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Abstract

In October 1982, after seven years of federal Coalition government with Prime Minister Malcolm Fraser and his then Treasurer, John Howard, at the helm, Australia was experiencing the worst employment crisis the nation had faced since the Great Depression of the 1930s. It was obvious from the total lack of interest demonstrated by the government toward addressing employment issues that the Coalition had no policy initiatives in place, or pending, to arrest the decline in employment nationally and in the coal and steel industries in particular. Thousands of Illawarra steel workers and hundreds of coal miners had either lost their jobs or were facing that prospect. Every attempt by the union movement to seek a political solution met with at best indifference and at times complete arrogance.

Keywords

trade unions, strikes, coal mines, New South Wales

The Kemira Stay-in of 1982

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In October 1982, after seven years of federal Coalition government with Prime Minister Malcolm Fraser and his then Treasurer, John Howard, at the helm, Australia was experiencing the worst employment crisis the nation had faced since the Great Depression of the 1930s. It was obvious from the total lack of interest demonstrated by the government toward addressing employment issues that the Coalition had no policy initiatives in place, or pending, to arrest the decline in employment nationally and in the coal and steel industries in particular.

Thousands of Illawarra steel workers and hundreds of coal miners had either lost their jobs or were facing that prospect. Every attempt by the union movement to seek a political solution met with at best indifference and at times complete arrogance.

Clearly what was needed was a focal point. Some action or event that would demonstrate a way forward. A decision taken by 31 men at Kemira in October 1982 to remain underground in defiance of the notices of termination about to be issued to them by BHP was to be that focal point for the Illawarra. That decision will remain in Australian industrial history as being one of the most defining actions ever undertaken by rank and file workers.

The stay-in at Kemira had its genesis in the decision taken by BHP to reduce its workforce numbers following an arbitrary decision by the company hierarchy to abandon millions of tons of a valuable national resource. BHP management, with the simple act of drawing a line across the map of their lease holding, was prepared to consign the employment of hundreds of mineworkers to the scrap heap. As is the situation today, the workers in 1982 were confronted with draconian industrial relations legislation. Business had the comfort of a national government sympathetic to the employer class. As a consequence, national and multi national companies were able to 'play fast and loose' with the employment security of Australian workers. And none more so

than the Big Australian BHP.

It is reasonable to say that in 1982, BHP and the Coalition government were effectively, 'joined at the hip!'. For decades the policy determination of the Coalition on extractive and associated industries had been influenced and controlled by BHP. Consequently, BHP in 1982 could with a great degree of confidence, lay claim to the title 'the de-facto Australian government'!

Against this formidable background, the decision taken by the Kemira workers, of unilateral action in defence of employment security was without argument 'an heroic stand'. Their action would have an impact not only on the coal industry but also the entire spectrum of Australian society. It attracted national and international media exposure. The fact that a group of Australian coal miners were prepared to remain underground irrespective of personal cost to defend their jobs caught and held the attention of the world at large. It would also prove to be a catalyst within the community for a campaign to demand industrial justice for the Kemira miners; campaign that played a significant role in the demise of the Coalition in the election held several months later.

The diversity of those who rallied in support of the Kemira miners was astounding. Apart from the wide community support locally, offers of support flowed in from the affluent suburbs north of the Harbour Bridge, the farm sector and small business people. Groups historically more inclined to condemn worker action to be a 'social evil' than a democratic right made 'Common Cause' with the more traditional support base of workers in struggle. As the dispute continued, the more the Australian community saw the struggle of the Kemira miners a matter of principle and social conscience one that transcended individual political or ideological persuasion.

Historically, the Kemira miners were not the first mine workers to stage such a protest.

Other mines and districts before and since Kemira in October 1982 have had their 'stay downs' or 'picket lines' and other forms of protest that have exceeded the length of the Kemira Stay-in. But none have ever united a community, nor caught the imagination of the nation to the extent of Kemira. Ironically, the Kemira stay-in of 1982 quite possibly may go down in history as the last significant spontaneous demonstration of militancy in the Australian coal industry.

Following a march and a rally in Canberra, which culminated in the famous 'invasion of the House of Parliament', the Kemira dispute reached its finality with a decision given by the Coal

Industry Tribunal. That decision saw the introduction of retrenchment and severance pay into the Miners' Award. Some around the table of the Mining Unions Liaison Committee saw the results as the best available at the time. However it was a result that in my opinion at the time and now, was inadequate considering the effort put into the dispute by those closely involved.

The Kemira miners based their stand on two fundamental principles 'the preservation of resources and employment'. Tragically the end result of the dispute failed to provide the Kemira miners with either. Their action, in combination with the supporting arguments for those ideals was, I believe, sufficient to have obtained a more equitable decision.

And now to the events leading up to the Stay-in itself.

The initiative taken must be credited entirely to those involved in the underground action, the 31 Kemira miners. Only three district officials were given a briefing on the concept of the stay-in, John Hogan, Bob Williams and me. Even then, those planning the action confined that briefing to the fundamentals of what logistically would be required once the action had been commenced. Their decision to keep secret to themselves the actual time of the action is understandable. After all it was they who were putting every thing on the line, not John Hogan, Bob Williams or Barry Swan.

Several nights after that briefing John Hogan, Bob Williams and I received a call late at night that the stay-in was to be initiated immediately. On our arrival at the pit top around midnight we stood out of sight from the control office listening to the panic the stay-in was creating for the mine officials. Bill Brisbane, colliery superintendent, was contacted and arrived on site in an agitated state some time later. After some heated discussion with his officials he stormed out of the control office and spotted John, Bob and me standing in the shadows. He proceeded to lecture us on the problems the men were creating for themselves. Then after apparently realising that district officials do not normally spend their sleeping hours lurking around a pit top, demanded to know what we had to do with the stay-in. We quite honestly told him 'Not much really!' A response that seemed to add to his already demonstrated fit of pique. We then decided that our strategy would be for John and Bob to return to the office to ensure the news of the stay-in was circulated to the district mines and the media. I would remain on site and if possible in a position to hear and to observe what management planned.

After John and Bob left, I stayed out of sight. Eventually after

several officials had searched unsuccessfully for any sign of us the management decided that the coast was clear. An electrician was instructed to run a phone line from the control office down to the colliery gate. This line was to enable a guard who was to be positioned there before daylight to alert the control office of any move by supporters of the miners to come onto the property. The concealed telephone line was run out and tested.

Shortly before it became light enough for my presence on the pit top to be detected, I spent some time finding and following the phone line to the gate. I marked the line in several spots in the bushes close to the gate. That morning a massive crowd had arrived at the gates to receive a report. As the crowd milled around several of our people 'went bush'. On the signal that a decision was to be taken for a march onto the property the phone line was cut in several places. The company media spin on this was 'that the Miners Federation had jeopardised the safety of the mine, by tampering with the internal telephone system effectively cutting off contact with the workers underground'. A totally false statement on both counts. The phone line only went from the guard on the gate to the control office and had nothing to do with the safety of the men underground. It was to be the first of a number of public relations disasters for BHP during the stay-in.

Despite the threats from BHP that they would seek police assistance to remove any 'trespassers' from the mine site, the setting up of facilities to feed and maintain the miners and their supporters during the dispute continued uninterrupted at the pit top. As the morning progressed the size of the crowd on site grew. Working miners, retired miners, family members of those underground, the media and it seemed half the population of Wollongong, walked up past the guard at the gate and took over the Kemira pit top. With several media helicopters hovering overhead it must have been clear to the rest of the community that something of historic importance was under-way at Kemira.

From the outset, BHP struggled to get onto the front foot in terms of public relations. However, due to its earlier blunders and the clear evidence of its callous approach to the plight of the miners they remained unsuccessful. In an atmosphere charged with emotion BHP found it impossible to present an acceptable human face, or reasoned argument in its defence. Hour by hour the level of public support for the miner's case increased. The snide attempt by BHP to hoodwink the wives of the miners into accepting registered letters containing their husbands' termination notice was foiled by the strength of those women. They, like their men, stood solid refusing to accept the letters or

handing them back unopened to company official publicly.

In my estimation the most telling mistake made by BHP was the decision to place a steel and wire gate across the tunnel mouth. Securely padlocked, this gate was the company's demonstration of their right to determine who had access to the mine. Twice a day as the miners sent several of their number up to get food and receive information as to how events were progressing, a company official would come and unlock the gate and stand guard to ensure no one accompanied the workers on their return, then re-lock the gate. One every one of those occasions as the padlock snapped shut, the crowds at the tunnel mouth vented their feelings of BHP to the company officials. The media made a great deal of capital out of this and the public support for the miners increased.

The support provided on a daily basis 24 hours a day by volunteers from other mines, along with the retired coal and steel industry workers, the unemployed in the region and members of the wider community, was magnificent. Among the most prominent was the Miners Women's Auxiliary, providing food for the miners underground and assisting in a variety of ways the families of those involved during and after the dispute. Their role can never be overstated. The attendance of the clergy to help and console was another example of the very catholic nature of the event, as was the willingness of health professionals to attend as they did to provide medical assistance to some of the workers who took ill during their ordeal. Kemira pit top October 1982 was truly a community working unselfishly in support of a cause.

Eventually the matter was put before the Coal Industry Tribunal (CIT) to attempt a resolution. Due to my involvement from its outset, the Miners' Federation put my name forward to the Mining Unions Liaison Committee as the person to be given the responsibility of lead advocate.

It was during the initial formulation of a case strategy along with the Federations newly acquired research department staff and other mining union leaders, that I was amazed to learn that in some quarters, support for the dispute was less than enthusiastic. An opinion was expressed that the action of the Kemira workers was ill considered and not in keeping with the established philosophy of conducting industrial relations. Time does not allow me to deal with the 'in depth' discussions undertaken that finally convinced those critics that this was a dispute that required a militant response. Nor does time allow me to detail the twists and turns taken by BHP to avoid having the issue dealt with before the CIT. Suffice to say that any one who has dealt with BHP industrially will have experienced similar

frustrations.

Eventually as a consequence of BHP tactics, 'the period of notice' given the Kemira workers was to become a critical issue of debate. Obviously BHP believed that if the employment contract had expired before the unions could complete their case, the employer/employee relationship could not be argued.

All attempts to obtain effective political intervention and support proved fruitless. The Prime Minister and his colleagues (with the exception I must say of then IR Minister Ian McPhee) were more interested in the conduct of the Commonwealth Games in Brisbane than the welfare of coal miners or steelworkers in the Illawarra. The ALP Opposition offered plenty of promises as to what it would do when in government to prevent the decimation of the underground coal industry, (unfortunately once in government few if any of those ALP promises were ever to be realised). The NSW Wran government to its credit provided what assistance it could. However, due to the structure of the Coal Industry Act (Joint Commonwealth and NSW Legislation) the support received from them by political necessity had to remain covert.

Without the protest march and demonstration in Canberra, which led to the now famous invasion of Parliament House I doubt the case before the CIT, would have even seen the result eventually achieved. The meeting with Prime Minister and relevant Ministers arranged by then Senator Michael Baume to discuss the plight of the miners and the workers of the district had excluded any union representation. The reason given for this deliberate and provocative snub was that the government wanted a factual community reaction to the problem rather than the biased sectional opinion of the unions. So, for the Illawarra, then Wollongong Lord Mayor Frank Arkell was to present the case.

Soon after the doors went in and Kings Hall claimed for the people by the coal and steelworkers. The PM moved quickly to rearrange the invitee list. Bob Kelly, General President of the Miners' Federation, presented the case for all the unions and the communities affected, in his own traditional and forceful style. Following quite a lively debate aided by the noise coming from Kings Hall. Malcolm Fraser directed his Department Head to make the necessary request to the CIT for an extension of time past the period of notice to enable the union's case to be fully presented.

Unfortunately, despite the impact of the Canberra visit on the dispute some in the Mining Liaison Committee were of the opinion that the possibility of saving the jobs at Kemira had become a 'bridge too far'. Eventually the Mining Union Liaison decision taken was that the main argument now was to focus upon and, if

possible, obtain improved termination benefits for Kemira miners and as a consequence for the industry as a whole.

During the entire process before the CIT, BHP with its bevy of legal eagles argued the question of CIT's jurisdiction to hear the matter. Even after the intervention of the PM following the Canberra rally and the CIT bringing down a decision, BHP proceeded into the High Court to challenge the jurisdiction issue. Well, for once justice did prevail; BHP lost the appeal, a result that even today I am sure causes heartburn to many among the BHP hierarchy.

Since 1982 it is interesting to note the effect of the decision given in the Kemira dispute on the wider coal industry. In my opinion the provision of severance and retrenchment into the Miners' Awards has worked against the traditional militancy of the mining unions. It seems to have dissuaded even a consideration of indulging in any form of militant actions of protest over job loss. For some it seems, the severance and retrenchment monies are seen as simply 'the sale price of the job', a golden handshake prior to returning to the same job as contract or casual labour employee and not necessarily as a unionist. Clearly this circumstance is totally alien to the principles represented with the Kemira miners' stand, and indeed the policies developed and conditions hard won by previous generations for the rank and file membership. For a number of the Kemira miners, their principled stand made them 'marked men' effectively ending their future employment in the coal industry.

Ironically over the years since 1982 the history of the Kemira action has been massaged at least in the recollections of events as espoused by some of the peripheral players. Some of those most critical of the Kemira miners stand at its inception now profess to have been totally supportive. Others, who only arrived on the scene in its eleventh hour, have been quick to accept adulation for their perceived leadership role in the event. Well I guess that's the nature of the beast unfortunately.

On the positive side, however, the Kemira dispute demonstrated that principle and aspiration is not limited to a generation or to specific individuals or groups. Exploitation of the working class is not something new. It has existed since time immemorial and unfortunately it seems for the foreseeable future. But class history also shows that even in the most despairing of times, an event or a movement arrives that restores hope and a unity of purpose. For us here in the Illawarra in 1982 the Kemira stay-in was our defining event, proof positive that organised labour and the community at large working together in a campaign for 'natural justice and industrial dignity for all workers' can be a

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very formidable force.

Two decades on and unfortunately, the industrial wheel appears to have gone 'full circle'. The question is often posed 'could the unique spirit that was Kemira 1982 ever be repeated?' I doubt anyone can provide the definitive answer posed by the question. Hopefully it can be. Only time and circumstance will tell.

In closing may I say that all credit for bringing our community together in 1982 belongs to those Kemira workers who took BHP on by way of the stay-in. It is to them that my total admiration goes, for their courage, strength of character and conviction to a cause no matter what the personal cost might involve. Their action created across the nation a classic example of 'Common Cause'.