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VOTE

[Image of a man with the words:

CLARRIE MARTIN

OFFICIAL LABOR
CANDIDATE

Authorized by J. Fitzgerald, 10-12 Oxford St., Woolloomooloo]
C. E. MARTIN : A POLITICAL BIOGRAPHY

1900-1953

Paul White

A thesis submitted in partial
fulfilment of the requirements for the
degree of Master of Economics (Honours)
in the Department of Government at the
University of Sydney

1986
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ABBREVIATIONS

ACTU  Australian Council of Trade Unions
ALP   Australian Labor Party
AWU   Australian Workers' Union
CLEC  Cootamundra Labor Electorate Council
COSC  Combined Operational Services Command
CPA   Communist Party of Australia
CPD   Commonwealth Parliamentary Debates
ESA   Evening Students' Association
UAP   United Australia Party
VDC   Volunteer Defence Corps
WEA   Workers' Educational Association
INTRODUCTION

Biography, according to several biographers, should never be attempted by the young.¹ One political scientist in particular, who as a post-graduate student commenced work on a biography only to abandon it in favour of a more manageable topic, has argued that biography should rarely be undertaken for a thesis. His reasons are twofold. First, he argues, "graduate students do not usually have the experience of life to get under the skin of a successful man or woman who has lived a full life".² Secondly, "the thesis form is likely to inhibit the biographer - the thesis is too much dominated by scholastic apparatus".

Persisting in the face of such warnings might be thought to require some preliminary words by way of justification or excuse. However, there is little point "crying over spilt milk" and so, rather than worry unduly with the benefit of hindsight about whether a biography is a suitable subject for a thesis, this introduction will look more positively at some of the strategies and options in writing political biography. This will be done, not in the shape of a


consideration of the many issues which have been the subject of debate in the literature, reviews of which are in any case available elsewhere, but in the form of an account of my efforts to describe and explain one man's life. This will portray more honestly the path by which this work has come to be done.

Unlike most biographers who choose a particular person as their subject, perhaps "for reasons of their personal emotional life" having "felt a special affection for him from the very first", my selection of Martin was largely fortuitous. I commenced my Master's degree without a clear thesis topic in mind, and it was only in the course of casting around for ideas that the Martin papers were brought to my attention. These, I was assured, would provide sufficient material for a Master's thesis and after some toing and froing I claimed the topic as my own.

The first task was to acquire some familiarity with the course of Martin's life in its broad outlines, a goal which was achieved by examining his thirteen

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3. The most comprehensive and recent of these is W.M. Runyan, Life Histories and Psychobiography: explorations in theory and method, (Oxford University Press, New York, 1982).

volume collection of newspaper clippings on himself. After making allowances for other study commitments and work this task took a full twelve months to complete. With this under my belt my thoughts turned to an approach I had been contemplating since the beginning of my research. Early in 1981 I had read James Walter's then recently published biography of Gough Whitlam,⁵ in which a series of psychological perspectives were used to discern patterns in the details of Whitlam's adult behaviour. I immediately wondered whether a similar approach to uncovering the organising principles of character could be applied to Martin. Would there be significant explanatory gains from adopting an explicitly psychological approach to biography so that, in Freud's words, it would be possible to "provide some information which cannot be arrived at by other means and can thus demonstrate new connecting threads in the 'weaver's masterpiece'"?⁶

An answer to this, it seemed, required two lines of work. One was to delve further into the details of Martin's life, using especially his diaries, speeches and other sources and to see whether these would

---

5. The Leader, (University of Queensland Press, St. Lucia, 1980).

suggest any patterns of behaviour or thinking. The other was to review the literature on biography and psychobiography and look at some of the better examples of the genre such as the Georges' book on Woodrow Wilson, Edinger on Schumacher and Rogow on Forrestal.7

The product of these researches was eventually reported in a paper which examined some of the methodological issues involved in psychobiography and then, in the hope of accounting for as much as possible as was known about Martin's life, applied two theories of the political personality to him. The first of these, Lasswell's well known typology of agitator-administrator-theorist, was found to be of limited usefulness, since the only aspect which seemed to fit was that of the agitator's high value on responses to oratory.8 Barber's positive/negative and passive/active dimensions of character, on the other hand, not only seemed better able to accommodate Martin's


8. H. Lasswell, Psychopathology and Politics, (University of Chicago Press, 1977), p.78. There is a further difficulty here in that the bulk of work on political psychology has come out of the USA and is therefore more attuned to American than Australian political culture, institutions and history.
personality, but also highlighted some of its aspects which had previously escaped my attention. This was so, for instance, of his occasionally strongly negative feelings towards politics. My hypothesis was that Martin lay towards the active pole of the activity/passivity dimension because of the sheer energy he invested in political tasks and because of the centrality of work to his sense of well being. On the positive/negative dimension, however, the picture was more complex since Martin evinced widely differing attitudes towards politics at different times in his life. Some of his diary entries conveyed a sense of the sheer enjoyment of active involvement, while others expressed disappointment or frustration at lack of advancement and failure.

In all I found this first attempt productive and encouraging. In the end, however, it proved to be too difficult to move beyond these first specific insights to formulate more general questions or propositions. As my knowledge of Martin grew it seemed that for every


10. See particularly Chapter 8 below.

fact which might support an hypothesis, there would be another which was inconsistent with it. Even a more complex typology such as Bale's elaborate 26 interlocking world views, inter-personal styles and personality types, was unable to contain the widely varying emotional effects recorded in the diary.\textsuperscript{12} Other frameworks, such as Vaillant's list of adaptive ego mechanisms\textsuperscript{13} and Levinson's study of the evolution of the life structure,\textsuperscript{14} while suggestive, did not enable penetration through the artefacts of a life into the core personality supposedly below them. Eventually, with reluctance, I abandoned the aim of writing a psychobiography, not so much because of any theoretical objection to such work, as for practical reasons about what worked or seemed to be feasible.\textsuperscript{15}

\begin{itemize}
  \item[14.] D. Levinson, et al., \textit{The Seasons of a Man's Life}, (Alfred Knopf, New York, 1978). The only attempt so far to apply Levinson's ideas to a political figure is B. Kellerman, "Mentoring in Political Life : the case of Willy Brandt", \textit{American Political Science Review}, 72(2), June 1978, pp.422-433.
  \item[15.] Psychobiography is understood here in a broad sense to mean "the use of any explicit or formal psychological theory in biography, not just psychoanalytic theory" : Runyan, \textit{op. cit.}, p.201.
\end{itemize}
Foremost among these was being unable to discover a theory of personality, the use of which was compatible with all the known facts about Martin and did not involve the denial of facts contrary to what the theory suggested should be the case. An example may illustrate the difficulties in doing this. Barber's reference to the negative effects of politics led to the question: why politics for Martin? What force drove him there in the first place and then kept him there for the rest of his life? Why politics specifically and not some other area of achievement such as teaching or the Bar? Lasswell has argued that the basic characteristic of the political type is "the accentuation of power in relation to other values within the personality when compared with other persons" and that this comes about as "a means of compensation against deprivation". The acquisition of power, he maintains, "is expected to overcome low estimates of the self, by changing either the traits of

the self or the environment in which it functions". 17 Whether these "deprivations of the self" are met by compensatory strivings or withdrawal from life is said to depend on the degree of deprivation and the expected yield of alternative values like affection, rectitude, wealth or knowledge. The problem with this in Martin's case, as Tucker has pointed out more generally, is that political power seeking is more often a reflection of high rather than low self-esteem. 18 Martin's periods of questioning and self doubt coincide with phases of temporary withdrawal from politics, whereas periods of power-seeking and initiative, such as his first term as Attorney-General and his first years in Parliament, are relatively free from introspection. The pattern suggested by the diaries is one of cyclical or fluctuating feelings of well-being and self-worth, a range of variability not encompassed by theories such as Lasswell's which posit a single, static self-estimate over time.

An alternative proposition is that Martin exhibits, albeit in a modified form, some of the characteristics of the so called "neurotic personality"

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described by Karen Horney. She argues that the neurotic responds to feelings of "basic anxiety" in childhood by creating an idealised image of himself as someone endowed "with unlimited powers and with exalted faculties ... a hero, a genius, a supreme lover, a saint, a god". 19 In time the individual may come to identify this idealised self as his real self and devote his energies to its realisation in a compulsive "search for glory". 20 Any failures in these efforts - and according to Horney these are inevitable given normal human inadequacies and the absoluteness of the neurotic's inner dictates - are experienced as painful blows to the pride system. Consequently, the neurotic, whose self-confidence fluctuates between high and low levels depending upon the degree of frustration of his ambitions, needs incessant confirmation of his value from others. 21 Shame and humiliation are the typical reactions to hurt pride, while anxiety over anticipated injuries may lead to a debilitating fear of failure. 22

20. ibid, p.24.
21. ibid, p.86.
22. ibid, pp.95, 101.
This concept of the neurotic personality seems to capture some of the most puzzling aspects of Martin's behaviour. His pronounced fear of failure at law, in practice at the Bar and in politics suggest an anxiety about his abilities arising not so much from the extent of his real talents as the magnitude of his goals and ambitions. His need to work and to be constantly busy also fits this picture since the neurotic is virtually driven to realise his idealised image of himself by force of what he feels he should be. Indeed, Martin demonstrates this last characteristic in an extreme form of being unable to distinguish between wanting to be involved in politics and being driven to it. Faced with the need to choose he procrastinated, waiting for someone else or something else to make the decision for him. In spite of this, Horney's work is unable to answer the original question: why politics? Why an expansive solution to neurotic drives rather than resignation and self-effacement? In spite of its claim of superiority over conventional biography, psychobiography seems incapable, in Martin's case at least, of giving any

23. On the other hand Martin did not share some of the other characteristics of this type such as vindictiveness, an indiscriminate need for supremacy, blaming others for his failures and avoidance of self responsibility: ibid, pp. 26, 30, 64, 166.

reasons for the centrality of politics in his life.

Realisation of this led me to reassess the sort of biography I hoped to write. It became apparent that if an attempt were to be made to write a psycho-biography then it could only be done, if at all, by someone with greater experience and background in the study of psychology. Possibly someone more adept at the manipulation of psychological concepts and with knowledge of different frameworks could do this.

Having revised my expectations downwards I derived some reassurance from the realisation that others had encountered similar problems and had come to similar conclusions. A.W. Martin has noted that his biography of Sir Henry Parkes represented "something of an intellectual and artistic defeat" since his original ambition had been to eschew "chronology in order to structure the study around those intersecting patterns of experience, personality and circumstance which mould a man's responses to the contingent and hence lie beneath the existential surface".25 Instead he used

his knowledge of psychological theory to "sensitise" himself to issues of personality and so gaining insights without any overtly theoretical discussion or analysis.\textsuperscript{26} Similarly, this thesis follows a chronological form, although its treatment of certain issues within the text is influenced by the psychobiography movement. The more significant of these are raised again in the Conclusion, where a discussion of Martin's strengths and weaknesses as a politician serves as a focus for drawing them together. While the energy and oratory he displayed in his early years seemed to mark him out for success, towards the end of his political career he became frustrated and disappointed with politics. Obviously, the political context of the late 1940s and early 1950s - a Labor Party attempting to cling on to power in conservative times - played a major part in this, but also important I argue were Martin's weak manipulative skills, lack of political foresight and introspectiveness. None of these questions are dealt with in the definitive style of the psychological biography, largely because of problems of evidence alluded to above, yet my appreciation of their importance stems from my exposure to that perspective.

\textsuperscript{26} A.W. Martin, "Elements in the Biography of Henry Parkes", in J. Walters and R. Nugent (eds), Biographers at Work, (Institute for Modern Biography, Griffith University, 1984), p.14.
What follows then is a conventional scholarly biography, which nonetheless is attuned to the psychological nuances of its subject. It makes a contribution to the study of NSW political history in the 1930s and 1940s, a relatively neglected area to date. It is also aware of the difficulties of knowing and portraying something as complex as someone's life. As Alfred Deakin put it:

... though - when men have done or written or said much - their orbits can be fairly estimated, their endless variations of mood and temper, of credulity and scepticism, and the cross currents of influence to which they have been subject, are so numerous [that] no man knows himself thoroughly, or anyone else more than superficially except by accident or inspiration. 27

CHAPTER ONE

POLITICAL APPRENTICESHIP

Childhood

Clarence Edward Martin was born at Ballarat, Victoria on 10 February 1900.¹ He was the only child of Edward Henry and Catherine Josephine Martin (nee Burke), who had been married in May of the previous year at Bairnsdale in the Gippsland District. His father was by trade a bootmaker, while his mother had worked as a waitress prior to the birth. Although Martin was a meticulous recorder of his adult life, close scrutiny of his surviving personal papers yields only a skeletal account of his childhood. According to this version, drawn largely from public statements by Martin, after a period in Stawell (another gold mining town in central Victoria, where Catherine Martin was a hotel licensee) the family moved to Broken Hill, where Edward worked as a miner and eventually died of miner's phthisis.²

¹ I am grateful to Kevin Martin for supplying the details of family history on which this paragraph and the family tree (over) are based.

² The Star (Temora), 20 May 1924; Grenfell Record, May 1924; The Stawell News, 2 July 1930; Stawell Times, 4 November 1947; A Message to the Electors of Waverley, April 1939 by-election campaign (Martin Papers, Box 8, Item 2, p. 31); Truth, 26 March 1939. See the Bibliography for the organisation of Martin's papers.
THE MARTIN FAMILY TREE

James Martin  m. 1834 Mary Ann Lea
   b. 1815 (?) (Hobart) b. 1814 d. 1835
   m. 1836 Susan Glendenning
        (Hobart)

Susan b. 1837
Louis b. 1839
Thomas b. 1840 (Hobart) d. 1913 (Collingwood)
   m. 1863 Eliza Anderson
        (Hobart) b. 1845 (Tasmania)

Thomas b. 1864 (Hobart)
Matthew b. 1866 (Sale)
Edward b. 1868 (Sale) d. ?

James Burke
Susannah Benson

m. 1899 Catherine Burke
   (Bairnsdale) b. 1869 (Bordertown, S.A.) d. 1917

CLARENCE EDWARD MARTIN
b. 1900 (Ballarat)
Apart from the scarcity of detail the public record makes no mention of a further significant fact, which shaped Martin's early childhood. This was the divorce of his parents and his mother's subsequent remarriage. The legal documents drawn up in the course of the divorce reveal something of the itinerant working class character of Martin's early years.  

After their marriage in May 1899 Catherine and Edward lived at first in Melbourne, where Edward found work as a barman. However, this work was not constant and to assist in the family finances Catherine went "up country" taking "a situation as a domestic servant". It was another four months before she was joined by Edward in Ballarat, where Clarence was born in February 1900. Over the following year the family moved between other towns in central Victoria, presumably in search of work. It was in January 1901 at St Arnaud that the marriage broke down. In the testimony of Catherine, Edward was:

... very cool and abusive towards me and about the middle of January 1901 he ceased to cohabit with me and in the beginning of March 1901 he told me he hated the sight of me and never intended to live with me and would not support me.

Catherine sought refuge with her sister at Ballarat and, after several unsuccessful attempts to contact Edward, a warrant for his arrest for child desertion was issued.  

By the end of 1901 Catherine had moved to Stawell where she worked first as a waitress and then as a hotel manageress. This was then a common occupation in the town, which had grown with the pastoral and mining industries and which boasted 25 hotels serving its population of just over 5,000. 

In Stawell Clarence received his primary education at the local Roman Catholic school and later won a scholarship to attend the local high school. In 1905 Catherine Martin commenced legal proceedings for divorce on the grounds of desertion. After unsuccessful attempts to

4. The warrant described Edward Martin as a "Victorian, about 33 years of age, 5 feet 7 inches high, very fair complexion, blue eyes, fair moustache, only slight disfigurement of right eye and generally has it closed, slight build, a bootmaker, generally wears a drab sac suit"; ibid.


6. Stawell News, 2 July 1930 (3.198). The scholarship was donated by Henry Edhove who, appropriately enough, was an owner of several of the town's hotels: Sayers, op. cit., p.162.
Catherine Martin, c. 1900

Source: Mrs Doreen Martin
trace the whereabouts of Edward Martin, a divorce was granted in his absence in November of that year.\(^7\)

Three weeks after the decree became absolute in May 1906 Catherine remarried. Her second husband was Bartholomew Mulvaney, a labourer and a Methodist, a native of Stawell and eight years her junior.\(^8\)

Some time around 1908, for reasons which are unknown, the family moved to Broken Hill.\(^9\) There a year or two later Bartholomew Mulvaney died after contracting miner's phthisis.\(^10\) The loss of the family breadwinner cast a shadow of poverty over Martin's childhood. During the big strike of 1909 "he

---

7. Edward Martin was not well liked by his own family. Replying to a request for information from Catherine as to his whereabouts, his sister-in-law wrote: "... he is so worthless we never think or bother about him, although we often talk about what you have had to put up with. I cannot understand whatever made you marry him..." Martin V. Martin, op. cit. It appears that Thomas Martin, Edward's father, had also deserted since the local police at Sale reported that Thomas had "left Sale more than twenty years ago and has not been heard of since" : ibid.

8. Catherine and Edward had been married in a Catholic Church.

9. It is difficult to establish a precise date. The year 1908 is suggested by two later references by Martin to the 1909 miners' strike and the death of his father in the mines when he was only nine: Barrier Daily Truth, 11 March 1949; Truth, 26 March 1939.

10. This was a disease then prevalent among miners and was caused by the hardening of the bronchial tubes and of the lungs after irritation by dust and fumes opening the way for tubercular infection.
had lived on bread and dripping". 11 Afterwards his mother ran a boarding house, "where we had so many lodgers & I had to make so many beds & wash so many rooms". 12 On a number of occasions the necessity to make ends meet forced Martin to leave high school temporarily in search of work. At 13 he worked in a butcher's shop and later he had a succession of jobs "as a mercer's boy, in a bookshop and as a postal messenger boy". 13 In spite of this Martin performed well academically at school and received the best pass for Broken Hill District School at the 1916 Leaving Certificate. On top of this he was Captain of one of the School's football teams, Secretary and Treasurer to the School Football Committee and, surprisingly for one who later opposed conscription, the captain of the school cadets. 14

In Martin's own mind these years were decisive in the formation of his political outlook. As he explained to a by-election meeting at Broken Hill many years later:

12. Diary, 16 October 1931, (Martin Papers, Box 36).
13. Daily Pictorial, 6 October 1930; Sunday Sun, 18 May 1941.
The young Martin's (Centre) "first set of long 'uns". With a group of school friends at Broken Hill, January 1917.

Source: Mrs Doreen Martin
His father had died of miner's phthisis when he was a young boy and his mother died a few years later. They were painful memories. He knew what it was like to be in the thick of struggle and had never forgotten. That was why he was fired to go in Labor's cause. 15

In an earlier speech during the same campaign he put it more simply: "My people suffered. I suffered. That's what drove me into active politics". 16

Given the political climate of Broken Hill at the time it is no surprise that Martin's political loyalties were directed towards the Labor Party. "Socialist" ideas, in one form or another, were widespread in Broken Hill following major industrial upheavals in 1892 and 1909, which had spurred the growth of strong local union organisation. More notable than the activities of sects like the Barrier Social Democratic Club and the Socialist Propaganda Group, both of which exerted only a minor influence on the wider union movement in the town, was the diffuse collectivist sentiment shared by almost all unionists. Its main tenets were group solidarity and the right of each member to a certain minimum standard of living. The labourist and more strictly socialist sentiments were not entirely separate, of course, "for

socialist ideas in however diluted a form filtered down to many through newspapers, lectures and bar room conversations." 17 It was from this milieu and the hardships of his family that Martin's political commitments evolved.

Teaching 1917-1922

Early in 1917 Martin arrived in Sydney to commence studies at the Sydney Teachers' College. As for many of his generation, teaching was a means to upwards social advancement and, given the financial constraints of his upbringing it "was the only possible way he had of getting his degree". 18 He later attributed this ambition to his mother's influence:

She had only a fourth class education and left school to go to work at the age of ten to work as a maid. She was determined that I should go to the University. She didn't know how I would get there. But I got there and in the course of it I learnt a lot about the inner quality of this society". 19

17. R. Kennedy, Silver, Sin and Sixpenny Ale: a social history of Broken Hill, (Melbourne University Press, 1978), pp.95-99, 113-123. Kennedy also notes that the loss of parents or relatives in mining accidents or from industrial disease and the "frustrations of a deprived childhood" were common factors in the backgrounds of many of the rebels of the period: ibid, pp.130-132.


However, the progress of his studies was cut short by the deteriorating health of his mother, who had also contracted phthisis and Martin was forced to return to Broken Hill to support her. For a time he worked as a "mullocker" shovelling mud in the Big Mine and later he worked in the post office. Catherine Martin's condition continued to worsen and later that year she died.  

At the beginning of 1918 Martin returned to Sydney to take up his academic studies once again. He also took part in various student activities becoming Treasurer of the College magazine and a member of the debating team. His talent for the latter drew from another student the facetious comment that "First Year oratory will rise to sublime heights seeing that we seek to model ourselves after the world's greatest orators - Demosthenes and Mr Martin". After completing a year at the Teachers' College Martin supported himself by taking junior teaching positions in a series of schools in the metropolitan area. At the same time he commenced studying for a Bachelor of


22. The Kookaburra, IX(4), October 1918, p.22.
Economics degree, graduating at the end of 1922 with second class honours.\textsuperscript{23}

The strain of full time work and study must have been great. A fellow teacher remembered him as:

\[
\ldots \text{a slight figure in those days, poor and spending all his spare cash on books. He always wore the same two piece suit in black and grey. There was a kind of pathos about his determination to rise from lowly beginnings.} \textsuperscript{24}
\]

A speech by Martin to the 1921 Annual Conference of the Teachers' Federation during a debate on allowing country students to study for a degree by correspondence gave some idea of the pressure he was under in those years:

Mr Martin ridiculed the mistaken notion of culture and atmosphere and said that teachers, being evening students, did not have time to come under these influences. The whole of the time spent at the University was taken up in writing down as fast as one possibly could the condensed 'dry as dust' observations of some fellow who died only a few thousand years ago. \textsuperscript{25}

Nor were the economic rewards of teaching great. Trainee teachers received a mere 25s per week, compared


\textsuperscript{24} Newcastle Herald, 7 September 1953.

\textsuperscript{25} Education, 15 January 1922, p.11.
to the living wage for adult males of around £4 per week.\textsuperscript{26} It was this issue which, despite the other pressures on his time, drew Martin into involvement in union affairs.\textsuperscript{27} At a meeting of student teachers in February 1920 he voiced the two main grievances of the ex-students – that they were doing the same work as full teachers without equivalent remuneration and that the real value of their salaries had been eroded by post-war increases in the cost of living.\textsuperscript{28} In March Martin assisted in the formation of an Ex-students' Association, which hoped to press the demands of the ex-students more vigorously within the Teachers' Federation. Martin was elected Secretary of the new body as well as one of its three delegates to the Federation's Council.\textsuperscript{29}

In spite of the claims of work and study Martin was an active and busy representative. On Council he pressed for the implementation of the Board of Trade award for junior teachers and in July he led a

\begin{itemize}
\item \textsuperscript{26} The Official Yearbook of New South Wales 1921, (NSW Government Printer, 1922), p.595.
\item \textsuperscript{27} Armidale Express, 10 December 1952. He was already a member of the ALP by this time and had been a platform speaker during Federal and State election campaigns.
\item \textsuperscript{28} The Kookaburra, IX(4), October 1918, p.45. Ex-students were trainee teachers, who had graduated from the Teachers' College, but had not yet been classified by the Department of Education.
\item \textsuperscript{29} Education, 15 April 1920.
\end{itemize}
deputation to the Director of Education, Peter Board, on this issue. At times his advocacy of the interests of ex-students brought him into conflict with the majority on Council, as when he protested against the Federation's acceptance of a five-year ex-studentship contrary to an Annual Conference resolution favouring two years. This issue resurfaced at the Federation's Annual Conference in December 1920, where Martin became involved in a debate on the merits of a compromise. Other sections of the Federation urged moderation:

They had accepted the best they could get. If Mr Martin was wise, he would accept the position, and when the time came, if the matter again cropped up, he (the speaker) would fight for it. At present the proposal would upset the whole scheme ...

Martin's efforts on behalf of the ex-students were recognised in February 1921, when he was elected

30. Education, 15 June 1920 (p.212); NSW Public School Teachers' Federation, Executive Minutes, 1919-1928 (20 May 1920), p.31.

President of the Association, and a delegate to the Federation's Executive and Council.\textsuperscript{32} There he continued to push for increased living allowances, even going so far as to hint that industrial action might be necessary.\textsuperscript{33} Later in the year he led another deputation to see the Director of Education, when the Department announced proposals to reclassify some ex-students.\textsuperscript{34} In February 1922 Martin was re-elected as President of the Ex-Students' Association. In an address to the Annual Meeting he reviewed the Association's progress since its foundation, noting especially outstanding grievances such as inadequate salary rates, the extension of the period of ex-studentship and the system of provisional classification.\textsuperscript{35}

At times Martin's loquaciousness and readiness to argue his point of view threatened to embroil him in serious trouble. One such occasion occurred in June 1922 when A. Bruntnell, the new Nationalist Minister for Public Instruction, instituted a loyalty ceremony to be held in all schools each Monday morning. The

\begin{itemize}
\item[32.] \textit{Evening News}, 26 February 1921, 19 February 1921.
\item[33.] \textit{Education}, 15 March 1921, pp.471-472, 15 May 1921, p.20.
\item[34.] \textit{Education}, 15 September 1921, 15 October 1921.
\item[35.] \textit{Education}, 15 March 1922.
\end{itemize}
ceremony was opposed by the teachers' Federation on the grounds that it was unnecessary and mistaken, but the attention of the press was captured by one "red-ragging" teacher, who reportedly had refused "to acknowledge either God, King or to salute any other than the red flag". Martin, who admitted to having made what he later described as an "ill-advised and indiscreet" remark, was interviewed by the Director of Education and "the matter was settled amicably".  

The incident appears not to have done Martin's reputation within teaching circles any harm. In February 1923 he was re-elected for a third term as ESA President, although he had to resign from this position following his appointment in March as a commercial teacher at Young District School. Until then Martin's sphere of activity had largely been the Teachers' Federation. At Young his attention turned to the wider arena of politics as he attempted to realise his parliamentary ambitions.

Cootamundra Preselection Ballot 1924

One of Martin's motivations for entering politics is evident from a statement he made in 1926 on leaving Young to take up a post as WEA Tutor in Newcastle:

36. Mitchell, op. cit., p.70; Daily Telegraph, 7 June 1922; Newcastle Morning Herald, 7 September 1953.

Map 1: The Electorate of Cootamundra, 1924

Source: Map Showing Boundaries of State Electoral Districts as Proposed by Electoral District Commissioners 1919, Department of Lands, Sydney, 1919.
There are too many intellectuals in the community nowadays who are holding aloof and not putting their force into the politics of the country. It would be better for the State and the good government of the country if they came out and did their share, whether as Nationalists, Labor or Progressive. 38

Martin's first attempt to put his intellectual talents to use and, at the same time, to "realise his dearest ambition - to become a representative of the Labor Party in the Parliament of the country", 39 was made in a preselection ballot for the State seat of Cootamundra in 1924. Cootamundra was an electorate in the wheat-growing belt of the south-western slopes and included the towns of Young, Junee, Grenfell, Cootamundra, Harden and Gundagai. 40

At the 1922 election Cootamundra had elected one Progressive (H. Main, Minister for Agriculture 1932-38) and two Labor representatives (James McGirr, Premier 1947-1952 and P.F. Loughlin, ALP Deputy Leader 1923-26). 41 However, relations between the two sitting Labor members were far from amicable. According to Loughlin, McGirr's preselection in 1922 was due to the

38. Young Daily Witnesses, 15 March 1926.
39. Ibid.
41. Under the Parliamentary Elections (Amendment) Act 1918 multi-member electorates replaced single member seats, with city electorates returning five and country seats three members each.
intrigue of his brother, J.J.G. McGirr, then Deputy Premier and Minister for Public Health and Motherhood, who "had shrewdly and in a calculated manner withdrawn from the Cootamundra contest at the last moment for the purpose of letting (his) brother in without a selection ballot". Loughlin also alleged that Jim McGirr had hired an AWU organiser "to spread lies and misrepresentations about him, and ugly whispers and rumours which he had found so difficult to combat".

A more fundamental reason for this animosity was McGirr's close identification with the State ALP Executive, which was dominated by J. Bailey of the AWU. At the State Conference in June 1922 Greg McGirr and Loughlin clashed over who was responsible for Labor's defeat at the March 1922 elections, with McGirr being attacked as a "limelighter" and a "divisive influence". The conflict between them came to a head in early 1923, when the Executive installed Greg McGirr as Parliamentary Leader after it had expelled James Dooley, who had been re-elected by Caucus in March 1922, for signing jointly with the ALP's federal leaders a manifesto calling for a major restructuring

of the NSW Party. Loughlin, as a close advisor to Dooley, was instrumental in exposing preselection ballot malpractices by the Executive. With the support of recently reaffiliated unions, a heavy defeat was inflicted on the Bailey-AWU group at the 1923 June State Conference. Greg McGirr escaped the wrath of the victors by resigning from the Party, but Jim McGirr stayed and was severely criticised within his electorate for his part in the whole affair since, unlike Loughlin, he had not stood up to a "tyrannical Executive" holding "the threat of expulsion over his head".  

With the next general election due by mid 1925, a ballot to select the three ALP candidates for Cootamundra was to be held some time in 1924. In February 1924 the Cootamundra Labor Electorate Council (CLEC), composed of delegates from each of the local leagues, commenced preliminary organisation. Seeking to delay the holding of the ballot, Jim McGirr charged that the CLEC "was corrupt in so much as it had been packed far beyond its number" and that some of the local leagues had been "packed" with supporters of his opponents.  

The State Executive took the allegations


46. *Young Daily Witness*, 10 March 1924.
seriously enough to refer them to its Disputes Committee, which, however, concluded they were substantially unproven. Local anger against McGirr intensified with calls for his expulsion from the Party. The Executive, trying to smooth over the split, recommended that McGirr and Loughlin "bury the hatchet".47

With the ballot now due at the end of May, campaigning commenced in earnest. Eight candidates had nominated for the three positions: Peter Loughlin; Jim McGirr; Ken Hoad, an alderman on Junee Council, Junee Branch Secretary of the Railway and Tramway Professional Officers' Association and the unsuccessful third candidate in 1922; J.B. Dooley, a former AWU organiser; H.F. Lazzarini, an alderman on Young Council; J.A. Hammond of Grenfell; Joseph Carney of Harden; and C.E. Martin of Young.48 Surveying the prospects of each candidate, the Young Daily Witness predicted the likely defeat of McGirr - provided his opponents did not fall out amongst themselves - adding:

... C.E. Martin, the young and brilliant high school teacher of Young, will be there 'when the whips are cracking'. The air is

47. Labor Daily, 15 March 1924, 5 April 1924, 17 April 1924.
full of rivalry, and so many subtle and
dangerous undercurrents are at work to
discredit the different candidates in the
eyes of the Labor voters that he would be a
 rash prophet who would attempt to forecast
the result. 49

This was too cautious a conclusion, since the selection
of both Loughlin and Hoad seemed fairly certain.
Loughlin's position was secure because of widespread
support for his opposition to the Bailey Executive,
while Hoad could count on the support of by far the
largest league in the electorate, Junee, which had over
six hundred members. 50

The question for Martin, then, as for the other candidates, was who would win the
third position.

Martin commenced his campaign at the beginning of
April and maintained a rigorous schedule of addressing
meetings until the ballot was held on May 31. On
April 12, for instance, he addressed the Labor League
at Marengo and received an "enthusiastic" reception
from a "well-attended meeting" for a speech covering
the main themes of his campaign. 51 He began by
replying to the charges that he was too young for
public office and that he was a newcomer to Labor
politics, an "interloper" and a "blow in". As to the

49. Young Daily Witness, 11 April 1924.
51. Young Daily Witness, 14 April 1924.
former "it was not a matter of age, but a matter of brains that was needed in Parliament" and as to the latter he cited the thanks he had received "from representative Labor men ... for the splendid work he had performed on behalf of the cause in previous elections". He also referred to his family background, to which he owed "a heritage of Labor ideals, given him by his parents, who had fought for them in the old days of Broken Hill". Martin then outlined his policies. Unemployment, he told the gathering:

... was a natural result of the present system of society. Unless the people want to abolish the system - and he did not think they wanted to do that - they must have the protection the Labor Party afforded.

This was to be provided by unemployment insurance and the establishment of an insurance office by the State government. On industrial affairs he supported the introduction of a 44 hour week and defended the Arbitration Court and the basic wage from attacks by the Nationalists. Other items which received a mention were preference for Australians over immigrants in land settlement; and the abolition of high school fees and fares for country school children. Martin studiously avoided references to what he called "personalities" and the disputes which had arisen between McGirr, Loughlin and others, except to state
his belief that preselection ballots should be abolished. They were, he argued, "responsible for all the strife, dirt and filth in the movement" and should be done away with in favour of an "open go" system, under which the State Executive would "endorse their candidates, and let them all go before the people" so that Labor would have "eight champions ... carrying the banner throughout the electorate". Apart from these comments, the contents of his speech were not novel in comparison with the policies advocated by his opponents, and there was no hint of an especially socialist outlook.

The six week campaign was a hectic period for Martin, who campaigned at night and on weekends while teaching on weekdays. He addressed meetings in almost all of the electorate's towns and townships and displayed a degree of energy which attracted favourable press comment. His educational qualifications, unusual for Labor candidates, as well as his ability as a public speaker, were also favourably commented upon. The Daily Witness summed up the general feeling among the local press in stating that it would

52. Young Daily Witness, 7 May 1924.
53. Young Chronicle, 11 March 1924; Cowra Free Press, 11 April 1924; Junee Southern Cross, 14 April 1924; Smith's Weekly, 19 April 1924; Grenfell Observer, 14 May 1924.
Table 1: First Preference Votes Recorded in the Cootamundra Preselection Ballot, 31 May 1924

<table>
<thead>
<tr>
<th></th>
<th>Hoad</th>
<th>Loughlin</th>
<th>McGirr</th>
<th>Martin</th>
<th>Carney</th>
<th>Dooley</th>
<th>Lazzarini</th>
<th>Hammond</th>
</tr>
</thead>
<tbody>
<tr>
<td>Young</td>
<td>2</td>
<td>38</td>
<td>8</td>
<td>32</td>
<td>0</td>
<td>0</td>
<td>17</td>
<td>0</td>
</tr>
<tr>
<td>Harden</td>
<td>2</td>
<td>24</td>
<td>1</td>
<td>4</td>
<td>74</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Murrumburrah</td>
<td>4</td>
<td>18</td>
<td>0</td>
<td>2</td>
<td>3</td>
<td>0</td>
<td>3</td>
<td>0</td>
</tr>
<tr>
<td>Bendick Murrell</td>
<td>0</td>
<td>17</td>
<td>2</td>
<td>12</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Marengo</td>
<td>0</td>
<td>21</td>
<td>27</td>
<td>14</td>
<td>4</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Junee</td>
<td>317</td>
<td>6</td>
<td>3</td>
<td>10</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Cowra</td>
<td>0</td>
<td>86</td>
<td>0</td>
<td>6</td>
<td>0</td>
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<td>0</td>
<td>0</td>
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<tr>
<td>Grenfell</td>
<td>0</td>
<td>29</td>
<td>4</td>
<td>5</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>Cootamundra</td>
<td>1</td>
<td>2</td>
<td>75</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Burrinjuck</td>
<td>5</td>
<td>3</td>
<td>1</td>
<td>8</td>
<td>0</td>
<td>30</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Temora</td>
<td>6</td>
<td>12</td>
<td>10</td>
<td>8</td>
<td>3</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Illabo</td>
<td>4</td>
<td>0</td>
<td>0</td>
<td>36</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Postal votes</td>
<td>34</td>
<td>15</td>
<td>4</td>
<td>4</td>
<td>2</td>
<td>0</td>
<td>4</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>383</td>
<td>275</td>
<td>143</td>
<td>139</td>
<td>79</td>
<td>31</td>
<td>26</td>
<td>4</td>
</tr>
</tbody>
</table>

Sources: Young Daily Witness, 2 June 1924, 3 June 1924, 6 June 1924, 12 June 1924.

Note: Figures for individual leagues are not final and do not necessarily add up to the official figure in the "Total" column.
be "calamitous if Mr Martin is not one of the three Labor candidates chosen to uphold Labor's ideals in (the) Cootamundra electorate".  

This was not to be, however, and the result was a triumph for thorough organisation of the "numbers". Hoad topped the poll with 383 votes, followed by Loughlin on 275, McGirr on 143 and Martin on 139 with the other four candidates trailing behind him. League support for candidates varied widely. Hoad's strong vote was recorded almost entirely at his own league, Junee. Carney (Harden), Dooley (Burrinjuck) and Lazzarini (Young) likewise obtained most of their support from their own leagues. Loughlin, on the other hand, polled well throughout the electorate; McGirr and Martin also did well in several centres. The crucial question for Martin was the distribution of preferences, since Hoad and Loughlin were assured of selection on their primary votes alone. On balance Martin's prospects seemed dim because a "ticket" had been arranged between Carney and Hoad and it seemed that most of Hoad's preferences would flow to his

54. Young Daily Witness, 12 May 1924. The favourable views of the Witness can in part be attributed to the presence on its staff of a fellow party member and friend, F.J. Cahill, who was Martin's campaign director in 1929 and was himself the member for Young from 1941 to 1959. H. Radi et al., Biographical Register of the NSW Parliament 1901-1970, (ANU Press, 1979), p.38.
partner. 55

In the event, however, the distribution of preferences was forestalled by the circulation of rumours that the ballot had been "rigged". In the words of the Young Chronicle:

... if half the rumours are true, about the only thing Cootamundra Laborites failed to think of was to have ballot boxes with sliding panels! 56

Among other things it was alleged that Hoad and Martin had both issued how-to-vote tickets in contravention of party rules and that Loughlin had forged the returning officer's signature on a ballot paper inserted in the AWU's newspaper, The Worker. 57 After investigating these and other irregularities the State Executive ordered that a new ballot be held at Cootamundra and three other centres. 58 McGirr interpreted this as an attack on his chances of securing third place since the

55. Young Chronicle, 1 August 1924. The ticket was 1. Hoad, 2. Loughlin, 3. Carney and 4. Martin: Martin Papers, Box 30, Vol. 1A, p.76.

56. Young Chronicle, 6 June 1924.

57. Young Daily Witness, 2 June 1924, 6 June 1924. Rule 45 disqualified for selection "any candidate personally canvassing or engaging others to canvass for votes": ALP (State of NSW), Platform and Rules, 1924, (Labor Daily Print, Sydney, 1924), p.36.

58. Labor Daily, 14 June 1924.
Cootamundra League was solidly pro-McGirr.\footnote{59} After that league refused to take part in a second ballot, the Cootamundra LEC resolved that the only way out of the impasse was to hold a new ballot for the entire electorate.\footnote{60} With an eye to improving his own chances, Martin supported this move since "in the long run those votes might determine who would be third and who fourth".\footnote{61}

Any such hopes were not realised however, and in fact Martin performed worse in the second ballot than in the first, polling thirteen fewer votes, while Hoad, Loughlin and McGirr all substantially increased their totals. Even so, this did not help McGirr, who was eliminated after the distribution of preferences. In the battle for third place Carney defeated Martin by 164 votes after receiving the lion's share of Hoad's preferences.\footnote{62} Once again there were charges of "rigging", with both Martin and McGirr entering protests, chiefly concerning the how-to-vote ticket


\footnote{60. \textit{Labor Daily}, 2 July 1924.}

\footnote{61. \textit{Young Chronicle}, 8 July 1924.}

\footnote{62. \textit{Young Daily Witness}, 18 August 1924.}
issued at Junee. A Cootamundra LEC meeting at the end of August debated these issues, but resolved that, while "proven", they were only "technical" and did not justify overturning the ballot once again. It was, as the Daily Witness lamented, a victory "of clever organisation in one big centre". Recognising the futility of pursuing it any further, Martin's oratory rose to the occasion:

Despite all the manipulation, the leagues in the electorate elected me one of the three. The Junee ticket put in Hoad and Carney — there is no doubt about that — and it overrode the wishes of all the other leagues in doing it ... All that remains for me to say is that I did not protest in any captious or frivolous spirit. I know when I am beaten, and I hope I can take a beating like a sportsman. This will not, in any way, affect my attitude towards the three selected candidates. When the fight is on, I can assure them that my whole efforts, my voice and my pen will be there to assist them in the attempt to hold two seats for Labor in Cootamundra. (Loud applause).

Perhaps, after all, he was not that disappointed to have missed out on the third position, which, in all likelihood, would have been unwinnable. Moreover, Martin's first excursion into the preselection arena

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63. Young Chronicle, 12 August 1924; Young Daily Witness, 19 August 1924.

64. Young Daily Witness, 1 September 1924.

65. Young Daily Witness, 11 August 1924.

66. Young Daily Witness, 1 September 1924.
Table 2: Final First Preference Votes Recorded in the Cootamundra Preselection Ballots of 1924

<table>
<thead>
<tr>
<th></th>
<th>May 31</th>
<th>August 9</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hoad</td>
<td>383</td>
<td>447</td>
</tr>
<tr>
<td>Loughlin</td>
<td>275</td>
<td>334</td>
</tr>
<tr>
<td>McGirr</td>
<td>143</td>
<td>225</td>
</tr>
<tr>
<td>Martin</td>
<td>139</td>
<td>126</td>
</tr>
<tr>
<td>Carney</td>
<td>79</td>
<td>91</td>
</tr>
<tr>
<td>Dooley</td>
<td>31</td>
<td>2</td>
</tr>
<tr>
<td>Lazzarini</td>
<td>26</td>
<td>20</td>
</tr>
<tr>
<td>Hammond</td>
<td>4</td>
<td>2</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>1,080</strong></td>
<td><strong>1,247</strong></td>
</tr>
</tbody>
</table>

Sources: *Young Daily Witness*, 12 June 1924, 18 August 1924.
was fruitful in other ways. His serious approach and near success established him as an upcoming Labor leader in local politics, a fact recognised in his unanimous election to the presidency of the Young Labor League in November 1924 and to the presidency of the Cootamundra LEC in May 1925. His reputation as a capable speaker and his organisational talents were also developed further during the State and Federal election campaigns of 1925.

Newcastle 1926-1929

In early 1926 Martin moved to Newcastle to commence work with the Workers' Educational Association as its district tutor for the region. Drawing on his "unfailing optimism and energy" he was able to reverse a decline in WEA membership. As District Tutor,


68. Workers' Educational Association of NSW, Thirteenth Annual Report for the Year Ending 31st December 1926, (The Worker Print, Sydney, 1927), pp. 8, 10-11, 13-15. Martin had been a part-time WEA lecturer in Young before going to Newcastle. It is not known how he became involved with the WEA, although F.A. Bland, who had been one of his lecturers at university as well as G.A. Cantello, Headmaster at Young District School, were both active lecturers and may have encouraged his interest. The Department of Education may also have played a part since it had a policy of "planting" appropriate teachers in country towns where they might take tutorial classes": E.M. Higgins, David Stewart and the WEA, (NSW Workers' Educational Association, 1957), p.30.
Martin was responsible for both administrative and teaching matters. A typical week's teaching programme called for night lectures, perhaps at one of the towns outside Newcastle itself, and day classes, including ones to railway workers. In addition he was a propagandist for the WEA's objectives and delivered numerous public lectures on topical issues such as wages policy, and the initiative, referendum and recall. In 1927 he undertook the further burden of raising finance for a new district headquarters. This led the District Secretary to praise Martin's "undoubted organising ability", while noting that his "thoroughness and attention to detail" had brought him to "the verge of a nervous breakdown from overwork".

In spite of the demands of his WEA work, Martin still found ample time to pursue his political ambitions and interests while in Newcastle. However, whereas in Young his participation had been confined to the local level, the move to Newcastle opened up opportunities for involvement at higher levels of the


70. Australian Highway, 10 January 1928.
Party organisation. On the other hand, the turbulent ebb and flow of internal ALP faction fighting threatened the achievement of these ambitions, since too close an association with either faction could lead to retaliation by the other should the balance of power change. Martin's response to this was to remain, so far as possible, unaligned with any section of the Party, while managing to convey an impression of sympathy towards each when appropriate. A problem with this approach was that the intensity of conflict between factions often left little room for independents to manoeuvre. A review of Martin's position in the disputes of 1926-27 reveals a very cautious style of politics.

As noted previously, Martin had been critical of the AWU-dominated State Executive, which was defeated at the 1923 Annual Conference by an alliance of industrialists and parliamentarians. At a meeting of the Young League in January 1924 he declared:

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71. At the time it was suggested that Martin had "improved his prospects" of preselection for a Federal or State seat since on "the northern industrial field ... oratory is a sure passport to position"; Daily Guardian, 15 March 1926 (1.83). That his incentive to go was strong is also suggested by the drop in salary from £600 to £500 pa: Diary, 16 December 1932.

... getting rid of them (the old Executive) was the finest act we have ever taken for cleansing the Labor movement. If the Executive plays the game as dirtily and filthily as it played it, then we'll put it out again (Applause). 73

Martin also denounced Executive malpractices in the conduct of selection ballots and argued that their abolition was the only way of "cleaning up" the Labor movement. 74 It appears that Martin's strong criticism earned him the enmity of the AWU. In February 1926, just before his departure for Newcastle, a narrowly unsuccessful attempt was made to oust him from the Presidency of the Cootamundra LEC. The support for this move came from "a solid clique of the delegates from Junee, Cootamundra, Temora and Tumut", who, according to the Daily Witness, were "known to be pro-Baileyites". 75 Again at the ALP Annual Conference a couple of months later Martin was defeated in a ballot for positions on the Rules Revision Committee, by what

73. Young Daily Witness, 30 January 1924.

74. ibid; Young Daily Witness, 14 March 1924. A motion calling for the general abolition of selection ballots had been passed by the 1923 NSW State Conference, but did not achieve the two-thirds majority needed to alter the ALP constitution: D. Rawson, The Organisation of the ALP 1916-1941, (PhD thesis, University of Melbourne, 1954), p.35.

75. One of the three people involved was a Mrs Elphick, said to be a sister of J. Bailey: Young Daily Witness, 2 March 1926.
he described as a "block AWU vote against me". In a leaflet distributed at the conference an attempt was made to discredit him by inferring that his support could be obtained by the Tyrrell-Magrath faction in return for the seat of "Leichhardt when single seats came".

Other evidence suggests that, at least to begin with, Martin was quite favourably disposed towards Lang's leadership of the Party. In September 1925, four months after Labor's narrow victory at the polls, Martin praised "the present (Lang) Cabinet as the most efficient team that had yet held office" and commended its "definite stand" on the abolition of high school fees, preference to unionists in the public service, the 44 hour week and the introduction of adult franchise for local government elections. Up to a point such statements can be seen as just the usual expression of enthusiastic support for a newly elected government. However, Martin went further. In

76. Marginal note by CEM, Labor Daily, 10 April 1926 (1.89). The aim of the "Red Rules", which were drafted by the Committee, was to prevent the AWU from dominating the Executive by altering the basis of representation in favour of a broader group of unions: J. Hagan, "Lang and the Unions, 1923-1932", in Radi & Spearritt, op. cit., p.43.

77. ALP Conference Fixing Up Delegates No. 2, (a pamphlet distributed by AWU supporters for the 1926 Annual Conference), (Martin Papers, Box 30, Vol. 1, p.87).

78. Young Daily Witness, 14 September 1925.
February 1926 he defended Lang personally, arguing that attacks on him by the press were "only to be expected from an organised opposition which could never see any virtue in Labor legislation, particularly legislation which aimed at reform".  

A few weeks later Martin even found virtue in Lang's emerging autocratic tendencies:

The fact that Mr Lang was accused of being a Mussolini by the Press was evidence of his good work. When they took the platform again at the next elections they would be able to say that Mr Lang and his Ministry had done their best to carry into effect the Labor platform.  

Nowhere is there any mention of the kind of disaffection with Lang's legislation on workers' compensation and the shortening of the working week that was beginning to be voiced by other of Labor's rural supporters. For instance, Ken Hoad declared that he "wouldn't be found dead in a 40 acre paddock with that bunch of extremists led by Garden and Walsh." In contrast, Martin's views were

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80. *Young Chronicle*, 2 March 1926.

81. F. Farrell, "Dealing with the Communists 1923-1936", in Radi & Spearritt, *op. cit.*, p.53; Dixson, *op. cit.*, p.120.

82. *Young Daily Witness*, 1 March 1926. Jock Garden was the Secretary of the Sydney Trades and Labor Council and a former member of the Communist Party. Tom Walsh was a CPA member and leader of the Seamen's Union. He had been jailed in 1925
quite meek and restrained:

... he hoped conference would put an end to internecine strife and factional disputes and get down to constructive work. He had prepared a number of constructive proposals and, if given the opportunity, would place them before Conference for consideration. 83

This difference in tone is surprising in view of Martin's personal and ideological links with the rural wing of the Party. In the 1924 selection ballots he had received a substantial majority of Loughlin's preferences, which indicates some measure of affinity between them. 84 In addition, Martin shared a fear, common among rural Laborites, of domination of the Party by city interests. At the 1926 Easter Conference he raised two matters of interest to country delegates - proxy voting and day sessions of conference in the course of a waterfront strike in support of British seamen: F. Farrell, International Socialism and Australian Labour, (Hale and Iremonger, 1981), pp.63-64.

83. Young Daily Witness, 1 March 1926.

84. In October 1929, when Martin was running for preselection for Young, he received a letter from Loughlin saying "for some time I have been formulating a certain political scheme - and if your personal inclinations and professional calls leave you free to consider it, I'd be glad to put it before you": quoted in Diary, 2 October 1929. Unfortunately the original letter has not survived and Martin's diary does not mention what the scheme entailed, but the fact that the approach was made three years after Loughlin left the Labor Party indicates that at least Loughlin had reasons for believing Martin might be sympathetic to his ideas, although Martin's own reaction was one of "great surprise".
- and during the debate on these much protest was voiced against "city corruption". 85 Martin also supported the holding of country provincial conferences, claiming that "a conference removed from city antipathies and sympathies is something to be desired, something that we are surely entitled to" since it would allow country ALP delegates "to discuss problems generally, free from the vitiating atmosphere of the city". 86

That Martin was in fact neither aligned with nor a clear cut opponent of Lang was well illustrated by a remark he made at the 1926 Easter Conference in the course of a debate on the report of the Returning Officer, Peter Connolly. Connolly had criticised "pairing" arrangements under which delegates had compared voting papers to ensure that tickets were strictly followed. Referring to this practice Martin commented: "I was one of those who would not be paired. I exercised my own intelligence". 87 In the

85. Labor Daily, 6 April 1926.

86. Newcastle Sun, 14 November 1927, 13 December 1927. At the 1929 Easter Conference Martin supported a motion to establish a special fund to pay the expenses of Executive members from the country arguing "either you want country representation or you do not want us here at all": Labor Daily, 1 April 1929 (3.9).

87. Labor Daily, 10 April 1926. Peter Connolly was one of those along with Martin criticised at the 1927 Easter Conference for attempting to prevent the attendance of Newcastle delegates.
latter half of 1926 this independence became harder to maintain. In September Lang beat off a leadership challenge by Loughlin by only one vote and in retaliation a special conference was called for November. This conference confirmed Lang's party leadership "for the period of the present Parliament" and gave him carte blanche "to do all things and to exercise such powers as he deems necessary in the interests of the movement". 88 This was too much for Loughlin and some of his supporters, who threatened to vote against the Government in the Legislative Assembly and so force an early election. Fearing defeat in a snap poll, Lang's supporters negotiated an agreement with two of the rebels, R.T. Gillies and V.W.W. Goodin, leaving the Government with the slenderest of majorities. 89 At the December meeting of the Kahibah Electorate Council, of which he was Vice-President, Martin successfully moved the endorsement of the "Goodin-Gillies Pact", distancing himself from the factional aspects of the agreement by stressing the

88. Quoted in Rawson, op. cit., p.113.

89. ibid, p.114. The terms of the agreement were the renunciation of the "dictatorial" powers conferred on Lang by the November special conference, abandonment of the "Red Rules", an increase by four in the number of country seats in Parliament, the dropping of A.C. Willis from the Cabinet and the assignment of priority to country legislation for the remainder of the parliamentary session: Dixson, op. cit., pp.127-129.
need for "party unity":

In moving the resolution, Mr Martin said it was not saying they agreed with all points of the agreement, but they were glad they had got out of the impasse. Without hesitation, he said that they would have got wiped out in the country electorates, while they would have won the city. Under the circumstances it was the finest thing to bring all sections together and save going to the country. 90

Such appeals were less useful a couple of months later when the AWU temporarily obtained a majority on the State Executive and a factional brawl broke out again. In an attempt to stave off the adoption of the "Red Rules", which it was believed would undercut the AWU's power base, the AWU-dominated Official Executive postponed the Annual Conference until June. In reply, the "Industrialists", led by W. Seale, broke away, formed their own Executive and called a rival conference for Easter. 91 The dilemma facing Party units, including Martin's own branch and electorate council, was to which conference they would send delegates. In the Newcastle area only Adamstown and Merewether branches (Martin was a member of the latter) backed the official Executive, which had Federal Executive recognition. Elsewhere in the district the Seale Executive received strong support. When the

90. Newcastle Morning Herald, 13 December 1926.

Kahibah Electoral council met in March, Adamstown and Merewether branches were strongly criticised by the others. Speaking as a delegate from Merewether, Martin argued for a June conference on the grounds that the leagues had not had sufficient time to consider the proposed new rules and that new electoral boundaries, which were to operate following the reversion to single member seats, had not yet been finalised. However, this view was outvoted.  

The matter did not end there and was raised subsequently at the Easter Conference, where Martin and two others were alleged to have tried to disband the Kahibah Electoral Council to prevent it from sending delegates. After calls that they "should deal with those men and cut their heads off like they did Goodin and Gillies and company", it was resolved that Martin and the others "be requested to appear before the incoming executive, to be dealt with in compliance with the constitution". Fortunately for Martin, the incident blew over. Although a Unity Conference convened under Federal Executive supervision confirmed the defeat of the anti-Lang forces and readopted the "Red Rules", Martin remained unchallenged as Vice-

93. Newcastle Morning Herald, 19 April 1927.
President of Kahibah Electoral Council. A short time later he was elected to the vice-presidency of the Newcastle Federal Electoral Council and to the presidency of the Northern Group of Electoral Councils. In 1928 he was elected to the State Executive as Junior Vice-President, in part, it was said, owing to a skilful speech which played on industrialist sympathies by arguing for the recall of politicians who "ratted".

Martin served his political apprenticeship in a Party torn by very deep but fluid factional conflicts. The lesson he learnt from this was the inevitability of the triumph of the central party organisation. As he put it later, it became almost "axiomatic that you 'cannot buck the machine'". The corollary of this was the need for great caution in becoming involved in active opposition to that machine. It was one thing to criticise at a Party meeting - to insist with reference to Lang, for example, that "one man, no matter who he was, should not have control put into his hands" - but it was quite another to go further than

95. Labor Daily, 6 December 1927; Newcastle Morning Herald, 5 April 1928.

96. Labor Daily, 7 April 1928.

97. Diary, 5 June 1933.

this and risk expulsion. Typically, Martin dissociated himself in 1928 from moves initiated by some of the Newcastle branches to hold a rank and file preselection for the federal seat of Hunter, which fell vacant on the retirement of the former federal Labor leader Matthew Charlton. Although he believed the State Executive had acted wrongly in deciding to carry out the selection itself, Martin would not become involved with a breakaway. Perhaps this was because of his belief that the ALP was basically "idealistic or altruistic" and so could not stray for too long or too far from the "right path". It was to take the upheavals of the Great Depression and Lang's second term as Premier to shake this faith.


100. *Young Chronicle*, 1 August 1930.
CHAPTER TWO

THE MEMBER FOR YOUNG

Preselection: August 1929-July 1930

On leaving Young in 1926 Martin vowed:

Next elections I will return and I will win a seat in Parliament by fair and above board methods ... I love politics, and I want to fight those who by underhand methods have succeeded so far in keeping me out of Parliament. Goodbye, you will see me next election! 1

Although he did not in fact return for the 1927 election, Young was to be his first successful entry point into the realm of parliamentary politics. On the reintroduction of single member electorates by the Lang government in 1926, Cootamundra had been broken up into three smaller constituencies: Cootamundra, Temora and Young. At the 1927 election only Cootamundra was won by Labor, the other two both going to the Country Party. 2 In Young the Country Party's candidate, A.D. Reid, narrowly defeated P.F. Loughlin, who stood as an Independent Labor candidate, after a substantial...

Map 2: The Electorate of Young, 1930

leakage of Labor preferences to Reid.  

By late 1929 Martin was seriously considering his chances of winning ALP preselection for Young. Reports from the district indicated that the membership of the local leagues had fallen away while some were "virtually defunct". Much organisation would be required to reverse this, he realised. Also, he suspected that the State Executive and the Organising Secretary, A.J. Macpherson, would try to influence the outcome in favour of their candidate. On top of this were uncertainties about the political leanings of the seat once the boundaries were finalised and Martin's consciousness of the risks of political life. All in all:

... the position looks decidedly black and every indication seems to point to the foolishness of thinking of contesting.

3. Ibid., pp. 221, 224. The unsuccessful ALP candidate, G.F. McCarthy, was a candidate for preselection for the seat in 1930. Loughlin had resigned from the ALP late in 1926 after unsuccessfully challenging Lang's leadership; I. Young, Conflict Within the NSW Labor Party 1919-32, (M.A. thesis, University of Sydney, 1961), pp.205-224.

4. Diary, 24 August 1929; Cowra Guardian, 13 August 1929.

5. Diary, 13 September 1929, 5 October 1929.

6. Martin was contemplating applying for a more secure position as Senior Lecturer in Economic History at the University of Melbourne: Diary, 24 August 1929.
Yet - I feel the pull of the battle - and I have wanted for years to have a shot at a seat - altho' I fully realise all the disadvantages of political life - and they are many.

It was not until the end of November that Martin finally announced his candidature. He immediately commenced a tour of the electorate, speaking in all the major and many of the minor townships. He sought out the editors of the local newspapers, finding most of them "sympathetic" or "favourable" to him. Such support from outside the Party was a useful counter to some of the charges being made against him by fellow Party members. As early as September it was being said that the reason that Martin had not contested the seat in 1927 was that he wanted Loughlin to win. It was also implied that if elected he would follow Loughlin's example and "rat".

In early January 1930 the Young Electorate Council met to credential members eligible to vote and fixed 8 February as the date for the ballot. The membership

7. Diary, 24 August 1929.
10. Diary, 27 September 1929, 11 October 1929, 28 November 1929; Young Chronicle, 19 November 1929. Martin was not above personalities himself and did not object to Fred Cahill "preparing an attack on McCarthy as personally unfit - and upon Ticehurst as incompetent ...": Diary, 18 October 1929.
figures given at this meeting reveal something of the intense organising that had gone on over the previous few months. Cowra topped the list with 595 members, followed by Young with 580 and Grenfell with 519. This meant that Cowra had doubled its membership in three months, while Young had grown from 30 to 580 in just four months. These three largest leagues were each identified as supporters of a candidate - Cowra of McCarthy, Grenfell of Ticehurst and Young of Martin - while among the smaller leagues Ticehurst was believed to have strong support at Goolagong and Martin at Marengo and Wyangala. With each candidate expecting to receive a roughly equal share of primary votes, preferences would be crucial.

In the heat of mid-summer Martin took to the hustings in earnest. Circulars and letters were printed and distributed, tasks calling for voluntary labour provided by a Campaign Committee. Martin himself was fully occupied in touring the electorate speaking at most towns. At Young, for instance, he

11. *Cowra Free Press*, 7 January 1930; *Young Chronicle*, 7 January 1930; *Diary*, 24 August 1929. Young's increase was due largely to the efforts of Fred Cahill who boasted of putting through 400 in one meeting: *Diary*, 18 October 1929.


spoke for "3½ hours without a break and all out".\textsuperscript{14} Despite these efforts he was "continually on the defensive" over further rumours of his association with Loughlin.\textsuperscript{15}

These efforts, it appeared, were all for nought when, only a week before the ballot, J.B. ("Plugger") Martin, the ALP General Returning Officer, indefinitely postponed the vote and directed leagues to forward all membership records to head office in Sydney.\textsuperscript{16} Complaints that the leagues had been "packed" were cited as the reason for his decision. Although there were rumours that the rules regarding membership had been treated very lightly in some towns,\textsuperscript{17} many, including Martin, suspected that the Returning Officer's real motive was to secure the selection for a particular candidate.\textsuperscript{18} Despite predictions of a revolt, the Young Electorate Council agreed at a

\begin{align*}
\text{14. } & \textit{Diary, 2 February 1930.} \\
\text{15. } & \textit{Diary, 22 January 1930.} \\
\text{16. } & \textit{Young Daily Witness, 3 February 1930.} \\
\text{17. } & \text{At Grenfell "On Xmas Eve (they) were selling tickets as if they were art union tickets - without any regard to question of whether the persons had been nominated or not": } \textit{Diary, 1 January 1930.} \\
\text{18. } & \text{The chief suspect was Nilon, who was locally regarded as the "Lang candidate": } \textit{Diary, 3 February 1930; Young Daily Witness, 16 October 1929.}
\end{align*}
"stormy and at times uproarious meeting" to open its books to Executive scrutiny. After examining these J.B. Martin ruled that members could not vote in the preselection unless they had actually attended the meeting at which their ticket had been issued. This, Martin feared, would disenfranchise hundreds if not a majority of members, including most of his supporters at Young.

At this point Martin received some assistance from a surprising quarter. The Returning Officer's ruling had not taken Martin entirely by surprise since he had been forewarned by the Organising Secretary, Macpherson, who had fallen out with the "Inner Group". Over the following several weeks Macpherson contacted Martin on several occasions informing him, for example, that "the 'big fellow' did not want me to get into the House - and 'they' were determined to keep

19. Young Chronicle, 7 February 1930.
20. This was contrary to earlier rulings by the State President, S. Bird: Cowra Guardian, 29 November 1929.
22. Diary, 24 February 1930. One of the allegations against Macpherson at the 1930 Annual Conference, at which he lost his position to J.B. Martin, was that "he tried to have 'B.A.s and barristers' selected as Labor candidates": Rawson, op. cit., p.137; Young, Conflict Within the NSW Labor Party 1919-32, pp.295-297.
me out". Macpherson also urged Martin to fight back. When the State Executive endorsed the Returning Officer's decision to "prune" the voting list, Macpherson told him to: "... raise as much noise as possible ...that 'they' wish to put it over me; that must fight it".

On 9 March the Credentials Committee of the Young Electorate Council conferred with J.B. Martin on the revision of the rolls as ordered by the State Executive. However, the "pruning" carried out was so drastic and provoked so much local opposition that it backfired. Altogether some 1,300 members were struck off with losses particularly heavy at Young (432 out of 580 originally) and Grenfell (490 out of 516). In contrast Cowra, which was strongly pro-McCarthy, lost only 159 of its original 621 members. This left it the largest single league and made a McCarthy victory almost certain. Other leagues were quick to fight back and at a meeting, during which delegates from rival leagues came to blows, the Young Electorate Council resolved to appeal to the upcoming Annual Conference. In the words of one irate delegate it was a "fight between country leagues and city

23. Diary, 5 March 1930.
24. Diary, 8 March 1930.
Table 3: Voting in the Young Preselection Ballot, 24 May 1930

<table>
<thead>
<tr>
<th></th>
<th>Martin</th>
<th>McCarthy</th>
<th>Ticehurst</th>
<th>Nilon</th>
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<td>First Preferences</td>
<td>587</td>
<td>452</td>
<td>436</td>
<td>133</td>
</tr>
<tr>
<td>Nilon's Preferences</td>
<td>37</td>
<td>59</td>
<td>35</td>
<td>-</td>
</tr>
<tr>
<td>Sub-total</td>
<td>624</td>
<td>511</td>
<td>471</td>
<td>-</td>
</tr>
<tr>
<td>Ticehurst's Preferences</td>
<td>313</td>
<td>158</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Total</td>
<td>937</td>
<td>669</td>
<td>-</td>
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</tbody>
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Source: Young Daily Witness, 11 June 1930.
industrialists", with the former needing to show "this dominating clique that country leagues were determined to have a say in the selection of their own candidates". 26

In response the "Inner Group" referred the problem to a committee of the Easter Conference, while planning to "stack" the committee to ensure a result favourable to it. 27 As elected on 19 April the committee consisted of two industrialists (Jock Garden and Colin Tannock, Secretary of the Ironworkers' Union) and three country representatives (W. Webster, F. Saidy and J. Smithenbecker):

We then thought our case was really 'done' - for we believed that Garden intended to support (J.B.) Martin - and, incidentally, Geo McCarthy. We thought that it was absolutely hopeless.

However, committee met - Bert Chandler, Dan Cummins, myself, Ticehurst and McCarthy spoke. After tea the committee heard Plugger Martin - then called us in and Jock informed us - to our utter amazement - that they had decided to report that all the disfranchised members (except those admitted during the suspension period) should be allowed to vote!!! 28


27. Young Daily Witness, 14 April 1930; Diary, 18 April 1930.

28. Diary, 19 April 1930; Labor Daily, 21 April 1930. Saidy was the Vice-President of the Party. It is not known why Garden "dumped" the Returning Officer in this way. Cummins was President of the Young Electorate Council. Chandler was Press Secretary of the Young Labor League. He
Once Conference adopted this report, the way was clear for the preselection to go ahead as originally planned. In the meantime Martin again toured the electorate, this time in extreme cold and pouring rain, although optimistic that at last success was within his grasp. 29 For once this was so. In the counting after the 24 May ballot he defeated McCarthy by 268 votes after the distribution of preferences.

The Election: August-October 1930

Having won preselection, Martin had still to win the seat itself in order to fulfil his "dearest ambition". In part the election due in 1930 promised to be a repeat of that in 1927, since both of Martin's non-Labor opponents had contested the seat on that occasion. The sitting member, A.D. Reid, was reputed to be "one of the most silent members in the House", although he had used his three year term to entrench himself as much as possible. 30 P.F. Loughlin, who had

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was later General Secretary of the breakaway State Labor Party in the early 1940s. He became a member of the Central Committee of the Communist Party after they amalgamated in 1944: Tribune, 16 December 1943. The suspension period refers to the fact that applications for membership had been suspended for the duration of the Federal election campaign.

29. Diary, 13 May 1930, 22 May 1930.

30. Cowra Guardian, 30 September 1930; Diary, 24 August 1929.
spent the intervening years as a journalist on the Goulburn-Evening Post and who had attempted to build support for a country Labor Party, was also to contest Young again. It was anticipated that preferences would again be decisive. 31

Conscious of the factors working against him, Martin commenced campaigning well before the election was announced. In early August he arrived in Young and, as a first step, established a Central Campaign Committee composed of representatives of each of the leagues. 32 A fund raising drive was commenced and local campaign committees were formed in other towns to carry out organisational tasks. 33 Martin also toured the electorate speaking in many of the towns and paying particular attention to the interests of potential Labor voters such as the soldier settlers. 34

In early September with the announcement of the polling date (25 October), Martin speeded up his campaigning. He hurriedly prepared an itinerary and

31. Diary, 14 July 1930. Expression of preferences had been made compulsory by the Parliamentary Electorates and Elections (Amendment) Act 1928.


33. Martin bore most of the financial cost himself. The preselection ballot alone cost £100 and he later estimated the election to have cost him up to £200: Diary, 21 August 1930, 28 July 1931.

34. He found them more inclined to listen to Loughlin: Diary, 30 September 1930.
a policy speech, although work on the latter was
hampered by uncertainty about just what Lang's policy
statement would contain. On September 22nd he
listened to Lang's policy speech, which was
broadcast over 2KY and the following night made his
local campaign opening speech at Young. Concentrating
on the economic crisis arising from the onset of the
Great Depression, Martin attacked the conservative
parties for their attachment to doctrines of "fiscal
responsibility", and took as his theme the "defence of
living standards". He played down the gravity of the
country's economic difficulties claiming:

... that the trouble was partly one of the
mind. Everybody was talking depression and
this in itself helped to render the situation
worse. The papers had also contributed and
had proved themselves to be first class gloom
spreaders. They talked of Australia being
bankrupt - a preposterous suggestion! 35

Australia's difficulties in borrowing on the London
capital market were caused, he argued, by a "financial
strike" and not a lack of creditworthiness:

35. Young Daily Witness, 24 September 1930. Martin
was not entirely comfortable in following Lang's
denial of depression: "Have not yet given a
thought to my opening speech - and am very
concerned as to what Lang will say. If he denies
any depression it will be difficult, for it is
obvious that there is a drop in national income,
due to drop in wool and wheat values and cessation
of overseas borrowing": Diary, 17 September 1930.
... money was readily available to our competitors and should be just as readily available to us. In view of all this the pressure on us was significant. It would seem that the motive was an endeavour to lower our standard of living.

Martin followed Lang's call for the disbandment of the Loan Council to allow NSW to borrow separately and demanded that non-wage costs be reduced before wages. Replying to charges that Lang's policy was one of "repudiation", Martin alleged that the Bavin government had already reneged on its undertakings by its actions on the 44 hour week, arbitration and child endowment. The ALP, Martin said, "repudiated the repudiators, both Gardenites and Bavinites". 36

With his policy speech out of the way, Martin's campaign gathered speed. In addition to numerous street corner meetings, he introduced some novel features. Eight thousand copies of a personal circular were distributed throughout the electorate; buttons displaying his photograph were sold; special afternoon meetings were held for women; and a slideshow depicting "a Semitic looking gentleman being

36. Jock Garden had overstepped the mark a few weeks before the elections when the ALP's Political and Industrial Committee, which was dominated by his supporters, recommended the unqualified repudiation of all war debts, much to the embarrassment of the parliamentary leadership: C.B. Schedvin, Australia and the Great Depression, (Sydney University Press, 1970), p.187.
The young Member for Young, 1930

Source: Mrs Doreen Martin
ejected from Australia by a young Australian while the caption reads: 'Vote Martin and help to oust Depression'" was exhibited in several towns.37 Although he did not receive any help from party headquarters, he was assisted by an AWU organiser. This is surprising in the light of Martin's criticisms of the AWU several years earlier, but understandable given that Young was one of the major regional centres of the union's organisation.38 As 25 October approached Martin grew privately anxious, although he remained publicly confident of success. For one thing he feared that the State Executive's decision to direct Labor's preferences to Reid rather than Loughlin could cost him the seat, especially as he detected growing support for the latter.39

On the night of the 25th Martin learnt that he led Reid by about 1,000 votes and could expect to win

37. Diary, 17 September 1930; Cowra Free Press, 15 August 1930; Labor Daily, 7 October 1930, 9 October 1930; The Worker, 24 September 1930. Anti-Semitic sentiments were widespread in the ALP at that time: J. Iremonger, "Cold War Warrior", in Radi & Spearritt, op. cit., pp.232-234. Martin's later career showed him to be a strong supporter of Jewish settlement in Palestine, a stand which earned him the gratitude of the Jewish community. Also as MP for Waverley he had quite a deal of contact with local Jewish organisations: M. Freilich, Zion in Our Time, (Morgan Publications, 1967), p.94.

38. The Worker, 12 November 1930.

39. Diary, 21 October 1930.
comfortably on the preferences of Loughlin. Nonetheless he was far from ecstatic at realising his ambition at last:

Naturally the result is satisfying - but I do not feel any extraordinary elation - indeed I am greatly disappointed, and surprised, that it was not a thumping victory. Albury and Ashburnham were easily won - and Young should have been. Of course, it must be remembered that it was a tough fight, against a sitting member, powerful organisation, etc. Had our organisation not been so good - and the campaign so intense, we would certainly have lost.

At the declaration of the poll on 1 November he thanked his supporters for their efforts and warned that the overall result of the election - in which Labor won office with 55 seats - showed that the people of NSW would "under no circumstances ... tolerate interferences with the standard of living". It was, he said, "one of the proudest (days) in his life", having "always cherished an ambition to get into parliament". That night he left for Sydney and was given a "rousing send-off by a big crowd at the Young railway station". Their "repeated cheers" and "the wealth of streamers used" made it, in the words of the Cowra Free Press's reporter, a "happy and auspicious" occasion.

40. Diary, 26 October 1930.
41. Cowra Free Press, 4 November 1930.
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<tr>
<th></th>
<th>Martin</th>
<th>Reid</th>
<th>Loughlin</th>
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<tr>
<td>Valid First Preferences</td>
<td>6,026</td>
<td>5,040</td>
<td>1,858</td>
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<tr>
<td>Loughlin's Preferences</td>
<td>843</td>
<td>1,015</td>
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<tr>
<td>Final</td>
<td>6,869</td>
<td>6,055</td>
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Source: Hughes and Graham, Voting for the NSW Legislative Assembly 1890-1964, p.243.
The Theodore Plan: October 1930-February 1931

In retrospect it is easy to see that the jubilation among Martin's supporters at Young was misplaced given the circumstances of Labor's victory. The Lang government was the last Labor government to be elected in NSW until 1941 as a direct result of the pressures placed on the Party by the Depression. In their moment of triumph such farsightedness was not to be expected and Martin, who was more aware of the extent of the economic problems than he let on during his campaign, was preoccupied with adjusting to the environment of Parliament.

On 3 November Caucus met to elect the new Cabinet, "a ticket being run - and only Billy McKell beating it". As a new MLA, one of the youngest members of the House and the only one on the Government benches with formal training in economics, Martin had first to learn the ways of Parliament and accommodate himself to the demands of his new role. He was assigned an office, "a splendid room with a great bunch of chaps - Gus Kelly, Charlie Lazzarini, Ken Hoad, Jack Donovan,

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etc.". He quickly came to realise that, as far as speaking one's mind went, discretion was the better part of valour:

One thing I've learnt is that one has to be very careful about making statements - there's an air of suspicion about the rooms and any comment re Lang or the Cabinet is taken back to them. The wisest plan is just to 'saw wood'.

In the first few weeks Martin was snowed under by a "tidal wave" of correspondence and representations from constituents. Even at the Young victory social "folk would not leave me alone - but were at me on innumerable subjects". When the new Parliamentary session commenced he endeavoured to get the call to make his maiden speech, although he was "terribly nervous" wanting "to make a good impression more than I've ever wanted to before". Anxious lest he make some embarrassing "faux pas" he confided in his diary: "I want to state my position with regard to society,

43. Diary, 5 November 1930. C.A. Kelly, MLA for Bathurst, subsequently held the portfolios of Health, Housing and Chief Secretary in the Labor Governments of 1941-65. C.C. Lazzarini was the MLA for Marrickville and Assistant Treasurer in the first McKell cabinet. J.R. Donovan was the MLA for Murray.

44. Diary, 9 November 1930.

45. Diary, 21 November 1930.

46. Diary, 26 November 1930.
etc. - but I am not sure whether it is good form to do so". After several attempts to get the call it was with great relief that he finally made his maiden speech on 4 December:

When I stood up my heart was thumping - but the old voice came out OK. Soon some of the Opposition began to interject - and I was set! ... The relief was immense - it's great to have it over and to know that it went well. 48

Overshadowing Martin's personal adjustment was the question of the Lang government's response to the economic and financial problems of the Depression. The Bavin government's response to rising unemployment and a burgeoning State budget deficit had been to try to reduce the costs of production, especially wages, and contain government expenditure. In August 1930 NSW had joined with the other states and the Commonwealth in signing the Melbourne agreement, under which governments agreed to balance their budgets in 1930-31 and suspend overseas borrowing. 49 The participation of the Commonwealth Labor government as well as the Labor states of Victoria and South Australia in this agreement brought to a head

47. ibid.


49. Schedvin, op. cit., p.183.
disagreements within the Labor movement over economic policy. While one line of thought pressed for public service and social welfare cuts to implement the Melbourne Agreement, another favoured repudiation of the overseas war debt.\(^50\) During the October 1930 election campaign in NSW Lang took a middle course, rejecting the Melbourne Agreement, but hoping for some negotiated reduction in the overseas war debt and a gradual improvement in the economic outlook as Scullin's tariff increases took effect.\(^51\) Labor's victory in NSW strengthened the hand of those in the Federal Caucus who had been arguing for a policy of credit expansion. In November a motion calling for credit creation and a £20m public works programme was adopted by the Federal Parliamentary Party and subsequently endorsed by the NSW State Executive.\(^52\)

From October 1930 until February 1931 the ALP in NSW was in accord with the majority in the Federal Parliamentary Party in advocating credit expansion as the best response to the Depression. Martin's views at this time are interesting, not only because his education enabled him to articulate his ideas, but also

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50. ibid., pp. 186-187.
51. Sydney Morning Herald, 23 September 1930.
because they provide an interesting contrast to his later support for the Lang Plan. In his maiden speech on 4 December he identified underconsumption arising from the displacement of labour by machinery, high distribution costs and over-capitalisation of firms as background causes of the Depression. As more immediate factors he pointed to high interest rates - in support of which he cited the view of J.M. Keynes, "probably the world's greatest economist" - and the undue "worshipping of the gold standard" by the banks. Deflation, he argued, had been carried too far and it would be wiser to pursue "a certain restricted and carefully managed inflation". He advocated control of currency and credit by a central bank along the lines of the Federal Reserve System in the USA and chastised the Senate for its rejection of Labor's Central Reserve Bank Bill.

Martin took other opportunities to argue for these views. In December he gave evidence during the Commonwealth Arbitration Court's inquiry into the basic

53. Martin was already aware of the possibilities of public works expenditure and credit policy as counter-cyclical measures: C.E. Martin, "Unemployment: some recent suggestions", Economic Record, 5 May 1929, pp.122-130.

wage. He blamed incorrect monetary policy and the absence of a central bank for the severity of the situation, but argued that wage reductions should be allowed only as a last resort and not until savings had been made in the costs of production and distribution. Consideration ought also be given, he maintained, to the enforcement of lower dividends on over-capitalised companies, a reduction in the size of the gold reserve held against the note issue and cuts in interest rates. He held "the failure of the capitalistic banking machine" to blame for unemployment during a Parliamentary debate on a motion to establish a select committee to investigate the private banking system in NSW. Under-consumption had resulted from the fact that the "purchasing media (were) not in the hands of

55. Labor Daily, 13 December 1930. Martin also helped to obtain for the unions the services of R.F. Irvine, former Professor of Economics at the University of Sydney: Diary, 14 December 1930. Martin was a former student of Irvine's: B. McFarlane, Professor Irvine's Economics in Australian Labour History 1913-1933, (Australian Society for the Study of Labour History, 1966), p.13.

56. The committee originally consisted of ten members - six from the ALP (including Martin, Lang and Stuart-Robertson), two from the Country Party and two Nationalists. However, it did not meet more than half a dozen times and did not produce a final report: Diary, 25 June 1931, 6 August 1931, 13 August 1931, 3 September 1931; D.H. Borchardt, Checklist of Royal Commissions, Select Committees of Parliament and Boards of Inquiry, (La Trobe University Press Library, 1975), Part IV (NSW) 1855-1960, pp.307-308.
One cartoonist's reaction to a speech by Martin on reform of the monetary system. Publicity such as this was not calculated to win him any supporters in Young.

the public and a deflationary attempt to return to the pre-war gold standard. What was required was radical reform of the banking system and dropping the gold standard in favour of a managed currency. France and more controversially the USSR were cited by him as examples of the successful manipulation of economic conditions by varying the currency.

The Lang Plan

When it became clear early in 1931 that no government would be able to balance its budget in 1930-31 as envisaged by the Melbourne Agreement, a Premiers' Conference was called to discuss a longer term plan of adjustment. On February 6th Federal Treasurer Theodore unveiled an expansionary monetary policy, which aimed to stimulate production and reduce unemployment. Most Premiers reacted negatively to this, treating it as irresponsibly "inflationist". A surprise was in store for both Theodore and the State governments, however, in the shape of a much more radical set of proposals put by Lang on the 9th. This involved Australian refusal to pay further interest owed to British bondholders until the burden of the debt was renegotiated, the reduction of domestic

interest on Government borrowings to 3 per cent and the abandonment of the gold standard in favour of a "goods standard" "based upon the wealth of Australia". 59

Economists have generally regarded the Lang Plan as an amalgam of good and bad ideas. It was one thing to negotiate a reduction in overseas interest repayments, but quite another to unilaterally declare them reduced or suspended - the latter would have threatened the foundations of the financial system. The proposal for a "goods standard" based on Australia's wealth neglected the importance of trade, especially with the UK, to the economy. 60 Historians have likewise discounted the face value of the Lang Plan, seeing in it an attempt to destroy Theodore, whom Lang saw as a rival to his position of leadership in NSW. 61 Whatever Lang's motive for proposing it, the Plan had a catalytic effect on the ALP, whose Federal and NSW wings were brought into a bitter conflict lasting for five years. During a by-election campaign for the Federal seat of East Sydney in February/March, NSW and Federal Labor speakers argued for the Lang and


60. Schedvin, op. cit., p.229; D. Clark, "Was Lang Right?", in Radi & Spearritt, op. cit., pp.151-152.

Theodore proposals respectively. The victory of the Lang candidate, E.J. Ward, spurred the formation of a breakaway Lang group in the Federal Parliament which deprived the Federal government of its majority in the House of Representatives and allowed Lang to default on overseas interest payments amounting to almost £5m by the end of June. ⁶²

As a junior backbencher Martin's role in these developments could not have been other than peripheral, but, surprisingly, he did not even make note of them. His diary for the week after 9 February records representations on behalf of local prune growers, arrangements to move into a new flat and meetings attended, but mentions nothing of Lang's financial proposals. It was not until Lang returned from the Conference that the subject arose:

Caucus today. Motion endorsing the Lang financial proposals ... moved by Gus Kelly and seconded by me. I said I was in favour of the proposals - but strongly objected to the fact that they had been announced and formulated without consulting the Party - also that would seem they could not be given effect to without clashing with Federal government and the Constitution; that, if measures to be brought forward in connection

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with it, Caucus should be consulted. Evan Davies, Flannery supported these views. 63

That Martin was so quick to identify himself with the Lang Plan is surprising for two reasons. First, as he pointed out to Caucus, he doubted that it could be implemented against the wishes of the Federal government and the banks. He was unwilling to countenance default and appreciated the political consequences of doing so. 64 Secondly, Martin was one of a small group of critics of Lang within Caucus. He had entered Parliament with an anti-Lang label because of the Inner Group's hostility to his preselection and it did not take long, once elected, for him to become a thorn in the side of Lang. Before its defeat the Bavin government had imposed a wages tax of 3d in the to cover the escalating cost of unemployment relief. Faced with a growing army of unemployed and the burden that the payment of relief was placing on the budget, Lang decided soon after the election to increase this to 1s in the £. On 28 November Caucus debated the issue, with Martin and Kelly proposing an alternative progressive tax. However, they "were well

63. Diary, 20 February 1931. M.M. Flannery was the MLA for Murrumbidgee and had been the Minister for Works and Railways in the first Lang government. E.A. Davies was MLA for Ryde.

64. Diary, 25 April 1931, 28 April 1931.
stitched. In late January Martin was again on the attack, this time over the proposals of the Minister for Agriculture, W.F. Dunn, to establish a domestic price for wheat of 4/- a bushel and to provide assistance to the worst affected farmers. Another incident at the end of April confirmed the existence of a "cave" of members critical of Lang in Caucus. This arose out of a speech in the Assembly by Gus Kelly in which he strongly criticised Lang's financial policies, claimed that the finance with which it had been hoped to carry on government was simply not available and argued that NSW should rejoin the Loan Council. Kelly also argued for expenditure restraint, failing which the government would "go smash". As might be expected, this led to a row in Caucus, with Lang describing the speech as "base treachery". Contributions in support of Kelly were made by Flannery, Davies, Lazzarini, Keegan and Martin.

65. Diary, 30 November 1930.

66. Diary, 27 January 1930. In his policy speech Lang had promised a scheme that would guarantee a stable market for wheat over several years. Sydney Morning Herald, 23 September 1930.


68. T.M. Keegan was the MLA for Glebe and had been Minister for Local Government from May to October 1927. Diary, 1 May 1931. Young is incorrect in saying that Kelly was deserted by his friends in this: Young, Conflict Within the NSW Labor Party 1919-32, p.354.
Analysis of the diaries suggests that the most likely members of this "cave" were Martin, Kelly, Flannery, Davies and Lazzarini, while occasional support was forthcoming from another five. What brought them together is unclear, although three of the above five (Martin, Kelly and Flannery) were MLAs for country seats sharing a single office.

Events over the following few months bore out the predictions made in Kelly's speech. In May and June Lang attended the Premiers' Conference, at which another attempt was made to formulate a comprehensive plan of financial action supported by all governments. Along with the Commonwealth and other Premiers, he was a signatory to the Premiers' Plan which emerged from this conference. Its three main provisions were a reduction of 20% in adjustable government expenditure, increases in Commonwealth and State taxes and a reduction in government and bank interest rates.69 Lang gave, in an "awful, disconnected, meretricious" report to Caucus on 13 June:

He did not seek to apologise - as one might have expected - for many reversals of opinion - but played to the gallery and scored painfully easily. One might have expected that the chaps would have wanted to ask questions and have a full discussion of the very momentous issues and questions. But shortly after Lang finished - it was moved

69. Schedvin, op. cit., p.249.
and seconded that the report be adopted. At this stage I strongly objected — contending that we ought to adjourn till 2 in order to have a full discussion. Lang was furious — and he and Gus Kelly had a few hot minutes. 70

In the following debate Martin expressed concern mainly about the effect of expenditure cuts, in particular reductions in public service salaries, and argued that it was unfair to impose this on only one section of the workforce. Predictably, however, Caucus adopted Lang’s report after assurances that he had "taxation proposals in view".

The nature of these taxes became clear later in June when a looming financial crisis threatened the State's ability to pay the salaries of its own employees. On 25 June Lang informed Caucus of an emergency taxation measure "of a startling character", under which current income tax rates were to be increased by between 60 and 750 per cent 71. Martin was delighted and moved the endorsement of the proposal in Caucus. 72 A Bill was rushed through the Assembly, but was defeated in the Council by 45 votes to 17, leading Martin to fear that "Lang might dump us and call an

70. Diary, 13 June 1931.
71. Schedvin, op. cit., p.270.
72. Diary, 25 June 1931.
However, Lang hung on and, having no alternative, sought assistance from the Loan Council to cover 500,000 for public service salaries:

It is unquestionably a major crisis - what a position we'll be in if he cannot secure financial accreditation and we cannot pay for essential services!!! It would be impossible. Even some of the most 'faithful' are beginning to rock a little and to realise that J.T. may not be able to 'win through'.

A crisis was temporarily averted when Lang obtained the necessary £1m from NSW sources, but it was clear that a return to the Loan Council would have to be made eventually. The other Premiers and the Commonwealth government stipulated two conditions for this assistance: resumption of payments on the public debt and introduction of legislation giving effect to the Premiers' Plan. Lang informed Caucus on 17 July that he would accept these terms and in early August NSW was readmitted to the Loan Council.

At the Premiers' conference the previous June Lang had proposed to cut expenditure by reducing all public service salaries to a maximum of £500 p.a. and he now decided to legislate for this scheme in order to meet the requirements of rejoining the Loan Council. The Salaries Reduction Bill came before Caucus on 29 July

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73. *Diary*, 30 June 1931, 8 July 1931.
74. *Diary*, 17 July 1931.
July at the unusual time of 5.30 pm, the idea being to "rush thru' proposals before tea". In a debate marked by "more plain speaking and more discussion than is normally [the] case" Kelly, Connell, Flannery, Donovan, and Lazzarini opposed the Bill. 76 Martin criticised it on three grounds: that the reduction should be graduated and not flat; that it was anomalous in its treatment of pensions and the salaries paid by some quasi-governmental authorities; and that it would probably be "slaughtered" in the Upper House:

This was line taken generally by the opposition. However, at about 8.15 pm the question was put and carried - none of us voting against it. The Bill is inequitable and fantastic - and will make us a laughing stock. It will only add to tremendous feeling against us, but ...! 77

Instead of rejecting the Bill, however, the Legislative Council amended it to provide a graduated reduction in all public service salaries. 78 Back in the Assembly Lang moved for the rejection of their amendments without prior consultation of Caucus. Martin was bitter:

... he simply ignored his promise and our wishes. A number of us approached Cahill - who informed Lang that we wanted a Party meeting - he simply ignored us - and once again gave us a dirty slap in the face ...

76. Diary, 29 July 1931.
77. ibid.
The papers reported this afternoon that p.s. salaries will not be paid tomorrow - which is just about the crowning stone in a rotten edifice. The threatened 'black Thursday' is apparently at hand! 79

Lang's hand was forced the next day when government salaries were not paid, and a Bill acceptable to the Legislative Council was quickly introduced.

The rest of the year was not marked by any further confrontations in Caucus, although Martin and others continued to resent Lang's failure to consult the Party. In November 25 new MLCs were appointed on the initiative of Lang without any reference to the Parliamentary Party - "we were simply ignored". 80 By early 1932 there were persistent rumours that there would be a revolt against Lang within Caucus, although Martin strongly denied this:

79. Diary, 5 August 1931.

80. Diary, 23 November 1931. About this time Martin began to worry about charges of corruption against the Government over tin hare racing licences and appointments to statutory authorities: Diary, 26 September 1931, 29 December 1931, 20 January 1932, 16 February 1932, 22 February 1932. Martin himself was interested in obtaining a financial stake in the licence that would be allocated to his electorate: Diary, 21 January 1932, 25 January 1932. A subsequent Royal Commission found that there had been corruption in obtaining the legislation and issuing licences for tin hare racing: "Report of Royal Commission on Greyhound Racing and Fruit Machines", NSW Parliamentary Papers, Second Session, 1932, Vol. 1, pp.993-1082.
This is in line with a widespread rumour that there is a group who (Gus, Jack Fitz, Ken Hoad, myself and some others) are working up a revolt against Lang. God only knows there's enough cause to revolt - but altho' there is much dissatisfaction, there is no sign of revolt. 81

That Martin did not carry his disapproval of Lang beyond the Party room may be attributed to two factors. The first was Martin's conception of himself as a socialist, a subject which is explored in the following chapter. From this point of view Lang appeared as a more resolute defender of working class living standards than his Federal Labor counterparts. Parts of Lang's programme, such as the reduction of interest rates, were useful, while he perceived Federal Labor as lacking in political strength. He once described it as a "weird" conglomerate of all the "rejects, misfits and dumps from the ALP". 82 On two later occasions Martin was approached to join the Federal Party, but declined owing to differences concerning the socialisation objective and the relative priority that should be given to it over the task of winning government in the short term. 83 Whatever Lang's

81. *Young Chronicle*, 26 January 1932; *Diary*, 20 January 1932.

82. *Diary*, 14 November 1931.

83. *Diary*, 6 July 1933, 20 April 1934. Similar approaches were made to Gus Kelly: *Young, Conflict Within the NSW Labor Party 1919-32*, pp.354-355.
weak points - and his "dictatorial" style was not the least of them in Martin's view - there was simply no better alternative.

The second factor was Martin's passivity, the feeling that whatever happened would happen without his being able to exert any influence on the outcome. In part this was a carry over from his experiences before entering Parliament. Federal Labor was bound to lose, he thought, because it did not control the Party organisation in NSW - "I'm satisfied that control of machine is the most important thing". 84 Caught between personal loyalty to Federal Labor members, "men who have been our friends for years", and Lang's tight grip on the Party in NSW, Martin's reaction to the Federal/NSW split was to bemoan "the tragedy of it all", while still sticking with Lang. 85 Thus he spoke in support of the Lang candidate in the by-election for the Federal seat of East Sydney and in the South Australian State elections. 86 During the Federal election campaign in November/December he spoke on behalf of Lang candidates in Brisbane in order to avoid

84. Diary, 14 November 1931, 31 March 1932.
85. Diary, 4 December 1931, 25 February 1931, 29 March 1931, 4 April 1931, 20 April 1931.
86. Diary, 3 March 1931, 14 October 1931.
involvement in a more bitter campaign in NSW.\textsuperscript{87} Passivity was also fostered by Lang's style of political decision making. This was characterised by secretiveness and rapid changes of position, which made it extremely difficult for others to work out just what he was up to. Martin felt that he was a mere observer. As he wrote in his diary early in April 1932, just after Lang had tried to evade the Commonwealth's Financial Agreements Enforcement Act by denying it access to State income tax records:

This action of Lang's appears to be an obstruction of Act - and it is possible that he could be indicted. Has he any further moves up his sleeve? Will he win? - our position is simply that of onlookers. \textsuperscript{88}

\textbf{Defeat: January-June 1932}

The UAP's victory at the Federal elections in December 1931 presaged the end of the Lang government in NSW. In February 1932 Lang again defaulted on external and internal interest payments to avoid the further cuts in State expenditure that would be necessary to balance the budget. The Federal government responded with the Financial Agreements Enforcement Act, which empowered the Commonwealth to

\textsuperscript{87} \textit{Diary}, 26 November 1931, 4 December 1931, 12 December 1931, 14 December 1931, 15 December 1931, 18 December 1931.

\textsuperscript{88} \textit{Diary}, 8 April 1932.
recover interest payments, on which a State had
defaulted, directly from that State's revenue.
However, the Act was not enforced against NSW until
early April after the High Court had dismissed a
challenge to its constitutional validity.\(^{89}\)

Martin's reaction to this renewed default was very
low key: "We have seen so many of these crises, that
we have become somewhat blase about them".\(^{90}\) After
the High Court handed down its judgement on 6 April,
the Commonwealth issued a proclamation requiring that
State income tax be paid direct to the Federal
Treasury. Lang countered by impounding the records of
the State Taxation Department, thereby preventing the
issue of assessment notices.\(^{91}\) Soon afterwards the
Commonwealth directed the banks to pay to it all funds
held on behalf of the NSW government and attached
revenue from betting, racing and entertainment
taxation. Lang retaliated by ordering all payments
and receipts to be made in cash through the State
Treasury. Amidst conservative pressure on the
Governor to dismiss Lang, Martin feared that an
election was inevitable:

\(^{89}\) Schedvin, \textit{op. cit.}, pp.351-353.
\(^{90}\) \textit{Diary}, 2 February 1932.
\(^{91}\) Schedvin, \textit{op. cit.}, p.353.
I can only hope that this is not so – feeling against us is terrifically high – and we would face complete annihilation. 92

Again Lang kept Caucus in the dark. A Caucus meeting was held on 28 April to discuss various minor measures, but "Lang did not put in an appearance, so that we know nothing further of his plans". 93 As the days passed Martin grew more and more depressed at the prospect of an election and the imminent end of his hopes for a political career. 94 Lang's last stroke was the introduction of a Mortgages Taxation Bill on 12 May. This imposed a 10 per cent tax on all mortgages to be paid within 14 days of the Act's commencement and it has been estimated that, had it been collected, up to £14m could have been raised. 95 Martin was enthusiastic, thinking that here at last was Lang's bold move, which would rescue him from his predicament:

The idea is that Opposition and their ilk have declared that overseas interest should be paid and in this we have provided machy for them to pay it – they say it should be paid, then let them pay it. I spoke on measure and have never felt better and it is first time I've felt absolutely right 'on top of them'. 96

92. Diary, 12 April 1932.
93. Diary, 28 April 1932.
94. Diary, 29 April 1932, 6 May 1932.
95. Schedvin, op. cit., p.353.
96. Diary, 12 May 1932.
This was grasping at straws, however. The next day the Governor, Sir Philip Game, exercised his reserve powers:

The axe has fallen - the Ministry was dismissed tonight! ... Well, - tis here at last - we've only had 18 months in office. The fight is on - and I go out to fight with everything that is in me. 97

Willpower alone could not suffice, however. Since mid 1931 Martin had observed, with one or two exceptions, the growth of an overwhelmingly strong anti-Labor feeling in his electorate. 98 The conservatives and secessionists were "waiting with an axe". 99 Meanwhile the local ALP organisation had been weakened by the State/Federal split, although the majority of branches, including Young, supported Lang. 100 As in 1930, Martin's campaign itinerary called for a demanding round of public speaking in each of the major and minor towns. This time both of his opponents were Country Party candidates: A.D. Reid, who had held the seat between 1927 and 1930; and M.W. Whitby, the Mayor of Cowra. 101 The campaign waged by

97. Diary, 13 May 1932.
99. Diary, 29 December 1931.
100. Diary, 7 April 1931, 17 April 1931, 25 April 1931.
both sides was acrimonious. Martin, it was alleged, had addressed a meeting at Communist Party headquarters in Sydney "for three hours on behalf of communism". The highlight of Martin's campaign was a "monster procession" through the streets of Young by a thousand or so Labor supporters carrying banners and accompanied by the town band. The crowd was addressed by Martin and Jack Beasley, the leader of the Lang group in the Federal parliament.

On June 11, polling day, Martin was confident of victory, but his judgement proved to be wildly inaccurate. After distribution of preferences his share of the valid vote had fallen from 53% (6,869) in 1930 to only 41% (5,354), leaving Reid with a hefty 2,408 majority. Across the State, Labor lost 31 seats while its share of the first preference vote fell from 55 to 40%. In defeat Martin was shocked but not morose:

102. Young Daily Witness, 3 June 1932. This was a garbled reference to a lecture Martin had given to the Rationalist Association on "Individualism v. Regulation": Diary, 15 May 1932.

103. Diary, 26 May 1932.

104. Young Daily Witness, 30 May 1932; Diary, 28 May 1932.

105. Hughes & Graham, Voting for the NSW Legislative Assembly, p.257.
Well - it's over - and I've been well-stitched ... Thank Heavens, to date I've been able to take the defeat well - of course I didn't get a good sleep last night, but am feeling right this morning. The hardest thing will be to have to stand gloating of opposition crowd. 106

The fulfillment of Martin's "dearest ambition" had been frustrated after little more than 18 months. It was to be another seven years before he would again be an MP.

106. Diary, 12 June 1932.
CHAPTER 3

THE SOCIALISATION UNITS

Martin as a Socialist

In the previous chapter it was argued that one of the reasons why Martin continued to support Lang, in spite of all the criticisms he made of him, was that Lang's response to the Depression was the only one that came close to Martin's preference for a socialist solution to the problems of capitalism. While this general point at least is clear, what Martin meant by "socialism" is far from being unambiguous and straightforward. To some extent, of course, this is only to be expected, since his political outlook was not simply an intellectual construct, but grew in an ad hoc way out of "my youth experiences and of my ec. studies - all confirming my belief that there were grave injustices in society and that there were many things which should be done". Moreover, as a teacher, orator and pamphleteer, Martin was skilled in the communication of ideas at a popular level rather than in systematic theorising. Nevertheless, given his academic study and wide reading it is disappointing to find that he nowhere even attempted to set down a

1. Diary, 15 June 1934. The English socialist R.H. Tawney's critique of the "acquisitive society" was an important early influence on Martin: Young Chronicle, 19 June 1923, 10 July 1923.
detailed statement of his beliefs. In the circumstances, it is left to the biographer to find order by highlighting those ideas which appear to be most central.

In the first place, socialism was to be democratic. Martin's grab bag of ideas included such typically liberal notions as opposition to intolerance, censorship, and established religion. These were combined with support for free speech.

2. **Newcastle Sun**, 14 March 1929.


4. In Martin's view religion had no part in politics: *Labor Daily*, 17 April 1925, 7 September 1928; *Diary*, 25 January 1932. His own opinions were agnostic: *Diary*, 5 April 1943, 2 January 1948. Some of his lectures show that he was influenced by Christian ethical principles and he had friends among the clergy such as E.H. Burgmann, Dean of the Anglican Theological College at Morpeth (where Martin lectured while he was at Newcastle) and later Archbishop of Canberra and Goulburn. Burgmann presided at Martin's wedding in 1933 as well as at his funeral twenty years later: *Newcastle Morning Herald*, 27 July 1931; *Daily News*, 20 May 1940.

5. At times this was tempered by political considerations, as was illustrated by his reaction on the two instances when John Anderson, Professor of Philosophy at Sydney University, was criticised for his remarks on politics and religion. In 1931 Martin spoke vigorously in defence of Anderson: *NSWPQ*, 4 August 1931, Vol. 128, pp.4966-4970, 1 September 1931, Vol. 129, pp.5808-5813; *Diary*, 15 July 1931, 17 July 1931. In
birth control, adult education, and the introduction of new legislative mechanisms such as the initiative, referendum and recall.

Secondly, socialism would require more than just liberal reform; fundamental changes in the structure of society would be needed. As he told the NSW Parliament in his maiden speech:

I believe that complete justice in modern society will not be secured until we have effected fundamental changes in both the structure and the motives of modern society.

In Martin's mind injustice was closely linked with inequality of income and hence opportunity:

There can be no doubt that in this world there is grave injustice. There is domination by one class over another; there is distinct inequality; and the basic principle upon which society acts is acquisitiveness.

1943, however, Martin walked out of the Legislative Assembly as debate on a censure motion began and did not vote for the "innocuous" but "shameful" resolution which passed. "If I had followed by deep-seated conviction I would have spoken against motion": Diary, 6 April 1943. It is unclear why Martin acted in this way, although the matter had been the subject of an acrimonious debate in Cabinet and there might have been some pressure from that direction to say nothing: Diary, 5 April 1943.

6. This applied only to parents with certain physical or mental diseases: Newcastle Sun, 2 August 1928.


9. ibid.
Increased taxation including death duties which would "annihilate" the inheritance of wealth, "one of the most monstrous inequities that exists at the present time", was one remedy for inequality, he thought.\(^{10}\)

Added to this were the manifest economic problems of capitalism in the midst of the Great Depression, when it seemed to be failing to fulfill its own promise.\(^{11}\)

Put in this way, Martin's conception of socialism was really an attack on the evils of capitalism, rather than a concrete proposal for a different type of society. A speech he made to a Labor Party meeting in January 1932 conveys a little of the more visionary side of socialism:

We, as a party, hope to rebuild this world ... We have ideals, and we have vision. Let them call it what they like. Let them call us socialists. If they choose to call Clarrie Martin a Socialist - and get it clear - he is proud to receive that distinction, if by Socialism is meant gradually building up a society where there is no longer want, where there is no longer poverty, where unemployment is unknown and where instead there will reign peace and happiness, and where there will not be exploitation of human beings such as is going on today, a society where profits will be eliminated, and in which people will be paid according to their worth, and not according to their birth!\(^{12}\)

\(^{10}\) **NSWPD**, 25 March 1931, Vol. 125, p.2252.


Pressed to provide more than cliches about the "reign of peace and happiness" Martin was evasive, arguing that it was impossible and unnecessary to be precise about the form that a socialist Australia would assume. While it would be pointless to elaborate on the detail of such a future "New State", he hoped to foster the growth of a socialisation attitude, "a frame of mind".  

As to the methods by which socialism would be reached, Martin was of two minds. On the one hand the Labor Party, unlike the Communists, was constitutional in its outlook and was committed to peaceful and legal change. On the other hand, he admitted that complete justice could not be secured by parliamentary methods alone and that, in certain cases, direct action was more appropriate. He did recognise, however, that, either way, there was little immediate prospect of success. For the Labor Party a programme of full socialisation "would probably mean political wilderness for 15 years" and, for Martin himself, the loss of his own marginal country seat - "I am thrown up against the


15. Bathurst National Advocate, 1 October 1930; Canowindra Star, 3 October 1930; Diary, 17 May 1931.
old difficulty that a radical attitude is incompatible with holding a country seat". Given that the prospect of socialism was so distant, it is no wonder that Martin's ideas were so vague and platitudinous.

The Socialisation Units: 1930-1932

The 1930 ALP annual Conference established a Socialisation Committee charged with carrying out organisational and propaganda work in relation to the Party's socialisation of industry objective. Its membership was drawn from what an historian of the Units has described as a small and unorganised group of socialists sharing a conviction that only the Labor Party as the "mass party of the working class" could achieve socialism. They also believed that an organised ginger group could press the Party towards this goal. It included the remnants of those who had supported the One Big Union after the First World War, as well as some who had been recruited through the Labor Educational League, set up in 1927 to press for socialist educational reforms. W. McNamara, secretary of the Socialisation Committee, was a co-founder of the

16. Diary, 24 August 1933, 7 July 1931. Martin was perpetually worried that word of his radical activities would get back to his electorate: Diary, 4 February 1931, 10 May 1931.

League, of which Martin was the Senior Vice-President.\textsuperscript{18} Although there was no direct link with his socialisation activities, it is quite possible that this was the channel through which Martin became involved in the Socialisation Units.

Throughout 1930 the Socialisation Committee concentrated on forming Socialisation Units attached to local branches and by the 1931 Easter Conference its efforts had proved so successful that it "presided over a new mass organisation", parallel to the official structure of the Party.\textsuperscript{19} Lang and the Inner Group perceived this as a threat to their tight hold over the Party machine and so at the Easter Conference in that year moves were initiated to bring the Units under control. The first was an attempt to head off the pressure to put socialisation at the top of the Party's platform for the next election by representing the Lang Plan as a transitional programme for the achievement of socialism. This tactic failed when the Conference adopted a proposal by McNamara for a three year plan to

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\textsuperscript{18} ibid, pp.7-8; B. Mitchell, Teachers, Education and Politics, (University of Queensland Press, 1975), p.102; Labor Daily, 10 September 1928.

\textsuperscript{19} Cooksey, op. cit., p.12. A unit was formed at Young, but does not appear to have been very active; Young Daily Witness, 21 July 1930.
establish socialism by regulation. However, a second move to gain an Inner Group majority on the Socialisation Committee itself was successful, although the socialists countered by forming an "Inner Unit" made up of the most prominent members of their group.

Cooksey refers to Martin as a participator in the meetings of this "Inner Unit", but this seems unlikely as Martin's diaries make no reference to any involvement in the organisational affairs of the Units until early 1933. During 1931 and 1932 most of his energies were devoted to propaganda work, for which he earned the praise of Socialisation Call, the newspaper of the Socialisation Committee, which described him as an "energetic lecturer at Socialisation Unit fixtures". Most of these were in Sydney and its suburbs, but it also took him as far as Newcastle. He was involved in setting up a Unit attached to the University Labor Club and in December 1932 he commenced a regular question and answer segment on radio station 2KY, intending to provide a covert platform for

20. Cooksey, op. cit., pp.40-49. Martin was by no means an uncritical socialisation supporter, as his comment that McNamara's plan was "utterly impracticable" showed: Diary, 9 April 1931.


22. ibid., p.19.

23. Socialisation Call, 1 August 1931.
socialisation propaganda.  

The Battle for Easter Conference: June 1932 to April 1933

After the defeat of the Lang government in June 1932 the "socialism in our time" group came to the conclusion that Labor's adherence to its socialisation of industry objective would not be genuine and whole-hearted until the controllers of the Party, the Inner Group, had been removed from office.  

Martin's assessment, given to a meeting of socialisation supporters at Concord in September 1932, was typical of this line of thought:

In one side track gave expression (for the first time, in public) to something I have frequently said privately - that, in my opinion, Lang, thought a good fighter, knew very little about Socialism. This might be deemed indiscreet - but it is true and might just as well be frankly stated.  

Although his commitments to work and study prevented him from playing any major part in the early stages of this revolt, Martin accepted the basic strategy of trying to defeat the Inner Group at the 1933 Easter Conference. In the first round the socialists took their campaign to the unions with the aim of securing a


25. Cooksey, op. cit., p.64.

26. Diary, 15 September 1932.
majority on the 1933 State Executive. Elections were held in November and December, but the socialists were unsuccessful as the Inner Group used its majority on the 1932 Executive to order fresh ballots in several key union groups. As a result of these new ballots the pro-Lang forces were able to retain a narrow majority on the new Executive. However, the final outcome hung on the choice of a President and two Vice-Presidents by the Annual Conference.²⁷

At first it seemed as if the socialists might well have been able to obtain a majority of delegates on the floor of the conference. They outnumbered the Inner Group by a very substantial margin at the Metropolitan Conference in mid-February and secured the passage of several pro-socialisation resolutions, including one requiring the next election to be fought on a platform of full socialisation instead of Lang's more nebulous "socialisation of credit".²⁸ The Inner Group counter-attacked through the pages of the Labor Daily, a propaganda weapon which Martin feared it would be impossible to counteract.²⁹ Although he had played no part in marshalling the socialisationists at the Metro-

²⁷. Cooksey, op. cit., pp.69-71; Diary, 4 January 1933, 22 January 1933.


²⁹. Diary, 16 February 1933.
politician Conference, in its aftermath Martin threw himself into the task of organising for the Easter Conference, despite the political risks involved: "Of course, this might be most unwise - I'll again be 'marked', but I guess I'm sufficiently marked now". Working from an office in the Trades Hall, he spent several busy weeks writing letters soliciting help and addressing meetings, but to little or no avail as too many branches had "swallowed the LD dope". During March balloting for conference delegates put the Inner Group in an unbeatable position and by the end of the month it was "all over bar the shouting". As well the Units had become divided between "democratic" and "revolutionary" wings over the appropriate tactics to follow.

30. Diary, 16 February 1933. All the same, he was very anxious about the possible consequences: Diary, 17 February 1933, 19 February 1933, 28 February 1933. Since the beginning of January he had been studying full-time for his annual law exams. Martin had commenced studying for an LLB in March 1932.

31. Diary, 20 February 1933, 23 February 1933, 21 February 1933, 28 February 1933, 1 March 1933, 3 March 1933.

32. Diary, 14 March 1933, 16 March 1933, 23 March 1933, 2 April 1933.

33. These differences had emerged in 1931 over the "Payne Report", prepared by a sub-committee of the Units chaired by Tom Payne, a former member of the Communist Party. This advocated the seizure of power by the working classes led by the ALP without waiting for capitalism to collapse. This
The Easter Conference itself was a "massacre". A committee chaired by Jock Garden was appointed to report on the socialisation objective and the future of the Units. It recommended that Lang's catchcry, "socialisation of credit", be adopted as the Party's policy and that the Socialisation Units be liquidated. A new Socialisation Committee, dominated by the Inner Group, was elected to oversee their disbandment. 34

The Break-up of the Units: April to September 1933

For the socialists the future seemed bleak, although Martin was hopeful that the "Socialist impulse" represented by the Units had not been totally destroyed. 35 A conference of socialisation supporters was arranged for Saturday, 22nd April and preparatory to this the "democratic" socialist wing, Martin included, had several discussions:

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was later rejected by an aggregate meeting of Unit delegates, which instead adopted the policy of a peaceful and constitutional transition put forward by McNamara: Cooksey, op.cit., pp.50-54. Martin took no part in these discussions although he was a supporter of the democratic socialist group: Diary, 17 February 1932.

34. Cooksey, op. cit., pp.80-81; Diary, 17 April 1933.

35. Diary, 17 April 1933.
In general we have arrived at conclusion that we should work within Party; that to form a separate Party would be suicidal - though we find it difficult to suggest 'machinery' to maintain Socialisation work. There should be a strong body of opinion for a break-away, and we will have difficulty restraining them. 36

On the 22nd 200 delegates assembled at the Boot Trades Hall in Redfern. The "revolutionary" socialist group was in the majority, having "stacked" the meetings with members of Communist Party front organisations. 37 After voting for the admission of C.H. Campbell, one of the leaders of the "revolutionaries", the conference went on to reject a motion moved by J.O.A. Bourke, a friend of Martin since their university days, which called on the Units to remain within the ALP while continuing to work for socialisation. 38 Instead it adopted proposals to defy the Easter Conference and keep the Units in existence, while affiliating "with other working class organisations" as well as exploring the possibility of forming a new Industrial Labor Party with the support of the Miners' Federation and the Australian Railways

36. Diary, 20 April 1933.

37. Cooksey, op. cit., pp.81-82.

38. Diary, 24 April 1933. Martin was elected chairman for the afternoon session, but was absent from the evening one, at which the question of future directions was discussed: Diary, 22 April 1933.
Following this, McNamara moved for the recommittal of Campbell's admission, indicating that he would take a negative vote as a sign of no-confidence in the leadership of himself and Kilburn. The "revolutionaries" promptly obliged by defeating the motion. J.J. Maloney, a "democratic" socialist and Secretary of the Boot Trade Employees Federation, in whose hall the conference was being held, responded by declaring that the hall would no longer be available for the conference. At this point the conference broke up in disorder:

... It is indeed a tragedy - the Conference did represent a fine socialist impulse. Graves & Co. must be chuckling mightily - for Socialisation forces have, it seems, liquidated themselves ... 40

Martin blamed Campbell and his followers for this outcome, although McNamara's tactics were also seen as a factor. For the future Martin's main concern was to avoid expulsion from the Party, while simultaneously trying to salvage something from the "glorious opportunity" which had been lost:

... It is difficult to see what is to be done. Obviously there are certain elements with whom it is impossible to work. Yet - we must keep up some endeavour within the Party - i.e. if Executive decides not to expel us. What a tragedy it all is. 41

39. *Diary*, 24 April 1933; *Cooksey, op. cit.*, p.82.

40. *Diary*, 24 April 1933.

41. *ibid.*
Temporarily the two factions retired to their corners to nurse their strength and plan their strategy for an aggregate meeting due on 14 May. On 29 April sixty or more "democratic" socialists met to consider a statement of principles drawn up by a "Committee of Twelve", which recommended acceptance of the Easter Conference's decision to dissolve the Units and an attempt to replace them with new district units organised through the ACTU - "in effect, an attempt to accept Easter Conference decisions and to find ways and means of keeping socialisation activity alive - a somewhat difficult task". 42 Martin spoke in support of this declaration and against negotiations with the "revolutionaries". At the May 14th aggregate meeting of Unit delegates Martin was again in the chair to see the democratic socialist policy adopted by the exceedingly narrow margin of 71 votes to 69. A "Committee of 35", later renamed the Industrial Socialisation Committee and including Martin, was elected to co-ordinate this new organisation. 43

By this time, however, the socialisation movement was well on the way to complete disintegration. Most of the local Units had disbanded after the fracas of 14 May, although in Martin's view the significance of this

42. Diary, 30 April 1933, 6 May 1933.
43. Cooksey, op. cit., p.84; Diary, 15 May 1933.
had escaped the Committee of 35, which he thought was too preoccupied with building up a "phantom" organisation. Meanwhile Martin's natural caution was beginning to reassert itself. Was expulsion "worthwhile or desirable? My present inclination is to avoid any step which will mean expulsion". Eventually it was not the machinations of the Inner Group but the continuing disagreements between the democratic and revolutionary socialists which brought about the final end of the Units. In July a sub-committee, of which Martin was a reluctant member, was appointed to try and resolve the differences between them, but after getting stuck on the crucial issue of the relation of the Units to Communist Party front organisations, it was agreed that further co-operation was impossible. This separation was confirmed by the absence of the revolutionaries from the final aggregate meeting on 19 August, although many others were missing as well. Five days later the State Executive delivered its long-awaited prescription of the Committee of 35, forcing the remaining socialists

44. Cooksey, op. cit., p.84; Diary, 24 June 1933.
45. Diary, 10 June 1933.
46. Diary, 10 July 1933, 15 July 1933, 21 July 1933, 5 August 1933.
47. Diary, 20 August 1933.
to face up to the dilemma of operating within a less than socialist party. As Martin put it:

If we continue this expulsion. And can we do anything worthwhile by defying them, being expelled and thus separating ourselves from party members? I'm inclined to think not - it might be tactical for us to ostensibly disband - and to keep a kind of subterranean organisation going. I think this could be done - and with a fair measure of success. 48

This was the view taken by the last meeting of the Committee on 7 September, where amidst "a poor attendance and a dismal atmosphere, since it was virtually funeral of movement" it was decided to "'officially' disband - but to try and operate as a kind of unofficial committee". 49 This was only a pious hope, however, and by early 1934 opposition within the Party to the Inner Group had ceased. 50 Martin's experiences with the Socialisation Units had only reinforced the old lesson - "it will soon be axiomatic that you 'cannot buck the machine'". 51 For some time at least the only course was to disengage.

48. Diary, 27 August 1933.
49. Diary, 8 September 1933.
50. Diary, 19 February 1934.
51. Diary, 5 June 1933.
CHAPTER 4

THE LAW

Out of Politics: 1932-1936

By 1934 Martin had effectively withdrawn from his earlier passionate involvement in politics. He took no part in the Federal election campaign of that year and even made a conscious effort not to think about it, "succeeding in that scheme to a very fair degree".¹ In his diary he noted:

I seem strangely apart from it all - though at times it pulls at me. I wonder what will happen to my attitude - at present it would seem as if I will gradually sever all connections - but I wonder? ²

Nor did he take any significant part in the NSW election campaign in 1935, feeling remote and uninterested.³ By the beginning of 1936 he was starting to wonder whether he might eventually withdraw from politics altogether: "I find myself becoming more and more apart from all this - and finding that I take less and less interest".⁴

Amongst the reasons for this was a powerful disaffection for political work resulting from his

¹ Diary, 29 July 1934, 2 April 1934.
² Diary, 12 August 1934.
³ Diary, 11 May 1935.
⁴ Diary, 27 March 1933.
experiences of 1930 to 1933. The break-up of the Socialisation Units, the "sanest, cleanest and best impulse that has appeared in the Party for a quarter century", had left the Inner Group firmly in control of the ALP organisation in NSW. To Martin it hardly seemed worth the effort of working for a Party, over which "Lang and his gang" were still in control. Furthermore, Martin suffered a deeply negative emotional reaction to his defeat in the preselection ballot for the Federal seat of South Sydney in December 1933. He had been encouraged to run as the candidate of socialisation supporters, but was defeated by J. Lamaro, a former Minister of Justice and Attorney-General in the second Lang government, who had the backing of the Inner Group. Martin's comments in his diary suggest that he detested almost every minute of his campaign. After moving house to be within the boundaries of the electorate he cursed this "d--d ballot" for the expense and inconvenience it had

5. Diary, 27 March 1933.

6. Diary, 11 May 1935. He was also disillusioned with the parliamentarians, who seemed to think "only in terms of votes": Diary, 2 February 1933.

7. Labor Daily, 22 December 1933. As it turned out Martin's defeat in the preselection was all for the best since Lamaro was defeated in the September 1934 Federal elections: Sydney Morning Herald, 19 September 1934.
caused. Tension led to recurring stomach trouble - the first sign of later ulcers - and the demands of campaigning left very little time for studying law. He complained of the "tedium of it all" and by the time the ballot was held in December he was:

... sick to death ... and will be jolly glad when it is over - night after night and hour after hour - without a rest, it's simply woeful. And all the time no study done - and fear of failure is beginning to grip me.  

Not surprisingly, Martin was left with a lingering distaste for further ambitious forays into politics.

Another reason for Martin's lack of interest in politics during these years was the pressure of finding and keeping a job compatible with his wish to continue to study law. After he was defeated in Young in June 1932 he pursued a number of avenues of employment such as a position as a research officer with the NSW Department of Labour and Industry; a job as organiser with the motion picture exhibitors; an associateship for a newly appointed judge on the Industrial Commission; a job as industrial advocate on behalf of unions before wage inquiries; and a secretary's

8. Diary, 11 September 1933.
9. Diary, 26 October 1933.
10. Diary, 3 December 1933, 22 November 1933.
position with the Australian Broadcasting Commission.\textsuperscript{11} When these efforts came to nothing he began to apply for any work he could find including sales, advertising, journalism, radio announcing and distribution of census forms.\textsuperscript{12} To keep at least a little money coming in he did some casual lecturing and tutoring.\textsuperscript{13} It came as a real break to be asked to appear on behalf of the Teachers' Federation before the NSW Industrial Commission's inquiry into the basic wage, since this meant both a large fee and valuable publicity.\textsuperscript{14} After a few months the mental strain of continually looking for work without success began to show. He was "nervy" and "blue", not just because of financial worries, but also because he needed to be active and to have work to perform.\textsuperscript{15} He was also finding

\begin{itemize}
\item[\textsuperscript{11}] Martin was desperate to obtain the ABC position and "determined to pull any string I can". He approached friends of C. Lloyd-Jones, first chairman of the ABC; Frank Forde MHR, whom he asked to speak to Fenton, the Post Master General; and H.W. Lloyd, UAP MLA for Mosman and one time Deputy Commander of the New Guard: \textit{Diary}, 23 June 1932, 30 June 1932, 11 July 1932, 13 July 1932.
\item[\textsuperscript{12}] \textit{Diary}, 15 July 1932, 29 August 1932, 11 August 1932, 4 October 1932.
\item[\textsuperscript{13}] \textit{Diary}, 8 July 1932, 26 August 1932. He even addressed a charity meeting of "society girls", for which the fee was 10/6; "Lordy, it was an awful experience - I felt like a fish out of water": \textit{Diary}, 2 September 1932.
\item[\textsuperscript{14}] \textit{Diary}, 18 August 1932; \textit{Sydney Morning Herald}, 18 August 1932.
\item[\textsuperscript{15}] \textit{Diary}, 24 June 1932, 25 July 1932, 29 July 1932.
\end{itemize}
that his political leanings counted against him in the race for the few good jobs that were available. Offered one on the condition of staying out of politics, he agonised:

... how can I promise that I will not try for politics again? Am I to sell body and soul for £5 a week! And yet, that 5 means at least a little economic security. 16

Perhaps because of this desperation Martin was led into an unwise and costly business venture. In early September he replied to an advertisement for a lecturer with a business which provided training in public speaking and debating. Martin was attracted to the position since "my line is certainly teaching and lecturing - and this might be my chance to make a living". 17 After some preliminary discussions with the proprietor, James Watson, it was proposed that Martin enter into a partnership with him, an idea to which Martin agreed after a superficial examination of the firm's accounts, "banking on my estimate that he is honest". 18 It was not until after he had invested £100 that Martin discovered how bad Watson's financial position really was, but by then it was already too late to get out. From the diaries it is impossible to

17. Diary, 9 September 1932.
18. Diary, 14 October 1932, 19 October 1932.
conclude whether Watson set out to deceive Martin, or whether he was just a poor businessman, but in any case it is the naivety and imprudence of Martin that is most revealing. Even as business fell away and unpaid bills mounted Martin hung on hoping to recoup his capital. 19 Only when creditors arrived to seize the office furniture did he begin to think of getting out, and it took longer still for him to pluck "up the courage" to broach the subject with Watson. Eventually he was able to plead study for imminent law exams as his means of escape from a confrontation, leaving their partnership to dissolve of its own accord. 20

Unemployed once again, Martin became an insurance salesman for Colonial Mutual Life Insurance Co.: "I'm afraid work will be hateful - and I don't know whether I can stick it - but it's a job and I must do something". 21 Although at first nervous, he soon gained experience and confidence, even making some "clean and honest" sales, but on the whole it was a "wretched" and "nasty" business. 22 By May business had fallen off sharply and, fearing that sooner or

19. _Diary_, 19 February 1933.
20. _Diary_, 9 March 1933.
21. _Diary_, 27 February 1933.
22. _Diary_, 16 March 1933, 17 March 1933.
later he would be dismissed, Martin began to look for another job. He soon found a temporary position as Statistical Officer with the NSW Public Service Association and was glad to get away from selling insurance, despite the fact that the new position was only temporary: "I'd sooner have it, even temporary, than other hateful business, even if latter were permanent". 23 The position had been established because of the Association's interest in presenting evidence to two government inquiries affecting public servants. The first was the Royal Commission into areas of NSW suitable for self-government as States and the second was an application by the PSA to the Industrial Commission for an inquiry into the method of determining the living wage. 24 As Statistical Officer Martin was required to prepare data for each of these inquiries, liaise with the relevant PSA sub-committee and present evidence in court. Although from his point of view the job was ideal since it was flexible enough to accommodate the demands of politics and law,

23. Moreover, it was "professional work - with a definite standing": Diary, 17 June 1933.

Martin did not feel secure. Moreover, there was latent and at times overt conflict between himself and W.S. Flynn, the barrister retained by the PSA to argue its case before the New States Royal Commission, over who was to be in charge of presenting evidence to the Commission.

Martin left the PSA in June 1934 to become Staff Training Officer with the Australian Gas Light Co. The decision to accept this was not an easy one, however, and was preceded by much agonising over AGL's insistence that he treat the job as a career. Martin feared that this would mean abandoning his ambition of going to the bar:

I have struggled hard to get through this Law up to date and I have always said that I wouldn't give it up for £1,000 a year - and here I am virtually agreeing to do so for much less. But in my heart I do not mean to do so. 27

As well AGL insisted that he forsake public participation in politics, a condition which Martin found it difficult to accept even in the light of his defeat in South Sydney: "I felt like a trapped hare

25. Although his appointment had originally been for six months, it was extended on three occasions to a total of twelve months: NSW Public Service Association, Council Minutes, 11 December 1933, 5 March 1934, 7 May 1934.
26. Diary, 18 October 1933, 26 November 1933.
27. Diary, 15 June 1934.
and gave in - it hurt me like Hell and will seem as if a part of me is gone". 28 The need for work and security overrode these considerations and after obtaining AGL's agreement that he would be allowed to take part in the affairs of his local ALP branch, Martin bowed to necessity:

I'm afraid that I did not feel as elated as I should do - because of terrific pull which politics has over me. I would that I could be free of economic circumstances and go my own way - but that cannot be and I guess I must just, for some years at any rate, forget politics. 29

On the other hand there were compensations - a regular income, time to study law, and a job allowing scope for the exercise of initiative and the implementation of new ideas. 30 On the whole he seems to have found the work - lecturing to clerks on customer relations, training drivers and other staff, planning courses, organising the company library and editing the staff journal - demanding but satisfying. Relations with his immediate superior were cool and on a few occasions they had angry exchanges. 31 This antagonism was

28. *ibid.*

29. *Diary*, 21 June 1934. A couple of months prior to this he had considered running for preselection for the seat of Randwick, and he was still thinking of running for Young again: *Diary*, 15 May 1934, 25 May 1934, 12 June 1934, 21 June 1934.


31. *Diary*, 11 October 1936,
probably a factor in Martin's decision in late 1936 to leave AGL and go to the Bar almost as soon as he had passed his final law exam.

Law Student : 1932 to 1936

Disaffection with politics and the demands of work alone do not fully account for Martin's withdrawal from politics in the mid 1930s. To this must be added the pressure of studying law - in effect he was carrying a double burden of full-time work and full-time study for four and a half years. It is no wonder then that politics suffered in his scale of priorities in these years, although in the longer term a legal qualification was meant to provide a complement to his political ambitions: "Politics is a very dangerous game - and it is desirable to have something to fall back on". 32

In March 1932 Martin began attending lectures at the University Law School, then:

...a strictly utilitarian school, designed to produce solicitors and barristers and to provide free labour for law firms. Peden was the only full-time member of the staff; all other lectures were given by practitioners. Contact between students and lecturers was minimal except for the brooding presence of the Dean. Lectures were held between 9 and 10 in the morning and 4 and 6

32. Diary, 20 May 1931. He had been contemplating studying law since at least the mid 1920s: Diary, 16 March 1932.
in the afternoon. The presumption was that the students were employed in between by their master solicitors. 33

Martin's age, politics and employment outside the legal world set him apart from most of the undergraduates of the Law School located in Phillip Street. 34 In first year students were required to pass three subjects - Constitutional Law, Contracts and Roman Law - but Martin's duties as an MP, the election in June and his subsequent search for work all disrupted his attempts

33. R. Hall, The Real John Kerr (Angus & Robertson, 1978), p.23. There is no reference in the diaries or elsewhere to Martin being articled. Sir John Peden was Dean of the Law Faculty from 1910 to 1941 and a conservative member of the Legislative Council from 1917 to 1946: Radi et al., Biographical Register of the NSW Parliament, p.223. Martin had a strong dislike for Peden, referring to him on several occasions as "the old b---" and suspecting that he was harshly treated by him because of their political differences: Diary, 17 March 1935, 17 November 1935, 16 March 1936, 17 March 1936.

34. Interviews, p.102. In his final year the Law School magazine Blackacre, recognising this, said of him; "Clarrie has had a much more varied experience than most of us - too varied in fact to be dealt with here. He is a slave to two fetishes - economics and efficiency, both of which he gets ample opportunity of engaging in his present position as staff training officer to the AGL Co. Personal appearance gets a fair amount of his attention, but it is believed that on one occasion he came to a lecture with a hair out of place. Unlike most of us he is married and he is (as he should be and as those who sit near him know) very proud of his wife. He did a term in Parliament": XI(3), Michaelmas Term, 1935.
to study. The leeway was only made up by a punishing series of 14 and 15 hour days in the few weeks before the annual exams. 35

The crunch came in 1933 when a busy workload at the PSA, marriage, the Socialisation Units and the South Sydney preselection combined to squeeze to the limit the time he could devote to study. He was well aware of the dangers of falling behind, yet even after failing a couple of subjects in term examinations, he found it impossible "to keep these engagements down". 36 By the end of the year a near obsessive fear of failure had begun to grip him. 37 After returning from his honeymoon he devoted the month before the annual exams in February to a desperate effort to catch up on the previous year's work:

... working till 2 am and 3 am every morning - drinking gallons of black coffee and fighting against fatigue. I was tortured all the time by the fear of failure and really suffered agonies, for although I worked till I could go no further each night, it seemed as if I could never get through all there was to do. 38

In the examination he coped well with all papers with the exception of Property, his "bête-noir":

35. Diary, 8 February 1933, 10 February 1933, 9 March 1933.
36. Diary, 20 August 1933, 27 June 1933.
37. Diary, 3 December 1933.
38. Diary, 19 February 1934.
... I felt horribly windy and sick about it - and, after about half an hour in the room, almost fainted - I simply could not 'connect' at all and wrote the utmost trash. I was a nervous wreck and in such a condition that I couldn't think - I did the worst paper I have ever done and had the sickening, wretched feeling of knowing that I had failed and failed badly. It was awful! I don't know when I have felt so horribly distressed in an Exam room. And - to cap it all - it appears that it was a very fair paper! And most of the chaps did well in it. This, of course, makes my failure all the worse. 39

"Fear of failure" was primarily the anxiety that others "will know of my failure" and that he had not fulfilled their expectations of being among the "top notchers". 40

The same pattern was repeated at the end of 1934 when in addition to the usual four third year subjects he carried Property. In spite of lessened political commitments and more constant study, he found it necessary to work up to a gruelling 17 hours a day in the weeks prior to the annual exams. 41 Not surprisingly, "the continuous work and the nagging fear of failure" almost led to a nervous breakdown. 42 The exam room nerves, which had brought him to grief in

39. Diary, 19 February 1934. He had hoped to redeem his reputation by winning the prize in political science, but this went to another student, J.R. Kerr, on the insistence, Martin believed, of Peden: Diary, 19 February 1934, 11 March 1934.

40. Diary, 19 February 1934, 11 March 1934.

41. Diary, 18 February 1935.

42. Diary, 8 January 1935.
Property, struck this time in Equity. Failure again sparked feelings of worthlessness, disgrace and disappointment. In 1935 he carried Equity in addition to the usual six fourth year subjects, giving himself a very heavy workload. He worked steadily throughout the year, without the distraction of politics, although he found it difficult to develop the self-discipline necessary for rote memorising. Again he drove himself “to the point of mental and physical exhaustion - tortured by fear of failure”, studying for long hours, day after day throughout January and February, only to pass in all subjects but Procedure. And again he was “horribly ashamed” and “sick at the thought of the scores of people to whom I will have to offer some explanation”. The ordeal finally came to an end in August 1936 when he successfully sat for a repeat exam in Procedure.

Martin’s determination to obtain a law degree and the lengths to which he drove himself to achieve it, reveal a good deal about the nature of his ambition. He craved success and pursued it with little regard for the costs to his mental and physical health. Yet, in doing this he was motivated not only by the

43. Diary, 4 February 1935, 18 February 1935, 10 March 1935, 12 March 1935.

44. Diary, 10 April 1935, 16 June 1935, 10 November 1935.

45. Diary, 16 February 1936.
pleasurable, positive effects of mastering a subject, but also by the fear that failure would damage his worth in the eyes of others. The degree of this was significant - he was not merely uncomfortable, in his own words he was "tortured" by the fear of failure. Martin was driven to study and work because even the mere thought of failure induced anxiety. On the other hand, anxiety was not crippling and did not lead him to renounce all ambition, and he showed signs of having learnt from this experience. After failing procedure he declared:

Never again, I swear, will I let myself in for such suffering voluntarily - it was indeed agony - ambition has driven me to some bitter things, but I think to nothing which has given me more mental distress than endeavouring to get the LLB. 46

The Bar

Martin had long cherished the goal of going to the Bar after gaining his degree. 47 Like all ambitions, this was not without its risks, since in the slow recovery from the Great Depression a new barrister faced an indeterminately lengthy period of irregular and lowly paid work until a reputation and clientele could be established. As graduation neared Martin's

46. Diary, 16 February 1936.
47. Diary, 26 January 1933, 13 May 1934.
apprehension about this increased markedly and his fear of failure re-surfaced. He sought advice from several legal acquaintances including Kevin Ellis, Garfield Barwick, and Sir John Peden. Others told him that he was too old and that there was no easy living to be had at the Bar:

Between ... them they've given me blues - until this year, I have thought of myself as a young man, but I'm forced to realise that I am getting on - and realisation is quite a shock.

And - when these croakers express such doubts it shakes me. But I must steel myself - I have for years dreamt of being a barrister - and have at last taken LLB, something which appeared impossible of attainment years ago - I have suffered veritable Hell for over four years. Surely I am to get some reward - I only want a reasonable living from Bar.

His chance came in November 1936 when a friend, George Fitzpatrick, persuaded the Country Traders' Association, an organisation representing country store-keepers, to retain Martin to appear on their behalf before an Industrial Commission Inquiry into the impact of large chain stores on the retail trade.

48. Diary, 5 July 1936.

49. Diary, 29 June 1936, 30 August 1936, 20 August 1936. At this time Ellis was a partner in the law firm Lynton Williams, Ellis & Co., but he was later the Liberal MLA for Coogee: Radi et al., Biographical Register of the NSW Parliament, p.85.

50. Diary, 20 August 1936.

51. Diary, 8 November 1936. Fitzpatrick had assisted Martin to find work after he lost Young: Diary, 20 June 1932, 23 June 1932, 29 August 1932.
Although Martin's brief lasted for no more than three months, the Chain Store Inquiry provided him with experience, a steady income and useful publicity during his first few months at the Bar. He had hoped to practise mainly in the area of industrial and common law, but owing to the scarcity of work available for new barristers he took whatever was passed on to him.\textsuperscript{52} This included drafting legal opinions, and District Court and Police Court appearances in tenancy, maintenance, debt, negligence and criminal matters.\textsuperscript{53} Later, after becoming more acquainted with court room tactics and procedure through handling cases and observing more senior barristers such as Evatt and Barwick, he began to move into the more lucrative field of Supreme Court jury actions.\textsuperscript{54} He did do some industrial work such as defending shearers charged with riotous assembly following a strike at Nyngan, appearing on behalf of the Public Service Association before the Industrial Commission Inquiry into the clerks' award, and handling several cases before the Crown Employees' Appeal Board and the Tramways Appeal Board,\textsuperscript{55} but this was only where the opportunity arose

\textsuperscript{52} \textit{Diary}, 11 October 1936.

\textsuperscript{53} Some examples of these cases may be found in Martin Papers, Box 4.

\textsuperscript{54} \textit{Diary}, 14 June 1937.

and it was not the mainstay of his practice.

Initially Martin was briefed by only a few solicitors - Abe Landa, later Labor MLA for Bondi; Kevin Ellis; and Arthur Kennedy of Arthur Kennedy & Co. amongst them - but, after he had some successes and his reputation as an advocate grew, work came from new sources and the size of his practice increased.\(^{56}\)

This did not occur so rapidly, however, that Martin was spared anxieties about the financial success of his venture. As he had expected, there were many lean weeks in the first year, but by the end of 1937 work had steadied and become more regular, although it continued to dry up from time to time.\(^{57}\)

Apart from its financial viability, Martin's other major apprehension about the Bar as a career was whether he had the ability to succeed or whether he would fail to live up to his own expectations as well as those of others. As in his struggle to get through law, he had to overcome his own dread and nervousness, troubled by self-doubt and fear of failure. He was "damned scared" and "nearly sick with apprehension" before his first appearance in the Police Court, "as usual, terribly scared" at his first Quarter Sessions

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and District Court cases, and "absolutely sick at pit of stomach" at the prospect of conducting his first jury action.\textsuperscript{58} From time to time nervousness spilled over into despair, as when he accepted a brief which involved mastering some complicated financial transactions:

> It worried me so much that for some days it made me perfectly miserable - and I've been unable to think of anything else. It also makes me seriously doubt whether I should have taken game up - for I find that I really know very little law indeed - and less about practical aspects. \textsuperscript{59}

When a Supreme Court jury case was brought to him at "the death" it meant a "few days of mental agony" as he struggled to master it.\textsuperscript{60} With experience, however, this passed and he seems to have overcome most of his initial nervousness to find immense satisfaction in winning legal battles.\textsuperscript{61}

The political dimension of Martin's legal career is more puzzling. Given his involvement with the Labor Party, though allowing for the muted degree of this over the previous few years, one might still have expected him to have gravitated towards the small group

\textsuperscript{58} Diary, 14 February 1937, 21 March 1937, 14 June 1937.

\textsuperscript{59} Diary, 22 August 1937.

\textsuperscript{60} Diary, 19 September 1937.

\textsuperscript{61} Diary, 30 May 1937, 29 November 1937, 20 March 1938.
of Labor supporters at the Sydney Bar in the late 1930s. The principals of this were Clive Evatt, Frank Dwyer, Jock McClemens, Alex Stevens, Marcel Pile and Jack Brennan, who formed what has been described as an "Evatt Brains Trust" to develop the fields of Industrial Law and Workers' Compensation. However, Martin seems to have had little to do with this group and to have been closer to another group centred around the eminent KC, Garfield Barwick. Thus it was Barwick, whom he approached for advice about the Bar before graduating, and it was at Chancery Chambers at 170 Phillip Street, where Barwick had his chambers, and not at the APA building at Martin Place where the Evatt group was based, that Martin commenced his

62. Evatt had been at the Bar since 1926 and had become a KC in 1935: Radi et al., Biographical Register of the NSW Parliament, p.88.


64. Appointed to the Supreme Court by Martin in 1951: Sydney Morning Herald, 30 August 1951.

65. Martin had frequently received advice from Stevens during his first year at the Bar, but they appear to have had a subsequent falling out: Diary, 14 February 1937, 23 May 1937, 25 September 1938.

66. Appointed to the District Court by Martin in 1951: Sydney Morning Herald, 18 October 1951.

practice in November 1936. Likewise when Barwick and others moved to Chalfont Chambers in 1938 Martin followed them there. The probable explanation for this falls into two parts. The first is that the political allegiances of the Barwick group were ambiguous or not a significant factor in bringing them together and that Barwick's own conservative views had not at that stage emerged as they did during the Second World War. The second is that there was a bitter personal animosity between Martin and Clive Evatt. The origins of this are unknown, but their antagonism was reinforced by incidents such as the one where Evatt "dumped" a difficult case on Martin at the last minute leading Martin to suspect that he had done so because it was impossible to win on the evidence. On another occasion Evatt replaced Martin with a different junior barrister without consultation.

Whatever the reasons for Martin's choice of colleagues, it seems that it did not represent on his part, as the following chapter will show, any desire

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68. *Diary*, 20 August 1936, 15 November 1936.


70. During the Depression he had been a Lang supporter: D. Marr, *Barwick*, (George Allen & Unwin, 1980), pp.22-23.


to distance himself from the Labor Party. Nor did his commitment to the law and to the Bar as a career detract for long from his desire to be in politics, as evidenced by the speed with which he decided to contest the by-election for the state seat of Waverley as the Heffron Labor candidate in April 1939. After winning that seat and once again becoming a backbencher Martin had less time for his legal work. He continued to make regular court appearances, but it was clearly subordinate to his resurgent political ambitions. However, his years at the Bar were not wasted and did not represent merely a diversion, albeit a temporary one, on the road to political office. Rather, his interregnum at the Bar set the course of the political career that was to follow. By the time of Labor's victory at the State election in May 1941 his immediate goal was law reform and his years of experience at the Bar, few though they were, were sufficient for him to secure the post of Attorney-General in the McKell Ministry against the strong rival claims of Clive Evatt.

73. Interviews, pp. 5, 8-9, 154-155.
CHAPTER 5

THE HEFFRON REVOLT

Opposition to Lang: 1935-1936

Following the disintegration of the Socialisation Units in September 1933 the Inner Group possessed unchallenged control of the ALP machine in NSW. However, having rid themselves of their opponents - Federal Labor in 1931 and the socialists two years later - Lang and his allies commenced to fight amongst themselves. In the past once a dominant faction had expelled its main opponents and alienated sufficient of its supporters the "outsiders" would combine and overthrow the "inner group". ¹ The first signs of this renewed opposition to Lang emerged in mid-1935, but did not gain momentum until late 1936 when a number of unions swung their support behind the rebels.

Martin's involvement in full-time work and study severely curtailed his involvement in these early moves, yet his account adds much to the little that is known of them. The first step was the formation in June 1935 of a small group whose aim was "to do socialist research - spread it by whatever means we can find - and, when desirable, to work out and initiate moves against present control". ² Its fear of

¹. Rawson, op. cit., p. 11.
². Diary, 23 June 1935.
proscription by the State Executive was reflected in the choice of the disingenuous title Labor Research Association and the decision "only to admit those whom we can trust". Like Martin, the prime movers behind the idea, W. McNamara and D. MacSween, had been involved with the Socialisation Units a few years previously.³ The identity of most of the other dozen or so members is unknown, a fact which probably points to their political insignificance, and none of those who were later prominent in the Industrial Labor Party (apart from Martin) appear to have had any connection with the group. In its early stages some committees were established to co-ordinate research, but these did little work while time was wasted, in Martin's view, on premature and ineffective attacks on the Inner Group.⁴ Still, as Martin put it in his diary, it was an "attempt to do something in this period of despond in the Movement".⁵

By the time the Labor Research Association went out of existence late in 1936 it had been overtaken by new sources of opposition to the Inner Group. One of

⁵. Diary, 27 September 1936. It is worth pointing out that Martin did not attend meetings between September 1935 and June 1936 and that as a result this picture of activity may be overstated.
the foremost of these was the battle for control of the Trades and Labour Council-owned radio station 2KY. Established in 1925 the station had been financed in part by a bank loan of £50 guaranteed by Lang, but had been run by a committee drawn largely from the ranks of Lang's allies on the Council. By the end of 1935, however, relations between the Parliamentary Party and the Trades Hall had worsened as a result of the opposition of former TLC officials Beasley and Garden, now Lang Labor Federal MPs, to Lang's federal ambitions and non-interventionist stance on the supply of war materials to Italy for its invasion of Abyssinia. Both groups ran tickets for the election of the 1936 TLC Executive, with Lang's being victorious. Soon afterwards the new Executive appointed a committee to inquire into the future of 2KY and, after a hasty investigation, this recommended that control be vested in a group of seven drawn from the TLC, the ALP and the Labor Daily. In effect this promised to give effective control of the station to Lang in addition to his tight hold over the Labor Daily, and in response to this prospect an anti-Lang group coalesced with the aim of preventing the change. On 3 April Martin discussed

7. Ibid., p. 135.
the prospects of such a group with Oscar Schreiber, Jack Hughes, Jim Maloney and Lloyd Ross. Subsequent meetings discussed tactics and drew up an alternative plan for control of the station, but stonewalling tactics by pro-Lang Council delegates prevented its presentation until mid-May. Jim Maloney finally presented the proposal as a resolution from the Boot Trades Federation on 14 May and it passed with little opposition on the 28th since the Inner Group's tactics had lost it much support:

The Inner Group supporters were so licked that these amendments were carried on voices. They mean that battle has been won - the attempt of Lang & Co. to pinch the station has been defeated - and that the rules of Council have been amended to provide against such attacks, by an ordinary motion at all events. We need now to win with our ticket - and the job will be nicely completed.  

8. Diary, 6 April 1936. Schreiber was the Secretary of the Furnishing Trades Union and formerly a strong supporter of Lang: Farrell, "Dealing with the Communists", in Radi & Spearritt (eds), Jack Lang, p. 61. Lloyd Ross had been the WEA District Tutor at Newcastle after Martin and he was subsequently NSW Secretary of the Australian Railwaymen's Union and a secret member of the Communist Party: S. Sheehan, The State Labor Party 1940-1944, (BA Hons thesis, University of Sydney, 1982), p.39. Hughes was subsequently Vice-President of the reunified ALP after September 1939, but left in 1940 to become President of the breakaway State Labor Party.


This last rider was an important one and for a while it seemed as if internal disagreements might still allow Lang's opponents to snatch defeat from the jaws of victory. In addition to requiring quarterly reports, TLC approval for station appointments and barring its disposal or leasing where seven units dissented, Maloney's resolution had called for control to be exercised by a committee comprised of the TLC President, Secretary, Assistant Secretary and four others elected by the Council. Since pro-Lang forces had won the three Executive positions at the annual elections in March, it was crucial to the success of the rebels that they win the remaining four seats on the committee. Much careful negotiation was needed to draw up a ticket, which would maximise the vote of those opposed to Lang. At first Maloney, Lloyd Ross, A. Ewin (President of the Bricklayers' Union) and H. Fountain (Secretary of the Amalgamated Engineering Union) were agreed upon, although Ewin was eventually dropped in favour of Garden after pressure from TLC officials McAlpine and King.\footnote{Diary, 23 May 1936, 26 May 1936, 31 May 1936. King was Secretary of the TLC and McAlpine was Assistant Secretary. McAlpine owed his position to Garden's support: Goot, "Radio Lang", p. 135.} Martin queried the wisdom of Garden's inclusion, fearing that he would be a liability, but recognised that they could not afford
to forgo the support of Garden and his followers. 12
The ticket won easily in the ballot on 4 June. 13

1936 also saw the beginnings of a much longer fight for control of the Labor Daily. Originally set up in 1923 it had since 1932 been under the editorship of Norman McCauley, brother of Harold McCauley, Lang's Secretary. 14 By mid 1936 various attacks by the paper on union officials had alienated much industrial support for Lang, including that of officials like E.C. Magrath of the Printing Industries Employees Union, a director of the Labor Daily and a key figure in building up Lang's support among trade unionists in the late 1920s. 15 On 28 May a conference of thirty shareholding unions demonstrated just how widespread was this hostility towards the paper, and in an attempt to head off further development of this Lang proposed publishing a Sunday newspaper, an idea which received the assent of a number of "waverers". 16 On 16 June Schreiber, Maloney and Martin met to work out a strategy for gaining control of the paper. 17 They

12. Diary, 26 May 1936.
13. Diary, 7 June 1936.
14. Farrell, "Dealing With the Communists", p. 64.
15. Diary, 31 May 1936; Farrell, "Dealing with the Communists", p. 61.
17. Diary, 21 June 1936.
decided to petition the Board of Directors to stop them using the paper's plant and equipment to produce a Sunday newspaper, and when this failed a ballot of all shareholding unions was held to determine the paper's future. On the official count the management's opponents were said to have fallen short of the requisite majority, but as the unions had also counted the votes beforehand and knew that their majority was more than sufficient, the question ended up in the courts. It was not until October 1937 that the Supreme Court gave judgement in favour of the unions, a result which left Martin jubilant:

This is first real setback for Lang in years - and will mean beginning of end of his despotism. Once we get in control of L.D. we'll control movement. 18

Even then it was a further four months until Lang finally lost control of the paper after he tried to foreclose on his loans and forced the unions to raise the funds to repay him. 19

**Heffron Labor : 1936-1938**

The struggle over control of 2KY and to a lesser extent that over the Labor Daily brought together the

18. Diary, 24 October 1937. Martin participated in the case as a junior barrister, but received no fees: Diary, 14 June 1937.

19. Diary, 6 February 1938, 27 February 1938.
nucleus of the leadership of what was to become the Heffron or Industrial Labor Party. Most of its initial members - Maloney, Lloyd Ross, Martin, Hughes and Schreiber - had backgrounds in lengthy opposition to the Inner Group and had been involved in the socialist wing of the Party.20 From mid-1936 onwards the focus of their concern broadened from the Labor media to the control of the Party itself as new opportunities for action were opened up by the counter-productive tactics of the Inner Group. On 1 August 1936 the TLC held a conference attended by delegates from thirty unions and several ALP branches, which passed resolutions calling for a return to direct representation of unions and branches at party conferences and established a "continuation committee" to carry on the work of the conference.21 The ALP Executive retaliated by holding a special conference of its own three weeks later at which seventeen prominent union officials and four MLAs, who had participated in

20. Hughes and Maloney, like Martin, had been involved in the Socialisation Units: Cooksey, op. cit., p. 19. The exception was Schreiber, whose background was the right-wing Furnishing Trades Union: Rawson, op. cit., p. 324, Diary, 14 September 1936.

the rebel conference, were expelled. To Lang's opponents these expulsions came "as a gift from the gods". Martin was overjoyed:

It is really splendid news, and one could hardly credit that Lang and Inner Group could adopt such a suicidal policy. This means that all these fellows must throw themselves wholeheartedly into fight - that the big unions (e.g. Miners and ARU) must keep fight up actively - and that it will be war to death. In this fight industrial movement must inevitably triumph - and that must spell doom of Lang and Inner Group. I was afraid that a compromise might be effected and that fight would peter out before it really effected anything worthwhile, but this latest move means that it will be a genuine all in battle. I could cheer.

Such optimism was premature, however, and despite growing restlessness in some of the branches, and a second union-sponsored conference in September at which further attacks were made on the Inner Group, the revolt soon began to fizzle out. In Martin's eyes

22. Rawson, op. cit., p. 283; Cordia, op. cit., pp.23-24. The four MLAs were Bob Heffron (Botony), C.C. Lazzarini (Marrickville), M.A. Davidson (Cobar) and E.M. Horsington (Sturt). Among the expelled unionists were J.E. Pullen (TLC President), R.A. King, A.S. McAlpine, Schreiber, Maloney, A. Ewin and H. Fountain: Sheehan, op. cit., pp. 18, 27.


24. Diary, 23 August 1936. Martin did not attend the Conference owing to illness and pressure of study for law exams: Diary, 2 August 1936, 12 August 1936.

25. Diary, 6 September 1936, 14 September 1936.
this was the fault of the TLC officers, who were 
"either indifferent or incapable" and had demonstrated 
a "lack of leadership".\footnote{26} Whatever the reason, the 
anti-Lang forces had failed to make the most of the 
opportunities presented to them so that, for instance, 
the Inner Group was left in unchallenged control of the 
Metropolitan Conference because opposing unions had not 
bothered to pay affiliation fees and send delegates.\footnote{27}

Of greater significance in the long run was the fact 
that the August conference added to the membership of the 
core anti-Lang group. In October 1936 it had been 
decided to "establish another committee similar to this one for purpose of giving a lead in fight on political side" and to invite Heffron, Lazzarini and W. McNamara to its weekly meetings.\footnote{28} In the early part of 1937 
Schreiber, Hughes, Maloney, Heffron, McNamara and Martin 
continued to meet each week to discuss, among other things, a proposal to form a new Labor Party, but this 
did not seem to have much prospect of success at that 
stage.\footnote{29} The readmission of some who had been expelled

\footnote{26. \textit{Diary}, 14 February 1937. Martin had much less time for politics after going to the Bar in November: \textit{Diary}, 13 December 1936.}

\footnote{27. \textit{Diary}, 14 February 1937; \textit{Cordia, op. cit.}, pp. 37-38.}

\footnote{28. \textit{Diary}, 11 October 1936. H Martin refers to only one meeting in 1936 attended by Heffron: \textit{Diary}, 18}

\footnote{29. \textit{Diary}, 8 March 1937.}
the previous August and a Federal election in October combined to dampen factional warfare until towards the end of the year.\footnote{Only a few were readmitted at the Easter Conference in March and the Federal Executive ordered the readmittance of the rest in April: Weller & Lloyd, \textit{Federal Executive Minutes}, pp. 208-215; \textit{Diary}, 2 May 1937, 10 October 1937.}  

To Martin's surprise, however, the next move came in the shape of an "open declaration of war upon Lang" by the same TLC leadership which had earlier been so hesitant.\footnote{\textit{Diary}, 31 October 1937.} It was suspected that Jock Garden was the originator and Heffron, Maloney, Martin and Hughes were determined to limit his influence "for he is of no value and would be a liability instead of an asset". Still, they could not afford to hold themselves aloof from any developing trade union opposition and, when a hastily organised conference of union representatives in November decided to sponsor a broader conference in January 1938 to bring together the anti-Lang forces, Heffron, Martin and the others participated.\footnote{Cordia, \textit{op. cit.}, p. 44. Martin was elected a delegate from the Clerks' Union: \textit{Diary}, 19 December 1937.} The conference, held over the weekend of 22 to 23 January, was attended by some 400 delegates and although it took the first steps towards creating a new party by
electing a provisional Executive which sought Federal recognition, it refrained from openly declaring itself to be such. Martin took the opportunity during a debate on fascism to attack Lang's treatment of Caucus in 1930-1932 as well as his anti-intellectualism. Overall Martin was delighted with the progress achieved:

The Conference - and speeches of revolt - were a sheer joy for me. I've waited for years to see movement wake up and realise that Lang and his healers were bringing Party to absolute distraction - leading it to defeat after defeat - and betraying working class, particularly in international affairs policy. For years I've preached the need to fight the Fascist like tendencies and reactionary policies of this Lang-McCauley group ... and it warmed my heart to see such a rebel conference assembled and such fighting speeches made.

This was to be no quick and easy victory, however. In the State elections in March only two Industrialist candidates, Heffron and Lazzarini, were successful. This was a disappointing result in the circumstances. Martin had addressed campaign meetings in Auburn, Leichhardt and Newcastle, but it was clear in the wake of the result that the chief deficiency of the

34. Newcastle Morning Herald, 24 January 1938.
35. Diary, 6 February 1938.
36. Diary, 27 March 1938.
Heffronites lay in weakly organised branches and Martin, along with others, devoted much of his effort for the remainder of the year to overcoming this.  

Meanwhile the battle with the Langists for recognition by the Federal Executive was taken a stage further in June when an Industrialist conference decided to formally establish a new Labor Party with its own officers and organisation. Martin, who attended as a delegate from the Kensington branch, supported the move in a speech in which he described the Inner Group as "political gangsters". Any hope of taking control of the Party from within was "just a wild dream", he argued. By the end of 1938, however, the fight had again come to a standstill as a special Lang conference had refused to concede anything of substance, despite warnings from Federal leader Curtin. Moreover, the affiliation of the industrially powerful Northern Miners to the Heffron Labor Party had failed to force mining district MPs to switch their allegiance from Lang. A stalemate had arisen with most unions supporting Heffron, while many branches and almost all MPs remained loyal to Lang:

37. Diary, 27 March 1938, 22 May 1938, 28 August 1938, 9 October 1938.

38. Sydney Morning Herald, 27 June 1938; Diary, 27 June 1938.

Two things were now required to make the eventual triumph of Heffron's Party certain. They needed to secure the intervention of the Federal authorities of the Party so that they could use their greater strength to displace the Langites from official recognition and, more important, they needed to demonstrate that they had the support of most of the Labor voting public. 40

The Waverley By-election: April 1939

An opportunity for the Industrialists to prove this arose in February 1939, when the seat of Hurstville became vacant on the death of the sitting UAP member. In the following by-election Clive Evatt stood as the Heffron Labor candidate against both Lang Labor and UAP opponents. To the surprise of many Evatt won handsomely with a majority after the distribution of preferences of just over 3,500 votes. Significantly, he outpolled his Lang Labor rival by 1,165 votes on the first count. 41

Up to this point Martin's role in the growing opposition to Lang had been sporadic because of commitments to work and study. He had played an initiating part, the full extent of which is perhaps not evident in his brief diary entries, in the 2KY and Labor Daily disputes and possibly also in the decision


to establish an Industrial Labor Party. This along with his attendance at conferences and other propaganda activities on behalf of the Heffronites had earned him the confidence of his political colleagues, who had requested him to contest Lang's own seat of Auburn at the 1938 State elections. At the time Martin rejected the idea as he wished to remain at the Bar, but twelve months later he had changed his mind and assumed a very public role in one of the turning points of the conflict between Lang and Heffron.

On 15 March, just three days before Evatt's win in Hurstville, J.W. Waddell, who had been UAP member for Waverley since June 1932, died. Quite possibly it was the example set by Evatt in Hurstville that overcame Martin's fears about combining the Bar with politics and persuaded him to seek endorsement as the Industrialist candidate in the pending by-election. Also expressing an interest were two other legal men,

42. *Diary*, 6 February 1938.

43. Unfortunately Martin did not make any entries in his diaries between 12 March 1939 and December 1940 so it is not possible to draw on this source to describe and explain his actions during these months. The reason he ceased to write up the diary is hinted at in the last entry before the Waverley by-election: "I hate writing and it constitutes just another 'job', when I already have my hands full. Perhaps I shall fill this book - and then give up the Diary habit!"; *Diary*, 12 March 1939.
both solicitors: Vincent Pike, an alderman on Waverley Council; and Abe Landa, who went on to win the
adjacent seat of Bondi at the 1941 State elections. The former of these withdrew his nomination in favour
of Martin, who then defeated Landa in a ballot of branch members. Two days later the Lang State
Executive selected as its candidate James Ormonde, a clerk on Lang's newspaper Century, a past Vice-
President of the Clerks Union and campaign director for the ALP candidate for Waverley at the 1938 State
elections. The UAP took another week to choose as its candidate Ella Waddell, wife of the recently
deceased member.

With so much depending on the outcome - a win for Martin would mean that "the writing will be very
plainly on the wall" for Lang - Martin threw himself into the task of organising a short and intensive
campaign, which included several innovative features.

44. Pike was later a co-opted member of the Hughes-


47. Daily Telegraph, 30 March 1939.

48. Sunday Sun, 26 March 1939.
To provide sufficient coverage of the electorate, which included the suburbs of Waverley, Bondi Junction, Centennial Park and North Randwick, campaign rooms were opened at Bondi Junction and Charing Cross. From these an army of canvassers, on some days as many as two hundred, was sent out to doorknock every house. Martin's electoral posters appeared early and in great profusion. Special committees of women and young people were set up to organise meetings, provide speakers and perform many of the other myriad of tasks necessary in an election. A total of 80,000 leaflets, dodgers and how-to-vote cards were distributed among an electorate of just on 20,000. How-to-vote instructions were also displayed on the screens of local cinemas. Extensive advertising space was purchased in local newspapers such as the Bondi Daily and the Bondi Weekly, some of which gave editorial support to Martin. The traditional street corner meeting was the central focus of the campaign, with all sides calling on an array of well and lesser known political figures for nightly meetings. Martin, who

49. Daily News, 23 March 1939, 31 March 1939. Some idea of the sheer size of the campaign can be conveyed by the fact that on election day the three parties between them put an estimated 1,500 workers into the field: Sun, 21 April 1939.

50. Daily News, 27 March 1939; Kings Cross Times, 6 April 1939; The Messenger, 6 April 1939.
himself addressed as many as four or five such meetings a night, was assisted by Heffron, Evatt, Davidson and Horsington MLAs, Abe Landa, Jim Maloney, Vincent Pike, Jack Hughes, and various legal colleagues among others.\textsuperscript{51} Since the Heffronites controlled 2KY, Martin was able to make use of this medium as well by broadcasting a "fireside chat" each night in addition to lunch time broadcasts for women. He also received extensive coverage in the Industrialists' other media organ the \textit{Daily News}, which carried a highly readable combination of news, propaganda, and organisational information in a well laid out format. Finance was provided by donations from branches and affiliated trade unions including Schreiber's Furniture Trades Union and Maloney's Boot Trades Employees Union.\textsuperscript{52}

In addition to the usual techniques of disseminating propaganda, Martin attempted to direct more specific appeals to particular groups of electors including barbers, teachers, public servants, tramwaymen and Jews. The method of addressing each varied: special meetings were held for barbers, teachers and public servants, at which Martin outlined his views on matters affecting their interests;\textsuperscript{53}

\textsuperscript{51} For an example of a speakers' schedule see \textit{Daily News}, 15 April 1939.

\textsuperscript{52} \textit{Daily News}, 27 March 1939, 24 March 1939, 4 April 1939.

\textsuperscript{53} \textit{Daily Telegraph}, 4 April 1939.
special leaflets were printed and distributed to tramwaymen and public servants living in the electorate;\textsuperscript{54} while Abe Landa acted as a point of personal contact with the sizeable local Jewish community and the influential \textit{Hebrew Standard}.\textsuperscript{55}

The issues of the campaign were severalfold. Against the UAP government of Premier B.S.B. Stevens, Martin alleged that a substantial increase in the cost of living had occurred, especially in such items as milk, bread and rent, without any counter-action by the government. As a solution to this Martin proposed an attack on "profiteering" through more forceful implementation of the Monopolies Act, the establishment of a government watchdog to fix and adjust prices and the setting up of a \textit{Fair Rents Court}. Martin also blamed the UAP for increased unemployment, especially amongst youth, and linked this to a demand for increased spending on local public works such as improvements to school buildings and the construction of the Eastern Suburbs Railway. He made suggestions for parliamentary reform including more frequent sittings, prohibition on the use of the gag, and appointment of select committees to oversee the work of

\footnotesize{54. \textit{Martin Papers}, Box 8, Item 1, pp. 32, 25.}
\footnotesize{55. \textit{Hebrew Standard}, 13 April 1939.}
Martin congratulated by a group of Heffron Labor Party members on his win in Waverley. In the centre group (left to right) are R.J. Heffron, J.F. Metcalfe, R.A. King, W. Evans and Martin.

Source: Mrs Doreen Martin.
Against Ormonde, Martin had less to say of a policy nature, although he was critical of Lang's isolationist approach to international affairs and his record as Opposition Leader. Both Ormonde and Martin staked claims to the symbolic value of the Labor title, with Ormonde describing himself as "the only Labor candidate", while Martin insisted that he was "the only selected and endorsed Labor candidate", a reference to his pre-selection by a ballot of local Party members. The UAP stood largely on its record, urging voters to "play it safe" and, while warning "you can't trust either Labor faction", implied that Martin was the worse of the two by dwelling on links between the Heffron and Communist Parties.

The result of the April 21st poll was as good as Martin could have hoped for. At the general election in March 1938 Waddell had defeated the ALP candidate by 569 votes in a two way contest, but after the distribution of preferences Martin had a majority of

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56. *Daily News*, 29 March 1939; *Martin Papers*, Box 8, Item 1, p. 18.

57. *Daily News*, 12 April 1939; *Martin Papers*, Box 8, Item 1, p. 19.


just over 2,500 - a swing in the order of 8%. Once again Martin was an MP.

The Fall of Lang: April to September 1939

Martin's victory in Waverley set off a chain of events which was to lead directly to Lang losing his sixteen year grip on the parliamentary leadership. On the Thursday after Martin's win the Labor Caucus met and, after an acrimonious four and a half hour meeting, resolved by fifteen votes to eleven to call on the upcoming triennial Federal ALP Conference to intervene in NSW and restore unity. In early May the Federal Conference appointed a committee to convene a conference of the two parties on the basis of representation according to the rules of the Lang Party. As these gave greater weight to branches than to unions and would have put Lang in a strong position to control any unity conference, the Heffronites applied pressure to have this changed. They were successful in this and when the conference convened on the 26 and 27 August the Industrialists were in full control. By a substantial majority delegates

60. Hughes and Graham, Voting for the NSW Legislative Assembly, pp. 289, 291, 295.


restored to Caucus the right to elect its own leader, thereby overturning the practice of election by Annual Conference which had been instituted in 1926.\footnote{63}

On 5 September all thirty-two Labor MLAs caucused to elect a leader. There were three candidates - Heffron, Lang and McKell - and in the first ballot the voting was seven, twelve and thirteen respectively. On the elimination of Heffron a second ballot was held and McKell was elected by twenty votes to twelve.\footnote{64} Martin's reward for his years of opposition to Lang was election to the post of Caucus Chairman.\footnote{65}

\textit{Labor Splits Again: September 1939 to February 1941}

Lang was deposed just two days after the outbreak of the Second World War, but neither the demands of war nor the new leadership brought more than a brief respite from debilitating factional struggle. Indeed, it was the issue of Labor's war policy that provided the pretext for the existence of not two, but three

\footnote{63}{Rawson, \textit{op. cit.}, p. 311.}

\footnote{64}{Cordia claims that McKell pressed for the holding of a unity conference before MLAs went over to Heffron and weakened McKell's chances of replacing Lang as leader: \textit{op. cit.}, pp. 90-100.}

\footnote{65}{\textit{Sun}, 5 September 1939.
Labor Parties in NSW within a year of the August 1939 unity conference.

At the bottom of this were two factors. One was the continued existence and agitation of a faction which sought the return of Lang to the leadership and which was vociferous in its denunciation of communist influence in the ALP. The other was the determination of a left-wing faction, centred on Jack Hughes (ALP Vice-President) and Wally Evans (ALP Secretary), to press a policy direction on the war contrary to that which had been determined by the Federal Party. The matter came to a head in March 1940 when the NSW Easter Conference passed the "Hands Off Russia Resolution", which implicitly rejected Curtin's support for the allies by characterising the war as "imperialist" and called for a negotiated peace at the earliest possible opportunity. The Federal Executive responded to this intrusion into an area of its responsibility by repudiating the resolution and directing that it be expunged from the records, a demand with which the NSW Executive hastily complied. This was not enough for the Langites, however, who

67. Ibid., pp. 329-332.
declared that the Federal Executive's failure to expel those "communists" responsible for the resolution left them with no alternative but to form a new, non-communist Labor Party.  

The NSW Official Labor Executive did not learn its lesson from this and an attempt by it in July to influence NSW MHRs to oppose Menzies National Security Bill, contrary to the Federal Caucus' decision to support the Bill, precipitated drastic action by the Federal Executive.  

The NSW Executive was suspended and a provisional Executive was formed from those Executive members loyal to Federal policy.  

In August a conference of the left-wing minority decided to form the ALP (State of NSW) and consequently three Labor Parties presented themselves at the Federal elections in September.  

Martin was nothing more than an observer of these events, but they form an essential backdrop to an account of his anti-war and anti-fascist activities in the late 1930s.  

In June 1937 he participated

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72. Official Labor retained the support of most Labor voters with just under 30% of the Senate vote to Lang Labor's 20% and State Labor's 5%. Hughes and Graham, *Australian Government and Politics*, p. 364.

73. The gap in the Diaries from March 1939 to December 1940 included all of the period just mentioned.
in the formation of a Sydney branch of the Left Book Club, a movement founded in Britain in the previous year by the socialist publisher Victor Gollancz as a vehicle for the dissemination of left wing and progressive ideas. Following the British model, regular meetings were held at which set books were discussed with Martin sometimes acting as group leader. The other speakers who led discussions varied - they included Lloyd Ross, David Stewart (WEA Secretary), Edgar Ross, Vincent Pike and Abe Landa - as did the authors selected - G.D.H. Cole, John Strachey and George Orwell among them. For ALP members such as Martin involvement in the Club meant co-operation with Communists in a popular front since the Communist Party was the driving force behind the Club and used it both to disseminate its view of the international situation and as a source of recruits for the Party. Martin's attitude seems to have been that the degree of influence attributed to the CPA by others was exaggerated. Another popular front organisation in


77. *Sydney Morning Herald*, 1 August 1939.
which Martin took part was the League for Peace and Democracy. As NSW President of the League Martin addressed meetings protesting at appeasement, lectured on threats to civil liberties and spoke in support of the Republican cause in Spain.

To some these associations were proof of Martin's own communist sympathies, but despite sharing public platforms with CPA members, even after the outbreak of war - a somewhat unwise action at the best of times - and the excesses of his anti-fascist rhetoric, his view of the war was substantially in line with Federal policy and opposed to that put forward by the State Labor and Communist Parties. That this was so became

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80. Bondi Daily, 13 February 1940, 5 March 1940; The Antonians, 11 March 1940. Even some within the ALP were disturbed at this: L.F. Crisp, Ben Chifley, (Longmans, Melbourne, 1961), p. 125.


82. In July 1939 he described Menzies as "a man Fascist-minded and with Fascist intentions": Daily News, 24 July 1939.
evident in late September 1939 when Communist policy underwent a somersault following the Nazi-Soviet pact and the occupation of the eastern half of Poland by the Russians. While the CPA pushed the view that the war was "imperialist" Martin continued to express support for the allied war effort, although he did warn of the dangers to civil liberties posed by conscription and censorship. He was quick to reject the "Hands off Russia Resolution" and the threat it posed to this policy. With the end of the "Phony War" and the German victory on the Western Front in mid-1940 this degree of reserved support was no longer politically tenable and Martin then took the platform at "Win the War Rallies" not with Communists but with prominent UAP politicians. During the Federal election campaign it was clear that his opposition to conscription had altogether disappeared from sight beneath the overriding necessity of defeating Hitler. Martin believed that, unlike the UAP, Official Labor could offer an effective war administration by implementing "equality of sacrifice", curbing excess profits and laying the basis for a better post-war world. Like


84. *Sun*, 2 April 1940.


86. *Border Morning Mail*, 20 September 1940.
his Caucus colleagues, Martin remained loyal to the Federal Executive when the Hughes-Evans group left the Party in August 1940. The desire for unity with the practical aim of maximising Labor's vote in the upcoming State election also led him to support reunification with Lang Labor: "Although I'm not keen on having Langsters back, it will certainly strengthen our hands in fight".

Labor Wins Government: May 1941

Protracted negotiations between Official Labor and Lang Labor led to unity in February 1941, a reconciliation which raised hopes of a Labor victory in the State election due that year. In Waverley Martin's organisational efforts began early with enrolment of workers and supporters, a recruitment made necessary in part by a fall off in branch membership in the wake of the fracas in the branches during the previous year. Relations with former Langites were

87. Sun, 16 August 1940.
88. Diary, 26 January 1941.
89. Diary, 26 February 1941.
90. There was some support for the State Labor Party within the local branches: Sydney Morning Herald, 20 August 1940.
cordial with Ormonde speaking at meetings in support of Martin. Both the UAP and State Labor stood candidates, although Martin did not consider either of them to be a serious threat and remained optimistic throughout the campaign. In an extension of the technique he had used in the 1939 by-election, special circular letters were sent to tramwaymen, railwaymen, policemen, teachers and Jews in the electorate using address lists supplied mainly by unions. After an exhausting campaign Martin was overjoyed at Labor's "almost unbelievable ... amazing victory". In Waverley he had been returned on first preferences with a majority of just over 3,000 votes. Statewise the UAP-Country Party coalition had lost 24 seats and Labor had won government ending nine long years of seemingly permanent opposition.

91. Diary, 10 February 1941, 17 February 1941.
92. Diary, 20 April 1941; Martin Papers, Box 8, Item 1, p. 47.
93. Diary, 8 May 1941, 10 May 1941.
CHAPTER SIX

THE McKELL YEARS

Labor in Office

The election of the McKell government in May 1941 marked the start of twenty-four years of unbroken rule by the ALP, which was to end twelve years after Martin's death. For the ALP the size of its majority, the disarray of its opponents and the moderation of its leadership held out the possibility of a lengthy period in office. For Martin, Labor's victory meant the opportunity to realise a personal ambition to be a Minister and to fulfil a dream of "doing great things in politics; of effecting considerable reforms" and, perhaps, also "of leading the Party in great political battles".¹

In the week following polling day there was much press speculation about possible contenders for Cabinet office and the chances of, not only former Lang supporters such as Baddeley and McGirr, but also Evatt and Martin, who were thought to be fighting an evenly balanced contest for the Attorney-Generalship.² Although Evatt's legal qualifications and experience were the greater of the two, Martin's close association with McKell, which had grown since his election in

¹. Diary, 1 June 1947.
². Sydney Morning Herald, 12 May 1941.
September 1939 as Caucus Chairman, as well as Evatt's tendency to antagonise people, made Martin's selection almost certain. A "yarn" with McKell on 12 May confirmed this: "The AGship is right. He is even doubtful whether he should favour inclusion of Evatt in Ministry at all". Strong pressure from Evatt's brother, H.V. Evatt, then Commonwealth Attorney-General, did not overcome McKell's determination to keep him out of the top legal portfolio, although McKell did relent to the extent of including Evatt in his Cabinet ticket as Minister for Education.

With Martin in the chair, Caucus met on 16 May to elect the new 15 member Cabinet. The result was a "clear win for (McKell's) 'ticket'", and an ignominious defeat for the only candidate to stand against it. Martin received the least number of votes (50 out of a possible 53) of those on McKell's ticket as a result of having to "sit on" two members as Caucus chairman. The new Ministry was sworn in later that day with

5. **Diary**, 15 May 1941.
6. **Diary**, 16 May 1941. The unsuccessful candidate was M.A. Davidson, MLA for Cobar, and a member of the Heffron group in 1936-39.
7. **Diary**, 16 May 1941. The two were Davidson and F.M. Burke (Newtown).

Source: Sun, 19 May 1941.
McKell taking the Treasury and allocating to Baddeley the portfolios of Chief Secretary and Minister for Mines. Heffron was appointed to the special wartime post of Minister for National Emergency Services and ranked third ahead of Martin, who, as Attorney-General, would otherwise have followed the Deputy-Premier in precedence. Evatt became Minister for Education.8

Martin arrived at his new position with some ambitious plans to introduce a progressive and reformist spirit into the law in NSW. Among other things he aimed to set up a system to provide legal aid to poor persons, abolish capital punishment and introduce conciliation into the settlement of marital disputes. In implementing these ideas Martin necessarily relied on the advice and assistance of the senior officers of his Department, but initial impressions of them were not encouraging:

Today, at 10 am, I took over my Department from Sir Henry Manning, KC. I met Nott, the U.S. and various senior officers - generally speaking, they look a rather dull lot. I was rather nervous, but tried to give them an idea of liberal ad/on I wanted. The offices staff is housed in are simply appalling -

cold, dreary and dirty – the whole place is cold and depressing. 9

It was a measure of Martin's dissatisfaction with them that soon afterwards he appointed an "ideas man", L.C. Holmwood, to carry out preliminary research into various reforms. 10 At the time the Department was in the unique position of being accountable to two Ministers, the Attorney-General and the Minister of Justice, the latter post being occupied by R.R. Downing for the whole of Martin's period of office. The workload was divided between them with Martin taking charge of the appointment of judges to and the management of the Supreme and District Courts, the Clerks of the Peace, court reporters, the Crown Prosecutor, the Crown Solicitor, the Solicitor-General, the Legal Aid Office, the Parliamentary Draftsmen and the Chairmen of Quarter Sessions. He also had the functions of advising the government on legal questions and preparing reforms to the statute law. Downing, on the other hand, was responsible for the administration of the prison system, the remission of sentences, the

9. Diary, 19 May 1941. Sir Henry Manning (1877-1963) had been Attorney-General from June 1932 until May 1941. M.C. Nott was the Under-Secretary of the Department from 1936 until 1945.

10. Daily Mirror, 4 June 1941; Diary, 29 May 1941. Holmwood had been a student at law school at the same time as Martin, but they had not known one another well: Interviews, pp. 46, 102-103.
lower courts including the Courts of Petty Sessions and the Police Courts, the Coroner, the Public Trustee's Office, the Sheriff and the Registrar-General. He also bore a heavy administrative load under the Landlord and Tenant and Liquor Acts. As Downing was in the Legislative Council, Martin took charge of his Bills in the Assembly (and vice versa), since the McKell government reverted to the policy of previous Labor governments of generally not introducing bills in the Upper House pending its abolition. Secretarial support to Martin and Downing was provided by the Ministerial Office comprised of the Under-Secretary and his Assistant, two Chief Clerks and an assortment of other clerks, typists and messengers. In addition Martin had a private staff consisting of a Private Secretary and a typist/stenographer.

11. Interviews, p. 213. The exceptions were a few private bills and the 1946 Legislative Council Abolition Bill. Two examples from 1941 of substantial Bills, which originated with Downing but were steered through the Caucus and the Assembly by Martin, were the Moneylenders and Infants Loans Act, which introduced licences for moneylenders and imposed conditions on their activities, and the Hire Purchase Agreements Act, which sought to eliminate abuses which had come to light in that area.

12. The Private Secretary was Frank Murphy until 1948, when he left to become a magistrate in the Children's Court. He was succeeded by Vince Wallis, who had previously been a Departmental research officer, and later by Dick Templeton, originally an officer in the Petty Sessions branch. The stenographer was Betty Maloney, daughter of J.J. Maloney MLC: Interviews, pp. 46-50, 104.
On the same day that Martin was introduced to his departmental officers the new Cabinet met for the first time, but it was not until 6 June that Martin submitted a minute foreshadowing legislation. One piece, a minor matter, involved clarifying the procedures for appointing Industrial Commission judges to the bench of the Supreme Court and was simply an attempt to conserve scarce judicial resources in wartime. Still, it did not receive Cabinet approval without bitter opposition from Evatt, who pressed the entitlement of men at the Bar to appointment. 13 In Caucus, too, there was opposition from Abe Landa and Lang, although the Bill passed through the Parliament without amendment later in the year. 14 The second proposal, which will be dealt with at greater length in Chapter 9, involved the introduction of comprehensive legal aid for poor persons, while the third dealt with technical amendments to the superannuation entitlements of state public servants. The fourth measure was one with which Martin, despite his attachment to it, seemed destined to have little success. Dissatisfaction with the 1923 Monopolies Act, which declared monopolistic practices in general to be illegal but

13. Cabinet Minute, 6 June 1941 (all Minutes so referred to are in Box 29 of the Martin Papers), Diary, 1 July 1941.
14. Diary, 6 August 1941.
imposed relatively small penalties, prompted him to recommend amendments which would make it more effective. A Bill, it was promised, would be framed within two months and by early August it was reported to be under Cabinet consideration, yet somehow the issue died away and no legislation eventuated. The explanation for this probably lay in union fear of job losses, especially among shop assistants, as well as the desire of the government to avoid antagonising business interests in war time. Although the question of anti-monopoly legislation was raised a couple of times after the war, this did not produce any legislative result. Other proposals submitted to Cabinet by Martin during the McKell government's first six months in office included the abolition of the death penalty and the tightening of controls over the sharp practices of debt collecting agencies.

15. Cabinet Minute, 6 June 1941.
17. Diary, 27 August 1941, 5 March 1942, 9 September 1941.
18. Daily Mirror, 6 March 1946, 15 October 1946.
19. Cabinet Minute, 7 July 1941, 28 July 1941.
Wartime Administration: 1942-1943

By the end of 1941 Martin seemed to be well settled in his portfolio and, although progress with some legislation was slower than he wished, he was happy and content in his work. Within the Cabinet he enjoyed a mostly amicable relationship with McKell and the other ministers.\(^1\) Politics was for the moment, as it was not to be later on, a productive activity and a source of satisfaction and achievement.

The outbreak of war in the Pacific in December 1941 recast this outlook overnight. Almost immediately Martin formed the desire to see military service, an idea which McKell did not encourage at first, although he was more receptive in late January 1942 when Martin restated his request. Appreciating that law reform would have to "wait until later", Martin sought a more active role in the conflict.\(^2\)

Eventually he joined the Army in March as the "educational officer" for the First Division, where he

\(^{1}\) Exceptions included disagreements over the inclusion of the Fire Brigade in the Greater Sydney Bill, the appointment of an Auditor-General and Martin's appointment to the University Senate as the representative of the Legislative Assembly: Diary, 8 July 1941, 30 December 1941, 14 October 1941.

\(^{2}\) Diary, 23 January 1942.
remained until he succeeded in having himself posted to New Guinea in May 1943. Returning from there in April 1944 to campaign in the State elections, he then commenced work on the staff of the Quartermaster-General in Melbourne, where he stayed until he was discharged from the Army in October of 1945.

Martin's motives for joining the Army were threefold. In the first place he wanted to "get into (the war) in some practical fashion" given the dire threat of an apparently imminent Japanese attack on Australia.\(^\text{22}\) Secondly, given his past involvement in anti-Fascist activities, he felt it would be inconsistent to remain on the sidelines. Despite "feeling a little queer about move", he had to pursue his "intellectual convictions to their natural conclusion - even though, as I am afraid, they may have some uncomfortable consequences".\(^\text{23}\) Thirdly, Martin viewed war service as a valuable addition to his political credentials, since, as he explained to his wife:

... having served will prevent them from saying things that they might otherwise say - and it certainly robs some of them of a possible political point. It also gives me a certain definite feeling about having done my share - average as I am - while many of them stayed at home. This is not meant to

\(^{22}\) Diary, 23 December 1941, 31 December 1941.

\(^{23}\) Diary, 16 March 1942.
be bitter - not in the least - but starkly realistic. 24

In many ways, however, the decision was far from
realistic and ultimately his years of army service were
to exact a high political price. 25 The most immediate
consequence was isolation: "being constantly away from
the political scene ... I find that I do not
(naturally) know what is moving". 26 While he was
based in Sydney until May 1943 he was able to maintain
regular, at times daily, contact with his Department,
attend Cabinet meetings and also put in the occasional
appearance at the House. In the year between his
enlistment and his departure for New Guinea he
presented nine of his own Bills in the Assembly,
including the substantial Law Reform (Torts) Act and

24. Letters, 10 June 1943 (filed with interview
notes); Interviews, p. 115.

25. He had been warned by Downing of the dangers of
becoming another "Martin Place commando", as MLAs
in the services were described: Interviews, p.
213. A total of nine NSW MLAs joined the
services at some stage during the war, the others
being Joe Arthur (Labor, Hamilton), H.J. Bate
(UAP, Wollondilly), F.J. Cahill (Labor, Young),
W.A. Chaffey (Country, Tamworth), H.P. Fitzsimons
(UAP, Lane Cove), R.G. Hamilton (Labor, Namoi),
E.M. Robson (UAP, Vaucluse), and H.B. Turner (UAP,
Gordon).

the Legal Assistance Act,\textsuperscript{27} as well as another four Bills on behalf of Downing.\textsuperscript{28} It was while he was in New Guinea and Melbourne that Martin was most isolated from political affairs. Indeed, between May 1943 and May 1944 and again from October 1944 until October of the following year, he neither attended Cabinet meetings nor spoke in the Legislative Assembly.\textsuperscript{29}

Inevitably Martin's relative isolation from politics led him to be anxious about the security of his position within the Party. At a Cabinet meeting

\begin{enumerate}
\item The others included Bills rationalising dormant deposits of charitable funds; appointing an inspector to investigate the affairs of a bankrupt homewares company; validating certain marriages, which had been ruled invalid by a District Court judge; introducing special provisions allowing the estates of persons missing in the war to be administered; incorporating certain bodies to hold land on behalf of Roman Catholic religious communities; and placing Supreme Court officers under the control of the Public Service Board: \textit{Martin Papers}, Box 29, Item 1.
\item These were the Public Trustee (Amendment) Bill, the Moratorium (Amendment) Bill, the Red Cross Society Incorporation Bill and the T.B. Sailors' and Soldiers' Incorporation Bill.
\item Throughout these years Martin retained his Ministerial rank and salary, but took no pay from the Army: \textit{Diary}, 13 March 1942; \textit{Sydney Morning Herald}, 7 November 1946. After May 1943 Downing took over Martin's administrative responsibilities, although responsibility for some routine matters such as interventions in divorce cases was given to the Solicitor-General. McKell took charge of any necessary legislation in the Assembly: \textit{Interviews}, p. 211; \textit{Diary}, 9 May 1943.
\end{enumerate}
soon after his enlistment he detected "an undercurrent of unfavourable attitude towards my action - though it was not very pronounced", and he reported similar impressions over the following months. However, he detected a more concerted response than this when in September Frank Burke, MLA for Newton, raised at a Caucus meeting the question of the responsibility for Martin's duties if he were sent on overseas service. Burke's implication was that Martin should either resign from the Army or relinquish his portfolio:

This is certainly a dirty move - by whom inspired I do not know, but I suspect Landa and/or Evatt. In any case it is clear someone is endeavouring to undermine me and get my job as A.G. I should like to know who it is that has been at work and I shall certainly try to find out.

Martin's attribution of the move to the efforts of Landa and Evatt comes as no surprise as he had already identified them as his two most persistent critics within the Parliamentary Party. Both Evatt and Landa had opposed his move to allow Industrial Commission judges to be transferred to the Supreme Court. Landa had raised strong objections in Caucus to the Hire

30. Diary, 7 April 1942, 16 April 1942, 13 June 1942.
31. Diary, 16 September 1942, 11 November 1942. Why Burke would participate in this is not clear, although Evatt's appointment of him as a personal assistant after Burke lost his seat in 1944 suggests some connection between them. Radi, et al., Biographical Register of the NSW Parliament, pp. 34-35.
Purchase Agreements Bill forcing Martin to "give way to [him] on a number of points". Landa was also a vocal critic of Martin's cherished Legal Assistance Bill and Landa's "unpleasant and vicious" comments on that occasion drew from Martin the epithets "bloody hindrance" and "bitter little pea", language indicative of the strength of the hostility between them. Martin resolved not to worry, however, when in May 1943 he left Sydney to spend twelve months in New Guinea, reasoning that overseas service was "politically essential". McKell and Downing, he felt, could be relied upon to "preserve my interests and keep my Ministerial rank open for me", although some of the "vultures" in Caucus had to be watched carefully. Later indications from Caucus colleagues were that his absence had been accepted well. Had it not been for his lobbying prior to the election of Cabinet after the May 1944 elections then, Martin might well have escaped the more serious consequences of his absence. As it was his return from New Guinea in May 1944 created

32. Diary, 10 September 1941, 11 September 1941.
33. Diary, 23 September 1942, 6 October 1942, 18 November 1942.
34. Diary, 7 April 1942.
35. Diary, 19 May 1943, 14 May 1943.
antagonisms which were almost to cost him his place in Cabinet three years later.

The Second McKell Government: 1944-45

Martin was still in New Guinea when McKell announced a State election for 27 May, but he quickly arranged leave to take part in the campaign. Re-elected unopposed in Waverley, Martin's concern throughout the campaign was not so much ensuring a Labor victory over the Opposition - an outcome which was thought certain by most observers - as to improve his own prospects in the subsequent scramble for Cabinet position. Accordingly he spent the next couple of weeks speaking in as many country and city electorates as possible. The result of the poll was a "splendid win" for official Labor, which won 56 seats, while the rump of the UAP won only 12, the Country party 11 and Independents 8.

37. Under a Government/Opposition agreement MPs in the armed services were not to be opposed by candidates of the other party.

38. Diary, 29 April 1944.

39. For example, Gosford (Gosford Times, 12 May 1944), Dubbo (Dubbo Liberal, 18 May 1944), Wellington (Wellington Times, 18 May 1944), Bondi (Diary, 12 May 1944) and Ashfield (Diary, 24 May 1944).

40. Diary, 29 May 1944, Hughes and Graham, Handbook 1890-1964, p. 454. Lang Labor won two seats, Newtown and Auburn. Lang had been expelled from the ALP in March 1943 as a result of his
With the ALP in such a strong electoral position the lobbying for positions in the new Cabinet began well before polling day. Just after returning from New Guinea Martin made overtures to Abe Landa, who faced an uphill battle in retaining his seat of Bondi. Despite the previous antagonism between them, Martin offered the assistance of his local branches - on the condition that Landa support him for the Ministry. Landa accepted this, explaining that he "did not now have any antagonism to me, and that, although he aspired to Ministry, it did not mean that he wished to get my AGship". Warned by Landa that there would be many contestants for Cabinet, Martin discussed the position with fellow Ministers O'Sullivan, Kelly and Heffron:

The situation on Cabinet is that a number are pushing very hard - Joe Arthur, Fred Cahill, Abe Landa, Billie Sheahan, and, maybe, others. They are making a set on Charlie Lazz, Jack Baddeley and Billie Dunn. Clive Evatt is also in considerable danger. There have been some rumblings around me, but the three chaps I discussed it with today all agree that I am safe. Still, they also

opposition to the Federal government's decision to expand the area of overseas service.

41. Diary, 29 April 1944. Joe Fitzgerald was Martin's Campaign Director in Waverley. He was later MHR for Phillip from 1949 until his defeat in 1955 and then a Senator for NSW from 1962 until 1974.
agree that it is desirable to check on the mutterings - and make certain of things. 42

Further inquiries satisfied him that the "malcontents" were not numerous and, although some were "not exactly happy about my being away", there "was no doubt about my re-election to the Ministry".43

After the 27 May election the struggle intensified, with Martin acting as an intermediary between McKell and sections of the Caucus. One change McKell wanted was the dropping of Evatt, a measure of the Premier's displeasure with his "maladministration and personal behaviour".44 Martin passed on the message that "Evatt is gone".45 Another change contemplated by McKell was the dropping of Baddeley, who "was failing in health and was not really up to job".46 This raised the question of who would

42. Diary, 30 April 1944. J.G. Arthur was the Labor MLA for Hamilton and was later elected to the Ministry in 1949, where he held a succession of portfolios including Tourist Activities, Immigration and Mines. F.J. Cahill had been Martin's Campaign Director in Young in 1930 and in 1941 was elected as the Labor representative of that seat. Sheahan, the member for Yass, was elected to Cabinet in 1947 and held portfolios including Lands, Transport, Attorney-General's and Health.

43. Diary, 2 May 1984, 7 May 1984.

44. Diary, 7 May 1944, 4 June 1944.

45. Diary, 30 May 1944.

46. Diary, 7 May 1944.
replace him as Deputy-Premier. Martin was hesitant at first to press his own claim to the position since the uncertainty of his army status meant that he could "not even expect to be elected Deputy-Premier". Still, when he spoke to McKell on the 23rd about the reaction of Caucus to the idea, he threw his own hat into the ring:

I pointed out feeling re Jack B., but also that there would be 4 contenders (Bob, Joe Cahill, Jim McGirr and myself). I said that, if it were to be opened for a 'go', it would lead to antagonisms, and that, in all circumstances, the best course would be to leave old Jack in the job, even though that meant added strain to Bill and prevented him from ever being away from the House. Although he did not commit himself to the proposition, he seemed to agree. 48

McKell concurred and at a Government House reception on the night before Caucus was to meet let it be known "that he did not desire Ministry disturbed, except for the dropping of Evatt and substitution of Eddie Graham". 49

Despite the impression of discord created by the submission of 24 nominations - 12 from members of the

47. Diary, 30 May 1944.

48. Diary, 4 June 1944.

49. Diary, 7 June 1944. E.H. Graham was the member for Wagga Wagga from 1941 until 1957 and served in the Cabinet from 1944 onwards, during which time he held the portfolios of Agriculture, Lands and Food Production.
previous Cabinet and another dozen from hopeful outsiders - Caucus re-elected 10 of the previous Ministers on the first ballot, with only Evatt and Lazzarini missing out. 50 With one position remaining "we had a hurried confab and decided that Lazz had to stand down and that we would run George Weir against Evatt for the 12th vacancy". 51 In the first three ballots after lunch no candidate secured a quota, but in the fourth, with only Evatt and Weir remaining, the former won by the narrow majority of 29 votes to 27:

So, we have Clive foisted upon us - what job Bill will give him, I do not know. Indeed, it is difficult to suggest a job for him. Probably he will make him an Assistant Minister! Then he can do no harm - but it will mean that Bill will not have any real assistance and that we are paying Clive for nothing. This has increased Bill's difficulties in allotting portfolios - and I do not envy him his task. 52

Martin's guess was right and when the new Cabinet was announced Evatt had been demoted to Assistant Minister and his previous portfolio of Education transferred to

50. Sydney Morning Herald, 8 June 1944. Graham was also elected on the first ballot, thus leaving only one further position.

51. Diary, 7 June 1944. G. Weir was the MLA for Dulwich Hill from 1941 until 1953 and was elected to Cabinet in 1946. He was Assistant Minister, Minister for Conservation and then Minister without Portfolio.

52. Diary, 7 June 1944.
Heffron. As expected Martin retained the Attorney-Generalship and Downing the Ministry of Justice.

The matter of Martin's role as the "numbers man" for the official ticket was not allowed to rest at that, however, and its consequences were to pursue him as far as the next Cabinet ballot in 1947. More immediately he was disturbed by the attacks of defeated candidates such as Sheahan and Arthur, who vented their anger on him. To his diary he complained of having to bear the odium of a job "for which a number bear collective responsibility - work was shared by a few, but I did most of it and am apparently to suffer for it". The fear in Martin's mind was that those disgruntled by his actions on this occasion would join with Evatt and Landa and "begin a campaign of attack upon me ... They can pinprick - and so lead up to quite an amount of ill-feeling". Martin's reaction was not to shrug it off as an expected part of politics, but to worry and allow himself to become "absolutely


54. Diary, 9 June 1944.

55. Ibid. Martin had already attributed Evatt's victory to "a close liaison with former Langsters, who voted with him almost to a man": Diary, 7 June 1944. There were also sectarian overtones with Sheahan alleging that Martin had said that he (Sheahan) could not be elected because he was a "tyke": Diary, 18 June 1944.
miserable". Even his enjoyment of social occasions was marred by the keenly felt snubs of Arthur and Sheahan.

Posted soon afterwards to the staff of the Quartermaster-General in Melbourne, where he remained until the end of the war, Martin's thoughts often dwelt on his position in the Party:

... this being in Melbourne worries me - tis not so much the possible loneliness and cold, as my fear with regard to the Caucus cave. They attacked Tully last week, but it might well be me next week. I have the feeling that they are planning to move against me. I have a most uncomfortable feeling about the whole show - and I fear that I will be in a difficult position very soon. However, I suppose that there is not much to be gained by worrying - and I must try not to do so.

However, when the expected attack did come, in the form of a speech by Sheahan in the Legislative Assembly in October calling for Martin's release from the Army on the ground that his war work was not essential, it quickly fizzled out. Martin, who was perturbed that this might spur further calls for his return, especially amongst his electorate, was relieved to find that little notice had been taken of Sheahan.

56. *Diary*, 21 June 1944.
57. *Diary*, 30 June 1944, 22 June 1944.
58. *Diary*, 9 July 1944.
60. *Diary*, 5 October 1944, 10 October 1944.
Back from the War: 1945-1946

On being discharged from the Army in October 1945 Martin returned to full time politics and immediately set about assessing and restoring his position within the Party. Several sources had suggested that the resentment aroused in 1944 had not died away; and that in particular Sheahan, Arthur and Hamilton were quite hostile. With this in mind he made no attempt to return immediately after the cessation of hostilities with Japan in August as a challenge to the position of four Ministers was in progress. Martin was anxious to avoid becoming embroiled in further conflict and so lose much support. On his first day back he scrutinised the reactions of colleagues hoping to find some indication of how he stood. With a few

61. Diary, 30 August 1945. R.G. Hamilton was MLA for Namoi 1941-50. The sources of Martin's information were Downing, Wallace Wurth (Chairman of the Public Service Board) and W.M. Gollan (MLA for Randwick 1941-1962): Diary, 30 August 1945, 1 September 1945.

62. It was proposed by Hamilton and Renshaw that Assistant Ministers be appointed to aid Dunn, Cahill, Heffron and McGirr, but the motion was withdrawn after McKell bluntly told the meeting: "... you pass this resolution and then the next thing I want you to do is to move another resolution, which I want you to pass, and that is that you proceed to elect a new leader": Interview with Sir William McKell, 22 July 1977; Diary, 22 September 1945, 5 October 1945.
exceptions he found that he was greeted warmly, although some were not quite so warm or "at least not antagonistic". He felt it strange, too, to be back in a political environment: "I felt the strain of meeting the fellows trying to sort out my enemies ...". 63

With the passage of time Martin became more confident that, apart from three or four, "the chaps" were on side, a disposition he tried to encourage by prompt attention to constituents' requests referred to him as well as acceptance of social invitations. 64 Alongside such realism was the occasional note of defiance:

In any case, I do not intend to crawl - if they do not want me, then that's too bad. I'll keep my seat and resume my practice at Bar. I am determined not to let 'them' get my goat. In fact I'm feeling a little cynical - and will not let 'them' sap my happiness. 65

A series of exhausting visits to country electorates in 1946 testified more accurately to the strength of Martin's desire to remain in the Cabinet. 66 On the Parliamentary front too he fought back with effective

63. Diary, 16 October 1945.

64. Diary, 19 October 1945, 4 November 1945, 17 November 1945.


66. Diary, 18 April 1946.
question time performances and the introduction of several new pieces of legislation including some important reforms to the laws of compensation, tighter controls on the possession and use of firearms, stricter regulation of auctioneers and real estate agents, and the continuance of wartime Commonwealth regulations on prices, capital issues and landlord and tenant matters following challenges to their constitutional validity.

Such activity left Martin confident in the belief that his standing within the Party had been restored, if not totally, then at least enough to ward off any challengers. Looming ahead, however, was the question of who would succeed to the Party leadership after McKell and it was on the resolution of this that Martin's own political ambitions, as a reformer and potential Premier, faltered.

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CHAPTER SEVEN

WAR SERVICE

Into the Army

On 8 December 1941 news of the Japanese attack on Pearl Harbour and several other US and British bases in the Pacific reached Australia. That evening Martin called at McKell's home "to suggest that he might care for me to enlist and become liaison officer between government and Army. He did not seem keen on idea". ¹ As the Japanese made rapid advances over the following weeks and fears grew that Malaya, Hong Kong and even Singapore might fall, Martin put aside his earlier pacifist leanings and tried to "get into it in some practical fashion". ² On New Year's Eve he again expressed a wish "to be in it in some way or other". ³

The first month of the new year brought a succession of defeats - the fall of Manila, Japanese advances in Malaya and the Netherlands East Indies, and landings in New Guinea and the Solomon Islands - which prompted Martin to again raise the question of his enlistment with McKell, who this time agreed that Martin "should consult Frank Forde, Minister for Army, to canvass whether there was anywhere I could fit in". ⁴

1. Diary, 8 December 1941.
2. Diary, 18 December 1941.
3. Diary, 31 December 1941.
Before he could do this however, the Allied position was further weakened by the fall of Malaya, the bombing of Port Moresby and Darwin and, worst of all, the surrender of Singapore. Amidst a mood of general depression following the fall of the "impregnable" Singapore, Martin made the trip to Canberra to put "certain propositions" to Forde:

I told him of my desire to serve - that I thought I had certain capacity that could be better used in war effort - that I could enter Army without any cost to Federal authorities - that I did not want my military pay and would bring in my ministerial car - that ad/ve work in my Department was well lined up and I could do it in a few hours per day - that it was important that Labor men should serve - that my enlistment might have a value from a morale viewpoint.  

Specifically, Martin suggested two possibilities. The first involved a "roving commission" to travel to the Middle East and UK to investigate various aspects of war work and, on returning, to undertake a lecturing tour of Australia. The second required Martin to play a role in the organisation of a Volunteer Defence Corps, especially in New South Wales where the State Labor Party and the Communists were pushing for the formation of a "People's Army". In the circumstances it was desirable that "they should not be allowed to control any such development".

5. Diary, 23 February 1942.
This encounter and Forde's slow response disappointed Martin. By the time the Minister for the Army replied in mid March endorsing the VDC proposal, Martin's impatience had already got the better of him and he had enlisted, joining the First Division as "Educational Officer" with the rank of lieutenant. From the very beginning, however, this designation was a source of conflict as he had joined on the understanding that he would soon be promoted to Captain and, whatever his official title, his real job was liaison, "to arrange for many things that Division needs to get done in order to do its job". Martin was not happy even pretending to conform to his official role. He found it boring: "... it is good WEA stuff, but I do not want that line". Also, he was concerned that remaining in the educational area would "lower my prestige politically and otherwise". As time passed this anomaly irritated Martin more and more. Faced with an indeterminately lengthy delay, since the liaison position was being held in abeyance pending a divisional reorganisation, Martin began to pursue suggestions for alternative work such as

6. Diary, 11 March 1942. This is incorrectly dated 12 March in the Diary.
7. Diary, 12 March 1942.
8. Diary, 15 March 1942.
In uniform, May 1942

Source: Mrs Doreen Martin
organising fire control, but when pressured over the lack of educational work done he began to contemplate resigning his commission. 9 A threat of resignation made to his commanding officer finally achieved results, but Martin's exuberant greeting of the news that he was at last to be transferred to the Headquarters staff soon turned sour when he learnt that yet another divisional reorganisation had eliminated the need for the position. 10 Ironically, the same reorganisation added new responsibilities to his existing duties as a result of which his satisfaction with work improved. In September he felt able to decline the offer of a position on the Headquarters staff since "I am very much happier in my work here now - and so the need to transfer is not so great as it was". 11

The other major cause of Martin's dissatisfaction with the Army was the slowness with which it approved his promised promotion to Captain. On making inquiries at Army Headquarters in Melbourne he was told that the promotion had been refused owing to the divisional reorganisation, a rejection which drew an explosion of anger, and another threat of resignation.

11. Diary, 1 September 1942, 18 August 1942.
Wouldn't it rock you! I was assured I would be a Captain within a few weeks of my first appointment - others have been promoted - and now this turns up. I am all more bitter when I hear that Percy Spender has taken up duties at GHQ as a Lt-Col!!! 12

On the point of resigning, he was persuaded to stay only by a promise to resubmit his request for promotion and, while waiting for the result of this, he brooded over the more rapid promotion of others. 13 The lengthy delay took all pleasure from reaching "the exalted (sic) rank of Captain" when the promotion finally went through at the end of September. 14

Martin's sense of frustration and victimisation were further aggravated by personality clashes with a number of senior officers. On one occasion his commanding officer, in accordance with Army convention, fined him a round of drinks for arriving late at the mess for dinner. Martin, unaware of the practice, was incensed:

I was black with rage and shame. I do not remember any occasion upon which I have been so humiliated. It was dastardly - it was a low, despicable trick. I could not eat, but drank black coffee till meal was over ... I

12. Diary, 22 June 1942. P.C. Spender was the UAP (later Liberal) MHR for Warringah and had been a practising barrister in Sydney before the war: J. Rydon, A Biographical Register of the Commonwealth Parliament, (ANU Press, 1975), p. 203.


shall not forget this! Such pettiness fills me with disgust — apparently this is the way we fight a war — with sheer, utter, petty convention! 15

Work, too, was a source of conflict and frustration. Originally given the two tasks of training units in the Sydney area in bomb handling and fire control techniques as well as planning transport routes for the evacuation of the city, he was transferred in June to a programme uncovering and reassigning tradesmen within the Army. 16 While at first this was attempted at the divisional level, Martin twice travelled to Melbourne to try and persuade senior officers there to extend the programme Army-wide. On the first occasion he accepted the assurance that "they were giving close attention to it", 17 but on his second visit, armed with a comprehensive plan for the deployment of tradesmen and specialists involving the establishment of a Central Control Office at Headquarters in Melbourne as well as regional offices and the appointment of a Trades Control Officer in each unit, he was rebuffed on the ground that his scheme required too great an establishment. Martin was furious, thinking he had been double-crossed by some "bright boy", who had "seen the possibilities of

15. Diary, 30 April 1942.
16. Martin Papers, Box 5, Items 1, 2, 3.
17. Diary, 25 September 1942.
scheme" and decided to be in on it. Back in Sydney Martin used the influence of Public Service Board Chairman Wallace Wurth to secure the appointment of a team to implement his plan in NSW, but the results left Martin more dissatisfied than ever with the Army. As the junior of the three members of the team, albeit with most practical experience, Martin spent much of his time explaining procedures to his two co-workers.

After a while his resentment at this grew as he began to feel that he was carrying them: "... but there it is - it is the sort of thing that happens in the bloody Army!!".

New Guinea

Faced in March 1943 with the early cessation of tradesmen recovery work, Martin's thoughts turned once again to the possibility of overseas service. He had contemplated the idea without result several times in the course of the previous twelve months, and confronted by the alternative of a "distasteful" assignment to the limbo of the list of unattached

18. Diary, 28 October 1942, 20 October 1942.
19. Diary, 4 November 1942, 12 November 1942.
20. Diary, 30 November 1942.
21. Diary, 8 December 1942.
officers, he decided to seek a posting to New Guinea.\textsuperscript{22}
As a first step he spoke to Frank Forde, stressing that it was "politically essential" that he should go.\textsuperscript{23}
When the Adjutant-General proved reluctant to agree and the completion of trade testing grew closer, Martin's efforts became more frantic. After making telephone calls to Forde and Wallace Wurth and wiring Army Headquarters in Melbourne he exclaimed:

\begin{quote}
... I have exhausted every possible contact - However, I am not yet finished and I shall now begin a barrage upon them all, almost daily. If I cannot serve in New Guinea, then I shall seek my discharge. After all, it is easy enough for them to find a post for me in NG if they care to do so.

Bloody Army! - sometimes I wonder whether I did right thing in enlisting. But having done so - I want to serve abroad - and I shall not rest content until I have exhausted every avenue. \textsuperscript{24}
\end{quote}

Such desperation finally elicited an invitation from the Adjutant-General, who invited him to Melbourne to discuss his case. After Martin told him "I would serve in any capacity, and I was ready to drop pips or rank to do so", Lloyd promised to have a word with the Commander-in-Chief, General Blamey.\textsuperscript{25} A few days later Martin had his wish when he was appointed as

\begin{itemize}
\item \textsuperscript{22} Diary, 1 April 1943.
\item \textsuperscript{23} Diary, 7 April 1943.
\item \textsuperscript{24} Diary, 4 May 1943.
\item \textsuperscript{25} Diary, 7 May 1943.
\end{itemize}
Liaison Officer to the Combined Operational Services Command, the co-ordinating body for US and Australian forces in New Guinea. 26

Martin arrived in Port Moresby towards the end of May and spent the first couple of weeks settling in before commencing work. Among the tasks he carried out were investigations of cargo handling on the Port Moresby docks, a fire in a hospital, the military police, accommodation for nurses, fire fighting facilities and the supply of bread to American troops. 27 In August he was temporarily attached to the Port Commander's office as a "trouble shooter", a job which involved rapidly sorting out delays in the transport and supply of materiel for the front. Although it was tiring work requiring many nights of broken sleep as well as much travel, Martin enjoyed it and saw himself becoming "quite an expert in supply problems". 28

In November he returned to COSC and work which, in contrast, he found undemanding, and it was then that the boredom and occasional loneliness of Army life began to predominate in his moods. A welcome break

26. Diary, 7 May 1943.

27. Diary, 10 June 1943, 19 June 1943, 18 June 1943, 23 June 1943, 19 July 1943, 29 June 1943; Martin Papers, Box 6, Item 1.

28. Diary, 4 September 1943.
came at Christmas when he was able to obtain a month's leave to return to Sydney. On his return from leave the periods of despair became deeper and more frequent, feelings he confided more readily to his Diary than in the long daily letters to his wife:

Am beginning the day by endeavouring to ease my deep feeling of depression by writing the Diary ... Am crammed into Q office - in a little space there are 3 officers and a staff sergeant - like sardines. I do not know what work I shall get or whether I shall have anything to do at all - with decline of this place, there is even less likelihood of having any useful work ... If a man remains here, he will be indeed in a backwater - a minor and insignificant sub base. It was bad enough before, but it will now be intolerable ... I awakened to a feeling of acute misery and disappointment - a feeling of general mental malaise. Perhaps I'll crack out of it in a day or so ... Hell, I feel lousy - and all my pretence at being philosophical has been shattered. 29

The movement of the fighting northwards meant not only the downgrading of the work of the Port Moresby base, but also the limitation of Martin's prospects for promotion, a grievance which boredom soon intensified. He expressed resentment at the rapid promotion of those he perceived to have less than an equal claim, but he tried to take it philosophically, resolving not to think "about these things [as] they only serve to annoy me and I might as well give up any idea of promotion". 30 Likewise, attempts to be assigned to

29. Diary, 1 February 1944.
30. Diary, 14 April 1944, 31 January 1944.
more interesting work were fruitless, an outcome he ascribed to the prejudiced hostility of more senior officers. On top of this Martin developed contempt for the Army's administrative ability, describing it on one memorable occasion as "the most wasteful, time-wasting, inefficient organisation I have ever been in. Blast and bugger them all." 

The Inspectorate

Given such exasperation it is surprising that Martin remained in New Guinea as long as he did. His reasons were, essentially, political: "my service abroad is too brief to contemplate any [other] such course". When in April 1944 he returned to Sydney on leave to take part in the State election campaign he had still not made up his mind about the future, although he soon came under considerable personal and political pressure to remain in Sydney. Preoccupied with the jockeying for Cabinet he was undecided at first, but his intentions soon firmed given a "body of opinion which considers I should be back".

31. "... I feel that someone high up at N.G.F. has me set": Diary, 25 February 1944, 23 March 1944.
32. Diary, 14 November 1943.
33. Diary, 15 December 1943, 24 March 1944.
34. Diary, 30 April 1944.
35. Diary, 9 May 1944, 7 May 1944.
As events turned out, however, the lure of a position as an inspector on the staff of the Quartermaster-General, carrying with it the coveted rank of Major, was sufficient to overcome this pressure. In favour of accepting the offer were the opportunity to travel and to do useful work as well as the promotion, and his strong desire not to return to New Guinea. Against was the danger of being absent from politics so soon after his role in the Cabinet ballot had alienated some of the Caucus: "I realise that I cannot be too long away from my political field - it is too risky". Martin placed his hopes in being able to "wangle" the "occasional week off to take legislation in the House" and keeping in regular touch by telephone, although Army Headquarters made it clear that he was not to be "popping off to NSW on political issues". By the time he took up the post in July this stipulation had become the cause of some worry as he feared attacks from the "Caucus cave" in his absence. These did not eventuate, however, and he was left free to work largely unhampered by anxieties about his political position. Moreover, the work, which involved visiting, inspecting and reporting on

36. Diary, 4 June 1944.
37. Diary, 12 June 1944.
38. Diary, 9 July 1944.
Army establishments, was more satisfying and challenging than he had experienced previously.

Nevertheless, the promised promotion was again refused on first application: "this certainly is a somewhat bitter pill, as I had thought it a certainty ... once again, Army gives me a kick in slats". 39 Again Martin suspected senior officers were prejudiced against him. He "flamed inside" when told that the Quartermaster-General thought him "a very unregimental fellow". 40 Later he was told that Blamey had been responsible for deferring his promotion:

I feel somewhat bitter about it - I know that the work I'm doing warrants it (or more) and it is simply wretchedly unfair to withhold it. The posting carries the majority - and I am saving Army many thousands of pounds - there must be something behind all this. What has B. against me? 41

Such bitterness clogged Martin's thoughts over the following months and the eventual approval of the promotion in November was greeted cheerlessly. 42

This bitterness was soon dissipated, however, and Martin began to entertain hopes of promotion to

39. Diary, 17 July 1944.
40. Diary, 3 September 1944.
41. Diary, 4 October 1944.
42. Diary, 24 October 1944, 26 November 1944.
Lieutenant Colonel before his discharge. So taken was he with this idea that he resisted strong political pressure from, among others, Reg Downing, to return to his parliamentary and departmental work, in favour of staying in the Army as long as was necessary to obtain the promotion. When, towards the end of July 1945, his request for promotion was turned down - "a bitter disappointment ... once again Army will not give me the rank and the due which is mine" - he resolved to "fight to the end about it", sending an urgent telegram to the QMG and seeking the assistance of Forde to intercede with Blamey. All this was to no avail and the ending of the Pacific war on August 15 brought to an end any hope of further promotion and led Martin to seek his discharge as soon as work commitments permitted. He returned to Sydney to resume political life in mid-October.

Martin's military excursus lasted for just over three and a half years. Intended as both a contribution to the war effort and as a means to his

43. Diary, 25 December 1944.

44. Diary, 4 February 1945, 23 April 1945, 12 May 1945, 16 May 1945.

45. Diary, 30 July 1945, 1 August 1945, 2 August 1945; Martin Papers, Box 5, Item 4.

46. Diary, 15 August 1945, 20 August 1945, 12 October 1945.
own advancement it proved at best to be marginal for either purpose. For the most part, the work he performed was not of a particularly high level and was certainly far below that which he had carried out in political life. In spite of the ease of his access to the top echelons of the Federal political leadership, he seemed unable to find a position fully commensurate with his political position. Offended by this disparity and frustrated by his subordinate rank in an unfamiliar and tradition-bound hierarchy, Martin reacted with intense anger and resentment at those he perceived to be responsible for his predicament. Promotion was, perhaps, a longed for confirmation of his self worth, which when denied, prompted a stream of abuse alternating with bewilderment. Promotion became the litmus test of success and, propelled by the self-conscious disjunction between his status and authority in political and army life, he pursued it obsessively. These years in a differently ordered environment were a new experience for Martin and their uniqueness may account, along with his isolation from his usual companions, for the detail in which his diaries record his work and feelings. At no other point in his life are the diaries so thorough in their depiction of him. Intense frustration and anger were the short run consequences of his war service. At the time of his
discharge the full political price had still to be exacted.
CHAPTER EIGHT

FALTERING AMBITIONS

McKell's Successor

In February 1946 McKell announced his intention to resign from the premiership and the parliament before the next State election due by mid 1947. Martin was not altogether surprised by this decision, having heard that McKell had "been very fed up with developments for some time", although he regretted the loss of a leader who was "easily the best informed man in the Party and by far the most experienced administrator."¹ He did not rate highly his own chances of succeeding McKell, nor was he sure in his mind that he wanted to. Weighing up the pros and cons of running for the position, he was fearful of "personal clashes or bitternesses" and estimated that he had still not regained his former standing within the Parliamentary Party. On balance, he thought, one of the other four contenders - Baddeley, Heffron, McGirr and J.J. Cahill - would probably defeat him. In the event McKell was dissuaded from resigning by pressure from the State ALP Executive, Caucus and Cabinet. This was a great relief to Martin, who feared "the fight for succession would have driven the party into warring groups".²

1. Diary, 14 February 1946.
2. Diary, 24 February 1946, 17 February 1946, 19 February 1946.
The Party's Annual Conference provided an opportunity for the main contenders for the Premiershipt to show their form.

Source: Sunday Sun, 16 June 1946
Martin's lengthy and introspective reflections upon his position, protestations to the contrary notwithstanding, belie this image of resigned acceptance of his unpopularity and suggest a strong underlying element of regret and disappointment. After all, the fact that his name was not amongst those mentioned as a likely successor to McKell showed:

... just how much damage was done to my standing by the part I played in the last Cabinet ballot and by my absence until very recently. I have clearly not regained my former standing - and some Members remain permanently estranged. Even if I were to seek the position, I think it is fairly certain that I would not have a chance. 3

At the same time he insisted that he did not in any case really want the job, dwelling on its "great responsibility and strain and tremendous worry", which would only be increased by the difficulties of controlling the "malcontents" within the Caucus. Moreover, he saw some strengths in remaining Attorney-General, from where he could exert influence over decisions, but was not "overwhelmed with work or responsibility".

This assessment remained essentially unchanged throughout the rest of the year. Urged by Oscar Schreiber, Secretary of the Furnishing Trades Society, to think of himself as McKell's successor, Martin resisted with fatalistic passivity:

3. Diary, 17 February 1946.
I told him that I would accept if I thought it was my duty - but would not do a single thing to bring it about and certainly that I would not engage in any canvassing or intriguing for purpose. If the Party wanted me, well and good - if it did not, I would not cry or grieve - indeed, I was not even certain that I wanted the job. 4

Similar urgings made by some delegates to the Party's Annual Conference drew an equally ambivalent response: "I still do not know whether I am keen to have the job - but it is good to know that my standing has improved". 5 Rumours later in the year that McKell would soon be appointed the next Governor-General again focused Martin's thoughts on the leadership question, and again the expectation of "much internecine fighting - and consequent bitterness" led him to prefer a delayed contest. 6 Also by the end of 1946, he had begun to question his capacity to withstand the pressures which the Premiership would place on his health. 7

With these considerations at the back of his mind Martin made an official visit to New Zealand in January 1947, where he examined the operation of marital conciliation, probation officers and local courts,

4. Diary, 16 June 1946.
5. Diary, 17 June 1946.
6. Diary, 24 November 1946.
schemes which he proposed to introduce in New South Wales. He was in Wellington when he received word of McKell's imminent resignation to become Governor-General. On the 28th he spoke by radio-telephone to Heffron, who indicated that a McGirr victory was likely. After expressing some concern about his own chances, Heffron asked Martin to return as quickly as possible: "... he also said that we should combine forces in an attempt to defeat McGirr. We agreed to work together". On the 31st Martin boarded ship to return to Sydney, a four day journey away. Although this meant that he would arrive just two days before Caucus was due to meet, he was not perturbed, happy to be well away from "the canvassing and logrolling which is taking place". At the same time he had not given up all hope of entering the contest, even at such a late stage and from such a distance and despite his agreement to work with Heffron. Responding to newspaper reports which named Baddeley, McGirr, Heffron, Dunn and Cahill as the contenders with no mention at all of himself, Martin concluded:

If this is the position, twould be wiser not to run and to throw my weight behind Bob Heffron. I must confess that I am bitterly disappointed - I would have been happy had I

8. Diary, 29 January 1947. McKell's retirement was announced on the 31st and a Caucus meeting to choose a successor was called for 5 February.
been in a position to run reasonably well in the ballot and then be defeated. To know that I am not considered a serious contender - in that group of contenders - is humiliating. 9

With time to spare aboard ship, his mind turned to seeking some explanation for his unpopularity. Three political reasons stood out. One was the hostility of Evatt, Sheahan, Arthur and Hamilton, which was focused on Martin as a result of his activities in 1944. Another was the continuing dislike of former Lang supporters, such as Claude Matthews. A third factor, Martin thought, was that his absence in the war had prevented him from demonstrating leadership qualities. In addition to these political factors, he wondered whether any of his personal qualities might have worked against him:

I have a feeling that many think I consider myself, as it were, intellectually superior; that I am perhaps too academic; that I am too much tied up with law and do not know enough of country matters.

Perhaps, again, I am not sufficiently reserved or dignified. Perhaps I make an error in drinking with the chaps in the bar at the House. Certainly the only two Ministers who do so consistently are George Weir and myself. Although 'Century' has charged me with standing aloof from the chaps, they are quite wrong - and I have an idea that I have been, if anything, too

9. Diary, 1 February 1947. It was not until the 4th that Martin announced that he would not be a candidate.
pally. Perhaps, too, my manner and speech are resented by some. 10

Arriving in Sydney on 3 February Martin kept away from the House, repelled by the intrigue and determined not to be dragged into the "turmoil and dirt" at such a late stage. 11 His confident expectation that Heffron would be successful in the 5 February ballot was not borne out, however, and, in what Martin viewed as a "triumph" for the Langsters and the "Catholic influence", McGirr was elected on the fourth ballot by a narrow two vote majority. 12 Claude Matthews, who had been McGirr's chief organiser, was reported to have threatened, referring to the next ballot for Cabinet, "there's six of them that we can get rid of next time". 13 Martin took the warning seriously: "We will

10. ibid. Weir had been elected to Cabinet in February 1946 to fill a vacancy arising from Tully's appointment as NSW Agent-General in London.


12. Diary, 5 February 1947, 6 February 1947; Sydney Morning Herald. The figures were as follows:

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have to watch the position very closely". Another sign of the times was the return to favour of Evatt. In the accompanying Cabinet reshuffle he was promoted from Minister in Charge of Tourist Activities and Immigration (the second bottom ranking portfolio) to Minister for Housing (third from the top ahead of Heffron and Martin), which had been McGirr's portfolio before he became Premier.\(^{14}\) For himself Martin took consolation in the comments of some members regretting that he had not been a candidate:

They show that the main factor operating against me was the animus resulting from that unfortunate incident in the last Cabinet ballot. I'll live to fight another day. In any case, McGirr faces a tough period - and I shall be less worried, and healthier as AG than as Premier.\(^{15}\)

Pre-Election Developments

In the immediate aftermath of McGirr's election to the leadership, Martin perceived a threat to his own position within the Party and the Cabinet. Matthews' threat, rumours that "the Lang group ... had plans developed to 'get' no less than 9 Ministers after the

\(^{14}\) A few days before the ballot H.V. Evatt had approached Heffron to see whether he was prepared to give his brother the Attorney-Generalship, but Heffron had held out only the prospect of a judgeship: Diary, 24 February 1947. McGirr had thought of transferring Martin to Housing: Diary, 11 February 1947.

\(^{15}\) Diary, 5 February 1947.
next elections" and speculation that Evatt would seek the Attorney-Generalship, prompted Martin to make an early start to his campaign for re-election to the Ministry. One move he made was to make a public statement in support of a 40 hour week before the matter had been decided by Cabinet. His aim was to pre-empt an announcement by McGirr and so attract to himself some of the kudos for introducing it.¹⁶ Several - Matthews, Renshaw and George Booth amongst them - were most annoyed by the early announcement, but Martin was unrepentant: "I expected some such reaction - 'they' will be peeved at my announcing support for the 40 hour week and so stealing some thunder. Let them howl!"¹⁷ At a meeting on 14 February Cabinet did indeed decide to introduce the shorter working week and legislation enacting this for employees under State awards was passed in March, well in time for the approaching general election.

In Martin's mind the real threat to his position lay not so much in any vindictiveness on the part of McGirr as in the ambitions of some of the new Premier's supporters, notably Matthews, Evatt and Sheahan: "They

¹⁶. Diary, 7 February 1947, 6 February 1947; Daily Mirror, 10 February 1947.

¹⁷. Diary, 11 February 1947.
will be out after blood, and spoils!!" 18 Having backed a winner they could afford to be confident of wielding far greater influence in the selection of Cabinet personnel after the forthcoming elections, even though support for McGirr in the leadership ballot did not automatically imply similar numbers for a wholesale recasting of the Ministry. The problem with McGirr, Martin soon realised, lay in his lacklustre style of leadership, especially when compared to his predecessor. For instance, the first meeting of the new Cabinet was a "shambles":

The first obvious feature was the lack of knowledge on Jim's part - in sharp contrast with Bill McKell, he had not mastered the respective minutes or apparently the Treasury view of them. As I anticipated, he has little knowledge of government generally and is apparently content to muddle through. 19

Another incident a couple of weeks later, in which Chifley complained to McGirr about certain proposed amendments to the Coal Mines Regulations Bill being in breach of an earlier Commonwealth-NSW agreement, confirmed this impression. After a lengthy discussion Cabinet concluded that Chifley was right and the offending clauses were excised from the Bill to the embarrassment of Baddeley, the responsible Minister. In Martin's eyes it signified McGirr's lack of

attention to detail: "It is patently clear that Jim McGirr doesn't get up his facts - and, if this continues, we will be sunk". 20 A similar scene, however, was repeated a week later at another Cabinet meeting at which amendments to the Miners' Pensions Bill were discussed. In the absence of Baddeley McGirr took charge of the minute, but he had to leave the meeting twice "to consult with officials!!! On both occasions, twas on matters that his Treasury officials should have reported to him on". 21 The discussion was desultory, with only Martin, Downing and Kelly making an attempt to have the Bill's financial provisions clarified:

If we are to govern this way, then twill be a case of God help us - for no real consideration is given to measures and we just stumble along! 22

The 1947 Election Campaign and After

The campaign itself was very short with a space of only 18 days between McGirr's policy speech delivered at Bankstown on 15 April and polling day on 3 May. Martin, who this time faced a challenge in Waverley

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22. Ibid. Significantly Heffron "sat pat, saying nothing - tis clear that he has determined to play a game of not opposing and not offending by any criticism": ibid.
from the Liberal Party, opened his own local campaign on the 16th, although he also campaigned extensively in several marginal country and city electorates. He received favourable publicity for policy statements promising the introduction of a probation system for adult offenders, the decentralisation of the District Court and the abolition of the death penalty for rape. However, this was outweighed in volume and intensity by a hostile editorial response to an attack by Martin on press "bias" and "distortion", and a threat to "deal with these people" by legislation if necessary. Indignant references to the "totalitarian turn of Mr Martin's mind" and comparisons to Goebbels were the sort of unflattering publicity least welcome a few days before an election. The result, however, in which the Opposition gained five seats at the expense of the Government, was influenced by the Government's failure to control several protracted industrial disputes. In Waverley the


result was more pleasing to Martin and despite some drop on his 1941 support the majority was "a very satisfactory one and shows, I submit, that the seat will be held even in defeat". 28

With the Government returned as expected, lobbying commenced for the selection of the second McGirr Ministry, which was to be chosen by Caucus on 15 May. Martin, who this time was determined to avoid close involvement in the process, retreated to Lapstone in the foothills of the Blue Mountains, from where he made hasty trips to Sydney on departmental business, although he studiously avoided the House itself. His only contact was with Heffron and Downing:

We decided that we would have nothing to do with a 'ticket' as such; that we would stick to our colleagues (i.e. excluding Evatt who was working against us); and that we would not even mention to each other the name of a 12th person for the Ministry.

Meanwhile, as it transpires, the others (Evatt, Landa, Matthews, Sheahan, etc.) must have been conspiring and planning hourly - the events on the Thursday showed that they had a complete 'ticket'; that they had votes tied up which we thought were ours; that they were determined to 'get' a number of Ministers. In effect, we forgot the game we

28. Diary, 18 May 1947. His majority was 5,386 compared to a combined Labor majority of 7,868 in 1941 when a State labor candidate had also contested the seat: Hughes and Graham, Voting for the NSW Legislative Assembly, 1890-1964, p. 309, 348.
were in - we played like gentlemen, while our opponents held a dagger in each hand! 29

Despite newspaper predictions of a bitter fight in which the positions of up to seven Ministers could be threatened, Martin "grew more complacent every day", even coming to believe that Evatt's defeat was a distinct possibility. 30

The outcome of the 15 May Caucus meeting was "a very severe shock" for Martin and revealed the full extent of "the proverbial fool's paradise", in which he had laid his plans. The meeting, one of the longest on record, commenced at 11.00 am and did not finish until 2.45 am the next morning, almost sixteen hours later. After re-electing McGirr and Baddeley unopposed as Leader and Deputy Leader 36 nominations were submitted for the 12 Cabinet vacancies, which under Caucus rules were to be filled by an exhaustive ballot. On the first ballot Baddeley, Kelly, Evatt, Heffron and Cahill all exceeded the quota of 27 votes, while Martin polled only 24. In the next seven ballots no one received a quota, but on the eighth at

29. Diary, 18 May 1947. In the previous March Martin had been given some unspecified assurances of support by J.A. Ferguson, then NSW Vice-President of the Party, who had "indicated that if necessary, steps would be taken to protect the interests of certain members of the present Ministry": Diary, 10 March 1947.

5.30 pm O'Sullivan was elected and Martin became "deeply concerned". Worse was to come. As voting progressed and Graham obtained a quota on the 12th ballot Martin suffered "the tortures of the damned". At the election of George Weir on the fifteenth ballot at 9.30 pm he was "desolated - it looked as if I were to be shot!" After the sixteenth ballot, which saw Hamilton Knight through, a lengthy deadlock ensued with four candidates - Finnan, Matthews, Martin and Sheahan - edging closer and closer to a quota. On the final ballot at 1.00 am all four secured the necessary number of votes and McGirr broke the stalemate by announcing the enlargement of the Cabinet to sixteen. 31 Elected at the very last, Martin was relieved but bitter:

So I finally got through - but it was a terribly trying and humiliating experience. It was galling to think that I should be elected only on the last ballot - and that a chap like Claude Matthews should receive more votes even in that ballot.

It was an embittering experience and has racked me to the very core. I have not even yet readjusted myself to it. It will take a goodly while before I forget the bitter humiliation of it. 32


Martin's reaction to his near defeat was intense. Seething with anger at what he thought was his unjust treatment at the hands of Caucus, he poured out his feelings of resentment to the Diary, despite a "recurrence of the feeling of nausea" each time he thought of the "wretched episode". In particular he was incensed by the "cupidity" and "ambition" of those to whom, so he believed, "doing propaganda work for the party - devising reforms - bringing forward constructive legislation" was nothing. It was humiliating, too, to just scrape in behind others he regarded as less worthy. For the moment he vowed to avoid the House, unable to face those who he suspected had voted against him.  

Despite the narrow margins by which some Ministers were re-elected, the ballot led to very little change in Cabinet personnel. Only one Minister, W.F. Dunn, was defeated and with the extra portfolio the so-called "new blood" group secured the election of only two of its number, Matthews and Sheahan. Nor did McGirr take the opportunity to initiate a major reshuffle of portfolios. All the members of the old Cabinet retained their previous posts, while Sheahan stepped into the lands portfolio vacated by Dunn and Matthews took the new position of Minister for Building  

33. ibid.
Materials. 34 Martin remained Attorney-General, "but only just". McGirr pressed him to take Housing, saying that it was a senior portfolio and that "the fate of government would depend on Housing and Transport; that I had 'business training and ability to do this job'". 35 Martin, unpersuaded by these arguments, indicated his wish to remain Attorney-General and referred to "much legislation ready of a quite important character ... that I had set my heart on carrying" through:

I then went on to say that I knew that Clive [Evatt] had been anxious for some time to be appointed to the Bench; that I understood (but from indirect sources) that he was still desirous of such an appointment; that in the circumstances I would not oppose such a move, but indeed that I thought it was 'the best bloody thing' to do with him. At this, Jim burst into laughter, but did not make any comment. He then said that, if I felt that way about the AGship, I would remain in it ...  

I must say that I greatly appreciated Jim's approach - it was manly - and his treatment of me was courteous and decent. He went up in my estimation greatly and I am anxious to co-operate with him to the fullest. 36

Although Martin's opinion of McGirr's character had risen as a result of these events, his respect for the Premier's leadership qualities remained low.

35. Diary, 28 May 1947.
36. ibid.
Several incidents demonstrated McGirr's lackadaisical approach to the performance of his duties. In June Cabinet discussed a report recommending increases in rail and tram fares, but McGirr, who was reluctant to agree to them, had not prepared himself beforehand by reading the full report. On another occasion Cabinet met to consider its reaction to a threatened strike by locomotive enginemen and spent several exasperating hours in discussion. In Martin's eyes McGirr showed a "complete lack of leadership" with no clearcut view of what to do and providing no direction for the discussion. The frequency with which Cabinet met, compared to the practice of regular meetings under McKell, was also a cause for concern:

Jim calls meetings at all sorts of odd hours and the discussion then just goes on ad lib. Frankly, my opinion is that he is loath to accept responsibility and so calls these meetings frequently to decide matters which Bill McKell would have decided almost out of hand.

Nor did McGirr evince any of McKell's adeptness in prevailing over a sometimes restless Caucus. When Joe Arthur moved an amendment to the Gaming and Betting Act to permit betting at night trotting, the Cabinet, which opposed the proposal, suffered a "humiliating defeat"

37. Diary, 3 June 1947.
largely because McGirr "failed to put up an effective speech against the motion and failed, too, to handle Caucus successfully". A further cause of Martin's dissatisfaction was the lack of interest McGirr showed in some of his proposed reforms to the law, ostensibly the reason Martin had resisted being moved from Attorney-General's after the election. In April 1948 he spoke to McGirr about two such matters, a suggested decentralisation of the District Court and the provision of a matrimonial conciliation service, but in neither case could the Premier even recall the original minutes and their acceptance by Cabinet. He promised to "look into it", but nothing came of the reminder for several months.

By early 1948 it seemed that McGirr's unimpressive leadership was beginning to affect the Government's long term electoral prospects. Moreover, continuing industrial trouble, the furore over bank nationalis-


41. Diary, 4 April 1948. A year later Martin raised the matter again, but received only the same assurance that McGirr "would look into it! (sic)"; Diary, 10 April 1949. An exception to this was judicial appointments. McKell had delayed the filling of posts on the Supreme and District Courts towards the end of his term of Premier, but these were finalised within a few months of the May election: Sydney Morning Herald, 11 September 1947.
ation, allegations of corruption in the Federal and Tasmanian Labor governments as well as the growing tide of anti-Labor opposition all pointed towards a very turbulent political future. In March and July 1948 the NSW Labor Government lost by-elections for the seats of Coogee and Kogarah, in the latter case suffering a swing against it of almost 9%. It was just as well for Martin's own political future that he was confident of holding Waverley even if the Government were defeated at the polls.

Health and Politics

By mid 1948, however, Martin's thoughts were dominated by a much more immediate threat to his political career than the next State election, then still two years away. Deteriorating health and, in particular, heart disease and high blood pressure might, it seemed, force an early and unwelcome retirement from politics. Almost as long as he had been in politics he had suffered periodical attacks of nervous tension, the effects of which were worsened by heavy smoking and regular drinking.


43. Diary, 26 December 1929, 2 December 1931, 23 May 1933, 26 October 1933, 4 August 1935, 5 June 1936, 25 September 1938.
had been diagnosed as early as 1933, but it was not until the War that high blood pressure was also noticed. In late 1946 he underwent medical tests to qualify for a repatriation pension and the results of these, which pointed to some degeneration of the heart muscles as well as continued high blood pressure, sparked off a preoccupation with the state of his health, which came to dominate his private thoughts: "... I find it almost constantly on my mind and I awaken early in the morning to think about it". During January 1947 he reconciled himself to not running for the Premierships, in part because of the pressures the leadership would place on his health. He found the election campaign a trial, "a veritable nightmare" - "I am not able to take it as of yore" - and ended up nervously ill in the final week. In October 1947 he suffered a "turn" and almost blacked out while presenting a Bill to Caucus. A similar occurrence a month later, this time while at his electoral office, prompted him to seek further medical

44. Diary, 24 June 1933, 15 July 1942.
45. Diary, 30 December 1946, 4 October 1946, 5 November 1946.
46. Diary, 7 January 1947.
47. Diary, 14 May 1947.
Extensive tests and a month in hospital over the Christmas vacation confirmed the by now familiar litany of complaints of ulcers and high blood pressure.

Combined with these physical symptoms Martin began to experience periods of dissatisfaction and even despair with his work and career. In June 1947 he bemoaned the fact that:

... I am not gaining any satisfaction or pleasure out of my work - it all seems a burden. I have no enthusiasm - no great urge to do things - and I feel without aim or inspiration ... Certainly, life, which I had found so interesting, now seems dull and insipid - I am disinterested, even bored - and I am certainly not happy.

Sleep became a means of escape and a temptation into which he easily fell, in part because of continual tiredness, but also, he believed, owing to laziness. Work held little challenge and was without prospect of achievement or influence. Martin's discontent was deep: "I feel anchorless, disillusioned, aimless". A cycle of depression began with medical and political fears feeding off one another. Frequent nose bleeding

49. Diary, 23 November 1947.
51. Diary, 4 April 1948.
due to high blood pressure, insomnia, drinking, lassitude and the perceived indifference of the Party to his abilities kept him in the "mental doldrums" - bored with life and my job - finding it difficult to arouse interest in anything - and worrying (unduly, I'm afraid) about my health". 53

Paradoxically, Martin rejected any suggestion that he retire from politics. In June 1948 his doctor informed him that his heart condition had worsened dramatically since earlier tests had been taken and advised him to give up politics. Martin, who detested the "idea of retiring into the judicial backwater", was depressed and resentful:

Tis almost a sentence of living death. Ever since Wednesday I've been trying to get accustomed to the idea. I can slow down my life to a great extent ... but can I give up this life which means so much to me? Despite its disappointments, I find that I

52. "I feel more and more convinced that liquor is worsening my condition. One thing I must try to do is give up the drinks before lunch. It would probably be a good idea for other reasons - i.e. that it is not too good for one's prestige, I fear, to be seen in the bar too often": Diary, 21 April 1948. Social drinking was a part of the pattern of Martin's political lifestyle, and at times he expressed concern that he was too dependent on it. He frequently resolved to abstain, but the frequency with which he did this indicated his lack of success: Diary, 5 January 1949, 2 May 1949. At times it was a crutch for depression and it has been suggested that this was increasingly so in his later years: Diary, 25 April 1949; Interviews, pp. 130-131, 73-75.

53. Diary, 9 May 1948.
dislike being out of all that political life means ... I am only 48 - were I even 58 twould not be so bad. But to be put on the shelf at my age, after all my struggles, and just when I am at the height of my capacities, is a bitter blow - an unfair blow. 54

Reluctant to make a definite break with politics, he decided to act on the recommendation of a specialist and give up all work and activity for three months, just "doing my best to take things quietly and to avoid thinking of the future". 55 Deprived of the stimulation of work he had sometimes to "fight to keep despair and depression away" and even in his dreams he was disturbed by "hideous dreams of coffins, probably due to my subconscious". 56

Despite the impression created by his indecisiveness, the idea of accepting a judicial appointment was not new. At the time of the Cabinet reshuffle twelve months previously, McGirr, seeking ways to accommodate Evatt's demand for the Attorney-General's portfolio, had enquired of Martin whether he would accept an appointment to the Supreme Court bench. Martin, however, declined, preferring to remain in politics at present". 57 While well aware of the advantages of

55. Diary, 28 July 1948.
57. Diary, 28 May 1947.
taking a judgeship - a substantial and secure salary, regular vacations, and a generous pension - he simply could not contemplate separation from "this wretched business of politics":

For comfort - for peace - everything seems to point to the acceptance of a judicial appointment, but I am afraid - afraid that I would be unhappy; that I would miss the political battle; that I would become soured and bitter. Politics have always meant so much to me - the desire to do things (despite recent events) is still strong in me - that I feel that I would be unhappy away from it. And yet it has recently brought me so much unhappiness - and it always means strife, struggle, disappointment. Damn it, I wish that I could see into the future - I would that someone beyond me, as it were, would make this decision for me. 58

Between then and mid 1948 the Chairmanship of the Crown Employees Appeal Board fell vacant and, although at first he still wished "to carry on in politics: Heaven only knows why!", Martin's deteriorating health led him to think seriously about resigning.59 The issue was finally resolved not by Martin making a decision, but through the pressure of external events: McGirr rejected the idea on the ground that a by-election in Waverley, given the weakening of popular support for the Government, was too risky. Martin's relief was immense:

58. Diary, 1 June 1947, 28 May 1947.
59. Diary, 7 June 1948. Reg Downing, for one, had urged him to accept a judgeship earlier in the year: Diary, 9 February 1948.
So there! I have speculated much about whether I should or should not accept a judicial appointment, but from this it appears that Jim would not agree to it. And I must continue political life. 60

Federal Ambitions

In October 1948 Martin returned to work having been pronounced sufficiently well by his doctors. In August Wallace Wurth had suggested that he transfer to a less demanding post such as Tourist Activities, but Martin rejected this outright, saying that he could "handle the Attorney-Generalship without undue strain". 61 And so, at first, he did. Despite some strain and tiredness he coped well with the renewed pressure although there was always the possibility that stressful incidents would aggravate his condition. On one such occasion he clashed with Evatt in Cabinet over the appointment of Cedric Cahill, a barrister and long time friend of Martin's, to the Workers' Compensation Commission. Martin lost his temper and abused Evatt

60. Diary, 10 August 1948. In 1949 and again in 1951 there were further rumours that he might take a judgeship, but these were strongly denied by him: Sun, 15 November 1949, 18 November 1949; Daily Telegraph, 30 May 1951; Bondi Daily, 4 July 1951.

61. Diary, 10 August 1948. Martin suspected McGirr of originating the suggestion.
in a not "very dignified exhibition". 62

A coal strike in November, the settlement of which was preceded by protracted negotiations closely involving Martin, also led him to worry about the effect politics was having on his health. 63 Frequent nose bleeding, broken sleep, swelling in the feet and discomfort from ulcers were constant reminders of the fragility of his health and the awareness of this led to some periods of depression:

I have done my utmost to prevent dark despair from gaining control of my thoughts, but it has not been easy and there have been times when I have been prey to the most unhappy and dismal of thoughts. 64

He attempted to diet, but this only aggravated the pain from his ulcers and resulted in little weight loss. Prostrate trouble and continuing aches, pains and fatigue contributed to the self-impression that he was "going downhill". 65 The death in July of Harry Noble, McKell's successor in the seat of Redfern, made Martin wonder whether his own hold on life was not more precarious than he had imagined: "I really am afraid.

62. Diary, 22 October 1948. At least he did not this time threaten to hit Evatt "across the bloody face": Diary, 6 April 1947.

63. Diary, 10 November 1948.

64. Diary, 31 January 1949, 13 December 1948.

65. Diary, 7 March 1949, 3 July 1949.
I might, I fear, go off just any minute".66

On top of this Martin remained profoundly discontented with his political position. Despite his insistence in August 1948 on staying in the Attorney-Generalship, there was little challenge or enjoyment to be found there.67 He was dissatisfied, too, with the trend towards inertia evident in a government which had been in office for several years and was steadily losing popular support. The Party's programme lacked "fire and drama" he thought: "We govern tamely and nothing of a spectacular nature is being brought forward". Realistically he was well aware that this was unlikely to change, but nonetheless he felt there was something to be gained by trying. He assisted in the publication of a pamphlet on socialism by the Fabian Society, although he doubted the efficacy of such propaganda since few within the Party actively cared about "Socialism":

For long, I have been feeling that Party must think out its position and its socialist philosophy. It also gives me feeling that I am doing some useful work - my work as AG and generally now tends to bore me and I feel that I am making but a small contribution to

66. Diary, 12 July 1949.
those ends that I have always considered to be so important. 68

Part of the reason for the smallness of this contribution was Martin's increasing exclusion from effective power and influence. The alliance of convenience between McGirr and Evatt persisted despite its ups and downs. Enquiries as to the progress of legislation such as the amending District Court Bill were met with vague assurances that they would be "looked into"; a proposal to intervene in the privy Council's hearing of the Bank nationalisation Case was ignored, so Martin believed, because McGirr was afraid of offending Evatt's supporters; and Sheahan was preferred over Martin to act as temporary Minister for Transport during O'Sullivan's absence overseas: "... it shows that affairs are to be kept within a very select circle - and I am clearly not within that circle". 69

It was in part a reflection of this sense of exclusion that Martin conceived the idea of pursuing

68. Diary, 27 February 1949. Martin was the Society's President and allowed it to meet from time to time in his office. Founded in September 1947 it was a small group of around ten members, and over the following few years it published several pamphlets including ones on socialisation and bank nationalisation. Sun, 29 November 1947; Diary, 16 November 1947, 14 April 1948, 27 February 1949.

69. Diary, 26 April 1949, 10 April 1949, 27 February 1949.
his ambition to "do great things in politics" by entering the Federal Parliament. The move was made possible by the redistribution of electoral boundaries following the Federal Labor government's decision to expand the size of the House of Representatives from 75 to 122 seats. It was expected that this would mean the creation of a new safe Labor seat in Sydney's Eastern suburbs. At first Martin could arouse little enthusiasm for the idea despite the encouragement of his campaign director, Joe Fitzgerald, and with the deterioration of his health during 1948, Martin began to accept that he would not run at all. Yet "the virus of politics" was strong in him and the announcement in October of new boundaries including, as expected, a safe Labor seat in the Eastern suburbs caused him to reconsider:

It has always been my wish to enter Federal politics. There the big issues are fought and I should like to be taking my place in the stirring battles that will be fought in the near future. It is, I feel, a sphere where I could do well - and have far more influence than at present. Not only is it that State politics are more parochial, but I feel that I am almost a spent force in the State party, and I feel confident that I could (strangely enough) exercise far greater influence and make a greater mark in the Federal sphere.

70. Diary, 1 June 1947.
71. Diary, 16 February 1948, 16 August 1948.
72. Diary, 4 October 1948.
Martin's claim to the seat was complicated by the poor state of his health as well as the interest of rival candidates including Joe Fitzgerald. With pre-selections to be held in the first half of 1949 in readiness for the election due by the end of that year and the continuing uncertainty surrounding Martin's health, it was agreed that Fitzgerald would be the ALP's candidate for the seat, but that if Martin's health recovered in the meantime Fitzgerald would stand aside in his favour.  

Martin's political instincts told him that this agreement was virtually worthless. Once Fitzgerald's name was put forward as the candidate and organisation commenced the position would be irreversible, especially if, as he suspected, Fitzgerald would fight to retain the nomination. The strength of Martin's own desire to be in the Federal House, however, prevented his ready acceptance of this fait accompli. In April 1949, after "weeks and weeks of worrying", the matter came to a head when Martin approached Fitzgerald and asked him to stand aside. Fitzgerald, however, outmanoeuvred him by calling on the support of Party President J.A. Ferguson and Secretary J. Stewart, both of

73. Diary, 22 October 1948.
74. Diary, 13 December 1948.
75. Diary, 10 April 1949.
whom put pressure on Martin to remain in State politics. "Confronted with the inevitable" Martin gave in and withdrew his claim, bitter at what he regarded as his betrayal by Fitzgerald, a friend of many years standing, and resigned himself to a "dull existence with the rapid deterioration in the importance of State politics".  

The Deputy-Premiership

In the first half of 1949 Martin suffered two other "bitter disappointments" apart from the loss of the Federal option. He failed to secure McGirr's approval for a much coveted overseas trip and Sheahan was appointed Acting Minister for Transport during O'Sullivan's illness, despite O'Sullivan's wish that Martin act for him. He began to fear that he would never go further in the Party: "I have, I'm afraid, 'shot my bolt'!!!" The resignation of Baddeley from the Deputy Premiership in September opened up one last opportunity for him to dispel this fear, but it was to prove to be yet another chance denied to him.

The prospect of such a vacancy had been on the political horizon since the previous December when Baddeley, who had been Deputy-Leader since 1927,

77. Diary, 16 March 1949.
collapsed with a heart seizure and spent several weeks confined to a hospital bed. On that occasion unsuccessful moves were made by Matthews and Renshaw to install Evatt, the third most senior Minister, as Acting-Premier in the absence of McGirr, who was overseas. Martin was alarmed at this prospect, not only because it meant dealing with Evatt as Party leader for a few weeks, but also since it would strengthen Evatt's claim to the position when Baddeley eventually retired. The issue was soon resolved by instructions from McGirr that no acting appointment was necessary in the circumstances and there the matter lay until the following May, when State Cabinet cleared the way for Baddeley's retirement by appointing him Director of State Coal Mines. Martin wondered whether there was any point in his entering the contest:

Bob Heffron regards himself, I imagine, as natural successor, but I don't know how he'd get on. Joe Cahill would be a candidate, I think - and so would Evatt. I would like to put my name forward, but I'm afraid I would have little chance. My natural support would be that which would go to Bob Heffron - the others would certainly oppose me bitterly - and I guess I would have to play second fiddle again to Bob. I seem destined to play second fiddle, even in this poor old 'State' orchestra.

78. Diary, 9 December 1948.
79. Diary, 13 December 1948.
I would like to give it a go, but I'm afraid I'd be well out of it - and that my best course is to keep out of it. 80

His thoughts over the following few months were in a similar vein: resignation to loss engendering a sense that he had "failed hopelessly". 81

In spite of this pessimism Martin did decide to contest the vacancy when Baddeley's resignation was announced in September. Cahill, Weir and Sheahan were also mentioned as likely candidates, although in the event Sheahan did not stand. 82 The result of the 21 September Caucus ballot was very close. On the first ballot Cahill received 18 votes, Martin 15 and Weir 8, while on the second 5 of Weir's votes went to Martin and 3 to Cahill, giving Cahill a one vote majority. 83 Martin's frustration at this outcome can only have been increased by the thought that had seven absent members been present and voted he might well have secured sufficient extra votes to win. 84 His only consolati
was his appointment in the following Cabinet reshuffle as the State's first Minister for Co-operative Societies in addition to his responsibilities as Attorney-General. 85

Martin's bid for the Deputy-Premiership was the closest he ever came to achieving a position of formal leadership within the Parliamentary Party. By contrast, when he contested the Premiership in 1952, again with Cahill as his opponent, he was defeated by a much larger 15 vote margin. Yet the narrow majority by which he lost in 1949 was, in a sense, chimerical. Already his own health problems and the rise of those within the Party hostile or indifferent towards his Fabian proposals for social and legal reform had combined to place an insurmountable barrier in the way of attaining higher political office. The depth of Martin's sense of failure in this was reflected in the discontinuation of his diaries, the keeping of which had been a habit for nearly twenty years. The private mental burden of recording his life outweighed what little satisfaction he derived from this task.

CHAPTER NINE

LAW REFORM

While Martin did not achieve his ambition to lead the Labor Party "in great political battles", he used his record period of nearly twelve years in office as Attorney-General\(^1\) to initiate several substantial legal reforms. Foremost among these was the widening of legal aid through the establishment of the Public Defender and the Public Solicitor, both of which continue to be integral parts of legal aid services in NSW. In other areas such as abolition of the death penalty, matrimonial conciliation and married women's property, he was not so successful and his attempts to bring about change were frustrated by the hostility or indifference of his own Party, the legal profession and the Legislative Council.

Similar problems had bedevilled previous efforts at reform in the 1870s, 1890s and 1920s, but these attempts received a boost in the 1930s from the work of the English Law Revision Committee.\(^2\) Between 1934 and

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1. Martin has the distinction of being NSW's longest serving Attorney-General this century with a total period in office of 11 years and 9 months. His nearest rivals are Downing (9 years and 2 months), Sir Henry Manning (8 years and 11 months) and K. McCaw (9 years and 8 months): Hughes and Graham, Handbook 1890-1964, p. 89.

1939 this Committee published eight reports on issues such as married women's property, contributory negligence, collective liability of tortfeasors and survival of actions after death. All of these were issues taken up by Martin in NSW and by reformers in other states and New Zealand as well. New Zealand followed the English trend by setting up its own Law Reform Committee in 1937, followed by Tasmania in 1941 and Western Australia shortly afterwards. However, neither Australian body had much impact "in the face of indifferent legislatures, apathetic public opinion, and a conservative - even hostile - legal profession". Law reform was still a generation or more from being on the political agenda.

Martin, too, appointed a Law Reform Committee on coming to office, but it appears to have been a subsidiary and inactive part of his plans. Nonetheless, such initiatives helped to create expectations that long needed reforms would at last occur. In July 1941 he declared his determination, "... while in office ... to effect as far as I can a great measure of reform" and by the end of the year he

The new Attorney-General, "a man with a broom", May 1941.

Source: Sunday Sun, 25 May 1941.
had begun to speak of a ten or fifteen year programme involving over one hundred measures. In June 1942 he vowed not to "vacate the office of Attorney-General without leaving my impression of reform behind", although he recognised the task was a difficult one, the completion of which he might not see out: "If I am unable to carry the plan on, I hope the man who follows me in office will see it through". Five areas in which Martin attempted to achieve reform reveal the mixed pattern of his success.

Abolition of the Death Penalty

This was one of the first goals announced by Martin when he took office, but he did not live to see its removal from the statute books. At the time the death penalty was imposed for several crimes including murder, attempted murder, carnal knowledge of a girl under the age of ten and rape. It had long been Labor Party policy to remove these provisions from the Crimes Act and the Attorney-General in the first Lang government, E.A. McTiernan, had attempted to do this in September 1925, but was frustrated by the conservative Legislative Council, which insisted on retaining the

5. Newcastle Sun, 2 July 1941; Sunday Telegraph, 2 November 1941.
6. Dubbo Liberal, 20 June 1942; Sun, 22 October 1941.
death penalty for murder. Martin, conscious of this earlier failure, was cautious in his support for renewed legislative effort. After receiving a deputation from the Howard Prison Reform League in September 1941 he expressed sympathy with their request that a Bill be introduced to abolish capital punishment and flogging and promised to recommend such a measure to Cabinet, but stressed that other more urgent legislation had priority and predicted that such a Bill would encounter stiff opposition. A recommendation that life imprisonment be substituted for the death penalty and that flogging, whipping and birching also be abolished went to Cabinet in October, but despite its appearance on the agenda eight further times over the next twelve months no decision was reached. Presumably it was allowed to lapse owing to the pressure of war business and anticipated opposition. Instead of legislation, Cabinet recommended to the Governor the commutation of all death sentences to life imprisonment.


9. Sydney Morning Herald, 11 September 1941; Diary, 10 September 1941.

10. Cabinet Minute, 2 October 1941.

11. Downing, as Minister of Justice, was responsible for recommendations in individual cases.
Nor was Martin able to persuade Cabinet to agree to an abolition Bill after the war, despite repeated prodding. During the 1947 State election campaign, for instance, he responded to publicity surrounding the sentencing to death of a nineteen year old youth convicted of rape by announcing that a draft Bill removing capital punishment for rape had been prepared, but this was not even considered by Cabinet until more than two years later.\textsuperscript{12} As late as March 1952 Martin reiterated his opposition to the death penalty: "I have always been opposed to it; I am opposed to it still; and I will do everything in my power to bring about its abolition".\textsuperscript{13} Eventually the Labor government fulfilled its commitment when life imprisonment was substituted for the death penalty as part of a package of changes to the Crimes Act in 1955, two years after Martin's death.\textsuperscript{14}

\begin{flushleft}


14. Theoretically the only crimes that are still punishable by death in NSW are treason and aggravated forms of piracy at common law: R.P. Roulston, \textit{Introduction to Criminal Law in NSW}, (Butterworths, 1975), p. 84.
\end{flushleft}
Legal Aid

When Labor won office in May 1941 government-funded legal aid was available in NSW in a very restricted form under the Poor Persons' Legal Remedies Act 1918. Under that Act a Legal Aid Office had been established in 1919, to which a poor person, defined as one whose net worth excluding clothes, tools of trade, and the subject matter of the legal proceedings was not greater than £50, could apply for legal assistance. The Legal Aid Office would then, after inquiring whether the opposing party had any objection to the granting of legal aid, report to a judge in a court where the case was to be heard and he would decide whether to grant legal aid. This system was a cumbersome one with many problems, not the least of which were the very restrictive means test, the liability of even the successful applicant for heavy out of pocket expenses and dependence on the unpaid, voluntary labour of barristers and solicitors. Daniel Clyne, MLA for King, summed up the Labor point of view during a debate on a motion he sponsored in April 1940 calling for the liberalization of the Act: "Legal aid to the poor is just as essential as medical, surgical, or dental treatment, and it should be put on the free list
the same as are education and public health".\textsuperscript{15} In his contribution to the same debate Martin advocated the appointment of a Public Defender to represent persons charged with indictable offences, an extension of the role of chamber magistrates, and the appointment of special officers to advise poor persons on contracts, especially hire purchase agreements. He also called for the liberalization of the means test to exclude the person's home, promising that "when I become a member of the Cabinet I shall do my utmost to give effect to my contentions".\textsuperscript{16}

 Appropriately Martin's first minute to Cabinet in June the following year initiated the implementation of these plans. He proposed to appoint a research officer to collect information about legal aid services in other countries and states and to assist in drawing up "a comprehensive measure of relief".\textsuperscript{17}

\begin{itemize}
\item \textsuperscript{15} NSWPD, Vol. 268 (30 April 1940), p. 8170. Clyne's motion lapsed because of more urgent government business and in November Trett informed the House that a replacement Bill was under consideration, but had not been finalised: NSWPD, Vol. 162 (19 November 1940), p. 1021.
\item \textsuperscript{16} NSWPD, Vol. 268, (30 April 1940), p. 8177.
\item \textsuperscript{17} Cabinet Minute, 6 June 1941. In particular Martin was interested in the offices of Public Defender in Queensland and Public Solicitor in Victoria: Diary, 12 June 1941, 1 October 1942. A Public Solicitor had been appointed to act as solicitor to poor persons in Victoria in 1927, but was hampered by a very restrictive means test: Poor Persons Legal Assistance Act 1927 (Victoria).
\end{itemize}
Though commonplace now, such an appointment was considered novel at the time. The first steps in widening the availability of legal aid were carried out swiftly. A few years previously the Bar Association had undertaken to encourage a number of barristers to present themselves at the opening day of criminal hearings so that accused persons unable to afford legal representation would have the benefit of defence by counsel for a nominal fee. These became known as "dock defences" since the prisoner chose a barrister while held in the dock of the court room. This arrangement proved to be unsatisfactory since low fees and poor co-ordination meant that often an insufficient number of barristers would make themselves available. Martin negotiated a new agreement with the Bar Association in June 1941, under which the Association's Secretary nominated a barrister from a list of those who wished to be given such work. Other improvements included earlier access to original depositions and more flexible arrangements for interviewing clients held in custody.  

The appointment of a Public Defender was likewise accomplished speedily. After obtaining the approval of the Public Service Board, Martin announced the


establishment of the office in late July and the selection of G.C. Champion, formerly Deputy Clerk of the Peace in the Attorney-General's Department, to fill the position a week later. 20 The object was to provide assistance in areas where it had not been available previously such as cases tried before a judge, committal proceedings before magistrates where the accused was charged with a capital offence and cases where it was in the accused's interest that important facts affecting sentencing be brought out. The scheme was successful in its operation and its scope was later extended to include appeals from a magistrate to a Quarter Sessions judge and summary offences of a criminal nature. 21

The establishment of the office of Public Defender marked a significant advance in the provision of legal aid in criminal cases, but the extension of those principles to other areas of the law, though equally pressing, took longer since it depended upon legislation. After several months of research and preparation Martin submitted a minute embodying three main proposals to Cabinet in October 1941. The first was the setting up of a Public Solicitor, who was to be charged with deciding whether to grant or refuse an

application for legal aid in civil matters to persons of insufficient means. Where the solicitor's fee did not cover the cost of the work done it was intended that the Public Solicitor's Office would itself act as the applicant's solicitor, while in other cases it was envisaged that the work would be referred to co-operating barristers and solicitors. Secondly, the means test was to be liberalized to bring within the scope of the scheme any person whose income during the previous twelve months had not exceeded the multiple of £50 next above the annual equivalent of the Sydney needs basic wage and who did not own readily saleable property worth more than £100. This valuation excluded an allowance for clothing, tools of trade, household furniture, the subject matter of the action and a dwelling in which the applicant's interest was not greater than £750. Thirdly, the Public Solicitor was to be empowered to recover full costs from the opposing party if the suit were successful as well as to obtain some contribution - never more than one quarter of the proceeds of a verdict - from the assisted client. By these means it was hoped that the

scheme would be largely self-supporting.\textsuperscript{22} Cabinet approved the scheme in principle on 7 October and Martin commenced drafting a Bill, but his hope that it would be ready to commence operation early in 1942 received a setback with the outbreak of war in the Pacific in December.\textsuperscript{23} Martin's own enlistment in the Army and the pressure of more urgent matters on the government delayed Cabinet's final approval of the draft Bill until September 1942.\textsuperscript{24}

Given the greatly expanded availability of legal aid which the Bill proposed Martin fully expected strong attacks upon it, especially from the legal profession and the Parliamentary Opposition:

The 'Means Test' has been very greatly extended and this will mean bitter opposition

\textsuperscript{22} Cabinet Minute, 2 October 1941, 11 March 1942; Diary, 26 September 1941. The Act was amended in 1947 to give the Public Solicitor the discretion to disregard ownership of a small farm or business producing very little income, the income and property of a separated spouse, insurance policies, child endowment and military pensions for the purposes of the means test: Legal Assistance (Amendment) Act 1947. The Suitors' Fund Act 1951 provided for the reimbursement of costs in the case of successful appeal from a judge's decision on a point of law. This was funded by a small increase in all court fees, but could be claimed by all appellants and was not means tested.

\textsuperscript{23} Diary, 7 October 1941; Sydney Morning Herald, 5 December 1941.

\textsuperscript{24} Diary, 1 September 1942.
to Bill. I pointed out to Cabinet that the Bill would meet severe criticism from both Opposition and the solicitors. However, I considered that it was time we put forward such a Bill and I was ready to meet the criticism. 25

As it turned out, however, the strongest and most obstinate opposition came from within his Party.

After the Bill's approval by Cabinet it was passed on to be considered by a Caucus sub-committee, of which George Weir and Abe Landa were the principal members.

At its first meeting on 23 September:

Abe Landa was particularly unpleasant - further it went, more bitter he became.
Some of his insinuations were particularly unpleasant and vicious. For instance, Bill provides that Public Solicitor may assign a solicitor to take cases. He attacked this strongly and said he would never agree - that it would lead to great possibilities of improper conduct on part of Public Solicitor and/or Minister (i.e. me)! He said it would mean that Minister could see that 'his friends' were assigned. He said it would lead to 'legal racketeering'! - This coming from Abe was particularly good! 26

George Weir was also critical, arguing that there should be no means test and that the Public Solicitor should be free to take any class of business, ideas which Martin countered by pointing to shortages of funds and staff. A second meeting two weeks later did nothing to resolve these issues, with Landa remaining

25. ibid.
"bitter and implacable." He again alleged that ministerial control would mean a "racket" in the assignment of solicitors. By this time Weir had come around to Martin's point of view so that discussion of the draft Bill progressed, despite Landa's opposition. The December meeting of the Committee finally approved the Bill, although Landa dissented on several clauses and insisted that he would raise them before the full Caucus, a move which Martin interpreted as angling for the "support of Langsters and certain dissidents, such as Lou Cunningham". Later that month Martin reported back to Cabinet on the Committee's recommendations, as well as Landa's objections and it was decided to reject some while accepting others. Landa having "been met in certain directions", Martin was hopeful that the remaining stages would pass smoothly, as indeed they did and Caucus gave its final approval in early March 1943. Overall it had had an unusually rough passage:

27. Diary, 6 October 1942. (This is incorrectly dated 8 October in the Diary).
28. Diary, 9 October 1942, 18 November 1942.
29. Diary, 10 December 1942.
31. Diary, 26 February 1943, 3 March 1943.
... and all this is before I get to House. When I get there I have no doubt there'll be the proverbial Hell to play - as I cannot imagine Opposition, particularly in Upper House, accepting this without a mansize brawl. 32

However, Martin's expectations of great trouble were not fulfilled. In the Legislative Assembly the Opposition criticised the Bill chiefly for its encouragement of "spec" actions by making the payment of fees partly dependent upon the result. Opposition Leader Vernon Treant attempted to amend it by depriving assisted persons of the right to nominate their own solicitor and making this the prerogative of the Public Solicitor, but the Government used its majority to defeat this move. 33 Nor did the conservative-controlled Legislative Council in a very short debate pass other than minor amendments readily acceptable to the Government. 34 With the passage of the legislation the task of establishing the office commenced. Martin's absence in New Guinea, difficulties in recruiting staff and a shortage of office space delayed its opening until July 1944. 35

32. Diary, 23 February 1943.
35. Sydney Morning Herald, 4 January 1944.
It was not until this opening date approached that the legal profession, which had so far been largely silent, began to voice its opposition. In particular the Act was criticised for encouraging payment by results which, it was alleged, would undermine the honesty of litigants and advocates, encourage unnecessary litigation, shake public confidence in the administration of justice and debase the professional standards of the Bar. 36 Martin replied by defending the Act as a "realistic and enlightened approach to the problem of providing legal assistance for those on the lower income brackets" and to point to the practice of payment by results at work in other jurisdictions. 37 The co-operation of the profession was vital to the success of the scheme as the staff of the Public Solicitor would not be sufficient to deal with all requests for assistance. In May Martin had circularised all barristers and solicitors requesting them to make themselves available to act for an assisted person in any proceedings or to investigate and report upon an application for assistance. Although responses were slow at first, sufficient were received for the scheme to commence operation as

37. Sydney Morning Herald, 26 June 1944.
planned on 1 July. 38

By and large the profession was too divided and had begun its agitation too late to frustrate the Act's implementation. Several meetings of the Bar Association which discussed non-co-operation were adjourned inconclusively, a development which encouraged Martin to resist last minute pressure for change: "The Tories ... are undoubtedly out to smash Act, but they will not do so - I am sure that enough barristers will agree to act to enable me to implement the scheme". 39 It was not until the end of July, by which time the Public Solicitor had been working for nearly a month, that a deputation from the Bar Association and the Law Institute met Martin:

They put forward a number of propositions all of which struck at essential principles in the Bill and would require amending legislation - in effect, they sought to kill the Act.

I answered in no uncertain terms - and negatived all their propositions. I now expect them to sabotage the measure - and I shall certainly then be in difficulties. If I do not get sufficient members of Bar to cooperate, I'll certainly be in trouble. But I cannot let Bar dictate to me in matter - and if present arrangements do not succeed, then I shall have to make other plans. 40

38. Sydney Morning Herald, 27 May 1944, 28 June 1944.

39. Diary, 4 June 1944; Bennett, History of the NSW Bar, p. 178.

40. Diary, 31 July 1944; Legal Digest, 30 September 1944.
However, this was not needed as at a meeting to consider the deputation's report a proposal that the Bar should decline to participate was defeated by a narrow margin in favour of another motion expressing regret "that the Attorney-General had not seen fit to accede to the requests made by the deputation", but affirming its willingness to co-operate in the scheme and resolving to take no further action on the issue.\textsuperscript{41}

Faced with Martin's firm stand and the successful operation of the scheme thus far there was little else they could do.

That the scheme was successful in meeting the need for legal aid is shown by the continued existence of the Public Solicitor and the Public Defender forty years after their creation and long since assistance has also been available from the Federal government and professional bodies. Yet while Martin was proud of his achievement, others in the Party were not quite so impressed and McGirr, for one, seemed indifferent to its significance.\textsuperscript{42}

\textbf{Negligence}

Reform of the law of torts (i.e. breach of a non-contractual obligation) was another area in which

\textsuperscript{41} Bennett, \textit{History of the NSW Bar}, p. 178.

\textsuperscript{42} \textit{Sydney Morning Herald}, 7 September 1945; \textit{Diary}, 10 April 1949.
Martin's achievements were substantial. However, the significance of the changes he introduced was understood by and of concern mainly to those in the legal profession. In terms of gaining publicity and earning political kudos outside of this it was, at best, marginal.

One issue on which Martin successfully piloted legislation through the Cabinet, Caucus and Parliament was the recovery of damages by a person suffering nervous shock as a result of someone's negligence. English and Australian courts had traditionally been reluctant to award damages to litigants claiming to have suffered injury to their nervous system and in the absence of specific legislation the common law limited recovery to situations where shock was reasonably foreseeable.43 This had come to be interpreted more narrowly, however, in the Australian than in the English jurisdiction, with the latter being decidedly more liberal in the range of claims allowed. For instance, whereas English courts had granted damages in a situation where a mother had seen her child killed or injured through the negligence of another, the Australian High Court had held as recently as 1939 that the nervous shock of a mother on seeing her drowned

child taken from a water-filled trench, which the local
council had negligently failed to guard properly, was
not foreseeable. At the time Martin had made the case
and Mr Justice Evatt's (as he then was) dissenting
judgement the subject of a parliamentary question
directed at Vernon Treadt, then Minister of Justice,
about government plans to introduce counter-acting
legislation.  

However, no such action was forthcoming from the
UAP-Country Party coalition. It was not until early
1942 that some redress was attempted by amending the
Compensation to Relatives Act to allow recovery of
damages where nervous shock was suffered as a result of
the death of a relative. The Legislative Council
objected to the narrowness of this amendment, while
supporting its general intent and so in November 1942
Cabinet approved a Minute submitted by Martin for
preparation of a Bill to amend the general law. A
Law Reform (Torts) Bill was drafted and agreed to by
Cabinet in early December. It passed through all
stages in the Legislative Assembly in mid-December but

Treadt's reply was that he would "give the matter
consideration with a view to determining the
proper course in the circumstances".


46. Cabinet Minute, 13 November 1942.
only got through the first reading stage in the Council before the adjournment of the parliamentary session.\(^{47}\) In the meantime the whole point of the Bill, which was to bring the law in NSW into line with that prevailing in England, was undermined by a House of Lords decision which seemed to reverse the liberal trend of previous English cases. To overcome this Martin recommended and Cabinet approved the amendment of the Law Reform (Torts) Bill in the Legislative Council to go beyond declaring damages to be "recoverable notwithstanding that the injury arose wholly or in part from mental or nervous shock" and actually confer a separate cause of action on a plaintiff suffering shock as a result of negligence, provided the injured person was a relative or the plaintiff witnessed their peril, injury, or death.\(^{48}\) Downing was given the job of approaching the Leader of the Opposition in the Council, Sir Henry Manning, Martin's predecessor as Attorney-General, to obtain bi-partisan agreement to this.\(^{49}\) Eventually, however, this plan was abandoned owing to procedural difficulties in so radically altering the substance of

\(^{47}\) Cabinet Minute, 1 December 1942; NSWPD, Vol. 169 (17 December 1942), p. 1431. Owing to Martin's absence on military duties McKell handled the Minute in Cabinet: Diary, 5 December 1942.

\(^{48}\) Cabinet Minute, 16 March 1943.

\(^{49}\) Diary, 5 April 1943, 11 May 1943.
a Bill at such a late stage.  

By this time nervous shock was only one of several reforms to the law of torts proposed by Martin. In a Cabinet Minute of January 1943 he outlined several others. The first, the abolition of the common law rule that an action in tort was no longer available if either party died, was long overdue and had been recommended in the first report of the English Law Revision Committee in 1934. Suit of jointly liable defendants in one instead of separate actions and the right of such a defendant to have the other wrongdoers joined in the same action or to sue them if judgement was executed in full against him, had become the practice in England, New Zealand and some Australian states. Another of Martin's recommendations was the total abolition of the doctrine of common employment, which implied in every employment contract a condition that the worker agreed to bear the risk of injury caused by the negligence of fellow employees. The problem of defendants absconding with the proceeds of insurance payouts was to be overcome by allowing the

50. Cabinet Minute, 11 May 1943 (NSW Archives Office, 12/135.2).

51. Cabinet Minute, 1 January 1943; Farrar, Law Reform and the Law Commission, p. 133.

52. The Workers' Compensation Act had excluded the doctrine only for workers earning up to £750 p.a.: Cabinet Minute, 1 January 1943.
injured person to sue the negligent person's insurer directly. Finally, Martin suggested that the common law rule preventing recovery by a plaintiff, whose own negligence partially contributed to his injury, be replaced by apportionment of liability between the parties depending on the degree of negligence attributable to each. This also had been recommended by the English Law Revision Committee.\footnote{53}

Cabinet approved the drafting of a Bill embodying these reforms in March 1943, but as there was some doubt over the exact state of the law on contributory negligence it was decided to stand over this particular item.\footnote{54} Martin's departure for New Guinea a short time later led to further delays, with McKell agreeing with Martin's request to hold the proposals over for the policy speech for the State election due in twelve months.\footnote{55} For some unknown reason this was not adhered to and in November 1943 a Law Reform (Miscellaneous Provisions) Bill dealing solely with

\footnote{53. Farrar, Law Reform, p. 134.}

\footnote{54. Contributory negligence was the subject of a later more extensive minute to Cabinet in April, but "Clive [Evatt] was a little doubtful and so, too, was the Premier. It was decided to stand it over - for some further inquiries and discussions": Diary, 5 April 1943; Cabinet Minute, 1 April 1943.}

\footnote{55. Martin's reference to the Bill as "my darling!" indicated the strength of his attachment to it: Diary, 9 May 1943.}
survival of actions and nervous shock was introduced into the Assembly. 56 Not until the following March did it reach the Legislative Council, where the conservative majority insisted upon two amendments unacceptable to the government. One excluded recovery of damages for the pain or suffering, bodily or mental harm, or loss of expectation of life of a deceased person where the cause of action survived for the benefit of his estate. The other stipulated that a relative could only recover damages for nervous shock if the negligent act occurred within his or her sight or hearing. 57 Nine days later the Bill was discharged from the Assembly's order of business without the amendments being discussed. In his policy speech for the May election McKell attacked the Legislative Council for attempting to "emasculate" the Bill and promised to reintroduce it if re-elected. 58

Despite this promise, the Law Reform (Miscellaneous Provisions) Bill introduced into the Parliament in October later that year incorporated these amendments and so had a ready passage through the Legislative Council. The enactment of the other

56. NSWPD, Vol. 172 (18 November 1943), pp. 879-880.
reforms proposed by Martin in January 1943 was less urgent. A draft Bill dealing with actions against joint wrongdoers and attachment of insurance payments was approved by Cabinet in February 1946 and enjoyed an uncontroversial ride through both Houses of Parliament.\footnote{Contributory negligence as a complete defence to a wrongdoing was not abolished in NSW until 1965.}

**Married Women's Property**

Martin seems to have had least success in reforming those areas of the law outside of the exclusive province of lawyers and which rested on well-entrenched social and political attitudes. The death penalty, it has already been seen, was one such area. The property rights of women was another. Before 1870 the common law regarded the property of a wife, whether acquired before or during marriage, as the property of her husband. Thus the wife's earnings, whether from her own labour or from property, belonged to the husband. While he could mortgage her property, but not sell it, without her consent, a wife could not even dispose of it in a will without her husband's agreement. Rules of equity developed over time to

\footnote{Cabinet Minute, 11 February 1946.}

\footnote{s 10, Law Reform (Miscellaneous Provisions) Act 1965.}
Not everyone was impressed with Martin's proposals to reform the law of married women's property.

modify the harshness of this, but these were largely of benefit to the wealthy and for most married women the legal position was iniquitous. 61 Several English Acts between 1870 and 1884, which were followed in NSW between 1879 and 1901, gave married women the same rights over their separate property as enjoyed by unmarried women, including the rights to acquire, hold and dispose of property, enter into binding contracts and sue or be sued for breaches of contract without the husband being joined as a party to the suit.

Nonetheless the law contained several anomalies. In December 1941 Martin submitted to Cabinet a first minute on the desirability of amending the Married Women's Property Act in several directions. One was the abolition of the common law rule that a husband was liable for his wife's torts and that she could neither sue nor be sued unless joined by him. 62 A second was

61. The law did advantage women in two ways; they could pledge their husband's credit for necessaries and the husband was liable for debts incurred by his wife before their marriage: J. Mackinolty, "The Married Women's Property Acts", in J. Mackinolty and H. Radi (eds), In Pursuit of Justice : Australian Women and the Law 1788-1979, (Hale and Iremonger, 1979), pp. 66-75.

62. There was some conflict of judicial opinion as to whether this was still the law, but the more authoritative view was that this liability remained: R.E. Walker & C.A. Walsh, The Married Women's Property Act 1901 (NSW), (Law Book Co., 1950), pp. 9-10.
the doing away with of the doctrine of "restraint upon anticipation", under which a clause inserted in a will or endowment settling property upon a married woman prevented her from disposing of or altering that property during her marriage. Martin also recommended the removal of legal impediments to married women acting as guardians or "next friends" to infants in legal proceedings, as well as to the enforcement of contracts against them where they did not possess any property separately from their husbands. The enactment of these proposals, he concluded, would bring the law of NSW into line with that of England and New Zealand and "result in the final emancipation of married women as regards property".\(^{63}\)

There the matter rested until the following September when Martin received a deputation from the ALP Women's Central Organising Committee led by Mrs Quirk, the Labor MLA for Balmain, who wanted to discuss his proposals:

> I was rather dreading this deputation, as they would not tell us precise topics - and I was afraid they might raise some extremely contentious matter and that a brawl might ensue. However, it all turned out quite amicably. Their main concern was the Married Women's Property Act - and some confusion they had in their minds regarding a recent court case ... Only one point they raised appeared to warrant consideration and

\(^{63}\) The relevant sections of the original minute are quoted in a later one: Cabinet Minute, 15 December 1942.
that was that a woman might save out of her housekeeping money to purchase, e.g. a wireless and it would be husband's property. I said that seemed unjust to me - that I would certainly look into it - and that I would then recall them to meet me and discuss result of research and my decision. The deputation ended at 3.15 pm, with everybody beaming. 64

When they returned in early December Martin informed them that he intended to include their suggestion in a submission to Cabinet. 65 This was done later that month in a further minute recommending that, in addition to those changes suggested a year earlier, a married woman be given a "proprietary interest in goods purchased by her from savings effected out of 'housekeeping money' allowed her by her husband", except where she fraudulently induced her husband to give her more than was reasonably necessary for household purposes. 66 This item appeared on the Cabinet agenda seven times between February and April 1943, but was excluded from consideration by more urgent matters. Martin's departure for New Guinea in May led to its indefinite deferral. 67

64. Diary, 23 September 1942.
65. Diary, 2 December 1942.
67. Diary, 11 May 1943.
In July 1945 Cabinet approved the preparation of a Bill, a draft of which was not submitted until July 1946. In it were included not only the abolition of restraints upon anticipation, the removal of the husband's liability for his wife's torts and a declaration that savings made by the wife out of the housekeeping money were to be her property, but also two additional provisions. The first aimed to increase the availability of cheap legal remedies for property disputes by abolishing the £200 limitation on the District Court's jurisdiction in dealing with suits between husbands and wives over the ownership of property. Courts of Petty Sessions were also to be enabled to hear such cases where the property involved was not worth more than £250. A second new clause proposed a more equal distribution of the shares in which the property of an intestate child was inherited by the mother and father.\(^6\)

In themselves these reforms were no more radical than similar legislation which had been passed in England and New Zealand,\(^6\) and Martin found himself resisting pressure from lobby groups such as the United Association of Women to introduce more sweeping

\(^6\). Cabinet Minute, 29 July 1946.

\(^6\). Law Reform (Married Women and Torts) Act 1955 (United Kingdom), Law Reform Act 1936 (New Zealand).
changes:

My proposals as they stand go so far that I do not know if I will get them all through ... When this Bill is through you will have obtained the greatest charter of sex equality in any English speaking country. Do not ask me to get into a lot of trouble and raise issues that would not possibly be accepted today. 70

And, indeed, the Bill eventually foundered on internal Party opposition. Cabinet gave its approval to the draft Bill in September 1947 - some two years after it had been drawn up - but that was not the end of the opposition. 71 The Bill then went before a Caucus subcommittee, which approved it, but not before voicing strong objections to the clause allowing wives to retain savings out of household money. 72 This same clause was also the bone of considerable contention when the Bill was referred to the full Caucus where Bill Davies (Wollongong-Kembla), Harry Noble (Redfern), Jack Renshaw and Joe Arthur were at the forefront of the attack on it. 73 Such was the strength of the opposition that Martin was compelled to accept an amendment dividing the savings equally between the

70. Transcript of a meeting between a deputation from the United Associations of Women and the Attorney-General, 27 June 1947: NSW Archives Office, 3/5948/1.

71. Diary, 10 September 1947.

72. Diary, 2 October 1947, 10 October 1947.

73. Diary, 21 October 1947.
husband and wife. The less controversial provisions concerning the jurisdiction of courts were readily accepted. Undaunted, Martin pressed the savings issue at a later Caucus meeting, but was unsuccessful: "... there were a number of bitter speeches against the principle and eventually it was referred back to Cabinet. This means defeat, for I am certain that it will now be 'canned'". So it was. He continued to hope that the Bill might be resurrected, but this never happened.

It was not until 1964 that the common law liability of a husband for his wife's torts was finally abolished. The measure was introduced and passed without controversy almost at the very end of Labor's 24 year tenure of office by the then Minister of Justice, N.J. Mannix, who described the law as a "hotchpotch of humiliating disabilities and scandalous immunities" - words identical to those used by Martin in his original Cabinet minute of December 1941.

74. Daily Telegraph, 16 October 1947; Diary, 21 October 1947.
75. Sun, 22 October 1947.
76. Diary, 16 November 1947; Truth, 16 November 1947.
77. Diary, 3 December 1947; Daily Mirror, 16 November 1948; Newcastle Morning Herald, 2 May 1949, 3 May 1949.
78. Law Reform (Married Persons) Act 1964.
The reform Bill also enacted another of Martin's suggestions by widening the jurisdiction of the District Court in hearing matrimonial property cases. No provision was made for a specific distribution of house keeping savings. 80

Divorce and Marital Conciliation

Another area in which the polarisation of public opinion acted as a brake on Martin's reformist hopes was divorce, although it is not quite clear just what he would have liked to do had he had the opportunity. On the one hand he criticised the high rate of divorce in the immediate post war years, yet on the other he favoured the liberalisation of the law to the extent of allowing insanity as a ground for divorce. 81 Martin's reticence in making public comments on the issue, whatever his private feelings about the separation and divorce of his own parents, is understandable in the light of the political passions that discussion of divorce so easily aroused. Moreover, then as now,

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80. With the passage of the Matrimonial Causes Act 1959 (Commonwealth) Federal matrimonial property law superseded State law where the dispute over property was attached to divorce proceedings. The Family Law Act 1975 gives judges a wide discretion in the settlement of property matters including household savings.

such issues created divisions within as well as between parties and in a Party so heavily composed of and dependent on the support of Roman Catholics as the NSW ALP then was, it is no surprise to find that easing of the divorce laws was simply not on the political agenda. Aware of this, Martin sought to achieve a more limited goal, the establishment of a government-run body providing conciliation to married couples in dispute with one another. However, even the accomplishment of this limited objective was in the end frustrated.

Such a scheme had been on Martin's mind for a year or more before he announced it as a firm intention to a deputation from the United Associations of Women in July 1941. The deputation, which was led by Jessie Street, a long time campaigner for women's rights, pressed for changes to the Matrimonial Causes Act including allowing incurable insanity as a ground for divorce, the right of women to establish their own domicile for the purposes of seeking a divorce and a shortening of the period in which a divorce was made.

82. NSWPD, Vol. 161 (30 April 1940), p. 8179; Diary, 18 June 1941. Various suggestions for greater reliance on conciliation within the framework of a special Family Relations Court were made to the Attorney-General's Department during the 1930s, but no action had been taken: NSW Archives Office, 3/5948.
Steering clear of outright agreement or disagreement on such "vexed questions" and referring to requests he had received "from other bodies which held views diametrically opposed to those of the deputation", Martin criticised the women for neglecting "constructive proposals" to overcome the social and economic causes of marital breakdown such as financial problems, housing and too many children. The appointment of a marital conciliator, who would attempt to reconcile partners before their cases ended up in court, was advanced by Martin as one such positive proposal, but it was also clearly an attempt to head off pressure for more substantive legal change:

I turned tables on them by talking of conciliation in these matters and need to consider appointment of a Divorce conciliator. 84

The stick of divorce's economic causes was also useful for withstanding pressure from the other direction by those who would have preferred a tightening of the law. When a delegation of Catholic laypeople led by T.J. Shannon MLA called on Martin in September, he again

83. Recommendations on the legal status of husband and wife and divorce reform put to the Attorney-General by a deputation from the United Associations of Women, 2 July 1941: NSW Archives Office, 7/7194.2.

84. Diary, 2 July 1941. Whether the tactic was successful is another matter. The UAW did not seem too impressed: Newsletter, 7 July 1941.
emphasised in his reply to their arguments the lack of effort that had been put into conciliation. He informed them that a fifty page report on its operation in New Zealand and South Australia had been prepared, but that the lines of its organisation for NSW had not yet been settled. 85

The rest of 1941 was spent in gathering information on the work of marital conciliators in the US, UK, New Zealand, Sweden and South Australia and a report on this was received by Martin in early 1942. 86 A plan was then put to McKell, but although impressed, he suggested that it be held over till the war

85. Transcript of a meeting between a deputation of Catholic lay people and the Attorney-General on the subject of divorce generally; 3 September 1941: NSW Archives Office, 7/71942. If any reminder of the force of internal Party divisions was necessary it was provided by Shannon's quick request to put a Catholic viewpoint: "Might I suggest that you might obtain the views of the Party on this subject before taking any steps, as I know that a very large section hold strong views with regards to divorce and extension of the granting of same"; Letter from T.J. Shannon to C.E. Martin, 6 July 1941 (NSW Archives Office, 3/5945.2).

situation improved. Martin floated the idea in the press several times in the following years, but nothing concrete was done until the end of the war. In August 1946 a minute was prepared for Cabinet, but McKell's imminent departure for the Governor-Generalship disinclined the Premier from acting swiftly upon it, despite Martin's embarrassment at the lengthy delay in setting up the scheme. During a visit to New Zealand in January 1947 Martin studied the operations of government and voluntary conciliators and on his return reported to Cabinet in the hope that this might generate some interest. At first it appeared that McGirr's election to the Premiership would mean that the minute would be brought on "at the earliest possible moment", but this chance came to nothing. In June Martin confessed to a deputation from the United Associations of Women that he would "be very


88. Sun, 7 October 1942; Sunday Telegraph, 11 November 1945.

89. Cabinet Minute, 9 August 1946 (NSW Archives Office, 3/5948); Diary, 28 November 1946.

90. Summary of Report on the New Zealand Scheme of Marital Conciliation (Martin Papers, Box 29, Item 2).

disappointed if this does not come before Cabinet shortly". 92 Part of the reason for the delay seems to have been McGirr's lack of interest. When in April 1948 Martin mentioned it to him, "he pleaded complete ignorance. I stressed its importance socially - he promised to 'look into it'". 93 As one political correspondent commented: "... it's probably gone into what they call 'McGirr's refrigerator' - a repository of many schemes which the Premier never bothers to defrost". 94

However, in March 1949 the minute unexpectedly came up for discussion at a Cabinet meeting. The proposal was for a Bill establishing matrimonial conciliation bureaus staffed by a director and social workers, who would be subject to the overall supervision of the Attorney-General. Within a fixed period after marriage divorce proceedings could not be instituted before an attempt had been made at conciliation and magistrates would be given a discretion to adjourn cases involving the custody of children to see if reconciliation could be made: 95

92. Transcript of a meeting between the Attorney-General and a deputation from the United Associations of Women, 27 June 1947 (NSW Archives Office, 3/5948).

93. Diary, 4 April 1948.


95. Sydney Morning Herald, 22 March 1949.
My Marital Conciliation Minute came on, to my great surprise. I thought I would have a clear run - but Evatt opposed it strongly and Matthews opposed it bitterly. It was only during the discussion that I learnt that he is separated from his wife. However, the Minute was approved. I can see that I shall have a nasty fight when I bring the Bill down for Cabinet. 96

For some reason the Bill, though drafted, was never discussed, a turn of events which led Martin to investigate a second best option - government funding of privately run conciliation bureaus. 97 This change of policy was welcomed by the established welfare organisations, which had feared competition with their own efforts from a government agency. 98 In the 1951-1952 financial year a total of £3,920 was made available to four private bureaus, a level of financial support which was maintained until the end of the decade. 99 Yet Martin still regarded this as a

96. Diary, 21 March 1949.

97. Sun, 13 May 1949.

98. The Church Standard, 8 April 1949; Notes of a meeting between a deputation from the Sydney Marriage Guidance Council and the Attorney-General in relation to marital conciliation, 19 August 1949 (NSW Archives Office, 3/5948).

99. NSW Budget Papers 1951-52 (NSW Parliamentary Papers, 1950-51-52 Session, Vol. 2, p. 800). The assistance ceased in 1959 when the long awaited Commonwealth Matrimonial Causes Act superseded the State Acts. This included specific statutory provisions regarding financial aid to private welfare organisations carrying out conciliation work. In 1960-61 £50,000 was budgeted for such
temporary measure and continued to hope for a more substantial role for the State in the future. He vented his frustration and disappointment at this in a speech to a conference in January 1951, at which he spoke about his proposed scheme:

... who knows? The vagaries of politics may even yet provide for its resurrection at any time. As far as I am concerned - if I may introduce a personal note - the history of the scheme belies the saying that only lovers have a monopoly of broken hearts.

Conclusion

These were not the only areas in which Martin attempted to bring about reforms. Other notable ones were the appointment of probation officers to assist judges in sentencing prisoners, introduction of a culpable driving offence to replace manslaughter for less serious motor vehicle accidents, decentralising the administration of justice by widening the equity, common law and matrimonial jurisdictions of the


100. "The State scheme will come into operation - as to when I cannot say. Meanwhile the organisations referred to will be subsidised and encouraged": C.E. Martin, "Divorce and the Family", a paper read at the Summer School of the Australian Institute of Political Science, Canberra, 28 January 1951 (NSW Archives Office, 3/5948).

101. ibid.
District Court and the creation of the new criminal offence of infanticide. While in most of his reforms the idea was not original - the English Law Revision Committee, New Zealand and other Australian states anticipated many of them to one degree or another - the enthusiasm which Martin brought to his task initiated a period of active law reform which had not been seen for many years. If by the standards of today, when a proliferation of official and unofficial commissions and committees are at work at both the Federal and State levels, his efforts appear less substantial, it must be remembered what powerful obstacles there were in the loyalties and personalities of his own Party and the indifference or hostility of public opinion. This, at least, is how it appears in retrospect. For Martin himself, however, there was another more personal and immediate dimension. On the standards by which he judged himself, his failures had begun to outweigh his successes and by the end of the 1940s he had begun to despair. Borne down by ill health and the frustration of seeing his ambitions and plans thwarted, he came to experience politics as a back-breaking burden, but one from which he could not escape of his own choosing.
CHAPTER TEN

THE FINAL YEARS

One consolation for Martin in the wake of his defeat by Cahill for the Deputy Premiership in September 1949 was his appointment as Minister for Co-operative Societies. Legislation regulating the affairs of friendly societies, building societies and other rural, trading, credit and community advancement societies had been in existence in NSW since 1843, although the then most recent enactment, the Co-operation Act, dated from 1923. Before 1949 the administration of this had been the responsibility of the Colonial Treasurer; Martin was the first to be appointed Minister for Co-operative Societies, while also Attorney-General.¹

Without doubt the portfolio appealed to Martin's Fabian Socialist leanings. Harking back to some of the themes of his WEA lectures twenty years before, he wrote of the Co-operative movement in glowing terms as the "logical development of democracy" and as providing through its emphasis on "service without profit" a counter to the capitalist ethos of private accumulation

¹. As the administrative load of the new Department was very light L.C. Holmwood, who had been Martin's first research officer and was by that time Assistant Under-Secretary in the Attorney-General's Department, became Secretary of the new Ministry: Interviews, p. 106.
and gain. Although his tenure of the Ministry was short - it was transferred to Evatt in the Cabinet reshuffle following the June 1950 State election - Martin succeeded in introducing two Bills amending the Co-operation Act. The first established a system of co-operative fish marketing for the State's two fish markets in Sydney and Newcastle. The second raised the limit on the amount up to which the State government could indemnify building societies for losses on housing loans exceeding 80 per cent of the purchase price of a property. It also removed legislative hindrances to the entry of co-operatives into the field of insurance.

While for the most part Martin's administration seems to have been uncontroversial, some trouble arose early in 1950 over a couple of appointments he made to co-operative bodies. One was the choice of his assistant campaign director, J.A. Walsh, as the consumers' representative on the Board of Directors of the NSW Fish Market Co-operative Society. Replying to criticism from fishermen and fish merchants, Martin's


flippant defence - "If anybody says that Mr Walsh knows next to nothing about the industry, I would like to say that he loves seafoods and, as a matter of fact, when it comes to fish he is what I'd call an epicure" - only served to arouse further adverse comment. Likewise the appointment of another local party worker as the government nominated director of more than 50 NSW building societies was not well received. However, such instances of patronage aside, Martin's nine months as Minister for Co-operative Societies were productive and unmarred by major clashes with the co-operative industries.

At the same time Martin continued to carry other legal and more general political responsibilities. In November 1949 the long awaited District Courts (Amendment) Bill was introduced. This modernised the practice and procedure of the District Court and conferred on it an extended jurisdiction in common law, equity and divorce. Such a decentralisation of the judicial system was to be, in Martin's words, "the country man's charter of justice". In addition bills dealing with church property trusts and the

enactment of Commonwealth regulations on petrol rationing as State laws gave him a heavy parliamentary workload.\(^9\) On the political front the appointment of a Royal Commission to investigate allegations of accepting bribes made against F.J. Cahill, Labor MLA for Young and a long time friend, kept Martin busy drafting and redrafting terms of reference as well as defending the Government's handling of the matter in the House.\(^10\) This was followed in March 1950 by a damaging internal ALP dispute over the State Executive's refusal to endorse four MLAs, who had allegedly broken the Party ticket in the Legislative Council elections twelve months previously. The matter came to a head in mid-March when McGirr threatened to resign from the Premiership unless the Executive reversed its decision.\(^11\)


An election poster from the 1950 campaign

Source: Martin Papers, box 8, Item 7.
The Party entered the June State election striving to control its too evident internal disagreements. The defeat of the Federal Labor government in the previous December did not augur well for the ALP's prospects in NSW, although Martin's own seat was by now regarded as safe for Labor. The Liberal Party eventually selected Ross McKinnon, a former international footballer, as its candidate for the seat, but not before an embarrassing incident in which a trade unionist, who had stood for election on the Communist ticket in the Painters' and Decorators' Union eight years before, was first chosen. McGirr opened Labor's campaign in a policy speech delivered in his electorate at Liverpool on May 29th. Reflecting the low priority placed by the Government on Martin's ambitions for law reform, the speech devoted a mere three sentences to legal matters. It noted the introduction of the Public Defender and the Public Solicitor and promised the establishment of a Suiitor's Fund to cheapen the cost of appeals. Martin

addressed numerous meetings during the campaign both in
his own electorate and elsewhere.\textsuperscript{15}

The June 17 poll gave Labor and the Liberal-
Country Party coalition 46 seats each, leaving the
Government dependent upon the support of two
Independent Labor members, J.W. Seiffert (Monaro) and
J.L. Geraghty (North Sydney), who had been at the
centre of the pre-election dispute over the Executive's
withholding of endorsement.\textsuperscript{16} On 28 June Caucus met
and re-elected McGirr unopposed as Party leader. In
the ballot for Cabinet positions Martin improved on his
1947 figures and was comfortably elected fifth.\textsuperscript{17}

This time it was Evatt's turn to nearly miss out.
After tying with Renshaw for the last place, he was
saved by McGirr's decision to enlarge the Ministry from
15 to 16.\textsuperscript{18} While Caucus made minimal changes to the
personnel of Cabinet, McGirr took the opportunity to
reallocate several portfolios. Among the more
important moves were Evatt from Housing to Colonial
Secretary and Minister for Co-operative Societies and

\textsuperscript{15} Sydney Morning Herald, 6 June 1950; Daily
Telegraph, 7 June 1950; South Coast Times, 12
June 1950.

\textsuperscript{16} Hughes and Graham, Handbook 1890-1964, p. 456;

\textsuperscript{17} Sydney Morning Herald, 29 June 1950.

\textsuperscript{18} The size of the Ministry had fallen to 15 in
October 1947 when Hamilton Knight retired and was
not replaced.
Sheahan from Lands to Transport. Martin retained the Attorney-Generalship. 19

The following session of Parliament imposed a heavy burden of work on Martin. Apart from his own legislation, which included amendments to the Crimes Act establishing a Parole Board to advise the Minister for Justice on the exercise of the Royal Prerogative of mercy and a Bill setting up a fund to reimburse unsuccessful litigants for the costs of appeals, he also carried responsibility for legislation dealing with the Moratorium Act, superannuation rights of State government employees, the Industrial Commission's determination of the basic wage and the State Budget. 20 It may have been the pressure of this that caused him to suffer a cerebral haemorrhage at the end of the year. 21 After six weeks on the critically ill list in Concord Hospital he recovered sufficiently to be discharged and soon afterwards left with his wife on a lengthy sea voyage to India, Pakistan and Ceylon, from which he returned in early April. At the time Martin's illness was the cause of some concern within


Controversy over the renaming of a road in the Kuring-gai Chase after an Argentinian General with the same surname as Martin was linked in this cartoon with the Government's difficulties in running the State's electricity system, of which Bunnerong power station was a part.

Source: Daily Telegraph, 21 August 1950.
the Party since it was feared that his absence, or the loss of Waverley in a by-election, could mean the defeat of the Government in the House when Parliament resumed.\[22\] Martin, however, had no intention of retiring and when he returned took up his work again at a fast pace.

During the long parliamentary session of 1951 Martin took charge of numerous pieces of legislation in the Assembly. Included in this were Bills dealing with the registration of accountants, the superannuation entitlements of state public servants, the salaries of statutory office holders, landlord and tenant relations, divorce, juries and the appointment of extra Supreme Court judges.\[23\] In addition to these he introduced a major revision of the Crimes Act. This enacted new offences of culpable driving to replace the harder to prove charge of manslaughter in motor vehicle accident cases; infanticide where a mentally disturbed mother murdered her child within twelve months of the birth; employment of a girl under the age of eighteen as a prostitute; making a wilfully...

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false promise with the intent to defraud and obtain property, especially involving unscrupulous building contractors; and obtaining property or money by passing a valueless cheque with intent to defraud. Other provisions included the extension of criminal liability to corporations; conferring on the accused in a criminal trial the right to outline his case to the jury before calling witnesses; broadening the power of magistrates to deal with cases summarily by consent of the parties; permitting a person against whom an offence was found to be proved by a magistrate, but where no conviction was recorded, to appeal on the facts; and granting the Crown the right to appeal on any question of law in connection with a trial without prejudicing a not guilty verdict given by a jury at the original trial.24 Martin also tried un成功地 to resurrect the issue of legislation to control monopolies, especially in the retail distribution of petrol.25

On top of this were a host of other activities: discussions with marital conciliation agencies over appropriate levels of subsidy26; consideration by a

sub-committee of Cabinet of a draft bill to set up a Catholic university; the appointment of a Royal Commission to inquire into the liquor trade; examination by Cabinet of the need for increases in rail fares and freight rates; persistent problems in staffing the Supreme Court and reducing the backlog of divorce cases; the commencement of the Adult Probation Service; appearances in the Federal Arbitration Court on behalf of Industrial Group activists; involvement in the affairs of the University Senate; and, of course, representations on behalf of constituents and attendances at many local


29. **Sun**, 24 September 1951.


32. Between July 1950 and April 1952 he took part in five cases brought by members of Industrial Groups against the Communist leadership of various unions. In June 1951 he appeared in the Federal Arbitration Court on behalf of Laurie Short, who was seeking the reversal of his expulsion by the Federated Ironworkers' Association: **Sydney Morning Herald**, 30 June 1951. On four other occasions he appeared against the Waterside Workers' Federation and the Seamen's Union: **Sydney Morning Herald**, 5 July 1950, 29 September 1951; **Newcastle Morning Herald**, 29 February 1952; **Sydney Morning Herald**, 9 April 1952. There is some disagreement among those involved with the Groups over whether Martin's involvement extended further than legal advice to attendance at early meetings and lecturing: **Interviews**, pp. 200, 208.
engagements. Not surprisingly such pressure, in the light of his recent ill health, led to rumours, denied by Martin, that he would soon retire from politics and accept an appointment to the bench.\textsuperscript{33}

That Martin would not retire, even as the danger work posed to his life and health increased, testifies to the strength of his attachment to political life. What is more uncertain is whether this continuing commitment flowed from a sense of satisfaction with political work or, as seems more likely, from his inability to conceive of a life apart from politics. The evidence of his contemporaries suggests that his frustration at not being a part of the Government's central decision-making process and not introducing as many legal reforms as he hoped, increased rather than diminished.\textsuperscript{34} By 1952 the rise to eminence of the Industrial Groups had brought about a sweeping transfer of power within the unions, the Labor Party Conference and the State Executive. The moderate reformism of the McKell era hardened into conservative machine control and the parliamentarians, for the most part, 'stood pat', not unhappy to be relieved of pressures

\textsuperscript{33} Kings Cross and Eastern Suburbs Advertiser, 28 June 1951; Bondi Daily, 4 July 1951.

\textsuperscript{34} Interviews, pp. 39, 54, 114.
for more radical reform".\textsuperscript{35} Illness and the conservative mood of the times combined to blunt the edge of Martin's ambitions for social change and reform. Reportedly, he lost his belief in socialism.\textsuperscript{36} As an escape, perhaps, and under the influence of a new Public Relations Officer, Jack Hawkins - regarded as a "scally wag" by some - Martin began to drink more than was good for his health.\textsuperscript{37} While he was by no means an alcoholic, the ritual of drinking became an important part of his life. His office would often adjourn at lunchtime to a nearby hotel where departmental business would be carried out at the bar. Allegedly, too, he became possessed by a strong egotistical desire for publicity, whether good or bad.\textsuperscript{38} Whether such a picture corresponded to Martin's own thoughts and feelings it is impossible to say. Given his knowledge of his medical condition, his awareness and fear of imminent death may well have been the underlying cause.\textsuperscript{39}


\textsuperscript{36} \textit{Interviews}, p. 57.

\textsuperscript{37} \textit{Ibid}, pp. 49, 106, 130, 72, 73, 168.

\textsuperscript{38} \textit{Ibid}, pp. 71, 85, 131.

\textsuperscript{39} In the last 18 months for which he kept a diary Martin noted meticulously the deaths of friends and colleagues: \textit{Diary}, 30 March 1948, 3 May 1948, 5 January 1949, 31 January 1949, 16 May 1949, 12 July 1949.
Yet the attraction of politics was partly that its pace left little time for morbidly dwelling on such thoughts. 1952 was another busy year. Martin introduced four substantial bills rationalising the administration of prisons, amending the Landlord and Tenant Act, imposing liability on aircraft operators for damage caused by aircraft flying over private property and further amending the law of negligence to allow recovery of damages caused by motor vehicle accidents in certain circumstances where negligence could not be proven. Two political events stood out. One arose out of a move by J.L. Geraghty, the Independent Labor MLA for North Sydney, for the abolition of the Legislative Council in February. The Government avoided the issue by arguing successfully a point of order, raised by Martin, that the abolition bill was not a matter of urgency as required by Standing Orders. While this saved the Government from embarrassment since the Party was divided on the issue, Martin was humiliated the next day when the Speaker reversed his decision leaving Martin with the feeling that he had been "set up". Martin's marginal


41. Turner, op. cit, p. 51.
comments in the newspaper clippings revealed his anger: "This puts me in! He [the Speaker] knew the position originally - advised that the point could not be sustained... It was arranged and I was the 'bunny'." 42

What must have been a greater disappointment followed shortly afterwards. On April 1st McGirr resigned from the Premiership and was appointed Chairman of the Maritime Services Board. Ill health was cited as his reason for retirement. 43 Heffron, J.J. Cahill, Sheahan and Martin were all mentioned as possible successors, but when Caucus met on the 2nd only Cahill and Martin indicated that they would stand. In the following ballot Cahill defeated Martin by 32 votes to 14, a resounding win for the ex-fitter and turner. 44 In the ballot for the Deputy Premiership Heffron defeated Arthur by the same figures. The exactness of the figures for both positions was reputed to reflect a "deal" under which Heffron and Cahill had agreed to exchange support. Martin was reappointed Attorney-General in the new Cabinet, although there was renewed speculation about how long he would be able to

43. Daily Mirror, 1 April 1952.
44. Sydney Morning Herald, 3 April 1952.
hold onto his political position when he collapsed during a reception for Pakistani civil service cadets in May. Again Martin denied the rumours and, in all probability, he would not have decided otherwise even had he known how short a time he had to live.

Although an election was not due until June 1953, Cahill announced a mid February poll soon after the New Year. In the following three week campaign Martin addressed numerous public meetings on subjects as diverse as rent control, communism, taxation, the forty hour week, transport and the growing "subjugation" of the states to the Commonwealth. The election result was a great success for the ALP, which increased its share of the valid, first preference vote from 47 to 55 per cent, giving it 57 seats and a majority of 20. In part this result was due to the unpopularity of the Federal Liberal government and a favourable redistribution of seats carried out in the previous year. Caucus met on 18 February and re-elected Cahill


46. Sunday Telegraph, 1 February 1953; Daily Telegraph, 4 February 1953; Sun, 5 February 1953; Sydney Morning Herald, 5 February 1953; Daily Telegraph, 9 February 1953; Sydney Morning Herald, 10 February 1953.

47. Hughes and Graham, Handbook 1890-1964, p. 457. In Waverley Martin's majority increased from 4,091 to 7,750. He received 68.5 per cent of the vote; Hughes and Graham, Voting for the NSW Legislative Assembly 1890-1964, p. 379.
The deficit was a major headache for the new Minister for Transport.

Source: Daily Telegraph, 16 March 1953.
and Heffron unopposed to the leadership and deputy leadership respectively. With the exceptions of George Weir, who did not stand and was shortly afterwards appointed to the Industrial Commission, and Frank Finnan, whose seat of Darlinghurst had been abolished in the redistribution and who had unsuccessfully contested the seat of Albury, all previous ministers were also re-elected.\footnote{Sydney Morning Herald, 19 February 1953. The two new ministers were J.F. McGrath and Abe Landa. Martin came ninth in the ballot.}

The real surprise came five days later when Cahill announced a Cabinet reshuffle, the main feature of which was an exchange of portfolios between Martin and Sheahan, formerly Minister for Transport. Martin resisted the move but lacked the necessary political power base to insist in the face of a strong demand from the Premier. The alternative, acceptance of a judgeship and retirement from politics, was not worth contemplating.\footnote{Interviews, pp. 27-30.} Several months later Martin told the editor of a local newspaper:

I fought for two hours against taking the Transport portfolio. I wanted to stay Attorney-General. But it was no use; it was Transport or no Cabinet rank at all. So reluctantly I took the post. \footnote{Kings Cross and Eastern Suburbs Advertiser, 10 September 1953.}
Martin's opposition to the abolition of penalty rates for railway workers drew much criticism from the press.

Source: Sunday Sun, 5 July 1953.
There appear to have been several reasons why Cahill made the switch. One was friction between Sheahan and senior officers in the Transport Department.\textsuperscript{51} Another was the feeling that the difficult portfolios, of which Transport, with its chronic financial problems and huge administrative load, must have been the most troublesome, should be shared out more equally among Ministers and that Martin in particular had had it too "easy" as Attorney-General for so long.\textsuperscript{52} Political differences going back to the Lang government of 1930-32, when Cahill was the Party Whip and Martin was a critic of Lang, were also reputed to have played a part in the decision.\textsuperscript{53} Personal animosities may have played some part. Cahill's support for the "disciplining" of Professor John Anderson over statements made by him on religion in 1943 drew the epithet "bigoted Roman" from Martin, an indication of the two Ministers' dislike for one another.\textsuperscript{54}

When Martin took control of his new portfolio he found himself in charge of a vast organisation with some 75,000 employees and responsibility for trains, buses, ferries, trams, traffic and road safety, main

\textsuperscript{51} \textit{Century}, 26 February 1953.

\textsuperscript{52} \textit{Interviews}, pp. 64, 76.

\textsuperscript{53} \textit{Sunday Herald}, 1 March 1953; \textit{Interviews}, pp. 27-30.

\textsuperscript{54} \textit{Diary}, 5 April 1943.
roads and licensing of vehicles. The Department's main problems were financial. Its estimated loss for the 1952-1953 financial year was just under £3 million, although it soon became clear that the deficit would actually be nearer to £5 million. While such sums seem small in comparison with current losses in excess of $500 million p.a. the deteriorating financial position of public transport was then regarded most seriously and great pressure was put on Martin to bring this deficit down. On the cost side he tried to gain some relief from Commonwealth payroll tax, eliminate inefficiency and overstaffing in the Department's administration and reduce the frequency of bus and ferry services. The Ultimo tram depot was closed and trams were replaced by buses on certain routes. The closure of some unprofitable country railway lines was mooted. On the revenue side Martin proposed the greater sale of advertising space, but ruled out any


57. Sydney Morning Herald, 17 March 1953; Sunday Sun, 12 April 1953; Daily Mirror, 10 July 1953; Sydney Morning Herald, 9 April 1953.

58. Daily Telegraph, 4 April 1953.

59. Sun, 1 July 1953.
proposals to increase fares. 60

Although often minor in terms of their impact on revenue and expenditure, such changes were not easily implemented. Each cut in services drew criticism. A cut in off-peak ferry services to Hunter’s Hill, for instance, was strongly criticised by local councils, residents and MLAs. 61 The attempted introduction of one man buses in Newcastle ran into strong union opposition and led to a week long strike in April. 62 However, Martin refused to start an even bigger fight with the unions by moving to abolish penalty rates as was advocated by senior departmental advisers and, more vociferously, by the press. 63 In May, when it was revealed that government transport losses were likely to top £6 million, cost cutting measures were intensified. 64 Overtime and staff numbers were further reduced, a programme to reclaim unused materials was initiated and the capital indebtedness of the Department was reorganised in co-operation with the

60. Sydney Morning Herald, 13 March 1953; Daily Telegraph, 21 April 1953.
61. Sydney Morning Herald, 28 April 1953.
63. Sydney Morning Herald, 10 April 1953.
64. Daily Telegraph, 12 May 1953.
Treasury. 65

One can only imagine the stress which such a burden of work must have placed on Martin's health. His sense of frustration was displayed in occasional attacks on "selfish interests" standing in the way of reform. 66 Despite this, he was reported to be confident after six months in the portfolio that he was "getting it under control". 67 In the event, however, he did not live to see what permanent effect his short period as Minister might have. On Friday September 4th he fell seriously ill, but refused to enter hospital for fear of the political repercussions of doing so. Overnight his condition worsened and he died of another cerebral haemorrhage the next day. 68

65. Sun, 15 May 1953; Sydney Morning Herald, 15 June 1953; Daily Telegraph, 22 June 1953; Sun, 22 June 1953.


67. Interviews, p. 32.

68. Ibid, pp. 32-34.
CONCLUSION

Unlike some other genres of historical writing, the biography offers a very convenient and finite end-point, from which to reflect and speculate on the significance of its subject's life. Two issues in particular warrant some consideration. One is the subject's contribution to the political sphere, in Martin's case the political life of NSW from the 1920s until his death. What did he achieve and what legacy did he leave, for which he is worth remembering? A second issue revolves around the sort of politician he was, his strengths and weaknesses, and the ways in which these shaped his career and influenced his achievements. By examining such questions one may hope to move beyond a plainly narrative life history and try to gain some broader historical and political perspective on Martin.

Martin's involvement in politics spanned three roles. First, he was a propagandist. By all accounts he had a natural flair for public speaking and he put this to good use as an advocate for various political causes as well as the ALP and the Workers' Educational Association. Through lectures, speeches and pamphlets Martin communicated political ideas and participated in public debate. However, he was neither an original nor a systematic thinker. He came closest to providing an exposition of his political
views in his WEA lectures in the early 1920s and these do show him to have been widely read, especially in contemporary English political and economic thought. However, Martin absorbed these overseas influences without any attempt to assimilate them to Australian conditions or to present them as a coherent whole. While skilled as a propagandist, he has no claim on our attention as a theorist or even as a commentator.

Secondly, Martin was an activist and organiser in a number of political movements. He was a behind-the-scenes participant in the efforts of the Socialisation Units to push the Labor Party towards more radical objectives during the crisis of the Great Depression. He played a part, although once again not as a central figure, in the rise of the Industrial Labor Party and the eventual downfall of Lang in 1939. His victory in Waverley in April 1939 was a precipitating factor in the decision of some sections of the Party to withdraw their support from the Leader. A full treatment of these incidents would require some mention of his role, though none of them would be a sufficient justification for a biography.

This is best provided by the third aspect of his career: his contribution to law reform. The Public Solicitor and Public Defender greatly extended the availability of legal aid compared to what had been offered by earlier schemes in NSW. The continued
existence of both offices down to the present day suggests that they still play a role in attaining the greater equality of access to justice hoped for by Martin. He also implemented some important reforms to the law of negligence over considerable opposition from within his own Party as well as outside it. Other measures introduced by him were the probation officer system, a decentralisation of the power of the District Court as well as some significant amendments to the criminal law. At the same time it is worth recalling those issues on which Martin was less successful: the abolition of the death penalty, changes to the laws governing married women's property and marital conciliation. Still, it is remarkable that he managed to get these issues on the political agenda at all in a climate of indifference and hostility to reform.

On balance it seems fair to view Martin as a mildly-activist Attorney-General, ahead of his time in some respects, who could have achieved more had circumstances been different. Had the war not occupied McKell's attention for most of his premiership and had not the war so overridden considerations of domestic reform, it is possible that more of Martin's plans may have been implemented while he still had the ear of a sympathetic Premier. Had not the Labor Party become so lethargic under McGirr and so conservative under Cahill, perhaps Martin would not have suffered
the same degree of frustration and isolation in the later stages of his career. Although Martin attempted to counteract the growth of a conservative outlook within the Party through such groups as the Fabian Society, he was acutely conscious of the lack of interest among his fellow parliamentarians in any scheme or vision of a broadly socialist nature. Perhaps in this he was hampered too by being in a State rather than in Federal government, since the latter tends to be devoid of ideology and to revolve around competition in administrative competence.1 Ironically though, had Martin made a successful transition to the Federal Parliament in 1949, he would have found himself even more peripheral on the Opposition benches.

Circumstances alone, however, do not account entirely for the ups and downs of his career. Relevant, too, were Martin's individual character and personality as well as his political skills. What perhaps is most puzzling about him is the contrast between the young and the older Martin. When he commenced keeping a Diary in 1929 he was energetic, radical, a good speaker and organiser, well-educated and seemingly marked for a long and successful career in politics. Yet, his career did not live up to this early promise. Two decades later, when his Diary

abruptly came to an end, he was tired of politics, frustrated and in declining health at a comparatively young age, but all the same unable to reshape his career and seek success in other channels. Was there anything about Martin as a man and more especially as a politician that might help to account for this transformation?

The assessment of someone's strengths and weaknesses as a politician is an exercise fraught with subjectivity. Separated in time and place from the events and reliant on at times fragmentary or second-hand evidence it falls very much into the category of speculation. Moreover, it begs two questions: whether successful politicians usually possess some set of skills or characteristics, which set them apart from their less fortunate colleagues; and the meaning of political success. As to the first, it could reasonably be argued that successful politicians usually are quite skilful. While chance and circumstance no doubt play a part, it is generally the more skilful who survive and retain power. This said it is admittedly much harder to specify precisely what these skills might be. As a framework for discussion three areas of skill will be discussed here: communication, organisation and administration. The question of the definition of success involves both the extent to which set goals and ambitions are fulfilled
as well as the individual's own self-perceptions. In Chapter 9 it was shown that Martin achieved only partial success in law reform, while in Chapter 8 it was argued that his political ambitions came to nought with his defeat in the ballot for the Deputy-Premiership in September 1949. If, in this qualified sense, Martin was a political failure, which of his skills and characteristics might help to explain this?

Martin's skill as a propagandist and communicator has been mentioned already and needs little elaboration. His talent for speaking was widely acknowledged and it led him not only into politics, but also teaching and the Bar, two other professions in which speaking is a central activity. The attraction of making a living out of speaking and debating even drew him into a rash business venture during the Depression as was described in Chapter 4.

He was also a capable and innovative administrator. He gained early experience in this from involvement in union affairs as a teacher and further developed these skills while working as a tutor for the WEA. He displayed some of the key elements of good administration: energy, meticulousness, an easy-going personal style and organisational loyalty. These stood him in good stead when he became Attorney-General. There his administrative style was characterised by a balance between what Davies terms
"task" and "person" orientations. Martin demanded much of his Departmental and private staff because of his desire to be active and bring about change and also because of his capacity to create work. Yet he was on close, though not intimate, terms with them and maintained an openness to criticism, suggestion and advice. With the exception of one Under-Secretary, Martin's relations with his staff were congenial and unmarred by personality clashes. Moreover, he was an innovator as shown by his appointment of a Research Officer to his Department specifically to carry out some of the detailed research preliminary to reform. By any standard Martin was very capable at communicating, both in print and speech, and at performing administrative tasks.

In addition to possessing these skills, however, a successful politician must be a skilful organiser. This heading embraces such things as manipulation, reality sense, bargaining, and decision-making. Davies places these in with administration, but they


4. Interviews, pp. 55, 108-109. The Under-Secretary was R.S. Kelly who held the post from 1945 until 1956.

5. Davies, op. cit, pp. 64-82.
are just as much if not more of a requirement for those operating outside routinised and hierarchical structures. One of the differences between the bureaucrat and the politician is that the latter works in a much more fluid environment. The relative absence of structure puts a premium on the possession of organisational skills since outcomes are more unpredictable.

What of Martin's skills as an organiser? On the first issue of reality sense there is quite a bit of ground for wondering just how well Martin grasped the basic rules of the political game. His decision to join the Army during the War was supposed to strengthen his political credentials, but served instead to isolate him from hostile developments within the Party. He was taken aback by the hostility aroused in some members by his role in assisting the success of McKell's "ticket" for Cabinet in 1944, when it should have been expected that his part would draw such resentment. His total avoidance of involvement in the machinations preceding the selection of Cabinet in 1947 was equally unrealistic and nearly disastrous. His tenacious holding on to the Attorney-Generalship undermined his hopes of achieving the leadership since that portfolio was regarded as too narrow a basis of experience from which to aspire to the Premiership. Ironically, Martin's long term political ambitions
might have been better served by accepting McGirr's offer of Housing in 1947. Likewise, his pursuit of a Federal seat, though understandable in the light of his deepening dissatisfaction with the limits of State politics, was totally unrealistic given his health and the declining political prospects of the Federal Labor Government. Of course, much of this is only clear with the benefit of hindsight and there is no suggestion that Martin's political perceptions were entirely or even largely unrealistic. Nevertheless, his mistakes were so numerous and so significant that they raise the question of whether he possessed a sufficiently strong reality sense to be good at political organisation.

Similar doubts arise if Martin's skills at manipulation are examined. By manipulation Davies means adeptness at using Machiavellian means to achieve political ends. Like political parties everywhere, Labor has always required those who would rise within its ranks to get at least a little blood on their hands in the process. Martin's diaries suggest that he had a long-standing and strong dislike for such aspects of political life. It was, he once complained, a "beastly business". On the whole he appears to have

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6. ibid, p. 65.
7. Diary, 24 November 1929.
avoided becoming involved in such occurrences and on the rare occasions on which he did, as in the 1944 Cabinet ballot, he was singularly unsuccessful. If Martin was not a good manipulator a possible explanation of this may lie in his political work being surrounded by too many emotional affects, which prevented him from being sufficiently detached. According to Davies, successful manipulation requires the absence of empathy or involvement with the person or group being manipulated. In so far as Martin's reasons for being in politics were ideological rather than personal, then ironically this political outlook may have played a part in the frustration of his ambitions. Of course the option of getting others to do this remains and this could well have been his preferred style of work given his ability to inspire loyalty in subordinates.

Perhaps, though, a more powerful source of emotional affects and therefore a more crippling one, was Martin's uneasy self-confidence and vulnerability to the negative judgements of others. This is well illustrated in the diaries, especially in those entries dealing with his anxiety about failure - it is always what others will think that dominates his thoughts. Indeed, the very act, almost a lifelong one, of keeping

8. Davies, op. cit., p. 66.
a diary along with newspaper clippings and other papers about himself may in part have been a reflection of some deep-seated anxiety about his self-worth. The papers may have served to maintain the image of importance and influence. As to the origins of this lack of self-confidence one can only speculate. A psychobiographer would probably make much of his mother's reputed strong discipline, the desertion of his father and his step-father's death followed several years later by that of his mother. The evidence for such a connection is, however, elusive and second-hand. Perhaps the very existence of substantial diaries and papers was an indication of some problem in handling political work. It is remarkable that after dealing with all his other work he still had reserves of mental energy for such a job.

Political organisation also requires skills of bargaining and decision-making. Surprisingly, Martin seems to have done very little of the former. He adeptly handled negotiations with Caucus sub-committees dealing with law reform proposals, although not without experiencing the inevitable frustration. Possibly the reason that he did so little negotiation was that the shift to the right within the ALP after McKell's departure meant that some of Martin's schemes, for example marital conciliation, which might previously have been considered, were simply off the political
agenda altogether. It is difficult to attribute a single decision-making style to Martin. Some instances, the sudden decision to contest Waverley in 1939 was one, suggest flexibility and openness to opportunity. Others, such as the long and drawn-out brooding over whether to leave politics and accept a judgeship when his health became problematic, reveal great indecisiveness, which could only be resolved by the disappearance of options leaving only one course of action. Again his introspective nature provided a fertile environment for the growth of those doubts and anxieties which hinder resoluteness.

It is impossible to categorise someone as complicated as Martin into one or another political personality type. As a politician his strengths lay in communication and administration. One suspects that had politics been just a matter of rational debate and persuasion, then he would have performed much better and been more successful. However, politics is a much more demanding profession than that and what Martin lacked most of all was reliable and perceptive political judgement and the facility to manipulate people and situations to his own advantage. At the same time he was driven to politics to an almost obsessive degree. Politics, he confessed, was "in his blood" and he felt that he had no escape from the demands it placed on his life. Perhaps most
politicians are not so committed to it and can, when their political careers come to an end, move on to other pursuits, but for Martin no such choice was available. Herein lay the personal dilemma resolved by his early death - the wish to succeed unmatched by an equal capacity or opportunity to do so.
BIBLIOGRAPHY

Part I The Martin Papers

The Martin papers are contained in a total of 39 boxes. The following is a general guide to the collection.

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C. Election materials
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Box 23 Unbound parliamentary speeches 1949-53 and various other notes and addresses.

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<tr>
<td>Mrs Doreen Martin</td>
<td>5/5/82</td>
<td>12/5/82</td>
<td>Wife</td>
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<td>Margaret Cahill</td>
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<td>Friend, wife of C.A. Cahill, MLC 1954-1973</td>
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<td>Reg Murphy</td>
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<td>Law clerk</td>
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<td>Barry Locke</td>
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<td>19/5/82</td>
<td>Public servant</td>
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<tr>
<td>Roger Nott</td>
<td>16/1/84</td>
<td>MLA for Liverpool Plains, 1941-1961</td>
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<td>C.W. Anderson</td>
<td>17/1/84</td>
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<td>Reg Downing</td>
<td>15/7/84</td>
<td>Minister of Justice 1941-1960</td>
<td></td>
</tr>
</tbody>
</table>

Transcripts or notes of these interviews are in the possession of the author. Also referred to was an interview with Sir William McKell by Ken Turner and David Clune recorded on the 22nd July 1977. No reference to individuals as sources of information has been made to fulfil undertakings of confidentiality.
B. Newspapers

Extensive use was made of the thirteen bound volumes of newspaper clippings in Boxes 30-35 of the Martin Papers. The comprehensiveness of this was cross checked against the newspaper index maintained by the NSW Parliamentary Library. Martin noted the loss of almost all items for the period June 1926 to December 1927. The Newcastle Morning Herald was searched for this period for relevant items.

C. Parliamentary Papers


"Report of the Technical Commission of Inquiry appointed upon the advice of the NSW Board of Trade to investigate the prevalence of Miners' Phthisis and Pneumoconiosis in the metalliferous mines at Broken Hill", NSW Parliamentary Papers, 1921, Vol. 2, pp 1289-1369.


Reference was also made to NSW Parliamentary Debates for 1930-32 and 1939-53. A near complete set of Martin's speeches is in Martin Papers, Boxes 22 and 23.
D. Miscellaneous Papers

A series of over eighty letters written by Martin to his wife during his war service in New Guinea from May to October 1943: in the possession of Mrs Martin.

Martin v. Martin (the divorce papers of Catherine and Edward Martin) VPRS 283: Box 153, File 108 of 1905: held in the Victorian Public Records Office.

The Quondong, school magazine of Broken Hill district High School.

Sydney Teachers' College, Register of Admissions and Examinations, 1917-18, p 147 (held by Sydney Institute of Education).

The Kookaburra, student magazine of Sydney Teachers' College (held by the Sydney Institute of Education).

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NSW Public Service Association, Council Minutes, 1933-1935 (held by the NSW Public Service Association).

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