Community Police Peacekeeping Amidst Bitter and Divisive Industrial Confrontation: The 1992 APPM Dispute at Burnie

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The 1992 Associated Pulp and Paper Mill (APPM) dispute offers a microcosm of 1990s industrial conflict, with large companies attempting to re-establish managerial prerogative through litigation and unions seeing the fight as one of survival. Also, the APPM dispute presents a microcosm of police-community relations during the processes and procedures of a harsh industrial conflict. It is argued that local and regional factors are vital to the relationship between police and union protesters which in turn can affect the processes and outcomes of an industrial dispute, even one with major state and federal implications. The article is not an analysis of the causes of the APPM dispute but an exploration of the police relationship with the community of striking workers and, as a corollary, with the company. The focus of this paper, the community policing of the 1992 APPM dispute at Burnie, was atypical of the traditional, aggressive and confrontational policing of major industrial disputation in Australian history. Some significant events of this complex dispute have been selected to analyse both police strategy and police-community rapport.

Police form the legitimate coercive agent of the state whose mandate is to enforce the law and keep the peace; two functions that are not always compatible in industrial disorder. O’Malley coined the term “hegemonic police” to describe a police organisation “not merely as a law enforcement agency but also and especially as an agency of the community, which supplies a broad range of services to secure social order and harmony”. The services, including the dual tenets of law enforcement and peace-keeping, are depicted as being impartially administered, but police remain the ultimate means to secure social order and harmony. The services to which police are responsible can be divided into two broad categories: the provision of security and the provision of social service. The provision of security includes the protection of life and property, the prevention of crime, and the maintenance of public order. The provision of social service includes the provision of social services such as police advice, police welfare, and police education.

APPM’s parent company, NBH-Peko, achieved restructuring at the infamous Pilbara iron ore Robe River dispute in Western Australia in 1986, a restructuring of work reforms without mining union participation. Herbert Larratt, a key strategist at Robe River in 1986, arrived at Burnie in late 1991, much to the suspicion of workers. He had recently told a Mining Conference in Perth that “every worker should go to work each day expecting to be sacked”. Both Robe River and Burnie disputes allegedly involved targeting of restrictive work practices and extensive resort to legal remedies by the company. But the “wild west” mining town of Robe River, which was an artificial and hastily constructed frontier entity, was very different from the long established and “solid” township of Burnie. The Launceston Examiner’s editorials refuted the comparison of Robe River, “an artificial community where workers had developed a thuggish culture” with the community of Burnie’s solid citizenry where “there is widespread respect, even affection for “the Pulp””. Although Burnie was partially a company town, its employees did not suffer from the harsh conditions and severe isolation of the Pilbara with its militant union leadership. APPM management and industrial strategy was in the hands of a combination of locals (Ken Henderson, John Guest) who were directed by executives from the mainland (Bill Paisley, Peter Wade, Herb Larratt). The latter were outsiders to Burnie and its mill, and this was an impediment to NBH’s management reforms.

From the company’s viewpoint, police in the Pilbara were effective instruments in providing personnel and vehicular access to the Robe River iron ore mines. When the company acted swiftly and decisively by locking out employees, police did not hesitate to disperse picket lines and make arrests. APPM workers did not present a clash of cultures to Burnie police; both were everyday members of the local community and neither posed
an affront to the other. The Robe River style (calling in the police to arrest picketers, issuing writs against union officials for damages incurred during strike action and obtaining injunctions from the Supreme Court against unions to cease all action against non-union labour) was followed in the 1992 Hammersley Iron dispute at Mt Tom Price and many of its features are apparent in the planning and the execution of APPM policy during the protracted Burnie dispute.14

On 3 March, Bill Paisley, indicating APPM’s fight for survival, announced that the company would withdraw above-award conditions from the beginning of April.15 The so-called rots were to disappear: union access to workers was to be confined to specified breaks; work demarcation was to be abolished; single day “sickies” would require medical evidence; contractors could be employed at company’s discretion; and smoking bans strictly enforced. Unionists were shocked at the petty nature of the instructions relating to such issues as day workers showering after finish time, and the removal of “non-work-related newspapers and books” and canteen hours. The unions acknowledged the company’s financial plight but highlighted police lack of numbers in north-west Tasmania and the company’s discretion; and smoking bans strictly enforced.

In April, APPM had attempted to import 6200 tonnes of unfinished American paper to be placed in storage, as “insurance to protect it from loss of market share that might arise if the Burnie’s mill pulp operations were shut down in an industrial dispute.”17 APPM admitted that it was importing a stockpile of unfinished paper on board the Anthos in the case of lengthy industrial disruption. Inspector Roy Fox, Officer-in-Charge of the North-West Division no.10 of Burnie and Penguin district, had no difficulties in supervising arrests or the picket activity on the wharf. Fox experienced no hard feelings as the result of the eight wharf arrests for offences of trespass; the unionisers knew the score and accepted such.18 He met regularly with union leaders, “thus creating for myself, albeit unconsciously at that time, a role as mediator between the opposing camps”.19 Such personal rapport and trust became significant in the policing of the APPM dispute in May and June. Sixteen days after arrival in Burnie, the Anthos was unloaded despite a 200-strong rally and march on the Anthos berth. Much to APPM management disgust, the police line of twelve, the local custodians of law and order, was easily brushed aside. This one episode of violence on the wharf highlighted police lack of numbers in north-west Tasmania and the inability to quickly add reinforcements, but also the value of developing a reasonable working relationship with union organisers.

The police at Burnie, directed by their two senior officers, determined to remain neutral in regard to the dispute, but this policy was perceived as passive and unacceptable by the company. Inspector Fox, was essentially “free” to determine police policy and action and his number two, Senior Sergeant Hank Timmerman, organised and led the operational side and conducted briefings at the front-line. Both men acknowledged complete support from Hobart Police Headquarters, but no direct instructions. Fox saw his duty as foremost one of preserving the peace in the Burnie district; the strategy was low-key and non-confrontational. He publicly stated that his “intention was to intervene only when a transgression of State laws made it necessary.” He maintained that frame of mind throughout the dispute and regularly insisted when interviewed that he would utilise his “discretionary powers in all circumstances where needed”.20 A small contingent of about thirty police, mainly locals, was responsible for the Burnie and Penguin districts; no more than twelve were operational at the one time. Unlike mill management and union officials, police and many Burnie residents had neither foreseen nor planned for a protracted dispute of three months, including four weeks of picketing, and the national media invasion and exposure of Burnie.21

At 9.40am on 11 May, staff management contacted Inspector Fox to request police attendance immediately because “a number of unionists had entered the boiler-house and were disrupting the work procedures.”22 When the boiler operators refused to hand over the controls in the boiler-room to non-union staff, police including Fox, escorted several union representatives from the site and arrested five and enforced charges of trespass when they refused to leave the boiler-room. Timmerman, one of the senior arresting police officers, admitted that he felt that he had been deceived: “There was a prima facie case of trespass because management told us they were trespassing. So we were forced... in a sense tricked to take action”.23 A company executive later “informed that four of them were in fact employees”. Fox expressed concern about police being needlessly involved in the dispute and inflaming the situation: “We have got to be completely sure of our grounds for being there and arresting people”.24 He subsequently became aware that some of those arrested had been working in that particular control room for years but because of the safety certificate they were effectively sacked: “you’re talking about fellows who had been there twenty years working in that one area and the next day they are not allowed, which is a nonsense”. Fox admitted ignorance and regret:

Had I known that, I would not have arrested them. This is an internal dispute between the mill and those fellows and your own unions, so sort it out... I didn’t know all the facts so consequently the poor fellows got arrested.25

The deception was not appreciated by Burnie police; subsequently, the police relationship with APPM management was placed on a more formal and less trusting foundation. Due to Inspector Fox’s concerns about the arrest of the five men at the boiler house, Superintendent Tom Lello sent a fax to inform APPM that police would only reply to the company and only come to the plant if the company provided a request, “in writing by facsimile or delivered by hand”, for assistance over trespass which was made setting out facts justifying a police presence.26 This stipulation incensed mill management. The misuse of local police authority tarnished the company’s image as a benevolent community employer.

By May, the battle lines were well-established with the hardline approach and tactics of NBH on the one hand and the determined resistance of the local millworkers. The over-award practices were scrapped on 3 April and the trouble escalated into a volatile strike on 12 May, when pickets were established and surrounded the mill, covering all eleven entry points (pickets remained until 11 June). Pedestrian access was limited to staff members only while other employees were refused access; vehicles were prevented from entering or leaving the plant. Picketers quickly established a routine in the “cold rain, bitter winds” of wintry north-west Tasmania. Union officials established much of their own policing. Picket captains were carefully selected; a policy of non-violence was enshrined; agitators were moved on; hygiene and cleanliness were emphasised; alcohol was banned. Many of the picket captains were ex-servicemen because “under times of stress they could accept an order and carry it out and would not get caught up with the hype of things that were happening.”27 The police left the onus on the union officials to control their own people: “we set the ground rules of what they could and couldn’t do... but then as it started to build up it got a bit emotional on both sides”.28

Police Minister Madill, Commissioner of Police Johnson and Burnie’s Inspector Fox all wished to remain distant, if possible, from the dispute seeing it as an industrial matter to
be resolved between APPM and its employees and unions. Later, FEDFA secretary Mike Grey described the whole scenario as a "low key, boring picket". Fox claimed that there was no violence at all on the picket line. As he had no intention to order the picket to be broken, Fox was comfortable at any time "to walk up and down the picket line and say hello". His second in command, Timmerman always felt comfortable about walking into the union offices and saying "good-day". His "sole purpose" was to discover their future tactics so he could inform them of any possible legal consequences.

There was no grand policing strategy; situations were encountered on a daily basis as they arose. A small number of mill employees attempted to enter the mill during the duration of the picketing. When asked how police would act when those employees willing to return to work sought police assistance, Fox reiterated that "we would escort anyone up as far as the picket line and then, we'd simply have to be dictated to whatever happened then". Union organiser Grey claimed that the small Right to Work party "could have gone to work, each and every day" because, although the front gate was a "no go" area, the other entrances were not. The company, and a few individuals, expected police to enforce the law but Inspector Fox's reply was forthright, practical but unacceptable to the company:

police were the guardians of the general interest and peace of the picket line and say especially when the law is uncertain but also necessitated the consent of the people. As Roy Fox protested, picketing places police as stemming from the workers via their unions, the knit and well organised community, was not like the isolated and artificial Robe River frontier town and the militancy and resolution of many townspeople. There was no grand policing strategy; situations were encountered on a daily basis as they arose.

Amidst the escalating political and industrial tension, the Tasmanian Council of Churches at its Annual General Meeting of 23 May detailed concern for the families and those bystanders caught up in the situation and who still have to work together in schools and the local community. Two weeks after the mill shutdown, Inspector Fox was expressing fears about the possibility of an increase in domestic violence in the Burnie area. Julie Fraser, the spokesperson for the Support Pulpmill Employees Committee (SPEC), claimed that fears about workers' jobs and home security led to SPEC's establishment because "we can't allow the problem with domestic violence which arose at Robe River to happen here".

Whereas the impetus for disputation has usually been perceived as stemming from the workers via their unions, the APPM dispute appears to have reversed that order. Throughout much of May, the mill management had orchestrated attempts to break the picket lines, including the driving of trucks by management to picket enclosures, the ordering of apprentices to work at the strike-bound plant and threatening to sack workers who failed to report for duty inside the mill. The human wall around the perimeter of the "Pulp" had become a concrete symbol of union resolve to remain a viable part of the mill's industrial affairs. The aggressive company, prepared for a long and bitter conflict, failed to appreciate that Burnie, a tightly knit and well organised community, was not like the isolated and artificial Robe River frontier town and the APPM workers received substantial support though organisations like SPEC which evolved from a women's welfare support group to an assertive industrial lobbyist. The activities of SPEC revealed the empathy for the strikers and the militancy and resolution of many townspeople. It was not just the unions' dispute; it was Burnie's. The picketers ate donated pies and warmed themselves with donated firewood. Police on night patrol drank cups of tea at the various pickets. Fox believed that in the initial stages "public opinion had been in favour of APPM" but NIBH-Peko's perceived reluctance to negotiate with the unions and its "obvious forward planning" of the paper shipment swung public opinion "heavily behind the protesters". After the boiler room arrests, Fox believed that community opinion had hardened: "It would be true to say that at this point in time whatever support may have been evident in favour of APPM began to fade rapidly as the general public digested the uncompromising stand of the mill management". By May, the company had been using Ken Henderson, the mill manager who had grown up in Burnie, as spokesman in an attempt to ease the uncertainty and suspicion of locals about the industrial changes. APPM had been demanding that police take action against the picketers for trespass, breaching the peace and under the provisions of the traffic regulations. The company attempted to run the picket lines on four occasions on 20 and 21 May but did not notify the police in advance of the intentions. Police only acted "if there was any suggestion that someone was going to get hurt by a truck trying to force" entry to the plant. Fox was concerned that "things could turn violent, with resolves hardening on both sides". Burnie police were facing the indiscriminate and unpredictable nature of a major industrial dispute.

Inspector Fox earnestly describes himself as not a pacifist, but "when it comes to policing I think there is a pacifist role we need to take when appropriate". Fox was not adverse to arresting offenders: he supervised the arrest of APPM employees and unionists on the wharf, on the Anthos and at the APPM boiler room. As Fox stressed, the picketing obstructed no one except people wanting to enter the mill. If the picketing had occurred in the central business district of Burnie, Fox's strategy would have been proactive and decisive as many people would have been affected in the pursuit of their normal daily affairs.

The Fox philosophy of policing remained consistent throughout the dispute. Senior Sergeant Timmerman echoed Fox's perspective of the policing of industrial disputes:

And the mill management wanted us to intervene and get rid of the pickets and we saw our role as simply keeping the peace. It was an industrial dispute; ... a job between management and union to sort out their problems and issues of why the pickets were put there, not the police. For two months, the Burnie police maintained the peace. Fox admitted: "I simply contained the situation. I didn't solve the situation". In the early days of the major picketing, Fox stressed his neutrality to the union leaders, "while at the same time projecting a human image of policing in such disruptive times". The human face of policing has rarely been the traditional posture of police at times of fervent industrial conflicts. Fox maintained a co-operative liaison with the picketers and union leaders to the dispute's end. He saw his handling of the Burnie pickets in accord with philosophical and evolutionary changes in policing over the century:

[the] 1930s concept of going in with boots and truncheons and arresting everybody is not done in modern day policing. ... We realise that part of our trust is to maintain a cordial relationship with the public, to keep the peace. ... In the old days you had the police force and them out there. Now we are a police service; we are part of the general populace out there. Fox stated that APPM management, who perceived him as siding with the strikers, "thought that Roy Fox and Tasmania Police should have burst through the picket line on the first day". Not all local police shared Fox and Timmerman's viewpoint: Burnie detective sergeant Kerry Daniels expressed a contrary attitude by claiming that police would have saved themselves and others much trouble if they had broken the picket-line on day one. According to Fox, the fact that police would not actively break
the ranks of the picket line was the “crux of the matter” and therefore mill management thought that police at Burnie were pro-union. 42 APPM’s industrial strategist John Guest described the police action, or rather inaction, at Burnie as “weak”. 43 In private talks with mill management, Fox expressed the hopelessness of trying to break through about 500 or 600 picketers at the main gate when he was only able to muster about forty police personnel. 44 He suggested “thinning” picketing resources around the gates by not concentrating company attempts to break the picket at the main gate but rather around four or five entrances. 45 Fox suggested that willing workers could use alternative entrances, but the company insisted that employees must enter and leave by the main gate, which facilitated picketing at the plant. Fox’s stratagem was ignored. Failure to heed this advice implies that the mill management following mainland directives were intent on direct confrontation with the unions. The fact that Fox was often presented on television with the picketers and their leaders rather than mill staff, entrenched within the “Fortress”, tended to present a distorted view of his deliberations. 46 Fox, Timmerman and other Burnie police came to see their role more and more as that of mediator and peace-keeper between the opposing parties, as neither adversary would talk to the other but both talked to the police. 47

Burnie police essentially saw themselves as community policing practitioners along the North-West Coast. Definitions of community policing are many and varied, as there is no standard meaning. 48 What they all have in common is some notion of partnership between police and community; some notion of a closer relationship between company and community, Fox expressed the hopelessness of trying to break through about 500 or 600 picketers at the main gate when he was only able to muster about forty police personnel. 44 He suggested “thinning” picketing resources around the gates by not concentrating company attempts to break the picket at the main gate but rather around four or five entrances. 45 Fox suggested that willing workers could use alternative entrances, but the company insisted that employees must enter and leave by the main gate, which facilitated picketing at the plant. Fox’s stratagem was ignored. Failure to heed this advice implies that the mill management following mainland directives were intent on direct confrontation with the unions. The fact that Fox was often presented on television with the picketers and their leaders rather than mill staff, entrenched within the “Fortress”, tended to present a distorted view of his deliberations. 46 Fox, Timmerman and other Burnie police came to see their role more and more as that of mediator and peace-keeper between the opposing parties, as neither adversary would talk to the other but both talked to the police. 47

The philosophy of community policing dictates that police serve all sections of the community, not just established interests against a marginalised group. With support from the three conservative Tasmanian dailies and Liberal Premier Groom, the APPM picketers, many of whom were long-standing members of the local community, were not a marginalised group. Police tactics of establishing protocols and negotiating with both unionist organisers and company management can prevent picket line violence. Police discretion over tactics necessitates that police do not enforce all laws, especially certain summary offences common to picketing. Commissioner Johnson, Fox and others did not perceive policing in a purely reactive, arresting role, but this role was strongly advocated by the company lawyers.

The assumption underlying all community policing is that there is a homogeneous community that is definable, compact, co-operative and involved. The tightly-knit Burnie citizenry would appear to fit the community model for police partnership as long as that policing was performed in a service rather than a reactive and rigid law enforcement mode. It is the tactics employed by police, rather than the involvement, which often determines the acceptance or otherwise of their actions by the local community. Specialist groups and paramilitary tactics are options in the policing of industrial disputation. The deployment of such “outside” forces, although effective and decisive in moving picketers and protesters, often arouse worker and local antagonism. If circumstances dictated aggressive, paramilitary policing, the cohesive nature of a community like Burnie could dissipate together with police legitimacy. The bitter conflict at the “Pulp” challenged Burnie’s policing capacity to enforce the law and safeguard community harmony. On patrol, Timmerman revealed that police would “have a cup of tea” at the picket line and engage in “small talk”. The community policing ethos emerges strongly: “What that did was put a human face on the police, and from the police point of view put a human face on the picketers. You weren’t just dealing with obstacles, you were dealing with people.” 49

Inspector Fox had the full support of police command: “Commissioners were quite happy with my suggestion that, ok, I am not going to break through the line, I’ll maintain peace on the line and let the Industrial Commission sort the matter out”. Hobart hierarchy was satisfied with the strategy; “even the government of the day were happy”. 50 Commissioner Johnson gave Superintendent Lello complete authority; in turn, Lello delegated that authority to Inspector Fox who regularly updated the commissioners. Police Minister Madill had “no intention of interfering in police operational matters” but left decisions to senior police officers on the spot who assess and judge and keep the government informed. 51

At Burnie, police reticence to forcefully remove the picketers was a major obstacle to NBH-Peko proceeding with their reforms including the denial of union representation of APPM workers. By failing to break the picket, police were giving tacit support and pseudo-legitimacy to union rights to organise and maintain a 24-hour picket around the mill’s six-and-a-half kilometre perimeter. Tensions were increasing with a series of ugly incidents, allegations and counter-allegations of intimidation, renewed company pressure on police to intercede. Company lawyers, Michael O’Farrell and Timothy Lyons, and some staff had been active around the pickets collecting evidence and taking photographs. 52 Decisively, on Saturday 23 May, the APPM management, in a surprise and unprecedented move, served a writ of mandamus on the Tasmanian Police Commissioner, John Johnson, which thereby ordered a public official or body to perform a duty. APPM management claimed that police failed to protect public property, to provide truck access and to assist workers who wished to go about their normal, lawful daily business, even to the extent of crossing picket lines. 53 The writ confirmed APPM’s hardline stance against negotiation and challenged police operational independence.

Little discrepancy in evidence was expressed by either side before the Tasmania Supreme Court. The affidavits on behalf of NBH claimed considerable company losses due to the picketing, employee intimidation, verbal abuse, trespass and police inactivity. 54 The police affidavits stressed the police desire to maintain stability, neutrality and peace in the north-west of Tasmania and to act in an impartial manner. Commissioner Johnson advocated a balanced and impartial approach aimed at preserving “the rights of the employee and the employers”. 55 Superintendent Lello praised union officials and members who had “obeyed every lawful direction by police” but were determined to “not break ranks and permit vehicles to move to and from the mill until mill officials are prepared to hold reasonable talks with them”. 56 To Lello’s knowledge, the picket line had remained non-violent —— “just a straight passive resistance”. 57 Inspector Fox, the man “on-the-spot”, declared that the picketers had been non-violent and well controlled by the union leaders such as Shayne Murphy and Mike Grey. Fox affirmed that the picketers generally complied with police directions through the union leaders or picket captains. 58

Although Justice Wright, on 3 June, refused the mandamus order sought by North Broken Hill and declined to make the order absolute, he clearly forewarned the Tasmania Police to act against the Burnie picketing. Any failure to do so would have likely evinced with Wright upholding any further re-application by the company for the rule nisi. He upheld the APPM argument that non-striking employees and other people on lawful business should have access to the plant. The Commissioner of Police’s misconceived policy of not breaking picket lines was incorrect and “cannot be
The most damning of the judge’s criticisms was that the “clearly wrong” ruling supported “jungle” and police cannot ignore the commission of an offence. The dispute’s direction had been taken out of the jurisdiction of local authorities, including the police.

Fox accepted the correctness of the Wright decision at law, but there were “a lot of human factors there that should have been looked at before the decision was handed down”. After the Wright decision, police recognised that their discretionary power in the APPM dispute was greatly curtailed and they accepted that “an escalation into a violent confrontation seemed inevitable”. A police organisation being fundamentally a conservative agency of government rarely questions a direct legal ruling, especially one of the Supreme Court. There appeared to be no hesitation in police circles about enforcing the spirit of the judge’s statements. After the Wright decision, police saw their role as one of acting against the picket lines, although those picket lines remained non-violent and passive. The Wright decision placed Inspector Fox “at odds with the action I had been taking up to that point of time”. According to Timmerman, the preceding weeks had heightened the irony of police breaking the picket line:

By that stage we had built such a good rapport with the picketers and union officials, when the decision came down ... they sympathised with us. They said, “OK, we know you have a job to do, you’ve been very good to us, and we will go along with it as best we can, we know your hands are tied”.14

Since the morning picket-line on 4 June had held firm against two police forays, local police, reinforced by more than fifty Burnie police, walked amidst the picketers and that was one focus throughout the dispute; namely, to prevent violence by using discretion which would create a particularly violent clash. Inspector Fox was concerned about the exercise of gaining entry for about twenty workers hardly justified the heavy 85-person police deployment.

The picketers did not identify the police as the enemy; clearly, the competitive, cost-driven, mainland parent-company received the full vilification of the unionists. The three daily Tasmanian newspapers featured the welfare role of SPEC, the men at the picket gates at near to zero temperature, and the families divided by the dispute. Burnie police did not stereotype the strikers as the problem. Fox and Timmerman had regularly consulted and negotiated with union organisers and leaders. After the afternoon confrontation, Fox walked amidst the picketers and “detected no recriminations against the police action at all” but they exhibited overtly a considerable show of bitterness against the company’s “hardline attitude ... the sole cause of the confrontation”. Sergeant Daniels concurred that there was no lasting animosity displayed towards the police. FEDEA secretary Mike Grey and PKIU secretary Ray Grundy praised Inspector Fox’s “astute” handling of the whole dispute. Despite the Thursday clashes, according to newspaper reports, the Burnie police remained on good terms with the workers. This lack of recrimination against police must be unique in Australian annals of violent clashes between police and picketers.

Some tension between police and unionists was evident. Although police had ordered unionists not to place women and children in the front-line of their resistance, this generally went unheeded and thereby increased the difficulties and disquiet of police. Union organisers counter-claimed that such women were employees of the APPM Burnie. Some allegations surfaced of picketers carrying weapons to use against the police. Inspector Fox was concerned about a pair of pliers on an arrested APPM worker and spurs on the boot of some picketers. The picket captains, in line with their tight internal “policing” throughout the dispute, banned any possible weapons, watches, spectacles and unauthorised picketers. Mike Grey said the additional security measures were taken to prevent people infiltrating the picket line merely to target police. Grey’s criticism was confined to the bus-loads of police from Hobart, “hyped up with adrenalin to kick ass”. Grundy claimed that police from Launceston were instrumental in breaking the picket line “come what may”.55

In a Catch-22 situation, Commissioner Johnson admitted that the presence of police reinforcements had occasioned the violence: “... if the police hadn’t been there, the attempt to get into the gates wouldn’t have been made, so there wouldn’t have been violence”. Johnson regretted police involvement “in violence in a small city like Burnie, the results of which will flow into the community and be felt for years to come”.17 Wright’s warnings of “mob rule” and “the law of the jungle” were unfortunately prophetic; but also ironic in the sense that there was virtually no “mob rule” or violence until the police heeded the judge’s words. The company viewed the melee as confirmation of “the law of the jungle”; unionists perceived them as the extent to which the company was prepared to go in order to break the unions. The dispute, though not the tensions, was defused early the next week through negotiations between the parties in conflict.88

Ironically, the police were one group regarded as emerging virtually unscathed from the happenings in Burnie in 1992. Despite the criticisms of Justice Wright, Inspector Fox was depicted as the hero of Burnie in the Tasmanian press. He became well known to picketers, union officials, company management and television news’ viewers. Fox argued that knowing the local people helped to defuse tense situations on the picket line. By the dispute’s settlement, he knew virtually every picketer by first name. The Burnie police wanted the picketers to realise that there was a human face behind the blue uniforms and police made deliberate attempts to start conversations with workers. Fox was aware that he would be criticised for failing to enforce the letter of the law. The Mercury’s Michael Smith heralded Fox’s low-key, peace-keeping role during the dispute: Burnie’s top cop takes the prize for his peacekeeping formula. Fox had one focus throughout the dispute; namely, to prevent violence by using discretion which “occasionally meant turning a blind eye to the law”. His gravest concern “was that once a large number of workers wanted to go back, the police would have to escort them through the picket line and that would create a particularly violent clash”. Fox reflected that he acted “as a kind of mediator between the unions and the company – that’s what helped keep violence at a low level in police clashes with picketers”.90

Despite condemnation from the company, the violent police-picketter clashes of 4 June and the accompanying
charging of forty-one picketers for assault or obstruction, and Wright’s rejection of the passive peacekeeping philosophy, Fox and the Burnie police maintained their standing in the local community and press.95 The Sunday Examiner credited Fox with having achieved widespread respect from picketers and unions for the handling of the dispute, but angered mill management for not arresting picketers to clear access to the mill.92 Timmerman proudly reflected that all Burnie police received commendation for their handling of the dispute, a unique achievement. He believed that this high recognition from senior police “capped off the support” from Police Headquarters at Hobart.93 Advocate reporter Ruth Lamperd argued that Burnie police acting with a “human face” during the course of the dispute and Fox’s handling of the major clashes “has boosted the police force’s credibility in the community”.94 This sentiment was not shared by the mainland company executives. NBH-Peko’s chief executive, Peter Wade, one of the hardest critics of police inaction, claimed that APPM was “confronted with an illegal picket and an impotent police force”.99

For sometime during the dispute, police in the north-west were alarmed by the presence of the self-professed, union-busting Townshend security group. Keith Morrow, secretary of the Tasmanian Police Association, feared chaos and escalating problems with the guards “where there is no neutrality and guards carry out the order of the employer”.96 Inspector Fox, stressing the neutral and calming presence of the police, had warned of the dangers of APPM relying on private guards:

If they use private security to remove people unlawfully on the premises it might escalate what is a difficult situation now. By using the police at least we can tend to diffuse the issue.97

The union movement and people of Burnie were particularly hostile towards the “Ninja Turtles”, the hired security guards flown in secretly from Sydney at the beginning of June. The security guards were employed to keep protesters, APPM employees, out of the mill. The picketers viewed them as martial arts experts employed to break the strike by violence; they were viewed as the company’s private army.98 Although Fox acknowledged that they were “extremely professional”, he believed that these security people could spark violence, be the “flashpoint” for further battle.99 On 5 June, APPM management confirmed that the Ninja Turtles had returned to Sydney after just three days. Even company officials, such as John Guest, would later admit that the employment of these karate-boxers was a poor public relations exercise in a tightly-knit Tasmanian town preoccupied by the strike stalemate.100 The Burnie public appeared to be “totally against that sort of security”.101

If dissatisfied with police responses, a company can employ private security and guards, who are directly under their control, direction and authority. By contrast, public police legitimacy relies on the consent of the community. APPM spokesman Chris Oldfield explained the company’s distinction between police and security: “The police are there to remove people. The security guards are there to try to make the place secure within the law and the powers they have”. He claimed that the police were called “as a last resort”102 Police, if they wish to be effective mediators, do not see their role as one of last resort. Modern policing ethos espouses proactivity and preventing trouble in public places. Oldfield’s stated separation of powers between company guards to provide security and police to arrest circumvents the responsibility of the public police to keep the peace.

The police of Burnie rely heavily on the cooperation of the people of town and surrounds, especially in times of emergency. Although the industrial dispute would end, their policing responsibilities in the area would continue. FEDFA secretary Mike Grey, who “lived” on the APPM picket line, highly commended the local police of all ranks who “played a terrific role” and who developed trust and friendship. In an industrial town like Burnie, police cannot afford to lose local support: “Police are too tied to the community; they rely on the community for much of their information”.103 The police were attempting to keep the peace not just between company and picketers but also within the community, historically dependent on the “Pulp”.104 The dispute did not merely affect industrial relations but also the economic, social and psychological fabric of the township.105

Capital is a mobile phenomenon: NBH-Peko, with its eastern mainland boardrooms, was capable of withdrawing its investment from north-west Tasmanian paper manufacturing. In September 1993, the Burnie mill was sold to AMCOR. The labour force of north-west Tasmania was intricately tied to that district. Labour is far less mobile than capital in terms of employment, family, home, social and recreational links to a particular locality. Like the APPM workers, Burnie police strongly identified with the district and formed part of that entrenched community.

Historically, police have not been reticent to use coercive power in industrial confrontations. The 1992 Burnie policing approach showed an alternative path, one of consultation and compromise rather than coercion, one that is much more conducive to the community functioning of police. The 1998 national waterfront dispute occasioned the policing of the Maritime Union of Australia’s “community assemblies”. This dispute revealed the effectiveness of community protest and the desirability of negotiation and protocol between the union movement and police in order to maintain peaceful protest.106 The non-confrontational and non-interventionist policing of the wharves (the notable exception being the deployment of the WA tactical response unit) was welcomed by the MUA and its supporters and was drastically different from much traditional policing of industrial disputes and more in keeping with the peacekeeping function of Burnie police in 1992.

The General Manager of NBH-Peko asserted that ultimately the financial and human suffering at Burnie had been worthwhile in order to achieve restructuring gains. Inspector Fox was appalled that it took a Supreme Court case and numerous arrests to achieve a settlement that “could have been resolved in the early stages had there been a genuine desire to do so”.107 Fox was stunned by the General Manager’s “worth it in the end” philosophy. Two months of agitation, a total commitment of police resources and forty-one arrests “at the end of the day, I certainly don’t think it was worth it”.108 To police, the APPM unionists were fellow residents of Burnie and surrounding districts; workers on strike, not criminals.

Endnotes

1 The APPM dispute took the form of a classic industrial confrontation between the rights of workers to representation and the company to determine its own course and restructuring agenda without worker input. For analysis of some of the industrial and economic aspects of the dispute, see H. Thompson, “The APPM Dispute: the Dinosaur and the Turtles vs the ACTU”, The Economic and Labour Relation View, vol. 5, no. 2, 1992, pp.148-164.


The Burnie Advocate's editorial of 14 May 1992 contended that Burnie remained largely a company town:

"The mill has been the backbone of the city's economy for more than 50 years. Although the number of workers it employs has fallen markedly in recent times, earnings - worker and family spending power - are indispensable to the local economy, social stability and business prosperity."


R. Fox, "An Industrial Dispute: A Police Perspective" (unpublished paper, Monash University 1992) p.2. During the protracted dispute, newspaper articles featured the traditional affection for "the Pulp" by Burnie people; for instance, G. Vowles, "Generations of families have been grit for our mill", Advocate, 15 May 1992.


See N. Wray, "Why Peter Wade took on the unions", *Business Review Weekly*, 29 May 1992, p.30. The Burnie workforce had fallen 12.8% from 1349 in 1987-88 to 1187 in 1991-92, a significant decrease in the economically depressed north-west. Since late 1989, the workforce was gradually adjusting to retraining, multi-skilling, consultative committees, breakdown of divisions between trades, increasing efficiency and productivity demands and the acceptance of voluntary redundancy.


Quoted in *TPD(A)*, 42 (4), p.379 (28 April 1992). Management had sent a team of leading Peko executives including Larratt, renowned for his tough confrontations with unions, to investigate iron ore operations in the Pilbara. Larratt had likened his job at Robe River to one of dealing with errant children; quoted by Hollister, *TPD(A)*, 42 (4), p.379 (28 April 1992).

See M. Orlowski, "The Legal Fallout from the APPM Dispute", *Australian Journal of Labour Law*, vol.5, no.3, December 1992, p.287. The disputes at Hamersley iron ore in WA, Madgigarri meatworks in the Northern Territory, SEQEB in Queensland and Dollar Sweets confectionary factory in Victoria revealed employers' intent to defeat unions in the courts by using common law or trade practices law.

The Advocate editorial, 15 May 1992, portrays Robe River as "a hastily assembled mining town devoid of people with roots in, and respect for, the community".

Recorded interview with John Guest, North Industries, 24 October 1995 (Burnie).

At the Pannawonica mine, workers, who refused to obey orders, were regularly escorted by the police from the site. See M. Kaillif, "Politics and Industrial Relations: the Robe River dispute", *Discussion Paper 15*, Department of Industrial Relations, University of Western Australia, pp.13-14.

Thompson, op.cit., p.151.

The company was announcing its intention to withdraw all over-award agreements except for the 55-hour week, a 25% overaward payment, the APPM/ACTU superannuation agreement and the voluntary retirement scheme; *Industrial Relations and Management Letter*, vol.9, no.3, pp.16-17.


Fox, op.cit., p.7.

Ibid., p.16.

Alderman Mayor Sandra French (recorded interview, 24 October 1995) and many councillors "assumed it was going to be sorted out quicker".

Fox, op.cit., p.14. On 11 May, the boiler operators' confrontation surfaced when the company evicted four boiler operators and one union safety officer for refusing to attend a TAFE training session, which the IRC ordered to be cancelled until a further commission hearing was held about the training of white-collar staff in the operation of boilers. Control of the boiler room, by company or unions, was a crucial element in the expanding dispute.

Recorded interview with Timmerman, 27 October 1995. The five were charged at Burnie Police Station, but subsequently the charges were dropped.

Quoted in the *Mercury*, 12 May 1992. Fox was anxious for the Burnie police not to become embroiled in the dispute: "... we're trying to keep the police out of those disruptions down at the mill as far as possible"; *Tasmanian TV News*, 11 May 1992.

Recorded interview with Fox, 23 October 1995.


Timmerman, interview, 26 October 1995. Grey, an ex-Vietnam veteran himself, believed that these ex-servicemen "could keep the calm, even when we had the problems with the police, keeping some sort of calm was very important". Unionists attempted to impose their own order on the picket lines. The vehicle of Peter Higgins, Paper Mill Operations Manager, had been damaged in the Yacht Club Car Park on 12 May. Union representatives raised funds by a collection to pay for the damage and placed "a responsible person" on duty in the car park to prevent a recurrence. See cross-examination of Peter Higgins, 29 May 1992, *R v Commissioner of Police ex parte NBH Ltd*, pp.28-32.

Timmerman interview, 27 October 1995.


Fox interview, 23 October 1995.

Timmerman interview, 27 October 1995.


Grey interview, 25 October 1995. Grey repeated that the "scabs could have gone to any gate" and that "Roger Rabbit" Hardie, a high profile Right to Worker, never missed a day's work.


John Alderson in *Principled Policing* (Winchester, 1998) p.43, argues on utilitarian principles that the objective of policing "is not to enforce the law and coerce the people for its own sake, but to do so for the common good".

Fox interview, 23 October 1995. As Fox emphasised: "If I eventually force a way through the picket line, I'm assisting the mill management in continuing business. If I don't break through the picket line, I'm assisting the unions and isolating a viable industry."


Fox interview, 23 October 1995. He stated that many workers started to become worried as the "mill management had not moved an inch". A number of local doctors informed that there had already been a sizeable increase in the number of stress-related illnesses and problems associated with domestic violence.
See Sarah Fitzpatrick’s article, “Increase feared in domestic violence”, Advocate, 23 May 1992. By the end of the second week of the picketing, 319 mill spousal had joined the police queue.


40 Other aggressive companies in the 1990s have been prepared to encounter intense industrial conflict in order to introduce individual contracts and to de-unionize the workforce. Timo and McDonald examine how CRA has assaulted unionism at its New Zealand and Australian sites by its sustained anti-union propaganda, tactics impeding union membership and a climate of insecurity. At the Weipa bauxite mine (far north Queensland) and Bell Bay smelter (Tasmania), CRA sought to remove all third party bargains and implant union-free individual contracts. See N. Timo and J. McDonald, “Killing the Union? Individual Contracts and CRA”, paper presented to NKCIR Conference, Monash University, 12 July 1996, pp.13-26.

41 Fox, op.cit., pp.11-12, 15.

42 APPM continued to test the picket line “with no real success at breaching the picket being achieved”; APPM’s “Daily Industrial Relations Summary”, dated 11am, 22 May 1992.

43 Fox interview, 23 October 1995.

44 Quoted in the Advocate, 2 May 1992.

45 Fox interview, 23 October 1995. Fox had spent nine years in the British Royal Commandos and four as a British Bobby before migrating to Australia in 1969.

46 Under cross-examination in the Supreme Court, Fox freely admitted: “I’ve never been involved in an industrial dispute of this nature before”, R v Commissioner of Police ex parte NBH Ltd., 1 June 1992, p.220. Senior Sergeant Timmerman (interview 27 October 1995) attested that “Inspector Fox was calling the shots from the start”.

47 Timmerman interview, 27 October 1995.

48 Ibid. On 14 May, Inspector Fox (Tasmanian TV News, 14 May 1992) had conveyed Tasmania Police policy: “My instructions to date are that we will not break the picket line itself”. Fox informed that police would return to normal duties (“I just can’t keep police officers tied up waiting for things to happen”), although police would respond to mill requests. The north-west Superintendent, Tom Lello, informed that the police presence was “aiming to keep the situation below flashpoint”; quoted in the Advocate, 15 May 1992.

49 Ibid.

50 Daniels interview, 23 October 1995. Daniels theorised that the longer the dispute stagnated and the closer the relationship between police and picketers became, the more difficult became what he perceived as the inevitable and anticipated police action.

51 Fox interview, 23 October 1995.

52 Guest interview, 24 October 1995.

53 Fox normally had a total strength of seventy-three, but he had to utilise forty-three on two consecutive days “and that has stripped the Burnie watch out completely”. The normal Burnie police shift was eight or nine. Cross-examination of Fox, R v Commissioner of Police ex parte NBH Ltd., 1 June 1992, pp.242-244.

54 Ibid.; and Fox interview (2), 25 October 1995. Fox’s alternative suggestion (op.cit. p18) to mill management in relation to truck access “was that I would clear a path through whatever obstructions had been placed in their path, but I would not instruct police officers to physically break through the human cordon”. Police had observed the impasse, but declined to intervene. The company vehemently attacked the police for failing to clear the picket line to allow truck access to and from the mill. Police policy was to ensure that roads were clear and people could drive past and through the vicinity of the mill.

55 Fox, op.cit., p.17. Fox (interview, 23 October 1995) alleged that all his media interviews occurred at the pickets “once mill management went behind four walls and virtually became prisoners in their own castle”. According to Fox (interview [2], 25 October 1995), Henderson informed him that the NBH-Peko mainland general manager instructed him not to talk or negotiate with the union leaders.

56 Senior Sergeant Timmerman echoed the police intermediary role: Both parties weren’t talking to each other but they were talking to us, so we were relaying messages... that put us on a very good stead, particularly with the unions and not only with the officials, but with all the people involved and on the picket lines... so they were very friendly and cordial relations... All we did was patrol and monitor the situation.

57 Robert R Friedmann, Community Policing: Comparative Perspectives and Prospects (St. Martin’s Press, New York, 1992) p.4, attempts to provide a conglomerate definition of community policing:

Community policing is a policy and strategy aimed at achieving more effective and efficient crime control, reduced fear of crime, improved quality of life, improved police services and police legitimacy, through a proactive reliance on community resources that seeks to change crime-causing conditions. It assumes a need for greater accountability of police, greater public share in decision-making and greater concern for civil rights and liberties.

The imprecise and nebulous term, “community policing”, inspires positive connotations. It is politically acceptable and creditable to the Left because it theoretically involves all peoples in the policing partnership; to the Right, it is a cost-saving strategy in the fight against crime. The humanitarian can applaud community policing as the means of changing a brutal system; the pragmatist sees the deficiencies in the present system and looks to improvement. However, community policing is not the panacea for the policing of all disorder as the very existence of grievance indicates divisions within society.


59 Timmerman interview, 27 October 1995.

60 Fox interview, 23 October 1995.

61 7ZR News transcript, 5.00pm, 14 May 1992.

62 A logging supervisor, Geoffrey Angel, gave evidence to the Supreme Court that he, in accordance with company direction, accompanied logging contractors to take photos of the picketers preventing the contractors’ entry. See R v Commissioner of Police ex parte NBH Ltd, 29 May 1992, pp.35-36. Similarly at the company’s behest, Michael Boardsell, manager of APPM Pine Products and Michael O’Shea, an APPM surveyor, photographed unsuccessful attempts by timber-loaded trucks to enter the mill. Police were not present on these occasions; the “photographers” provided reports to the company solicitors; and they made no statements to police. See ibid, pp.38-41, 47-53.


64 The applicant produced affidavits of five employees claiming intimidation of “verbal abuse and jesting” when attempting to enter the mill site; see “Originating Application” filed on 22 May 1992 on behalf of North Broken Hill Limited by Dobson, Mitchell and Allport, in the Supreme Court of Tasmania, for the five statements)

65 Examination of Johnson, R V Commissioner of Police ex parte NBH Ltd, 1 June 1992, p.184. Under cross-examination, Johnson expanded his instructions to Assistant Commissioner Le Fevre:

I told him that the incident at Burnie was to be treated like any other police operation and that police were only to intercede where there was a breach of the peace or an apprehended breach of the police and to otherwise enforce the law in accordance with their duty.

66 Lello affidavit, p.10, paragraph 30.


*Ibid*.

Fox interview, 23 October 1995.

Fox, op.cit., p.22. An imminent feeling of confrontation engulfed Burnie after the Supreme Court decision. The *Mercury’s* Rod McGuirk, 4 June 1992, reported that the situation was still unclear as to whether “police would maintain a peace-keeping stance or act against what they have tolerated as picketers’ passive and non-violent resistance”.


Timmerman interview, 27 October 1995.

Fox, op.cit., p.23. The police incursions proved to be a test of brute strength against the picketers. There had been 38 police at the morning confrontations, all from the north-west coast. Reinforcements from Launceston and other areas increased the numbers to 85 (state strength was 960).


Age reporter Andrew Darby, 6 June 1992, presented a harrowing account of the clash:

Last Thursday there was a low, locomotive howl from hundreds of picketers’ threats as they pushed against police. Their roar was mixed with screams and cries of people being trodden on, being squashed and infuriated. Burly strikers were flung away from a police wedge protecting a handful of strike-breakers. Push came to shove in the *APPM* dispute.

See the *Examiner*, 5 June 1992, p.1. Fox acknowledged that the picketers’ behaviour was “generally still not provocative” but the union leaders had “lost control” of picketers, which culminated in arrests and injuries. Senior Sergeant Timmerman (interview, 27 October 1995), when describing “crunch time” described police pushing persons out of the way, “it got a bit violent, it got a bit ugly; simply because of the numbers of people involved”.

Fox, op.cit., p.23. Fox reported to the media: “It was amazing. Five minutes after the major 3pm. clash I was able to go in amongst the picketers and there were no recriminations towards police at all”; quoted in the *Advocate*, 13 June 1992, p.14. The inspector compared the *APPM* situation to that of the coalminers’ strike in England in 1984-85. As forward commander, Fox (interview, 23 October 1995) made the comparison that Burnie experienced “one traumatic day”, but the English experienced “traumatic days every day” over eleven months. It was neither the unionists nor the industrialists but rather the police who were “the most hated people” and who were perceived as the “bullies” in industrial confrontations.

Danils interview, 23 October 1995.

For instance, the *Mercury*, 10 June 1992, p.2.

Interview of David Pierce, Metal Workers’ Union state organiser, on the *Judy Tierney Show*, 7ZR, 5 June 1992, at 9.20am.

See the *Examiner*, 6 June 1992, p.5.


Conflict between the small band of right-to-work and the picketers surfaced immediately. A whiteboard was placed at the main gate to the Burnie mill sometime on 7 June. Headed “Shame List”, it catalogued the names of 27 so-called “Union Scabs and Staff Scabs”. The bitter *APPM* dispute had created wounds and division which may take many years to heal. Jenny Besnell, whose father and husband were employees at the mill, reflected: “The Pulp used to be a family – it never will be again” (quoted in the *Sunday Tasmanian*, 6 August 1995, p.5).

See Ruth Lamperd’s article in the *Advocate’s Weekend Magazine*, 13 June 1992, which was boldly headed: *Fox met the challenge*. Lamperd reported that, despite a few critics who believed that Fox did not act quickly enough against the pickets line, he became somewhat of a legend around the town for his handling of the dispute.


Originally, the police intended to proceed with the arrests of 4 June because they were the complainants. Inspector Fox refused to make any deals with the unions about these charges; *Mercury*, 11 June 1992, p.2. However, those charges were later dropped because the police considered them only minor assaults against the background of the bitter dispute; *Sunday Tasmanian*, 6 August 1995, p.5.


Timmerman interview, 27 October 1995. This commendation is displayed in the foyer of the Burnie Police Headquarters.

R. Lamperd, “Fox met the challenge”, the *Advocate*, 13 June 1992. A three-quarter page photograph accompanying the *Advocate’s* headline on 5 June showed a policeman lending his cap as comfort in the form of a pillow for an injured picketer receiving treatment from an ambulance officer. Although violence had erupted, the local daily still presented the “human face” of policing. Two women, who were at the front line of the picket during the police initial assault, presented a personalised view. When the early morning picket faltered briefly, the two were almost crushed in the resulting melee but the “police hunched over us to protect us and shielded us from any harm”. The *Mercury’s* editorial described the confrontation as “bizarre, unique. Picket captains, police and company officials are on first name terms”.

Peter Wode’s letter to P. F. Matthews, Burnie Town Clerk, dated 1 July 1992.


See the *Advocate*, 5 June 1992, p.2. Individual unionists accused the security guards of three separate assaults on 4 June.

Fox interview, 23 October 1995. Timmerman, 27 October 1995 interview, agreed with Fox that the “Ninja Turtles” very well self-disciplined, well-trained in unarmed combat and caused no trouble. Picketer Peter Beattie on *ABC News* at 7pm, 8 June 1992, expressed the hostility and lack of trust of the company “that’s lied and cheated and brought in ninja turtles – quote – hit men from the other side of this island, to bash their own work people”.

Guest interview, 24 October 1995. Guest claimed that these security guards belonged to the Sydney-based Toraguard Security company. NBH had employed security from that company to ensure access to a site of Vista Paper Products on the outskirts of Sydney during an eight-week picket. Unlike Burnie, police had acted at the Vista site and the private security was directed to maintain at least one open access to the mill.

Fox interview, 23 October 1995.

See the *Advocate*, 12 May 1992, p.2.


The Burnie police identification with their township is in marked contrast to mining districts during the British coalminers’ strike of 1984-85 when whole communities were under siege from the police (for instance, South Yorkshire village of Armthorpe). See P. Hain, *Political Strikes: the state and trade unionism in Britain* (Harmondsworth, Middlesex, 1986) pp.197-198.
105 One example of the divisions created by the APPM dispute was the story of the Bellchambers brothers. David, a millworker, was arrested by police; his brother Craig was a local traffic policeman. Fox was "a bit perturbed at one stage that one of the traffic officers might be involved in the arrest of his own brother". (Quoted in the Sunday Tasmanian, 6 August 1995, p.5.)


107 Fox, op.cit., p.27.

108 Fox interview, 23 October 1995.

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