BRIAN BOYD: A BIOGRAPHY OF A TRADE UNIONIST

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DECLARATION

This thesis is entirely my own work.

It contains no material which has been accepted for the award of any other degree or diploma.

To the best of my knowledge it contains no material previously published or written by another person except where due reference is made in the text.

Gordon McCaskie
ABSTRACT

The project proposes to explore the interplay between the public and private life of a senior Victorian Trade Union official, Brian Boyd, and the profound changes that the union movement has undergone during the last fifty years. The child of working class immigrants, he grew up in the industrial area of the La Trobe Valley before undertaking higher education in Melbourne. As an undergraduate he became involved radical student politics, specifically opposition to the Vietnam War and conscription. As a ‘draft dodger’, he moved to Queensland to avoid arrest and returned to Melbourne after the Whitlam government abolished conscription. There, at La Trobe University, he became a leading activist in the Communist Party of Australia (Marxist-Leninist) inspired, Students for Australian Independence. After the successful completion of the BA and Diploma of Education qualifications he joined the Builders’ Labourers Federation as a rank-and-file activist on building sites. He later became a full-time official of the Victorian Branch of the BLF. In 1988 he was elected an Industrial Officer at the Victorian Trades Hall, a position he held until 2005 when he was elected to the role of Secretary of the Victorian Trades Hall, and has been re-elected since. He has published numerous works, most notably Inside the BLF, a controversial account of internal corruption in a militant trade union. Boyd is currently a prominent figure in both the industrial and political wings of the Victorian and national labour movement.

The project will focus on significant public events interpreted through the private experiences of this prominent labour activist. These will include declining trade union density and influence and Boyd’s struggle against the trade union movement’s decreasing relevance in contemporary Australia, reactions against increasingly radical right-wing challenges to industrial tripartism and the dilemmas currently facing the left as it confronts political survival and industrial militancy.

As a biography the project will also examine the private impact on a life dedicated to an increasingly marginalised political philosophy and the accommodations made to retain an ongoing viability for the core values of the labour movement. The study proposes to be emblematic of the wider issues confronting Australia’s trade union movement from the Cold War period of Boyd’s arrival in Australia to his prominence as a public figure at time of the lowest trade union density in seventy years and the growing dual labour market.
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Thanks and Dedications

No project such as this is undertaken as a solitary effort.

Therefore, I thank and dedicate this dissertation to the following.

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Introduction

There is no shortage of household names in either the parliamentary or industrial wings of the Australian labour movement. Some individuals have achieved prominence far beyond the ranks of the movement, and have become almost iconic figures. Many began in the industrial wing as trade union activists, elected officials and having made a name for themselves moved into the parliamentary wing. This has been a long-standing tradition of parliamentary apprenticeship, and the subject of persistent criticism from the Australian Labor Party’s (ALP) political opponents. Prime Minister Bob Hawke (1983-91) and every other subsequent President of the Australian Council of Trade Unions (ACTU), Simon Crean, Martin Ferguson, and Jenny George are current Members of the Commonwealth Parliament. Many other union leaders have taken the same career path, ex-ACTU Secretary Greg Combet and the Australian Workers’ Union’s Bill Shorten being two of the current better-known examples.¹

Many other senior trade union officials continue to make their contribution in the industrial wing. At the beginning of the research for this biography, Brian Boyd was not a household name, although he was well known in Victorian and national union circles. He did have a brief period of notoriety as the best-selling author of *Inside the BLF* (1991), an expose of the demise of the Builders Labourers’ Federation where he had worked for nine years.² At that stage of his career, he was mostly known as a long-serving figure in the Victorian union movement’s peak body, the

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¹ Others from the trade union movement have taken their skills into the corporate world. Garry Weaven, ex-Vice President of the ACTU and Kevin Davern, ex-National President of the Finance Sector Union are respectively the Executive Chair of the Capital Industry Fund Services and the Secretary/Director of the Finsuper superannuation organisations

Victorian Trades Hall Council (VTHC). In 1998 he played a strategic, but largely behind-the-scenes, role in the Maritime Union of Australia (MUA)-waterfront dispute as the VTHC ‘police liaison officer’, was a notable character in the inner-Melbourne suburb of Carlton, the location of Trades Hall, and in 2004 was featured in *Carlton: A History.* His public profile was enhanced in the first half of 2005 when on 5 May he was elected Secretary of the VTHC. He thus assumed leadership of a union body regarded by many as the most militant left wing of all Australia’s peak union councils. Boyd’s increasing responsibilities in the union movement coincided with the dramatic decline of trade union density and the increasingly querulous doubts about the relevance of trade unionism in a more competitively individualistic society that also increasingly saw little point in industrial collectivism. The progression of Boyd’s career expresses, in significant part, the industrial and political tensions that accompanied the decline of the long-standing liberal pluralist tradition of industrial tripartism where employers, unions and the state were mutually accepted parties in the Australian industrial relations system. The controversial dismantling of that system in recent years was in stark contrast to the settled institutional arrangements that prevailed in his earlier life.

While this thesis focuses on and explores how Boyd’s working life in the trade union movement has been significantly shaped by his role in resisting the recent mobilisation of aggressive anti-unionism among employers, their representatives and political allies, there are other aspects of his life that require consideration in order to locate his ‘narrative identity’. These include his childhood experiences with violence, domestic and elsewhere, opposition to the Vietnam War generally and to his own possible military conscription specifically and the effect this had on creating his
earliest political beliefs and behaviour. Consideration is also given to Boyd’s own adult family life through marriage and parenthood, his political development away from a fringe revolutionary organisation to a mainstream parliamentary party and trade unionism.

Through this process, the-

...individual and society can be charted through the ‘biographical socialization’ of the individual, the process by which the individual constructs biographical experience, negotiating the ‘layers of knowledge’ he or she has inherited, and those which have accrued through social interaction.4

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The earliest verifiable record of the Boyd name can be found in a 5th century reference to “Eochaide Buidhe“, from the ancient Irish “buidhe“, meaning “yellow”. The Boyd family derives its surname from this ancient source.¹ The name first occurs in 498 A.D. in reference to Fergus Mor MacEarca, one of the northern Irish, Gaelic-speaking Scoti, an ascendant people who were filtering across to what was to become western Scotland. Fergus Mor and his successors, particularly his grandson Gabhran are acknowledged as having established the Royal House of Scotland.² This early proximity to ancient Royal families recurs in 843 A.D. when the Budhe name appears in connection with Alpin, father of Kenneth MacAlpin who in that year obtained the neighbouring Pict throne. King Kenneth MacAlpin and his successors are buried in Iona as the first recognised Kings of Scots. It is the now recognisable Boyd name, via one Robert Boyd that occurs when that individual distinguished himself at the Battle of Largs in western Scotland in 1263, possibly winning for himself a hereditary knighthood for his performance against the Norse invaders at the western island of Rothesay. The Boyd name now begins to crop up frequently in Irish and Scottish records in the latter 13th and 14th centuries. During the Scottish Wars of Independence (c.1286-1314) the first recorded Chief of the Boyds, Sir Robert Boyd, fought at the pivotal battle of the Middle Ages in Scotland, the Battle of Bannockburn in 1314. Scotland’s victory under Robert the Bruce over England’s Edward II ³ leads directly

³Edward II was not a popular ruler even in his own court and his army’s defeat at Bannockburn did nothing to improve his standing. In 1326 he was forced to renounce his throne.
to Scotland’s independence as a separate country and kingdom\(^4\), at least until the Union of the Crowns (1603) and the voluntary abolition of the Scottish parliament (1707). This body was restored by popular vote in 1999 with the words from the Speaker of the House, ‘the Scottish parliament has resumed’. As a consequence of Sir Robert’s military service the Boyds became a sept, a sort of sub- or tribal-clan within the Royal Stewart clan of Scotland and Sir Robert was further rewarded with the Barony of Kilmarnock in southern Scotland. The Boyds also earned the nickname the “Trusty Boyds” which in turn gave rise to the family motto “Confido” - I Trust.\(^5\)

In Ireland, the Boyds feature prominently in 1447 as one of the chief families of Waterford. Despite their prominence and perhaps because of their Scottish cousins’ geographic proximity to the Scottish-English border region, the Boyd name in Ireland also appears as one of the Irish-Celtic names that were occasionally held to ridicule for being too Saxon, a process the Irish called the “maghaída Saxonta”, i.e. mocking or jeering.

Back in Scotland, with the death of James II in 1460, and with his son James III as successor only 8 years old, factions began jostling for control of the King’s person before he reached his majority and ‘…one family stepped forward- the opportunist Boyds of Kilmarnock’.\(^6\) In July 1466, James III was abducted by Robert, Lord Boyd of Kilmarnock and consequently his brother, Sir Alexander Boyd, Chamberlain of the Royal Household became, by duress, Governor of the King’s Person and Keeper of the Fortresses of the Kingdom. Thomas, son of Lord Boyd was created Earl of Arran in 1467 and married Lady Mary Stewart, the sister of King

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\(^4\) Bruce died in office in 1329, one year after Papal recognition of Scotland’s independence.

\(^5\) Lord Kilmarnock is the present head of the Boyd family and member of the British House of Lords.

James III, completing the family coup. That was at least until James reclaimed his throne in 1468-9 and quickly dealt with the ‘Trusty Boyds’ for their impertinent regency. 7 From being the rulers of Scotland and in-laws to the King, within two years ‘… the power of the Boyds utterly collapsed’. 8 Although perhaps not utterly; The Boyd family retained its estate in Kilmarnock, its seat in the House of Lords and apparently some vestige of loyalty to the Stewart clan. In yet another crucial moment in Scotland’s history some records recount the involvement of the Boyds in support of Charles Stewart, Bonnie Prince Charlie, in the ultimately unsuccessful Jacobite Rebellion of 1745-46, the last attempt to restore the Crown of the now-United Kingdom to the Stewarts. Following the Scottish/Stewart defeat at Culloden in April 1746, one unknown Boyd supporter of the rebellion met a predictable end; he was convicted of treason and beheaded in the Tower of London.9

The direct family links between the above historically significant individuals and our subject can be more thoroughly researched and examined elsewhere10. It is worthwhile mentioning in passing a prevailing family myth in Brian Boyd’s immediate family of a link with the French Huguenots and the 1572 Catholic pogrom against their Protestant countrymen. The link, if it exists, appears to be through the Toan family, Boyd’s mother’s side, and the phonetic similarities between Toan and

8 Mackie, op.cit., p.100.
9 This last account should be viewed with some scepticism. The Jacobite Rebellion is seen by many as a Catholic as well as Stewart attempt at the throne, whereas during Mary, Queen of Scots’ reign (1542-1567), the Boyd’s et. al. were known as the Protestant Lords. See A. Fraser, Mary, Queen of Scots, Mandarin, 1994, p.295.
the Protestant Theobald Wolfe Tone who led the United Irishmen in 1798 in an attempt to establish Irish independence.\textsuperscript{11}

Returning to the Boyds, there is further confusion regarding the specifics of location and affiliations of the Scottish Boyd’s post- Culloden. It is argued that the persecution of Scottish highlanders after 1746 and the resultant ‘Highland Clearances’ between 1750-1850, when thousands of impoverished clansmen were ejected from their homes to make way for large-scale sheep farming\textsuperscript{12}, drove many Scots overseas, including Ireland, and caused many Scottish Boyds to emigrate to and become part of the ‘Plantation of Ulster’. However, the ‘Plantation of Ulster’, an idea of James VI to extend Protestant Europe to the largely Catholic Ireland began in 1609, not in the mid-1700 to 1800s. Moreover, the traditional Boyd family seat had long been in the southwest and not the highlands. Nevertheless, an 1890 census of families that identified themselves as British and living in Ireland revealed almost 7,000 people named Boyd, ninety per cent of whom were residing in Ulster where the records of the Boyd family with whom we are concerned are readily available. So, excepting the historically interesting, albeit fleeting involvement with political power in Scotland and Ireland, it is the modern history of a particular branch of the Boyd family that is of concern, and that can be accurately traced from 19\textsuperscript{th} century Ireland.

Boyd’s grandfather was a bookmaker from Comber, County Down. David Boyd (1892-1979) married Annie McKeag (1886-1971), a shopkeeper from Rotterdam St., Belfast. On marrying in 1912 Annie, who was 5 years her husband’s senior, moved to the new marital home at 39 Railway St., Comber, a 2-storied 3 bed


\textsuperscript{12} M. Magnusson, \textit{op cit.} p.654.
roomed terrace house where the newlyweds quickly began a family. They were Jim (1913), Violet (1915), David jr. (1918), Mary (1922) and finally Boyd’s father, Tom (1925).

Tom was born on 2nd March in Comber, only 5 years after the Government of Ireland Act (1920), which partitioned Ireland into the Irish Republic and the British Province of Northern Ireland. This is significant in that the political separation of the original Irish Counties manifested itself in sectarian division as well, and the predominantly Protestant faith of the now Northern Ireland played a major role in the Boyd family.

The Belfast that Tom, and in turn Brian Boyd were born into in the ‘20s and ‘50s respectively was not that since portrayed to the world, with the associated violence and tragedy of “the Troubles” from the 1960s. Nevertheless, the influences of Boyd’s grandfather David’s experiences during his early adult years in the first 20 years of the 20th century cannot be discounted. Ireland had undergone huge social upheaval from the latter quarter of the 19th century to the immediate post- World War I period. In 1885, British imperialist politician and anti-Irish Home Ruler Joseph Chamberlain described the system by which Ireland was then governed.

I do not believe the great majority of Englishmen have the slightest conception of the system under which this free nation attempts to rule the sister country. It is a system which is founded on the bayonets of 30,000 soldiers encamped permanently as in a hostile country…An Irishman at this moment cannot move a step; he cannot lift a finger in any parochial, municipal or educational work without being confronted with, interfered with, controlled by an English
official, appointed by a foreign government, and without a shade or shadow of representative authority.\footnote{13}{Macardle, D. \textit{The Irish Republic} Corgi, London 1968, p.49}

It is almost inevitable that this environment, combined with WWI, the 1916 Easter Rising and the 1920 partition would have had some effect on a young Ulster tradesman. However, no records of David Boyd’s sentiments or activities are available, with the exception of his predicable but unenlightening Presbyterianism.

Tom Boyd was to grow up in a community that had sectarianism as a leitmotiv and was the tapestry upon which was woven the social effects after WW2, particularly the undermining of post-war autonomy through welfarist dependency and rising unemployment. In the years following the Second World War, Northern Ireland became the most depressed region of the U.K. It had a growing unemployment problem and was increasingly dependent on subsidies from the British Exchequer.\footnote{14}{Dixon, P. \textit{Northern Ireland: The Politics of War and Peace} Palgrave 2001 p.55}

The grass roots working class response to the problem of unemployment in Northern Ireland then and now has tended to mirror the response to related social issues such as education and housing, and was manifest through sectarian nepotism. Protestants and Catholics are deterred from taking jobs in areas dominated by members of the opposite religion (sic) for safety reasons. Also, particularly in smaller firms, employment by social network, word of mouth or overt discrimination has resulted in a high degree of segregation.\footnote{15}{Boyle, K. & Hadden, T. \textit{Northern Ireland: The Choice 1994}, Harmondsworth, Penguin, p.46} Religion played and still plays a large part in Tom Boyd’s life. As a young man growing up in Comber he recalls regularly attending services every Sunday, sometimes more than once. At 14 he became a milk delivery
boy before beginning his apprenticeship as a boilermaker in 1941 at 16 with the prestigious Belfast shipbuilders Harlan & Wolff. This was a reserved or protected occupation for the purposes of any possible military service and with World War II having begun in 1939, Tom was proscribed from enlisting. It was also one of the principal employers involved in heavy engineering and, predictably practiced a pro-Protestant recruitment bias. By wars end he was a 20-year-old time-served tradesman and enjoying an appropriate social life for young men his age. It was at one of the many dance nights held in Comber that he met Sarah “Sadie” Toan (1925-1982) from the hardline Protestant area of the Shankhill in West Belfast.16

Sadie had worked during the war in a factory packing parachutes for allied airmen and was now a tobacco industry worker with chequered health problems, not least was a bout of Scarlet fever as a 7 y.o. which left her with the legacy of a weakened heart.

The couple married in 1950, honeymooned in Blackpool, England and began married life in Comber, where they started their own family in 1951, when Thomas Brian was born on 17th of July. James Leonard followed a year later and Frances Lynne was born in 1954, the last of that family of Boyds to be born in Northern Ireland.

Tom enjoyed success as a boilermaker on the shipyards. A devout churchgoer and family man, he was soon promoted to leading hand/foreman, owned a car and was part of the “labour aristocracy” and the “Protestant Ascendancy” in the staunch working-class community. However, the bleak Irish weather and the prospect of a better life elsewhere combined to bring Tom to consider emigration. Initially he applied for work at Vanderbilt Park, north of Johannesburg, South Africa but nothing

16 Although the no.79 Hunter St. home where Sadie grew up has long since been demolished, remaining locals to the area recall the Boyd and Toan names, predictably because they were Protestant rather than Catholic- sounding names. Such is the Belfast that Tom and Sadie left behind.
came of it. Then, in January, 1956, the Boyd’s joined the huge number of emigrants, predominantly drawn from Europe and particularly Britain, to leave for Australia on the “assisted passage” program.

“Assisted passage” migrants were co-sponsored by their birth countries and Australian governments. In the case of British migrants this was as a result of a March 1946 agreement- “…for which the Ministry of Transport (would) initially supply a number of old British liners to (carry) large numbers of assisted passage migrants under generally austere conditions.17

The Boyds were perhaps more fortunate than most co-emigrants in that the liner on which they sailed to Australia had started its commissioned service – as one of the most luxurious liners in the world”. Before its conversion to a migrant transport and renaming as the “New Australia” in July 1949, she had been the Newcastle-on-Tyne built “Monarch of Bermuda”, with accommodation for 830 first-class passengers. By the time the Boyd’s boarded she had been refitted to provide for “1600 passengers with 4,6 and 8 berth cabins…All contained two-tier metal bunks and wardrobes but no washbasins…From being one of the most luxurious liners ever built she was now the epitome of austerity.18

The “New Australia” arrived in Fremantle, W.A. on 26th February 1956. The Boyds travelled on to Sydney, NSW where they disembarked in early March. Third class passengers Tom and Sadie with their 3 children Thomas Brian, James Leonard and Frances Lynne had arrived for the first stage of their new life.

17 Plowman, P. Emigrant Ships to Luxury Liners, NSW Press 1990
18 Ibid., pp. 127-8
Not surprisingly, 4 and half year old Boyd retains very few memories of his early life in Comber or of the 6-week voyage.

The images and memories of my first 5 years in the Emerald Isle are a jumble of shadowy, disjointed mind videos and overlapping verbal anecdotes passed on by my parents as I got older…Once my mother had to take either my brother Len or my sister Lynne to the family doctor. I was allowed to play outside on the front doorstep of the doctors house in the snow (when) I found the goldfish pond the hard way by going through the thin sheet of ice…After I had been thawed out before the doctors fire and dragged home by a very angry mother I had my bum tanned for straying from the front door. … There was the time my father held me upside down by my feet so I could kiss the Blarney Stone. I can remember the stone was so smooth from the countless thousands of lips that had paid respects over the centuries. 19

Following their disembarkation in Sydney, the family almost immediately began the next leg when they moved to Maryborough, Qld., where Tom found work as a boilermaker with Walkers Ltd., Engineers and Shipbuilders. The family arrived just before a State election year, and ALP Premier Vince Gair was quite reasonably expecting working class and trade union support. His government had introduced Long Service Leave, reformed annual and sick leave entitlements and workers

19 Boyd, B. Unpublished autobiography “Irish Immigrant Tales” pp.2-4
compensation laws. Further, through government price controls Queensland workers also enjoyed the highest real wages in Australia.\textsuperscript{20}

Nevertheless, there was intense and fairly widespread dislike of Premier Gair in the Queensland labour movement,\textsuperscript{21} which turned on a number of factors; personal, Australian Workers Union (AWU) animosity, dubious financial dealings and, ironically for the new arrivals from Belfast, sectarianism over the role of the Catholic “Industrial Group” in the labour movement. Boyd’s father’s union, the Boilermakers Society, lead by Jack Egerton, was in the forefront of the fight to bring down an ALP State leader. In April, 1957 the State Executive expelled Gair from the party, although he remained Premier until losing the 3rd August election.

The Boyds stayed in Queensland for 10 months before Tom went ahead of his family to set up a new job and home in Victoria. The Boyds had made friends on their voyage with another immigrant family, from Manchester, England, and these friends encouraged Tom to investigate the prospects in Morwell, in Victoria’s La Trobe valley. In Tom’s absence, a Mt. Isa-born friend, Noel Sketcher kept an eye on the remaining family.

Some months later, Sadie and the 3 children, now aged 5, 4 and 2 respectively left on the 2,000 km. train journey to Victoria, via a stop-over in Sydney, some feat for a young mother and her family, more used to travelling 20 kms. in Belfast. In 1957, the family reunited and settled into their new home at 7 Evans St., Morwell, a 3 bed roomed weatherboard Housing Commission property typical of the accommodation provided for the working-class residents of the 15,000 strong town.

\textsuperscript{20} McMullin, R. \textit{The Light on the Hill}, Oxford, 1992, p.283
\textsuperscript{21} Ibid, pp.283-4
Primary school and the Evans St. surrounds became the centre of my tiny universe for the next few years…and was to generate amazing life experiences for a pale-faced Irish transplant, however innocent and corny in comparison to the turbulence of the wider world. Inextricably and inevitably that world would seep into our country town and take me away.  

Inevitably the events in the world outside of Morwell would permeate Boyd’s life, but not before other life-altering events occurred in his turbulent childhood and adolescence.

Some recurring themes of his childhood were the fundamentalist Protestant sectarianism of his parents, particularly Tom’s, and extreme domestic discipline that at times arguably verged on child abuse. Latterly, there would develop a growing awareness in Boyd of discontentment with the strictures of small town life compared to that presented to him by some influential Melbourne-trained High school teachers of what could be experienced in bigger and infinitely more cosmopolitan cities.

Boyd would later describe these sentiments as something that presented an interesting future- “A free life versus my very restrictive life in Morwell”.  

While Tom had brought to Australia the religious baggage of a life spent in Belfast, he had also brought a strong sense of class awareness. Although socially a private man he was industrially aware; an active trade unionist and at times an elected shop steward for the Boilermakers Union. His activities in the industrial wing of the labour movement never approached what would eventually become Boyd’s revolutionary

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22 Boyd, B op. cit. pp.14-16

23 Boyd, B. Interview 22/7/10
beliefs, in fact, to the contrary; at home he would rail against Communist influence in
his union, blaming “Red raggers” for what he saw as unnecessary and ideologically
motivated industrial militancy.

Nevertheless, he subscribed to and fastidiously observed industrial democracy,
abiding by democratically decided outcomes to which he did not himself necessarily
support but which were arrived at through appropriate workplace decision making. A
particularly illustrative example of this was one occasion when after Tom had voted
against strike action in the workplace, he was visited at home by some independent
contractors. They had come to discuss with him his attitude when he voted against the
proposed industrial action and his preparedness to scab. Tom invited 15 year old Boyd
to listen in on this ‘meeting’, to hear him reject the overtures and harangue the
contractors on class solidarity.

This quality was one of his father’s very few redeeming features in Boyd’s later
attitudes to him: another was his powerful work ethic and methodical attitude to the
processes of tasks undertaken. But whatever the worth of these qualities they were not
enough to compensate for the negative experiences of home life.

Home for the Boyds was very much the traditional patriarchal nuclear family
prevalent in ‘50s and ‘60s Australia. The husband and father was the head of the
household who went to work and was the final authority; the wife and mother looked
after the children and household.

Like Tom, Sadie was not a socially active person either, apparently contentedly
housebound and houseproud, but with a disturbing tendency to occasional outbursts of
hysteria. In the Cold war environment of the times, Sadie perceived the assassination
of U.S. President Kennedy in 1963 as being a harbinger of nuclear war and
Armageddon, and Boyd recalled her weeping inconsolably at hearing the news. A similar scenario was also enacted on her hearing the news of Australian P.M. Holts’ drowning disappearance in 1967. Sadie and her eldest son were close all the same. She had held him back one year from starting primary school at the earliest opportunity to have him at home for that bit longer, and when Boyd did start his formal schooling he would often come home at lunchtime to share viewing the midday television soap operas with her.

Of course, Boyd’s childhood experiences weren’t limited to home and family. With other Morwell children his age he played in the streets and bushland around Evan St. and joined sports teams, playing cricket and Australian Rules football. In the case of the latter, he decided to support Melbourne Football Club when their champion player, Ron Barrassi conducted a junior clinic for the Morwell boy players. Boyd’s participation in the latter sport ended suddenly when one his teammates was so badly injured during a game that Boyd walked off the park, out of the game and the sport forever, although he continued playing amateur cricket well into his late 30s.

Boyd also recalled certain feelings of being of a social underclass compared to the wealthier members of the provincial community. This was especially marked by the choice of secondary schools one could attend, with generally speaking the children of better off families attending the local High school with the rest going to the Technical school. However, and to Sadies’ delight, at the end of his Primary school years, Boyd was accepted to attend the High school and she became very supportive of this and subsequent academic achievements.
It is arguably the case that the parents of the baby boomer generation, of which Boyd was of course a member, were often inclined to use violence as a disciplinary tool in their children's upbringing. The occasional smack, slap and clip over the ear would be commonplace in many families at the time. However, in Tom Boyd’s household it was utilised all too often, particularly when Boyd became an adolescent and began rebelling against many of the family strictures, particularly religion.

In one bizarre incident, after Tom had been temporarily blinded in an industrial accident, he claimed an epiphany, which, inter alia, required 17 year old Boyd having to attend a religious college in America when he had completed High school in Morwell. At a subsequent Sunday school class, Boyd openly demanded that an angel appear to demonstrate that day’s lesson. Unsurprisingly no angel made an appearance that day; equally unsurprisingly, Boyd was expelled from the school.

That earned Boyd a beating, a disturbingly commonplace event in his late teen years, when Sadie would have to intervene to stop the worst excesses of Tom’s violence. However, matters came to a head when around his 18th birthday Boyd refused to cut his ‘60s-style long hair.

On being ordered by Tom to get a haircut, Boyd replied, “No I’m not. I’m getting a flat!”
Adolescents are more frequently known for their wilfulness rather than their willpower, but in a display of strength of character and the need for survival, Boyd made a crucial decision. The constant violence and the pressure of defending his younger siblings from his experiences had brought him to a point of an inevitable choice; succumb or get out.

From July to September 1969, Boyd moved out of Evans St. and into the outdoor bungalow in the garden of the family home of his closest friend, the diminutive Peter Sharp. Peters’ mother had, with some accuracy, regarded Boyd as one of Morwell’s pre-eminent toughs in that tough town and permitted a limited quid pro quo; if he continued to protect his friend from bullying, Boyd could have free lodgings in the bungalow. He could have access to the house for washing and the toilet but the arrangement wouldn’t extend to full board.

Boyd’s brother Lennie, a year younger, had earlier left the local Technical school after failing in his second attempt to complete his Leaving Certificate (Year 11) and was by now working as a shop assistant at a local menswear store. His meagre junior’s wages assisted and augmented Boyd’s survival during these months. Boyd recalls his weekly culinary highlight as a 50-cent Sunday dinner of fish and chips, compliments of his little brother. This sibling generosity and Boyd’s part-time work allowed him relative peace to concentrate on studying. Boyd had earlier won a Local Scholarship during
his Leaving Certificate year in 1968 and having been a newspaper delivery boy all through his school years until 1969 when he became a box-stacker at the Morwell Co-op supermarket, the absence of full board from the Sharps didn’t prove too onerous.

By early October, Sadie’s distress over his prolonged absence and her appeals to Tom led to a begrudging truce, and in an agreement that there be no more domestic violence, Boyd would return home for the last months of his Matriculation year. By early December and with his final exams completed, Boyd left home again. He was confident of academic success and had already won a second Local Scholarship that year. A $400 p.a. teacher training scholarship was also likely, pending his acceptance into Melbourne Teachers College (MTC), located in Carlton beside the University of Melbourne, the alma mater of his influential high school chemistry teacher, Mr. Doug Williams. Rather than take a summer break before moving to Melbourne and his new life as a university student, Boyd took an assistant cook’s job at the “Isle of Wight” hotel on Phillip Island, a 100 kms. south east of Melbourne and roughly the same distance west of Morwell. He worked as a live-in staff member until his Matriculation results and the outcome of his tertiary applications came through.

In January, Boyd left Phillip Island, travelling up to Melbourne for the posting of the Matriculation results. He was accepted into a teacher training course in science, majoring in chemistry, to commence in early 1970, so he moved into student residences “Allan Ramsay House”, Queens Rd. Melbourne. His previous employment at the Morwell Co-op now provided an unexpected bonus. On learning of his acceptance into MTC and securing a teaching scholarship, Tom Boyd refused to authorise or sign the required paperwork to allow Boyd to take up the opportunity.
The Morwell Co-op manager, Mr. Fox stepped in as a previous employer and recognised adult authority and gave his approval in Tom’s place as well as posting a monetary bond. Fox would later refuse all attempts by Boyd to repay the financial debt.

Boyd had followed the steps recommended by his high school mentor, secured a tertiary scholarship and was studying in the cosmopolitan surrounds of suburban Carlton. By the end of the 1970 academic year, Boyd had ‘…been kicked out of the college, kicked out of the uni. and kicked out of Allan Ramsay House…for anti-war activities’.¹ By 1971, Boyd had been legally required to register for the draft for conscription into the Australian defence forces. He hadn’t, so in the parlance of the time, Boyd’s became a “pre-deserter” or “draft dodger”.

Mary Bluett, also a teaching student at M.T.C. remembers other reasons for his failure and expulsion.

Most of our subjects were the same and I ended up with him as a chemistry prac. partner. Unfortunately, chem. prac. (chemistry lab practical work) was 6 o’clock to 9 o’clock at night and I think his last lecture before that finished at 1 o’clock and he basically was well oiled at the prac. He had the record number of breakages (of equipment) in the class.² Nevertheless, Mary remembers him being genuinely politically active at the college and his focus was on the anti-war movement, notwithstanding his typically idiosyncratic method of rallying support for this cause. “His way of attracting our

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¹ Boyd, B. interview 29/7/03
² Mary Bluett interview 18/3/01
attention was to come to where we were playing cards during our breaks and to call us ‘a pack of card-playing deadshits’ and that we should be out there doing political action. “3

There can be few issues in recent Australian history that were as politically and socially divisive as the Vietnam War conscription debate. Australia has had a long history of opposition to conscription for overseas military service, demonstrated by the twice-popular rejection of Government plebiscites during World War 1, in 1916 and 1917. Australia was one of the few countries with all volunteer forces deployed for overseas service in both World War 1 and 11. Successive Australian Prime Ministers, Harold Holt and John Gorton had respectively declared their allegiance and support of the policies of U.S. President Johnson; it was a set of sycophantic cases of “All the way with LBJ” and “We’ll go a-Waltzing Matilda with you”. However, by 1969, the then President Nixon announced a proposed gradual withdrawal of U.S. troops from Vietnam and, by 1970-71, following this announcement and doubtless influenced by the increasing anti-war movement and huge Moratorium demonstrations here, the Australian government began to cautiously follow suit. An anti-Vietnam war Moratorium march in Melbourne on 30th June 1971 was at the time the biggest protest march in Australia’s history, attracting more than 100,000 demonstrators. The Age described the view from the GPO.

At 3:15 pm a great solid mass of people – 40 to 60 across the width of the street – are slowly coming down from Spring St….banners and placards

3 Ibid
high...there is this great roaring chant that echoes off the canyons of the city:

Stop the War! Stop the War! Stop the War!⁴

The ALP Opposition was consistently anti-conscription if not as clearly anti-involvement in Vietnam. It went to the December 1972 Federal election promising to end conscription, return those servicemen still there and to release those jailed for either conscientious objection and/or draft avoidance. Within days of winning the election, and before the new Cabinet had even assembled to be sworn into office, the “rump Cabinet” of Prime Minister Gough Whitlam and his Deputy Lance Barnard delivered on those promises.

In total, 50,000 Australians served in Vietnam, peaking in 1969 with 8,300 personnel stationed there, and 519 servicemen died there.⁵ Boyd had been determined to fall into neither category. He was one of the 12,000 Australians who would fail to register for the draft. Typically, his refusal to register and consequential status as a draft dodger or pre-deserter could have been expediently avoided had Boyd simply registered and then claimed one of available exemptions to service, which included tertiary students and ‘known pacifists’, such as Quakers. Equally typically, during his own involvement in the anti-war protests he aligned himself with a militant pro-Vietnamese National Liberation Front group rather than the mainstream peace movement, which was broad enough to accommodate ALP parliamentarians, pacifists, concerned parents and church leaders.

⁴ Sparrow & Sparrow, Radical Melbourne 2, Vulgar Press 2004, p.10
⁵ Frost, F. Australia’s War in Vietnam, Allen & Unwin, Sydney 1987
It was around the second half of 1970 that Boyd and Mary Bluett began a relationship and during the summer break of 1970-71 when he took a summer job as a labourer in Gladstone, Queensland he began writing daily letters to her. The relationship soon became serious and the labouring experience would also have long-term repercussions. A union organiser had approached Boyd and his mates at the worksite to recruit them into the union. Boyd’s earlier experiences of working class values and of trade unionism made him an easy recruit and his joining the Queensland branch of the Builders Labourers Federation began his formal membership of one of the organisations that were to dominate the rest of his life.

Returning to Melbourne in the summer of early 1971, Boyd had an immediate and pressing concern; the matter of where he was going to live. Having been removed from Allan Ramsay House, he lived briefly in South Melbourne before moving to 22 Wattletree Rd., Armadale in the “leafy east” of one of Melbourne’s middle class enclaves. He had also been accepted into the second of his alma maters, the Royal Melbourne Institute of Technology (once known as ‘The Working Men’s College’) to resume his studies in chemistry. Despite passing the first year of the course he was again expelled because by July 1971, on his 20th birthday, his non-registered status had caught up with him and he became a draft dodger de jure.

There has been nothing in Boyd’s life before or since which has had such a profound effect on his political attitudes than the prospect of his forced conscription for an unpopular war. His working-class beliefs had been forged earlier in his life in Morwell. As has been discussed, along with being a hard-line, sectarian, and later a fundamentalist Christian, Tom Boyd was also a proud member of the working-class, a
tradesman and an active trade unionist, at times a union shop steward, and these beliefs passed easily to Boyd. Boyd recalled many occasions when Sadie would be waiting for Tom to come home with his weekly pay in order to feed the family that night. But it was when confronted by something as monolithic as the state as his enemy that his still ill defined political philosophy began to more clearly define itself. ‘With the Vietnam war conscription, well then they made it personal!’

Around the end of 1971, and now a legal fugitive from the Australian Federal Police, Boyd made a flying visit to Morwell to meet with his mother and sister Lynne. A semi-clandestine meeting of the estranged family members took place at a local supermarket car park where he explained his situation but made it clear he was turning his back on Morwell and his family. Sadie’s response was to have a backyard bonfire at Evans St. and destroy his prized bird card and stamp collections, his schoolbooks and prizes. Boyd and Sadie would never see each other or speak together again. The next time he would return to Evans St. was for her funeral in 1981, where even then he refused to speak to or acknowledge his father. They would not be in each other’s presence again until 2004.

By 1972 Boyd’s problems were not only far from over, they were to get worse. Australia’s climate has never been kind to its Celtic and other northern European migrants and it ranks with South Africa as having the highest incidence of skin cancer in the world. Boyd became another victim of this potentially fatal condition. He had fallen while drunk at a student party and a mole on his back began bleeding and

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6 Ibid., p.192
couldn’t be staunched. Seeking medical treatment, he was diagnosed with a malignant melanoma and immediately hospitalised and operated on to remove the tumour.

During his long hospital stay, his brother Lennie, who had himself moved to Melbourne, offered to housesit at Wattletree Rd.

…to look after the rent, he said. By the time I got out of hospital 2 or 3 months later, the rent hadn’t been paid. I had to round up him and two or three of his mates and extract several hundred dollars of back rent out of them. Then I took over the house again and kicked them all out.7

During Lennie’s housesitting period, Boyd’s family in Morwell learned of his illness. An old school friend from Morwell High School contacted Sadie with the news –

We were given an address in Malvern, so after church there was David, Sadie and Lynne and we set of for Malvern to this address. I said, “you sit in the car and I’ll find out what’s what”…and Leonard and another bloke were on the balcony up above, and he started throwing a lot of obscenities at me, he said “what are you doing here?!”, so anyway I went to the front door and a couple of blokes came to the front door and they said what did I want. I told them I was after Brian Boyd. We were told that he lived here. They said Boyd’s never lived here… Leonard’s up stairs and I said he’s not in a very good state at the moment…and anyway that was it, we never got in touch with Brian.8

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7 B. Boyd interview 29/7/03
8 Tom Boyd interview 1/8/05
This is a sad comment on what would be the last meeting between Lennie and his family still in Morwell. Although he and Brian would occasionally bump into each other during his Melbourne days, he became something of a loner, a drunk and a fringe-dwelling petty criminal and appeared to have turned his back on his other family members as Brian had done. Until their sister contacted Boyd many years later after seeing him on television in his capacity as an official of the BLF, neither Lennie nor Boyd had any family contact whatsoever; whatever ‘layers of knowledge’ that Boyd may have inherited, the few that he continued to utilise could arguably be said to be restricted to the desirability of working class collectivism and, if not a propensity to violence, then at least an attitude towards it that caused him to have a familiarity.

In early 1973 and now recovered from his illness, Boyd enrolled in his third university for his second last course of tertiary study, a Bachelor of Arts in Humanities at La Trobe University. Mary recalled that their earlier political activities were dominated by a lack of preparedness on Boyd’s part to commit to any real responsibilities.

It wasn’t really until the La Trobe times that he really did commit...he was certainly an anarchist because it allowed him to dabble in politics without having to commit. He was attracted to politics, he was excited by politics but he didn’t want the discipline that came from being very serious about it, so being an anarchist gave him the capacity to do political things, including dangerous political things but not be disciplined by any particular stream of political thought.  

Boyd’s experiences over the next four years as a politically active but now increasingly ideologically focussed student at La Trobe began the process that was to

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9 Mary Bluett interview op. cit
lead him into membership of the ultra-secret, arguably paranoid, Maoist leaning Communist Party of Australia (Marxist-Leninist) (CPA-(ML)) and eventual employment as an official with the militant CPA (M-L) dominated Victorian Branch of the Builders Labourers Federation union.
Chapter 3
La Trobe, Maoism and revolutionary action. 1973-76

Although Boyd would eventually complete a Bachelor of Arts degree in Politics and History and a Diploma of Education from La Trobe University in Melbourne’s north-eastern suburbs and did in fact teach briefly at Greensborough and Thomastown High schools, he had no intention of practicing these acquired skills in a career of research or teaching.

Of greater significance from his La Trobe years, 1973 to 1976, were the political and ideological experiences. Around early 1972 Boyd moved from Armadale to Carlton, into a student share house above a florist shop north of Grattan St. From 1971 to 1973 he was a member of the Carlton branch of the notionally mass revolutionary organization of progressive workers and radical university students, the Worker - Student Alliance (WSA). The WSA was established earlier by the fledgling breakaway party, the CPA (M-L) in 1970. Based largely in Melbourne, where its membership of 500 was over half its national membership, the WSA was active, if not in the forefront, in a number of significant and often violent political and industrial disputes in the early ‘70s. One yearly event was the July 4th demonstrations outside the US Consulate in Melbourne, which led to inevitable police-protester confrontations.

Taking a lead from the mass action surrounding the anti-Vietnam war movement, the jailing for contempt of court of the Victorian Tramways Union Secretary, Clarrie
and in opposition to the “Penal Powers” industrial relations legislation in 1969, the WSA was particularly active in and during which it advocated class violence during the Ford motor company strike in 1971. These experiences were of course formative regarding Brian’s encounters at La Trobe University. From 1973, Boyd would encounter like-minded activists (or as they would no doubt prefer ‘revolutionaries’) at La Trobe, including Barry York, Fergus Robinson and Ken White, all of whom would be imprisoned at one time or another for their political activities. Also at La Trobe, he would meet John Herouvim, another activist, who would become a very close confidant but who would later, to Boyd’s disgust, go on to collaborate with the Australian secret service agency, Australian Security Intelligence Organisation (ASIO), beginning in 1981-2. Before becoming a television comedy writer in the ‘80s and ‘90s. Herouvim committed suicide in 1995. The later BLF and CFMEU official, the late John Cummins was also a La Trobe student around this time, as were eventual union figures Bill Kelty, Garry Weaven, Geoff Walsh, Paul Slape and journalist Paul Robinson. There were, of course, a number of other minor activist players at La Trobe during this period. These included the author and others; Phil Duffy, Peter Vodicka, Herouvim’s sister Helen, Jackie Burden, Ed Dyker, Rob Darby and a particularly foolish, “poor, little rich-kid” Reid Clark; a number of these would also turn out to be a security risks.

York and fellow revolutionaries had been active in a kindred organization to the WSA and the Labour Club, the Radical Students Movement. However, the major development in what was becoming known as the “Maoist” – left was the disbanding of the WSA in 1976 and the establishment in the same year of yet another CPA (M-L)

1 Along with Gallagher and Bull (see above), O’Shea was one of a handful of publicly known members of the CPA (M-L). Joining in 1964, he was a deputy leader of that party for many years.
front organization, the Australian Independence Movement and its student wing, Students for Australian Independence (SAI). The transmutation of the WSA groups in the various states into the (Australian) Independence Movement sections was a major CPA (M-L) initiative which brought the Maoist movement to its apogee…The “independence line” was developed consistently after the Fraser – Kerr coup against the Whitlam Labor government in 1975. The CPA (M-L) argued that superpower (ie. the USA and the USSR) contention lay at the basis of the misuse of the monarchy’s reserve powers to secure Australia politically and economically for “US imperialism” and to “counter Soviet imperialism”.2

Hitherto, the brief history and practices of the CPA (M-L) has been merely alluded to in this study. However, its importance to Boyd’s activities and change from a onetime “undisciplined dabbler” in politics, to his eventual role in the Victorian trade union and labour movements cannot be ignored.

Little is publicly known about the CPA (M-L). From its inception it has been an organisationally ultra-secretive party. Potential members underwent a harsh apprenticeship in revolutionary political activity, often without their full knowledge of this testing of them for their suitability for membership, before their invitation (recruitment) into the organization. On acceptance, the new member was allocated to a 3- person cell, only one of whom was allowed knowledge of other members outside their own cell. Internal party security was tight to the point of paranoia, although the senior leadership was well aware of all memberships.

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2 Saleam, J. *The Lessons For Nationalists* unpublished. Author’s copy dated 2000, pp10-11
The CPA (M-L) formed out of split in the Communist Party of Australia (CPA) in 1963, the latter having been formed in Sydney on 30th October 1920. The origins of the schism are generally held to relate back to events in 1956, the year of the Communist Party of the Soviet Union’s (CPSU) “secret Party Conference”, where delegates heard an official Party speech denouncing the late Soviet leader, Joseph Stalin, who had died 3 years earlier.

By 1963, the CPSU and the Chinese Communist Party (CCP), led by Chairman Mao Tse Tung, had themselves split on ideological lines, and ‘The split of the Australian communists reflected the Sino-Soviet split of the time, with the CPA (M-L) upholding the People’s Republic of China as the true defender of the hard-line communist principles.’

There are other explanations. While the CPA (M-L) was not formally founded until March 1964, its official organ a weekly newspaper *Vanguard* made its first appearance in September 1963. There obviously had to have been precipitating events leading up to this. One CPA member during the period of the split of 1963, the late John Sendy, has argued that the CPA (M-L)’s initial and long-time leader, outstanding Melbourne workers compensation barrister, E.F. (Ted) Hill utilised certain tactics while a member of the CPA and played an overlooked but extremely significant part in the split. Sendy branded Hill as Australia’s pre-eminent Stalinist and blamed him for influencing Clarrie O’Shea into firing the opening salvo of the internecine battle between the competing ideologies when O’Shea resigned from the CPA at the party’s Victorian State Committee meeting in 1963. In turn, Hill and 7 other CPA members

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3 Burgmann & Burgmann *Green Bans, Red Union* UNSW Press, 2000, p.23
were duly expelled.⁴ Another of Hill’s opponents in the CPA, Bernie Taft, said of him, ‘On meeting Ted, one was immediately conscious of facing an unusual person. He would look deeply into your eyes; his cold penetrating stare tended to make people uncomfortable, even frightened in some cases.’⁵ Although fanatical about security and little known outside of the legal fraternity and the proponents and opponents of revolutionary politics, it is interesting and one of these strange coincidences that sometimes occur during a major research exercise such as this, that a 2006 documentary entitled “Mao – A Life – not a dinner party” screened on television station SBS in the same year featured footage of the then Chinese Premier (1949-76) Zhou En Lai addressing an October 1966 Beijing rally extolling the virtues of Mao’s “Little Red Book” and the Cultural Revolution. Standing beside Zhou on the platform with other foreign luminaries was Ted Hill.

Others who got close to Hill were able to see him in a different light –

He was the most generous, kind-hearted person. But you had to be a hater. It goes with any political party, I guess. You couldn’t have second thoughts about an opponent⁶

Writing three years after the split, Hill gave his explanation –

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⁴ Sendy, J. Comrades Come Rally Thomas Nelson Australia 1978

⁵ Sparrow et al op. cit. p.170

⁶ Len Hartnett, quoted in Sparrow et al, op.cit.
The former Communist Party was deluded by legality and parliamentarianism into failing to explain why we live in conditions of the dictatorship of the bourgeoisie…a ruthless implacable enemy which resorts to the foulest deceit.\(^7\)

Nevertheless it was this internecine struggle and an obsession with security that led one former member to complain –

So much stress was laid on the power of the hostile State and the need for security… that many party members were virtually paralysed from doing anything…Someone would secretly come and see them once every six months to tell them the ‘correct’ policies.\(^8\)

Approximately 200 CPA members defected to the CPA (M-L) during the time of the split; it has been estimated to have had a maximum of 400 members at any given time.

From a contemporary standpoint it is difficult to imagine how the death of a political figure in 1953, an ideological schism between two socialist superpowers and the related repercussions of these events could have such importance in Boyd’s life. However, Left politics and even student politics were vastly different in the ‘60s and ‘70s than now. A recent feature article on current Australian student activities reported a primary focus on university fees and went on to note that only 13% of the 31,000 students at a major university voted in their own student council elections.\(^9\)

\(^8\) Sparrow op. cit. p.172
\(^9\) Fee Radicals *Weekend Australian* magazine 29-30 November, 2003
Australian and international politics were extremely turbulent in the early and mid-
‘70s and there was no compelling reason why Australian student politics should not
have reflected this. The election of an Australian Labor Party government in 1972,
ending 23 years of conservative Coalition rule, brought in a policy that included
removing tertiary student fees, opening up higher education to a much broader range
of potential students. This was particularly useful in Boyd’s case having earlier
dissipated his teacher training scholarship, and although one of the protest rallying
points for students and others, anti-conscription and opposition to the Vietnam War,
had began to fade in popular consciousness, there were other campaigns to be going
on with.

As we have seen, Boyd was still something of an anarchist, perhaps even a political
dilettante when he began studying at La Trobe university in early 1973, but he soon
became more focussed on socialist organisational structures, particularly after events
in Chile in September 1973 when a democratically elected Marxist government was
overthrown in a coup d’état with active connivance of the American government and
its Central Intelligence Agency (CIA). The leader of the coup was the late General
Augusto Pinochet, a long time protégé of the U.S.A., who welcomed that country’s
involvement in his rise to dictatorial power. The U.S.A. needed no particular
encouragement; Secretary of State at the time, Henry Kissinger said of the election of
the Allende government that –
The issues are much too important for the Chilean voters to be left to decide for themselves. I don’t see why we need to stand by and watch a country go communist due to the irresponsibility of its people.\textsuperscript{10}

Again, it seems something of a stretch that a young Australian university student should overly concern himself with events in a reasonably insignificant South American country, but for years students around the world concerned themselves with the events in a hitherto reasonably insignificant Asian country. Further, Boyd was now involved in organizations which took their lead from a secret, revolutionary party which in turn took its lead from a government led by Mao Tse Tung, Chairman of the Chinese Communist Party and the author of the “Theory of the Three Worlds”, a treatise that held that the First World superpowers, the USA and the USSR were threats en paraleil to ‘anti-imperialist national independence struggles’.\textsuperscript{11}

It followed from this that the imperialist powers could and would interfere in the politics of sovereign nations and that Chile was a case in point. Indeed, there remain today a number of adherents to the theory that the CIA had a significant clandestine role in the November 11, 1975 dismissal of the Whitlam government. An observation made at that time has a certain irony –

\ldots maybe the real comparison between Australia and the US in terms of national identity and consciousness at least is to be made with colonial America. It may be that the constitutional crisis in Australia in 1975 may lead

\textsuperscript{10} Ambrose, S. \textit{Rise to Globalism} 2\textsuperscript{nd} ed. Penguin 1981 p. 392; AFP news service

\textsuperscript{11} \textit{For Independence and Socialism} CPA(M-L) pamphlet 1977
to a re-examination of the Revolutionary experience in the United States to see if it has any relevance to our present situation.\textsuperscript{12}

As a result of the Chilean and then Australian coups, Boyd’s major political focus between 1973 – 76 was initially dominated by the anti – foreign bases campaign and, from 1975 onward, the ALP government’s dismissal.

In 1974 we went to Northwest cape...a whole convoy went there (to protest) and in my last year at La Trobe in 1976 we again led a big convoy of buses, met up with other buses from other campuses across Australia, to Pine Gap (a secret US military/communication facility)\textsuperscript{13}

One of Boyd’s contemporaries at La Trobe during this time was Ken White, who recalls –

He was an anarchist when I first met him, pretty, wild, pretty committed (but) politically he was all over the place. He was committed to revolutionary politics but we didn’t get to know each other all that well until we went on the ‘long march’ to Northwest cape (in 1974)... Brian and I became friends...although we got together because we both liked to drink, we were drinking comrades. We would get criticised for drinking too much but we

\textsuperscript{12} Bickerton, I. ‘The US & Australia: some points of comparison’, p.45 ANZASA Conferences 1974-75

\textsuperscript{13} Boyd, B. interview 27/10/03
thought our critics lived in an unreal world. We thought we still had contacts
with ordinary people.\textsuperscript{14}

The extent to which having a drink and being in touch with real, ordinary people was
part of their connection gave rise to one particular social event around this period.
One of the politically active, student, cadres had thrown a backyard, weekend
lunchtime BBQ function one day. To say the drinking engaged in by the attendees
was prodigious would be to understate the case. The host staggered away to sleep it
off and a number of the remaining guests continued on into the evening, when they
decided to fire up the BBQ again. To this end they woke the host to ask for
Methylated spirits. From his drunken state he replied, ‘No don’t do that, there’s plenty
of beer left!’

Boyd’s determination to avoid the rarefied atmosphere of the unreal comrades would
be reinforced during the long university summer breaks, November to February, when
he would go back on the tools as a builder’s labourer. As well as providing much
needed funds to finance another year of studies, it also allowed him an opportunity to
develop a network of contacts in the industry, particularly BLF union officials.

The definitive history of the BLF has yet to be written, however any investigation into
its turbulent history could not ignore its original criminal and gangster- run past. Any
examination of that period could not ignore the extremely violent, even murderous
struggle between lumpenproletariat control of the union and the efforts to take it over
by the avowed representatives of the proletariat, firstly the CPA, later the CPA (M-L).

\textsuperscript{14} Ken White interview 1/3/01
Norm Wallace, a rank and file BLF member and later official during this period recalled the power struggle in the ‘40s and 50’s that culminated in Gallagher’s rise in the union, first to Victorian Secretary and ultimately national leadership.

During the ‘40s, Jock McEwan and Paddy Malone\textsuperscript{15} were part of a team that took the union away from the hands of the gangsters, who were in fact gangsters, gunmen and that, you know, no kidding about. They were the rough boys from Richmond…they’d been part of that gangster element in the Labor party going back decades…typical of the rotten gangster elements. Broadly speaking the person who put the Builders Labourers union on a firm footing and a sound foundation was Paddy Malone. During my time in NSW and in Victoria in the early ‘50s…a lot of blokes stood up to the gangsters, they (the gangsters) were real bad buggers. They were eventually all cleared out and that allowed Gallagher to become Federal Secretary (in 1961).\textsuperscript{16}

The BLF would remain firmly under Gallagher’s control, and by fiat, the CPA (M-L)’s, until Gallagher’s personal ambitions and political misjudgement saw the union’s eventual demise in the 1980s.

Wallace remembers Boyd coming to his particular attention in the early ‘70s when he was a shop steward on a particular job at Brushy Creek, a construction site near Lilydale, on the suburban outskirts of Melbourne.

\textsuperscript{15} Malone was BLF Victorian Branch Secretary in the ‘60s and like Gallagher had left the CPA in 1963 to form the CPA(M-L).

\textsuperscript{16} Norm Wallace interview 3/9/01
I’d known him from before then, but as a shop steward you more remember him…he was a pretty wild boy. I tried to control him...(because)...he was pretty abrasive. But builders labourers would gravitate to someone who would stand up for them…They recognised this, like all workers 17

One commentator claims that Boyd was well enmeshed in Gallagher’s leadership Group as early as 1974.

Boyd attended his first BLF meeting along with members of the Maoist Worker – Student Alliance from La Trobe university, who were not just there to raise hands, but to attack dissidents in the Victorian Branch and the rest of the Melbourne Left who opposed the (Gallagher – led) strangling of the NSW branch.18

That Boyd had found a particular political ideology and the discipline to advance it via an organization and a particular mentor in Gallagher is far from peculiar in the history of politics. However, politics in Australia in the ‘70s, particularly ’74 –75, were to turn very peculiar indeed.

The Whitlam ALP government, elected in 1972, had been forced to a premature election in 1974, where it was again successful. Through a series of highly questionable political manoeuvres by some Coalition State Premiers, the ALP Federal

17 ibid

18 Tognolini, J ’Inside an ambitious bureaucrat’ Green Left Weekly March 2003
government lost control of the Senate, which in late 1975 took the unprecedented step of blocking the Supply Bill, refusing to pass that year’s budget. Much has been written about these remarkable events and the details do not require revisiting here, except to note that the breaking of the 1975 parliamentary impasse was the Governor – General Sir John Kerr’s dismissal of the Whitlam government on 11th November 1975, and the installation of a caretaker Prime Minister, Opposition Leader Malcolm Fraser, and the implications these events would have in the broad sweep of Australian labour politics, and on Boyd in particular.

Gough Whitlam had been elected Federal leader of the ALP in 1967. Bob Hawke had been elected President of the ACTU in 1969. Both men were to become Labor Prime Ministers, but it was Hawke who supposedly had the working class/union base. During Whitlam’s administrations, even while Hawke was Federal President of the ALP, the ACTU campaigned successfully in favour of very high wage increases and again successfully, against a 1973 referendum for the government to be allowed constitutional powers to set controls over wages and prices; the ACTU favoured control over prices but not over wages. (Hawke’s subsequent election as ALP Prime Minister in 1983 was largely assisted by the party’s policy of a wages and incomes “Accord” between the ALP and the ACTU). Predictably, in common with all but eight referenda and/or plebiscites ever held in Australia since Federation, the 1973 referendum failed to gain either a majority of votes or states as required under the Constitution Act (1901).
What is lesser known about this period of Australian labour history were the attitudes
towards labour market changes held by Hawke’s immediate parliamentary
predecessor, Bill Hayden. In his autobiography, Hayden wrote –

The alternative to the accord would have been strong economic growth, cost-
push inflation, militant wage demands and even worse external account
imbalances. Undeniably, the flexibility of Australia’s centralised wages
system with the accord has stood up well in international comparisons and
“was on the scale of that in flexibility in the United States”. 19

On the Whitlam government’s dismissal, Hawke refused demands from the
parliamentary party to call an immediate general strike, something which, with his
prestige and authority in labour ranks could have probably been met with a positive
response from rank and file Australian trade union members.

Moving from the tragic to the ridiculous, it is worth recounting an event which
featured the moderating skills of Hawke that occurred 18 months earlier. During a
July 1974 Australian tour the popular American entertainer and singer Frank Sinatra
had insulted a female journalist. When he refused to retract and apologise, 114 ACTU
affiliated unions placed “black bans” on Sinatra and his entourage. Hawke intervened
to have the bans lifted. Unions could apparently disrupt a touring artiste, but weren’t
to be trusted to defend their parliamentary comrades and their Labor government.

19 Hayden, B, Hayden An Autobiography  Angus & Robertson  Australia 1996 p.483
To Boyd and other ‘hard – Left’ activists, November 1975 was the Chilean coup of
1973 visited on Australia. Spontaneous mass demonstrations of protest erupted across
the country, with a huge demonstration in Melbourne’s city square on Wednesday 12th
November. Tens of thousands of protesters, representing a considerable range of
opinions, were united in their opposition to this ‘bloodless coup’ and attended that
day. This included Boyd who was nearly arrested following the stoning of the US
Consulate. An anonymous comrade dislodged the arresting Police Sergeant and
bustled him back into the crowd to escape.

To many on the Australian Left the events of November 11, 1975 appeared all too
familiar in their resemblance to the US’s CIA-orchestrated coup in Chile. These
suspicions were not restricted to those on the hard Left. One time National Secretary
to the ALP, David Combe, was also a believer in the conspiracy.

Combet remained unconvinced that the CIA was not involved in the events
surrounding the dismissal of the Whitlam government in November 1975. He
published an analytical article in the Bulletin in January 1982 with the title
“The CIA’s Role in Labor’s Downfall”.

Boyd was well and truly in the thick of it. Prominent in the initial and subsequent anti
– Kerr protest movement, he also increased his mass student activities at La Trobe
through Students for Australian Independence and the BLF. The former organization
had been a significant player in La Trobe student politics, particularly through the

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20 Cain, F. *The Australian Security Intelligence Organization: An Unofficial History* Spectrum
Publications 1994 p.232
university’s student union, where it ran a weekly stall in the union building, selling texts, propaganda, slogan-bearing clothing and the like, published and distributed a bi-weekly one page newsletter and physically intimidated opposing political activists, particularly Trotskyites.21

Involvement in the latter organization was made simpler because Brian now found himself in the position that, thanks to his building industry experience, extensive contacts in and financial membership of the BLF and a decision at La Trobe to complete an extensive building program on the campus, he was able to use the academic mid-term and summer holidays to work as a labourer at the university he was attending as a student. Interestingly, Boyd also took the time to attend evening classes at Swinburne Technical School in Hawthorn, an inner-eastern Melbourne suburb, to study for ‘tickets’ as a scaffolder and rigger.

Boyd completed his first and only degree course, a B.A., in 1975 and began a Diploma of Education in 1976. Domestically, he was still in a relationship with Mary Bluett, now a science teacher at Camberwell High School, and they lived together in a rambling rented house in the neighbouring, middle – class, eastern Melbourne suburb of Balwyn.

Looking back over this period, Boyd recalls the ‘70s as the time –

21 Ted Bull recruited Brian and two other La Trobe university activists into the CPA (M-L) in 1977
When I was trying to be an urban guerrilla…but what helped create me into going to the BLF and all that was what I did in the ‘70s. The Vietnam war, the Kerr coup, the anti – foreign bases, the anti – Fraser stuff…there were about five or six elements in the ‘70s, and then I went into the BLF and became that ‘other’…At one stage I was assigned to bodyguard Jim Cairns because the local Nazis were threatening to kill him… we actually found some Nazis in Bourke St. that we had to take care of…(Then) from 1973 onwards I was very involved in the anti – bases campaign which involved a proposed Omega Station, involved opposing Northwest cape, Nurrungah and Pine Gap and the other bases we could find out about…(Following the Whitlam dismissal)...a lot of our propaganda, WSA propaganda, RSM, SAI propaganda was all about imperialist interference in domestic affairs…personally I had to move addresses a large number of times because I was an identified leading student activist and so did a lot of other comrades…It was only later when I left university was I able to combine what I’d learned politically as a student into my trade union activities.22

On graduating with a Diploma of Education at the end of the 1976 academic year, Boyd taught for a brief 2 months in early 1977 before returning to the building sites. From 1977 to the end of 1979, when he was blacklisted by the Master Builders Association of Victoria (MBAV), Boyd was a full-time builder’s labourer and rank and file union activist. Gallagher offered him a part-time job as a temporary Organiser with the union until his election to a full-time position in early 1980. He remained a full-time elected official of the BLF in a variety of capacities until his resignation in

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22 Boyd, B. interview 25/4/00
1988 and his subsequent election as an Industrial Officer to the Victorian Trades Hall the same year.

In late 1977, Brian, Mary, Herouvim and wife Georgina, and Michael Spencer (who was another Camberwell High School alumni and was to go on to become the Victorian ALP Premier Joan Kirner’s Press Secretary), were all invited by the Australia-China Friendship Society (ACFS) to visit China. It was Boyd’s first overseas trip and a trip to China was seen by many in the CPA-(M-L), (for which the ACFS was basically a front organization), and others as a sort of rite of passage, even a pilgrimage.

This political success was to prove to be one of the very few positive events in what would become a truly tragic period in his life.
Chapter 4

The BLF  Rank and file to elected official 1977 – 1980

It is worthwhile to pause briefly at this point to re-examine a number of the crucial stages and developments in Boyd’s life up to 1976.

A child migrant from a hardline, Protestant, working class Northern Ireland family, he grows up in a provincial Victorian town in circumstances of extreme domestic violence and yet manages to win two academic scholarships in High school, successfully complete Matriculation (VCE Year 12), and gain admission to tertiary studies.

He turns his back on his family, returning to Morwell only once, in 1971 to meet secretly with his sister Lynne and mother Sadie in an event that led to a complete estrangement between them.

He had already completely rejected his father’s closely held beliefs of Protestantism and Northern Irish Orange Unionism, the latter when Boyd renounced his British citizenship in 1971 in protest against British involvement in Northern Ireland, and became a supporter of the Irish Republican Army (IRA), the military wing of the Sinn Fein party.

Boyd also gained a creditable tertiary education and profession, and in the process became an enthusiastic urban dweller in Australia’s second largest city. Admittedly, he retained his love of ornithology but was also a licensed shooter.
Rebellion, rejection, contradiction are themes which recur constantly in Boyd’s life, but by now these are not the arguably admirable traits of the intelligent, studious but troubled High school student; these are the actions and traits of a mature, educated working adult in a long term relationship that was to lead to marriage.

It is interesting to speculate on two separate phenomena on Boyd’s apparent need to rebel.

It is held that a child’s first rebellion is against parents. Boyd’s dysfunctional relationship with a violent father, with whom he only shared a commitment to trade unionism, certainly did not encourage any likelihood of a smooth transition through adolescence. Instructively, however, Boyd had used these experiences to fuel a sense of rebellion and had met with some qualified success. On tasting rebellion he found it pleasing and at the time of his arrival to study in Melbourne, rebellion was practically a compulsory part of the curriculum for tertiary students. This was a time of increasing student (and others) activism against conscription for military service and against the Vietnam War itself. Of course, Boyd’s student activism and the need for semi-regular paid employment, led him into the CPA-(ML) controlled BLF and in 1977, the CPA-(ML) itself. Although both organizations were to be of significant importance to Boyd, the former more so than the latter, in time he would in turn move on from both of them.

Getting a profile through rank and file activities in the BLF required being a rank and file worker and membership of the union, so Boyd walked away from his newly
acquired professional status as a school teacher (although he did practice long enough to gain professional registration) and “went on the tools”.

There is nothing unique in Boyd’s story of committed Left activists studying for professional qualifications and then effectively abandoning them to work in comparatively menial “blue-collar” employment. Fellow La Trobe activist, Fergus Robinson abandoned his professional background to work as a shop-floor, union activist (and party cadre) in the automotive manufacturing industry. For Marxist-Leninist revolutionaries the proletariat is the driving force of the revolution and the party cadres the vanguard of the proletariat; educated Left activists chose working class jobs because that is where you will find the working class.

Equally, rank and file union activism was a tried and proven (and, in the case of the BLF at that time, compulsory) route to full-time elected union office. As distinct from others in the broad labour movement where “…a union research office is a well trodden path for bright young graduates with labour leanings”¹ for someone whose motivation was militant class struggle, rank and file activism was nothing short of a calling.

The Australian social, political and industrial environments in 1977 were at significant odds to both the 1950s and the early 21st century, where this story begins and ends. Between 1974-79, unemployment was 5% and deemed outrageously high,

¹ Grattan, M (ed.), Australian Prime Ministers, New Holland Press Sydney 2001 p.383
union density was the second highest in the world at approximately 50% of the workforce and labour force participation among the highest at 70%.²

Although a conservative Coalition Federal government was in power during this period (1975-83) it was viewed by some at the time and subsequently as both an illegitimate government because of its rise to power (see above) and as something of a timid administration, unprepared to fully exploit its political powers. Significantly, this government, still led by Fraser, did not attempt to dismantle a crucial aspect of what one commentator has since described as the five foundations of the “Australian Settlement” – a method of judicial determination in centralised wage fixing.³

Although this government would amend the Trade Practices Act (1974) to prohibit secondary boycotts during industrial disputes (see S.S. 45(d) & (e)), it would be left to subsequent Federal governments, ALP and Coalition, to dismantle the powers of the Australian Industrial Relations Commission (AIRC) and reduce the principles of compulsory arbitration.

In fact, the Fraser government allowed the re-registration of the BLF in 1976, the union having been de-registered from an application by the Master Builders Association during a Federal ALP government in 1974 (although it must be noted that the Fraser government did attempt to de-register the BLF in 1981-2).

When Boyd began working full-time as a builders labourer, the ACTU, led by Bob Hawke as President, enjoyed significant levels of support even if the labour movement’s political wing was, for the moment, electorally discredited. Hawke’s


³ Kelly, P. The End of Certainty  p.2
ascension to the Presidency in 1970 and subsequent broad personal support and charisma had arguably contributed to increased trade union popularity and union density, at least during the first half of his tenure and until his election to Federal parliament as the member for Wills at the 1980 election.

What is more problematic to discern is whether his popularity and that of the ACTU (and trade unionism generally) can be attributed to his image as the panacea personified of seemingly intractable industrial disputes, or for other structural and more sophisticated reasons.

Certainly, Hawke’s enthusiasm for political strikes waned over the decade (1970s). The turning point was probably 1975 when – on the sacking of the Whitlam government – it was Hawke’s resolute stand that prevented industrial action, which in such turbulent times could have easily turned to violence.4

What many in the mainstream labour movement, and elsewhere, failed to realise was that was precisely what the CPA-(ML), and those unions where the leadership were members of this party wanted.

…a handful of numerically powerful unions (would) take the lead in socio-political industrial activity. Between them unions engaged in four areas of industry and involving only five unions (the ABCEBLF and the Building

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4 Grattan, op.cit. p.384
Workers Industrial Union amongst them) accounted for some 58% of involvement in political strikes from January – December 1976.\footnote{5}

Nevertheless, this was not the case across the entire unionised workforce nor was this industrial activism sustainable. By early 1977, the third year of record post-War unemployment was having an effect and industrial disputes and strikes of all colours and not simply “socio-political” ones were in decline.

Still, in 1976 the BLF had an estimated national membership of between 30 –32,000 of whom 98% were financial.\footnote{6} Under Gallagher’s leadership as the Victorian Secretary, the BLF had, in 1976 figures, property assets of approx. $500,000, including ownership of the Victorian Branch Lygon St. office, a second property in Carlton and a national net annual income of $1,000,000. In Victoria alone Gallagher oversaw 160 union shop stewards and, in his capacity as a leading figure of the CPA-(ML), should have subscribed to the ideological practice of organisational democratic centralism. It was often wryly observed by the cognoscenti that Gallagher’s preferred modus operandi was centralism without democracy.

It has already been demonstrated the close links between the BLF and the CPA-(ML) and its leadership by “Australia’s pre-eminent Stalinist”, Ted Hill –


\footnote{6 The difficulty of complete accuracy in both membership and financial status figures is best explained by the way the BLF and other building industry unions tended to organise workplaces. A strict closed shop of “No Ticket, No Start” policy was enforced in CBD and inner suburban projects. A less stringent approach was taken by the unions regarding outer suburban and provincial sites, largely depending on the size of the project. For example, a builder with a handful of tradesmen and labourers constructing a block of flats may be visited by union officials and some effort made to recruiting the workforce, however a shopping complex or other large developments would receive the same approach as an CBD/inner city site. Accordingly, individual builders labourers’ financial status would often change according to geography and/or the individual’s personal commitment to unionism.}
…in the original party (the Communist Part of Australia), Hill had been responsible for countering ASIO and other spy agencies…(and) so much stress was laid on the power of the hostile state and the need for security..(that)...There were no internal discussion documents since this was regarded as too much of a security risk.\(^7\)

That a less than transparent approach be taken by the BLF’s own Stalinist to the internal workings of the union should come as no surprise. What would transpire was that the reasons for the opacity of Gallagher’s operations in the union were infinitely more prosaic.

Not that Boyd had any reason to be blasé about the extent of his own concerns about the security forces interests in him. His 1987 Freedom of Information application to the Australian Federal Police for his security file revealed his first extract dated 1972.\(^8\)

In 1976 Boyd’s first significant construction industry site since leaving La Trobe university was Victoria’s most industrially volatile, the Melbourne Underground or City Loop project. He was working as labourer/scaffolder/steel fixer at the Museum/Melbourne Central site of the project and his rank and file militancy soon brought him to the attention of the developer. This began a series of workplace/employment turnovers that even by building industry standards was

\(^7\) Sparrow & Sparrow, *Radical Melbourne* 2 Vulgar Press 2004, p.172

\(^8\) AFP document from a D. Waddell, requested by Melbourne law firm Slater & Gordon. As a testament to the accuracy of the security forces information gathering Boyd is sometimes referred to as Barry Thomas Boyd.
uncommonly high, leading to employment then dismissal at a number of sites in rapid succession. These included the Melbourne Arts Centre, Austin hospital, Lilydale sewage farm and Preston TAFE until, in 1978 it became apparent that he had been blacklisted by the major developers affiliated with the Master Builders Association (MBA). It was finally confirmed to him in a confidential aside by his last site’s BLF organiser, the late Jim Bacon, who went on to become the ALP Premier of Tasmania. Gallagher was aware of these developments and in 1979 offered Boyd a 3-month temporary organiser’s position at the Victorian branch. In 1980, he was elected as a full-time, permanent organiser.

During the same period that Boyd was establishing himself in the union movement there was a great deal going on in other parts of his and Mary’s lives. They were living in their rented Balwyn house, close to where Mary was teaching at Camberwell High School and becoming industrially active in her own union, the Victorian Secondary Teachers Association (VSTA). In 1978, they bought a house together in Rennie St., Thornbury and married the following year, on 10th March 1979 at the William St. Registry office. The reception was at Mary’s mothers, Ethel Bluett, in Upwey at the foothills of eastern Melbourne’s Dandenong Ranges.

Mary was 29 when she married and had run hot and cold over taking this step. It had been a very long courtship and during it she had been more enthusiastic early in the piece than latterly. Nevertheless, in the end she did agree.

I was totally in my comfort zone and Brian decided he wanted to get married and we were talking at that stage of having a kid. I think that while Brian went
from being committed to not being committed to me…every time he got really close he’d get really scared, but it marked a period of time when he was committed to me, to us, to the whole thing.9

Boyd and Mary had previously travelled overseas together in 1979-80, in a sort of pre-honeymoon, visiting continental Europe and Boyd’s hometown of Belfast. During that leg of the trip, Boyd, who was travelling on an Australian passport having renounced his British citizenship at the earliest legal opportunity, provocatively referred to his birthplace in visa documents as “Ireland”, not “Northern Ireland”.

This attracted some attention from the officialdom of the British governments’ occupying forces and Boyd and Mary were stopped and searched on three separate occasions during their day long visit, causing such delays that he was unable to visit a number of relatives.

Crucially and well beyond the normal domestic milestones of house, marriage, family Boyd and Mary were now both members of the CPA-(ML), Mary being recruited in 1977-8, but in a different cell from Boyd for security reasons. It appears almost bizarre, if not laughable that a couple living together and both active in Left politics would be recruited into a clandestine revolutionary party and then kept organisationally separate and sworn to secrecy about their respective activities. Mary recalled her cell activities as, ‘pretty low profile, a study group’.10

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9 Mary Bluett interview 1/4/01

10 op. cit. interview 18/3/01
The early ‘80s should have begun a decade of great promise and satisfaction for Boyd and Mary; it didn’t turn out that way.
With his election to the Victorian Branch of the BLF as a permanent, fulltime Organiser in 1980, Brian looked to be at the beginning of a very promising career in the Victorian trade union movement. The ‘80s could equally well have become a decade of domestic promise. He had served his rank and file apprenticeship with that union, albeit one which had previously included such glamorous tasks as assisting a drunk ACTU President and future ALP Prime Minister from the John Curtin Hotel into the ACTU provided, chauffeur-driven Ford LTD limousine.¹

Through his recent membership of the CPA- (ML) and long-term union activism, Brian was in political favour with Gallagher and they enjoyed a certain mutual respect. While he would not be alone as a well-educated BLF elected official, at 29 he had credibility, favour, education and youth on his side. In fact Bob Howard, of the Victorian ALP governments I.R section, latterly, Grollo’s Construction Group, once said that it was largely known at that time that Boyd, John Van Camp (latterly the Secretary of the FEDFA Division of the CFMEU) and John Cummins were regarded by Gallagher and the BLF leadership as “the 3 stars, as future leaders”.²

¹ d’Alpuget, B. Robert J. Hawke Schwartz Penguin Melbourne 1984 p.314

² Bob Howard interview 24/11/00. Some other notable BLF officials include Jim Bacon, ex-Premier of Tasmania, John Cummins, also a La Trobe university alumni, both deceased; and Paul Gilding, who went on to be the national head of Green peace Australia. Dan Hellier, a BLF federal official at the time also enjoyed the benefits of a tertiary education
Some commentators have noted the rise of a “professional class” of union officials who ply their trade regardless of any affiliation with the industry or occupations of the union/associations membership base. Traditionally, blue collar unions such as the BLF, now, inter alia CFMEU, have tended not to take this approach, relying on time tested, grass root members rising through the ranks. This has advantages and disadvantages. Regarding the former, there is of course the familiarity of a shared knowledge of the industry and the industrial players. A reasonably contemporary example of the latter however, came to the writers attention when it was discovered that one branch/division of the CFMEU had employed organisers who were functionally illiterate to the extent they could not manage a member’s simple unfair dismissal case, a “communications/publications” specialist organiser who couldn’t write a press release and an elected official who was convinced a press release was a legal document requiring signatures and witnesses. As stated, union officials with an education beyond that of their industry and/or trade has an advantage

Boyd’s relationship with Mary Bluett was also one that had promise. They had not only been in a successful relationship for some time, they had also bought a house together, in Melbourne’s northern suburb of Thornbury, had married and began plans for a family.

Within 9 years, Boyd would leave behind a union in disarray and on the brink of collapse. His marriage to Mary, which lasted from 1979 to 1991, would also end.

During the 9 years that Brian was an elected official of the BLF, the union would be deregistered in NSW, VIC and nationally, the former by specifically drafted
legislation for that end, be expelled from a number of peak union councils and suffer a 
loss of membership in Victoria from 13,500 in 1986 to 500 in 1988. Its Victorian and 
national leader Norm Gallagher would be jailed for corruption in 1986 and 1987, and 
Brian very nearly suffered the same fate following a 3 ½ year legal dispute and trial 
from 1984 –87 for allegedly assaulting and wounding police and related offences at a 
Trades Hall-organised OH&S rally in Melbourne outside the Victorian Liberal Party’s 
H.Q.

During the same period, Boyd would also suffer a number of personal tragedies; the 
deaths of his mother Sadie, daughter Tiffany and disappearance of his closest brother, 
Lennie.

Industrially and politically, the conflict, deregistration and collapse of the BLF had 
already began with Boyd’s tenure as an elected organiser. Since the leadership of the 
union had been wrested from the control of organised crime figures in 1960 by the 
communist leadership after particularly violent campaigns, the BLF had rapidly 
become a militant and radical, Left wing union. It had been subject to attacks from 
both Liberal and Labor governments at both State and Federal levels from the 1960s 
through to the ‘80s.

From his revolutionary communist perspective Boyd took the view that the governing 
parliamentary political parties in capitalist societies were by definition ideologically 
separated only by degrees and he would argue that trade unions had to struggle 
against either government parties –
The bosses and the Tories don’t understand unions…they think we’re some
monolithic force, all united and together. Labor governments know that we’re
not. I mean, half the pollies, the caucus, are from the union movement, they
know what we’re like and they play on those divisions. ³

Nevertheless, hitherto none of the mainstream Australian parliamentary parties had
ever contemplated policies (at least publicly) that would result in the permanent
sidelining of trade unions from their public industrial and political roles,⁴

Boyd had come in to his elected role in the BLF with a great admiration for
Gallagher, as did many of his fellow organisers. One colleague, Michael Papan, an
organiser from 1978-86 and predating Boyd’s employment by 2 years recalled that
initially he and Boyd practically worshipped Gallagher. It didn’t take long for their
admiration to change. Papan and Boyd became increasingly disillusioned when
Gallagher began to become increasingly autocratic. ‘The union was only him…he got
(the members) a few things but the system got him! He wouldn’t place his trust in the
workers.’⁵

Papan also claims that corruption was rife in the Victorian branch – to a farcical level
– so much so that Gallagher would even bill his weekly butcher meat purchases to the
union’s law firm which would in turn be reimbursed by the members’ union dues.

³ Conversation with Boyd 1989
⁴ A latter exception would be made for Liberal P.M. Howard (1996- 2007), whose party’s policies
and actions from 1992, but particularly 1999, 2001 and 2004-5 were designed for precisely that
purpose. This is particularly the case with the introduction of the WorkChoices legislation
following the Coalition’s electoral success in 2004.
⁵ Michael Papan interview 28/3/02
More disturbing are claims that Gallagher developed and fostered his own criminal connections, that these “henchmen and bludgers” were his real power base. The sad irony of this of course is that Gallagher and his communist comrades had previously engaged in literally bloody struggle to take control of the union from criminal elements.

Another long serving Victorian branch organiser, Paddy Donnelly, confirms Papan’s recollections.

I knew Brian as a student activist, a union activist and he was held in very high esteem by the union leadership and other organisers (because) he was always a very willing chap when it came to organising demonstrations…Brian was allowed a free rein in taking the lead in demonstrations while Gallagher and certain other people sat on their arses in the union office… Normie never went to a fucking demonstration in his life!…Well maybe 2 or 3 (but) we were the battering rams, we were dispensable.6

This preparedness to meet violence with violence is compounded by Boyd’s propensity for direct revolutionary action and it is this combination that he attributes to him being singled out and subsequently arrested at the OH&S demonstration in 1984.

They [the state] weren’t interested in (Barry) York and (Peter) Vodicka [co-students at La Trobe and activists in the Australian Independence Movement],

6 Paddy Donnelly interview 29/8/01
who would go and write their articles and stories about Maoists at La Trobe.

They were interested in me because of the violence, the attacks on the state.7

In his personal life during this period, Boyd lost his mother Sadie, when she died in August 1981. With Mary and baby daughter Tiffany, he attended the funeral. This was the first semi-family reunion since his departure from Morwell in December 1969. (A more pleasant reunion occurred 25 years later at his sister Lynne’s 50th birthday celebration in 2004.)

Tragically, Tiffany died of her injuries from a car accident less than two years later in July 1983. This accident also had implications for yet another dark period in Boyd’s life, his arrest in 1984.

Boyd’s paranoia on matters of security, beginning from his days as a draft resister and fostered over the years by the CPA- (ML), had lead him to use the BLF Victorian branch Lygon St. office as his notional home address. The events surrounding Tiffany’s death in 1983 lead directly to a breach in his personal security.

Tiffany had been struck by a car outside the hospital he and Mary had separately attended where second daughter Nicole, born 9th July 1983, had been an in-patient. Mary’s understandable distress at the accident scene lead her to inadvertently reveal to police attending the scene the family’s actual home address, now in Alwyn Ave, Burwood, again in Melbourne’s eastern suburbs. Leaving the political implications to

7 Boyd B. interview 29/11/05
one side, there was of course a huge personal cost. Lawyer and friend, Hartnett
recalled –

I always remember Ted Hill saying to me that it doesn’t matter what a
person’s like, something like that happening to him, you’ll have a changed
person, the tragedy is just so immense that a person can’t go unscarred from it.
I know Brian thinks about it a lot.8

Events subsequent to a 5th April 1984 violent VTHC Building Industry Unions
demonstration over the Victorian Liberal party’s Upper House blocking of OH&S
legislation derive from these two seemingly unrelated events.

The past 10 months had, of course, been a particularly difficult period for Boyd and
Mary, mourning over one lost child and raising a new baby. These difficulties
increased when at 6:00 a.m. on Sunday 15th April, under the glare of television news
crews camera lights, Brian was arrested and dragged from the family home. Police
viewing television footage of the April demonstration had ostensibly recognised Boyd
and thought him a likely culprit for assaults on several police but had no address for
him. However, one of the police put together the events of Tiffany’s accident and the
home address accidentally provided by Mary and made the connection.

Ten days after the building workers OH&S march, two car loads of armed,
plainclothes police, accompanied by the dog squad, raided my home and
arrested me…The detectives charged noisily into my house, pushing my wife

8 Len Hartnett interview 24/11/00
to one side. I was pulled out of bed and eventually allowed to dress. Tightly handcuffed, I was taken to Russell St Police station.\textsuperscript{9}

At Russell St. Boyd was told by (then) D.S. Nash of the Criminal Investigation Branch (CIB) that –

You are going to be charged with one count of wounding, three counts of assault occasioning actual bodily harm, four counts of assaulting police and one count of criminal damage.\textsuperscript{10}

Len Hartnett, prominent Melbourne criminal barrister and one time articulated clerk to CPA-(ML) Chairman Ted Hill and Boyd’s long-term friend, was engaged by the BLF for Boyd’s legal defence.

Of particular interest is that Boyd quickly became convinced that the charges against him were as much political as criminal. He had learned a number of years earlier, via a conversation with Herouvim’s then-wife, that at least one of his previously close comrades from La Trobe University and the CPA-(ML), in fact arguably his closest comrade during those days, had become an informer for the Australian Security Intelligence Organization (ASIO). The informer would later confess to Boyd in 1993, that he had met with ASIO on three separate occasions to brief that organization on

\textsuperscript{9} Boyd, B. The Case of the Green Helmeted Man – a unionist on trial. Unpublished manuscript 1992

\textsuperscript{10} Committal hearing transcript 1984 pp 378-80
his knowledge and insights of Left-wing and trade union activists and militants. Boyd was implicated and discussed in these debriefings.11

The existence of secret state intelligence organizations in most countries is less than a secret. Their modus operandi has traditionally included infiltrating existing political organizations and/or “turning” those disaffected or buyable activists already inside organizations. (One anecdote from left-wing American circles in the 1950s tells of how American communist party open meetings would sometimes open with the Chairs’ welcome to “comrades and FBI agents”.)

The history of Australian state intelligence organizations can be readily traced back to their involvement in their activities against the World War 1 anti-conscription movement. ASIO is younger, but again a product of Australia’s involvement in wartime, originating in the World War 2 period, and was augmented by State government counterparts. Neither set of organizations enjoys the highest reputations for staying within their respective legislated remits or for intelligence information gathering accuracy.

A documented example was in South Australia in the 1970s, when ALP Premier Don Dunstan had a running battle with his States police Special Branch.

11 Elsewhere I referred to two known informers that Brian had known socially and politically from La Trobe and the Independence movement. The other, Reid Clarke, was of such little consequence in the broad left movement as to cause little concern when he too confessed his activities. He had become a drunkard by that time and his penance was to assist on a number of election campaigns for the ALP. As stated earlier, Herouvim killed himself in 1995.
In 1978, he (Dunstan) dismissed Commissioner Salisbury for “giving inaccurate information as to activities of the Special Branch (and) so (misleading) information was given to Parliament. 12

Further-

(A 1977 report) detailed the extent of Special Branch surveillance, pointing out that Labor politicians, the Council for Civil Liberties and trade unions had all received scrutiny…Perhaps the most damning was the observation that much of the material was “offensively inaccurate”.13

In Victoria, following the election of the ALP Cain government in 1982 that State’s Special Branch was to have been dismantled within the government’s first term of office, 1982-85. At Brian’s trial it was revealed in transcript that this had not occurred; rather, the Branch remained in operation and in close relationship with its Federal counterpart, ASIO.

That Boyd had by now become increasingly disillusioned with the CPA- (ML) over the BLF question would have been of little consequence to the intelligence agencies; he remained, after all, a militant trade unionist, and, unlike Herouvim, Boyd would never allow internal political differences to lead to any co-operation with spy agencies. None of the various agencies have ever approached him in his years of political activism. Another key aspect of Boyd’s disillusionment was related to the party’s inability to influence Gallagher, one of its senior officials, taking the BLF in a direction that could end in self-destruction. Equally, as Boyd was to state later,

13 Ibid
‘Staying as an “M-L” in the BLF was a “dead man walking”…there was no street cred…the union needed a broader Left involvement.’\textsuperscript{14} By 1983 and against Gallagher’s wishes but with the acceptance of other senior CPA- (ML) figures, Boyd successfully applied for membership of the ALP, particularly encouraged by a close union colleague and ALP Socialist Left faction member, the Plumbers Union Assistant Secretary, Bill Davis.

Nevertheless, it appears that not only did the Victorian Special Branch not disband during the first Cain administration, it increased its activities to develop a special task force that was responsible for the BLF and its activities. At Boyd’s trial, one police officer, Sgt. Wall, testified that Victorian police had accumulated files and photographs of “certain demonstrators”.\textsuperscript{15} It was further revealed that several BLF officials had been photographed coming and going to the BLF’s Lygon St. office. What was even more intriguing was that “certain individuals’” passport photographs were also in Victorian police files; international travel activities of Victorian residents is not something in which the Victorian police should generally have much interest.

As this research concerns itself with a political biography and an analysis of industrial relations tripartism, it should be examined in the context of the historical, political and theoretical developments of the trade union movement in Australia, and

\textsuperscript{14} Boyd, B. Interview November 2005

\textsuperscript{15} In his CPA-(ML)-designated role in counter-intelligence, Boyd would often attend demonstrations dressed in a suit and tie in order to appear apart from the demonstrators and photograph those photographing the demonstrators. This could be one of the origins of the persistent rumour surrounding his political activities, that he was in fact an infiltrator or double agent acting for the state intelligence agencies. This should not be seen as being overly far-fetched. One former Trades Hall Industrial Officer and later a Victorian Department of Labor Industrial Liaison Officer, Ron Jordan, was described by police during Boyd’s trial as “an informer”.

71
elsewhere. At its essence, tripartism in industrial relations argues for the legitimate and mutually recognised role of each of the industrial parties, these being the State and its specialist industrial relations agencies, employers and their representatives and employees and their representatives. Outlined in some detail almost 50 years ago by American economist, John Dunlop as the Systems Theory, this theory attempted to explain that industrial dispute resolution was best achieved through a tripartite system of utilising the respective representatives of the mutually recognised parties, state specialist officials, employer associations and trade unions.¹⁶

In Australia, state recognition of the other industrial parties dates back to the Conciliation and Arbitration Act (1904), which explicitly granted recognition and other legal sanctions to those industrial bodies that were registered under the terms of the act. Registrations of the non-state parties were then provided with an independent, compulsory arbitration service to broker disputes between them. Equally, recognition and registration could be and was removed for those industrial bodies that were seen to step outside of the legal constraints contained within the act.

As noted above, the BLF were de-registered on a number of occasions, were a self-described militant and almost revolutionary industrial body and now had one of its officials charged with various serious criminal offences, and they may have been politically motivated as Boyd suspected.

One imagines that these developments are significantly outside the remit Dunlop had in mind when constructing his theory.

On the broader, national political stage, in March 1983 a Federal ALP government, led by Bob Hawke, came to office. It was a government whose industrial relations policy was inexorably connected to the proposed Prices and Income Accord between the ALP and the ACTU, a centralised approach of tying unions into a framework that would further legitimise their status as an industrial party within a tripartite system but with two major offset; unions were required to agree to significant wage restraint in a then depressed national economy, and, more significantly if inadvertently, began to become to be perceived by the public at large and their own constituent memberships as being almost a wing of government. Legitimacy, which was not particularly questioned at this point anyway, was heightened but at the cost of some independence of action and appearance, and perhaps most importantly, as the beginning of the ongoing decline in trade union membership.

There exists a suitable example as an appropriate illustration of one failure of the mutual recognition and respect between the parties that Dunlop posited as a requirement for his theory to be successful.

In what Boyd called “The Case of the Green Helmeted Man”, he wrote an unpublished version of his arrest, charges, trial and subsequent acquittal which makes for interesting reading. Although far too lengthy and detailed to go into here in its entirety, it lends a certain veracity to his suspicions regarding the real nature and motivation of the police, and the Victorian State government, whether acting implicitly or explicitly, in the whole affair.
Certainly Bob Howard was of a similar opinion. ‘I don’t know, but I’m told…that he wasn’t responsible for it, that someone else was, that’s what I’ve heard.’ Len Hartnett remembers the trial fully, including the huge physical effect it had on him personally when he came out in a case of stress-related shingles!

I had a police officer in the witness box in that trial admitting to me that he had told lies on oath at the committal proceeding. “I lied, I lied on oath “. That just never happens, you never get police to say that. They went overboard against Brian, it was an anti-BLF thing… and also it (the incident) was an attack on the Liberal party headquarters, an attack where police get punched…they thought it was Brian so they were going to go all out.

Boyd was someone they would have liked to have got before, he was a leading unionist, popular with workers…the police were more frightened of the BLF than any other group…if the BLF got out of control there was real trouble, it was men to men…both sides could fight and the workers could fight better.

Undoubtedly there was a secret group in the police force where they kept material on Boyd and Cummins and other people…ASIO was involved, they had Boyd and Cummins’ passport photos.

Boyd always firmly believed that it was Herouvim’s ASIO ‘de-briefs’ in 1980-81 that put him in the police sights. Herouvim’s role deserves further examination. Boyd claims that Georgina, Herouvim’s then wife, had informed him that in 1981 ASIO

17 Howard op cit
18 Hartnett op cit
agents visited their Flemington home in Melbourne’s inner north-western suburbs and that Herouvim revealed his disaffection from and dissatisfaction with the CPA(M-L) and began the first of 3 briefings for the secret security forces on the activities and personnel of party members and other activists. Boyd further claims that Herouvim sought him out for a meeting at Carlton’s “Jimmy Watson’s Wine Bar” in 1993 to explain his actions and apologise. (Georgina would not participate in an interview on this and cannot be further identified; the information cannot be confirmed.)

The case, from arrest to eventual acquittal, ran for over three years. It had attracted front-page headlines such as “WALLOP!- Building workers on the rampage”20, “Workers ‘crash’ court”21, to an inside story on his eventual acquittal “BLF man found not guilty of assaulting police”22. During this lengthy, nerve wracking period Brian and Mary had a third child, Rory, born on 25th February 1985. Nothing about the case had been expeditious, from the length of the hearing, 33 days, down to the jury deliberations, which lasted a full seven days. Hartnett eventually approached the trial judge and asked for a mistrial. The judge agreed and called the jury in to thank them and dismiss them. Interestingly, the judge, Villieneuve-Smith had assisted in the Beach Victorian police corruption enquiries 7 years earlier and during Brian’s trial on very serious charges had actually allowed Brian out on bail. In any event, following the successful request for a re-trial, the foreman then asked for another half hour to reach a verdict! They returned with a “Not Guilty”.

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19 Boyd, B. interview 17/01/02
20 Sun 6 April, 1984
21 Herald 24 September 1984
22 Age 16 September 1987
During this same period, and indeed earlier, Boyd continued to have growing concerns about Gallagher’s use of the BLF for his own personal ends, especially his use of industrial tactics to fight his personal corruption charges.

Really, by the end of 1981, I was very suspicious at the way the place was being run.

What was coming out in the media and the Royal Commission (the Winneke R.C.), was that actual real people, not just the allegations by (P.M.) Fraser (whose government had set up the R.C.) or by Viner (Fed. Min. for I.R.) or the M.B.A.,...just saying Norm’s corrupt, the BLF’s corrupt, the BLF’s too militant and all that sort of stuff....But what was happening was that real people who’d actually poured the concrete or put up the structure or did the design of the beach house, who worked for companies like Hansen & Yencken, E A Watts, Bruno Grollo and George Herscu, these people came forward and said “Yes, we were sent down to McLachlan’s Beach in East Gippsland and we poured the concrete, we put in the steel…and we were told by Herscu or Grollo to charge it to this building site or that project and so on – we did not give the bill to Norm Gallagher “.

Then Gallagher changed his tack (from denying any corruption allegations) by 1982-3 to “what’s wrong with getting a few gifts from your friends?”

Well the problem with that is some of these friends, all of them, by February 1983 had ended up in the Magistrates Court and people like Bruno Grollo were all making plea bargains as alleged givers of secret commissions under the Crimes Act to save themselves and getting good behaviour bonds so they
could keep their company directorships. And these friends…all bailed out and became “enemies of the working class, enemies of the BLF, enemies of Norm Gallagher”…and left him and Bob Dalton, his senior organiser at the time…to face criminal charges.\textsuperscript{23}

They certainly did. Gallagher was jailed twice and even tried to run the union from inside Melbourne’s Pentridge prison, but it was end game for Gallagher, the BLF and Boyd. As we’ve seen, Gallagher’s credibility was in tatters, the Victorian branch of the union reduced to a rump of 500 members and for Brian the last straw was Gallagher’s delay then refusal to pay Hartnett’s legal bill, despite the union’s executives voting in favour of paying it.\textsuperscript{24}

In 1988, taking advantage of an upcoming Left vacancy for an Industrial Officer at the Victorian Trades Hall and with encouragement from Socialist Left ALP comrades, Brian resigned from the union and began his new role in the Victorian union movement’s peak council.

There was a bombshell still remaining about his experiences in the BLF; Brian had begun a diary of events from his original suspicions to his eventual departure. It formed the basis of a book that he would release in 1991.

The long period of sustained pressure experienced by Brian and Mary for almost all of the ‘80s began to manifest itself. Mary had also begun her own career within the

\textsuperscript{23} Boyd op cit
\textsuperscript{24} Six years later, when John Cummins replaced Gallagher as Secretary and merged what was left of the BLF into the CFMEU, Hartnett’s bill was finally paid.
Victorian trade union movement, from a rank and file activist in the Victorian Secondary Teachers Association (VSTA) at Camberwell High School where she taught science subjects during the ‘70s and ‘80s to the leadership of that organization a decade or so later. During the same time, she had experienced increasing medical difficulties with each of her three confinements, and Brian found it very difficult to cope with Tiffany’s death, often seeking an outlet in alcohol; they both suffered through the prospect of a lengthy period of imprisonment for Brian, family loss and political betrayal.

Brian moving from the BLF to the VTHC and the catharsis of an expose of his experiences weren’t going to be enough to offset the events of almost an entire decade.
Boyd’s election as Industrial Officer (I.O.) to the VTHC marked his progression beyond the constraints of one, now moribund, union to a broader co-ordinating role within the Victorian union movement, although he maintained his power base inside the VTHC with the building industry union’s bloc. His 17 year term, a record for an elected Industrial Officer (I.O.), could be viewed as being divided into 3 linked but separate and distinct phases; initially, under the Secretaryship of John Halfpenny (1987-1995), then under the subsequent Secretaryship of Leigh Hubbard under a hostile Liberal State government (1995-1999), and finally under Hubbard during a Labor State government, before Hubbard’s final term, 2001-2005, leading up to his resignation on 28 January, 2005.

This is a neat and tempting division to work with, but not without flaws, in that it risks ignoring some of the significance of the details of internal and external personal and political developments for Boyd as husband and father, an individual trade union official and other events as they affected the broad trade union movement in the national political arena; events such as the loss of a national Labor government after 13 years in office, that occurred during the second phase and the massive ramifications this would have on Australian trade unionism and tripartism.

Nevertheless, working within the above broad outline, we see that on his 1988 election to the VTHC, Boyd operated in a political environment where Labor governments were in office both in Victoria and federally (and indeed elsewhere at a
State/Territory level). In Canberra, the Hawke government was in its fifth year of office since 1983, having been re-elected in ‘84 and ’87, and at Spring St. the Cain government was in its sixth year, elected in 1982 and re-elected ’85 and again earlier that same year. But whereas the Federal ALP would go on to enjoy more parliamentary success, ultimately becoming the longest serving Federal Labor government in Australia’s history, the Cain government was looking politically tired. Since 1982 it had steadily lost both seats and voting percentages since it had broken its 30 year consignment on the Opposition benches.

(see table below p.86)

Part, but by no means all, of the Victorian government’s problems can be attributed to increasing criticism and attacks from the union movement, in particular in campaigns directed against it on a number of issues by the VTHC and some of its affiliates in key industry sectors, eg workers compensation (Workcover) changes.

The unions are the rock upon which the ALP and the (party) factions are built. Joining the ALP involves the conscious recognition that one is becoming a member of the political expression of the trade union movement. The unions act not only as a steadying influence but also as tribal elders. They control much of the game, and little happens without their concurrence. (1)

In this respect the State ALP parliamentary party had gone to the 1982 election with a platform that had highlighted this industrial-parliamentary wings relationship as a positive force for industrial harmony, and in many respects
delivered on a hitherto very good working relationship, at least between 1982-1986;

The first phase covered the period 1982-3 in which Labor established the machinery for its industrial relations approach… the government implemented almost all of the industrial proposals in its election platform…creating a cabinet Industrial Relations Task Force; encouraging union applications for industry agreements; creating a tripartite State Labour Advisory Council…The second phase from 1983-86 involved cementing in the reforms of the first phase, in the context of the newly established Accord.¹

Undoubtedly, this effective relationship between the ALPs industrial and political wings had existed and allowed both to benefit. However, in the Cain government’s third term, the parties’ relationship, like the overall physical condition of the Trades Hall building itself, was literally falling apart.

This was the political environment the newly elected I.O. found himself in. Further complications for Boyd were his increasing role in the Labor party machinery, particularly in the Socialist Left (S.L.) faction, (which led directly to his election as a member of the State Administrative Committee in 1991) and the history of animosity between him and John Halfpenny that had started almost immediately after his election to the VTHC when Halfpenny launched a public attack on Boyd at a National  

Left-unions caucus where Boyd was putting the BLF’s position on the Accord.

Halfpenny interrupted Boyd’s comments, saying that he had better change his tune when he was going to start working for him. This simple event really defined the Boyd/Halfpenny relationship and it never fully recovered.

Domestically, there were a different set of problems. Boyd and Mary’s marriage had begun to deteriorate before his ’88 election, as marriages often do, even without being subjected to the stresses of trade union and revolutionary politics, the arrest and possible jailing of one half of the marriage and the death of a child. They had both been under enormous pressure and Boyd, never one for moderation, began to drink particularly heavily. Boyd and Mary separated in early 1991. Boyd left the Burwood family home and moved alone into a 1-bedroom Richmond flat for 3-4 months.

Mary recalled the period as extremely unpleasant:

…pretty nasty, horrible and hard to come to terms with…I in fact let a lot of my Trades Hall area of my job (go) ..somebody else did (it) and I concentrated more on the Victorian Secondary Teachers Association (VSTA) as it was then.

So for a while we didn’t have much work contact at all.²

On their separation, Boyd made overtures to his VTHC secretary, Christine Thomas, who had worked at the VTHC since 1985 and had become his secretary on his ’88 election. She had initially found Boyd as a boss very demanding because of his thoroughness, punctuality and sheer demand and pace. How much this contributed to

² Mary Bluett Interview 1/4/01
her rebuttal of his advances is unknown, but Christine did reject him. Undaunted, Boyd re-directed his attention to fellow Industrial Officer, Trish Caswell and she joined him in his flat 6 months later before they both moved into a home from one of Trish’s own earlier relationships, in inner-suburban Nth Fitzroy at the end of 1991.

In the work arena, Boyd’s boss Halfpenny had previously been the Secretary of the militant and powerful Australian Metal Workers Union and a member of the C.P.A. He had earlier renounced his membership of the latter organization, joined the A.L.P. and ran unsuccessfully for a Federal Senate seat in the 1987 election. His animosity towards Boyd included his ‘84 OH&S demonstration arrest, his assumed membership of the CPA-(ML), and other factors (see above). For Boyd’s part, his attitude was that Halfpenny hadn’t deserved or earned a position such as Secretary of the VTHC, that he had been awarded it as a consolation prize for his unsuccessful parliamentary tilt. By arguing this, of course Boyd, even at this very early stage, could be seen to be clearly staking the ground for his own worthiness for the job in the future. A simpler analysis for the animosity is that, ‘It had a lot to do with their personalities…really ‘up there’ macho boys, each wanted to be top dog.’ Of course, one of the key militant unions that did not support Halfpenny was the BLF. Nevertheless, it is also worth noting that Halfpenny was the third older male authority figure with whom Boyd had had a close involvement and, by his standards, he had found wanting.

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3 Barbara Hart Interview 23/7/01
As stated, among Boyd’s co-I.O.s, were Trish Caswell, also from the Left and whose power base was largely from the teaching unions, and Peter Parkinson who was supported by the Right, with unions such as the Municipal Officers Association (M.O.A). (now Australian Services Union) and some moderate unions. The Asst Sec. of the VTH was Max Burr, also a Right unions representative, and important in the politics of the VTH in that he continued the Left-Right power sharing arrangements for the two (nominally) senior positions. While the salaries of all the full-time elected office bearers were modest by private sector standards they were within respectable parameters of the broad trade union movement. Not that the VTH’s financial status was parlous. As part of what had been a good special relationship between the parties, considerable State Treasury dollars flowed through to the VTH; consultancy fees for serving on tripartite bodies, subsidised salaries for union liaison and specialist officers, training allowances and the like. Further, and in recognition of the physical state as well as the historical significance of the venerable old building, Treasury dollars were set aside for its restoration. In November 1990 it was reported that $101,200 worth of grants from the State Arts Ministry had been awarded to the VTH and other workers organizations in that financial year.4

Nevertheless, early in the governments’ third term, two major disputes arose. These were the Workcare dispute (1989) and the Meticket dispute (1990). The former dispute arose from what has been described as “the government’s achievements in the field of occupational health and safety (that) were remarkable, surprising and flawed...(the) problems can be detected in a lack of bureaucratic experience, inadequate institutional and organizational development and competition between

4 Herald-Sun  17/11/90
economic and social reform priorities”.\textsuperscript{5} Simply, the State workers compensation fund was found to be not fully funded to meet all contingencies, regardless of how unlikely, and the government’s response was to prune back both injured workers eligibility for and amounts of compensation payments. Initially, the VTHC took a lead role in this dispute. There would be an ironic twist when half a decade later the then Secretary, John Halfpenny was convicted, fined and ordered to repay money he defrauded from the very scheme he was pledged to defend.

The latter Met Ticket dispute had its genesis in 1987 when the then-Transport Minister Tom Roper cut 5000 jobs as a cost saving exercise. The union movement forced his dismissal, however the Ministry went ahead with another cost saving scheme, a new Met (suburban) ticketing system to reduce the deficit. That also met with union resistance as it was feared to have also led to the loss of thousands of tram conductors’ jobs.

There was obviously significant turmoil and upheaval in all aspects of Boyd’s life at this time, personal, industrial and political, and it wasn’t going to subside any time soon.

\textbf{ALP election results: Table 1}\textsuperscript{6}

\textsuperscript{5} Considine et al op. cit

\textsuperscript{6} ibid pp.59-60
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In the 4 years of Boyd’s first term as I.O., and in the last term of the State ALP government (and the lead up to what was becoming a predictable defeat of the ALP in 1992 election) he wasted no time in trying to assert himself as a major player at the VTH. Although the most junior of the elected officials in terms of tenure, he set about involving himself in a vast range of issues.

On the political front, Boyd had achieved some substantial measure of authority within the non-parliamentary organs of the ALP. This began with his election to the party’s Administrative Committee in 1991, and the authority this brings, to his status at the VTH to openly and publicly criticise, and at times attack, the State government. Such attacks were over issues ranging from mainstream trade union matters such as protecting public sector employees superannuation entitlements to the less traditional such as organising unionists to form a bodyguard to protect visiting African National
Congress deputy leader Nelson Mandela following his recent release from jail in Sth. Africa.\(^7\)

Boyd celebrated his 40\(^{th}\) birthday in July 1991, upstairs at the John Curtin Hotel, Carlton, some unexpected guests put in an appearance. Earlier, in November 1990 and on Boyd’s motion, the VTH had placed an official ban on that trade union hotel using topless dancers and waitresses. In December the same year Boyd was at the forefront of the campaign to suspend the BLF from the VTHC, over his old union’s relationship with ‘body-hire’ company, Troubleshooters. The BLF had previously been in the forefront of the campaign to stop body-hire arrangements undercutting wages in the building industry. On the night of the birthday celebrations an unknown couple arrived; a stripper and her armed minder, who claimed to have been pre-booked, and demanded payment for the young lady’s arranged performance. Boyd gallantly referred the matter to the Master of Ceremonies, the author. After some animated discussion the anonymous employees of the adult entertainment industry left, unpaid. A potential scandal was averted but the point was made. Downstairs in the main bar, ex-BLF officials were spotted chuckling into their beers. Boyd’s enemies weren’t going to forget the actions of their former comrade in a hurry. “Inside the BLF” (ITBLF) had yet to be published.

When it was published, in December ’91, it caused an immediate furore in labour circles. It was launched by the then A.C.T.U. President Martin Ferguson, who praised it as an important expose of bad union practices. The organ of the Industrial Relations Society, the \textit{Journal of Industrial Relations} also praised it as a useful contribution to

\(^7\) \textit{Herald-Sun} 24/10/90
the neglected academic area of trade union literature history as told by an insider. Not everyone agreed. Many in the labour movement regarded “ITBLF” as being the very thing to earn Boyd the worst epithet available in the movement; “a labour rat”. Boyd simply defended it as, “… a story from the inside. It had to be told. Self respect required it to be.” On its initial release it became a best seller within a month, albeit in the top 10 for only a week, selling 7800 copies, a figure it has yet to equal in the almost two decades since. Its political effect on Boyd would be felt for a long time to come.

Exacerbating the impact were Boyd’s robust performances at the then-fortnightly VTH Council Chamber delegate meetings. Many of the rank and file delegates, and indeed full-time officials who between them constituted the VTH Council would be uncomfortable with being called “softcocks”, as Boyd was want to do when he suspected insufficient militancy from them; a throwback to his excoriation of his colleagues at Melbourne teachers college 20 years earlier.

Nevertheless, the personal posturing and factional positioning in the labour movement at this time were not going to stave off political inevitability. Industrially, the Workcare and Metcard public transport campaigns (and a number of other disputes) by the union movement were largely futile. Politically, and in combination with a slowing economy and financial scandals they were disastrous.

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8 Boyd, B. *Inside the BLF*. Ocean Press 1991 p.312. It is interesting that despite its success Boyd never attempted to duplicate it with other publications. He did write and self-publish a small 32 page pamphlet, “Full Moon over Mindanao – a trade union trip to the Philippines” (1993), and has written but never published an impressive number of partial and complete manuscripts on a number of topics. These include his experiences during his’80s trial, “The Green Helmeted Man” and an autobiography, “Irish Immigrant Tales”
Under electoral and cabinet pressure, ALP Premier John Cain reluctantly resigned in August 1990, replaced by Joan Kirner, whose lame-duck government limped to the October 1992 election where it was wiped out in a landslide Coalition victory, led by the third-time lucky, union hating Liberal leader Jeff Kennett. Kennett’s huge parliamentary mandate quickly became tarnished when a comprehensive raft of legislative changes that had not been fully detailed in the campaign was introduced.

Among the proposed changes was an Industrial Relations bill viewed by many as draconian and essentially an all out assault on the trade union movement. Largely drawn from the earlier and ideologically similar legislation in New Zealand, the Employment Contracts Act which had the effect of completely isolating N.Z. unions from the industrial processes of collective bargaining and representation, reducing them to the status of social and sporting clubs or friendly societies, it was a harbinger of the future intentions of other Liberal parties should they win office, and would have almost certainly ended any attempts at tripartism between the state, employers and unions in Victoria.

With the ALP parliamentary party reduced to a rump, the focus of opposition quickly shifted to the VTHC, an organization still affected by the rumbling animosity between its two dominant figures. In the interim, Parkinson had moved on from his I.O. position, as had Trish Caswell, who had been headhunted by the Australian Conservation Foundation as their new C.E.O immediately prior to the ’92 Victorian election, a position she had made herself available for when she was unsuccessful in replacing Max Burr as VTHC’s Asst. Secretary.
Her replacement was Barbara Hart, who had been a full-time official with the Clerks union before becoming VTH Vice President in 1990 and President in ’91. She recalls the massive internal struggle between Boyd and Halfpenny on the appropriate responses to the Liberal government’s attacks on the unions.

Boyd really pushed for a (mass) rally …I think Halfpenny thought Kennett had only been in a short time, there’s some measure of goodwill towards him…even though he abolished the award system, was attacking unions and their members…Halfpenny really did nothing … I think he was absolutely shocked at the level of turnout ⁹

On November 1992, the streets of Melbourne CBD thronged with over 100,000 unionists, workers and other protesters who marched in demonstration against the worst excesses of the new government’s policies. Victorian regional centres also contributed to the protest, with Geelong, the second largest city, proportionally exceeding the Melbourne turnout. Two more mass rallies followed in the next 12 months although neither eclipsed the November turnout, which was reported as having rivalled the anti-Vietnam war Moratorium marches in the early ‘70s where Boyd had cut his teeth 20 years earlier.

Nevertheless, despite the popular success of the initial rally, or perhaps because of it, Boyd and Halfpenny continued their internal feud. ‘He hated Boyd with a passion. I mean from the time I got there, they were basically at war.’ ¹⁰ For Boyd’s part, he was

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⁹ Barbara Hart Interview, 13/8/01
¹⁰ ibid
always willing to challenge, circumvent and usurp Halfpenny’s role as VTHC spokesperson. As one ABC radio news producer at the time recalled years later-

Boyd became known as the second ‘go to guy’ at Trades Hall…if Halfpenny wasn’t available for comment, go to Boyd because he always was, and if he wasn’t able to immediately he’d always get back to you. 11

Barbara Hart is far more critical of Halfpenny’s role in the feud.

Of course, Halfpenny was just a pig. I’ve never worked with such an arsehole. Everything was about him. If you had the slightest difference of opinion you were an enemy. Because I got to know Boyd better and we became such good friends as time went by…all of a sudden I was enemy No. 2; if Boyd was Enemy No. 1, I was Enemy No.2 12

Notwithstanding his ongoing relationship with Trish Caswell, during the period of his first stint as an elected I.O., Boyd became good friends and often more than just good friends with a number of his VTHC and ALP female comrades and colleagues. On his relationship with Caswell, Barbara recalls

(I’m) not very complimentary…a very self centred and selfish individual…an odd match with Boyd. Her career was mainly about Trish Caswell, not the Hall, not the movement.

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11 Louise Cooper ABC Radio producer I.V. 28/4/06
12 Barbara Hart op cit
And on moving to the ACF after failing to secure the Asst. Secretary position at the VTHC –

dummy spitting. The reality was the Right had to be accommodated and there was no way the Left unions were going to knife the Right and potentially have a whole lot of unions disaffiliating from the Hall 13

The dust had barely settled from the fallout on the Victorian labour movement from the Kennett election in October when the now Keating ALP Federal government began gearing up for a 1993 election. Paul Keating, elected as the parliamentary leader of the ALP, and therefore Prime Minister in December 1991, was facing the almost as recently elected leader of the Federal Liberal party, free marketeer and ex-academic, Dr. John Hewson, who had replaced two-time loser Andrew Peacock following his defeat in the 1990 election. Hewson had won the leadership with 62 out of a possible 80 votes and regarded himself as a leader not beholden to any within his party.

In November 1991, Hewson unveiled a policy document ‘Fightback’, a comprehensive outline of Liberal party policies for the ’93 election and the decisive event of the parliamentary term for the Coalition parties. ‘Fightback’ contained an I.R. policy position, ‘Jobsback’, again inspired by the N.Z. model, which was in essence a plan to completely de-regulate the labour market and isolate the trade union

13 ibid
movement and abolish the centralised arbitration system.\(^{14}\) Having witnessed an isolated version of the model in action in Victoria, the national trade union movement was well aware of the implications of the introduction of such a policy nationally in the event of a Federal Coalition election victory.

In his unpublished diary of the 1993 election campaign, Boyd recorded Federal Industrial Relations Minister, the late Senator Cook saying that Victoria’s contentious I.R. laws had already sparked an exodus of 800,000 workers out of that State’s award system. There would be no such remedy if the same laws came into effect federally, an outcome the ACTU fully expected, notwithstanding the ACTU and the ALP signing off on the Accord Mark V11 on the 19\(^{th}\) February.

On the day before the 13\(^{th}\) March ’93 election Boyd recorded the following –

> Late afternoon there is an extraordinary meeting in Swanston St. at the ACTU headquarters. All the officers of the ACTU have a special gathering. The topic is ‘How to live with a Hewson government’. Generally, the leadership of the ACTU had decided it was very likely that the Coalition parties will form the next Federal government.\(^{15}\)

Naturally, during the 5 week campaign the labour movement had mobilised to prevent such an outcome and Boyd was responsible for co-ordinating a number of unions and supporters to assist ALP candidates and their campaigns in several Victorian seats.

\(^{14}\) Kelly, P. op. cit pp609-614

\(^{15}\) Boyd, personal diary, copy of unpublished manuscript with author. P.39
Boyd recorded in his diary his thoughts the day after the election –

The headlines say it all “How sweet it is – Keating triumphs…Gain of four seats brings Victoria back to the fold”. The Kennett State government was in crisis talks today (sic) (Monday 15th March), as it struggled to come to grips with Labor’s win federally. But unions and the State Opposition used the poll jolt in Victoria to increase pressure on Mr. Kennett to reconsider his tough industrial regime. (however) Reality was to catch up with Victorian Trade unionists over the next few years.16

While many critics later derided “Fightback” as the longest political suicide note in history, the ominous postscript above refers to the I.R. changes soon to be introduced by the re-elected Federal ALP government, a government re-elected in no small measure thanks to the contribution of its comrades in its industrial wing, in the controversial Industrial Relations Reform Act, specifically the inclusion of non-union collective agreements known as Enterprise Flexibility Agreements. These agreements ostensibly provided for traditionally un-unionised industries and workplaces to enter into AIRC sanctioned collective industrial agreements between employees and employers, bypassing the hitherto legal requirement that industrial parties such as unions and employer associations and/or individual employers named as respondents were the parties to an agreement or award.

16 ibid pp 44-49
In other words, to selectively remove unions from their compulsory role on the basis of non-union or low union presence in a given workplace, something which had been rejected over 70 years earlier in a test-case, precedent forming decision, ie. Burwood Cinema Ltd. v Australian Theatrical and Amusement Employees Association (1925).

This development goes to the core of one of Boyd’s core tenets, that the union movement had to maintain its vigilance, independence and when necessary criticism of and from ALP governments.

It also goes to part of the theme of the thesis of this dissertation, the decline in Australia of industrial tripartism, which it is contended is not exclusively a phenomenon that began with the avowed and open proponents of anti-union and centralised state industrial arbiters and that can be found in the ranks of the Coalition and elsewhere. The Bill and its offending sections was passed into law as the Industrial Relations Reform Act (1993) and, as Boyd predicted, opened the gates to employers to use EFAs to de-unionise their existing workplaces and workforces.

At the Victorian ALP adjustments were being made for a long stay on the Opposition benches. Shortly after the ’92 election defeat, Joan Kirner stood down as parliamentary leader of the party and was replaced by the previous Deputy Premier, Jim Kennan. –

And it was expected the former Attorney-General would stay there and take the fight up to Premier Jeff (sic) for the next 2 or 3 years. But Kennan took another hard look at life in Opposition, threw in the towel and left it to
Brumby to pick up the leader’s baton just a few months after his entry to State
Parliament.\textsuperscript{17}

Back at the VTHC, Boyd and Halfpenny, who had both been re-elected to their respective positions in late ’92, bunkered down. Boyd turned his attentions to establishing a cordial relationship with the new State Opposition leader, and began preparations for a trade union sponsored trip through Australia-Asia Worker Links to the Philippines as guests of the Filipino trade union body, the KMU. The 10 day trip resulted in Boyd’s second publication, a 33-page pamphlet “Full Moon over Mindanao – A trade union trip to the Philippines”. He also wrote an unpublished account of the October ’92 – March ’93 period titled “Backlash! – the first six months of the union campaign against Jeff Kennett and the national impact.”

He had also decided to take on another serious political opponent, ALP Federal Minister for Industrial Relations, Laurie Brereton, who he correctly identified as the main supporter of the EFA provisions in the above Act. As a member of the ACTU Industrial Legislation Committee, in August 1994 Boyd wrote and circulated a document titled “True Believers Spirit Being Gutted By Brereton’s I.R. Sabotage – (A Spoilers View). Boyd opens the document writing –

\begin{quote}
The Keating Government is on the verge of severely and regressively damaging its links with the trade union movement. The Federal government’s persistent promotion of non-union Enterprise Flexibility Agreements as the
\end{quote}

\textsuperscript{17} Donovan, B. \textit{Bracks and Kennett – My part in their rise and fall.} Information Australia 2000 P.99
cutting edge of its Industrial Relations reform strategy is a clear breach of faith against the promises made in 1993.

It is a well argued document and not without prescience, particularly where Boyd argues-

… it’s Brereton’s penchant for non-union EFAs that has wetted the appetite of the employers. Their desire to dissolve Awards was somewhat dented by the 1993 controversy. [Here Boyd is referring to the September 1993 ACTU Congress where guest speaker Brereton received a hostile reaction, largely lead by Boyd himself). But now in the maritime, building…and other industries…EFA ‘booby traps’ are popping up to test the union movement’s defences.18

It was a fight that Boyd would not win.

Back in his own bailiwick, Boyd campaigned as VTHC I.O. on a number of issues, both inside and outside of his portfolio. These ranged from protecting State public servants’ superannuation, blocking attempts by the deregistered BLF to re-establishing itself in the Victorian building industry via the Construction Forestry and Mining and Energy Union (CFMEU), and advocating bonuses for non-smokers in the workplace.

18 Boyd, B. copy of unpublished manuscript with author, pp.1-4
During this period, Boyd and Trish co-purchased a house in Palmerston St., Carlton in 1993 and, in September ‘94 enjoyed a union movement supported trip to Zimbabwe where over 4 weeks they visited Harare, Bulawayo and elsewhere, making union connections in the transport, construction and public sectors in that country. Interestingly, Boyd recalled later that even at this early juncture the Zimbabwean President Mugabe had problems with his relationship with unions and working-class supporters. However, it was a subsequent overseas trip that would cause problems in Trish and Boyd’s relationship.

But his political and industrial activities were all taken with an eye on the destabilisation of Halfpenny, with Boyd constantly positioning himself as the next VTHC Secretary. Halfpenny was equally aware of Boyd’s intentions and in early April 1995, he abruptly announced his decision to retire as Secretary, citing ill-health. Determined that Boyd would not succeed him, he secretly gave advance notice to VTHC Research Officer, one time Industrial Officer for the Plumbers Union and lawyer, Leigh Hubbard.

Hubbard was advanced and promoted despite his lack of day to day industrial experience. He’d never been an Organiser, he was essentially a Research Officer for a union, put forward to block Boyd.19

Hubbard got a head start at organising numbers for his own tilt at the position.

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19 B. Hart op. cit
Two left-wing union officials yesterday emerged as the front-runners to replace Mr John Halfpenny as Trades Hall Council secretary. Mr. Leigh Hubbard, a THC research officer, and Mr. Brian Boyd, a THC Industrial Officer, are tipped to nominate for the position when left-wing unions meet tomorrow (6/4/95)…Sources say that Mr. Boyd, a former organiser with the deregistered BLF, would only have limited left support.20

Although Boyd quickly learned of Hubbard’s head start and began organising his own campaign, he soon realised he had been out manoeuvred by Halfpenny and Hubbard and stopped short of nominating. Hubbard was duly elected unopposed and Boyd never forgot or forgave Halfpenny’s final act in the long battle between them.

Not long before this, in the early summer of 1996, Boyd had suffered another domestic setback. Before he left for an overseas trip to Europe and the U.S. without Trish, he knew that the 5 year relationship between him and Trish had come to an abrupt and unpleasant end; she had given him a sealed letter and instructions not to open it until airborne. Boyd opened it at Melbourne’s Tullamarine airport.

With Trish principally involved in her senior role with the Australian Conservation Foundation, the political and personal attractions that brought them together had well and truly waned. ‘The relationship had run its course for both of us.’21 Boyd would decide to stick with the union movement and Trish would not.22

20 Age, 5 April 1995
21 B. Boyd Interview .2/4/07
22 Ms. Caswell had originally agreed to be interviewed for this study, but had ‘postponed’ shortly before the scheduled meeting. Subsequent attempts to re-schedule had not met with a reply. She has said nothing on record that I am aware of since the split between her and Boyd.
Of the many touchstone events in Boyd’s domestic, industrial and political lives with which this chapter concerns itself there are very few positives; in many respects 1995 to 2004 can be described as the period of his ‘wilderness years’.

The ending of the relationship with Trish Caswell occurred under sour circumstances. Notwithstanding the growing apart of their respective political and industrial interests, both parties had concerns about the other’s infidelities, and concerns over Brian’s conduct at least were not without foundation. Brian and Trish finally agreed to end the relationship in May 1995, on the eve of Brian’s inaugural trip to the U.S. and Europe to investigate international practices on building industry redundancies. On his return 6 weeks later, he returned to their jointly owned Palmerston St. house and Trish moved out shortly after. The house was eventually sold about a year later and Brian moved into a one-and-a-half bedroom apartment in Lygon St., remaining in Carlton as he would continue to do up to time of writing. It was to be the last time that he would fully commit to both a de facto and co-habiting arrangement.

It was in the same year that John Herouvim, ex-CPA-ML member and now exposed ASIO informer, committed suicide in his car at the foothills of the Victorian Alps district, Lake Mountain. Having been rejected for the position of editor for the party’s newspaper, “Vanguard”, Herouvim had left the party in 1980 and shortly after, the teaching profession, to pursue a career as a stand up comedian and comedy writer but not before he had been de-briefed by ASIO. He subsequently turned over a copy of
his unpublished and incomplete history of the CPA-ML to Boyd and various academics. Boyd attended his funeral.

Following the split from Trish, Boyd resumed his earlier pursuit of Christine Thomas and they began a relationship in late 1996. That lasted a year-and-a-half before ending and he subsequently took up with Melbourne City Councillor Rosemary Daniels in the first half of 1998.

At Trades Hall, Hubbard would be expected to enjoy a minimum of one 4-year term, and more likely two terms, and neither Federal nor State ALPs looked like having particularly viable parliamentary futures in the short term. With the implications to industrial relations tripartism and the trade union movement that would come with this, Boyd may have been thwarted in his leadership ambitions but he was not sidelined. Earlier, and as a consequence of the massive, almost unprecedented protest rallies against the worst excesses of the Victorian Kennett administration in the early 1990s, Boyd had been quick to take advantage of an opportunity.

The number of industrial disputes in Victoria in the 1980s and early 1990s that involved violent clashes between police and certain unions was surprisingly high. As a result of such clashes, Victoria Police and the Victorian Trades Hall Council established professional protocol arrangements to deal with potentially volatile situations. Victoria Police established the position of Industrial Disputation Officer, under the Assistant Commissioner (General Policing), to provide advice to operational police and senior officers about industrial law and ‘desirable procedures for the policing of picket lines’ …Throughout the eighties, the VTHC had a standard
memorandum of understanding with the state police but, after the large scale rallies
against Kennett Government policies in late 1992, the VTHC undertook a more
formal undertaking by appointing its own liaison person, Brian Boyd, to deal with
police Major Events personnel.¹ This manoeuvre placed Brian in an interesting and
powerful position inside of the relationship between the mutually publicity-aware
Victoria Police and VTHC and given the events that would soon unfold, it was just as
well.

On March 2nd 1996, the Liberal-National parties Coalition won the Federal election,
easily defeating a 13-year-old ALP government. This lead directly to the repeal of the
Industrial Relations Reform Act (1993) and its replacement with the Workplace
Relations Act (1996), which sought to further decentralise industrial relations,
illustrated in its opening sections at ss. 3(b) and 3(d) –

- that the primary responsibilities for determining matters affecting the relationship
  between employers and employees rest with the employers and the employees at
  the workplace or enterprise.

Explicitly, and with the effect of Federal legislation, both the 9-decade old Australian
industrial umpire, the state sponsored party to industrial dispute resolution, the AIRC
would no longer play its historical and pivotal role, and trade unions were bound to be
deemed an unwelcome 3rd party unless they could use techniques that were not solely
reliant on legalistic methods such as conciliation and arbitration

¹ Baker, D. Trade Unionism and The Policing ‘Accord’: Control and Self-Regulation of Picketing
During the ‘96 election campaign, doubtless recalling the disastrous effect on the ’93 campaign of the industrial relations policies contained in ‘Fightback’, the Coalition had campaigned around the slogan that ‘No worker will be worse off under Coalition policy’, purporting continuing support of the principle of the ‘No disadvantage test’, that held that workers opting to enter into either union or non-union enterprise agreements could not be worse off than if they remained under industry award coverage, but proposing to change the laws relating to unfair dismissals.

What the new legislation actually detailed was not only the retention of the contentious EFAs but also the introduction of individual, non-union employment contracts, known as Australian Workplace Agreements (AWAs), and the reduction of what could be contained in industry awards to a stripped down safety net of 20 allowable matters, which would include a prohibition of union preference clauses in awards and certified agreements, all of which Boyd had predicted in his February ’96 discussion paper-

John Howard has recently announced aspects of the federal coalition’s industrial relations policy. This included the ideas of Australian workplace agreements and the establishment of the Employment Advocate office. Such a combination is aimed at totally gutting awards and neutralising the role of the AIRC.2

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Given Prime Minister-elect Howard’s historical and vehement hatred of the trade union movement it is arguable, and ultimately demonstrable, that the Coalition would have liked to have taken an ever more radically unitarist approach to industrial relations had it not been for the government’s lack of control in the Senate.

Following on from the above discussion paper, Brian released a position paper for the April ’96 National Left Conference in Canberra, titled ‘A suggested trade union defence strategy’, where he argued-

The Liberal/National Coalition government has made no secret since the March election that dramatic changes to industrial relations laws is its priority policy initiative when parliament resumes on 30th April…

The paper goes on to enunciate general principles such as maintaining high morale, consolidating unionised bases and, crucially recruiting. Any observer of trade union density in Australia would be only too well aware of the dramatic decline in membership within the span of an average Australian’s working life; from over 60% in the early 1950s, 49% in 1970, 39.6% in 1992 to 32.7% by mid-1995\(^3\). The negative consequences of this rapid decline to the continuing viability of the trade union movement as a representative voice and force for the labour movement are only too obvious.

Boyd’s paper ends with this summary-

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\(^3\) Boyd, B. A suggested trade union defence strategy, Conference paper April 1996
The union movement cannot concede that the Howard government has won a mandate, in any sense to legislate to deny Australian workers viable unions to represent them.

Unfortunately, much of the debate details and their potential worth to unionists, other working Australians and the public at large were lost in the clamour and media focus that came as a consequence of a large and violent ACTU – organised protest outside Parliament House that caused several broken windows and arrests simultaneous to the conference itself.

The lessons that could and should have been learned in the earliest days of the Howard government were soon brought home, but not before the trade union and labour movements had suffered yet another setback; this time the re-election of the Kennett government on 30th March 1996, following a whirlwind 25 day campaign that had been called only two days after the Howard victory.

Boyd was far from idle during this period. As well as his VTHC duties and work within the Victorian ALP, as we have seen he had also found time to become involved in a series of new relationships and enjoyed a certain reputation around his re-adopted home turf of Carlton as something of a boulevardier.

But he had also become restless, more so when it was increasingly obvious that he would not be VTHC Secretary any time soon. Looking for outlets for his political energies a seat in the Victorian parliament appealed. His early good relationship with Opposition leader John Brumby was continuing and events soon transpired to
strengthen it. As a consequence of the Kennett re-election with a net loss of only 2 seats, the ALP having won 4 but losing 2 it previously held, Brumby’s leadership began to look shaky to the 1996 caucus. In 1997, Boyd learnt from an ALP activist of a rumour that certain parliamentary factions in the party were planning a leadership challenge against Brumby. He tipped off former ALP Premier and elder stateswoman Joan Kirner, who in turn informed Brumby. Forewarned, Brumby was able to avoid the challenge and retain his position. In gratitude, Brumby took his allies to a celebratory dinner in Melbourne’s Chinatown shortly after. Brian hoped that assistance and support for party pre-selection to safe seat of Melbourne could come his way for such loyalty. At the time, one-time Minister Neil Cole held the seat, but his hold began to look tenuous when he publicly revealed that he suffered from Bipolar Syndrome, or manic depression. When it became likely in 1998 that Cole would lose pre-selection before the 1999 or 2000 election a massive field lined up for the seat, with only one of them, Brian thought, having the imprimatur of a grateful party leader. Brumby did not come out in support of Brian. He supported the eventual winner, Bronwyn Pike. Brian had nominated for pre-selection nevertheless and in the final field of four candidates he finished last in the primary votes, although a consoling second in the ultimate ballot. Brian was in neither a consoling nor forgiving mood. On the night of the primary vote the author was Brian’s scrutineer. When I delivered the news of his failed bid I gratuitously quipped that he could always consider attacking from within. Brian smiled at me and replied, “I hadn’t thought of that”. For the remainder of Brumby’s time as party leader Brian did all he could to destabilise his leadership. Matters came to a head a year later, but a significant number of other political developments were also occurring during this time.
To the cognoscenti, the 1997 ACTU Congress, held in Brisbane in early September, was an opportunity for senior trade union delegates to discuss, analyse and act on their responses that had begun to crystallise since the 1996 election. Western Australian Trades and Labor Council delegate, Tony Cook, spoke of a campaign of civil disobedience; Tim Ferrari, of the Australian Liquor, Hospitality and Miscellaneous Workers Union claimed that unions had learned the lessons of the Accord, “where ’arrogant Laurie Brereton had dudded us ‘”, and “Mr. Boyd, of the CFMEU, ‘claimed in the building industry that the officers of the (new) Employment Advocate were …the police of (the I.R. Minister) Peter Reith’s legislation.4

Very shortly after the Congress, the Howard government’s real industrial relations agenda came into public view, during 1997-98 in what became known as ‘a battle that changed the nation’5, the Waterfront Dispute. In essence, -

It is an example of an attempt to use direct state intervention to deregulate waterfront labour by removing union monopolies over wage setting and conditions of labour…the dispute raised serious questions about the role of government in labour relations, the legitimate right of workers to belong to trade unions, the adherence of the rule of law by companies and trade unions.6

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5 Trinca, H. and Davies, A. Waterfront: The battle that changed Australia, Doubleday, NSW, 2000

6 Petzall, Abbott and Timo Australian Industrial Relations Eruditions, Melbourne 2007. p.1
It was also the first of a series of attacks on the trade union movement; every term of office of the Howard governments featured at least one major government offensive against a particular union target and eventually the state’s arbitral AIRC itself. Without re-visiting other detailed studies of this crucial industrial dispute –

The Maritime Union of Australia (MUA) 1998 Waterfront dispute was indeed a watershed event that goes to the heart of the Howard government’s anti-union, anti-worker vendetta that began in earnest in 1996 and is ongoing.7

Two particular authors document that within a month of the Coalition’s 1996 election victory, the waterfront and the MUA were government targets for industrial ‘reform’, that by July ’97 the waterfront proposal was discussed in Cabinet and in September of the same year a dispute is orchestrated at the Cairns waterfront before the escalation of the dispute nationwide by the mass dismissal of the unionised workforce by the main employer protagonist, Patrick’s Stevedores in April 1998.

Brian’s significant role, representing Victorian affiliate union members, was principally, but not exclusively, Victorian Police liaison. In an industrial dispute largely understood to have been provoked, if not sponsored, by the Howard government in a particularly apt demonstration of that government’s attitudes to what they perceived to be publicly held attitudes to ‘the wharfies’, it quickly became apparent that this was a battle that could be won or lost in the eyes of public perception. Brian was ideally placed via his relationship with the Victorian police’s

Industrial Disputation Officer. In this dispute, ‘Both police and union negotiators avoided the ‘spark’ that could have ignited the docks and altered the course of maritime history.’

Some of the major individual players in this dispute as it played out in Victoria were Victorian Police officers Chief Inspector John Winther, Assistant Commissioner Sinclair, Martin Kingham of the CFMEU, John Higgins, MUA and Brian, coordinating much of protest action via the VTHC.

Boyd suggests that in the public eye the most powerful images derived from two well-publicised events; the Easter mass demonstration at East Swanston dock and the May 6th event when MUA members reclaimed their workplace and marched through the dock’s main gates and back to work. These were both highly televisual milestones during the dispute and have been re-created since in the ABC television documentary “Bastard Boys “, which aired in 2007. On the first occasion, it will be remembered that a significant number of uniformed Victorian police marched onto the dock and into the middle of the protesters demonstration, to be followed immediately by a phalanx of CFMEU members and supporters directly behind them. These manoeuvres contained all the potential for a violent outbreak from the protesters against the now surrounded police. That this didn’t happen, with all the implications of the effect on public support of the waterfront workers, Boyd claims was due to a deal done 48 hours earlier between Kingham, Higgins, Sinclair and himself, that both the police and the demonstrators needed to show the respective authority and legitimacy of their roles, but neither desired violence. What makes Boyd’s part in this extraordinary

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8 Baker op. cit.
revelation was his absence from the scene, co-ordinating it by telephone from Halls Gap, in rural Victoria.

Before but particularly during the waterfront dispute he had become increasingly aware of the potential for him to become estranged from his children, Nicole and Rory and the possibility of him revisiting the errors as a father that he blamed on his own father, Tom. To regain Nicole and Rory’s faith and trust, Boyd had agreed to take them on holiday to a 20 acre Halls Gap farm for 5 days during Easter and it was on one of those days that the above scene was played out.

The second of the well-remembered events was the effective end of the dispute, at least in the public’s eyes, when being informed of the court orders for them to be able to return to work and ending the Company’s lockout, MUA members were expected to drift back onto the docks through side entrances. However, it was thought by many in the broader trade union ranks that there needed to be something more dramatic. Again Kingham and Boyd were involved as were Dean Mighell of the Electrical Trades Union, Peter Marshall of the United Firefighters Union and another Victorian Police officer, Chief Inspector Daryl Nation, and it was agreed that the MUA members should march together through the main gates to the docks, and with honour.

I was glad that I made the decision to go away with my kids a few days earlier. But I’m also glad I came back to be involved in the main game on May 6th, to see the rank and file MUA members return with dignity through the main gate.9

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9 Boyd, B. Interview. 19/9/07
Boyd’s handling of this role was also contributory to the subsequent decision by the Victorian police union, the Police Association becoming affiliated to the VTHC at the end of 1998, on a motion put by Boyd and seconded by Higgins. The other significant factor in his role in the dispute was that by March 1998, Boyd was the sole VTHC I.O. Due to a range of financial considerations surrounding the VTHC’s revenue stream, Barbara Hart and Boyd had come to the realisation that there was only resources sufficient for one I.O. and Barbara “…decided to fall on my sword” \[10\].

What is also telling about this dispute is that the Victorian Police, as an organ of the state apparatus, was prepared to acknowledge and accept the legitimacy of the trade union movement as a party to the dispute and the dispute settling processes, as envisaged by Dunlop and other proponents of tripartism. There are other analytical approaches to this and related industrial acts and one useful theory is that the expression of conflict can act as a means of reinforcing the status quo.

...conflict, rather than being disruptive and dissociating, may indeed be a means of balancing and hence maintaining society as a going concern...a flexible society benefits from conflict because such behaviour, by helping to create and modify norms, assures its continuance\[11\]

This notion of course accepts and tolerates institutionalised conflict when it is precisely that; the parties to the conflict, industrial or otherwise, are the recognised

\[10\] Hart, B. interview 13/8/01

\[11\] Coser, L. *The Functions of Social Conflict* 1956; p137, 154
representatives of the social sides in dispute and thus the conflict is more effectively managed.

Although with the increasingly public revelations of the Howard government’s role in the Waterfront dispute and that the Howard government’s real industrial agenda should have been readily apparent to voters, and also running on a tax policy to introduce the much discussed and controversial Goods and Services tax (GST), the Coalition surprisingly won an early Federal election in October 1998, albeit without a majority of votes and with a parliamentary majority reduced to 12 House of Representatives seats. It gave the second-term government another opportunity to continue its policies in industrial relations and in this term the target shifted to the AIRC and the Industrial Award system.

In a campaign that began in 1999 and became known as the “Second Wave”, the government began to argue for further reductions of the role of the AIRC in the industrial process by advocating another reduction to the 20 Allowable matters that could be contained in Federal Awards. The lack of a Senate majority plus the difficulties associated with negotiating the GST legislation during this parliamentary term meant a lost opportunity for the government in its ongoing attack on industrial tripartism.

Boyd’s prior employer at the BLF, the discredited, corrupt ex-convict Norm Gallagher died on 26 August 1999 and later in the same year, on the 9th December, ex-VTHC Secretary John Halfpenny pleaded guilty of a $26,000 rort of the Victorian workers compensation system while he had been working as a consultant with
‘Skilled Engineering’; the company’s Managing Director, Frank Hargreaves had been Halfpenny’s best man at Halfpenny’s 3rd wedding. While ostensibly on sick leave from his position as VTHC Secretary, Halfpenny had rorted Workcare and as a consequence was fined $4,000 and ordered to repay the $26,000. Apparently someone who had an insider’s knowledge of Halfpenny’s actions while he was Secretary, and an extensive network within the State government bureaucracy had tipped off the relevant body, leading to Halfpenny’s prosecution, fine and public disgrace.

Still in Victoria and as a consequence of his perception of Brumby’s role in his unsuccessful, and to date solitary attempt at parliamentary pre-selection, Boyd had made it part of his political work to constantly deride and destabilise his leadership, earning him one writer’s description as “Brumby-basher”12. Matters began to crystallise in early 1999.

At Trades Hall some union officials…were busy playing their own games. A story appeared in The Age claiming the VTHC had withdrawn an invitation to Brumby to address a union Labour Day dinner.13

Brumby went on the record with the following –

If you want to follow the matter through get hold of some of the pre-selection material which Mr. Boyd circulated before the pre-selection and what you’ll find among them is the best part of a page praising me as a glorious Labor

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12 Donovan, B. Steve op cit p.175
13 Ibid, p.133
leader…He then lost pre-selection. He’s blamed various people in the party for that and he’s made no secret of the fact that his whole ambition in life is to square up with me…

Had Brumby left the matter there he would have made a reasonable case for his position, but in a demonstration of intemperance he went on to attack Brian, who by now had gained the title of Campaigns Officer at the VTHC, and a number of building union officials for an earlier meeting with Premier Kennett on industrial issues regarding certain State government projects, exactly the sort of thing that would be in any trade union official’s job description. In fact, Kennett had conceded the ’36-hour/9 day fortnight claim from the Victorian building unions at the Federation Square construction project. This was in direct defiance of the Federal government’s industrial relations policies. Nevertheless, Brumby described the unionists as ‘lap dogs of the Kennett government’. CFMEU official Martin Kingham was among those described and as he recounted, ‘Look, I don’t give a fuck what somebody says about Boyd, nobody is going to say that about me!’ Brian had found himself a powerful ally and in response to Brumby’s attack Brian and the CFMEU delegates staged a walkout at the February 1999 ALP State conference when Brumby rose to speak. By 19th March, Steve Bracks replaced Brumby as Opposition leader and went on to lead the ALP to an upset victory at the September 18, 1999 Victorian election and form a minority government.

14 Ibid, P.135
15 Kingham, M. interview 1/2/2004
Brumby should have been watching the events of the previous December and realised that Boyd did not like to leave debts unpaid. However, Brumby may have thought there was some legitimacy in his attitudes towards Brian’s relationship with the Kennett administration. In 1995, Brian had met with a number of the Premier’s advisors in order to establish a working rapport; among them were Rebecca Cooper, Liberal party apparatchik (1992-96), and daughter of Kennett Cabinet Minister, Robin Cooper. A working relationship soon developed into a friendship between Brian and Rebecca. To Brumby it may not have necessarily been a case of ‘sleeping with enemy’ but a case of a militant, Left union official becoming too politically pragmatic. Brian and Rebecca remain close friends to this day.

It was this surprising electoral victory that probably re-energised Boyd regarding his now two-decade long trade union career. He was no closer to the position that he had identified for himself as being a fitting highlight, the Secretaryship of the VTHC, and it was certainly the case that earlier that year he had seriously considered leaving his VTHC I.O. position, and possibly the trade union movement itself, to establish an industrial relations consultancy.

There was yet another setback to come during these wilderness years and that was the reason for his brother Lennie’s absence from Sadie’s funeral almost 20 years earlier. Using the offices of a Victorian police officer with which he had a relationship of trust, Brian traced back through missing persons records to find that Lennie had died in 1982, in the same week as Sadie. (The eulogy he wrote and sent to his sister Lynne follows in Appendix 1.)
As noted above, Lennie had house sat for Brian while he recovered from his skin cancer treatment but the brothers that had been so close in their youth had subsequently become more or less estranged. Lennie had drifted into a life of petty crime and casual employment, and was disenfranchised from Brian in Melbourne and the remaining family in Morwell. Sadly, he died alone, anonymously and was buried in a pauper’s grave; a grave that Brian would subsequently track down and arrange for a memorial plaque on behalf of him, sister Lynne and brother David.

At the VTHC, Assistant Secretary Natalie Sykes resigned in late 2000 and was replaced in May 2001 by Right-candidate, Nathan Niven, a trained accountant with post-graduate qualifications in industrial relations and 9-year veteran of the Transport Workers Union as an elected Organiser. Niven would eventually become a supporter of Boyd, despite their factional ideological differences, because of his perception that Hubbard wasn’t adequate to the task. Soon after his assumption of the position he would observe that under Hubbard’s secretaryship, the VTHC ran poor and amateurish campaigns, and affiliates had a lack of faith in the Hall’s abilities, often asking the ACTU to intervene. ‘Hubbard ran the Trades Hall like it was a student union.’ 16

With his authority and inside knowledge of the internal workings of the VTHC, Niven was able to muster Right unions support for Boyd; if the Left union’s caucus couldn’t resolve the Secretary’s candidature, the position would go to an election and the Right would support Boyd. Nivens’ endorsement of Brian’s tilt at the Secretary’s job was not however unqualified. When queried on the possible damages done to Boyd’s trade

16 Niven, N. interview 2/10/07
union career by his expose in “Inside the BLF”, he quipped that it certainly didn’t help his writing career.

Following the industrial events on the waterfront, in particular the failure to de-unionise the workforce or destroy the MUA, the Coalition soon found another union target for their second term in office, and in July 2001 established a Royal Commission to investigate corruption in the building industry. The Cole Inquiry, as it became known, focussed heavily on the part played by the principal construction union, the CFMEU, another militant, Left wing union. The inquiry would run from 2001 to 2003 and would be seen by many to be a reasonably transparent attempt to demonise a second militant union. In the lead up to the first hearings, union delegates from the VTHC Building Industry Group of affiliated unions met to discuss strategies on their response. Boyd and Kingham et. al. were threatened with contempt of court charges; Boyd for refusal to attend and Kingham for refusing to hand over union membership lists. If found guilty, either or both of them faced jail sentences; Boyd took to carrying around his high-blood pressure medication and toothbrush.

Following the events of September 11, the Coalition government called the election for their third term and were subsequently re-elected in October 2001 with a 2% swing in their favour.

The Cole Inquiry would eventually report in 2003, having cost $60 million, and its findings as they related to the Victorian building industry included suggestions that there was an urgent need for reform and cultural change, that all the major projects were beset by unlawful industrial action and that this was with tacit State government complicity; of 58 findings of unlawful conduct, less than half, 27 in total, were against
CFMEU officials, organisers and delegates. In the same year Boyd was a recipient of an Australian Centenary Medal, awarded by the Howard government following his nomination by the Victorian ALP government, but in that year he also ended his 12 year membership of the Vic ALP Administrative Committee.

One of the consequences of the inquiry was the establishment of the Building Industry Taskforce to oversee industrial practices in the industry and an early victim was the late John Cummins, Victorian President of the CFMEU since 1996, who was charged with intimidation and coercion of a building contractor in July 2004; Cummins had committed an offence under the Workplace Relations Act (1996) by attempting to recruit the contractor into the union.

The taskforce also established the Australian Building and Construction Commission (ABCC), which would be given powers equivalent to the older Australian Competition and Consumer Commission, and prompted the employer-friendly legal firm Freehill’s Employment Relations partner to comment, ‘The ABCC would have enormous powers…the right to intervene in any case in the AIRC…the Commission (ABCC) would have more power than the Minister himself.’ Notably, Cummins would become a future supporter of Boyd’s campaign for the VTHC Secretary’s position as a result of Boyd’s 3-page submission to the Cole Inquiry outlining his reasons for refusing to appear before it.

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17 Parliamentary library Current Issues Brief No. 30 Sept. 2003

18 Ibid
The Coalition Federal government attacks on specific trade unions were not seen to be striking a particular chord in the broader electorate, notwithstanding predictable opposition within the much-diminished Australian trade union movement, and on 9th October 2004 the government won their 4th election. The Coalition was returned with a favourable swing of 3.4% and a gain of 4 seats in the lower House. The ALP lost 3 of its previously held 63 seats. What was more significant however was the Coalition’s majority control of the Senate, and the implications this would have.

The defeated ALP Federal Opposition leader, Mark Latham, recorded in his then soon to be published diaries-

As an institution, the ALP is…A museum relic from a time when trade unions mattered and people cared about community politics. That time has passed.\(^{19}\)

Earlier, Boyd had concluded that P.M. Howard had himself realised that trying to isolate and destroy militant unions individually was too slow and cumbersome a process and with a majority in both Houses of parliament,

‘Howard would waste no time at all in moving on I.R. “reform”, with the most comprehensive, anti-union legislation ever seen in Australia – Workchoices.’\(^{20}\)

This time, while still publicly presented by the government as another step in deregulation of the labour market, Workchoices became in fact a 4,000 plus page

\(^{19}\) Weekend Australian Magazine 17-18/Sept. 2005

\(^{20}\) Boyd, Conference paper, ASSLH, Melbourne Uni., 4-6 July 2007
document that sought to regulate the labour market but without unions and a further reduced role for the AIRC.
Chapter 8

Election: Jan 2005 – 5th May 2005

Over the summer holiday period of late December 2004 until late January 2005, Boyd and the now reconciled partner, Christine Thomas travelled extensively through India, Christine’s birthplace.

Rumours had been circulating in Victorian labour circles before the end of 2004 that Hubbard was considering standing down from his position at the VTHC; in any event all VTHC elected positions were to be contested by May 2005. In the middle of the 2nd week in January, Boyd began to receive the first of a series of phone calls from supporters in Melbourne; firstly from Bill Oliver of the CFMEU and then from Nathan Niven, both confirming that Hubbard was indeed resigning from the post he had held since being elected unopposed in May 1995. His reasons apparently included that he was being worn out in the job and that he had an option to take up a position with the United Firefighters Union (UFU). On 26th January the story of his pending resignation leaked to the media and on 28th Hubbard confirmed the story at a press conference he had called. Almost exactly 10 years earlier Hubbard had been elected when his predecessor, the late John Halfpenny had himself prematurely and unexpectedly resigned in a manoeuvre seen by Boyd and others as a deliberate attempt to prevent Boyd from succeeding him to the Secretary’s position, and to allow the anointment of his chosen successor. Hubbard appeared to be repeating his mentor’s tactics with his own pre-emptive resignation.
Ten years earlier, Boyd was caught unawares and unprepared, and then quickly realised that he did not have the support to win the position, especially when CFMEU Secretary Martin Kingham told him that there was still sufficient antagonism regarding his role at the BLF that his union could not guarantee its support. That time he did not nominate.

Ten years on, during which time Boyd had continuously fought against the elected officials he opposed at the VTHC, he was prepared to run; he was soon described as, ‘…one of the most likely contenders..(against)...Martin Foley, formerly Australian Services Union Secretary and now Chief of Staff to (Vic.) Agriculture Minister Bob Cameron.’ Four candidates were to eventually throw their hats into the ring. In the above quoted article, which ran to 6 paragraphs, Boyd is referred to as a former building union figure. One week earlier, the same newspaper devoted a 4 page profile piece, including glossy colour photographs to Daniel Grollo, the 34 year old joint Managing Director of Grocon, Australia’s largest private construction company. Presumably, Mr Grollo enjoyed more attention because he was a current building industry figure. Melbourne’s other daily paper, the tabloid “Herald-Sun” carried a 14 paragraph article describing Boyd as a ‘...militant building unionist…a one-time figure in Norm Gallagher’s Builders Labourers Federation’ and quoted an unnamed source as describing Brian as a ‘hard, experienced, industrial operator...and that’s what the Victorian union movement needs right now’. What is interesting about the

1 The Age  p.11  29/01/05

2 Herald – Sun  p.4  28/01/05. The national daily Financial Review tacked the story to the end of an unrelated I.R article. The Australian newspaper deemed the story un-newsworthy, one senior figure describing the event as “a carbuncle on a rotting corpse”.

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Herald-Sun story is that as a morning paper it published the piece before Hubbard’s press conference had been held later the same day.

Boyd’s militant image was going to be a significant factor in his campaign, particularly in relation to the 2004 re-election of the Howard government, its anti-union and anti-AIRC policies and its related pending legislation no longer likely to be deferred by its newly gained Senate majority.

Of the 4 potential VTHC Secretary candidates that were to put themselves forward, Boyd, Martin Foley and Rob Durbridge of the Australian Education Union (AEU) National Office and, strangely, Peter Marshall of the UFU, Brian was the most committed. He knew that at 53 years old, increasingly overweight and with related middle age health concerns, this would be his last chance at the position he had long coveted.

He had previously suffered a number of political (and popularity) setbacks, including his failure to win preselection for the safe Victorian ALP-held seat of Melbourne in March 1998, when he had finished last of the 4 candidates in the electorate members vote (although ending in 2nd place after the second stage Public Office Selection Committee vote). This had the effect of denting both his confidence and standing in labour circles and in 1998 and ’99 he had considered leaving the VTHC and setting up as an industrial relations consultant. He had, of course, lost substantial goodwill even earlier with his (briefly) best-selling and highly controversial (and almost unreadable) book, Inside the BLF. Yet some of his ruthless image and fortunes were improved when he had outmanoeuvred and helped bring down the Victorian ALP Parliamentary
leader John Brumby in 1999, in a payback for Brumby not supporting him in the ‘98 preselection contest, although it must be noted that a second motive (or perhaps opportunity) has been suggested that the attack was for when Brumby had somewhat intemperately called him and other building union officials “lapdogs of the Kennett government”.

There were also the media headlines in Melbourne’s daily papers in early December ’98 exposing Halfpenny’s $4000 fine for rorting the states workers compensation system in ’92, ’93 and ’95 while he had been the VTHC Secretary and again in 1997 after his protégé Hubbard had assumed the office, and who described Halfpenny as one of the selfless heroes of the labour movement. The mysteriously leaked information that led to Halfpenny’s disgrace and Hubbard’s public support of his predecessor served to undermine both of Boyd’s enemies. Further, Boyd had more recently also doggedly maintained the Victorian building union’s collective position of non-co-operation with the Cole Royal Commission into building industry corruption, even when subpoenaed and threatened with jail for refusing to appear before it.

By late January matters were initially finely balanced in the VTHC Secretaryship campaign and the solution perceived by Boyd was to campaign early and hard. All the candidates were from Left unions, as had been the case for all elections to the position of Secretary since Halfpenny under a power swap deal between the major factions, and Boyd’s initial tactic in his overall strategy was to try to reduce the field of candidates.

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3 Age 10th /12/1998, Herald-Sun 11th/12/98
There was only one way I could win and that was in 2-horse race…there was no way known I could win against 3 candidates with 2 preferencing against each other.

Two things mitigated against my opponents. One, Durbridge was almost a lame-duck because (a) he was retiring from the National Secretaryship of the AEU and (in a document he created) he put on paper he was looking for a job he could retire in after a couple of years and that letter fell into my hands. Secondly, he forgot that he wasn’t a member of the AEU Victorian Branch, he was still a NSW Branch member and though he frantically tried to get his membership changed to the Victorian Branch it never seemed to happen. So eventually he fell over. 4

The membership dilemma for Durbridge comes as no surprise for the afficionado. Boyd’s ex-wife Mary Bluett was and is the Victorian President of the AEU. They met within a week of Hubbard’s announcement and although the details of that meeting are unknown two facts emerge. Brian had a copy of the Durbridge sinecure letter and despite him being the National Secretary of the AEU, he never succeeded in gaining membership of Mary’s Victorian Branch.

Of the remaining candidates, Peter Marshall, an eccentric figure even by the standards of the Victorian union movement, once nominated, only campaigned for a few days then disappeared from the race.

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4 Boyd, B. interview 23/3/05
So then I only had one candidate left and that made it easier. From the very start of the 2 horse race I was always ahead by a sizable margin, but we had, for at least 2 weeks, 4 (in fact 5) outstanding unions who refused to make up their minds early; the nurses (ANF) with 7 votes, the MEAA (Media, Entertainment & Arts Alliance) with 2 votes, telecommunications union (CEPU-communications division) with 1 vote, MUA (Maritime Union of Australia) with 1 vote and CFMEU-energy with 1 vote. If I got the nurses it was all over…but in the end I didn’t get them. So, long story short, I got the MEAA, Lennie Cooper from telecommunications, the CFMEU and lost the MUA.\textsuperscript{5}

Boyd would go on to defeat Foley 43 votes to 38 in the 7\textsuperscript{th} March VTHC Left caucus election; in the words of one famous historical and military figure, it was a close run thing\textsuperscript{6} Foley rang Boyd to congratulate him a week later at the urging of one of his own supporters.

A modest but nevertheless adequate 5-vote winning margin out of 81 votes cast is not problematic. However, a ‘democratisation’ decision by the VTHC Left caucus in 1999 compressed the bigger unions voting powers to 1 vote per 4,000 members and 1 vote up to 4,000 members.

So had all these tiny unions who had less than 4,000 members with 1 vote and then you had the metal workers, CFMEU, liquor trades, the AEU, nurses all

\textsuperscript{5} Ibid.

\textsuperscript{6} Attributed to the Duke of Wellington in his victory over Napoleon at Waterloo in 1815.
around the 5,6,7 mark…if you convert my 43 votes to the floor of the Council I’ve got 70% of the Council already…Because the internal Left caucus vote compressed how the Left voted. There are 29 unions in the Left caucus with 81 votes.7

Boyd would go on to be Acting Secretary on 8th April and be formally inaugurated on 5th May as the sole nominee for the position.

The campaign itself had really begun 2 years earlier. In the knowledge that this time would be his last chance and that an incumbent Hubbard would be extremely difficult, if not impossible to beat, Boyd began to change his personal presentation and policies over a period beginning 2003 to inter alia attract Left women union support. With the aid of the Right unions VTHC Asst. Secretary, Nathan Niven, he also secured the support of those major unions, Transport Workers Union (TWU), National Union of Workers (NUW) and the Australian Workers Union (AWU). The Right had conceded the Secretary position and would not run a candidate nor even vote if the Left could resolve their own candidate, but they could not be ignored and Boyd may well have needed their support had events unfolded differently.

Other assistance to Boyd’s campaign came from an unlikely source – Hubbard’s own camp.

7Boyd op cit
We knew at the end of last year (2004) he (Hubbard) was thinking of retiring. His small coterie of supporters leaked like a sieve. Every time he was out somewhere…his gang of very close supporters leaked.  

Because of this, as we have seen, Boyd had sufficient advance warning of the likelihood of the early resignation and election, with details down to the date of Hubbard’s early return to work and calling an early Executive meeting on 21\textsuperscript{st} January.

I was due back the following Monday, 24\textsuperscript{th} January but I got back on Wednesday, 19\textsuperscript{th} January, walked past his office, into my office and hit the phones. He resigned that Friday morning and the campaign started.

Boyd’s strategy in the campaign was thoroughness and one tactic even extended to a requested, and granted, private meeting with one-time bitter enemy, ex-BLF figure and CFMEU official, the late John Cummins to successfully ask for his support. Reportedly, Cummins’ response to this request was “I don’t have to like you to vote for you.”, which he duly did. Boyd also assembled a ‘kitchen cabinet’ campaign committee: Dave Oliver (AMWU), Trevor Dobbin (Rail, Tram and Bus Union), Brian Daley (ALHMWU) and Martin Kingham (CFMEU), which would meet daily to analyse the campaigns progress. Of the opposing Foley camp –

They made one mistake…They played the man. I didn’t. They all expected…Dean (Mighell-ETU) said ‘Boydie will crack and Boydie will go

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\textsuperscript{8} ibid
\textsuperscript{9} ibid
and use Robbo (then The Age I.R. journalist Paul Robinson) or someone and a smear story or dirty trick, stand over Bob Cameron (Foley’s Ministerial employer) and get him sacked or get Bracksy (Premier Bracks) to do this or come out and call Foley a paedophile, do something like that and we’ll regain the lost ground.’

Instead Boyd played the straight bat.

I never mentioned him in all my presentations to all the union executives I addressed. I just said what I was going to do to the Hall – all Foley talked about was big, bad Brian – Brian fucking this, Brian fucking that, Brian’s too old, Brian’s too fat, Brian’s building industry oriented, Brian’s too close to the government, Brian’s too divisive….and he lost their middle ground…by trying to do what became the “abB campaign” – anyone but Boyd, yet all the articles about the battle had ‘Boyd-no comment’. The only one that had fingerprints all over it was the original leak that Hubbard was going to resign before he resigned, to undermine his resignation (to stop him making) a story to recommend the new leader.

I fucked him – the man’s a fucking amateur! 10

One striking personal event occurred in the middle of the campaign. At the request of sister Lynne, Boyd and Christine travelled to Morwell on the last Sunday of February to attend her 50th birthday celebration and to hopefully reconcile with their father Tom. Perhaps predictably, Tom spoke about the campaign 4 days before the vote on

10 ibid
the Secretaryship, a campaign he had been following in the media and then asked Brian if he thought he was up to the job. Brian replied that he was up to it and that he had the numbers. Tom replied along the lines of that he had always been a stirrer and a troublemaker. “This job needs you to be more disciplined and responsible.” This occasion was the first time they had spoken in 35 years.

Interesting as the tactical aspects of the campaign may be, it remains the case that policies decide elections and policies need to be crafted with reference to the context in which the campaign is being conducted. Boyd’s primary policy was crafted with close attention to the context of national industrial relations, including the proposed further attacks on unions and the potential dismantling of the AIRC, one of the historical Australian icons of a pluralist industrial system. That is, anti-union Prime Minister, John Howard was the main enemy of the trade union movement. It was therefore necessary for the VTHC to ally itself with the Victorian ALP government, something which Hubbard had been criticised for neglecting. ¹¹

… (Boyd) is a pragmatist’s pragmatist, having campaigned for the Secretary’s position on the need for a functioning relationship with Spring St. His predecessor, Leigh Hubbard, had little sway with Steve Bracks and was considered by some as an ineffective outsider. This is what makes the Boyd-Trades Hall dynamic one of Victorian politics’ more significant developments.

¹¹ It is noteworthy that in a discussion between the author and Victorian ALP MLA, Bob Stensholt, revealed that Brian’s election to the Secretaryship prompted no discussion at the subsequent party caucus meeting.
Boyd enters the role with a 6-year plan to defend the union position in Victoria.  

In an approach Boyd had utilised with some success in the past, he decided that regarding the Federal government, he would get his retaliation in first. A week after his election victory, appropriately at Labour Day celebrations in Melbourne, Boyd, as the Secretary-elect, featured prominently and by no means diplomatically. In a series of media interviews he said he would encourage Victorian workers to break mooted Federal industrial relations laws that threatened their working conditions, and the very existence of the union movement.

Boyd, now the senior officer of the peak body of the most militant and densely unionised State in Australia, described his campaign for that position as, ‘…the hardest battle of all…including (all) the battles against the BLF de-reg, Gallagher, Halfpenny and Hubbard’. He now describes the movement’s ongoing struggle as the biggest challenge to it since the 8-hour day campaign 150 years earlier.

Boyd is a veteran of 30 years of trade union activity and is better placed than many in both the broad labour movement and the community at large to ask if we are witnessing the definitive decline of pluralism, whether described by Dunlop’s Systems Theory, Kelly in ‘The End of Certainty’, Kochan, Katz & McKersie’s Strategic Choice et al.

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12 Herald-Sun 23/3/05

13 Interviews on Network 10 & ABC news services 14/3/05

14 Deery et al Industrial Relations 2nd ed. 2001
If Boyd’s trepidation, ‘This is class warfare now – to the nth degree’ is with foundation, what response is required from the Australian trade union movement to not only survive but be a viable force in effectively representing working people?

This question goes to the heart of the secondary issue of this dissertation. Brian Boyd the anarchist, Marxist-Leninist, revolutionary, militant trade union activist and now the head of the State’s peak union council, seems to be fulfilling Robert Michel’s prediction, describing the ‘iron law of oligarchy’; revolutionary reinvented as bureaucrat.

Boyd related how he took great solace from a speech made by Martin Kingham (CFMEU), who described the (admittedly declining) trade union movement as still the biggest democratic organisational structure in the country. Kingham went on to make the point that even if the total membership of all of Australia’s political parties were added together they would not come close to rivalling the unionised workforce; the union movement’s estimate of coverage of 23% of the country’s workforce is a not insignificant 1.8 million people. Nevertheless, the decline in both absolute and percentage terms continues as it has since the mid-‘80s and by 25,000 and 0.3% from August 2003.

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15 B. Boyd interview. op cit

16 Michel R. Political Parties New York Hearst’s International Library 1915

17 A.B.S. reported in Australian 23/3/05
Notwithstanding the copious academic and union studies on this phenomenon, there seems no agreement on the definitive reason or sets of reasons to explain it. The broad but far from universal consensus from a range of sources tends to attribute declining density to a combination of the following factors; the decline of the traditionally union-dense industries such as manufacturing and mining, the concomitant rise in the traditionally lowly unionised industries, particularly services and hospitality and the increase in insecure forms of employment in casual and part-time employment 18

While there is a lack of theoretical universality about the above reasons all of the above structural workforce factors date as phenomena to the earliest days of a Federal ALP government and the Accord, from 1983 onwards.

What became latterly particularly disturbing for the contemporary union movement is the impact of the Howard Coalition government and its legislative agenda, in particular the “Workchoices” policies that differ only incrementally from the 1993 Coalition policies in ‘Fightback’.

Boyd’s proposed responses are far from bureaucratic. They largely revolve around the mass mobilisation of union members, other working people and natural allies, such as the churches and community organizations. At a mass meeting of 2000 shop stewards and union delegates from all around Victoria on 23rd May ’05, a democratic decision was taken to hold a mass stopwork and rally on 30th June, the day before the Coalition would take control of both Houses of Parliament. Mass mobilisation is a tactic that Boyd was both familiar and comfortable with since before the anti-Kennett

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18 Unions 2001 A Blueprint for Trade Union Activism Evatt Foundation 1994; Australia at Work ACIRRT 1999
demonstration beginning in November 1992, but certainly culminating in huge numbers of protesters in that period.

Two days after he became acting VTHC Secretary, Boyd gave an exclusive interview with the *Sunday Herald-Sun*, where he said that a coalition with the State government was natural. ‘Prime Minister John Howard’s antipathy towards unions was matched only by ‘his hatred of Labor State governments’, Victoria in particular.’ 19 Elsewhere he continued this theme –

Howard hates not only the union movement, he hates Bracks. Even though Bracks is a moderate, soft Labor government, the Liberal party, the arch conservatives believe that Victoria is the jewel of the crown of the Liberal party from when Menzies (Liberal P.M. 1949-66) created it – they want it back, they want to get him (Bracks) and they want to get the union movement. It’s a dual attack by Howard 20

There is an obvious fit between Labor State governments, the ACTU and the State peak union councils to oppose, or at least demonstrate opposition to the Federal governments I.R. policies, and mass action is one those tools of opposition.

Obviously, the proposed 30th June rally had yet to occur days after Boyd taking the position of acting Secretary. However, an insight can be had into his thinking, post the Left caucus vote and in the lead up to the first of the rallies. On his campaign, he said, ‘By definition, unionists and other ALP apparatchiks would rather cut a deal than go

19 *Sunday Herald-Sun* 10/4/05

20 B. Boyd interview op cit
to a vote. I insisted on going to a vote…I’ll wear the result.”21 These are not the words or sentiments of someone with no faith in democratic processes, an oligarch or worse.

In all of this Boyd still needed to be formally accepted in the Secretary’s position by a meeting of the approx. 300 VTHC delegates. It’s disturbing to note that the 5th May meeting, held as usual in the VTH Council Chambers, was the first quorate meeting for over 5 years, and that the main purpose of the last meeting was to change the rules of Council meetings to reduce the quorum from 75 delegates to 50. The meeting began at 6:15 p.m. with 156 delegates attending and was opened by outgoing President, Michele O’Neil. Watching proceedings from above the Chamber in an unusually crowded Visitors Gallery was Boyd’s girlfriend Christine, ex-VTHC I.O. Barbara Hart and ex-ALP Organiser Jill Kidd. The fourth agenda item, ‘Foreshadowed Elections’, formally began the process and the first position filled, unopposed like all the others, was the Presidency. The sole nominee was Boyd’s earlier opponent, Peter Marshall of the U.F.U. Boyd was in turn elected to the positions of Secretary, ACTU Executive Representative and ACTU Congress Delegate, the latter 2 positions also shared by re-elected Asst. Secretary, Nathan Niven.

In his inaugural speech, Boyd thanked the outgoing O’Neil, his own predecessor and made a predicable attack on the Howard government’s anti-union and unitarist industrial relations policies. Perhaps out of nervousness, he also made a few surprising and contradictory remarks, initially denouncing Howard’s ‘class war’

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21 ibid
agenda of attacks on the trade union movement, Brian went on to say, ‘We don’t want a class war…(but) I’ll stick to defending Victorian unions to the bitter end.’

The meeting ended at 7:10 p.m., less than an hour after it started. For a bitter 17-year struggle, his election came about in a remarkably and unexpectedly civilized *fait accompli*. Boyd and supporters repaired to the nearby Dragon Boat Palace Chinese restaurant and began spending Boyd’s now increased $78,000 salary.

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22 VTHC Minutes 5/5/06 and the authors verbatim notes.
Chapter 9


Boyd’s first year and a half in office as Secretary of the VTHC, i.e. from his formal election on May 5, 2005, to the day of the third National Day of Action on 28 June 2006 and beyond to the events of mid-September ’06, saw a number of events that impacted on him, Australian trade unionism and industrial relations that require documentation and consideration.

The latter of these events were the University of Melbourne’s 28th August 2006 Foenander Lecture “Reforming Australian Industrial Relations?” by the 60-year veteran of academic analysis in industrial relations, Professor Joe Isaac; the premature death on the 29th August 2006, of fellow La Trobe university alumnus, one-time BLF rival and later supporter, John Cummins; a national newspapers gloating editorial predicting the demise of Australian industrial tripartism (Australian 13/9/06), coinciding with ACTU Secretary Greg Combet’s Address to the National Press Club on the same day, and the resultant media comments. All of these events were of sufficient significance that this chapter concerns itself with the period 5 May 2005 to 14 September 2006.

Federal tribunals, having the power of compulsory conciliation and arbitration, have been part of the I.R. processes for a century in dispute settlement, balancing economic and social (fairness) considerations. This marked a radical change from what prevailed in the 19th century (i.e. the inherited British
concept of Master and Servant). And until “Workchoices”, this has been an enduring feature of our system.¹

This quote succinctly sums up the challenge that would soon confront the Australian trade union movement; a dismantling of over 100 years of industrial relations practices concerned with dispute resolution through compulsory mediation via an independent arbiter, a living wage for workers based on a “needs principle”, and state recognition of and encouragement for industrial tripartism. Against the backdrop of anticipated legislated attacks on these long held features and on the union movement by the Senate-holding majority of the 2004 re-elected Coalition government, Boyd began the first year of his Secretaryship.

It would be to underestimate Boyd’s long experience in militant trade union struggle to suggest that this would be, to use a somewhat hackneyed phrase, his baptism by fire. He had after all been through a number of deregulation battles while at the BLF, had faced the prospect of a lengthy jail sentence arising from a union demonstration, had campaigned against legislative attacks from both the Cain/Kirner and Kennett State governments and the Keating government’s Industrial Relations Reform Act², and was critically involved in the Waterfront dispute and the Cole Royal Commission, to mention just some. It was not a baptism by fire, but he was certainly embroiled in

¹ Isaacs, J., Reforming Australian Industrial Relations?, 21st Foenander Lecture, University of Melbourne 28 August 2006.

² Boyd wrote a Discussion Paper in August 1994 titled “True Believers Spirit Being Gutted By Brereton’s I.R. Sabotage”, where he attacks Federal ALP I.R, Minister Laurie Brereton for introducing into the 1993 Industrial Relations Reform Act the concept of non-union enterprise agreements known as Enterprise Flexibility Agreements. It is disturbing to note the similarities between a number of the aspects of that particular piece of legislation and the Coalition’s Workchoices Act, including the departmental submission to the A.I.R.C. to reduce awards to 5 core provisions.
what was arguably the most significant fight that the country’s trade union movement would face since the great depression of the 1890s. As the newly elected VTHC Secretary, Boyd was in the front line.

He quickly threw himself into what he saw as his first main task, the 30th June 2005 rally in opposition to the now inevitable Workchoices legislation. The idea of the rally had been debated at the ACTU Executive in March that year, and while the eventual decision was not unanimous, the outcome nevertheless was for a National Day of Action, organised by the union movement but also designed to involve a popular front of protest as broad as possible, particularly church and community groups. Speaking about it a year later, Boyd said-

Essentially, a year ago, with the first of the National Days of Protest after the election of 2004 where Howard won control of the Senate and he indicated he was going all the way with the I.R. legislation, so number one rally was 30 June…I get up there at my first ACTU Executive meeting and, of course, as part of the united front and as part of my commitment to this (it) …has got to be a national strategy, it’s got to involve the ACTU, the Labor party, both Federally and State… while I’m not going to be overly critical of the ACTU or the Labor party, I want everyone to pull together…but) when you analyse how things are portrayed, I’m obligated that the big huge march of over 150,000 and that the Trades Hall is leading the charge and having a big say, I’m not going to allow Beazley, Hulls and Combet to just have the run and we’re (the VTHC) the poor cousins at the end…so back then, on 30th June, I said, ‘ Welcome to Melbourne, welcome to the Victorian Trades Hall and the
Victorian union movements contribution to the National Day of Action, but I’ll tell you who’s not welcome, in fact he’s as welcome as red-back spider on a dunny seat!…” 3.

He was referring of course to John Howard.

The very act of workers striking in protest against the Workchoices legislation would become in itself an offence against the legislation. But as Boyd had stated in a series of media interviews on a particularly symbolic date, Labour Day (the 150th anniversary of the successful campaign by Victorian workers in 1856 to win the 8-hour working day), he would encourage workers and union members to break “bad” laws, laws which would threaten their livelihood and the union movements very existence. Brian also used his media interviews to describe the union movements’ ongoing struggle as the biggest challenge to it since the 8-hour day campaign. This militant and unsurprising approach was completely consistent with his previous actions and protests against the Cole Royal Commission into alleged building industry corruption.

It is interesting to note the reaction to Boyd’s election within employer ranks, particularly management responses in the building industry itself. Julian Padgett, Site Manager for Multiplex Constructions informed the author that there was virtually no reaction or discussion in that organization to Boyd’s election, despite the construction unions having been his power base for over 20 years, and that they were fully

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3 Boyd, B. interview 6/7/06.
supportive of a number of hasty Enterprise Bargaining claims being negotiated in advance of the introduction of WorkChoices on the 27th March 2006.

Some commentary at the time of the June 2005 rally was critical of the ACTU and the State Trade’s Halls for holding protest rallies before the legislation had even been sighted, let alone introduced and passed by parliament. The responses to these criticisms were that the legislation’s introduction was a fait accompli and there was no grounds for optimism regarding its final appearance given that John Howard had maintained an ideological consistency of opposition to the union movement for all of his public life, if indeed not earlier.

(Howard’s) platform (in the 1987 election campaign) was radical in context and sweeping in scope: a massive tax-spending switch; deregulation of the labour market, which allowed voluntary contracts outside the central system;4

Consistent with the free-market, deregulated labour market ideologues of the Liberal party in the 21st century and earlier, Howard, when Opposition spokesman for industrial relations in the 1993 election had put forward a policy that is in essence identical to that which would be passed into law 13 years later. One commentator described the essence of Howard’s political policies prior to his 1996 election victory as –

The GST was less a policy than an obsession…It was no more than the centrepiece of a set of prejudices that he dignified by the name of “economic


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rationalism” – a deep distrust of the public sector, a belief in the unalloyed benefit of cuts to income tax (but not to the tax take as a whole) and, above all, an almost pathological hatred for the union movement.5

If more contemporary evidence was required, we need look no further than a 2000 parliamentary Discussion Paper issued by the then Minister for Workplace Relations, Peter Reith, who bemoaned that ‘…the workplace relations system is very complex and further reform (is required) to make the system simpler’.

One apparent solution to complexity and the need for simplification soon began to resemble the effective removal of one of the 3 parties to contemporary industrial relations systems; trade unions.

At the 2004 election, when the Liberal government also won a Senate majority and was now able to implement its industrial relations policies, its other response to the need to create a simpler workplace relations system was an Act that exceeded 1600 pages of detail and regulation.

Some employers may have been relatively sanguine about the implications of the legislation; many commentators were not. An article by A. Brandt, a Melbourne industrial lawyer later compared the absence of equal rights for individual workers under the legislation to the lack of rights for terrorism suspects. ‘In many respects,

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there will be no equal rights before labour law, and certainly no fundamental rights.
This dovetails with the operation of the terrorism laws…”

The equal rights reference was in respect of the eventual legislations provision that a company with less than 100 employees was exempt from potential prosecution for unfair dismissal of any or all of its employees. This removed unfair dismissal rights for approximately 80% of Australian workers. The other major, salient and controversial points of the legislation, which on its introduction was over 1200 pages long with a further 400 pages of explanatory regulations, included the removal of the previous No Disadvantage test, which had previously prevented the legal acceptance of an individual agreement, an Australian Workplace Agreement, contradicting and being lesser than the pre-existing industrial award, and that awards were to be reduced to 5 Minimum Conditions, i.e. a minimum wage (not lesser than the latest National Wage Case amount), a maximum 38 hour week, 4 weeks annual leave, 10 days paid personal/carers leave and 52 weeks unpaid parental leave.

Following its introduction in March 2006, one newspaper reported the following – “No place for unions in the new I.R club” –

This is the new industrial relations club. The unions are expelled, the A.I.R.C. has been allowed to stay on the premises for the time being as the interim

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6 *Age* 4th April 2006
cleaner that is expected to report weekly to (I.R. Minister) Andrews, the new
club president…

As union membership figures rose during this period by 4% to 1,911,000 employees
nationwide, the proportion of the unionised workforce declined by 0.3%, from 22.7%
to 22.4% of the workforce, Boyd is quoted saying at a 2000-plus union delegate
march on Liberal Party headquarters in Melbourne on 29th March that Australian
Bureau of Statistics data showing a gain of 70,000 union members in 2005 proved
unions were on the front foot, ‘But 70,000 members isn’t enough… We need 250,000,
up to half a million new members to help fight back. So we must go on a huge
recruitment drive.’

The above figures throw into sharp contrast contemporary union membership of
barely a fifth of the workforce compared to membership of 49.5% in the last full year
of the Fraser government in 1982. Potentially even more disturbing is that these
current figures are distorted as a representation of the workforce in that public sector
workers are over represented; private sector workers union density is estimated to be
approximately 17-19%.

Declining union membership in Australia is not a new phenomenon. The 1995 ACTU
Congress was almost exclusively concerned with recruitment of new members and

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8 Reported in Australian 25/26 March 2005
9 Age 23rd March 2006. It was also at this delegates rally the Brian came in for criticism from a
well known CFMEU Organiser for being insufficiently militant, when he said to the author “Its
alright to talk about boxing clever but we’ve got to get in the fucking ring first”.
10 Age 30th March 2006
had been informed that, ‘…for the period 1982 – 93…In no industry has union density been maintained, and most union have experienced substantial declines in total membership’.11

This was the environment that Boyd now found himself in; declining union membership, at least as a proportion of the workforce, a national government deeply and vehemently hostile to unions and a less than united ACTU Executive on the matter of the mass rallies tactics advocated by him, despite the success of the first of those proposed rallies. Not that this was the only tactic in the union movement’s strategy. Taking advantage of the ALP monopoly of State and Territory governments, pressure was brought to bear for these governments to institute legal challenges to the constitutionality of the legislation, and in the months preceding its introduction, a union media campaign highlighting the potential damaging effects to working families inherent in the legislation.

Nevertheless, pressure from the VTHC and others to continue with mass rallies prevailed on the ACTU and a further rally was organised for 15th November 2005, again intended to mobilise as a widely as possible among grass-root community activists, churches and rank and file union members. Boyd’s prominent role in the earlier Victorian rally differed in the second November rally.

The November 15 rally was slightly different, because of Skychannel, so I had a bit of a run there but nowhere near as much, it was totally an ACTU/Skychannel/national bloody media savvy-type presentation.12

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11 Australian Bureau of Statistics March 2006 Cat. no. 6325.0
This rally became the biggest ever public protest in Melbourne’s history, overshadowing the anti-Vietnam war/Moratorium marches of the early 1970s, with an official police estimate of 210,000 attending, and the VTHC estimate of over 250,000.

Again, there was significant media coverage and Boyd featured prominently but as he states, less so than hitherto. This was an interesting development because he was quite clear, indeed adamant about the role the VTHC played and continued to play in the overall national union campaign.

…there is no doubt in my mind from the Victorian trade union movement’s point of view were keen to take the battle up to John Howard as high as we can get; the organised trade union movement, workers in general and the public in general and the community groups in general, moving up at a high level of resistance to his I.R. laws.

That’s definitely the Victorian union movement’s point of view and the Trades Hall position. Having said that, on the basis of that, I push hard at the ACTU Executive and any other forum for that position to be taken… (but)…the union movement is quite a diverse beast, not uniform, and there’s all sorts of things people need to understand. There’s blue collar compared to white collar, there’s left wing unions versus right wing unions, the full range of in-

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between... (and)... a number of them have different strategies about how to survive.13

Certainly one of the principal left wing, blue collar unions to which Brian alludes was the Construction, Forestry, Mining and Energy Union (CFMEU), in Victoria, lead by President John Cummins until his untimely death on 29th August 2006. Like so many of the individuals who have been interviewed or contacted for this biography, Cummins was worthy of a biography in his own right. Notwithstanding this and for our purposes, it is instructive that much of his life and work in the trade union movement mirrors Boyd’s. Cummins was also a graduate of La Trobe University, a Maoist student activist and a long-time BLF Organiser alongside Boyd before replacing Norm Gallagher as Victorian Secretary in 1991, and helped facilitate the amalgamated CFMEU.14 Following the acrimony surrounding Boyd’s departure from the BLF to Trades Hall and the publication of his subsequent expose, he and Cummins fell out over a period of many years. Their rapprochement had been assisted over 2 years earlier when both men met to build bridges in the face of the then Cole Royal Commission. On his passing, and on behalf of the Trades Hall Executive Council, Officers and staff, Boyd, as Secretary, posted an appropriate notice commemorating his long service to the union movement.15

Not attracting similar praise is Boyd’s comments regarding some self-styled ultra-militant sections of the union movement, about which he has said in the past,

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13 Interview op. cit.

14 Australian 3rd April 2006

15 Interview op. cit.
‘These ultra-revolutionary unionists that meet in fucking phone boxes and talk about class warfare, the bosses put up a bit of a fight and they go to water!’ 16.

He could have been referring to one VTHC affiliate that had previously described itself as “the Albania of the Victorian unions.”

As well as the first task of organising the 30th June 2005 rally and preparing for the subsequent 15th November follow-up, Boyd had to also turn his attentions to the administration of both the Victorian Trades Hall and the Literary Institute, the latter being the key, independent committee responsible for the preservation, protection and restoration of the actual historic and heritage-listed Trades Hall building, which had been in debt to the amount of $390,000 over the previous three years (Contrasted with the VTHC, which was $30,000 in debt.) when he took over. Since 2005, both organizations accounts stayed in credit. The heritage-listed status of the Trades Hall was deemed to be of such significance that on the 1st December 2005, the Heritage Council of Victoria invited Boyd to launch their 2006 calendar. He also had the overall responsibility for the administration of 60 affiliated unions, representing approximately 400,000 workers, almost 40 VTHC employees and 8 provincial Trades & Labour Councils.

Further, since February 2004, Boyd had also been Chairman of the Eureka Stockade 150th Anniversary Committee to assist the celebrations of the Eureka Rebellion of 1854.

16 It is interesting to remember some of the individuals who began their professional political lives in the BLF. Alongside Brian and Cummins, the BLF had employed as Organisers the late Jim Bacon, who became Premier of Tasmania before he too died prematurely of cancer, and Paul Gilding who was the national leader of Greenpeace.
December 1854. It is no coincidence that many militant unions have adopted the Eureka flag, a stylised version of the Southern Cross, and that the old BLF was one of the first to adopt it.

…because my study of Australian history at High school but particularly at university was that we needed to relate to issues in our history that help promote class consciousness and national consciousness about where Australia was…in those days just after the sacking of the Whitlam government and under Malcolm Fraser we needed to relate to things that were very important in terms of US bases in Australia, US culture, we were just coming out of the Vietnam war and we were learning about what happened in Chile (in 1973). All of those things meant we needed to have national as well as class issues linking us together and the Eureka flag solved both these questions. The Eureka Rebellion is one of the classic pre-working class rebellions in Australia’s history that was all about democracy and civil rights. 17

After the success of the November 2005 rally the ACTU Executive met and agreed to another National Day of Protest in the first half of 2006. With this decision taken and summer approaching, Boyd took 3 weeks annual leave over December-January, part of which he spent reacquainting himself with his lifelong hobby of bird watching. He went to Kangaroo Island to search for the rare, glossy Black Cockatoo and, to his delight, actually found two.

17 B. Boyd Interview 6/7/ 2006
On his return to work in February 2006 and anticipating a series of planning sessions for the above agreed rally date, Boyd and other supporters of the idea met with unexpected opposition. At the March 2006 ACTU Executive meeting, a number of Federal unions and State Trades & Labour Councils begin to reconsider their earlier decision. Following vigorous debate, the VTHC and a handful of the bigger Left national unions prevail and it is confirmed that the 28th June 2006 rally will go ahead.

As discussed, on 27th March the Workchoices legislation came into effect and almost immediately afterwards Federal I.R., Minister Andrews warns potential demonstrators against the 28 June National Day of Action stopwork, threatening fines of $6600 per individual and $33,000 for unions. A Newspoll published in early April reports the Federal ALP’s primary vote improving from 35% on 14th March to 53% as a consequence of the new legislation.

On the Victorian front, on 21st April there was a re-enactment march and banquet celebrating the 8-hour working day 150th anniversary campaign and Boyd is one of the keynote speakers. In an historical re-enactment of the original march in 1854, Boyd, Martin Kingham and a rank and file female stonemason carried 3 giant golden number 8s from Melbourne University to the Victorian Parliament House.

On the back of the success of this event, he lobbied to change the annual Labour Day Dinner from March (Moomba) to its original 21st April date and facilitated the VTHC merger with the Mayday committee, which in turn met to decide to make the future celebrations more prominent by sealing-off Lygon St directly outside the Trades Hall.

18 Interview op. cit.
The 28th June Melbourne rally again featured Brian as a prominent speaker, notwithstanding some high profile guests-

So the day before I’m reminded by a couple of colleagues at the Trades Hall “what are you gonna say now, because you’ve got everyone there now, everyone wants to be there…Bracksy’s there now, Beazley’s back of course, Sharron Burrow is there and you’ve got the churches, what’re you going to say?” I said I’ll think of something…red back spider is one thing… so I thought “yellow-bellied black snake”…so I got up there and said “Welcome to Melbourne’s contribution again…John Howard isn’t welcome… he would be as welcome as a yellow-bellied black snake at an Aussie Barbeque!” and it gets a great laugh.19

The metaphorical use of local fauna appears de rigueur in labour circles. In an article a few days after the legislation came into effect, John Buchanan, deputy director of Sydney University’s Workplace Research Centre is quoted as commenting that the introduction of the new laws won’t cause the sky to fall in, rather, “…the floor will rot away… (this is) the week the white ants were unleashed on labour market standards in Australia”.20

19 Herald-Sun 30/3/06. Soon after, a by- product of this statement being aired on radio news bulletins, Melbourne radio station 3MMM put it on their website in response to popular demand and so that the public could download it onto mobile phones as a ringtone.

20 Interview op. cit.
What had also particularly interested Boyd was an article published in the CPA-M.L. weekly newspaper Vanguard on 21st June, a week before the rally, which praised his stance and tactics in promoting the protests against Workchoices. To him, this appeared as a vindication of his politics in general, and of his position regarding the campaign against Workchoices in particular. In a communication to the author, he wrote, “How the wheel turns!”.

Elsewhere, Federal Finance Minister Minchin is reported advocating that the Howard government “need to go to the next election seeking … ‘another wave of industrial relations reforms…This is the sort of thing you can do once, possibly a generation, once every 10 or 15 years’.”

Within a few weeks after the 28th June rally, on 9th August, Howard announced his decision to appoint another Minister, Hockey, to assist Andrews in the I.R. portfolio, and to establish a group of a further 6 dedicated M.P.s to help sell the government’s message. This is in addition to the claim Boyd made in a pre-recorded, pre-2006 Budget radio interview that there is already $1/2 billion of government money set aside to sell the I.R. package.

In July 2006, Boyd celebrated his 55th birthday. Later that year, on the 27th August 2006, the long running 3RRR radio program “The Spin”, which explored and exposed public relations and media stunts, a program conceived by a former Kennett

\[21 \text{ Age 1/4/06}\]

\[22 \text{ Vanguard 21/6/06}\]
government spin doctor, Jon Richards, the daughter of a former Kennett Cabinet
Minister, Rebecca Cooper and Boyd himself, broadcast its last program. It marked the
end of one of Boyd’s regular media forums where he wasn’t the “talent”, but actually
had involvement in the crafting of the message he wished to convey.

He also took some pleasure this year in being asked to write the foreword to the
history of the Victorian Branch of Federated Engine Drivers’ and Firemen’s
Association (FEDFA), FEDFA – A Victorian Branch History 1907-2005, by Malcolm
McDonald, which demonstrated his authority in the Victorian trade union movement
as the Secretary of the VTHC. It also needs to be noted that Boyd had often lamented
the loss of history, oral or otherwise, suffered in labour circles, on the often
inadequate commemoration on the passing of a significant union figure and the
sometimes cavalier approach some unions took to their own records.

On Wednesday, 13th September, ACTU Secretary Greg Combet gave his second
appearance for the year at the National Press Club to speak about the ACTU plan to
repeal Workchoices and the detail of what the ACTU wished to see replace it. On the
same day The Australian newspaper, one of only two of the country’s national daily
papers, also printed an editorial under the heading “I.R. Reforms Deliver”. Where
Combet spoke of majority vote, workplace ballots on collective bargaining, legally
protected industrial action and restoring the role of the AIRC, The Australian
published the following-

Instead, the workplace reforms of 2006 may represent the final, and fatal,
psychological blow to the enterprise-destroying culture of the old industrial
relations system…free of interference from meddling tribunals, mind-numbing industrial awards and bloody-minded union officials.  

There can be no doubt that the emasculation of the AIRC, the undermining of collective bargaining for union collective agreements and the” pathological hatred of unions” all represent extremely serious challenges to industrial tripartism. To ‘The Australian’ it apparently was the case that 3rd party independent arbiters, regulated working conditions agreed to by equally represented parties and committed advocates of the interests of their working constituents was something that 21st Century Australia should and must avoid. 

23 Australian  3/4/06

24 Editorial Australian  13/9/06
The 30th November, 2006” Fill the MCG “ rally and the 24th November 2007 Commonwealth election could provide the bookend dates to bring to a conclusion this biography of Brian Boyd, trade unionist.

The previous Melbourne rallies, or mass mobilisations, as Boyd preferred calling them, had been in June, 2005, attracting 150,000 people, November, the same year and with 210-250,000, which was deemed by the Age newspaper to be the biggest protest rally in Melbourne’s history, June 2006 with 110,000 and now the proposed MCG (Melbourne Cricket Ground) rally.

Like every rally before there was considerable organisation required and for this showpiece it started in the months leading up; Boyd has stated that it was at the request of the ACTU Secretary, Greg Combet, that the idea went ahead, but it was to turn out to be the least successful of the 4 mobilisations of the previous 17 months, and brought back into question in the ranks of the trade union movement whether the mobilisations should continue as a tactic to focus public attention on and opposition to the Workchoices legislation in particular and the Howard government in general.

As it turned out, the planned approximately 100,000 capacity sporting arena mobilisation was just over half successful, with approximately 60,000 attending; it appeared that striking and protesting workers and others preferred marching around to a sit down. Some later figures demonstrated that 250,000 Victorians stopped work that day; they just didn’t head to the MCG.
Nevertheless, the campaigning continued, augmented by a union sponsored marginal parliamentary seats campaign against vulnerable, incumbent Coalition MHRs and a television advertisement campaign, highlighting the greater vulnerability of many Australian workers and their families.

The ACTU Executive, of which Boyd was, and remains, a member had decided that the strategy for the defeat of the Howard Government would not be via the streets, rather it would be through the ballot box and to that end the ACTU and the VTHC Executive members agreed that the marginal seats campaign would be the tactical direction of the anti-Howard campaign and the 2007 election.

Three parliamentary seats were identified; Deakin and La Trobe, in Melbourne’s eastern suburbs and Corangamite, in provincial Geelong; the VTHC vouchsafed those electorates and a staggering $150,000 of trade union subscriptions was to be spent on each of them.

It is interesting that Boyd had and would use marginal seat campaigning, letter boxing, doorknocking and staffing booths as a penance for some of those who had earlier transgressed against the labour cause; the foolish La Trobe undergraduate and one-time ASIO agent, Reid Clarke, had been given the same orders in the 1987 election.

At a Labour History conference at Melbourne University (one of Boyd’s three alma maters) in July 2007, he spoke in defence of the rallies/mobilisations tradition, citing examples going back to the 1969 protests against the penal powers in industrial relations law at the time and
the jailing of Tramways Union Secretary (and CPA-M.L. official), Clarrie O’Shea. Going further, Boyd also argued that the 1969 mobilisation was directly analogous to the 1998 Waterfront dispute and the community protests against the Howard governments’ attempts to de-unionise a militant workforce. It is also interesting that a rare display of political diplomacy entered Boyd’s conference presentation when he went on to say that the Victorian, or more accurately, Melbourne, experiences of mass mobilisations of recent years largely reflected the experiences in the national arena. Had that been so, the in excess of 600,000 Victorians that turned out and marched and protested from June 2005 to November 2006 should have translated to a total of several million across the whole of Australia.

That this obviously wasn’t the case is of little consequence; already by 2005-6, the Howard government began to realise the negative political consequences of Workchoices. It established the Australian Fair Pay Commission (AFPC) during what would become its last term in office and began to ameliorate, albeit around the edges, some of worst excesses inherent in the legislation. The AIRC would remain stripped of its historical wage setting powers but in 2006 the AFPC was given responsibility for Standard Federal Minimum Wage setting. Some senior academic commentators observed

..(as early as 1985)...the Liberal Party issued an I.R. policy statement which sought to decentralise I.R. and weaken unions by creating an alternative system of voluntary contracts to operate alongside the award system. ¹

The introduction of AWAs via the Workplace Relations Act (1996) achieved that; the sidelining of the AIRC was achieved via Workchoices.

¹ Sheldon & Thornthwaite op cit, p.10
The election year was a busy time for Boyd. On 28 April, he presided over the Workers Day Memorial celebration, held across the road from the Trades Hall building at Hortis Hall.

In August, 2007, Boyd paid homage to the fatally poisoned 200 year old Tree of Knowledge in Barcaldine, Queensland- The ghost gum (that) entered into working class folklore back in 1891 when a group of shearers gathered underneath it to plan a strike. That strike, in conjunction with a maritime strike the previous year led to the eventual development of the ALP. ‘There have been suggestions in some quarters that a reward be offered to catch the culprits who murdered the Tree of Knowledge’, Brian Boyd the VTHC Secretary said recently.’Whoever it was who did it would have to be a ‘dyed in the wool’ arch conservative who hates working people and Australian social and political history’, added Mr. Boyd. ²

Boyd remembered his consistent advocacy of the importance of an independent and militant trade union movement, almost regardless of the political party in power. His opposition to the Howard governments did not mean an a priori uncritical embrace of the ALP or other opposition political parties. Further, Boyd saw fit to call a further and final mass rally for the election year on the 26th of September, to remind people that Victorian workers would answer the call: 50,000 turned up.

On the night of the 24th November, 2007 and on learning of the Federal election result, he did not celebrate with fellow supporters at the Victorian Trades Hall election party; he dined in Melbourne’s Chinatown, with partner Christine, daughter, post-graduate criminology student, Nicole and a select few trusted friends and comrades. On that evening, Boyd’s thoughts were-

² VTHC website 8/8/2007
It was great see John Howard finally out of office and especially see this ruling-class warrior lose his seat. I felt proud of helping to contribute to this outcome by helping organise the disciplined “your rights @ work” campaign. But I knew from political experience getting workers collective industrial rights back in the workplace wouldn’t be easy under (PM-elect) Rudd and (Deputy PM-elect) Gillard.³

The comments of another and somewhat more confident senior union official on the events of November, 2007 provide an interesting contrast-

“The trade union movement would have survived (the re-election of Howards’ government)...I don’t expect anybody to look after the interests of unions, unions will look after their own interests.”⁴

The ALP won the election by a 15 seat absolute majority (ALP: 83, Coalition: 65, Ind.: 2) against all other parties and also caused John Howard to lose his own seat, only the second P.M. in Australia’s history after Bruce in 1929 to achieve such ignominy.

When Brian Boyd’s father, Tom and the rest of the family arrived in Australia in the mid-1950s, trade union density was well over half and approaching 60% of the workforce; in 2008, it hovers around 20%. The powers of the AIRC, which historically had included wage setting and the compulsory resolution of industrial disputes, have yet to be restored. No-one in the ALP government or the ACTU is talking about reinstituting the 1983-96 Accord. Two of the three targeted seats in Victoria were won by the ALP.

³ Correspondence to author September 2008

⁴ ABC television interview with ACTU Secretary Jeff Lawrence, 9/12/2007
The events that lead up to the 2007 ALP election victory were, of course, many and varied and Boyd’s part in the electoral outcome only played a part overall. Nevertheless, it was not insignificant nor tactically or strategically at variance with Boyd’s previous political and industrial modus operandi.

He was instrumental in both the Melbourne mass mobilisation campaigns, a tactic he had utilised from his earliest days in political activism, and strategically also accepted the inevitability that a democratically sustainable outcome would only be achieved at the ballot box.

Importantly, in both situations, Boyd did not waver in his faith and core belief in the fundamental primacy of a separate and viable, independent trade union movement.
The purpose of this dissertation has been to examine the life of a prominent and contemporary trade unionist. One reason was to examine Brian Boyd. But this examination is also against a backdrop relating to the decline of industrial tripartism and pluralism in Australia by studying the historical changes to the parties to a pluralist industrial relations system; trade unions, employer associations and state agencies, and their respective contemporary roles as they have been influenced by the ideologies of governments and the manifestation of those ideologies through legislation.

As a biography, it may be observed at first glance that in many respects Boyd’s early life is fairly unremarkable; an Anglo-Celtic, English speaking, assisted passage migrant from a provincial British city, travelling with his family to Australia, a migrant receiving country in the 1950s, which at the time was operating under the White Australia policy. His early life in Australia was experienced firstly in provincial Queensland, then provincial Victoria, where he received a solid primary and secondary State school education, where at the latter level he excelled, winning 2 scholarships and eventually a further government tertiary scholarship to train as a secondary school teacher.
It’s not until his adolescence and early adulthood and a combination of factors and events during that time, that his life becomes sufficiently interesting to merit closer examination. These factors include increasing domestic violence and his responses to it, tertiary studies at a number of institutions in a cosmopolitan capital city, exposure to and the embrace of radical, revolutionary political ideas and a career in trade unionism. These developments, and the tragic recurrence of premature family deaths and his own life-threatening health problems, help to provide the details and explanations of his life.

Therefore, this biography is also the examination of Australian, and in particular Victorian, trade unionism, viewed through the prism of Boyd’s life to the close of 2009.

It is in this that the detail of the Australian industrial relations experience has been examined and seen to be historically almost unique in the world, possibly only sharing significant similarities with New Zealand prior to that country’s introduction of the Employment Contracts Act in 1991, which is in itself was ‘…in many ways similar to Workchoices’.¹

Nevertheless, in a broad sense, the tripartite model of Australian (and New Zealand) industrial relations systems has had much in common with other western capitalist countries for most of the 20th century. Through legislation and certain accepted practices and precedents, countries such as Britain, the USA, Canada, many Scandinavian countries and even Germany and Japan themselves, in their post-Fascist

¹ Isaacs, J. ibid. p.17
periods, all adopted and utilised what can be described as a convergent, tripartite system of industrial relations. The USA’s Democratic administration (1932 to 1952) used encouragement of trade unionism as an economic response to some of the problems of the Depression of the late 1920s to the 1930s, and trade unionism was encouraged as a democratising force in the post-war reconstruction of Germany and Japan.

Yet, as we have seen, the Howard government, taking as examples while not learning the political message from the New Zealand National party in 1991 and Kennett’s Victorian Liberal party in 1992, decided to implement the most far-reaching, radical changes to Australia’s industrial relations system.

Workchoices, Howard’s industrial relations revolution, was the biggest misjudgement of his political career...the “reforms”...tilted the balance of power decisively towards employers...(his) commitment to labour market deregulation (which it wasn’t- ed.) had been clear since the 80s..when he announced it was “time to turn Justice Higgins on his head. Workchoices continued the government’s attempts to marginalise the trade union movement.2

By its declining membership numbers and density, the Australian trade union movement had already become substantially marginalised, but it didn’t follow, and was soon comprehensively demonstrated, that Australian voters wanted the trade union movement destroyed or outlawed.

Nevertheless, in contemporary Australia, successive governments, both ALP and Coalition, have actively sought to reduce the influence of the trade union movement as a separate and independent player in the body politic; firstly, by co-opting the country’s peak union council, the ACTU, into an accord with the governing Labor party from 1983 to 1996, to suppress wages and wealth distribution ostensibly for national economic wellbeing and a de facto seat in Cabinet, but in doing so reducing a fundamental plank of an independent trade union movement’s core purpose, the improvement of the terms and conditions of its members. Secondly, by a Coalition government, from 1996-2007, by antagonism and legislative attacks to attempt to reduce the movement to an irrelevancy, a nuisance in the politics of the nation.

It is also worth noting that since 1969, every ACTU President and one Secretary, Greg Combet, excepting current President Burrow, have gone on to become Federal parliamentarians.

It is somehow appropriate that this biography ends with the trade union movement, and the broader labour movement, celebrating the demise of the Howard government that had bedevilled them for 11 1/2 years and that we examined the role that Boyd played in this outcome.

Yet that would perhaps be a trivialisation of all the events that had gone before the election of 24 November 2007, and since. This especially so as perennial issues resurfaced during the first term of the Rudd ALP government.
Boyd, as a torch carrier for an independent trade union movement, had concluded some time ago that key elements of the Australian labour movement have not been seen to be overly distressed by the decline of a militant, independent representation of working class interests.

Identifying himself as a spokesperson of those interests, Boyd had to practice the fundamental political skills of retaining office and power. In March, 2009, he arranged for his re-endorsement of the Secretaryship by the Left caucus and on the 7th May was re-elected unopposed. At the same time, for reasons not fully understood, Boyd also secured the decision that the position of Assistant Secretary, hitherto held by a one-time supporter Nathan Niven, be set aside. In the August VTHC meeting, the position was reinstituted and Australian Workers Union official, David Cragg was elected to fill that position. Niven’s current circumstances are unknown.

On 10 August 2009, Boyd wrote a critique of the events and outcomes of the 30 July – 1 August ALP National Conference, the first since the 2007 Federal election, where he argued that his earlier conclusions had not been contemporarily questioned.

In his critique, Boyd demonstrated an intersection of experience and reflection, from revolutionary to real-world concerns through the refining of realistic politics and practices.

Many in the ALP hierarchy seem to think that absorbing Howard style policy and law is a better strategy than re- emphasising the Labor movement’s historical philosophy. There is a cringe mentality within elements of the union
movement when it comes to dealing with the ALP in government. Instead there should be not only self-respect when interacting with an ALP government on behalf of workers, but it should be conducted in terms of a robust, independent, industrial wing standing up for what matters. There is no argument that it’s better to have Labor in government than the conservatives. But that general view shouldn’t be an excuse to wear a Labor continuing on with Liberal-type policies. The Labourist element within the industrial wing, those trade union leaders who are more interested in promoting, saving, protecting the ALP than representing the independent industrial wing generally and workers interests in particular, hinders the vibrant voice of the union movement.³

It is here that yet again Boyd’s consistency in attitude and beliefs is well illustrated and the worthiness of examining a life through the process of historical change is made evident.

In Boyd’s early life we have seen his initial need to rebel as a survival mechanism against both the home and the State. This rebellion gradually took on its ideological approach against a backdrop of sweeping social and political transformation in Australia and elsewhere at that particular time in history. Unlike the majority of his fellow rebels, in his 20s Boyd chose a revolutionary path to further his learned opposition to authority in almost any form. By initially embracing Marxism and then a career of militant trade unionism, Boyd slowly began to shrug off

³ ALP National Conference paper, 10th August 2009
his earlier frustrations of powerlessness to progress to the experience of some industrial and political influence.

While there had been several personal tragedies, a life threatening illness and family estrangement as well as premature family deaths, Boyd also began a gradual disenchantment with a prominent union mentor while maintaining a consistent determination increasingly tempered by a maturing world view.

In his 30s and 40s, Boyd steadily grew in industrial and political power in an environment where many hitherto long held industrial, social and political attitudes were being discarded or reversed.

These factors forced several tactical, yet not strategic changes in Boyd; from the initial angry and reactive radical to a militant persuasiveness while remaining steadfastly committed to the belief of the preeminent need for a transparent, democratic, progressive and above all, independent trade union movement.

Brian and Christine married on 5th June 2010 and his current term as VTHC Secretary ends mid-2013. As his public life nears completion, it is appropriate to allow him the last words in this biography.

I have been an elected fulltime union official for over 3 decades. It has been an honour to serve the working class to the best of my ability. I have been part of many causes and campaigns. Two of the best were seeing MUA members walk back into East Swanston Dock in 1998 and the other was to see John Howard lose the 2007 federal election and his own parliamentary seat. It has always been relatively easy to see the enemy on the employer, corporate and
conservative side of the struggle. It has not always been as easy to spot my enemies on the union, labour and progressive side of the fence, but I saw enough of them coming to have survived this long.4

It may well be enough to conclude by echoing Boyd’s sentiments; that through all his private and public travails, he survived.

4 Boyd to author, correspondence, 28 September 2010.
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Appendix 1

A Tribute To My Brother – Lenny

Tuesday 10th October 2000

My poor brother Lenny. Yes, my poor brother Lenny. Today I learnt that Leonard James Boyd (DOB 8th July 1952) is dead. It looks like he died on the 14th August 1981, in the same year my dear sister Lynne tracked me down via media reports to the BLF office.

Over the last 22 years since I last saw him in 1978 inside Flinders Street Station at 6:00 a.m. I was hoping he would read about me in the papers or see me on T.V. and then come and seek me out at work. He never came and now I know why.

When yesterday I asked a Victoria Police Chief Inspector I knew to punch him into the computer I knew deep down already. Over the last few years I had the chance to call in this favour, but never did. But something told me to finally do it. My sister always asked me when we talked if I’d heard from him. My answer was always no. The story way back from his acquaintances in the late ‘70s was that Lenny had gone interstate. The Northern Territory was mentioned. Over the years I’ve been to Perth, Darwin, Brisbane, Hobart and Sydney. I’d check the phone books and I’d ring a few L. Boyds – no luck.
Only last week I was speaking to Lynne on the phone. I was checking up on some family history for my biographer. We went through some of the old stories. Like when I’d shot an arrow through Lenny’s leg while he tried to hide in the backyard of our home at 7 Evans St., Morwell. My Mother broke my bow and arrow set (a Christmas present) and a broom over my head for that little trick. Or, like when he’d always try to give me a hiding, even though he was bigger than me, but never could because I was the older brother.

Psychology prevailed.

Then I remembered how much grief I gave him over his vicious asthma attacks. He’d be on the bottom bunk-bed in our joint bedroom at the back of the house and I’d come down from the top bunk to try to stop his wheezing and gasping because I couldn’t sleep. I’d throw him out of the room and my parents would nurse him in the lounge room, trying to bring him back to normal breathing.

I also remembered how he tried to finish Technical School, having two goes at the Leaving Certificate (Year 11). In 1969 he went to work at Gus’ Clothing Store and combed his hair like The Beatles. In the same year that I was doing my Matriculation (Year 12), I had left home mid-year for a month or so because of the old mans hostility, violence and religious diatribes. Lenny would meet me after work in Morwells’ main street and give me 50 cents out of his wages so I could buy chips and potato cakes!
In 1970 I was down from Melbourne and at the Morwell Saturday dance venue, the Kazba. Lenny was being a card and up to no good, chasing the girls and stirring up the door bouncers and the local cops. After he was kicked out of the dance he went up to the Latrobe Valley Hotel, man-handled an “eighteener” beer keg out of the back and rolled the huge barrel down the arcade and into the Kazbas’ front door! Someone came and told me Lenny was in trouble, yelling and shouting in the street. I went out and spirited him down a lane-way as the police siren came into hearing range. My poor brother Lenny. Did he die alone? Where is he lying now?

Then there was the time I visited his rented house in Moe in 1970 where he lived with his fellow knock-about mates. My then girlfriend was appalled at decadent scenes in the house. It was a short visit.

Later, up in Melbourne, we tried to keep in touch. I remember visiting his house in Sth. Melbourne and the time he stayed in my rented house in Armadale in 1971 while I was in hospital for 2 months recovering from a cancer operation. He and his mates never paid the rent. I got back and purged him and his mates out in the street.

He’d hardly come to the hospital to visit me and didn’t tell me about our parents and siblings turning up to see me when they’d heard about my illness. They had left in despair after seeing Lenny! He had laughed and swore at them. I still threw him out in the street. He’d promised to look after my house and, more importantly, pay the rent. By now, Lenny was a heavy smoker which didn’t help his chronic asthma and this annoyed the shit out of me.
I was heavily involved in the anti-conscription, anti-Vietnam war movements. One day in 1973 I was in front of a big protest going down Collins St., Melbourne. Lenny and a couple of his mates came out of a pub, obviously under the influence. He charged up to the front joining me, saying he’d take care of the cops! Suddenly, he charged up to Commander Jackson out on the flank of the march. This Chief cop was walking along the tram tracks when the next minute Lenny is grappling with him and at least 2 others who had come to their superiors’ aid. I raced up and convinced Jackson I’d look after him; Jackson seemed almost relieved! I took dear Lenny back to the pub.

At another demo he turned up sober. I told him he could be my bodyguard if the cops tried to snatch me and others when the going got rough. He did a good job.

About 1976, he contacted me. He was in trouble with the “D”s, the detectives operating out of the Essendon Police station, in suburban west Melbourne. It turned out he had been playing pool and had messed up a local pub. When the cops came, Lenny started swinging a pool cue at them. With my then-partner Mary Bluetts’ support, and with her psychology degree, she convinced the Magistrate that Lenny came from a dysfunctional family and shouldn’t be jailed for the assaults! Mary was great in the witness box and the chagrin of the detectives Lenny was put on a good behavior bond. He was grateful and the promptly disappeared again.

By 1977, I was heavily involved in the Australian Independence Movement. I invited Lenny to a party at me and Mary’s rented house in Balwyn. Lenny got drunk and played up, touching up Denise, one of Mary’s sisters. He ended up jumping into the
next door neighbours’ swimming pool and again I threw him out. My poor dear brother Lenny.

Not long after that, I met him at Flinders Street station, Melbourne. I was on my way to work at a building site in nearby Williamstown and Lenny was on his way to Coburg where he was driving a fork-lift in a factory. We agreed to meet and talk soon. We never did.

Later, in 1978, 2 of Mary’s brothers reported they saw him at the Caulfield race track and then he disappeared again. Last known addresses never checked out over the next few years. Then nothing. My poor dear brother.

He would come to mind now and again. I always had the feeling – like a chance to win Tattslotto – that he’d appear in front of me – in the street, or at the reception area at my BLF office, and we’d hug, talk shit, get smashed and fill in those lost years. My poor brother. It hurts. I cried a lot when was alone in my car today after I learnt of his demise. At home, alone, I grieved hard. Harder than I thought I would. I knew Lenny did it hard.

Now it’s on the police computer.

By Friday, 13th October, I have a copy of Lenny’s Death Certificate. Gone at 29 years old because his “peritoneal organs “collapsed into his “left thoracic cavity due to a large hernia of the diaphragm “.

Coroner Mr. K.G. Mason ordered the burial which occurred on 30th September 1981 at Springvale Cemetery, in Melbourne’s outer south eastern suburbs.

It rained hard on Saturday, 14th October 2000, as I drove out to the Springvale Necropolis. After a Nicole Stow checked the computer, “Lenny” came up as ref.464179, buried somewhere near Public Rock # 3.

The butcherbirds and noisy minors flitted between the knarly gums on the public grave site. Nothing there for my poor dear brother, between the Jewish Memorial Garden #2 and the A.J.A. Gardener Lawn Children’s Area. It took some time to find the rock, decorated with the plaques of others who’d been finally found. I took the application form for a plaque. Then down the Princes Highway to St. Kilda. The rain was persistent. 55 Jackson St. was easier to find than I thought, tucked off Grey St. and behind the shops of Fitzroy St. The place was run down, old car wrecks decorated the yard. I took photos and looked at Flat 12 where my poor dear brother spent his last days.

My poor brother Lenny.

Gone but he won’t be forgotten.