

## CHAPTER 6

### THE MASTER BUILDERS ASSOCIATION OF NSW 1930 - 1945

#### THE GREAT DEPRESSION AND WORLD WAR II

##### Introduction

The Federal Labor Government of James Scullin gained office in October 1929, when the capitalist economies across the world were entering the worst depression they had ever faced. The Master Builders Association of NSW (MBA/NSW) noted in October 1930 that it had suffered membership losses due to “resignations, dissolution, business failures.”<sup>1</sup> A federal election in December 1931 resulted in Labor’s defeat and the new conservative government over the following five years concentrated on the objectives of financial stability, reduction of unemployment, and the destruction of the communist movement.<sup>2</sup>

Against this background, MBA/NSW sought to economically stimulate the building and construction industry. It also continued to oppose the circumstances under which overlapping awards were created and to seek better tendering and contractual conditions for its membership. During those first eight years, major changes occurred in the area of apprenticeships and to the structure of the Industrial Commission of NSW. It was also a time in which the MBA/NSW sought to change its own structure by attempting to absorb its branches into what it described as ‘One Big Association’.

By the end of the decade, Australia was once again at war. The MBA/NSW sought to moderate the effects of war-time regulations on the building industry and assist government authorities in allocating building works for tender.

##### The Context

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<sup>1</sup> Master Builders Federation of Australia (MBFA), *Minutes of Twenty-fourth Convention*, 27.10.1930, p. 37.

The Great Depression, the world-wide economic decline that commenced in 1929, led to a reassessment of the principles of economic liberalism. It shattered the illusion of a self-regulating economic system and identified the need for government to play an active role in economic management. As an export country, Australia was dependant on overseas economic conditions. Overseas borrowings had placed it at the mercy of British banks and in the midst of the depression about 40 per cent of the federal budget was spent on interest payments.<sup>3</sup> Unemployment in Australia had averaged 9 per cent in the period from 1921-1928<sup>4</sup> and by 1929 the world depression was having a deep effect. Real national income was cut by about 13 per cent between 1928/29 and 1931/32 and the level of unemployment hovered at about 25 per cent of the workforce,<sup>5</sup> rising to 30 per cent.<sup>6</sup> In 1929, the Bruce government was distracted by strikes in NSW and Victoria by the Timber Workers Union; and by strikes in the northern collieries of NSW. They ‘diverted government attention from the cause to the symptom of economic contraction’. Later, Scullin government legislation was hamstrung ‘to such an extent that the effective centre of policy formation shifted from the government to the banking system, and the swift implementation of policy with the depression demanded became nearly impossible.’<sup>7</sup> The early part of the 1930s was a period of financial and political upheaval at both the federal and State levels. The conservative government in New South Wales (NSW) under Thomas Bavin attracted heavy criticism following tragic events that occurred during an industrial dispute at Rothbury Mine on 16 December 1929 in which a picketer was shot dead. Alexander regarded it as a time of domestic class struggles amid ‘the constraints of the capitalist world economy in [an] era of its stagnation.’<sup>8</sup>

The total of unemployed in NSW grew by over 50 per cent in 1928 and by 100 per cent in 1929. In 1930 the numbers registering as unemployed was 737 per cent above the 1927 figure and the state Labour Exchanges were unable to meet the demand for jobs.

**TABLE 6:1**

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- <sup>2</sup> Manning Clark, *A Short History of Australia*, 2<sup>nd</sup> ed., Mentor, New York, 1980, p. 229.
- <sup>3</sup> M. A. Jones, *The Australian Welfare State: Growth, Crisis and Change*, George Allen & Unwin, Sydney, 1983, p. 40.
- <sup>4</sup> E. A. Boehm, ‘Australia’s Economic Depression of the 1930s’, *Economic Record*, vol. 49, no. 128, 1973, pp. 602-23.
- <sup>5</sup> C. D. W. Goodwin, *The Image of Australia: British Perception of the Australian Economy from the Eighteenth to the Twentieth Century*, Duke University Press, Durham 1974, p. 230.
- <sup>6</sup> G. J. M. Bell, *Fact and Fallacy in Economics*, Thomas Nelson, Australia, 1982, p. 59.
- <sup>7</sup> C.B. Schedvin, *Australia and the Great Depression: A Study of Economic Development and Policy in the 1920s and 1930s*, Oxford University Press (South Melbourne 1988, pp.116 and 118
- <sup>8</sup> M. L. Alexander, ‘Australia in the capitalist world economy’, in Brian W. Head (ed.), *State and Economy in Australia*, Oxford University Press, Melbourne, 1983, p.68.

	TOTAL OF MONTHLY ESTIMATED UNEMPLOYED PERSONS IN NSW			PERSONS SENT TO EMPLOYMENT  THROUGH EXCHANGES
	Metropolitan Area	Country Districts	Total	
1927	49,500	50,500	100,000	35,028
1928	104,000	52,500	156,500	42,205
1929	157,000	155,000	312,000	39,100
1930	435,000	302,000	737,000	105,915

Source: compiled from *NSW Industrial Gazette*, vol. XXXIX, no.1, 31.1.1931, p. 25.

Clark observed that in early 1930 the Scullin federal Labor government recognised that:

Something must be done quickly. The familiar faces of the poor at the fruit and vegetable markets in Sydney filling their bags had disappeared. God knows where they were now getting their food, now that they had no money. They must join the army of beggars, the army of forgotten men tramping around the countryside.<sup>9</sup>

Men and women, mad with hunger, were ferreting about in gutters and garbage bins in Sydney for scraps of food. To collect the dole, men and women stood for hours in chilly, draughty places herded like wild beasts. Government officers mocked them. --- The coal miners and their families on the northern coalfields were close to starvation. One un-employed ex-digger handed back the medal he had received from a 'grateful country' for his service in the war. Albert Jacka, a winner of the Victoria Cross, was knocking on suburban doors, and pleading with housewives to buy his soap.<sup>10</sup>

In November 1930, the Australian Labor Party (ALP) led by Jack Lang regained government in NSW. This government attempted to enact radical industrial legislation that outraged employers and worried conservative citizens that the State could slide into communism.<sup>11</sup> Those who controlled the pastoral, banking and industrial capital held classic conservative values and were, as Andrew Moore observed, a close-knit community that clustered together in elite residential areas, and:

[t]o such men a Labor government and any challenge by the labour movement was intolerable, for it threatened their world and interests with

<sup>9</sup> Clark, *A History of Australia*, vol. vi, p. 336.

<sup>10</sup> *Ibid*, p. 345.

<sup>11</sup> Andrew Moore, *The Secret Army and The Premier: Conservative Paramilitary Organizations in New South Wales 1930-32*, New South Wales University Press, Kensington, 1989, pp. 74-5.

calamity. They were naturally a prey to the extreme insecurity brought about by economic depression, communism and a Labor government.<sup>12</sup>

Members of Sydney's ruling classes formed an organization to meet any emergency and to act as a deterrent to any threats to 'public safety and solidity' – that organization was referred to as the 'Old Guard'. Its intention was to merely observe events and to assist in the maintenance of law and order under the 'authority and direction' of the elected government should there be some uprising by 'the unemployed, the communists or the labouring class as a whole.'<sup>13</sup>

Among those who joined the 'Old Guard' were a number who wanted a more aggressive and militant approach and, on 18 February 1931, eight ex-officers of the Australian Imperial Forces formed a private army, the 'New Guard', under the leadership of Colonel Eric Campbell. Pledging themselves to the slogan 'All for the British Empire', they wanted to 'prevent the destruction of *Old* Australia by Langism, Bolshevism, Jewish corruption and those who thought everything was allowable.'<sup>14</sup> MBA/NSW supporter, Florence Taylor, reportedly organised a women's auxiliary to the New Guard.<sup>15</sup>

Moore draws attention to the fact that the New Guard 'was a local manifestation of an international phenomenon' – the ascendancy of fascist movements during the 1930s – and further draws attention to plans in the United States 'for a military coup d'état to upset liberal palliatives of Roosevelt's New Deal.'<sup>16</sup> In Australia there had been similar calls in the press and on radio for an emergency governing body to run the country in the face of rumours in early March 1931 that there had been a communist takeover of the federal government. Sir John Monash, the legendary Australian leader during the First World War, was touted as the man to lead such an emergency governing body. Sir John defused the issue by making clear it that he had 'no desire whatever to upset the constitution of Australia.'<sup>17</sup>

Camps, hostels and soup kitchens were being opened at various places around Sydney, and the New Guard leadership advocated mass meetings of protest to influence the Governor to dismiss the Lang government. Whilst eviction riots occurred in every

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<sup>12</sup> Ibid.

<sup>13</sup> Ibid, pp. 77, 87.

<sup>14</sup> Ibid, p. 368.

<sup>15</sup> Joan Kerr (ed.), *Heritage: The National Women's Art Book*, Art and Australia, Sydney, 1995, p. 460.

<sup>16</sup> Moore, *The Secret Army*, pp. 138-9.

<sup>17</sup> Roland Perry, *Monash: The Outsider who won a War*, Random House, Milsons Point, 2004, pp. 512-13.

city, those in Sydney were often accompanied by clashes between the New Guard and the Labor Defence Army.<sup>18</sup>

Lang, who held government from November 1930 to May 1932, was in conflict with the Scullin federal Labor government over the best way to solve the economic problems of the Great Depression. The Federal caucus advocated the Scullin-Theodore policy, whilst the NSW State Labor party supported a plan promoted by Premier Lang. Theodore's plan was to extend bank credit whilst Lang advocated the cessation of interest payment to British bond holders until Britain had addressed the Australian overseas debt. Lang also advocated adoption by Australia of its own currency instead of the gold standard of currency. Florence Taylor, who was linked to the MBA/NSW, publicly congratulated Major Edward De Groot when he upstaged Jack Lang in March 1932 during the opening of the Sydney Harbour Bridge.<sup>19</sup> With its completion, hundreds of bridge workers became unemployed. NSW now had the worst level of unemployment in Australia, and Lang continued his attempts to raise funds. By mid-1932, national unemployment had peaked at 30 per cent, and in Sydney many of the homeless used the shallow sandstone caves in the Domain as overnight dwellings.<sup>20</sup> As Clark observed:

Labor leaders were wrangling over financial policy while men, women and children lived on the Outer Domain in Sydney in shelters built from canvas and potato bags sewn together. Out at Cowra the town's unemployed asked the local Council for permission to use the cattle stalls at the showground as a camping place.<sup>21</sup>

Lang then refused to pay loan interest and the Commonwealth commenced legal action. The NSW Labor party split into State Labor (supporting Lang) and Federal Labor (supporting Scullin). Reluctantly, Lang then agreed to the Premiers' Plan to cut government expenditure but did little to implement it, and by early 1932 Scullin's ALP had lost government to the new United Australia Party (UAP) under Joseph Lyons.<sup>22</sup> The issue quickly now came to a head between the NSW and Commonwealth Governments with Lyons' UAP government regulating to take over NSW state taxes. Lang still refused to conform to the Commonwealth requirements, ordering State public servants to refuse to cooperate with the Commonwealth. The Governor of NSW, Sir Phillip Game, dismissed

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<sup>18</sup> Clark, *A History of Australia*, vol. vi, pp. 387, 419-420.

<sup>19</sup> Robert Freestone, 'Florence Taylor: The lady town planner of Loftus street', *New Planner*, December 1991, p. 12.

<sup>20</sup> *Sydney Morning Herald* (hereafter *SMH*), 16.5.1932, p. 10.

<sup>21</sup> Clark, *A History of Australia*, vol. vi, p. 368.

the Lang Government on 13 May 1932 over Lang's refusal to withdraw a circular in which he defied what the Commonwealth Government regarded as its legitimate attempts to obtain taxes collected by the NSW Government.<sup>23</sup>

Bertram Stevens, who succeeded Thomas Bavin as leader of the conservative UAP party, was appointed Premier and an election was called which Stevens won decisively despite the warnings of the Labor Press that 'Stevens was Bavin with the gloves off; a man who had neither pity nor mercy for the victims of the depression.'<sup>24</sup> Whilst the dismissal of Lang raised public concern about the role of the Governor, the use made by Labor governments of the power to appoint members to the Legislative Council was seen by many as an abuse of the NSW political process. There was general agreement that the Legislative Council should be reconstituted. The new UAP-United Country Party coalition government re-introduced reforms that the Bavin government attempted in 1929. A referendum held in May 1933 approved an elective Legislative Council based on the system of proportional representation – thus ending government sponsorship.<sup>25</sup>

The coalition NSW governments that followed Lang were fortunate that the time of their election, 1932, was the peak of the Depression and thereafter things slowly improved. Bertram Stevens retained the Premiership for a then record seven years. His government co-operated with the federal UAP government and was able to maintain social services, provide modest relief programs and promote private enterprise-based economic recovery. According to Peter Groenewegen:

The 1930s, commencing with the national crisis of the Depression .... was, generally speaking, a period of close Federal-state co-operation. .... [that] was effected through the newly formed Loan Council which coordinated economic policy via the Premiers' Plan, particularly through rigid controls over government borrowing and the desire to balance both the national and state budgets.<sup>26</sup>

By the eve of World War II, in 1939, unemployment had fallen considerably but there were still many on the dole and little enthusiasm for government policy.

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<sup>22</sup> John Molony, 'James Henry Scullin', in Michelle Grattan (ed.), *Australian Prime Ministers*, New Holland Publishers, Sydney, 2000, pp. 148-149.

<sup>23</sup> *SMH*, 12.5.1932, p. 9; 14.5.1932, p. 7.

<sup>24</sup> Clark, *A History of Australia*, vol. vi, p. 404.

<sup>25</sup> *SMH*, 15.5.1933, pp. 1, 4.

<sup>26</sup> P. D. Groenewegen, "The political economy of federalism, 1901-81" in W. Head (ed.), *State and Economy in Australia*, Oxford University Press, Melbourne, 1983, p. 177.

The building industry in the Sydney area was showing signs of improvement by mid-1933. However, as Table 6-2 below indicates, it took nine years for it to recover to a level in excess of that in 1930:

**TABLE 6:2**

<b>BUILDINGS COMPLETED FROM 1930 TO 1939 - SYDNEY AND SUBURBS</b>		
<b>Twelve Months ended 30 June</b>	<b>Number of Buildings completed</b>	<b>Cost in £s</b>
1930	8,423	13,485,644
1931	3,096	4,117,799
1932	1,278	1,708,020
1933	1,530	1,416,829
1934	2,637	3,112,278
1935	4,868	5,200,795
1936	6,571	8,141,753
1937	7,986	9,497,963
1938	8,113	10,648,556
1939	10,102	12,592,050

Source: MBFA, *Minutes of Thirty-third Annual Convention*, 25.9.1939, p. 23.

In the federal area, the ALP government of James Scullin was elected to power in 1929 and was short-lived. Attempts by Edward Theodore, the federal Treasurer to obtain finance by means of a fiduciary note issue,<sup>27</sup> were opposed by Joseph Aloysius Lyons who then defected from the ALP to form an alliance with the conservative Nationalist Party under the UAP banner. Lyons led the UAP to a resounding victory at the December 1931 elections. After the election in 1934, the UAP had to enter a coalition with the Earle Page Country Party that led to divisions within Cabinet.<sup>28</sup>

Following the death of Joseph Lyons in April 1939, Robert Gordon Menzies became Prime Minister and his government focused on wartime exigencies due to the outbreak of the Second World War in September 1939. Menzies initiated plans to prepare Australia for war. It passed the *National Security (Building Control) Regulations* designed to divert investment from building into Commonwealth loans,<sup>29</sup> and the *National Emergency Act*, 1941. Its provisions included a requirement that owners of

<sup>27</sup> Neville Cain, *The Australian Economists and Controversy over Depression Policy 1930-Early 1931*, Working Paper No.79, Department of Economic History, Australian National University May 1987, p.24

<sup>28</sup> Anne Henderson, 'Joseph Aloysius Lyons', in Grattan (ed.), *Australian Prime Ministers*, p. 156.

<sup>29</sup> 'Editorial', *Construction*, 18.6.1941, p. 1.

buildings housing more than thirty persons to prepare plans and specifications for Air Raid Shelters.<sup>30</sup> During Menzies' absence in England between February and May 1941, certain disgruntled members of his government plotted against him and, on his return, Menzies resigned both as Prime Minister and leader of the UAP at the end of August 1941.<sup>31</sup> Arthur Fadden, the Country Party Leader, was commissioned to form a new ministry but due to continuing instability, and the loss of the support of two independent members, his government only lasted forty days.<sup>32</sup>

Butlin believes that the Second World War projected the federal government into a dominant position and, in the post-war period, federal policies and regulatory measures acquired the leading role in the process of peace-time decision-making.<sup>33</sup> The MBA/NSW had concern at the manner in which defence works were allocated and called for such works to be put out to tender.<sup>34</sup> The Minister for the Interior responded positively but further submissions were made suggesting that 'the works be split up into smaller parcels so as to extend the works over a greater number of builders.'<sup>35</sup> The MBA/NSW later asked the NSW Government to place its own housing construction to tender in packages of 10 houses rather than in packages of 100 cottages so as to enable builders with limited capital to participate in tendering - thus increasing competition and 'lessening completion dates'.<sup>36</sup> Those approaches were ignored and many small building concerns went out of business. On Curtin's death on 5 July 1945, Francis Michael Forde was caretaker Prime Minister until the Labor Party elected Joseph Benedict Chifley as its leader.<sup>37</sup>

In 1931, the Communist Party of Australia (CPA) 'appealed to the minority of workers who were militant, moving to the left, and wanted to fight'. In NSW it worked through its 'Militant Minority Movement (MMM) which in 1931 revamped its rank and file movement and shortened its title to the Minority Movement'.<sup>38</sup> Activities of communists led the Lyons government during the years up to 1937 to seek the

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<sup>30</sup> Ibid, 19.2.1941, p. 1.

<sup>31</sup> Allan Martin, 'Sir Robert Menzies', in Grattan (ed.), *Australian Prime Ministers*, pp. 185-9.

<sup>32</sup> Brian Costar and Peter Vlahos, 'Sir Arthur William Fadden', in Grattan (ed.), *Australian Prime Ministers*, pp. 210-211.

<sup>33</sup> Noel Butlin, 'Trends in public/private relations, 1901-75', in Head (ed.), *State and Economy in Australia*, p. 93.

<sup>34</sup> MBA/NSW, *Minutes of Special Committee re Allotment of Public Works*, 11.11.1939.

<sup>35</sup> Ibid, 12.12.1939, 19.12.1939.

<sup>36</sup> MBA/NSW, *Minutes of Meeting of General Committee*, 12 August 1941.

<sup>37</sup> Elaine Brown, 'Francis Michael Forde,' p. 239 and Ross McMullen, 'Joseph Benedict Chifley,' p. 256 in Grattan (ed.), pp.239-245, and pp.347-268.



destruction of the communist movement; however, that objective was later complicated by the threat from fascism and Nazism.<sup>39</sup> By the end of the Second World War the CPA had the support of a large proportion of Australian trade unionists.<sup>40</sup> Clearly the ideals of the CPA proved attractive to many sections within the building unions in NSW and in many other States. Whilst the CPA regarded trade unions as ‘the most important building blocks of a united front of the working class,’ it also believed that craft unionism was a source of weakness and disunity that fostered a reformist mentality, and regarded the creation of industrial unionism as necessary.<sup>41</sup>

With conflicting ideology and expectations, union leaders commenced the task of rebuilding their unions in the wake of the depression. Building unions were attempting to rationalise their structures. The Operative Plumbers Society of NSW merged its Newcastle Branch with its Sydney Branch; the NSW Association of Operative Plasterers merged its branches with its Sydney Office; and the United Operative Bricklayers Trade Society of NSW (the Bricklayers’ Union) attempted to absorb its Sydney suburban branches.<sup>42</sup>

In 1934, the NSW Amalgamated Society of Carpenters and Joiners (ASC&J) and the Bricklayers’ Union embarked on a campaign to create One Big Union,<sup>43</sup> but the efforts of the two unions to rationalise their branch structure met with strong opposition, due to its joint-membership’s concern and distrust at the direction in which the amalgamation was proceeding.<sup>44</sup> Amalgamation continued to be a live issue and the communist representatives within the unions unsuccessfully sought to attract the NSW Branch of the Australian Builders’ Labourers’ Federation (NSW/BLF) to join the proposed amalgamation. The end result, however, was that the NSW/BLF rejected the proposal, and when the NSW ASC&J and the Bricklayers’ Union amalgamated in 1942 under a communist leadership, it was registered as the Building Workers Industrial Union (NSW/BWIU) by the Industrial Commission of NSW.<sup>45</sup>

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<sup>38</sup> Tom O’Lincoln, *Into The Mainstream: The Decline of Australian Communism*, Stained Wattle Press, Westgate NSW, 1985 p.43

<sup>39</sup> Clark, *A Short History of Australia*, pp. 229, 234.

<sup>40</sup> A. Davidson, *The Communist Party of Australia - A Short History*, Hoover Institution Press, Stanford, 1969, p. 93.

<sup>41</sup> John Spierings, *A Brush with History: The Painter’s Union and the Australian Labour Movement*, Hyland House, South Melbourne, 1994, pp. 108-9, 138.

<sup>42</sup> Glenn Mitchell, *On Strong Foundations: The BWIU and Industrial Relations in the Australian Construction Industry 1942-1992*, Harcourt Brace, Sydney, 1996, pp. 31-2.

<sup>43</sup> *The Telegraph*, 18 December 1934, p. 7.

<sup>44</sup> Mitchell, *On Strong Foundations*, p. 31.

<sup>45</sup> *Ibid*, pp. 34-6.

Those events set the scene for an aggressive and militant NSW/BWIU. The 1941 enrolment in the Bricklayers' Union of Patrick Martin Clancy, a young bricklayer at the steel works at Port Kembla, also had long-term implications for the BWIU and for the MBA/NSW. Clancy immediately became a member of the Bricklayer's Union South Coast District Committee and was the first South Coast Secretary of the BWIU. In 1943, the year he joined the CPA,<sup>46</sup> he was elected a delegate to the South Coast Labor Council in 1943, and soon became its vice-president. Two years later, in 1945, he was transferred to Sydney as NSW/BWIU State Organiser.<sup>47</sup> Clancy's role within the BWIU and within the CPA during the following three decades provided challenges to the MBA/NSW membership, and is further addressed in the next two chapters.

### Structure and Leadership

The Great Depression had a major impact on the membership of the MBA/NSW. From early 1930 the Master Plasterers Association, an affiliated association, complained that builder members were ignoring the preference-to-members clause and engaging non-members as sub-contractors due to price considerations.<sup>48</sup> The inability of many to pay fees had a deleterious effect on the association's finances and, in mid-1934, 27 members were struck off and threatened with legal action for outstanding debts ranging from £2.2.0 to £13.19.6; payment of their outstanding accounts was sought from 22 members; and 28 members who had resigned were to be threatened with legal action.<sup>49</sup> Peter Beddie, MBA/NSW President in 1924-25, resigned in 1931 due to financial difficulties,<sup>50</sup> and in the following year William Banks a former Acting Honorary Secretary resigned.<sup>51</sup> As Table 6:3 on the next page indicates, membership declined dramatically between 1928 and 1934.

Late in 1930, the MBA/NSW Secretary's recommendation to maintain current staffing levels was adopted and an offer by the staff for some reduction in their salaries was accepted.<sup>52</sup> By 1931, despite the formation of golf and bowls clubs by the MBA/NSW, the attendances at general meetings had declined to such a degree that the

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<sup>46</sup> Ibid, pp. 31, 34, 41, 68.

<sup>47</sup> BWIU, *A Workers' Union Honours A Leader*, BWIU, South Sydney, 1985, p. 9.

<sup>48</sup> MBA/NSW, *Minutes of General Committee*, 14.3.1929.

<sup>49</sup> MBA/NSW, 'Report of Special Committee', *Minutes of Monthly General Meeting*, 9.7.1934.

<sup>50</sup> MBA/NSW, *Minutes of General Committee Meeting*, 10.3.1931.

<sup>51</sup> Ibid, 12.4.1932.

<sup>52</sup> Ibid, 30.9.1930.

Executive Committee appointed a Control Committee comprising the President, Senior and Junior Vice-Presidents and the two Trustees to conduct the Association's business and submit its report to the Annual General Meeting of members.<sup>53</sup> However, that resolution was not acted upon and both general and committee meetings continued to be held.

**TABLE 6:3****MEMBERSHIP OF MBA/NSW PARENT BODY**

<b>Type of Member</b>	<b>1928</b>	<b>1929</b>	<b>1930</b>	<b>1931</b>	<b>1932</b>	<b>1933</b>	<b>1934</b>
Life Members	1	1	2	4	4	4	4
Honorary Members	21	22	18	21	21	21	20
Associate Members	12	10	10	5	8	9	8
Limited Companies	15	9	10	)	10	12	12
Partnerships	37	37	37	) 64	26	18	22
Individuals	218	178	148	)	82	80	84
<b>Total</b>	<b>304</b>	<b>257</b>	<b>225</b>	<b>94</b>	<b>151</b>	<b>144</b>	<b>150</b>

Source: compiled from MBFA, *Minutes of Annual Conventions*, 1928-1934, 1936.

Many MBA/NSW branches had difficulties. In 1930 the North Coast Branch withdrew its affiliation with the MBA/NSW due to financial considerations and did not rejoin until some four years later.<sup>54</sup> The Manly branch disbanded in 1931,<sup>55</sup> and the St George Branch disbanded in 1934 due to its builder members electing to join directly the MBA/NSW. The branch membership figures can be seen below in Table 6:4.

**TABLE 6:4****MEMBERSHIP OF MBA/NSW SUBURBAN BRANCHES AND NEWCASTLE BRANCH**

<b>Type of Member</b>	<b>1928</b>	<b>1929</b>	<b>1930</b>	<b>1931</b>	<b>1932</b>	<b>1933</b>	<b>1934</b>
Canterbury - Bankstown	48	68	52	32	24	23	21
Central Cumberland	32	33	30	-	-	-	-
Eastern Suburbs	118	101	94	49	64	58	63
Manly and District	29	24	20	-	-	-	-
Northern Suburbs	40	25	30	27	14	20	21
North Shore Line	77	58	44	24	17	12	20
St George	56	45	41	29	22	16	-
Western Suburbs	49	42	43	-	-	-	-
Newcastle	81	79	71	60	76	62	61

Source: compiled from MBFA, *Minutes of Annual Conventions*, 1928-1934.

<sup>53</sup> MBA/NSW, *Minutes of Combined Meeting of Executive and Finance Committees*, 5.3.1931.

<sup>54</sup> The affiliation fee in 1930 had been six guineas (£6.6.0) and on rejoining it had been charged an affiliation fee of seven shilling and sixpence (7/6) which for its membership of 20 builders came to a total of seven pounds ten shillings (£7.10.0). MBA/NSW, *Minutes of General Committee meeting*, 11.12.1934.

<sup>55</sup> Manly & District Branch of the MBA/NSW, *Minutes of Annual General Meeting*, 2.7.1931.

Relationships between the MBA/NSW and its suburban branches were often strained. In 1929, the MBA/NSW President ignored the practice of referring complaints to the President of the nearest Branch for investigation - thus providing an avenue for resolution by conciliation. He accepted an invitation to provide an opinion to a member of the public about the quality of workmanship in his recently built home. He was later subpoenaed to provide evidence in support of the report he had given against the builder who happened to be a member of the Eastern Suburbs Branch.<sup>56</sup>

Despite its membership and financial difficulties before and during the depression, the MBA/NSW continued to preserve the commercial and industrial character of its traditional membership, and the qualifications of those who sought membership of the parent body and of its branches were carefully monitored. For example, a contractor in 1929 applied for membership of the MBA/NSW. As he operated in the cottage area, his application for membership was immediately referred to the relevant suburban branch. The branch ultimately declined his application as he did 'not hold the qualifications necessary to become a member'.<sup>57</sup>

As economic conditions improved, the MBA/NSW in 1935 formed an Organising Committee with authority to take whatever action it deemed necessary to increase membership.<sup>58</sup> That Committee resolved to invite members of suburban branches to join the 'parent body' with the objective of consolidating the association into one united body. The MBA/NSW endorsed that proposal and told its branches that it wanted every builder - whether a branch member or not - to join the Parent Body. It was made clear to the branches that no claim was being made on their assets. At a later meeting the MBA/NSW proposed the absorption of branches through the formation of 'One Big Organisation'.

The North Shore Line and the Northern Suburbs Branches both accepted the proposal; however, the Central Cumberland Branch rejected the concept suggesting that the Council of Branches should be disbanded with each branch retaining affiliation and direct contact with the MBA/NSW. Canterbury-Bankstown Branch also strongly opposed the One Big Association concept submitting that the combined membership of the branches against the proposal far outweighed the membership of the North Shore Line and Northern Suburbs branches. It foreshadowed a proposal to reform the Council of

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<sup>56</sup> MBA/NSW, *Minutes of General Committee meeting*, 14.5.1929.

<sup>57</sup> MBA/NSW, *Minutes of Meeting of Admissions Committee*, 9.4.1929.

<sup>58</sup> MBA/NSW, *Special General Meeting - Parent Body Members Only*, 28.2.1935.

Branches into the *Suburban Master Builders Association* and affiliate that new body with the MBA/NSW,<sup>59</sup> suggesting that the objectives of the respective memberships of the MBA/NSW and of the suburban branches were different.<sup>60</sup> The discussion of that proposal was deferred on the motion of the two northern branches.<sup>61</sup>

By 1937, all but three of the MBA/NSW suburban branches - Eastern Suburbs, Central Cumberland and Canterbury Bankstown - had agreed to its one big organisation proposal. The MBA/NSW exerted pressure on those branches by a new policy under which it 'disapproves of any member being a member or identifying themselves with [those three branches].'<sup>62</sup> Ironically, whilst seeking to disband its suburban branches, the MBA/NSW soon became aware of the fact that 'many suburban builders find it inconvenient or are disinclined to attend meetings in the city and yet desire to confer with their colleagues on matters appertaining to the trade.' The MBA/NSW later resolved that a meeting be called of its local builder members at Hurstville to form a local committee comprising only those eligible for MBA/NSW membership.<sup>63</sup> Similar approaches were made to the Eastern Suburbs, Central Cumberland and Canterbury Bankstown associations and the recently re-formed Manly association, to form local committees.<sup>64</sup>

The challenges of the depression and post-depression years were met by a leadership comprising W. A. Grant, MBA/NSW (President 1929 and 1933-39) and other leading builders. Frederick Wilson served as Grant's Senior Vice-President from 1933 before succeeding him in 1939-40. Wilson, an executive of Howie Moffatt and Co. Pty Ltd, continued to serve on the MBA/NSW Committee until his sudden death in 1953. James Wall served as Junior Vice-President 1933-35 but retired due to ill health, and was replaced by C. F. Gage. David Girvan served as Treasurer throughout the period addressed in this chapter and was again elected to that position in 1945.<sup>65</sup> Each played a large role in maintaining, consolidating and developing the association. Former Presidents and members in positions of influence continued to support the MBA/NSW. Following the death of William Foster MLA in 1936, Arthur Moverley, the UAP MLA for Randwick assumed the MBA/NSW liaison role with the NSW government. An

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<sup>59</sup> MBA/NSW Council of Branches, *Minutes of meeting*, 21.11.1934.

<sup>60</sup> MBA/NSW, *Minutes of Meeting between Parent Body and Council of Branches*, 11.4.1935.

<sup>61</sup> MBA/NSW Council of Branches, *Minutes of meeting*, 19.12.1934.

<sup>62</sup> MBA/NSW, *Minutes of General Committee meeting*, 8.6.1937.

<sup>63</sup> MBA/NSW, *Meeting of Executive and St George District Builders*, 16.3.1938, 9.5.1938.

<sup>64</sup> MBA/NSW, *Report of Meeting of Special Committee re Local Committees*, 18.4.1939.

<sup>65</sup> MBA/NSW, *Minutes of Annual General Meeting*, 24.8.1945.

example of the role that Moverley played is dealt with later in this chapter, when he arranged a meeting in 1936 between an MBA/NSW delegation and the Minister for Public Works and Local Government over a housing development scheme it regarded as questionable.

There was stability in regard to position of the Secretary for most of the period. Lawrence William Beagley was secretary from December 1928 until June 1942, when Beagley was released to serve the government war effort as the Chief Industrial Officer of the powerful Allied Works Council (AWC). Beagley's release was at the request of the Deputy Director of Manpower (NSW), initially for a month from 23 June 1942, but he was not to resume with the MBA/NSW until 14 August 1945.<sup>66</sup> Leslie Gordon Smith served as Acting Secretary until the return of Beagley. Smith applied to the NSW Industrial Registrar on behalf of the MBA/NSW to register a new rule under which the position of Acting Secretary was recognised.<sup>67</sup> Smith had previously served in the capacity of acting secretary during the 1928 illness of Norman Phelps-Richards and up to the appointment of Beagley to the position of Secretary.<sup>68</sup>

### **Combating the Great Depression**

During the 1930s Depression, the MBA/NSW played a role in seeking means to alleviate the economic suffering. In 1930, in the face of worsening economic conditions and rising unemployment, the NSW Nationalist Bavin government introduced the *Unemployment Relief Tax Act* 1930. The legislation required employers to deduct from all employees earning a weekly wage of at least £1.10.0, a tax equal to 3d for each full pound a worker was paid - the equivalent of 1.25 per cent. It came into operation on 1 July 1930.<sup>69</sup>

Under the Act, the Government established the Unemployment Relief Council, which asked the MBA/NSW to form a special committee to advise it in relation to a building scheme it was considering as a means of providing relief to the unemployed. It also asked the MBA/NSW to recommend the appropriate number of men that could be employed on various sections of that scheme. In addition to the matters the Unemployment Relief Council had raised with it, the MBA/NSW referred two

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<sup>66</sup> MBA/NSW, *Minutes of General Monthly Meeting*, 28.7.1942; 14.8.1945.

<sup>67</sup> The Application was endorsed by the Industrial Registrar on 27 November 1942.

<sup>68</sup> MBA/NSW, *Minutes of Meeting of Past Presidents and Executive Committee*, 23.8.1928.

suggestions to its special committee for its consideration. One suburban branch promised £20,000 of construction of cottages on their existing building allotments and foreshadowed a further £20,000 worth of cottage work.<sup>70</sup> The acquisition and rebuilding of derelict houses by the Unemployment Relief Council was proposed by the Electrical Contractors' Association - a suggestion that was referred to the MBA/NSW for inclusion in any proposals to the government.<sup>71</sup> The MBA/NSW became a supporter of the Anti-Slum Movement, a movement that led to such public housing authorities as the Housing Commission of NSW.<sup>72</sup>

There was concern with day-labour work for relief projects.<sup>73</sup> William Foster MLA arranged for representatives of the MBA/NSW and of the Employers' Federation of NSW to meet with the Minister for Labour and Industry on 15 September 1930 to complain at the amount of relief work being conducted by day-labour. The Minister advised that he had set the rate of pay on such works at £4/10/- per week for 40 hours and was doubtful whether relief works could be undertaken by private contract. He stated he would be agreeable to putting some of the work out to contract subject to an opinion he would seek from the Crown Solicitor.<sup>74</sup> However, that issue was overtaken by a change in government in November 1930.

By the latter part of 1931 the building industry was suffering to an extent that the MBA/NSW sought the views of its members on ways to counter the impact of the depression on the building trade and established a special committee to consider the various proposals arising out of those discussions.<sup>75</sup> The NSW State Chapter of the Royal Australian Institute of Architects (RAIA) had formed a similar committee and due to their common objectives the two committees were combined to form the *Rehabilitation of Trades Committee* (RTC). That committee conferred with other organisations within the building industry and resolved to approach local councils and seek their assistance. The committee submitted that, as the majority on the dole came from pursuits within and allied to the building industry, councils should consider 'including buildings necessary to the council's activities' when preparing their loan schedules. Whilst they received

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<sup>69</sup> 'Report of Master Builders Association of NSW,' MBFA, *Minutes of Twenty Fourth Convention*, 27.10.1930, pp.36-49 at pp. 42-3.

<sup>70</sup> MBA/NSW Canterbury-Bankstown Branch, *Minutes of General Meeting*, 7.7.1930.

<sup>71</sup> MBA/NSW, *Minutes of Regular Monthly Meeting*, 22.7.1930.

<sup>72</sup> *Construction*, 29.10.1941, p. 2.

<sup>73</sup> MBA/NSW, *Minutes of Half-Yearly General Meeting*, 26.8.1930.

<sup>74</sup> MBA/NSW, *Minutes of Regular Monthly Meeting*, 23.9.1930.

<sup>75</sup> MBA/NSW, *Minutes of Special General Meeting*, 1.10.1931.

positive responses from councils, the committee recognised the limited value of such responses and sought other avenues through which to stimulate building activity.

An MBA/NSW advertisement in the daily press yielded expressions of interest in building schemes that varied from £250 to £100,000. As the trading banks had ceased lending for building purposes, the RTC appealed to the Prime Minister for part of a grant of £600,000 that was about to be made to NSW by the Commonwealth Relief Council for the State of New South Wales. The appeal was unsuccessful as the Act under which the Relief Council operated proscribed loans to organizations or to individuals.<sup>76</sup>

The Lang Government was dismissed from office in May 1932 and the MBA/NSW and the NSW/RAIA formed a deputation to the new Premier, Bertram Stevens. The deputation pointed out that 90 per cent of money spent on building was spent on labour and the industry contributed greatly to employment. The Premier was impressed by the fact that the MBA/NSW and the NSW/RAIA had secured promises for £450,000 worth of work to be commenced, £150,000 of which was by way of private investment. The delegation advised the Premier that further private investment would be attracted by the Government establishing a building pool of £500,000 with funds being released for over a term of six months. They submitted that such a scheme would generate employment for 350 labourers, 400 carpenters, 50 electricians, 200 bricklayers, 200 plasterers, 100 plumbers, 100 painters and several architects and draftsmen. They also referred to the flow-on effect it would have in the manufacture of materials required for construction work. It was also advocated that the Government provide loans at low interest - or without interest - for renovations of up to 3<sup>1</sup>/<sub>2</sub> to 4 per cent of the value of properties. Whilst the Stevens Government ignored the first proposal, it adopted the suggestion relating to renovations and made available £75,000 from which individual loans of up to £300 could be sought. The loans, which had to be approved by a government-appointed committee comprising representatives of the MBA/NSW and the Institute of Architects, were made at three per cent interest and repayable over a two year period. The RTC also considered the demolition of slum areas and the erection of small modern houses for the poor as a means of generating employment among the building trades. It also urged the Government to proceed with the immediate erection of necessary public buildings. The Committee placed its services at the disposal of the Premier and any Minister or

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<sup>76</sup> MBFA, 'Report of President of Master Builders Association of NSW', *Minutes of twenty-sixth Convention*, 22.10.1933, pp. 53-6.



government officer deputed by the Premier to address these important issues;<sup>77</sup> however, there is no evidence that the offer was ever taken up. Whilst discussions about rehabilitating the building industry continued throughout that period, F.W. Lemcke, a former President of the MBA/NSW, astutely observed in 1933:

Building is not the cause of prosperity, but the result. A scheme must be evolved to first bring the country back to a state of prosperity and building will follow as a result.<sup>78</sup>

### **Regulating the Home Building Industry**

The MBA/NSW took an interest in public housing and builders' licensing. It relied on political methods. The *Housing Act* 1941 established the Housing Commission on 27 October 1941. The MBA/NSW virtually ignored the formation of the Housing Commission as the Commission's initial role was principally administrative. The Commission formulated long-term policy. Such policy included the provision of adequate housing and the co-ordination of building societies so that they operated in support of the State-wide plan. That plan included the abolition of slums and sub-standard houses.<sup>79</sup> The expectations of the building industry would have been tempered by the restrictive nature of the *National Security (Building Control) Regulations*, gazetted on 11 June 1941. The regulations, under the *National Security Act* 1939-1940, were designed to divert investment from building into Commonwealth loans; to conserve building materials and labour for defence purposes; and to answer the special housing needs created by local defence activities. For example, the *NSW Temporary Housing Committee* comprised senior members of the NSW government public service and was established to deal with the housing of munitions workers and other war workers.<sup>80</sup>

The need for cheap available housing, however, soon involved the Housing Commission in large tracts of housing development, and the MBA/NSW sought to regulate the allocation of government work and to moderate tendering conditions by imposing its rules on its members. This occasionally brought the Executive into conflict with some sections of its membership and the expertise of incumbent office-holders, and the regard in which they were held, proved vital in maintaining cohesion and loyalty. One such occasion occurred in 1942 over an MBA/NSW directive to its members, placed

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<sup>77</sup> Ibid.

<sup>78</sup> MBA/NSW, *Minutes of General Monthly Meeting*, 25 July 1933.

<sup>79</sup> *Construction*, 29.10.1941, p. 2.

on a limited tender list, not to tender for 231 Housing Commission cottages which the MBA/NSW insisted should have been put out to open tender.<sup>81</sup> The members obeyed the directive at a high price as the work went to a non-member who had also been on the limited tender list.<sup>82</sup>

Frederick Wilson, in his capacity as President of the Building Industry Congress of NSW, observed in the last days of the Second World War:

Over the past few years, numbers of small traders have been compelled to go out of existence; their businesses shut down ---- Small builders were responsible in the past, for constructing more homes in six months than the New South Wales Housing Commission could complete in six years at the present tempo. -----

Terming it 'a cycle of nationalisation' the scheme was to squeeze out the small man whose business would naturally go into the larger houses. The big concerns could easily be grabbed by the Government when it suited its purpose. It was a short cut to socialisation. -----

I believe it to be one of the fundamental principles of any democratic community that men should own their own homes, and it should be made easy for them to do so. There is very little chance of home ownership for anybody whilst the New South Wales Housing Commission is allowed to carry on with its programme. The Commission is obviously wedded to a rental policy and to a type of housing which is creating the slums of the future. -----<sup>83</sup>

Wilson's criticisms echoed those made in the previous year by the Master Plumbers & Sanitary Engineers Association of NSW (MPA). It criticized the proposal of the NSW Government to erect cottages for rent in the Canterbury district by using day-labour and timber that 'in a few months will twist and turn as it dries out.' The MPA also noted that, at the proposed weekly rent of one pound, eight shillings and six pence (£1.8.6), the tenant could *purchase* a similar priced home under the Co-operative Building Society Scheme for repayments of £1.8.10.<sup>84</sup>

The other major issue for the MBA/NSW was builders' licensing, and prior to the state elections on 8 October 1927, it had formulated and printed a proposed Bill for such licensing and distributed copies to every candidate for parliament.<sup>85</sup> However, despite the election of Thomas Bavin's conservative government, little progress was achieved as 'many matters of the previous administration have to be straightened out before any new

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<sup>80</sup> Ibid., 18.6.1941, p. 1, 25.6.1941, p. 2, 27.8.1941, p. 2.

<sup>81</sup> MBA/NSW, *Minutes of Special General Meeting*, 28.8.1945.

<sup>82</sup> MBA/NSW, *Minutes of Executive Committee Meeting*, 5.11.1945.

<sup>83</sup> Frederick Wilson, President of BIC, Speech to a meeting of the building industry in Newcastle in April 1945, *The Master Plumbers*, vol. xxii, no. 6, 4.5.1945, pp. 4, 6.

<sup>84</sup> *The Master Plumbers*, vol. xxi, no. 6, 5.4.1944, p. 4.

<sup>85</sup> FMBA, 'Report of the Master Builder Association of NSW', *Minutes of Twenty-first Convention*, 7.11.1927, p. 43.

legislation could be introduced.’<sup>86</sup> The MBA/NSW asked William Foster MLA to arrange a deputation to the Premier so that it could present a new draft bill.<sup>87</sup> Despite being considered by the Cabinet, the subject of builders’ registration would not be placed before the House in the first session of 1930 due to limited time for urgent matters,<sup>88</sup> and the issue was overtaken by the fall of the Bavin government in November 1930. Premier Jack Lang stated that he was too busy to receive an MBA/NSW deputation over the subject.<sup>89</sup>

The MBA/NSW again focused on the issue in 1934. The MBA/NSW revised its proposed Bill to satisfy some RAIAs concerns,<sup>90</sup> and presented it to the State Premier who referred it to an officer in his department for comment. Despite that officer being provided with a detailed briefing by the MBA/NSW Executive and Secretary, as well as the Chairman of the Council of Branches, each of whom responded in full to his questions,<sup>91</sup> no positive result was achieved.

The MBFA also remained committed to builders’ registration. In 1931 and 1933 it passed resolutions in support of registration. In 1934, however, it recognised that owing to difficulties in achieving uniformity throughout the Commonwealth, the subject should be pursued by each state body with their own state legislature.<sup>92</sup>

The first state to legislate for builders’ registration was Western Australia. The Western Australian Government introduced the first licensing of builders legislation with its *Builders Registration Act*, 1939, and its Builders Registration Board initiated examinations for potential licensees and launched a number of prosecutions.<sup>93</sup> Despite that breakthrough, the MBA/NSW was unsuccessful in its attempts to have the NSW Government introduce a Bill for the licensing or registration of builders.<sup>94</sup>

## Trade and Tendering Problems

<sup>86</sup> MBFA, ‘Report of the Master Builder Association of NSW’, *Minutes of Twenty-second Convention*, 29.10.1928, p. 27.

<sup>87</sup> MBA/NSW, *Minutes of Joint Meeting of Council of Branches and Parent Body*, 17.10.1929.

<sup>88</sup> MBA/NSW, ‘Report by W. F. Foster MLA’, *Minutes of Monthly General Meeting*, 22.4.1930.

<sup>89</sup> MBA/NSW, *Minutes of General Committee Meeting*, 9.12.1930.

<sup>90</sup> MBA/NSW, *Report of meeting with Institute of Architects*, 17.5.1934, 12.7.1934.

<sup>91</sup> MBFA, ‘Report of Master Builders Association of NSW’, *Minutes of Twenty-eighth Convention*, 13.11.1934, pp. 39-40; and in *Minutes of Thirtieth Convention*, 2.11.1936, p. 40; MBA/NSW, *Minutes of General Committee Meeting*, 26.3.1935.

<sup>92</sup> MBA/NSW, *Minutes of General Monthly Meeting*, 27.11.1934.

<sup>93</sup> *Construction*, 31.1.1940, p. 5.

<sup>94</sup> MBA/NSW, ‘History of the Case for Registration,’ *Submission to the Premier of New South Wales The Hon. R. W. Askin M.L.A. on the Registration of Builders*, 18.4.1968, pp. 10-1.

The MBA/NSW continued to pursue issues related to tendering such as the resolution of disputes, retentions, security of payment and bills of quantities. In 1926, Florence Taylor and Frederick Trenchard Smith had recommended placing in a trust account the full amount owed under a building contract. They argued that this would offer protection to both the builder and the architect. Nothing developed from that proposal despite an approach by the MBA/NSW to the Council of the RAIA.<sup>95</sup> The issue was revisited during the depression and building associations overseas were contacted about any such legislation.<sup>96</sup> Attempts to achieve legislation were again unsuccessful and it was not until 1941 that the MBA/NSW made another attempt. Retention clauses in building contracts created difficulties for builders, and the MBA/NSW endorsed the practice of the Rural Bank of NSW and co-operative building societies in giving monies direct to builders rather than to the proprietor. The trust fund proposal made in 1926 was resurrected without success.<sup>97</sup>

The MBA/NSW and the NSW/RAIA in 1931 decided to establish a Board of Reference to determine differences between them over building contracts. The Board would also have power to finally determine any dispute arising between their respective members regarding conditions of contract, tendering or quantities.<sup>98</sup> The Board of Reference proposal was later found to be flawed in that its power was limited to determining provisional sums for goods and work.<sup>99</sup> Later, the RAIA regarded the scheme as unacceptable, fearing it could lead to different interpretations of contract conditions between the States and the NSW/RAIA withdrew from the project.<sup>100</sup>

In 1931, the Lang government imposed conditions on contractors tendering to government departments. These were reminiscent of the requirement by the Minister for Public Works in 1900 that building contractors pay rates prescribed by the unions. The MBA/NSW challenged the Lang Government by resolving to delete from any tender forms the following clause:

This tender is invited and must be submitted on the distinct understanding that the tenderer in his business does not employ other than union labour; that he does not work his employees more than 44 hours per week, and that where he engages his employees under a Commonwealth award or awards which

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<sup>95</sup> Institute of Architects of NSW, *Minutes of General Meeting*, 6.7.1926.

<sup>96</sup> MBA/NSW, *Report of Special Committee appointed to investigate a Liens Act*, 18.1.1933.

<sup>97</sup> MBA/NSW, *Report of Special (Protection of Builders) Committee*, 28.4.1941.

<sup>98</sup> MBA/NSW, *Report of Meeting - NSW/RAIA and Association*, 1 July 1931.

<sup>99</sup> MBFA, *Minutes of Twenty-sixth Convention*, 22.10.1932, pp. 62-4.

<sup>100</sup> MBFA, *Minutes of Twenty-eighth Convention*, 13.11.1934, p. 40.

provide for a 48 hour week, he pays such employees wages based on the longer hours although the employees work only 44 hours per week.<sup>101</sup>

Those events were overtaken by other events related to the depression and by the dismissal of the Lang Government in May 1932. However, despite the election of the conservative Stevens government, employers generally continued to complain at the interference by government in the affairs of private enterprise. A conference of employers associations on 12 October 1932 established a sub-committee comprising the NSW Institute of Architects, the Sydney and Suburban Timber Merchants' Association, the MBA/NSW, and the Sane Democracy League. The sub-committee recommended calling on all sections of commerce, industry and finance to cooperate in protesting against the Government's interference with private enterprise and to assist in gathering evidence of 'the adverse effect created by the entering of government into competition with commercial and industrial enterprises.'<sup>102</sup> Premier Stevens responded positively to employers' concerns. For example, he appointed a Public Accountant to inquire into the competitive practices of state enterprises. Following these initiatives the MBA/NSW and other employer associations took no further action.<sup>103</sup>

Concerns also arose over bills of quantities. These bills provide a description, measurement and costing of all materials and workmanship required in the construction of a building. Their accurate measurements and costings included all peripheral costs related to delivery to, unloading and storing at, and handling within the project of such materials.<sup>104</sup> The guaranteeing of quantities was a serious issue. For example, the Queensland Department of Railways supplied *unguaranteed* quantities to a successful tenderer who actually needed 33 per cent more ironwork than specified in the quantities.<sup>105</sup>

The failure of architects to provide bills of quantities aggravated their relationship with builders. The provision of guaranteed bills of quantities by architects calling tenders was an objective of the MBA/NSW since the nineteenth century.<sup>106</sup> It was not until early 1908 that the NSW/RAIA and the MBA/NSW arrived at an agreement over the supply of quantities, and publicised its value through a jointly published booklet. In 1909, the NSW

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<sup>101</sup> MBA/NSW, *Minutes of General Committee Meeting*, 8.9.1931.

<sup>102</sup> MBA/NSW, *Report of Employers Conference - protection of private enterprise*, 24.10.1932.

<sup>103</sup> MBFA, *Minutes of Twenty-seventh Convention*, 30.10.1933, pp. 48-50.

<sup>104</sup> Australian Institute of Quantity Surveyors (AIQS) and MBFA, *Australian Standard Method of Measurement of Building Works: Authorised Agreement*, 3<sup>rd</sup> ed., Crows Nest, NSW, 1971, p. 3.

<sup>105</sup> FBCA, *Minutes of Fifth Annual Conference*, 13.4.1898, p. 289.

<sup>106</sup> FBCA, *Minutes of Third Annual Conference*, 5.10.1892, pp. 158-9.

Minister for Public Works agreed to an MBA/NSW request to trial the system on three or four government tenders, and the Sydney City Council adopted the system.<sup>107</sup> Whilst a joint committee established (by the MBA/NSW, the NSW/RAIA and the Australian Institute of Quantity Surveyors) after the First World War, had agreed that the minimum value of a job for which quantities would be provided was £2000, by 1926 the MBA/NSW was complaining at the number of breaches to that agreement. On behalf of the NSW/RAIA, Sir Charles Rosenthal stressed the difficulty in estimating the exact value of any job. Alex Speers, the MBA/NSW President, and Rosenthal disagreed over the relationship between prices at the time the minimum had been set in 1920 and current prices. Alex Speers claimed prices had fallen whilst Sir Charles had claimed that prices had increased and that the Institute wanted the minimum raised to £3000. This would be more comparable with the Victorian minimum of £5000. The MBA/NSW agreed to an NSW/RAIA proposal to discuss the quantity system generally and to consider a simplified form of quantities.<sup>108</sup> No agreement could be reached; however, the parties agreed that builders would not tender for work where no quantities were supplied.<sup>109</sup>

The MBA/NSW vigorously enforced the 'no quantities–no tender' rule. It summoned two members before a meeting in 1928 for tendering for the Grace Bros Broadway project in Sydney without the provision of quantities.<sup>110</sup> They were each fined an amount of £12.0.0. One member refused to pay and resigned. This was fortunate as the Executive was unsure of its expulsion powers anyway and was seeking legal advice.<sup>111</sup> This action concerning the Grace Bros project was inconsistent as two members of the MBA/NSW and four members of the North Shore Line Branch were cited for the same offence - tendering for work over £2000 in value without quantities - without attracting any punishment. Those six members had responded that their previous refusal to tender under such conditions had merely allowed non-members to win the work. Their proposal that the MBA/NSW should appoint its own quantity surveyors was investigated but came to no positive conclusion.<sup>112</sup>

From 1926 the MBA/NSW began to lobby for the professionalisation of quantity surveying.<sup>113</sup> However, it was not until mid 1931, that a diploma course in quantity

<sup>107</sup> FMBA, *Minutes of Tenth Convention*, 18.10.1909, pp. 20-1.

<sup>108</sup> MBA/NSW, *Report of Conference with Institute of Architects*, 30.3.1926.

<sup>109</sup> MBA/NSW, *Report of Conference with NSW/RAIA and AIQS*, 21.4.1926.

<sup>110</sup> MBA/NSW, *Minutes of Special Meeting of the General Committee*, 8.5.1928.

<sup>111</sup> MBA/NSW, *Minutes of General Monthly meeting*, 20.11.1928.

<sup>112</sup> *Ibid*, 26.6.1928.

<sup>113</sup> MBA/NSW, *Minutes of Joint Quantities Committee*, 12.7.1926.

surveying was established at the Sydney Technical College. Further, any applicant for admission to the *Australian Institute of Quantity Surveyors* (AIQS, previously known as the Institute of Quantity Surveyors) was required to undergo an examination and to have served a term of practical experience.<sup>114</sup>

The MBA/NSW and AIQS sought a conference in 1934 with the NSW/RAIA over MBA/NSW concerns that a number of contracts in excess of £3000 that had gone out to tender without quantities. A publicity campaign extolling the advantages of the quantity system was also agreed.<sup>115</sup> Some time later it was agreed to recommend that the provision of quantities would form part of all contracts in excess of £2500,<sup>116</sup> and at a still later date, the MBA/NSW requested members of the AIQS to guarantee quantities provided for tenders in excess of £2000.<sup>117</sup> Despite its previous support for the issue of quantities being addressed locally, the NSW/RAIA indicated that it would have to submit any future agreements to the RAIA for final approval.<sup>118</sup> The MBA/NSW was still pursuing an agreement with the AIQS over guaranteeing bills of quantities at the outbreak of war in 1939. A revised document related to the measurement of quantities was provided to AIQS for its consideration, and plaintive hopes were expressed ‘that ultimately a Quantity System will be adopted which will prove acceptable to architects, quantity surveyors and builders.’<sup>119</sup>

World War II created new problems for the MBA/NSW. The *National Security (Building Control) Regulations* introduced restrictions on the building of hotels, offices and ‘places of amusement’ and was designed to divert investment from building into Commonwealth loans.<sup>120</sup> There were pressures for the construction of air raid shelters. The Chief City Warden in Sydney began pushing for the erection of air raid shelters as early as February 1941. Section 6 of the *National Emergency Act*, 1941 required the owners of buildings in which more than thirty persons were accommodated to prepare plans and specifications for air raid shelters. However, a code for air raid shelter construction was not released until December 1941.<sup>121</sup>

<sup>114</sup> MBA/NSW, *Report of Conferences with NSW/RAIA and AIQS*, 12.8.1931, 9.9.1931.

<sup>115</sup> MBA/NSW, *Report of Conference with Institute of Quantity Surveyors*, 30.4.1934.

<sup>116</sup> MBA/NSW, *Report of Conferences with NSW/RAIA and AIQS*, 20.6.1934, 4.7.1934.

<sup>117</sup> MBA/NSW, *Minutes of Special Meetings on Quantities*, 7.8.1934, 4.9.1934.

<sup>118</sup> MBA/NSW, *Report of Proceedings of Conferences with Institute of Architects*, 25.3.1935.

<sup>119</sup> MBFA, ‘Report of Master Builders Association of NSW’, *Minutes of Thirty-third Convention*, 25.9.1939, p. 28.

<sup>120</sup> ‘Editorial’, *Construction*, 18.6.1941, p. 1.

<sup>121</sup> *Ibid*, 19.2.1941, p. 1.

Government-imposed limitations on building approvals and its restrictions on building materials and manpower created enormous difficulties for the building industry. These difficulties inhibited the ability of building employers to retain their workforce as they were unable to maintain a reasonable flow of available work. This influenced the NSW Branch of the Timber Development Association of Australia to convene a meeting of all sections of the industry ‘for the purpose of considering what steps could be taken to ensure a reasonable continuity of building operations for the duration of the war.’<sup>122</sup> That meeting followed a Victorian initiative and established the Building Industry Congress of NSW (BIC). The BIC appointed a committee to monitor the operations of the *National Security (Building Control) Regulations*. Both the NSW and Victorian Congresses recommended to the Prime Minister that no further restrictions should be imposed without the advice of a Building Control Board. This Board was to have ‘adequate’ representation for the building industry.<sup>123</sup>

Despite the role played by the BIC on behalf of the building industry generally in NSW, the MBA/NSW continued to represent the interests of builders. It maintained regular contact with such government bodies as the Allied Works Council (AWC), which provided work for MBA/NSW members. The relationships between the MBA/NSW and those war-time departments were often complicated and difficult, and occasionally led to friction within the MBA/NSW membership. One such occasion arose following correspondence between the MBA/NSW and E. R. Bradshaw, the Deputy Director of the AWC on 27 July 1943. MBA/NSW members involved in the construction of prefabricated buildings known as ‘C huts’ were running out of work and the Association sought further urgent orders on their behalf so as to provide continuity of employment and ensure that the builders did not lose any of their workers. Whilst Bradshaw had responded positively to the MBA/NSW approaches, MBA/NSW member, Howie Moffatt and Co., advised individual building contractors that it was the coordinating contractor for AWC projects. The AWC later contradicted that claim by advising that the actual

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<sup>122</sup> The Building Industry Congress ultimately comprised virtually the entire building industry in NSW including: MBA/NSW, NSW/RAIA, NSW Institute of Engineers, Council of Brick Manufacturers, Council of Roofing Tile Manufacturers, Cement and Concrete Advisory Association, Asbestos Cement Manufacturers, Associated Hardware Manufacturers, Clay Products Association of Australia, Associated Plaster Millers, Sydney & Suburban Timber Merchants Association, Associated Country Sawmillers of NSW, Paint Manufactures, Steel Fabricators’ Committee of NSW, Quarry Masters, Plate Glass Merchants Association of NSW, Sanitaryware Manufacturers of NSW and Builders Exchange of NSW. *Construction*, 21.8.1940, p. 2.

<sup>123</sup> Building Industry Congress of New South Wales, ‘First Annual Report (1940-1941),’ *Construction*, 17.9.1941, p. 3.



coordinator appointed was Sir Archibald Howie, the chair of Howie Moffatt and a former MBA/NSW President. The perceived preferred position of Howie Moffatt and its joint venture with the builders Stuart Bros in the construction of prefabricated huts became the source of serious dissent. However, the patient skill of the incumbent President, Norman Rigg Smith, and the moderating influence of the highly regarded Frederick Smith, a senior member of Howie Moffatt, acted to defuse the situation.<sup>124</sup>

Many within the NSW building industry were also critical of the Civil Construction Corps (CCC), which was a federal government scheme that drafted large numbers of building tradesmen. They claimed the CCC was intrusive, inefficient and dishonest.<sup>125</sup> Further, as a sop to the unions, the war-time Labor government had provided for compulsory unionism within the CCC.<sup>126</sup> The Master Plumbers Association published anecdotal evidence of poor CCC management highlighting the inefficient use of CCC labour resources on AWC projects, and the wastage of money.

The Master Plumbers Association claimed that the inefficiencies of CCC had permeated all areas of the building industry and was also responsible for the poor productivity within the private sector of the building industry. The AWC was able to register anyone working for an employer carrying out defence contracts as a member of the CCC.<sup>127</sup>

### **Industrial Relations in the Building Industry**

The MBA/NSW continued to lobby state governments to ensure favourable industrial legislation for its members. The Bavin Government's *Industrial Arbitration (8 hours) Amendment Act*, 1930, repealed the Lang Labor government's 44-hour week legislation and sought to restore the 48-hour week. The Act provided that awards or agreements in place at December 1925 were to be benchmarks for new hours to be worked. This resulted in building tradesmen worked varying hours. Stonemasons remained on 40 hours per week, while carpenters and joiners, bricklayers and painters remained on 44 hours. Plumbers, slaters, builders' labourers and plasterers remained on 46 hours, while road construction labourers, crane and hoist drivers, and builders' carters

<sup>124</sup> MBA/NSW, *Minutes of Special General Meetings*, 17.8.1943, 28.9.1943.

<sup>125</sup> *The Master Plumber*, vol. xxi, no. 4, 3.3.1944, p. 2.

<sup>126</sup> Interview with Ronald Eric Monaghan, BWIU Organiser, 1949-1982, 13.10.2004.

<sup>127</sup> *The Master Plumber*, vol. xix, no. 12, 5.11.1942, p. 2.

worked 48 hour weeks.<sup>128</sup> Whilst the MBA/NSW and the Employers' Federation of NSW recognised the difficulties caused by the Bavin legislation, they decided no good purpose would be served by appealing to the Bavin Government to rectify the problem as an election had been called.<sup>129</sup> It was a prophetic move as the Lang Labor Party won government in November 1930 and re-established the 44 hours week with its *Industrial Arbitration (Eight Hours) Further Amendment Act, 1930*. This legislation also removed the need for the Industrial Commission to consider the economic effects of its award decisions.

In February 1931, the Lang Government tabled in Parliament the *Industrial Conciliation and Arbitration Bill 1931*, by which the Industrial Commission would be restructured in a manner sought by the trade unions. The Bill brought a storm of protest as it sought to vest unlimited power in a single Industrial Commissioner from whose decisions no appeal would be available. The Bill sought to transfer to unions the role of issuing workers' permits for aged and infirmed workers and to require employers to obtain their labour through union offices. It also permitted absolute preference for financial unionists 'and allowed union officials to force employers to dismiss unfinancial or non-striking union members.'<sup>130</sup> In April 1931 the Full Bench of the Industrial Commission of NSW decided that as the Bill was before NSW Parliament, it would not proceed with an inquiry into the living wage for adult male and female workers. It was concerned that the results of any decision may be altered by the pending legislation.<sup>131</sup>

On 30 September 1931, Justice Street was transferred from the Industrial Commission of NSW to the Supreme Court making the Commission inoperative due to the legislative requirement for three Commissioners. This was regarded by many as a deliberate government strategy to prevent the Commission from reducing the basic wage due to the effects of the depression. As Table 6:5 below indicates a gap, grew between the federal and NSW basic wages in favour of the NSW jurisdiction.

**TABLE 6:5**

	<b>WEEKLY FEDERAL BASIC WAGE</b> <b>£ s d</b>	<b>WEEKLY STATE BASIC WAGE</b> <b>£ s d</b>
September, 1929	4 15 0	4 5 0

<sup>128</sup> MBFA, *Minutes of twenty-fourth Convention*, 27.10.1930, pp. 40-2.

<sup>129</sup> MBA/NSW, *Minutes of Monthly General Meeting*, 23.9.1930.

<sup>130</sup> Greg Patmore, 'Industrial Conciliation and Arbitration Before 1998', in Greg Patmore (ed.), *Laying the Foundations of Industrial Justice*, The Federation Press, Sydney, 2003, pp. 16, 24-25.

<sup>131</sup> MBFA, 'Report of President of Master Builders Association of NSW', *Minutes of Twenty-fifth Convention*, 15.10.1931, pp. 30-1.

December, 1929	4 15 6	4 2 6
March, 1930	4 12 0	4 2 6
June, 1930	4 11 0	4 2 6
September, 1930	4 8 0	4 2 6
December, 1930	4 5 0	4 2 6
February, 1931	3 16 6	4 2 6

Source: MBFA, 'Report of President of Master Builders Association of NSW', *Minutes of Twenty-fifth Convention*, 15.10.1931, p. 31.

The MBA/NSW and other employer associations petitioned the President of the Legislative Council to reject the Bill. Their joint Counsel, J. A. Ferguson, addressed the Council and urged the rejection of the Bill.<sup>132</sup> A Select Committee heard evidence from industrial, commercial and financial experts who testified to the adverse effects on trade and industry should the Bill be enacted. Grant, the MBA/NSW President, appeared before the Committee and tendered evidence on behalf of the Association. The Select Committee's final report, presented on 3 September 1931, described the Bill as 'a most one-sided piece of legislation saturated with Soviet principle and reeking with flagrant injustices.'<sup>133</sup> The plans of the Lang Government to restructure the Commission never materialised before its dismissal on 13 May 1932.

The new conservative Stevens government had campaigned on reducing labor costs. It amended the *Industrial Arbitration Act* so as to confirm the power and right of the Industrial Commission to declare hours of work and to adjust the living wage at half-yearly intervals according to changes in the cost of living. Justice Albert Bathurst Piddington, the President of the Industrial Commission of NSW, resigned over Lang's dismissal, and Joseph Alexander Browne, a barrister and member of the Legislative Council, replaced him. Alan Mayo Webb, the Industrial Registrar, replaced Justice Street, the Commissioner appointed to the Supreme Court by the Lang Government.<sup>134</sup>

A public inquiry was conducted into the standard of living and the living wage. The MBA/NSW in conjunction with other employer associations provided written submissions on its view of the adequacy or otherwise of the standard of living for the purpose of fixing the living wage.<sup>135</sup> On 26 August 1932, the full bench reduced the

<sup>132</sup> *New South Wales Parliamentary Debates*, vol. 125, 18.3.1931, pp. 1929-37.

<sup>133</sup> MBFA, 'Report of the Master Builders Association of New South Wales', *Minutes of Twenty-fifth Convention*, 15.10.1931, pp. 34-5.

<sup>134</sup> Patmore, 'Industrial Conciliation and Arbitration', pp. 16, 24-6.

<sup>135</sup> MBFA, 'Report of the President of the Master Builders Association of NSW', *Minutes of Twenty-sixth Convention*, 22.10.1932, pp. 49-50.

living wage by 16 per cent and set the living wage for a female at 84 per cent of that figure.<sup>136</sup>

The overlapping state and federal awards continued to be a source of concern. Whilst the High Court decision in the 1926 *Cowburn* case had resulted in the supremacy of a federal award over state legislation and awards, the problems of overlapping jurisdiction between the federal and state tribunals continued to create differing standards. As Patmore observed, by 1929 the Commonwealth Court influenced 61 per cent of all wage changes, and there were problems caused in such enterprises as the NSW Government Railways resulting from varying basic wages, margins and different standard hours.<sup>137</sup>

The (NSW) *Industrial Arbitration (Amendment) Act* 1937 required the Industrial Commission of NSW to adopt the basic wage and the formula for female rates of pay established by the Commonwealth Arbitration Court thereby partially addressing that problem. The NSW *Industrial Arbitration Act*, 1912 after many amendments was replaced by a consolidated act, the *Industrial Arbitration Act*, 1940.<sup>138</sup>

In 1932 the NSW Government radically overhauled the administration of apprenticeships. The *Industrial Arbitration (Amendment) Act*, 1932 placed apprentices in NSW under an Apprenticeship Council chaired by a Commissioner.<sup>139</sup> It appointed James McIntyre, a former MBA/NSW President, as Apprenticeship Commissioner in 1933.<sup>140</sup> He and the Apprenticeship Council introduced trainee apprenticeships, following an application to allow learners to be engaged in the metal industry without having to enter articles of indenture. The Council extended the trainee apprenticeship system to the building trades.<sup>141</sup> As Table 6:6 below indicates, the building industry reacted positively to trainee apprenticeships for the twelve months ending 31 March 1936.

**TABLE 6:6**

1935/1936	Bricklaying		Carpentry		Painting		Plastering		Plumbing		Total	
	I	T	I	T	I	T	I	T	I	T	I	T

<sup>136</sup> NSW *Industrial Gazette*, vol. 32, no. 2, 1932, pp. 264-5.

<sup>137</sup> Patmore, 'Industrial Conciliation and Arbitration', pp. 26-7.

<sup>138</sup> *Ibid*, p. 29.

<sup>139</sup> NSW Industrial Commission, *The Apprenticeship System in NSW, A Report By the Commission to the Minister for Labour and Industry - July, 1968*, NSW Government Printer, Sydney, 1969, p. 110.

<sup>140</sup> MBFA, 'Report of Master Builders Association of NSW,' *Minutes of Twenty-seventh Convention*, 30.10.1933, p. 48.

<sup>141</sup> MBFA, 'Report of Master Builders Association of NSW,' *Minutes of Twenty-eighth Convention*, 13.11.1934, p. 35.

April - June	0	0	23	9	0	5	0	6	5	3	28	23
July - Sept	1	1	21	16	4	7	0	2	4	6	30	32
Oct - Dec	4	6	27	31	2	4	1	3	13	16	47	60
Jan - March	5	3	37	11	5	1	3	5	24	17	74	37
Total	10	10	108	67	11	17	4	16	46	42	179	152

I = Indentured T = Trainees

Source: MBFA, 'Report of Master Builders Association of NSW',  
*Minutes of Thirtieth Convention*, 2.11.1936, p. 39.

In the following year, however, the number of building trades trainees employed over the same months period had outstripped those who were indentured by a ratio of 333:182.<sup>142</sup> The *Industrial Arbitration (Amendment) Act*, 1936 vested power to approve apprenticeship contracts solely in the Apprenticeship Council and required the filing with the Industrial Registrar of all indentures and other contracts of apprenticeship,<sup>143</sup> and the *Apprentices (War Service) Act*, 1939 protected the position of apprentices absent owing to 'war service.'

During the depression, the desperate position of many tradesmen in the building industry led to their inevitable exploitation by unscrupulous employers through various schemes designed to disguise the fact that they were forced to work for wages and conditions less than those prescribed by industrial awards. Under such circumstances unprincipled employers would force employees to sign blank time sheets and sign a wages book for appropriate wages but receive less than such amounts. Some employers forced workers to return a portion of their wages should they wish to be offered work on the succeeding day and sign false affidavits stating that they had been paid full award rates. In order to obtain work, employees entered into bogus sub-contract arrangements for low returns.<sup>144</sup>

The MBA/NSW Executive Committee in 1933 co-operated with unions to challenge practices which were undermining industry and award standards.<sup>145</sup> This initiative by the MBA/NSW was not based on altruism alone, as those underpaying their workers gained a distinct advantage in a competitive tendering market. The practice could result in legitimate and honest builders being forced out of business. A joint

<sup>142</sup> MBFA, 'Report of Master Builders Association of NSW', *Minutes of Thirty-first Convention*, 8.11.1937, p. 41.

<sup>143</sup> NSW Industrial Commission, *The Apprenticeship System*, pp. 110-111.

<sup>144</sup> MBFA, 'Report of the Master Builders Association of NSW', *Minutes of Thirty-eighth Convention*, 13.11.1934, pp. 33-4.

<sup>145</sup> MBA/NSW, *Minutes of Annual General Meeting*, 22.8.1933.

deputation to the Premier extracted a promise that his Government 'would do all in its power to enforce compliance with award requirements.'<sup>146</sup> While industrial tribunals fined many delinquent employers and forced them to make good the underpayments, William Grant, the MBA/NSW President, warned that it would 'take some time before the practice [was] stamped out entirely.'<sup>147</sup> The Courts, however, did not entirely lay the blame on the payment of low wages solely at the feet of employers - as the following report of the decision of the Chief Industrial Magistrate indicates:

Robert William Phillips, contractor, of Willoughby proceeded against James Smith and Thomas Baxter Graham for alleged breaches of the painters' award by working for him as painters for less than the prescribed minimum rate. Complainant submitted that the defendants approached him and offered to work for £3 a week. He said that he would pay them £3/10/- a week, or 1/7<sup>1</sup>/<sub>2</sub> an hour.

The defendants stated they had agreed to work for £3/10/- on Complainant undertaking that he would make up the balance on completion of the work. It was stated that Phillips was recently proceeded against for breaches of the award in failing to pay Smith and Graham the prescribed minimum rate, and was fined £5 in each case. Smith and Graham were each fined £5 and costs.<sup>148</sup>

During the Depression the MBA/NSW also focused on simplifying and standardising its various industrial awards. The MBA/NSW Awards Committee, in seeking to achieve uniformity in the rates of pay and conditions of employment, held discussions with unions representing Painters, Bricklayers, Plasterers, Carpenters and Plumbers during 1933. It also met with other employer associations throughout 1933 to obtain agreement on the appropriate standard for wages and conditions in the NSW building industry.<sup>149</sup> Eventually new awards for carpenters and joiners, bricklayers, and plasterers 'simplified and made uniform' the conditions of employment. Complicated clauses covering transport fares were replaced by a flat weekly rate of two shillings and sixpence (2/6) save for those who regularly commenced work at a builder's yard or joinery factory. The MBA/NSW also moved to ensure uniformity between the federal and NSW industrial arbitration jurisdictions. It successfully applied in 1934 to vary rates

<sup>146</sup> MBFA, 'Report of the Master Builders Association of NSW', *Minutes of Thirty-eighth Convention*, 13.11.1934, p. 34.

<sup>147</sup> *Ibid*, p. 35.

<sup>148</sup> *SMH*, 9.5.1935, p. 7.

<sup>149</sup> MBFA, *Minutes of Twenty-seventh Convention*, 30.10.1933, pp. 41-2.

payable under the Builders Labourers' (State) Award so as to reflect those prescribed by the federal award.<sup>150</sup>

The demand in 1936 by the Australian Builders' Labourers' Federation (ABLF) for an increase in wages of one and a half pence (1½ d) per hour was referred by the MBA/NSW to the MBFA as it regarded the claim to be a federal matter. A meeting with the ABLF resulted in a demand that the MBA/NSW pay the 1½ d per hour as the union had already secured such an agreement with the Master Builders' Association of Victoria (MBAV). The union had other demands including a preference of employment provision for its members. The MBA/NSW rejected the wage demands but agreed to the preference clause in the terms prescribed by the federal *Conciliation and Arbitration Act*. The ABLF had then filed an application for an increase of 2/6 per hour. The Full Court of Commonwealth Court of Conciliation and Arbitration rejected the application but inserted the rate agreed by MBAV into the award for Victoria,<sup>151</sup> and introduced two classes of labourer (a skilled labourer and an ordinary labourer).<sup>152</sup>

As a result of the ABLF manoeuvres, the MBA/NSW made a move towards federal registration. It regarded the MBAV's presumptive and unilateral agreement over the ABLF wages claim as a serious flaw in the arrangements related to the federal ABLF award. A leading member of the MBA/NSW, James Dean, noted the third party role the Association was forced to play in federal award demands made upon MBA/NSW members. He referred to the inability of the MBA/NSW to initiate changes to the federal award for builders' labourers. His calls for action led to the Association obtaining federal registration on 1 September 1937.<sup>153</sup>

The declaration the Second World War did not interrupt the work on the industrial tribunals as was the case with the First World War. As Patmore has pointed out, the outbreak of the Second World War did not lead to a suspension of award hearings and the NSW Industrial Commission dealt with the issue of 'war loadings'.<sup>154</sup>

In December 1940, however, the *National Security (Industrial Peace) Regulations* were proclaimed which removed the limitations on the jurisdiction of Commonwealth

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<sup>150</sup> MBFA, 'Report of the Master Builders Association of NSW', *Minutes of Twenty-eighth Convention*, 13.11.1934, pp. 31-2.

<sup>151</sup> MBFA, 'Report of the Master Builders Association of NSW', MBFA, *Minutes of Thirtieth Convention*, 2.11.1936, pp. 20-1.

<sup>152</sup> *Commonwealth Arbitration Reports*, Volume 37 (1937), p. 10.

<sup>153</sup> MBA/NSW, *Minutes of General Committee meeting*, 13.4.1937.

<sup>154</sup> Patmore, 'Industrial Conciliation and Arbitration', p. 28.

Industrial Tribunals,<sup>155</sup> and provided the Commonwealth Court with power to determine any award it makes in settlement of a dispute as common rule for the industry in connection with which the dispute arises.<sup>156</sup> In May 1941, building unions served copies of logs of claims for a federal award covering building tradesmen, apprentices, and builders' labourers,<sup>157</sup> and on 31 July 1941 the federal Building (Defence Work) Award was made a common rule in New South Wales by the Commonwealth Court.<sup>158</sup> The Director-General of Allied Works in 1942 made a 'determination' setting conditions of employment for all CCC members 'in relation to their service on the said Corps in the State of New South Wales.'<sup>159</sup>

## Conclusion

The MBA/NSW experienced structural changes during the Great Depression. Despite those changes, the MBA/NSW maintained its internal equilibrium. Major builders such as W. A. Grant, F. T. Eastment, James Wall, Frederick Wilson and David Girvan, who were highly respected in the industry, led the MBA/NSW throughout the depression and the lead up to the Second World War.

During the depression, there was exploitation by unscrupulous employers through various schemes designed to disguise the fact that they were forced to work for wages and conditions less than those prescribed by industrial awards. Some employers forced workers to return a portion of their wages should they wish to be offered work on the succeeding day whilst other employees entered into bogus sub-contract arrangements for low returns. The MBA/NSW Executive Committee in 1933 co-operated with unions to challenge practices which were undermining industry and award standards and could result in legitimate and honest builders being forced out of business. A joint deputation to the Premier extracted a promise that his Government 'would do all in its power to enforce compliance with award requirements.'

Builders' licensing continued to be an important MB/NSW objective. Prior to the state elections on 8 October 1927, it had printed a proposed Bill for such licensing and distributed copies to every candidate for parliament. The conservative government of

<sup>155</sup> *NSW Industrial Gazette*, vol. lx, no. 1, 31.1.1941, p. 17.

<sup>156</sup> *National Security (Industrial Peace) Regulations*, Regulation 6 (1).

<sup>157</sup> *The Master Plumber*, vol. xviii, no. 7, 6.6.1941, p. 10.

<sup>158</sup> MBA/NSW, *Minutes of Meeting of General Committee*, 12.8.1941.

<sup>159</sup> *The Master Plumber*, vol. xix, no.12, 5.11.1942, pp. 2-4.



Thomas Bavin was distracted from dealing with that issue by matters of the concern left by the previous (Lang) administration. Despite the efforts of William Foster MLA, a former MBA/NSW president, the issue was overtaken by the fall of the Bavin government in November 1930, and the new Premier, Jack Lang, was too busy to receive an MBA/NSW deputation over the subject. The MBA/NSW again focused on the issue in 1934 as the depression started to ease. The MBA/NSW revised its proposed Bill to satisfy RAIA concerns that their members may be adversely affected, and presented it to the State Premier. Despite detailed briefing by the MBA/NSW Executive and the Council of Branches no positive result was achieved.

Despite membership and financial difficulties, the MBA/NSW continued to preserve the commercial and industrial character of its traditional membership, and the qualifications of those who sought membership of the parent body and of its branches were carefully monitored. The MBA/NSW continued to focus on the large commercial builder and referred applications from cottage builders to the relevant suburban branch. The autonomous branches rejected any applicant who did 'not hold the qualifications necessary to become a member'. However in 1935, as economic conditions improved, the MBA/NSW told its branches that it wanted every builder - whether a branch member or not - to join the Parent Body. It was made clear to the branches that no claim was being made on their assets. At a later meeting the MBA/NSW proposed the absorption of branches through the formation of 'One Big Organisation'. Whilst The North Shore Line and the Northern Suburbs Branches both accepted the proposal; Central Cumberland Branch and Canterbury-Bankstown Branch rejected the concept. It was also suggested that the objectives of the respective memberships of the MBA/NSW and of the suburban branches were different proposed reforming the Council of Suburban Master Builders Associations into the *Suburban Master Builders Association* and affiliate that new body with the MBA/NSW. By 1937, all but three of the MBA/NSW suburban branches - Eastern Suburbs, Central Cumberland and Canterbury Bankstown - had agreed to its one big organisation proposal. The MBA/NSW exerted pressure on those branches by a new policy under which it 'disapproves of any member being a member or identifying themselves with [those three branches].' The MBA/NSW later encouraged the formation of local committees as many suburban builders found it inconvenient to attend meetings in the city.

The MBA/NSW continued its traditional role of ensuring fair and equitable contracts for its members. The need for bills of quantities continued to be the subject of discussion and some progress was achieved until the NSW/RAIA was directed by its Federal Council to withdraw from any arrangements over the issue.

The MBA/NSW also continued to lobby the NSW Government and work within the industrial arbitration system to protect its members' interests. It continued the practice of having friendly MLAs, who were former officers of the MBA/NSW, protect their interests in parliament and arrange deputations. These links were important in the successful defeat of the Lang Government's efforts in the early 1930s to restructure the Industrial Commission of NSW. In regard to industrial arbitration the MBA/NSW achieved parity between the state and federal awards for builders' labourers.

There were new challenges in regard to industrial relations. In 1936, as a result of ABLF manoeuvres, and the MBAV's presumptive and unilateral agreement over ABLF wages claim, the MBA/NSW decided to adopt a proactive role in regard to the builders' labourers' federal award. The MBA/NSW obtained federal registration on 1 September 1937 thereby being in a position, should it wish, to initiate changes to the federal award for builders' labourers.

By late in 1940, Government-imposed limitations on building approvals and its restrictions on building materials and manpower were creating enormous difficulties for the building industry. These difficulties influenced the creation of the Building Industry Congress of NSW (BIC) which had representation from within the entire NSW building industry. Despite the role played by the BIC on behalf of the building industry generally in NSW, the MBA/NSW continued to represent the interests of builders. The MBA/NSW was able to gain virtual control of the BIC due to the involvement of some of its leading members. For example, Frederick Wilson (MBA/NSW President in 1939/1940 and a former MBFA President) was elected BIC President in its second year and served in that capacity until his sudden death in June 1953.

The relationships between the MBA/NSW and those war-time departments were often complicated and difficult, and occasionally led to friction within the MBA/NSW membership. One occasion arose following correspondence between the MBA/NSW and E. R. Bradshaw, the Deputy Director of the AWC on 27 July 1943. MBA/NSW members involved in the construction of prefabricated buildings known as 'C huts' were running out of work and the Association sought further urgent orders on their behalf so as to

provide continuity of employment and ensure that the builders did not lose any of their workers. Whilst Bradshaw had responded positively to the MBA/NSW approaches, MBA/NSW member, Howie Moffatt and Co., advised individual building contractors that it was the coordinating contractor for AWC projects. The AWC later contradicted that claim by advising that the actual coordinator appointed was Sir Archibald Howie, the chair of Howie Moffatt and a former MBA/NSW President. The perceived preferred position of Howie Moffatt and its joint venture with the builders Stuart Bros in the construction of prefabricated huts became the source of serious dissent. However, the patient skill of the incumbent President, Norman Rigg Smith, and the moderating influence of the highly regarded Frederick Smith, a senior member of Howie Moffatt, acted to defuse the situation.

The need for cheap available housing, however, soon involved the Housing Commission in large tracts of housing development, and the MBA/NSW sought to regulate the allocation of government work and to moderate tendering conditions by imposing its rules on its members. This occasionally brought the Executive into conflict with some sections of its membership. One such occasion occurred in 1942 when the MBA/NSW directed its members who had been invited to tender, not to tender for 231 Housing Commission cottages which the MBA/NSW insisted should have been put out to open tender. The members obeyed the directive at a high price as the work went to a non-member who had also been on the limited tender list.

The Bricklayers' Union and the ASC&J in NSW merged in 1942 to form the BWIU under a communist leadership. These events set the scene for the turbulent industrial environment within the building industry after the Second World War.