

ABC-TV *NEWS* AND THE 1998 WATERFRONT DISPUTE: REPORTING OR BARRACKING?

BY MICHAEL WARBY AND KATE MORRISON

In 1998, the ABC's coverage of the MUA/Patrick waterfront dispute—the most contentious political issue of the year—led to allegations of bias, most notably by Senator Richard Alston, the Minister responsible for the ABC. In response, the ABC commissioned a report by Professor Philip Bell of the University of New South Wales. The Bell Report, released on 27 May 1998, supposedly 'proved' that the ABC's coverage had not been biased.

The IPA Media Monitoring Unit has reassessed the ABC-TV 7.00pm Sydney *News* coverage (the same material as examined by Professor Bell) from 8 April to 6 May 1998. The IPA's findings cast doubt on Bell's conclusions and also on the rigour of his report. In contrast to the Bell Report, the IPA study of *ABC News* found:

- Members of the Maritime Union and its supporters received 36 per cent more air time than did Patrick, its supporters and the Federal Government.
- *ABC News*' journalists' commentary favoured the MUA and its supporters by 33 per cent.
- The MUA was favoured by more than two-to-one in journalists' commentary on the courtroom battle and on the public relations campaign.
- The MUA's legal arguments were presented by journalists more than twice as often as Patrick's.
- Journalists' commentary on the major players was more sympathetic in tone towards the MUA than Patrick or the Federal Government and often implied that the actions of Patrick and the Federal Government were unethical.
- *ABC News* largely ignored the historical context of the dispute and gave the misleading impression that the lock-out had been unprovoked.

In summary, *ABC News* provided distinctly more favourable coverage to the Maritime Union and its supporters than Patrick or the Coalition Government, contravening both its Code of Practice and its *Editorial Policies*, and raising serious concerns about the ABC's ability to hold itself accountable.

INTRODUCTION

The waterfront dispute was the biggest political news story of 1998. When Patrick locked out its 1400 MUA waterfront workers on the night of 7 April, the stage was set for a story which would dominate newspaper headlines and TV news bulletins for more than a month. From 8 April to 6 May 1998, ABC-TV's 7.00pm *News* (Sydney) reported on the waterfront dispute 27 out of 29 days, with the story leading the news bulletin 17 times; a total of 69 news stories.

The story was ideal for television—a cast of colourful characters, a developing plot with hints of sinister activities behind the scenes and, most importantly, conflict. TV news, more than any other news medium, craves visible confrontation and the waterfront dispute provided plenty: security guards, dogs, angry wharfies, clashes between union pickets, the police and truck drivers, farmers' protests. In the minds of the media, the 'war on the wharves' was a physical battle first and foremost; the courts, the political fall-out and the commercial impact an interesting adjunct. It was the 'battle on the docks' that made great television.

THE WATERFRONT 'WAR': A METAPHOR TOO FAR

The 'battle on the docks', comprised over one-third of reporters' commentary on the dispute between 8 April and 6 May 1998 (see Chart 1), and repeatedly referred to the dispute as a 'war' or 'battle'. For example, newsreader Michael Troy reported on 13 April:

'Tonight, the waterfront war continues, with an Australian family caught in the crossfire.' Or, on 20 April, reporter Jim Middleton said, 'Simon Crean mounted the barricades in Sydney to rally the waterfront troops.'

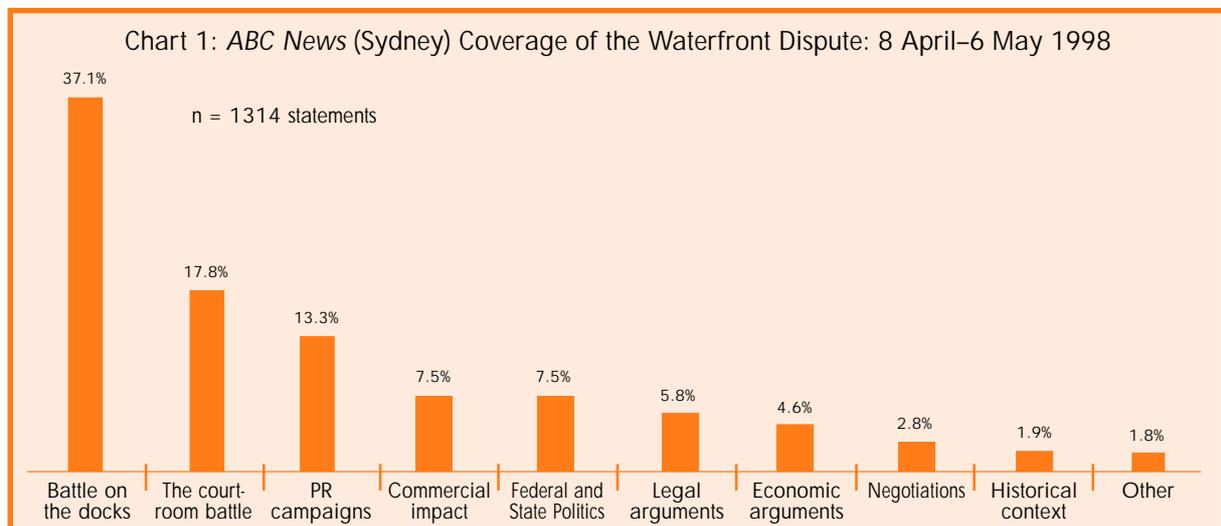
It was a natural metaphor to adopt—other media used it, as did participants (e.g. MUA official Rod Orreal on 21 April saying 'the battle, I don't think has started yet ...'). But was the waterfront dispute a war in itself, or simply a crucial battle in an ongoing campaign? If it was a just a battle, then what were the causes of the war, who started it, and why? *ABC News'* coverage failed to explore the implications of its own preferred metaphor.

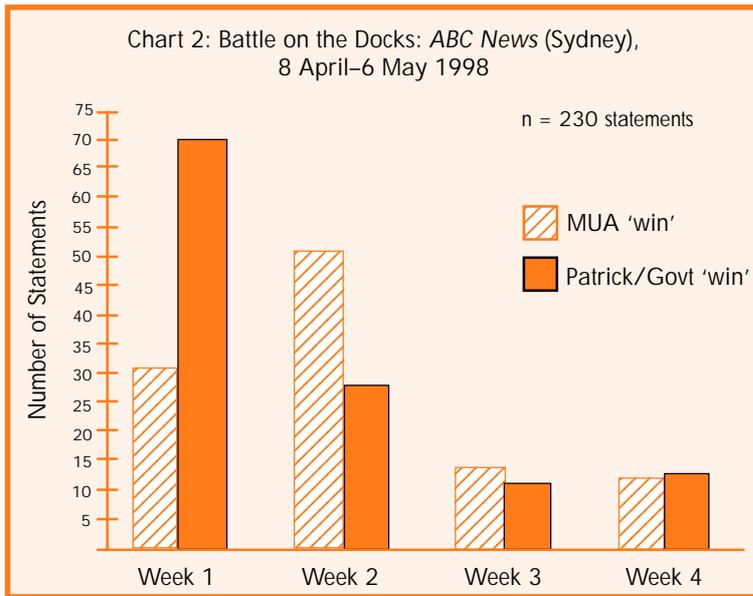
ABC News began using the war metaphor from the first day after Patrick's lock-out of the union late in the evening of 7 April. On 8 April, Middleton referred to 'the war on the wharfies' while ABC's Giulia Baggio reported that the MUA's John Coombs was going to call on 'powerful international union friends to help fight his war'. The next day, newsreader Richard Morecroft introduced the news with, 'Day Two of the Great Waterfront Battle, and Patrick has landed its non-union workforce on the nation's docks.'

The war metaphor and the characterization of 8 April as 'Day One' of the 'war' were ideas adopted almost immediately by *ABC News'* journalists and others in the media. The trouble with metaphors is they can have their own dynamics: in a 'war', the natural inclination is to work out which side you should be barracking for. In most wars, the 'bad guy' is usually characterized as the aggressor, the side whose actions made the need for retaliatory action unavoidable. By framing 8 April, after the lock-out of the evening of 7 April, as 'Day One', Patrick was clearly cast as the aggressor, with the most obvious case being Middleton's reference to the 'war on the wharfies'.

Furthermore, *ABC News'* reports provided no context to Patrick's action, even though both sides were

Chart 1: ABC News (Sydney) Coverage of the Waterfront Dispute: 8 April–6 May 1998





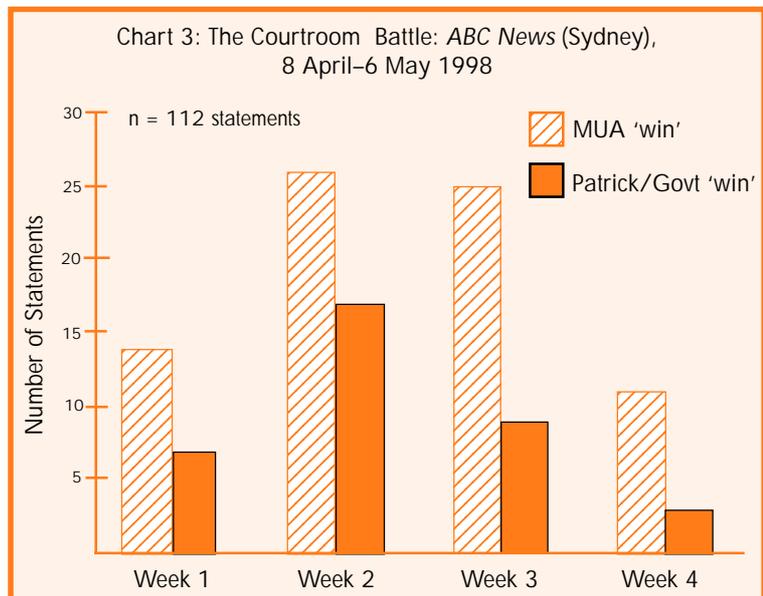
cisions, with each side gaining benefits and sustaining losses. Battles, on the other hand, usually have victors, and *ABC News*' use of the war metaphor demanded its 'victories'. This was most obvious in the reporting of the 4 May High Court decision, where the initial framing of the *ABC News*' report was very much in terms of a win for the MUA—despite the High Court's own presentation of the decision being titled 'Patrick's appeal upheld in part'. Later in the report, some of the complexity was alluded to, but only after the ABC had proclaimed the 'winner'.

ABC News' (Melbourne) newsreader Ian Henderson's nationally-broadcast interview (23 April) with Victorian Trades

well aware that there were many events leading up to the 7 April lock-out. For instance, MUA organizer Mick O'Leary was shown on *ABC News* saying, 'when we started this, over ten weeks ago', referring to the MUA's campaign against the leasing of Webb Dock to P&C Stevedores.

The coverage of the 'battle on the docks' followed a conventional pattern. In week one, with the lock-out and successful replacement of the MUA members with non-union wharfies, Patrick was presented as winning (see Chart 2). But, then again, 'aggressors' tend to win the first round.

As the pickets became increasingly organized and attempts to break them in Sydney and Melbourne failed in week two, the MUA was reported as winning. As attention shifted to the courtroom battle in weeks three and four, far less attention was paid to the battle on the docks, and it was presented as a much more even struggle.



Hall spokesperson Leigh Hubbard after the decision of the Full Bench of the Federal Court best exemplified this tendency, with three out of four questions inviting Mr Hubbard to declare victory. Even more stunningly, when Mr Hubbard, a union leader, wanted to talk about admitting the need for waterfront reform and its past history in answer to his second question, Henderson's follow-up question pushed the interview back toward the apparently much more important matter of declaring a union victory:

Q1: Do the cheers say it all?

Q2: From the union's point of view—what is the appropriate next step for Patrick?

Q3: Can we just get back to the judgment, was it as unequivocal as you would have liked?

Q4: So, summing up, everything you wanted in this decision?

THE COURTROOM BATTLE

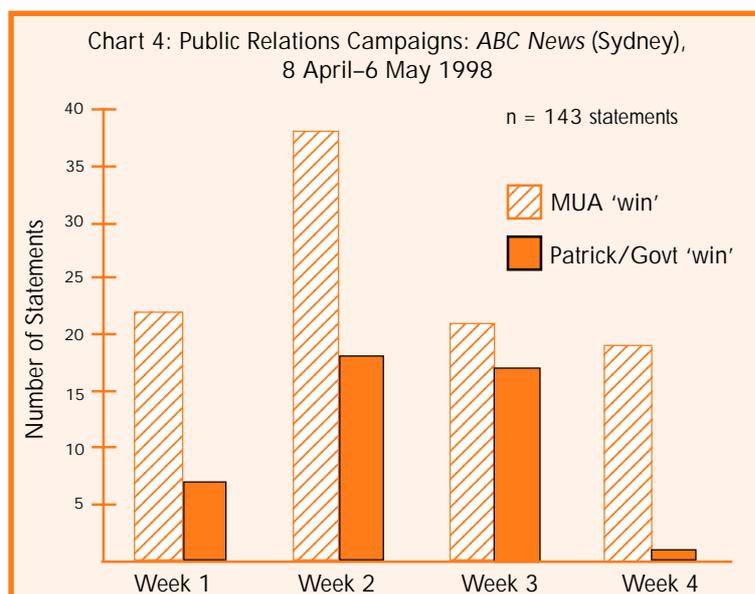
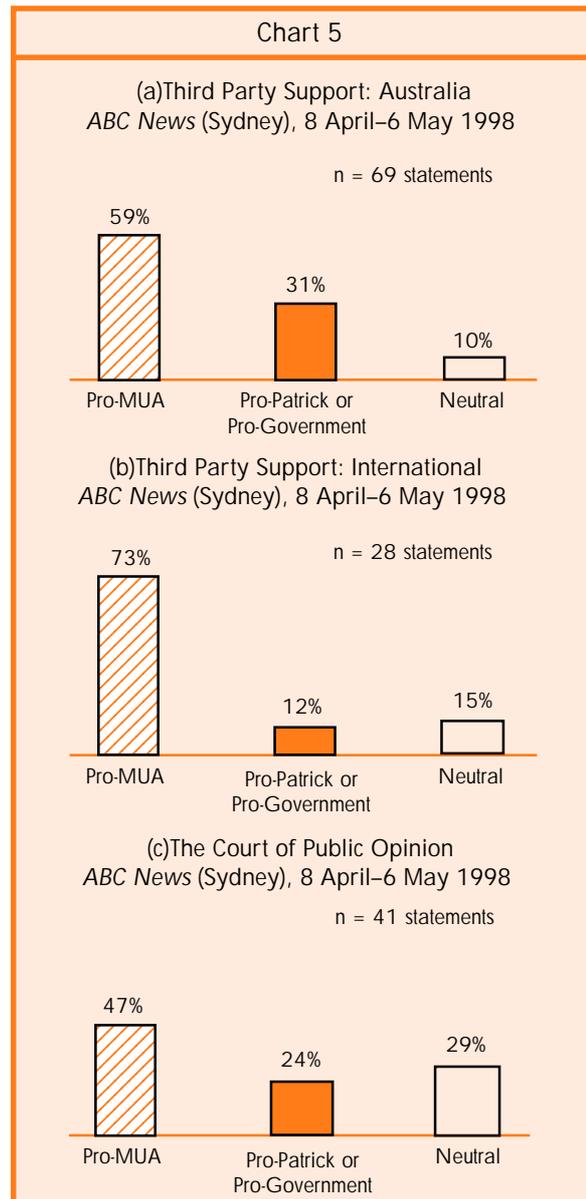
As the majority of legal decisions favoured the MUA, it was not surprising that the MUA appeared victorious in *ABC News*' coverage of the courtroom battle (see Chart 3). But here again, the war metaphor distorted the reporting, as *ABC News* sought unambiguous 'winners' and 'losers'. Legal findings, particularly in civil cases, are often mixed, nuanced de-

That the ABC reporter was more concerned to 'declare victory' than the Victorian Trades Hall Council, and less interested in the historical context or the need for economic reform, suggested which side ABC-TV *News* was barracking for.

PUBLIC OPINION: THE ART OF REPORTING POLLS

A *Bulletin*-Morgan poll, conducted two days after the lock-out, found that the public were almost evenly divided in their opinion of Patrick's full-frontal assault on the MUA. Almost half (47 per cent) of Australian electors supported Patrick's move, whereas slightly less (45 per cent) opposed the dismissals. One week later, support for Patrick had increased to 50 per cent while disapproval slipped to 39 per cent. Public opinion concerning the Federal Government's support for Patrick was also mixed, rating 45 per cent on 9 April and increasing to 47 per cent by 15–16 April. A more evenly divided public would have been difficult to conceive.

Yet, *ABC News* tended to report polling and public opinion as if the general public's sympathies were aligned with the Maritime Union. Fifty-eight references to polls and public opinion were made over the course of the one-month battle. Almost a third of these references were neutral in tone, simply identifying that a poll had been conducted or that the battle on the docks was also a battle for public opinion. But, of comments that indicated support for one of the two warring parties—either the MUA and the union movement or Patrick and the Coalition—references to MUA/union support outnumbered



references to Patrick/Coalition support by two to one. Forty-seven per cent of commentary on public opinion supported the MUA, whereas just 24 per cent supported Patrick or the Coalition (see Charts 4 and 5).

For instance, *ABC News* reported a *Bulletin*-Morgan poll twice, when the results showed a *loss* of support for the government. On 26 April, Angela Pearman reported, 'The Federal Government has suffered an embarrassing slump in public opinion in the wake of union victories over the waterfront.' Then Fiona Reynolds reported, 'In the court of public opinion, the Government appears to be losing. This week's *Bulletin*-Morgan poll shows the Coalition's primary vote

plummeted in one week, while Labor gained dramatically.’ The next day, 27 April, *ABC News* again highlighted the poll result. Richard Morecroft reported, ‘Back from Thailand, the Prime Minister is refusing to comment on a slump in the polls, possibly linked to the waterfront dispute. The Opposition says it’s a reflection on what he termed a “malevolent government”.’ Jim Middleton’s story followed, in which he reported, ‘... the latest Morgan poll, taken last Wednesday and Thursday, [shows] his government slipping to 38.5 per cent, down 4.5 points in a week, while Labor has jumped to 42 per cent ...’

In notable contrast, the *Bulletin*-Morgan poll showing *increased* support for the Coalition was relegated to the closing comments of Middleton’s 19 April report, ‘The extent of that division [in society] is confirmed by the latest Morgan poll which shows support for the Government’s role in the waterfront dispute has risen to 47 per cent, while opposition has slipped, but is still registering 42 per cent. Jim Middleton, *ABC News*, Canberra.’

ticularly in the lead-up to the High Court decision of 4 May 1998, *ABC News* ran at least one story per day, even if there had not been any major developments.

Nonetheless, historical context was notably absent from *ABC News*’ coverage, comprising less than 2 per cent of reporters’ commentary (see Charts 1 and 6). When the history of the waterfront was discussed, the focus was primarily on the Federal Government’s knowledge of the abortive attempt to train ex-soldiers in Dubai. *ABC News* did not provide a single report that examined the intransigent position of the MUA with regards to improving waterfront productivity or the bitter, acrimonious and rapidly deteriorating relationship that existed between Patrick and the MUA prior to the mass sackings. In short, *ABC News*’ journalists neither asked nor answered the question, ‘Why did Patrick feel compelled to take such an extraordinary move—sacking its entire union workforce?’ Sound bites on both sides of the fence—shouting ‘waterfront reform’ or, alternatively, ‘union-busting’—were the only answers provided.

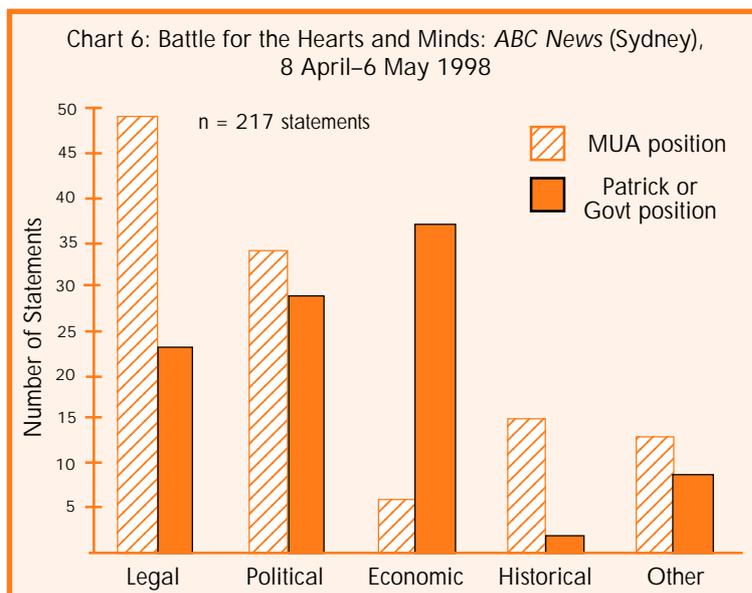
For example, Richard Morecroft’s script introduced the 9 April report, ‘The battle is being fought on more than one front. Public opinion is being wooed by all sides. The Prime Minister toned down his message today, blaming union leadership, rather than the rank-and-file, for the mass sacking of waterfront workers. The Opposition Leader hit back, declaring the war on the wharves was all about union-busting rather than improving productivity on the docks.’ The report showed the Prime Minister denying that the dispute was an ‘ideological, anti-union push, vendetta or crusade’, followed by Jim Middleton’s comment that the denial was ‘a far cry

from the strident rhetoric less than 24 hours ago’. In the report, the Opposition was given the opportunity to decry union-busting, but the Federal Government was not shown discussing the need for waterfront reform.

The waterfront dispute was a fight about union power. The battle, according to the media, began the night Patrick locked out its workforce; in reality, the fight is as old as Australia’s waterfront unions. Obviously, Patrick and the Federal Government were intent on breaking the MUA’s monopoly, but only after a long history of the Union abusing its monopoly power to maintain inefficient work practices (See Appendix 1: History of the Waterfront

EDITING HISTORY

Historical context is essential to understanding any conflict or dispute, whether it is a civil war or an industrial dispute. Television news is often short on background information, constrained by the nature of the medium to allocate just two or three minutes to any one topic at a time. In the case of the MUA/Patrick waterfront dispute, however, there were plenty of opportunities for television journalists to dig into the history books. Night after night, par-



Dispute). Framing 8 April as 'Day One' of the dispute gave credence to the Labor Party's cry of 'union-busting'. Without a knowledge and understanding of the history of the waterfront, the Coalition's claims of 'waterfront reform' were far less convincing. The 7 April strike against the wharfies, as it appeared on *ABC News* in isolation and apparently without provocation, was easy to characterize as an attack on workers. In this fashion, *ABC News* implicitly supported the Maritime Union and the ALP in its coverage of the waterfront dispute.

THE BELL REPORT

The ABC came under sustained criticism—particularly from the Federal Coalition Government—for its coverage of the MUA/Patrick dispute. As part of its response, the ABC commissioned Professor Philip Bell, Foundation Chair, Media and Communications Unit of the University of New South Wales, to investigate the claims. Professor Bell reported on the coverage by ABC TV 7.00pm *News* (Sydney) and the 7.30 *Report* of the dispute for the period 8 April to 6 May 1998. His report is available at <http://www.abc.net.au/corp/pubs.htm>. He also did a further report on radio coverage.

Much of Professor Bell's report is concerned with the difficulties in assessing balance. His report notes that content analysis has uses in such assessment,

but he did not use such analysis in his report. He did provide some empirical data on appearances by non-journalists and the use of 'headline' or 'framing' sentences of items. Since the IPA's Media Monitoring Unit's study only covered the 7.00pm *News*' coverage, the following comments apply only to those sections of Professor Bell's report which dealt with the 7.00pm *News*' coverage.

The following table sets number of 'sound bites' for participants as reported by Professor Bell with the comparable figures from the IPA study.

As we can see, Professor Bell's study reports a mere six per cent advantage to the MUA in sound bites, when there was actually a 25 per cent advantage. The difference does not come from relatively minor differences in count, but because of the failure by Professor Bell to include entire categories—MUA members other than officials and various 'other' supporters of both sides (see page 13 for complete findings).

Surprisingly, Professor Bell's report did not provide any data on the duration of *ABC News*' sound bites, despite the fact that the first question the report says it will address is 'How many times *and for how long* were representatives of the various parties or political spokespersons or expert commentators interviewed in each type of program?' (emphasis added).

When we do look at time allocated, we can see that pro-MUA sound bites averaged 9 per cent longer than those of their protagonists. This, combined with their greater number of sound bites, gave

**Sound Bites by Waterfront Dispute Participants, ABC TV 7.00pm News
8 April to 6 May 1998**

| Pro-Patrick/ Federal Govt | Bell | IPA | | Pro-MUA | Bell | IPA | |
|------------------------------------|-----------|------------|--------------------------|--------------------------|-----------|---------------------|--------------------------|
| | No. | No. | Seconds Total Average | | No. | No. | Seconds Total Average |
| Total Patrick Stevedores | 15 | 18 | 159 8.8 | Total MUA | 33 | 47* 437 9.3 | |
| NFF (or other farmers) | 10 | 10 | 87 8.7 | Total Other Union | 28 | 28 320 11.4 | |
| (Federal) Coalition | 57 | 58 | 422 7.3 | (Federal) ALP | 26 | 26 220 8.5 | |
| Other pro-Patrick/ Federal Govt | n.m. | 16** | 193 12.1 | Other pro-MUA | n.m. | 26 194 7.5 | |
| Total | 82 | 102 | 861 8.4 | Total | 87 | 127 1171 9.2 | |
| | | | | Pro-MUA Advantage | 6% | 25% 36% 9% | |

n.m. = not mentioned.

* Includes ordinary MUA members.

** Includes Patrick administrators.

them an overall advantage of 36 per cent in time. Getting more than one-third more time over the period of a month's TV *News* coverage is a very significant advantage, and not 'balanced' coverage in anyone's terms: particularly when you have an advantage in *both* number of sound bites *and* length of sound bites. It makes the statement from the Bell Report commenting on the sound bite data ring particularly hollow:

The total numbers of 'sound bites' for each of the above groupings suggests that the news and 7.30 reporters/producers sought to balance, in quantitative terms, the presentations of various interests by including their representatives' own words in programs. As 'sound bites' are all usually only one sentence long, the 'balanced' numbers suggest editorial fairness.

In fact, the full sound bite data suggest that the Sydney ABC TV 7.00pm *News*' reporters and producers failed to balance the sound bites of the various participants. Furthermore, as most of the *ABC News*' commentary was provided by journalists, sound bite data are hardly enough in themselves to come to any conclusion about balance anyway (sound bites were 26 per cent of total time allocated to the dispute).

The Bell Report provided information on visual sequences—something not part of the IPA's study—which showed many more visual sequences for unionists and supporters than for any other group—a total of 44 per cent of all such sequences, compared to 7 per cent for business representatives, including Patrick. Given the context of the dispute, this is hardly surprising. Pickets and protests naturally provide more visual sequences. As Professor Bell noted:

given that the actions shown . . . were frequently abusive or violent, or at least physically confrontational, high visibility may not have furthered the interests of the parties involved.

Later in his report, Professor Bell provides figures showing that, of the coverage showing violence or abuse, 79 per cent was violence or abuse by unionists but failed to include data on Patrick security guards even though there were a number of sequences showing or implying heavy-handedness. Professor Bell also reported on issues of 'negative agency'—i.e., stories being framed in terms of loss or negative responsibility—of 'suppressed agency'—i.e., framings where agency is not imputed—and metaphors—where Professor Bell made the point that metaphors of war, game or sporting contest were used—but these discussions were either too elliptical or simply too obscure to add anything to our understanding.

With regard to his conclusion, that analysis of the quantitative (sound bite and temporal) data, the verbal framing, and the dynamics of the interviews which rendered the 'waterfront dispute' to ABC TV audiences, indicates that the producers and journalists gave a balanced coverage of the events and issues if one takes account of the total coverage over an extended period.

no 'temporal' data on the *News*' coverage was given at all in his report and the next statement:

Almost mathematically equivalent exposure (as measured by 'sound bites') was given to the principal protagonists.

is, as we have seen, not the case for the *ABC News*' coverage. Professor Bell's conclusion discusses the visual presentation, casts doubt on whether any objective criteria are possible to determine balance in such matters, discusses aspects of the 7.30 *Report* coverage and suggests accusations of bias might reflect distaste for the increasingly 'tabloid' (emotive, conflictual) nature of TV coverage.

When one considers the slightness of the content and the omissions in the presentation of basic sound bite data and visual sequences depicting violence or abuse, the Bell Report is clearly not an adequate exercise in accountability. Yet the ABC made great claims for the Bell Report, saying, in a 27 May

1998 media release headlined 'Independent Report Shows ABC Waterfront Coverage Balanced' that

The ABC today released an independent report showing that its television coverage of the waterfront dispute was professional and fair, representing the interests of the participants in a balanced way.

and making particular reference to sound bites being almost equal. In short, the Bell Report was an intellectually weak effort. Of course, the study was done in only three weeks, but that simply raises the question: what was the point of such a hasty study—particularly given the accusations that had been made and the importance of the issue to the public? One can only surmise what sort of treatment such an empirically flawed study would receive from the ABC's own investigative programmes.

IN FACT, THE FULL SOUND BITE DATA SUGGEST THAT THE SYDNEY ABC TV 7.00PM NEWS' REPORTERS AND PRODUCERS FAILED TO BALANCE THE SOUNDBITES OF THE VARIOUS PARTICIPANTS

TV NEWS: CAN IT EVER REPRESENT REALITY?

On 8 April 1998, the day after Patrick Stevedores locked out its entire MUA workforce, debate in the House of Representatives was, in a typical fashion, acrimonious and verbose. The *Hansard* of the Parliamentary Debate from that day contains over 30 pages of debate, over a period of more than three hours. *ABC News*' reporter Jim Middleton encapsulated the day's debate in a 2-minute 22-second report.

Middleton's report balanced, more-or-less, the sound bites representing the two opposing political parties. The Coalition received 5 sound bites, totalling 29 seconds while the ALP received 3 sound bites, totalling 33 seconds (see Box 1). But this superficial measure of balance overlooks the power of the journalist to sculpt and mould the report. On any given day, a reporter has to choose eight or ten select quotes from a hundred or more potential sound

bites. The report will, in all likelihood, be accurate and truthful, but will it be representative?

On 'Day One' (8 April 1998), Middleton's report on *ABC News* provided one, extremely brief comment from the Coalition explaining why they supported Patrick's move: 'The ordinary men and women of Australia know that the waterfront has been rorted for years.' The quote lasted 5 seconds.

On the other side, Middleton's report showed 33 seconds of the ALP's reaction to the 'mass sackings'—more than six times that allocated to the Government. Mr Beazley was quoted saying, 'Those Australians will feel sympathy for the 1400 families this Easter who do not know what will happen to the breadwinner in those families' and 'This Act is endorsing a process of unlawfully sacking Australian workers for one reason and one reason only and that is that they happen to be members of a union.' Later, Mr McMullan was quoted, 'The Federal Court, within 24 hours, has said that this outrageous line of action by the Government falls at the first hurdle.'

The Coalition's position—namely that Australia does not have an efficient, internationally competi-

Box 1: TV News: Can It Ever Represent Reality?

ABC News (Sydney)—8 April 1998

Richard Morecroft—ABC TV Newsreader

John Howard has called the move against the waterside workers a victory for ordinary Australians. But, to the Opposition, it's an act of a military dictatorship. The Prime Minister dodged Opposition claims that the mass sackings are illegal, but Labor says the move has fallen at the first hurdle.

Jim Middleton—ABC TV Reporter

John Howard could not be happier with the turn of events, congratulating Peter Reith for his role in the war on the wharfies. Now, the battle for the hearts and minds.

Hon. John Howard—Coalition (5 seconds)

The ordinary men and women of Australia know that the waterfront has been rorted for years.

Hon. Kim Beazley—ALP (12 seconds)

Those Australians will feel sympathy for the 1400 families this Easter who do not know what will happen to the breadwinner in those families.

Jim Middleton

It took the Government just 10½ hours from the announcement of the sackings to have its fully-fledged redundancy package ready to go in Parliament. The legislation sets up a government-owned Maritime Industry Finance Company, which will borrow up to \$250 million, to be financed over five years by an industry levy of \$6 per vehicle and

\$12 per container. The redundancy package will be available to the sacked wharfies for up to 45 days.

Hon. Kim Beazley (10 seconds)

This Act is endorsing a process of unlawfully sacking Australian workers for one reason and one reason only and that is that they happen to be members of a union.

Jim Middleton

A claim ignored by Mr Howard and Mr Reith, answered only in the Senate.

Sen. Richard Alston—Coalition (4 seconds)

I have no reason to think that Patricks have done anything of the sort.

Hon. Bob McMullan—ALP (11 seconds)

The Federal Court, within 24 hours, has said that this outrageous line of action by the Government falls at the first hurdle.

Jim Middleton

The Prime Minister preferred rhetorical attack.

Hon. John Howard (6 seconds)

The Australian people know that he is the dummy of John Coombs of the Maritime Union of Australia.

(The rest of the report assessed the Government's 'battle plans' with no further commentary that expressed value judgements about Patrick, the MUA, the Coalition or the Opposition.)

tive waterfront because of the MUA's intransigent attitude to waterfront reform—was not given the opportunity to be voiced. Instead, short clips, presented as 'rhetoric' rather than substantive and credible arguments, were passed off as presenting the Government's side.

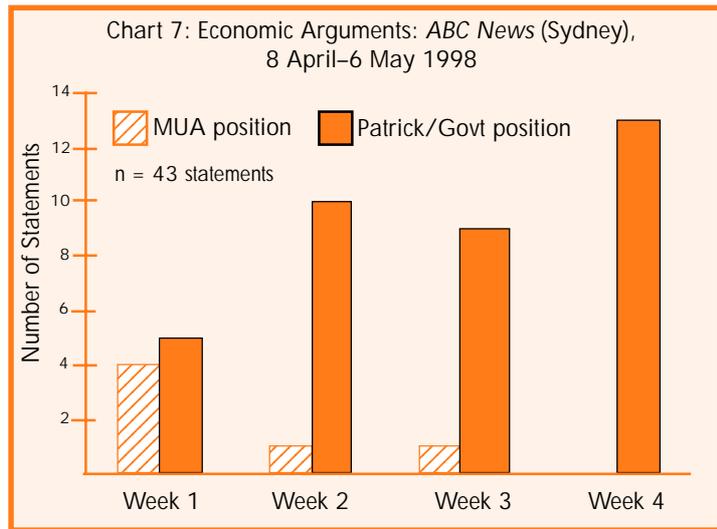
An examination of *Hansard* shows that Middleton, in effect, selected quotes that made the Government appear as if it had no valid reasons for supporting Patrick. Had Middleton truly been concerned with balance, he might have selected Prime Minister Howard's comment that, 'They [the MUA] are a group of people who are the industrial relations elite and the circumstances in which they now find themselves are a direct result of their own irresponsible conduct ... for years and years people have tried and governments have tried to deliver a more competitive and more productive waterfront.' Or Middleton might have used Mr Tim Fischer's argument that the far-flung 'Port of Mozambique is performing at a better crane rate—25 containers an hour—than the average of the ports of Australia.' Or he might have quoted Mr Alexander Downer's comment that 'There is no doubt that Australia's notorious reputation for an inefficient waterfront is internationally known ... if anybody ever wanted any evidence for this proposition, they only have to look at the *Far Eastern Economic Review* editorial of 19 February 1998.'

BATTLE OF THE BARRISTERS

ABC News journalists' commentary on legal arguments presented the MUA's case more than twice as often as Patrick's (49 MUA:23 Patrick). For example, on 20 April, the Victorian Supreme Court granted Patrick what ABC's Giulia Baggio described as 'an extraordinarily wide-ranging injunction', yet the reasons for Patrick's victory were not explained. Patrick won this injunction (which was later narrowed to apply only to MUA members) because of evidence of significant violence and property destruction on the part of the MUA. This evidence was not, however, discussed in Baggio's report; instead the report focused on MUA supporters who were planning to break the law in what had become, according to the media, 'a battle for civil rights'. The reasons for the Patrick 'win' were not reported, perhaps due to the tendency to focus on Patrick and the Federal Government as aggressors.

WATERFRONT REFORM: ECONOMIC ARGUMENTS SAVED FOR LAST

The one area in which *ABC News*' coverage explicitly favoured Patrick and the Federal Government was economics. Economic arguments about net crane rates, productivity and international best practice presented Patrick's and the Federal Government's arguments six times as often as the MUA's.



There are two important caveats to this finding, however: first, economic arguments comprised less than 5 per cent of total journalists' commentary; and second, during the first week of the dispute *ABC News*' reporters presented nearly as many arguments supporting the MUA as Patrick (see Charts 1, 6 and 7).

On 13 April, *ABC News*' Rod Smith reported, 'Workers at Burnie are dismayed at being sacked after they achieved an Australian record for shifting containers and have met the Federal Government's targets for dockside efficiency.' And on 9 April, just two days after the union was locked out, Giulia Baggio reported, 'The union claims the Fremantle [non-union] stevedores are only lifting one container an hour. Patrick says it's more like 12. Either way it certainly falls short of Peter Reith's benchmark of 25 an hour.'

Economic arguments favouring Patrick were also heard during the first week, but were dismissed as unimportant. On 12 April 1998, Michael Brissenden reported, 'Patrick claims to have achieved better container lift rates ... than they had in the past with union labour. At this stage, though, figures are meaningless—it's public relations that matters.'

Apart from week one, reporting on economic arguments overwhelmingly favoured Patrick and the

Federal Government, particularly after the Productivity Commission's report was released. For instance, on 5 May—after the High Court decision—Giulia Baggio reported, 'the Union must now end years of mediocre productivity and make major concessions on redundancies and wages.'

ASSESSING THE PLAYERS: MOTIVES, TACTICS AND GOALS

TV news journalists rarely express an opinion—television news is too abrupt, simplistic and visually oriented to allow much time for editorializing. Occasionally, however, a journalist will use language that is particularly engaging, either in its intensity or tone. These statements may arise simply to colour a report, but they may also reflect an underlying bias in the personal views held by the individual journalists.

While it is impossible to know a reporter's beliefs or motivation, the actual commentary can be scrutinized. In Boxes 2 and 3, ABC journalists' comments that used emotive, charged or highly descriptive language have been identified and divided into two camps. These comments either reflect a value judgement about the motives, tactics or goals of, or indicate support for, one of the major players in the dispute—namely, the MUA, Patrick Stevedores or the Federal Government.

On *ABC News*, the *tone* of journalists' statements was more than twice as likely to support the MUA and the union pickets as Patrick or the Federal Government. For example, ABC journalists commented that Patrick had 'few regrets' and Peter Reith was 'unrepentant'. Giulia Baggio reported, 'Patrick chief Chris Corrigan says his conscience isn't troubled.' Jim Middleton stated, 'Tim Fischer has no regrets about the Government's financial support for Patricks.' These comments suggest that Patrick and the Federal Government were involved in actions that were unethical or immoral in their campaign to improve waterfront productivity.

Further analysis of the pro-MUA journalists' commentary shows that the majority occurred during the first week of the dispute—8 to 15 April 1998. During this time, *ABC News* framed the dispute in a manner highly favourable to the MUA—characterizing them as victims of a heinous and possibly illegal plot by Patrick and the Coalition to bust the Maritime Union.

Box 2: Pro-MUA Comments by ABC Reporters, *ABC News* (Sydney), 8 April–6 May 1998:

- The nation-wide lock-out and mass sacking of wharfies is, without a doubt, the most *provocative* attempt in the nation's history to introduce non-union labour onto Australian wharves.
- Patrick chief Chris Corrigan seemed to have *few regrets* about getting rid of his entire workforce.
- Congratulating Peter Reith for his role in the *war on the wharfies*.
- The Prime Minister preferred *rhetorical attack*.
- You've got an extra week now to fight Patrick. How are you going to do that?
- Tonight ... wharfies locked out ... Patrick rolls out its new *strike force*.
- After the tumult and the shouting, today John Howard was *playing* the statesman.
- A far cry from the *strident rhetoric* less than 24 hours ago.
- Today, though it's not the rank-and-file but the leaders of the MUA who are to blame.
- Given the significance of the upheaval on the waterfront, the reaction of the peak union body, the ACTU, has been *strangely muted*.
- There's been plenty of rhetoric [by the ACTU] but little *concrete action*.
- The rage and frustration became *too much to bear* last night for sacked workers standing in the rain at Sydney's Darling Harbour.
- But for the sacked workers, their wives and children, there was nothing good about this public holiday spent manning the picket lines.
- It's a well *stage-managed* picture of productivity.
- The Cruise family has been deeply divided. Darren, a father of two, lost his job in last Tuesday's lock-out.
- Chris Corrigan says his *conscience* is not troubled.
- The ACCC *admits* to sending observers out to picket lines around the country to make sure that legislation isn't breached.
- Wild scenes at Port Botany as police move against *wharfies and their families*.
- It was a David and Goliath struggle.
- Tim Fischer has *no regrets* about the Government's financial support for Patricks.
- A *huge wave of relief and jubilation* swept through picket lines from coast to coast.
- After the decision, Peter Reith was *unrepentant*.
- The public perception that the Government is involved in *something dodgy* in its zeal to clean up the waterfront.
- Somewhere in the midst of all these images in the matter of waterfront reform which, *oddly*, most people would agree has to come.
- It [the High Court decision] was met with a *great roar of acclamation*

Box 3: Pro-Patrick or Pro-Government Commentary by ABC Reporters, *ABC News* (Sydney), 8 April–6 May 1998:

- Bricks were also thrown [by the MUA] in the *most violent* incident of the dispute so far.
- With backing like that, Chris Corrigan must be *confident* his waterfront revolution is firmly on course.
- That triggered a *violent assault* on the gates by the sacked workers.
- Demonstrators tried to get at a truck driver who, *not surprisingly*, panicked, and one of the demonstrators was knocked down by a following truck.
- Just as *resolute* is Patrick chief Chris Corrigan.
- Nothing will diminish his [John Howard's] *determination* to reform the waterfront.
- The Prime Minister is *standing by his man*.
- The Government is on a *long-term winner*.
- They [NSW farmers] are *just as angry and determined* as the MUA.
- Rhetoric aside, the union must now end *years of mediocre productivity* and make major concessions on redundancies and wages.

TWO INTERVIEWS, TWO STANDARDS

On 8 April 1998, *ABC News* interviewed both Patrick's administrator and an MUA representative, live, on their 7.00pm newscast. While this 'balanced' the books in terms of equal time, these interviews were actually conducted in two very different manners—the Patrick interview was highly antagonistic while the MUA interview was friendly and supportive.

Richard Morecroft, interviewing Patrick's administrator, Peter Brook, did not ask the obvious question—why did Patrick 'sack' its entire workforce, rather than continuing to bargain with the MUA? Instead, Mr Morecroft focused on the technical definition of 'sacking' in order to undermine Mr Brook, and, by extension, Patrick.

In contrast to Morecroft's hostile interviewing technique used with Patrick, Giulia Baggio's interview with the MUA's John Coombs was friendly, referring to Mr Coombs on a first-name basis, asking him how he was 'feeling', how he was going to 'fight Patrick', and what he thought of the company's claim that it didn't actually 'sack' the workers.

INTERVIEW #1: ABC's Richard Morecroft questions Peter Brook, Patrick's Administrator, about the lock-out:

- Q1: Ah, now, Mr Brook, this does seem to be a very confusing situation. Are the workers sacked or not?
- Q2: But when you say that the workers have not been sacked at any time, Patrick announced last night that they had been sacked. Why did that happen?
- Q3: So, did Patrick have the right, last night to say that Patrick sacked its workforce?
- Q4: So, you didn't sack the workers and Patrick really shouldn't have been able to.
- Q5: So, as you see it, was this a significant victory today for the Union in the Federal Court?
- Q6: But does it effectively change whatever strategy you had in mind, or Patrick had in mind, in terms of the union workforce it's trying to deal with?
- Q7: And just very briefly, do you expect the wharfies to turn up for work tomorrow, if they haven't been 'sacked'?

INTERVIEW #2: ABC's Giulia Baggio questions John Coombs, chief of the Maritime Union of Australia, about the lock-out:

- Q1: John, how are you feeling about the court injunction?
- Q2: You've got an extra week now to fight Patrick. How are you going to do that?
- Q3: What do you think of the company's claim that it didn't actually 'sack' the workers?
- Q4: John, have we seen any non-union labour yet enter any of the ports around Australia apart from Fremantle?

CONCLUSION

ABC News' presentation of the MUA/Patrick waterfront dispute followed a ready-made 'script': union versus boss, labour versus capital. ABC journalists—many of whom are staunch unionists, post-1960s humanities graduates, members of the 'Age of Aquarius' generation of Vietnam War protests—have many influences that made this the natural script to adopt. The question at the heart of the dispute, however, was not adequately addressed.

The central issue of the waterfront dispute—whether a union can so abuse its position that an employer has the right to dismiss its union employ-

ees—was seldom addressed by *ABC News*, and therefore could not be adequately discussed. The MUA was a fervent, long-standing opponent of freedom of association, insisting on its labour monopoly and hence its campaign against the leasing of Webb Dock to P&C Stevedores. Nor was Patrick a defender, deciding it no longer wished to deal with the MUA at all. Yet, this question was central because only if the answer was ‘yes’ could Patrick’s action be legitimate. Without providing the full historical context of the dispute, this question could not even be posed.

According to the ABC’s *Annual Report 1997-98*, the waterfront dispute was ‘the year’s most contentious issue’ with the ABC receiving 2,729 calls about its coverage. *ABC News* is the flagship of the ABC’s news and current affairs programmes. It is—particularly in a story with so much coverage—a ‘stand alone’ product, giving its viewers, within the constraints of TV news as a medium, the crucial information on the news stories of the day. The ABC’s *Editorial Policies* (April 1998) sets the following standard for its news and current affairs programming:

Balance will be sought through the presentation as far as possible of principal relevant viewpoints on matters of importance. This requirement may not always be reached within a single program or news bulletin, but will be achieved within a reasonable period.

This is a standard that *ABC News* (Sydney) conspicuously failed to perform in its coverage of the waterfront dispute. It failed to balance the principal relevant viewpoints and persistently failed to provide its viewers with the full context of the dis-

pute to enable them to make an informed judgement. Exhibiting inadequacies throughout the dispute, the imbalance was most notable in the first week—presumably the time when initial reactions were at their strongest and reporters might have been inclined to react in terms of their own preconceptions. But that was also the time when the counterbalancing influences of journalistic professionalism and management needed to be most alert. On the evidence, neither factor operated as strongly as it should have.

But the failure was greater than that. Confronted with what was, we can now see, well-grounded accusations of bias, the ABC responded with the Bell Report. This hastily assembled and intellectually slight report provided little empirical evidence and claimed that sound bite coverage was balanced, when it was not. The ABC then trumpeted this report, without bothering to seriously examine its contents, as ‘proof’ that its coverage was unbiased. This exercise turned into a performance in avoiding accountability worthy of Sir Humphrey Appleby and *Yes Minister*.

ABC News’ coverage of the waterfront dispute, as presented in Sydney between 8 April and 6 May 1998, was not balanced either in its presentation of the principal viewpoints or its presentation of the central issues. ABC’s management, however, responded to charges of bias in a manner that suggests disturbing cynicism towards the public whose taxes pay 80 per cent of its revenue. ABC’s performance with the Bell Report suggests that its sense of accountability and its accountability procedures both need to be re-evaluated.

The Waterfront Dispute: Summary Data
ABC News (Sydney) Reporters’ Statements, 8 April–6 May 1998

| | Neutral | Pro-MUA | Pro-Patrick/ Government | Total | |
|----------------------------|------------|------------|----------------------------|-------------|-------------|
| Battle on the Docks | 257 | 108 | 122 | 487 | 37% |
| The Courtroom Battle | 122 | 76 | 36 | 234 | 18% |
| Strategic Alliances | 32 | 100 | 43 | 175 | 13% |
| Commercial Impact | 91 | 3 | 4 | 98 | 7% |
| Federal and State Politics | 35 | 34 | 29 | 98 | 7% |
| Legal Arguments | 4 | 49 | 23 | 76 | 6% |
| Economic Arguments | 17 | 6 | 37 | 60 | 5% |
| Negotiations | 30 | 3 | 4 | 37 | 3% |
| Historical Context | 8 | 15 | 2 | 25 | 2% |
| Other | 16 | 7 | 1 | 24 | 2% |
| Total Statements | 612 | 401 | 301 | 1314 | 100% |

ABC News (Sydney) Sound Bites on the Waterfront Dispute

Pro-MUA or Critical of Government/Patrick

| | Seconds | No. |
|--|-------------|------------|
| MUA | 437 | 47 |
| Federal Opposition | 220 | 26 |
| ACTU | 156 | 18 |
| Victorian Trades Hall Council | 104 | 3 |
| MUA supporter | 51 | 10 |
| NSW Premier | 40 | 5 |
| Former politician | 22 | 2 |
| International Transport Workers Federation | 18 | 2 |
| Chris Corrigan's brother | 16 | 1 |
| Fynwest | 15 | 2 |
| Federal Court | 21 | 3 |
| Longshore Union | 12 | 1 |
| Anglican Church | 12 | 1 |
| Council of Civil Liberties | 11 | 1 |
| Australian Workers' Union | 9 | 1 |
| Meat Workers' Union | 9 | 1 |
| Trades & Labour Council | 7 | 1 |
| Vehicle worker | 6 | 1 |
| Japanese Unionists | 5 | 1 |
| Total Statements | 1171 | 127 |

Pro-Patrick/Government or Critical of MUA

| | Seconds | No. |
|------------------------------|------------|------------|
| Federal Government | 422 | 58 |
| Patrick Stevedores | 159 | 18 |
| Patrick administrators | 114 | 6 |
| NSW Farmers' Association | 31 | 3 |
| Farmers | 28 | 4 |
| Non-union labour | 25 | 4 |
| ACCC | 20 | 2 |
| NFF | 19 | 2 |
| Chamber of Commerce | 10 | 1 |
| Truck owner/operator | 9 | 1 |
| United Graziers' Association | 9 | 1 |
| WA Premier | 8 | 1 |
| NSW Transport Association | 7 | 1 |
| Total Statements | 861 | 102 |

Non-Aligned Commentary

| | Seconds | No. | | Seconds | No. |
|-------------------------|---------|-----|-----------------------------|------------|-----------|
| Colonial State Bank | 40 | 4 | Business representative | 13 | 2 |
| Liner Shipping Services | 34 | 3 | Tasmanian Government | 12 | 1 |
| NSW Police | 14 | 2 | Australian Shipowners' Assn | 10 | 1 |
| HSBC | 26 | 2 | WA Police | 10 | 1 |
| Quadrant Polls | 24 | 2 | Newcastle Mayor | 9 | 1 |
| Access Economics | 22 | 2 | Australian Meat Council | 9 | 1 |
| Academic | 21 | 2 | Meat Worker | 9 | 1 |
| P&O | 18 | 3 | Unidentified source | 8 | 2 |
| Universal Supplies | 18 | 2 | Toyota | 8 | 1 |
| Victoria Police | 15 | 2 | Importer | 7 | 1 |
| ACNielsen | 15 | 1 | Newcastle Stevedores | 7 | 1 |
| NSW Chamber of Commerce | 14 | 1 | Queensland Premier | 5 | 1 |
| NSW Police Union | 13 | 2 | Fremantle Port Authority | 5 | 1 |
| Total Statements | | | | 386 | 43 |

APPENDIX 1: HISTORY OF THE 1998 PATRICK/MUA WATERFRONT DISPUTE

Background

The Australian waterfront has a history of conflict and violence. The 'Painters and Dockers'—a predecessor union to the MUA¹—was the most notoriously criminal union in Australian history. During the Second World War, the communist-led Waterside Workers were famously hostile to the war effort prior to Nazi Germany's attack on the USSR.² Worker–company relations were poor, even appalling—the system of the 'pick-up', where workers queued in hopes of getting a shift (dominated by the 'bulls', the strongest workers capable of working 24- or even 48-hour shifts) was replaced by rostered gangs only during the War.³

The Maritime Union of Australia was created by the amalgamation of the Seamen's Union and the Waterside Workers' Federation in 1993. Access to work had often been 'inherited' from male relative to male relative, making for a tight-knit culture steeped in old battles. Over the years, the stevedoring companies had surrendered many management prerogatives to the union's labour monopoly. The waterfront was a 'closed shop', and the union controlled the roster (who was going to work), shifts (when work was done) plus all interaction between the companies and workers. Companies could not talk with an employee unless a union representative was present, they could not send correspondence to employee's homes, supervisors could not attend meetings between management and union members, and all sites had automatic daily visits from a union official.⁴

This power had wider use. Discreet phone calls suggesting that firms might find problems moving their products or receiving supplies unless they saw things more the union way had been a part of the Australian industrial relations scene for many years.⁵ Little wonder that ACTU Secretary Bill Kelty said that a successful attack on the MUA would 'rip the heart' out of Australian unionism (ABC-TV *News*, Sydney, 9 April 1998).

The 1998 Waterfront Dispute

The labour monopoly of the MUA supported a stevedoring market dominated by the duopoly of P&O and Patrick, who controlled about 95 per cent of national container lifts.⁶ The trick for the MUA was to extract maximum 'rents' from its labour monopoly without driving either stevedoring company to desperation or out of business—the latter having previously happened on the British docks. Patrick—lacking the shipping links of P&O and having invested \$300 million in new equipment since 1995⁷—was the duopoly member with most reason to be concerned about productivity. By 1998, Patrick was claiming annual losses of \$8 million in its stevedoring opera-

tions with labour costs absorbing 60 per cent of revenue.⁸

The Hawke Government had overseen the 1989-92 Waterfront Industry Reform Authority (WIRA) process, on which \$165 million of taxpayers' funds had been spent to fund \$419 million worth of redundancies that reduced the waterfront workforce by 4,000.⁹ Average net hourly crane rates across the five main ports had improved from 12 in December 1989 to 23 in June 1997.¹⁰ By April 1998, there were about 3,000 waterside workers left in container port terminals.¹¹ Patrick employed 1,325 MUA members full-time and 450 as part-time or casuals.¹² The process, however, had not changed any of the basic dynamics of the waterfront—according to *The Economist* (18 April 1998) 'the Maritime Union ... knows as much about featherbedding and restrictive practice as about handling cargo'.

By 1998, Patrick's wharfies were averaging 18 lifts an hour, far below international best practice. Ports like Singapore and Nagoya achieved container lift rates per terminal employee of over 3,000 a year; ports such as Hamburg, Pusan, Los Angeles, Port Klang and Tilbury attained 900-1,500 a year; yet Australian ports managed in the 500-800 range with poor reliability—over one-fifth of ships calling at the five major Australian ports were delayed for four hours or more.¹³

The MUA's dismal productivity record flowed directly from the wholesale replacement of management prerogatives with union prerogatives. Monopoly power also gave MUA members very generous wages and conditions. Full-time permanent employees of Patrick had average annual incomes of \$70,000-\$110,000 for 29-hour weeks, five weeks' annual leave with a 27.5 per cent annual leave loading, the same loading on long service leave, 10 days' annual sick leave which could be cashed in, a supplementary right to visit the doctor on full pay not counted against sick leave, two weeks' additional leave every 15 weeks taken as rostered days off, company-sponsored sick leave insurance to 'top-up' social security payments, clothing, laundry and telephone allowances plus subsidized meals. Patrick estimated its managers spent 80 per cent of their time attending to industrial relations issues; and it was making a loss. In the on-going negotiations preceding the lock-out, the MUA position was for a 15 per cent pay increase plus other benefits in return for an increase in productivity of 6 per cent to 19 container movements per hour.¹⁴

With the passage of the *Workplace Relations Act*—which created a non-award stream of employment through the Australian Workplace Agreements that allowed for the possibility of new terms of employment in an industry—and the re-instatement of the secondary boycott legisla-

tion of the *Trade Practices Act*—restricting any dispute to the primary disputants—an opportunity was created to challenge the MUA's labour monopoly. At least two groups looked seriously at putting together a non-MUA workforce. One group made an abortive attempt to train ex-soldiers in Dubai. Another, organized through the National Farmers' Federation, looked at breaking into the stevedoring market with a non-union workforce. This eventually came together with P&C Stevedores going into operation from late January 1998 at Webb Dock in Melbourne.¹⁵

With negotiations stalled, Patrick making a loss on its stevedoring business and P&C Stevedores in operation and showing that labour supply on the docks was eminently

contestable, the MUA chose 6 April as the day to begin a seven-day strike at Port Botany. Patrick had already experienced 43 days of strike action and 16 days of overtime bans across five ports in the 96 days of 1998 that had passed.¹⁶ Patrick responded by locking out its entire MUA workforce from all its docks on the evening of 7 April 1998, offering redundancies ranging from \$41,000 to \$239,000 per person and bringing in an entirely non-union workforce. In the words of Chairman Chris Corrigan, Patrick 'withdrew its capital'. In terms of the Patrick/MUA dispute as a seminal public confrontation, the evening of 7 April might have been 'Day One'. In reality, it was the culmination of a long series of events.

APPENDIX 2: UNDERSTANDING INDUSTRIAL DISPUTES

There are normally two arenas in which industrial disputes are played out. The first is the workplace itself, and involves the relations between the workforce and management. If these relations are bad, there is a clear opportunity for the union—in pursuit of members, income and power—to move in and become the intermediary between workers and management. If relations are good, the union runs the risk of being completely excluded—over 75 per cent of private-sector employees are not members of any union¹⁷ and about 90 per cent of Australian firms do not employ any unionized workers.¹⁸

The second arena is that of the industrial tribunals and the courts. The issues here are highly technical, difficult even for full-time practitioners to follow. The unions have an inherent advantage—as full-time operators before the tribunals—over companies, who typically have very limited acquaintance, understanding or expertise in this highly technical area. (Larger companies, able to afford expensive expertise, have an advantage over smaller companies.) The better relations are between management and workers, the greater the incentive the unions have to move any dispute before the tribunals—this is where the union has the greatest advantage. The workers themselves are excluded from such proceedings as the industrial relations system presumes that workers are represented by the unions.

Sometimes disputes go to the third arena—the 'court' of public opinion. Often this is of little or no importance, with minimal journalistic attention being paid to a dispute. Occasionally, however, an industrial dispute can loom very large in public affairs, with the public battle absorbing huge amounts of media effort. Once again, unions have certain inherent advantages: the operation of unions is explicitly political, rather than commercial, which means that union spokespeople are often more alive to, have greater understanding of, and are more skilled in, public

relations than their opponents. Companies' profit motive generates a presumption of self-interest, while unions draw on claims about protecting workers' rights and a higher moral purpose. Furthermore, unions can generate ready 'photo ops' or TV footage, often involving considerable numbers of 'ordinary' Australians.

Not all advantages lie with unions, however: strikes are inherently disruptive; violence on picket lines can easily provide negative images; unions are easily portrayed as attempting to stop people going about their normal business; there is significant antipathy to strikes and picketing, and some antipathy to unions, among the general public.

In the case of the waterfront dispute, there was effectively no direct relationship at all between Patrick's management and Patrick's workforce. The MUA acted as the exclusive intermediary between the workforce and management (see Appendix 1: History of the 1998 Patrick/MUA Waterfront Dispute). As a result, Patrick had nothing to lose from resorting to the full technical use of the law in the pursuit of its commercial objectives. Of course, the lack of contact between Patrick and its workforce—insisted on by the MUA—gave the lock-out a very different context than it would have had in more normal workplaces. Without information on how unusual circumstances were on the waterfront—information that only the press could provide—public outrage at the lock-out was understandable as ordinary 'wage slaves' interpreted events in terms of their own lives. Similarly, manoeuvring within the very specific constraints of the Australian IR system can only be properly judged by the public if the press provides context. This puts the press in a powerful position—it can have its biggest effect simply by omitting crucial information.

METHODOLOGY

ABC News (Sydney) reports on the waterfront dispute between 8 April and 6 May 1998 were assessed according to the frequency and duration of sound bites by various participants, and the content of journalists' commentary.

Sound bites were divided into three camps according to which party the source, either explicitly or implicitly, supported: the Maritime Union of Australia, Patrick Stevedores or the Federal Government, and non-aligned sources. Sources were assessed according to their commentary as presented on *ABC News* (Sydney) from 8 April and 6 May 1998.

Journalists' comments were classified according to 12 main categories, 24 sub-categories and a record of whether the commentary presented either an advantage to, or the position of, one of the major players—the MUA and its supporters, Patrick or the Federal Government. Commentary on the battle on the docks, the courtroom battle and the public relations campaigns was coded according to which side was presenting as 'winning' or 'losing' the various battles. Commercial impact, legal arguments, economic arguments, historical context, Federal Government involvement, political fall-out, personal

anecdotes, negotiations and other miscellaneous comments were coded according to which side's position was presented or whether the statement reflected in a neutral, positive or negative manner on either the MUA or its supporters, or Patrick or the Federal Government.

Journalists' commentary was also assessed for 'tone': *emotionally-charged or highly descriptive statements that reflects, implicitly or explicitly, a value judgement about the motives, tactics or goals of, or indicates support for, one of the major players—the MUA, Patrick Stevedores or the Federal Government.* These are statements by the journalists themselves, not paraphrases of others' commentary. As 'tone' is defined according to the nuances of the English language, and therefore not as objective as other sections of this report, all statements assessed within the category are presented in full.

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ENDNOTES

- 1 The creation of the MUA meant that the Federated Ships' Painters and Dockers Union was deregistered in December 1993.
- 2 Hewat, Tim, *The Century of Brawn*, paper delivered at XIXth Conference of the H.R. Nicholls Society, 1 August 1998.
- 3 Hewat, *ibid*. Billy Hughes managed to combine the positions of Prime Minister and President of the Waterside Workers' Federation (a position he held for 16 years).
- 4 Patrick Website: <http://www.patrick.com.au>.
- 5 Statement made by former importer at H.R. Nicholls Conference, 2 August 1998.
- 6 O'Neil, Stephen, *Outline of the Waterfront Dispute*, Current Issues Brief, Department of the Parliamentary Library, 12 May 1998, page 5, available at <http://www.aph.gov.au/library/pubs/cib/1997-98/98cib15.htm#Waterfront>
- 7 O'Neil, *ibid*; Patrick Website, *op.cit*.
- 8 Patrick Website, *ibid*.
- 9 O'Neil, *op.cit.*, page 4.
- 10 Productivity Commission, *International Benchmarking of the Australian Waterfront*, April 1998, page 124, available at <http://www.pc.gov.au/pcpubs/benchmrk.html>. The annual improvement in crane rates slowed from 3.8 per cent from December 1989 to September 1992, to 0.7 per cent a year over the period September 1993 to June 1997, with average rates actually falling from September 1993 to December 1995.
- 11 O'Neil, *op.cit.*, page 4.
- 12 Patrick Website, *ibid*.
- 13 Productivity Commission, *op.cit.*, pages xxiii-xxiv, 13, 16, 129, 136.
- 14 Patrick Website, *op.cit*.
- 15 Interview with Paul Houlihan available from H.R. Nicholls Society.
- 16 Patrick Website, *op.cit*.
- 17 ABS, *Trade Union Members*, Cat. No. 6325.0; *Employee Earnings, Benefits and Trade Union Membership, Australia*, Cat. No. 6310.0.
- 18 Commonwealth Office of Small Business, *Business Longitudinal Study*.