Industrial Relations Strategies in the Air Pilots' Dispute 1989

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Abstract

This paper examines the defeat of the Australian Federation of Air Pilots (AFAP) in the 1989 pilots' dispute in terms of strategic inertia. In challenging the Government, the Commission, the ACTU and the airlines over the wage fixation guidelines the AFAP failed to take full account of the current industrial relations context. A successful attempt by the Federation to achieve increases outside the indexation buidelines in 1977-78 ever one of the significant examples of AFAP strength in past campaigns which may have led the Federation leadership to emulate previous strategies. The AFAP thus limited consideration of tactical options in 1989. Its reaction to legal action initiated by the airlines was to organise the mass resignation of members, weakening its bargaining position. Both US air traffic controllers in their 1984 dispute and the AFAP maintained inflexible courses, ignoring every opportunity to retreat and regoup in the face of major defeats. In contrast, Qantas pilots and Australian Air Traffic Controllers gained significant salary increases within the guidelines. Having lost exclusive coverage of pilots, the Federation's future may now be dependent on closer links with the trade union movement and amalgamation.

1. Introduction

The 1989 air pilots' dispute ended in the defeat of the Australian Federation of Air Pilots; mass resignations reduced significantly the bargaining power of the union; and pilots now working in the major airlines have the open support of management for company associations of pilots and for "agency coverage" in the Commission by the Australian Transport Officers' Federation (ATOF).

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This paper is not an account of that dispute. It is rather an attempt to explain, in strategic terms, the role of the Federation's coantrobution to its own demise in the period August to December 1989. Strategic analysis identifies that the Federation applied a narrow range of options for action designed to achieve its objectives. The union leadership's adherence to established methods, its limited assessment of the industrial relations environment and its seeming inability both to recognize the full implications of its predicament and to adapt its tactics to the circumstances as events unfolded can be explained in terms of strategic inertia. Application of this concept is not predictive but provides a framework for some understanding of how a union can place its members' jobs and its viability at risk despite a successful industrial relations record.

At the end of the dispute, the Federation was reduced from its position as a union with 100 per cent unionisation and a strong industrial relations record to one of minimal influence in the major airlines. The AFAP's strategy and tactics will be compared and contrasted with two other contemporaneous disputes in the industry, earlier campaigns in 1977 and 1978 involving challenges to the wage fixation principles, and with a significant airline industry union defeat in the United States.

Despite the continuing agitation by the Federation and its members against the airlines, the Government and the Australian Council of Trade Unions (ACTU) the dispute had ended by Christmas 1989. Any assessment of the final outcomes will be speculative due to the proximity of events. The Federation, for example, is currently pursuing action in the High Court regarding alleged breaches of the Immigration Act in the recruitment of overseas pilots. It is also opposing the company sponsored attempts in the Commission for ATOF representation of pilots acting on behalf of the associations.

2. The Setting

The dispute erupted on 18 August 1989, when the AFAP applied a directive to its members in the two major airlines, East West Airlines and IPEC to work only between 9am and 5pm. This tactic effectively limited flights to between 10am and 4.45pm under the work rules set out in the pilot awards. The bans were implemented after Australian Airlines refused to negotiate any elements of a Federation log of claims which were outside the National Wage Fixation guidelines, in particular its salary ambit.

The employers - Australian Airlines Ltd, Ansett Transport Industries (Operations) Pty Ltd, East West Airlines (Operations) Pty Ltd and IPEC Aviation - coped with these arrangements, rescheduling aircraft, until 24 August. At that point the companies assessed that they would make no

progress in the face of the expressed determination of the AFAP to pursue its claims outside the wage fixation principles.

Following threats to do so, the airlines began issuing writs, suing the Federation, its officers and individual members. The leadership's response on 23 August, on ascertaining that the employers actually intended to pursue legal remedies, was to organise the mass resignation of pilots employed by the four carriers.

The companies broke off from proceedings before Mr Justice Coldham in the Commission, and applied to the Full Bench for the cancellation of the pilots' consent awards in each of the airlines. The Full Bench provided the AFAP a number of opportunities during the hearings, including a period of days to reconsider its position and to withdraw from its public avowal to pursue its claims outside the guidelines. The union, with its lawyers at its side, remained unswerving in its intentions and the Commission granted the employers' application. Subsequently the airlines lodged unilateral contracts for registration. These contained significant diminutions of conditions and work rules. The Commission then certified these contracts.

Several public deadlines for re-employment offers to AFAP members were ignored and the airlines commenced recruitment activities. They advertised and interviewed applicants in the United Kingdom and the United States as well as in Australia. The buildup of a new pilot workforce was very slow, with very few AFAP members breaking ranks, despite announcements by the operators that they were reconstituting the pilot workforce by substantially reducing pilot numbers. Throughout the early and middle stages of the dispute the airlines issued exaggerated claims of re-employment and recruitment in an apparent attempt to provoke individual AFAP members into breaking ranks and rejoining the companies.

Early airline attempts to get their own aircraft flying were therefore extremely limited with management pilots crewing flights. The Government immediately supplied up to 12 military aircraft at a time from 25 August. Additional assistance was provided by the Hawke Government which agreed to forego Civil Aviation Authority (CAA) and Federal Airports Corporation charges equal to the cost of retaining all other airline employees on the payroll. This compensation accompanied a joint ACTU-airline unions and companies agreement to avoid stand-downs, which initially had involved utilisation of leave entitlements and even leave in advance of entitlement. Only the Flight Attendants Association (AFAA) among the airline unions refused to sign the agreement leading to stand-downs of flight attendants. Agreement was reached, however, regarding the rostering of flight attendants for the limited airline operations.

Aircraft and crew charters from European and United States sources were also utilised in airline schedules by the airlines as they became available at the end of the northern hemisphere summer season and international carriers were granted limited ability to carry some domestic passengers.

Union Strategic Decision-Making

The Federation undertook a rational and deliberative process of planning for this confrontation. Trade unions consciously adopt policies determined at various levels of decision-making according to the formal constitution of the union. Sometimes decisions may be taken by the leadership and later referred to those bodies for ratification. Ad hoc decision-making may be the rule; sometimes a union will adopt a framework of action to deal with immediate issues, which meets long-term objectives.

Union strategy is linked to the discussion of rational choices between alternative courses of action, which are subject to a planning process. Planning is conscious and deliberative. As well, rational choices may be exercised on the basis of assumptions alone without any open assessment of options for action in dealing with an immediate or anticipated industrial situation.

Crouch (1982) takes the analysis further in discussing the collective actions of trade unions:

A choice of strategy is not just a choice between goals set in the context of the means needed to secure them. It may often happen that a union pursues a less desired goal because the means available to secure it are less hazardous than those needed for a more desired goal. The result is often peculiar: unions and workers are seen to pursue a strategy which no one really wants. But the alternative may have been securing no goal at all. (Cited in Crow 1989, p. 16, emphasis in original).

The response of most trade unions to The Accord and the national wage fixation principles in the period 1983 to 1989 may be explained by a concern for the outcomes if wage restraint had not been exercised.

Trade unions are for ever mindful of their formal, constitutional objects in planning or deciding on action. The dynamics of collective decision-making might determine whether the approaches taken are long term or expedient. Whether or not a union plans a deliberative course of action in dealing with goals fashioned to meet such long-term objectives or improvises responses to situations as they arise, and whether or not the implementation of such decisions is best calculated to achieve its objectives, the union does make rational choices about industrial relations.

Thus, the principle object of the Australian Federation of Air Pilots is

To protect and further the interests of the profession of Air Pilots ... and to safeguard and improve the interests and rights of Members of the Federation. (AFAPRules, 3A)

Such an object drives the ongoing preoccupations of the union. Union strategy and tactics can be viewed as the implementation of primary objectives. Implementation involves rational assessment of the various means available towards achieving goals derived from those objectives and the consequent action taken to effect them. In union strategy the long term objective may determine approaches to immediate problems. If the responses adopted are "perceived to be long-term and large in scope, the union response is multi-level and meant to be carried out over an extensive period of time". A distinction may be drawn between strategy and tactics. The latter may be defined as "a short term response to a defined problem ... distinguished from strategic response by its single-level, short term nature" and by limited conception (Lipsig-Mumme 1989, p. 231). Gardner (1989, p. 55) likewise eschews the application of the notion of strategy to action formulated to achieve a set of goals but observes that a "union strategy is an unconscious accumulation of decisions about tactics and methods which gradually consolidates into a consistent and regular way of putting programmes and policies into effect" (ibid, p. 53). The AFAP, while consciously planning for its 1989 campaign, adopted approaches that uncritically applied the Federation's standard formula for dealing with industrial issues. Other writers have noted that strategy has "connotations of comprehensiveness, coherence, long-term perspectives and consciousness" (Wood and Kelly, 1989, 2).

Hyman critically observes that, where short-term strategies (tactics) are counterposed against long-term strategies and micro against macro considerations, commentators draw the conclusion that

moderation of goals and restraint in tactics are no more than the enlightened self-interest of trade union members. Thus, militancy of actions or objectives must reflect short-sightedness, sectional selfishness, or politically motivated irresponsibility that may, in the interests of 'the union as a whole, be suppressed (1989, p. 108).

This paper suggests that characterizing the AFAP's attack on the wage fixation principles as nothing more than greedy self-interest does nothing to explain the Federation's handling of the dispute.

Tactics and methods adopted to effect a strategy determined by the primary objects of a union might be conceived in such a way that they threaten its viability in promoting and protecting its members' interests or even its very existence:

The cruellest of the contradictions facing trade unionists is that those in positions of economic and social dominance - resistance to whom is the fundamental purpose of collective action - can readily apply their power to threaten the very security and survival of union organisation ... The possibility of repression can never be wholly ignored, therefore, when trade unionists formulate their objectives" (Hyman 1985, p. 88).

The Federation, a powerful union, never anticipated that its campaign would provide the employers with an unprecedented opportunity to restructure the pilot workforce. The airlines drastically reduced numbers and undermining all the working conditions enjoyed under the pilots' awards. At the same time they won civil damages against the AFAP which have the potential to financially cripple the Federation.

One way of understanding the Federation's handling of the 1989 dispute might be to conclude that the AFAP articulated a tactical response to a broad and long-term problem (Lipsig-Mumme 1989, p. 231). Further insight can be gained from a perspective that the Federation had developed an approach which was in conformity with established strategic methods but which failed to take account of, or analyse the contextual changes in Australian industrial relations. This approach has been characterized as strategic inertia, which constrains organisations from adapting to changed circumstances (Gardner 1989, p. 64, Boeker 1989, p. 490). Strategic inertia does not mean that the union does not make choices about planned action: the decision-making process is flawed not because the union might be outmanoeuvred by employers, but because its conception of the choices available for action fails to include environmental, or contextual factors which may unnecessarily place at risk central and ongoing objectives of the organisation, including its continuing effectiveness or its very survival.

In determining approaches to particular industrial relations problems, "... it is one of the key tasks of a sophisticated trade union organisation to advise members when militancy is likely to bring success, when its efficacy is doubtful, and when it may even play into the hands of management" (Hyman 1989, p. 99).

This process involves reading the state of play: observing the intentions and strategic choices available to all the players; picking the mood of the principals and of their managers and the likelihood of their choosing one

option or other of the alternatives available to them; assessing the rules of the game currently applying; noting any other conditions which may bear upon the strategic choices of the other players; recognising the relative strengths.

the strategic choices of the other players; recognising the relative strengths and weakness of their own side; and observing the state of the playing field.

Although the Federation planned a campaign before it confronted the airlines with its demands for salary restoration, its leadership does not seem to have developed any overview of the battleground into which it was leading its members.

Kochan et al, in discussing changes in business strategy, observe that abrupt changes to the industrial relations strategy of employers can occur because of competitive shocks such as deregulation (1984, p. 24). Strategic adjustments may anticipate or follow deregulation. In the restricted competitive environment of the two airline system in Australia it is not surprising that the two major airlines should adopt some co-operative strategies in the leadup to deregulation of the industry. Joint industrial relations strategies were not surprising where previously each airline had separately and discretely responded to union demands. The Pilots' Federation since 1974 had adopted the practice of negotiating with the airlines separately, mounting a campaign on one company at a time (Blain 1984, pp. 138-139). This practice was likewise followed by the other air crew unions, the AFAA and the Australian Airline Flight Engineers' Association (AAFEA).

These three unions exploited the market vulnerability of one airline or the other to the advantages of the non-affected carrier. A market advantage gained by one during a period of industrial unrest experienced by the other might have long term market effects. Therefore, the tactic proved to be effective and there was no incentive for the two major airlines to co-operate. Such tactics exploited the high cost to either airline of both lost revenue for the duration of the industrial action, and, the loss of patronage which might eventuate from threatened or actual action (Blain 1984, pp. 143-144). It is possible that separate disputes between Ansett and AAFEA and AFAA in 1988-1989 over the introduction of the Airbus Industrie A320 aircraft contributed to the market advantage gained by Australian Airline Pilots prior to the pilots' dispute.

4. The Airlines' Response

Weathering a major pilot strike while holding a unified position against the pilots' claims held significant advantages for the major domestic airlines. Firstly, adherence to the Accord and the wage fixing guidelines gave public moral strength to their position. It had not been unknown for the airlines to strike over-award agreements with the Federation and other unions prior to the Accord period (1983-1990). On this occasion the companies were not

prepared to consider any deals outside the wage fixing guidelines. The government's monitoring of the AFAP's intentions and the ACTU's threat of a wages blowout placed constraints on the airlines. Furthermore, with one of the two major airlines effectively owned by the Government (Australian Airlines), there could be no consideration of this airline, individually or together with its main rival (Ansett) conspiring to circumvent the wage package element in the Government's economic program in order to maintain industrial peace with the Federation. At least one of the air crew unions (AAFEA) had publicly announced its intention of pursuing claims outside the Accord if the pilots were successful. Air Traffic Controllers had also declared informally that if pilots received increases above the six per cent allowed by National Wage guidelines they would abandon the wages system and tie their campaign to the pilots' (Sydney Morning Herald, 15 August 1989). A joint stiffening of responses to nonconformist claims was in tune with the industrial relations climate of the Accord. There might also have been a reasonable expectation that both the Government and the ACTU would support the airlines' stand against any attempt by the AFAP to break down the Accord by campaigning for salary increases outside the wage fixation guidelines.

Secondly, with the advent of deregulation any industrial confrontation provided a shared motivation to weaken the bargaining power of the AFAP, which had openly foreshadowed its intentions to confront the airlines. Both carriers were now prepared to collectively carry the cost of a significant strike. Their readiness to take on the Federation in a head to head contest was revealed in information comments by Ansett's Personnel and Industrial Relations Manager for flight crew in a widely publicised comment that "We are going to crush you bastards. We are going to teach you ... a lesson" (Brooking J. 1989, p. 81).

A third motivation for the airlines to co-operate was to pre-empt any attempts by other unions, which likewise might have been tempted to exploit their bargaining position as deregulation approached. By dealing harshly with the Federation, arguably one of the most powerful unions in the airline sector, the airlines gained an opportunity to maintain industrial discipline over all the industry's unions. This freed management to concentrate on the market challenges ahead. The aloofness of the AFAP from the other unions, including the two other aircrew unions, was known to the management (two of Ansett's senior industrial relations and human resources managers had been recruited from the union movement, one from the ACTU and the other had been Executive Director of the AFAP). The continued preparedness of the ACTU affiliates to abide by the National Wage Case decision made unlikely the eventuality of significant or active support from the other unions whose

members were also experiencing loss of purchasing power under the Accord. In any case, were the Federation to ground the domestic airlines' fleet, it did not matter in a conventional dispute whether other unions actively supported the Federation's moves insofar as both carriers would be unable to conduct their business for the duration of the dispute. The strategy of the airlines would have been unaffected by the question of how many of the unions might support the AFAP unless, of course, the airlines were able to keep at least some of their fleet in the air. In that case the co-operation of the other unions would be paramount. Later, of course, the Government was to provide very real assistance to the employers to retain airline workers on the payroll and to keep limited schedules operating.

The award restructuring and structural efficiency principles provided the airlines with an opportunity to introduce labour force changes yet maintain stability before deregulation was effected. Such changes might have enhanced the existing carriers' opportunity to meet the competitive challenges of new operators by introducing agreed efficiencies leading to greater scheduling and other operational flexibilities and reducing labour costs without major disputation. Changes regarded as necessary to assist the competitive advantage of the existing carriers could thus have been brought about by features of the centralised wage fixation process, although such changes might be less than those for which the airlines would wish. As Cappelli has argued regarding deregulation of the airline industry in the United States. competitive pressures unleashed by deregulation would not of themselves produce changes in industrial relations (Cappelli 1985, p. 317). Thus, by a different route Australian operators might have anticipated changes occurring independently of deregulation pressures without an all out confrontation with the unions. The AFAP for its part had openly anticipated post-deregulation pressures on pilots' salary, terms and conditions of employment (AFAP 1989a). There was an opportunity for both the AFAP and the existing carriers to share advantages: by adopting such options as applying to the Commission to rope in new airlines to existing awards, the AFAP might have ensured all mainline pilots enjoyed similar conditions, offsetting pressures on the terms and conditions of members in the established airlines. Success in maintaining existing awards in Ansett, Australian and East-West Airlines might have also assisted these companies whose new rivals would have then faced industrial pressures on salary and work practices existing in the established carriers. The outcome of the dispute has lost the AFAP not only all the terms and conditions set out in the cancelled awards, but also its bargaining strength with respect to the terms and conditions of any of its members signing up with the new airlines. New operators will not be constrained to the degree they might otherwise have been in matching the conditions set out in

the pre-existing awards for crews in the established airlines. The new mainline contracts are now the industry standard for pilots. In a fare-cutting environment (already commencing prior to deregulation) additional labour costs on the budgets of new carriers would be to the advantage of established airlines.

5. The Federation's Strategic Planning

The industrial situation leading up to the pilots' dispute was relatively stable. All the other unions in the industry had abided by the terms of the Accord. Those which had commenced negotiations with the airlines had done so within the constraints of the 1988 National Wage Case decision. Initially uncertainty followed in the February 1989 National Wage Review (AIRC 1989a). After the August 1989 National Wage Case there was a realisation that the "special Case" provisions made possible wage increases in excess of the second stage three per cent which was dependent on substantial award restructuring and structural efficiency progress. Successive ACTU Special Unions Conferences had supported the wage packages set out in National Wage Case decisions, despite considerable debate about the efficacy of such support. The AFAP, until August 1989, had also given the required undertakings to the Commission. Disputes between Ansett and the AAFEA over the crew size of the A320 had been resolved with a redundancy agreement in September 1988, as had a subsequent dispute with the AFAA over the size of flight attendant crews on the same aircraft.

The experience of deregulation in the United States (Kochan 1984, p. 28), suggests that the air crew unions, were in a strong position, despite the Accord limitations, to influence the industrial relations decisions of all the airlines in the lead up to deregulation. The closed shop unionisation and collective bargaining which was a feature of the air crew unions in Australian main line carriers strengthened this position. Indeed, in January 1989 the AAFEA had called upon the AFAP and the AFAA to join it in developing joint strategies to deal with the airlines in the pre-deregulation period. Meetings between the three unions were never held, ostensibly because the AFAP President was unavailable due to his personal training requirements (he was being trained as a Boeing 727 airline captain).

The prime object of the AFAP has been cited already. The second is as follows: "To secure the elevation of the Profession of Commercial Air Pilots, and to improve the terms and conditions of their employment" (AFAP Rules, 3(b)).

This object drives the Federation's activity regarding salaries and terms and conditions of employment. For the duration of the Accord most groups, including pilots, experienced salary and wage slippage against inflation. The

President of the AFAP, Captain Brian McCarthy, articulated at stopwork meetings held during February 1989, the concern felt by the AFAP leadership at the continued erosion of pilots' real salaries:

Since 1983 this [ACTU-Government Accord wage system] has been consistent, but now the time has come for us to make known loudly and clearly that we are tired of this wage system into which we have had no effective input, a system which is causing all pilots in Australia to suffer financially whilst the companies make record profits."

He referred at the same time to the Federation's previous commitment in September 1988 to abide by the wage fixing principles. It was based upon predictions of 4.5 per cent inflation and that tax rates for high income earners would be cut. He told the meetings that inflation was running at 7.7 per cent and that not only had the tax cuts been delayed but also that they may never eventuate. Captain McCarthy then drew attention to press reports of increases in executive salaries and finally to increases granted to politicians. These factors featured in the leadership's aims in calling stopwork meetings at the outset of its campaign "to allow us to address you fully on these issues and alert you to the direction of your elected representatives and staff" (AFAP 1989a, emphasis in italics added). The determination of overall strategy was, then, co-ordinated centrally and the Federation, both through its circulars and stopwork meetings, kept its members informed of developments and involved in the leadership's strategic decisions.

The Executive Director of the Federation, Mr Terry O'Connor, a career union official with the AFAP, advised the meetings of the plans to be adopted by the Federation:

We are now at the stage of deciding whether or not this [wages] system will ever provide us with real wage maintenance. A major reason for the stopworks being called was to inform you of the major battle ahead should the existing system not become flexible or pragmatic enough to remedy your real salary slippage. Should it reach that stage then it will be a real battle, as we will be fighting the Government, the Arbitration system, the companies and all the vested interests. Pilots by being UNITED have done it before and we can do it again. (AFAP 1989b, emphasis in italics added)

The meetings resolved "that the Federation informs the Government and all the Companies of its intent to restore pilot salaries by 1989 using every means available" (AFAP 1989a)

The strategy, centrally devised by the leadership which the meetings had been called to endorse, contained the following elements: the objective was to restore pilots' salaries, later identified in a salary claim for 29 per cent based upon "a comparison of professional salary movements and cost of living" for the period 1983-1989 (AFAP 1989f). This was to be achieved by utilizing industrial tactics which had historically achieved gains for the pilots even in confrontation over wage fixation guidelines in the indexation period. In the face of expected and strong opposition from a number of quarters, membership unity was to be maintained and emphasised by a program preparing pilots for the conflict. The Executive Director's words reveal that the Federation's leadership clearly understood that any attempt to move outside the wage fixation system established under the Accord would involve an industrial and political battle on a number of fronts, including the ACTU (AFAP 1989e). The Federation believed that it was fully prepared. Members were told that:

This was not going to be a hit and miss exercise, it was to be a campaign of careful planning aimed at ensuring pilot preparedness, mentally and financially (AFAP 1989d, emphasis in original).

Comments by the AFAP President suggest also that the strategy was devised consciously with an objective being to restore the industrial strength of the Federation prior to deregulation, perceived to be weakened by the constraints of the Accord and the national wage fixation principles:

We are also on the verge of the new deregulated era in Australian Aviation (Thursday 1st November, 1989), and we must ensure the Companies know we are around and will continue to be a force. In the lead up to, and in the first few years of deregulation, we will be subjected to commercial arguments by our Companies and some of our pilots that new operator's pilots are paid lower and work harder than you.

... The early U.S. deregulation scenario (of concession bargaining) should never loom in our minds (AFAP 1989a).

Preparation of the members for a prolonged dispute continued beyond the stopwork meetings which endorsed the campaign. The Federation issued a bulletin which advised members on financial steps which should be taken in anticipation of a substantial "Non-Income Period" (AFAP 1989c). Issue No

5 of "Deadline '89" addressed the probability of a hostile press during the campaign. Reports on the February 1989 stopwork meetings and of previous industrial action by pilots were introduced to illustrate the expected media reaction (AFAP 1989e).

Direct communications to members suggest that the AFAP entered into the dispute with a plan of action designed to fulfil its objectives of improving its members' salaries outside the Accord, to restore salaries and to counteract strong opposition on a number of fronts. Nonetheless, the preparation appears to have lacked any real depth of analysis of the context in which the Federation was embarking on its course of confrontation.

6. Other Airline Industry Responses

The Federation's handling of the National Wage decisions of 1988 and 1989 is in contrast to that of some of the other unions, specifically the Civil Air Operations Officers' Association of Australia (CAOOAA) representing Air Traffic Controllers (ATC) and the Australian International Pilots' Association (AIPA) which covers pilots employed by Qantas. Both unions cover workers in the airline industry. As in the case of AFAP, their members are relatively highly paid workers. Neither these two unions nor the AFAP are affiliated with the ACTU.

AIPA embarked upon the award restructuring exercise, within the principles, at the same time incorporating discussions regarding pilot rates for the new Boeing 747-400. This plane's design technology is claimed to obviate the need for a third crew member, (the flight engineer), and to place additional work value requirements on pilots. These negotiations commenced prior to the domestic pilots' crisis. Ultimately, Qantas pilots gained from six to 17 per cent increases under the special case provisions of the wage guidelines. AIPA resisted any temptation to join AFAP in its campaign.

Comparing the rates gained by Qantas pilots against those received by domestic pilots under the unilateral awards registered by the Commission, the Industrial Relations Manager of AIPA, Mr Don Gray, was reported as stating, "we are not complaining [that a Boeing 767 Captain Qantas receives some \$18,000 less than a Boeing 767 Captain in Ansett] because our rises were fully arbitrated and we didn't need to go on strike for months to get them" (Sunday Telegraph, 10 December 1989). Furthermore, AIPA had not lost working conditions in their entirety as had their domestic colleagues, although there had been significant structural efficiencies negotiated. The Commission accepted, for example, that extended flight time limitations within the Civil Aviation Orders represented "a potential manpower productivity improvement of approximately 26 per cent on conventional Boeing 747 aircraft (AIRC 1990, p. 3).

During the course of the protracted negotiations, AIPA warned that if the commitments by Qantas to salary increases under the award restructuring and structural efficiency principle abrogated an earlier agreement reached with Qantas for Boeing 747-400 pilots, the domestic pilots' dispute could spread to the national carrier. The AIPA President, referring to the Government's close monitoring of all statutory body agreements, observed that the agreement had been reached "without coercion, threats, or industrial pressure ... For political reasons that has now changed". He issued a further warning that if the agreement were not settled, pilots might not fly the 400 series upon its expected delivery in December 1989 (Australian Financial Review, 12 October 1989). In the event, the settled rates were lower than those originally agreed, without any action being taken.

Air Traffic Controllers had conducted an aggressive campaign during the latter half of 1988 and into 1989 regarding staffing levels, inadequate equipment and aircraft control procedures. The dispute was nationwide, but its initial impetus came from members in Sydney, Australia's busiest airport, where aircraft movement problems and outdated equipment were most severe. In contrast to the AFAP, the CAOOAA from the outset was advised by its leadership in February 1989 that

... the only legitimate way the log of claims could be processed was within the current wage fixing principles ... It would have been irresponsible of us to advise the Sydney members that industrial action would achieve their claims as we are **not** in the business of raising false hopes and expectations. (CAOOAA 1989a, emphasis in original)

There were unusual aspects of the ATC's dispute, including closures of airports arising from ATCs reporting sick, which the Commission on a number of occasions found to constitute illegal industrial action (AIRC 1989b, p. 2). The Commission imposed stand down clauses in the Award (AIRC 1989c) in response and imposed an order on the ACOAA to lift bans and limitations (AIRC 1989d). The Association persisted with Commission proceedings despite concerns about obstruction from the federal Government and the employer the Civil Aviation Authority (CAA) (CAOOAA 1989b). The CAOOAA managed the dispute through a range of industrial relations activities including bans and stopwork meetings in addition to negotiations with the CAA. Members were kept closely informed of each development as it occurred.

In September 1989, the Full Bench applied the special case provisions of the wage guidelines and awarded increases of between 8.6 and 16.2 per cent (AIRC 1989b). Internally, the Federal Executive felt that the decision of the Full Bench of the Commission "had not taken account of significant productivity increases and further has tacitly accepted the submissions made by the employers without having taken account of those productivity factors". When some members pushed for further action following the Commission's decision, the leadership obtained further legal advice addressing among other matters the dangers of further confrontation with the Commission. The advice circulated to members, inter alia, pointed out the lessons of the pilots' dispute for legal remedies available to the employers and the Government where industrial action is used as a tactic to obtain increases outside the wage fixation principles (CAOOAA 1989c).

The Air Traffic Controllers' dispute threatened to be a major confrontation. The CAA claimed that the CAOOAA salary claim ranged from 25 per cent to 41 per cent and was outside the wage fixation guidelines (Daily Telegraph, 26 February 1989). Sydney controllers announced their intention to defy any bans clauses imposed by the Commission. They initially rejected the leadership's recommendations to concentrate on negotiating an award restructure package. Although there was evidence of dissent among the membership, a stopwork meeting of members in Sydney voted to accept proposals discussed with the CAA. This cleared some of the immediate obstacles to the continuation of negotiations (CAOOAA 1989d). Continuing tensions resulted in the intervention of the Prime Minister following continuing disruption to services caused by ATCs reporting sick. Mr Hawke threatened that the Government would "take whatever action it deems necessary" to ensure resumption of normal service. For its part the Association denied that any industrial action was being initiated (Australian, 1 June 1989). Thus the firm intervention of the Government in the pilots' dispute had an immediate precedent. The matters were referred to the Commission and hearings before the Full Bench commenced on 16 June 1989.

Both AIPA and CAOOAA experienced similar pressures on salaries from the Accord to those experienced by the AFAP. In the case of the Air Traffic Controllers, the situation was exacerbated by the disputes over staffing levels and equipment. Although there was obvious dissatisfaction with the limitations imposed by the wage guidelines, the special case provision granted sufficient flexibility for the achievement of acceptable outcomes, a factor which had been publicly and privately put to AFAP by the ACTU. The AFAP leadership appeared to have been mesmerised by its strategy and incapable of incorporating the August 1989 National Wage Case decision or the ACTU advice into any tactical adjustment. The ostensible objective of the campaign was to restore salaries: an opportunity, demonstrated by the CAOOAA's and AIPA's persistence with the wage fixation guidelines in which substantial salary recovery was achieved. This was lost to the pilots,

although the new airline contracts, while demanding longer hours and less generous conditions, provided substantial increases.

7. US Air Traffic Controllers' Defeat

Another case, which is a spectacular example of strategic inertia, is the air traffic controllers' dispute and defeat in the United States in 1981. The PATCO leadership, sharing some aspects of the AFAP's handling of its dispute, likewise failed to adjust strategies or tactics to the political and industrial environment of the dispute either in the formulation of strategic choices or in the unions' conduct of industrial action in the heat of the dispute.

The 1981 air traffic controllers' dispute in the United States resulted in the dissolution of the Professional Air Traffic Controllers Organisation (PATCO). A new leadership adopted as its principal objectives the removal from the hands of Congress of the determination of Air Traffic Controllers' terms and conditions of employment and access to the processes of collective bargaining, including the legalisation of strikes. The President of PATCO described the campaign as "our most difficult challenge ... which will test our union as it has never been tested". Members were told that the union would conduct "the definitive strike" which would win PATCO its goals. The plan called for very high initial demands; any agreement reached by the union negotiating committee would be repudiated by the Executive Board, and it was hoped, the membership. The intentions of the leadership were as explicit and open as those of the AFAP. Discipline was to be maintained by a central group. With the implementation of strike action as the plan unfolded, the leadership ignored political signals that Congress would not entertain such action; warnings from the White House and Cabinet that the President would meet the strikers head on; and clear indications that the air transport system would be kept in the air by whatever means were necessary to break the strike.

Control towers were subsequently manned by controllers who refused to strike and by military controllers. They were joined by retirees and supervisors. Service was restored with a substantially reduced workforce. PATCO, its officials and members were served with injunctions, criminal and contempt actions by Government and the Air Transport Association representing the airlines. The union was decertified by the Federal Labor Relations Authority upon the application of the employer, the Federal Aviation Administration. It received no active support from the union movement, although there was some symbolic support especially in calls for amnesty for striking controllers. The Air Line Pilots' Association believed that PATCO'S action threatened pilot jobs and its demands generated little sympathy among lower paid unionists (Northrup 1984, pp. 167-182).

PATCO followed its game plan despite isolation from the US labour movement; the clear message from Congress that it would not tolerate strike action; and the determination of a White House administration which was uncompromising in it supposition to concessions to the union, and was prepared to sack all controllers who did not meet a deadline to return to work. The union's tenacity was not altered by the fact that about one quarter of controllers had not initially gone out on strike, nor by the fact that the number of controllers returning to work provided a basis for rebuilding the air traffic control service (Northrup 1984, pp. 178-179).

Neither the AFAP nor PATCO demonstrated that they had planned for any eventuality of defeat or serious setbacks to their campaigns. They eschewed any opportunities to regroup when it became clear that their strategies were inadequate to meet the threats to their viability as industrial organisations.

8. Determinants of the AFAP's Strategy and Tactics

A combination of "strong membership solidarity and forceful leadership" has been identified as "an important source of the bargaining power of the pilots" in Australia and has been regarded as developing among pilots a willingness to utilize that power in the union's dealings with the airlines (Blain, 1984, pp. 136-137). Referring to the development of pilots' terms and conditions of employment from 1948 to 1981, Blain (p. 167) notes that on the whole, direct negotiation and direct action within the conciliation and arbitration system have been the methods employed by the AFAP and its predecessor organisations to achieve their gains. From 1967, with the Airline Pilots (Oantas) Agreement, based on the Pan American Airways contract, the AFAP has consciously pursued North American style agreements. These included the collective bargaining models of the United States system, many features of the American pilots' contracts, including the seniority based bidding system of allocating available flying. The "militancy" of the AFAP is more aligned with this methodology than with a propensity to strike or take other direct industrial action.

Forceful leadership characterised much of the postwar history of the pilots' unions in Australia. This is well characterised by a 1954 address to the Executive Committee of the then Australian Air Pilots Association by Capt. R. Hold, later the longest serving President of the AFAP:

... if we wish at any time to use the considerable power that we hold in the airline industry, we are a force with which any group of employers must reckon ... We need members to stiffen their backbones, and therefore stiffen that of the Association ... if all our conditions have not been met, we will simply go on strike and stay there until they are. Ha! some of you will say, this is illegal, red, unprecedented etc., we will be outside Court, we will be unpopular, we will throw people out of work ... Let us fight with the attitude that 'ATTACK is the only DEFENCE' and let us not retreat one inch on any form of bargaining after the strike conditions have been finally laid down by our executive". (Blain 1984, p. 24)

This rhetoric illustrates the kind of thinking which drove the AFAP leader-ship's preparation of the membership for the expected battle once the Federation moved outside the boundaries of the wage fixation principles. The influence of Capt. Hold was still at work during this dispute: he placed a full page advertisement in the national press condemning the airlines, the Government and the ACTU. In addition, the leadership permitted him to write a four page edition of "Dateline '89" to the members.

When Captain McCarthy denied the militancy of the Federation and cited the last stoppages as 1977 (Ansett) and 1978 (Australian), he was correct insofar as collective negotiations over contract renewals had not been accompanied by strike action for 11 years (AFAP 1989a). The Federation had then experienced confrontation over the application of National Wage Fixation Principles. In 1977, the AFAP sought to address the effects of plateau indexation on pilots' salaries in Ansett and repeated the exercise at Trans Australia Airlines (TAA, later Australian Airlines) in 1978. In the first instance the employer's recourse to the Flight Crew Officers Industrial Tribunal was met by a two day strike before a settlement was reached which provided an estimated 10 per cent increase in non-wage benefits. At TAA resolution was protracted. A four day strike at the end of April 1978 followed refusal by the Minister for Employment and Industrial Relations and TAA to negotiate any settle settlement outside the guidelines. The Tribunal did not certify the agreement reached until 22 December 1978. Non-wage elements in the two different agreements included improved allowances and expenses, application of the 17.5 per cent leave loading, reduced superannuation contributions, concessional travel and, in TAA, pay increases for first officers (Blain 1984, pp. 80-81).

The constraints of centralised wage fixation imposed by the Accord and National Wage Case decisions constitute a major limitation on collective bargaining by both narrowing the scope of negotiation to the wage fixation principles and by setting the agenda for bargaining under the award restructuring and structural efficiency principles. To a union long used to regular patterns of bargaining on an agenda initiated to a significant degree by the Federation itself, and which has had the industrial strength to expect positive

outcomes from its efforts, September 1988 marked the end of its preparedness to accept the lesser outcomes of the Accord.

What the Federation leadership did not appreciate was that the presence of the Accord and its continued adherence by the trade union movement as a whole was a condition whose effects on the aspirations of any group of workers could not be ignored. Indeed, setting aside the universal application of the principles to wage and salary earners, the Federation's response to the breakdown of negotiations with the airlines was to announce that the guidelines were not appropriate for pilots. The AFAP President publicly declared, "As president, I cannot commit this organisation to a set of principles not appropriate to our profession". He concluded, "We now believe that it is time to step off the treadmill as we do not know where it is going or for how long", (Brooking, J., 1989, p. 18).

With the experience of having won gains in the 1970s to offset the perceived disadvantages of wage fixation guidelines under plateau indexation, the Federation expected that it retained the relative strength to overcome the perceived disadvantages experienced under the Accord. If this were implicit in its strategy formulation the AFAP did not take account of the differences. In the first place, plateau indexation affected only the higher paid workers. Although both plateau indexation in the 1970s and the flat dollar increases in National Wage decision during the Accord period compressed relativities, in the latter case that compression has been experienced across the board and in the context of general, albeit uneasy, acceptance by the unions of the conditions of the Accord. Not having been treated differentially under the Accord, pilots and other high income groups have had no special claims regarding slippage over and above the rest of the union movement.

Secondly, with the Commission granting full indexation in only three out of 15 cases from 1976 to 1981, there was general disquiet within the union movement over real wage losses. In March 1978 the ACTU endorsed wage campaigns outside the guidelines (Plowman 1983, pp. 418-419). Thus, the AFAP's actions were consistent with that of other unions. By contrast, in 1989 the AFAP challenged a wages system which enjoyed the pragmatic support of the trade union movement.

Thirdly, the Liberal-National Coalition Government was involved in the TAA dispute in 1978 in defence of the wage fixation guidelines and as owner. However, indexation was not part of the Government's fiscal and monetary agenda. The wage fixation principles under the Accord are a key element in the Hawke Government's economic program. Consequently it is not surprising that the intervention of the Federal Government in a dispute which threatened to undermine this key element it its economic planning, had significantly greater impetus than if it merely adopted its role as the owner of Australian Airlines. What was surprising was the personal vehemence of the

Prime Minister's utterances. His statements, while toned down slightly in September, still emphasised "the greedy and destructive line of the Federation". He repeated the Government's "absolute resolve and capacity to protect Australia's national interest in this dispute" (Hawke, 1989).

Fourthly, the airlines in 1977-78 were under the steady umbrella of the two airline policy; in 1989 they together faced the certainty of approaching deregulation with the expectation of vigorous new carriers creating strong pressures on costs in all areas of operations arising from fare reductions in market competition. They thus shared a common interest in holding off any unions whose claims would add to labour costs over and above increases arising from National Wage Case decisions. The Federation logged the airlines separately and the companies dealt with the claims in separate disputes in 1977-78. Although the union again logged the airlines separately and commenced separate discussions with Australian Airlines in June 1989, the determination to breach the guidelines was met by an equally determined, coordinated response.

A worldwide shortage of pilots was widely reported in industry journals during 1988-89. In 1989 there was a severe shortage in the United States before the Eastern Airlines strike, where ALPA joined in sympathy with the International Association of Machinists, which represents ground engineers (Cohen 1990, p. 322). Against this shortage the perceived effect of the skills monopoly might have led the Federation to feel absolutely confident in the strength of its position. Blain (1984, pp. 144-146) ascribes a "technological stranglehold" to pilots, which provides the Federation with "a fundamental, deep seated source of the pilots' strong bargaining power". The elements of this feature include firstly the ability of pilots to ground all aircraft; secondly, as a lengthy period of training is necessary to fly a given type of aircraft and flying is closely prescribed by Civil Aviation Orders and Regulations, the ability of pilots to replace striking pilots is extremely limited; thirdly, operational decisions regarding the safety of aircraft and passengers is ultimately in the hands of the captain; and finally, the costs of ongoing training increase pilots' value to the company. Referring to the recruitment from overseas of pilots to break a strike, Blain (p. 145) observes that such an unprecedented action was unlikely to succeed given the AFAP's strong links with the International Federation of Air Pilots' Associations (IFALPA). This view, however, has been tested by a number of disputes in the United States: almost 1000 pilots were recruited during the two year long Continental Airlines strike in 1983 mostly from the ranks of ALPA members who had been employed in that company before the strike. During the 1988-89 Eastern Airlines dispute ALPA was again undermined by the recruitment of pilots (Cohen 1990, p. 322). Active support by IFALPA and its affiliates for the Federation was a difficult question in the light of the resignation of Federation members. They were not on strike and therefore charter crews and foreign recruits were not strike breakers. Similar logic was applied by other trade unions within Australia.

When the airlines threatened legal action under common law and commenced serving writs on the Federation, its officers and individual members, the AFAP leadership organised the mass resignation of its members, acting upon advice from its lawyers. Such an extreme step which is sometimes threatened by groups with a skills and training monopoly or where replacement is slow and difficult due to labour shortages, would have attractions for a group confident in its ability to bring the employers to their knees. Thus, there appeared to be a further assumption in the Federation's reaction to legal action: that the resignations would enhance its bargaining position.

On the contrary, the airlines applied to the Commission for the cancellation of the pilots' awards and when their applications were granted lodged new contracts for registration. Whatever bargaining position the Federation enjoyed at that point rested only in the hands of the employers and the Commission. Despite the certitude of its defeat, the AFAP leadership at every step during the hearings maintained its stance of rejecting the guidelines. As it lost its awards, as the airlines began recruiting albeit with only a trickle of applicants both from Australia and from overseas, as the Government weighed in with military aircraft, as the airlines gained time to lease aircraft from Europe and North America at the end of the busy northern hemisphere summer, as the few but symbolic flights crewed by management pilots took to the air, and as it remained in self-imposed isolation from the trade union movement, the leadership seemed unaware that the Federation's only salvation lay in abandoning its mission against the wage fixation guidelines and pledging the union to the Accord. The AFAP rejected every step which might have ensured the return of significant numbers of members to the ranks of the airlines and every offer of assistance from the ACTU both to regain some control over the profession and to obtain increases under the special case provision of the wage fixation guidelines.

However the Federation was not alone in its intransigence. A number of public and private attempts at intercession were rejected by both the AFAP and the airlines at the highest levels. The airlines, once launched into the process of the complete humiliation of the Federation, were unrelenting in their retribution. If the Federation had openly challenged the Commission, the Government and the ACTU in addition to the airlines, the airlines were equally determined to take the advantage offered to them by the pilots' resignations to take complete control of the dispute and to obtain absolute discretion over work practices and standard conditions of employment for pilots. Mr Geoffrey Dixon, Corporate Affairs Manager at Australian Airlines, revealing management resentment at the conditions enshrined in the

pilots' awards, argued that the previous contract "made featherbedding an art form" (Business Review Weekly, 10 November 1989). Such aspects of the behaviour and personal attitudes of the various individuals towards each other and the respective opposed organisations may reveal further insights into the conduct of this dispute.

In summary, the airlines refused to negotiate matters outside the wage fixation guidelines and reacted in an aggressive and resistant fashion to the pilots' declared intentions by threatening and then issuing writs under common law. These writs were later withdrawn against individual AFAP members, but not against the Federation and its officers. The Federation persisted with its predetermined course. Pilots resisted calls to sign up and the AFAP placed advertisements in industry journals and the daily press to discourage replacements for a pilot workforce which had been reduced substantially. Having successfully applied for the cancellation of the pilots' awards, and set unilateral working conditions in contracts which the Commission then registered, airlines required fewer pilots. The strategy included wet-lease charters of aircraft which were then slotted into the crisis schedules until sufficient pilots were recruited and trained or re-employed to set up full scheduling.

The airlines' position was bolstered by the lengths to which the Government was prepared to go to protect the Accord. The Prime Minister attacked the pilots as a privileged group and pressured the airlines against capitulation to the AFAP's demands. Military aircraft were immediately made available for regular work for the duration of the dispute. Dispensation was granted to foreign carriers to supplement the limited domestic traffic.

Together with the ACTU and with the co-operation of the airline unions, the Government avoided the spread of the dispute by agreeing to waive statutory charges up the amount it cost the companies to retain all other workers on the payroll, further isolating the Federation and allowing a limited service to be continued.

9. Conclusion

The AFAP openly and consciously challenged the wage fixation principles. Its strategy and tactics were devised in anticipation of the firm opposition of the airlines, the Government and the ACTU, but the linchpin of the Federation's approach was its very undoing: the unflinching solidarity for which the leadership prepared its members and the unswerving adherence to the game plan was presaged upon and assumption about the relative strength of the union which was based on the successes of the Federation in previous campaigns. The premises upon which the plans were based failed to take account of the full context in which the Federation was preparing its confron-

tation. While the leadership identified the parties it would engage in its struggle, it appreciated neither the uniqueness of the climate of the Accord on the national scene nor the impact on the way the Airlines were preparing for deregulation, especially their joint approach to industrial relations issues.

When the unexpected did occur, the Federation leadership appeared illequipped to deal with tactics which were designed as much to force the Federation into a more tolerable negotiating position as to undermine the possibility of an extended strike which would be extremely damaging in the leadup to deregulation.

Lacking tactical manoeuvrability, the AFAP ignored every opportunity to withdraw in order to regroup until it had lost all its awards and agreements. The majority of its members had lost the opportunity to regain their employment and AFAP still faces challenges its ability to cover pilots now employed in the airlines where once it enjoyed a closed shop. The turning point was the resignation of AFAP members. At that moment, the union lost its bargaining power and was entirely dependent on the airlines and the Commission for the opportunities to recoup some of the lost ground. The airlines for their part ruthlessly exploited this inability of the AFAP to adopt adjustive tactics which could have rescued the Federation and its members from ultimate defeat.

The failure of the AFAP to adapt to the circumstances in which all unions found themselves in 1989 has been described as a case of strategic inertia. The reasons for this strategic inertia might be understood by further studies of the details of the events in the dispute, the leadership of the Federation and its decision-making processes, the roles and impacts of former union leaders working for the airlines, and the strategy of the airlines in meeting the prolonged industrial action they anticipated from the signals put out by the Federation.

The future of the Federation as a significant union has been placed in considerable doubt. The AFAP has now to face the reality of a sharply reduced membership. It has lost its pre-eminence and influence in the airline industry through its mishandling of the 1989 dispute. Once it might have had a viable alternative in biding its time and regrouping. However, its present vulnerability, a serious split between pilots currently employed and the AFAP, will lay it open to incertitude. The airlines are attempting to exploit this situation by encouraging company unions serviced by ATOF.

The dispute has been a watershed for the AFAP leaving it largely a union of general aviation pilots. Whether it covers pilots employed by new operators and can rebuild from this new basis is problematic and its new strategies must take account of the Industrial Relations Act, the move towards larger unions actively promoted by the ACTU, closer links with the trade union movement and the possibilities of amalgamation.

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