

What has amalgamation achieved for transport union members?

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## **Abstract**

From the 1970s to the 1990s, a number of Australian trade unions, including those representing transport workers, tried to increase their bargaining power and combat declining membership numbers by amalgamating with other unions in the same or related industries. In 1993, the three federal railway unions, the Australian Railway Union (ARU), the Australian Federated Union of Locomotive Engineers (AFULE) and the National Union of Railworkers (NUR), and one bus and tram union (the Australian Tramway & Motor Omnibus Employees Association – ATMOE) amalgamated to become the Rail, Tram and Bus Industry Union. Eventually, in 1999, even the Locomotive Engine Drivers', Firemen's and Cleaners' Union of Western Australia, which had resisted previous attempts at amalgamation, joined with the RTBU. The paper firstly uses the Loco Drivers as a case study to examine the pressures placed on unions to amalgamate, and then discusses the advantages or disadvantages arising from amalgamation. In the case of the RTBU, amalgamation has not achieved a powerful 'super union', with the present national membership numbering about 30,000 – only one third of the massive Transport Workers' Union, for example. Further, what has been the cost in terms of loss of trade identity? Was amalgamation the only solution to problems of declining membership or has it created at least as many new problems, particularly with regard to attracting new members?

## **Introduction**

There have been two major periods of union amalgamation in Western Australia in the past century, one in the 1960s to '70s and one in the 1990s. With particular emphasis on the railway unions, this paper examines the impetus for these amalgamations, including pressure from national unions, and the overall impact in the present day. While amalgamation has often been regarded as the only means by which unions can increase membership and resources, make savings and maintain or gain the necessary clout in a hostile workplace (See for example, Crosby, 2005, pp. 197 ff; Kirkby, 2008, pp. 392 ff.), union officials and members sometimes view the process quite differently. This different view is explored in this paper, along with issues concerning the possible loss of trade identity, whether amalgamation has stopped the decline in membership, and whether it has given unions the power that they sought and that is so often assumed in the media. Firstly, the paper examines the reasons for amalgamations of other unions in the 1960s to '70s and the 1990s, and then considers the history of the Western Australian Locomotive Engine Drivers', Firemen's and Cleaners' Union (henceforth referred to as the LEDFCU).

## **Earlier union amalgamations – late 1960s and early 1970s**

Although unions had discussed amalgamation or even gone some way towards achieving this within their industries, such as in the 1920s when the idea of One Big Union was prevalent,<sup>1</sup> the main period when amalgamations happened was the late 1960s and early 1970s. According to Sheridan (1975, pp. 295-7), metal workers' unions were working towards amalgamation from the late 1950s, and that the reasons for this included technological changes, joint union efforts to achieve outcomes at arbitration tribunals and an increased feeling of solidarity brought about by both the tribunals' use of penal powers and the increasing importance of shop committees – committees consisting of representatives from kindred unions within a workplace. In the late 1960s industrial stoppages over changes to the wage system and an growing perception that employers were becoming more powerful provided further impetus.

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<sup>1</sup> The ideology of industrial unionism, whereby workers formed One Big Union and settled disputes by direct action (strikes) rather than through arbitration, was developed by the Industrial Workers of the World [IWW] during and after World War I. While embraced by many workers around the world, including in Australia, the OBU was opposed by some of the larger unions, notably the Australian Workers Union and Amalgamated Engineering Union. See Bobbie Oliver (2003), *Unity is Strength*, API Network, pp. 83 ff.



In Western Australia, industrial changes in the mining industry provided the catalyst. Union officials visiting mine sites found poor conditions, a largely unorganised, non-unionised workforce and multi-national employers with very different views on unionism than many Australian employers had. Unions perceived the need for greater strength, whether by cooperating with one another while retaining separate structures and officials or by amalgamating. Even the AWU, which in the past had been accused of 'poaching' other unions' members, became willing to cooperate with more militant unions such as the Amalgamated Engineers [AEU]. The first amalgamation to affect both the mining and railway industries was that of Boilermakers, the Blacksmiths and the AEU to form the Amalgamated Metal Workers Union (AMWU) in 1971. Previously, in 1966, two printing trades unions had joined to form the Printing and Kindred Industries Union [PKIU], which later amalgamated with the AMWU's successor – the Australian Manufacturing Workers Union. And in 1969-70, several waterfront unions covering ship builders and painters, waterside workers and watchmen formed the Maritime Workers Union of Western Australia (Oliver, 2003, pp. 269-70). This latter was a forerunner of the nation-wide Maritime Union of Australia [MUA], formed in 1993 from the WWF and the Seamen's Union (Kirkby, 2008, pp. 403 ff). WAASRE became the Australian Railways Union (ARU), WA Branch, in the 1970s. The ARU had been in existence in the Eastern States since 1920, as the new title of the re-registered Amalgamated Railway and Tramway Service [ARTSA], a union that had been de-registered for participating in the 1917 General Strike (Patmore, 1982, pp. 44-5).

As discussed later in this paper, the early 1990s was the second round of union amalgamations, and this, more than earlier events, impacted upon the Locomotive Engine Drivers' Union of WA and its eastern states' counterparts. This second round was sparked by similar fears to those mentioned by Sheridan, above. According to Kirkby (2008, p. 392), by the beginning of the 1990s, 'trade unions were fighting for their very survival in the face of industrial and economic reorganisation accompanied by legal and political onslaughts on the conditions of work and workers' rights to organise'. In 1989, the Building Workers' Industrial Union had put out a publication entitled, *Can Unions Survive?* in which it pointed out that 'union membership had declined from 51 per cent of the workforce in 1976 to 42 per cent in 1988' (Kirkby, 2008, pp 392-3). A number of factors combined to produce this statistic: technology had replaced much manual labour with computerised systems – a trend that was especially marked in such occupations as wharf labouring and seafaring, but also in the transport industry. Railways, for example, in a period of three or four decades had passed from very labour intensive steam, through dieselization to electric, and railway workshops around Australia had seen the disappearance of old trades such as blacksmiths and carriage makers when fibre glass and aluminium replaced wooden carriages and wagons (Fox, 2006, pp. 99-102). This was accompanied by government moves to outsource contracts to private manufacturers that resulted in the closure of factories such as the government railway workshops at Eveleigh, Launceston and Midland in the last two decades of the 20<sup>th</sup> century (Elliott, 2006, pp 235-8; Taksa, 2001, p. 231; Oliver, 2004, p. 1043).

A related factor was the demographic change in the workforce, caused by a greater proportion of white-collar occupations, an increase in private industry, and a youth culture that eschewed joining a union. Crosby (2005, pp. 20-22) shows while union density stood at 22.7 per cent of the workforce in 2004, it varied from 46.4 per cent in the public sector to just 17.4 per cent in the private sector. A logical conclusion from that statistic would be that, whether or not unions pool resources and strategies either formally or informally, the more that the private sector takes over industry, the more union membership will dwindle. Certainly gone are the days of the 'closed shop', where union membership was mandatory and was accepted by both employers and employees.

Economic rationalism has also been blamed for the decline in union. The 1980s was the era of Reagan and Thatcher's conservative governments in the US and the UK respectively, but the unions had to admit that economic rationalist practices did not stop with non-labour



governments. In Australia, there had been mixed opinions about the Prices and Incomes Accord, Bob Hawke's deal with the ACTU prior to gaining office in the 1983 Federal election. Left wing unions saw the Accord, as it was known as serving the interests of capital, rather than unionists. Outside the union movement commentators such as Sydney University economist Frank Stilwell saw the Accord as weakening unions because it left them 'ill prepared to respond to a successor government with policies markedly less sympathetic to unions [than the Hawke/Keating administrations]' (Stilwell, cited in Kirkby, p. 362). This was accompanied by what Peetz (cited in Crosby, 2005, p. 26) refers to as 'an institutional break in union membership' or 'a paradigm shift in the way in which unions were treated by the society in which they operated'. From the 1980s, the Liberal Party, under John Howard's leadership, argued that the arbitration system and strong unions – a system established at federation and undergirded by Justice Higgins' 1907 determination of a Basic Wage – posed 'the greatest threat to Australia's economic performance'. Crosby (2005, p. 26) comments that the success of this 'extremist' message was surprising, coming as it did when 'the Accord was in force and Higgins' legacy bore fruit – controlling wages and promoting a modernisation of the Award system'. During the 1990s, as successive States voted in Liberal and Coalition governments, premiers embarked on destroying the arbitration system in their states, none with greater vehemence than Richard Court in WA. I shall return to this discussion shortly.

While the above external influences contributed to the decline of union membership, a third factor has been unions' complacency. When the arbitration system recognised the role of the union as the worker's representative, the early twentieth century battles for union representation had been won. Perhaps most importantly, as Crosby argues (2005, p. 43) 'there was no real incentive for employers to fight the union as the cost to them of unionisation, in terms of competitive advantage, was minimal. Conversely, there were plenty of incentives for unions to accept the arbitration system as unauthorised strikes could exact heavy fines on unions and officials and, in extreme cases, result in a union being deregistered. Australian unions made considerable gains for their members, including four weeks annual leave, long service leave, employer-funded superannuation and compensation insurance schemes, sick leave, carer's leave – in short, many things that workers until recently took for granted. As a result, Australian union density peaked at 63 per cent in 1953, and remained around 50 per cent for most of the remainder of the twentieth century. Crosby (2005, p. 44) contrasts this situation with America, where union density peaked at 34 per cent during World War II; 'at no time was there a social consensus in favour of unionisation, and [the unions] rarely became strong enough to entirely take wages out of competition'. Crosby argues (pp. 49 ff) the arbitration environment, coupled with high tariff protection that sheltered employers from competition fostered a climate of complacency in which many employers encouraged unionism among their workers. At a time when union membership began to decline, unions were spending funds on more staff and inner city offices, and many failed to attempt any effective organisation to increase membership. Too often, it seemed to members, deals were struck with 'the boss' without any discussion with them (Crosby, 2005, p. 55). To this sad indictment, Crosby also adds the not-so-new charge of misusing funds or accepting perks, that has dogged union officials probably ever since there have been unions.<sup>2</sup> Nevertheless, he points out (pp. 56-7) that the Australian union movement has been almost completely free of the widespread corruption and criminal involvement such as has occurred in American unions.

A further factor has been the strategy of creating fewer, more powerful unions mentioned at the beginning of this paper. According to Mathew Tomkins (1999, cited in Moy, 2008, p. 21), the 'spate of mergers' that occurred from the late 1980s were directly related to ACTU policy and 'orchestrated' by union leadership, but that 'craft unions' fought this trend by seeking to

<sup>2</sup> For example, the author has found examples of misuse of funds by early Secretaries of both the LEDFCU in WA (c. 1910) and the British footplate union ASLEF (1880s)



'preserve exclusive job territories that may have been threatened by amalgamation'. Moy's paper examined the impact on the PKIU's membership of its merger with the metal workers' unions in 1995. I shall return to her findings later in this paper.

In summary, then, Australian unions benefited from their integral role within the arbitration system and a tariff system that protected employers from outside competition. Although occupying a powerful political and social position and high membership density, which declined slowly from the 1950s to 1980s and then accelerated, Australia unions have not amassed great wealth because, while very efficient about achieving gains for their membership, they have been less adept at getting and maintaining a mass membership base or charging members fees commensurate with these gains. External circumstances, such as the decline of the traditional union heartland, the industrial, highly skilled blue-collar workforce and the increase of non-unionised occupations such as hospitality, as well as union complacency, have led to the decline in union density in the workforce. In recent decades, employers have been aided by government policies favouring complicit unions and privatisation of industry and giving employees freedom of choice regarding union membership.

The impetus for unions to amalgamate has come from several sources, but especially from trying to maintain power against employers whom they have seen as being particularly ruthless and powerful. How successful have they been, and what has been the cost? In order to answer these questions, the paper will now examine the history of one union that resisted amalgamation until the end of the twentieth century, before finally capitulating. What were the circumstances? Was the move a successful one?

#### **Case study: from proud, militant union to part of a composite transport workers organisation.**

Western Australia's first labour historian, William Somerville (n.d., pp. 346-7), wrote of conditions for railway workers, even those employed by the colonial government, in the 1890s that 'there was no union to stand up for the right of worker and no Labour Party to appeal to'. These conditions brought about the LEDFCU's establishment in 1898, but unions were not officially recognised as workers' representatives until the passage of the *Trades Union Regulation Act* in February 1902 (Oliver, 2003, p.7). Unlike the British footplate union, ASLEF, the LEDFCU had no direct competition from another WA organisation representing drivers and firemen, although the general railway workers union, the WA Association of State Rail Employees [WAASRE] made several attempts to join the two in a composite union to serve all railway workers, notably in 1918-19 (LEDFCU General Committee Minutes, 1918).

The idea of federating the various colonial footplate unions into one locomotive engine drivers' and firemen's union had first been suggested at a conference in Victoria in 1886, and occurred among the Victorian, New South Wales, Queensland and South Australian bodies at the end of the century, before Australian Federation. That is to say, there was a national body of railway footplate unions before there was a political nation. The Western Australian and Tasmanian unions were absent from the federation, although they had joined by 1912 when the annual conference was held in Western Australia. Until 1921, this arrangement remained a loose confederation. In 1920, a High Court decision permitted unions covering employees in state instrumentalities to have access to the Federal Arbitration Court, and in February 1921, the 'Australian Federated Union of Locomotive Enginemen [AFULE] became the first such union to gain federal registration with the Court' (O'Connor, 2005, p. 69). The LEDFCU was the WA branch of the AFULE, but retained its own title and identity; however, moves continued to create one amalgamated railway workers' union.

Like the LEDFCU, the AFULE continued to resist amalgamation with other railway employee unions until the last decade of the 20<sup>th</sup> century. NSW rail historian Peter O'Connor has



written that the amalgamation of unions that resulted in the RTBU in 1993 came about as a 'culmination of major changes in the [rail] industry' including heavy rationalisation and the cutting back or closing of services that had existed for a century; retrenchment of staff and issues of demarcation and job protection. Externally, Bob Hawke's restructure of industrial relations around the creation of 20 'super unions' also impacted deeply upon the rail industry. According to O'Connor (2005, p. 86), the result was 'a sensible grouping of rail unions covering most of the rail industry workforce'. He added that:

Unlike many of the cobbled together hybrid configurations that occurred in other industries, the rail unions managed to construct a coalition of unions, not on an ideological or political affiliation basis, but on the prize of building a strong industry union that could serve each of their traditional constituents from a stronger bargaining position'.

This assessment places the amalgamation of the rail unions in NSW in a very positive light. Was this also the case in Western Australia?

The process that culminated in the foundation of the Australian Rail, Tram and Bus Industrial Union of Workers [RTBU] began in 1990, when five unions met in Melbourne to discuss forming a new public transport workers union (LEDFCU Papers, Working Party report, 1991, p.1). Meetings continued, with a joint unions WA Working Party (consisting of representatives from the LEDFCU, the ARU, the Railway Officers Union [ROU] and the ATMOE) attending and reporting on progress. The ROU quickly withdrew, indicating that they did not wish to proceed with amalgamation. By January 1991, a structure had been determined, consisting of four divisions: Locomotive, Bus, Operations and Workshops. Three extra full time positions would be created, with the ARU filling the State Secretary's position, the Bus Union filling the Assistant State Secretary's position, and the LEDFCU filling the President's position. There would be a State Council of seven members including the Executive officers.

AFULE Federal Secretary Frank Hussey spoke at a mass meeting of LEDFCU membership in May 1991, and met again with the Working Party later in the year. These meetings addressed a number of issues, the first of which was the benefit of amalgamating. The argument in favour of amalgamation was that with the public sector fully unionised, there was no prospect of any of the unions involved expanding its membership in its particular section, but there was a real need for strong public sector industry membership to fight privatisation and deregulation. Forming one public transport union would enable 'a degree of professionalism' that it was believed would be otherwise unattainable (Working Party Report, 1991, p. 3).

A second motivator was the spectre of what was happening to New Zealand unions. Crosby has argued that Australian companies, such as CRA and the major banks, have used New Zealand to test de-unionisation strategies. He asserted that, 'New Zealand's *Employment Workplace Relations Act 1991* influenced the design of Australia's *Workplace Relations Act* (Crosby, 2008, p 238). Crosby's statement that the survival of Australian unions is 'intimately linked with the survival of organised labour in New Zealand' is corroborated by the anxieties reflected the Working Party's report some seventeen years earlier, when these changes were beginning to occur.

The Working Party Report (1991, p. 5) seemed to indicate that many of the more practical issues of merging would not present any difficulties for the three remaining WA unions. Each union had only one paid office support person and these would continue to be employed; none of the unions was in debt and each owned its own premises. The Working Party recommended moving into 'a completely new complex so that the operation can start as "one union"'.



But there were some complications. The ARU and the LEDFCU were State registered while the ATMOE was registered federally. The bus and tramways workers feared monopoly by the railways, which were larger unions. Although each union was debt-free, some were wealthier than others, and there were objections to expending resources on a poorer union. Some members objected to the union disposing of property. The emotive observation that 'it is hard to just walk away from' assets when 'the history of a union contains evidence of rank and file contribution to buildings and visible assets' especially where these members 'are still active in their union' (Working Party Report, 1991, p. 7) suggests a human element that seems to have been largely ignored in the discussion of benefits to members in amalgamation – the loss of union identity.

On the whole, however, the 1991 Working Party report was optimistic that these issues and any requiring the retraining or relocation of staff would be resolved satisfactorily. The resulting amalgamation between the bus and tram and non-footplate railway workers was the Australian Rail, Tram and Bus Industrial Union of Workers, WA Branch [RTBUWA]. Why then, did the LEDFCU fail to amalgamate with the other unions in 1993? To what extent did pride in the union and its history determine the outcome? As stated at the beginning of this paper, the LEDFCU had a long and proud history, which included fending off previous attempts at amalgamation with other railway unions. But the determining issue seems to have been the perception that the LEDFCU might have more in common with other WA unions (whether or not they represented railway workers) than with the proposed federal union. The Union Secretary, McPolin (1991, pp. 4-11), discussed the Union's failure to become a foundation member of the RTBU in his report to the 45<sup>th</sup> Australian Council Meeting of the AFULE. McPolin was extremely critical of the federal body's handling of proceedings. He said that the WA membership had been 'treated shabbily' and had not been allowed to express their views. In March 1991, the union rank and file, which numbered about 800 members, had voted to authorise the General Committee to examine the matter of amalgamation, but had expressed concern that the AFULE's direction had not considered any alternatives, such as negotiating with other WA unions. The April issue of the federal *Locomotive Journal* had featured an open letter from the AFULE Federal Executive criticising the WA decision-making process. This open letter, McPolin stated, had 'cemented the determination of membership in WA to exercise their democratic right and proceed down the path of alternative discussions on a wide number of issues'. As a result, a Special Delegate Conference held in November 1991 refused to endorse the Memorandum of Understanding with the other Unions and stepped back from the amalgamation process.

It is interesting to note that the LEDFCU was not alone in perceiving that its best interests would not be met in such an arrangement. In 1993, the Queensland branch of the AFULE initially voted to amalgamate and then withdrew from the formation of the RTBU, reforming as the AFULEQ, and seeking federal registration (*Your Rights at Work*, 23 May 2008, n.p). In March 2011, this union won the right to change its name back to Australian Federated Union of Locomotive Employees (Decision of Fair Work Australia, Brisbane, 15 March 2011) but it is registered to operate only in Queensland.

Over the next few years, the LEDFCU continued other unions and by 1997 had signed a Memorandum of Understanding with the Australian Services Union (which included the former Railway Officers' Union). This move did not please some of the membership, who objected that railway officers 'are not Enginemen's friends', and they circulated a petition in 1997 to reconsider the issue of amalgamation with the RTBU (Members Petition, 4 September 1997). By September 1997, when this petition was circulated, the State had experienced four and a half years of industrial reform by the Liberal-National coalition government of Premier Richard Court. The legislation to enact these reforms was introduced in three separate sittings of Parliament and became known as the First, Second and Third Wave. It replaced existing award structures and centralised bargaining with individual workplace agreements, some of which offered only the most basic working conditions,



curtailed workers' right to claim entitlements under the *Workers' Compensation Act*, and eroded safety requirements. The Third Wave legislation sparked a massive campaign by unionists and culminated in the establishment of the Workers' Embassy opposite the back of Parliament House (Oliver, 2003, pp. 356-7). During this period, Westrail embarked on rationalisation measures that reduced staff numbers, and undermined conditions as well as putting workers' safety at risk, according to the Union. Some members were pressured to sign individual workplace agreements. It became clear that the LEDFCU could not prevent the loss of conditions that had 'taken 100 years to gain', as President David Hathaway expressed it in a letter to the membership (Hathaway, 2 December 1997).

In mid 1998, the membership voted on the matter of 'harmonization' of the LEDFCU and the ARTBU. The fact that only 360 ballot papers were issued, suggests that the Union membership had more than halved since McPolin reported the 1991 membership as being 810. Of these, 217 completed ballots were returned, of which more than two thirds voted in favour. In a letter to the membership after the result was known, Hathaway expressed his regret that the amalgamation had become necessary. He wrote:

I can assure you it is a sad day, that an organisation such as ours has had to succumb to the forces of Government Legislation and Westrail and also the unfortunateness [sic] that there are those who have sacrificed you and your working conditions for their own selfish desires and for the protection of those who have done us all wrong in the immediate past, but sometimes it is better that we lead with our heads, instead of our hearts (Hathaway, 24 August, 1998, p.2)

The new union, the Australian Rail, Tram and Bus Industrial Union of Workers (WA Branch) was registered in the State Industrial Relations Commission on 12 March 1999. It seemed that the overwhelming reaction, at least from the LEDFCU, was one of regret. The union office in Perth retains the regalia of a lost era, among them the glass panel that was set in the door of the union's original office in the Trades Hall building in Beaufort Street, and the beautiful World War I memorials to members who died on active service, but there seems little doubt that the old union identity, the pride in being 'footplate' staff, has been submerged in a wider culture, although it is interesting to note that locomotives exclusively adorn the heading on the union's webpage; there are no images of buses. The Union's Federal and State websites both state that 'the RTBU was the workers' response to a decade of massive change in the public transport industry, often motivated by anti-union and privatisation ideology' (<http://www.rtbuwa.asn.au/>). This somewhat defensive statement may well suggest that papered over tensions, bitterness and regrets such as those expressed by Hathaway above were felt more widely throughout the various union memberships.

Moy found similar reactions among the PKIU officials she interviewed regarding their merger with the metal workers and other unions in 1995. All emphasised that the insistence on retaining a printing division with the Australian Manufacturing Workers Union helped to retain a group identity, but at least one of the interviewees did not think that this had been entirely successful. Like the railway industry, however, printers had ceased to operate in a closed shop and declining membership, which had dropped from 51,000 nation-wide in 1982 to half that number in 2007, was a major impetus for amalgamation (Moy, 2008, p. 27).

At the beginning of this paper, I asked the question: 'Was amalgamation the only solution to problems of declining membership or has it created at least as many new problems, particularly with regard to attracting new members'? In the LEDFCU's case, as shown above, amalgamation was advocated to address not declining membership but other problems associated with government policy, economic rationalism and the move to privatisation. Obviously, the membership was declining, partly through the adoption of less labour intensive work practices and partly through an aggressive move by Westrail to introduce individual workplace agreements.



Until recently, union amalgamation has not increased membership, but there is no evidence to suggest that retaining smaller, more industry specific unions would have yielded any better result. A 2008 study found that 'Western Australia had the lowest level of trade union membership of any state in Australia, with only 14.3% or 142,600 employees being unionised' and that this figure had declined by 1.4% from 2007 (Review of the Western Australian Industrial Relations System, 2008, p. 65). Yet in May 2010, the Australian Bureau of Statistics released figures showing an increase in union membership both nationally and in Western Australia. Union membership in Western Australia had risen to 17 per cent, which Unions WA Secretary Simone McGurk attributed to the Federal Government's decision to abolish Work Choices [<http://www.abc.net.au/news/2010-05-12>]. ACTU secretary Jeff Lawrence, on the other hand, pointed out that the survey was carried out while Work Choices was largely still in place, and Adelaide Professor of Law, Andrew Stewart, believed that the increase was due to more effective recruitment practices by unions [<http://www.theaustralian.com.au/news/>13 May 2010). Perhaps, at last the sacrifices enforced by amalgamation are beginning to yield the harvest hoped for by the union movement, and perhaps employers are beginning again to see the benefits of enterprise bargaining rather than the burdensome system of individual agreements, but it seems unlikely that unions will again experience the heyday of the mid-20<sup>th</sup> century when half the Australian workforce was unionised.

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