

20-2C A -1502H DFCOW OIW



LED BY THIS MAN?

WHY THE CONTEMPT?

Seven weeks ago, Norm Gallagher, Federal Secretary of the Builders Labourers' Federation, came to Sydney with 25 other interstate men. His declared intention was to take over the NSW Branch of the BLF.

In the second week after intervention, Justice Holland in the Equity Court made an order restraining Gallagher from signing up any members into his Federal branch or further interfering in the affairs of the union.

Since then Gallagher has persistently ignored the order. Consequently, the NSW Branch in order to get the Equity Court's order enforced has been forced to take out contempt of court proceedings against Gallagher and representatives of the employers.

WHY THE CONTEMPT CHARGE - SACKED WORKERS

As a result of the attempt by the employers to set up an alternative union for builders labourers in NSW 21 builders labourers and 4 crane drivers have been sacked because they rejected the idea of this boss led union.

The main function of a union is to protect the rights of workers.

We must do everything in our power to secure these workers' jobs.

They can all be re-instated if the employers recognise the NSW Branch democratically elected leadership.

Some of these sacked workers have sworn affidavits to prove a conspiracy between Gallagher and the employers to wreck the NSW Branch.

AFFIDAVIT OF BOB SMITH, sacked worker from E.A. Watts site in Broadway:-
"We offered to work with all tradesmen but we thought that to work with Gallagher's men would be to recognise Gallagher. He said, 'I've been instructed that the only alternative is to sack you people because the job would be unworkable with two factions.' Terry, the dogman, said 'What if I go down now and take a Federal ticket.' Masters said 'I think that's just a little bit too late.' We all got sacked that day."

FRANK SWASBRICK'S AFFIDAVIT - builders labourer from E.A. Watts, Lavender Bay:-
"I was approached by Les Robinson and Dan Hellier who said that they wished to discuss with me the situation in the union. They outlined the advantages which they claimed would be ours if the federal branch took over N.S.W. We said we intended to remain with the N.S.W. Branch... They told us that if we changed our minds we could join the federal branch whenever we liked." All the workers on this job were sacked.

T. MAHONEY'S AFFIDAVIT - crane driver 15 years with Kell & Rigby:-
After a meeting held on the site the following occurred...*"The men who had voted to stay with the NSW Branch sent two men to the foreman to tell him the decision. I was with the foreman when they came. I had left the meeting with the foreman when the vote had to be taken. Gary Connors (foreman) said 'I only want one union on this job. The blokes who joined the federal branch are all right. Their jobs are safe. But if there is any trouble on the job between the two unions the NSW blokes will have to go.' He also said 'If you are thinking of joining the federal branch in three or six months you might as well do it now and keep your job going."*
After hearing this they decided to join the Federal branch.
"Our union's policy is that we do not work with labourers as dogmen who hold federal tickets." Gallagher imported a Melbourne driver to do this man's job.

THE FACTS

At a Building Trades Group meeting held in Sydney on Monday 18 November 1974 a statement was submitted by N. Gallagher and L. Robinson, Federal President re scabs. Quote:-

"In respect to charges of using 'scab labour' to drive cranes vacated by the Federated Engine Drivers' & Firemen's Association, the Federation had previously warned that Association that if intervention in our internal affairs took place, Builders Labourers would drive the cranes."

EMPLOYER COLLUSION

FACTS:

A LETTER FROM THE MASTER BUILDERS' ASSOCIATION TO ITS MEMBERS signed by John Elder, Industrial Officer.

Quote:-

"We bring your attention to clause (4) where the resolution states that State Organisers who have the authority signed by K. Fetherstone may be admitted on to a site BUT only during the lunch period or any non-working time as is required by their right of entry permit and in accordance with the Industrial Arbitration Act of NSW. Such restrictions are not placed on the Federal Organisers by the Federal Award."

N. GALLAGHER'S STATEMENT at Federal Council 16 October 1974 to Joe Owens, Jack Munday, Bud Cook and Bob Pringle:-

"We will do deals with anyone... The employers will only recognise Federal tickets."

RON MASTERS' AFFIDAVIT - NSW Construction Manager, E.A. Watts - re Gallagher at meeting with MBA:-

"as expressed by N. Gallagher to a meeting with New South Wales Builders."

MICK McNAMARA'S AFFIDAVIT - NSW builders labourer:

"On Friday 15 November 1974 I answered at about 11.20 am a phone call into the office of the NSW Branch where I then was. A voice said 'This is Bill Coass here. Is Les Robinson there?' I said 'Speaking.' He said 'Do you know that business you were talking to Wal Glover about yesterday? We are in the process of getting it fixed up.' 'I know that Bill Coass is the NSW General Manager of Concrete Constructions Pty. Ltd. and Wal Glover is the Senior Industrial Officer of the NSW Master Builders' Association. I said 'What business with Wally?' He said 'Getting some of our jobs set up for Monday.' I said words to indicate I wasn't quite sure what he meant. I said 'When were you talking to Wally?' He said 'Just a while ago.' He added 'Wally told me how you wanted a few jobs to move in on next Monday. We are setting up a few for you to hit also whilst that Court Case is on.' I said 'How many have you got?' He said 'At this stage, we have got one ready for you to move onto at 140 Phillip Street. We have put one bloke up there already, Sammy Kane, although he is a rat bag. He went there today and it looks as if he will be accepted and we are doing the ground work on that job for you to move in. I will phone you back and let you know about the other jobs."

Les Robinson is the Federal President. The call was clearly misdirected to the NSW Branch.

WORKERS REJECT GALLAGHER

In the fourth week, out of clear frustration, Gallagher ordered all builders labourers working for Dillinghams Constructions outside NSW to go on strike. This included 5 jobs in Victoria and 3 jobs in South Australia.

BOB PRINGLE'S AFFIDAVIT:-

"Gallagher also said to the meeting the following words or words to the following effect "We are determined to get our federal tickets onto NSW jobs. Until Dillinghams sack all the workers at Martin Place and all the other Dillinghams jobs in Sydney who participated in the demonstration protesting at the employment of our ticket holders we will continue with our strike against Dillinghams in the other states. If Dillinghams don't sack them there will be no work done interstate."

26 builders labourers were sacked at Dillinghams, Clarence Street on Tuesday 12 November 1974 and they resumed work on Monday 25 November 1974. One job in South Australia where the workers voted to stay at work they were threatened with expulsion if they did not stop.

A meeting of unions in South Australia, including:-

A.M.W.U.
A.W.U.
B.W.I.U.
F.E.D. & F.A.
F.I.A.
T.W.U.
Plasterers
Plumbers

called on the Federation to lift their ban.

After 3 weeks the workers have now resumed in South Australia, but to our knowledge are still on strike in Victoria.

In NSW the highly-principled stand taken by the FED&FA to oppose employer based unionism in the building industry has been strongly supported by the Transport Workers' Union, who have placed a ban on deliveries to sites where crane drivers have been sacked.

BOB PRINGLE'S AFFIDAVIT:- Statement by N. Gallagher and L. Robinson to BTG quote:-

"We believe that the best interest of the Federated Engine Drivers & Firemen's Association would be served if they withdrew their interference on this basis."

MASTER BUILDERS' STATEMENT, SMH Wed Nov. 27, 1974:-

"The Master Builders' Association of NSW has threatened to cut the wages of 70 crane drivers unless their union takes a neutral position in the current builders labourers' dispute. If the Federated Engine Drivers and Firemen's Association does not meet the demand by 5 pm today the MBA will revoke its industrial agreement with the union, the executive director of the MBA, Mr. R. Rocher, said."

Unfortunately, not so much can be said for other building unions and the Trades & Labor Council who sit on the sidelines like jackals waiting for the body to fall. If other unions had taken the same stand as the FED&FA the employers' union could not get off the ground (and consequently no contempt charge would be necessary).

NSW ATTEMPTS TO SETTLE

The NSW Branch has continuously attempted to settle this dispute.

On 14/10/74 NSW called for special Federal Council meeting. Quote Gallagher:-

"This will put the final nail in the coffin."

On Sunday 10 November the NSW Branch offered to resign all positions and let the membership decide who should control their affairs if N. Gallagher would face a national election. (He is presently elected by 17 delegates from the States.) Gallagher SMH Tues. November 12, 1974:-

"This is ridiculous."

INTIMIDATION

Sacked workers at the E.A. Watts side in Broadway occupied the crane in an attempt to save their jobs.

DEAN BARBER'S AFFIDAVIT, explaining why they were forced to leave the crane at E.A. Watts, Broadway:-

"At about 8 p.m. On Wednesday 13 November I noticed a number of persons not associated with myself or the NSW Branch in occupation of a second crane nearby. I had noticed that when one of these persons was climbing onto the machinery deck of the second crane he was carrying a bottle in his hand. I know that some of the persons on the second crane were employees of the contractor who had been brought into employment on the site a few days earlier from Melbourne to work the cranes when local labour went into dispute over the refusal of the contractor to cease to recognise the federal officials on the job site. A man named Condon, who is a senior employee and a staff member of the contractor, called out to me from the building and said "You had better come down because these Melbourne blokes are here and if you don't come down shortly you'll have to deal with more of them." There are another two Pioneer bus-loads of them on the way, about 80 altogether. As he spoke, I could see persons moving around on the level below him, although I could not identify, nor count them. He said "If you don't come down shortly, these blokes are here and they are real mad. They've got Molotov cocktails, lumps of metal and angle iron chopped up in bags and they are going to get you with it. They'll get you from this deck and they're going to use the other crane to come in over the top of you. You may succeed in holding them off for a while by throwing back their missiles, but with the gear they've got, you'll be brought down in ashes."

The occupying workers were subsequently arrested.

"On the way out of the building one of the police officers, a sergeant, said to Masters "I don't want to see you doing this kind of thing again." Masters replied "I take full responsibility for everything that has happened." I know that Mr. Masters is the NSW Construction Manager of the contractor.

While we were at the station and the charge was being typed out the sergeant typing it said to another police officer "You should have seen those fellows back there. They were the biggest men I have ever seen. They had bottles full of petrol and bags of square metal. You could see they were just a bunch of crims. They're mixed up with the Melbourne waterside push that you read about. There will be blood in the streets before this is over. We were lucky we were not bringing bodies down tonight."

None of the "Melbourne blokes" or members of the company were charged by the police.

BOB PRINGLE says in another affidavit:-

"On 24 October 1974 at about 8.30 pm I was in the street near the Labor Council Building in Sussex Street, Sydney. I saw a group of about 10 men in which was included N. Gallagher, S. Black, M. Greaney, R. Owens, L. Rourke, S. Brennan, L. Robinson, R. Keenan. They ran towards me and three of them, including Gallagher, crowded around me. L. Robinson was with him. Gallagher said "Hello Bob. Where are you going?" I said "I'm just going to let the blokes know you are still here." He said "It's on now. You can have it any way you like - guns if you want to."

WHAT ABOUT THE "GREEN BANS"?

The NSW Branch and the Federation have been under continual attack from the employers, the developers and the Liberal/Country Party Government for its concern with how the labour of builders labourers

effects the community and the effectiveness of "Green Bans" policy. \$5,000 million of development has been held up, none of which was to have housed or provided facilities for ordinary people. When all else failed, the opponents of "Green Bans" saw a crack in Gallagher.

Last year, when there was a concerted attack on the "Green Ban" in The Rocks by the employers and the Askin Government, Gallagher, instead of supporting the NSW Branch and the residents, claimed that he wanted to 'review the "Green Bans"' and that "Green Bans were going too far".

BRISBANE COURIER MAIL Oct. 27, 1973:-

"The Federation's Federal secretary (Mr. N. Gallagher) said last night the council would instruct the NSW Branch to lift some of its "green" bans.

If the NSW branch did not meet the council's decision, then some action would have to be taken against the branch, he said."

Gallagher SMH 14/10/74:-

"I'll have green ban soup for breakfast."

Federal Council Meeting minutes November 1973. Quote from Victorian report re the lifting of a ban on the Newport Power House, Melbourne:-

"We still kept the ban on with a demand that ESSO and the Government take responsibility for the death of Terry O'Connor and pay forty thousand dollars to Mrs. J. O'Connor. The \$40,000 has been paid."

\$40,000 was not paid to the Mrs. O'Connor herself but into a trust account of which the signatories

are unknown. The environmental issue has not been solved. The Victorian Trades Hall Council has a ban imposed on the Power House. This ban was imposed by the Victorian unions, almost unanimously.

Federal Management Committee meeting, Melb. Nov. 19, 1974. When Joe Owens asked why other unions had bans on the Newport Power House, GALLAGHER replied quote:-

"I couldn't care less. We've got our \$40,000."

NO "GREEN BANS" FOR SALE IN N.S.W.

The employers and developers would not be supporting Gallagher unless they thought he was more lenient about "Green Bans".

THREAT TO GALLAGHER'S POWER

Gallagher has a power mentality and needs registration of the union to widen his influence in the industry.

RON MASTER'S AFFIDAVIT:

"It is my understanding that Mr. Gallagher and other members of the executive of the Federal Union blame the executive of the State Union for the cancellation of the registration of the Federal Union."

As well as needing registration Gallagher is also concerned about his future as General Secretary following the amendments to the Conciliation and Arbitration Act in early 1974, which require that Federal officers of unions must face a ballot of the rank and file membership. With NSW the biggest branch in the Federation Gallagher needs control of NSW to maintain his position.

Authorised by Joe Owens & Bob Pringle on behalf of NSW Builders Labourers' Federation & Jack Cambourn on behalf of NSW FED & FA

