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.1 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 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."2 The services, including the dual tenets of law enforcement and peace-keeping, are depicted as being impartially administered, but police remain the ultimate means of state control of public protest, including industrial picketing. Traditionally, police in Australia have readily acquiesced, often aggressively and forcefully, to employer and government demands for police presence and action to facilitate access for company staff, non-union labour and vehicles to plants and workplaces. Police actions in the 1890s and late 1920s were particularly ruthless in the suppression of industrial unrest.

The APPM dispute was subject to "policing" performed in its broadest sense.3 The company and the unions performed much of their own "policing" of the dispute. The company through the courts, the employment of security guards and the use of lawyers to collect evidence exerted controlling "pressures" on the disgruntled workers. Union organisers via their picket captains, their "policy" standards at the strategically-located pickets and their regular liaison with the Burnie police performed their own internal control. Police, when involved in the Burnie dispute, regarded themselves as "the meat in the sandwich".

APPM, colloquially known as "The Pulp", dominated the industrial city of Burnie in 1992 (population 23,000) and was the district's largest employer of 1,100 people. Burnie had been a company town since the mill's opening in 1936 and the benevolent APPM, vital to the city's economy, was employing third generation members of local families in 1992.4 Relations between management and unions at the Burnie mill had historically been cordial and even friendly, in accord with Tasmanian history of limited industrial disputation and very few protracted strikes. Historians Robson and Roe labelled the plant as formerly "a proud site of welfare capitalism" with high production rates.5 According to local policeman Roy Fox, "it was a mill that prided itself on the loyalty generated through the years, and readily identified in the father-son working lineage that developed as time went on."6

APPM was part of a declining pulp and paper industry in Tasmania. There was a local suspicion of mainland influence whether that be of politicians, company managers, union officials or media. As the biggest company in Tasmania and dominating the economy in the North-West, the locally based APPM was taken over by North Broken Hill Holdings Ltd (NBH) on April 4, 1984 with its headquarters and power-brokers at 476 St Kilda Road, Melbourne. By the 1990s, it was estimated that ninety per cent of shareholders were outside the state and that the parent company earned five-sixths of its net profits from mining enterprises.7 Restructuring had been occurring since 1989 and the unions claimed a significant contribution.8 For North Broken Hill-Peko, with its aggressive and competitive corporate culture, the Burnie workforce appeared too comfortable, was restructuring too slowly and its plethora of eleven unions were impeding rapid change. Unionists were fearful of possible job losses.9 The company remained adamant that there was no place for the unions in non-award talks and maintained its "right to manage" philosophy in a climate of restructuring and enterprise bargaining. Lasting over three months, the APPM dispute was divisive and protracted by Australian, and especially Tasmanian, standards.

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".10 Both Robe River and Burnie disputes allegedly involved targeting of restrictive work practices and extensive resort to legal remedies by the company.11 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 citizenship where "there is widespread respect, even affection for 'the Pulp'".12 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.13 When the company acted swiftly and decisively by locking out employees, police did not hesitate to disperse picket lines and make arrests.14 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.15

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.16 The so-called rots were to disappear: union access to workers was to confined to specified breaks; work demarcation was to be abolished; single day "sickies" would require medical evidence; contractors could be employed at the 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 rejected management's off-handed and dictatorial manner of seeking redress. APPM maintained that management would deal directly with employees rather than through unions and that jobs would be based on skills and not on union membership. The battle lines had been forcefully drawn.

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 union organisers knew the score and accepted such.18 He met regularly with union leaders,20 management and union officials, police and many 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 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". 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

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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 intent 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.31

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".32 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.33 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: "We're only a small force and I don't like the thought ... of having to face a large crowd, many of whom might well be hostile, but apart from that it's not good for the town".34 Fox's response was as much a moral as a legal one: police were the guardians of the general interest and peace of the town. For Fox, police authority was not based solely upon the law (especially when the law is uncertain) but also necessitated the consent of the people.35 As Roy Fox protested, picketing places police in a no-win situation and condemnation is expected from one side or the other: "Damn if I didn't; damned if I did".36

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."37 Two weeks after the mill shutdown, Inspector Fox was expressing fears about the possibility of an increase in domestic violence in the Burnie area.38 Julie Fraser, the spokesperson for the Support Pulpmill Employees Committee (SPEC), claimed that fears about workers' jobs and home security led to the "sole purpose" of APPM's establishment because "we can't allow the problem with domestic violence which arose at Robe River to happen here".39

Whereas the impetus for disputations 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 enclaves, 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.40 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,41 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 through 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 townpeople. 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".42 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.43 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.44 Fox was concerned that "things could turn violent, with resolves hardening on both sides".45 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.46

The Fox philosophy of policing remained consistent throughout the dispute.47 Senior Sergeant Timmerman echoed Fox's perspective of the policing of industrial disputations:

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; ... it was a job between management and union to sort out their problems and issues of why the pickets were put there, not the police.48

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.49

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".50 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.51 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. APPM’s industrial strategist John Guest described the police action, or rather inaction, at Burnie as “weak”. 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. 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. 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.

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.

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. What they all have in common is some notion of partnership between police and community; some notion of a closer relationship between the public and various agencies. Jerome Skolnick and David Groom, the community model for police partnership as long as that policing is a homogeneous community that is definable, compact, co-operative and order on the picket lines.

Tasmanian daily newspapers and Liberal Premier Groom, the Tasmania Police Commission, the Burnie Police, and from the police perspective put a human face on the workers who wished to go about their normal, lawful daily business, often to the extent of crossing picket lines. 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. 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 employer and the employees”. 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”. To Lello’s knowledge, the picket line had remained non-violent —— “just a straight passive resistance”. 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.

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 eventuated in 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
supported”.98 Obstructionist, passive picketing was declared illegal. The most damning of the judge’s criticisms was that the “police cannot allow mob rule to displace the rule of law” in part due to insufficient policing numbers. Wright explicitly stated that Fox was “clearly wrong” by suggesting that “police should not interfere in a situation which had its genesis in an industrial dispute”. The judgement indicated that police discretion is not unfettered and a constable 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”.99 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”.10 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”.100 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”.101

Since the morning picket-line on 4 June had held firm against two police forays, local police, reinforced by more than fifty Launceston and other area police, determined to break through the picket at the 3pm shift change-over. Inspector Fox again informed the union leaders that reinforced police numbers would attempt to break the picket. He records that to the credit of the union leaders they intended to avoid violence if possible.102 The picketers had remained well disciplined and organised for a month; these traits were left bruised, bloodied and emotionally distraught.103 Considering the numbers involved on both sides, the bitter month long build-up to the violent climax, the eminence of picketers and mill management and the issues involved, the level of violence on 4 June was relatively low compared with major industrial clashes in Australia’s history. The rapport and co-operation having evolved and been nurtured between police and picketer, both belonging to disciplined though diverse organisations, probably accounts for the limited bloodshed at Burnie. Fox suggested that 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”.104 Sergeant Daniels concurred that there was no lasting animosity displayed towards the police.105 FEDFA 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.106 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.107 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 boots 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.108 Grey’s criticism was confined to the bus-loads of police from Hobart, “hyped up with adrenalin to kick arse”.109 Grundy claimed that police from Launceston were instrumental in breaking the picket line “come what may”.110

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”.111 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”.112 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 melees 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.113

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.114 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”.115

Despite condemnation from the company, the violent police-picketer 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. 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. 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. Advocate reporter Ruth Lampard 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." This sentiment was not shared by the mainland company executives. NBH-Peko's chief executive, Peter Wade, one of the harshest critics of police inaction, claimed that APPM was "confronted with an illegal picket and an impotent police force".

For sometime during the dispute, police in the north-west were alarmed by the presence of the self-professed, union-busting private security and guards, who are directly under their control, surrounding districts; workers on strike, not criminals. 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 violence, they were viewed as the company's private army. Although Fox acknowledged that they were "extremely professional", he believed that these security people could spark violence, be the "flashpoint" for further battle. 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, and Fox was stunned by the force response unit) was welcomed by the MUA and its supporters and was drastically different from much traditional policing of industrial disputation 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," 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". 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.

L. Robson and M. Roe, A Short History of Tasmania (Oxford University Press, Melbourne, 1997) p.159.

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 gret for our mill", Advocate, 15 May 1992.

See Brown, Tasmanian Parliamentary Debates (Assembly), 42 (4), p.387 (28 April 1992) [hereafter cited as TPD(A)].

See N. Way, "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 retrenching, multi-skilling, consultative committees, breakdown of divisions between trades, increasing efficiency and productivity demands and the acceptance of voluntary redundancy.


Quoted in Thompson, op.cit., p.153. References were made to Larratt's comments in parliament; for example, by Mrs Di Hollister, 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).


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. Kaempf, "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 35-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.


Grey 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 spouses had joined the dole queue.


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 assailed trade 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 bargaining 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.

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

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.

Fox interview, 23 October 1995.

Quoted in the Advocate, 2 May 1992.

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.

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”.

Timmerman interview, 27 October 1995.

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.

Ibid.

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

Fox interview, 23 October 1995.

Guest interview, 24 October 1995.

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.

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 lines 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.

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.

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.

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 humanistarian 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.


Timmerman interview, 27 October 1995.

Fox interview, 23 October 1995.

7ZB News transcript, 5.00pm, 14 May 1992.

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.


The applicant produced affidavits of five employees claiming the firm’s policy was to ensure that roads were clear and people could drive past and through the vicinity of the mill.

Fox examination, R v Commissioner of Police for the State of Tasmania ex parte North Broken Hill Ltd., 1 June 1992, pp.219-220.


Ibid.

Timmerman interview, 27 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”.

Quoted in the Mercury, 11 June 1992, p.2.

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 industriallists but rather the police who were “the most hated people” and who were perceived as the “bullies” in industrial confrontations.

Daniels 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, 7ZBR, 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 picket lines, 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.

Sunday Examiner, 7 June 1992, p.18.

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


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 Wade’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 Toroguard 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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