

Australia: Rudd Labor government suppresses documents on 1998 waterfront dispute

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The Rudd Labor government is refusing to release a confidential report that contains evidence of the former Howard government's complicity in provoking a bitter month-long dispute on the Australian waterfront in April 1998 in order to slash jobs and working conditions.

This month marks the 10th anniversary of the confrontation that erupted when Patrick Stevedoring sacked its entire 1,427-strong workforce.

The Maritime Union of Australia (MUA) called for the release of a number of internal government documents, including an 82-page report by consultant Stephen Webster, commissioned by the Howard government in 1997. The Webster report is believed to have recommended that the government and Patrick instigate a clash on the docks to implement sweeping waterfront "reforms".

Patrick's operation, endorsed at the highest levels of the Howard government and backed by sections of big business, involved military-style night raids by black-hooded armed security guards accompanied by attack dogs. They swept through 17 of the company's docks around the country, driving waterside workers from the premises. The sacked workers were replaced by a scab workforce trained by the National Farmers' Federation at Webb Dock in Melbourne.

The attack provoked widespread disgust and anger among working people, resulting in sustained, and at times large, pickets of the company's terminals nationally despite the attempts of the Australian Council of Trade Unions (ACTU) and the MUA to contain the popular response.

The ACTU banned industrial action by oil workers, miners and other key sections of the working class, while the MUA instructed its members at other ports to remain working and allowed its seafaring members to man ships loaded by scab labour.

The unions placed the dispute in the hands of the courts. They sought temporary injunctions against the sackings in order to conduct a case charging that the government had violated its own Workplace Relations Act by unlawfully conspiring with Patrick to sack all union members.

Determined opposition by working people, thousands of

whom took part in the picket lines, produced a crisis for the Howard government that was averted only when the High Court ordered the reinstatement of the sacked workers until the full "conspiracy" case could be heard.

The ACTU and MUA then dropped the case, called off pickets and entered closed-door negotiations with Patrick's boss Chris Corrigan to broker a deal that delivered the company's demands. The agreement eliminated 625 jobs out of 1,400, scrapped 100 working conditions, enforced greater "flexibility" and pushed up container handling rates from 18 to 27 per crane operator per hour. It imposed a new performance-based salary system, scrapping overtime and other penalty payments.

In exchange, the MUA maintained coverage of the remaining workers. The agreement became the benchmark to be imposed right across the waterfront.

Significantly, when it agreed to drop the "unlawful conspiracy" case, the MUA ensured that the documents relating to the role of government leaders, the banks and other sections of big business in the waterfront conspiracy remained buried.

Workplace Relations Minister Julia Gillard has now refused to divulge the documents, giving the excuse that the Howard government issued what is known as a "conclusive certificate" to block previous Freedom of Information (FOI) Act applications for their release. The FOI Act allows a government minister to sign a conclusive certificate claiming that disclosure of an "internal working document" would be contrary to the "public interest".

During the federal election campaign last year, Labor promised to abolish conclusive certificates. Yet, it is now relying on the same provisions as the Howard government. Why is the Rudd government so determined to enforce the Howard government's ban on releasing documents that allegedly contain further proof of that government's direct involvement in an illegal operation?

It is already known that in September 1997, Workplace Relations Minister Peter Reith held direct talks with Patrick, P&O and the National Farmers' Federation to discuss the training and recruitment of a scab dock workforce. Howard's

cabinet agreed to bankroll the operation at Patrick to the tune of at least \$250 million, to offer redundancy packages to the sacked workers. Reith announced that the government had hired lawyers internationally to back the company and would “pour whatever taxpayers’ money is necessary” into legal costs to ensure the operation’s success.

The corporate and media establishment had warned the Howard government that international capital would be withdrawn from the country unless it stepped up the drive for pro-market “reform”. Significantly, the Rudd government is under pressure from the same media and corporate circles to carry through a new wave of “reform”, building on the measures begun under the Hawke-Keating government between 1983 and 1996.

At the same time, Rudd and Gillard, who claimed during last year’s election campaign to have fundamental differences with Howard on industrial relations, are concerned that any probing of the 1998 dispute would shed light on Labor’s own dirty role in waterfront “reform”.

In 1994, for example, the Keating government undertook extensive preparations for an operation against waterfront workers that differed little from that carried out by the Howard government. A cabinet sub-committee led by Prime Minister Paul Keating drew up options such as standing down the entire waterfront workforce, cancelling union awards and agreements and de-registering the MUA.

Earlier that year, the Keating government introduced an Industrial Relations Reform Act, enshrining the right of employers to negotiate individual work contracts outside unions, outlawing strikes except when a new enterprise agreement was being negotiated and imposing fines of up to \$5,000 per day on illegal strikes. Existing anti-strike laws, Sections 45D and 45E of the Trade Practices Act, which outlawed solidarity action, were retained.

Labor then backed a series of attacks on waterfront workers, including the sacking of 55 workers, including 21 delegates at the Australian Stevedoring (later to be Patrick Stevedoring) Port Botany facility and moves by stevedoring company Freeport Maintenance to impose non-union agreements on its workforce.

In September 1994, the government moved to privatise the Australian National Line (ANL) and sell ANL’s 25 percent share in Australian Stevedoring. Just as the Keating cabinet subcommittee finalised its plans, the MUA called off a five-day national maritime strike and agreed to the privatisation, along with further restructuring in Australian Stevedoring.

These measures laid the basis for the subsequent attacks by Corrigan and Howard. The government’s 25 percent share in Australian Stevedoring was sold to Jamison Equity, headed by Corrigan. During the 1998 dispute, Labor leader Kim Beazley boasted that Labor had delivered two-thirds of the “waterfront reform” required by corporate Australia between 1989 and 1992, when it slashed full-time jobs from over 10,000 to 5,500.

Another question arises. Why has the MUA now, belatedly, demanded the release of the Webster report and other documents pertaining to the 1998 dispute? The union is not concerned with clarifying the working class on the issues at stake but in maintaining the myth that it led a fight against the Howard government and negotiated a victory for waterside workers.

Similar motives are behind former ACTU secretary Greg Combet’s claim to support the release of the documents, while saying he is unsure of “the correct legal position”. Combet, who rose to fame during the waterfront dispute, is now a junior minister—Parliamentary Secretary for Defence Procurement—in the Rudd government.

In 1998, Combet, then assistant ACTU secretary, was assigned to oversee and police the dispute. He told the media there would be no broad industrial action to back the sacked workers because: “The unions are not in dispute with the companies in the oil industry and they are not in dispute with companies in other industries”.

The government and Patrick Stevedoring had expected their militarist tactics would paralyse all opposition but as the dispute dragged, the operation began to unravel. Sections of the employers, especially those most directly affected by the disruption of exports and imports, became alarmed over the stalemate and feared that emerging revelations that the government had broken its own industrial relations laws would compromise its ability to drive through further attacks on workers. Combet and the ACTU came to the rescue, striking a deal that both met Patrick’s requirements and avoided the release of incriminating documents.

Working people should demand that all documents relating to the waterfront dispute be released for public scrutiny, including the minutes and all other details of the discussions held at closed-door meetings between the MUA, ACTU and Patrick Stevedoring. A thorough examination is needed to expose the behind-the-scene machinations of the employers, their political servants, both Liberal and Labor, and the trade unions.



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