rectifying this, McDonald was given *carte blanche* access to the Timor-Leste pocket of APHEDA funding. He began by ensuring that the four officials, who had to that point been offering their services on a voluntary capacity, were granted a modest living wage.

Hamstrung by a lack of knowledge of union principles among workers, and the limited size of the formal economy, some of the KSTL's early work focused on community development. The destruction that had marked the last months of Indonesian rule had left those involved in industries such as agriculture disconnected and lacking resources. Addressing this issue, one KSTL-aligned activist travelled extensively from region to region, including the difficult-to-access interior of the nation. On returning to the office in Dili, he would bring news of what a farmer in one area, or a coffee grower in another, needed in order to ensure a good crop. Invoking the same sentiment that had driven APHEDA's first foray into East Timor in 1998, McDonald acknowledged that such work

[31] Didge McDonald, interviewed by author (13 February 2017), Port Fairy.
[32] *Ibid*.
[33] José da Conceição (Zito) da Costa, interviewed by author (29 September 2017), via telephone.

was born of a combination of practical considerations and a desire to not take over and dictate. As McDonald puts it, "it wasn't about marching in and saying 'this is how to be a good unionist; this is the organisational structure you need.'"[34] Moreover, in a practical sense, such grass-roots engagement with Timor-Leste's population was invaluable in breaking down the barriers between the organisation and workers – thus enhancing the KSTL's legitimacy in the eyes of the people. Further exemplifying the type of community-centred alliance central to the tenets of SMU, McDonald also pursued linkages between the KSTL and women's rights groups. Assisted by targeted APHEDA funding, this work included the provision of training programs to women working on initiatives against prostitution and domestic abuse, issues which lingered as a legacy of the decades of violent turmoil and resistance to Indonesian rule.[35]

Yet while appreciating the value of such relationships, McDonald was primarily motivated to pursue the union-building duties of his role, in as cooperative a way as he could. Casting his eye over the recently-enacted *Labour Code*, McDonald believed that the industrial relations framework within which the KSTL was to develop offered a positive outlook. Although a minimal, simplistic set of regulations by Australian standards, he saw it as a strong starting point:

> It was very much an in-principle document … it didn't have a lot of meat on the bones, but the principles were there, including things like the right to strike, no [employer] lock-outs, so it was … pretty good [on paper]. … So, when I saw that, I thought 'well, this is good – we've got something to work with.'[36]

An early test of the *Labour Code*'s tripartite system of negotiations came during a series of revisions in which McDonald was heavily involved. Headed by the Minister for Employment, one roundtable debate focused on the question of adding a minimum wage provision. Represented at the meeting were employer groups from the leading nations operating companies in Timor-Leste, including Portugal, China, and Singapore. Also taking part was a contingent from Australia, representing the Darwin-based Perkins Shipping. The company had a poor reputation among workers and other foreign employers alike, for its treatment of local East Timorese dockworkers and its haphazard and neglectful safety record. McDonald, well-versed in occupational health and safety requirements, saw firsthand the risks involved. Workers were made to unload containers by hand and were often forced to work shifts far exceeding the eight-hour day mandated by the *Labour Code*. Such practices had resulted in multiple accidents and, in some case, deaths. A saying had developed among the

[34] McDonald, interview.
[35] *Ibid*.
[36] *Ibid*.

foreign business operators, and those involved in the Australian union and solidarity movement, referring to Perkins' supervisors and their failings: 'if you can't make it in Darwin, they send you to [Timor-Leste].'[37] As the minimum wage discussion progressed, it did nothing to improve the company's image, or that of fellow Australian businesses:

> We got to the point where we were discussing the minimum wage and what it should be, and we had a vote. All the hands go up around the table except for the Australians,' and one of them says 'hang on, what's going on here?' and started screaming and yelling, saying the thing was rigged – that this left-wing mob, FRETILIN, was running the show and had stacked the meeting and the committee. [So] the Minister for Employment … said 'can we have a show of hands to see who around this table is an employer,' and more than half of them were employers. These Australians, just in their arrogance, didn't know that … [at the table] were the major players in business.[38]

No doubt to the annoyance of the Australian employers, the enforcement of a minimum wage was duly added to the revised *Labour Code*. Other attempts by McDonald and the KSTL to bolster the laws, such as bringing about the introduction of guidelines around health and safety, were less successful – though in the years since, basic references to such themes have been added. For their part, the East Timorese dockworkers were less concerned by an increase in their wages than receiving a level of respect from their employers. For McDonald, this:

> was a bit of an eye-opener – given the poverty, you'd expect that the first thing they wanted was to get as much money in their pocket as they could, but that wasn't the case. … [What] they wanted [was] a bit of dignity in the workplace.[39]

Not all Australian employers had such a negative reputation – sometimes unexpectedly so. McDonald recalls how one Queensland-based construction company, whose leadership in Australia was "rabidly anti-union," keenly welcomed the mediating abilities of one local unionist on its books. For the company, this employee was invaluable in a number of ways. In addition to being a skilled carpenter, the man had a talent for negotiating with fellow workers, quelling grievances and facilitating a productive flow of discussion between the employer and his fellow workers. As McDonald notes, this was certainly more beneficial for the company than the alternative result of

[37] *Ibid*.
[38] *Ibid*.
[39] *Ibid*.

disputes: “up until that point, [aggrieved workers] used to do things like burn down the houses and attack the employers with machetes.”[40]

McDonald’s interventions in Timor-Leste are fondly recalled by his former colleagues. da Costa, who remains the KSTL’s secretary to this day, recalls the Australian’s support as helping lay an important grounding for the work of the union in the succeeding years:

> Didge contributed a lot on how … legislation can … [ensure] the protection of the rights of workers, and also give us advice on other policy [areas] – health and safety, vocational training – as basis for us to talk and debate with the employers and with the government. He was also accompanying us, giving us advice, when we had negotiations with the employers, and also when we were meeting with the high-level government authorities.[41]

By the time McDonald had begun his work with the KSTL, another Australian had already made his mark organising local employees – such as the dockworkers – against exploitation at the hands of foreign employers. A cooperative venture funded by the MUA and the International Transport Workers’ Federation (ITF) gave Michael Killick, a Sydney-based organiser with the MUA, responsibility for establishing the Maritime, Energy, and Transport Union of Timor-Leste (or SMETTL: Sindikatu Maritima, Energia No Transporte Timor-Leste). Killick’s diverse experience in MUA activism in Sydney stood him in good stead for the task at hand. In addition to playing a role in state and federal ALP election campaigns, and working on industrial campaigns related to shipping workers’ conditions and wages, Killick had involved himself in the union’s international solidarity activities – in collaboration with APHEDA.[42]

It was through such involvement that Killick found himself travelling to Dili to meet with the KSTL’s da Costa and Monteiro, soon after the East Timorese peak union body had been formed. While McDonald would later concentrate on helping the two men develop the organisational capacity of the KSTL itself, Killick’s responsibility at this stage – still weeks away from the May 2002 declaration of independence – was to focus on organising workers in the maritime and transport sectors. Following the meeting with da Costa and Monteiro, Killick surveyed the landscape in which he would he need to operate:

> The best place to start was the waterfront, because the waterfront was active. … [Among] the [foreign] shipping companies up there, there was one good one and a couple of bad

[40] *Ibid*.
[41] da Costa, interview.
[42] Michael Killick, interviewed by author (27 March 2017), via telephone.

> ones. [In addition,] there were a lot of people that seemed to leech off the United Nations as they go from country to country, [making] themselves quite wealthy.[43]

This latter observation spoke directly to an underlying contradiction in the UNTAET project. As has been outlined, at face value UNTAET's purpose was to ensure the development of a sustainable and stable framework of governance for the new state. Such an objective, though, had profound implications beyond the strengthening of the state's administrative capacity. The consequences of these actions, occurring chiefly in the economic realm, would prove to have a negligible effect at best, and detrimental at worst, on the general East Timorese population. In a cruel irony, those who lived most comfortably during the UNTAET interregnum were the foreign officials and bureaucrats ostensibly there to improve the lives of the people of Timor-Leste. Similar conclusions were being made by Peter Murphy, the unionist and activist who had set up APHEDA's partnership with the Mary MacKillop Institute back in 1998. Borrowing terminology from the anti-establishment Occupy movement of the early-2010s, Murphy recalls the feelings of angst amongst some of the local population in Timor-Leste towards the UN officials: "we talk about the 1 per cent and the 99 per cent, and there it was right in front of your eyes."[44]

Having a far deeper, and enduring, impact on the people of Timor-Leste were the macroeconomic ramifications of the period of transition between 1999-2002. Entwined with the wider development project of the United Nations was the pervading role of international financial institutions (IFIs), who would hold sway over the direction and priorities of the new nation's economy.[45] The two most central players in this context were the World Bank (formally the International Bank for Reconstruction and Development) and the International Monetary Fund (IMF). In line with the prevailing neoliberal, free market-based philosophy that informed development projects across the Global South – the so-called Washington Consensus – the receipt of international aid money flowing into Timor-Leste was contingent on the take-up of a range of conditions set by the IFIs.[46] Put simply, this conditionality hinged on an adoption of fundamental free market policies and economic restructuring. Even after the 2002 declaration of independence heralded the end of UNTAET's hold on power, amid the handover to Prime Minister Alkatiri's government, many of these structures remained in place. These had included the removal of minimum price controls for basic commodities, and the installation of prepaid meters for the provision of electricity, both as per the

[43] *Ibid*.
[44] Murphy, interview.
[45] Ann Wigglesworth, *Activism and Aid: Young Citizens' Experiences of Development and Democracy in Timor-Leste* (Clayton: Monash University Publishing, 2016), 48.
[46] *Ibid*, 47.

IMF's recommendations.[47] Other measures directly impacted on those in the struggling agricultural sector – including the dismantling of a subsidy system that had, under Indonesian control, given at least a modicum of stability to producers and growers. This particular decision would have a drastic impact. Led by the World Bank's focus on production for the market, East Timorese farmers were discouraged from growing rice, a crop more cheaply sourced from countries such as Indonesia or Thailand. As the international development scholar Ann Wigglesworth has explained, "the risks of this strategy became evident when the 2008 global economic crisis caused food prices to escalate," plunging much of the East Timorese population into prolonged periods of food insecurity.[48]

Killick was quick to witness the practical impact of such monetary and fiscal policies on workers in the industries covered by the new union. Points of trade connecting the capital to the outside world swarmed with activity, as imports rose heavily: "the wharf was operating 24 hours [a day] when there [were] ships in, and … the airport was operating around the clock."[49] Amidst the commotion, unsafe working conditions and a general lack of organisational transparency were evident. Having identified these concerns, Killick liaised with the KSTL representatives and set out to attempt to organise and educate the local workers:

> When we went to establish the union, the [East] Timorese said 'look, we'll send out invitations.' So, they sent out invitations … to come along for a meeting. Well, the first time, one guy turned up. The next time, I think there was three guys. … So I then said to the guys, 'look, you know, that's great, we've done it your way; we're going to do it my way now.' … So, I said 'every time there's a ship in, there's 20 trucks lined up just to get into the wharf to try to get a container [to deliver] … we'll go down to the local park across from the wharf and we'll put on lunch and some drinks … to, you know, have a talk and stuff. And that's where we really started the union – you know, on the ground. Real grass-roots organising.[50]

It would take "eight to 10 months" cultivating such relationships before the union was officially registered in February 2003.[51] During this important foundational period, Killick was further occupied by more logistical factors. Among them were attempts to settle on an office space, from which the union could operate. Killick was stymied on multiple occasions, as confusion abounded over when and to whom rental payments were meant to be paid. Despite these challenges, an office was eventually established, owing in no small part to a regular stream of donations from MUA

---

[47] 'East Timor: Workers battle IMF agenda,' *Green Left Weekly* (3 September 2003), accessed online at https://www.greenleft.org.au/content/east-timor-workers-battle-imf-agenda.
[48] Wigglesworth, *Activism and Aid*, 48-49.
[49] Killick, interview.
[50] *Ibid*.
[51] *Ibid*.

members back in Australia. In August 2002, Killick was joined by a fellow Australian, as McDonald began his six-month stint with the KSTL. The two would live together in Dili, and continue to strengthen the invaluable relationship between SMETTL and KSTL, until McDonald returned to Australia.

In addition to helping meet SMETTL's basic administrative needs, the combined funding from the MUA and ITF was also utilised for more urgent, direct purposes. Addressing the relative lack of qualifications among East Timorese working in the maritime sector, one such initiative provided a pathway to formal training. With the support of ITF affiliates in Norway and Indonesia, SMETTL members were sent to Jakarta to obtain their basic seafaring tickets, a prerequisite under international law for working on the open seas (and not simply on the waterfront). For Killick, the value of establishing and maintaining such connections was obvious: "It wasn't just about teaching them trade unionism. It was about them getting the skills so, one, they could run their own unions, and, two, they could gain [secure and ongoing] employment."[52]

With respect to the employment factor, this would indeed prove profound. By keeping East Timorese workers unqualified for offshore seafaring jobs, shipping TNCs had been able to limit the use of domestic labour to their onshore operations, where wages were significantly inferior.[53] Addressing this type of exploitation in such a proactive and productive way, the global union collective that funded the training in Jakarta could arguably be characterised as working, in sociologist Ronaldo Munck's words, "beyond a conception of transnational collective bargaining, [towards …] a more social movement unionism."[54] By helping to open up new, relatively more lucrative revenue streams for East Timorese workers, the economic benefits of which would flow through to their families and local community, these actors – among them, of course, Killick – were contributing in their own important way to East Timorese society itself.

Building on this groundwork, by the time the SMETTL was formally registered in February 2003 it could count in its ranks "forty-four members who were all full-time employed – either in transport, at the airport, or on the waterfront."[55] Despite this success, the day of inauguration was not without drama. In the air of political freedom enjoyed by the East Timorese since the referendum, political

[52] *Ibid*.
[53] Indeed, under the Maritime Labour Convention 2006 (which came into force in August 2013), ship workers around the world are covered by a global minimum monthly wage – the only industry to feature such a provision. International Labor Organization, 'ILO body adopts new minimum monthly wage for seafarers' (28 February 2014), accessed online at http://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_236644/lang--en/index.htm.
[54] Munck, *Globalisation and Labour*, 154.
[55] Killick, interview.

parties and associations had proliferated enormously. Gone was the relative cohesion that had defined the years of resistance to Indonesian rule; fewer than a handful of groups had splintered into a large number of organisations, driven either by personal ambitions for power among their respective leaders, or more genuine differences over how best to govern an independent Timor-Leste. To Killick's estimation, some 27 parties and independents contested Timor-Leste's first free elections – a remarkable figure in a country of only around 800,000 people. Within such an environment, divisions and tensions were inevitable. As representatives of ITF affiliates from Australia, Norway, and Indonesia gathered to help celebrate SMETTL's registration, they were confronted by members of a recently-formed socialist party that had set up a rival union. Comprised almost entirely of casual workers, the protesters' collective had charged members a high weekly membership rate (eight times that of SMETTL's), "guaranteeing them jobs on the waterfront" – a near-impossible promise to keep.[56] The rival union was weakened when workers had learned of SMETTL's existence and moved across to join them, giving rise to the curious situation, as Killick recalls, of "a socialist party protesting against the formation of a trade union."[57]

Compounding the awkwardness of the situation was the fact that the socialists knew Killick, da Costa, and Monteiro well – and had been aware of SMETTL's efforts, for the best part of a year. Though appreciating the clear potential for some of his colleagues to enter East Timorese politics, Killick counselled fellow SMETTL officials against allowing the spat with the socialists to distract them from the task at hand. From his background in the Australian labour movement, Killick was all too aware of the dangers of factionalism. He feared the crippling – if not destructive – effect it would have on a union still finding its feet:

> I said, 'look, forget about your politics and trying to establish political movements – just concentrate on the work … of establishing trade unions for the workers … and give it at least 5 or 10 years [before branching into the political arena].'[58]

In its own way, Killick's advice to SMETTL leaders to eschew engagement with electoral politics during the union's formative period reflected the SMU principle of unions' independence from political affiliations. In interpretations of SMU such as Moody's, political independence is contextualised as involving complete autonomy from *existing* parties – typically those who ostensibly share similar overarching philosophies, but may very well (as in the case of the ALP's refusal between 1975 and 1999 to support East Timorese independence) fail to always act in line

[56] *Ibid*.
[57] *Ibid*.
[58] *Ibid*.

with members' wishes. The situation in Timor-Leste was very different. As Killick had observed, in the political environment afforded by newfound emancipation from Indonesia, there was every chance that SMETTL leaders could view the incident at the union's inauguration as an invitation to create yet another new political party. Given the existing levels of sectarianism – which had already complicated the broader nation-building process, as I outlined in Chapter 2 – any potential fracturing of SMETTL's membership as a result of such action would have proven particularly counterproductive.

Heeding Killick's calls, the SMETTL leadership instead centred its attention on the industrial conditions experienced by its existing and potential membership. Just as it did for McDonald, such activity brought Killick face to face with those amongst his own countrymen and countrywomen who stood on the opposite side of the labour/capital divide. Uncompromising in his defence of East Timorese workers' rights, Killick experienced first-hand the ruthlessness of some Australian businesses, who, having entered a new marketplace ostensibly ripe for the exploitation of a cheap workforce, were angered by the presence of familiar foes:

> You had these people up there who had this concept … that [Australian trade unions] were all bad, so they brought their baggage with them. … [Among them was] Rooney Shipping – their manager threatened to have me killed on the wharf one day when I was there [with SMETTL] for the [East] Timorese; he wanted to know what the fuck I was doing there. … There was another lady up there who was working for, I think Conoco-Phillips (an energy multinational) … and they gave me a tirade of abuse one night in this bar when I was … with the [East] Timorese union leaders, and threw drinks on me and everything. … I was the only one up there doing what I was doing and a lot of them expat Aussies didn't want that, saying it wasn't required, they didn't need it. … They [were] all up there trying to make money, trying to make really good money.[59]

Echoing McDonald's testimony, Killick remembers the largest player on the waterfront, Perkins Shipping, as being, initially at least, an especially frustrating business with which to deal. SMETTL's attempts to develop a collective bargaining agreement for dockworkers were complicated by the company's apparent reluctance to negotiate, let alone make any concessions around wages or conditions. Repeatedly frustrated by unreceptive Perkins representatives in Timor-Leste, Killick decided to mobilise his union back home. Subsequent discussions in Australia between the leaderships of the MUA and Perkins resulted in Killick and other SMETTL officials being invited to a meeting in Darwin. In Perkins' chief executive officer and chief operating officer, the East Timorese

[59] *Ibid*.

union had powerful sympathisers. As Killick puts it, "Perkins themselves had always had union agreements in Australia, but the problem was the Australian expats they had in Timor weren't very friendly to start with."[60] On its face, the MUA's cross-border advocacy in such negotiations was a good example of the internationalist outlook of SMU: a national union using its influence and relationship with an employer within its own borders to help advance the rights of those employed by the business in another jurisdiction. Further justifying this assessment was the fact that the discussions were instigated in the first instance by Killick, one of the MUA's organisers (and not a part of the higher leadership). The executive's prompt response to Killick's call to arms invokes the important SMU principle of strong internal democratic structures.

The links of legitimacy established by SMETTL's affiliation to both the ITF and the KSTL (the latter recognised by the ILO as Timor-Leste's official peak union body) were also key in bringing about a change in Perkins' East Timorese operation. Crucially too, the union-friendly wording of the 2002 *Labour Code* gave the business little room in which to move outside of collective bargaining. As a result, Killick was successful in getting the company's leadership to enter into discussions with SMETTL in good faith. Even so, certain elements of the collective bargaining agreement, proposed by Killick and endorsed by SMETTL delegates and the leadership, were more difficult to negotiate than others. While enforcement of a regular 44-hour working week, payment of overtime, and a basic minimum wage (representing no increase on the $US1 per hour workers were already paid) was accepted without significant opposition, Killick's push for workers' compensation in the case of on-site injuries proved more challenging: "we had to bring Perkins kicking and screaming a little bit here."[61] Refusing to settle for a defeat on this point, SMETTL eventually won compensation conditions, under which:

> all of [an injured worker's] medical bills would be paid, and [they would receive] 50 per cent of their salary while they were recovering. … [This] was a pretty big thing, you know, considering there was no workers' compensation [before].[62]

For Killick, there was an additional sense of achievement in the signing of this first agreement:

> We did this with Perkins without any industrial trouble – so, through that process, it was teaching the [East] Timorese how to put together their agreement of what suited them best,

[60] *Ibid*.
[61] *Ibid*.
[62] *Ibid*.

> how to negotiate … Once we had that … agreement, then it was about trying to entice other employers.[63]

In the process, Perkins became what Killick termed a "model employer."[64] Having guided his fellow officials through the negotiations, the agreement became an example of both what SMETTL was able to achieve for its members, and what other companies should have been able to provide when operating in Timor-Leste. Nonetheless, the Perkins agreement proved far from sufficient. Workplace safety issues that McDonald also identified with the KSTL remained a major concern. Exacerbating the problem was the preponderance of casual labour over more stable and permanent modes of employment. There was an almost total lack of job stability: "when a ship would come in, Perkins would employ all these casuals off the street."[65] In his mind, Killick was reminded of "the days of the old bull system in Australia … in the 1930s and 40s, when workers would have to line up and not be guaranteed a start."[66] Even so, he knew it was hard to expect the locals to demand better:

> We'd say 'look, guys, you're part of the collective agreement' … but the mentality of the workers … [was dictated by the fact that] they were the only ones working, and had extended families to feed – because employment at the time was probably five per cent of the whole population – they just thought if they worked longer they'd get more money … but guys were working 24 hours straight unloading the ship and then, you know, falling off the top deck to the bottom deck. … Safety clothes, like hardhats, Perkins would issue to their own core employees … [but not the casuals].[67]

Similar cost-cutting tactics marked the operations of other foreign employers in Timor-Leste. Regulatory implementation under the *Labour Code* depended on a framework that included crucial bodies – including an arbitration commission and a labour policy board – yet to be established. As a result, employers routinely acted on their own will, seeing themselves as immune from prosecution. The greatest ignominy was reserved for Chubb Security, named by da Costa as:

> the worst employers in East Timor. We see the same disputes happening again and again. We have dealt with 16 Chubb cases [between February 2001 and July 2003] … and have

[63] *Ibid*.
[64] *Ibid*.
[65] *Ibid*.
[66] *Ibid*.
[67] *Ibid*.

> three more cases currently on our books. They have a bad reputation for nepotism, for sacking workers in order to employ family and friends.[68]

A particularly egregious incident involving Chubb concerned the wages of cleaners at the World Bank offices in Dili. Following a snap decision by Chubb in November 2004 to cut salaries from US$133 to US$94, workers went on strike after just over a week of unsuccessful on-site resistance. Chubb responded by sacking the entire workforce – an action the KSTL labelled as illegal, given the company's "failure to give the required 30-days' notice and the right to strike enshrined in the … constitution."[69] Like Perkins (before its leadership intervened), the flagrant opportunism of the company's operations in Timor-Leste could be understood as especially galling, given Chubb's "workable relationship" with a union in Australia (McDonald's LHMU).[70] Indeed, building on the relationship McDonald had established between the East Timorese peak union body and the LHMU, the Australian union itself become involved in the dispute. In Australia, unionists from across the labour movement were encouraged to stand in solidarity with the sacked workers, although there was broad acknowledgement that it would "be months before … unjustified dismissal claims … [launched by the KSTL would] be heard."[71] Once again, Chubb's representatives took full advantage of a combination of factors – the imposition by UNTAET and the IFIs of policies of economic liberalisation, which attracted their business in the first instance; and the inability of the government to enforce the worker-friendly employment laws – to exploit the conditions for personal gain.

Some Australian business owners in Timor-Leste reacted with particular bitterness and anger when challenged by unionists from their own country. Killick was to personally experience this fury during a dispute at Dili Airport, in an episode that raised troubling questions over the motivations of the United Nations security forces on the ground. The incident also reiterated the unfortunate connection between the presence of the broader group of United Nations staff and the rise of exploitative behaviour by foreign businesses.

Timor Aviation Services (TAS) operated out of the airport in the new country's capital. It provided on-the-ground support for Air North, the only airline carrier servicing the Darwin-Dili route. In a similar vein to the management of other Australian companies, TAS's director, Tony Penna, had refused to meet with SMETTL delegates at the airport, or the union's leadership, to negotiate a

---

[68] Zito da Costa, cited in 'East Timor: Australian companies are 'worst employers,' *Green Left Weekly* (23 July 2003), accessed online at https://www.greenleft.org.au/content/east-timor-australian-companies-are-worst-employers.
[69] 'Chubby fingers in Timorese pockets,' *Workers Online* (13 February 2004), accessed online at http://workers.labor.net.au/208/news8_chubb.html.
[70] *Ibid*.
[71] *Ibid*.

collective agreement with its local employees. Killick's attempts to apply pressure by raising the matter with the authorities – at the Department of Labor and Solidarity – had generated little success. The matter came to a head when, in September 2003, the company won the tender for a contract to provide ground support for flights into and out of Dili for United Nations officials. Almost immediately, TAS summarily dismissed the two SMETTL delegates from its workforce. The union responded through the official channels legislated by the *Labour Code* – exhausting avenues for negotiation, before calling a strike. The state's ongoing lack of capacity to enforce the *Labour Code* was, by this stage, being openly mocked and abused by capital. Killick takes up the story:

> [Penna] sacked the two delegates. Now, we followed the procedures as per the law … you [had to] give 10 days' notice to strike, which is what the guys did. They sent letters to the government … I think they even sent a letter to the president's office. But bear in mind, too, that all along we've been dealing with Labor and Solidarity, and we just couldn't get this company to the table. So, the guys started exercising their rights and we went for the motion [to strike]. …
>
> When they actually did call the strike … Penna was just sticking his finger up at us. … After the first day of strike we were called back in for arbitration … and the government told [TAS] – this was the third time they told them – that [the workers] had the right under the law, so therefore you must negotiate a collective agreement. And … [Penna] just said 'well, you can't enforce that, because you don't have an arbitration court, is that correct?' And they said 'yes, that's correct,' and [so] he virtually told them to get fucked.[72]

Refusing to back down, the workers proceeded with the strike, returning to peacefully blockade the airport the following day. Appreciating the need to placate those inconvenienced by the industrial action, Killick drew on public relations tactics learned during his campaigning days in Australia. A fact sheet, in the style of a 'wanted' poster, was produced overnight, for distribution to the public. It came replete with a photograph of Penna, a 'reward' of the $US18,000 contract the company had won, a summary of "all the breaches of the *Labour Code* and the East Timorese constitution, and a brief history of what the [union was] … trying to achieve." Translated into three languages – English, Bahasa Indonesian, and Tetum – the notices proved successful in informing travellers of the origins of, and motivations behind, the strike. As a result, a vast majority of passengers agreed to not cross the picket line (according to Killick, the exceptions numbered just two: a policeman returning to the Unites States, and a backpacker).[73]

[72] Killick, interview.
[73] *Ibid*.

Though playing a key leadership role behind the scenes, Killick was careful not to attract attention at the picket itself. Acknowledging "that the employers absolutely despised" him, he instead "stood back," giving full ownership of the management of the strike action to the local unionists and workers. Again, such a decision was shaped by the overriding philosophy driving the involvement of Australian unionists in Timor-Leste: having provided guidance, it was up to the East Timorese to decide how best to utilise such suggestions for their own needs. Had Killick simply led the action, and monopolised the role of spokesperson, the strike would have been able to be framed as the illegitimate brainchild of a meddling foreigner. Seeing his responsibility as developing future union leaders, as opposed to assuming the mantle of one, Killick knew that the sustainability of SMETTL going forward relied on its local members and officials learning on-the-job – not simply observing and blindly following orders.

However, despite remaining in the background, there was a target on Killick's head. On the third day of the strike action, UN police pounced on the picket and singled out the Australian for arrest:

> This policeman barged through the [East] Timorese guys. Well, first he had a bit of a blue with them, and the [East] Timorese got him to the ground. He said 'tell them to stop hitting me,' because I could speak the lingo but this copper couldn't. So, [after Killick stepped in] they got off him. But the [airport and TAS] management and police had, to my view, conspired – and [so] then he's come through the [East] Timorese and taken me out.[74]

Imprisoned for three days, Killick was falsely "hit with what they call 'the hamburger with the lot': [the charges of] disobeying an order, resisting arrest, and assaulting a police officer."[75] Speaking about these events for the first time on the public record, Killick describes the conditions of the UN gaol:

> There were no basic rights in there. There was no bed. There were six of us crammed into a cell. I was just thrown in with six other guys. A real deplorable place. And run by the United Nations, of all people – it wasn't a good look for them.[76]

Reflecting the strength of conviction and leadership capacity Killick had nurtured in SMETTL, the unionists failed to buckle in the manner TAS had anticipated. Instead, leveraging Killick's popularity as a well-known supporter of East Timorese workers' rights, the union sent out the call to workers from other industries:

---

[74] *Ibid*.
[75] *Ibid*.
[76] *Ibid*.

> [Management] thought that if they took me out, it would all be over. But the strike went on for another two weeks. … [In the past] I'd always said … 'look, you know if anything ever happens to me, just grab my phone and start ringing [through the list of Killick's union contacts].' … [So] once I was arrested, all the [East] Timorese barged the airport and said 'that guy shouldn't have been arrested.' … Even after all it was said and done, I was called in to see the Special Minister for State and he said to me 'Mick, you shouldn't have been arrested – we knew everything that went on down there.'[77]

The actions of the UN police immediately came under fire. Speaking from the ILO Asia Pacific regional conference in New Zealand, ACTU president Sharan Burrow condemned the arrest as "an amazing over-reaction and one that … cannot be justified."[78] Supporting Killick's account of the events, Melbourne's *Age* newspaper reported that "other unionists at the Dili Airport had … [confirmed] that the protest was peaceful and Mr Killick, the only Australian, had been plucked from the group."[79] The ACTU president's comments were endorsed by fellow conference attendees, representing unions from across the two continents of Asia and Oceania. In a motion, the conference claimed that

> the use of UN police to arrest and detain union officials who were involved in normal union work protected by the conventions of the ILO is unprecedented and … [should be seen] as unwarranted … interference in industrial issues.[80]

On behalf of the ITF, Dean Summers, the body's regional coordinator in Australia, echoed the sense of disbelief at the behaviour of the United Nations security personnel: "It's crazy – we don't understand the situation there. It was a legal dispute, the relevant Timor government department knew about it, [the protesters] had fulfilled all their obligations under … [the] law. It would seem they targeted [Killick]."[81]

Solidarity actions followed, with unions in Australia and Indonesia joining the East Timorese to protest Killick's arrest. The ANF bombarded Harvey World Travel (of which TAS was a franchisee) with facsimiles and letters, while outrage was expressed at a fundraising event organised by the

[77] *Ibid*.
[78] 'Row erupts as UN police jail Australian unionist,' *Age* (8 October 2003), accessed online at http://fddp.theage.com.au/articles/2003/10/07/1065292590472.html?from=storyrhs.
[79] *Ibid*.
[80] 'Australian unionist arrested by UN in Dili,' *Age* (7 October 2003), accessed online at http://www.theage.com.au/articles/2003/10/07/1065292574454.html.
[81] Dean Summers, cited in *Ibid*.

Victorian branch of the MUA in North Melbourne, at which $2,000 was raised to assist SMETTL.[82] In Jakarta, the Australian embassy was picketed by Indonesian unionists supporting Killick and opposing the UN.[83]

In considering the legacy of the incident, and of his time with SMETTL more broadly, Killick remains humble and reflective. There is an acknowledgement, too, that old scores will perhaps never be settled:

> I suppose it depends on from what angle you look at it. Obviously from a trade union … [perspective], some called us heroes. But it was never about being a hero – it was never about, you know, individual accomplishment or whatever. Whereas [if] you look through the prism of the employer, you're still despised. Our legacy is, you just hope, that the [East] Timorese, for themselves, have the tools and the knowledge to progress their issues for their own people, against some of these companies that'll be up there exploiting them.[84]

It is testament to Killick's efforts that SMETTL indeed grew quickly, to become a self-sustaining, locally-led union with a membership of impressive proportions. Celebrating its fifth year since formal registration, the union held its second national congress over 21-23 February 2008.[85] One hundred and ten delegates and rank-and-file members were joined by Killick and other officials from the MUA, Australia's Electrical Trades Union, and the secretary of the Wellington seafarers' branch of the Maritime Union of New Zealand (MUNZ), Joe Fleetwood. In an article later penned for MUNZ's journal, Fleetwood noted that SMETTL now had some 440 members, a number representing a tenfold increase on its initial base back in 2003.[86] The issues discussed at Congress reflected the professionalism of the still-young union. Among them was an agreed need to renegotiate and improve collective agreements it had earlier developed; the importance of delivering "union and OHS training to all … members"; and the necessity of ensuring that members regularly paid the modest membership fee (50 US cents per month).[87] Congress's re-election of national secretary Paulino da Costa also highlighted another valuable principle expounded by Killick that had taken root – the strength of the union's internal democratic structures.[88] As Killick explains, "it's all done

[82] Killick, interview; 'Maritime union offers solidarity,' *Green Left Weekly* (12 November 2003), accessed online at https://www.greenleft.org.au/content/maritime-union-offers-solidarity.
[83] Killick, interview.
[84] *Ibid*.
[85] International Transport Workers Federation, 'ITF Congress press releases: Congress of the Sindicato Maritime, Energy and Transport Workers of Timor-Leste – affiliated to the ITF Offshore Task Force Group' (25 February 2008), accessed online at http://www.itfcongress2006.org/press-releases.cfm/pressdetail/1815/region/1/section/0/order/1.
[86] 'East Timor maritime workers build their union,' *The Maritimes* (April 2008), 36.
[87] *Ibid*, 37.
[88] *Ibid*, 36.

transparently and democratically [in SMETTL]. It's not this top-down movement. It's about the workers having their own voice in the union."[89] Beyond having the ability to vote for their leaders – a right that may be taken for granted in nations such as Australia, but should certainly not be automatically expected in a post-conflict society with such recent experience of oppression by an external power – such internal structures included the level of autonomy afforded to workplace delegates. As noted above, for example, the two SMETTL delegates summarily dismissed by TAS in 2003 had been entrusted by the union's leadership with commencing their own negotiations around a collective agreement.[90]

In the years since the 2008 Congress, SMETTL has continued to grow. By 2016, the union had just under 900 members – although the issue of chasing up dues remained an ongoing concern.[91] In 2015, it combined with fellow maritime unions from Australia, New Zealand, and Papua New Guinea (PNG), to form the regionally-focused Maritime International Federation (MIF), under the ITF banner.[92] SMETTL's engagement in the MIF highlights the importance of Killick's developmental work during the union's formative years. Initially, there had been an understandable reliance on foreign sources of advice and guidance: on Killick, the MUA, and the ITF. More recently, support came from Norway's petroleum workers' union, Industri Energi (IE).[93] By the middle of the 2010s, however, SMETTL was drawing on its own experiences to contribute to the MIF's aims and objectives. Through this affiliation, SMETTL began operating on an equal footing with comrades from Australia, New Zealand, and PNG, all of whom were "experiencing the same industrial struggles, the same industrial disputes"[94] against the same multinational companies. In October 2016, as part of the MIF, SMETTL sent messages of solidarity to IE, as the Norwegian union battled attempts by multinational oil companies to cut wages and reduce conditions.[95] By returning the moral support IE had only recently provided to SMETTL, the East Timorese union had come full circle since the days of Killick's lunchtime discussions with Dili dockworkers. No longer was it a union whose development depended disproportionately on externally-sourced support; it was now in the position to stand, at least symbolically, with workers around the world.

---

[89] Killick, interview.
[90] Australian Council of Trade Unions, 'Dili Airport strike enters second week' (13 October 2003), accessed online at https://www.actu.org.au/our-work/international/news/dili-airport-strike-enters-second-week.
[91] Ford, 'The making of industrial relations in Timor-Leste,' 253.
[92] Maritime Union of Australia, 'Maritime International Federation a force for change in Asia Pacific' (3 March 2016), accessed online at http://www.mua.org.au/maritime_international_federation_a_force_for_change_in_asia_pacific.
[93] Ford, 'The making of industrial relations in Timor-Leste,' 252.
[94] Reg McAllister, cited in MUA, 'A force for change in Asia Pacific.'
[95] Industri Energi, 'Støtte i Streiken fra (Support for the strike from) Maritime International Federation' (3 October 2016), accessed online at http://ieosa.no/modules/m02/article.aspx?CatId=0&ArtId=130.

The contributions made by Killick and Didge McDonald (the latter through his work with the KSTL) had played a key part in this story – and are testament to the capacity of campaigns inspired by SMU (and NLI) principles to achieve tangible gains. For Zito da Costa, who remains at the time of writing the KSTL's president, the East Timorese union movement fondly recalls the Australians' assistance and cooperation:

> Their experience, their knowledge [very much] helped the trade union movement in Timor-Leste … [so that] today we can exist … as a national centre. I am very grateful [for] the solidarity from our brothers and sisters in Australia, the ACTU, the APHEDA, [who] assisted us, since the beginning.[96]

Despite da Costa's warm words of gratitude, there remains much work to do to ensure that the East Timorese union movement continues to develop. These strong, early foundations are themselves worthy achievements, of which actors such as Killick and McDonald should be proud. However, it is important to recognise the challenges facing East Timorese workers, and the unions representing them. In particular, the new nation's ongoing lack of economic diversification continues to stymie the growth of its formal economy. This undermines the influence and potential of employee bodies such as SMETTL, and more broadly the KSTL. Although large foreign employers are required, under government direction, to provide job opportunities and training for the domestic workforce, da Costa acknowledges that "we don't have enough skilled people yet."[97] Safety issues have also persisted to blight the East Timorese waterfront in recent years.[98]

While the birth of independent Timor-Leste presented unique opportunities for what may have appeared to be a textbook example of greenfields union organising on a national scale, it also brought with it what seem today to be intractable obstacles. Such obstacles will arguably only be dismantled over time via a continued focus on transnational union partnerships and solidarity – be it from Australia or beyond.

Conclusion

In a 2002 collection of essays, *Unions in a Globalized Environment: Changing Borders, Organizational Boundaries, and Social Roles*, several labour scholars considered the question of how unions in the

[96] da Costa, interview.
[97] Paulino da Costa, cited in Zoe Reynolds, 'Timor-Leste sets its sights on maritime statehood,' *Fairplay* (26 September 2016), accessed online at https://fairplay.ihs.com/commerce/article/4275546/timor-leste-sets-its-sights-maritime-statehood.
[98] MUA, 'A force for change in Asia Pacific.'

United States might most effectively continue to defend workers' interests in the context of an increasingly globalised business landscape.[99] Reflecting on the chapters within, editor Bruce Nissen concluded that social movement unionism represented the "preferable path" ahead.[100] Unpacking his contributors' specific prescriptions, Nissen outlined two key structural and philosophical changes unions needed to make to facilitate such a transition. In discussing these principles here, I do so in order to impress upon the reader just how evolved Australian unions – who exemplified such principles to a strong degree throughout the earlier (and overlapping) campaign of solidarity with the East Timorese – were in terms of meeting the preconditions of SMU.

The first recommendation called for a fuller appreciation of the role of, and underlying reason for, international solidarity.[101] As the case of East Timor has shown, the defence of workers' or human rights abroad has evolved – given the growing familiarity with the foes involved – from a largely moral issue to one more identifiable as an industrial issue. As the tentacles of capital have increasingly reached into all corners of the world over the age of globalisation, the impact of multinational companies on conditions and wages is felt by workers in a growing number of previously unconnected sites. Companies seeking greater access to profits outsource labour to nations in the Global South, where regulations are looser and demand for wages is a fraction of what it might be in the United States or Australia. Tied up with these relocations and expansions is the growing brashness of capital in attempting to frame and consolidate legal safeguards for such actions. As developments such as the Trans-Pacific Partnership exemplify, "the world is entering an era in which the most powerful law is not that of sovereignty but that of supply and demand."[102] In this environment, companies representing a large number of sectors employ labour across the entire planet: in 2016, shipping company Maersk operated in nearly every port in the world; McDonald's had stores in over 100 countries; Nestlé had factories in 86 countries; while oil and gas companies ExxonMobil and Royal Dutch Shell had mineral resource interests across "six continents" and in "more than 70 countries," respectively.[103] Given the likelihood that an assault on labour rights in one part of the world can be directly or indirectly linked back to this network of global capital in which workers elsewhere operate, the traditional unionist refrain of "touch one, touch all" has come to bear a particularly significant relevance. Inherent in such a stance is the acknowledgement that it is

[99] Bruce Nissen, ed., *Unions in a Globalized Environment: Changing Borders, Organizational Boundaries, and Social Roles* (New York, M.E. Sharpe, 2002).
[100] Bruce Nissen, 'Concluding thoughts: Internal transformation?,' in Nissen, ed., *Unions in a Globalized Environment*, 273.
[101] *Ibid*, 265.
[102] 'These 25 companies are more powerful than many countries,' *Foreign Policy* (March/April 2016), accessed online at http://foreignpolicy.com/2016/03/15/these-25-companies-are-more-powerful-than-many-countries-multinational-corporate-wealth-power/.
[103] *Ibid*.

common class interests, rather than the extension of some form of charitable sympathy, that must take precedence. Accordingly, Nissen asserted, the earlier tokenistic approach to international solidarity by American unions, reducible in the majority of instances to "nothing more than a few meetings of top union functionaries," has become outdated and inadequate.[104] As Webster, Lambert and Bezuidenhout have elsewhere argued, "labour needs to think of itself once more as a social movement rather than as a mutual benevolent society."[105]

For Nissen, "organisational dynamics inherited from the past" constituted "a key stumbling block to attaining stronger ties of solidarity with unions and workers abroad."[106] As discussed in the introduction to this thesis, the internal political structure of business unionism, the model dominating American labour for much of the twentieth century, was largely undemocratic, and marked by clear delineation between leaderships and the rank-and-file. In Australia, as I have demonstrated throughout both Parts 1 and 2 (and will continue to do so in Part Three), the prevailing model of political unionism was relatively stronger in terms of its internal democratic structures. As a result, the type of bottom-up formulation of international solidarity campaigns and actions envisaged by Nissen was already facilitated by – and indeed prevalent amongst – numerous Australian unions.

This suggests that Nissen's second SMU-inspired principle for change – that structural changes, such as a move away from servicing towards organising, should create the conditions for international solidarity to be induced through "genuine, unforced involvement … [at] the local level" – had also been already met by parts of Australian union movement.[107] These principles are clearly reminiscent of the theoretical framework underpinning the NLI, as elucidated by labour scholars such as Robert Lambert, discussed earlier in this chapter. Another labour scholar advocating the importance of this type of rank-and-file internationalism, and offering examples that underlined its success, was Kim Moody. In *Workers in a Lean World*, Moody attributed the growing number of cross-border campaigns initiated and led by union memberships since the late 1970s to an understanding that much of "the official channels of [the old] labor internationalism were too removed from the workplace and frequently too ceremonial in nature."[108] Again, as the evidence throughout Part Two testifies, such a charge could hardly be levelled at several Australian unions, including the CFMEU, the ANF, and the CWU, to name just three.

[104] Nissen, 'Internal transformation?,' 265.
[105] Webster et al, *Labour in the Age of Insecurity*, 192.
[106] Nissen, 'Internal transformation?,' 265.
[107] *Ibid*, 265-266.
[108] Moody, *Workers in a Lean World*, 249.

Indeed, while the upper echelons of the Australian union movement were often focused on domestic priorities during a challenging era for the movement, organisers, activists, and members pursued the cause of East Timor with passion and dedication. This was particularly important during periods when the issue was not one that necessarily occupied a central position in the agenda of the progressive, let alone the broader, community. All of this is not to downplay the important, proactive stance on East Timor of union leaders such as John Halfpenny. Nor is it intended to sideline the important evolution in thought of leaders such as John Cummins. Rather, by focusing largely on the actions of union organisers, rank-and-file members, and others at the non-leadership activist level, these chapters have highlighted important structural characteristics of various parts of the East Timor/Timor-Leste campaign that represented the strong levels of internal union democracy synonymous with SMU. Such campaigns were also clearly sustained by the strength of the broad coalitions in which these unions and unionists participated – another key aspect of the model of SMU. Testament to this was the incredibly diverse alliance that comprised the solidarity network during the pre-independence years: bringing together workers' bodies, religious denominations, armed force personnel, and organisations representing both the younger and older members of the Australian community. The lack of leadership on the issue from unions' traditional political allies – the parliamentary Australian Labor Party – also played a key role in encouraging unionists to pursue the cause on their own. In combination, these structural and philosophical characteristics of the union movement's decades-long campaign in support of the people of Timor-Leste should see it stand as a convincing example of an Australian version of SMU in action.

*

I turn now, in the final part of my thesis, to the most contemporary of my case studies. Continuing the thread linking Parts One and Two – the Australian labour movement's solidarity with individuals and communities experiencing systemic persecution or disadvantage – in Part Three my focus is on unionists' activism in the mid-2010s in support of people seeking asylum in Australia from political or religious oppression in other regions. As with the campaigns examined to this point, I identify, where present, the principles of SMU. The case study also reveals an additional dimension in which agitation by Australian unions on social and moral issues has begun taking place: the financial marketplace.

Part Three

Unionists as shareholder activists in the 21st century

Chapter 5.

Removing 'an ethical stain': The campaign for pension fund divestment from offshore immigration detention, 2014-2015

Introduction

"Unions are active again – but this time as capitalists."[1] Thus opened, with a hint of tongue-in-cheek provocation, a 1998 article by law scholars Stewart Schwab and Randall Thomas examining labour's growing proclivity to engage in activism *within* – rather than in opposition to – the corporate sphere. Written largely with the United States' setting in mind, the piece was one of the first detailed analyses of union shareholder activism. As its name suggests, union shareholder activism involves agitation by trade union actors in a space markedly different from traditional industrial disputes. Replacing the picket line or the shopfloor as the site of contestation is the financial marketplace.

Although not entirely new, union shareholder activism came to prominence among labour movements across the Global North (chiefly the United States) over the 1990s and 2000s.[2] The turn towards more sustained activism in the financial arena reflected the adoption of similar tactics by a broader collection of actors: from conservationists troubled by businesses' ecological footprint to shareholders anxious about the impact of corporate takeovers and merger dealings on their stock portfolios.[3] While such a target – the unethical or dubious behaviour of corporations – was far from novel, this form of protest deviated from traditional, and overtly confrontational, methods (such as the strike, blockade, or march) because it enhanced the potential for more direct and constructive

[1] Stewart Schwab and Randall Thomas, 'Realigning corporate governance: Shareholder activism by labor unions,' *Michigan Law Review* 96 (February 1998): 1019.

[2] Prominent early examples of labour actors targeting corporate malfeasance, corruption, and failings in the area of social responsibility included the so-called 'gadflies' in the United States between the mid-1930s and the mid-1950s. Richard Marens, 'Inventing corporate governance: The mid-century emergence of shareholder activism, '*Journal of Business and Management* 8 (2002): 365-389; Andrew K. Prevost, Ramesh P. Rao & Melissa A. Williams, 'Labor unions as shareholder activists: Champions or detractors?,' *The Financial Review* 47 (2012): 330.

[3] Elizabeth Glass Geltmann and Andrew E. Skroback, 'Environmental activism and the ethical investor,' *Journal of Corporation Law* 465 (1997): 465-506; Michael Marinetto, 'The shareholders strike back: Issues in the research of shareholder activism,' *Environmental Politics* 7 (1998): 125-133; Jonathan M. Karpoff, Paul H. Malatesta & Ralph A. Walkling, 'Corporate governance and shareholder initiatives: Empirical evidence,' *Journal of Financial Economics* 42 (1996): 365-395; Roberta Romano, 'Less is more: Making shareholder activism a valued mechanism of corporate governance,' *Yale Law & Economics Research Paper No. 241* (2000); Bernard S. Black, 'Shareholder activism and corporate governance in the United States,' *The New Palgrave Dictionary of Economics and the Law*, Vol. 3 (1998), 459-465; Bengt Holmstrom and Steven N. Kaplan, 'Corporate governance and merger activity in the US: Making sense of the 1980s and 1990s,' *Journal of Economic Perspectives* 15 (2001): 121-144.

negotiations with management. This was especially salient in the context of three intersecting developments. The first two, as outlined in this thesis's Introduction, were the decline in industrial power of unions during this period, and, linked to this, the reduced effectiveness of traditional methods of workplace activism. I will shortly expand upon the third factor: the increasing financialisation of economies throughout the Global North.

In Australia, union shareholder activism has taken numerous forms – though two tactics have dominated the majority of campaigns. The first capitalises on a clause in the *Corporations Act 2001* allowing for a block of 100 shareholders to submit resolutions for vote at a business's annual general meeting (AGM).[4] By mobilising members who also happen to be shareholders in a given company, unions can thus facilitate formal, legitimate access to discussions with the company's management.

The second tactic involves the manipulation of workers' retirement income, in the form of superannuation. Aligning with the increasingly popular concept of socially responsible investment, unionists have used the influence of union leaders on the boards of industry superannuation funds to apply pressure on such entities to refrain from investing in (or to divest from) businesses with unethical track records. Each of these matters – socially responsible investment; the 100-member rule; the superannuation system; and industry superannuation funds – and their connections to union shareholder activism, will be explored in some detail in the pages that follow.

For union campaigns of these kinds to be considered a potential case of social movement unionism (SMU), several factors must be present. The first key element is the nature of the issue underpinning the campaign. While, as will be outlined, the first major examples of union shareholder activism in Australia (largely invoking the 100-member rule) focused on industrial matters, more recent campaigns have increasingly been motivated by non-industrial concerns. As a consequence, such actions have attracted supporters from across a range of issue-based social movements. Structurally speaking, the fact that a union's pursuit of these issues might originate at the grass-roots level also lends weight to the identification of such a campaign as synonymous with the SMU principle of strong internal union democracy. Depending on the issue at hand, a third SMU principle – unions' independence from traditional alliances with social-democratic parties – may also come into play.

In Part Three, I explore two recent case studies – involving use of the superannuation strategy – in which several of these factors did indeed converge. Between 2014 and 2015, unionists actively opposed an Australian Government policy that had led to the mandatory offshore detention of people seeking asylum in facilities on Manus Island and Nauru. Ostensibly established in 2001 as

[4] A similar clause had existed in the preceding legislation covering company governance in Australia, the *Corporations Law*.

'processing centres' – where temporary internment would occur while refugee status was determined – it had become increasingly clear by 2014 that many people seeking asylum had been detained for worryingly long periods of time. Outraged further by reports of the appalling conditions at the sites, unionists identified an avenue by which they could make their opposition known. Rank-and-file union members and delegates targeted two industry superannuation funds – one primarily covering university academics and staff (UniSuper); the other servicing numerous professions in the healthcare sector (Health Employees Superannuation Trust Australia: HESTA). In contention was the funds' investment of members' superannuation savings in companies involved in the administration of the detention centres. Activists from state branches of the Australian Services Union (ASU), the National Tertiary Education Union (NTEU) and the Australian Nursing and Midwifery Federation (ANMF) played important roles in these calls for divestment. Drawing on interviews undertaken with those responsible, this chapter focuses on the NTEU and ANMF campaigns – each of which featured a motion that originated from the lower ranks, before being ultimately endorsed by the respective union's national executive. Despite meeting temporary obstacles – chiefly involving the need for union representatives on the superannuation funds' boards to balance members' moral and legal concerns with their overarching fiduciary duties as trustees – both the NTEU/UniSuper and ANMF/HESTA campaigns would meet with a certain level of success, achieving the divestment objective and thus severing the campaigners' unwanted links to the detention system. Although the unionists' ultimate aim – to end the practice of offshore mandatory detention of people seeking asylum – was beyond the scope of each of the campaigns, the intense public pressure exerted on the superannuation funds and businesses alike served to galvanise and, crucially, expand the community of anti-detention activists in Australia. In doing so, the campaigns highlighted the very real potential of financial activism to influence public opinion and, in turn, shape political discourse.

Before delving into these case studies, then, it is important to first contemplate how the centrality of the financial markets in such campaigns arose. Why is it that activism in the economic realm – in this instance, through engagement with HESTA and UniSuper's investment strategy – came to be viewed as the mechanism most likely to further the campaigners' humanitarian objectives? In search of an answer, I begin by surveying the literature on the rise of financial activism on a broader global level. I then sharpen my focus to the domestic context, where I contend that developments in the national labour law framework in recent decades help explain why Australian unions have increasingly engaged in financial activism to attempt to bring about both industrial and social reform. As part of this discussion, I briefly discuss how the 100-member rule has been applied, before presenting a historical review of the union movement's contribution to, and position within, Australia's superannuation system. A detailed exploration of the HESTA and UniSuper divestment campaigns –

informed by interviews with key participants and supported by primary source material including union and pension fund publications, campaign documents and news articles – constitutes the remainder of the chapter. As in my coverage of the case studies detailed in Parts 1 and 2, I draw out and analyse elements of the campaigns which align with Moody's guiding principles of SMU.

The rise of the market as battleground

The trend towards shareholder and *union* shareholder activism constituted a response, at least in part, to a significant concurrent shift on the terrain of global political economy. This development is one I have already considered in the Introduction: the marked decline during the latter decades of the twentieth century in the industrial power of Northern economies, in favour of East Asia. According to business scholar Richard Marens, the rising incidence of activism in the financial sphere in the Global North (by unions and other protestor groups alike) can be attributed to a dichotomous set of consequences of this 'handover' of manufacturing might towards the East.[5] Invoking Giovanni Arrighi and Beverly Silver's theory of the historical transitions of hegemonic power,[6] Marens has highlighted a clear correlation between the weakening of labour markets in the Northern states on the one hand, and, on the other, the growing centrality of their financial markets.[7] For example, while job losses at home largely led to the stagnation or reduction in real terms of the wages of American (and Australian) workers, the incomes of those in the upper echelons of industry and within the finance and accounting sectors all rose.[8] The growth in capital accumulation in such sectors reflected investors' and entrepreneurs' commitment to financing production not in the declining hegemonic core, but in the fast-growing Asian manufacturing economies. As the reader will recall, these developments were discussed in Chapter 4, in a passage examining the increasing reach of transnational corporations (TNCs): trading in financial markets in the North, while looking eastward for cheaper labour and looser regulations in their industrial operations.

Amidst the growing role of financial markets in the global economy, the traditional cohort of social movement and INGO activists monitoring and publicising TNCs' disputed actions (as well as those of

[5] Richard Marens, 'Going to war with the army you have: Labor's shareholder activism in an era of financial hegemony,' *Business and Society* 47 (2008): 312-313.
[6] In which the authors identify four historical 'handovers' from one capitalist empire to another over the past four centuries, culminating in the post-Second World War transition from Britain to the United States. Giovanni Arrighi and Beverly J. Silver, eds., *Chaos and Governance in the Modern World System* (Minneapolis: University of Minnesota Press, 1999).
[7] Although Marens' focus is on the US situation, similar implications can arguably be applied to other liberal market economies such as Australia.
[8] Marens, 'Going to war with the army you have,' 314-315.

companies with a more limited, localised footprint) have been joined by those who hold a direct financial interest in the prospects of the companies themselves: their shareholders. Using their position as part-owners to influence companies' policies or governance, shareholder activists began, and continue, to pursue actions aimed at improving either the *financial* or *social* performance of companies.[9] The financial strand has predominantly centred on corporate governance issues – for example, tackling excessive executive remuneration or demanding enhanced financial and democratic accountability within a given company. It is this set of factors that has generally proven the most prevalent motivating force behind shareholder activist campaigns.[10] This is understandable enough. Given the primary objective driving investment in a company is to make a profit, it is not surprising that shareholders most commonly mobilise around issues that shape the dividends they receive.

Increasingly, however, it has become clear that aspects related to the *social* and *ethical* performance of a company also have an influence on its financial standing. Even for shareholders concerned only with the continued profitability of their stake, the importance of a corporation's image in the wider community has become more than a marginal factor. The share price, that existential yardstick in corporate culture, can swing violently at news of a disastrous oil spill or even reports of a culturally-insensitive comment by a director.[11] As a consequence, shareholders who once shared a natural affinity with management – shaped by a mutual framing of workers and their unions as inimical to the imperative of profit-making – have recognised the significance of safeguarding accountability and transparency by maintaining checks on executive power.

In this context, it is important to note that through the investment of their compulsory retirement savings by institutional pension (superannuation) funds, the vast majority of the Australian workforce are both employees, and shareholders, of companies based or operating in the country. This dual dynamic is no less true among what the journalist Barbara Ehrenreich and the psychologist John Ehrenreich termed the 'professional-managerial' class – the significant portion of employees in advanced capitalist economies comprised of higher-educated professionals and bureaucrats who do

[9] William Q. Judge, Ajai Gaur & Maureen I. Muller-Kahle, 'Antecedents of shareholder activism in target firms: Evidence from a multi-country study,' *Corporate Governance: An International Review* 18 (2010): 259; Emma Sjöström, 'Shareholder activism for corporate social responsibility: What do we know?,' *Sustainable Development* 16 (2008): 142.
[10] *Ibid*, 259.
[11] 'BP oil spill: Billions wiped off value of BP as share price plummets,' *Telegraph* (10 June 2010), accessed online at http://www.telegraph.co.uk/finance/newsbysector/energy/oilandgas/7816623/BP-oil-spill-Billions-wiped-off-value-BP-as-share-price-plummets.html; 'Snapchat shares drop following CEO's alleged "India too poor" comment,' *Economic Times* (18 April 2017), accessed online at http://economictimes.indiatimes.com/small-biz/money/snapchat-shares-drop-following-ceos-alleged-india-too-poor-comment/articleshow/58234578.cms.

not fall neatly into the classical Marxist definitional categories of either the proletariat or the bourgeoisie.[12] Indeed, while their position within internal company structures may at times complicate how those in the managerial class perceive their economic interests relative to those of management, they are – in the final analysis – still shareholders of companies, whether through their superannuation or additional means such as stand-alone stock portfolios or share-based remuneration frameworks. In this capacity, they may very well have personal opinions on the ethical record of the companies in which they are invested.

Of course, even in shareholder campaigns driven by broader ethical or moral issues, one should not downplay the overriding importance of economic considerations. Typically, shareholder activists enter into discussions with management only when they perceive that "the benefits of [this] activism outweigh the costs."[13] The interconnectedness between the financial and the social is summarised in the acronym 'ESG,' which denotes the broad suite of environmental, social, and governance factors that, to one degree or another, drive most dissenting shareholder campaigns. Similarly motivated by social and moral concerns, many have begun targeting those areas of the economy in which their savings and retirement incomes are invested, such as pension and managed investment funds. Fund managers who neglect to take ESG factors into account are exposed as failing to meet the criteria of socially responsible investment (SRI) – an approach to investing described as combining "the performance promise of financial engineering … with the assurance of a better tomorrow."[14]

Reflecting its influence, a large – and ever-growing – literature on the strategies, impact, and financial outcomes of SRI has developed.[15] This theoretical analysis has both contributed to, and been shaped by, the opening of a new market for ethical investment initiatives. Consumers, in Australia and beyond, have increasingly begun to recognise their capacity to align their purchasing

[12] Barbara Ehrenreich and John Ehrenreich, 'The professional-managerial class,' *Radical America* 11 (March-April 1977): 7-32.
[13] Judge *et al*, 'Evidence from a multi-country study,' 259.
[14] Adam Connaker and Saadia Madsbjerg, 'The state of socially responsible investing,' *Harvard Business Review* (17 January 2019), accessed online at https://hbr.org/2019/01/the-state-of-socially-responsible-investing.
[15] See, for instance, Matthew Haigh and James Hazelton, 'Financial markets: A tool for social responsibility,' *Journal of Business Ethics* 52 (2004): 59-71; Russell Sparkes and Christopher J. Cowton, 'The maturing of socially responsible investment: A review of the developing link with corporate social responsibility,' *Journal of Business Ethics* 52 (2004): 45-57; Rients Galema, Auke Plantinga & Bert Scholtens, 'The stocks at stake: Return and risk in socially responsible investment,' *Journal of Banking and Finance* 32 (2008): 2646-2654; Sally Hamilton, Hoje Jo & Meir Statmen, 'Doing well while doing good? The investment performance of socially responsible mutual funds,' *Financial Analysts Journal* 49 (1993): 62-66; Andrew L. Friedman and Samantha Miles, 'Socially responsible investment and corporate social and environmental reporting in the UK: An exploratory study,' *The British Accounting Review* 33 (2001): 532-548.

power, banking activities, and engagement with pension funds, with concerns over the broader fate of their communities.

Adding to the appeal of activism in the financial arena is the ubiquity of technology in modern daily life. Campaigners have at their disposal a range of social media and instant communications platforms that have radically simplified the dissemination of key messages. While this same technology has also been used to promote more traditional protest actions, such as in spreading news of a town square rally, the appeal of being able to make a statement with the click of a computer mouse is considerably tempting to prospective supporters of a cause.[16] Moreover, these technological advances have provided campaigners with the ability to more easily identify and cultivate a tailored group of potential sympathisers. Indeed, as noted in the Introduction to this thesis, despite noting a downturn in both electoral participation and membership of civic organisations and bodies (including unions), the political scientist Aaron Martin has argued that engagement with the political process has in fact shown signs of being on the rise, particularly amongst younger generations.[17] Crucially, however, rather than taking place in the formal electoral framework – such as in membership of, or identification with, political parties – this engagement has taken more organic, "fluid … [and] calculated" forms. These include the signing of petitions, the boycotting of products, or the joining of online forums or discussion groups.[18]

For union shareholder activists, this new civil society terrain has given rise to the potential development of multiple forms of alliance. The most obvious – invoking one of the defining structural principles of SMU – involves partnerships between trade unions and like-minded NGO/INGO or social movement actors. The other type of coalition, and one that has become vital to enhancing the potential for effecting actual change within a company, brings together these activist groups (either unions, NGOs, or a combination of the two) with a company's regular shareholders. Indeed, the fact that some unions have succeeded in mobilising non-aligned shareholders in campaigns against management (examples of which will be detailed shortly) owes in no small part to a fundamental aspect of the shareholder experience. Despite having a financial stake in a corporation, shareholders tend to constitute, as labour law scholar Michael Rawling has put it, "a

[16] There is a growing literature on this phenomenon of 'clicktivism.' See, for example, Max Halupka, 'The legitimisation of clicktivism,' *Australian Journal of Political Science* 53 (2018): 130-141; Simon Lindgren, 'The work of audiences on the age of clicktivism: On the ins and outs of distributed participation,' *Media Fields Journal* 10 (2015): 1-16; Eric Lee, 'Digital solidarity or complacent clicktivism,' *International Union Rights* 25 (2018): 24-25.
[17] Aaron Martin, 'Political participation among the young in Australia: Testing Dalton's Good Citizen thesis,' *Australian Journal of Political Science* 47 (2012): 221-223.
[18] *Ibid*, 217-218.

body of dispersed and largely disenfranchised" actors.[19] Their role as part-owners of a business fails to be mirrored in any "practical ability … to monitor the performance of [its] managers."[20] Employees not only share a similar interest in the operations and sustainability of a company (even if sometimes for different reasons), but have a far greater capacity – particularly when backed by effective union representation – to bring about change in these spaces.

Australia's '100-member rule,' and its use by unions

Australian unionists increasingly began to employ the tactics of shareholder activism from the early-2000s. While the broader global developments described above played their part in effecting this trend, corporate law scholars Kirsten Anderson and Ian Ramsay have argued that a shift in unions' position on the country's legal landscape had a more localised influence.[21] Amidst the dismantling of centralised arbitration and the steady deregulation of industrial relations laws (outlined in the Introduction), Australian unions came to view financial activism not simply as an alternative pathway to furthering their interests. It in fact emerged as one of the main spaces in which the law remained, at least relatively speaking, still on their side.[22] The primary legislative outlet for union shareholder activism in this initial period was the '100-member rule.' This passage in the *Corporations Act 2001* (and the legislation that preceded it, the *Corporations Law*) allows for a block of one hundred shareholders to put forward resolutions for discussion and vote at a company's AGM.[23] Prior to its repeal in March 2015, a separate clause had also allowed for a group of 100 members to requisition an extraordinary general meeting.[24] The resolution-setting regulation provides those concerned about a corporation's activity with a legitimate and potentially powerful avenue through which to address a wide audience, including the company's shareholders and institutional investors. The fact that any issue covered in such a resolution automatically makes its way onto the radar of the company's executive and directorial board can be considered a victory in its own right. Indeed, while

[19] Michael Rawling, 'Satisfying employee and shareholder demands in an era of union shareholder activism,' *Keeping Good Companies* 58 (2006): 106.
[20] *Ibid*, 106.
[21] Kirsten Anderson and Ian Ramsay, 'From the picket line to the boardroom: Union shareholder activism in Australia,' *Research Paper for the Centre for Corporate Law and Securities Regulation, and Centre for Employment and Labour Relations Law* (University of Melbourne, 2005).
[22] Anderson and Ramsay prosecuted a similar argument elsewhere, in Kirsten Anderson, Ian Ramsay, Shelley Marshall & Richard Mitchell, 'Union shareholder activism in the context of declining labour law protection: Four Australian case studies,' *Corporate Governance* 15 (2007): 45.
[23] Parliament of Australia, *Corporations Act 2001*, s.249N, accessed online at https://www.legislation.gov.au/Details/C2017C00328.
[24] Parliament of Australia, *Corporations Legislation Amendment (Deregulatory and Other Measures) Bill 2014*, accessed online at http://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/bd/bd1415a/15bd058.

no union-sponsored resolution via the 100-member rule has been passed at an annual general meeting (AGM) of an Australian-listed company, success has often been measured in simpler terms: to what extent were management forced to address the resolution's underlying concerns?

Unionists received an encouraging answer to this question in the wake of the first high-profile foray into AGM politics by an Australian union in 2000. Inspired by earlier uses of the 100-member rule by environmental activist groups, the CFMEU initiated a union shareholder campaign targeting international mining conglomerate Rio Tinto.[25] The union's decision to engage the company's board through the setting of the AGM stemmed from frustration at having failed to resolve a long-running industrial dispute. In 1993, the company had adopted an "aggressive de-unionisation policy" across its Australian operations. The stance had manifested itself in a refusal to negotiate union collective bargaining agreements, with the company instead favouring individualised employment contracts. Responding with traditional forms of industrial action, namely strikes and pickets, the CFMEU had failed to make a breakthrough.[26] By contracting out its industrial relations administration to a "phalanx of lawyers and HR [human resources] specialists," Rio Tinto's directors had effectively insulated themselves from having to deal directly with the tension between the company and its workforce.[27] The union had acknowledged that an alternative strategy was needed.

It reframed the company's labour rights issues as inextricably connected with broader questions around its corporate governance and record on human and environmental rights (including the treatment of workers and indigenous peoples in its operations in the Global South). To bring this discourse to the attention of shareholders concerned with the company's financial value and sustainability, the CFMEU coordinated the development of an international alliance of labour actors, comprising the peak union bodies of Australia (the ACTU), the United Kingdom (the British Trade Union Congress) and the United States (the AFL-CIO), as well as the International Federation of Chemical, Energy, Mine and General Workers' Unions.[28] The influential coalition, representing some 41 million workers globally, gathered together the requisite number of shareholders to put forward two proposals at Rio Tinto's AGM, held in Brisbane and London in May.[29] The transnational nature of the collective gave added weight to the resolutions: aside from combining to exhibit a show of force, each organisation contributed specific background information on how the company operated in

[25] Ross Knowles and Trevor Thomas, 'Shareholder activism,' in Ross Knowles, ed., *Ethical Investment*, 2nd edition, (Marrickville: Choice Books, 2000), 164-165.
[26] Peter Colley, cited in Anderson and Ramsay, 'From the picket line to the boardroom,' 11.
[27] *Ibid*, 74-75.
[28] Anderson and Ramsay, 'From the picket line to the boardroom,' 12.
[29] The company is double-listed on the national stock exchanges of Australia and the United Kingdom.

different parts of the world.[30] The first of the resolutions called for a truly independent director to be installed on the board. According to the resolution, such a director would be "independent of management and free from any business or other relationship that could materially interfere with the exercise of his or her judgement."[31] As the CFMEU's national research director would later admit, this reference to "board structure … [was] a Trojan Horse for the … central concern about bargaining rights."[32] The second resolution demanded the company develop a code of labour standards that aligned with the International Labor Organization's 1998 Declaration on Fundamental Principles and Rights at Work.[33]

Although neither achieved the 50 per cent vote required to pass, CFMEU officials would later argue that the impact of the resolutions – particularly the considerable support they attracted from institutional investors (such as the Australian Institute of Superannuation Trustees, the Australian Shareholders Association, and Independent Shareholder Services) – was significant.[34] They were not alone. In an opinion piece otherwise dismissive of the CFMEU's motives, economic journalist Alan Kohler noted that the outcome had "cause[d] other company directors to sit up and take notice."[35] The publicity generated by the campaign had indeed resulted in Rio Tinto being unable to keep the union's claims from the wider community. This led to several subsequent concessions by the company to its workforce, including, most critically, the resumption of collective bargaining negotiations across all sites.[36] Given Rio Tinto's earlier hawkish approach to industrial relations, it is unlikely – as Anderson and Ramsay have argued – whether the company's commitment to reset its relationship with employees would have occurred in the absence of the shareholder campaign.[37]

Buoyed by the example set by the CFMEU, numerous other unions – including the Transport Workers Union, the Finance Sector Union, the Australian Workers' Union, the Australian Service Union, and the Australian Manufacturing Workers' Union – utilised the 100-member rule in applying pressure on employers throughout the 2000s.[38] As has been the case with shareholder activism more broadly, most of these union-led campaigns were motivated to a greater extent by the financial strand of factors than the social or moral. Specifically, while such resolutions may have

[30] David Sadler, 'Trade unions, coalitions and communities: Australia's Construction, Forestry, Mining and Energy Union and the international stakeholder campaign against Rio Tinto,' *Geoforum* 35 (2004): 44.
[31] Anderson and Ramsay, 'From the picket line to the boardroom,' 12-13.
[32] Stephen Long, cited in Anderson and Ramsay, 'From the picket line to the boardroom,' 18.
[33] Anderson and Ramsay, 'From the picket line to the boardroom,' 13.
[34] *Ibid*, 16-18.
[35] Alan Kohler, 'Only Rio Tinto could get away with it,' *Australian Financial Review* (30 May 2000), 19.
[36] Sadler, 'Unions, coalitions and communities,' 43.
[37] Anderson and Ramsay, 'From the picket line to the boardroom,' 16.
[38] Michael Rawling, 'Australian trade unions as shareholder activists: The rocky path towards corporate democracy,' *Sydney Law Review* 28 (2006): 227-258.

featured tangential references to wider issues (say, labour rights in developing states abroad), almost without exception they were drafted against the backdrop of industrial disputes or breakdowns in negotiations on the domestic front. With this in mind, it is important to note that the resolutions that came closest to being passed were those framed as aiming to further the interests of as broad a group of stakeholders as possible. A leading factor in these more successful campaigns was the relevant union's ability not only to attract the pivotal backing of ordinary shareholders, but to do so by forming alliances with social movement actors. Reinforcing the findings of a US-based study by attorney Monami Chakrabarti, this coalition-building has been proven to afford invaluable information sharing potential.[39] As the CFMEU-coordinated move against Rio Tinto showed, the ability of different stakeholder groups to contribute information relating to how a company operates at different levels, and in different geographical areas, is key to a well-rounded campaign. For example, while unions may be best placed to reveal data related to a company's record on labour rights and working conditions, evidence pertinent to its ecological impact will be more likely held by environmental monitors. As referenced earlier, the development of such alliances between unions and social movement/NGO partners brings to mind one of SMU's most critical structural characteristics.

Unions and superannuation

While use of the 100-member rule dominated unions' initial ventures into financial campaigning in Australia, in recent years an alternative approach has taken hold. The manipulation of superannuation funds – identified by Fairfax financial journalist John Collett in 2003 as "the sleeping giants of shareholder activism" – has arguably proven more successful than the framing of company AGM resolutions in pursuing unionists' interests.[40] Setting the scene for these developments has been the confluence of two factors: the strengthening market position of industry superannuation funds (featuring significant board representation by union officials) and, as discussed earlier, the increasing prominence of SRI as a motivating force in financial decision-making.

Superannuation, a form of income set aside for retirement, involves contributions made by an employer in addition to a worker's salary. These compulsory payments may be supplemented by voluntary contributions on the part of employees themselves, capitalising on tax concessions for superannuation as compared with salaries and wages. Alongside the publicly provided age pension,

[39] Monami Chakrabarti, 'Labor and corporate governance: Initial lessons from shareholder activism,' *Working USA: The Journal of Labor and Society* 8 (2004): 45-69.
[40] 'Shared secrets,' *Sydney Morning Herald* (2 April 2003), 7.

the compulsory and voluntary superannuation streams make up Australia's unique three-pronged retirement income system, in place in its entirety since the early 1990s. Typically, employees' superannuation savings are managed by one of many 'industry' or 'retail' funds that, seeking to maximise returns for members' retirements, appoint trustees and managers to make investments in a range of markets.[41] A major point of difference between the two fund types centres on how the profits from these investments are distributed. In retail funds – offered by large banking institutions and insurance companies – gains on investments made using members' superannuation are shared not only with the members themselves, but with shareholders, who receive dividends for their part-ownership of the fund or its parent entity. Conversely, profits made by an industry fund – whose board of trustees usually comprises an equal split between employer and employee group (trade union) representation – are distributed almost exclusively back to members, in the form of payouts after retirement. Without shareholders, who are owed a stake of the returns generated, industry funds are thus able to minimise administrative fees and charges. Initially established in the mid-1980s to provide targeted superannuation management for workers in given sectors – such as construction, teaching, or healthcare – most industry funds today are, like their retail counterparts, 'public offer,' allowing anyone to join regardless of the sector in which they work.

This mainstream availability, alongside a 'members first' narrative that championed the lack of an obligation to cater for shareholders, saw industry funds gain considerable influence. By June 2017, two out of five superannuation accounts in Australia were in industry funds.[42] This share accounted for close to a quarter of the $2.26 trillion of total superannuation held across all fund types.[43] Highlighting its significance in the overall economy, the multi trillion-dollar superannuation industry had represented around 120 per cent of the country's gross domestic product in 2015. Following this trajectory, economists predicted, by 2035 the proportion would be somewhere closer to 200 per cent.[44] Incredibly, the amount held in Australians' superannuation accounts by March 2014 had

[41] Though a small, but growing, number of Australians are opting to independently administer their retirement savings, via the use of self-managed superannuation funds (SMSFs). There also exists a small number of 'corporate' and 'public sector' funds, which, run as not-for-profit entities in the same way as industry funds, cover employees at a single enterprise, or a certain section of workers employed in the public service, respectively.

[42] Association of Superannuation Funds of Australia, 'Superannuation statistics – June 2017,' accessed online at https://www.superannuation.asn.au/ArticleDocuments/269/SuperStats-Jun2017.pdf.aspx.

[43] *Ibid*.

[44] Deloitte, 'The dynamics of a $9.5 trillion Australian super system: Deloitte projects the next 20 years' (17 November 2015), accessed online at https://www2.deloitte.com/au/en/pages/media-releases/articles/dynamics-of-9-5-trillion-australian-super-system-171115.html.

already eclipsed the entire market capitalisation of all companies listed on the country's stock exchange.[45]

The staggering nature of these figures reflected just how quickly superannuation coverage had expanded since key changes were enacted in the mid-1980s and early-1990s. The union movement had played a central role in these developments, which had resulted not simply in the rise of industry funds, but in the very concept of compulsory and universal superannuation itself. The situation prior to these events could scarcely have been more different. Primarily enjoyed by a "privileged [cohort of] private and public sector workers," superannuation coverage in the mid-1970s stood at only 32 per cent.[46] In addition to politicians and other white-collar professionals, the concerted efforts of officials from the unions covering maritime workers, and storemen and packers, had achieved employer-contribution retirement provisions for their members. The first push for superannuation for blue-collar workers had its roots on the waterfront. Under the leadership of Jim Healy, Tom Nelson, and Dutchy Young, the Waterside Workers' Federation (WWF) had, in the 1950s, waged a "full-scale bloody war" against employers who refused demands for a modest superannuation fund for its members.[47] Following the imposition of fines by the federal Liberal-Country Coalition government, which led to the withdrawal of key ACTU support, the union stepped down its industrial action. Instead, it looked abroad – specifically to the United States – for inspiration. Taking its lead from the International Longshore and Warehouse Union, the WWF exploited employers' demand for a more stable, permanent workforce to argue for pension entitlements as a reward for worker loyalty. In the 1970s, officials from the Federated Storemen and Packers' Union (FSPU) broadened this argument to achieve a portable superannuation scheme for workers who moved across jobs within the industry. Building on their experience in this campaign, two leaders from the FSPU's Victorian branch – Bill Kelty and Simon Crean – would play pivotal roles in the eventual expansion of superannuation towards the compulsory, workforce-wide arrangements in place today.

The first major change occurred soon after the election of the Hawke Labor Government in 1983. As discussed in the Introduction, under the conditions of the Prices and Incomes Accord to which the ALP and the ACTU were party, the parliamentary and industrial wings of the labour movement utilised the industrial relations framework to address challenges bearing down upon the Australian

[45] Commonwealth of Australia, 'Superannuation,' in *Financial System Inquiry* (December 2014), accessed online at http://fsi.gov.au/publications/interim-report/03-funding/superannuation/.
[46] Nick Coates, Sacha Vidler & Frank Stilwell, 'Editors' introduction – Special issue on superannuation,' *Journal of Australian Political Economy* 53 (June 2004): 3.
[47] Christine St Anne, *A Super History: How Australia's $1 Trillion+ Superannuation Industry Was Made* (Highett: Major Street Publishing, 2012), 14.

economy. In this context, the mooted expansion of superannuation emerged as a strategic response to dilemmas including an age pension that on its own was inadequate in providing for workers' retirements, and the broader balancing act of increasing national savings while simultaneously maintaining wage restraint in a unique high-inflation, high-unemployment economic environment.[48] The latter of these problems in particular had been compounded by a wage freeze enacted by Malcolm Fraser's conservative Liberal-Country Coalition government, which had led the nation for eight years prior to Hawke's election win.[49] Fraser had also rejected a 1976 parliamentary inquiry's recommendation to introduce a more expansive superannuation scheme.[50] By including business and employer groups in its formulation, the Accord sought to quell what had become a fractious relationship between labour, employers and the State by the 1980s. Balancing an acknowledgement that workers were due improved conditions with a wariness of the inflationary consequences of simply increasing wages, the Accord would result in concessions around the 'social wage,' in lieu of tangible financial wage hikes. In addition to the introduction of the universal Medicare health system, superannuation would become a key pillar of these social wage entitlements.

Initially, however, superannuation reform under the Accord came not by way of expansion in terms of its coverage, but through changes to the way that existing superannuation contributions were taxed. This primarily involved scaling back tax concessions for the minority of 'privileged' workers who already had access to the system. For workers not covered by employer superannuation, the entirety of their salaries (already affected by the wage freeze) was subject to the relevant marginal tax rates, invariably higher than those imposed on superannuation payments. Before long, a creative response to the situation arose, which addressed several of the issues afflicting Australian workers and the economy. Under Accord Mark II (1985-87) the coverage of the superannuation system was to be radically expanded. Workers would finally receive a wage rise: not in their immediate take-home pay, but through a combination of payments made directly into a superannuation account. In doing so, the Labor Government led by Hawke and his treasurer Paul Keating sought to achieve several interconnected outcomes: increase the pool of national savings available for investment; provide workers with a long-awaited improvement in their material conditions; enhance Australians'

[48] In 1975, the final report of the *Commission of Inquiry into Poverty*, headed by Professor Ronald Henderson, had concluded that the aged made up a large proportion of the poor in Australia. Most concerningly, Henderson found that around a third of single aged Australians who did not own their home were experiencing poverty. Commission of Inquiry into Poverty, *Poverty in Australia: First Main Report* (April 1975), 27-28; Nick Coates, 'Still 'saving the nation' twelve years on?,' *Journal of Australian Political Economy* 53 (2004): 81-82.

[49] Mark Burford, 'Prices and incomes policy and socialist politics,' *Journal of Australian Political Economy* 14 (1983): 7; Coates, Vidler & Stilwell, 'Editors' introduction,' 3.

[50] Rhonda Sharp, 'The rise and rise of occupational superannuation under Labor,' *Journal of Australian Political Economy* 30 (1992): 26.

ability to live comfortably in their retirement; and add a lever with which to control inflation, by ensuring that workers could not spend a portion of their wages now. Following a change of heart by the Conciliation and Arbitration Commission – whose predecessor had in 1952 ruled that superannuation was not an industrial matter and was therefore outside their remit – the joint ALP-ACTU submission was endorsed in February 1986.[51] The enforced employer superannuation payment of 3 per cent of wages (supplemented by government contributions to reach a total of 6 per cent) was to be applied through amendments to workplace awards, under which most workers were employed.[52] As a result, in the six years between 1986 and 1992, superannuation coverage doubled – rising from just under 40 per cent to a little over 80 per cent.[53] For Keating, one of the scheme's leading architects, this was just the first step towards a society in which Australian workers could approach and live through retirement in unprecedented economic comfort. Following his rise to the prime ministership in December 1991, he continued to pursue this vision. The *Superannuation Guarantee (Administration) Act 1992* made it compulsory for all employers to provide superannuation, regardless of whether a worker was employed under an award. It was anticipated that gradual increases would result in contributions reaching 15 per cent by the end of the 1990s. However, electoral loss to the Liberal-National Coalition in 1996 stalled progress towards the realisation of this bold idea – the subject of an illuminating and critically-acclaimed account by the former Fairfax financial journalist David Love.[54]

As the management scholar Bernard Mees and the labour historian Cathy Brigden have detailed, the achievement of first award-based, and then compulsory superannuation, owed much to the campaigning of officials in the union movement.[55] Sharing Keating's passion for the policy were Kelty and Crean, by the mid-1980s respectively the secretary and president of the ACTU. Garry Weaven, an assistant secretary of the peak body, also played a formative role, going on to be a founding director of several industry funds, including the ground-breaking Building Unions Superannuation (BUS). Indeed, leaders from the construction unions were at the forefront of the push for universal superannuation, and for a position of influence for organised labour within a quickly expanding industry fund scene. Even those with a background in the Communist Party of Australia (CPA) could

[51] A challenge to the constitutionality of the Commission's decision, instigated by employer groups, saw the matter go to the High Court. In May 1986, the Court ruled in favour of the Commission.
[52] Until the later rise of individual and enterprise-level agreements discussed in the Introduction.
[53] Treasury of Australia, 'Towards higher retirement incomes for Australians: A history of the Australian retirement income system since Federation,' *Economic Roundup* (14 May 2001), accessed online at https://treasury.gov.au/publication/economic-roundup-centenary-edition-2001/article-3-towards-higher-retirement-incomes-for-australians-a-history-of-the-australian-retirement-income-system-since-federation.
[54] David Love, *Unfinished Business: Paul Keating's Interrupted Revolution* (Carlton North: Scribe, 2009).
[55] Bernard Mees and Cathy Brigden, *Workers' Capital: Industry Funds and the Fight for Universal Superannuation in Australia* (Crows Nest: Allen & Unwin, 2017), 66-96; 120-143.

frame the newly-formed funds as compatible with their ideological beliefs. Among them were the Building Workers' Industrial Union's Tom McDonald, and Mavis Robertson, a key player in the formation of several industry fund institutions, including the Australian Institute of Superannuation Trustees and Industry Fund Services.[56] For such officials, "leaving workers' capital to be managed by the big end of town was a form of surrender to capitalism."[57]

Before long, directors in the industry fund movement were positioning their entities as representing a form of "new mutualism" in Australian economic circles.[58] The old life insurance companies that dominated administration of the earlier employer superannuation schemes had been originally built around a 'mutualist' model of financial management, which had combined the value of self-reliance with a shared sense of community, to create a 'third way' between capitalism and socialism. Yet, by the turn of the 1990s, a decline in their influence had led to perceptions that they were "unprofitable, stodgy" institutions, that had failed to live up to the principles they purported to uphold.[59] Amid the broader 'deregulation' of the financial system which occurred under the reforming Hawke and Keating governments, most were acquired and taken over by the country's leading banks, heralding the beginning of the rise of the retail, for-profit, superannuation fund.[60] Against this backdrop, industry funds were framed as the responsible and more genuine heirs to the mutualist principles the life insurance companies had distorted and exploited. Moreover, the professionalism of their board structures and investment strategies, initially ridiculed as fanciful given unions' heavy involvement, was reflected in consistently strong rates of return for members relative to those in retail funds.[61] Such success served to boost the legitimacy of influential advertising campaigns, which centred on phrases such as 'all profits to members' and 'compare the pair.'[62]

On a broader plane, unionists theorised how the capital accumulating in Australians' superannuation accounts should be invested. On this topic, *Australia Reconstructed*, the report of the 1986 delegation of representatives from the ACTU and the Federal Government's Trade Development Council briefly mentioned in the Introduction, had featured several recommendations. Particularly

[56] 'Superannuation pioneer leaves an enduring legacy,' *Australian Financial Review* (1 March 2005), accessed online at http://www.afr.com/personal-finance/superannuation-and-smsfs/superannuation-pioneer-mavis-robertson-leaves-an-enduring-legacy-20150301-13rx23.
[57] Mees and Brigden, *Workers' Capital*, 122-123.
[58] *Ibid*, 146-166.
[59] *Ibid*, 146.
[60] *Ibid*, 146-147.
[61] Mees and Brigden, *Workers' Capital*, 160.
[62] First airing in 2005, 'compare the pair' commercials, which present for consumers the potential long-term advantage of having their superannuation managed by any one of a select group of industry funds, as opposed to a retail fund, continue to be a mainstay of Australian television at the beginning of the 2020s. *Ibid*, 159-160.

inspired by policy settings in Sweden, the report's authors proposed the establishment of a National Development Fund (NDF), to be partly financed by a proportion of Australians' superannuation savings – with projections made regarding what could be achieved at either the 10 or 20 per cent level.[63] The NDF would be used to invest in domestic socially-responsible projects, such as housing, job-creating infrastructure, and training initiatives. Chiefly, it was argued, such investment should focus on import-replacing, export-orientated industries – with a key objective being the revitalisation of a severely weakened manufacturing sector.[64] As business scholar Tony Ramsay has noted, the concept of the NDF drew on post-Keynesian theories of the 'socialisation of investment,' which sought to achieve full employment in a capitalist economy through targeted public investment of private savings.[65]

With regards to the proportion of superannuation not to be invested into the NDF (still, of course, the vast majority in either the 10 or 20 per cent model), the authors of *Australia Reconstructed* also made a recommendation. To boost national savings, and attempt to improve the balance of payments, it was suggested that controls be introduced to limit investment by superannuation fund managers in foreign markets.[66] Acknowledging that foreign investment could well "bring a high speculative return during a stock market boom," the report argued that the underlying uncertainty of this approach failed to safeguard the longer-term interests of superannuation holders.[67] Additionally, any capital funnelled into foreign securities was capital being directed away from projects with the capacity to improve Australia in social and economic terms – namely those touted as potential beneficiaries of the NDF. As the economist Nick Coates has explained, then, both of *Australia Reconstructed*'s superannuation-based recommendations flowed from the same, related concern: that "trade in financial assets was displacing 'productive' investment."[68] Yet, despite any merit they may have held, the majority of *Australia Reconstructed*'s recommendations (let alone the two on superannuation) were ignored by the Hawke Labor Government, as it continued down its path of financial deregulation. As a result, the viability of the report's prescriptions on superannuation would soon be somewhat undermined. The increasingly interconnected global

[63] Andrew Scott, *Northern Lights: The Positive Policy Example of Sweden, Finland, Denmark and Norway* (Monash University Publishing, e-book edition, 2014), 46-49; Andrew Scott, 'Looking to Sweden in order to reconstruct Australia,' *Scandinavian Journal of History* 34 (2009): 330-352; Australian Council of Trade Unions & Trade Development Council, *Australia Reconstructed* (Canberra: AGPS, 1987), 21-22.
[64] *Ibid*, 21.
[65] Tony Ramsay, 'The socialisation of investment in a contemporary setting,' *Journal of Australian Political Economy* 53 (2004): 116-118.
[66] ACTU and TDC, *Australian Reconstructed*, 22-23.
[67] *Ibid*, 21.
[68] Nick Coates, 'Super imposed: Australia Reconstructed's superannuation strategy,' *Journal of Australian Political Economy* 39 (1997): 81.

capital environment, to which the Hawke/Keating macroeconomic agenda opened Australia's economy, meant that limiting investments in foreign businesses increasingly became a less realistic option. Indeed, to continue maximising benefits for members, stalwarts of the movement have in recent times encouraged industry funds to make more sustained forays into the global equities market.[69]

Notwithstanding *Australia Reconstructed*'s inability to influence superannuation policy at this higher macroeconomic level in the 1980s, the union movement has nonetheless been able to use industry funds to pursue social and moral causes. Amidst the growing influence of SRI since the turn of the twenty-first century, superannuation funds in both the industry and retail sectors began to offer ethical portfolio options into which members could channel their retirement savings.[70] The management of such investment pools involved the use of either negative screening (the *exclusion* of a business deemed as dealing in, or contributing to, unethical practices), or positive screening (the *inclusion* of a business favourably identified as supporting the community in one way or another).[71] These developments came despite the fiduciary duty imposed on fund managers to prioritise profit generation for members above all other considerations, embodied in Australia in the *Superannuation Industry (Supervision) Act 1993*. In fact, as economist James Gifford has pointed out, by ordering funds to disclose the social, environmental, and ethical status of their investment strategies, legislators (including in Australia) have "given the green light to socially responsible investment by clarifying that … [such factors are] within the scope of trustees' fiduciary duty."[72]

In this way, union-influenced industry superannuation funds such as HESTA have been active in making considered decisions about where members' retirement incomes are directed. In February 2000, the fund established HESTA Eco Pool, a targeted portfolio option for members wishing to have their superannuation invested only in businesses with robust records in meeting ESG criteria. This option also applies an exclusion on companies that derive income from industries such as fossil fuels, tobacco, and uranium.[73] Drawing on this tradition of ethically-aligned investment, union members

[69] Garry Weaven, 'Workers' capital: the story of industry funds and Australia's superannuation revolution,' *University of Melbourne Foenander Lecture* (16 November 2016), accessed online at https://www.youtube.com/watch?v=Lqd0W4riDBs.
[70] Global savings in SRI options increased exponentially from an estimated USD$2 trillion in 2000 to over $30 trillion by 2018. Chris Brycki, 'The rise of socially responsible investing,' *Stockspot* (2 February 2019), accessed online at https://blog.stockspot.com.au/socially-responsible-investing/; KPMG, 'The numbers that are changing the world: Revealing the growing appetite for responsible investing' (July 2019), 5, accessed online at https://assets.kpmg/content/dam/kpmg/uk/pdf/2019/07/numbers-that-are-changing-the-world.pdf.
[71] James Gifford, 'Measuring the social, environment and ethical performance of pension funds,' *Australian Journal of Political Economy* 53 (2004): 142-143.
[72] *Ibid*, 142.
[73] HESTA, 'Investment choices (1 April 2020), 22-23, accessed online at https://www.hesta.com.au/content/dam/hesta/Documents/Investment-choices.pdf.

have more recently sought to apply pressure on the boards of their relevant industry superannuation funds not only to provide ethical portfolio choices, but in fact to enforce fund-wide divestment from unethical industries. Despite being criticised by Kelty as potentially harmful politicking, the practice of aligning ideological or ethical considerations with the investment of personal superannuation accounts remains common and keenly-pursued, as the campaigns analysed in this chapter exemplify.[74]

HESTA and UniSuper: An introduction to the funds

Health Employees Superannuation Trust Australia (HESTA) was established in 1987, amid the proliferation of industry funds that had begun with BUS. As with its counterparts, the fund's directorial board of trustees comprises close to a 50/50 split of employer and employee representatives. The six employee appointees come from trade unions covering the sectors in which most of its members work: one each from the Health Services Union (HSU), the ASU, and United Voice; and two from the ANMF. The final employee appointee, as at June 2017, represented the peak union body, the ACTU. Alongside six representatives of employer groups, and two independent directors, these union leaders hold responsibilities including overseeing HESTA's strategic direction and dealing with the investment managers who decide where to invest members' assets.

While, as touched upon earlier, environmental sustainability has driven elements of the fund's investment strategy, other ESG principles, including those relating to the 'social' measure, have had an influence. In January 2016, the fund made a significant addition to its $30 million Social Impact Investment Trust, committing $6.7 million to an affordable housing project managed by Social Ventures Australia (SVA). As a joint media release from HESTA and SVA announced, the initiative would: "finance the purchase of management rights for 995 existing affordable housing projects and the future development of up to 60 new social and affordable homes" across Queensland and northern New South Wales.[75]

---

[74] Kelty's position reflects a shift, on the part of union leadership, away from the grander socialist ideas of the NDF towards an embrace of the market as a means to making as much for members' retirements as possible. While broader economic forces, including the need to address a recession in 1992, initially played a factor here, the reluctance of most economists on the Left to reconsider the viability of the *Australia Reconstructed* superannuation proposals in subsequent, more financially stable, years has been, as Ramsay notes, "more [than] surprising." 'Super funds must not become union playthings, Kelty warns CFMEU,' *Australian*, 6 December 2012; Kirk Mann, 'Pensions and politics,' in Maurice Mullard, ed., *Policy-making in Britain: An Introduction* (London: Routledge, 1995), 212-214; Ramsay, 'The socialisation of investment,' 118.

[75] Social Ventures Australia and UniSuper, 'Impact investment to grow supply of affordable housing' (13 January 2016), accessed online at http://www.socialventures.com.au/news/impact-investment-to-grow-supply-of-affordable-housing/.

By the time institutions such as HESTA were established, UniSuper, the industry fund covering academic and general staff in Australian universities, had already been in existence for several years. It had been founded in 1983 under the name of the Superannuation Scheme for Australian Universities (SSAU), at the time one of the 'defined-benefit' precursors to award superannuation. In 2000, UniSuper was formally created as the result of a merger between SSAU and the Tertiary Education Superannuation Scheme (TESS). TESS had been created to cover workers (such as casuals) who were liable to receive only the additional 3 per cent 'award' superannuation contribution mandated in 1986. The composition of UniSuper's trustee board is similar to – if slightly more complex than – HESTA's. Four directors represent employers in the sector, four represent employees, and three additional directors are sourced independently. However, with selection of the four employee representatives made directly by two different stakeholder groups – unions, and university workers – union representatives constitute, effectively, slightly less than a quarter of the fund's directors.[76]

Like HESTA, UniSuper publicly proclaims a commitment to responsible investing, with relevant activities in this area touching on principles such as environmentalism and community-building. The fund is a member of, or contributor to, numerous institutional bodies based around ESG criteria, including the Investor Group on Climate Change, the Carbon Disclosure Project, the Responsible Investment Association of Australasia, and ESG Research Australia (of which it is a founding member).[77] Like HESTA's Eco Pool, UniSuper offers its members SRI-compliant investment streams, including Sustainable Balanced and Sustainable High Growth.[78] In 2014, it invested $100 million to give members in one such option – the Socially Responsible Balanced portfolio – access to innovative 'green bonds,' World Bank-issued debt securities focused on projects "delivering … environmental and social benefits" to people in both developed and developing nations.[79]

In light of the positive contributions made by HESTA and UniSuper through such initiatives, members of both funds reacted with anger in the mid-2010s as it became clear the institutions had become financially linked to one of the most divisive moral issues of the time – Australia's treatment of people seeking asylum arriving by boat. To understand the philosophical basis of such objections, it

[76] UniSuper, 'Board' (updated 9 November 2017), accessed online at https://www.unisuper.com.au/about-us/our-people/unisuper-board.
[77] UniSuper, 'Our approach to responsible investing' (updated 1 September 2017), accessed online at https://www.unisuper.com.au/investments/responsible-investing/our-approach-to-responsible-investing.
[78] Up until 2013-14, these investment options were known, respectively, as Socially Responsible Balanced and Socially Responsible High Growth. UniSuper, '2014 Annual report to members' and '2015 annual report to members,' accessed online at https://www.unisuper.com.au/forms-and-documents/annual-reports.
[79] UniSuper, 'UniSuper invests in World Bank Green Bonds' (16 April 2014), accessed online at https://www.unisuper.com.au/about-us/news/2014/04/16/unisuper-invests-in-world-bank-green-bonds.

is necessary first to outline the political context in which such policies were enacted, and the nature of the connections between the industry funds and the detention system.

Manus Island and Nauru: The troubled history of two Australian offshore detention centres

As politicians jostled for the attention of voters in the lead-up to the September 2013 federal election, the Liberal-National Coalition led in opposition by Tony Abbott put border protection and national security at the forefront of its policy platform.[80] Throughout the year, myriad conflicts had raged across the globe. In the Middle East, turmoil wracked numerous countries — from Turkey and Lebanon in the west, to Afghanistan and Pakistan in the east. In Africa, the Sahel region, Sudan, Kenya, and the Democratic Republic of the Congo were all experiencing similar volatility, while in south-east Asia the Rohingya Muslim minority in Myanmar continued to face persecution from the ruling Buddhist regime.[81]

Although free of any such violence, Australia had nonetheless felt the consequences of the worsening geopolitical instability. Mass displacements of people seeking refuge from conflict and oppression had placed significant strain on the humanitarian quotas of safe-haven nations. The flow of people seeking asylum had been a sustained one for at least the previous decade, with wars in Iraq and Afghanistan, and the beginnings of a civil war in Syria, further prominent sources of refugees.[82]

During roughly the same period, Australia, like many nations around the world, had profoundly changed its approach to such humanitarian demands. Just two weeks after the events of 11 September 2001 in the United States, John Howard's Liberal-National Coalition government had passed a series of bills paving the way for a shift towards what has been termed the "securitisation of migration" in Australia.[83] While mandatory detention of people seeking asylum had been first

[80] The campaign became memorable, for better or for worse, for Tony Abbott's repeated use of the phrase 'Stop the boats,' a slogan drawn from detailed proposals listed in *The Coalition's Policy for a Regional Deterrence Framework to Combat People Smuggling* (August 2013), accessed online at http://lpaweb-static.s3.amazonaws.com/13-08-23%20The%20Coalition%E2%80%99s%20Policy%20for%20a%20Regional%20Deterrence%20Framework%20to%20Combat%20People%20Smuggling.pdf.

[81] 'Conflicts to watch in 2013,' *Foreign Policy* (27 December 2012), accessed online at http://foreignpolicy.com/2012/12/27/10-conflicts-to-watch-in-2013/.

[82] Pew Research Centre, 'Key facts about the world's refugees' (5 October 2016), accessed online at https://www.pewresearch.org/fact-tank/2016/10/05/key-facts-about-the-worlds-refugees/

[83] Andonea Dickson, 'Distancing asylum seekers from the State: Australia's evolving political geography of immigration and border control,' *Australian Geographer* 46 (2015): 438.

introduced by the Keating Labor government in 1992, the Coalition's so-called 'Pacific Solution' marked a substantial change. Following negotiations with neighbouring nations in the region, the mandatory detention was now to take place at offshore centres, established on the island nation of Nauru and Manus Island, an island territory of Papua New Guinea. The centres, funded by the Australian Government, were to be initially run by the International Organization for Migration, an intergovernmental body established in the wake of the Second World War to deal with the resettlement of refugees and displaced peoples. Another of the new scheme's controversial protocols was that the period of internment while cases were assessed would now be indefinite. Moreover, those denied refugee status would not be able to have their cases reviewed. Concurrent amendments were made to Australia's *Migration Act 1958*, removing hundreds of islands surrounding Australia as sites in the country's migration zone. Maritime border protection officials were deployed in Australian waters, tasked with either turning boats back to source destinations or sending any person aboard such vessels without a valid visa to Nauru or Manus Island for processing.

According to the Government, the combined measures of the new regime were aimed at deterring people seeking asylum from using people smugglers to traverse the treacherous waters between Indonesia and Australia.[84] The people smuggling problem, also plaguing the Mediterranean coastline, had become exacerbated as the desperation of those seeking refuge in states such as Australia, Italy, and Greece was exploited for financial gain. The policies were born too of broader post-9/11 politics, such as pervasive fears of religious fundamentalism and the associated clamour for strong borders.[85] Such sentiments clearly resonated in the electorate: Howard's tough stance during the infamous *Tampa* incident, "seen in retrospect as a political masterstroke," turned what had appeared to be a losing Coalition election campaign into an unlikely win for the incumbent in late-2001.[86] After the captain of a Norwegian freighter, the *MV Tampa*, rescued 438 people seeking asylum (mostly Hazaras, an ethnic group persecuted in their native Afghanistan) from a stricken vessel in international waters north of the Australian territory of Christmas Island, he defied Australian Government orders by docking the ship off the island. Captain Arne Rinnan, with the support of the Norwegian Government in what had become a diplomatic incident, expected that Australia would process the rescued passengers, in order to assess their refugee status. However, having threatened to pursue people smuggling charges against Rinnan, Australia dispatched

[84] Parliament of Australia Library, 'Protecting Australia's borders,' *Research Note No. 22* (24 November 2003).
[85] This was exemplified by John Howard in an October 2001 election campaign speech, in which he infamously remarked "we will decide who comes to this country and the circumstances in which they come."
[86] Peter Mares, 'Ten years after *Tampa*,' *The Monthly* (August 2011), accessed online at https://www.themonthly.com.au/issue/2011/august/1316394350/peter-mares/comment-ten-years-after-tampa.

commando forces to remove the people seeking asylum, subsequently making them among the first groups to be sent to the processing centre on Nauru.[87] While the Coalition's position during the affair, which directly influenced its decision to remove islands in Australian territorial waters from the country's migration zone, earned them political reward in the November general election, not all Australians supported the Government's stance. To opponents of the new maritime border protection policies – including some members of the Labor opposition, the Australian Greens, and human rights and refugee advocates – the apparent attempts to halt people smuggling instead betrayed a more cynical reality. Transferring administration of people seeking asylum to sovereign states outside its own jurisdiction, including through the recalibration of Australia's territorial boundaries, constituted a clear abrogation of Australia's responsibilities under the United Nations Refugee Convention, to which it was a signatory. The UN's High Commissioner for Refugees representative in Australia, Michel Gabaudan, considered the Coalition government's updated detention regulations in a global context, and arrived at a damning conclusion: "what makes Australia's detention system so invidious is that it combines the three elements of being mandatory, indefinite and non-reviewable … This, in our view, makes it the most severe system to be found in the Western democratic world."[88]

Before long, such criticism was vindicated by the state of the offshore facilities themselves. Reports emerged of severe psychological distress among those detained in the centres – including women and children – exacerbated by the poor, at times abusive, conditions.[89] Influenced by growing moral discontent among the party's rank-and-file, the Labor Party's initial scepticism of the merits of the scheme hardened.[90] When it returned to power in 2007, Prime Minister Kevin Rudd delivered on an election promise, abandoning the Coalition's 'Pacific Solution' and closing the centres on Manus

[87] Michael Gordon, 'The boat that changed it all,' *Sydney Morning Herald* (20 August 2011), accessed online at http://www.smh.com.au/national/the-boat-that-changed-it-all-20110819-1j2o2.html
[88] Michel Gabaudan, cited in 'The boat that changed it all.'
[89] Barbara Rogalla, 'Modern day torture: Government-sponsored neglect of asylum seeker children under the Australian mandatory immigration detention regime,' *Journal of South Pacific Law* 7 (2003), accessed online at http://www.usp.ac.fj/index.php?id=13238; Kazimierz Bem, Nina Field, Nic Maclellan, Sarah Meyer & Dr. Tony Morris, *A Price Too High: The Cost of Australia's Approach to Asylum Seekers* (August 2007), accessed online at https://www.safecom.org.au/pdfs/AJA-Oxfam_A_Price_Too_High2007.pdf; 'The forgotten,' *Age* (28 March 2005), accessed online at http://www.theage.com.au/news/World/The-forgotten/2005/03/27/1111862253907.html; 'The day the Nauru centre was closed,' *SBS News* (8 February 2013), accessed online at http://www.sbs.com.au/news/article/2013/02/08/day-nauru-centre-was-closed.
[90] Labor members' anger was exemplified by the formation, and subsequent growth, of a lobby group within ALP circles known as 'Labor for Refugees.'

Island and Nauru.[91] The decision to end mandatory offshore processing, however, would be a fraught one – in both humanitarian and political terms.

The tumult of Labor's two terms in power – during which damaging internal divisions saw the prime ministership twice change hands (from Rudd to Julia Gillard, then back to Rudd) – was mirrored in its management of border protection policies. A spike in the number of attempted voyages by people smugglers following the Rudd Government's closure of the island processing centres led to the sinking of several unseaworthy boats. Various aborted efforts to reformulate policy settings, including proposed regional partnerships based on refugee 'swap' arrangements with other nations, failed to stem the tide of deaths at sea.[92] Stung by the Coalition's charge that the government was exhibiting a 'soft touch' on people smugglers, the Gillard Labor government reopened the offshore detention centres in 2012, as part of an almost complete reinstatement of the Coalition's earlier scheme.[93] The reversion was completed the following year, when the government (by this stage with Rudd again at the helm) asserted that no person seeking asylum by boat without a visa would ever be settled in Australia.[94]

The party's effective capitulation to a policy originally conceived by the Coalition, combined with its own internal dramas, played a role in Labor's loss in the 2013 election. This bipartisanship also contributed to the consolidation of what has been termed the "internment-industrial-complex."[95] The pervasiveness of the immigration detention industry in everyday Australians' lives, including through their superannuation funds, needs to be understood before I can examine how and why particular citizens – unionists from the NTEU and the ANMF – actively sought to highlight and, crucially, challenge it.

---

[91] Parliament of Australia Library (Social Policy Section), *A Comparison of Coalition and Labor Government Asylum Policies in Australia Since 2001* (updated 2 February 2017), accessed online at https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp1617/AsylumPolicies#_Toc473714774.

[92] Robert Manne, 'Asylum seekers,' *The Monthly* (September 2010), accessed online at https://www.themonthly.com.au/nation-reviewed-robert-manne-comment-asylum-seekers-2706.

[93] 'Labor 'a soft touch' on boatpeople: Abbott,' *Australian* (11 June 2012), accessed online at http://www.theaustralian.com.au/national-affairs/immigration/labor-a-soft-touch-on-boatpeople-abbott/news-story/4c8e227595bc6b13f96d4e2f2b176a3f.

[94] 'Australia adopts tough new measures to curb asylum seekers,' *New York Times* (19 July 2013), accessed online at http://www.nytimes.com/2013/07/20/world/asia/australia-adopts-tough-measures-to-curb-asylum-seekers.html?pagewanted=all.

[95] Matthew Kiem, 'Should artists boycott the Sydney Biennale over Transfield links?,' *The Conversation* (12 February 2014), accessed online at https://theconversation.com/should-artists-boycott-the-sydney-biennale-over-transfield-links-23067.

Industry funds and the detention industry – the links emerge

As part of its agreements with Nauru and Papua New Guinea, the Australian Government would bear all costs involved in running the re-opened centres. Eager to impress upon those seeking asylum by boat that using people smuggling operations would not lead to being settled in Australia, the Government hastily entered into contract negotiations with a small group of service providers and private companies. Two main areas defined the operational demands in question: garrison support (security personnel and management at the centres) and welfare services (managing the health, education, and emotional wellbeing of detainees).

The initial round of contracts, which took up to 43 weeks to be finalised, resulted in two companies being funded to provide each of the two services: G4S and Transfield Services for garrison support; and Save the Children and the Salvation Army for welfare support.[96] Upon the expiry of these contracts in 2014, the Abbott Coalition Government opted to streamline the funding arrangements, as part of its dedicated policy on immigration management known as 'Operation Sovereign Borders.' From the controversial limited tender process that followed,[97] in February 2014 one organisation – Transfield Services – assumed almost total responsibility for garrison support *and* welfare services on both Manus Island and Nauru.[98]

Transfield had been established in 1956 by Franco Belgiorno-Nettis and Carlo Salteri, Italian immigrants skilled in engineering. The two men had arrived in Australia five years earlier on the payroll of Italian company SAE – winners of a tender to construct power lines – before deciding to branch out and form the new enterprise.[99] However, despite enjoying substantial financial success in subsequent decades as the company expanded into large-scale infrastructure construction, growing tensions between the co-founders would ultimately prove decisive. Following a bitter dispute in May

[96] Australian National Audit Office, 'Offshore processing centres in Nauru and Papua New Guinea: Contract management of garrison support and welfare services' (17 January 2017), accessed online at https://www.anao.gov.au/work/performance-audit/offshore-processing-centres-nauru-and-papua-new-guinea-contract-management.

[97] The Australian National Audit Office would later note that the process fell "well short of effective procurement practice" – with preferential treatment extended to the successful bidder (Transfield Services) over businesses previously involved in running the centres, who were either not approached or ignored. This resulted in much higher than expected prices agreed upon for the services to be provided, contributing to "significant reputational risks for the … Government." *Ibid*.

[98] Although, due to a live contract still under operation, it would be several months until Transfield took over the responsibility for welfare services on Nauru from Save the Children. 'Transfield named Coalition's 'preferred tenderer' for Manus and Nauru centres,' *Guardian* (31 August 2015), accessed online at https://www.theguardian.com/world/2015/aug/31/transfield-named-coalitions-preferred-tenderer-for-manus-and-nauru-centres.

[99] 'Laying foundations of modern Australia: Carlo Salteri, 1920-2010,' *Sydney Morning Herald* (22 October 2010), accessed online at http://www.smh.com.au/comment/obituaries/laying-foundations-of-modern-australia-20101021-16vxi.

1995, the business was divided and split up between the two families, each of which now had sons in positions of power. To the Salteris went the defence construction operations, while the Belgiorno-Nettis family retained control of the general construction wing of the company, along with the Transfield name itself.[100]

In 2001, Transfield was separated into two legal entities. Transfield Holdings (focused on investment and development activities, and run by Franco's sons Luca and David Belgiorno-Nettis) licensed naming rights to the construction and maintenance wing, floated on the ASX as Transfield Services Ltd. By the time Transfield Services won the tender for consolidating their management of Australia's offshore detention facilities, close links had emerged between the company and several industry superannuation funds. The business's majority shareholder – controlling a marginally larger stake than Transfield Holdings – was Allan Gray Pty Ltd. Allan Gray, a South Africa-based investment firm in the name of its founder and owner, managed investments (in the asset class of Australian shares) for HESTA, among several other superannuation funds. In March 2014, soon after Transfield won the consolidated tender, HESTA started buying shares in the business. In early-September, the fund began to ramp up its acquisition;[101] by 9 December it had become a 'substantial' shareholder in Transfield, meaning it now owned over five per cent of the company's stock.[102]

With similar financial exposure to Transfield Services (though on a much lesser scale), UniSuper was also marked by numerous professional connections to entities involved in Australia's offshore detention policy. The fund's chairman, Christopher Cuffe, was chair of the Primary Ethics Future Trust, an advisory arm of the St James Ethics Centre. The Trust, which claims to provide ethical guidance to corporations and the broader community,[103] included among its office-holders figures of dubious ethical standing – not least a Special Envoy of the Department of Immigration and Border Protection's 'Operation Sovereign Borders,' and a director of Transfield.[104] Meanwhile, the chair of UniSuper's investment committee, Ian Martin, was also chair of Argo Investments, an investment

[100] *Ibid*.
[101] In the same week, Hamid Khazaei, a person seeking asylum who had taken ill at the Manus Island centre, died in a Brisbane hospital. Khazaei's death, alongside growing allegations of sexual abuse of children and women, heightened concerns about the state of the facilities overseen by Transfield.
[102] HESTA Divest and Cross Border Operational Matters, *Help Call on HESTA to Divest from Mandatory Detention* (June 2015), 2.
[103] 'Top business figures want to teach your kids ethics,' *Australian Financial Review* (20 June 2015), accessed online at http://www.afr.com/business/banking-and-finance/financial-services/australian-business-fights-for-ethics-classes-20150609-ghk4a3.
[104] Cross Border Operational Matters, *Superannuation Fund Investments in the Detention of Asylum Seekers: UniSuper, Transfield* (2014), 8.

management firm which at 30 June 2014 held $5.86 million worth of Transfield shares (representing an increase from $4.16 million twelve months earlier).[105]

As news emerged that Transfield was adding management of the Manus Island detention centre to its existing responsibilities on Nauru, the company found itself the target of a sustained campaign of economic activism.[106] The first such protest centred on the 19th Biennale of Sydney, a prestigious arts festival due to take place between March and June. Founded by Franco Belgiorno-Nettis – an enthusiastic patron of the arts – in 1973, one of the Biennale's major sponsors remained Transfield Holdings. On 19 February, following days of murmurings in the art world, twenty-eight artists signed an open letter to the Biennale board, threatening to withdraw their participation if all ties to Transfield were not severed.[107] By the first week of March, a further twenty-three artists had added their signatures, while two museum workers involved in the festival had resigned.[108] Despite having its tactics questioned by pundits and conservative politicians alike, the boycott ultimately achieved its outcome.[109] Transfield was cut as a sponsor and Luca Belgiorno-Nettis quit as chair of the Biennale board, ending a four-decade connection between his family and the festival.

Although the public 'face' of the boycott was that of the artistic community associated with the Biennale, much of the underlying research was undertaken by a core group of campaigners focused on identifying and disrupting the "supply chains" of the immigration detention industry.[110] These activists administered the 'Cross Border Operational Matters' (or 'xBorderOps') website, a grass-roots campaign aimed at publicising the financial connections between the mandatory detention system and everyday Australians. It was in this context that, in January, the xBorderOps network had

---

[105] Argo Investments Limited, *Annual Report, 2014*, 69.

[106] An earlier investigation had highlighted the deeply concerning reality of life in the facility on Nauru under Transfield's purview, with former workers recalling suicide attempts by detainees as one particularly galling regular occurrence. 'No advantage,' *Four Corners* (transcript of edition broadcast on Australian Broadcasting Corporation on 29 April 2013), accessed online at http://www.abc.net.au/4corners/no-advantage/4660004.

[107] Kiem, 'Should artists boycott the Sydney Biennale?'; Various artists, *An open letter to the Board of Directors, Biennale of Sydney* (19 February 2014), accessed online at http://images.smh.com.au/file/2014/02/19/5178885/OpenLettertotheBoard.pdf?rand=1392779394530; 'Biennale of Sydney: Artists send protest letter over detention centre links,' *Sydney Morning Herald* (19 February 2014), accessed online at http://www.smh.com.au/entertainment/art-and-design/biennale-of-sydney-artists-send-protest-letter-over-detention-centre-links-20140219-33035.html.

[108] Anwen Crawford, 'The biennale boycott,' *Overland* 215 (2014), accessed online at https://overland.org.au/previous-issues/issue-215/feature-anwyn-crawford/.

[109] 'Biennale boycott: What's the point?,' *Sydney Morning Herald* (12 March 2014), accessed online at http://www.smh.com.au/comment/biennale-boycott-whats-the-point-20140312-34m3l.html; 'Sydney Biennale 'shame' risks funding, says George Brandis,' *Australian* (13 March 2014), accessed online at http://www.theaustralian.com.au/national-affairs/sydney-biennale-shame-risks-funding-says-george-brandis/news-story/28d6d9c2d7eeb4d1a3e18b0809fc9a83; 'Biennale and Brandis: When art and politics collide,' *The Drum* (14 March 2014), accessed online at http://www.abc.net.au/news/2014-03-14/tregear-brandis-is-wrong-about-biennale/5319230.

[110] Cross Border Operational Matters campaign team, written correspondence with author (6 August 2017).

first highlighted what it described as "HESTA's links to mandatory detention" through the fund's engagement of Allan Gray as an investment manager.[111]

Alongside the Biennale boycott came the first direct demand by a union involved in the directorship of a superannuation fund with a stake in Transfield Services to divest from the business. A motion applying pressure on HESTA was put to a conference of the NSW/ACT branch of the ASU by its secretary, Sally McManus. Following passage at the state level, the motion was endorsed by the ASU national executive on 12 March. Speaking about the resolution, McManus noted that amongst her membership were "welfare workers … not impressed that Transfield, which has no background or expertise in [this area] … is being contracted to deliver those services."[112]

Serving to further escalate protests such as the Biennale boycott and ASU resolution[113] were the events of 16-17 February at the Manus Island centre. Security guards and local Papua New Guinean police working at the facility attacked detainees, with differing reports as to the source of the violence.[114] According to security personnel and Australia's then immigration minister, Scott Morrison, people seeking asylum angered at the news that they would not be resettled in Australia had forced their way out of a compound, encountering violence only once they had entered into the "disorderly environment … [beyond] the perimeter fence."[115] Other accounts suggested that it had in fact been PNG locals who had breached the fences of the centre, seeking to carry out "systematic … [and] savage attacks" on those inside.[116] In the ensuing violence, one man, a person seeking asylum from Iran, was killed. Reza Barati's death, a result of "severe head injuries," was caused by a combination of being struck by a block of wood, being viciously kicked, and having a large stone

---

[111] *Ibid*.

[112] Sally McManus, cited in 'Australian Services Union calls on HESTA to divest funds from Transfield Services over its links to Manus Island,' *Sydney Morning Herald* (12 March 2014), accessed online at http://www.smh.com.au/federal-politics/political-news/australian-services-union-calls-on-hesta-to-divest-funds-from-transfield-services-over-its-links-to-manus-island-20140312-34mle.html.

[113] Despite HESTA increasing its stake in Transfield throughout 2014, McManus' resolution failed to attract the support needed from other unions on the fund's board, let alone the employer representatives. It would nonetheless act as an inspiration for subsequent motions by other unions, including the NTEU and ANMF actions discussed in this chapter. 'HESTA divests: Disrupting the supply chains of mandatory detention,' *New Matilda* (25 August 2015), accessed online at https://newmatilda.com/2015/08/25/hesta-divests-disrupting-supply-chains-mandatory-detention/.

[114] 'Manus Island riots: Government review to assess intelligence gathered, service provider's ability to handle protests,' *ABC News* (27 February 2014), accessed online at http://www.abc.net.au/news/2014-02-27/terms-of-reference-of-review-into-manus-is-riots-released/5286914.

[115] Scott Morrison, cited in 'One person dead, others seriously injured during violent Manus Island clashes,' *Sydney Morning Herald* (18 February 2014), accessed online at http://www.smh.com.au/federal-politics/political-news/one-person-dead-others-seriously-injured-during-violent-manus-island-clashes-20140217-32x3k.

[116] Ian Rintoul, cited in 'Fresh breakout at Manus Island after more violent riots,' *Sydney Morning Herald* (18 February 2014), accessed online at http://www.smh.com.au/federal-politics/political-news/fresh-breakout-at-manus-island-after-more-violent-riots-20140217-32wt1.html.

dropped directly onto him.[117] It would subsequently emerge that one of Barati's assailants was a local Papua New Guinean man, employed by the Salvation Army.[118] Amongst other alleged incidents to occur during the riots, one detainee "was attacked from behind by … [a] G4S guard who slashed his neck, causing a 10 to 20-centimetre horizontal slit across his throat."[119]

To refugee advocates, the response to the disturbance – and the riots themselves – epitomised the violence, brutality, and inhumanity of the Australian Government's policy of offshore detention, which had continued to attract condemnation from observers such as the UN.[120] Although occurring during the period of transition in which management of the Manus Island centre was being passed from G4S to Transfield, it was the incoming contractor that had become a key target.

The NTEU and UniSuper

Motivated by the Biennale boycott and ASU HESTA resolution, unionists in the tertiary education sector with superannuation invested with UniSuper began pressuring the fund to end its relationship with the offshore detention system.

Over a period of around five weeks between mid-March and mid-April 2014, several NTEU branches passed resolutions demanding their national leadership call on the fund to divest from companies associated with the practice. While the broader community debate had largely singled out Transfield, each of the branches' resolutions went further, either by directly naming additional

---

[117] 'PNG police hunt Salvation Army worker on mainland over Reza Barati's death in Manus Island riot,' *ABC News* (1 July 2014), accessed online at http://www.abc.net.au/news/2014-07-01/png-police-hunt-salvation-army-worker-over-reza-beratis-death/5563508; 'Reza Barati death: Two men jailed over 2014 murder of asylum seeker at Manus Island detention centre' *ABC News* (19 April 2016), accessed online at http://www.abc.net.au/news/2016-04-19/reza-barati-death-two-men-sentenced-to-10-years-over-murder/7338928.

[118] 'PNG local working for Salvation Army accused of Manus death,' *Sydney Morning Herald* (3 March 2014), accessed online at http://www.smh.com.au/federal-politics/political-news/png-local-working-for-salvation-army-accused-of-manus-death-20140302-33tzj.html.

[119] 'Manus Island riot: Independent report by Robert Cornall details deadly detention centre violence,' *ABC News* (26 May 2014), accessed online at http://www.abc.net.au/news/2014-05-26/scott-morrison-releases-review-into-manus-island-riot/5478170.

[120] 'Manus riots illustrate a failure of Australia's refugee protection,' *The Conversation* (19 February 2014), accessed online at https://theconversation.com/manus-riots-illustrate-a-failure-of-australias-refugee-protection-23373; United Nations High Commissioner for Refugees, 'UNHCR monitoring visit to the Republic of Nauru, 7 to 9 October 2013,' accessed online at http://www.unhcr.org/en-au/publications/legal/58117b931/unhcr-monitoring-visit-to-the-republic-of-nauru-7-to-9-october-2013.html?query=2013%20manus%20island; United Nations High Commissioner for Refugees, 'UNHCR monitoring visit to Manus Island, Papua New Guinea, 23 to 25 October 2013,' accessed online at http://www.unhcr.org/en-au/publications/legal/58117aff7/unhcr-monitoring-visit-to-manus-island-papua-new-guinea-23-to-25-october.html?query=2013%20manus%20island.

companies or by being framed so as to capture any company or business that somehow profited from involvement in the detention of those seeking asylum.

The University of Sydney branch was first to pass such a motion. Supported unanimously by the branch's members on 19 March, the resolution called on the union to pressure UniSuper to "immediately divest from Decmil Group Limited," a business noted by the motion as having "(through a subsidiary) …. taken on almost $200 million in federal government contracts to build and expand the detention facility on Manus Island" since July 2013.[121] The resolution also demanded that the superannuation fund "undertake an audit of its entire value chain for exposure to detention contracting" including Transfield Services among a short list of other implicated companies.[122]

Another of these early calls for divestment came at an 11 April 2014 meeting of the NTEU's Victoria University (VU) Branch Committee in Melbourne. Once passed, the resolution would be adopted by the Victorian Division (the union's state leadership body), supported by other NTEU branches across the country, and be endorsed by the union's national executive later that year. The story of the resolution's journey to the top of the union, and how differences of opinion between the rank-and-file and leadership were negotiated in the process, is best told by the NTEU member who drafted it at VU, Tom Clark.

Clark, an associate professor of communications and English literature, refers to himself as a "pragmatic unionist."[123] His philosophy of unionism, shaped heavily by earlier experiences in student unions, is marked by a wariness of the influence of external political factionalism on what should be a union's overriding priority: the pursuit of policies designed solely for the benefit of members. With this in mind, Clark, who admits to being "marginally to the right of the mainstream of union membership," may appear an unlikely champion of a cause such as tackling the mandatory detention and treatment of people seeking asylum.[124] The financial dimension of the inherently moral issue, however, quashed any hesitancy Clark may have felt:

> I think it's important to know where your bread and butter is … If you're thinking of questions of broader activism, it's a lot easier … to sustain those if you can [link them] back to questions of core union business … Once you frame it as our participation in our industry's superannuation scheme, then … that is core union business … We have an ethical stain on ourselves if our superannuation income is derived from blood money, in ways that

[121] 'Sydney Uni Branch of NTEU votes unanimously for divestment' (19 March 2014), accessed online at https://xborderoperationalmatters.wordpress.com/2014/03/19/nteu-usyd-divestment/.
[122] *Ibid*.
[123] Tom Clark, interviewed by author (9 June 2017), Melbourne.
[124] *Ibid*.

> we just don't need to have on our conscience ... There are perfectly legitimate returns from other companies, doing … [ethically] defensible business moves … What's not to make the move?[125]

Clark had been inspired to raise the issue with his branch colleagues after hearing of McManus's resolution, noting "if the ASU can do it, then why can't we?"[126] After initial discussions at a branch meeting, it became clear there was unanimous support from fellow members for the tabling of a similar motion. Yet, although influenced by the ASU resolution, Clark took care to distinguish his draft motion in a key way. Where the ASU had singled out Transfield as its divestment target, the scope of Clark's motion was widened: instead of being "company-based," the motion was to be strictly "principle-based."[127] Rather than covering just the primary contractor in charge of garrison support on Manus Island and Nauru, he employed language that generalised the divestment demands, calling on the NTEU to "take all reasonable steps to change UniSuper's practices so that the fund expressly disassociates itself and its members' resources from companies that receive money for the mandatory and offshore detention of refugees."[128]

Clark's decision to target the broader issue stemmed from his frustration at the narrow focus of similar actions opposing the detention industry. While happy that campaigns such as the Biennale boycott had seen "Transfield cop a hammering," he felt that other businesses involved in enacting the government's border policies were effectively "getting away with it," evading the same level of public scrutiny and criticism.[129] Clark names within this group organisations such as the Salvation Army, implicated, as noted earlier, in Reza Barati's death on Manus Island. Also in Clark's sights were Wilson Security, subcontracted by Transfield to run security at both offshore centres. As a result of this arrangement, Wilson indirectly received $478 million of Australian Government funding between 2013 and 2016. This was despite the company earning an extremely poor reputation for its activities on Nauru in particular, accused on multiple occasions of mistreatment of detainees.[130] One former employee-turned-whistleblower, Jon Nichols, would later claim that the "black-ops … hush-hush" nature of the company's operations, including the alleged destruction of records, had seen it "in effect [become] the on-island Gestapo."[131] Such revelations, communicated to a Senate Select

---

[125] *Ibid*.
[126] *Ibid*.
[127] Clark, interview.
[128] 'Motion passed at the Victoria University Branch of the National Tertiary Education Union,' reproduced in Cross Border Operational Matters, *Superannuation Fund Investments in the Detention of Asylum Seekers*, 2.
[129] Clark, interview.
[130] 'Wilson Security's appalling record on Nauru,' *The Saturday Paper* (No. 103, 9-15 April 2016), accessed online at https://www.thesaturdaypaper.com.au/news/politics/2016/04/09/wilson-securitys-appalling-record-nauru/14601240003105.
[131] *Ibid*.

Committee inquiry into conditions at the Nauru processing centre, led to Nichols and his wife being "serially threatened, harassed and stalked by aggrieved former colleagues."[132]

The issue-based nature of Clark's resolution led to widespread support from fellow NTEU members – first at the VU Branch, and then at the state level, in the Victorian Division. Clark attributes such levels of endorsement to the demographic and ideological composition of much of the academy's membership, who, he contends, are as concerned "about the treatment of refugees as any other section in Australian society."[133] This assertion was reflected in a passage in Clark's motion, in which, referring to the country's mandatory detention of refugees, he argued that: "staff at Australian universities overwhelmingly reject it as immoral, ineffective, and wasteful."[134] Perhaps the sharpest expression of academics' collective anger at such policies had been elucidated in a single-page open letter to Prime Minister Tony Abbott on 25 March. Signed by "over 1,200 academics from 39 Australian tertiary institutions," the letter condemned the system of offshore detention as a breach of Australia's obligations under international law.[135] This argument drew on Australia's status as a signatory to the United Nations' 1951 *Convention and Protocol Relating to the Status of Refugees*. First developed in response to the wave of forced emigration in post-War Europe, the Convention prohibits its 145 signatory states from "arbitrarily detain[ing individuals] purely on the basis of seeking asylum."[136] Another of the Convention's principles it is likely the open letter was referring to was the proscription of *refoulement*: the expulsion or return of individuals to states where they had reasonable fears for their safety. The Australian Government's continuing practice of boat 'turn-backs' could arguably be viewed as an abrogation of this *non-refoulement* obligation – described in the Convention as "so fundamental that no reservations or derogations may be made to it."[137]

Commitment to refugee rights on the part of university staff was evidenced too in the fora in which Clark's resolution was promoted and backed. This included various NTEU branch-specific Facebook pages devoted to dialogue and conversation about the issues involved. Further reflecting academics' concern was the group 'NTEU for Refugees,' developed early in Abbott's prime ministership when

---

[132] *Ibid*.
[133] Clark, interview.
[134] *Ibid*.
[135] 'An open letter to Prime Minister Tony Abbott from members of Australia's academic community' (25 March 2014), accessed online at https://academicsforrefugees.files.wordpress.com/2014/03/letter_to_pm_20_03_2014.pdf.
[136] The sole amendment to the Convention had occurred in 1967, when references to geographical and temporal limitations on who could be considered a refugee were removed entirely, giving the Convention "universal coverage." Prior to the 1967 Protocol, the Convention had been "limited in scope to persons fleeing events occurring before 1 January 1951 and within Europe." United Nations High Commissioner for Refugees, *Convention and Protocol Relating to the Status of Refugees* (1951; amended in 1967), 1; *Ibid*, 3.
[137] *Ibid*, 3.

anti-refugee rhetoric had gained considerable traction in the electorate.[138] Although not making direct reference to the possibility of divestment demands, the group's charter cited five policy principles, each of which either condemned elements of Australia's detention system or asserted the rights of people seeking asylum.[139] Naturally, such sites of discussion (including also a broader 'Unions for Refugees' Facebook network) fostered relationships between NTEU members and broader anti-detention campaigners. It was through these networks, for instance, that analysis into the financial risks inherent in investing in companies involved in the detention industry – such as the work undertaken and continually updated by the xBorderOps collective – was shared. Clark is quick to appreciate the value of such contributions. To generate widespread rank-and-file support, it was important not only to appeal to those members who understood the resolution's moral basis, but also to those who believed the union should focus on their own economic interests. Here, demonstrating how the campaign for divestment was directly linked to the longer-term strength of their retirement savings was key.[140]

It is in this context that the SMU principle associated with strong levels of rank-and-file agency gains particular relevance. While never seriously threatening the passage of the divestment resolution at the highest level, differences in opinion between the union's members and its leadership nonetheless emerged. These differences could be explained by the varying realities faced by the two cohorts. Rank-and-file members such as Clark did not need to deal with the same sensitivities imposed on their leadership when dealing with, variously, fellow directors on the UniSuper board (including employer representatives elected by university vice-chancellors, and independent directors appointed from outside the sector), the fund's investment committee, and financial regulators. The fact that these differences were able to be negotiated speaks loudly to the strength of the NTEU's internal democratic structures.

Richard Bailey, an NTEU organiser at the University of Technology Sydney (UTS) has himself observed how the organisation's structure affords members interested in social and moral issues the opportunity to effect change:

---

[138] A poll on Australians' attitudes to international issues, undertaken less than half a year after Abbott's election victory, found that 42 per cent of respondents believed that "no asylum seeker coming to Australia by boat should be allowed to settle in Australia," 48 per cent considered the arrival by boat of people seeking asylum was a "critical threat" to the country, and 71 per cent endorsed the idea of boat turn-backs. Lowy Institute, *2014 Lowy Institute Poll*, undertaken between 12 and 27 February 2014 (report published June 2014), accessed online at https://www.lowyinstitute.org/publications/lowy-institute-poll-2014.

[139] 'NTEU for Refugees Charter' (updated 2017), accessed online at https://www.nteu.org.au/nsw/get_involved/nteu_for_refugees.

[140] Clark, interview.

> The NTEU has a very strongly federated structure … [with] each branch … [having] a very high degree of autonomy. It's quite unusual in terms of the [broader] union movement, how much local autonomy there is. And that means that, you know, if there happens to be a handful of passionate people in a particular place, they can [have a sizeable influence].[141]

Here, Bailey is speaking from personal experience. The UTS branch had been another to pass a motion in early-2014 calling for UniSuper to divest from businesses involved in offshore detention. Bailey's involvement in the resolution stemmed from a decades-long commitment to progressive activism, in the areas of both human and ecological rights. In the late-1990s, when Bailey was an undergraduate student, he had actively opposed the electoral rise of Pauline Hanson and campaigned against a proposed uranium mine development at Jabiluka in the Northern Territory.[142] Bailey's passion for the issue of refugee rights was exhibited in controversial but much-publicised actions, including his role in a 2002 mass protest at the onshore immigration detention centre at Woomera, in South Australia. The protest, during which the planned vandalisation of perimeter fences led to the breakouts of several detainees, was both motivated by and served to publicise the conditions faced by those inside.[143] Having begun doctoral studies into the history of resistance in immigration detention, Bailey had also been involved in Refugee Action Coalition Sydney, a broad-based community organisation founded in 1999. Acknowledging such experience and expertise, union leadership at the state level in New South Wales had added to his part-time organiser duties the additional responsibility to coordinate development of NTEU campaigns relating to refugees and people seeking asylum. It was through this role that Bailey collaborated with fellow members at UTS to help pass that branch's motion calling for UniSuper's divestment.[144]

Following endorsement by the Victorian Division, Clark's resolution at VU would proceed to being commended by the union's national executive, which was set to meet in October 2014. It was in this phase that Clark expected pushback, given the aforementioned links between national NTEU officials, UniSuper, and companies inherently targeted by the resolution – most notably Transfield. Indeed, despite Clark's attempts to broaden the divestment conversation, the commonality of Transfield to the motions emanating from other branches of the union had seen it become the key target. Foreshadowing these concerns, Clark had taken care in his original motion to make the point that the call for divestment "implie[d] an especially important responsibility for NTEU-nominated

[141] Richard Bailey, interviewed by author (21 March 2019), via telephone.
[142] *Ibid*.
[143] Zebedee Parkes, 'Moments of resistance to refugee cruelty,' *Green Left Weekly* (6 May 2017), accessed online at https://www.greenleft.org.au/content/moments-resistance-refugee-cruelty.
[144] Bailey, interview.

members of the UniSuper Board to push for these changes to policy and to keep NTEU members informed of the progress towards reform."[145]

His apprehensions proved warranted. In contrast to the strong support for divestment among the union's rank-and-file – in addition to similar actions by student unions[146] – the leadership remained markedly more hesitant. Senior officials' primary concern centred on misgivings about potentially breaching their fiduciary duty, as mandated by the 'sole purpose test,' were they to focus on anything other than strictly financial principles when influencing UniSuper's investment practices.[147]

This issue, of potential regulatory ramifications for decisions relating to 'active ownership,' would hit the headlines several years later. By 2019, industry funds as a group had, for the first time in history, overtaken the retail fund sector in assets (members' superannuation savings) under management.[148] Eager to leverage the increasing financial power they held as major institutional shareholders of Australian businesses, some unions began encouraging industry funds to apply pressure on companies to meet political or industrial demands. The matter came to a head when the ACTU (which has officials represented on the board of AustralianSuper, the country's largest superannuation fund) publicly endorsed the MUA's call for superannuation funds to pressure resources company BHP to renew an expiring workplace contract. BHP's decision to end the contract would lead to the loss of some 80 jobs for Australian workers and, according to the MUA, reflected a

[145] 'Motion passed at the Victoria University Branch of the National Tertiary Education Union.'
[146] See, for example, 'Motion passed by the Melbourne University Student Union,' reproduced in Cross Border Operational Matters, *Superannuation Fund Investments in the Detention of Asylum Seekers*, 3.
[147] Set out in section 62 of the *Superannuation Industry (Supervision) Act 1993*, the sole purpose test dictates that superannuation funds must be maintained and operated only for either one of the defined 'core' purposes, or a combination of one of the core and one or more of the 'ancillary' purposes – each of which relate to the provision of benefits to members (or their beneficiaries) upon either their retirement or, in the case of a member's beneficiary/beneficiaries, their death. Parliament of Australia, *Superannuation Industry (Supervision) Act 1993*, accessed online at http://www5.austlii.edu.au/au/legis/cth/consol_act/sia1993473/s62.html.
[148] In addition to a growing consensus that the retail fund business model had consistently led to the sector underperforming not-for-profit funds such as industry funds in generating investment returns for members, the impact of the 2018 Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry had also been profound. The Commission revealed significant cases of misconduct at the superannuation businesses of institutions such as the Commonwealth Bank of Australia, the National Australia Bank, AMP and IOOF, resulting in a steady exodus of members away from the retail sector. Greg Jericho, 'Retail funds have failed abysmally, and it's workers paying the price,' *Guardian* (30 October 2018), accessed online at https://www.theguardian.com/business/grogonomics/2018/oct/30/retail-funds-have-failed-abysmally-and-its-workers-paying-the-price; Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry, *Final Report. Volume 2 – Case Studies* (February 2019); Joanna Mather, 'Industry super funds win $11b from retail funds after Hayne scandals,' *Australian Financial Review* (26 February 2019), accessed online at https://www.afr.com/personal-finance/superannuation-and-smsfs/industry-super-funds-win-11b-from-retail-funds-after-hayne-scandals-20190226-h1bqiq.

willingness to flout national maritime and shipping registration laws.[149] Although not confirmed at this point, BHP's likely intention was to replace the local employees with workers from low-wage jurisdictions in the Global South. In a detailed brief to investors, the MUA contextualised the dispute as just one aspect of "BHP's hattrick of ESG failures," the combination of which gave rise to serious questions about the company's long-term value as an investment underpinning workers' superannuation savings.[150] Similar pressure on industry fund boards to review the businesses in which they invested came from the Transport Workers Union. Michael Kaine, the union's national secretary and an alternate director on the board of industry fund TWUSuper, criticised funds for having paid "lip service" to ESG principles, not adequately engaging with companies in which they held a significant stake.[151] Such declarations attracted strong rebukes from conservative business leaders and politicians.[152] Entering the debate, the country's superannuation regulator, the Australian Prudential Regulation Authority (APRA), reminded fund directors that it expected them to "carry out their role and meet their responsibilities free from the influence of sponsoring organisations or any other external parties."[153]

Although not generating the same level of opprobrium or coverage, similar issues and tensions were in play in 2014. The suggestion that the NTEU should urge UniSuper to divest from certain companies because of their involvement in offshore detention posed particular problems for officials such as Grahame McCulloch. As Clark understood it, the NTEU's national secretary and the union's sole nominee on the UniSuper board was:

[149] Maritime Union of Australia, 'Investor Alert: BHP is damaging shareholder value through poor environmental, social and governance (ESG) performance' (8 February 2019), accessed online at https://assets.nationbuilder.com/muanational/pages/19465/attachments/original/1550914315/BHP_ESG_REPORT_FINAL.pdf?1550914315.
[150] *Ibid*.
[151] Michael Kaine, cited in John Kehoe and David Marin-Guzman, 'APRA warns against superannuation fund activism,' *Australian Financial Review* (19 March 2019).
[152] Michael Roddan, 'Treasurer's super war on activists,' *Australian* (3 March 2019), accessed online at https://www.theaustralian.com.au/nation/politics/treasurers-super-war-on-activists/news-story/97042b67850a90c05984a11c94b1dd9a; John Kehoe, ''Tricky': BCA warns big super against using members' money for activism,' *Australian Financial Review* (5 March 2019), accessed online at https://www.afr.com/business-summit/tricky-bca-warns-big-super-against-members-money-for-activisim-20190305-h1c035.
[153] Letter from APRA Chairman, Wayne Byers, to Federal Treasurer Josh Frydenberg, 15 March 2019, cited in Eryk Bagshaw, 'Super funds warned by regulator over social activism,' *Sydney Morning Herald* (18 March 2019), accessed online at https://www.smh.com.au/politics/federal/super-funds-warned-by-regulator-over-social-activism-20190318-p5155k.html.

> very cautious about … being pushed into a voting position on the board of UniSuper by dint of a political conscience issue from the ground … I think [he] was scared of being painted in breach of his fiduciary duty if the resolution was worded the wrong way.[154]

With the union's national leadership, more broadly, in mind, Clark was cognisant that:

> the last thing they want[ed was] … to lose their place at the table on the UniSuper board, which is one of the NTEU's power seats. The NTEU is an equal partner to one of the most successful financial institutions in Australia, and they don't want some idealist like me on the ground wrecking the party … only to get them hauled up before some kind of hearing about whether they're actually acting in the interests of the equity holders [the fund's members].[155]

Complicating the matter further was the fact that, according to the fund's ESG guidelines, the stake in Transfield was apparently a sound one. On its website, UniSuper claims to look for "best practice among … Australian and international companies" when making decisions as to whether a company is investible or not.[156] As a result, businesses deemed as exhibiting 'best practice' in any given sector (presumably in global terms) are open for selection. As Clark dryly remarks, the upshot of such a principle was that "[in terms of] extraordinary rendition, enhanced interrogation, counter-terrorism, and outsourcing [of] operations … then yes, compared to black ops in Iraq, Transfield [was] probably at the squeaky-clean end of the game."[157]

Accordingly unable to assert that investments in detention-oriented companies ran afoul of UniSuper's ESG criteria, and aware of the primacy of directors' fiduciary duty to think solely about how to generate optimum investment returns for members, supporters of the divestment motion were forced to frame their argument in financial terms. They did not have to venture far to find justification. The strong performance of UniSuper's SRI portfolios – which excluded Transfield on the basis of the company's absence from the Australian version of the Dow Jones Sustainability Index –

[154] Clark, interview.
[155] *Ibid*.
[156] UniSuper, 'Corporate responsibility and sustainability' (updated 8 September 2017), accessed online at https://www.unisuper.com.au/about-us/about-unisuper/corporate-responsibility-and-sustainability.
[157] Clark, interview.

served to delegitimise the 'financial prudence' argument against divestment.[158] If investment streams that rejected companies such as Transfield were performing more strongly, and there was evidence that a significant portion of the union's rank-and-file opposed the behaviour of such companies, what was there to lose in demanding divestment? As Clark recalls, "the strong position of UniSuper's ethical investments scheme made the ground better for our argument."[159]

Importantly, pressure on UniSuper to divest was also coming from other directions. At times, these campaigns would overlap, as in the case of other NTEU rank-and-file members among the xBorderOps network, which had added the industry fund covering academics to its existing campaign against HESTA. Another source of such 'bottom-up' activism was in fact facilitated by the fund itself: UniSuper's Consultative Committee. Described by UniSuper as "the voice of our members," the Consultative Committee comprises employee and employer representatives from each of the fund's shareholder universities.[160] Similar to a union delegates' conference, the committee is a large group; at January 2019 it consisted of some 147 members.[161] Its duties include appointing – via a democratic voting process – UniSuper's member-nominated directors, and reviewing and approving amendments to the fund's Trust Deed (its governing document). Although investment decisions are not technically within its remit, it is possible that the fund's leadership would be required to take note of any growing dissent on such issues within the ranks of the committee. Sure enough, through his role as the NTEU's refugees coordinator, Bailey was advised by several NTEU members who represented university staff on the Consultative Committee that while resolutions such as those at UTS and VU were being passed, there had been "conversations going on about [divestment] behind the scenes [within UniSuper] as well."[162]

Although it is unclear what would prompt the decision – be it the NTEU-initiated campaign, the internal Consultative Committee-level discussions, the compounding public pressure generated by the Biennale boycott and actions of the xBorderOps network and other unions, or, more likely, a combination of all of these campaigns – the fund would ultimately sell its stake in the controversial

[158] In each of the previous two financial years, the fund's Socially Responsible Balanced stream had been the third strongest source of annual accumulation investment returns, out of the six pre-mixed options offered to members. In 2013-14, in fact, the stream achieved returns of just under 1 per cent less than UniSuper's targeted 'Growth' stream. Moreover, in terms of sector-specific options, in 2013-14 'Global Environmental Opportunities' and 'Socially Responsible High Growth' were the two highest-performing sectors, out of a total of ten different options. UniSuper, *Report to Members for the Year Ended 30 June 2014* (October 2014), 9; Correspondence from UniSuper to Cross Border Operational Matters, *Superannuation Fund Investments in the Detention of Asylum Seekers*, 9.
[159] Clark, interview.
[160] UniSuper, 'Committees' (updated 18 March 2020), accessed online at https://www.unisuper.com.au/about-us/our-people/committees.
[161] *Ibid*.
[162] Bailey, interview.

company. In March the following year, McCulloch used the NTEU's journal to let members know that "UniSuper, which had a small indirect exposure to Transfield Services … divested itself of this holding for commercial reasons in late 2014."[163]

Curiously, this was the first announcement the fund, or McCulloch as the union's representative on the UniSuper board, had made regarding the divestment. Although the secretary of the NTEU's Victorian Division had earlier suggested "super funds can sometimes be quite responsive to members' protests," the silence hinted instead at a reluctance on the part of UniSuper's leadership to concede such member influence.[164] Was this simply, in the context of directors' fiduciary duties, a calculated way of avoiding regulatory investigation into the motives behind divestment? This is certainly possible. However, given the strength of the financial case for ending its exposure to Transfield, detailed above, such concerns were unlikely to have been fully justified. An illuminating insight into the fund's stance on member input into investment activity had come in August 2014, when its chief investment officer, John Pearce, had defiantly stated in an interview with the *Journal of Superannuation Management* that: "members should have zero impact on investment strategy."[165]

While Pearce's comments would help explain the lack of UniSuper acknowledgment of the role played by the NTEU resolution in the fund's decision to divest, they, ironically, in fact underlined the resolution's effectiveness. In the same interview, Pearce had been asked about specific concern on the part of some members about UniSuper's investment in Transfield. Dismissing the stake as an indirect investment "held by a couple of fund managers" and "a tiny holding, a decimal point" of the fund's portfolio, Pearce very quickly pivoted to other businesses ("all Israeli companies … anti-gay companies, … [and those] involved in abortion") that had been the subject of similar, unaddressed, member attention.[166] The clear implication a reader was to arrive at was that, as with the other investments cited, UniSuper had not, at that point in time, been entertaining any thoughts of divesting from Transfield. It would be difficult to argue that the sustained NTEU campaign did not have at least some influence in this position being reversed within a matter of months.

Interestingly, despite his motion at the VU Branch having played a role in the fund's ultimate divestment, Clark remains conflicted as to the power of financial activism by unions. On the one hand, he acknowledges the argument forwarded by Anderson and Ramsay, discussed earlier in this

[163] Grahame McCulloch, 'From the General Secretary,' *Advocate*, *22* (March 2015): 2.
[164] Colin Long, cited in 'Union money and detention centres.'
[165] John Pearce, cited in James Fernyhough, 'Age of activism (Interview with John Pearce),' *Journal of Superannuation Management* 6 (2) (2014): 18.
[166] *Ibid*, 18; 20.

chapter: that the new legal terrain encountered by Australian unions since the 1990s has necessitated a turn towards alternative forms of activism.[167] At the same time, there is ambivalence on Clark's part as to what an abandonment of traditional forms of union protest could mean over time, particularly with respect to the reality that the final say in decisions around investment and divestment usually rests with leadership. Financial activism, he suggests:

> abstracts from our membership. It's no longer you and me sitting across a table [for example, in a branch meeting setting] – rather, it's you and me trusting some other agent to broker our financial stake in a particular way. That builds less network capital, less collective buy-in.[168]

To suggest that the NTEU divestment campaign was somehow lacking in 'collective buy-in' would, however, be plainly unfair. While it was indeed the leadership (specifically the union's representative on the UniSuper board) who formalised the resolution and helped apply pressure on the fund, there is no evidence that the impetus for divestment ever rested in the leadership's hands alone. This is in stark contrast, for instance, to the similar resolution at the ASU initiated by Sally McManus, who was very much part of that union's executive. Clark's activism at the branch level, the solidarity and endorsement expressed by various NTEU branches throughout the country, and the acknowledgement by national leadership of the groundswell of rank-and-file support, all played important roles in the union successfully pressuring UniSuper to sever its financial ties with Transfield.

The ANMF and HESTA

In late-June 2015, another Melbourne-based unionist decided to raise the question of divestment. The occasion was the 23rd Victorian delegates conference of the Australian Nursing and Midwifery Federation (ANMF), an annual two-day event at which the state branch's policy platform is shaped and updated. Although the post-conference headlines would focus on a series of discussions and speeches (including one by Jill Hennessy, the health minister in Victoria's Labor government) on the issue of family violence faced by members, deliberations took place on a wide range of topics.[169] Not all were concerned wholly with industrial or workplace matters. Indeed, reflecting the nursing

[167] Anderson and Ramsay, 'From the picket line to the boardroom.'
[168] Clark, interview.
[169] ANMF (Victorian Branch), 'Family violence dominates 2015 ANMF (Vic Branch) delegates conference' (26 June 2015), accessed online at https://www.anmfvic.asn.au/news-and-publications/news/2015/06/26/family-violence-dominates-2015-anmf-vic-branch-delegates-conference.

union's strong tradition of fighting for causes outside a narrow industrial purview – a case in point being its role in the decades-long campaign of solidarity with the East Timorese discussed in Part Two of this thesis – the conference featured numerous debates on social and moral questions. One such motion put the issue of mandatory detention of people seeking asylum – and members' indirect involvement in the system through their superannuation investments – firmly into the spotlight.

The member behind its drafting and preparation was Tara Nipe, a clinician and ANMF delegate with a long personal history of political activism. Nipe had joined the union (then known as the Australian Nursing Federation) upon registering as a qualified nurse in 1992. In the same year, she was elected as a delegate for her workplace, a position Nipe has held ever since. Nipe's passion for unionism drew from earlier involvement in progressive causes: in addition to campaigning on environmental issues, she had also been a member of Young People for Nuclear Disarmament during her high school years. In this context, joining the union had been, in Nipe's consideration, an obvious decision. The choice was made yet more attractive by the organisation's record in fighting for social, and not simply economic, justice:

> The ANMF has always looked at the bigger picture … The leadership has always … [valued expressing] solidarity, not just in terms of supporting other unions and their actions and claims, but also the bigger picture. The thing is, all of these things affect all of us somehow. It's just that that effect isn't as direct as pay or leave or working conditions.[170]

Accordingly, while recalling the fiercely contested 2011/2012 enterprise bargaining agreement (EBA) negotiations with the Victorian Liberal Government for nurses in the public sector as a pivotal period in her experience in the union, Nipe remains especially proud of using her platform to push for action on the broader front of social and moral issues.[171] At the 2012 Victorian delegates conference, for example, she had moved a motion in support of same-sex marriage equality, reflecting the union's participation in Pride rallies.[172] Another motion, this time combining the social with the industrial, called for domestic violence leave to be added to the EBA; a position that was endorsed

[170] Tara Nipe, interviewed by author (9 June 2017), Melbourne.
[171] Pauline Stanton, 'Nurses' dispute with Baillieu highlights pressure on Australia's ailing healthcare system,' *The Conversation* (16 March 2012), accessed online at https://theconversation.com/nurses-dispute-with-baillieu-highlights-pressure-on-australias-ailing-healthcare-system-5890; 'Victorian nurses threaten mass resignations,' *ABC News* (16 December 2011), accessed online at http://www.abc.net.au/news/2011-12-16/victorian-nurses-threaten-to-resign-en-masse/3735768; 'Victorian nurses close one in three hospital beds,' *AM* (transcript of radio program broadcast on Australian Broadcasting Corporation on 12 November 2011), accessed online at http://www.abc.net.au/am/content/2011/s3363273.htm.
[172] Nipe, interview; ANMF (Victorian Branch), 'My union marches with Pride' (1 February 2015), accessed online at https://www.anmfvic.asn.au/campaigns/2015/02/01/my-union-marches-with-pride.

and came to fruition in the subsequent agreement.[173] On another occasion, Nipe was involved in surveying the membership as to their position on voluntary assisted dying. Despite being a particularly sensitive moral issue, to which workers in the sector were directly exposed, the overwhelming majority of the "hundred or so" responses received were supportive of a proposed resolution calling for legalisation of the practice.[174]

In the lead up to the 2015 conference, Nipe, like many of her fellow progressives, had been moved by the plight of people seeking asylum, particularly their treatment while in detention on Manus Island and Nauru. The bipartisanship on the part of the country's major political parties on the policy of mandatory detention provoked an especially stinging indictment:

> we have an obligation to people, wherever they come from. [As a nation] we have resources, we have the wealth, we have the capacity. The idea that we would turn people away … I don't understand how Australia has … [reverted from when] we had a Liberal prime minister [Malcolm Fraser] accepting people seeking asylum from Vietnam … I'm so disappointed with the so-called left [the Parliamentary Labor Party] that we have representing us … saying 'you will never be granted asylum.' We have … [signed] international acts of law; we have a legal obligation.[175]

Nipe embraced the idea that her position in the trade union movement afforded her the opportunity to push for change. As with Clark at the NTEU the previous year, specific motivation came from Sally McManus's ASU resolution: engaging fellow ANMF members to acknowledge the institutional power they had as holders of superannuation savings could prove highly influential.

Members' concern for the rights of those fleeing persecution had indeed already been enshrined at the national level of the union. In 2004, following discussions at state delegates' conferences, the ANF had released a formal position statement on refugees and people seeking asylum. On three occasions over the subsequent decade, the policy – invoking nurses' and midwives' professional practice standards and ethics codes, and informed by research undertaken by the Refugee Council of Australia – had been reviewed and re-endorsed.[176] Amongst its twenty-two principles were clear

---

[173] Nipe, interview; 'Victoria to introduce family violence leave for public servants,' *Age* (16 August 2015), accessed online at http://www.theage.com.au/victoria/victoria-to-introduce-family-violence-leave-for-public-servants-20150816-gj07pw.html; 'Family violence leave,' *Nurses and Midwives (Victorian Public Health Sector) (Single Interest Employers) Enterprise Agreement 2016-2020*, 73-75.
[174] Nipe, interview.
[175] *Ibid*.
[176] ANMF, *Position Statement – Refugees and Asylum Seekers* (updated August 2017), accessed online at http://anmf.org.au/documents/policies/PS_Refugees_asylum_seekers.pdf.

enunciations of the union's opposition to the process of offshore detention, and to the notion that people seeking asylum never be permitted to settle in Australia.[177]

In appealing to the sentiments that had driven this policy position, Nipe focused on HESTA and First State Super, the two funds in which most ANMF members had their superannuation invested.[178] Like Clark's – and unlike McManus' ASU – resolution, the motion put by Nipe avoided singling out any particular company involved in offshore detention. Instead, it requested leadership of the Victorian branch of the ANMF: "lobby First State Super and HESTA … to divest themselves of investments in organisations whose business interests directly or indirectly breach the human rights of those seeking asylum."[179]

However, just as Clark had experienced, while ostensibly precluding the targeting of any single business, the implications of Nipe's motion quickly became clear. In light of the highly visible and successful Biennale boycott against Transfield, HESTA's decision the previous year to nonetheless subsequently grow its stake in the company became a focal point for the campaign. Although support for the resolution and for divestment from Transfield came readily from the union's leadership in Victoria – including from Lisa Fitzpatrick, the state secretary – other office-holders had earlier expressed misgivings about the tactics involved.[180] Of the two national ANMF representatives on HESTA's board (the other being Victorian assistant secretary Pip Carew), New South Wales state secretary Brett Holmes had been most ambivalent. Responding to a refugee activist on Twitter in April, Holmes had argued that "divestment is [the] easy way out," contending that withdrawing HESTA's stake would simply mean that "someone else has to engage or not care."[181] The tweet was later deleted from Holmes' account. Whether or not he agreed with the moral basis of the subsequent resolution arising from the Victorian delegates conference, Holmes' reluctance to

[177] *Ibid*.
[178] This stemmed from the fact that HESTA and First State Super were listed as the two 'default' superannuation funds in the industrial agreement covering nurses in Victoria's public sector. The default fund selection process ensures that workers who do not make an active choice are placed into a fund that has been approved by the Fair Work Commission, the nation's industrial relations regulator, as best placed to meet the needs of those in a certain industry or sector. Both HESTA and First State Super are industry funds.
[179] ANMF (Victorian Branch), 'ANMF delegates conference (Vic) calls for divestment of super funds from detention industry,' reproduced on Cross Border Operational Matters (26 June 2015), accessed online at https://xborderoperationalmatters.wordpress.com/2015/06/26/anmf-delegates-conference-vic-calls-for-divestment-of-super-funds-from-detention-industry/.
[180] 'Union claims victory for forcing HESTA to sell Transfield,' *Australian Financial Review* (20 August 2015), accessed online at http://www.afr.com/news/politics/national/union-claims-victory-for-forcing-hesta-to-sell-transfield-20150820-gj3t42.
[181] @xBorderOps, Twitter post (3:00AM, 23 April 2015), accessed online at https://twitter.com/xBorderOps/status/591179757649145857.

support the divestment option had been seized on by campaigners as a 'rationalisation' of the fund's exposure to Transfield.[182]

Such statements notwithstanding, pressure grew on the fund to divest following Nipe's resolution, which passed with almost unanimous backing from fellow delegates at the Victorian state level.[183] Fitzpatrick's endorsement was also key, ensuring that the stance taken by delegates could be understood as having the full support of all levels of the Victorian branch. Adding further impetus to the resolution was the Coalition Government's *Australian Border Force Act 2015*, enacted on 1 July with the support of the Labor opposition. Among the legislation's most contested regulations was the threat of two years' imprisonment for anyone who, whether directly engaged, or subcontracted to work, in the detention system, spoke out about their experiences at the offshore centres without departmental authorisation.[184] Cohorts of professionals who could fall foul of the provision included not just detention centre guards and personnel, but also doctors and other healthcare workers, including nurses. This gave rise to obvious issues around mandatory health reporting responsibilities, and attracted the ire of ANMF members.[185]

While such ethical factors – and the pressure exerted by the union's Victorian executive – undoubtedly played some part in HESTA ultimately selling its $23 million stake in Transfield on 14 August 2015, the fund took care to publicly paint its decision as motivated by fiduciary considerations.[186] Receiving considerably less coverage – presumably owing to its much smaller market share in the superannuation system relative to HESTA – news emerged that First State Super had also made the decision to divest from Transfield, meaning that both superannuation funds named in Nipe's initial motion had complied with the divestment demands.[187] Although HESTA was more willing to announce its divestment than UniSuper had been the previous year, similarities between the actions taken by the two funds were clear. As far as HESTA was prepared to acknowledge in the public domain, in the absence of a strong economic case for divestment no amount of moral agitation or activism would have been enough to force the fund's hand. As with UniSuper, HESTA's fiduciary rationale for offloading Transfield stock was driven by concern about what the ongoing negative public image issues meant for the company's value and, by extension,

---

[182] *Ibid*.
[183] Nipe, interview.
[184] 'What are the secrecy provisions of the Border Force Act?,' *ABC News* (27 July 2016), accessed online at http://www.abc.net.au/news/2016-07-27/what-are-the-secrecy-provisions-of-the-border-force-act/7663608.
[185] 'Union claims victory for forcing HESTA to sell Transfield.'
[186] 'HESTA dumps Transfield citing detention centre abuses,' *Age* (18 August 2015), accessed online at http://www.theage.com.au/business/banking-and-finance/hesta-dumps-transfield-citing-detention-centre-abuses-20150818-gj218u.html; 'HESTA divests from Transfield Services,' *Green Left Weekly* (28 August 2015), accessed online at https://www.greenleft.org.au/content/hesta-divests-transfield-services.
[187] *Ibid*.

HESTA members' future returns. In the seven months between HESTA becoming a substantial shareholder in Transfield in December 2014 and Nipe's June 2015 resolution at the Victorian delegates conference (by which point the fund's stake had been reduced to 3.5 per cent), the company's share price had fallen by 10.2 per cent.[188] The impact of the *Border Force Act* had also contributed to the decision. In the months preceding the divestment decision, HESTA had repeatedly attempted to engage Transfield's directors to discuss how reports of conditions on Manus Island and Nauru were affecting the business's value, but, as the fund's chief executive officer Debbie Blakey explained after divesting: "strict confidentiality clauses in Transfield's government contracts meant the company was unable to answer [the] questions we needed answers to."[189]

Predictably though, the fund's actions – and the perceived role played by unions like the ANMF in influencing the decision – attracted considerable criticism (representing a portent of the active ownership debate discussed earlier). Josh Frydenberg, the federal assistant treasurer at the time, was quickly on the attack. In the process of introducing legislation to the House of Representatives seeking to increase to one-third the proportion of independent directors on industry fund boards (thereby reducing the ratio of union appointees), Frydenberg attempted to raise suspicion about HESTA's motivations: "you would hope that HESTA was making decisions based on the best economic interests of its members … I … want to know they are making decisions … [that will] help protect people's hard-earned retirement savings."[190]

Given the aforementioned drop in Transfield's share price over the preceding months, and the failure of its board to adequately respond to concerns raised by HESTA (as well as those of the Australian Council of Superannuation Investors, which represented a $400 billion share of the country's superannuation savings across 30 industry funds), Frydenberg's comments were laced with an inadvertent irony.[191] Indeed, as Bernard Mees noted in an opinion piece on HESTA's divestment: "if companies in which … members' retirement savings are invested move into areas of reputation risk (such as immigration detention) then superannuation trustees would be breaching their legal obligations *not* to be concerned."[192]

---

[188] HESTA Divest, *Help Call on HESTA to Divest from Mandatory Detention*, 4-5.
[189] Debbie Blakey, cited in 'Transfield in the heart of hot debate on ethical investment,' *Sydney Morning Herald* (21 August 2015) accessed online at http://www.smh.com.au/business/banking-and-finance/transfield-in-the-heart-of-hot-debate-on-ethical-investment-20150821-gj4ngq.html.
[190] Josh Frydenberg, cited in 'Transfield in the heart of hot debate on ethical investment.'
[191] 'Transfield in the heart of hot debate on ethical investment.'
[192] Bernard Mees, 'There's more to super fund HESTA's divestment than ethics,' *The Conversation* (26 August 2015), accessed online at https://theconversation.com/theres-more-to-super-fund-hestas-divestment-than-ethics-46529 (italics added).

The financial legitimacy of the fund's divestment decision was further bolstered by news that other major institutional shareholders in Transfield – including Allan Gray, still the majority shareholder – had placed the company "under review."[193] Nonetheless, responding with even more desperation than the assistant treasurer was the *Australian Financial Review*. In an editorial on the day of the divestment, the Fairfax newspaper unceremoniously attempted to link the decision to scandals engulfing the Health Services Union (HSU) in recent years, arguing that the union's sole official on HESTA's board (Lloyd Williams) should have no right to influence its investment strategies.[194] Conveniently absent from the piece was the fact that the HSU had been among the only unions represented on the board *not* to have passed a resolution calling for the sale of Transfield shares – the others being United Voice[195] and the peak body, the ACTU.[196]

While it was – understandably – publicly downplayed by Blakey, the role of Nipe's morally and ethically-inspired resolution was arguably of significant import. It is unclear, for instance, whether Fitzpatrick's stance on divestment would have necessarily developed in the absence of the policy

[193] 'Transfield in the heart of hot debate on ethical investment.'

[194] Between 2006 and 2011, the Health Services Union had been beset by a series of cases of fraud and theft of members' money, committed by senior officials. The affair implicated a former federal Labor member of Parliament, Craig Thomson, who had been the union's national secretary. Also involved were Thomson's successor as secretary, Kathy Jackson, and a former president of the union, Michael Williamson. 'Health Services Union may be cut loose by ACTU as prosecutors consider criminal charges,' *Australian* (4 April 2012), accessed online at http://www.theaustralian.com.au/national-affairs/health-services-union-may-be-cut-loose-by-actu-as-prosecutors-consider-criminal-charges/news-story/ed759f62cd0b261889d8b98c68a1e8fc; 'Health Services Union former leader Kathy Jackson ordered to repay $1.4m,' *Sydney Morning Herald* (19 August 2015), accessed online at http://www.smh.com.au/national/health-services-union-former-leader-kathy-jackson-ordered-to-repay-14m-20150819-gj2js7.html; 'Inside the corrupt culture of the Health Services Union,' *Herald Sun* (22 August 2015), accessed online at http://www.heraldsun.com.au/news/victoria/inside-the-corrupt-culture-of-the-health-services-union/news-story/3e6ef215ecdbd1daeb142795f0472ec6; 'Funds about retirement not politics,' *Australian Financial Review* (19 August 2015), accessed online at http://www.afr.com/opinion/editorials/funds-about-retirement-not-politics-20150819-gj2up1.

[195] This stance had indeed been reflected in statements made by United Voice representatives in response to the actual or potential closure of several onshore detention centres, including those at Pontville in southern Tasmania, and Darwin's Bladin Point and Wickham Point. Clearly, leaders of such unions had to walk a fine line. While they might have wished to support the progressive cause in question – the defence of the human rights of people seeking asylum – standing up for the jobs of their fee-paying members, including those in the detention industry, had to take priority. 'Pontville detention centre empty and more than 200 staff fear for jobs,' *Mercury* (21 September 2013), accessed online at http://www.themercury.com.au/news/tasmania/pontville-detention-centre-empty-and-more-than-200-staff-fear-for-jobs/news-story/6932eca1f6a9fa2578b5ef6c542e20bf; 'Union anger as axe falls on Pontville Detention Centre jobs,' *ABC News* (16 October 2013), accessed online at http://www.abc.net.au/news/2013-10-16/union-angry-over-axing-of-pontville-detention-centre-jobs/5025282; 'Bladin Point Immigration Detention Centre facility shuts down near Darwin,' *ABC News* (7 April 2015), accessed online at http://www.abc.net.au/news/2015-04-07/darwin-immigration-detention-facility-shuts-down/6376158.

[196] The following week, in an article lamenting the fund's action as part of the "alarming … divestment bandwagon," the newspaper clarified to its readers which unions had indeed passed such resolutions. 'HESTA decision to dump Transfield marks turning point for shareholder activism,' *Australian Financial Review* (22 August 2015), accessed online at http://www.afr.com/news/politics/national/hesta-decision-to-dump-transfield-marks-turning-point-for-shareholder-activism-20150821-gj4li6.

position emerging from the delegates' conference. At the broader national level of the union, it is even more unlikely that the leadership would have, on its own, settled on such a position – as evidenced by Brett Holmes' earlier contribution to the discussion.

In measuring the extent to which the ANMF Victoria campaign warrants classification as an example of SMU in action, I turn first to Moody's 'internal union democracy' principle. As with Clark's at the NTEU, Nipe's original motion – formulated well below the ranks of upper leadership – successfully made its way to become official union policy. This policy, in turn, brought to bear considerable pressure on one of Australia's largest superannuation entities, an industry fund giant worth some $32 billion. To explain how such a development was able to occur, and to assess the role of ANMF Victoria's internal democratic structures in the process, it is important to explore various dynamics within the union. These include the relationship between rank-and-file members and the delegates who directly represent them. Another crucial point of analysis centres on the culture within the union itself: that is, how do members, delegates, and leaders comprehend their roles and responsibilities?

To begin with, it is instructive to understand how a motion is prepared for, and moved at, the ANMF's delegates conference. This policy-making process affords rank-and-file members considerable influence, invoking the type of internal structures recommended by SMU proponents.

Prior to conference, a call for motions is announced – with no limitations imposed on the scope of topics they may cover. Delegates encourage their rank-and-file members to raise with them any issues encountered in workplaces that might reflect wider trends among the membership. At the same time, they are free also to suggest proposals around broader social and moral questions – be they associated with the clinical nature of their work, such as the voluntary assisted dying matter, or subjects more removed from their daily working experience but in which members may have a personal interest. Whether the result of a member's suggestion or prepared on their own volition, a delegate with a prospective motion then finalises a draft and has it seconded by a separate delegate, both of whom will be attending conference and will be able to speak to the motion's merits. All such potential motions are then compiled into a longlist, sent to Branch Council. This decision-making body comprises the office-holding leadership – the state president and secretary, their respective deputies, and four other executive staff members – and fourteen councillors, each elected for two-year terms from among the state's delegates (in 2013, Nipe herself became one such elected councillor).[197] The Council assesses any similarities or overlaps between the longlisted proposals, and

[197] ANMF (Victorian Branch), 'Branch Council' (updated 2017), accessed online at http://www.anmfvic.asn.au/about-us/branch-council?page=2.

whether any of their subject matter has been voted down in previous years' motions or been successfully passed (resulting in a formal resolution). In either instance, the motion is typically refused. Following any necessary recommendations around the rewording or combination of new but similar proposals, motions are then endorsed, and become set for discussion and a vote at the upcoming conference.[198]

Clearly, this is a deeply democratic process. Unionists from all levels are involved at one point or another in the brainstorming, drafting, crosschecking, and approval of proposed motions. From the earliest call for motions through to the final conference-ready list, there are no rules or ratios dictating how many motions must focus on either industrial, clinical, or moral issues. Formulation of the state branch's official policies (drawn from passed resolutions, voted on by delegates at conference) occurs in an open space in which the union's rank-and-file can play an active role. In this sense, ANMF Victoria arguably scores highly with respect to Moody's SMU principle of internal union democracy, with clear avenues open to members who wish to help shape the union's stance on an unlimited array of issues. Members are also kept well informed of developments across the union, with accounts on multiple social media fronts (including Twitter and Facebook) complemented by email updates from the secretary and a hard copy of the union's magazine.[199]

The value of ANMF Victoria's delegate-driven system was highlighted in a 2012 study that attributed the union's strong internal democratic structure to the adoption of the principles of organising (at the expense of servicing) by its executive in the early-1990s. The paper's authors, James Tierney and Christina Cregan, observed how under the organising model the election of 'inspirational' leaders directly from the ranks of the membership has had a profound impact on the union's industrial activity.[200] Genuine representatives of the membership, with lived experience of working in the industry, such leaders in ANMF Victoria range from workplace delegates such as Nipe to members of the Branch Council, all the way up to the branch's secretary and other officials in the executive. The result of populating such positions with individuals originally sourced from the rank-and-file has been an exceptionally high level of trust amongst members in all levels of their leadership.

Perhaps even more important, and as outlined in the introduction to this thesis, is the nature of rank-and-file members' own responsibilities, in an industrial context, under the organising model of unionism. Contrasted to the transactional nature of the servicing model – where members receive

[198] Nipe, interview.
[199] *Ibid*.
[200] James Tierney and Christina Cregan, 'Strategy and structure in a successful organising union: The transformation role of branch secretaries in the Australian Nursing Federation, Victorian Branch, 1989-2010,' *Labour History* 104 (2013): 149-168.

support on workplace matters in return for payment of their dues – under the organising model members are inspired, educated and mobilised to take action on industrial issues themselves. While Tierney and Cregan's analysis ultimately found that the combination of such frameworks, structures and philosophies had indeed contributed strongly to key industrial focal points of the union's activity – including collective bargaining negotiations and, more broadly, the union's recruitment and retention of members – it did not examine their impact on how the organisation navigates social and moral issues. In this context, the case study of Nipe's divestment resolution offers a complementary analysis.

Although it could hardly be contested that the union's continued commitment to the organising model has led to profound benefits in the industrial arena,[201] Nipe suggests that perhaps more could be done to instil greater confidence in members as to their capacity to leverage their membership of the union to influence broader social and moral progress:

> I think [the situation would be better] if more nurses understood how much power we have collectively to make change … The unfortunate thing about how we work is that nurses don't have a lot of autonomy; we don't have a lot of authority. There's a lot of responsibility, but there's not a lot of ability [in our day-to-day work] to change anything, and I think the majority of our members … think that that's the case universally, instead of seeing that it may [just] be the case in [their] workplace. In the [wider] world we have a lot of power, because we have a lot of public respect, and we're intelligent and articulate, and what we do is important. I think the majority of our members still don't see that, and I find that really disappointing.[202]

Nipe justifies this view by noting that member engagement is typically highest during periods of industrial action and negotiations with government and other employers on collective agreements. This is understandable enough. No matter how strongly a union's leadership commits to replacing a traditional servicing mindset with an organising philosophy, the cultural shift required on the part of members is always going to need to be a gradual one. In such a context, it is not surprising that the majority of members, even in light of dedicated efforts by delegates and higher leadership to

[201] Consolidation of the organising model has seen the ANMF become one of the most successful unions in Australia, in terms of membership density in the industry it covers. Broken down by occupational category, some 39.2 per cent of health professionals (including nurses) were union members between October 2015 and September 2016; second only to education professionals at 42.4 per cent. Roy Morgan, 'Who are Australia's union members? You may be surprised' (11 January 2017), accessed online at http://www.roymorgan.com/findings/7104-who-are-australias-union-members-you-might-be-surprised-201701101609.

[202] Nipe, interview.

promote enhanced rank-and-file agency, will naturally gravitate towards a view of union membership that places industrial concerns at the centre.

Nonetheless, there are undoubtedly signs that proactive member agency around, and informed engagement with, non-industrial issues do exist in the union. The overwhelming support for Nipe's motion amongst fellow delegates, and the response by the rank-and-file to the ultimate divestment by HESTA, arguably stand as examples of this. Indeed, an expression of broad member endorsement on a distinctly moral issue came via social media, with a post on the branch's Facebook page announcing HESTA's divestment met with a strong level of support.[203] The post's comments section offered reassurance to those looking for traces of SMU in this case study, particularly with respect to the model's pursuit of issues beyond those on the industrial front. In applauding the role played by the union's resolution in influencing the superannuation fund's decision, for example, one member urged that divestment demands be extended to cover other businesses and industries, including those profiting from fossil fuels. Two others remarked that having been considering a switch to another fund, the divestment would see them remain with HESTA.[204]

The former of these remarks, in particular, demonstrate how some of ANMF Victoria's members saw that the union's tactics in the financial arena – motivated in the first instance by humanitarianism – could be applied to other targets, such as those arising from environmentalist concerns. This type of proactivity stands – admittedly in a small, understated way – as a counterweight to any broader concern about lack of interest in political and social activism amongst the membership. As delegates increasingly promote causes and encourage members to raise issues they are passionate about themselves (as with the Portuguese-speaking CFMEU members discussed in Chapter 3, moved by the plight of the people of East Timor), the future for unions with strong democratic structures such as ANMF Victoria increasingly promises to be marked by the empowerment of the rank-and-file and the pursuit of a broad range of issues and causes.

Conclusion

This chapter has presented two case studies in how trade unionists motivated by a specific moral issue – in this instance, the Australian Government's treatment of people seeking asylum at offshore detention centres – helped pressure multi-million-dollar pension funds to change their investment practices. These were no small achievements. While they did not ultimately lead to a change in

[203] ANMF Vic Branch, Facebook post (11:31AM, 19 August 2015).
[204] *Ibid*.

government policy, the divestment actions were nonetheless hugely symbolic developments. They helped raise awareness of the issue among the community and, in doing so, inspired different institutional investors (including other superannuation funds) to similarly distance themselves financially from companies such as Transfield. Linking back to the connecting theoretical thread of this thesis, I have identified and discussed aspects of the respective campaigns that bring to mind Moody's constituent principles of SMU. Alongside Clark, Bailey, and Nipe's personal convictions about the capacity of unions to effect broader social change (beyond simply the pursuit of industrial aims), such structural characteristics of their respective unions and campaigns include the genesis of their activist actions in the non-leadership ranks of the unions, the strong internal democratic frameworks which facilitated and enabled this, and the development of momentum-building relationships between the unionists and broader social movement actors.

Another SMU principle evident in both case studies was the respective unions' political independence from the Australian Labor Party. In the context of the bipartisan political approach to mandatory offshore detention at the time of the campaigns, the fact that both the NTEU and the ANMF remained unaffiliated to the ALP limited any potential ideological compromise at the leadership level. Nonetheless, some elements in both unions' leaderships threatened to be obstructive for other reasons: namely those arising from the conflicted positions they held as both union leaders and superannuation fund trustees. In this duality of roles, the union executives were required to balance responsibilities associated with advocating on behalf of members around both their economic interests *and* their moral interests. As I have argued, it was a combination of the strong rank-and-file agency afforded by internal union structures, and the inherent weight of pressure of widespread member support for the resolutions, that swayed the initially-hesitant among leaderships toward endorsing the resolutions as union policy. Specifically, I have explained how the leveraging of these broader networks to develop detailed economic justifications for divestment played a critical role convincing leadership of the acceptability of the demands, in light of their fiduciary obligations.

Arguably, it is this coalition-building element of the campaigns that offers particular value to Australian unionists attempting similar change through engagement with the financial system. For better or worse, the pervading role of the market in modern societies[205] means that the road to bringing about reform on social and moral (or indeed industrial) issues will increasingly require unions to consider shareholder-based activism as an element of a potential strategy. While rank-

[205] Not to mention the decreasing level of legal protections for traditional union actions – certainly at least in Australia, as observed by Anderson and Ramsay (2005).

and-file unionists will realistically only succeed in such endeavours if their organisation is set up structurally in such a way that their voice is heard and carries weight, it will be of equal importance that campaigners work constructively with supporters and advocates beyond the union, to fashion evidence-based arguments that appeal not just to the converted, but to those who need to be convinced: non-aligned and institutional shareholders, hesitant leaderships, and financial regulators.

Conclusion

With this thesis, I set out to answer a simple question: aside from the green bans in 1970s Sydney, to what extent could the principles of social movement unionism be identified in Australian labour history? In seeking potential examples, my analysis centred on three broad issue-based campaigns, spanning a half-century period from the 1960s to the mid-2010s. These involved activism by Australian trade unionists around:

- The push for Aboriginal rights and advancement in the 1960s, including support for the 1967 constitutional referendum and the improvement of educational conditions for Aboriginal and Torres Strait Islander students (Part One);
- The decades-long struggle for East Timorese independence from Indonesian occupation, as well as the difficult nation-building phase that commenced after independence was declared in 2002 (Part Two); and
- Opposition to the Australian Government's mandatory offshore detention, and associated mistreatment, of people seeking asylum from violence or persecution in other states or regions (Part Three).

Through analysis of archival evidence and interviews undertaken with key participants, I have demonstrated how each of the campaigns featured several, in some cases all, of the key components of SMU, as summarised by Kim Moody. These principles are:

- The pursuit of issues beyond industrial self-interest;
- Strong agency and engagement by the rank-and-file and non-leadership cohorts;
- The development of alliances with broader social movement partners; and
- Political independence.

In the following section, I summarise the applicability of each of these aspects of SMU to the campaigns examined throughout this thesis. As I will demonstrate, it is often the case that two or more of the principles can be understood as interrelated; as both contributing to, and being contingent on, one another – strengthening the argument that certain campaigns and actions were particularly synonymous with the SMU model of unionism.

The pursuit of issues beyond industrial self-interest

All of the union campaigns and actions I have examined meet this overarching precondition of SMU. It is interesting, however, to reflect on the motivations that drove the various interventions on the part of union actors. In Part One, I demonstrated how the willingness of some unionists to take up with such passion and commitment the cause of Aboriginal advancement was informed not just by basic principles of moral justice, but also exposure to the issue in their professional environments, as well as broader ideological and political stances. The unique level of engagement by the New South Wales Teachers' Federation (NSWTF; the only union body to become a 'Category A' affiliate of the Federal Council for the Advancement of Aborigines and Torres Strait Islanders), for instance, was sustained by teachers' first-hand experience of how structural inequalities impacted on the education of Aboriginal pupils. Meanwhile, an understanding of how the forces of economic exploitation and cultural imperialism had intersected to ingrain such inequalities was central to inspiring the contributions of unionists informed by Communist and other far-left ideology. In this interpretation, the Aboriginal rights cause was contextualised as intrinsically related to questions of class and, as a result, should not in fact be distinguished from Communist-influenced unions' ordinary industrial concerns.

I also explored how engagement with a particular social or moral issue can be motivated by the cultural make-up of a union's own membership. In Part Two, the Construction, Forestry, Mining and Energy Union's (CFMEU) active campaigning for the independence movement in East Timor, for instance, was heavily inspired and consolidated by the union's large cohort of Portuguese-speaking migrants. For other unions, support for the East Timorese stemmed from a rich history of similar campaigns with either an internationalist or, more generally, progressive outlook; this was certainly the case for unions in the maritime and nursing sectors.

It is indeed no coincidence that the Australian Nursing and Midwifery Federation (ANMF) was also involved in the campaigns of financial activism profiled in Part Three. In a similar manner to the NSWTF's campaigning in the 1960s, unionists in both ANMF Victoria and the National Tertiary Education Union (NTEU) framed their engagement with the issue of people seeking asylum in Australia in the twenty-first century as not only the result of personal moral convictions, but also as a natural corollary of the day-to-day contact they had with members of the community hurt by relevant governmental policies. Here, as I argued in both Parts 1 and 3, Paul Johnston's theory of SMU being especially applicable to unions representing workers in the public sector finds relevance.

Strong agency and engagement by the rank-and-file and non-leadership cohorts

While the extent of rank-and-file members' capacity to influence campaigning activity varied, all three case studies featured evidence of this key structural component of SMU. This was even the case in Part One, where, despite having foreshadowed potential obstacles associated with the 'voice' identifiable in archival union documentation, I uncovered numerous examples of union members holding considerable sway in activist and solidarity actions around the Aboriginal rights issue. In addition to the policy recommendations made by NSWTF members based on their experience on the ground (evinced in I.G. Lancaster's petition to the state government for the development of the La Perouse Homework Centre), I detailed a groundswell of rank-and-file financial support from both that union and others, including the Waterside Workers' Federation and the Sheet Metal Working, Agricultural Implements and Stove Making Industrial Union.

Similarly, in Part Two, I demonstrated how union rank-and-file activity played a large role in the development of campaigns and actions in support of the independence struggle of the East Timorese. Responding to the events at Santa Cruz in 1991, for instance, members of the Communication Workers' Union's Northern Territory branch first instigated, and then voted overwhelmingly in support of extending, a ban on work at the Darwin Airport offices of Indonesia's Garuda Airlines. Having had the full support of regional officials such as Didge McDonald, the ban would only be lifted after pressure was applied from the union's national leadership. Throughout the 1990s, CFMEU organisers in Sydney actively developed rank-and-file support for the East Timorese. This was a process that drew on, and was further facilitated by, an organic affinity to the cause among members of the Portuguese and East Timorese diasporas within the union's membership. As the 1999 independence vote approached, members of several unions – including both the CFMEU and the ANMF's predecessor, the Australian Nursing Federation – travelled to the territory to oversee and report on the referendum process.

In Part Three, the ability of the ANMF Victoria and NTEU union delegates to ultimately influence decisions made at the highest levels of their respective unions was especially impressive. The process by which motions emanating from the rank-and-file were finally adopted by national leaderships, and subsequently helped convince multi-billion-dollar pension funds to alter their investment activity, relied heavily on particularly strong internal frameworks. Forums such as the NTEU's Consultative Committee and the ANMF's annual delegates conference, through which the divestment motions were discussed and overwhelmingly supported, stand as prime examples of the SMU-inspired union structures needed to facilitate democratic decision-making.

The development of alliances with broader social movement partners

Much of the success of the campaigns examined in this thesis rested on the influence of strong coalitions between unions and other community-based organisations. Crucially, such partnerships often brought together groups and actors of disparate ideological or philosophical traditions, invoking the diverse form of alliance advocated by scholars such as Moody, Gay Seidman, Amanda Tattersall, and Sian Moore. A common combination of this ilk, evidenced in Parts 1 and 2, saw organised labour in Australia work alongside religious groups to further their demands for social and moral justice. In Part One, this was evident in the Tranby Co-operative College joint venture established by the Anglican Reverend William Clint, of which numerous unions and trades and labour councils were founding members and would become long-time supporters. Similar union-church group alliances were discussed in Part Two, including the collaborative work in East Timor by the Mary MacKillop Institute and members of Australian People for Health, Education and Development Abroad (APHEDA).

Another important alliance, detailed throughout Part One, united sections of the union movement and the Federal Council for the Advancement of Aborigines and Torres Strait Islanders (FCAATSI) – a partnership further enriched by the crossover membership of certain actors in both groups. In Part Two, I examined the cross-border partnership that brought together Australian unionists such as Didge McDonald with East Timorese NGO actors to bring about the development of the Timor-Leste Trade Union Confederation (in Timorese: KSTL). Meanwhile, as demonstrated in Part Three, the information-sharing relationship cultivated by rank-and-file activists within the NTEU and other refugee support networks and collectives played a crucial role in highlighting the financial justifications for superannuation fund divestment from companies involved in controversial immigration detention centres on Manus Island and Nauru.

Political independence

Given the strong historical relationship between parts of the nation's labour movement and the ALP, this SMU principle arguably risked being the most difficult to identify in the various case studies. That being said, I was able to highlight numerous cases where unions' actions on social and moral causes were not only facilitated, but enhanced, by their lack of formal political affiliations. In Part One, for example, I demonstrated how the NSWTF's political independence allowed it to campaign fearlessly on educational policy reform, including in the area of the education of Aboriginal children. While the Federation's president during the mid-1960s was a member of the Communist Party of

Australia, his refusal to formally tie the union to such ideological bearings strengthened the union's image as – to invoke Seidman's terminology – a body that enjoyed legitimacy in the eyes of the community as one whose "constituencies spread far beyond the factory gates."

In Part Two, I highlighted how the ALP's reluctance to end a bipartisan acceptance of Indonesian control of East Timor (until just months before the 1999 independence vote) alienated many union members from their traditional political allies. This scenario influenced the responses to the East Timor question of both the rank-and-file and leadership cohorts of the Australian union movement. The fact that union leaders angling for ALP preselection (such as Martin Ferguson) were anxious not to speak out against the party's position allowed more forthright compatriots to better align themselves with the majority of the union movement's (and the ALP's) rank-and-file who supported the pro-independence movement. Throughout the period, while unions not affiliated to the ALP, such as the ANF, were highly active in the East Timor solidarity campaign, others who were formally affiliated to the party, including the CFMEU, were no less outspoken in their campaigning on the issue.

In Part Three, while elements in both the NTEU and ANMF national leaderships temporarily obstructed the push for divestment, this was by no means due to concerns around political sensitivities. Despite the ALP being on a bipartisan ticket with the Liberal-National Coalition on the issue of immigration detention policy, both unions remained unaffiliated to the ALP – reinforcing the identifiability of the respective campaigns as potential examples of SMU.

*

Above all, this research has emphasised the profound benefits afforded by membership of a trade union. Someone wishing to effect progressive change to the society around them is likely to raise a key question: how can I actually influence the institutions or systems that must be altered to bring about the adjustments I seek? While there are various outlets through which such demands can be articulated – the electoral process, joining or supporting a community or non-governmental organisation, affiliation with a church group, to name a few – I would argue that, in many instances, membership of a union remains one of the most powerful.

Although unions' influence in Australia certainly decreased in some respects over the past three decades – a process I detailed in the Introduction to this thesis – in other areas their power has, rather surprisingly, been enhanced. The place of union officials on the directorial boards of hugely

powerful superannuation funds, for instance, has seen organised labour retain a place in key decision-making circles centred in the financial marketplace. As detailed in Part Three, members of unions represented on such trustee boards are able, provided they have access to democratic internal channels, to argue for the ethical reallocation of financial assets by some of Australia's largest institutional investors. Even with leadership required to prioritise their fiduciary duties over moral concerns, office-holders are more likely to give credence to such demands when they have the backing of a majority of their members – on whom, in many cases, they must rely on for votes in order to keep their position in the union. Were Tara Nipe, Tom Clark, and Richard Bailey to have called for divestment simply as members of their respective pension funds, it is debatable whether the funds' directors would have necessarily acquiesced.

The organisational connections developed through union membership can also be pivotal in facilitating practical pathways for those seeking to change society for the better. Consider the case of Huai Tian Lee and Liam Phelan in Part Two, who leveraged their relationships with the CFMEU to be able to report on the situation on the ground in East Timor. Similarly, rank-and-file members of the ANF, such as Marianne Crowe and Liz Glynne, also travelled to the territory, using the medium of their union's journal to spread awareness of the plight of the East Timorese.

Ultimately, although my key research question may have been a straightforward one, the answer – perhaps reflecting the inherent complexities that arise when mapping actual human activity against theoretical constructs – is not in itself the clearest. While my findings will contribute to a small literature on the history of Australian trade union activism on social and moral issues – and specifically how such campaigns were informed by the principles of SMU – other scholars may seek to explore the extent to which any of the actual unions I have discussed can be truly characterised as 'social movement unions.' To warrant such identification, a union would not just need to have displayed the various principle of SMU in a given campaign. There would also have to be evidence that these structures, strategies, and outlooks were sustained and internalised over a longer period. While my case study-centred approach has precluded such an examination here, the evidence I have presented suggests certain unions not only have robust internal democratic structures, but also possess a strong record in consistently and meaningfully pursuing broader causes.

Given some of these unions maintained (and continue to maintain) no formal political affiliations, the prevailing assumption that 'political unionism' is the dominant force in the Australian organised labour scene arguably requires a rethinking. At the time of writing, a former Labor premier of the state of Victoria, Steve Bracks, has ignited debate by calling for a reduced role for trade unions in the formulation of Labor's economic and industrial relations policy as the country seeks to recover from

the COVID-19 pandemic.[1] As the reader will recall from the Introduction, the labour scholar David Peetz had already begun to observe this occurring five years prior.[2] Bracks, an alumnus of Labor politics without a background in the union movement, is far from the first to ruminate on the value of unions' affiliation with the party. Union leaders and academics, for their part, have wondered whether Labor's industrial relations policies had necessarily always been in the best interests of workers, or whether only a select few unions have actual influence within Labor circles.[3]

Finally, on a related point, I hope this thesis may encourage some union officials to promote their organisations not just as defenders of industrial rights, but as spaces that can truly instil in rank-and-file members the confidence and capacity to call for positive changes to the world around them. This prospect, in fact, is increasingly merging with reality. Just a few months before this thesis was completed, two Melbourne-based partners of a global law firm discussed how, in Australia, a seemingly new variant of unionism had started to gain noticeable traction. The industrial relations specialists, Anthony Longland and Natalie Gaspar, observed how parts of the union movement where activism on issues beyond pay and working conditions was flourishing appeared to be enjoying a surge in popularity and influence.[4] Although not explicitly referencing the concept of SMU, Longland and Gaspar brought to listeners' attention two cases: that of the United Workers' Union (UWU), and the Retail and Fast Food Workers Union (RAFFWU).

Founded in November 2019, the UWU is the product of an amalgamation of United Voice and the National Union of Workers. Its rulebook features a detailed passage entitled "Member Activism," which describes the importance of ensuring "opportunities for the democratic participation of members … are actively pursued and maximised," including in the formation of "groups to assist in organising … campaigns for broader industrial, social and political change."[5] As this thesis has demonstrated, it should come as no surprise that the UWU appreciates the potential it holds in campaigning on such issues (particularly given the earlier achievements of United Voice's

[1] Phillip Coorey, 'No role for unions in Labor policy rethink: Bracks,' *Australian Financial Review* (14 May 2020), accessed online at https://www.afr.com/politics/federal/no-role-for-unions-in-labor-policy-rethink-bracks-20200514-p54t0s.
[2] David Peetz, 'Are Australian trade unions part of the solution, or part of the problem?' (February 2015), accessed online at www.australianreview.net/digest/2015/02/peetz.html.
[3] See, for example, Dean Mighell, 'Unions must leave Labor,' *Sydney Morning Herald* (11 February 2010), accessed online at https://www.smh.com.au/politics/federal/unions-must-leave-labor-20100210-nsat.html; Ray Markey, 'How the influence of trade unions on the Labor Party is overestimated,' *The Conversation* (27 April 2016), accessed online at https://theconversation.com/how-the-influence-of-trade-unions-on-the-labor-party-is-overestimated-57476.
[4] Herbert Smith Freehills LLP, 'Future of Work: New Employee activism and the union movement in Australia' (podcast dated January 2020), accessed at https://soundcloud.com/herbert-smith-freehills/australian-employment-industrial-relations-ep-1.
[5] United Workers' Union, *Rules of the United Workers' Union* (11 November 2019), 32.

predecessor, the Liquor, Hospitality and Miscellaneous Union). As Gaspar observed, however, what is unique is the formalisation of this acknowledgement in the UWU's official rulebook – a traditionally procedural, legalistic document setting out the internal policies of a union.[6]

The emergence of the RAFFWU, in a part of the economy notorious for labour law violations, is even more striking.[7] The union's establishment in December 2016 was a direct challenge to the Shop, Distributive and Allied Employees' Association (SDA). Holding significant political power through the leveraging of historical ties between its leadership and the Labor Right, the SDA has been accused by the RAFFWU of having long prioritised collaboration with employers over winning gains for its members.[8] This has justifiably seen the SDA portrayed as an organisation modelled on business unionism (as detailed in the Introduction to this thesis, the most conservative form of unionism, and certainly rare in the Australian context).[9] Moreover, under the guidance of the devoutly Catholic Joe de Bruyn (who has served as either national secretary or president since 1978 and currently sits on the board of the conservative Ramsay Institute think-tank), the SDA has taken conservative stances on a range of social and moral issues: for instance, opposing same sex marriage and the

[6] As Stewart *et al* have noted, this carefulness of language is driven by the fact that "the legislation [covering the administration of registered employee bodies in Australia] imposes stringent requirements as to the content and enforcement of union rules." Andrew Stewart *et al*, *Creighton & Stewart's Labour Law (Sixth Edition)* (Leichhardt: The Federation Press, 2016), 846-847.

[7] For just a selection of scandals in recent years impacting employees in the retail and fast food sectors, see Ben Butler and agencies, 'Woolworths underpaid thousands of workers by up to $300m,' *Guardian*, 30 October 2019, accessed online at https://www.theguardian.com/business/2019/oct/30/woolworths-underpaid-thousands-of-staff-by-up-to-300m; Hayley Peterson, 'Subway has reportedly violated wage laws more than any other fast food chain,' *Business Insider Australia*, 2 May 2014, accessed online at https://www.businessinsider.com.au/subway-labor-violations-2014-5; Paul Farrell and Alex McDonald, 'McDonald's accused of exploiting young workers with 'learn and churn' practice,' *ABC News*, updated 26 October 2018, accessed online at https://www.abc.net.au/news/2018-10-09/learn-and-churn-mcdonalds-accused-of-exploiting-young-workers/10342934; David Chau, 'Domino's has 'systemic' problems; only four stores 'fully comply' with workplace laws,' *ABC News*, 7 September 2018; accessed online at https://www.abc.net.au/news/2018-09-07/dominos-breach-workplace-laws-fair-work-ombudsman-investigation/10212318; Anna Patty, '7-Eleven compensation bill climbs over $110 million,' *Sydney Morning Herald*, 13 June 2017, accessed online at https://www.smh.com.au/business/workplace/7eleven-compensation-bill-climbs-over-110-million-20170612-gwpdfx.html; Elle Farcic, 'KFC fined over child labour,' *West Australian*, 20 December 2012, accessed online at https://thewest.com.au/news/wa/kfc-fined-over-child-labour-ng-ya-285294; James Hall, 'Rebel and Macpac owner adds $8 million to its wage theft scandal,' *news.com.au*, 20 February 2020, accessed online at https://www.news.com.au/finance/work/at-work/rebel-and-macpac-owner-adds-8-million-to-its-wage-theft-scandal/news-story/221c44db66766091b3824bce277353b3.

[8] Retail and Fast Food Workers Union, 'SDA Facts' (last updated 2016), accessed online at https://www.raffwu.org.au/sda_facts; Retail and Fast Food Workers Union, *Submission to the Senate Education and Employment References Committee Inquiry into Penalty Rates* (July 2017).

[9] Daniel Nicholson, 'Australia's youngest union is organizing retail and fast-food workers,' *Jacobin* (11 May 2020), accessed online at https://www.jacobinmag.com/2020/05/australia-retail-fast-food-orkers-union-organizing.

decriminalisation of abortion.[10] Vocally challenging the SDA's positioning on such topics, the RAFFWU thus promotes itself not just as more militant in the industrial arena, but more progressive socially.

Although legislation limiting two unions from covering the same sector has curbed its growth, the RAFFWU has already achieved notable legal victories by representing individual workers (a right extended to it by the industrial relations framework).[11] For example, by highlighting how certain workers had been disadvantaged by SDA-negotiated agreements which enhanced some conditions but reduced others, the new union has achieved the restoration of penalty rates (higher pay during non-regular working hours) for workers at several major businesses.[12] This has enhanced its reputation as an increasingly viable rival to the SDA. Analysis of social media reveals the RAFFWU has quickly gained the support of those who may be interested in joining or supporting a union, but do not necessarily find appeal in the moral positioning of the SDA. The SDA, one of the largest unions in the country and with a heritage dating back to 1908, has 18,269 followers on Facebook. The RAFFWU? Already a staggering 17,945.[13]

As alluded to by Longland and Gaspar, these developments hint at a potentially broader Australian trend of SMU-inspired trade unionism at the time of writing. This assessment is enhanced by the continuing, in some cases growing, influence of unions featured throughout this study: those with a strong heritage of social and moral activism, rank-and-file engagement, political independence, and partnering with social movements. Between 2003 and 2017, for instance, the ANMF almost doubled its membership.[14] The NSWTF's membership, meanwhile, surpassed 60,000 in 2017 for the first time in a decade.[15] Its journal – still entitled *Education*, but now distributed online – notes members'

---

[10] Shop, Distributive and Allied Employees' Association, *Submission to the Senate Legal and Constitutional Committee Inquiry into the Marriage Equality Amendment Bill 2010* (2 April 2012); Shop, Distributive and Allied Employees' Association, *Submission to the Victorian Law Commission Inquiry into the Law of Abortion* (November 2007).

[11] A new employee body seeking to recruit members eligible for membership of an existing union must be able to demonstrate not only that there is no other organisation "to which [they] … could more conveniently belong," but that the new competitor would be able to "more effectively represent" them in industrial negotiations. Faced with the might of the SDA, the RAFFWU is unlikely to meet such criteria in the near future. Parliament of Australia, *Fair Work (Registered Organisations) Act 2009*, s.19 (1) (j), accessed online at https://www.legislation.gov.au/Details/C2017C00147.

[12] Namely McDonald's, Domino's Pizza, Coles, and Woolworths. Nicholson, 'Australia's youngest union.'

[13] As at 3 May 2020, per the Facebook pages 'SDA – the Union for Workers in Retail, Fast Food & Warehousing' and 'Retail and Fast Food Workers Union.'

[14] Parliament of Australia Library, 'Trade union membership in Australia' (15 October 2018), accessed online at https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp1819/UnionMembership#_Toc527380735.

[15] New South Wales Teachers' Federation, 'Your union: 60,000 strong and growing,' *Education* (31 December 2017), accessed online at https://news.nswtf.org.au/blog/news/2017/12/your-union-60000-strong-and-growing.

recent involvement in advocating for action on climate change, providing on-the-ground assistance to victims of recent bushfires, and tackling racism in schools and the broader community, among numerous other ethical and moral issues.[16] While the case studies explored in this thesis demonstrate that social movement unionism has featured heavily in Australian labour and social history, the experience today of unions like the NSWTF, ANMF, RAFFWU, and the UWU suggest it may well play an important role in the future.

[16] New South Wales Teachers' Federation, various articles in *Education* online journal – namely 'World's unions calls for action from PM' (8 March 2020); 'Members give up their holidays for others' (12 March 2020); and 'Racism is a virus – there's an antidote' (5 March 2020).

Bibliography

Archival material

Noel Butlin Archives Centre

N111, Series 7, 2580, New South Wales Teachers' Federation

Letter from Jean Horner to I. G. Lancaster (4 December 1966).

Faith Bandler, *FCAATSI Annual Conference Minutes and Short Proceedings* (26 March 1967).

Faith Bandler, *FCAATSI Annual Conference Minutes and Short Proceedings* (26 March 1967).

NSW Teachers' Federation, *Flyer: For Immediate Action Vote Yes for Aboriginal Rights* (28 April 1967).

N111, Series 12, A1, New South Wales Teachers' Federation

Letter from I. G. Lancaster to E. A. Willis (25 May 1966).

Letter from J. R. Williams to C. B. Cutler (29 June 1966).

Letter from Jean Horner to I. G. Lancaster (28 July 1966).

Letter from I. G. Lancaster to Stan Davey (21 November 1966).

NSW Teachers' Federation, *Resolution: Education of Aboriginal Children* (20 December 1966).

Federal Council for the Advancement of Aborigines and Torres Strait Islanders, *Rights and Advancement, No. 9* (June 1967).

Letter from W. A. Clint to I. G. Lancaster (27 October 1967).

Faith Bandler, *FCAATSI Acting General Secretary's Report – 11th Annual Conference on Aboriginal Affairs* (Easter 1968).

Australian Council of Salaried and Professional Associations, *Flyer: The Rights of the Australian Aborigines and You* (precise date unknown).

Series 248, Boxes 7 and 8, New South Wales Teachers' Federation *Education* journal

'Annual conference: Aboriginal welfare,' *Education* (6 February 1963), 10.

'The Aboriginal people: Will you help?,' *Education* (15 May 1963), page number unclear.

'Nowra Technical College: Motor maintenance for Aborigines,' *Education* (26 February 1964), 14.

'Some conference decisions: Education of Aborigines,' *Education* (26 February 1964), 13.

'National Aborigines Day: Conference resolution gives lead,' *Education* (8 July 1964), 6.

'Sydney teachers support Aboriginal advancement appeal,' *Education* (28 October 1964), 8.

'Conference decisions: And some points from debates,' *Education* (2 February 1966), 7.

'Handicaps they face,' *Education* (3 February 1965), 5.

'A little nearer: Equal wages for Aborigines,' *Education* (30 March 1966), 44.

'Aboriginal advancement,' *Education* (15 June 1966), 84.

'Aborigines make gains at Cummeragunja,' *Education* (29 June 1966), 9.

'Federation calls for law against racial discrimination,' *Education* (27 July 1966), 105.

'Aboriginal education conference,' *Education* (10 August 1966), 117.

'La Perouse Homework Centre,' *Education* (21 September 1966), 134.

'Northern Territory Aborigines: Programme for Improved Living,' *Education* (21 September 1966), 134.

'Australian Council of Salaried and Professional Associations: 1966 biennial conference,' *Education* (5 October 1966), 143.

'The failure children,' *Education* (5 October 1966), 139.

'1966 Aboriginal appeal,' *Education* (5 October 1966), 140.

'Aboriginal appeal off to a good start,' *Education* (2 November 1966), 156.

'Education of Aboriginal children,' *Education* (15 February 1967), 21.

'Aboriginal rights,' *Education* (17 May 1967), 66.

'A "Yes" vote for Aboriginal rights,' *Education* (17 May 1967), 68.

Z370, Box 79, Federated Miscellaneous Workers' Union

Letter from Ray Gietzelt to John McEwen (19 November 1965).

Letter from Ray Gietzelt to Robert Menzies (22 November 1965).

Letter from Ray Gietzelt to Arthur Calwell (22 November 1965).

Letter from Ray Gietzelt to Mick McKenna (22 November 1965).

Letter from Arthur Calwell to Ray Gietzelt (23 November 1965).

Letter from Nick McKenna to Ray Gietzelt (25 November 1965).

Letter from F. O'Connor (Private Secretary for John McEwen) to Ray Gietzelt (15 December 1965).

Letter from Robert Menzies to Ray Gietzelt (13 January 1966).

Letter from Lorna Lippmann to Ray Gietzelt (2 February 1966).

Letter from Ray Gietzelt to Lorna Lippmann (4 February 1966).

Series Z102, Box 524, Boilermakers' and Blacksmiths' Society of Australia

Boilermakers' and Blacksmiths' Society of Australia, *Decisions of the Third Federal Conference* (10-14 April, 1967).

Series E206, Box 1, Sheet Metal Working, Agricultural Implements and Stove Making Industrial Union

Letter from Jean Horner to Tom Wright (3 May 1963).

Letter from Faith Bandler to Tom Wright (30 September 1965).

Letter from A. Amos to Davis Daniels (1 August 1966).

Tom Wright to secretary of the Aboriginal Children's Advancement Society (2 September 1966).

Co-operative for Aborigines Ltd., *Press Release: Union Help Sought for Tranby, Co-operative College for Aborigines* (date unknown).

Australian Institute of Aboriginal and Torres Strait Islander Studies archives

MS3718, Series 1, Folder 31, Federal Council for the Advancement of Aborigines and Torres Strait Islanders

Letter from Joe McGinness to S. Waqanivavavalagi (20 January 1967).

Letter from Joe McGinness to Paulus Arak (20 January 1967).

Federal Council for the Advancement of Aborigines and Torres Strait Islanders, *Report on 10th Annual Conference on Aboriginal Affairs - List of Affiliates* (Easter 1967).

BELL_J0101912, Recordings of oral history interviews by Jeannie Bell

Jessica Runge, interviewed by Jeanie Bell (19 August 1991).

Bob Anderson, interviewed by Jeanie Bell (19 August 1991).

Fryer Library archives, University of Queensland

UQFL199, Box 30, Building Workers' Industrial Union

Letter from Ron Hancock to Alex Macdonald (21 August 1964).

Stan Davey, *General Secretary's Report on 8th Annual FCAATSI Conference* (16-18 April 1965).

Letter from Davis Daniels to T. W. Chard (20 April 1965).

Building Workers' Industrial Union, *Report of 1965 FCAA Federal Conference* (23 April 1965).

UQFL118, Box 170, Trades and Labor Council of Queensland

Letter from C. N. Dyer to Alex Macdonald (30 April 1962); Letter from Joe McGinness to Alex Macdonald (29 April 1962).

Letter from Alex Macdonald to the Queensland Commissioner for Police, F.E. Bischoff (11 May 1962).

Letter from Alex Macdonald to the Secretary of the Queensland Branch of the ALP, J. Donald (11 May 1962).

Letter from Alex Macdonald to the Queensland Minister for Education, J. Pizzey (11 May 1962).

Letter from Acting Secretary of Queensland branch of Postal Workers' Union of Australia to Alex Macdonald (27 July 1962).

Letter from F. H. Matzkows to Alex Macdonald (5 December 1962).

Letter from H. Connors to Alex Macdonald (15 January 1963).

Letter from Alex Macdonald to Queensland Minister for Health and Home Affairs, H.W. Noble (21 January 1963).

Letter from J. Convery to Alex Macdonald (23 January 1963).

Letter from Kath Walker to Alex Macdonald (15 March 1963).

Federal Council for the Advancement of Aboriginals, *Memorandum to affiliates and executive members* (29 July 1963).

Letter from F. H. Matzkows to Alex Macdonald (16 November 1963).

Letter from Alex Macdonald to W. A. Clint (13 May 1964).

Letter from Kath Walker to Alex Macdonald (2 August 1964).

Letter from W. A. Clint to Alex Macdonald (4 September 1964).

Letter from Jim Tan to Alex Macdonald (5 October 1964).

Letter from Alex Macdonald to I. G. Lancaster (14 October 1964).

Letter from I. G. Lancaster to Alex Macdonald (9 December 1964).

University of Melbourne archives

1987/125, Box 1, Seamen's Union of Australia

'Voices from the ships: Trade unions must support Aborigines' demand for equality,' *Seamen's Journal* (July 1965), 155.

1987/119, Box 2, Volume 11, Sheet Metal Working, Agricultural Implements and Stove Making Industrial Union

'Help for a worthy cause from a worthy shop steward,' *The Sheet Metal Worker* (July 1966), 9.

National Library of Australia archives

N.331.880994 AMA, *Amalgamated Engineering Union Monthly Journal*

'Aboriginals' land taken for aluminium monopoly,' *Amalgamated Engineering Union Monthly Journal* (September 1963), 12-14.

'Letters: 'Co-operative for Aborigines Limited' (P. L. Gormley to J. D. Garland, 1 December 1965), *Amalgamated Engineering Union Monthly Journal* (January 1966), 9.

'The struggle of the Aborigines in N.T.,' *Amalgamated Engineering Union Monthly Journal* (October 1966), 18.

'Vote yes for Aboriginal rights,' *Amalgamated Engineering Union Monthly Journal* (May 1967), 14.

Nef.331.880994 FED, Federated Miscellaneous Workers' Union *Federation News* journal

'Advancement of Aborigines,' *Federation News* (June 1966), 10.

'Unions' amalgamation lifts M.W.U. membership to 65,000,' *Federation News* (March 1967), 1.

State Library of Victoria

Microform collection, Waterside Workers' Federation *Maritime Worker* newspaper

'Trade unions and the Aborigines,' *Maritime Worker* (16 February 1966), 4.

'Details of Aboriginal scholarships,' *Maritime Worker* (30 March 1966), 2.

'Four Aboriginal pupils get W.W.F. scholarships,' *Maritime Worker* (30 March 1966), 1.

'Fifth WWF scholarship,' *Maritime Worker* (7 July 1966).

‘Scholarship winners: Aboriginal pupils progressing well,’ *Maritime Worker* (31 August 1966), 1.

‘Federation scholarships for Aborigines,’ *Maritime Worker* (28 October 1966)

‘Officer’s report to Federal Council,’ *Maritime Worker* (28 October 1966), 6.

Interviews undertaken by author

Anderson, Bob. Interviewed by author (4 October 2016), Brisbane.

Bailey, Richard. Interviewed by author (21 March 2019), via telephone.

Clark, Tom. Interviewed by author (9 June 2017), Melbourne.

Cross Border Operational Matters campaign team. Written correspondence with author (Received 6 August 2017).

da Costa, José da Conceição (Zito). Interviewed by author (29 September 2017), via telephone.

Davey, Phil. Interviewed by author (6 February 2017), via telephone.

Ferguson, Andrew. Interviewed by author (6 February 2017), via telephone.

Jennings, Peter. Interviewed by author (31 January 2017), Sydney.

Killick, Michael. Interviewed by author (27 March 2017), via telephone.

McDonald, Didge. Interviewed by author (13 February 2017), Port Fairy.

Murphy, Peter. Interviewed by author (1 February 2017), Sydney.

Nipe, Tara. Interviewed by author (9 June 2017), Melbourne.

Phelan, Liam. Interviewed by author (8 February 2017), via telephone.

Rhiannon, Lee. Interviewed by author (30 January 2017), Sydney.

Books and journal articles

Aarons, Laurie. *Labour Movement at the Crossroads* (Sydney: Current Book Distributors, 1964).

Ahlquist, John & Levi, Margaret. *In the Interest of Others: Organizations and Social Activism* (Princeton: Princeton University Press, 2013).

Anderson, Fay, & Trembath, Richard. *Witnesses to War: The History of Australian Conflict Reporting* (Carlton: Melbourne University Publishing, 2011).

Anderson, Kirsten, & Ramsay, Ian. 'From the picket line to the boardroom: Union shareholder activism in Australia,' *Research Paper for the Centre for Corporate Law and Securities Regulation, and Centre for Employment and Labour Relations Law* (University of Melbourne, 2005).

Anderson, Kirsten, Ramsay, Ian, Marshall, Shelley, & Mitchell, Richard. 'Union shareholder activism in the context of declining labour law protection: Four Australian case studies,' *Corporate Governance* 15 (January 2007): 45-56.

Arrighi, Giovanni, & Silver, Beverly J., eds. *Chaos and Governance in the Modern World System* (Minneapolis: University of Minnesota Press, 1999).

Attwood, Bain, & Markus, Andrew. *The 1967 Referendum: Race, Power and the Australian Constitution* (Canberra: Aboriginal Studies Press, 2007).

Attwood, Bain, & Markus, Andrew. *The Struggle for Aboriginal Rights: A Documentary History* (Crows Nest: Allen & Unwin, 1999).

Attwood, Bain, & Markus, Andrew. '(The) 1967 (referendum) and all that: Narrative and myth, Aborigines and Australia,' *Australian Historical Studies* 111 (1998): 267-288.

Babo Soares, Dionisio da Costa, Maley, Michael, Fox, James J., & Regan, Anthony J. *Elections and Constitution Making in East Timor* (Canberra: Pandanus Books, 2003).

Bandler, Faith. *Turning the Tide: A Personal History of the Federal Council for the Advancement of Aborigines and Torres Strait Islanders* (Canberra: Aboriginal Studies Press, 1989).

Barnes, Alison, & Markey, Raymond. 'Evaluating the organising model of trade unionism: An Australian perspective,' *The Economic and Labor Relations Review* 26 (4) (2015): 513-525.

Beresford, Quentin, Partington, Gary, & Gower, Graeme, eds. *Reform and Resistance in Aboriginal Education* (Crawley: UWA Publishing, 2012).

Berger, Stefan, & Scalmer, Sean, eds. *The Transnational Activist: Transformations and Comparisons from the Anglo-World since the Nineteenth Century* (Cham: Palgrave Macmillan, 2018).

Bennett, Scott. 'The 1967 referendum,' *Australian Aboriginal Studies* 2 (1985): 26-31.

Black, Bernard S. 'Shareholder activism and corporate governance in the United States,' *The New Palgrave Dictionary of Economics and the Law*, Vol. 3 (1998), 459-465.

Blanco, Ramon. 'The UN peacebuilding process: An analysis of its shortcomings in Timor-Leste,' *Revista Brasileira de Política Internacional* 58 (2015): 42-62.

Blyton, Paul, Heery, Edmund, Bacon, Nicholas, & Fiorito, Jack, eds. *The SAGE Handbook of Industrial Relations* (London: SAGE, 2008).

Bongiorno, Frank. *The Eighties: The Decade That Transformed Australia* (Melbourne: Black Inc., 2015).

Bowden, Bradley. 'The rise and decline of Australian unionism: A history of industrial labour from the 1820s to 2010,' *Labour History* 100 (May 2011): 51-82.

Bowden, Bradley. 'The organising model in Australia: A reassessment,' *Labour & Industry: A Journal of the Social and Economic Relations of Work* 20 (2009): 138-158.

Braithwaite, John, Charlesworth, Hilary, & Soares, Adérito. *Networked Governance of Freedom and Tyranny: Peace in Timor-Leste* (Canberra: ANU E Press, 2012).

Bramble, Tom. *Trade Unionism in Australia: A History from Flood to Ebb Tide* (Port Melbourne: Cambridge University Press, 2008).

Bramston, Troy. *Paul Keating: The Big Picture Leader* (Brunswick: Scribe, 2016).

Bray, Mark, & Macneil, Johanna. 'Individualism, collectivism, and the case of awards in Australia,' *Journal of Industrial Relations* 53 (2011): 149-167.

Brian, Bernie. 'The Mudginberri Abattoir dispute of 1985,' *Labour History* 76 (1999): 107-124.

Burford, Mark. 'Prices and incomes policy and socialist politics,' *Journal of Australian Political Economy* 14 (1983): 7-32.

Burgmann, Meredith, & Burgmann, Verity. *Green Bans, Red Union: Environmental Activism and the New South Wales Builders Labourers' Federation* (Sydney: University of New South Wales Press, 1998).

Burgmann, Verity. 'The Green Bans Movement: Workers' power and ecological radicalism in Australia in the 1970s,' *Journal for the Study of Radicalism* 2 (2008): 63-89.

Burgmann, Verity, & Burgmann, Meredith. ''A rare shift in public thinking': Jack Mundey and the New South Wales Builders' Labourers' Federation,' *Labour History* 77 (1999): 44-63.

Butler, Michael J. 'Ten years after: (Re) Assessing neo-trusteeship and UN state-building in Timor-Leste,' *International Studies Perspectives* 13 (2012): 85-104.

Byrne, Louise, & Kingsbury, Damien. 'East Timor 1: Witness to Struggle,' *Arena Magazine* 44 (December 1999 – January 2000): 25-31.

Cahill, Rowan. 'Internationalism and the Seamen's Union of Australia,' *Labour History Society of Australia* (February 1999), accessed online at http://asslh.org.au/hummer/vol-3-no-2/internationalism/.

Carey, Peter, with photographs by Cox, Steve. *Generation of Resistance: East Timor* (London: Cassell, 1995).

Chakrabarti, Monami. 'Labor and corporate governance: Initial lessons from shareholder activism,' *Working USA: The Journal of Labor and Society* 8 (2004): 45-69.

Chesterman, John. 'Defending Australia's reputation: How Indigenous Australians won civil rights. Part two,' *Australian Historical Studies* 32 (2001): 201-221.

Clark, Jennifer. ''Yes': The 1967 referendum,' in *Aborigines & Activism: Race, Aborigines & the Coming of the Sixties to Australia* (Crawley: University of Western Australia Press, 2008).

Clark, Jennifer. ''The wind of change' in Australia: Aborigines and the international politics of race,' *The International History Review* 20 (1998): 89-117.

Clark, Mavis. *Pastor Doug: The Story of Sir Douglass Nicholls, Aboriginal Leader* (Melbourne: Lansdowne Press, 1972).

Coates, Nick. 'Still 'saving the nation' twelve years on?,' *Journal of Australian Political Economy* 53 (2004): 81-99.

Coates, Nick. 'Super imposed: Australia Reconstructed's superannuation strategy,' *Journal of Australian Political Economy* 39 (1997): 80-98.

Coates, Nick, Vidler, Sacha, & Stilwell, Frank. 'Editors' introduction – Special issue on superannuation,' *Journal of Australian Political Economy* 53 (2004): 3-8.

Cobbett, William, & Cohen, Robin, eds. *Popular Struggles in South Africa* (London: James Currey, 1988).

Connaker, Adam, & Madsbjerg, Saadia. 'The state of socially responsible investing,' *Harvard Business Review* (17 January 2019), accessed online at https://hbr.org/2019/01/the-state-of-socially-responsible-investing.

Coombs, Herbert Cole. *Aboriginal Autonomy: Issues and Strategies*, Smith, Diane, ed. (Cambridge: Cambridge University Press, 1994).

Cooper, Dani. *Livelihoods and Liberation Struggles: 30 Years of Australian Worker Solidarity* (Union Aid Abroad: e-book edition, 2015).

Cooper, Rae, & Ellem, Bradon. 'The neoliberal state, trade unions and collective bargaining in Australia,' *British Journal of Industrial Relations* 46 (2008): 532-554.

Cooper, Rae, & Patmore, Greg. 'Trade union organising and labour history,' *Labour History* 83 (2002): 3-18.

Covick, Owen. 'The Hancock Report on Australia's industrial relations system,' *Australian Economic Papers* 24 (December 1985): 242-257.

Crawford, Anwen. 'The biennale boycott,' *Overland* 215 (2014), accessed online at https://overland.org.au/previous-issues/issue-215/feature-anwyn-crawford/.

Crosby, Michael. *Power at Work: Rebuilding the Australian Union Movement* (Annandale: Federation Press, 2005).

Davis, Edward. 'Australia Reconstructed: A symposium; Australia Reconstructed: An ambitious report,' *Prometheus* 6 (1988): 150-158.

Davis, Megan, & Williams, George. *Everything You Need to Know About the Referendum to Recognise Indigenous Australians* (Sydney: NewSouth Publishing, 2015).

Dickson, Andonea. 'Distancing asylum seekers from the State: Australia's evolving political geography of immigration and border control,' *Australian Geographer* 46 (2015): 437-454.

Dunn, James. *Timor: A People Betrayed* (Milton: The Jacaranda Press, 1983).

Edwards, John. 'An experiment in modern unionism – the Federated Miscellaneous Workers' Union,' *The Australian Quarterly* 41 (1969): 75-59.

Ehrenreich, Barbara, & Ehrenreich, John. 'The professional-managerial class,' *Radical America* 11 (March-April 1977): 7-32.

Fairbrother, Peter. 'Social movement unionism or trade unions as social movements,' *Employee Responsibilities and Rights Journal* 20 (2008): 213-220.

Fairbrother, Peter, & Yates, Charlotte, eds. *Trade Unions in Renewal: A Comparative Study* (London: Continuum, 2003).

Fair Work Commission, *Waltzing Matilda and the Sunshine Harvester Factory* (Commonwealth of Australia, e-book version, 2016).

Fernandes, Clinton. *The Independence of East Timor. Multi-dimensional Perspectives – Occupation, Resistance, and International Political Activism* (Eastbourne: Sussex Academic Press, 2011).

Fernyhough, James. 'Age of activism (Interview with John Pearce),' *Journal of Superannuation Management* 6 (2014): 14-20.

Fincher, Ruth, & Nieuwenhuysen, John, eds. *Australian Poverty: Now and Then* (Melbourne: Melbourne University Press, 1998).

Ford, Michele. 'The making of industrial relations in Timor-Leste,' *Journal of Industrial Relations* 58 (2016): 243-257.

Frege, Carola, & Kelly, John, eds. *Varieties of Unionism: Strategies for Union Revitalization in a Globalizing Economy* (New York: Oxford University Press, 2004).

Freudenberg, Graham. *A Certain Grandeur: Gough Whitlam's Life in Politics* (Melbourne: Penguin, 2009).

Friedman, Andrew L., & Miles, Samantha. 'Socially responsible investment and corporate social and environmental reporting in the UK: An exploratory study,' *The British Accounting Review* 33 (2001): 532-548.

Galema, Rients, Plantinga, Auke, & Scholtens, Bert. 'The stocks at stake: Return and risk in socially responsible investment,' *Journal of Banking and Finance* 32 (2008): 2646-2654.

Geltmann, Elizabeth Glass, & Skroback, Andrew E. 'Environmental activism and the ethical investor,' *Journal of Corporation Law* 465 (1997): 465-506.

Ghigliani, Pablo. 'International trade unionism in a globalizing world: A case study of New Labour Internationalism,' *Economic and Industrial Democracy* 26 (2005): 359-382.

Gifford, James. 'Measuring the social, environment and ethical performance of pension funds,' *Australian Journal of Political Economy* 53 (2004): 139-160.

Goldstone, Anthony. 'UNTAET with hindsight: The peculiarities of politics in an incomplete state,' *Global Governance* 10 (2004): 83-98.

Goodman, James. 'Marginalisation and empowerment: East Timorese diaspora politics in Australia,' *Communal/Plural* 8 2000): 25-46.

Goot, Murray. 'The Aboriginal franchise and its consequences,' *Australian Journal of Politics and History* 52 (4) (2006): 517-561.

Goot, Murray, & Rowse, Tim. *Divided Nation? Indigenous Affairs and the Imagined Public* (Carlton: Melbourne University Press, 2007).

Gunderson, Shane. *Momentum and the East Timor Independence Movement: The Origins of America's Debate on East Timor* (Lanham Lexington Books: e-book edition, 2015).

Haigh, Matthew, & Hazelton, James. 'Financial markets: A tool for social responsibility,' *Journal of Business Ethics* 52 (2004): 59-71.

Hainsworth, Paul, & McCloskey, Stephen, eds. *The East Timor Question: The Struggle for Independence from Indonesia* (London: I. B. Tauris & Co, 2000).

Halupka, Max. 'The legitimisation of clicktivism,' *Australian Journal of Political Science* 53 (2018): 130-141.

Hamilton, Sally, Jo, Hoje, & Statmen, Meir. 'Doing well while doing good? The investment performance of socially responsible mutual funds,' *Financial Analysts Journal* 49 (1993): 62-66.

Harmer, Andrew, & Firth, Robert. '"Walking together" toward independence? A civil society perspective on the United Nations Administration in East Timor, 1999-2002,' *Global Governance: A Review of Multilateralism and International Organizations* 15 (2009): 239-258.

Harris, Vandra, & Goldsmith, Andrew, eds. *Security, Development and Nation-building in Timor-Leste: A Cross-sectoral Assessment* (New York: Routledge, 2011).

Higgins, H.B. *A New Province for Law and Order* (Sydney: Constable and Company, 1920).

Hodkinson, Stuart. 'Is there a *new* trade union internationalism? The International Confederation of Free Trade Unions' response to globalization, 1996-2002,' *Labour, Capital and Society* 38 (2005): 36-65.

Holland, Peter. 'Reforming and restructuring the Australian workplace: A study of the Williamstown Naval Dockyard 1983-1993,' *Labor History* 55 (2014): 251-270.

Holmstrom, Bengt, & Kaplan, Steven N. 'Corporate governance and merger activity in the US: Making sense of the 1980s and 1990s,' *Journal of Economic Perspectives* 15 (2001): 121-144.

Horner, Jack. *Seeking Racial Justice: An Insider's Memoir of the Movement for Aboriginal Advancement, 1938-1978* (Canberra: Aboriginal Studies Press, 2004).

Howard, William. 'Australian trade unions in the context of union theory,' *Journal of Industrial Relations* 19 (September 1977): 255-273.

Hoxie, Robert. *Trade Unionism in the United States* (New York: D. Appleton & Co., 1915).

Hughes, Caroline. 'Poor people's politics in East Timor,' *Third World Quarterly* 36 (2015): 908-927.

Hull, Geoffrey. 'East Timor and Indonesia: The cultural factors of incompatibility,' *Studies in Languages and Cultures of East Timor* 2 (1999): 55-67.

Humphrys, Elizabeth. *How Labour Built Neoliberalism: Australia's Accord, the Labour Movement and the Neoliberal Project* (Chicago: Haymarket, 2019).

Hunter, Helen-Louise. *Sukarno and the Indonesian Coup: The Untold Story* (Westport: Praeger Security International, 2007).

Iveson, Kurt. 'Building a city for "the people": The politics of alliance-building in the Sydney green ban movement,' *Antipode* 46 (2014): 992-1013.

Johnston, Paul. *Success While Others Fail: Social Movement Unionism and the Public Workplace* (Ithaca: ILR Press, 1994).

Jolliffe, Jill. *Finding Santana* (Kent Town: Wakefield Press, 2010).

Jolliffe, Jill. *Balibo* (Carlton North: Scribe Publications, 2009).

Jolliffe, Jill. *Cover-up: The Inside Story of the Balibo Five* (Melbourne: Scribe Publications, 2001).

Jolliffe, Jill. *East Timor: Nationalism and Colonialism* (St Lucia: University of Queensland Press, 1978).

Judge, William Q., Gaur, Ajai, & Muller-Kahle, Maureen I. 'Antecedents of shareholder activism in target firms: Evidence from a multi-country study,' *Corporate Governance: An International Review* 18 (2010): 258-273.

Karpoff, Jonathan M., Malatesta, Paul H., & Walkling, Ralph A. 'Corporate governance and shareholder initiatives: Empirical evidence,' *Journal of Financial Economics* 42 (1996): 365-395.

Kelly, Paul. *The March of Patriots: The Struggle for Modern Australia* (Carlton: Melbourne University Press, 2009).

Kelly, Paul. *The End of Certainty: The Story of the 1980s* (Sydney: Allen & Unwin, 1992).

Kimber, Julie. 'Conference report: On the waterfront: Union gains and struggles, 1890-1998,' *Labour History* 76 (1999): 163-165.

Kingsbury, Damien. *East Timor: The Price of Liberty* (New York: Palgrave Macmillan, 2009).

Kirkby, Diane. *Voices from the Ships: Australia's Seafarers and their Union* (Sydney: University of New South Wales Press, 2008).

Kirkby, Diane, & Ostapenko, Dmytro. ''Second to none in the international fight': Australian seafarers internationalism and maritime unions against apartheid,' *Journal of Contemporary History* 54 (2019): 442-464.

Knowles, Ross, ed. *Ethical Investment*, 2nd edition, (Marrickville: Choice Books, 2000).

Köhler, Holm-Detlev, & Calleja Jimenéz, José Pablo. '"They don't represent us!": Opportunities for social movement unionism strategy in Spain,' *Industrial Relations* 70 (2015): 240-261.

Laclau, Ernesto. *Emancipation(s)* (London: Verso, 1996).

Lake, Marilyn. *Faith: Faith Bandler, Gentle Activist* (Crows Nest: Allen & Unwin, 2002).

Lambert, Rob. 'Free trade and the New Labour Internationalism,' *Globalizations* 11 (2014): 119-129.

Lambert, Rob. *Global Unions? Theory and Strategies in the Global Political Economy* (London: Routledge, 2002).

Lambert, Rob. '*Kilusang Mayo Uno* and the rise of social movement unionism in the Philippines,' *Labor and Industry* 3 (1990): 258-280.

Lambert, Rob, & Webster, Eddie. 'Southern unionism and the New Labour Internationalism,' *Antipode* 33 (2002): 337-362.

Lavelle, Ashley. 'The ties that unwind? Social democratic parties and unions in Australia and Britain,' *Labour History* 98 (2010): 55-75.

Leach, Michael, & Kingsbury, Damien, eds. *The Politics of Timor-Leste: Democratic Consolidation After Intervention* (Ithaca: Cornell Southeast Asia Program Publications, 2013).

Leadbeater, Maire. *Negligent Neighbour: New Zealand's Complicity in the Invasion and Occupation of Timor-Leste* (Nelson: Craig Potton Publishing, 2006).

Lee, Eric. 'Digital solidarity or complacent clicktivism,' *International Union Rights* 25 (2018): 24-25.

Lindgren, Simon. 'The work of audiences on the age of clicktivism: On the ins and outs of distributed participation,' *Media Fields Journal* 10 (2015): 1-16.

Love, David. *Unfinished Business: Paul Keating's Interrupted Revolution* (Carlton North: Scribe, 2009).

Macintyre, Stuart. *The Reds: The Communist Party of Australia, from Origins to Illegality* (St Leonards: Allen & Unwin, 1999).

Macintyre, Stuart. *The Labour Experiment* (Melbourne: McPhee Gribble, 1989).

Mallory, Greg. *Uncharted Waters: Social Responsibility in Australian Trade Unions* (Brisbane: Boolarong Press, 2005).

Marens, Richard. 'Going to war with the army you have: Labor's shareholder activism in an era of financial hegemony,' *Business and Society* 47 (2008): 312-342.

Marens, Richard. 'Inventing corporate governance: The mid-century emergence of shareholder activism,' *Journal of Business and Management* 8 (2002): 365-389.

Marinetto, Michael. 'The shareholders strike back: Issues in the research of shareholder activism,' *Environmental Politics* 7 (1998): 125-133.

Marker, Jamsheed. *East Timor: A Memoir of the Negotiations for Independence* (Jefferson: McFarland & Company Publishers, 2003).

Markey, Ray, ed. *Labour and Community: Historical Essays* (Wollongong: University of Wollongong Press, 2001).

Martin, Aaron. 'Political participation among the young in Australia: Testing Dalton's Good Citizen thesis,' *Australian Journal of Political Science* 47 (2012): 211-226.

Maynard, John. ''In the interests of our people': The influence of Garveyism on the rise of Australian Aboriginal political activism,' *Aboriginal History* 29 (2005): 1-22.

Maynard, John. 'Vision, voice and influence: The rise of the Australian Aboriginal Progressive Association,' *Australian Historical Studies* 34 (2003): 91-105.

Maynard, John. 'Fred Maynard and the Australia Aboriginal Progressive Association,' *Journal of Aboriginal History* 21 (1999): 1-13.

McCallum, Ron. 'Trade union recognition and Australia's neo-liberal voluntary bargaining laws,' *Relations Industrielles / Industrial Relations* 57 (2002): 225-251.

McGinness, Joe. *Son of Alyandabu: My Fight for Aboriginal Rights* (St Lucia: University of Queensland Press, 1991).

McGregor, Russell. 'An absent negative: The 1967 referendum,' *History Australia* 5 (2008): 44.1-44.9.

Mees, Bernard, & Brigden, Cathy. *Workers' Capital: Industry Funds and the Fight for Universal Superannuation in Australia* (Crows Nest: Allen & Unwin, 2017).

Meiksins Wood, Ellen, Meiksins, Peter, & Yates, Michael, eds. *Rising from the Ashes? Labor in the Age of 'Global' Capitalism* (New York: Monthly Review Press, 1998).

Mendes, Philip. 'The Australian trade union movement and the welfare sector: A natural alliance?,' *Journal of Australian Political Economy* 42 (December 1998): 106-128.

Moody, Kim. *Workers in a Lean World: Unions in the International Economy* (London: Verso, 1997).

Moore, Sian. *New Trade Union Activism: Class Consciousness or Social Identity* (Basingstoke: Palgrave Macmillan, 2011).

Mullard, Maurice, ed. *Policy-making in Britain: An Introduction* (London: Routledge, 1995).

Munck, Ronaldo. *Globalisation and Labour: The New 'Great Transformation'* (London: Zed Books, 2002).

Mundey, Jack. *Green Bans and Beyond* (Sydney: Angus & Robertson, 1981).

Myconos, George. *The Globalizations of Organized Labour, 1945-2005* (Basingstoke: Palgrave Macmillan, 2005).

Nicholls, Jane. *Flight 642: Jakarta to Dili. An Australian Journal* (Abbotsford: Bruce Sims Books, 1999).

Nicholson, Daniel. 'Australia's youngest union is organizing retail and fast-food workers,' *Jacobin* (11 May 2020), accessed online at https://www.jacobinmag.com/2020/05/australia-retail-fast-food-orkers-union-organizing.

Nissen, Bruce, ed. *Unions in a Globalized Environment: Changing Borders, Organizational Boundaries, and Social Roles* (New York, M.E. Sharpe, 2002).

O'Brien, Robert. 'Workers and world order: The tentative transformation of the international union movement,' *Review of International Studies* 26 (2000): 533-555.

Orford, Anne. *Reading Humanitarian Intervention: Human Rights and the Use of Force in International Law* (Cambridge: Cambridge University Press, 2003).

O'Rourke, Kevin. *Reformasi: The Struggle for Power in Post-Soeharto Indonesia* (Crows Nest: Allen & Unwin, 2002).

Paris, Roland. 'Peacebuilding and the limits of liberal internationalism,' *International Security* 22 (1997): 54-89.

Peetz, David. 'Are Australian trade unions part of the solution, or part of the problem?' (February 2015), accessed online at www.australianreview.net/digest/2015/02/peetz.html.

Perlman, Mark. *Trade Union Theories in America: Background and Development* (New York: Row, Peterson and Company, 1958).

Pilger, John. 'East Timor – A lesson in why the poorest threaten the powerful,' *New Statesman* 141 (1996): 18.

Pilger, John. 'Land of the dead: Journey to East Timor,' *The Nation* 258 (1994): 550-553.

Prevost, Andrew K, Rao, Ramesh P., & Williams, Melissa A. 'Labor unions as shareholder activists: Champions or detractors?,' *The Financial Review* 47 (2012): 327-349.

Ramos-Horta, José. *Funu. The Unfinished Saga of East Timor* (Trenton: Red Sea Press, 1987).

Ramsay, Tony. 'The socialisation of investment in a contemporary setting,' *Journal of Australian Political Economy* 53 (2004): 116-131.

Rawling, Michael. 'Satisfying employee and shareholder demands in an era of union shareholder Activism,' *Keeping Good Companies* 58 (2006): 104-108.

Rawling, Michael. 'Australian trade unions as shareholder activists: The rocky path towards corporate democracy,' *Sydney Law Review* 28 (2006): 227-258.

Reeves, Andrew, & Dettmer, Andrew, eds. *Organise, Educate, Control: The AMWU in Australia, 1852-2012* (Clayton: Monash University Publishing, 2013).

Roberts, David, & Crotty, Martin, eds. *Turning Points in Australian History* (Sydney: University of NSW Press, 2008).

Robinson, Ian. 'Neoliberal restructuring and US unions: Toward social movement unionism?,' *Critical Sociology* 26 (2000): 109-138.

Roddewig, Richard. *Green Bans: The Birth of Australian Environmental Politics: A study in Public Opinion and Participation* (Sydney: Hale & Ironmonger, 1978).

Rogalla, Barbara. 'Modern day torture: Government-sponsored neglect of asylum seeker children under the Australian mandatory immigration detention regime,' *Journal of South Pacific Law* 7 (2003), accessed online at http://www.usp.ac.fj/index.php?id=13238.

Romano, Roberta. 'Less is more: Making shareholder activism a valued mechanism of corporate governance,' *Yale Law & Economics Research Paper No. 241* (2000).

Ross, Stephanie. 'Varieties of social unionism: Towards a framework for comparison,' *Just Labour – A Canadian Journal of Work and Society* 11 (2007): 16-34.

Sadler, David. 'Trade unions, coalitions and communities: Australia's Construction, Forestry, Mining and Energy Union and the international stakeholder campaign against Rio Tinto,' *Geoforum* 35 (2004): 35-46.

Sadler, David, & Fagan, Bob. 'Australian trade unions and the politics of scale: Reconstructing the spatiality of industrial relations,' *Economic Geography* 80 (2004): 23-43.

Sahin, Selver B. 'Building the nation in Timor-Leste and its implications for the country's democratic development,' *Australian Journal of International Affairs* 65 (2011): 220-242.

Saunders, Malcolm. 'The trade unions in Australia and opposition to Vietnam and conscription: 1965-73,' *Labour History* 43 (1982): 64-82.

Scalmer, Sean, & Altman, Dennis, eds. *How to Vote Progressive in Australia* (Clayton: Monash University Publishing, 2016).

Schwab, Stewart, & Thomas, Randall. 'Realigning corporate governance: Shareholder activism by labor unions,' *Michigan Law Review* 96 (1998): 1018-1094.

Scott, Andrew. *Northern Lights: The Positive Policy Example of Sweden, Finland, Denmark and Norway* (Monash University Publishing, e-book edition, 2014).

Scott, Andrew. 'Looking to Sweden in order to reconstruct Australia,' *Scandinavian Journal of History* 34 (2009): 330-352.

Seidman, Gay. 'Social movement unionism: From description to exhortation,' *South African Review of Sociology* 42 (2011): 94-102.

Seidman, Gay. *Manufacturing Militance: Workers' Movements in Brazil and South Africa, 1970-1985* (Los Angeles: University of California Press, 1994).

Sharp, Rhonda. 'The rise and rise of occupational superannuation under Labor,' *Journal of Australian Political Economy* 30 (1992): 24-41.

Sheridan, Tom. *Australia's Own Cold War: The Waterfront Under Menzies* (Carlton: Melbourne University Press, 2006).

Sjöström, Emma. 'Shareholder activism for corporate social responsibility: What do we know?,' *Sustainable Development* 16 (2008): 141-154.

Smith, Michael G., & Dee, Moreen. *Peacekeeping in East Timor: The Path to Independence* (Boulder: Lynne Rienner Publishers, 2003).

Sparkes, Russell, & Cowton, Christopher J. 'The maturing of socially responsible investment: A review of the developing link with corporate social responsibility,' *Journal of Business Ethics* 52 (2004): 45-57.

St Anne, Christine. *A Super History: How Australia's $1 Trillion+ Superannuation Industry Was Made* (Highett: Major Street Publishing, 2012).

Stevis, Dimitris, & Boswell, Terry. *Globalization & Labor: Democratising Global Governance* (Lanham: Rowman and Littlefield, 2008).

Stewart, Andrew, Forsyth, Anthony, Irving, Mark, Johnstone, Richard, & McCrystal, Shae. *Creighton & Stewart's Labour Law (Sixth Edition)* (Leichhardt: The Federation Press, 2016).

Streeck, Wolfgang. 'The crises of democratic capitalism,' *New Left Review* 71 (2011): 20-23.

Street, Jessie. *Jessie Street: A Revised Autobiography*, Lenore Coltheart, ed. (Annandale: Federation Press, 2004).

Symons, Beverley, with Wells, Andrew, & Macintyre, Stuart. *Communism in Australia: A Resource Bibliography* (Sydney: National Library of Australia, 1994).

Taffe, Susan. 'The Cairns Aborigines and Torres Strait Islander Advancement League and the community of the left,' *Labour History* (2009): 149-167.

Taffe, Susan. 'The 1967 referendum: Myths and meanings,' *Agora* 42 (2007): 12-16.

Taffe, Susan. *Black and White Together: The Federal Council for the Advancement of Aborigines and Torres Strait Islanders, 1958-1973* (St Lucia: University of Queensland Press, 2005).

Taffe, Susan. 'Witnesses from the conference floor: Oral history and the Federal Council for the Advancement of Aborigines and Torres Strait Islanders,' *Journal of Australian Studies* 25 (2001): 9-21.

Tajuddin, Azlan. 'Potentials for democratic development in Timor-Leste: A critical modernist perspective,' *Journal of Third World Studies* 33 (2016): 83-114.

Tattersall, Amanda. *Power in Coalition: Strategies for Strong Unions and Social Change* (New York: Cornell University Press, 2010).

Taudevin, Lansell. *Half an Island, Twice a Nation* (Lansell Ronald Taudevin, 2009).

Taylor, John G. *Indonesia's Forgotten War: The Hidden History of East Timor* (London: Zed Books, 1991).

Taylor, John. G. *The Indonesian Occupation of East Timor, 1974-1989. A Chronology* (London: Catholic Institute for International Relations, 1990).

Tierney, James, & Cregan, Christina. 'Strategy and structure in a successful organising union: The transformational role of branch secretaries in the Australian Nursing Federation, Victorian Branch, 1989-2009,' *Labour History* 104 (2013): 149-168.

Townsend, Terry. *The Aboriginal Struggle and the Left* (Chippendale: Resistance Books, 2009).

Turner, Lowell, Katz, Harry, & Hurd, Richard. *Rekindling the movement: Labor's Quest for Relevance in the Twenty-first Century* (London: ILR Press, 2001).

Wallis, Joanne. *Constitution Making During State Building* (New York: NY Cambridge University Press, 2014).

Walsh, Jane. 'A 'new' social movement: US labor and the trends of social movement unionism,' *Sociology Compass* 6 (2012): 192-204.

Waterman, Peter. 'Social movement unionism: A new model for a new world order?,' *Review* 16 (1993): 245-278.

Watson, Don. *Recollections of a Bleeding Heart. A Portrait of Paul Keating PM* (North Sydney: Random House, 2011).

Webster, Eddie, Lambert, Robert, & Bezuidenhout, Andries. *Grounding Globalization: Labour in the Age of Insecurity* (Oxford: Blackwell, 2008).

Weldemichael, Awet Tewelde. *Third World Colonialism and Strategies of Liberation: Eritrea and East Timor Compared* (Cambridge: Cambridge University Press, 2013).

Wigglesworth, Ann. *Activism and Aid: Young Citizens' Experiences of Development and Democracy in Timor-Leste* (Clayton: Monash University Publishing, 2016).

Wigglesworth, Ann. 'The growth of civil society in Timor-Leste: Three moments of activism,' *Journal of Contemporary Asia* 43 (2013): 51-74.

Willett, Graham. ''Proud and employed': The gay and lesbian movement and the Victorian teachers' unions,' *Labour History* 76 (May 1999): 78-94.

Wilson, Deborah. *Different White People: Radical Activism for Aboriginal Rights 1946-1972* (Crawley: UWA Publishing, 2015).

Wright, Tom. 'Report to Communist Party of Australia Central Committee Meeting (14-16 February 1947): Fight for Aborigines,' *Communist Review* (April 1947).

Wright, Tom. *New Deal for Aborigines* (Sydney: Current Book Distributors, 1939).

Wright, Chris, & Lansbury, Russell. 'Trade unions and economic reform in Australia, 1983-2013,' *The Singapore Economic Review* 459 (September 2014): 1-22.

Newspapers and periodicals, including online union journals

ABC News Online

Age (Melbourne)

Australian

Australian Financial Review

Australian Nursing Journal (Australian Nursing Federation)

BBC News Online (UK)

Business Insider Australia

Canberra Times

Economic Times (India)

Education (New South Wales Teachers' Federation)

Farrago (Melbourne University Student Union)

Foreign Policy

Green Left Weekly

Guardian

Herald Sun (Melbourne)

Manly Daily (Sydney)

Mercury (Hobart)

New Matilda

news.com.au

New York Times Online (USA)

SBS News Online

Sydney Morning Herald

Telegraph (UK)

*Tharunk*a (University of New South Wales)

The Conversation

The Drum

The Guardian (Communist Party of Australia)

The Maritimes (Maritime Union of New Zealand)

The Monthly

The Saturday Paper

West Australian

Western Herald (Bourke, NSW)

Workers Online

Government publications and legislation

Australian Bureau of Statistics. 'Employee earnings, benefits and trade union membership, 1997-2007,' *Catalogue Number: 6310.0* (Canberra: ABS, 2008).

Australian Bureau of Statistics. 'Trade union members, Australia, August 1996,' *Catalogue Number: 6325.0* (Canberra: ABS, 1996).

Australian National Audit Office. 'Offshore processing centres in Nauru and Papua New Guinea: Contract management of garrison support and welfare services' (17 January 2017), accessed online at https://www.anao.gov.au/work/performance-audit/offshore-processing-centres-nauru-and-papua-new-guinea-contract-management.

Australian Senate. *Official Hansard* (21 September 1999).

Australian Senate. *Parliamentary Debates* (21 March 1997).

Commonwealth of Australia. *Financial System Inquiry* (December 2014).

Commission of Inquiry into Poverty. *Poverty in Australia: First Main Report* (April 1975).

Hasluck, Paul. *Statement of Policy presented in statement by leave on welfare of Aborigines*, House of Representatives Hansard (14 August 1963).

Menzies, Robert. *Constitution Alteration (Repeal of Section 127) Bill 1965*, Commonwealth Parliamentary Debates (11 November 1965), House of Representatives.

Menzies, Robert. *Communist Party Dissolution Bill 1950*, Commonwealth Parliamentary Debates (11 November 1965), House of Representatives.

Parliament of Australia. *Corporations Legislation Amendment (Deregulatory and Other Measures) Bill 2014*, accessed online at http://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/bd/bd1415a/15bd058.

Parliament of Australia. *Fair Work (Registered Organisations) Act 2009*, accessed online at https://www.legislation.gov.au/Details/C2017C00147.

Parliament of Australia. *Corporations Act 2001*, accessed online at https://www.legislation.gov.au/Details/C2017C00328.

Parliament of Australia. *Superannuation Industry (Supervision) Act 1993*, accessed online at http://www5.austlii.edu.au/au/legis/cth/consol_act/sia1993473/s62.html

Parliament of Australia Library. 'Trade union membership in Australia' (15 October 2018), accessed online at https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp1819/UnionMembership#_Toc527380735.

Parliament of Australia Library. 'Commonwealth Indigenous-specific expenditure 1968-2012' (28 September 2012).

Parliament of Australia Library. 'Protecting Australia's borders,' *Research Note No. 22* (24 November 2003).

Parliament of Australia Library (Social Policy Section). *A Comparison of Coalition and Labor Government Asylum Policies in Australia Since 2001* (updated 2 February 2017), accessed online at https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp1617/AsylumPolicies#_Toc473714774.

Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry. *Final Report. Volume 2 – Case Studies* (February 2019).

Senate Foreign Affairs, Defence and Trade References Committee. *Official Committee Hansard: Economic, Social and Political Conditions in East Timor* (3 November 1999).

Treasury of Australia. 'Towards higher retirement incomes for Australians: A history of the Australian retirement income system since Federation,' *Economic Roundup* (14 May 2001), accessed online at https://treasury.gov.au/publication/economic-roundup-centenary-edition-2001/article-3-towards-higher-retirement-incomes-for-australians-a-history-of-the-australian-retirement-income-system-since-federation.

Reports, policy positions, and submissions

Argo Investments Limited. *Annual Report, 2014*.

Australian People for Health, Education and Development Abroad. *2001 Annual Report*.

Australian People for Health, Education and Development Abroad. *1998 Annual Report*.

Australian Council of Trade Unions & Trade Development Council. *Australia Reconstructed* (Canberra: AGPS, 1987).

Australian Nursing and Midwifery Federation. *Position Statement – Refugees and Asylum Seekers* (updated August 2017), accessed online at http://anmf.org.au/documents/policies/PS_Refugees_asylum_seekers.pdf.

Commission for Reception, Truth and Reconciliation in East Timor (CAVR). *Chega! Final Report of the CAVR* (2005), accessed online at https://www.etan.org/etanpdf/2006/CAVR/07.2_Unlawful_Killings_and_Enforced_Disappearances.pdf.

HESTA Divest and Cross Border Operational Matters. *Help call on HESTA to divest from mandatory detention* (June 2015).

Liberal-National Coalition. *The Coalition's Policy for a Regional Deterrence Framework to Combat People Smuggling* (August 2013), accessed online at http://lpaweb-static.s3.amazonaws.com/13-08-23%20The%20Coalition%E2%80%99s%20Policy%20for%20a%20Regional%20Deterrence%20Framework%20to%20Combat%20People%20Smuggling.pdf.

National Tertiary Education Union. 'NTEU for Refugees Charter' (updated 2017), accessed online at https://www.nteu.org.au/nsw/get_involved/nteu_for_refugees.

Nurses and Midwives (Victorian Public Health Sector) (Single Interest Employers) Enterprise Agreement 2016-2020.

Retail and Fast Food Workers Union, *Submission to the Senate Education and Employment References Committee Inquiry into Penalty Rates* (July 2017).

Shop, Distributive and Allied Employees' Association. *Submission to the Senate Legal and Constitutional Committee Inquiry into the Marriage Equality Amendment Bill 2010* (2 April 2012).

Shop, Distributive and Allied Employees' Association. *Submission to the Victorian Law Commission Inquiry into the Law of Abortion* (November 2007).

UniSuper. '2014 Annual report to members' and '2015 annual report to members,' accessed online at https://www.unisuper.com.au/forms-and-documents/annual-reports.

United Nations High Commissioner for Human Rights. 'End of mission statement by the United Nations Special Rapporteur on the rights of indigenous peoples, Victoria Tauli-Corpuz on her visit to Australia, 20 March to 3 April 2017,' accessed online at https://un.org.au/2017/04/03/end-of-mission-press-conference-and-end-of-mission-statement-by-the-un-special-rapporteur-on-the-rights-of-indigenous-peoples-victoria-tauli-corpuz-on-her-visit-to-australia/.

United Nations High Commissioner for Refugees. 'UNHCR monitoring visit to Manus Island, Papua New Guinea, 23 to 25 October 2013,' accessed online at http://www.unhcr.org/en-au/publications/legal/58117aff7/unhcr-monitoring-visit-to-manus-island-papua-new-guinea-23-to-25-october.html?query=2013%20manus%20island.

United Nations High Commissioner for Refugees. 'UNHCR monitoring visit to the Republic of Nauru, 7 to 9 October 2013,' accessed online at http://www.unhcr.org/en-au/publications/legal/58117b931/unhcr-monitoring-visit-to-the-republic-of-nauru-7-to-9-october-2013.html?query=2013%20manus%20island

United Nations High Commissioner for Refugees. *Convention and Protocol Relating to the Status of Refugees* (1951; amended in 1967).

United Workers' Union. *Rules of the United Workers' Union* (11 November 2019).

PhD theses

Brian, Bernie. *The Territory's One Big Union: The Rise and Fall of the North Australian Workers Union*, PhD thesis (2001), Northern Territory University.

Jordan, Douglas. *Conflict in the Unions: The Communist Party of Australia, Politics and the Trade Union Movement, 1945-1960*, PhD thesis (2011), Victoria University.

O'Brien, John. *The New South Wales Teachers' Federation, c. 1957-1975*, PhD thesis (1985), University of Wollongong.

Speeches and presentations

Chomsky, Noam. 'Australian visit for East Timor in 1995' (full transcript of press conference), accessed online at http://togsplace.blogspot.com.au/2015/04/noam-chomskys-australian-visit-1995.html.

Combet, Greg. 'Union chief at the press club,' *Evatt Journal* 2 (2002), accessed online at http://evatt.org.au/news/union-chief-press-club.html.

Huggins, Jackie. 'The 1967 referendum…Four decades years,' *The Sydney Papers* (address to The Sydney Institute at the University of Queensland on 22 May 2007).

Reynolds, Henry. *Aborigines and the 1967 referendum: Thirty years on*, Department of the Senate Occasional Lecture Series (presented on 14 November 1997), Parliament House, Canberra.

Weaven, Garry. 'Workers' capital: the story of industry funds and Australia's superannuation revolution,' *University of Melbourne Foenander Lecture* (16 November 2016), accessed online at https://www.youtube.com/watch?v=Lqd0W4riDBs.

Radio and television transcripts

AM (ABC Radio)

'Victorian nurses close one in three hospital beds,' *AM* (transcript of radio program broadcast on Australian Broadcasting Corporation on 12 November 2011), accessed online at http://www.abc.net.au/am/content/2011/s3363273.htm.

'Unions protest East Timor violence,' *AM* (transcript of Australian Broadcasting Corporation radio program broadcast on 7 September 1999), accessed online at http://www.abc.net.au/am/stories/s49758.htm.

PM (ABC Radio)

'Australian unions to help rebuild East Timor,' *PM* (transcript of Australian Broadcasting Corporation radio program broadcast on 11 October 1999), accessed online at http://www.abc.net.au/pm/stories/s58575.htm.

'East Timor / protests in Melbourne and Sydney,' *PM* (transcript of Australian Broadcasting Corporation radio program broadcast on 6 September 1999), accessed online at http://www.abc.net.au/pm/stories/s49707.htm.

'Rupiah suffers from crisis,' *PM* (transcript of Australian Broadcasting Corporation radio program broadcast on 6 September 1999), accessed online at http://www.abc.net.au/pm/stories/s50680.htm.

The World Today (ABC Radio)

Union movement adds voice to anti-Indonesian protest,' *The World Today* (transcript of Australian Broadcasting Corporation radio program broadcast on 6 September 1999), accessed online at http://www.abc.net.au/worldtoday/stories/s49552.htm.

Four Corners (ABC TV)

'No advantage,' *Four Corners* (transcript of edition broadcast on Australian Broadcasting Corporation on 29 April 2013), accessed online at http://www.abc.net.au/4corners/no-advantage/4660004.

Timor: The final solution,' *Four Corners* (transcript of edition broadcast on Australian Broadcasting Corporation on 15 June 1998), accessed online at https://web.archive.org/web/20011217000907/http://www.abc.net.au/4corners/stories/s12272.htm.

Miscellaneous online sources

'An open letter to Prime Minister Tony Abbott from members of Australia's academic community' (25 March 2014), accessed online at https://academicsforrefugees.files.wordpress.com/2014/03/letter_to_pm_20_03_2014.pdf.

Association of Superannuation Funds of Australia. 'Superannuation statistics – June 2017,' accessed online at https://www.superannuation.asn.au/ArticleDocuments/269/SuperStats-Jun2017.pdf.aspx.

Australian Council of Trade Unions. 'Dili Airport strike enters second week' (13 October 2003), accessed online at https://www.actu.org.au/our-work/international/news/dili-airport-strike-enters-second-week.

Australian Nursing and Midwifery Federation (Victorian Branch). 'Branch Council' (updated 2017), accessed online at http://www.anmfvic.asn.au/about-us/branch-council?page=2.

Australian Nursing and Midwifery Federation (Victorian Branch). 'Family violence dominates 2015 ANMF (Vic Branch) delegates conference' (26 June 2015), accessed online at https://www.anmfvic.asn.au/news-and-publications/news/2015/06/26/family-violence-dominates-2015-anmf-vic-branch-delegates-conference.

Australian Nursing and Midwifery Federation (Victorian Branch). 'ANMF delegates conference (Vic) calls for divestment of super funds from detention industry,' reproduced on Cross Border

Operational Matters (26 June 2015), accessed online at https://xborderoperationalmatters.wordpress.com/2015/06/26/anmf-delegates-conference-vic-calls-for-divestment-of-super-funds-from-detention-industry/.

Australian Nursing and Midwifery Federation (Victorian Branch). 'My union marches with Pride' (1 February 2015), accessed online at https://www.anmfvic.asn.au/campaigns/2015/02/01/my-union-marches-with-pride.

Australian People for Health, Education and Development Abroad. 'Update on ANF and Union Aid Abroad – APHEDA East Timor nurses appeal,' *Relief Web* (3 July 2008), accessed online at http://reliefweb.int/report/timor-leste/update-anf-and-union-aid-abroad-apheda-east-timor-nurses-appeal.

Bem, Kazimierz, Field, Nina, Maclellan, Nic, Meyer, Sarah, & Morris, Dr. Tony. *A Price Too High: The Cost of Australia's Approach to Asylum Seekers* (August 2007), accessed online at https://www.safecom.org.au/pdfs/AJA-Oxfam_A_Price_Too_High2007.pdf.

Brycki, Chris. 'The rise of socially responsible investing,' *Stockspot* (2 February 2019), accessed online at https://blog.stockspot.com.au/socially-responsible-investing/.

Cameron, Cecily, & Mallory, Greg. 'Macdonald, Alexander (Alex) (1910-1969),' *Australian Dictionary of Biography*, National Centre of Biography, ANU, accessed online at http://adb.anu.edu.au/biography/macdonald-alexander-alex-10925.

Cross Border Operational Matters. *Superannuation Fund Investments in the Detention of Asylum Seekers: UniSuper, Transfield* (2014).

Cross Border Operational Matters. 'Sydney Uni Branch of NTEU votes unanimously for divestment' (19 March 2014), accessed online at https://xborderoperationalmatters.wordpress.com/2014/03/19/nteu-usyd-divestment/.

Deloitte. 'The dynamics of a $9.5 trillion Australian super system: Deloitte projects the next 20 years' (17 November 2015), accessed online at https://www2.deloitte.com/au/en/pages/media-releases/articles/dynamics-of-9-5-trillion-australian-super-system-171115.html.

Facebook (Various pages: 'Australian Nursing and Midwifery Federation (Victorian Branch)'; 'NTEU for Refugees'; 'Retail and Fast Food Workers Union'; 'SDA – the Union for Workers in Retail, Fast Food & Warehousing'; and 'Unions for Refugees').

Fair Work Commission. 'The Australian minimum wage from 1906' (last updated 12 July 2019), accessed online at https://www.fwc.gov.au/waltzing-matilda-and-the-sunshine-harvester-factory/historical-material/the-australian-minimum-wage.

Herbert Smith Freehills LLP. 'Future of Work: New Employee activism and the union movement in Australia' (podcast dated January 2020), accessed at https://soundcloud.com/herbert-smith-freehills/australian-employment-industrial-relations-ep-1.

HESTA. 'Investment choices (1 April 2020), 22-23, accessed online at https://www.hesta.com.au/content/dam/hesta/Documents/Investment-choices.pdf.

Industri Energi. 'Støtte i Streiken fra (Support for the strike from) Maritime International Federation' (3 October 2016), accessed online at http://ieosa.no/modules/m02/article.aspx?CatId=0&ArtId=130.

International Labor Organization. 'ILO body adopts new minimum monthly wage for seafarers' (28 February 2014), accessed online at http://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_236644/lang--en/index.htm.

International Transport Workers Federation. 'ITF Congress press releases: Congress of the Sindicato Maritime, Energy and Transport Workers of Timor-Leste – affiliated to the ITF Offshore Task Force Group' (25 February 2008), accessed online at http://www.itfcongress2006.org/press-releases.cfm/pressdetail/1815/region/1/section/0/order/1.

KPMG, 'The numbers that are changing the world: Revealing the growing appetite for responsible investing' (July 2019), accessed online at https://assets.kpmg/content/dam/kpmg/uk/pdf/2019/07/numbers-that-are-changing-the-world.pdf.

La'o Hamutuk. 'Timor-Leste Petroleum Fund' (updated 3 August 2018), accessed online at https://www.laohamutuk.org/Oil/PetFund/05PFIndex.htm#2018.

Lowy Institute. *2014 Lowy Institute Poll*, undertaken between 12 and 27 February 2014 (report published June 2014), accessed online at https://www.lowyinstitute.org/publications/lowy-institute-poll-2014.

Maritime Union of Australia. 'Investor Alert: BHP is damaging shareholder value through poor environmental, social and governance (ESG) performance' (8 February 2019), accessed online at https://assets.nationbuilder.com/muanational/pages/19465/attachments/original/1550914315/BHP_ESG_REPORT_FINAL.pdf?1550914315.

Maritime Union of Australia. 'Maritime International Federation a force for change in Asia Pacific' (3 March 2016), accessed online at http://www.mua.org.au/maritime_international_federation_a_force_for_change_in_asia_pacific.

NSW Teachers' Federation. *History: Public Education* (2016), accessed online at https://www.nswtf.org.au/about/history.html.

Pew Research Centre. 'Key facts about the world's refugees' (5 October 2016), accessed online at https://www.pewresearch.org/fact-tank/2016/10/05/key-facts-about-the-worlds-refugees/.

Reserve Bank of Australia. *Inflation Calculator*, accessed online at https://www.rba.gov.au/calculator/annualDecimal.html.

Retail and Fast Food Workers Union. 'SDA Facts' (last updated 2016), accessed online at https://www.raffwu.org.au/sda_facts.

Reynolds, Zoe. 'Timor-Leste sets its sights on maritime statehood,' *Fairplay* (26 September 2016), accessed online at https://fairplay.ihs.com/commerce/article/4275546/timor-leste-sets-its-sights-maritime-statehood.

Roy Morgan. 'Who are Australia's union members? You may be surprised' (11 January 2017), accessed online at http://www.roymorgan.com/findings/7104-who-are-australias-union-members-you-might-be-surprised-.

Social Ventures Australia and UniSuper. 'Impact investment to grow supply of affordable housing' (13 January 2016), accessed online at http://www.socialventures.com.au/news/impact-investment-to-grow-supply-of-affordable-housing/.

Timor-Leste General Directorate of Statistics. 'Table 11. Population by religion, urban/rural location, Municipality and sex,' *Timor-Leste Population and Housing Census 2015*, accessed online at http://www.statistics.gov.tl/category/publications/census-publications/2015-census-publications/.

Twitter ('xBorderOps').

UniSuper. 'Board' (updated 9 November 2017), accessed online at https://www.unisuper.com.au/about-us/our-people/unisuper-board.

UniSuper. 'Corporate responsibility and sustainability' (updated 8 September 2017), accessed online at https://www.unisuper.com.au/about-us/about-unisuper/corporate-responsibility-and-sustainability.

UniSuper. ‘Our approach to responsible investing’ (updated 1 September 2017), accessed online at https://www.unisuper.com.au/investments/responsible-investing/our-approach-to-responsible-investing.

UniSuper. ‘UniSuper invests in World Bank Green Bonds’ (16 April 2014), accessed online at https://www.unisuper.com.au/about-us/news/2014/04/16/unisuper-invests-in-world-bank-green-bonds.

UniSuper. ‘Committees’ (updated 18 March 2020), accessed online at https://www.unisuper.com.au/about-us/our-people/committees.