SECTION XXVII.

INDUSTRIAL UNIONISM AND INDUSTRIAL LEGISLATION.

§ 1. Development of Trade Unions in Australia.

1. Historical Development of Trade Unionism in Australia.[*]—(i.) *The Beginning and Early Development of Trade Unionism, 1850 to 1875.*—The middle of last century marks practically the starting point of organised labour in Australia. Prior to the discovery of gold in 1851, the whole of the occupied parts of the continent were given over to pastoral purposes. There appeared to be but little prospect of any extensive development of manufactures in Australia, and, under the circumstances, it is not surprising that, although certain organisations in the nature of benefit societies as well as temporary combinations of workmen for special trade purposes existed as early as the second quarter of the nineteenth century, no trace of any permanent industrial union of workers for such purposes can be found before the middle of the century. Many of the new arrivals in Australia at the time of the gold discoveries came from European countries, which were at that time fermenting with discontent. Thus it was that the gold diggings brought together a mass of democratic opinion, just at the time when self-government was commencing in Australia, and only a few years before manhood suffrage was obtained in the older colonies. Many men, of various trades and occupations, who were drawn to the country by the prospect of rapidly making a fortune, either not meeting with the success they hoped for, or recognising their unfitness for the somewhat strenuous life on the goldfields, decided to settle down in the country and pursue less precarious callings, while at a later stage the depletion of the richer alluvial deposits, and the consequent decline in the activity of the goldfields, threw out of employment many men who had lived in English cities, and of whom a number had been members of English trade unions. This surplus of labour accumulated in a few of the larger towns of Australia, and intensified the early impulses towards industrial enterprise and the organisation of the workers.

One of the first effects of the influx of population was to give a great stimulus to the building trades, and it was in that industry that most of the earliest unions were formed. The first trade union in Australia was the Operative Masons' Society, established in Melbourne in 1850. This was followed by the organisation in Sydney of the Typographical Association in 1851, the Amalgamated Society of Engineers in 1852, the Operative Stonemasons' Society in 1853, and the Society of Progressive Carpenters and Joiners in 1854. In Victoria, the Operative Bricklayers' and the Progressive Carpenters' and Joiners' Unions were formed in 1856, and the Ballarat Typographical Association in 1857 ; while the Operative Plasterers' and the Operative Bricklayers' Unions were established in Sydney in 1857 and 1858 respectively. The main objective of the early unions in Australia was the limitation of the working week to 48 hours. In the early 'fifties, wage questions were not prominent, for the reason that the gold discoveries resulted in an immediate and rapid rise in rates of wages, while the practical tests by which workers measured their welfare were the standards of living and working conditions in Europe. In later years, however, there has been a growing disposition to fix rates of wages and conditions of labour in Australia independently of those observed

[*] See " Trade Unionism in Australia," edited by Professor Meredith Atkinson, M.A. (Oxon.). Burrows and Co., Sydney, 1916, pp. 49 to 72.

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in other countries.   The effort directed by trade unionists towards the question of hours resulted in the recognition of the eight hours' day in a number of trades at an early date.

In New South Wales, the operative masons succeeded in securing the recognition of the eight hours' day in all the building trades in 1855, but little development of the movement was noticeable in that colony until 1871, in which year four eight-hour trades—brickmakers, stonemasons, carpenters, and labourers—inaugurated the annual celebration. In Victoria, as in New South Wales, the eight hours' day was secured in the first place by the stonemasons, in 1856, and the first celebration was held during the same year.   At the second celebration, in 1857, nine trades and about 700 men took part. The Stonemasons' Society of Queensland secured the eight hours' day in 1858.   The eight hours' movement was inaugurated in Adelaide in 1873.   In Tasmania, the recognition of the eight hours' day was first secured by the shipwrights of Hobart in 1874, while in Western Australia the eight hours' system was established in 1896.   Generally, it may be said that trade-unionism in Australia originated primarily in the desire for an eight hours' day ; with the Western Australian celebration of 1896, unionism, with its eight hours' charter, completed the circuit of the Commonwealth.

The 'sixties and early 'seventies may be regarded as a transition period in the industrial development of Australia.   The country was recovering from the excitement and restlessness of the gold fever, and was settling down to a more prosaic period of sterner conditions, and slower but more stable growth.   Steady progress was made in industrial development and in agricultural settlement, and, as the various industries grew, so trade-unionism developed.   Between 1861 and 1871 there was a considerable decline in rates of wages, and it was during this decade that wages questions began to come into prominence in trade-union activity.   The reductions in wages were naturally not accepted without active protest.   But these protests were generally ineffective, owing to the large number of men who drifted from the gold diggings into Sydney and Melbourne.   A second matter which began to assume considerable importance among trade unions during this period was the agitation against the admission of the Chinese, more especially in the mining and furniture industries.   Several attempts to forcibly expel the Chinese from the diggings were repressed by the Governments.   In 1872 a Miners' Association was first established in Victoria, its main objects being—(a) to secure an eight hours' shift, (b) to resist attempts to reduce wages, (c) to oppose the admission of Chinese, and (d) to forward legislation for the regulation of mining.   In October, 1872, the gold miners of Victoria were successful in obtaining the eight hours' shift after a big strike at Stawell.   In 1873 there was a protracted strike of gold miners at Clunes, in Victoria, against working with Chinese labourers.   Unions were established at a number of mining centres, and in 1874 a conference was held at Bendigo, and the Amalgamated Miners' Association of Victoria formed, the rules being based on those of the National Miners' Association of Great Britain.   This association soon turned its attention to the necessity for legislation for the better regulation of mining.   A Bill was drafted providing for an eight hours' shift, improved ventilation, and inspection of machinery.   This Bill was laid before the Government, and was substantially incorporated in the Regulation and Inspection of Mines and Machinery Act 1877.   The Seamen's Union was established simultaneously in Sydney and Melbourne in 1874, and dissatisfaction soon arose owing to the number of Chinese employed on coastal steamers.   It was not until several years later, however, that, after a strike, an agreement was arrived at with the shipowners to limit the number of Chinese employed.   The growing sense of solidarity among unionists, and the recognition of community of interests, led to the establishment of central trade union delegate organisations.   The formation at Sydney in 1871 of the first permanent Trades Council was an important step in trade-union consolidation.   In Melbourne a Trades Hall had been established in 1856, but no permanent delegate committee came into existence until 1879.   In the other States the formation of delegate councils did not take place until a somewhat later period, viz., in Queensland and Tasmania in 1883, in South Australia in the following year, and finally in Western Australia in 1892.

(ii.) *The Legalisation of Unionism, and Intercolonial Trade Union Congresses, 1872 to 1891.* From 1872 the expansion of trade and industry was greater than in any previous period. Manufacturing industries prospered, the agricultural and pastoral industries made great progress, mining for silver became an important industry in New South Wales, and valuable deposits of copper, tin, and other metals were discovered and worked. Moreover, the year 1873 marked the beginning of a long period of falling prices, lasting until 1895-6, not only in Australia, but practically throughout the world. Under the influences of expanding trade and industrial activity, wages began to rise in Victoria in 1872, and in New South Wales a year later. These increases in wages were not always reached by peaceful means, and a considerable number of industrial disputes occurred during this period, mainly in regard to claims for either higher wages or shorter hours. The tide of improvement reached its highest level in 1885, but in the following year signs of reaction were visible. During this period of prosperity, trade unionism developed, and by the year 1885 was established on a firm and extensive basis. There were about 100 unions in existence, with an estimated membership of over 50,000. There were 50 societies affiliated with the Melbourne Trades Hall. The Amalgamated Miners' Association of Victoria had 19 branches. The New South Wales Trades and Labour Council comprised 24, and the Adelaide Trades and Labour Council 11 societies. There were also a number of organisations in Queensland and Tasmania. The centres of unionism were naturally the metropolitan towns, where the labour organisations were composed of artisans, factory operatives, seamen, and wharf labourers. Then came the miners' organisations, which contributed the most important element to trade unionism outside the capital towns. It was not until 1886 that the workers in the pastoral industry were organised, though several unsuccessful attempts had previously been made to organise the shearers. In that year the pastoralists proposed to reduce the shearing rates, and to impose conditions to which the employees objected, and this resulted in the formation in Victoria of the Amalgamated Shearers' Union. Two years later the Queensland Shearers' and Labourers' Unions were established. These three oganisations, which formed the foundation on which the Australian Workers' Union has been built, constituted the third of the three main geographical and industrial divisions into which trade-unionism in Australia falls.

In the meantime, a strong feeling had arisen for the legal recognition of trade-unionism in Australia, in order to acquire the legal status necessary alike to the security of funds, and to the recognition of trade-unionism as a constituent part of the social and industrial organisation. Until the Trade Unions Acts were passed in Australia, the unions were subject to the provisions of the English Acts of 1824 and 1825, which, while giving the workers freedom to combine, construed combinations in restraint of trade to be still unlawful associations, and their funds were accordingly unprotected. The first of the colonies to move in the direction of legislation was South Australia, where a Trade Union Act was passed in 1876, based on the English Act of 1871. In the other colonies, Acts, based on the English laws of 1871 and 1876, were passed in New South Wales in 1881, in Victoria in 1884, Queensland in 1886, Tasmania in 1889, and Western Australia in 1902. Under these Acts unions were recognised as lawful bodies, capable of holding property, and were placed on an equality with other organisations.

Various factors had combined to lead the unions to recognise the community of interests between the several colonies. Such matters as industrial legislation, the protection of seamen engaged in intercolonial trade, the growing intercourse between the colonies, and the objection to State-aided European immigration, and to the admission of Chinese, all tended to bring the workers in the several colonies together. The holding of the first Australian conference of trade unions at Sydney, in 1879, marks an epoch in trade-union history. For the first time a national meeting of delegates was convened by workmen's organisations, to discuss purely workmen's questions in the presence of workmen alone. At this first congress the number of delegates was 39, representing 24 societies, with a membership of 11,087. The subjects discussed, and upon which resolutions were passed, included factory and workshops' regulation, workmen's

compensation, inspection of boilers, and uniform colonial mercantile shipping laws.   Upon questions of general policy the congress passed resolutions opposing Chinese and State-aided European immigration, and in favour of the extension of the eight-hours' system, the legalisation of trade unions, co-operation, and technical education.   The second congress was held in Melbourne in 1884, and 69 delegates from New South Wales, Victoria, and South Australia took part in the proceedings.   In addition to the questions considered at the former congress, two constitutional reforms were urged, viz.:—" One man one vote," and payment of members of Parliament wherever this had not been adopted.   Perhaps the most significant outcome of this congress was the decision to form a Parliamentary Committee in each colony for the purpose of assisting in passing through Parliament measures for the benefit of labour, and to obtain direct representation in Parliament.

The next congress was held in Sydney in 1885, and was followed by the fourth congress in Adelaide in 1886, and the fifth in Brisbane in 1888.   The most important feature of the third congress (1885), was the adoption of a scheme for the federation of trade unions throughout Australia.   The proceedings of the fifth congress at Brisbane, in 1888, revealed the presence of a certain amount of socialistic sentiment among the delegates. Inter-colonial organisation, which had been advocated at previous congresses, but which had not eventuated, was the principal subject of discussion.   The Queensland Trades and Labour Council was deputed to draft a federal constitution, to be laid before the Trades and Labour Councils for their acceptance, and to report to the next congress.   The Council presented its report at the sixth congress, held at Hobart in 1889, but it was ruled out of order.   In Queensland, however, the scheme was adopted, and a provincial branch of an Australian Labour Federation was established in 1889, and remained in force until 1914, when it was displaced by the Brisbane Trades and Labour Council. New South Wales adopted the scheme in 1890, but in 1900 the unions affiliated to the Sydney Labour Council seceded from the Federation, and enrolled in a new organisation known as the Sydney Labour Council, which was later extended into the existing Trades and Labour Council of New South Wales.   Western Australia adopted a scheme of federation in 1908, and is now the only State which works on that system.

The efforts of the trade unionists in supporting candidates for Parliament met with considerable success, and as early as 1875 a representative was elected to the New South Wales Parliament, mainly on the votes of the trade unionists.   At the Brisbane congress, it was reported that the Labour Council of South Australia had supported nine candidates at the last general elections, and that seven of these had been returned.   In the same year four men stood as workers' candidates in Queensland, while in the following year the Victorian Parliament contained two members who could be classed as labour representatives.   None of these candidates were, of course, elected on any labour platform, but at the congress of 1888, a motion was unanimously adopted, to the effect that it was desirable that the several trades and labour councils should formulate an electoral programme, and that any candidate who did not adhere to that programme should not receive the support of the labour party.   This congress, then, marks the turning point where organised labour definitely diverged from the old traditional trade-union lines to enter the political field of new unionism.

(iii.) *The Maritime Strike and the New Unionism, 1890 to 1900.*—Prior to the advent of the new unionism, the workers in Australia had supported the progressive elements of the existing political parties.   During the latter part of the 'eighties, however, the hitherto accepted economic individualism of their opponents was thrown aside ; the doctrines of collectivism emerged, and distinctive policies were formulated.   The early extension of the franchise had done much to create interest in social and political reforms, and henceforth the expectation of progress was based on political organisation.   It was, however, an important trade union crisis that gave the final impetus to new unionism— the maritime strike of 1890.   In this struggle, which evolved into a general strike practically throughout Australia, the men were defeated, and for some years many of the unions were prostrate.   During the hard times of the 'nineties they found it uphill work

to regain their former positions and prestige. The action of the public authorities at the time of this strike, and during the shearers' strikes of 1891 and 1894, was strongly resented by labour, and led to the attempt to make its power felt in the Government itself. Trade union political organisations were formed, and the movement grew rapidly in each colony. As opportunity offered, candidates from the new party were put in the field, with a considerable measure of success. Political labour leagues were established, conferences held, and platforms drafted. In 1891, 29 members were returned on the party's platform in New South Wales. An attempt was made to adopt a pledge to vote as a majority of the party should determine, but a number of Labour members refused to sign the pledge, and finally the party divided itself into almost equal numbers between the Ministerialists and the Opposition. At the 1894 elections there were two factions. The Official Labour Party, or "Solidarity" faction, as opposed to the "Independent" faction, insisted on the acceptance of a pledge, which had been drawn up in accordance with a resolution adopted at a Labour Electoral League Conference. The "Independent" section was not opposed to the principle of the pledge, but objected to the particular form of pledge adopted. Finally, however, a pledge was adopted which secured the general approval of the party, and at the elections of 1895 the official organisation men became the sole direct representatives in Parliament of the new unionism.

In 1904, 1908-9, 1910-13, and 1914-16, Labour Governments occupied the Commonwealth Treasury benches. The present Governments in New South Wales, South Australia, and Queensland are Labour. In Victoria, Western Australia, and Tasmania the Labour party is an important element in Parliament.

From 1891 to 1895 only about ten new unions were established in Australia, but as the result of increasing activity and prosperity experienced from 1896 to 1900, no fewer than 57 new unions were organised. In 1898 the eighth and last of the old intercolonial congresses was held at Adelaide. The most important matter dealt with was the question of national organisations of unions, and in accordance with resolutions passed at the congress, a conference was held at Brisbane in the following year of three delegates from each Trades and Labour Council for the purpose of preparing a scheme of organisation. The scheme adopted, however, like its predecessors, never came into force, owing mainly to the antipathy of the unions.

(iv.) *Recent Developments.*—The reports of the proceedings of the first and second Commonwealth Trade Union Congresses, held respectively in Sydney in 1902 and in Melbourne in 1907, shew that there had been a great change in the whole character of the trade union movement. The contrasts revealed between the programme, opinions, methods of propaganda, and economic theories of the delegates at these conferences and at the old intercolonial congresses are striking. Resolutions were carried in favour of nationalisation of industries, of uniform land value taxation, the abolition of the State Governors, of legislation for the eight hours' day, of the introduction of a trade union label, and of a Federal Arbitration Act. A scheme for an Australian Labour Federation was drafted and adopted at the 1902 congress for the approval of the State Labour Councils and their constituent unions, and a Federal Executive Committee was appointed. Though this scheme was again adopted by the congress held in Melbourne in 1907, it was not on either occasion taken up by the unions. To these two congresses delegates were sent from the central and large amalgamated or federated organisations only, and not from the individual unions. The Trades and Labour Councils, being deliberative bodies only, had no direct power to bring about the adoption by the affiliated unions of the approved scheme. In 1913 an Interstate Congress, composed of delegates from the Trades and Labour Councils only, was held in Adelaide, and a simple scheme of national organisation was adopted. This scheme was approved by the Councils in Sydney, Melbourne, and Adelaide, and meetings of the Grand Council have since been held. The establishment of a national organisation was thus realised in 1913, no less than 29 years after it was first proposed at the second Intercolonial Congress of 1884.