

Police Unions in Australia: a History of the Present

MARK FINNANE*

In the fading years of the twentieth century, police unions appeared never more powerful and significant. During 1999, the flexing of muscle in the protest meetings of Victorian police against structural changes in policing was a striking reminder of their power to attract notice and challenge administrations and government. Yet, police unions and their history have been a subject of only limited interest to Australian scholars of criminal justice, labour history or industrial relations (Baker 1999; Bolen 1997; Brien 1996; Brown & Haldane 1998; Fleming 1991, 1995, 1997; Haldane 1986; Hogg & Brown 1998; James 1989, 1991; Johnston 1992; Lewis 1999; Swanton 1983; White & Richards 1992). The indifference is striking. Whatever else police unions may be, they are certainly highly successful collective labour organisations. They are now of some age - the oldest continuous ones in Australia going back to before the First World War. These are not just organisations of a few activists. They have aspired to enrol the entire police workforce and have come remarkably close in most cases to achieving that - although for many decades, they usually excluded women police. Unionisation in public policing remains just about the closest thing Australia has to a closed shop, and police unions have therefore achieved much in that respect - much more successful than the doctors' unions, or those of academics, or perhaps even those of builders' labourers. Reviewing the range of literature on British police unionisation (not a union of course, but a state mandated 'Federation'), Robert Reiner in 1978 identified a spectrum of views - conservative, liberal and radical, on the merits and achievements of unions (Reiner 1978). Those views might not be translated directly to Australia - but they do suggest some of the relevant factors impeding research scrutiny of police unions. To conservatives, the idea of police unions was once anathema - and the Melbourne police strike in 1923 proved the point. For liberals, unionisation might represent an important freedom of association - but what effect might it have on the organisation of that most sensitive of state concerns, the organisation of policing? To radicals, the police were an enemy - but what would they be if they were unionised? These have been just some of the ambiguities faced by any of these political dispositions in addressing the issue of police unionism.

To governments, however, the importance of police unions has never been underestimated. Since the 1920s, the annual conferences of police unions in Australia have been a standing item in the diaries of ministers responsible for police, their shadows in opposition, and occasionally even a premier (especially so when that person was also the minister for police).

* Professor of History, School of Humanities, Griffith University. E-mail: m.finnane@mailbox.gu.edu.au

We are entitled therefore to address the history of police unions as a subject of significant interest - to the history of criminal justice policy and administration, to the history of the labour movement, to the history of industrial relations, and the history of citizenship. The subject will justify a book, or two. Here, however, I want to focus on a limited concern. My reference point is the most recent excursions of police unions into the political arena, notably in Victoria and Queensland. The substance of the paper however will not dwell too long on the detail of the recent past. My questions instead will be directed to asking what might be some of the historical conditions that help explain the current disposition of police unions in Australian politics.

Political Interventions

Writing about police unions in the early 1990s, White and Richards (1992) focussed on recent evidence of police union interventions in the political arena. Two case studies preoccupied them. In the late 80s, Victoria's police union had embarked on a vigorous campaign in support of enhanced police powers, allegedly recruiting support of the voluntary labour of 3,000 retired police officers to letter-box 16 marginal seats¹. This was in spite of the Labor Government having promised to deliver substantial increases in police numbers, on condition, it was claimed, that the police union would not agitate publicly over police numbers. In Western Australia, they surveyed police reactive protests over various kinds of supervisory and official inquiries affecting their members. Other evidence of the previous few years included police campaigns in a critical NSW by-election, as well as Tasmania and ACT election campaigns. The standpoint of the article is concerned over the emergence of such campaigns, with their potential to influence the democratic process and substantially alter criminal justice policy (although it needs to be noted that the evidence of police influence on electoral outcomes in these cases is very ambiguous). The not too invisible implication is that police unions should restrict themselves to industrial matters and stay out of the political arena (White & Richards 1992). It was a judgment consistent with the position taken by the Fitzgerald Report in Queensland which had in 1989 sought to define a line around legitimate union action in the industrial arena (Fitzgerald 1989:280, 287).

Ten years after the cases reviewed by White and Richards (1992), the evidence of police union activity is scarcely less impressive, although ambiguity remains over assessment of police union impacts. In 1999, the Victorian police mounted a major assault on what they saw as undesirable management changes being pushed by Commissioner Neil Comrie. Linking the changes to a more general resistance to the directions of public sector reform pursued by the Kennett government, the police union roused major support from the majority of police in mass meetings of members. A challenge was posted to both the commissioner and the government. Comrie resisted by questioning the quality and motivations of police union leaders, the 'guardians of mediocrity' as he had put it (*The Age*, 19 July 1999; Palmer 1999). We cannot be sure how influential was this major conflict between police and government in an election year - but the demise of the Kennett government is now political history.

1 'Allegedly', because while this is reported by White & Richards, the letter-box campaign using 3,000 retired police appears to have been only a threat by the VPA (Stephen James, personal communication, 13 December 1999).

In 1995-6, the Queensland Police Union was involved in a more notorious and multi-faceted campaign of opposition to the Labor government of Wayne Goss. Bringing together the perennials of police numbers and the unhappiness of many police with the management and discipline changes effected in the wake of the Fitzgerald Inquiry - above all, the establishment of the Criminal Justice Commission (CJC) with its wide powers of investigation - this campaign was pursued aggressively in the lead-up to a crucial by-election at Mundingburra in February 1996. The seat was lost by Labor and the government changed hands.

In the wake of the campaign and the change of government, it was subsequently revealed that the police union campaign was not limited to local shopping centre and street campaigning. In anticipation of a change of government, the union's President had negotiated an agreement with the Opposition Leader and the Opposition Police spokesman, an agreement sealed in a secret 'Memorandum of Understanding' (MOU). The issues addressed in the MOU included not only the perennials of numbers, resources and powers - but attacks on the CJC, aspirations to a veto on the naming of a future commissioner and demands for the replacement of named senior managers (for the context and aftermath see Lewis 1999: ch 9). The deal was breathtaking in its scope - and probably unprecedented. Whether it can ever be repeated might be doubted. As an issue which bedevilled the incoming government, it was probably highly counter-productive. As a symptom of the seeming power of a police union, however, it was noteworthy.

These actions of the late 90s were coming as they did at a time of generally declining union influence in Australia. They pointed, on the one hand, to the continuing potential of an industrial union to become an active player in the political as well as other environments of its members' work. The industrial-political activism of the Australian police unions was well established in police union circles elsewhere, evidently being a model to New Zealand Police Association leaders in the mid-80s, as they geared up to new strategies in the political arena (McGill 1992:175). Politically, in recent years, the police unions have been well placed to raise the stakes - law and order issues, combined with the politics of major industrial reform have demanded a strong police apparatus, although police have not always responded in quite the way expected by their political masters, as evident at Burnie in 1992 or during the Patrick's waterfront disputes of 1998 (Baker 1999).

On the other hand, the very fact of the unions exercising power in this way raises questions about the environment in which they now find themselves. Are these simply the signs of a sturdy but doomed resistance to a changing work environment? Or do they signify a shift of power within policing of a kind which threatens democratic control of criminal justice policy? To answer such questions will require an assessment of where the police unions have come from, as well as a speculation about where they might be going. In what follows, I want to focus largely on understanding the conditions which have made it possible for the police unions to exercise the kinds of interventions they pursue today. This requires us to remember also those larger contexts within which they work - the industrial environment and bureaucratic culture of police work, the political and economic frameworks which constrain their possible influence, the social perceptions about policing and order which they play on, influence and to which they may also be a captive.

Sources of Power

We do not have to resort to too subtle an argument about power to specify how distinctive the police exercise of it may be. Yet historically the police unions may look like unlikely candidates for the exercise of political power. As recently as September 1999, the Canadian Supreme Court ruled that the Mounties do not have a right to unionise like other public sector workers. Rejecting the application to apply the Canadian Charter of Rights to include a freedom of the national police force to unionise, Judge Bastarache ruled that 'Freedom of association does not include the right to establish a particular type of association defined in a particular statute' (*Globe and Daily Mail*, 1999). The judgment reminds us that the exercise of labour union rights is highly dependent on particular legal and political frameworks. Let us recall some of the early barriers to the political voice of police and to unionisation.

In the first place, historically, police like other public servants, were explicitly banned from exercising rights of citizenship. There were extraordinary levels of control over the private lives of police. As late as 1957, police involved in divorce proceedings in Western Australia complained of being charged with conduct prejudicial to the good order of the police (*The Police News*, 1957). These were matched in the public sphere with restrictions on political rights. Like the military, police were expected to serve the public good free of personal or factional interest so once they belatedly got the vote they were for a further period restricted in the exercise of their political voice. Statutes and regulations banned police from collective political activity and individuals from membership of political organisations. Only slowly were these important constraints eased. At each point of liberalisation, each stage of expansion of police political rights, the matter had been usually contested (see *Victorian Police Journal*, 1929, for the parliamentary debate over the ban on police joining political organisations). The right of police to stand for election to a parliament was still being sought in NSW in 1962, a matter of grievance to police unionists who had looked across the border to see Queensland Constable Bill Hayden successfully contest an election to become the member for Ipswich in 1961 - a possibility he could contemplate without first resigning from the police (*New South Wales Police News*, June 1962).

The extension of political rights to police was only one aspect of a change with profound implications for the organisation of policing. The other matter was the extension of industrial rights. Inevitably the two matters, political and industrial, were closely tied - and they have remained that way. The concern over the potential abuse of police power was especially the focus of resistance from the ranks of commissioner to the idea that police might form unions. Combinations were to be resisted because they tended to subvert the authority of the commissioner. Admitting the right of police to unionise and to be active in the political arena was also a challenge to governments that might be unsure of the effects of these new freedoms.

Once the right to combine was conceded, there remained other impediments to the success of a union. Comparative history of police unions suggests the costs of early militancy in unfriendly political climates. In Britain, police strikes in London and then Liverpool in 1918-9 saw the demise of the police union and its replacement by a form of representation in a statutory body, the Police Federation. In the United States and in New Zealand, the adventurous police union organisers of the early post-war (i.e. c. 1919-1920) era were met with hostile receptions by governments and a lengthy delay in the formation of legitimate and well-supported unions. In New Zealand, indeed the government followed British example, mandating a statutory form of representation in the shape of the NZ Police Association from 1935. In the longer term, associations and unions converged - but the difference was for some decades more than symbolic (Juris & Feuille 1973:USA; McGill 1992:NZ; Reiner 1978: England).

Such variations were also known in Australia. But a favourable political climate combined with state-wide jurisdictions for police saw more success than failure in early unionisation. As Labor came to government in the different states, the unions were smiled on. In South Australia where Australia's oldest police union dated from 1911, a Labor government encouraged the aspiring police unionists, but when a conservative government returned to power, the infant Police Association was almost extinguished (*The Police Journal* (SA) 1929). Similarly, but to even better effect, Labor governments in Queensland and NSW made a significant difference to the reception of the early unions. In Queensland, the union formed in 1915 was strongly opposed by Police Commissioner Cahill. But the election of the Ryan Labor government led to immediate official recognition of the union by the government, and indirectly to Cahill's demise (Fleming 1995). Even where political conditions were not as sympathetic, the process of recognition of police unions was relatively untroubled compared to the trials faced by police combinations in some other countries.

A consequence was rapid legitimacy for the police unions, encouraging them even to over-reach themselves in a premature attempt to establish an Australia-wide police federation. In February 1922, an interstate conference of police associations in Sydney prepared a draft constitution for a 'Federal Council of Australian Police Associations' – but a form of Federation was not established until after World War II. The 1922 conference itself was opened in friendly terms by the NSW Inspector General James Mitchell. More importantly, and indicative of the future, it was addressed by both the Premier and the Chief Secretary (*The Police Journal* (SA) 1922). Thus, this established an early pattern of regular attendance at police union meetings by leading political figures.

Political recognition of the rights of police to organise was more than token. Vital to the early success of at least one union in Australia was its early right of access to the industrial relations regime - in Queensland, police as early as 1917 were given access to the industrial court to argue their case for better pay and conditions (Fleming 1991:23). The Queensland reception was somewhat exceptional, the product of the most interventionist and radical of Australian Labor governments in this period. Yet Labor in government was generally sympathetic, even where follow through was tardy. Responding to the support of Labor's Minister for Police (J Willcock), the Western Australian Police Association changed its name to the WA Police Union of Workers in 1926 and registered as an industrial union under the Arbitration Act (*The Police News* (WA) 1926).

In other states in the 1920s, governments less sympathetic to the labour movement were still responsive to police agitation over rights of appeal in promotion and discipline processes, as well as enhanced access to pension schemes. Even in Victoria where the 1923 police strike left a legacy of embittered dismissed police, the government answered positively the police case for better conditions. In fact the strike was a revolt of those *less likely* to be organised into the Police Association, reminding us that police unions were also restraining and marshalling influences (Brown & Haldane 1998).

These two sources of rights won in the first third of the century were fundamental to the later expansion of police union activities. The freedom to engage in the political arena would become more useful as time went on. But even in the 1920s, there were signs that police were conscious of its potential as a lever with which to pressure government. The enhancement of industrial rights, won only after prolonged pressure in many cases, was equally significant. Not surprisingly, the two arenas would be played in tandem in some struggles. The genesis of more recent exercises of police union power may be traced in the histories of the different unions over many decades. In what follows, I want to highlight some of the political and industrial strategies over time, and their implications for the organisation of policing in Australia.

Campaigns, Alliances, Tactics

More than 20 years ago, Reiner's study of the Police Federation in England and Wales highlighted what he saw as an emerging involvement of police unionism in social and penal policy questions. It was a development he regarded as a greater concern than 'economically motivated unionism' (Reiner 1978:268). Later, mainly leftist critiques of police unions in Australia, have generally followed this line, with its implication that the police union's political role is of relatively recent origin. A deeper reading of the unions' histories however does suggest that political and industrial concerns have jointly played a continuing role in the development of a police union perspective on the world. Arguably they interact with political interventions, a dimension of tactics in pursuit of what are fundamentally industrial objectives. Such an argument will need to consider however, whether an alternative thesis might be examined - that is, have industrial tactics sometimes been exercised with a view to achieving what are fundamentally political objectives? Without expanding at great length on the question, it will be worthwhile surveying some of the major concerns of police unions over time to discern the pattern of these interactions.

It may be premature to establish patterns of industrial and political campaigns since 1920, but the following suggestions are probably general enough to withstand historical scrutiny. The primary objectives of police union campaigns over the last eight decades are as follows:

1. Direct benefits - pay, but attached to this are matters such as leave, overtime, uniform allowances, transport and car allowances and so on.
2. Delayed benefits - these include pensions, superannuation, sick leave, workers' compensation.
3. Workplace relations - these cover disciplinary matters, punishment, dismissal, and in general, the powers of the Commissioner and supervising officers over the lower ranks.
4. Policing environment - here we can discern a whole range of concerns covering legal reform, penal and social policy.

I leave to another place a detailed analysis of these complex and often protracted campaigns. It suffices to notice that no decade since 1920 has seen the unions inactive under any of these headings. That is not to say that some have not been pre-eminent in particular periods. It would be surprising to see pay take a low profile at any period, and supervisory issues are a concern in most workplaces. But if there has been any shift in balance over the years, it has been from the first two areas to the last two. Arguably this might arise from the nature of the police industrial relations environment as well as the broader political contexts. For the first few decades were ones in which the unions, having established their right to be heard in political and industrial arenas, sought to address basic areas of socio-economic concern for working police. By the 1960s, major achievements could be counted in most of the working conditions areas - improved pay, shorter hours, better pension, superannuation and sick leave provisions and so on. These concerns have not evaporated since that time but the preoccupation has become a defence of conditions already won, rather than an advocacy of equal rights for police as workers. Conversely, since the 1960s there has been an enhanced interest in the issues concerning workplace relations and the policing environment. A confidence in the strength and rightness of the police unions has enabled them to become significant players in matters that are fundamental to the organisation of policing. I will return to this later.

If these areas have been of major concern, what have been the tactical means by which such objectives have been pursued? Again, we can distinguish a number of tactics whose deployment has varied over time.

Affiliation with external political or industrial bodies has been an important but controversial tactic. Historically there is little doubting the generally labourist leanings of police unions. The prominent role of police in One Nation (two of the 11 victorious Queensland MPs in the 1998 election were former police, while the secretary of the police union worked on the campaign of one of them) may be seen as a variation on such tendencies - police activists have tended to stress the identity of interests between police and others who work for a living, against the privileges of the political and economic elites. A lively question from the early days of Australian police unions has been whether the union should be affiliated to the labour movement's main institutions. For the most part this has been a question solely of industrial affiliation. In the post-war era, police unions in a number of states were affiliated with local trades hall councils while the Police Federation first affiliated with the ACTU during its halcyon days under Albert Monk and later Bob Hawke.

Less common was direct affiliation to the Labor Party itself. But this has happened, notably in Western Australia in the 1940s. From a heartland of labour activism, the docklands of Fremantle, a police union branch proposed affiliation with the state Labor Party in 1943. The arguments were industrial - by not being linked to the major labour movement institutions, police were isolated. The WA Police Union could only get the backing it needed through affiliation with the ALP 'where we shall lose our exclusiveness, and become one with fellow unionists, all striving for the same ends'. Unless the Police Union affiliated with the ALP and undertook a policy of cooperation with other unions they would continue to be seen as 'the plaything of governmental and departmental chicanery' (*The Police News* (WA), 1943). A ballot on the issue resulted in overwhelming support for affiliation, 390 votes to 54 against (*The Police News* (WA), 1944). The 1944 Annual Conference approved affiliation, repealing the union rule regarding the nonpolitical status of the union. There was some grumbling from what the union journal described as 'unprogressive members who are recalcitrant about the recent affiliation for industrial purposes and progress of the Union in industrial matters with the ALP' (*The Police News* (WA), 1944). But for the majority, affiliation with the labour movement made sense during these decades of Labor hegemony in the west.

Western Australia was not isolated in its attachment to the labour movement. By 1954 when the Police Federation affiliated to the ACTU, South Australia and NSW were already affiliates of their local Trades Halls - Victoria was unable to join the push owing to the Association's limitations under the Police Act (*Victorian Police Journal*, 1948). However the relationship between the police unions and the labour movement was always going to be a difficult one. By 1970 it had soured - even Western Australia, which opposed the national body's proposed disaffiliation from the ACTU in 1969, turned against Trades Hall in these years of growing conflict with militant unionists and political activists (*New South Wales Police News*, 1963; *The Police News* (WA), 1969, 1971). Perhaps it is a sign of the times that in 1999 the Victorian Commissioner could attribute VPA militancy to its more recent affiliation with Trades Hall (*The Age*, 19 Jul 1999). Undoubtedly political affiliation with labour was a pragmatic issue - a useful tactic in getting profile and attention to the union's case on fundamental matters of hours, appeals, promotions. It was also, inevitably, a reflection of the style and sympathies of some police union leaders: long serving union secretaries, like Hugh Talty in Queensland (a one-time Lang Labor candidate), Frank Laut in NSW, Ralph Tremethick in South Australia, and Joe Pereira in WA, were also strong advocates of the labour cause. Secretary of the WA Police Association from 1956 to 1970, Joe Pereira was also a state executive member of the ALP and chair of the ALP Metropolitan Council (*The Police News* (WA), 1956, 1970). Tremethick was elected President of the SA Trades Hall Council in 1974 (Swanton 1983:256).

Making themselves into labour men was just one option for the police unions. Another, debated from the earliest days, was national federation. As we have noted before, a union of all Australian police was first contemplated in 1922, but the matter was not brought to a head until 1946 when the unions meeting in Melbourne agreed to push ahead to form a Federation of all the Police Unions in Australia and New Zealand. In spite of the hopes of those who looked to national awards and conditions, the Federation however was always facing a battle with its constituents over matters of jurisdiction and support. Tactics that made sense at a national level, or in some states - especially affiliation with the ACTU and Labor Party - did not in others. Policing in Australia is above all a state matter - and the Federation in its various guises has always existed in some tension with this fundamental jurisdictional issue (Swanton 1983).

If these were institutional alliances designed for the longer term advocacy and influence of the police union cause, there were other kinds of approach that were more direct. The Melbourne police strike (and occasional reminders in other places like Montreal in 1943) was always there as the symbol of last resort. The Victorian results, of course, had been mixed - probably of real advantage to those who did not go on strike and of undoubted harm to those who did (Brown & Haldane 1998). In police union branch meetings and annual conferences, there were always a few hotheads who might talk wildly of strike action. Yet the mood was generally hostile to this - to some police there was not only the problem of legislation which prohibited their use of the strike, but a reluctance to being identified as leftist (*Tasmanian Police Journal*, 1980:4).

Institutional and cultural reasons against use of the strike have been persuasive when the option has been considered. But other kinds of industrial and political tactics relying on the potential of a large union membership have not been avoided. These include go slows, work to rule campaigns, public meetings, votes of no confidence in the administration, advertising, letter writing campaigns, and open political campaigns in favour of particular candidates or parties, or highlighting the distinctive policies of particular political parties. If these have been more noticeable in the last decade or two, that does not diminish the significance of the fact that at least some of these tactics have been deployed by police unions in Australia over much longer periods of time.

The tactics discussed above are threatening to governments precisely because of their potential to undermine public confidence in policing, or to shake the appearance of a government's commitment to public safety. They are also tactics that run the danger of dividing the union itself. And so the police unions have also won much through less confrontational approaches. Industrial relations is a two-way process - and if its essence is the bargain, then the achievers are usually those best able to bargain. Cultivating the sympathetic commissioner or minister, has been the favoured tactic of many a police union secretary - but a tactic nevertheless which itself is conditional on institutional as well as personal relations. Some ministers are approachable, others resist the potential of the unions to divide ministers from commissioners whenever one will not give what the other might.

Campaigns, strategies and tactics make up the core of police unions' way of being in the world of policing. Historically they have changed, affected by and in turn shaping the structures and organisation of policing. But can we define more exactly what kind of impact they have had on policing? The question demands attention.

The Police Unions and the Organisation of Policing

Have the unions been as effective as they aspired to be - and what impact have they had on the organisation of policing? The question requires addressing through a number of dimensions of union activity, as outlined above. Police unions have had perhaps the greatest impact and success in transforming workplace relations. At the turn of the century, commissioners of police had enormous power to terminate the employment of police, or to foster the careers of those they regarded highly. Beneath the commissioner the often arbitrary authority exercised by inspectors and other senior officers over their subordinates was a potent source of grievance - the overbearing or intrusive inspector was an issue in the 1899 Queensland Royal Commission into Police Administration as it was in the 1923 Melbourne police strike (Brown & Haldane 1998; Johnston 1992).

By the middle of the century, the unions had succeeded in restricting such untrammelled authority. The campaigns of the 1920s-1940s for Appeal Boards on discipline and promotion issues were recognised by Commissioners as posing important challenges to their authority. Resisted by strong commissioners like Blamey in Victoria, Connell in Western Australia and MacKay in NSW, the unions nevertheless won these battles in the long run. The significance of these episodes was not overlooked by contemporary commentators. A serious conflict in 1930 between Blamey and the Victorian Police Association over promotion regulations was regarded by the conservative Melbourne *Argus* as a poor sign of the times.

The Labor regime has been marked, too, by the increased boldness of the Victorian Police Association in seeking to interfere with the Chief Commissioner's control of the force. This organisation has not scrupled to attempt to exercise political influence, even to the point of direct disobedience of the law. Its efforts to overawe candidates at the State election in November last on the question of police promotion were continued in face of the Chief Commissioner's warning. This was but one episode in the association's sustained campaign to subvert discipline in the force (*Argus*, 1930).

By the 1950s, police could appeal the promotions of those junior to them, and could appeal discipline decisions handed down by Commissioners and other supervising officers. Legal authority as well as statute revision helped to limit the arbitrary authority of a senior officer. In *Gibbons v Duffell*, a case made possible by the financial backing of the NSW Police Association, the High Court rejected the NSW Supreme Court's conclusion that police supervisor's reports were immune to libel actions. Through such victories, the unions transformed a fundamental aspect of the police workplace. The implications I suggest were enormous. The capacity of police commissioners to allocate resources, and deal with inefficiency or corruption, was significantly impaired. A rights regime addressed the individual needs of police officers - but was its downside a weakening of the structural supports for effective policing? Such appeared to be the conclusion of reformist critics of the police by the 1990s - hence the comments of Comrie in Victoria in 1999, or Fitzgerald in Queensland in 1989, or Wood in NSW in 1997.

In other areas vital to their members' interest, the unions had perhaps less success. The unions' capacity to influence pay and conditions is largely constrained by the economic circumstances of the country. Relativities at particular periods may be significantly influenced by local industrial campaigns and the political dispositions of governments, but also by the state of the economy and job opportunities available elsewhere. The dependence of governments on police for social order maintenance did not protect the police from sharing in pay cuts during the 1930s depression. To assess the substantial impact of police unions, perhaps we need to look beyond pay and conditions. How successful have police

unions been in achieving their objectives in the policy and legal environment? A number of dimensions might be assessed. One is the area of resource allocation within the public sector generally. Another is the exercise of police operational discretion. A third is the achievement of policy change, especially through legal reform.

On the first matter, we cannot be sure that police union pressure has always been effective in achieving a global increase in budget support to the police domain. But the evidence in recent years suggests it might have been important. Certainly the results of the Productivity Commission's national comparison of police expenditure per capita during the 1990s might suggest that in an era of attrition police departments have been remarkably successful in avoiding cutbacks (Steering Committee for the Review of Commonwealth/State Service Provision 1999:373). How far police unions have been responsible is a moot point - and the historical inquiry into the longer-term picture is still to be done.

In the area of police operations the police unions became vocal players from at least the 1950s. As in England by the 1970s when Reiner noted that they were well established as spokespeople for the police viewpoint (Reiner 1978:268), the police unions in Australia developed in the post-war period as a profitable source of information and opinion to the media. Indeed the larger unions, as in NSW, were very conscious of the potential uses of the media, and fostered contacts purposefully. Unions were quick to respond to what they saw as press misrepresentation of the police, following the line of some of their American comrades - in 1945, the Los Angeles Police Employees' Union protest at the ridiculing of police in the movies attracted the interest of the NSW union (*New South Wales Police News*, 1945). The increasing readiness of police union members to become *de facto* spokespeople for the police department is likely to have been aided by the actions of police departments themselves. In the 1960s, NSW Commissioner Norman Allan, for example, banned officers from speaking to the press - such a policy was only likely to encourage the press to seek other sources, enhancing the opportunities for the police union to become a quotable source (Chappell & Wilson 1969:131).

The strongest evidence we have of the exercise of police union power in operational areas was the experience in NSW during the years of the Wran Labor government. Detailed study of the policing of public order offences during these years suggested that police enacted selective discretion practices in particular regions, as part of a campaign against the enactment of a summary offences repeal statute (Egger & Findlay 1988). This followed not long after the Victorian Police Association had conducted an extraordinary protest campaign involving work to rule and other protests against the prosecution of officers resulting from the Beach Inquiry (Haldane 1986; *Victorian Police Journal*, 1976). Largely, I suggest such actions were conditional on the transformation of supervisory relations and enhancement of political and industrial rights achieved in the half-century before. But much remains to be done to fill in the detail of the long-term impact of unions on operational matters, and of the emergence of the unions as *de facto* spokespeople for the police.

The capacity of police unions to engage in law reform campaigns however has been among the most controversial areas of police action in the last two decades. Reiner's research in Britain showed that there were police who felt that police should not engage in the making of laws - but it was a minority feeling. Police union leadership in Australia has had a long tradition of engagement in the making of laws. There were striking examples in both Queensland and Western Australia in the inter-war period - in the former with respect to vagrancy legislation (Fleming 1997), in the latter regarding the stricter licensing of firearms (*The Police News* (WA) 1931). In retrospect such activity may be regarded as of only minor importance to the police unions' central concerns - pay, conditions, promotion,

discipline. To the wider society, of course, the unions' interventions are of greater significance - affecting the framework of laws under which people are policed. Hence the sensitivity with which such interventions are greeted.

Conclusion

In sum, the police unions by the end of the twentieth century had become major players in the organisation of criminal justice in Australia. The questions raised by this development remain unresolved. Perhaps the best way is to recall how the question of police rights once looked.

As I have stressed, the police struggle for industrial and political rights was long and in some places difficult. That struggle was for the most part one which was supported by liberal and radical political opinion and institutions. Police themselves were often uncertain about the implications of their unionisation, and affiliation to union alliances like the ACTU has been a contentious matter over many decades. But the labour movement was a vigorous advocate of equal rights for police, as 'Australian citizens', as the President of the NSW Teachers' Federation put the case in 1945 (*New South Wales Police News*, 1945).

Radical and civil liberties opinion also supported the case for enhanced political and industrial rights for police. In an optimistic post-war world, Brian Fitzpatrick, leading labour historian and pioneering civil libertarian, developed the argument for full political rights for police in 1947. Fitzpatrick agreed with a NSW detective who had complained that a denial of political rights to NSW police meant that the police were kept apart from the people. The British police tradition, Fitzgerald agreed, was that of a 'peace Force'. The alternative tradition was that in Europe where the police was a bureaucracy set apart from the community, with a record of repression and administration of punishment, such as the role of police in Germany, Spain and Pétain's France. If police had full political rights, Fitzpatrick concluded, it might also make it harder for them to be used in the service of political repression as they had been during the 1930s (*New South Wales Police News*, 1947).

The propositions might be contested. Indeed in 1969, Berkley argued that the European policing tradition was characterised by greater democratic sympathies, which he linked to the degree of police unionisation – though not without inspiring criticism that his examples were selective (Berkley 1969; Reiner 1978:7). The main point of interest however is Fitzpatrick's strong defence of police unionism and full political rights as entirely consistent with the advancement of democracy and good government.

Could such a case be made today? Having conceded full political and industrial rights, it is scarcely conceivable in a country like Australia that these should be retracted. The focus of attention needs therefore to be on how power is exercised by the unions, what kind of institutional arenas they play on, and how other 'stakeholders' in the criminal justice arena are represented. Some of the conditions that have made it possible for police unions to exercise power in the political arena are in themselves, of course, conditions of constraint on that power.

A couple of examples will illustrate. The privilege of industrial rights extended to police by governments agreeing to the formation of police unions was a vital one at a time when a highly institutionalised industrial relations regime was being established. Whether or not the arbitration regime was the umbrella for building the strength of Australian unions in general, it certainly exercised a powerful influence in building police unions. For the last decade or more, that institutional framework has been collapsing in Australia. At senior

levels, contract employment has become widespread. In the ranks of very many workplaces, enterprise bargaining is replacing arbitration of wages claims and working conditions. Police unions are powerfully placed to resist these changes - but for how long? I would predict that this change alone would in time diminish the strength of the police unions. They would be forced more and more into a rear-guard action to protect their core functions, which have been to advance pay claims, and handle disciplinary charges brought against their members, or even civil actions brought by members of the public. The latter would remain for the immediate present an important reason for membership of a police union. But, in turn, as workplace relations change and a culture of self-governance replaces the exercise of bureaucratic discipline, the vital role played in the past by unions in defending their members may become redundant.

The distinctive Australian industrial relations regime was a key condition for the establishment of powerful police unions in this country. But police unions have been influential in less favourable institutional contexts, as for example in North America. The strength of police unions has also derived certainly from their peculiar position as 'company unions', in which workers can one day become bosses (indeed in which some bosses were previously head of the union), and to which virtually all police belong. In spite of the absence of compulsory unionism, or even of preferential unionism - both of which the police unions early fought for (*New South Wales Police News* 1925; *The Police News* (WA), 1925) - police unions in Australia have been remarkably successful in coverage of their potential membership. Eventually they even admitted women members! Yet the fabled 'police culture' which has encouraged a 'one-in-all-in' mentality is today under challenge. The transformations in all workplaces from the slow but continuing spread of merit based promotion, the diffusion of new management strategies, the expansion of contract employment, and the almost perpetual revolution in communications, have also affected policing (Chan 1997; Dixon 1999). Such changes I suggest are likely to lead to a diminishing support for police unions, or perhaps in a different way, a dispersion of energies among those still involved in unions. The possibility of claiming to speak as one police voice will diminish as police work diversifies and bureaucratic unities disperse.

From the perspective of those who are unhappy with police union's political interventions, these predictions are perhaps too optimistic. From the perspective of those who defend strong police unions, they may be unduly pessimistic. Yet it is difficult to see that the transformation of work and workplace relations in the broader society will leave police unions untouched as agents of political power.

But what of some of those other conditions for police power - the media, the relative strength of other civil society institutions and organisations? With regard to the first, I have suggested that the media became at some point a captive of police union viewpoints - at what point and to what degree would await further research. Of course, here, as elsewhere in civil society, the role of diverse and critical media with a sceptical and inquiring eye is vital. In this respect, and in spite of the increasing concentration of ownership of the commercial media, Australia remains reasonably well placed. When secret deals like those made between the police union and the then Queensland Opposition can be so readily exposed, we have some reason to remain optimistic about the capacity of media to exercise some countervailing influence against abusive processes.

Similarly, the civil society context in which police unions operate today is characterised by a wide variety of institutional players in Australia. At the time of their establishment, the policy-making context for policing was relatively uncluttered. The institutional context certainly was. A strong centralised state, a judiciary, and a slim bureaucracy - these were

the main players in a policing arena that only occasionally saw significant interventions from non-state organisations, such as the trades unions or the political parties. It is true that there were political lobbies such as feminist groups, or church and social reform organisations that occasionally would intrude on the policing domain, usually to call for more policing of particular kinds of behaviours, though sometimes for different kinds of policing (hence the movement for women police).

By contrast, the recent past has seen a proliferation of both state and non-state bodies concerned with the characteristics and directions of policing per se. Police unions now play in a field occupied by many others - civilian oversight bodies, other state inspection and monitoring agencies like ICAC or the CJC. Internally and externally, the police unions face a changing world, just as have other parts of the labour movement. So far, it might be said they have been resilient in the face of environmental adversity. Whether the new century is as kind to them as the last one, remains to be seen.

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