

The 1993 ACTU Congress: Rewriting the Rules

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Abstract

The 1993 Congress endorsed extensive revisions to the ACTU's rulebook including major changes to the ACTU's decision making structure. Congress reaffirmed the importance of enterprise bargaining for wage fixation in conjunction with awards as safety-nets and the foundation for bargaining. This was the Congress that saw the bulk of members in twenty unions.

Extensive revision of the ACTU's rulebook distinguished the 1993 Congress. Policies passed at the 1987 Congress encouraging affiliated unions to embark on amalgamations had borne fruit (ACTU, *Future Strategies*, 1987 and Davis, 1988, pp.119–121). The number of affiliated unions in 1993 was much reduced with the great bulk of members now in 20 unions or union federations. The structure of ACTU decision making, based on the traditional profile of the movement, therefore required major surgery.

The 1993 Congress was held from 30 August to 3 September in one of the large auditoria at Sydney's Darling Harbour. As at the previous Congress at Melbourne's World Trade Centre, there was the feel of a business convention; smart tiered seating, an imposing platform, a large video screen, sporadic bursts of muzak and the trill of mobile phones. ACTU Assistant Secretary Bill Mansfield announced on the first day of Congress that there were 730 credentialed

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delegates from 72 affiliated unions, six state Labor Councils and eight provincial Labor Councils. Many unions again took advantage of 'plural voting' enabling a delegate to exercise between one and four votes (ACTU Rules, S.5.2(i)d).¹ The Finance Report to Congress indicated that there were 80 affiliated unions covering 2.6 million members. There were, as usual, international visitors but none was invited to address the Congress.

The two years since the last Congress had witnessed several major developments. Hopes that the economic recession of 1991 would be mild and shortlived were not realised. The economy contracted sharply, unemployment rose to above 10 per cent and stuck. Slow growth in 1992 and 1993 proved insufficient to reduce the proportion without work. On the political front, Paul Keating became Prime Minister, defeating Bob Hawke in a Caucus leadership vote before Christmas 1991. With Labor low in the opinion polls and the economy in recession, re-election appeared most unlikely. The stakes were high for unions since the Opposition had indicated in *Fightback!* and later in *Jobsback!*, Coalition reform blueprints, that it intended to limit severely union power and influence (*Fightback!*, 1991, p.13 and 267 and *Jobsback!*, 1992, pp.18–22).

Unions pulled out all the stops in the 1993 federal election campaign. In the aftermath, Secretary Bill Kelty commented that unions had provided an unprecedented level of organisational support, especially targeting workers in marginal electorates (ACTU, *Workplace*, Autumn 1993, p.5). A product of the campaign was the unveiling and subsequent endorsement by unions of Accord Mark 7. As with the first and sixth Accords, announced respectively during the 1983 and 1990 election campaigns, the intention was to demonstrate the broad economic and social benefits of the partnership between the Australian Labor Party and unions. Accord Mark 7 committed the government to the reduction of unemployment. Government and unions pledged themselves to continue the devolution of wage fixation by encouraging bargaining at industry and workplace levels, to the retention of award wages and conditions as a safety net and to measures to retain "an inflation rate comparable with those of our major trading partners" (ACTU, *Putting Jobs First*, 1993, S.5.2).

On March 13 1993 Labor won a stunning and most unlikely victory, securing the Party's return for an unprecedented fifth term.

Jubilation in union ranks subsided as it became apparent that the Prime Minister and his new Minister for Industrial Relations, Laurie Brereton, intended to push hard for the rapid spread of enterprise bargaining. In a speech in April 1993, the Prime Minister said, "We need to find a way of extending the coverage of agreements from being add-ons to awards, as they sometimes are today, to being full substitutes for awards" (P.J. Keating, April 1993, p.11). The concern expressed by unions was that the government intended to dismantle the award system. Relations between government and unions were further strained by the 1993 Budget. This predicted that unemployment would remain above 10 per cent in the year ahead and also contained several regressive fiscal measures. ACTU President Martin Ferguson, responding to the Budget, stated that the ACTU "could not defend the indefensible" (*Sydney Morning Herald*, 18 August 1993, p.33). New South Wales Labor Council Secretary, Michael Easson, was widely quoted as labelling the Budget "an act of bastardry" (*Australian Financial Review*, 27 August 1993, p.1). These public spats fed reports of a threat to the Accord relationship and fuelled interest in the fate of the Accord at the 1993 Congress.

A departure from the normal opening of Congress was a speech by Joanne Kerr, a Public Sector Union (PSU) delegate and an aboriginal. She welcomed participants on behalf of her people. She was followed by two stirring aboriginal singers, Archie Roach and Ruby Hunter. ACTU concern for aboriginal matters was also reflected later in the Congress in the provision of addresses to Congress by Pat Dodson, Chair of the Council for Aboriginal Reconciliation, and Robert Tickner, Minister for Aboriginal Affairs. They brought first-hand dispatches from the Mabo front.²

Business was handled in a different way to preceding Congresses. Most of the second and half of the third day of Congress were committed to syndicate work with time on the fourth and fifth days to be devoted to plenary discussion of syndicate reports. Delegates were invited to join one of five syndicates on: (1) wages, awards and bargaining, (2) social wage needs, (3) employment and jobs growth, (4) union services and membership growth and (5) young people and tomorrow's workplace. There was a high level of interest in how well the experiment would work. This report will explore the major organisational and industrial matters before the Congress and will look at the make-up of the incoming Executive.

Organisational Matters

In his opening address to the Congress Secretary Kelty contrasted the union movements of 1973 and 1993. Twenty years ago, he said, unions had been parochial and inward looking. There was a large number of medium and small sized unions and most were poorly resourced. Blue-collar unions were suspicious of their white-collar counterparts. There were corrosive left and right tensions and few women to be found in senior posts. There had been change on all these fronts but most notably in the move, via amalgamations, to representation of 98 per cent of membership by 20 large unions or federations. Kelty commented that unions' engagement in restructuring had been beyond all expectation. The extent of the change was well reflected in a table presented in the Executive Report on Union Services and Membership Growth (p.3). The number of affiliated unions had therefore fallen substantially with a very significant reduction in the number of affiliates with below 10000 members.

Table 1
Structure of the Australian Trade Union Movement

| Size | 1989 to Mid 1993 | |
|--------------------|------------------|----------|
| | 1989 | mid-1993 |
| 1. <1000 | 35 | 13 |
| 2. <10000 | 96 | 31 |
| 3. 10000 - 50000 | 31 | 7 |
| 4. 50000 - 100000 | 10 | 1 |
| 5. 100000 - 150000 | 5 | 2 |
| 6. 150000 - 200000 | - | 3 |
| 7. 200000 - 250000 | 1 | 6 |
| 8. >250000 | - | 2 |
| | 178 | 65 |

Assistant Secretary Iain Ross was given the task of presenting the proposed ACTU rule changes to Congress. It was clear that there were no surprises for delegates and that the far-reaching changes had been the subject of a great deal of discussion since the last Congress. Ross took the Congress competently through the background and main points. The existing Executive was based on the size and structure of unions before the recent wave of amalgamations. In addition, representation on the Executive failed to mirror the rapid

growth in female membership that had occurred since the mid 1970s. Indeed, since 1976 the number of female union members had increased 26.1 per cent (201,200 persons). Over this period male membership had declined 11.8 per cent (205,100 persons).³

New Council

The major rule changes involved the abolition of Special Unions' Conferences, the establishment of an ACTU Council and changes to the ACTU Executive. Special Unions' Conferences were to be abandoned in preference for a Council in the belief that the latter would afford fairer representation and prove more effective. It was proposed that the Council should meet quarterly and should deal with significant policy issues in between Congresses.⁴ It should comprise the President, six Vice Presidents, Secretary, three Assistant Secretaries and 58 Union or Union Group representatives (based on current affiliation levels). It would also involve one delegate from each of the six state Labor Councils, three from regional Labor Councils and three Female Affirmative Action delegates. The proposal for union and union group representation is set out in the Appendix. It presents an indication of the restructure of Australian unions.

The allocation for union Council seats was on the basis of one delegate for each 80,000 members. In addition, where unions have more than 80,000 members and are entitled to three or more representatives, one of these must be a woman. Also recommended was that the new Council should undertake the duty of electing the six Vice Presidents, the three Female Affirmative Action Delegates and their proxies. These posts should be elected by and from its ranks. Congress retains the right to elect the President, Secretary and three Assistant Secretaries for their six year terms. It was proposed that the new Executive should comprise the five full-time ACTU officers, the three female Vice-Presidents, six state Labor Council representatives, one representative from each of the union groups 1-18 and two in total from the groups 19-21. In addition, at least 25 per cent of the 1993 Executive should be female with this rising to 30% in 1995, 40% in 1997 and 50% in 1999. Should this quota not be met, then additional women should be coopted to the Executive, with first recourse to the Female Affirmative Action Delegates.

The motion for endorsement drew one uncontroversial contribution from the floor and then was put and carried to warm applause. The smooth passage was testimony to the Executive's ability to forge agreement on these most important and sensitive matters.

Union rationalisation was the subject of a separate report. Bill Kelty, leading the debate, noted that unions had been better at amalgamation than rationalisation. Affiliates had supported ACTU policy, except when it was inconvenient! He urged unions to avoid fights over membership and in particular to avoid the very high costs of litigation. He commented that the \$20 million spent on litigation could be better employed in recruitment and improved services. As a first step unions should seek to resolve differences amongst themselves. Failing that, unions should bring the matter before the ACTU for its consideration and possible arbitration. Kelty urged delegates to avoid use of the Australian Industrial Relations Commission (S118A *Industrial Relations Act*) to settle union business. The policy concluded, "Congress authorises the ACTU Executive to vigorously oppose any unions which act contrary to this policy" (S.3.13). Secretary of the Australian Workers Union, Mike Forshaw, indicated that he favoured a role for the Commission in settling inter-union disputes. He argued that the Commission was often better able than the ACTU to determine bitter inter-union conflicts. More generally there was support for the thrust of the policy and with four amendments, agreed by the Executive, it was unanimously endorsed. The real test is whether affiliates pay it attention outside Congress.

ACTU Finances

Bill Kelty dealt with the report on ACTU finances. He said that there had been a small reduction in total ACTU staff from 51 in 1989 to 48 in 1993. He also commented on the redirection of government funding for projects away from the ACTU to relevant unions. Further, he proposed a minor restructuring of the fees paid by unions to the ACTU. The outcome would be a small reduction in fees in 1994. The total fee for adult members in 1993 was \$1.75. The Executive sought \$1.68 in 1994, rising to \$1.77 in 1995. The explanation for these developments was that the ACTU continued to seek to devolve authority to its affiliates. It saw its role as assisting unions to

coordinate their policies and settle their differences. Kelty concluded with the comment that ACTU finances were in sound health.

Economic and Industrial Matters

Enterprise bargaining, the role for awards, industrial relations reforms and the Accord were addressed by President Ferguson and Secretary Kelty in their opening speeches and also by the Prime Minister, Paul Keating, and Minister for Industrial Relations, Laurie Brereton, in their addresses to the Congress. They were also the subject of debate in syndicate groups and in plenary session. Both Ferguson and Kelty stressed the significance of the award system. In Ferguson's words, "The award system is of paramount importance. It is the responsibility of the labour movement, both politically and industrially, to defend it forever and a day" (Ferguson, 1993, p.4). Kelty, in similar fashion, extolled the virtues of awards. They set minima to prevent exploitation and workers liked them. But, he warned, unions should not rely solely on awards. Bargaining presented the opportunity for unions to be active in the workplace, to engage members in pursuit of improved wages and conditions. More generally, he said, unions have the Accord and they intend to keep it. But they will not support it at any price. Support for Accord Mark 7 will depend on the federal government's management of several Budgetary issues, its handling of industrial relations reform and the outcome of the National Wage Case. Kelty's remarks drew warm applause.

The Prime Minister was scheduled to address Congress on its second morning. Some newspaper reports had speculated that differences between the government and the ACTU had reached the point that demonstrations would prevent the Prime Minister's attendance. Others predicted a walk-out of delegates. Certainly Paul Keating met a cool reception on his entry into the hall. Martin Ferguson took the opportunity to remind the Prime Minister that unions had made a huge effort to secure Labor's re-election; "Paul, they want to see a vibrant Labor government, with heart."

It was Keating's second address to Congress, the first was made as Treasurer in 1989 (Davis, 1990, p.104). Again unscripted, he began by enveloping the delegates with memories of Labor's splen-

did electoral victory. He emphasised the government's gratitude to unions for their faith, their financial support, their enthusiasm and their commitment. These remarks went down well. He then sought delegates' understanding of the approach taken by government. Government was determined to use its mandate and 'hop into the big issues'. Among these were Mabo, the development of the Asia Pacific Economic Community and domestic economic strategy.

Keating dwelt on the economic challenges and the rationale for the government's response. He painted an optimistic picture of the period ahead as characterised by strong growth and low inflation. This was an ideal setting for unions to pursue bargaining and increase their membership. Bargaining would prove a sturdier foundation for union growth than reliance on the 'whim and caprice of some centralised structure'. He did not resile from the government's desire to spread bargaining into the large non-unionised sector but assured delegates that policy would be fashioned to ensure that unions were not disadvantaged.

Flicking the switch to entertainment he drew a devastating picture of the incompetence of the Opposition led by Dr John Hewson ('a low impact player, with a limited future'). His humour was deadly and very funny. He ended by appealing to delegates to 'keep the faith'. It was a masterful performance, drawing sustained applause. Keating, within the hour, shifted the mood of delegates from hostility to pleasure. Kelty's warm thanks to the Prime Minister helped further to undermine stories of a rift at the most senior levels between government and the ACTU. Kelty commented, "we are sufficiently good friends with you to say that there are some things in the Budget and there are some things in terms of industrial relations about which we don't agree. That is not a sign of weakness in a relationship. That is a sign of strength."

Laurie Brereton, in his first address to Congress, did not fare so well. Delegates' resentment, ably dodged by Keating, descended on him. Reading a prepared speech, he set out to convince delegates that the Accord partners were in substantial agreement over the proposed industrial relations reforms soon to be taken to Parliament. A joint working party had been set up to deliberate on outstanding matters. While defending the significance of awards, ("the icon of our system"), his focus was on the need for more and better bargaining:

A cultural leap, not a gradual change, is required if enterprise bargaining is to become the norm. We need union officials thinking enterprise bargaining and more importantly we need business people thinking how to bargain for a more productive workplace (Brereton, 1993, p.7).

From the midpoint in his speech, Brereton was heckled to the increasing delight of his audience. The stream of interjections swelled to a flood and by the end he was scarcely audible. It was certainly an astonishing period of Congress. Whatever else, the Minister experienced first hand the depth of union disenchantment with aspects of his proposed reforms. Some union leaders regarded this as an uncomfortable experience the Minister had to have.

Syndicate Group: Wages

Congress split into syndicate groups on the second day and I chose to attend the one on wages. The Congress folder provided a very detailed background paper examining the award system, wages' developments, restructuring and bargaining. It also provided an equity and enterprise bargaining checklist and model environmental and occupational health and safety clauses to be included in agreements. This was followed by a seven page strategy paper to be put to Congress. The syndicate provided the opportunity for detailed discussion of the issues raised and for the consideration of amendments to the strategy paper. The syndicate attracted approximately 150 delegates and met initially for an hour. This session was led by ACTU Assistant Secretary Jennie George and National Wage Case advocate Grant Belchamber. The latter took the participants through the main points in the background report. It was then proposed that the syndicate split into five to explore respectively best practice in enterprise bargaining, equity and bargaining, access to bargaining, non-traditional rewards and the measurement of productivity. This was agreed by the group.

ACTU Vice-President Anna Booth chaired the group on best practice in enterprise bargaining. This met for a little over two hours. There were 28 participants. She outlined the Executive's view, in line with Accord Mark 7, that unions had much to gain from bargaining although she recognised that this required extensive training for workplace delegates to equip them to negotiate effectively. She

also commented, based on her experience in the textiles and clothing industry, that there were many employers resistant to bargaining, preferring to wait for arbitrated award adjustments. Best practice bargaining, she said, would lift members' standards-of-living, increase their influence in workplace decision making and improve workplace performance. She noted that there was a lot of learning to be done 'this is best done while we practice bargaining'.

Peter Sams, Assistant Secretary of the NSW Labor Council, led the group most critical of current ACTU policy. He argued that the ACTU had got the balance wrong. The focus on bargaining was excessive; the role for awards in wage determination was being neglected. He estimated that the number of employees covered by bargained agreements was grossly overestimated. 500 of the often-quoted 1100 federal agreements, he said, had expired.⁵ Further, bargaining in practice was confined to the metal industry and public sector and in both cases it was industry rather than enterprise bargaining. He doubted whether bargaining would ever account for even 30 per cent of the workforce. Against this background unions should place more emphasis on gaining wage increases through award adjustments. They should therefore seek to renegotiate the terms of Accord Mark 7 to reflect this.

Sams was supported by several participants. Points made were that productivity-based bargaining made little sense in sectors such as education and nursing (a teacher delegate wondered whether he would be required to talk more quickly); that reliance on bargaining had meant a two year wage freeze for more than 80 per cent of workers and that where bargaining had occurred it was often associated with decreased jobs and poorer conditions. One delegate saw effective bargaining as beyond the resources of most unions.

The counter-argument put by a smaller number of participants was that bargaining presented great opportunities for unions and their members and that it could provide the catalyst to revive workplace unionism. In any case, argued one delegate, the real-politik was that bargaining was here to stay. It had the support of Government, Opposition, business and union leaders. And it was enshrined in Accord Mark 7. There would be no going back. A feature of this session, in stark contrast to the usual experience of delegates at Congress, was the very high level of participation and interaction.

The next phase involved a two hour plenary bringing together the five sub groups of the wages' syndicate. This was chaired by Senior Vice President Jim Maher. In the debate that followed Peter Sams and others reiterated their concern that the emphasis on bargaining was excessive and put at risk the award system. Jennie George reminded critics that the vote for Accord Mark 7 at the March 1993 ACTU Special Unions Conference had been unanimous. In any case, the ACTU strongly supported the award system and had no desire to see awards displaced. It did however also support bargaining seeing this as a vital tool to lift wages and conditions and reinvigorate unionism. Closing the session, which also featured a high level of participation, Maher gained approval for a small committee to prepare a syndicate report to go to Congress. He reminded delegates that the syndicate report would not be binding; they were free to speak as they wished at the plenary session of Congress.

Industrial Relations Reform

Assistant Secretary Iain Ross reported to the full Congress on negotiations with government. He sought endorsement for the written report which reiterated the commitments of Accord Mark 7. Emphasis was placed on the role of the award system as a safety net of minimum award wages and conditions. Government was also urged to legislate under International Conventions to guarantee award rights to minimum award wages, equal pay for work of equal value, protection against unfair dismissal and unpaid parental leave. The report noted the progress made in the negotiations.

Thirteen speakers contributed to the debate including nine members of the Executive. All speakers took the opportunity to criticise government intentions to downgrade awards and encourage non-union bargaining. The mood of the speakers was captured in two remarks. Steve Gibbs (ASU) commented that "the true believers are now the truly bewildered". Peter Robson (PSU) declared that Congress must send a message to Laurie Brereton, "You can't have an Accord with non-unionists; they're not true believers". The amended policy was put and carried.

The other major debate at Congress came on the final morning and was a product of the syndicate's report on wages. Tim Ferrari

(LHMWU) and Sue McCready (TCFA) moved and seconded the report. Their synthesis was that awards should continue to play a most important part and that bargaining should also be pursued as a tool to improve members' wages and conditions. Peter Sams, supported by Steve Hutchins (TWU) and John Price (TWU) argued for a practical switch of emphasis, with unions seeking wages increases for all through the adjustment of awards and then bargaining on top of this.

Bill Kelty weighed into the debate. With heavy sarcasm he noted that the critics of ACTU policy had put up little fight at the Congress ('they've thrashed us with a feather'). There was no substantial alternative put to ACTU policy. The Executive placed great store on awards but also on bargaining: "Whatever you do, get into the workplace and negotiate on behalf of your members for the things they want use bargaining, use power and use leadership". Reliance on the Commission, he said, signalled weakness not power. Kelty was followed by George Campbell and Peter Robson who hammered home the same points. Six amendments were moved. The four accepted by the Executive were passed and the two opposed were defeated. The amended motion was carried without dissent.

Overview Statement and Executive Recommendation

For the first time at a Congress, the Executive circulated an Overview Statement for endorsement by delegates. On wages, it said,

Congress supported a wages system which maintains the capacity to keep our options open but one in which the immediate future is based on:

- (i) the development of effective enterprise and industry agreements;
- (ii) the provision of safety net adjustments without offsets for those not in a position to bargain;
- (iii) maintain Awards to underpin any bargaining;
- (iv) effectively addressing pay equity issues.

Overview Statement, S.5.1.

On the Accord:

Congress endorsed the Accord but not without qualification or pre-tence. The ACTU wanted an Accord, but not an Accord at any price.

Overview Statement, S.11.1.

It went on to state that the Accord would be considered at the December Council meeting and would be tested according to progress on industrial legislation, the outcome of the National Wage Case and the outcome of discussions about the Budget. Mike Foreshaw (AWU) and John Cahill (PKIU) returned to the issue of S.118A, of the *Industrial Relations Act*. They were unhappy with the Statements' endorsement of its repeal. However, no amendment was moved, and there was no further debate. The motion was put and carried.

This report has dwelt on the content and management of the debate on wage determination. It was widely perceived to be the main issue and gave rise to the most vigorous debates at the Congress. The other syndicate groups, on young people, union services, employment and the social wage also explored critical issues. In each case they were the subject of detailed and often meticulous background reports. Strategic recommendations were then brought before the full Congress. None of the sets of recommendations excited much debate and all were endorsed with little controversy. Similarly other business brought before Congress was swiftly dispatched. This included support for Sydney's Olympic bid, for an Australian Republic and for Mabo.

Council and Executive

The rule changes endorsed on the first day of Congress meant an end to the mid week ballot by delegates for union group, Vice Presidential and Affirmative Action posts on the Executive. In many former Congresses the outcome of the ballots had been keenly anticipated. Left and right how-to-vote tickets had circulated and deals delivering votes were closely scrutinised. The 1991 Congress was the most obvious exception since there had been only one nomination for each post elected by Congress; the only vote required had been to determine which of six Vice Presidents should become the Senior Vice President (Davis, 1992, p.98)⁶. Nonetheless, the removal of voting by delegates still left a sense of something missing.

ACTU Executive, 3 September 1993

| | |
|--|---|
| President | M. Ferguson |
| Secretary | B. Kelly |
| Assistant Secretaries: | J. George, B. Mansfield and I. Ross |
| 3 Female Vice Presidents: | A. Booth, W. Caird and P. Staunton |
| 2 Female Affirmative Action Delegates: | H. Creed and M. Douglas* |
| 6 State Labor Council Delegates: | J. Bacon (Tas), D. Petric (Qland), M. Easson** (NSW), J. Halpenny (Vic), J. Lesses (SA) and R. Meecham (WA) |

Union Group Seats

| | | | |
|-----------|-----------------------|------------------|---------------|
| AMACSU | : S. Gibbs* | Public Sector | : D. Bunn |
| CFMEU | : S. Sharkey | PTU | : R. Jowett* |
| CWU | : P. Tighe | TWU | : J. Price |
| NUW/TCF | : G. Sword** | SDA | : J. De Bruyn |
| Education | : S. Burrow* | AWU/FIMEE | : W. Ludwig |
| FSU | : K. Davern* | PKIU | : J. Cahill* |
| Nursing | : M. Beaumont | Police/Emergency | : B. Page* |
| HSU | : C. Randell | Media | : A. Britton* |
| ALHMWU | : J. Lawrence* | Professional and | : J. Vines* |
| AMEU | : G. Campbell** | Managerial | |
| Maritime | : A. Papacoustuntiuos | | |

* indicates new member of the Executive
 ** also a Vice President

The new system required the lodging of nominations for Council, Executive, Vice Presidential and Affirmative Action posts by noon on the fourth day of Congress. Unions and union groups duly indicated their choice for the Council and Executive seats allocated to them. Assistant Secretary Bill Mansfield reported that the number of nominations for the six Vice Presidential, three Female Affirmative Action Delegate posts and their proxies, to be selected by and from the Council, exactly matched the number of posts. Council elections therefore trod the path taken by Congresses since 1983.⁷ The emerging six Vice Presidents were A. Booth (TCFUA), W. Caird (PSU), M. Easson (NSW Labor Council), G. Sword (NUW), and P. Staunton (ANF) with George Campbell (AMEU) selected as the senior Vice President on the agreement of Council. No vote was apparently required. The three Female Affirmative Action posts were taken by H. Creed (LHMWU), M. Douglas (NUW) and L. Poleson (FSU). Since the new 34 person Executive involved seven women, women accounted for only 20% of the seats. Creed and Douglas were therefore coopted, as provided for in the rules, resulting in an Executive of 36 seats with nine (25 per cent) held by women.

Given the extensive nature of the rule changes, the degree of continuity from the old to the new Executive is perhaps surprising. 26 of the new Executive had served on the old. This number includes the five full-time ACTU officers and the six state Labor Council representatives. Of the ten newcomers, Cahill and Gibbs had both served terms on the Executive during the 1980s.⁸ Among those missing from the new Executive were M. Boland (ALHMWU), F. Cherry (AMEU), L. Hingley (FSU), J. Maher (SDA), P. Robson (PSU) and P. Slape (AMACSU). Boland, Robson and Slape hold Council seats.

Final Thoughts

The 1993 Congress might have basked in the glory of Labor's electoral victory but did not. Developments since had soured relations between government and the ACTU. The stream of criticism throughout the Congress and the tough treatment handed out to Laurie Brereton reflected the strength of feeling. But, for all this, there were few indications that the ACTU and its affiliates wished to abandon the Accord relationship. The 1993 Congress, as in the case of every Congress since 1983, indicated its appreciation of the value of the Accord. A distinguishing feature of this Congress was the message to government that unions would not stick to the Accord 'at any price'. The tests set, however, were not hard and the Accord's immediate future appeared secure.

The most substantial change to the operation of Congress was the commitment of one and a half of the four and a half days available to syndicate groups. This experiment seemed successful and it certainly enabled more scrutiny of Executive recommendations and higher levels of delegate participation. In his closing speech Secretary Kelty remarked that, together with Martin Ferguson, he had had qualms that the groups would slip out from under the Executive's control! Executive recommendations, however, had not been overturned. Indeed, it was yet another Congress in which the Executive's influence was on display at every turn. As in 1991, every motion supported by the Executive was endorsed. And, as in 1991, every amendment supported by the Executive was passed, while every amendment opposed, was defeated. It was a remarkable, albeit

familiar, display of authority. This should not however detract from the value of the syndicate groups. Delegates now spent more time engaged rather than passive, active rather than indifferent. Without doubt, ACTU officials and Congress delegates came away better informed.

The most controversial debate of the Congress was over the niceties of wage determination. Both the Executive and its critics supported a central role for awards and the opportunity for enterprise bargaining. Disagreement was over the balance. The provisions of Accord Mark 7 were re-endorsed. The Executive was in the process of seeking an arbitrated award increase of \$8 per week for those left behind by bargaining.⁹ Secretary Kelty's message was 'go out and bargain'. Arguably, of greatest significance was the extensive revision of the ACTU's rulebook required by the rapid and major restructure of Australian unions. This was the Congress that reflected the coverage of the bulk of members in twenty unions.

Notes

1. In contrast to previous Congresses, no announcement was made on the number of votes. Also, there was no occasion during the Congress requiring a count.
2. In June 1992 the High Court recognised that the Murray Islanders of the Torres Strait were entitled to possession and occupation of the lands of the Murray Islands. This decision, known as the Mabo decision, challenged the notion of Australia as *terra nullius* or unowned land.
3. Reasons include the expansion of industries such as the public sector, retail, hospitality and health and the contraction of more male dominated sectors; Executive Report, Proposed ACTU Rule Changes, ACTU Congress, 1993, p.2.
4. The proposal for the Council to meet quarterly is contained in the Executive Report to Congress, *Proposed ACTU Rule Changes*, S.3.4. There is no such provision in the amended rules. In practice the Council has met at the conclusion of the Executive, which has met quarterly.
5. See, for instance, L. Brereton, ACTU Congress Speech, 1 September 1993, p.6.
6. Even this vote was a foregone conclusion since left, right and centre faction leaders had agreed that Tas Bull should be elected Senior Vice President. On his retirement in 1992, he should be followed by Jim Maher, who would relinquish the post on his retirement in 1993.
7. The 1981 Congress was the last Congress at which nominations exceeded the number of Vice Presidential posts available; there were six

contestants for the three posts (Martin, 1981, pp. 141–2). Such contests were then the normal fare.

8. John Cahill was elected to the Executive at the 1987 Congress and served one term. Steve Gibbs served two terms, September 1985–1987 and September 1989–1991. He has shared the Local Government seat with Paul Slape.
9. Australian Industrial Relations Commission, *Review of Wage Fixing Principles*, Melbourne, 25 October 1993, pp.23–34. The Commission subsequently provided for an \$8 per week increase in supplementary payments for those workers unable to secure an increase through bargaining.

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APPENDIX

Union Groups' Membership and Representation on ACTU Council

| | <u>Membership</u> | <u>Council Reps.</u> | <u>Minimum No. of Female</u> |
|---|-------------------|--------------------------|--------------------------------------|
| 1. Australian Municipal, Administrative and Clerical Services Union | 179,900 | 4 | 1 |
| 2. Construction, Forestry and Mining Employees Union Victorian State Building Trade Union & Builders Labourers Fed Australian Building & Construction(Qld, SA, Tas, WA) | 161,100 | 4 | 1 |
| 3. Communications/Electrical/Plumbing Group Electronic, Plumbing & Allied Workers Union of Australia Communications Workers Union of Australia Telecommunications Technical Officers Association | 160,000 | 4 | 1 |
| 4. Distribution, Warehousing/Manufacturing National Union of Workers Textile Clothing & Footwear Union of Australia | 127,900 | 3 | 1 |
| 5. Education Group ANU Administrative & Allied Officers Association Federation of Australian University Staff Association Union of Australian College Academics Australian Teachers Union Independent Teachers Federation | 219,100 | 4 | 1 |
| 6. Finance Commonwealth Bank Officers Association Finance Sector Union | 134,400 | 3 | 1 |
| 7. Nurses Australian Nursing Federation NSW Nurses Association | 95,000 | 3 | 1 |
| 8. Health Services Union of Australia | 73,200 | 1 | - |

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|-----|--|---------|---|---|
| 9. | Australian Liquor, Hospitality & Miscellaneous Workers Union Australian Liquor, Hospitality & Miscellaneous Workers Union Australasian Meat Industry Employees Pastry Cooks Bakers & Allied Trades Union Bakery Employees & Salesmens Federation of Australia Union of Christmas Island Workers | 258,700 | 5 | 1 |
| 10. | Automotive Metals Engineering Union/ Confectionery Workers & Food Preservers Union of Australia | 188,200 | 4 | 1 |
| 11. | Maritime Federation Australian Maritime Officers Union Australian Institute of Marine & Power Engineers Seamens Union of Australia Waterside Workers Federation of Australia | 16,700 | 1 | - |
| 12. | Public Sector Public Sector Union State Public Services Federation | 264,400 | 5 | 1 |
| 13. | Public Transport Union | 46,100 | 1 | - |
| 14. | Transport Workers Union of Australia | 91,400 | 3 | 1 |
| 15. | Shop Distributive & Allied Employees Association | 201,000 | 4 | 1 |
| 16. | AWU/FIMEE Australian Workers Union Federation of Ind. Manufacturing & Engineering Employees Gas Industry Salaried Officers Federation Federated Brick Tile and Pottery Union of Australia Federated Tobacco Workers Union of (NSW & VIC) | 181,000 | 4 | 1 |
| 17. | Printing & Kindred Industry Union | 43,400 | 1 | - |
| 18. | Police & Emergency Services Group Police Federation of Australia & New Zealand Ambulance Employees Association of Victoria United Firefighters Union of Australia | 49,700 | 1 | - |

| | | | |
|---|--------|---|---|
| 19. Media & Entertainment Group Media, Entertainment & Arts Alliance Musicians Union of Australia Theatre Managers Association | 18,075 | 1 | - |
| 20. Professional & Managerial Group Secretaries & Managers Association of Australia Federation of Professional and Managerial Employees | 22,801 | 1 | - |
| 21. General Unions Group Australian Salaried Medical Officers Federation Association of Health Professionals Australian Licenced Aircraft Engineers Ass. Association of Railway Professional Officers of Australia Breweries & Bottle Yard Employees Industry of WA Blind Workers Union Dental Technicians Association of NSW Disabled Workers Union of WA Federated Ship Painters & Dockers Union of Aust. Flight Attendants Association of Australia Funeral & Allied Industries Union of NSW Federated Gas Employees Industrial Union Medical Scientists and Pharmacists Association Metro (Perth) Passenger Transport Trust Officers Operative Bakers Union of Victoria Real Estate Association of NSW Salaried Pharmacists Associations of WA and Vic. Victorian Affiliated Teachers Federation Wool Classers Association of Australia WA Dental Technicians Employees Union WA Prison Officers Union Federation of Principals in Catholic Schools | 28,200 | 1 | - |

Source: Papers to 1993 ACTU Congress