

# **A History of the Askin Government 1965-1975**

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## **Dedication**

This dissertation is dedicated to my family and good friends; Kate, Anthony, Benjamin Samuel, Thea and Mike. I will always be grateful for their patience, encouragement and unswerving support. And I have no doubt that they were instrumental in the completion of this PhD degree.

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Thanks to all the staff at the University of New England that I have encountered across the years. Thanks to the Librarians at UNE, Macquarie University, Mitchell Library, and the State Library of New South Wales. And a special thanks to the archivists at State Archives of NSW. Your assistance and patience was greatly appreciated.

## **Abstract**

This dissertation is a comprehensive evaluation of the Askin Government from 1965-1975. The thesis of the dissertation is that Askin's contribution as leader was crucial to the electoral success and longevity of the Liberal Country Party Coalition Government. As the study progressed it became clear that Askin's leadership was underpinned by his temperament and tactics. It is illustrated that Askin's successful leadership was based on his adherence to the proven political tactics often attributed to Machiavelli. His temperament also assisted his leadership aspirations and this is explained by using David Kersey's Temperament Sorter as a framework.

The discrepancy between the body of political history in NSW on Labor governments and Liberal governments is addressed. There are two significant novelties presented in this dissertation. This is the first substantial study of Askin's leadership and the coalition government. After Askin's death in 1981 his Premiership was shrouded in corruption allegations that took on mythical proportions and became received wisdom. The corruption myth is dispelled by demonstrating that it was founded on unsubstantiated allegations.

## **Candidate's Certification**

I certify that the substance of this thesis has not already been submitted for any degree and is not currently being submitted for any degree or qualification.

I certify that any help received in preparing this thesis and all sources used have been acknowledged in this thesis.

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## **List of Acronyms**

AFR	Australian Financial Review
AJPH	The Australian Journal of Politics and History
AIF	Australian Imperial Force
ALP	Australian Labor Party
AWU	Australian Workers' Union
CP	Country Party
KTS	Keirsey Temperament Sorter
KC	King's Counsel
LP	Liberal Party
NCC	National Civic Council
NSW	New South Wales
SMH	Sydney Morning Herald
SP	Starting Price
UAP	United Australia Party
WWI	World War I
WWII	World War II

## Introduction

This dissertation is a history of the Askin Government from 1965 to 1975. In comparison to Labor history, there has been little written about the Liberal Party (LP) and in particular the Askin government. Apart from Norman Abjorensen's thesis, "Leadership in the Liberal Party: Bolte, Askin and the Post-War ascendancy", which deals with the Askin government in the context of the LP and its ascent to power, historians have neglected to undertake a comprehensive study of this important period in New South Wales (NSW) political history. The aim of this dissertation is to fill this void and add to the body of literature available on this history of NSW politics.

In May 1965 Robin William Askin, who in 1973 became Sir Robert Askin, was elected Premier of NSW. He led the Liberal-Country Party Coalition until he chose to retire in 1975. The Liberals had languished in opposition for 24 years and it appeared that they were doomed to become a "permanent opposition" party.<sup>1</sup> This was an extraordinary period in NSW politics for the LP. Askin holds the record as the longest serving NSW Liberal Premier.<sup>2</sup> Along with Sir Robert Menzies, the former Australian Prime Minister, and the Victorian Premier, Sir Henry Bolte, Askin is one of the few politicians to exit from the leadership of a Liberal Government at the time of his own choosing. However, soon after Askin's resignation the Liberals returned to the opposition benches until 1988. Before the O'Farrell Government was elected in 2011 the Liberal Party had held office in NSW for only 18 years since the end of the Second World War.

The Askin Government was elected during a fascinating and unique era in Australian history. Donald Horne encapsulates this period of Australian history in his book *A Time of Hope 1966-72*. The idea of this dissertation is to revisit this period through the prism of the Askin Government. When Askin won

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<sup>1</sup> Norman Abjorensen, "Leadership in the Liberal Party: Bolte, Askin and the Post-War Ascendancy", PhD thesis, December 2004, p.19.

<sup>2</sup> Ian Hancock, 'Askin, Robin (later Sir Robert)', *The Premiers of New South Wales 1856-2005, Volume 2, 1901-2005*, David Clune and Ken Turner (eds.), Sydney, 2006, p.347.



government, the post-war boom was in full swing, and it had precipitated the emergence of an aspirational middle class and working class that came to expect improved living standards, education and housing. Under Askin's watch the baby boomers were coming of age and they were making their presence felt in the form of the women's movement, peace and anti-nuclear movements, pro-abortion groups, anti-Vietnam war protests and anti-apartheid protests against the South African government. In this highly charged protest environment, Askin's government became out of touch with the voters and this almost cost it the 1971 election. However by 1973, the boom was over and the phenomenon of stagflation had begun to affect the economy. The social attitudes of Australians had shifted but their main concerns were job security, their homes and their family.<sup>3</sup> Askin regained his grip on the electorate, called an early election in 1973, and was returned with a comfortable majority. The historiography of the Askin Government has so far consisted of an overview. It has been examined in the context of the division of the NSW Liberal Party and the mechanics of the Legislative Assembly. Askin's leadership has been analysed in the setting of the post-war dominance of the LP.

In Chapter 19 of *The Premiers of New South Wales 1856-2005, Volume 2, 1901-2005*, Ian Hancock provides an account of Askin from his birth on 14 April 1907 through to his death on 9 September 1981. He deals with his youth, his trajectory to the leadership of the Coalition and his premiership. Hancock's work provides an informative overview, but it does not place Askin in the context of the significant changes that took place around him prior to his election to parliament. While this dissertation is not a historical biography, it does contextualise Askin's formative years in the various periods of Australian history in order to understand his character and temperament. It seeks to address a gap in the literature by examining Askin's management and political leadership.

In Chapter 4 of Ian Hancock's *The Liberals:*

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<sup>3</sup> Donald Horne, *Time of hope : Australia, 1966-72*, Sydney 1980, p.174.

*A History of the NSW Division of the Liberal Party of Australia 1945-2000*, which deals with the period of the Askin Government, Hancock credits John Carrick, the General Secretary of the NSW division of the LP from 1948-71, as the orchestrator and inspiration behind the success of the LP in NSW. Carrick claimed in 1969 that he “now had proof that NSW was really a Liberal state”.<sup>4</sup> However, after Askin’s exit from the Premiership, the Liberals languished in opposition until 1988. Hancock acknowledges that Askin was a consummate politician but he views Askin as myopic in his support of the State at the peril of the Liberal federal Government. In doing so, he fails to appreciate Askin’s political modus operandi. To provide a deeper insight into this approach, Askin’s successful leadership style is analysed in the context of his temperament and political tactics.

It is important to understand Askin’s art of politics in order to gain a balanced view of his government. David Clune and Gareth Griffith’s *Decision and Deliberation* deals with the NSW Parliament from 1856 to 2003. Chapter 6 evaluates the parliament from 1965 to 1976 and gives an overview of Askin’s manner in the Legislative Assembly. It provides an insight into the mechanics of the NSW Parliament and presents a negative viewpoint of one aspect of the Askin Government’s contribution to NSW politics. Specifically, the authors argue that the Askin Government conceived the purpose and agenda of the Assembly in terms of a narrow and partisan Executive Legislature grounded in a culture of winner takes all. Clune and Griffith claim that policy and reform rated low on Askin’s agenda. They support this claim by identifying the new social and political issues of the 1970s and highlight Askin’s inability to deal with this challenge. The authors concede that the Askin Government did make a “useful, if modest” contribution by implementing changes to the standing orders.<sup>5</sup> As historians of parliament, Clune and Griffith are especially concerned with the Askin Government’s influence on that institution. By contrast, this dissertation presents a

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<sup>4</sup> Ian Hancock, *The Liberals: A History of the NSW Division of the Liberal Party of Australia 1945-2000*, Sydney, The Federation Press, 2007, p.117.

<sup>5</sup> David Clune and Gareth Griffith, *Decision and Deliberation: The Parliament of New South Wales 1856-2003*, Sydney, 2006, p.437.

comprehensive survey of the Askin Government's policies and reforms to ascertain the legacy of the Government.

In his PhD thesis, "Leadership in the Liberal Party", which preceded his book *Leadership and the Liberal Revival - Bolte, Askin and the Post-war Ascendancy*, Norman Abjorensen examines the path to power of Henry Bolte, the Premier of Victoria, and Robert Askin, the Premier of NSW, in the context of the post-war ascendancy of the LP.<sup>6</sup> The main argument of his thesis is that both men were atypical of Liberal leaders of the day and it was their atypicality which led to their unprecedented success.<sup>7</sup> Abjorensen points out that Askin and Bolte identified with a very male-dominated view of the "common man and woman" voter. They drank in public bars, went to the football and cricket, bet on the races, spoke in a direct way without affectation and never forgot where they came from even after obtaining high office. Their "ordinariness was itself a most eloquent and powerful statement about the Australian egalitarian ideal" which emerged in the post-war years.<sup>8</sup> Abjorensen uses the idea of "dinkumness" to explain Askin and Bolte's appeal to the electorate. Dinkum is defined in the *Macquarie Dictionary* as an assertion of truth or genuineness. This is expanded to include a form of communication. It does not only matter what was said but how it was said. Abjorensen argues that the members of the LP had to become more dinkum before they would appeal to the common voter who was dinkum. It is noteworthy that Menzies achieved stellar success without embracing Abjorensen's notion of dinkumness. Abjorensen argues that the qualities that Askin gained as a non-commissioned officer were translated into his approach to political leadership. Yet, while the notion of dinkumness and the NCO theory are of interest, they are not ultimately satisfactory in providing an adequate understanding of Askin's leadership. This dissertation instead examines how Askin's temperament and political tactics combined to form a *modus operandi* that underpinned his success as a political leader.

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<sup>6</sup> Abjorensen, "Leadership in the Liberal Party", p.20.

<sup>7</sup> *ibid*, p.23.

<sup>8</sup> *ibid*, p.87.

In Hancock's *The Liberals*, there is too much credence given to the (untested) corruption allegations and Askin appears to be presented as an indelible blot on LP history. The allegations and innuendo regarding Askin's corruption began after his death on 9 September 1981 when an expose was published by a young journalist, David Hickie, who claimed that Askin was the patron of organised crime in Sydney. This was immortalised in Hickie's book *The Prince and the Premier* published in 1985. This dissertation brings together for the first time a comprehensive examination of the evidence available and interviews with the key protagonists. The objective is to arrive at a scholarly conclusion and to determine to what extent Askin deserves the shadow of these allegations to hang over his government and career.

This dissertation gives a detailed, chronological account and analysis of this period. It includes Askin's formative years, his trajectory to the leadership of the LP, and the four terms of government. While the focus is primarily on the Askin Government, I have aimed to craft a more rounded picture by examining the government in the broader context of the political, social and economic changes of the time.

The principal argument of this dissertation is that, Askin's contribution as leader was crucial to the electoral success and longevity of the Liberal-Country Party Coalition government. While it is a history of the Askin Government, Askin is positioned on centre stage. His art of politics and modus operandi, which transcended any one ideology, will be identified as fundamental to the success of the LP at that time.

In examining Askin's leadership, this dissertation does not set out to construct or test any new theories of political science and human behaviour. Instead, as political history, it relies on accepted perspectives on the tactics and temperament of successful leaders as a background for analysis. The legitimacy of these perspectives is defended below. In conjunction with these perspectives, oral history is applied as a valid source as it is seen as having the same status as written sources of evidence.

In relation to political science and human behaviour, there is a school of political psychology which is useful in the explanation of political behaviour in biographies. This is exemplified in the scholarship of Alan Davies, Graham Little, James Walter and Judith Brett. Davies was the pioneer of political psychology in Australia and his theory was founded on the four tenets: childhood, outlook, career, and style of work. Davies reached this conclusion after studying the lives of former prime ministers including Chifley and Bruce.<sup>9</sup> Judith Brett, a former student of Davies, employed “psychoanalytic theory to interpret the interplay between language and experience in Menzies’ political life.” Brett developed an interpretation between Menzies’ public persona and his personal life. This was achieved by interconnecting his Australian Liberal ideology and the deep-rooted themes of his own psychology and story.<sup>10</sup>

As the research progressed on Askin’s leadership it became clear that his leadership was rooted in his temperament and tactics without the need to delve into his psychology. As Askin’s story and that of the Government is told, it is demonstrated that his successful leadership exemplifies his acutely developed sense of political tactics. The importance of political tactics has been explored by many political scientists. For example, Joel Bateman has pioneered the analysis of Machiavelli’s principles in a contemporary Australian political context. His PhD thesis, “The Loss of Leadership: Machiavelli and the Australian Prime Ministers” examines political leadership and specifically the path to failure in leadership. Bateman’s work has broken new ground with this approach and he has written papers on this topic including “Ignoring Machiavelli’s Advice: The Case of Bob Hawke”. In his analysis, which focuses on Australian Prime Ministers, Bateman argues that the success of a leader lies in his use of Machiavelli’s political tactics and that the absence of these tactics explains why “of the twenty-nine terms of prime ministership to

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<sup>9</sup> Walter, J. and P. ‘t Hart (2009), ‘Political Psychology’, draft chapter for *The Australian Study of Politics*, R. A. W. Rhodes (ed.), accessed at <http://politicsir.cass.anu.edu.au/staff/hart/pubs> on 1 April 2013, p.10,13.

<sup>10</sup> Judith Brett, *Robert Menzies’ Forgotten People*, Melbourne, 2007, p.7.

conclude to date, only Robert Menzies retired of his own will.”<sup>11</sup> This is equally pertinent to NSW.

As can be seen in the following table, all the NSW Premiers between the depression and Askin’s premiership, with the exception of William McKell, did not exit on their own terms.

Government	Premier	Term of Service	Exit from Premiership
Labor	LANG, John Thomas	17.6.1925 - 18.10.1927	Lost to UAP/CP
UAP/CP	BAVIN, Thomas	18.10.1927 - 3.11.1930	Lost to Labor
Labor	LANG, John	4.11.1930 - 13.5.1932	Dismissed by Governor
UAP/CP	STEVENS, Bertram	16.5.1932 - 5.8.1939	Disposed of by his party
UAP/CP	MAIR, Alexander	5.8.1939 - 16.5.1941	Lost to Labor
Labor	McKELL, William	16.5.1941 - 6.2.1947	Resigned to serve as Governor-General
Labor	McGIRR, James	6.2.1947 - 2.4.1952	Disposed of by his party
Labor	CAHILL, John Joseph	3.4.1952 - 22.10.1959	Died in office
Labor	HEFFRON, Robert	28.10.1959 - 30.4.1964	Disposed of by his party
Labor	RENSHAW, John	30.4.1964 - 13.5.1965	Defeated by Askin
Coalition	ASKIN, Robert	13.5.1965 - 3.1.1975	Retired

Furthermore, excluding McKell on the basis of the extraordinary circumstances of the war-time Premiership, when Askin resigned he was the only leader to leave office at the time of his own choosing. This distinction has subsequently been achieved by Neville Wran and Bob Carr.

The four key political tactics outlined by Bateman as the ingredients for successful political leadership can be identified as fundamental to Askin’s art of politics. They are: insight and adaptability to changing political circumstances; maintaining the authority to lead; the requirement to focus on the needs of voters; and awareness of the needs of peers.<sup>12</sup>

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<sup>11</sup> Joel Bateman, “Ignoring Machiavelli’s Advice: The Case of Bob Hawke”, refereed paper presented to the Australasian Political Studies Association Conference, 2003, p.1.

<sup>12</sup> Joel Bateman, “The Loss of Leadership – Machiavelli and Australian Prime Ministers”, PhD thesis, Queensland, October 2006, p.8.

## **Insight and adaptability**

The leader must have the capacity to position him or herself to be able to take advantage of all situations. Once this position is identified the leader must be flexible. Machiavelli contends that flexibility is paramount to the leader's success.

A political leader must be flexible in two ways: first on policy matters; and secondly on style of leadership in order to accommodate the changing political environment.<sup>13</sup> It is detrimental for a leader to take an inflexible stance on policy when there is evidence that such policy has become a political liability. The leader must be able to change his leadership style, and this flexibility in style must encompass the manner in which the leader communicates with constituents. Machiavelli states that for this flexibility to be achieved it is sometimes advantageous for the political leader to be dishonest. This does not involve fraudulent acts against the state. The idea is that it is sometimes necessary to break election promises and change policy positions, which means the leader must engage in mendacity. However it is crucial that such acts are concealed from the electorate. According to Bateman, Machiavelli's idea of 'fortune' means events beyond the control of the leader, for example, an unexpected increase in government revenue due to a resources boom. Fortune is responsible for about half the political situations in which a leader may find themselves. It is therefore critical for the leader to be capable of capitalising on fortune and be able to anticipate such changes in political circumstances before they arrive.<sup>14</sup>

## **Maintaining leadership authority**

The leader must be seen by their peers and their constituents as strong. This strength in Australian politics is demonstrated in leaders' "parliamentary performance, cabinet leadership and policy decision making".<sup>15</sup> The

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<sup>13</sup> Bateman, "The Loss of Leadership", p.28.

<sup>14</sup> *ibid*, p.30.

<sup>15</sup> *ibid*, p. 33.

perception of strength is demonstrated by their ability to maintain authority within their party which is transmitted to the public through the media and political commentators. The Premier of an Australian state holds the position of the foremost leader of their party and the first citizen of the state. Therefore their strength must be demonstrated by their mastery in public arenas such as speeches, media interviews, and parliamentary debates.<sup>16</sup>

### **Focus on the needs of voters**

It is essential that a leader enjoys popularity with the public. An unpopular leader will put the incumbency of the government in jeopardy which will motivate the peers to instigate a deposition of the leadership.<sup>17</sup> According to Machiavelli this popularity must be based on the underlying emotion of respect. It is vital that this does not develop into hatred. Therefore, if the leader is hated by the electorate, he will either be disposed of by his own parliamentary party or at an election.<sup>18</sup>

### **Awareness of the needs of peers**

Machiavelli states that it is imperative that the leader must not only have the support of the public but also of their peers: "This decreases the likelihood of a conspiracy to throw over the leadership."<sup>19</sup> The threat to leadership in Australian politics exists not only from the opposition benches but also from within one's own party. It is important for the leader to be aware of "the motives, ambitions and plans of their colleagues" and to avoid a situation whereby their peers become disgruntled with their leadership.<sup>20</sup> A successful leader will encourage their ministers to achieve their ambitions and to excel in their respective portfolios. However, it is paramount that ministers are kept in check and remain subordinate to the leader and that the leader demonstrates this both in the parliament and public domain.

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<sup>16</sup> Bateman, "The Loss of Leadership", p. 46.

<sup>17</sup> *ibid*, p. 46.

<sup>18</sup> *ibid*, p. 47.

<sup>19</sup> *ibid*, p. 42.

<sup>20</sup> *ibid*, p. 43.



It will be demonstrated that Askin built a remarkable political career on the bedrock of diligent adherence to well-proven political tactics of this kind. Possibly the only crucial situation where Askin put his leadership at risk was the 1971 election at which he deviated from his well-established path and was punished at the ballot box to the extent that it almost cost him the election. However, he quickly recovered, and, in 1973, he called an early election and capitalised on the changed political environment that was manifest in high inflation and rising unemployment compounded by a global economic downturn.<sup>21</sup> The only other significant example of Askin not pursuing a cautious path was when he orchestrated a scathing and scurrilous advertising campaign against the Whitlam Government during the 1974 double dissolution federal election. This tactic caused him to become unpopular not only with his peers but also with his electorate. However, at that stage of his career Askin had already set in motion his retirement plan, and he knew he would not be leading the Government at the next election. Instead, he undertook his last “boots and all” campaign against his nemesis, the Whitlam Government. After this he rewarded his ten-year Premiership tenure with an extended overseas trip as *L'ambassadeur au le monde* for expanding NSW trade.

It is also important to understand how Askin's temperament assisted his leadership aspirations, and as such it is essential to define temperament. There is no doubt that the social context such as education, family background, economic conditions and social status are important to the development of individual temperament.<sup>22</sup> However, “temperament is a lifelong predisposition towards certain identifiable patterns of behaviour”.<sup>23</sup> Each individual temperament in interaction with these circumstances constitutes the rendering of a unique character. The study of distinct patterns of human behaviour began in 550 BC by Hippocrates. As David Keirse and

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<sup>21</sup> Ian MacFarlane, 'From Golden Age to Stagflation' *Boyer Lectures*, 2006, p.5.

<sup>22</sup> David Keirse and Ray Choiniere, *Presidential Temperament, The Unfolding of Character in the Forty Presidents of the United States*, Prometheus Nemesis Book Company, 1992, p.4

<sup>23</sup> Keirse and Choiniere, *Presidential Temperament*, p.5.

Ray Choiniere show in *Presidential Temperament: The Unfolding of Character in Forty Presidents of the United States*, there has been wide scholarship across the centuries concerned with the study of character types.

In the 20<sup>th</sup> century, scholarship on temperament was substantially enriched through the work of notable academics such as Ernst Kretschmer, Isabel Myers, Eric Fromm and David Keirsey.<sup>24</sup> Keirsey's theory of temperaments is an accepted method for the assessment of behavioural predisposition. It builds on the work of Isabel Myers and Katherine Briggs which itself is based on the theories of Carl Jung. The cornerstone of Keirsey's work is the Keirsey Temperament Sorter (KTS) which is an assessment method to help better understand individuals and their behavioural predisposition. The KTS has been used for decades throughout the globe in both industry and government as a tool for assessing character.<sup>25</sup>

It has been specifically used to understand the character, temperament and behavioural predisposition of political leaders. Thus, in the context of commonly accepted perspectives on what constitutes a compatible temperament for politics, it is informative to note that by far the most common temperament for US Presidents is that of Supervisor Guardian.<sup>26</sup> Supervisor Guardians tend to be both materialistic and "base their self-image on being seen as dependable, beneficent and respectable". In the context of the community and groups, "they trust authority, yearn for belonging, seek security, prize gratitude, and aspire to executive position".<sup>27</sup> Supervisor Guardians share a preference for concrete proposals over abstract concepts and seek cooperation and the endorsed use of tools and resources rather than being driven by purely utilitarian self-interest. Supervisor Guardians also often tend to look more to the past than the future. Due to their strong respect for authority, they place high value on rank and expect its privileges as well as its obligations. Supervisor Guardians also tend to be very sociable and seek

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<sup>24</sup> Keirsey and Choiniere, *Presidential Temperament*, p. 7.

<sup>25</sup> David Keirsey and Marilyn Bates, *Please Understand Me, Character and Temperament Types*, Prometheus Nemesis Book Company, 1984, p.26.

<sup>26</sup> Keirsey and Choiniere, *Presidential Temperament*, p. iii.

<sup>27</sup> Keirsey, *Please Understand Me II*, p.104.

out opportunities to be involved in and lead civic forums and social institutions. In terms of leadership style, they prefer to manage others who they work with by establishing clear standards and rules and then dealing with non-compliance.<sup>28</sup> It is the Supervisor Guardian's capacity to call others to account that results in their being the least likely of the various personality types to be recognised for their leadership and showered with accolades. In resolving problems, Guardians prefer logistics instead of strategy because strategy requires greater levels of abstract discussion and consideration. Consequently Guardians are even less drawn to diplomacy. While this dissertation by no means sets the Keirsey framework as a definitive guide to the ideal political temperament, it will be shown that Askin did share many of these character traits and that these aspects of his temperament contributed to his political success.

The aim of this dissertation is to address the discrepancy between the body of NSW political history written about the ALP and that of the LP. The literature on the Askin Government is threadbare so there is no established position to take up or argue against. Instead, the Askin Government's reforms and performance are examined in the context of the aspirations of the growing middle class and the coming of age of the baby boomer generation who demanded an improvement in living standards, education and housing. And Askin's leadership is examined in the context of his temperament and political tactics. In contrast, there has been an established position regarding the Askin corruption allegations. They have taken on mythical proportions, and the notion that Askin was a corrupt politician has become received wisdom.

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<sup>28</sup> Keirsey, *Please Understand Me II*, p.304.

# Chapter 1 – Askin: The Making of a Politician

## 1.1 Early Years

Robin William Askin was born on 4 April 1907 at Sydney Women's Hospital in Crown Street Sydney and was the illegitimate son of the widow Ellen Laura Halliday née Rowe.<sup>1</sup> His mother was the informant on the birth certificate with no reference to the father. Ellen produced two more sons with Askin's father, William James Askin, and later married William in September 1916. On the 26 September 1922, William Askin re-registered Robin Askin's birth, listing himself as the father and informant under the provisions of the Legitimation Act 1902.<sup>2</sup>

The Legitimation Act was introduced to enable parents to re-register the birth of an illegitimate child with the father's name on the birth certificate after the parents were married.<sup>3</sup> The sanctity of marriage was paramount in Australian society until the 1960s. The moral outrage from society at unsanctioned sexual acts resulted in the child of such a union being branded with the stigma of illegitimacy.<sup>4</sup> Under this brand the child had no right to the name of the mother or the father and therefore no status as a legitimate member of society.<sup>5</sup>

Askin refrained from commenting on the circumstances of his birth in his posterity interview in October 1976. He merely stated "my mother met my father and I was born in Sydney".<sup>6</sup> John Gorton, the former Prime Minister and a contemporary of Askin, was also conceived 'in sin'. Gorton was

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<sup>1</sup> Murray Goot, entry for 'Sir Robert Askin', Australian Dictionary of Bibliography, Vol.17, p. 35.

<sup>2</sup> Hancock, 'Askin, Robin', p. 348.

<sup>3</sup> NSW Registry of Births Deaths and Marriages, History of the Registry's Records, <http://www.bdm.nsw.gov.au/familyHistory/historyRecords.htm>, Accessed on 17 August 2008, p. 3.

<sup>4</sup> Shurlee Swain and Renee Howe, *Single Mothers and Their Children, Disposal, Punishment and Survival in Australia*, Cambridge, 1999, p.195.

<sup>5</sup> *ibid*, p.180.

<sup>6</sup> Interview (Mel Pratt): Sir Robert Askin, 1976, National Library of Australia, ORAL, TRC 121/83, 1:1/1-2.

forthcoming on the subject during the interviews with Hancock in 2000-2001. His main concern was that the divorce laws at the time prevented his parents from marrying which subsequently compelled them to hide the origin of their two children.<sup>7</sup> This possibly reflects the mores of the time and the stigma of illegitimacy. However, this stigma was reinforced in the interview with Askin's contemporary, Sir John Carrick, the former General Secretary of the LP, 1948-71. Carrick knew Askin well and commented without prompting, "of course you know that Askin was illegitimate".<sup>8</sup>

By the time Askin's parents took up together, the Askin family's financial circumstances had been reduced. Askin's grandfather had owned a small shipping company at Semaphore and captained several vessels including the *Falls of Dee*, *Marianna* and *Bittern*. Askin's father had been employed by the company but after the advent of steam power, the sailing vessels were superseded and his father was made redundant.<sup>9</sup>

After Askin was born his father gained employment as a porter on the NSW State Railway. The family relocated to Stuart Town in the central west of NSW, which was the home town to Askin's mother. Thomas Halliday, Askin's grandfather, had been a miner on the gold fields along the Macquarie River near Stuart Town. The young Askin, who was affectionately known as "Billy", experienced country life, commenced his schooling and thrived amongst his large, extended family. The railway job required his father to be away for about a month at a time. This absence took its toll on the family and so his father changed jobs and began to work on the tramways in Sydney.<sup>10</sup>

The family moved to the inner-city suburb of Glebe, where Askin attended the infants section of the Forest Lodge Public School and finished his primary school education at the Glebe Public School. Askin enjoyed telling the story about how young "Billy" was given a penny by his teacher to buy her

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<sup>7</sup> Ian Hancock, *John Gorton: He Did It His Way*, Sydney 2002, p.19.

<sup>8</sup> Interview (Paul Loughnan) with Sir John Carrick, 7 August 2008.

<sup>9</sup> Freda MacDonnell, *The Glebe: Portraits and Places*, Sydney, 1976, p.113.

<sup>10</sup> Interview (Pratt): Sir Robert Askin, 1:1/1-2.

a meat pie. When Billy returned with the meat pie in his grubby little 'paws', she promptly told him to eat the pie himself and gave him another penny to buy one that was wrapped.<sup>11</sup> Askin lived in Glebe with his parents until he was 29.

In the early decades of the 20<sup>th</sup> century, Glebe was a unique, socially diverse local community. The salubrious harbour front area of Glebe Point was occupied by professionals, small business people and self-employed tradesmen, who were the epitome of the Protestant affluence, often active in Masonic lodges, sports clubs, schools of the arts and their local councils. The zone between Glebe Point and the area north of Parramatta Road and Broadway was occupied by a mixture of salary-earning middle class and working class citizens. They included school teachers, clerical workers and railway workers respectively. The Askins lived in this area, first in Talfourd Street and then later in Cowper and Lyndhurst Streets. The Broadway area, which was the southern end of Glebe, was inhabited by labourers and dispossessed people on the fringe of society.<sup>12</sup> The Church of England owned large tracts of land in this suburb; hence the name *The Glebe*. The Church began leasing the land which was taken up by unscrupulous property developers who built sub-standard housing. During the depression of the 1930s, slum landlords acquired these run-down properties. The cheap rents encouraged chronic overcrowding and parts of Glebe were slowly reduced to a slum.<sup>13</sup>

Askin was later renowned for his ability to communicate with people across the whole spectrum of society.

I think this was one of my main attributes. I didn't have any particular educational qualifications or any other outstanding attributes in my opinion, but I was a good mixer. I understood people and understood what made the

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<sup>11</sup> MacDonnell, *The Glebe*, p.113.

<sup>12</sup> Michael Hogan, *Local Labor: A History of the Labor Party in Glebe*, Sydney, 2004, p.8.

<sup>13</sup> MacDonnell, *The Glebe*, p. 119.

bulk of them tick and what they hoped for. I think I understood that and addressed my policies accordingly.<sup>14</sup>

Growing up in a lively and diverse community such as Glebe would no doubt have assisted Askin in acquiring these skills. He capitalised on his own working-class roots when he was courting the working class such as railway workers who were traditional Labor voters. In the early 1960s, they were merging into a burgeoning class that expected improved education, housing and living standards.<sup>15</sup> Askin, the consummate raconteur, was able to tell the story of how his family was evicted from their home at Glebe after his father lost his job due to the railway strike of 1917 and he slept the night with his father in Wentworth Park.<sup>16</sup>

There is no doubt that Askin possessed a very good intellect. In 1919 after he had completed his six years of primary school he was awarded a state bursary which was based on scholastic merit. The bursary gained him admission to the Sydney Technical High School, an academically selective institution located in Ultimo. By the time Askin reached high school the NSW State Government had structured the education system to include six years of primary schooling, three years of high school (completed by the Intermediate Certificate) and an extra two years which gave the student the opportunity to obtain a Leaving Certificate. In recognition of how much the Intermediate and Leaving certificates had become an accepted educational standard in the State, the Public Service Board and the Water Board abolished their external examinations in favour of the respective school certificates.<sup>17</sup> The State Labor Government had also introduced the *Bursary Endowment Act* of 1912 which was to provide “equality of education opportunity”. The aim was to ensure a more equal distribution of public revenue in order to provide greater

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<sup>14</sup> Interview (Pratt): Sir Robert Askin, 1:1/1-2.

<sup>15</sup> Brett, *Australian Liberals*, p.120.

<sup>16</sup> Abjorensen, “Leadership in the Liberal Party”, p.216.

<sup>17</sup> Alan Barcan, *Two Centuries of Education in New South Wales*, Kensington, 1988. p.189.

opportunities to deserving students who were disadvantaged by the financial circumstances of their parents.<sup>18</sup>

Sydney Technical High School was founded in 1911 and was within an easy walking distance from Askin's home in Glebe. The boy's school offered a nurturing environment for its students. Its purpose was to provide a general and technical education for future "managers or masters, foreman or overseers and future captains of industry".<sup>19</sup> Askin said he usually came in about the first ten out of a class of forty, and did well in mathematics and history.<sup>20</sup> He achieved straight Bs in his Intermediate Certificate but he was unsuccessful in gaining entry into the Public Service.<sup>21</sup> When Askin returned to his alma mater in 1969 to unveil the plaque in honour of the famous aviator Sir Charles Kingsford Smith, who had attended the school in 1912, he was introduced by the head master as the first citizen of the state.<sup>22</sup>

After young Askin completed the Intermediate Certificate in 1922, he began an apprenticeship as an electrician. After almost electrocuting his employer, Askin's father was informed that the young man had talent but not in the electrical trade.<sup>23</sup> Bank clerks, on the other hand, could look forward to a secure career that offered gradual advancement. The bank encouraged them to participate in community affairs, debating societies, musical societies, sport and study in the course of their own betterment and upward social mobility.<sup>24</sup> Askin's father might have been relieved because he probably could not afford the 200 pounds bond for the apprenticeship. William then made a successful application for his son to join the NSW Government's Savings Bank in Martin Place in 1922.<sup>25</sup> Askin worked as a junior clerk until 1928 when the head office moved to the corner of Martin Place and Elizabeth Street. He

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<sup>18</sup> Kenneth Gollan, *The Organisation and Administration of Education in New South Wales*, Newtown, 1925, p.108.

<sup>19</sup> *Sydney Technical High School Journal*, Volume I, May 1916, p.8.

<sup>20</sup> Interview (Pratt): Sir Robert Askin, 1:1/3.

<sup>21</sup> *Sydney Technical High School Journal*, Volume VII, June 1922, No.1 , p.24.

<sup>22</sup> *Sydney Technical High School Year Book*, 1969, p.56.

<sup>23</sup> MacDonnell, *The Glebe*, p.113.

<sup>24</sup> Charlie Fox, *Working Australia*, North Sydney, 1991, p.80-81.

<sup>25</sup> Interview (Pratt): Sir Robert Askin, 1:1/4.



was then promoted to work in the records department where he stayed until 1931.

Askin, like most Australians, was affected by the great depression of the 1930s. In 1931 there was a run on the NSW Savings Bank, fuelled by the public's panic over its perceived liquidity problems. The bank had financed the State Government through short-term loans rather than through longer-term bonds. Subsequently the bank could not meet its at-call demands.<sup>26</sup> The bank was taken over by the Commonwealth Bank and two new departments were formed: the Rural Bank, which Askin joined; and the Homes Department. The local branches became branches of the Commonwealth Bank.<sup>27</sup> Due to the financial problems of the bank, Askin worked one day on and one day off. During this period he engaged in odd jobs and "did a lot of reading to improve (himself)". His main interests were autobiographies, biographies, history, economics and politics.

Askin was an avid joiner. "Anything that was started", he recalled, "I was always asked to be secretary or president and I went into all sorts of things, mixed with everybody and got mixed up with all sorts of activities, even joined a chess club".<sup>28</sup> In the 1920s he played rugby league with the Glebe *Dirty Reds* and for the Rural Bank. He joined the first division of the Glebe football league in 1928 and he was hooker for the reserve grade. In 1934 he was Vice-Captain of the Rural Bank's premiership team. Askin enjoyed the game immensely but he recalled that he was not a "top notch" player.<sup>29</sup> He joined a debating club, a rifle club, and served on the executive of the NSW Swimming Association from 1934 to 1939. He also served as Vice-President from 1939-40 and President from 1940-41 of the Rural Bank's branch of the United Bank Officers' Association.<sup>30</sup> Although resembling a trade union in its representative character, it functioned more as a social group because the bank officers considered industrial action associated with blue-collar workers

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<sup>26</sup> Frank Cain, *Jack Lang and the Great Depression*, Melbourne, 2005, p. 183.

<sup>27</sup> *ibid*, p.213.

<sup>28</sup> Interview (Pratt): Sir Robert Askin, 1:1/8.

<sup>29</sup> *ibid*, 1:1/4.

<sup>30</sup> Murray Goot, 'Askin, Sir Robert (Robin) William', *Australian Dictionary of Bibliography*, Vol.17, p.36.

beneath their dignity. The first strike conducted by the Australian Bank Officers Association did not occur until 1968.<sup>31</sup>

Askin earned himself the nickname “Greasy”, probably because of the method he used to position himself upwards. In the late 1930s he was promoted to the role of Manager of the bank’s records. It was alleged by an “unsympathetic though plausible” source that he would hide the records so that they could not be found; then he would find them and become the hero. During this period Askin also became a Starting Price (SP) bookmaker, a concern which he operated between the bank office and the hotel on the opposite side of the street.<sup>32</sup> It is notable that Askin did not quite conform to the ideal of respectability associated with bank employment.

Off-course book makers offered those placing bets fixed price odds at the start of the race and the odds were subsequently published in the press the following day; hence the term “starting price” or SP bookmaking.<sup>33</sup> They were well organised small-time operators who usually retained a close association with hotels and pool halls.<sup>34</sup> In the 1930s their main clientele was the wage-earner and the citizens who frequented these venues.<sup>35</sup> The widespread practice of illegal off-course betting was aided by the easy accessibility of the SP bookmaker and racing information provided by radio broadcasts and the press.<sup>36</sup> Off-course betting, which involved flouting the restrictive gaming and betting legislation, was part of a legendary Australian culture. This was evidenced by the large patronage of the SP bookmaker.<sup>37</sup> The Royal Commission conducted by Judge H.F. Markell between 1936 and 1939 substantiated the allegation that corruption existed between the NSW

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<sup>31</sup> Fox, *Working Australia*, p.81.

<sup>32</sup> Hancock, ‘Askin, Robin’, p.349.

<sup>33</sup> John O’Hara, *Mug’s Game: A History of Gaming and Betting in Australia*, Kensington, 1988, p.209.

<sup>34</sup> *ibid*, p. 232.

<sup>35</sup> *ibid*, p. 159

<sup>36</sup> *ibid*, p. 191.

<sup>37</sup> *ibid*, p. 212.

Police force and the SP bookmakers.<sup>38</sup> This, along with the prosecution of offenders, did little to curb the practice.<sup>39</sup>

It is a fact that Askin's wife was unswerving in her support for his political aspirations. Askin married Mollie Isabelle Underhill at the Methodist Church at Gilbert Park in Manly on 5 February 1937.<sup>40</sup> Askin was nominally Anglican but there is no evidence to suggest that he held strong religious beliefs. Mollie was from a well-to-do middle-class family from Bega on the South Coast of NSW. She worked with Askin at the bank as a typist and her father was secretary of The Associated Racing Clubs. Mollie was elegant, well-educated and a champion swimmer at the Manly Swimming Club. They made their home in Manly and remained there for the rest of their lives.<sup>41</sup>

Mollie provided Askin with the social standing that was lacking in his background and she remained his most loyal supporter.<sup>42</sup> As well as Mollie's trophy appeal, Askin probably just loved the woman. Nevertheless, Askin was alleged to have engaged in many extra-marital dalliances, which certainly does not make him unique amongst political leaders. Askin's supposedly rampant libido and his insatiable sexual appetite are portrayed by way of a plethora of anecdotes in *High Climbers*, a book by Geoffrey Reading, Askin's former press secretary.<sup>43</sup> Again the blur between fact and myth becomes prevalent in the fabric of Askin's story.

Askin enlisted in the Australian Imperial Force (AIF) on 30 March 1942. He was profiled in his enlistment papers as being 5 foot 8 ½ inches with grey eyes, a medium complexion and brown hair. Dispatched to the 14<sup>th</sup> Infantry Training Battalion in Dubbo, he was appointed acting Corporal.<sup>44</sup> Askin had been a part-time officer in the 55<sup>th</sup> Battalion Militia between 1925 and 1929

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<sup>38</sup> O'Hara, *Mug's game*, p. 232.

<sup>39</sup> *ibid*, p. 192.

<sup>40</sup> NSW Births, Deaths and Marriages, Marriage certificate 1937/ 005002.

<sup>41</sup> Interview (Pratt): Sir Robert Askin, 1:1/11.

<sup>42</sup> Hancock, 'Askin, Robin', p.349.

<sup>43</sup> Geoffrey Reading, *High Climbers: Askin and Others*, Sydney, 1989, p.17.

<sup>44</sup> AIF Service Record, B883 / 2002 / 04608381 / NX93958.

and he obtained the rank of Lieutenant. His experience was utilised in the training of new recruits “in rifle drill and shooting”. Askin was 35 years of age and he was kept at Dubbo until he “complained bitterly that (he) hadn’t left the bank to spend the war in Dubbo”.<sup>45</sup> In November 1942 he joined the 2/31<sup>st</sup> Battalion in Papua for two months, then in New Guinea, until July 1945 when he landed in Balikpapan, Borneo where he was promoted to Sergeant under the command of Lieutenant Colonel Murray Robson.<sup>46</sup>

Askin had an easy and interesting war. As he reported, “I was amongst the oldest in the battalion and generally found myself out of the line in a fairly easy job. When we were in action I was attached to what they call [*sic*] headquarters”.<sup>47</sup> His comrades referred to it as the “old and the bold”.<sup>48</sup> He was reported to have taken the first Japanese POW in Borneo on the day they landed. Askin and his “cobbers” were out searching for souvenirs when they foiled a suicide attempt by a Japanese soldier.<sup>49</sup> He used his banking experience and managed the Battalion accounts and canteen and mess funds. Now known as “Slippery Sam”, he was the SP bookmaker for the Battalion. Carrick believed that Askin was a gambler and that this was an ingredient in his art of politics.<sup>50</sup> However, when Askin’s methods are analysed within the context of commonly accepted principles of savvy political tactics, it becomes clear that Askin was more than just an astute “punter”. This point is taken up later in this chapter.

After Japan capitulated in 1945, Askin remained in Borneo at Bandjormasin where he made an unsuccessful attempt to start an import business. He returned to Sydney and was demobilised in February 1946.<sup>51</sup> He then resumed his employment with the Rural Bank where he was placed into

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<sup>45</sup> Interview (Pratt): Sir Robert Askin, 1:1/14.

<sup>46</sup> AIF Service Record, B883 / 2002 / 04608381 / NX93958.

<sup>47</sup> Interview (Pratt): Sir Robert Askin, 1:1/18.

<sup>48</sup> *ibid*, p.5.

<sup>49</sup> John Laffin, *Forever Forward : The Story of the 2/31st Infantry Battalion, 2nd AIF, 1940-45*, Newport, 1994, p. 167.

<sup>50</sup> Interview (Loughnan) with Carrick.

<sup>51</sup> Murray Groot, entry for ‘Sir Robert Askin’, *Australian Dictionary of Bibliography*, Vol.17, p.36.

the Rural Reconstruction Branch, with a “hefty rise in salary” and bright prospects for the future. Askin spoke in glowing terms of his time with the Rural Bank.<sup>52</sup> While there is no evidence to suggest that Askin garnered political connections as a result of his time as the head of the customer service department before the war and his later experience in the rural reconstruction branch, it did give him an appreciation and insight into rural issues. Askin claimed that this contributed to the strong relationship he had with the CP and its leader Charlie Cutler.

Askin had a chance meeting in a Sydney street with Murray Robson who was his commanding officer in Borneo. Robson held the seat of Vacluse in the Legislative Assembly in the NSW Parliament and was on leave from the parliament during the time of his war service. Askin had impressed Robson with his oratorical skill when he organised a debate during the war “to keep the fellows in camp interested when things were slack and nothing much was doing”. The topic of debate was “the desirability of the closest cooperation between Australia and the United States”. After the debate, Robson approached Askin and said “have you ever thought of going into politics, I told him I had thought of it but only in a very loose way and he said, come and talk to me after the war”. Askin must have been impressed with the topic because “the first thing I did when I got back to civilian life was to join the Australian-American Friendship Society”.<sup>53</sup> Little did Askin know that providence would take its course and in 1966 he would ride in the motorcade with US President Lyndon B. Johnson during an anti-Vietnam demonstration in Sydney where he uttered his “run the bastards over” remark. This reference to the protesters blocking the motorcade would become part of the Askin legend.

After a yarn and a beer, which could be construed as a defining moment for Askin, Robson recruited him to assist in his 1947 election campaign for his seat of Vacluse. Askin had shown interest in politics in 1937 when he and Mollie worked for Percy Spender, who identified himself as the “independent United Australia Party” candidate in his successful bid for

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<sup>52</sup> Interview (Pratt): Sir Robert Askin, 1:1/19.

<sup>53</sup> *ibid*, p.17.

the federal seat of Warringah.<sup>54</sup> In Robson's campaign Askin addressed envelopes and did some public speaking from the back of a truck. Robson retained his blue ribbon seat of Vacluse.

After Robson's campaign, Askin's appetite for politics had been whetted so he paid his membership fee and joined the Manly branch of the LP. After about a year as an active member of the Manly branch, the president retired unexpectedly and "they couldn't get anybody to be president ... I remember one dear old lady pointing to me and she said, I'll nominate that man, she didn't even know my name, but she had heard me speak once or twice. So that's how I found myself president of the Manly branch."<sup>55</sup> Askin also became President of the Mackellar Federal Electoral Conference and managed the successful campaign of Bill Wentworth who won Mackellar at the 1949 federal election.<sup>56</sup>

The Liberal Party of Australia was formed after the demise of the UAP. The NSW UAP had presented itself as a bulwark against the "socialist" ALP. As a result it enjoyed the support of the electorate from 1932 until it was defeated by the McKell led ALP in 1941. It was first under the leadership of Bertram Stevens who was succeeded in 1939 by Alexander Mair. During the war years the issues of socialism and communism became less relevant. The ALP had asserted itself, both federally and in NSW, as the only competent party to lead a collective war effort.

At the federal level Prime Minister Joseph (Joe) Lyons' consensus and consultative leadership was fundamental to the unity of the UAP. His temperate leadership roused confidence and trust in the electorate and this enabled the UAP to win the 1934 and 1937 elections. When he died of a heart attack on Good Friday 1939, Earle Page was sworn in as Prime Minister on 7 April; Menzies became Prime Minister on 26 April.<sup>57</sup> In 1940 a general

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<sup>54</sup> Hancock, 'Askin, Robin', p.350.

<sup>55</sup> Interview (Pratt): Sir Robert Askin, 1:1/20.

<sup>56</sup> Hancock, 'Askin, Robin', p.350.

<sup>57</sup> Brett, *Australian Liberals and the Moral Middle Class*, p.114.

election was held that returned a hung parliament. The UAP / CP coalition formed Government with the support of two independents. In August 1941 Menzies resigned over the disunity and quarrelling within the government. He was replaced with the CP leader Arthur Fadden who lasted for only two months until two independents crossed the floor and placed the responsibility of the war effort upon the Curtin-led Labor Party until the next election was due. The 1943 election was a landslide to the ALP. This exacerbated the disunity that had dogged the UAP since 1940.<sup>58</sup>

After the shattering defeat there was a general consensus within the UAP that a new organisation was needed. It was to be a national organisation that appealed to the broad electorate, involved the grass roots for policy formulation and retained independence from large business enterprises for its funding. The aim was to distance itself from the UAP as the party of large business. Ideally, it was to champion the rights of the individual and to protect private enterprise from the creeping socialism of the ALP.<sup>59</sup> The party was to modernise itself by becoming more compatible with the welfare state and accepting Keynesian economic theory.

Before the LP of Australia was launched on 31 August 1945, Bill Spooner, a former UAP deputy leader and the first LP president of the NSW division, was head of the UAP's brief successor in NSW, the Democratic Party in 1944. Subsequently, it became the NSW division of the Liberal Party of Australia on 30 August 1945. Although the six state LP divisions were inaugurated under a national organisation, they continued to employ different methods in their united challenge against what they saw as socialism and communism.<sup>60</sup>

The LP drew on the practice of its predecessors, the Commonwealth Liberal Party, the Nationalists and the UAP, as a model for its structure and

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<sup>58</sup> Brett, *Australian Liberals and the Moral Middle Class*, p.115.

<sup>59</sup> Hancock, *The Liberals*, p.47.

<sup>60</sup> *ibid*, p.61.

method of operation.<sup>61</sup> However, the LP evolved in a different direction from its predecessors in so far as it became a national organisation and a permanent political party. It also staked its claim on the middle ground between socialism and *laissez faire*. This was exemplified when the federal LP, under Menzies' leadership, endorsed the new Keynesian model which promoted the control of macro-economic management by a central government. The Labor Government had already established a unified income tax on a national basis and transferred its collection from the states to the Commonwealth. This potent apparatus was well aligned with the Keynesian model.<sup>62</sup>

The Chifley Government easily defeated the new LP / CP coalition (led by Menzies) at the 1946 election. However, the political climate changed both nationally and globally between 1946 and the 1949 election. Communism loomed as a national issue after the Soviet Union mutated from a wartime ally into a perceived threat to democracy. In 1947 the Chifley Government gave the LP an electoral advantage when it unveiled its plan to nationalise the banks. The difference between the two parties now seemed stark. The ALP had ambitions to extend wartime controls into peacetime socialism. The LP, having been starved of legitimacy, was now able to present itself as the defender of the rights of the individual and democracy. This paved the way for the LP to intensify its rhetoric by linking the ALP with communism as the cold war escalated. The LP also won back the support of those voters who harboured anti-socialist, anti-communist sentiments during the 1930s and who had been significant to the electoral success of the UAP. This translated into the historic 1949 election victory that installed the LP as the dominant political party in federal politics until 1972.<sup>63</sup>

In NSW, the CP and the LP worked in harmony at the 1949 federal election. Nonetheless, the relationship between the two parties remained strained until Askin became leader in 1959. The CP refused to agree to joint

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<sup>61</sup> Hancock, *The Liberals*, p.1.

<sup>62</sup> Brett, *Australian Liberals and the Moral Middle Class*, p.117.

<sup>63</sup> *ibid*, p.118.



policy speeches while the LP continually fought its coalition partner in triangular contests. The support of triangular contests by the organisational wing caused tension with some members of the parliamentary party. This disunity highlighted the lack of a clear demarcation of authority between the two wings.<sup>64</sup>

There was some improvement for the LP at the 1947 state election compared to that of the UAP at the two previous elections, but their performance was still poor. The fact remained that the ALP had won three consecutive state elections and the LP could not even win the 1947 election against the depleted ALP who were without the popular wartime Premier McKell. James McGirr had replaced McKell, who had become Governor-General.<sup>65</sup>

The 1950 state election appeared to be a foregone conclusion for the LP. The McGirr Government had broken a litany of promises; disunity and inept administration was prevalent and the 1949 federal election had bolstered the LP credibility as a viable alternative to the ALP.<sup>66</sup> Vernon Treatt, the leader of the LP, echoed Menzies' rhetoric by attacking the ALP for being soft on communism. Nevertheless the LP was denied victory when two dis-endorsed ALP members supported the government. It was to be the closest the LP came to winning until 1965.

John Carrick, the General Secretary of the LP, blamed Treatt's inability to communicate with the electorate and co-operate with both wings of the party as the principal cause of the defeat.<sup>67</sup> The poor relations with the CP were another contributing factor. Unlike their federal counterparts, who had a formal coalition agreement before the 1949 election, there was no such agreement before the 1950 state election.<sup>68</sup> It was all very well for Carrick to blame Treatt for the loss, and his criticism was not without foundation, but

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<sup>64</sup> Hancock, *The Liberals*, p.81,82.

<sup>65</sup> *ibid*, p.65.

<sup>66</sup> *ibid*, p.87.

<sup>67</sup> *ibid*, *The Liberals*, p.88.

<sup>68</sup> Clune, 'The 1950 Election', *The People's Choice - Volume Two*, p.282.

Carrick set a precedent at the 1950 election when he projected the blame away from the organisational wing which he continued to do at all of the subsequent election defeats. His myopic view failed to engender an objective review of the party. Carrick was also resolute in his support for triangular contests which remained a divisive issue until Askin became leader. Another problem identified by the LP was the exclusive domination of the party by Anglo-Scottish and Protestant members. This alienated the Catholics and the post-war migrants who were mostly European. A migrant advisory council was formed but the ALP had already secured most of the support of the large Greek and Italian communities. The key to winning over the Catholic vote according to Carrick was state aid which was not endorsed by the NSW LP until 1965.<sup>69</sup>

Before the 1950 NSW State Election, there was a redistribution of boundaries in the Northern Beaches area of Sydney due to the expanding population. The new seat of Collaroy was created, which incorporated part of Manly and stretched to Palm Beach in the north. Askin lived in Manly just outside the boundary of the new seat. He nominated for the pre-selection along with 20 other contenders and won in the first ballot. Askin gained the safe seat of Collaroy in the 1950 election with a majority of more than 5000, which translated into 63% of the primary vote.<sup>70</sup> Askin claimed that he could have been in either the Liberal or Labor parties

and in fact many of my friends were surprised when I didn't join the ALP when I went into politics. But I had reason for not – I grew up in a Labor family, my father was, as a railway man and then a tram man, of course, like most of them, he was a Labor supporter, and the people around me were and my uncle was campaign director for Jack Beasley, and they were aldermen on the local councils, Labor aldermen, and I suppose I didn't run true to form.<sup>71</sup>

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<sup>69</sup> Hancock, *The Liberals*, p.85.

<sup>70</sup> Hancock, 'Askin, Robin', p.350.

<sup>71</sup> Interview (Pratt): Sir Robert Askin, 1:1/9.

Figure. Boundaries for NSW State Elections<sup>72</sup>

METROPOLITAN ELECTORATES 1950 ELECTION



<sup>72</sup> David Clune, 'The 1950 Election', *The People's Choice: Electoral Politics in 20<sup>th</sup> Century New South Wales, Volume Two, 1930 to 1965*, Michael Hogan and David Clune (eds.), Sydney, 2001, p.295.

Jack Beasley was a trade unionist, Lang supporter and federal member for West Sydney who served in Curtin's cabinet as Minister for Supply and Shipping. Askin cites the former NSW Labor Premier Jack Lang's threats to repudiate the payment of interest to overseas bondholders as a key factor in turning his back on the ALP.

Although I was a young fellow I had enough experience of banking and commercial life to know that this would have meant the end of what is known as the sanctity of the contract, it would have destroyed commercial life altogether ... this was the primary reason why I took an interest on the more conservative side, mainly through finance.<sup>73</sup>

It is important to note that the ALP was a very Catholic party during this period. The predominantly Protestant LP was probably an easier entrée into politics for Askin. The LP was also a conduit into politics for many ex-servicemen from World War Two.

Askin possessed no strong ideology and no trade union background. When he entered politics in the 1950s the LP provided him with the opportunity for advancement which was compatible with his temperament. During the 1920s the Glebe branch was one of the jewels of the ALP. Factionalism flourished, brought on by the Australian Workers' Union (AWU) in the Glebe branch and culminated in the tussle for power between the state and federal ALP organisation.<sup>74</sup> Askin's experience with a rather benign example of an employee organisation such as the United Bank Officers' Association would hardly have equipped him for the vigorous struggles of the Glebe branch of the ALP.

Of course, every individual has his or her own history and unique character. In the case of Askin this is particularly pertinent, as he was often referred to as unusual. He did not follow his Labor roots and pursue his political ambitions through the unions even though he acknowledges that it

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<sup>73</sup> Interview (Pratt): Sir Robert Askin, 1:1/9.

<sup>74</sup> Michael Hogan, *Local Labor*, p.71.

would have been perfectly natural for him to do. Equally, he did not pursue a tertiary education and a path into Liberal politics through the law or commerce although he undoubtedly had the innate talent. Certainly Askin's abilities would have been encouraged at the Sydney Technical High School. Askin simply did things his own way but always with an "eye on the prize" of executive leadership and without the compromise of missing out on a good time. He took advantage of his natural leadership temperament to capture political office and extend it for 25 years, including almost 10 years as NSW Premier. Collectively these character traits marry closely with that of the Supervisor Guardian personality and indeed many successful political leaders.

## **1.2 Askin's Path to the Leadership of the Liberal Party**

When Askin became the new member for Collaroy in the NSW Legislative Assembly, he was 43 years of age. Askin was cut from a very different cloth from his counterparts in the parliamentary LP. There were sixteen new Liberal members of the Parliament between 1947 and 1953 and Askin was one of three who came from a working-class background( judged on the basis of the occupation of the member's father).<sup>75</sup> Askin was also in the one third-minority of Liberal members from 1945 to 1962 who were full-time members. During this period, the majority of members participated in parliament on a part-time basis due to their involvement in outside business interests.<sup>76</sup> But for Askin, politics had become his business.

The NSW Liberal organisation in the 1950s retained the view that candidates who had outside business interests were better equipped to serve as parliamentarians. As Katherine West observed, "They saw their party as being of and for the successful and claim that its representatives should be drawn from those who have "arrived." <sup>77</sup> This encouragement of part-time politicians allowed little time for good policy formulation and prevented the

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<sup>75</sup> Abjorensen, "Leadership in the Liberal Party", p. 225.

<sup>76</sup> West, *Power in the Liberal Party: A Study in Australian Politics*, Melbourne, 1965, p.152.

<sup>77</sup> *ibid*, p.152.

members from taking on a pastoral role with the electorate. These limitations hindered the LP's electoral success and in part were responsible for the Party being seen as a permanent opposition. Askin, in contrast, was a full-time member of parliament. He opened his own electoral office to allow easy access to his constituents, which was not the norm at the time. Consistent with his temperament, he joined all the progress associations in his electorate and championed their causes in the parliament.<sup>78</sup> The results of this were seen in the ballot box where his majority increased from over 5000 in 1950 to 10,600 in the 1959 election, shortly before he was elected as leader of the Parliamentary LP.<sup>79</sup>

The post-war economy was improving in 1950 when Askin was elected to parliament. The memory of the austerity of the war years remained but the expectations of a prosperous and secure future began to appear. However, the boom did not gain momentum until 1954 due to the overarching threat of inflation which acted as a dampener on the expanding economy.<sup>80</sup> Voters were frustrated with strikes and shortages and saw government as being too heavy handed in controlling the post-war economy.<sup>81</sup> This was reflected in the narrow victory of the McGirr Government in the 1950 election, following a period in which James McGirr had promised much and delivered very little.<sup>82</sup>

Askin's maiden speech in the NSW Parliament on 20 September 1950 during the debate on the address-in-reply was based on his empathy with the wage-earning voter, that was fundamental to him gaining the Premiership in 1965. Askin was able to engage with these voters because he was one of them. He spoke from the people rather than to them when he addressed the basic amenity of sewerage, education facilities, transport, housing, the plight of the housewife, inflation, federal state relations and the NSW Surf Life Saving association. This was exemplified in the tribute given to him in the

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<sup>78</sup> Interview (Pratt): Sir Robert Askin, 1:1/25.

<sup>79</sup> *The Manly Daily*, 23 July 1959.

<sup>80</sup> Brett, *Australian Liberals*, p.138.

<sup>81</sup> David Clune, 'The 1950 Election', *The People's Choice: Electoral Politics in 20<sup>th</sup> Century New South Wales, Volume Two, 1930 to 1965*, Michael Hogan and David Clune (eds.), Sydney, 2001, p.269.

<sup>82</sup> *ibid*, p.320.

*Manly Daily*, after his death in September 1981: “As a politician, he never forgot his roots as a common man. He brought the LP back to the people, and the people of Pittwater remember in particular his warmth and sincerity as their member for many years.”<sup>83</sup> This also reflected his innate preference for projecting an image of goodwill and keeping the public happy.

Before Askin was elected to parliament he usually held an executive position in his participation in civil society. In line with his temperament, he was predisposed to seek executive office in the Parliamentary LP. Askin found his home in the NSW Parliament and flourished in the robust adversarial environment of the “bear pit”. He immersed himself in the parliamentary debates and was assiduous in taking contentious issues up to the Government.

Askin made a directed reference in his maiden speech to the middle class that Sir Robert Menzies had identified in his radio broadcast ‘The Forgotten People’. Menzies courted these constituents who subsequently helped him into office in 1949 and kept him there until 1966.<sup>84</sup> In the post-war period, the Australian middle class grew as a result of improved living standards, and the rapid increase in home ownership which was fuelled by the post-war boom.<sup>85</sup> The economic conditions helped translate the desire for home ownership into a reality. In 1947 52.6% of homes were owner occupied. In 1954 it had increased to 63% and by 1961 it was around 70%.<sup>86</sup>

This expanding home ownership cultivated an appliance mentality across various social classes whose social life centred round the home, particularly in the newly established outer suburbs. Because so much leisure time was spent at home, items such as, white goods, furnishings and televisions were considered essential and factored into the household budget. This desired living standard was often financed through home loans and hire

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<sup>83</sup> *The Manly Daily*, 16 Sept 1981.

<sup>84</sup> Brett, *Robert Menzies’ Forgotten People*, p.20.

<sup>85</sup> Brett, *Australian Liberals*, p.138.

<sup>86</sup> Judith Brett, *Australian Liberals and the Moral Middle Class, from Alfred Deakin to John Howard*, Melbourne, 2003, p.123.

purchase. As a result, job security and a regular pay packet were central to honouring these commitments. This was somewhat reflected in the shift in tactics by union members to favour short-term strikes instead of protracted disputes.<sup>87</sup> This change in mentality was recognised by the Liberal Party who now believed they could win over some of the traditional Labor voters. These voters helped Menzies retain office and they were essential in the quest by the NSW LP to win government.

Askin began his maiden speech by focussing his attention on the concerns of his electorate. The newly formed Liberal seat of Collaroy incorporated the northern part of the safe LP seat of Manly as its southern boundary. The western boundary consisted of Sydney's North Shore. The eastern boundary encompassed the Pacific coastal beaches which extended to Palm Beach in the north bounded by the Hawkesbury River and Ku-ring-gai Chase National Park. The northern part of the electorate was originally part of the upper North Shore blue-ribbon Liberal seat of Gordon. The population of the predominantly residential electorate consisted of the affluent middle class, that lived in the more salubrious beach-side areas. The outer area, which had easy access to the beaches, was rapidly expanding to cater for the young married couples who were the parents of the baby-boomer generation. Manly and Palm Beach are 17km and 41km respectively from the Sydney CBD. The infrastructure and utility services, such as education, hospitals, transport and sewerage system, groaned under the increases in the population of the area. There were no trains or trams, and the only means of public transport was the bus service, except for the Manly ferries which served the southern end of the electorate. This often caused commuters to experience well over one hour in transit to and from work.

Collaroy was an area of some 100 square miles with a population of almost 50,000 which had not been connected to a sewerage system. Askin took the opportunity to berate the McGirr Labor Government which had promised in the 1947 election policy speech, "that sewerage reticulation would

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<sup>87</sup> R.W. Connell and T.H. Irving, *Class Structure In Australian History: Documents, Narrative and Argument*, Melbourne, 1980, p.298.



be provided to every metropolitan home”.<sup>88</sup> Askin pointed out that there were no public hospitals and highlighted the then overcrowding in public schools, not only in his seat of Collaroy, but across the State. He raised the issue of the inadequate and expensive public transport endured by his constituents and continued to take this contentious issue up to the Government until he became Premier. The growing young aspirational middle class of Collaroy were the typical voters that the LP needed to woo, not just in safe Liberal seats but in the marginal electorates, in order to win government. This platform was very consistent with Askin’s preference for concrete policy options over abstract ideas.

By allocating one-third of his maiden speech to the cause of the Surf Life Saving Association, Askin sent a clear message to his electorate that their interests were at the forefront of his agenda. He pleaded for a greater injection of funds into the association from federal, state and local governments.<sup>89</sup> Askin highlighted in his maiden speech the beach culture that was entrenched in his electorate, which “had been endowed with magnificent beaches”.<sup>90</sup> This is an example of Askin’s political acumen of speaking from the people rather than to them.

Despite the unprecedented growth in the Australian economy, consumers in 1950 were experiencing rising prices due to the shortage of commodities. For example, rationing of butter and tea was only abolished in 1950.<sup>91</sup> Askin expressed his concern about the effects that inflation was having on everyday life and empathised with “the unfortunate housewives, whose lot, as everybody admits, is rapidly becoming unbearable”. Askin stressed that the sovereignty of states or state rights should be aligned with “a willingness to accept state responsibility”.<sup>92</sup> Later, when Askin became Premier, he realised that any increased centralism by the Federal

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<sup>88</sup> *NSW Parliamentary Debates, Series 3*, Vol. 1, p.358.

<sup>89</sup> *ibid*, p.359.

<sup>90</sup> *ibid*, p.358.

<sup>91</sup> *Century*, 19 May 1950, p.2.

<sup>92</sup> *NSW LA PD, Series 3*, Vol. 1, p. 361.

Government, which would increase its fiscal hold over the states, was a threat to his Government so he became a “self-styled champion of state rights”.<sup>93</sup>

In 1950 the cold war was gaining momentum which brought about the federal referendum in 1951, instigated by Menzies, to ban the Communist Party. Although Askin was not directly involved, he understood the political advantage of the rhetoric. In this highly charged atmosphere, Askin took the opportunity to take a swipe at the Communist Party: “The whole emphasis should be on seeking to combine the best elements in our community to stand together, conjointly against this common menace.”<sup>94</sup>

During his first term in the parliament, Askin was serving his parliamentary apprenticeship and was rarely in the spotlight. When he did speak in parliament he relentlessly pursued the issue of improved public transport to the Northern Beaches. For example, Askin brought to the attention of the parliament the almost impossible task that 50 students in his electorate had to endure to get to the North Narrabeen Public School.<sup>95</sup> Askin also vehemently argued in his first term for an increase in the pension and superannuation fund for Government employees. His main premise was that the increase should be linked to increases in the basic wage.<sup>96</sup>

Askin led the opposition against the legalising of SP bookmaking and two-up in the Broken Hill hotels “using his experience as a man of the world”.<sup>97</sup> The Cahill Government had agreed to the demands of the Broken Hill Barrier Industrial Council to allow two-up games and bookmakers to take bets in hotel bars. He was not alarmed at the principles of SP bookmaking but resented the idea that the Broken Hill hotels should receive special exemption. This was ironic considering the accusations of protecting illegal gaming that plagued Askin later in his political career.<sup>98</sup>

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<sup>93</sup> Hancock, ‘Askin, Robin’, p.350.

<sup>94</sup> *NSW LA PD, Series 3*, Vol. 1, p. 361.

<sup>95</sup> *NSW LA PD, Series 3*, Vol. 2, p.1282.

<sup>96</sup> *NSW LA PD, Series 3*, Vol. 2, p.1415.

<sup>97</sup> *NSW Parliamentary Debates, Series 3*, Vol. 1, p.387.

<sup>98</sup> Hancock, ‘Askin, Robin’, p.350.

Askin's views on SP bookmaking are also illuminated through an anecdote from Bolte. The then Victorian Premier Bolte had made a 'courtesy' visit to Askin's office, during a trip to Sydney. After Bolte gave him a tip on a "good thing", Askin promptly phoned his SP bookmaker and placed what Bolte called a substantial bet. Bolte viewed this behaviour as unacceptable. The horse won but Bolte refused to give Askin any more tips.<sup>99</sup> Bolte probably expected Askin not to be so brazen and to at least wait until he had left before the phone call was made. Askin appeared to view the prohibition of SP bookmaking as unnecessary and made no effort to conceal what he probably saw as a trivial misdemeanour. This might go towards explaining how he became embroiled in the corruption allegations that plagued him later.

Voter impatience was evident when the "horror" budget delivered by the Menzies Federal Government in 1951 as an anti-inflationary measure precipitated a credit crisis.<sup>100</sup> McGirr resigned from the premiership in 1952 after having narrowly escaped defeat at the 1950 election. Joe Cahill was elected by the caucus to become the new Labor Premier. Cahill immediately began to revitalise the ailing Government. He overhauled the stalled public works program and capitalised on the unpopular Menzies "horror" budget of 1952.<sup>101</sup> The Cahill Government was returned in 1953 with a handsome majority. It won 57 seats while the Liberal and Country Parties only managed to win 36.

Cahill went on to become what was then the longest serving premier in NSW when he died in office in 1959. The analysis of his leadership style by David Clune in *The People's Choice* reveals Askin as an artful political tactician. Clune described the Cahill Labor Government as

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<sup>99</sup> Tom Prior, *Bolte by Bolte*, Craftsman Publishing, 1990, p. 66.

<sup>100</sup> David Clune, 'The 1953 Election', *The People's Choice, Volume Two*, p.320.

<sup>101</sup> David Clune, *The Labor Government in New South Wales 1941 to 1965: A Study in Longevity in Government*, Ph.D. Thesis, University of Sydney, 1990, p.80.

tough, competent and conservative with a marked preference for behind the scenes manipulation and backroom deals. This remained a hallmark of the “NSW Labor Style” of government until 1965. There was also a tendency to see the retaining of office as the only goal rather than as a means to an end. The result was a formidable political machine that was usually able to crush its opponents relentlessly.<sup>102</sup>

Askin referred to Cahill as “a very very shrewd man, a very clever politician ... I wasn’t an admirer of his. I saw too much manoeuvring that took place”.<sup>103</sup>

Askin’s diligent performance in the parliament was rewarded in 1954 when he was elected deputy leader after only four years in the parliament. The first term Askin spent in the parliament from 1950-53 was his virtual apprenticeship. The following extracts from his posterity interview illuminate his experience.

...it was a very tricky parliament. The Government had this tenuous majority, after electing the speaker they had to depend on Mr Barry Geraghty, the independent man whom they’d expelled from their Party, to stay in office. And the manoeuvring that took place in the small hours of the morning - I’ll never forget that Parliament as long as I live ... oh it was wonderful training to see what happened ... A lot of manoeuvring took place in that parliament, 1950 to 1953. But they kept going, they kept going and went to the polls in 1953 ... they wanted strong leadership and they put in Mr J. J. Cahill. And they certainly got stronger leadership because in the following election in 1953 they had a landslide their way...<sup>104</sup>

The ALP split of 1955 was a tumultuous period for the party. The split resulted from the conflict over the threat that the Communist Party was seen to pose to the ALP and the nation. It was also a result of B.A. Santamaria and the Catholic Social Studies Movement, known as “the Movement”, that set out

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<sup>102</sup> David Clune, ‘The 1953 Election’, p.299.

<sup>103</sup> Interview (Pratt): Sir Robert Askin, 1:1/38.

<sup>104</sup> *ibid.*, 1:1/24.

to control the ALP.<sup>105</sup> The Movement was disbanded after it was deemed by the Vatican as a secret politically motivated body. In its place Santamaria formed the National Civic Council (NCC). Both the federal and Victorian Labor Parties had split, which was detrimental to their election prospects.<sup>106</sup>

Cahill's challenge was to stave off a split in the NSW Division. With the 1956 election looming it was essential for him to present a unified party.<sup>107</sup> Cahill brokered a deal with the Federal Executive whereby the more conciliatory pro "Groupers" who supported the Movement and the anti-Groupers who were prepared to compromise, were handed control of the NSW executive of the organisation. The NSW Catholic Church hierarchy, unlike its Melbourne counterpart, had little sympathy for the Movement. After negotiations with the Government, they decided that they would not encourage the Groupers to split. As a result the NSW Government was able to present a unified party at the state election on 3 March 1956.<sup>108</sup> All threats of a split were finally scuttled by Cahill in June 1956. Cahill instigated the purging of extreme Groupers, and the party came under the control of a "centre/right grouping around the Premier and Cabinet".<sup>109</sup>

During the 1956 election campaign, Cahill took advantage of the schisms in the LP. The parliamentary party was in disarray because of the lack of parliamentary leadership and shortage of funds. The parliamentary party and its organisation were at loggerheads and the relationship between the Liberal and Country Parties was in a state of hostility.<sup>110</sup> This will be taken up later in this chapter in section 1.3. Despite the anti-Labor press campaign, the Cahill Government was returned, although with a substantially reduced

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<sup>105</sup> Robert Murray, *The split : Australian Labor in the fifties*, Melbourne, 1970, p. 131; Rodney Cavalier, 'The great labour movement split in New South Wales: what makes a split happen', *Labour History*, no. 68, May 1995, p.169.

<sup>106</sup> Paul Ormonde, 'How Evatt scuppered Santamaria's religious vision', *Overland*, no. 142, Autumn 1996, p. 63.

<sup>107</sup> Clune, *The Labor Government in New South Wales*, p.107.

<sup>108</sup> *ibid*, p.80.

<sup>109</sup> *ibid*, p.108.

<sup>110</sup> *ibid*, p.107.

majority. The ALP won 50 seats while the Liberal-Country Party managed 42.<sup>111</sup>

The 1959 election appeared almost impossible for Labor to win after being in Government for 18 years. However, against all odds the ALP won by 49 to 44 seats over the Liberal-Country Party.<sup>112</sup> This was partly due to redistribution of the electoral boundaries which gave the Government a slight advantage, but the greatest asset the ALP had was Cahill. He out-campaigned the opposition. He was able to avoid the ALP split and he demonstrated his determination as a devout advocate of the rights of NSW during a period of encroaching centralism by the Menzies Government.<sup>113</sup>

There is no doubt that the LP's electoral fortunes were hampered by lack of funding and Cahill's astute leadership but the Party's fortunes were primarily plagued by internal problems. The parliamentarians and their organisation had not resolved the demarcation of authority, and hostilities still existed with the CP over three-cornered contests. From 1950 until 1959, when Askin was elected leader, the LP struggled to present itself as a viable alternative government. Conversely, the ALP during this period reinvented itself under the leadership of Cahill and regained its grip on the electorate after the disastrous 1950 election. Instead of reinventing itself and creating viable new policy initiatives, the LP inadvertently spent this period turning itself into what was beginning to be perceived as a permanent opposition.

The NSW LP was starved of funds during this period and this prevented it from defending marginal seats. For example, in 1953 the LP contested 47 seats, whereas it contested 73 in 1950.<sup>114</sup> The shortage of funds was a result of lack of support from the business community; this was particularly the case in Sydney. There was no advantage in being seen to be associated with or in support of a permanent opposition.

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<sup>111</sup> Clune, *The Labor Government in New South Wales*, p.109.

<sup>112</sup> Clune, 'The 1959 Election', *The People's Choice, Volume 2*, p.375.

<sup>113</sup> *ibid*, p. 377.

<sup>114</sup> LPA, ML MSS 2385 K53642; ML MSS 2385 Y4710/2; Hancock, *The Liberals*, p.92.

It was critical that both parties were equally aligned to defeat the Labor juggernaut. However, the only common ground between the LP and CP was that they both opposed the ALP.<sup>115</sup> Triangular contests were the most contentious issue that polarised the two parties. The former General Secretary of the LP, Sir John Carrick, promoted the idea that by running triangular contests in country areas, the LP might pick up the town votes that otherwise would have gone to the ALP. The rationale was that sometimes there was a conflict of interest between people that lived in the country towns and those living on the land. The agreement to reciprocal preferences between the Liberal and Country Parties would prevent the ALP from winning the seat.<sup>116</sup> Despite this point of view, the parties found it impossible to reach a definitive agreement on the merits of this approach.

In the aftermath of the 1956 election, the CP argued that if the LP had concentrated its resources in the marginal city electorates, the Coalition would have defeated the ALP. The CP lost the seats of Dubbo, Mudgee and Young and blamed it on the LP for contesting these seats. However, they failed to appreciate that the LP received more votes in Mudgee and Young than the CP and were only 415 votes behind in Dubbo.<sup>117</sup> The LP's aim was to expand its presence in the country electorates.<sup>118</sup> The CP regarded this as a pointless encroachment on its turf. They believed it was motivated by the self-interest and ambition of individuals such as Carrick in the LP and that this came at the expense of both the CP and the Coalition.<sup>119</sup>

The constitution of the LP was based on the premise that strong parliamentary leadership would integrate the organisational and parliamentary wings of the party. The lack of strong leadership in the 1950s resulted in a failure to unite the parliamentary party and this caused a strain in the relationship with the organisational wing. A lack of consultation between the

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<sup>115</sup> West, *Power in the Liberal Party*, p.177.

<sup>116</sup> Interview (Loughnan) with Carrick.

<sup>117</sup> LPA, ML MSS 2385 K53642 Item 10; Hancock, *The Liberals*, p.99.

<sup>118</sup> Hancock, *The Liberals*, p.94.

<sup>119</sup> *ibid*, p.99.

two wings meant that the demarcation of roles was not clear. This absence of clarity hindered the capacity of the two wings to play complementary roles in order to win an election.<sup>120</sup> As a consequence the organisational wing sometimes exceeded its powers. It interfered with sitting members' future pre-selection prospects by continually encouraging new candidates through the expansion of branches and branch membership. The resulting antagonism was reciprocated and further amplified by the parliamentarians' discouraging new members or branches where they felt it might threaten their future re-selection. This created a schism between the organisational wing and the Parliamentary Party.<sup>121</sup> The emphasis of the organisational wing on the importance of keeping Menzies in power was sometimes viewed as coming at the expense of state electoral prospects. For example, the state leader was discouraged from capitalising on the inadequacies of their federal colleagues in order to gain electoral advantage. Yet this tactic was used successfully by their South Australian parliamentary counterparts, led by Sir Thomas Playford.<sup>122</sup>

Another point of tension was that, after every election, the NSW LP organisation attempted to exonerate itself from any blame for the loss. This was despite the fact that the organisation was exclusively responsible for the selection of candidates and the organisation of the election campaigns. In 1950, Treatt, who was the parliamentary leader, was blamed because he did not visit country seats and failed to consult the joint standing committee on policy formulation. This was despite the fact that the committee had only met once in 1950.<sup>123</sup> In 1953 the organisation cited external factors for the election loss such as Cahill's effective leadership. The loss of the 1956 election was attributed to the 'gerrymander' created by the redefinition of electoral boundaries, the abolition of postal votes and the failure of the right-wing Labor vote to leak to the LP as it had done in the 1955 federal election. By 1959 the organisation had run out of excuses. In this vacuum, the

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<sup>120</sup> West, *Power in the Liberal Party*, p.184.

<sup>121</sup> *ibid*, p.185.

<sup>122</sup> *ibid*, p.136.

<sup>123</sup> Hancock, *The Liberals*, p.88.



organisation blamed the loss on Cahill's campaign based on the premise that, under a LP Government, Menzies' centralism would be unbridled.<sup>124</sup>

### **1.3 A new era under Askin's Leadership**

In August 1959, after Askin's ascent to the leadership, a new era began in the electoral fortunes of the NSW LP. The organisational wing took substantial steps through the establishment of a state council committee to address the problems of a clear long-term policy, improvement in branch membership, improvement in the relationship between the organisational wing and the parliamentary party and the public relations of the parliamentary LP. Through this process they also agreed to address the issue of parliamentary absenteeism and undertook to install more talented candidates.<sup>125</sup>

After the 1953 landslide loss to the ALP, the LP was deeply divided. Between 1954 and 1959 there had been four leaders of the parliamentary LP. It had split into two groups, one led by Philip Henry (Pat) Morton and the other led by Treatt. These groups were not based on ideology but the simpler issue of leadership, that is, supporting someone who could lead the LP to electoral success. The two groups in the party remained polarised until Askin was unanimously elected leader in 1959.

Soon after Askin became leader, the differences of the opposing groups were dissolved and the party unified. Even in 1954, rumblings of discontent began to reverberate through the party over the leadership of Treatt. He had led the party to defeat at three consecutive elections. He was well respected, but after three losses had run out of time to prove himself as a leader. He was a King's Counsellor (KC) but as a politician recalled Askin "like most lawyers he always saw both sides ... but if he had been a little bit more pugnacious on some ... issues instead of striving to be too fair in presenting both sides of the case, I think he'd have been Premier" in 1950.<sup>126</sup> The group

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<sup>124</sup> Hancock, *The Liberals*, p.99.

<sup>125</sup> *ibid*, p.103.

<sup>126</sup> Interview (Pratt): Sir Robert Askin, 1:1/26.

opposing Morton had Treatt as their figurehead; but, behind the scenes, Askin was the organising force and veiled leader. In May 1954 the first attempt was made by the Morton group to replace Treatt. This was put to the test and each of the two contestants received 11 votes which indicated that the party was numerically split down the middle. Treatt retained the leadership under the status-quo rule with the Morton group pledging their support to Treatt. Less than two weeks later the deputy leader, Walter Arthur Howarth, resigned declaring that he did not have the support of Treatt. The party met on 6 June 1954 and another challenge was mounted by the Morton group. This time, in the second ballot, Treatt secured the leadership by one vote and Askin was elected as deputy.

Askin's ascension to the deputy leadership was the first step in his quest to become leader. As Carrick said, "we knew he was very ambitious, but until then we did not know just how ambitious he was".<sup>127</sup> Only two months later, in early August, Treatt's leadership had become untenable. He was completely frustrated by the machinations and he resigned. On 10 August 1954, the parliamentary party met and the leadership was declared open. Askin and Morton contested the position and after three ballots it remained tied at 11 votes each. The situation became even more farcical when Askin, who enjoyed a bet, suggested that they draw the winner out from a hat. This was rejected so Askin offered to withdraw from the race if Treatt could take his place. This was rejected so Askin then offered to withdraw if Murray Robson would stand, but Robson refused to enter the contest. After three more rounds of voting, the leadership contest remained in a stalemate. The party voted for the leadership ballot to be held over to 17 August. The *Sydney Morning Herald (SMH)* reported the situation as follows:

"this indecision has placed the parliamentary LP in a ludicrous situation. Its adherents, who have hoped that Mr Treatt's retirement would end prevailing doubts and schisms and enable the party to rally behind a fresh leader, will be bitterly disappointed. Its opponents will rejoice. They will see in yesterday's fiasco further evidence that the

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<sup>127</sup> Interview (Loughnan) with Carrick.

Liberal wing of the opposition is so seriously divided as to be unable to offer any real challenge to the Labor regime.”<sup>128</sup>

Askin was approached by the party organisation to retire from the contest and he agreed on the condition that Robson stand in his place. Robson was part of Askin's group and Askin's rationale was to keep the leadership out of the control of the Morton group. Robson had previously declined to contest the leadership but after Askin did “a little bit of wheeling and dealing with people, you know legitimate”, he convinced Robson that he had a reasonable chance of winning the ballot.<sup>129</sup> The ballot was again tied, this time between Robson and Morton. After a recess and more “wheeling and dealing”, Robson won the ballot because a Morton supporter changed sides. Robson became leader with the knowledge that he had the support of only half of his parliamentary colleagues. Despite Askin's vigorous lobbying for Robson, he was astute in so far that he was unchallenged for the deputy leadership and remained on good terms with his peers in the Morton group. Askin had offered to stand down as deputy leader if it would help to consolidate the party, but “members assured Askin that they wished him to carry on as deputy leader”.<sup>130</sup> Askin's preference for cooperation and negotiated agreements had helped him build his credibility with his peers. Furthermore, his bold move to nominate for the leadership after only four years in the parliament had sent a clear message to them of his ambition.

Murray Robson proved to be an inept leader, and Carrick described him as part of the “Vaucluse aristocracy”, “a bit of a playboy and a spoilt little rich boy who drank too much”, and had no idea what was happening outside of his socio-economic environment.<sup>131</sup> Consequently Askin's tactics to thwart Morton's ambition proved to be only a short-term measure. On 20 September 1955, just 13 months after Robson was elected as leader, a motion was moved by Kenneth Malcolm McCaw to declare the leadership position open. It

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<sup>128</sup> *SMH*, 11 August 1954.

<sup>129</sup> Interview (Pratt): Sir Robert Askin, 1:1/21.

<sup>130</sup> *SMH*, 18 August 1954.

<sup>131</sup> Interview (Loughnan) with Carrick; Hancock, *The Liberals*, p.93.

was undertaken on the grounds that Robson was not prepared to act on the wishes of the majority of the parliamentary LP and that he was a disruption to the harmony between the parliamentary and organisational wings of the party.<sup>132</sup> Robson had been Askin's commander in the war, and Askin claimed that he was his closest friend. Askin put Robson's failed leadership down to "the error of trying to run the political party the same way he had run the battalion".<sup>133</sup> The party voted on the motion and Robson was ousted by 15 votes to 5 after Robson and one other member abstained. Although Askin remained loyal to Robson, he was unopposed as deputy leader. Morton became leader after a motion opposing him was defeated 16 votes to 6.<sup>134</sup>

After the debacle with Robson, Askin put his leadership ambitions on hold. At this stage, Askin was satisfied with his role of deputy and gave his full support to Morton. Askin's role as deputy leader and opposition transport spokesman provided him with the opportunity to demonstrate his strength as a parliamentary performer to his peers and the electorate. It was prudent for Askin at this stage to ride shotgun for Morton. From this position he was well situated to seize the reins when the opportunity arose.

Pat Morton "transformed the parliamentary party into a political club" of which he was the president.<sup>135</sup> On reflection and with the advantage of hindsight Carrick described Morton as "part of the Mosman [Bunyip] aristocracy".<sup>136</sup> The "bunyip aristocracy" was a term coined by Daniel Deniehy in 1853 as a criticism of W.C. Wentworth's proposal for a hereditary aristocracy in the NSW Legislative Council. (It was a derogatory term and referred to a privileged elite in Australia who believed that they were in a superior class to common Australians). Carrick viewed the capacity of the leader to relate to the salary-earning middle class voter as essential for the LP to gain power and intimated that he felt that Morton was totally lacking in this regard. Morton had extensive business interests which interfered with his

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<sup>132</sup> Hancock, *The Liberals*, pp.97-98.

<sup>133</sup> Interview (Pratt): Sir Robert Askin, 1:1/29.

<sup>134</sup> LPA, Liberal Party Papers, ML, MSS 2385/Y4760; Hancock, *The Liberals*, p.97.

<sup>135</sup> West, *Power in the Liberal Party*, p.165.

<sup>136</sup> Interview (Loughnan) with Carrick.

leadership responsibilities. Moreover, he was open to attack, not only from the ALP but also from within his own ranks, for being a part-time leader.<sup>137</sup>

Morton's style of leadership suited Askin. Askin's temperament led him to attach high expectations of privilege to his position as deputy leader and he was in his element when being called upon to cover for Morton when the latter was absent from the parliament. This gave him the opportunity to capture media exposure for himself and take the arguments of the opposition up to the Government. It also demonstrated his potential leadership credentials. The following examples illustrate how Askin achieved this outcome.

Askin attracted media attention when he led a deputation of Warringah Councillors to meet the State Minister of Health, Maurice O'Sullivan, and obtained approval for a public hospital to be built at Mona Vale.<sup>138</sup> He also attracted the spotlight when he "clashed heatedly" in the parliament with Cahill. This followed an attack by Askin on the maiden speech of a new Labor member, A.R. Sloss, in which the latter defended his previous track record as a Sydney City Councillor and made allegations of corruption in relation to the Liberal MLA for Burwood, Dr. Leslie Parr. Askin countered and said it was "the most cowardly maiden speech I have ever heard". It would seem that Askin saw that the rights attached to being a parliamentarian also came with obligations and he was taking offence at the new member's purported abuse of parliamentary privilege, suggesting that Cahill had "put him up to it".<sup>139</sup> Askin also made the papers following a speech in the Sydney Domain in support of Liberal City Council candidates when he was reported as saying "allegations of graft and corruption among Labour (sic) aldermen and stories of their favouritism and handouts have never been so strong."<sup>140</sup> Askin was again reported in the media as alleging "State Neglect in Education" after he said that "the confession by the Minister for Education ... of grave disabilities in the State Education system was an indictment of the Government".<sup>141</sup> He

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<sup>137</sup> West, *Power in the Liberal Party*, p.165.

<sup>138</sup> *SMH*, 27 December 1955, p.6.

<sup>139</sup> *SMH*, 30 May 1956, p.12.

<sup>140</sup> *SMH*, 26 November 1956, p.6.

<sup>141</sup> *SMH*, 9 January 1956, p.4.

made headlines when he highlighted the likelihood of a steep rise in interest rates without reform of local council finances.<sup>142</sup> He attracted attention in the *SMH* when he created “uproar” in the house in telling the Chief Secretary of the estimates committee that the Theatre and Film Commission was “in the business only to cover up a lot of crooked people”.<sup>143</sup> Askin also made the lead editorial over the same matter and was quoted as saying there had been “crookedness on the Government side” and “lack of guts on the Liberal side”.<sup>144</sup> He again made headlines when he led a “bid” for the Legislative Council to be elected by popular vote rather than by the vote of both houses. He intimated that the way the Upper House was being elected was “degrading” the parliament. On this occasion there was a virtual reversal of roles, with Morton reported as saying that “the LP would support Mr. Askin’s motion.”<sup>145</sup>

Askin was a close student of well-proven political tactics, understood the power of public sentiment and knew how to grab headlines through an appeal to emotions. Hancock cites an example where Askin called for a referendum on the death penalty following the passing down of a life sentence to a labourer who was convicted of abduction, rape and murder of a 14-year-old girl.<sup>146</sup> In this case Askin was again quoted in the press arguing that “civilised society” required the deterrent of capital punishment to provide the “maximum protection for law-abiding citizens, especially the womenfolk”.<sup>147</sup>

In the wake of the 1959 election defeat on 21 March, Morton was challenged by the renegade Member for Manly, Douglas Darby, on the grounds that his commitments to outside business interests were undermining his capacity to carry out his parliamentary and leadership duties. Despite this challenge, Morton retained his leadership 22 votes to 6. But only a few months later on Tuesday 14 July 1959, three parliamentary members, Ivan Black,

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<sup>142</sup> *SMH*, 14 January 1957, p.4.

<sup>143</sup> *SMH*, 10 October 1957, p.3

<sup>144</sup> *SMH*, 29 August 1957, p.1.

<sup>145</sup> *SMH*, 23 November 1957, p.5.

<sup>146</sup> Hancock, ‘Askin, Robin’, p. 351.

<sup>147</sup> *SMH*, 8 April 1959, p.21.

Geoffrey Cox and Douglas Cross, met with Morton and called on him to resign. These rebels had been intriguing against Morton and were dissatisfied with his inaction since the Liberal electoral loss several months earlier. The three called for Morton's resignation on the grounds that he did not have the majority support of his parliamentary colleagues. Morton refused to resign and instead called a meeting for the 17 July 1959 to consider the issue.<sup>148</sup> At this meeting Morton lost a no-confidence motion by two votes and the leadership became vacant. In the lead up to this event, both Eric Willis, the MLA for Earlwood, and Askin had said that they would not stand unless they had the overwhelming support of their parliamentary colleagues.<sup>149</sup> Willis had been elected to the seat of Earlwood in 1950 and was a Morton supporter. Following the vote of no-confidence, all members were given the opportunity to put themselves forward. On this occasion Willis did not stand for the leadership.

Emerging as a seasoned political tactician, Askin seized the opportunity and was elected unanimously. He had played his hand well and it was speculated by political commentators of the day that had he challenged for the leadership when Darby had first raised the issue then he would certainly have been unsuccessful.<sup>150</sup> Willis was elected as Askin's deputy following a protracted ballot and thus formed the partnership that would lead the Liberals to the next election.<sup>151</sup> Askin was not heralded as a messiah by his peers. Even though he had been deputy for several years, had demonstrated the capacity for leadership, and had been elected unanimously, his ascendancy was not greeted with great accolades or expectations. Morale was low. The media reported that he had a lot to do to pull together "a divided and discouraged" party which had been in the doldrums for 18 years.<sup>152</sup>

Askin's path to the leadership of the LP was grounded in well proven political tactics. His natural predisposition to seek out opportunities to be

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<sup>148</sup> *SMH*, 17 July 1959, p.1.

<sup>149</sup> Hancock, *The Liberals*, p.104.

<sup>150</sup> *SMH*, 19 July 19, p.36.

<sup>151</sup> Hancock, *The Liberals*, p.104.

<sup>152</sup> *SMH*, 19 July 1959, p.36.

involved in and lead civic forums led him naturally to electoral office in Collaroy. Askin's tendency to aspire to executive position was borne out in his pursuit and retention of the deputy leadership. Equally, his close observation of Cahill during his apprenticeship in parliament was a natural consequence of the high value he placed on rank and his respect for authority. Despite this, his reluctance to push for leadership reflected his sense of responsibility to any group he belonged to and his natural tendency to caution. Askin's preference for logistics over strategy also provide some explanation for why he naturally preferred to wait until he could stand unopposed. A different temperament with a talent for diplomacy might have more actively set out to convince his colleagues of the merits of a change of leadership. After he achieved the leadership he showed no lack of confidence despite the absence of strong and immediate accolades from his peers. It is also notable that Askin's political agenda during his early years in the parliament focussed on issues concerning the salary-earning middle-class voter such as housing, transport and sewerage. While this represented sensible politics, it also seems to reflect his natural affinity with such people.

Each of these tendencies dovetailed well into Askin's emerging art of politics and *modus operandi*. For example, having gained the deputy leadership, Askin pursued the tactic of working hard to preserve his position of authority. Realising he could not control Morton, he supported Robson. Furthermore, despite his wheeling and dealing behind the scenes, he was always aware of the need to retain the favour of his peers and kept onside with all his parliamentary colleagues despite backing Robson. Equally, his advocacy for the salary-earning middle-class voter mirrored that of Menzies and reflected his understanding of the need to retain the favour of constituents. The fact that he was the only Liberal member to increase his majority in the 1953 election and that he continued to grow it through to the 1959 election further exemplifies this point. In accordance with well-proven political tactics, Askin knew not only that he needed the support from the electorate but that recognition of this among his peers was crucial to his leadership. Moreover, he needed his peers to recognise that his acceptance in the electorate as an attractive candidate could develop into support for the LP as a whole. When Askin was elected to the leadership in 1959, after an



earlier attempt in 1954, he demonstrated the traits of a leader styled on well-established principles of political success. He displayed the capacity to recognise shifts in sentiment of his peers and positioned himself well for ascendancy.

## **1.4 Askin becomes Premier**

While Askin's temperament and political tactics had served him well in achieving his initial goal of leading the LP, a number of issues tested his political mettle in achieving government. State aid was one of the major issues that confronted Askin. State aid to independent schools was a perennial issue and was arguably the most contentious political controversy of the 1960s. The issues of state aid and the denominational composition of the LP were closely related and therefore it is important to examine these issues.

When liberalism materialised in the form of an alternative to the ALP, the majority of their members were Protestant. The principles of Australian liberalism were based on independence and loyalty, with no affiliation to the claims of special interest groups. These virtues were rooted in Protestantism.<sup>153</sup> This manifested in the Commonwealth Liberal Party, established under Alfred Deakin in 1909, the United Australia Party (1931) and finally the Liberal Party of Australia, which was established in 1944.

Brett argues that there were two strands of liberalism: the British model and the European model. The European secularist model was based on freedom from religion. The Australian Liberals favoured the British model which was not based on freedom from religion but the freedom to follow the religious doctrine of the individual's choice. British Liberalism was entwined with Protestantism because it was the result of the Reformation which was based on the freedom of religious conviction. It was essential that the Liberals were independent of any doctrine when they made a political judgement. Therefore, they had to be independent of the Church of England, even though

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<sup>153</sup> Brett, *Australian Liberals*, p.35.

the Church has its genesis in Protestantism. The fight for this independence from religious conviction, which was a fundamental principle of Protestantism, was the common ground which unified the British parliamentary Liberal Party. In Australia the early disestablishment of the Church of England had left the Liberals without an opponent to individual freedom. Instead, they found the Catholic Church as a substitute for this potential threat to individual liberty. This resulted in a religious divide between Protestants and Catholics in the first half of the 20<sup>th</sup> century.<sup>154</sup>

In direct contrast to the ALP's fundamentals, which were bound by the caucus and the 'pledge', the Liberals' fundamentals were based on the independence and freedom of the individual. Those Catholics who were attracted to the conservative side of politics were treated with suspicion and were not welcomed. Judith Brett argues that the main reason for the overrepresentation of Catholics in the ALP was because they were shunned by the Liberals. She questions the evidence that Catholics dominated the working class and rejects the view that because Catholics were the most visible minority before World War Two that they were naturally attracted to a Labor Party which had traditionally supported the grievances of the underdog. She says that these arguments ignore the symbolic impact religion has on people's understanding of the "social and political reality".<sup>155</sup>

The gulf between Catholics and Protestants is very often mentioned in Australian history. Up until 1952, mixed marriages were only barely tolerated by the Catholic Church and those who did marry were refused the nuptial mass and forced to take their vows out of public view in the sacristy. Catholic clergy clung strongly to their differences with Protestants and frequently refused to attend ecumenical services on ANZAC day. Catholics were forbidden to attend Masonic balls or non-Catholic services and it was common to see Catholics standing outside the church at a Protestant funeral or wedding service. Rivalry extended into all facets of society including the

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<sup>154</sup> Brett, *Australian Liberals*, p.41.

<sup>155</sup> *ibid*, p 55.

media whereby the introduction of the Catholic radio station 2SM in 1931 was soon followed by a Protestant station 2CH in 1932.

This gulf in Australian political life remained strong until after WWII. A principal catalyst for change was the split in the ALP and a strong trend towards secularism.<sup>156</sup> Communism was anathema to Catholics who regarded its godlessness as an attack on their fundamental beliefs. Some Catholics were also concerned that Communist governments would restrict their religious freedom or worse, ban their right to worship altogether. This concern found voice in the Anti-Communist Labor Party, subsequently the Democratic Labor Party (DLP),<sup>157</sup> which was weak in NSW.

Rivalry also existed in commercial settings between Freemasons and the Knights of the Southern Cross, the so-called Catholic Masons.<sup>158</sup> The Masons originated in Britain and were a fraternal and non-denominational organisation which was bound by a moral order and their pursuit of mutual benefit. Masons, including Askin, were well represented in the middle and upper classes and in fact almost 80% of all non-Labor Prime Ministers up until 1972 were Masons.<sup>159</sup> Masonic 'lodges' were widely spread and reached their height in the mid-1950s whereby 330,000 masons permeated managerial ranks in government and business.<sup>160</sup> While not explicitly anti-Catholic, Masonry had strong anti-clerical European roots. Secret organisations were prohibited under canon law in the Catholic Church which meant that the Masonic oath of secrecy prevented Catholics from participating in the Masonic movement. Catholics formed their own order of Knights of the Southern Cross after the First World War.<sup>161</sup> This was principally in response to perceived discrimination in the workplace.<sup>162</sup> Just as the Masons promoted the interests

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<sup>156</sup> Brett, *Australian Liberals*, p.128.

<sup>157</sup> *ibid*, p.130.

<sup>158</sup> Hogan, *The Sectarian Strand*, p. 204.

<sup>159</sup> James Franklin, 'Catholics versus Masons', *Journal of the Australian Catholic Historical Society*, Vol. 20, 1999, p. 8

<sup>160</sup> Franklin, 'Catholics versus Masons', p.8

<sup>161</sup> *ibid*, p.10.

<sup>162</sup> Hogan, *The Sectarian Strand*, p. 197.

of their members, particularly in business and the workplace, so did the Knights act to promote member interests and they frequently performed the role of a job agency.<sup>163</sup> Despite these differences, the Masons and Knights have mainly focussed on moral, yet primarily sectarian, promotion of the interests of their members and the two organisations have often been on friendly terms. As such, while there has been some organisational rivalry, the notion of antagonism based on a Protestant-Catholic dynamic is often overstated.<sup>164</sup>

Another key factor in the erosion of religiosity in the Australian political system was the strong trend towards secularism after WWII.<sup>165</sup> Post-war immigration from Europe also contributed to a shift in composition of the Catholic community from one almost entirely Irish to one with much wider cultural roots. While rivalry was real between Catholics and Protestants, it was also sometimes exaggerated, a claim exemplified by the harmonious acceptance of the alternation of Police Chiefs in NSW between Catholic and Protestant.<sup>166</sup> A striking example away from sectarianism was the anti-communist “Call to Australia” signed in 1951 by both Catholic and Protestant church leaders and state Chief Justices which championed God, King, Country and the family unit.

The primary support for the elimination of state aid was from secularists who believed that the state should control education and did not want the state to support religious schools. Prior to federation, each of the colonies had introduced legislation for compulsory primary education provided by the state on a secular basis. The same legislation removed “state aid” to non-government denominational schools.<sup>167</sup> Politicians and most voters remained committed to this until the early 1960s with only minor concessions in the intervening period. This came to an end in 1964 when the Menzies

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<sup>163</sup> Franklin, ‘Catholics versus Masons’, p.13.

<sup>164</sup> Hogan, *The Sectarian Strand*, p. 204.

<sup>165</sup> Brett, *Australian Liberals*, p.128.

<sup>166</sup> Hogan, *The Sectarian Strand*, p. 204.

<sup>167</sup> Ian Wilkinson, Brian Caldwell, Richard Selleck, Jessica Harris, Pam Dettman, *A History of State Aid to Non-Government Schools in Australia*, Canberra, 2007, p.1.

government introduced state aid for science facilities in both government and non-government schools.<sup>168</sup>

While the state-aid issue remained a point of debate for several decades, there was a lull after World War Two and the issue only returned as a contentious and dividing issue in the late 1950s. The government education system was having difficulty in coping with the rapid increase in demand. This was due to the increasing birth rate, immigration and the trend of the baby-boomers staying longer at school.<sup>169</sup> The only shifts in policy throughout this period came in the form of indirect support such as bursaries and concessions such as the waiving of charges to non-government schools for various government services.<sup>170</sup> In terms of political alignment, Labor policy at a federal level remained against state aid and from the outset there was general antipathy towards state aid on all sides of politics. When this began to change after World War Two, the change in position in NSW was led by the CP.<sup>171</sup>

By 1960, there was a funding crisis in Catholic schools.<sup>172</sup> Agitation from Catholics for state aid reached a public climax in 1962 with a protest in which all Catholic schools were closed in Goulburn and over 2000 children were presented for enrolment at state schools. Despite the negative press reaction to the protest, public sentiment during the post-war period had been shifting.<sup>173</sup> In the 1950s and very early 1960s, as many as 40% of Protestants now supported state aid.<sup>174</sup> By the early 1960s, Gallup polls generally indicated that a majority of Australians no longer opposed state aid.<sup>175</sup>

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<sup>168</sup> Wilkinson, et al, *A History of State Aid*, p.2.

<sup>169</sup> *ibid*, p.21.

<sup>170</sup> Hogan, *The Catholic Campaign for State Aid: A Study of a Pressure Group Campaign in New South Wales and the Australian Capital Territory, 1950-1972*, Sydney, 1978, p.23.

<sup>171</sup> Michael Hogan, *The Catholic Campaign for State Aid*, p.24.

<sup>172</sup> Hogan, *The Sectarian Strand*, p.252.

<sup>173</sup> Hogan, *The Catholic Campaign for State Aid*, p. 69.

<sup>174</sup> Henry Albinski, , *Australian Labor Party and the Aid to Parochial Schools Controversy*, University Park, 1966, p.6.

<sup>175</sup> Wilkinson et al, *A History of State Aid to Non-Government Schools in Australia*, p.25.

The lack of technological and scientific education in Australia became apparent during the Sputnik era when the Soviet Union successfully launched the first satellite into space in 1957, and subsequently the first human in 1961. This set off the space race and prompted President Kennedy's celebrated quest to land a man on the moon before the end of the decade. Menzies had recognised the opportunity to attract the Catholic vote and his introduction of aid for science facilities in 1964 was a watershed. The introduction of state aid was less confronting to the electorate in the context of the post Sputnik era of the cold war.

The promise of state aid in the lead up to the 1963 election helped Menzies win what appeared could be a very tight result in early 1963 and highlighted his artfulness in capitalising on the fact that the ALP was becoming increasingly divided on the issue.<sup>176</sup> At the same time Catholics kept the issue in public discourse by arguing that Catholic schools were saving the state money and, increasingly, state governments recognised that state aid could be a vote winner. During the 1960s the Catholics kept the issue on the agenda at the federal and state elections. The critical fact was that the Catholic system could not meet the growing demand from its own resources. If it failed, the already strained government system would have to fill the void.<sup>177</sup>

When Askin became leader, state aid was not the only challenge he had to face. After the defeat at the 1959 election, the LP was despondent, divided and in desperate need of reinvention and unification. The relationship with the CP was tenuous while that with the organisational wing of the LP was somewhat acrimonious.<sup>178</sup> Askin also needed to establish his authority over the parliamentary LP.

Even though Askin had been elected to the leadership unanimously, the Morton group had only acquiesced and he gained the leadership by the

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<sup>176</sup> Wilkinson et al, *A History of State Aid to Non-Government Schools in Australia*, p.31.

<sup>177</sup> *ibid*, p.2.

<sup>178</sup> LPA ML MSS 2385 K53642 Item 10.

attrition of the traditional 'Bunyip' aristocratic leaders; at this stage the party remained divided. After the passing of the 'old guard', any threat to Askin's leadership would have come from the 'young rebels' who were responsible for Morton's demise that had enabled Askin to seize the leadership. Thomas L Lewis and Eric A Willis, who in turn succeeded Askin after he retired, both harboured leadership ambitions. During the Morton leadership spill, Willis had made his intentions clear that he would stand but subsequently realised he did not have the numbers. Lewis, who had not been involved in the intrigue against Morton, was touted by the *Daily Telegraph* as a 'clean skin' and a credible candidate for the leadership.<sup>179</sup> It was therefore necessary for Askin to eliminate any machinations until he finally consolidated his leadership by winning the 1965 election. However, it was a long haul between 1959 and 1965.

Following his election as leader, Askin wasted no time in addressing these challenges. He immediately aligned himself with the successful Menzies government by declaring that he and Menzies had a mutual interest and that it was to Menzies' advantage that the LP win government in NSW. "We want to play our part in national development, particularly in this state", he said.<sup>180</sup>

With regard to the CP, Askin claimed in an ATN Channel 7 interview that "he got on very well with the Country Party". He said he was a close friend of the CP: "He and Cutler understood each other very well".<sup>181</sup> Charles Cutler had been elected leader of the CP three months before Askin became leader. Both leaders were pragmatic and realised that the unity of their parties was essential in order to break the ALP stronghold in NSW. Immediately after Askin was elected leader, he and Cutler set up an informal committee comprising themselves, NSW Liberal President, Robert Cotton, State CP Chairman, John Fuller, Liberal Party General Secretary, John Carrick, and CP General Secretary, John Dredge. Consistent with Askin's strong preference for cooperation and negotiation, the idea was to improve

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<sup>179</sup> *Daily Telegraph*, 5 July 1959,

<sup>180</sup> *SMH*, 20 July 1959, p.4.

<sup>181</sup> *SMH*, 20 July 1959, p.4.

the inter-party relationship and address policy differences such as the triangular contests before they escalated into conflict.<sup>182</sup>

The defeat of the Cahill Government was Askin's first priority and he intended to achieve this by "applying continuous pressure", describing himself as "a middle of the road man" and announcing that he did not intend to do "anything spectacular". Askin stated that the organisational wing of the LP had assured him that there would be no interference with the working of the parliamentary party. He was quite willing to cooperate with the organisation and understood their interests in policy formulation.<sup>183</sup>

Askin addressed the religious background of the LP and said that "he would like to see a greater proportion of Roman Catholics in the parliamentary party", but this could not be achieved with the "stroke of a pen".<sup>184</sup> He was also saying that "sectarian strife" in the LP was non-existent in comparison to the ALP. He did not elaborate on this comment but it was possibly a jibe at the ALP over its tension with the Catholic Church regarding the issue of state aid or a more general comment on the role of sectarianism in the Labor split.<sup>185</sup> The absence of sectarianism in the LP seems attributable to the absence of Catholic members.

As Opposition Leader, Askin was finally able to square off with the seemingly invincible Cahill. In the midst of a cacophony of heckles and hisses from the Government benches and witty interjections from Cahill, Askin delivered his maiden speech as Opposition Leader in the address-in-reply debate. He rejected the ALP's claim that they had ushered in a "golden age" and argued that the claim had turned out to be "dross". Askin illustrated this argument by citing the 20,000 families who were waiting for the blocks of land

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<sup>182</sup> Interview (Paul Loughnan) with Sir John Fuller, 10 January 2008.; Paul Davey 'Charles Cutler: A Lesson in Coalition partnership with Premier Askin', Paul Davey, 'Charles Cutler: A lesson in Coalition partnership with Premier Askin', *The Worldly Art of Politics*, Ken Turner and Michael Hogan (eds.), Sydney, 2006, p.175.

<sup>183</sup> *SMH*, 3 August 1959, p.22.

<sup>184</sup> *SMH*, 3 August 1959, p.22.

<sup>185</sup> *SMH*, 4 August 1959, p.14.



to be released under the Government's Cumberland County Plan. He argued that statistics demonstrated that the housing shortage in NSW was the worst in any state.<sup>186</sup> The Cumberland County Plan had been established by Labor under the *Local Government (Town and Country Planning) Amendment Act* in 1945. The intent had been to improve the coordination and effectiveness of the local government planning through the establishment of a "master" planning body spanning all councils. While acclaimed as a powerful legislative instrument, the legislation was complex and plagued with delays in implementation.<sup>187</sup>

However, Askin's squaring off with Cahill only lasted for a short time. Cahill became ill in the chamber during a lively debate and died the following day on 22 October 1959. Askin's reflections on the events that took place in the chamber give an interesting insight into the "bear pit". Askin had just moved a censure motion of the Government:

...I was thumping the table and doing the best I could with this case and I noticed Mr Cahill looking very pale. And he was belching in a different way to the ordinary person and I could see he wasn't too well ... and I leant [sic] across the table and I said "Are you alright Joe?" ... he said "Yes, get on with the bloody thing". Those were his last words ... They weren't heard by hansard [sic] but that's what actually happened. That was him, he was blunt, a pretty blunt old place, New South Wales Parliament, popularly supposed to be the toughest of all.<sup>188</sup>

After Cahill's death, the 69 year old Deputy Premier Robert J Heffron became Premier. Heffron lacked the decisive leadership of Cahill and he was considered by the party as a caretaker premier.<sup>189</sup> But Heffron was a superior politician to McGirr and perhaps unlucky not to have had his chance earlier in his career. Askin's relationship with Heffron was in direct contrast to the relationship he had with Cahill.

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<sup>186</sup> *SMH*, 14 August 1959, p.4.

<sup>187</sup> Paul Ashton, *The Accidental City: Planning Sydney since 1788*, Sydney, 1995, p.67.

<sup>188</sup> Interview (Pratt): Sir Robert Askin, 1:1/36.

<sup>189</sup> Clune, *The Labor Government in New South Wales*, p. 141.

Now [Heffron] was a different man altogether, a gentlemanly old chap. The tragedy of his appointment was that it came too late in life for him ... It was very embarrassing for me as a matter of fact, because he and I had been close friends for years ... [both in Parliament] and in other spheres, we were both interested in similar things, and we had to oppose each other; and we didn't like tearing into each other because we had a genuine liking for each other. And a rather unusual situation developed in the State Parliament, of which hardly anybody knew because when there was likely to be a fight between the LP and the Labor Government I'd send word to Mr. Heffron and he'd put somebody else in the Chair, so that I wouldn't be attacking him personally. And when he was going to attack the Opposition he'd send word to me: "You'd better have a cup of tea about four o'clock this afternoon," and we managed to get through for the whole of his term still good friends and never having had a row in the House. A lot of people could never understand it, but we managed; we both did our jobs, but we never really had any open dust-up.<sup>190</sup>

Askin's relationship with Heffron might have been somewhat genteel in the chamber but he managed to rattle some of the cabinet ministers. Askin attacked the Minister for Housing, Abram Landa, over the housing shortage; he attacked the Minister for Health, William F Sheahan, over the deplorable state of mental health institutions; and he also attacked the Minister for Public Works, Phillip N Ryan, over corruption and irregularities in government contracts.

The 1961 referendum to abolish the NSW Legislative Council provided Askin with the opportunity to take on the Government in the electorate. The performance of the Coalition at the referendum acted as a barometer reading of their prospects at the looming state election. Therefore the referendum was a critical test of Askin's leadership.

The saga had begun when the Government won the 1959 election and had included in their election policy a proposal to hold a referendum to abolish

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<sup>190</sup> Interview (Pratt): Sir Robert Askin, 1:2//2.

the Upper House. In December 1959 at the first reading of the Bill the LP voted in favour of the referendum but stated that they would advocate a “no” vote “if a referendum was held on the ground that the present Upper House with all its faults was preferable to no Upper House”.<sup>191</sup> So, in April 1960 the Opposition favoured the reconstitution of the Upper House rather than its abolition. It was integral to Askin’s temperament to show strong respect for the authority of established institutions and practices and he believed in the bicameral system and “that while there is an Upper House, even with the Government majority there is a possibility of extremist legislation being blocked”. On the second reading, after some indecision, the opposition parties voted against the referendum. They refused to support a reconstruction where the members of the Legislative Council were still elected by both houses of parliament. They indicated that they would support a reconstruction which provided popular vote franchise.<sup>192</sup> At this time the Legislative Council consisted of sixty members elected by both houses of parliament. Each member was elected for twelve years with fifteen retiring on a rotational basis every three years.

On 12 May 1960 the vote was won by the Government 44 to 37. All of the Opposition members voted against the referendum except Kevin Ellis, the Member for Coogee, who crossed the floor. At this stage Askin had achieved harmony between the LP and the CP and success was in the air. At the beginning of the saga, some Liberal and CP members were divided on the issue. Askin had managed to reverse this situation with only one member defecting.<sup>193</sup>

The referendum was held in April 1961. During this period the Cold War was well under way. The rhetoric of the domino theory was used by Menzies and the LP to incite fear and terrify the electorate. Askin embraced

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<sup>191</sup> *SMH*, 2 December 1959, p.28.

<sup>192</sup> *SMH*, 13 May 1960, p.2.

<sup>193</sup> *SMH*, 13 May 1960, p.2.

this rhetoric in a 'boots and all' campaign against the abolition of the Upper House.<sup>194</sup>

Askin opened the campaign at St Thomas's Hall, North Sydney. He claimed that the Communist Party was spending huge sums of money to destroy the Upper House. Cutler, along with the members of the Opposition, presented a united front in order to avert what Askin described as "part of a world-wide campaign to destroy democracy and replace it with Communism". Askin predicted a grim future for NSW if the Upper House was abolished. The ALP would abolish the office of the State Governor, create large-scale amalgamations of utility services, resume property, introduce SP betting shops on practically every street corner, destroy the arbitration system, employ dental mechanics in place of qualified dentists, gag the press, introduce higher taxes, create more electorates and gerrymander the electorates to ensure a one-party state.<sup>195</sup> Once again, consistent with his political style and temperament, he focussed on concrete implications that would easily be grasped by the wage-earning voter and their wives who were usually responsible for balancing the family budget. The only image that Askin failed to paint was the arrival of the crimson hordes through the heads of Sydney Harbour in their sampans and junks.

The referendum was emphatically rejected by the electorate and constituted a severe blow to the Government. Askin and the Coalition were exuberant with their first victory against the Labor Government in 20 years, one that buoyed their confidence at the prospect of the impending state election.<sup>196</sup> It was irrelevant to the Coalition that the majority of all referendums in NSW at the time had resulted in no change. Askin had demonstrated his leadership ability and capitalised on his success by making it clear that he was his own man. While his temperament pulled him in the direction of cooperation, his savvy for political tactics told him that it was important for him to be seen by his peers as a strong leader. In May 1961,

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<sup>194</sup> Hancock, *The Liberals*, p.106.

<sup>195</sup> *SMH*, 11 April 1961, p.1.

<sup>196</sup> Hancock, *The Liberals*, p.105.

when Askin was asked if he was a puppet of Ash Street, the headquarters of the NSW LP organisation, Askin bluntly replied: "Ash Street never bothers me unless it is a matter involving the constitution [of the Party]".<sup>197</sup> It was rumoured that Carrick was part of the so called Ash Street 'junta' that controlled the parliamentary party but according to Carrick this was a fallacy; he maintained that he had a good working relationship with Askin.<sup>198</sup>

This exuberance of the Coalition was shattered at the end of 1961. In November 1960 the federal treasurer Harold Holt implemented a stringent monetary policy as an anti-inflationary measure which produced an acute "credit squeeze". This resulted in a down-turn in economic activity which exacerbated unemployment, particularly in NSW. Unemployment in NSW reached its highest point since WWII, increasing by 170% during the financial year ending 1961.<sup>199</sup> At the federal election of 1961, the Menzies Government was almost defeated, losing 4 of 16 seats in NSW and holding on to government by just two seats. This sent a shudder through the ranks of the Coalition who feared a voter backlash at the upcoming state election. As Askin put it, "I approached the 1962 election, my first as Leader, with some confidence, but my hopes were dashed to the ground at the end of 1961 [sic] when the Menzies Government brought in a severe credit squeeze".<sup>200</sup>

The "credit squeeze" was a boon to the ailing NSW Government. Heffron capitalised on the misfortune of the Coalition by calling an early election to be held on 3 March 1962. Another factor that assisted the Government with its election prospects was the redistribution of the electoral boundaries which increased the moderate bias that the ALP already enjoyed.<sup>201</sup> The factional disruptions that occurred after Cahill's death also began to be contained. The old 'balanced' executive of the extra-parliamentary organisation, which Cahill had instigated in order to avoid the split in NSW, began to return to the control of the moderate right wing. The

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<sup>197</sup> *Sun-Herald* 7 May 1961, cited in Hancock, *The Liberals*, p.106.

<sup>198</sup> Interview (Loughnan) with Carrick.

<sup>199</sup> Clune, *The Labor Government in New South Wales*, p. 153.

<sup>200</sup> Interview (Pratt): Sir Robert Askin, 1:2/3.

<sup>201</sup> Clune, *The Labor Government in New South Wales*, p. 151.

main concern of the executive was about the disunity in the parliamentary party and they set a course to rectify this and presented a unified organisation and caucus to the electorate.<sup>202</sup>

Heffron's campaign mantra was based on the proven formula used by Cahill that the ALP was experienced and a guarantee of continued prosperity. He dramatised the impact of Menzies' induced recession by floating the idea to the electorate of a partial moratorium on home loan and hire purchase repayments. This failed to materialise but the Government did accelerate its public works program to alleviate unemployment. Menzies inadvertently assisted the Labor Government again with the timely relaxation of the federal monetary policy coupled with an injection into the NSW Loan Fund of 6.9 million pounds in February 1962.<sup>203</sup> The election result was a resounding victory for the Government with an increase from 49 to 54 seats, while the Coalition won 39 seats.<sup>204</sup>

During Askin's first state election campaign his pragmatic leadership style became evident. He was perceived as being able to relate to "the language of the ordinary working man".<sup>205</sup> He courted the traditional Labor supporters such as railway workers, public servants, pensioners and retired public servants who were struggling under the pressures of inflation. The causes of the 'underdog', the 'small man', Aborigines, Sydney commuters, "mental patients" and small shop keepers were championed while the Government was portrayed as complacent and incapable of meeting the challenges of the 1960s.<sup>206</sup> In 1962, the mention of the plight of the Aboriginal people was progressive and fitted well with Askin's pragmatic leadership. Frank Browne, an extreme right-wing activist and controversial journalist, aptly encapsulated the new leadership style of Askin: "Askin popped up at places where no Liberal had been seen since the spring of 1892 ... he hasn't shirked

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<sup>202</sup> Clune, *The Labor Government in New South Wales*, p.152.

<sup>203</sup> Ian Campbell, '1962', *The People's Choice, Electoral Politics in 20<sup>th</sup> Century NSW*, Michael Hogan and David Clune (eds.), Sydney, 2001, p.384; Clune, *The Labor Government in NSW*, p.154.

<sup>204</sup> Clune, *The Labor Government in NSW*, p.156.

<sup>205</sup> *SMH*, 30 April 1965, p.2.

<sup>206</sup> Clune, *The Labor Government in New South Wales*, p.148.

a public issue and has made his position clear on every issue, even when doing so made some of the old ladies of both sexes in his own party shudder and fizzle their croquet shots".<sup>207</sup> Some LP members had considered that the role of the party was to exclusively represent well-to-do citizens similar in ilk to the residents of Sydney's North Shore. Demonstrating his trademark ability to adapt to, and take advantage of, changes in the political environment, Askin distanced himself from the Federal Liberal Government. It was reported that when the question was posed as to whether he would invite Menzies to be involved in his campaign, he was heard to quip "over my dead body".<sup>208</sup>

Nonetheless, it was a difficult challenge for the Coalition to win the 1962 election. Apart from Menzies being a political albatross for the Coalition at that point, the policies of the Coalition and ALP were similar.<sup>209</sup> The ALP was able to negate the original policy initiative presented by the Opposition. This was exemplified when Askin proposed the legalisation of SP bookmaking. Heffron countered by promising a judicial inquiry which might have been more astute in that it avoided the possibility of alienating the anti-gambling lobby. Askin's promise to increase public service superannuation was met with an immediate increase of 10% by the Government. Askin also made some unwise decisions with regard to the sensitive issues of state aid and rent control.<sup>210</sup>

By 1962 state aid had already been endorsed by the CP in the form of subsidising building loans for schools. In contrast, the LP's standing on the issue was one of confusion. The party organisation had convened two committees chaired by Ken McCaw, a Methodist and a Freemason, whereby each committee had recommended state aid to independent schools. Since the election of Ralph Horner as NSW State President of the Liberal Party in 1961 a broader view became accepted by some members and state-aid was accepted as "good public policy" and an equity issue. People who chose to

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<sup>207</sup> Frank Brown, 'Things I Hear', *SMH*, 15 February 1962, cited in Clune, *The Labor Government in New South Wales*, p.148.

<sup>208</sup> Campbell, '1962', p.384.

<sup>209</sup> *ibid*, p.391.

<sup>210</sup> Clune, *The Labor Government in NSW*, p.155.

enrol their children into non-state schools were entitled to some form of assistance. There was also the hope of attracting the right-wing ALP Catholic vote.<sup>211</sup> At the last moment the parliamentary party exercised its right to execute policy and reneged on direct state aid to independent schools. They conceded only free school travel for all children.<sup>212</sup> Askin was aware that there was a minority in the parliamentary party who objected to state aid. He felt that he had little chance of winning the election and had said that he was only prepared to promise state aid if the Catholic vote could be delivered to the Coalition.<sup>213</sup> The ALP had avoided the issue and Askin possibly considered it fruitless to become embroiled in an internal conflict during an election campaign. At the 1962 election neither the LP nor the ALP found it to their political advantage to endorse state aid.<sup>214</sup> During the election the “widespread rumours that the Government and the Roman Catholic hierarchy had reached a ‘secret deal’ on some form of state aid probably assisted Labor in retaining the Catholic vote”.<sup>215</sup>

The ALP’s policy on rent control was to maintain the status quo and to consider the recommendation of the then current commission into the *Rent Control Act*. The LP pledged to implement the Commission’s recommendation to lift rent control on 60% of premises and to limit the cap on the remaining rent control premises to a 40% increase. The Government seized on the opportunity and ran a fear campaign alleging that Askin would lift rents by 40%. Askin created confusion when he attempted to retreat from his original stance by reducing the maximum allowed increase to 20%, then guaranteeing that no one would suffer hardship.<sup>216</sup> Kevin Ellis, the Member for Coogee, who had crossed the floor over the abolition of the Upper House, lost his seat and claimed that “Rents and the policies of the Menzies Government were too much for middle- class tenanted Coogee to endure without taking it out on

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<sup>211</sup> Hancock, *The Liberals*, p.111; Graeme Starr, *Variety and Choice: Good Schools for All Australians*, Barton, 2010, p. 48; Graeme Starr, *Carrick: Principles, Politics and Policy*, Ballan, 2012, p.171.

<sup>212</sup> *ibid*, p.112.

<sup>213</sup> Hogan, *The Catholic Campaign for State Aid*, p.23.

<sup>214</sup> Campbell, ‘1962’, p.374.

<sup>215</sup> Clune, *The Labor Government in NSW*, p.156.

<sup>216</sup> Campbell, ‘1962’, p.395.



their local members”.<sup>217</sup> Treatt, the former leader of the LP, was defeated in Bligh and described his attempts to explain the LP’s policy on rents to constituents in Bligh as “like going over Niagara in a barrel”.<sup>218</sup> Despite Askin’s mistakes, it would seem that the backlash against Menzies was the main contributing factor for the election loss.<sup>219</sup> ALP Upper House member Reg Downing recalled that “when he saw Menzies not long after the election, the Prime Minister asked in mock bewilderment why he had not received a letter of thanks from the NSW ALP acknowledging his substantial contribution to the Government’s return”.<sup>220</sup>

The 1962 election campaign proved to be a dress rehearsal for the successful campaign of 1965. The Liberal and Country Parties had presented a united front to the point where Askin had sometimes been criticised for spending too much time in CP seats.<sup>221</sup> The question over triangular contests for country seats had been settled and it was viewed that a joint policy speech would have improved their electoral prospects. It was also critical that the question of state aid needed to be resolved.<sup>222</sup> Even though the loss of seats was disturbing for the Coalition, their primary vote had only declined by 0.5%.<sup>223</sup> Askin was not disillusioned by the result.

...we showed a 3 per cent improvement in New South Wales, as compared to the Federal people only a few weeks earlier ... So although it meant another three long years of waiting, Mr Cutler and myself started making our plans early in the picture with staff rearrangements, additional staff where we could persuade our parties to finance the appointment of extra Press officers and research officers and so on we started making our plans.<sup>224</sup>

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<sup>217</sup> Kevin Ellis to Ralph Honner, 2 May 1962, cited in Hancock, *The Liberals*, p.113.

<sup>218</sup> Ian Campbell, ‘State Ballot: The NSW General Election of 1962’, *APSA Monograph No.7*, Sydney, 1963, p.23, cited in Clune, *The Labor Government in New South Wales*, p.155.

<sup>219</sup> Clune, *The Labor Government in New South Wales*, p.156.

<sup>220</sup> Interview (Clune) with The Hon. Robert R Downing, cited in Clune, *The Labor Government in New South Wales*, p.156.

<sup>221</sup> Hancock, *The Liberals*, p.111.

<sup>222</sup> Campbell, ‘1962’, p.421.

<sup>223</sup> *ibid*, p.112.

<sup>224</sup> Interview (Pratt): Sir Robert Askin, 1:2/3.

The political and economic climate of 1965 was more hospitable for the Coalition than that of the 1962 election. By 1963 when the Menzies Government went to the polls, the recession of 1961 had subsided. In 1963 the Menzies Government took 7 seats from the Federal ALP in NSW.<sup>225</sup> The NSW state coalition was further buoyed when the federal Coalition won three of the five Senate seats at the 1964 half-Senate election.<sup>226</sup> The swing away from the NSW ALP at the by-elections in Wollongong-Kembla, Waratah and Lakemba was also encouraging.

Heffron finally retired in 1964, and John Renshaw became Premier. After two decades in office, the Government and its aging ministry became stale under Heffron and the Labor image was irrevocably tarnished. The Government was viewed as incompetent in the areas of administration of housing, infrastructure and public transport.<sup>227</sup> Its unpopularity was evidenced in the opinion poll which was commissioned by the ALP in February 1965 to assess the marginal seats of Coogee, Drummoyne, Gosford and Goulburn. It showed a 14% swing away from the Government compared to January 1962. The comfortable victory of the 1962 election had contributed to their problems. The Government had become complacent and failed to reinvent itself with younger members in the Cabinet, and initiate new policy, while it continued to embrace the old formula of 'pork barrelling' and a display of unity at election time that had previously ensured victory.<sup>228</sup>

While the fortunes of the Government were waning, Askin's were waxing. The loss of the 1962 election was expected by the LP. Therefore Askin's leadership did not suffer the same fatal purging his predecessors had experienced following electoral failure. Instead Askin relentlessly pursued well proven political tactics and was able to strengthen his leadership by continuing to demonstrate to his peers and the electorate his power as a

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<sup>225</sup> Clune, *The Labor Government in NSW*, p.165.

<sup>226</sup> Hancock, *The Liberals*, p.122.

<sup>227</sup> Clune, *The Labor Government in NSW*, p.163.

<sup>228</sup> Clune, *The Labor Government in NSW*, p.156.

parliamentary performer, his insight as an astute strategist and his strength as a vigorous campaigner in the Wollongong-Kembla by-election.<sup>229</sup> The Coalition almost won what had been a traditionally safe Labor seat with a swing of almost 8% away from the Government. In the lead-up to the 1965 election, the confidence of the Coalition had been bolstered and it approached the election in expectation of victory.

By 1965, the Menzies political albatross had transformed into a phoenix after the resounding 1963 election result and the Prime Minister was at the zenith of his popularity. This time around, unlike 1962, Menzies became the flavour of the election. Illustrating his ability to sense and respond to the changing political dynamic, Askin took every opportunity to garner the popularity of Menzies for his own advantage. Menzies was the star attraction at Askin's campaign opening at the Sydney Town Hall which was the biggest rally ever staged at the time by the LP.<sup>230</sup> Askin echoed Menzies' rhetoric by "kicking the communist can" at every opportunity, which proved to be an effective tactic in addition to following the Menzies lead on state aid.<sup>231</sup>

There were two campaigns undertaken by the LP: the official one under the auspices of the party organisation opened on 13 April 1965 by Askin, and the unofficial campaign hatched by Askin with the media mogul Frank Packer.<sup>232</sup> Packer supported Askin with favourable news columns in the *Telegraph* and promoted the Coalition to the suburban housewives in the *Weekly*.<sup>233</sup> Askin hijacked the campaign. His image became the face of both campaigns while the LP became virtually invisible.<sup>234</sup> Askin's campaign was aimed at attracting the disaffected traditional Labor voter such as working men and women, public servants, railway workers, police officers and small

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<sup>229</sup> Chris Puplick, '1965', *The People's Choice, Electoral Politics in 20<sup>th</sup> Century NSW*, Michael Hogan and David Clune (eds.), Sydney, 2001, p.434.

<sup>230</sup> Puplick, '1965', p.452.

<sup>231</sup> Donald Horne, *Into the Open*, Sydney, 2000, p.97.

<sup>232</sup> Hancock, *The Liberals*, p.122.

<sup>233</sup> Bridget Griffen-Foley, *The House of Packer: The Making of a Media Empire*, St.Leonards, 2000, p.

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<sup>234</sup> Hancock, *The Liberals*, p.123.

shop keepers. Hence the advertising campaign overseen by Packer and Donald Horne was focussed on these groups.<sup>235</sup>

The advertising slogan conceived by Donald Horne, an employee of Packer, “With Askin you’ll get action”, became ubiquitous in the form of “With Askin you’ll get action on transport”, “With Askin you’ll get action on housing”, and “Askin will make things better for your family”. The advertisements appeared on billboards, newspapers, magazines and on television. Askin “popped up” everywhere. There were photo shots of him and Mollie at home, in shopping centres and images of “ordinary Australians beside their backyard fences, kitchen sinks, and Hills hoists”, wringing their hands in despair over their dire position. The clear intent was to insinuate neglect on the part of the Labor Government. However, the *pièce de résistance* of live television images was that of Askin receiving a standing ovation at the election rally, with Menzies’ towering “great white father” figure draping the background.<sup>236</sup> After Askin became Premier, Clyde Packer, a son of Frank, was made a Member of the Upper House of the NSW Parliament.<sup>237</sup>

The policies of the parties were similar. Askin had learned from his mistakes in the previous election respecting rent control and state aid but there was a new contentious issue of trading hours for shop keepers and the towing away of illegally parked cars which had created a furore with the electorate. The rent control issue was left as a ‘sleeper’ by both parties with Askin only promising a general review and Renshaw remaining silent. The trading hours issue and the tow away system were clear differences in policy between the two parties.<sup>238</sup> The Government had enforced the regulation of trading hours on small shop keepers by restricting when they could open and the categories of goods that could be sold during these trading hours. This resulted in some owners being sent to prison after refusing to pay their fines. The enthusiastic press cited this outcome along with the towing away of the

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<sup>235</sup> Puplick, ‘1965’, p.437.

<sup>236</sup> Horne, *Into the Open*, p.98.

<sup>237</sup> *ibid*, *Into the Open*, p.99.

<sup>238</sup> Puplick, ‘1965’, p.442.

average person's motor vehicle as examples of the Government persecuting the little man. Askin vehemently opposed these Labor policies and rigorously exploited the public disquiet.<sup>239</sup>

On the state aid issue, Askin demonstrated his political prowess, strength of leadership and subsequently trounced the Government. Despite the undercurrent of opposition to state aid in both the parliamentary and organisational wings of the Party, Askin included it in his election policy.<sup>240</sup> There had even been suggestions that the Party might split over the matter.<sup>241</sup> For example Carrick, who was a strong advocate of state aid, was cautious, and recommended that Askin leave it as a sleeper and let the ALP deal with the matter. Meanwhile, the ALP was in limbo over the state aid question. While the state ALP wanted to make some form of direct state aid, the ALP Federal Executive did not support it and exercised its right to veto any policy of the NSW ALP on the issue. As a result of this conflict there were further concessions made for students attending church schools in the form of increased bursaries and text book allowances but the NSW Government was unable to offer any direct state aid at the election.<sup>242</sup>

Askin exploited the Government's dilemma, and was willing to take a calculated risk with his own party and included direct state aid in the form of subsidies for independent school building programs and loans. Before the 1963 election, the issue of increasing state aid had been considered political suicide.<sup>243</sup> Menzies' success at the 1963 federal election with the promise of the introduction of direct state aid after the Goulburn affair and its subsequent introduction in 1964 was possibly a blueprint for Askin. Although Carrick and Fuller had no qualms about backing Askin on the state aid issue, the LP's track record of dispatching failed leaders suggested that the 1965 election was probably Askin's last throw of the dice.<sup>244</sup>

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<sup>239</sup> Puplick, '1965', p.442.

<sup>240</sup> *ibid*, p.449.

<sup>241</sup> Hancock, *The Liberals*, p.121.

<sup>242</sup> Clune, *The Labor Government in NSW*, p.164; Puplick, '1965', p.447.

<sup>243</sup> Hogan, *The Catholic Campaign for State Aid*, p.245.

<sup>244</sup> Interview (Loughnan) with Carrick. Interview (Loughnan) with Fuller.

Askin was able to lay off his bet by echoing Menzies' rhetoric of "the 36 faceless men" in order to discredit the Labor Government in his electoral policy speech. At the 1963 federal election, Menzies had successfully discredited the federal Opposition over their foreign policy by accusing them of being dominated by the 36 members of the Federal Executive who were under the influence of the "extreme left" and anti-American.<sup>245</sup> The 'extreme left' was a LP euphemism for communism. Askin directed this same claim towards to NSW Labor Government, citing as evidence the predicament they were in with the Federal Executive over state aid.

Politicians, party members, media and academics were divided as to whether the Catholic vote had an influence on the election result. The ALP claimed that the loss of Catholic votes over the state aid issue was critical. This viewpoint was shared by writers for the *Bulletin*. Academics were polarised over the influence of the 'Catholic vote'.<sup>246</sup> Carrick was faced with the dilemma of how to dilute the significance of Askin's contribution to the victory. Rather than acknowledge Askin's success, and possibly in a state of delusion, he declared that NSW was a Liberal state. According to Hancock, "experienced people thought him 'slightly mad'".<sup>247</sup> Carrick went further and suggested that the Catholic vote did not exist but had been brought into being and won over by the Coalition policies.<sup>248</sup>

The election result was close in terms of seats: Labor 45, Liberal and Country Party 47, with two independents who leaned towards the Coalition. The ALP polled 43.3% of the primary vote to 49.2% for the Coalition. The two-party-preferred vote went 47.3% to Labor and 52.7% to the Coalition. But after 24 years in the wilderness it was an extraordinary victory for the Coalition, the biggest conservative vote in the history of the Liberal Country Party Coalition in NSW. There is no doubt that Carrick, Cutler and the other members of the

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<sup>245</sup> Clune, *The Labor Government in NSW*, p.163.

<sup>246</sup> Puplick, '1965', p.450.

<sup>247</sup> Hancock, *The Liberals*, p.123.

<sup>248</sup> Interview (Loughnan) with Carrick; Hancock, *The Liberals*, p.121-122.

Coalition contributed to the victory, but for Askin this was a crowning achievement built on years of painstaking personal effort. After 15 arduous years in the parliament, he had changed the perceived complexion of the LP from the traditional 'sliver tail' party to one that related to the wage-earning voter. He achieved what no other previous Liberal leader could in the preceding 24 years. Over the next decade he dominated the parliamentary and organisational wings of the NSW LP until he retired from office on his own terms.

Askin's path from the leadership to the premiership illustrates his temperament and political tactics. The foundation for his Premiership was built on his capacity to reunify his party and build a strong and durable relationship with the CP. This mammoth task had eluded all of his LP predecessors and demonstrated his understanding and his natural preference for co-operation. These harmonious relationships were the key to Askin's success. The fact that he remained loyal to his friend Heffron when he became Labor leader is further evidence of his preference for cooperation. It is also a testament to his artfulness in dealing with his peers including the 'young rebels' who had helped dispose of Morton and thus had the capacity to sway the LP against Askin. At the same time, Askin clearly demonstrated his authority as leader of the parliamentary party when he took the opportunity to put the organisational wing of the party in their place. This is probably why Carrick found it difficult to give Askin due credit for 1965.

Another theme in Askin's path to the premiership was that he was reasonably comfortable in the ideological framework of his time. He was naturally cautious when it came to visionary strategies. This was borne out in his pragmatic approach to policy in which he did not show any great vision for the state. The Labor Government was already running a budget deficit and Askin did not want to frighten the electorate with the possibility of some grandiose ideas which would take the state into even more debt. Without all the policy formulation resources of state government departments behind him, Askin instead tended to focus on the weaknesses of the Labor Government and its inept administration rather than initiate innovative policy. This was evident in his criticism of the Cumberland County Plan. Rather than offering

solutions or alternative policy, Askin preferred simply to lambast the Government on its poor performance in housing. Askin was criticised for his conservatism on state aid at the 1962 election but in light of his temperament and tactics, his actions appear to be those of an astute politician. While public attitudes were changing, his temperament was that of pragmatist rather than visionary trail blazer. Moreover, in the very early 1960s there was still no evidence that a policy shift on state aid would have been a vote winner. However, by the end of 1962 the Joint Standing Committee on State Policy chaired by Askin had agreed to jettison any opposition to state aid.<sup>249</sup>

Askin did, however, see an opportunity in the Labor proposal in 1961 to abolish the Upper House. Initially his cautious temperament came to the fore as he dithered on whether to support or oppose the referendum. As a tactician, however, he soon realised this could work against him politically as the CP opposed the Labor proposal. Askin realised he had the opportunity to draw his peers around him and go on the attack against the Government. He backed his natural skill and temperament for campaigning and harnessed the anti-communist rhetoric of Menzies to galvanise voters against changing the status quo. In doing so he demonstrated his capacity to recognise and overcome conflicts between his natural temperament and the application of well proven political tactics.

Further examples of Askin's temperament and tactics can be found in his final march to the premiership in 1965. While he had distanced himself from Menzies in 1962, in 1965 he showed insight and adaptability in welcoming the now popular leader into his campaign. He also further established his political authority with his peers. He had performed well in the parliament and proven himself at the Wollongong-Kembla by-election. With growing confidence, he confronted a possible party split over state aid for independent schools but followed the lead of the Party Organisation and included state aid in the Coalition policy platform.<sup>250</sup> While this was a gamble that was in conflict with his naturally cautious temperament, as a tactician he

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<sup>249</sup> Starr, *Variety and Choice*, p.50.

<sup>250</sup> *ibid*, p.50.



realised that the 1965 election would probably be his last chance to lead the party to an election. After he was persuaded by the Organisation on state aid, he backed his judgement with the knowledge that the ALP was divided on the issue and drove this to his advantage.

However, Askin was judicious in his risk taking. With the exception of state aid, Askin went to the election with no major shifts in policy as an alternative Government and instead focussed on the relatively minor issues of towing and shop keeping hours. This demonstrated his capacity to read the electorate and focus on vote-winning issues. It also showed his capacity to learn from his mistakes in the 1962 campaign where he had allowed Labor to out-manoeuvre him on the issue of rent control.

It is significant that Askin's leadership skills enabled him to become a man of the moment at a time when the ALP had enjoyed the treasury benches for twenty four years. By the time of the Renshaw Government the ALP had become tired and complacent. This was encapsulated by Jack Lang when he advocated the notion that in order "to save Labor vote Askin". A change of government would allow the ALP to renew and attract young people to become members of the party. He described the voters' choice "between a good Liberal (with a little "l") government and a bad Labor government".<sup>251</sup> Askin presented a clear plan which gave the ordinary voter hope as opposed to the platitudes and hollow promises which had become the hallmark of Labor governments. Askin filled this void by addressing the inequitable government superannuation schemes which had had an impact on transport workers and police officers. The critical housing shortage and the inertia by previous Labor governments to release government land in order to alleviate this problem was addressed. Transport, law reform and a costed plan to complete the Sydney Opera House also resonated with the voters.

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<sup>251</sup> *Century*, 30 April 1965, p.1

## **Chapter 2 – Askin hallmarks his leadership for the next four terms**

The Askin Government's first term in office, 13 May 1965 to 5 March 1968, was the most electorally successful out of its four. This was reflected in the 1968 election held at the end of the Askin Government's first term. The Government increased its representation in the Legislative Assembly from 47 to 53 out of a total of 94. The Government had also gained control of the Legislative Council in 1967. Askin's election promises were set out by the Governor at the opening of each session of the 41st Parliament. The Premier realised it was essential that he honour a significant proportion of these promises if he wanted to be re-elected. The financial demands arising from the drought, however, made it very challenging to deliver on all the promises that had been made. This chapter will demonstrate how Askin's leadership was not only critical to the Coalition winning government after 24 years but also how Askin was crucial to consolidating the Coalition position in order to retain government.

After ten days in limbo, Jack Renshaw finally conceded defeat on 11 May 1965 after being told that the Coalition would clearly win 47 seats, Labor 45 seats and two seats would go to independents.<sup>1</sup> According to Askin, Labor "just could not believe (they had been defeated after 24 years in power) and they held on for thirteen days before they finally handed in their resignations to the Governor".<sup>2</sup> Subsequently, Askin's Cabinet was sworn in on 13 May 1965.

On the surface the election result appeared tenuous. The prospect of two independents becoming hostile coupled with a series of possibly disastrous by-elections could have placed the Askin Government in a precarious position in the parliament. After the appointment of the speaker they only had a majority of one seat. However, Askin was confident that E.D. Darby, the Member for Manly who was a renegade Liberal and stood as an

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<sup>1</sup> *SMH*, 11 May 1965, p.1

<sup>2</sup> Interview (Pratt): Sir Robert Askin, 1:2/4.

independent, would support the Government. He also believed that H.G. Coates, the Member for Hartley who defeated the Labor candidate, would support the Government on account of the 7% swing towards the Coalition which clearly gave its proposed program a mandate.<sup>3</sup>

J.T. Lang in his newspaper, *Century*, claimed that Askin's future was "as safe as the Commonwealth Bank, even safer than a ten seat majority". This view was predicated on all the members of parliament having formed a "save our seats party" and that no one would cross the floor for fear that their actions might precipitate an unscheduled election. Lang cited the Member for Manly as an example. If he crossed the floor to vote Askin out of office then Askin would probably abandon his seat of Collaroy and contest the seat of Manly which was the electorate in which he lived.<sup>4</sup>

There were no disastrous by-elections, and the assessments of Lang and Askin proved to be accurate. However, the slim majority of the Government enabled the ALP to use the tactic of not easily granting "pairs." This meant that during the absence of a member, a vital vote might be taken which would result in the defeat of the Government. As a result, Members were being prevented from raising the profile of the Government in their electorates by carrying out some of their commitments when the Parliament was in session. For example, Willis was unable to open the Careers, Education and Apprenticeship week in Newcastle.<sup>5</sup>

Askin's Cabinet was unique in NSW history in so far that 9 of the 16 Cabinet members were returned soldiers. They came from that generation who were reared in the Great Depression of the 1930s and came of age when Australia was fighting for survival in WWII. Askin presented a sharp and youthful Cabinet compared to the outgoing Renshaw Labor Government. By contrast there was one returned man in the Labor Government and its members had an average age of 56.5 compared to the Liberal/CP Cabinet's

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<sup>3</sup> *SMH*, 11 May 1965, p.1.

<sup>4</sup> *Century*, 21 May 1965.

<sup>5</sup> *Daily Telegraph*, 13 October 1965.

48.5. The oldest member in the new Government was A.D. Bridges who was 63, while the youngest was W.C. Fife at 36 years. In comparison Labor's C.A. Kelly was 73, and its youngest minister was N.J. Mannix at 45 (see table below).<sup>6</sup>

Renshaw Ministry—No. 61	Age*	Military Service	Askin-Cutler Ministry—No. 62	Age*	Military Service
John Brophy Renshaw	56	WW1	Robin William Askin (LP)	58	WW2
Patrick Darcy Hills	47		Charles Benjamin Cutler (CP)	47	WW2
Robert Reginald Downing	58		Eric Archibald Willis (LP)	43	WW2
Christopher Augustus Kelly	75		Arthur Dalgety Bridges (LP)	64	WW2
William Francis Sheahan	70		William Adolphus Chaffey (CP)	50	
Francis Harold Hawkins	68		Kenneth Malcolm McCaw (LP)	58	
Ambrose George Enticknap	71		Philip Henry Morton (LP)	55	
Abram Landa	63		Davis Hughes (CP)	55	WW2
Ernest Wetherell	72		Milton Arthur Morris (LP)	41	WW2
James Joseph Maloney	64		John Bryan Munro Fuller (CP)	48	WW2
James Brunton Simpson	60		Thomas Lancelot Lewis (LP)	43	WW2
John Michael Alfred McMahon	51		Jack Gordon Beale (LP)	48	WW2
Phillip Norman Ryan	53		Stanley Tunstall Stephens (CP)	52	
Norman John Mannix	45		John Clarkson Maddison (LP)	44	
Keith Clive Compton	65		Arnold Henry Jago (LP)	52	
Thomas Patrick Murphy	58	WW2	Wallace Clyde Fife (LP)	36	
61			50		

\* Age at 13 May 1965 to the nearest whole number

Askin ran a successful parallel campaign to that of the LP organisation in 1965 which set the course for the next three elections. Funds were always scarce in the LP and Askin in fact totally disregarded the party organisation. Instead he ran what proved to be a very effective process whereby he raised his funds from unknown sources and disbursed his campaign funds to candidates as he saw fit without reference to Carrick.<sup>7</sup> This pattern of success was followed by Nick Greiner who was Premier from 1988-1992 and the only other Liberal leader besides Askin to dislodge an incumbent Labor Government since Jack Lang's. (Lang was dismissed by Governor Game in 1932 and Sir Bertram Sydney Stevens subsequently defeated the ALP). In

<sup>6</sup> SMH 14 May 1965, p.1.

<sup>7</sup> Interview (Hancock) with Chris Puplick, Ian Hancock, 'Robin (later Sir Robert) William Askin', *The Premiers of New South Wales, Volume 2, 1901-2005*, David Clune and Ken Turner (eds.), Sydney, 2006, p.361.

2011 Barry O'Farrell led the Liberal Party to victory . Like Askin, Greiner was suspicious that the LP organisation might channel state funds into federal election campaigns. Furthermore, he shared the view that the LP organisation could not be relied upon when it came to mounting a winning election campaign.<sup>8</sup> Whereas Askin took the crude approach of rolling out wads of notes from his pockets, Greiner handled his campaign funds in a more sophisticated and transparent manner through a company called Community Polling.<sup>9</sup> This suggests that both these successful leaders did not believe the party organisation could be trusted when it came to mounting a successful campaign. Whereas Carrick would have seen Willis toeing the LP organisational line, Askin and Greiner saw winning as paramount.<sup>10</sup> In the case of Askin, he did not see Carrick as an asset to his electoral prospects and instead inserted Willis and others between him and the party organisation. For example, Askin only attended one out of forty LP organisation state Executive meetings between 1971 and 1973.<sup>11</sup> While Askin enjoyed a closer relationship with Jim Carlton, Carrick's successor as General Secretary in 1971, he did not waver from his strategy of controlling and directing campaigns throughout his premiership.<sup>12</sup>

The Cabinet that Askin appointed changed little over the ten-year period he was premier. Askin took on the treasury and became Police Minister which was usual for premiers at that time.<sup>13</sup> When Askin was choosing his Cabinet he was cognizant of the needs and ambitions of his colleagues and he dealt with them accordingly. As a result his leadership was never challenged. He was also, in his own words, able to "maintain peace, love and harmony between the LP and the CP for all those years" and claimed that he

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<sup>8</sup> Interview (Paul Loughnan) with the Hon. Nick Greiner AC, 27 July 2009.

<sup>9</sup> Michael Gleeson, Toni Allan and Michael Wilkins, *An Act of Corruption? Nick Greiner's Years in Power and His Unorthodox Demise*, Sydney, 1992, p.21.

<sup>10</sup> Interview (Loughnan) with Greiner.

<sup>11</sup> Hancock, 'Askin, Robin', p. 361.

<sup>12</sup> Ian Hancock, 'Robin (later Sir Robert) William Askin ', p.361, Interview (Paul Loughnan) with the Hon. Jim Carlton AO, 5 December 2008.

<sup>13</sup> Parker, R.S., *The Government of New South Wales*, St. Lucia, 1978, p.255 and 434.

“never had any major upsets or palace revolutions in the time I was Premier”.<sup>14</sup>

The health of the relationship between the Country and Liberal Parties was vital to the success of the Government and Askin's Premiership. Askin realised that the needs and aspirations of the CP had to be addressed immediately after the election, and offered Cutler five ministries out of the sixteen ministries. Askin recalled that “I didn't go overboard – I offered him a fair section of the Cabinet”. He suggested that Cutler become Minister for Education which had the largest budget of all the portfolios. “Charles Cutler was very glad to take that. It's an important one, a prestigious position, particularly for Country members as there are so many schools dotted throughout the countryside”. While this is a clear illustration of Askin's temperament and predisposition for co-operation and negotiated agreements, a precedent had been set long ago. David Drummond, the CP member for Armidale, was the minister for education for twelve years during the UAP/CP coalition of the Bavin/Buttenshaw Government 1927-1930, the Stevens/Bruxner Government 1932-1939 and the Mair/Bruxner Government 1939-1941. During his tenure, the allocation of funds for education was increased, he greatly increased the number of one teacher schools in remote country areas, and he established the first rural Teachers College at Armidale in 1928 followed by the University College in 1938.<sup>15</sup>

Askin and Cutler were “made for each other” which was essential to the success of the Coalition.<sup>16</sup> Certainly Askin's very social temperament was susceptible to such a relationship. Cutler was an enlivening and sociable character who, like Askin, enjoyed a “beer and a bet”.<sup>17</sup> As Fuller, the CP member and Minister for Decentralisation commented, “the number of barrels

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<sup>14</sup> Interview (Pratt): Sir Robert Askin, 2:2/11.

<sup>15</sup> Paul Davey, *The Nationals: The Progressive Country and National Party in New South Wales 1919 to 2006*, Sydney, 2006, p. 55 and 110.

<sup>16</sup> Davey, ‘Charles Cutler: A lesson in Coalition partnership with Premier Askin’, p.175.

<sup>17</sup> Abjorensen, “Leadership in the Liberal Party”, p.278.

of beer Charlie Cutler and Askin drank nobody would know”.<sup>18</sup> The interview by Paul Davey with Cutler gives a colourful insight into the relationship.

I always made a point of walking into Askin’s office half an hour before Cabinet meetings. I’d bowl in unannounced, usually whistling some ditty or other. One morning I went in, whistling, and Bob said, “Christ, I’ve had a bastard of a morning, I don’t know how you can always be as cheerful as you are. I’ve had such a bad morning, I feel like a drink”. I said, “Why not?” so he pulled out a half bottle of French wine someone had given him and we had that and went off to Cabinet . The following week, I was back again and he had secretaries running all over the place, he was on the phone and this and that and I said “For Christ’s sake, aren’t you going to shout!” He did and we continued that for nine years. We’d always sit down and have a chat before Cabinet and then unashamedly use each other to placate our own Parties. I would go back to my Country Party blokes and say I’d love to do what you want, but that bloody Askin won’t have a bar of it and he’d do exactly the same with the Liberal Party.<sup>19</sup>

Askin believed that the reason for the success of the Coalition was that no schisms developed between the Liberal and Country Parties although he gave a more sober account than Cutler:

We had practically no troubles at all once we were in government between Liberal Party and Country Party. I don’t say that in the Liberal Party meetings that sometimes there was criticism of the Country Party and their attitude, which favoured the man on the land always, but I put my foot down on that. And similarly I know that at the Country Party meetings sometimes some of the more rabid Country Party men would criticise the Liberals and the very much city Liberals, but Charles Cutler again would do what I did and put his foot down on that and say that we had to stick together and work out compromises. And we always did this, on any contentious problem we’d work out a compromise which was fair from both points of view.<sup>20</sup>

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<sup>18</sup> Interview (Loughnan) with Fuller.

<sup>19</sup> Davey, *The Nationals*, Sydney, 2006, p. 189-90.

<sup>20</sup> Interview (Pratt): Sir Robert Askin, 2:1/6.

Lewis, who was the Minister for Lands and Mines in the first Askin Cabinet, explained the harmony that stretched across party lines by citing the camaraderie that existed between the ex-servicemen. He is quoted in an interview with Abjorensen as saying “We had to learn in the services to work together for a common cause, and so we knew what loyalty was all about. I think that was great help”.<sup>21</sup>

Fife, who was the youngest member of Cabinet but too young to enlist, recounted the uncanny bond that existed between the ex-servicemen. He used the unlikely friendship between Carrick and federal Labor MP Tom Uren as an example: “Carrick would be to the right of Genghis Khan and Tom Uren could not have been further to the left. They were like brothers. They were both in Changi.”<sup>22</sup> Fife also told the story about Cutler and his fellow ‘Rat of Tobruk’, Stanley T. Stephens, who was Minister for Housing and Minister for Co-operative Societies.

Stepper Stephens was badly injured during the war. He lost one eye, but he could get about unaided. He had a Ministry and did a good job. Some of the younger CP members thought it was time Stephens should go to make way for them, so they formed a deputation and went to Cutler. Cutler gave a categorical statement, that if you get rid of Stepper you get rid of me. He told me that himself.<sup>23</sup>

It is important to remember that Askin, Cutler and some of the other senior members believed that they had paid their dues. They had battled in war and in opposition for many years and were not going to give up their places to someone without tenure regardless of whether it had merit in terms of renewal of the party.<sup>24</sup>

The relationship between the two Coalition parties was tested in May 1966 when William Edward Dickson, a former Labor Minister and President of

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<sup>21</sup> Abjorensen, “Leadership in the Liberal Party”, p.279.

<sup>22</sup> Interview (Paul Loughnan) with the Hon. Wallace Clyde Fife, 10 July 2009.

<sup>23</sup> *ibid.*

<sup>24</sup> Interview (Paul Loughnan) with the Hon. Milton Morris, 20 August 2009.



the Legislative Council since August 1952, died. Askin insisted that Harry Budd, the CP Member of the Legislative Council (MLC) would be the Coalition's nominee for the presidency and he was subsequently elected. Askin ignored the criticism that he was too close to the CP at the expense of advancing the LP and he refused to alter his winning formula.<sup>25</sup> The Premier was not going to put the relationship of the CP in jeopardy simply to satisfy the whims of the LP organisation. Apart from political expediency, Askin claimed that "having worked in the Rural Bank for many years, dealing exclusively with rural problems and rural people mostly, it was natural that I understood country matters somewhat better than the average city man. And this enabled me to battle on pretty well with Charles Cutler".<sup>26</sup> Having a loyal deputy Premier from another party meant that when Askin handed over the reins because of sickness or official business, the "Government was not in the hands of colleagues who might want to take advantage of your absence."<sup>27</sup>

In 1969 Arthur Dalgety Bridges, the Liberal leader of the Legislative Council, died, and Askin decided that the new leader of the house for the Government in the Legislative Council should be the CP member and a Senior Minister in the Legislative Council, John Fuller. Askin appreciated the aspirations and needs of the junior members of the Coalition and accommodated the CP with these positions even though the LP was the senior Coalition party in the upper house. For the sake of unity within the Coalition, Askin resisted the temptation for the LP to dominate the upper house.<sup>28</sup>

The possibility of a schism between the coalition parties was negated when Askin and Cutler set-up the informal joint party committee after they became leaders. There were a couple of occasions when the CP directly influenced Askin's decisions. Firstly, the replacement of the retiring State

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<sup>25</sup> Robert Dempsey, '1968', *The People's Choice, Electoral Politics in 20th Century NSW, Volume Three -1968 to 1999*, Michael Hogan and David Clune (eds.), Sydney, 2001, p.10.

<sup>26</sup> Interview (Pratt): Sir Robert Askin, 2:1/6.

<sup>27</sup> Davey, 'Charles Cutler', p.172.

<sup>28</sup> Davey, *The Nationals*, p. 190.

Governor, Sir Eric Woodward with Roden Cutler. And when Askin was compelled to reduce land tax on farms at a higher rate than he intended.

The Cabinet at a meeting in late 1965 was unable to resolve the question concerning the replacement of the State Governor. Cutler had a private thought that his cousin Roden Cutler would be suitable. Cutler felt that it was inappropriate for him to make the nomination and handed a note to the Liberal Minister Arthur Bridges “who glanced at it, smiled at Cutler and put the nomination forward.”<sup>29</sup>

The other instance came from the grass-roots of the CP. Ron Hunter an influential CP member was determined to have land tax on farm abolished. Hunter organised a large rally in Dubbo that was attended by Askin and Cutler in order to address the issue. After consultation with Cutler Askin proposed a rebate. Hunter refused the offer and proceeded to organise an even larger rally which prompted Askin to take it off the statute books. Cutler announced in his 1968 election policy speech that the existing concession of 15 per cent reduction in land tax would be increased to 33.3 per cent on properties used for primary production.<sup>30</sup> He intimated that it was a step towards abolishing land tax altogether. By 1970 land tax on farming properties was abolished.<sup>31</sup>

After the 1965 election the LP, which had never previously been in Government in NSW, set a precedent and unanimously agreed that Askin should appoint the Cabinet as opposed to being elected by the parliamentary party. The most significant change in ministerial portfolios was the establishment of a Ministry for Decentralisation and Development. In relation to the Education portfolio, Askin expanded the scope to include Science and created a new role in the form of an Assistant Minister for Education to focus on primary and pre-school education. Askin also combined the portfolios of

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<sup>29</sup> Davey, *The Nationals*, p. 194.

<sup>30</sup> Charles Cutler, *1968 rural policy speech of the Liberal-Country Party government of NSW* delivered by the Hon. C. B. Cutler, Deputy Premier and Leader of the Country Party, p.15-16.

<sup>31</sup> Davey, *The Nationals*, p. 220.

Chief Secretary and Labour and Industry and fulfilled an election promise with the addition of the role of Advisory Minister for Transport.<sup>32</sup> Judging by the low rate of change of ministers throughout his Premiership, these were well measured appointments. Askin had been leader since 1959 and had ample opportunity to observe the capacity of the members. There was no formal shadow ministry during this period; instead the opposition worked as a team, and after the 1962 election Askin started to organise two or three members who were qualified in a particular area to shadow the respective Labor minister. This was how the performance of the various members was judged.<sup>33</sup>

Askin's formula to create and maintain harmony with the CP was successful for the duration of his premiership but it was also necessary to protect his leadership within the parliamentary LP. Therefore it was essential that he accurately assessed the ambition and needs of his own party and dealt with them accordingly in order to avoid a 'palace revolution'. Fife stated that "Askin was one of the best judges of men I've ever come across in politics."<sup>34</sup> He had been appointed assistant Minister for Education and then served as Minister for Mines until 1975 when he entered federal Parliament. In the federal arena he served in the Ministry of the Fraser Government.

Political leaders in the Australian parliamentary system are deposed either by the electorate or their own party. Therefore it was vital for Askin to be aware of the aspirations and needs of his party. Askin's peers who were most likely to destabilise his leadership were Morton, Lewis, Willis, J.C. Maddison and Ellis. The other members appeared to be happy with the spoils of the treasury benches after 24 years in opposition.

Askin's judgement of men was demonstrated by the way that he managed his peers. He appointed Morton, a capable businessman and

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<sup>32</sup>Parliament of NSW, *Report of the Public Service Board for the year ended 30<sup>th</sup> June 1965*, p.38, SMH, 14 May 1965, p.1.

<sup>33</sup> Interview (Loughnan) with Fife.

<sup>34</sup> *ibid.*

politician, as the Minister for the high profile portfolio of Local Government. Morton was happy to relinquish his extensive motor trade interests to take up his position.<sup>35</sup> Morton had been disposed of as leader after the 1959 elections and he probably found that being in government was more stimulating than leading a permanent opposition. In any event Morton showed no interest in the leadership and remained loyal to Askin.

Willis was elected deputy leader in 1959 at the same time Askin became leader and was considered the heir apparent to the leadership. He did not challenge for the leadership in 1959 which left Askin unopposed. By 1965 Willis had proven to be a very capable and loyal deputy and did not pose a threat to Askin's leadership. According to his temperament, Askin was prone to capitalise on all available resources. He utilised Willis's talents and appointed him Minister for Labour and Industry, Chief Secretary and Minister for Tourist Activities, which placed him third in seniority after Askin and Cutler. An example of Willis's loyalty to Askin came on the first day he was sworn in as a member of Cabinet. Willis was asked by a journalist from the *Daily Mirror* about his opinion regarding the implementation of the new Government's policies. Willis replied "I don't feel comfortable using the word I – the only man who can use the word I is Mr Askin, I'm just a member of the Cabinet."<sup>36</sup> Willis was generally considered a vain man and a serial womaniser.<sup>37</sup> His ministerial appointments along with the responsibilities of leader of the house, deputy leader of the LP and his extra parliamentary activities left him little time for dissension or to contemplate his ambition for the leadership. Carrick described Willis as "essentially a team man. He was not unduly ambitious and he was always too busy or too trusting to look behind his back."<sup>38</sup> Askin's judgement proved to be accurate, and Willis remained his loyal deputy until Askin retired in 1975.

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<sup>35</sup> Lang, *Century*, 28 May 1965.

<sup>36</sup> *Daily Mirror*, 14 May 1965.

<sup>37</sup> Interview (Paul Loughnan) with the Hon. Jim Charlton, AO, 5 December 2008.

<sup>38</sup> Interview (Mackerras) with Carrick on 10 May 2003, Malcolm Mackerras, 'Sir Eric Archibald Willis', *The Premiers of New South Wales, Volume 2, 1901-2005*, David Clune and Ken Turner (eds.), Sydney, 2006, p.392.

There is no doubt that Willis was an outstanding minister and a superior debater in the house which made him an invaluable lieutenant to Askin.<sup>39</sup> However Carrick's view that "It was the hard duck-paddling of Willis which underpinned the electoral success of Askin" is overstated.<sup>40</sup> It is important to note that Askin and Carrick "didn't see eye to eye, and when Carrick doesn't get on with someone, he doesn't get on".<sup>41</sup>

Lewis was of a different ilk to Willis in so far that he was the most ambitious for the leadership of all of the Liberal parliamentarians.<sup>42</sup> He was purported to have been involved in the intrigue against Morton, and as a new member he had made an impression both inside the parliament and with the electorate. He was also touted as a possible future leader.<sup>43</sup>

Lewis had a reputation for "a readiness to stir things up and get things done no matter whose toes he trampled on in the process [and] believed the only way to go was up."<sup>44</sup> The *Moss Vale Post* which was in Lewis's electorate wrote "he has all the attributes of a top class Premier: colourful, loquacious and the ability to get on with people."<sup>45</sup> He also cultivated a jet set image by flying his own plane and skiing.<sup>46</sup> After the 1959 leadership ballot Askin drew Lewis into his orbit where, under his watchful eye, Lewis "became his friend, drinking mate and supporter". Lewis found that Askin was "one of the shrewdest politicians you could ever meet".<sup>47</sup>

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<sup>39</sup> Malcolm Mackerras, 'Sir Eric Archibald Willis', *The Premiers of New South Wales, Volume 2, 1901-2005*, David Clune and Ken Turner (eds.), Sydney, 2006, p.393, Interview (Pratt): Sir Robert Askin, 2:2/27.

<sup>40</sup> Mackerras, 'Sir Eric Archibald Willis', p.392.

<sup>41</sup> Interview (Loughnan) with Fife.

<sup>42</sup> Interview (Loughnan) Morris.

<sup>43</sup> *Daily Telegraph*, 15 July 1959.

<sup>44</sup> *SMH*, 22 August 1969, p.2.

<sup>45</sup> *Moss Vale Post*, 29 February 1972.

<sup>46</sup> *SMH*, 21 November 1974, p.1.

<sup>47</sup> Norman Abjorensen, 'Thomas Lancelot Lewis', *The Premiers of New South Wales, Volume 2, 1901-2005*, David Clune and Ken Turner (eds.), Sydney, 2006, p.377.

As a result of this perceived threat and despite his ability as a minister, Askin allocated relatively junior portfolios to Lewis. For example, after the 1965 election he was ranked 10 after Askin out of the 15 with his Lands and Mines portfolio.<sup>48</sup> Again after the 1973 election, even though Tourism had been added to his portfolio in 1972, he still only ranked 8 out of 18 in seniority in the Cabinet.<sup>49</sup> Askin's rationale was to retard Lewis's media profile by keeping him away from the metropolitan area. Askin was probably not overly concerned when as Minister for Lands his "drinking mate" was required to oversee the construction of the dingo fence in outback NSW.

Askin's judgement of Lewis proved to be correct. In late 1971 hollow speculation was rife about Askin's retirement after his second coronary occlusion. Lewis was first off the mark and invited all the state Liberal politicians to a barbeque at his Moss Vale home in order to garner their support. It was the time of the tulip festival in Moss Vale, and when the ALP learned of the possible leadership tussle they could not contain their amusement. When they passed Coalition members in the corridors of Parliament House they felt compelled to whistle, hum or sing "tip toe through the tulips", much to the chagrin of the government members.<sup>50</sup> Askin did not choose to retire, which left Lewis trudging through the tulips for the next three years.

After Askin announced his retirement in 1974 Lewis stealthily pursued the leadership. He had held the Lands portfolio for nine years, and during that period he made himself available to listen to any grievances the Coalition parliamentarians wished to vent. Lewis was especially sympathetic to "those members who for years simmered under the heavy handed internal rule of Askin – those younger ones who aspired in vain to Cabinet rank, found Lewis's ear a sympathetic one."<sup>51</sup> When it came to the leadership ballot Lewis

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<sup>48</sup> Abjorensen, 'Thomas Lancelot Lewis', p.378.

<sup>49</sup> *ibid.* p.379.

<sup>50</sup> *SMH*, 22 October 1971, p.1.

<sup>51</sup> *SMH*, 21 November 1974, p.6,8.

exploited and capitalised on the relationship he had built up with the backbenchers over the years.

Recalling Askin's relationship with the Liberal members, Lewis said "what he had and I didn't have was that he made time to see and talk to everyone and, while one shouldn't think ill of the dead, he gave them all the heart to make them think that they were going to be the next Cabinet Minister. It didn't matter who they were [sic] he'd say, 'Not this time but I've got my eye on you ... boom ... boom ... boom...'.<sup>52</sup> Lewis in his interview with Ian Hancock stated that when he first met Askin, he later informed him that after five months he would know him but after seventeen years he was none the wiser.<sup>53</sup> In contrast, Askin had Lewis's measure and kept his leadership ambitions in check. Askin's strategy to keep Lewis away from the media spotlight appeared to have been successful because the *Daily Telegraph* observed that out of the three contenders for the leadership at the end of 1974, [Willis, Maddison and Lewis], "Lewis is probably the least known, particularly in the metropolitan area."<sup>54</sup>

John Maddison had designs on the leadership but he was never a serious contender. He was a "die hard blue-ribbon North Shore Liberal" from the Bunyip aristocracy.<sup>55</sup> Like Carrick, Maddison was entrenched in the LP organisation. He assisted Carrick to set up an Electorate Assistance Committee before the 1950 election. It collected levies from safe North Shore and Eastern electorates to provide funds and volunteers to the most promising marginal seats.<sup>56</sup> Askin did not feel directly threatened by Maddison but had to make sure that his ability and intelligence were harnessed. Maddison was different from Askin in that he was from the North Shore, and, like Carrick, enjoyed the abstract intellectual analysis of the political game.<sup>57</sup> Despite these obvious differences, Askin realised that Maddison was too good

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<sup>52</sup> Abjorensen, "Leadership in the Liberal Party", p.278.

<sup>53</sup> Premiers, Interview with Lewis August 2003, p.370.

<sup>54</sup> *Daily Telegraph*, 21 March 1974.

<sup>55</sup> Interview (Loughnan) with Greiner. [Greiner succeeded Maddison in the seat of Ku-ring-gai]

<sup>56</sup> Hancock, *The Liberals*, p.86.

<sup>57</sup> Interview (Loughnan) with Greiner.

not to be fully utilised. Consequently, Askin gave him the Justice portfolio which was well suited to Maddison's background. Askin later paid him tribute: "He was a very efficient Minister. He was a lawyer by profession himself and he mastered one of the trickiest pieces of legislation which comes under the aegis of the Ministry of Justice, that is the State Superannuation Scheme".<sup>58</sup> Askin had followed the Labor Premiers' tradition as Police Minister, however he further rewarded Maddison in 1973 with the police Ministry, noting that as Premier and Treasurer he had been unable to devote sufficient time to it.<sup>59</sup>

Askin recognised that although Kevin Ellis did not harbour any leadership ambitions, he would be a destabilising influence in the Cabinet. Ellis was an intellectual with a distinguished career in law and economics. He was idealistic, as evidenced in 1960 when he had crossed the floor against his leader in relation to the referendum on the Upper House. This put his temperament at odds with Askin and so in order to avoid constant disagreement in the Cabinet, Askin made use of his talents by offering him the position of speaker. Ellis accepted and he held the position from 1965 to 1973. In the Parliament after Ellis's death in 1975 Neville Wran, the future Labor Premier, characterised him as "one of the most distinguished and respected Speakers in the history of this House".<sup>60</sup>

Another typical example of the depth of Askin's Ministry was Jack Gordon Beale. Beale, who came to the LP with exceptional credentials and experience in engineering, was offered the Public Works portfolio by Askin but instead pursued his passion for water and took on the Conservation portfolio. Known internationally as the "Water Man", he was the Minister for Conservation from 1965-71 before being appointed Australia's first Environment Minister. Beale's ground breaking drought proofing work in India and other developing nations, which would later result in his being recognised by the International Biographical Centre in England as one of the 2,000

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<sup>58</sup> Interview (Pratt): Sir Robert Askin, 2:1/11.

<sup>59</sup> Parker, *The Government of New South Wales*, p.435.

<sup>60</sup> *NSW LA PD*, Session 1975-76, 25 November 1975, p.3098.



outstanding people of the twentieth century, was to prove invaluable to the Askin Government.<sup>61</sup>

The appointment of the young W.C. Fife to the Cabinet was significant in so far that it was due to his loyalty rather than any perceived potential to destabilise Askin's leadership. Askin's ability to "judge a man" ran true in the case of Fife. As well as his ability as a minister, loyalty to the elected leader was the hallmark of Fife's career in politics. Laurie Oakes, a respected political commentator, wrote in *The Bulletin*: "the word Liberals use most when they talk about Fife is 'Loyalty'".<sup>62</sup> Fife demonstrated his loyalty when he abstained from participating in Morton's deposition even though it was instigated by his younger peers in the party. When he was invited to become involved in the intrigue against Lewis in 1975 he "showed the instigators the door". This was despite the fact that he had supported Willis in the ballot when Askin retired. In the federal arena he refused to be embroiled in the machinations that took place between Andrew Peacock and John Howard throughout the 1980s. Instead he remained loyal to the elected leader.<sup>63</sup>

Askin had an ulterior motive when he appointed Fife as assistant Minister for Education. It was not just to assist Cutler but to have a LP influence on Education which had the largest budget of all portfolios.<sup>64</sup> Askin also saw the advantage of using Fife in delicate political matters on the basis that it would be less damaging for a junior Minister to 'take the fall' for the Minister if difficult issues arose. This was exemplified during the negotiations for the purchase of the Marcus Clark building in Ultimo which was to be used as a technical college.<sup>65</sup> The price set by the Government was lower than that estimated by the vendors and the Valuer General. This was based on the change of usage of the building. Askin instructed Fife to keep the vendors happy but not to move on the price. Fife followed this instruction by gently

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<sup>61</sup> *NSW LA PD*, Session 2006, 19 September 2006, p.1836.

<sup>62</sup> Wal Fife, *A Country Liberal*, Wagga Wagga, 2008, p.v

<sup>63</sup> Interview (Loughnan) with Fife, 10 July 2009.

<sup>64</sup> *ibid.*

<sup>65</sup> Interview (Loughnan) with Fife.

using the government's legal right of resumption as leverage. If this approach had rebounded, then Fife would have taken the criticism instead of Cutler.<sup>66</sup>

In contrast to Fife, Maxwell Stanley Ruddock, the Member for the Hills, was overlooked by Askin for the Cabinet. Like Askin, Ruddock had attended a prestigious selective state school. He was obviously intelligent and capable and had gone on to receive a Masters degree in economics in 1935 at the University of Sydney. As a recognised economist he advised the federal government in 1942 before pursuing a career in business as a public accountant.<sup>67</sup> In 1965 when Askin was appointing his Cabinet, Ruddock was "considered certain" by the *SMH* state political correspondent but, unlike Fife, he was not seen by Askin as "a political asset".<sup>68</sup> In fact, according to Milton Morris, Ruddock was "so dogmatic that by comparison his son [the federal Liberal Minister Phillip Ruddock] seems malleable", "or at least better able to see the other point of view".<sup>69</sup> By inference, Askin had overlooked a very capable man because he believed Ruddock, like Ellis, was an ideologue and anathema to his pragmatic political outlook. It appears significant that after a decade on the backbenches, Ruddock was immediately appointed Minister for Revenue and Assistant Treasurer in the Lewis Government.

There is no doubt that Askin was fortunate to have such a depth of talent in his Ministry. However, his temperament and political tactics were reflected in his management skills which contributed to the 'love and harmony' in the government ranks during his premiership. Askin described his management style and direction to ministers as

very loose, as a matter of fact, I was well known for that. I took the view that if I appointed a man as minister, I left it to him to do his job. I didn't believe in breathing down his ear all day long, telling him how to do it. I felt that if he was

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<sup>66</sup> Fife, *A Country Liberal*, p.37.

<sup>67</sup> Parliament of NSW, Former Member Index A-Z, Mr Maxwell Stanley RUDDOCK (1914 - 1976), <http://www.parliament.nsw.gov.au/prod/parlment/members.nsf/V3ListFormerMembers>, accessed 14 August 2009.

<sup>68</sup> *SMH*, 13 May 1965, p.1.

<sup>69</sup> *The Age*, 22 November 2003.

good enough to get the job he ought to be good enough to do it, and he should only come to me on some contentious matter or some matter affecting the whole government. And this is what I used to tell them and I think Government works better that way than when you have a Premier constantly interfering with the way a Minister's doing his job<sup>70</sup>

According to Fife, "when dealing with a minister, Askin left them alone. He did not look over their shoulders. He knew three or four things in each Department that were possibly sensitive".<sup>71</sup> Davis Hughes, Askin's Minister for Public Works, made much the same point when he said several years later to Fife: "I give Askin an A+ for leadership. Not once did he interfere with anything I was actually doing at the Opera House".<sup>72</sup> Fuller recalled that he enjoyed full autonomy in administering his portfolio but he stated that "you would soon get a phone call over a contentious issue".<sup>73</sup> Milton Morris, the Minister for Transport throughout the entire Askin government, echoed this point. "I became concerned at one point about my lack of contact with Askin and rang the Premier and said to him 'Outside of Cabinet meetings, I have not spoken with you for three months.' To this he replied, 'Milton that makes you top of the pops. By comparison I have some Ministers running into my office every few days asking for advice. If I have some advice for you, I will call you. Otherwise you should be confident that I am happy with the way you are running things.'"<sup>74</sup> Morris regarded these comments as significant since Transport, like Health, was always a contentious portfolio in terms of political issues. Examples of these sensitive issues will be highlighted later in the analysis of the government's legislation.<sup>75</sup>

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<sup>70</sup> Interview (Pratt): Sir Robert Askin, 2:2/28.

<sup>71</sup> Interview (Loughnan) with Fife.

<sup>72</sup> Wal Fife, *A Country Liberal*, Wagga Wagga, 2008, p.106.

<sup>73</sup> Interview (Loughnan) with Fuller.

<sup>74</sup> Interview (Loughnan) with Morris.

<sup>75</sup> *ibid.*

## Transition to Government

Askin described the transition from opposition to government as being in the “promised land”. The difference was “all the facilities and help of the Public Service and the money to spend, it was a different life all together ... with the ability to make decisions instead of just suggesting things from the opposition bench.”<sup>76</sup> At the first cabinet meeting on 18 May 1965 the historic event of the Coalition winning Government after 24 years was recorded. According to Fife, despite the great excitement, there was no hubris but a rather serious and solemn tone in anticipation of the task ahead.

Fife recalled that Askin’s first speech to the Cabinet was the finest of his performances in the Cabinet room. “He was the best Chairman I have dealt with in my career and I don’t say that lightly.”<sup>77</sup> Askin’s art of politics was on full display in terms of his consultative approach and this was demonstrated in his relationship with ministers and in his insistence on a consultative relationship between each of the portfolios. This was also evidenced in his attitude towards the public service and speed with which he implemented his election promises. From the very first Cabinet meeting, Askin began to set up the Coalition as a long-term government and not just a one-term novelty.

The first Cabinet meeting set the tone for all future Cabinet meetings under his leadership. Askin encouraged an open discussion to take place and veered the discussion to another topic if there was a danger of a stalemate, only returning to the topic if it appeared that an issue could be resolved. Askin preferred to persuade rather than cajole, and in the case of ministers adopting differing views, sometimes the discussion was lubricated over a few drinks. As a result, Cabinet decisions were unanimous without taking a vote, especially on LP or CP lines. When Askin’s power of persuasion appeared uncertain, he used the Churchillian manoeuvre of the *fait accompli* whereby he made a

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<sup>76</sup> Interview (Pratt): Sir Robert Askin, 1:2/12.

<sup>77</sup> Interview (Loughnan) interview with Fife.

public announcement which would be then difficult to reverse.<sup>78</sup> This would sometimes come in the form of a leak of the decision he preferred to his press ally, Vince Kelly of the *Daily Mirror*.<sup>79</sup>

After twenty-four years of Labor rule it was anticipated that the public service would have difficulty in adjusting to the policies of the Coalition Government. This would have required the new Government to “change the personnel in the hierarchy of the public service”.<sup>80</sup> It had been such a long time since a new government, there was some apprehension about how the public service would adapt. After the swearing in of the Cabinet, Askin allayed all these anxieties at the first Cabinet meeting by acknowledging the positive reception and cooperation his new government received from the Public Service. The only reason to replace staff was if they lacked the ability to carry out their responsibilities.<sup>81</sup> The fact that there was anxiety about this issue was further exemplified by Askin and Morris. Askin was “astounded” at the ease of the transition and the loyalty of that the public service gave to his incoming government. He was

amazed at the thoroughness and capacity with which they discharged their duties ... Their ability to accept a new government ... and practically all of them had been appointed by Labor Premiers or Labor Ministers, they swang (sic) around and they gave me and my government intense loyalty. Not one of my Ministers was heard to complain about lack of loyalty from a departmental public servant or senior man.<sup>82</sup>

This perspective was validated by Milton Morris. He was astounded that his department head in the transport ministry had already drafted a program of actions to implement the election promises of the incoming government.

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<sup>78</sup> Graham Freudenberg, *Churchill In Australia*, Sydney, 2008, p. 401.

<sup>79</sup> Hancock, ‘Askin, Robin’, p. 355.

<sup>80</sup> Interview (Loughnan) with Fife.

<sup>81</sup> Interview (Loughnan) with Fife.

<sup>82</sup> Interview (Pratt): Sir Robert Askin, 1:2/8.

Moreover they made available the plans they had prepared in the event that the Labor government had retained office.<sup>83</sup>

Askin's first priority was to implement the election promises without delay. It was essential that he captured the attention of the constituents by demonstrating that his government was the better alternative to the previous Labor government and that with Askin they really did get action. In contemporary parlance, Askin "hit the ground running." As a result the Coalition government received favourable press reports with the general consensus that the new government wasted no time in getting down to business.<sup>84</sup>

Askin "delighted" the residents of Dubbo by authorising Airlines of NSW to resume the direct air service from Sydney on 17 May 1965. In doing so, Askin ended a long-running saga of Labor inaction and sent a clear message to the electorate that the Coalition government would take action and honour its promises.<sup>85</sup> At the first Cabinet meeting, the Dubbo airline decision was endorsed. It was also decided that controlled rents would not be increased, the tow-away system and Market Street fare system would be abolished, a Cabinet sub-committee would be set-up to deal with the drought crisis, the limit on what building societies could lend would be raised and a full inquiry into the estimated cost and completion date of the Sydney Opera House would be established.<sup>86</sup>

The airline dispute had its genesis in 1961 with the failed bid of Airlines of NSW (ANSW) to take over East West Airlines. ANSW was a subsidiary of Ansett ANA and wanted a monopoly of the NSW commercial air routes. The Labor government established an inquiry to investigate the equitable share of routes between the two competing carriers. The inquiry recommended that East West's share of routes be increased from 30% to 49% while ANSW was

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<sup>83</sup> Interview (Loughnan) interview with Morris.

<sup>84</sup> *The Australian* 19 May 1965, *SMH* 19 May 1965, *Daily Mirror* 18 May 1965, *Daily Telegraph* 19 May 1965, *Century* 28 May 1965.

<sup>85</sup> *SMH*, 17 May 1965, p.5.

<sup>86</sup> *SMH*, 19 May 1965.

to be reduced from 70% to 51%. Reg Ansett, the major shareholder in ANSW, mounted an unsuccessful legal challenge to have the decision reversed. Ansett's ambition for a monopoly was finally ended in July 1964 when the Privy Council refused to grant him leave to appeal the decision at the High Court.<sup>87</sup>

In 1964, Menzies came to the aid of Ansett when he informed the States that the Commonwealth intended to control all air services under the Department of Civil Aviation. The rationale was to implement the provisions of the Chicago Convention where a global consensus had been reached in November 1944 regarding the technology and the operation of international aviation. After 10 October 1964, all airlines would require an operational Commonwealth licence. This was two days before East West Airlines was to take over the Sydney to Dubbo route. Instead, on 9 October 1964, the Commonwealth issued a license to ANSW to operate the Sydney-Dubbo route. By supporting Ansett, Menzies was able to take the first step towards taking control of the air services from the states. The NSW Government viewed this as creeping centralism and countered it by passing the Air Transport Bill that imposed a fine of £20,000 on airlines operating without a state licence. Instead, ANSW flew to Dubbo via Canberra which made it an interstate flight. After a challenge by ANSW in the High Court, it was decided that the Commonwealth's action was valid but that there should be no inconsistency between the two jurisdictions. Askin entered the fray in the 1965 election campaign by promising that he would reinstate the direct air service within 48 hours.<sup>88</sup> Askin was interested in winning votes while at the same time supporting East West Airlines as a means to foil Menzies' policy ambitions.

It was decided at the Cabinet meeting on 24 May 1965 that State and Commonwealth ministers would meet on 27 May 1965 for discussions on the re-allocation of interstate routes in NSW with the view to breaking the stalemate. However the Cabinet decided that NSW would not surrender its

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<sup>87</sup> Chris Puplick, 'The 1965 Election', *The People's Choice*, Hogan and Clune (eds.), p.439.

<sup>88</sup> Puplick, 'The 1965 Election', p.439-440.

power over air transport in NSW.<sup>89</sup> Here was an opportunity for Askin to demonstrate his strength of leadership by not allowing the Federal government to infringe on the sovereignty of NSW. This began Askin's campaign to block any centralist trends by the Federal Government and his quest to maintain the status quo with regard to the sovereignty of NSW. Askin stated that he was confident the discussion would result "in a satisfactory solution of the issue of the respective responsibilities of the Commonwealth and State governments in this matter without any surrender of state rights". He went on to say that the aim was for both airlines to "operate on a profitable, fair and just basis".<sup>90</sup>

As a result, the Commonwealth and State governments appointed expert advisors to devise a plan for the allocation of routes in NSW. On 10 August 1965 both governments agreed on the advice which increased East West Airlines' proportion from 30% to 41.5%. Both the carriers were dissatisfied. East West claimed that ANSW had the profitable routes while Reg Ansett described the outcome as blatant confiscation.<sup>91</sup>

At the Cabinet meeting on 26 May 1965 a number of election promises were honoured immediately. For example, the decision was taken to abolish the tow-away system in restricted parking areas in Sydney and Newcastle. The tow-away system had been introduced by the Labor government in order to maintain free traffic flow of public transport and goods and services throughout the city. The abolition of the tow-away system freed up police on tow-away duty. The Cabinet also decided that there would be no immediate increase in illegal parking fines and placed the onus of responsibility on the citizen not to obstruct traffic. If this did not have the desired effect then consideration would be given to an increase in parking fines. Another immediate step taken was the introduction of a month long trial of a standard bus fare of sixpence between Central Station, Elizabeth Street, George Street

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<sup>89</sup> *Cabinet Papers*, 24 May 1965.

<sup>90</sup> *SMH*, 15 May 1965, p.1.

<sup>91</sup> 'Australian Political Chronicle January-August 1966', *The Australian Journal of Politics and History*, Vol.12, No.3, p.373.



and Circular Quay which became known as the Inner City area and excluded the Market Street section.<sup>92</sup>

Immediately after Askin's Government was sworn in, it was essential that he differentiated the new government from previous Labor governments. This was achieved by promptly implementing their short-term promises which demonstrated to the voters that the government was committed to act on their behalf. The election commitment relating to issues such as the airlines dispute, fares, and rent control were easily executed and the publicity they received demonstrated the Government's decisive action.

### **Askin's First Premiers' Conference**

A key forum for Federal-State discussions and negotiations was the Premiers' Conference which had been held since Federation. This forum was supplemented in 1927 through the establishment of the Australian Loan Council through which the Commonwealth and the States coordinated their borrowing and lending activities.<sup>93</sup> Askin attended the Premiers' Conference in Canberra barely two weeks after the election. He had been buoyed by expectations of preferential treatment by Menzies after wresting NSW from the clutches of the ALP.<sup>94</sup> Renshaw, the previous Labor premier, had also received a favourable reception from Menzies at the preliminary Premiers' Conference on 22 April 1965 which indicated that, under a new proposed formula for state funding, NSW could receive an extra £10 million. Askin's optimism and expectations were soon shattered: Menzies' rhetoric proved to be hollow when it came to parting with Commonwealth funds.<sup>95</sup> Askin later lamented "I never knew a PM out of the many that I struck during the time I was going down there [to Canberra] who didn't start off by saying that they couldn't afford to give the states any more money or nearly as much money as we were receiving; that was the theme always".<sup>96</sup>

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<sup>92</sup> *SMH* 26 May 1965, p.10; *Cabinet Papers*, 25 May 1965.

<sup>93</sup> Anne Twomey, *The Constitution of NSW*, Sydney, 2004, p. 849.

<sup>94</sup> Hancock, 'Askin, Robin', p. 354.

<sup>95</sup> *SMH* 26 May 1965, p.10.

<sup>96</sup> Interview (Pratt): Sir Robert Askin, 2: 1/5.

As premier of the senior state it was Askin's task to speak first and to outline the financial case and expectations of the states. Askin had previously argued for an increase in federal funding to the states which would bolster the roads, bridges and railways as defence infrastructure but his argument had become futile. Australia had become engaged in hostilities in Vietnam even though there was no foreseeable threat to Australia. Furthermore, Menzies had just significantly increased defence spending and a severe drought had begun to take a grip on the states which created a potential threat to the loss of rural production and exports. Consequently this would have been a more plausible argument by Askin for an increase in Commonwealth funding, as the Commonwealth was equally responsible with the states for drought relief.<sup>97</sup>

Menzies originally offered the States tax grants of £371 million with NSW to receive £124.9 million for 1965-66, but he finally agreed to £376.4 million of which £126.5 million was earmarked for NSW.<sup>98</sup> This agreement was reached after Askin argued that the 1964-65 payment should be taken as the base year. The grants should then be increased in the coming period in line with the increased average wage estimate for the financial year ending in 1966 and the estimated increase in population for the 1968 calendar year. The grant was then increased by a 1.2% "betterment" factor which was based on the premise that the public demands a constant improvement in service.<sup>99</sup>

On the evening of 2 June, after a day of negotiations, all of the states except Victoria had agreed to follow Askin. The Victorian Premier, Henry Bolte, had objected, arguing that NSW received 12 shillings more per capita in tax reimbursements than Victoria. Askin countered by making the point that overall, including both loan allocations and tax reimbursements, Victoria received £65 per capita whereas NSW received only £59. When the Premiers concluded their discussions, the non-Victorians assumed that Bolte accepted this argument and was in agreement. Askin was praised in the lobbies of

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<sup>97</sup> *SMH* 26 May 1965, p.10.

<sup>98</sup> 'Australian Political Chronicle January-August 1966', *AJPH*, Vol.12, No.3, p.372.

<sup>99</sup> *SMH*, 26 May 1965, p.10.

Parliament House for his success in handling his first Premiers' Conference.<sup>100</sup>

After dinner, the Premiers' Conference was adjourned and the Loan Council commenced. Menzies, who was absent from the House of Representatives chamber after dinner but had been presiding over the Premiers' Conference, suddenly appeared in the chamber. He reconvened the Premiers' Conference and then summoned Bolte to meet him behind the Speaker's chair. Menzies returned shortly thereafter and announced that Bolte would receive an extra £600,000 per year as part of the Victorian tax reimbursement. Bolte stated that it was "peanuts" but agreed that Victoria would accept the formula proposed by Askin and the other Premiers but on these revised terms. Menzies then closed the Conference before the Premiers had a chance to regroup and formulate a new proposal.<sup>101</sup>

Askin described the duplicity on the part of Menzies and Bolte as a "vicious stab in the back". The following morning at the Loan Council, Askin found himself in an advantageous situation. First, it was believed that Menzies had miscalculated the extra payment to Bolte. Secondly, the story of the Bolte deal was extensively covered in the press across NSW. Menzies was disturbed in so far as the press was excluded from the Premiers' Conference and he expected the Bolte deal to go unnoticed. Menzies' action upset NSW Liberals and showed the Commonwealth Government and Menzies in an unfavourable light.<sup>102</sup> If Askin was true to form, he possibly leaked news of the deal to the press, thus forcing Menzies' hand. In any event, as a result Menzies embarked on some reconciliation in which he compensated NSW during the Loan Council meeting with a better deal in the loan allotment than any other state.<sup>103</sup> NSW received an extra £1.5 million per year for semi-government borrowings and an extra £3.09 million including £1.59 million for its 1965-66 public works and housing borrowing program. Askin was "far from

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<sup>100</sup> *SMH*, 2 June 1965, p.1.

<sup>101</sup> *ibid*, 2 June 1965, p.1.

<sup>102</sup> *ibid*, 2 June 1965, p.1.

<sup>103</sup> *ibid*, 3 June 1965, p.1.

happy” and stated that “the extra bit of money we got is welcome, but it will hardly allow us to keep up with the increases in costs”. After Askin reported to the Cabinet on the outcome of the Premiers’ Conference and the Loans Council, the ministers expressed their thanks and placed on the record that they were “greatly impressed with the very effective way in which the Premier and the Deputy Premier had represented NSW in the meeting”.<sup>104</sup>

The initiation Askin received at the Premiers’ Conference was a “baptism of fire” and few Premiers before him had experienced the same ordeal. A key to understanding why this was so alarming for Askin can be understood by observing his temperament. Firstly, Askin drew strength from being seen as dependable and benevolent. Secondly he much preferred cooperation and negotiation to arrive at agreement. He also had strong respect for authority and placed high value on rank, and expected privileges as well as obligations. The whole process of the Premiers’ Conference flew in the face of these attributes in that it was a much more adversarial political situation than he had expected, particularly the stance adopted by Menzies and Bolte who he had assumed to be allies. Despite this, and true to his well-established political nous, Askin demonstrated his adaptability and took advantage of the situation as it unfolded.

As a result of these events Askin learned that he could act unilaterally against his fellow Premiers to cut a deal that would benefit NSW. He also quickly recognised that he could blame the federal government in instances where he had to break election promises if those promises were underpinned by Commonwealth funding. Both Labor and Liberal Party state Premiers had in the past duplicated the federal government’s old chestnut vote-winners such as pensions, housing and education. This was advantageous in that the state governments were able to blame the federal government for shortfalls in their promises.<sup>105</sup>

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<sup>104</sup> *Cabinet Papers*, 4 June 1965. SUBJECT: Report of Premiers’ Conference and meeting of Loan Council. Decision: Premiers comments and the decision of the Cabinet.

<sup>105</sup> *SMH*, 3 June 1965, p.1.

Following the Premiers' Conference, Askin said that despite the outcome of the Conference and Loan Council, he would honour his election promises. "It means that where cuts are involved, we may take a little longer to carry out our promises than we hoped". Askin said the government in the next financial year would budget a small amount of money for resumption of work on the Eastern Suburbs railway. "In view of the circumstances, it will not be very much but it will be a start."<sup>106</sup> In other words, Askin started to pass blame to the Commonwealth even for items that were clearly a state responsibility. From a situation of potential adversity where Bolte had notionally got the better of Askin, Askin quickly turned it to his advantage. In terms of building the support of his peers, this was amply demonstrated in the positive ministerial comments on the outcome of the Conference in the cabinet papers. As for the electorate, there was wide and consistent press coverage that argued he had got the best loan deal of any state.

Askin also learned quickly from the duplicitous treatment he received from Menzies and Bolte, and emerged as a formidable figure at future conferences. At a base level, the battle with the Commonwealth for funding made him a staunch defender of state issues and sovereignty. Indeed, his state became his fiefdom where securing the best deal for NSW could be presented positively to his peers and the electorate as preventing the negative effects of creeping centralism. Moreover, as will be discussed later, it also ensured that, in the future, state matters which affected his hold on NSW voters would take precedence over any perceived loyalty to the Liberal Party.

After his initiation at his first conference, Askin was transformed from a parochial political figure to someone who could play a leading role for the state and his party on the national stage. Askin played a significant role in the ousting of the centralist Prime Minister Gorton. He also preyed on the precarious electoral situation of the hapless Prime Minister William McMahon to obtain concessions for NSW. Finally, he became Gough Whitlam's bete noire during the 1974 double dissolution election. In each of these situations, Askin was always ready to capitalise on changing political circumstances and

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<sup>106</sup> *SMH*, 2 June 1965, p.1.

demonstrated his ability to learn from experience and to adapt to the environment.

The £600,000 per annum largesse that Bolte received was not as extraordinary as it appeared. Victoria was the second most populous state and the then tax formula favoured less populous states. Even though Bolte had been remiss in not raising taxes in line with NSW, Victoria did not benefit from the tax base from poker machine revenue and mining royalties and so some adjustment was in order. According to the *SMH*, the Federal government had been quite generous considering the environment in which it was dealing. Being lenient on the states meant that the Commonwealth had to be more fiscally responsible with its own expenditure. The Menzies government was due to face a federal election in 1966 and it was not a politically attractive option for them to be generous towards the states.<sup>107</sup> The major concern on the part of the federal government regarding state loans was the labour shortages.<sup>108</sup> Expansion of public works would increase demand for labour which was already in short supply, thereby placing upward pressure on wages and thus upward pressure on inflation. The extra financial commitments to the Vietnam war effort and impending deployments had also placed a strain on the federal budget.

The Premiers' Conference was prefaced by an emerging context of conflict in Vietnam. In November 1964, conscription was introduced despite reservations from the military and electoral disquiet from many sections of the community. In 1965 Menzies hoodwinked the Australian people into believing that South Vietnam had requested additional assistance on the ground due to the success of the communists. In April 1965 Menzies sent the first Australian battalion of 600 regular troops to Vietnam.

The Vietnam war would also work against Askin. His government was dominated by returned servicemen who struggled to come to terms with changing attitudes in the community towards the war. The government was

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<sup>107</sup> *SMH*, 3 June 1965, p.1.

<sup>108</sup> *ibid*, 1 June 1965, p.1.

plagued with protests and street marches against the Vietnam war and this would continue to be an issue until after the Whitlam government revoked conscription in 1972 and wound back Australia's military commitments to the war. This issue will be illustrated and discussed as the history of the government unfolds.

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Askin's first term was the hallmark of his leadership insofar that it was indicative of his modus operandi for the next four terms. Askin was well aware that it was essential to differentiate the new government from the previous Labor governments who had become complacent. He established a harmonious relationship with Cutler and the CP which was vital to the longevity of his government. When he selected his ministers he carefully considered their needs and aspirations. His astute judgement of character was demonstrated by the loyalty he enjoyed from his ministers and the fact that there was little change to his ministry on his watch. Askin's ability to learn his lesson from the harsh treatment he received from Menzies at his first Premiers' Conference helped transform him into an imposing figure on the national stage.

## Chapter 3 – The First Term 1965-68

Askin's leadership was essential to the longevity of the Coalition Government. At the first cabinet meeting Askin set the course for the coalition to be a long-term government and not just an experiment in a Labor state. He was aware that the kudos the government enjoyed after addressing the short-term problems such as the airline issue would be fleeting. Askin had raised the expectations of voters at the election by claiming that his government would be more capable than the Labor Party when it came to addressing their major concerns such as housing, education and transport. Therefore, it was vital for him to demonstrate to the electorate that these and other long-term issues were at the forefront of the government's agenda.

### 3.1 The 41<sup>st</sup> Parliament

The first session of the 41st Parliament opened on 26 May 1965. As is often the case with a new government, the session comprised a single short sitting to attend to the initial formalities, and to allow the Government time to develop the legislation needed to implement its election platform and prepare for the budget session.<sup>1</sup> Following the swearing-in of members, Kevin Ellis was elected as Speaker and the official appointments were announced. When Renshaw was announced as Opposition Leader, Morton, the new Minister for Local Government, illustrated the assertive tone of the new Government when he interjected and said "a very good appointment and not before it was due".<sup>2</sup> Soon thereafter Askin moved for a special adjournment of parliament until 22 June and parliament was subsequently prorogued until 24 August. The second session of the 41<sup>st</sup> parliament was convened on 24 August 1965 and ran for six months until 31 March 1966 when it was prorogued until 28 June 1966.<sup>3</sup>

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<sup>1</sup> Parker, R.S., *The Government of New South Wales*, St. Lucia, 1978, p.195.

<sup>2</sup> *Century*, 11 June 1965.

<sup>3</sup> *NSW LA PD*, Session 1965-66, 24 August 1965, p.2.



The third session of the 41<sup>st</sup> parliament was convened on 10 August 1966 and ran for six months until 21 March 1967: it was then prorogued until 27 June 1967. The opening of the third session followed traditional parliamentary protocol with the exception that Arthur (Roden) Cutler VC had been appointed Governor of NSW. (The Governor was knighted in November 1965 and wished to be known Sir Roden Cutler). The Governor conveyed to the joint sitting of the two houses how the Government had administered the state over the second session in order to ensure continued progress, development and general welfare of the citizens. He then outlined the proposed legislation for the third session. The drought that had been in its infancy at the opening of the second session had dramatically tightened its grip on the state. The Governor expressed his concern at the serious effect the drought was having on state finance and outlined the defensive action the Government had taken to deal with the crisis.<sup>4</sup>

The fourth and final session of the 41<sup>st</sup> parliament was opened by the Governor on 1 August 1967 and ran for four months until it was adjourned on 7 December 1967. After the formalities were conducted, the Governor presented an evaluation of the drought. It had strained the finances of the state which in turn created the problem of maintaining the improved and expanded services in the community. The drought had begun at the end of 1964 with 44 of the 59 pastoral protection districts being declared drought areas. By February 1967 the drought conditions had eased across the state; however, the fickle weather conditions had produced a deterioration in some districts whereby 20 of the 59 pastoral protection districts were declared drought areas, while floods on the north coast had inflicted serious losses on the dairy farmers.<sup>5</sup> The Governor then detailed the activities of the Government during the third session before he briefed the parliament on the proposed legislation of the fourth session of the 41<sup>st</sup> Parliament. The fourth session was formally dissolved on 23 January 1968 and the general election was held on 24 February 1968.

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<sup>4</sup> *NSW LA PD*, Session 1966-67, 10 August 1966, p.24.

<sup>5</sup> *NSW LA PD*, Session 1967-68, 1 August 1967, p.2.

The Askin government had received a mandate at the election in 1965 to implement its promises. The legislation presented by the Governor at the opening of the second, third and fourth sessions of the 41<sup>st</sup> parliament outlined the Askin government's commitment. The significant legislation and events will be discussed through the continuum of the parliamentary sessions since various reforms often spanned individual sessions.

### 3.2. The Drought

The drought defined the first term of the Askin Government. Almost the entire state was affected by a natural disaster which the *SMH* described as “the worst drought on record”.<sup>6</sup> Askin had inherited a budget deficit from the previous government and the drought placed the state's finances under extreme pressure. The Premier had to muster all his political skills to navigate NSW through the crisis. Askin faced an unprecedented situation which tested his leadership. However, the crisis inadvertently created an opportunity for Askin to demonstrate to the voters that they were in safe hands in times of a natural disaster.

NSW had been virtually drought-free since 1945.<sup>7</sup> This resulted in complacency on the part of farmers. The 20 years up to 1965 were so extraordinary that farmers who were 40 years of age and in control of millions of dollars' worth of assets had not experienced a drought. Contemporary farmers had no experience of the harsh reality of extreme variability in rural Australian rainfall which had frequently dipped well below 30% of average rainfall in bad years.<sup>8</sup> The editorial coverage in the media argued strongly that NSW farmers had not prepared themselves for the inevitability of drought, and so had been guilty of overstocking and negligent in “conserving fodder and water”.<sup>9</sup> This view was shared by Charles Cutler who stated that “too many

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<sup>6</sup> Michael McKernan, *Drought: The Red Marauder*, Crows Nest, 2005, p.221.

<sup>7</sup> *ibid*, p.209.

<sup>8</sup> 'Australian Political Chronicle January-August 1966', *AJPH*, Vol.12, No.3, p.434.

<sup>9</sup> McKernan, *Drought : the red marauder*, p.221.

farmers rely on luck, their neighbours or on the government to overcome the problem of drought".<sup>10</sup>

By March 1966 at least 12 million sheep and 1 million head of cattle had been destroyed as a result of the drought. During the 1965-66 financial year the number of sheep and lambs had decreased from 72.4m to 60.6 million. There was also an estimated \$250m in lost farm revenue. The severity of the drought was reflected in the rural unemployment figures. There were 2100 men employed in the government's unemployment relief scheme with another 250 involved in special projects through the Department of Public Works.<sup>11</sup>

The Askin Government provided two solutions to the drought crisis. Firstly, farmers and graziers received immediate financial support. Secondly, schemes were initiated to conserve water for stock and domestic usage while programs were introduced to reduce the risk that future droughts would have such dire consequences.<sup>12</sup>

Funds for unemployment relief schemes were made available to local councils and other authorities for the employment of those affected by the drought. The government allocated \$3,000,000 for the 1965-66 financial year and \$2,184,000 for the 1966-67 financial year for this purpose which amounted to approximately one fifth of all direct drought relief. Finance in the form of low interest loans was made available for restocking. Rebates for rail transport for restocking were introduced as well as subsidies for road transport.<sup>13</sup> Funding from the Cattle Compensation Fund, which had originally been established under the *NSW Cattle Compensation Act 1951* to provide

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<sup>10</sup> McKernan, *Drought : the red marauder*, p.215.

<sup>11</sup> 'Australian Political Chronicle January-August 1966', *AJPH*, Vol.12, No.3, p.434.

<sup>12</sup> *Cabinet Papers*, 25 May 1965. SUBJECT: Drought Relief extension. DECISION: approved the proposal set out by the Minister for transport in the Cabinet minute 25 May 1965

<sup>13</sup> *Cabinet Papers*, 22 March 1966. Consideration for the Drought Relief proposal set out by John L Green, Chairman of the Standing Committee on Drought Relief 14 March 1966.

compensation to farmers for cattle ordered to be destroyed because they were infected, was reduced from one shilling to sixpence per head.<sup>14</sup>

In order to provide adequate assistance to the drought-stricken communities, the Australian Wool Growers and Graziers Council estimated that the cost would be in the vicinity of \$200m. According to Askin, this was beyond the capacity of the state's treasury.<sup>15</sup> Askin had been lobbying the federal government for drought assistance since the June 1965 Premiers' Conference. In October 1965, Menzies indicated that if the drought continued, the Commonwealth would provide grant assistance to NSW and Queensland later in the 1965-66 financial year. In the meantime the states would have access to the treasury bill facility at 1% interest as an interim measure.

Askin rejected Menzies' drought-relief policy as "not much use".<sup>16</sup> He stated that "NSW needed straight out grants, long-term loans at cheap interest, or a combination of both". Askin argued also that treasury notes needed to be paid back in the short-term. Menzies replied that Askin was under "some misapprehension about federal government policy".<sup>17</sup>

Menzies' alleged indifference towards the drought had caused resentment between CP and LP parliamentarians in NSW and Victoria.<sup>18</sup> The press had provided widespread coverage of the drought which prompted Askin to congratulate them.<sup>19</sup> Askin used the media to champion his cause for substantial Commonwealth assistance. The conflict between Askin and Menzies reached its climax on 19 November 1965, when Menzies refused to specify details of the Commonwealth assistance policy. Askin countered this action by refusing to extend drought relief which would have placed the state budget into deeper deficit, until he knew exactly the reimbursement

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<sup>14</sup> *Cabinet Papers*, 7 December 1965. SUBJECT: Cattle Compensation fund. DECISION: Cabinet approved the proposal in Minister's for Agriculture Minute.

<sup>15</sup> *SMH*, 18 November 1965, p.9.

<sup>16</sup> *SMH*, 14 October 1965, p.1.

<sup>17</sup> *SMH*, 15 October 1965, p.4.

<sup>18</sup> *SMH*, 15 October 1965, p.4.

<sup>19</sup> *SMH*, 9 February 1966, p.10.

contribution of the Commonwealth. On 20 November 1965, Menzies stressed that the Commonwealth would meet all the state budget losses due to the drought. The *SMH* in its headlines claimed that Menzies had granted NSW “what appears to be a blank cheque to provide drought relief”. Menzies’ action was regarded as a victory for Askin in NSW political circles.<sup>20</sup>

As the furore between the State and the Commonwealth unfolded between August and November, and the drought tightened its grip, Askin and Mollie quietly embarked on a road trip to examine the extent of the drought. Askin recalled of his journey:

We were having a dreadful drought ... I was trying to persuade ... Menzies to make a special grant to NSW to alleviate the distress, but we weren’t getting very far, we got some sort of assistance but not nearly enough... so I went out, got in the car ... and I spent six days taking photographs of the country and the heaps and piles of dead sheep and dead cattle everywhere. And I had these photos blown up and went down to the conference armed with these photographs ... and when he saw the facts backed by the statistics of the stock losses he wasn’t slow in coming out with worthwhile assistance, he gave us a tremendous boost at that particular conference ... And I think it is the mark of a top level Prime Minister or executive anywhere, who is prepared to recognise crisis conditions when he has evidence put before him, and to take proper remedial action.<sup>21</sup>

Menzies probably was decisive when Askin presented him with the graphic evidence, but there is no doubt that Askin used every means possible to apply political pressure on Menzies. Askin had been duped at the Premiers’ Conference and if the Commonwealth was not forthcoming then the only option was to raise taxes. An increase in tax is not conducive to electoral success and a Federal election was due in 1966. Also, Menzies’ retirement was in the wind and he probably did not want his last act to be seen as strangling the state’s finances and exacerbating the plight of those affected by the worst drought on record.

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<sup>20</sup> *SMH*, 20 November 1965, p.1.

<sup>21</sup> Interview (Pratt): Sir Robert Askin, 2:1/32 and 2:1/33.

Askin did not enjoy the same success with Menzies' successor Harold Holt. Askin requested help in the form of restocking loans for drought affected land.<sup>22</sup> NSW had lost \$25m in revenue because of the drought in 1965-66 and expected another loss of \$25m in the 1966-67 financial year. Holt reneged on Menzies' assurance and said he would only commit to \$8m in assistance.<sup>23</sup> However, heavy rains in August and October of 1966 alleviated the drought, especially in the most severely affected areas of the north-west of the State.<sup>24</sup>

The introduction of the water conservation schemes was the responsibility of Jack Beale. Beale's first action as Minister for Conservation was to clear the backlog of 1200 applications under the waters supply scheme and to reduce the waiting time for the assessment of applications to no more than two months. This scheme was administered by the Water Conservation and Irrigation Commission to provide technical advice to farmers in order to improve water supplies on properties throughout NSW. The aim substantially was to improve water storage, thereby insuring against the economic effects of future drought.<sup>25</sup> The cabinet also approved the construction of 20 low weirs which would conserve water for stock and domestic use.<sup>26</sup> On 24 April 1966 Beale declared that "we have reached the stage where we can no longer afford to tolerate the huge production losses which occur because we are at the mercy of dry spells and droughts". Beale commissioned the first river catchment studies on the major rivers in NSW, and subsequently developed the water plan for NSW in 1966.<sup>27</sup> He was also instrumental in the establishment of the National Water Conservation Development Plan of 1966 and oversaw the ground-water investigation

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<sup>22</sup> *SMH*, 23 February 1966, p.8.

<sup>23</sup> *ibid*, 18 August 1966, p.1.

<sup>24</sup> 'Australian Political Chronicle September-December 1966', *AJPH*, Vol.13, No.1, p.112.

<sup>25</sup> *Cabinet Papers*, 4 June 1965. SUBJECT: Farm Water Storage DECISION: The Minister for Conservation submitted a Minute which was noted by the Cabinet.

<sup>26</sup> *Cabinet Papers*, 10 March 1966. SUBJECT: Construction of Low Weirs DECISION Approval was given to the proposal by the Minister For Conservation to construct twenty low weirs. Cabinet Minute dated 21 February 1966.

<sup>27</sup> *NSW LA PD*, Session 2006, 19 September 2006, p.1836.

between 1965 and 1971. The latter determined that the NSW water resources base was double that previously estimated.<sup>28</sup>

The NSW water plan was to be extended over a 25 year period with joint finance between the Federal and State Governments. The estimated cost was \$1.2b and it was anticipated that it would improve rural production by \$300m per year. The first 5 year plan was to include 10 dams and 48 weirs at the cost of \$261.5m. The long-term projection included: major storage dams, weirs and irrigation projects and the cost of \$691m; surface farm supplies and irrigation works at a cost of \$394m; and the sinking of bores and wells for \$1.25m.<sup>29</sup> By the tenth anniversary of the LP Government in 1975, six dams had been built, one enlarged and one was under construction. The State Government alone had invested \$183m. This did not match the ambitious targets that had been set by Beale but, according to the Government's own account, it was a good achievement.<sup>30</sup> Beale, however, left politics under a cloud in 1973 and his achievements in water reform and the environment, and those of the government, will be examined further in the analysis of the third term.

Askin demonstrated to the electorate that the newly elected government was up to the challenge of the drought. He retained the confidence of the CP despite their grievances with the federal Liberal Party over the drought. Askin's political skills were manifest in his use of the media in order to compel Menzies to provide Commonwealth funding. He took the initiative and supported his case with empirical evidence in the form of photographs. The Askin Government did not hesitate to introduce water conservation schemes, low interest loans and unemployment schemes even though the state budget was in deficit.

### **3.3 The Sydney Opera House**

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<sup>28</sup> Jack Beale, Personal papers, Mitchell Library, MLDOC 2173.

<sup>29</sup> *SMH*, 25 April 1966, p.1 and p.4.

<sup>30</sup> NSW Premier's Department, *A decade of good government, 1965-1975*, Sydney, 1976, p.22.

The Sydney Opera House has become an Australian icon and has received worldwide acclaim, including its recognition as a UNESCO World Heritage Site. However, the Sydney Opera House has not always been held in such esteem and had been a nagging issue for NSW state governments since its conception. From the time that the Danish architect Jørn Utzon was announced the winner of the Sydney Opera House design competition in 1957 until its formal completion in 1973, the Sydney Opera House was shrouded in controversy. The principal protagonists in the controversy were Utzon, the Cahill Labor Government that instigated the project and the Askin Government that completed it. All three deserve their share of criticism. As forty years have now passed since the completion of the Sydney Opera House, the actions of the protagonists can be discussed from a more objective perspective. When the events are viewed in the context of the time, it is remarkable that such a masterpiece was conceived, financed and completed. Therefore, all of the three parties also deserve their rightful accolades.

The Sydney Opera House controversy reached its climax in February 1966 when Utzon resigned as architect, which precipitated criticism in all directions. Davis Hughes accused the former Labor Government of inept management in allowing the costs to spiral out of control. According to Hughes, this occurred because the Government had allowed construction to commence before the full plans and specifications were made available.<sup>31</sup> Critics of Utzon supported the Government in its endeavour to stem the spiralling costs.

Sydney newspapers reflected the range of community views. The *Daily Mirror* claimed that the aesthetic importance of the building was more important than the financial cost which was financed through the opera house lottery with no imposition on state finances. The editorials in the *Daily Mirror* blamed Hughes for using Utzon as a scapegoat for the preceding Labor government's "inertia and bungling". The *SMH* and the *Sun* attempted to

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<sup>31</sup> *NSW LA PD*, Session 1965-66, 1 March 1966, p.3673.



present more objective viewpoints but only the *SMH* based its analysis on a detailed assessment of the issues.<sup>32</sup>

Davis Hughes was Deputy Headmaster at The Armidale School from 1947 until 1950 when he won the seat of Armidale for the CP at a by-election after Drummond had resigned to enter Federal politics as the member for New England. In 1956 he regained the seat after he had lost it to the ALP candidate, James Cahill, in 1953 by thirteen votes. Hughes held the seat until 1973. He was the Minister for Public Works from 1965 until 1973 whereby he oversaw the completion of the Sydney Opera House. After its completion in 1973 Askin rewarded him for his effort with the plum position as NSW Agent General in London.

Hughes had already attracted controversy before he became embroiled in the Sydney Opera House saga. In 1958 he was hospitalised after suffering a nervous breakdown. This was eight months after he was elected deputy leader of the CP. It had come to light that Hughes had misrepresented his academic qualification in Hansard and the Parliamentary records. It had been inaccurately recorded that Hughes held a BSc degree. He was aware of the error and he had deliberately allowed it to stand. Subsequently, Hughes resigned from the deputy leadership, explained and apologised to the parliament and then decided to retire from politics. The CP members rallied and convinced him to stand at the 1959 election. Hughes retained the seat with an increased majority. His supporters claimed that this result exonerated him from his indiscretion. Nevertheless, the duplicity regarding his university qualifications cast doubt over his integrity. This provided his detractors with the ammunition to assassinate his character, especially during his tumultuous tenure as minister responsible for the Sydney Opera House project.<sup>33</sup>

After the resignation of Utzon, a deputation consisting of Professor Denis Winston (Dean of the Faculty of Architecture, Sydney University), high-

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<sup>32</sup> Australian Political Chronicle January-August 1966', *The Australian Journal of Politics and History*, Vol. 12, No.3, p434.

<sup>33</sup> Davey, *The Nationals*, pp.171-178.

profile architect Harry Seidler, writer Patrick White, and President of the Society of Sculptors, W.N. Nicholson, met with Askin on 3 March 1966 seeking a resolution of the problem. They presented a petition, consisting of 3000 signatures including their own. The petition stated “we the undersigned, would like to express the strong opinion that it will be impossible for any architect other than Jørn Utzon to finish the Sydney Opera House in the spirit in which it was conceived and request his reinstatement”.<sup>34</sup>

The Sydney Opera House project was opposed by both sides of politics. Despite this, Premier Cahill insisted that construction begin in February 1958 just before the election, despite the fact that the brief and designs were incomplete.<sup>35</sup> On 7 March 1957, Askin asked the question in parliament, “Is the present the right time to push ahead with this desirable but lavish venture?”<sup>36</sup> Three weeks later on 2 April 1957, Cahill suggested to the parliament that four lotteries be held each year to raise £240,000 annually for the Sydney Opera House. This suggestion was met by the Opposition leader Morton with disdain.<sup>37</sup> Credit must be given to Cahill who had to fight for his vision of the Sydney Opera House. In June 1957 he averted a split at a meeting of the Labor caucus, sections of which opposed the Sydney Opera House project.<sup>38</sup>

The project officially began on 2 March 1959 when Cahill laid a plaque to celebrate the commencement of stage 1. Stage 1, which involved the construction of the podium and foundations, was completed on 1 February 1963, two years behind schedule. Stage 2, which entailed the construction of the roof shells, began in early 1963. The avant garde design required skills and technology to be pioneered during construction and “took four years of intensive calculations to implement the architects’ essential ideas”.<sup>39</sup> For

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<sup>34</sup> Australian Political Chronicle January-August 1966’, *The Australian Journal of Politics and History*, Vol. 12, No.3, pp.431-432.

<sup>35</sup> Peter Jones, *Ove Arup: Masterbuilder of the Twentieth Century*, New Haven, 2006, p.185.

<sup>36</sup> Philip Drew, *Utzon and the Sydney Opera House*, Annandale, 2000, p.47 .

<sup>37</sup> *ibid*, p.47.

<sup>38</sup> *ibid*, p.48.

<sup>39</sup> ‘Australian Political Chronicle January-August 1966’, *AJPH*, p.434.

example, the elements sketch provided by Utzon for the competition was structurally impractical and so it was necessary for the structural engineering firm, Ove, Arup and Partners, to work in conjunction with Utzon to develop a ribbed shell system based on the geometry of a sphere. Despite this problem being solved, the time and cost of the project became a public concern by the time that the Askin Government came to office in 1965. This resulted in Askin undertaking at the election to set up an enquiry into the completion plans and cost of the project.<sup>40</sup>

Hughes, the Minister for Public Works, was prompt in carrying out the pre-election promise of the Askin Government to investigate fully the “deplorable bungle of the finances” behind the Sydney Opera House, which began on 31 August 1965.<sup>41</sup> A report from the quantity surveyors, Rider Hunt and Partners, was presented to the Cabinet. The Cabinet supported Hughes’ proposed government policy which he outlined in a statement to the Parliament on 3 November 1965. Hughes stated that the government was determined to take the necessary action to change the situation.<sup>42</sup> He claimed that the ineptitude of the Labor Government was responsible for the escalation of estimated completion costs which, according to Rider, Hunt and Partners, grew from £4.8m to £12.5m and then to £24.7m. Hughes asserted that this significant escalation in costs was even more significant when considering the fact that no provision had yet been made for a patrons’ car park, an organ and compensation to the Maritime Services Board for loss of the wharves or payment for the site.<sup>43</sup>

Hughes concluded that Stage 2 of the project had made satisfactory progress. The cost had increased from £1.8m to approximately £5.9m; however, it had been a complex task exacerbated by the problems associated with the construction of the stage tower which had been brought forward from

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<sup>40</sup> Jones, *Ove Arup*, p. 187.

<sup>41</sup> Liberal Party, 1965 Election Policy Speech, ML 329.994, p.29.

<sup>42</sup> *NSW LA PD*, Session 1965-66, 1 March 1966, p.1696.

<sup>43</sup> *Cabinet Papers*, 31 August 1965. SUBJECT: Sydney Opera House DECISION: Hughes proposal outlined in the Cabinet Minute dated 25 August 1965 was approved.

stage 3 to stage 2.<sup>44</sup> According to Hughes, the delay and spiralling costs caused by the previous mismanagement of the project were manifested in the problems associated with stage 3 of the project. Rider, Hunt and Partners found that Utzon had not supplied plans for stage 3 despite requests from the previous government. Utzon, moreover, had decided on suppliers for stage 3 without following the required tendering process. Rider, Hunt and Partners recommended that stage 3 should not proceed without adequate plans. The lack of competitive tendering could also have resulted in higher than necessary costings. The finishes for stage 3 were complex and the work would need to be closely managed to avoid an escalation in costs. Rider, Hunt and Partners also advised that it was of paramount importance that the implementation of tight project management controls must not prejudice the high standards which such a building deserved.<sup>45</sup>

In light of the surveyor's report, Hughes presented a plan to the parliament on 3 November 1965 outlining how the Askin Government would complete the Sydney Opera House project. The Government intended to implement a single line of authority whereby the architect would be responsible to Hughes as Minister of Public Works.<sup>46</sup> The Minister would have sole financial control over the project which would include payments to the architect and the consultants. Competitive tendering would be mandatory except for extraordinary circumstances; for example, if only one supplier was expert in a particular task. Following this new management approach, the surveyors intimated that the completion date would be December 1969. Hughes advised the Parliament that the Government intended to "ensure that it is completed to a high standard, in complete harmony with the conception of the architect who designed it".<sup>47</sup>

Under the Labor Government, the builder was paid by the Department of Public Works, while the architect and the consultants were paid on

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<sup>44</sup> *NSW LA PD*, Session 1965-66, 1 March 1966, p.1697.

<sup>45</sup> *NSW LA PD*, Session 1965-66, 1 March 1966, p.1702.

<sup>46</sup> *ibid*, p.1697.

<sup>47</sup> *NSW LA PD*, Session 1965-66, 3 November 1965, p.1695.

vouchers which were presented to the opera house committee and paid by the Department of Local Government. The architect chose his suppliers without competitive tendering and work began without appropriate drawings.<sup>48</sup> Hughes argued that this was a weakness and insisted that the only way the project could be effectively completed was by incorporating network analysis into the planning approach. This allowed the project plan for the work to be integrated. The plans and specifications would be completed before commencement to enable tendering to be called by specific dates. These would act as milestones to allow the work schedule to progress seamlessly.

Before stage three could begin, Hughes insisted that Utzon provide final working drawings and tendering documents in a reasonable timeframe. The construction of the window mullions, the provision for the laminating trusses to support the plywood in the auditoria, and the cladding and paving of the podium area involved substantial funds. These challenges would therefore be met under a single line of authority using the system of network analysis.<sup>49</sup>

On 28 February 1966 Utzon resigned. In his letter of resignation, he gave non-payment of a £51,000 fee and the lack of cooperation from the Department of Public Works as his reasons for resigning. These claims were denied by Hughes in his letter to Utzon on 28 February 1966. Hughes had disputed the fees as the work had been done before April 1960. Also, the decision for the fees was to be made by the end of the week of 28 February 1966. Hughes reminded Utzon that the fees of \$20,000 per month had been approved subject to monthly reviews of the progress. Hughes did not concede that there had been a lack of collaboration. He believed that collaboration had been achieved through the monthly meetings between himself, Utzon and representation of the Opera House committee.<sup>50</sup>

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<sup>48</sup> *NSW LA PD*, Session 1965-66, 3 November 1965, p.1698.

<sup>49</sup> *ibid.*

<sup>50</sup> *Cabinet Papers*, 1 March 1966. SUBJECT: Sydney Opera House -

Resignation of Architect. Decision Terms of a Press statement proposed by Hughes were endorsed.

In the Cabinet meeting minutes 1 March 1966, Hughes outlined the problems of implementing his “single line authority” with Utzon and the system of network analysis. Utzon had recommended the use of plywood sheets 55’ by 5’ for the construction of the ceiling of the auditoria. However, the consulting engineers were of the opinion that this method of construction was unsafe. On this advice Hughes refused to approve the construction of prototypes costing \$120,000. Utzon had also awarded Symonds Limited a \$2m contract to install the plywood, despite the fact that Symonds was in receivership.<sup>51</sup>

There is no doubt that Hughes knew there would be a confrontation with Utzon over the Askin Government’s policy. Hughes had warned the Cabinet on 31 August 1965 that this policy “could lead to a dispute” with Utzon.<sup>52</sup> He went to great lengths in his statement to the parliament to outline the government policy and hinted that Utzon would resign. Renshaw appeared to have been suspicious when he asked why Hughes was making this statement to the House. Hughes maintained his line of argument that the Sydney Opera House project problems were the result of previous mismanagement, and claimed “because I am showing the necessity for action to change the situation”.<sup>53</sup> Hughes had anticipated Utzon’s resignation and had devised a method whereby the Sydney Opera House could be completed with a government architect and services of the senior officers of the NSW Chapter of the Institute of Architecture. However, there is no evidence that Hughes deliberately precipitated the resignation of Utzon.<sup>54</sup> As a contemporary commentator remarked; The more likely explanation for Utzon’s resignation was that he was not comfortable with

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<sup>51</sup> *Cabinet Papers*, 1 March 1966. SUBJECT: Sydney Opera House DECISION: Approval was given in broad terms to Hughes’ Minute 28 February 1966 regarding the continuation of stage 2.

<sup>52</sup> *Cabinet Papers*, 31 August 1965. SUBJECT: Sydney Opera House DECISION: Approved Hughes’ Minute 25 August 1965 presented at Cabinet meeting 31 August 1965.

<sup>53</sup> *NSW LA PD*, Session 1965-66, 3 November 1965, p.1696.

<sup>54</sup> *Cabinet Papers*, 1 March 1966. SUBJECT; Sydney Opera House. Resignation of Architect DECISION: Approval was given in broad terms to Hughes’ Minute 28 February 1966 regarding the continuation of stage 2.

the government's desire to establish a more forthright administrative control over construction and finances - a control which would have greatly restricted the freedom Mr Utzon had enjoyed under three successive Labor premiers. Utzon viewed the close client-architect relationship which the minister demanded as a slight upon his status and calibre as an architect. As he said in his letter of resignation to the minister: '... you have forced me to leave the job ... as I see that you do not respect me as an architect.' But as far as the government was concerned, it was only trying to curb the spiralling costs.<sup>55</sup>

By the time of his departure, Utzon had received fees to the value of \$1.25m.<sup>56</sup> The Government regretted that Utzon had resigned. Askin wasted no time in making it clear that "the architect had resigned of his own free will".<sup>57</sup> Nonetheless, the Askin Government has sometimes been portrayed as comprising a bunch of philistines who chased the sensitive genius Utzon out of the country.<sup>58</sup> Hughes in particular had been accused of being the principal perpetrator. This was dispelled in a letter from Utzon to Philippa Hughes after her husband's death on 16 March 2003. The letter was released by the Hughes family to the *SMH* and printed on 14-15 October 2006. Utzon's letter read as follows:

Please believe me. I'm very sorry I didn't get to talk to him. Please tell her that I'm very lucky that the building was finished at all. Sydney got that building because of him and his support of Peter Hall and Hall Todd and Littlemore architects. He gave them all the best support. I'm sorry I didn't get time to tell him.

How can a man who has never built anything follow in the same way I was intending? The architecture wasn't the same but you can't repair Beethoven's symphony by asking Mozart to repair the second half.

I am very sorry I had difficulties in meeting him. He was completely sincere in his dealing with me and what he said about the costs and what kind of a theatre he could build in Armidale for 25 million pounds. My wife is here. She knows what a difficult thing it was to have a husband working on it.

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<sup>55</sup> 'Australian Political Chronicle January-August 1966', *AJPH*, Vol. 12, No.3, p.431.

<sup>56</sup> 'Australian Political Chronicle September-December 1966', *AJPH*, Vol. 13, No.1, p.112.

<sup>57</sup> *NSW LA PD*, Session 1965-66, 1 March 1966, p.3673.

<sup>58</sup> Fife, *A Country Liberal*, p.107.

Say to Phillipa she must have my kisses and my comfort for his passing. I'm so grateful the building had his enormous force behind the project and he finished it. It was because of him that the complicated building was finished at all.<sup>59</sup>

On 19 April 1966 after Utzon's resignation, Hughes implemented his contingency plan.<sup>60</sup> He appointed E.H. Farmer, the Chief Government Architect, to oversee a panel of leading architects in private practice. The panel included Peter Hall, who was in charge of design, David Littlemore, who took on the role of supervisor, and Lionel Todd, who was responsible for the contractual documents.<sup>61</sup> Utzon left the country almost immediately after his resignation and did not consult with the Public Works Department or his successors in the planning of the remaining work.<sup>62</sup> The Government and the panel were left with the dilemmas of inaccurate estimates of completion costs, no provision for a patrons' car park and the original concept of the major hall jeopardised.

The then current completion cost estimate for the Sydney Opera House of \$48.4m had been received by the government on 24 July 1965. This had been accepted by Utzon who had then added \$1m as a contingency in his budget estimates. The Government rejected these estimates as inaccurate as they did not make allowance for the patrons' car park or other associated costs.

Under the 1963 Opera House Amendment Bill, the maximum permitted expenditure was \$26.5m. In order to continue the project for the next 12 months, \$10m was needed from the special lottery fund. Sourcing the funds from the lottery meant that no further demand was made on government loans

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<sup>59</sup> *SMH*, 14-15 October 2006.

<sup>60</sup> *Cabinet Papers*, 1 March 1966. SUBJECT: Sydney Opera House. Resignation of Architect  
DECISION: Approval was given in broad terms to Hughes' Minute 28 February 1966 regarding the continuation of stage 2.

<sup>61</sup> 'Australian Political Chronicle January-August 1966', *AJPH*, Vol.12, No.3, p.432.

<sup>62</sup> *Cabinet Papers*, 10 May 1966. SUBJECT: Sydney Opera House, Proposed amendment to the Sydney Opera House Act, 1960-3 DECISION: Approval was granted "along the lines" proposed in Hughes' Minute 4 May 1966.



and revenue. The Cabinet agreed to Hughes' proposal and legislation was subsequently drawn up. A petition to prevent the completion of the Sydney Opera House without Utzon was presented to the Attorney General. In response to this, Hughes proposed that the completion of the Sydney Opera House, in accordance with the winning design, be sanctioned by the parliament. This step was necessary in order to stymie any court challenges which could slow the progress of the project. A car park was also added to the scope of the work to be completed.<sup>63</sup> The bill was subsequently passed by both houses of parliament without amendment. W.F. Sheahan, the ALP member for Burrinjuck, and a senior minister in the previous government, praised Hughes for his handling of the Sydney Opera House Project.<sup>64</sup>

There was no requirement made for a patrons' car park in the terms of the international competition. It was considered that there was ample parking within easy walking of the Sydney Opera House. Therefore there was no provision made for a car park in the Opera House Act of 1960.<sup>65</sup> By 1965 there was limited parking near the Sydney Opera House due to the expansion of the city and it was deemed essential that parking would need to be provided for the Sydney Opera House patrons. The Sydney Opera House Trust had been established by an act of parliament in 1961 to oversee the building and site and was accountable to the Minister for Arts. The Trust established a committee to investigate the parking requirements and the recommendation of the committee to build a 1000 bay car park was approved by the Trust and endorsed by the Cabinet.<sup>66</sup>

The expenses for the car park project were to be drawn from the Sydney Opera House fund while the control of the parking facility after

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<sup>63</sup> *Cabinet Papers*, 10 May 1966. SUBJECT: Sydney Opera House, Proposed amendment to the Sydney Opera House Act, 1960-3 DECISION: Approval was granted "along the lines" proposed in Hughes' Minute 4 May 1966.

<sup>64</sup> 'Australian Political Chronicle September-December 1966', *AJPH*, Vol.13, No.1, p.112.

<sup>65</sup> *Cabinet Papers*, 29 March 1966. SUBJECT: Sydney Opera House – car parking for Patrons. DECISION: Approval was given for a sub-Committee to make enquiries into the Car Park, recommended by Hughes in his Minute 16 March 1966.

<sup>66</sup> *ibid.*

construction was to be placed with the Sydney Opera House Trust. The construction was to be the responsibility of the Minister for Public Works. This involved finding a suitable location and then sourcing expert advice in order to arrive at a suitable design. Hughes also intended to investigate day and night traffic-flows by way of a survey to ensure that the parking station would adequately cater for the needs of the Sydney Opera House patrons.<sup>67</sup>

The Labor Government had appointed M.R.Hornibrook (NSW) P/L as head contractor for stage three, subject to the settlement of satisfactory terms and conditions being agreed. Hornibrook was responsible for stage two, and the work was considered highly satisfactory by the Askin Government. Funds had been provided for stage three by the 1966 amended Sydney Opera House bill and it was necessary to begin without delay in order to ensure an easy transition without unnecessary additional expense.<sup>68</sup>

There is no doubt that Utzon's design and vision for the Sydney Opera House was a masterpiece in architectural and aesthetic terms. However, the legacy he left for the planning of stage three proved to be problematic. The flaws in Utzon's specifications surfaced when the architectural panel reviewed the program for completing stage three.<sup>69</sup>

The original competition specified that two halls were to be built. The major hall was to seat 3000 to 3500 patrons but this was revised down to 2800. The amenity would encompass concerts, large scale opera, ballet and dance, choral and pageants, and mass meetings. The proposed minor hall would provide 1200 seats for the use of drama, intimate opera, chamber music, concerts and recitals and lectures. The competition also specified that

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<sup>67</sup> *Cabinet Papers*, 24 May 1966, SUBJECT: Sydney Opera House \_ Car Parking DECISION: The recommendations of the Cabinet Sub-Committee ... as set out in the Cabinet Minute of the Minister for Public Works, dated the 19 May 1966, were endorsed.

<sup>68</sup> *Cabinet Papers*, 25 October 1966, SUBJECT: Sydney Opera House. DECISION: Cabinet approved the proposal of the Minister for Public Works...in his Cabinet Minute, dated 20 October, 1966.

<sup>69</sup> *Cabinet Papers*, 21 March 1967. SUBJECT: Sydney Opera House, "Review of Programme" by Architectural Panel. DECISION: Hughes' Cabinet Minute was approved which concerned the two halls.

ideal conditions of acoustic, visual and stage and orchestral interaction were to be facilitated without compromise.<sup>70</sup>

Utzon's specifications failed to meet these criteria. In 1958 Utzon claimed that the major hall would accommodate 2800 people. At this stage the problem of the construction of the shells had not been factored into the estimated available space inside the building. When the shell problem was solved, it resulted in a reduction in the available space for the major hall. As a result, the major hall would no longer be able to accommodate 2800 patrons. Nonetheless, Utzon's last proposal included a concert hall that he claimed would seat 2800, a minor drama hall for 1,100, an experimental theatre seating 450, a chamber music hall seating 300 and a large rehearsal hall for opera, orchestra and drama.

When the architectural panel examined Utzon's plans they found that the 2800 seats were designed against the advice of the acoustic consultants. They concluded that 2,250 was reasonable but in reality only 1800 seats could provide comfort for the patrons. The capacity of the chamber music theatre was also overstated and the rehearsal hall was inadequate for a full orchestra.<sup>71</sup>

It became clear that because of the lack of space under the shells it was impossible to achieve the expectations of the original competition. The decision to be made was whether the major hall would be a first class orchestra concert hall or a multi-purpose concert hall which would cater for ballet and opera. If it was a multi-purpose hall, then as a concert hall it would be of a second class standard, even with a seating capacity of 2000. As a opera and ballet theatre it would have been better than the minor hall but not of a first-class standard. The minor hall was adequate for ballet and opera and superior to other venues available in Sydney at the time. If the major hall was to be a first class concert hall and seat 2800 people, the stage machinery

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<sup>70</sup> *Cabinet Papers*, 21 March 1967. SUBJECT: Sydney Opera House, "Review of Programme" by Architectural Panel. DECISION: Hughes' Cabinet Minute was approved which concerned the two halls.

<sup>71</sup> *ibid.*

would have to be discarded. The stage machinery had already been installed; if it was to be made redundant, the total cost, including removal, would amount to \$3,572,000.

In March 1967, Hughes recommended that the “Review of Progress” by the architectural panel be approved by the Cabinet. It was advised that the major hall should be constructed as a first-class concert hall seating 2800 patrons (with the stage machinery removed). The minor hall would be constructed as a first-class auditorium for 1500 people adequately able to cater for ballet and opera, albeit with some shortcomings. The original experimental theatre was to be upgraded to a high quality drama theatre seating 700 people. The former rehearsal hall would become an experimental theatre seating 300 people. The workshop area, which was originally attached to the major hall was to become a cinema, seating 750; the store area to be used as a chamber music theatre seating 450; and the original chamber music theatre to be a rehearsal room and reception area. The space occupied by the now defunct stage machinery was to become an orchestral rehearsal hall.

Hughes approved the recommendations on the premise that the main objective of the Sydney Opera House was to encourage cultural development but not exclusively for opera and ballet. Hughes also noted that grand opera and ballet were becoming unfashionable at the time and that the hall would be satisfactory in the immediate future for these two art forms. It was concluded that sacrificing some flexibility in the major hall would enable the overall complex to provide an excellent balance of facilities.<sup>72</sup>

### **3.4 The Arts**

Askin found an astute and politically expedient way to fulfil his election promise to increase the state’s finance for the arts. In response to the drought, Askin had instructed his Ministers to apply “all reasonable economy”.

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<sup>72</sup> *Cabinet Papers*, 21 March 1967. SUBJECT: Sydney Opera House, “Review of Programme” by Architectural Panel. DECISION: Hughes’ Cabinet Minute was approved which concerned the two halls.

In the case of the arts he was able to increase funding to double that achieved by the previous Labor Government. This was achieved by siphoning some of the Sydney Opera House Lottery funds into the arts via consolidated revenue.<sup>73</sup> On 3 August 1965 the cabinet decided to allow the proceeds of two Sydney Opera House lotteries to be allocated to the arts. Subsequently, the *Sydney Opera House Act* was amended which allowed \$400,000 to be appropriated for cultural activities.<sup>74</sup> The Government used \$200,000 to cover “special grants” to the arts which honoured the previous Government’s commitment. The net effect was to save \$200,000 of consolidated revenue. This was attractive from several angles because it avoided the necessity of raising taxes and it appeased some voters who were not happy with the arts being funded from state revenue.<sup>75</sup>

On 23 May 1967, the Cabinet agreed to the recommendation of Cutler, whose portfolio of Education and Science encompassed the arts, that an extra \$100,000 per year be made available for the establishment of an independent orchestra and the nucleus of a continuing opera company. This came out of the Sydney Opera House Fund in addition to the \$400,000 previously committed. Askin in his press statement began to promote the Sydney Opera House and the Government’s controversial decision regarding the use of the major and minor halls. Askin claimed that the establishment of performing companies for both opera and orchestra was necessary to complement the high standard of the second principal hall: “The second principal hall of the opera house will be specially designed for the finest presentation of the greatest possible range of opera and will be a splendid auditorium with high standard of interior design, acoustic quality and comfort.”<sup>76</sup>

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<sup>73</sup> G.F.S. Hanly, *The Askin Government’s Involvement in the Arts, 1965-1974 with special emphasis on the State Government’s cultural subsidisation policies*, unpublished PhD thesis, University of New South Wales 1974, p.10.

<sup>74</sup> *Cabinet Papers*, 3 August 1965. SUBJECT: Assistance for Cultural Activities – Opera House Lotteries. DECISION: Approval was given to the Cabinet Minute proposed by the Premier and Treasurer 29 July 1965.

<sup>75</sup> Hanly, *The Askin Government’s Involvement in the Arts*, p.10.

<sup>76</sup> *Cabinet Papers*, 25 May 1967. SUBJECT: Financial support for independent Theatre Orchestra and for a nucleus continuing Opera Company. DECISION: Approval was given to the proposal in the Minute dated 20 April 1967 of the Deputy Premier Cutler, the Minister for Education and Science.

On balance, the Askin Government showed good judgement over the whole Sydney Opera House affair. While the Sydney Opera House was visionary, there had been opposition in country areas to the “extravagant city project” and Cutler was happy to exploit such fertile ground. In his 1965 election launch Cutler claimed that the entire cost of the party’s new policies “could be met by the increased cost, under the Labor maladministration, of the Sydney Opera House”.<sup>77</sup> Askin had already aired his views in the parliament when Cahill proposed the project and, judging by his lack of artistic flair, which was amply demonstrated with his suggestion to brighten up the city by hanging beach towels out of the city’s windows during President Johnson’s visit, he would probably have been happier with a casino at Bennelong Point. Certainly before taking government in 1965, the Coalition took every opportunity to point out the management failures of the Labor government surrounding the project. Possibly the Askin Government would have liked to have scrapped the Sydney Opera House project altogether. However, during the election campaign Askin showed insight and adaptability when he refrained from calling for the cancellation of the project. Despite strong opposition to the project in country areas, the Sydney Opera House project held an important place in the psyche of Sydney voters. Also, due the international visibility of the project, if it had failed, it would have reflected poorly on the capability of Australian workers to deliver a ground-breaking project. Instead, Askin was astute and called for a review.

Askin had been given a mandate to rein in the costs of the Sydney Opera House project. Under the Labor Government, Utzon had virtual carte blanche in decision-making over the design and tendering of the project and gave preference to architectural merit over cost. It was concluded in the review that the project had been mismanaged. If efficient cost cutting was to be achieved there would be need to be tight oversight of Utzon during stage three. Askin recognised the needs of his peers and appointed Davis Hughes

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<sup>77</sup> Davey, *The Nationals*, p.197.

as the minister responsible for the project. This sent a message to the country voters that he appreciated their concerns over the costs of the project. As a trade-off, he also placed responsibility for a politically sensitive project onto the CP.

Hughes was probably as politically motivated over cost-cutting as Utzon had previously been motivated by architectural merit. Certainly the decision to make Utzon's position untenable was unexpectedly brutal and controversial. However, even Utzon later acknowledged that the management skills of Hughes proved critical to the success of the project. Hughes did not care that tough management controls would compromise the aesthetic and architectural integrity of the project. Canonico and Söderlund in their case study of the Sydney Opera House project analysed the role of the "stakeholders" in the success of major construction projects. They found that the Labor Government to a large extent had been a negative "stakeholder". The Government had compelled Utzon to start before he had completed his design and had imposed additional requirements such as expanding the number of major halls from two to four.<sup>78</sup> Canonico and Söderlund characterised Hughes as a positive contributor because he was decisive and assiduous in setting stringent, realistic deadlines and cost savings.

A project as complex and challenging as the Sydney Opera House would have been difficult for any government to deliver successfully. Despite the positive contribution of Hughes, mistakes were inevitable. By the end of the first term, both the Government and the Opposition showed good political judgement to leave the issue of the Sydney Opera House in the background.<sup>79</sup>

### **3.5 The Aboriginal Question**

The life of the Aboriginal people in the 1960s is exemplified by two statements made in 2002. Bob Carr, Premier of NSW said, "In the 60s, segregation and

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<sup>78</sup> Paol Canonico and Jonas Söderlund, *The Sydney Opera House: Stakeholder Management and Project Success*, 723G18 Project Management Case Material, Linköping University, 2009, p.16.

<sup>79</sup> Dempsey, '1968', *The People's Choice*, p.25.

discrimination were no less a part of Aborigines' life than of the lives of black people in the Deep South". Meanwhile, Jack Waterford, Editor-in-chief of the *Canberra Times* said, "In the early 1960s, most Australians could affect ignorance or feel comfortable about the racism, discrimination and poverty affecting Aboriginal Australians."<sup>80</sup> In February 1965, Sydney University students under the banner Student Action for Aborigines (SAFA) organised a bus tour of NSW to raise public awareness of the plight of the Aboriginal people and to encourage indigenous activism. The "Freedom Ride", as it became known, contributed to making the inequities of the Aboriginal people a public issue.<sup>81</sup> It is therefore appropriate to examine the Askin Government's policy in the context of these changing times.

Askin's response to the Aboriginal question during his policy speech was heckled with the interjection "you're as bad as Renshaw" before all the members of the SAFA walked out of the LP's campaign launch in April 1965.<sup>82</sup> Askin stated in his policy speech that Aboriginal people were "entitled to all the human rights and privileges enjoyed by other Australians".<sup>83</sup> With regard to education and housing, Askin set up an investigative parliamentary select committee on 2 November 1965.<sup>84</sup>

The committee concluded that every recommendation was interrelated and not to be implemented in a piecemeal fashion. Therefore, the result was dependent on the method of implementation.<sup>85</sup> For example, improvements in education would be futile unless adequate housing and employment were available.<sup>86</sup> No more housing should be built on reserves but rather scattered

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<sup>80</sup> Ann Curthoys, *Freedom Ride: A Freedom Rider Remembers*, Sydney, 2002, p.i.

<sup>81</sup> *The Bulletin*, 24 September 1966, p.28.

<sup>82</sup> Curthoys, *Freedom Ride*, p.232.

<sup>83</sup> 1965 Election Policy Speech by Mr. R.W. Askin, Leader of State Opposition, p.32.

<sup>84</sup> *ibid*, p.34.; *Cabinet papers*, 2 November 1965.

<sup>85</sup> NSW Parliament, *Report from the Joint Committee of the Legislative Council and Legislative Assembly upon Aborigines Welfare, Part 1 – report and Minutes of the Proceedings*, Joint volumes of papers presented to the Legislative Council and Legislative Assembly, Sydney, p.26.

<sup>86</sup> NSW Parliament, *Report from the Joint Committee of the Legislative Council and Legislative Assembly upon Aborigines Welfare, Part 1*, p.8.



through towns and urban areas, without concentration in one street or area.<sup>87</sup> All levels of education would be greatly improved if finance was provided jointly between the State and Commonwealth.<sup>88</sup>

The policy of assimilation was considered the best policy for Aboriginal people and the community generally.<sup>89</sup> The committee recommended that Aboriginal welfare should be abolished and the responsibility transferred to the social welfare and child welfare department. Under the assimilation policy, the Aboriginal Advisory Committee should be democratically elected by aborigines. The committee also recommended that steps be taken to ensure that "Aboriginal views, opinions and desires be brought to the attention of the Director of Aboriginal Affairs."<sup>90</sup>

The Askin Government was not in the vanguard when it came to improving and advancing the lot of Aboriginal citizens in NSW. The Aboriginal question addressed in the election policy speech was virtually buried by referring it to a parliamentary select committee. The Cabinet illustrated that time was not of the essence by not approving of the committee until November 1965. Then its report was not completed until 28 November 1967. Moreover, the Askin Government did not have to address any Aboriginal problems until the report was handed down, which was at the end of their first term in government. For example, the important question of whether to build transitional buildings on the reserve or permanent buildings in the town of Walgett in March 1967 was left pending until the Joint Committee's report was available.<sup>91</sup>

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<sup>87</sup> NSW Parliament, *Report from the Joint Committee of the Legislative Council and Legislative Assembly upon Aborigines Welfare, Part 1*, p.12.

<sup>88</sup> *ibid*, p.11.

<sup>89</sup> *ibid*, p.24.

<sup>90</sup> NSW Parliament, *Report from the Joint Committee of the Legislative Council and Legislative Assembly upon Aborigines Welfare, Part 1*, p.16.

<sup>91</sup> *Cabinet Papers*, 8 March 1967. SUBJECT: Aborigines' Reserve, Walgett – Transitional Housing : Conflict between the Aborigines Welfare Board and the Council. DECISION: The chief Secretary was responsible for the matter and details outlined in his Cabinet Minute, 2 February 1967. Any decision was held over until receipt of the Joint Committee's report.

However, there was a political opportunity presented by the appointment of Herbert Simms as the first Aboriginal officer of the Aboriginal Welfare Board 29 December 1965. The Government touted Simms' appointment as a significant step in assimilation of Aboriginal people in NSW.<sup>92</sup> The vacuousness of the Government's rhetoric was, however, quickly highlighted in an *SMH* editorial which stated that "the mere fact that only in the year 1965 was one aborigine found with the qualification of a state welfare officer is itself and indictment of our own abject failures."<sup>93</sup>

Askin recognised and responded to the increasing public profile of Aboriginal affairs and took a pragmatic approach to the welfare of the Aboriginal people. He established a parliamentary select committee with the expectation that this would satisfy voters that the problems were being addressed and the government was able to take the matter out of the political arena. There was little political capital to be gained by initiating progressive reforms.

### 3.6 Transport

The rail transport strike, the horrific road toll, the introduction of decimal currency, and the resurrection of the Eastern Suburbs Railway project were the critical issues which faced the Transport Minister in the first term of government. The unrest with rail transport workers had begun in 1964 and continued until it was resolved through arbitration and conciliation in 1967.<sup>94</sup> Milton Morris, the Minister for Transport, stated that the most "anxious problem" of his portfolio was the road toll. In his policy speech, Askin expressed "determination" to address this problem.<sup>95</sup> Askin also made an

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<sup>92</sup> *The Sun*, 30 December 1965.

<sup>93</sup> *SMH*, 5 January 1966, p.1.

<sup>94</sup> *Cabinet Papers*, 22 June 1965. SUBJECT: Proposed wage increases for staff in the Transport Undertakings. DECISION: Approval was given to the Minister for Transport proposal set out in his Cabinet Minute 17 June 1965.

<sup>95</sup> *Cabinet Papers*, 7 December 1965. SUBJECT: Proposed changes in organisation of Road Accident Reduction Activities. DECISION: Approval was given as per proposal of the Minister for Transport Cabinet Minute Dated 2 December 1965.

election promise to recommence the work on the controversial Eastern Suburbs Railway. Further, he undertook to improve pension provisions for railway workers.<sup>96</sup> With the introduction of decimal currency in 1966, the government was able to raise fares under the guise of the transition from sterling to decimal currency, which was tantamount to breaking the election promise not to do so.<sup>97</sup>

The saga of the Eastern Suburbs Railway began in 1926 when the scheme for “Sydney railways” was instigated by Dr John Bradfield. It was postponed due to the 1930s depression and resumed in 1947 only to be stopped again in 1952. Work began again in 1958 at the Chalmers Street station but came to a halt in 1962, leaving a lattice of steel sprouting up out of a 70 foot hole. Cartoonists rubbed their hands in glee every time a government raised the question of an Eastern Suburbs railway which was evidenced by the litany of jokes concerning the project. Despite the amusement over “the hole” at Chalmers Street, there was a consensus that a railway to the densely populated Eastern Suburbs was well overdue. Askin saw that a line out to Kingsford would be “a political coup of the first magnitude after a dozen predecessors had promised and tried and failed to do the job”.<sup>98</sup>

The Renshaw Government in 1963 had commissioned De Leuw Cather and Company to carry out a feasibility study. After Morris’s recommendation to proceed further, a sub-committee was formed to examine the vastness of the project.<sup>99</sup> The sub-committee consisted of Morris, Morton and Arthur Bridges. Bridges was Minister for Child Welfare, Minister for Social Welfare and Advisory Minister for Transport. It was decided on 24 January 1967 that the Eastern Suburbs Railway should be built over a period of 10

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<sup>96</sup> *Cabinet Papers*, 15 March 1966. SUBJECT: Eastern Suburbs Railway. DECISION: The suggestions of the Minister for Transport contained in his Cabinet Minute, paragraph 48, 1 March 1966, were adopted.

<sup>97</sup> *SMH*, 5 January 1966, p.1.

<sup>98</sup> *SMH*, 4 March 1967, p.10.

<sup>99</sup> *Cabinet Papers*, 15 March 1966. SUBJECT: Eastern Suburbs Railway. DECISION: The suggestions of the Minister for Transport contained in his Cabinet Minute, 1 March 1966, were adopted.

years. A request for additional funds from the federal government would shorten the period for completion.<sup>100</sup> The railway would cost \$87million and would be completed according to the following schedule: Kings Cross 1971, Edgecliff 1973, Bondi Junction 1974, Randwick 1976 and Kingsford 1977.<sup>101</sup>

The ambitious and politically expedient idea of having the Kings Cross station fully commissioned by 1971 was rejected at the Cabinet meeting on 28 February 1967. The Commissioner of Railways assessed that it was uneconomic in the context of the project as a whole with consideration of the inefficient procurement of rolling stock and limited local patronage.<sup>102</sup> The government was accused of running a “terror campaign” against the owners and tenants over the acquisition of the 96 properties between Martin Place and Kings Cross. It responded by claiming that it would not countenance exorbitant compensation claims but it wanted to resolve all claims amicably.<sup>103</sup> There were between 500 and 1000 people displaced but the government arranged for accommodation through the housing commission and guaranteed that no tenant would be “thrown out on the street”.<sup>104</sup>

Construction recommenced in May 1967 on the Chalmers Street station. The Snowy Mountains Hydro-Electric Authority was engaged to lead the construction project. The government allocated \$5.67m for the railway for 1967-68 financial year. The construction of an overpass at Woolloomooloo in place of a tunnel reduced the project cost by \$2 million. Askin was able to confirm his undertaking to commence work on the project in the lead up to the 1968 election. The Federal Government had denied funding assistance which allowed Askin to pass the blame for schedule slippages on to the Commonwealth. Askin said “the decision of the Commonwealth not to assist

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<sup>100</sup> *Cabinet Papers*, 24 January 1967. SUBJECT: Eastern Suburbs Railway. DECISION: The Cabinet approved the Minute proposed by the Minister for Transport on 24 January 1967.

<sup>101</sup> *Cabinet Papers*, 14 February 1967. SUBJECT: Eastern Suburbs Railway. DECISION: Discussion on the Minute presented by the Minister for Transport dated 14 February 1967.

<sup>102</sup> *Cabinet Papers*, 28 February 1967. SUBJECT: Eastern Suburbs Railway. DECISION: Consideration was given by the Cabinet on a supplementary statement by the Minister for Transport, 28 Feb 1967.

<sup>103</sup> *SMH*, 26 July 1967, p.13.

<sup>104</sup> *ibid*, 5 December 1967, p.5.

financially with the construction of the railway must result in the overall construction rate being limited by the availability of funds".<sup>105</sup> The Premier considered his time spent in opposition during the Cahill Government as a fertile learning period in his political career. While Cahill had been the master at blaming the Commonwealth, Askin soon became the master apprentice.

The cabinet endorsed Morris's proposal to increase fares due to the change over from sterling to decimal currency. The rationale behind the decision was that the department could lose £400,000 per year. Therefore it could not absorb a "downward movement" in fares. This resulted in a translation of 3p to 5c and 9p to 10c. The adjustment was projected to contribute an additional \$1,000,000 per annum in transport revenue.<sup>106</sup>

The *SMH* claimed that these "adjustments" were largely calculated on the basis of expediency.<sup>107</sup> In the parliament the Liberal backbench requested an explanation as to why the increases were warranted, considering that the price of other consumer commodities had remained unchanged. The ALP claimed that the government would benefit from an extra \$1.6 million in its coffers.<sup>108</sup> In the end, the concessions given to school children and pensioners balanced with the increased rates and Morris attempted to cushion the fare rise by promising more concessions such as excursion fares, bulk tickets and longer sections. These promises failed to materialise when the \$2 increase to the basic wage was handed down which translated into a \$1m blow-out in the expenditure of the department.<sup>109</sup>

Askin promised at the 1965 election to improve the pension of railway workers which had not been reviewed for the previous 10 years. This will be discussed under his election commitments in relation to superannuation. It is noteworthy that both Askin and Morris were sons of railway workers. Both

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<sup>105</sup> *SMH*, 1 November 1967, p.4.

<sup>106</sup> *Cabinet Papers*, 14 February 1967. SUBJECT: Eastern Suburbs Railway DECISION: Discussion on the Minute presented by the Minister for Transport dated 14 February 1967.

<sup>107</sup> *SMH*, 6 January 1966, p.2.

<sup>108</sup> 'Australian Political Chronicle January-August 1966', *AJPH*, Vol. 12, No.3, p.438.

<sup>109</sup> 'Australian Political Chronicle January-August 1966', *AJPH*, Vol. 12, No.3, p.438.

were refugees from and devoted sons of the working class and this ensured that retired railway workers and “widows of the railway men lived more comfortably”.<sup>110</sup>

Nonetheless, union unrest in NSW over the inequality of transport worker wages with other states had been brewing since 1964 under the Labor government. When it came to dealing with the strike, state finances and politics took precedence over the working-class origins of Askin and Morris. Morris conceded that although working conditions were better in NSW, the wages in the other states were higher. Morris was convinced that something should be done to bring wages in line with Victoria, Queensland and South Australia but he claimed that what the unions wanted was excessive in light of the huge losses faced by the railway due to the drought. In order to meet the union claims, ferry and freight charges would need to be increased.<sup>111</sup> Morris and Askin did not want to be seen as provoking the unions. Morris, in particular, sympathised with their cause but used the fragile state financial position as the reason not to agree to their demands.<sup>112</sup>

Strikes were never popular with voters. Rather than be seen as attacking the unions, Askin and Morris instead went to great lengths to mitigate the effects of the strike action. Morris, who was always willing to court the media, was photographed arranging alternative routes on the Cahill Expressway.<sup>113</sup>

The rate of fatalities in road crashes in 1965 had peaked at 27.57 per 100,000 population and was one of the highest in the world.<sup>114</sup> In a desperate attempt to reduce this carnage, Morris established a Standing Committee to

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<sup>110</sup> Hancock, 'Askin', *The Premiers of New South Wales 1856-2005*, p.369.

<sup>111</sup> *Cabinet Papers*, 22 June 1965. SUBJECT: Proposed wage increases for staff in the Transport Industry. DECISION: Approval was given to the recommendations of the Minister for Transport in relation to this matter set out in the Cabinet Minute dated 17 June 1965.

<sup>112</sup> *SMH*, 13 August 1965, p.1.

<sup>113</sup> *ibid*, 6 July 1965, p.1.

<sup>114</sup> NSW Road Traffic Authority, *Fatality Rate 1908 to 2009*, Sydney, 2009, p.2; *The Bulletin*, 19 September 1970, p.34.

review road accident reduction measures.<sup>115</sup> These included a study of Victorian drink driving laws, erection of “Give Way” signs from suburban streets onto arterial roads, compulsory wearing of protective helmets for riders and pillion passengers on motor bikes and scooters, inspections of second-hand vehicles before sale, and the introduction of provisional licences with a speed limit of 40 miles per hour.<sup>116</sup> These measures were subsequently introduced in the second term of the government.

In contrast to the Aboriginal question, transport was always in the political arena. It was essential that the government was perceived to be honouring its promises. When this was not possible, it was expedient to shift the blame to external forces beyond its control. Askin blamed the lack of funding by the Commonwealth Government for schedule slippages in the construction rate of the eastern suburbs railway. At the same time he delivered the good news to the voters that his government had saved \$2 million dollars and announced a commencement date for the project at the 1968 election. Askin and Morris were able to negate electoral damage caused by the transport strikes by not provoking the unions. The measures initiated by Morris to reduce the road carnage became a hallmark of good governance by the Askin Government.

### **3.7 Superannuation**

There is no doubt that Askin delivered on his election commitments regarding the three Government subsidised superannuation schemes. The unit value of the state fund was increased and retired members of the police force received an increase along with new entitlements provided for the widows of police officers. The overhaul of the transport superannuation scheme introduced annuity arrangements as well as lump sum payments.<sup>117</sup> Askin stated in his

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<sup>115</sup> *Cabinet Papers*, 7 December 1965. SUBJECT: Proposed changes in organisation of Road Accident Reduction Activities. DECISION: Approval was given as proposed by the Minister for transport in his Cabinet Minute dated 2 December 1965.

<sup>116</sup> ‘Australian Political Chronicle January-August 1966’, *AJPH*, Vol. 12, No.3, p.438.

<sup>117</sup> *1965 election policy speech* delivered by R.W. Askin, p.23.

press release that “after 24 years of successive Labor governments, nothing was done to help the railway pensioners and redress cannot be effected overnight”. Askin undertook to continue to improve the pensioners’ scheme but stated that state finances did not allow for any further immediate improvement.<sup>118</sup>

Askin announced in his policy speech that the state superannuation fund “could stand an increase of two and six on all superannuation units”. The superannuation board and the employee organisations argued that the Government, as the employer, should bear the costs of the increase instead of the fund. When the 5 5/8 % interest on the £132m investment was factored into the forward estimated earnings of the fund, it was clear that the fund could comfortably fund the increase. Thus, Askin was able to fulfil his promise without any cost to the treasury.<sup>119</sup>

In December 1965, in response to the state superannuation board’s purchase of \$1.1m of debentures in HG Palmer (Consolidated) Limited, Maddison, the Justice Minister, began an inquiry into whether the investment powers of the board were too restrictive or too broad.<sup>120</sup> At the time, Maddison intimated that the fund had been managed astutely by the board. This reflected in the performance of the fund which between 1955 and 1965 had earned \$4.6m with investment losses totalling \$543,000.<sup>121</sup>

However, by August 1967, HG Palmer was in receivership. Along with other similar investments the fund had lost \$2.1m. In order to assure the

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<sup>118</sup> *Cabinet Papers*, 2 May 1967. SUBJECT: Improved pensions for certain retired former Railway employees. DECISION: Approval was given to the recommendation of the Minister for Transport set out in his Cabinet Minute dated 28 April 1967. The press release is attached to the Minute.

<sup>119</sup> *Cabinet Papers*, 5 October 1965. 135 Letter From the Premier. GMG.NM Recommendations for the amendment of the Suppuration Act 1916-1964. Approval for the preparation of a Bill to give effect to your proposals in relation to this a matter as set out in your Cabinet minute dated the 1st October, 1965.

<sup>120</sup> *Cabinet Papers*, 23 November 1965. SUBJECT: H.G. Palmer (Consolidated) Limited. DECISION The recommendation of the Attorney General that the proposal that an inspector be appointed under the Companies Act to carry out a special investigation into the position of H.G. Palmer (Consolidated) Limited to be resisted, was approved.

<sup>121</sup> *SMH*, 13 October 1966, p.16.



electorate of the integrity and security of the fund, Askin announced that the board's actions and investment powers had been scrutinised and had resulted in stricter investment guidelines.<sup>122</sup> The following conditions were added *inter alia* to the Superannuation (Amendment) Act. Before an investment could be made in debentures or unsecured notes, the particular company must have demonstrated over the five years before the issue, that it had earnings before taxation and interest in excess of 1.5 times the interest payable on the issue. Investments in unguaranteed mortgages were to be limited to 66% of the valuation of the property.<sup>123</sup>

Superannuants' entitlements under the pre-1964 railway superannuation account were increased. Those with no means other than the pension received an \$8 increase per week, while those married officers with the age pension would receive a combined minimum pension of \$31.50 per week. Even though this increase benefited some 3,000 pensioners and fulfilled the election commitment, Morris appreciated the fact that for years employees had been canvassing for a more substantial retirement scheme. Subsequently, with Askin's approval, Morris established a departmental committee which investigated options to provide a more secure and reasonable pension for those retired men and their widows.<sup>124</sup>

On the recommendation of the committee, the Transport Retirement Fund which covered the officers and employees of the department of railways, government transport and motor transport was established. The fund was compulsory for all new employees and provided the option for current employees in existing schemes to join. The new fund was a development of the railway fund established in 1964 which superseded the railway superannuation account. The improved Transport Retirement Fund provided the option of a lump sum payment, an annuity payment or a combination of

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<sup>122</sup> *SMH*, 14 August 1967, p.5.

<sup>123</sup> *Cabinet Papers*, 3 October 1967, See letter from the Premier to the Minister of Justice dated 4 October 1967 RR/KM. Also see the Cabinet Minute submitted by the Minister of Justice dated 27.9.67.

<sup>124</sup> *Cabinet Papers*, 2 May 1967. SUBJECT: Improved pensions for certain retired former Railway employees/// DECISION: Approval was given to the recommendation of the Minister for Transport in relation to the matter set out in his Cabinet Minute dated 28 April 1967.

both. It provided a more equitable 60:40 employer-employee system of contributions with the facility to provide cover for the widows of retirees.<sup>125</sup>

The police pension was increased by \$130.00 for those on a state pension of between \$502 - \$580 per annum. The increase then tapered down to zero at \$1642.00 per annum. Implementing this increase was not a simple matter as the Commonwealth already held a legal right, in the case of police retirees also receiving an aged pension or benefit, to reduce the aged pension by applying a means test, then passing the cost onto the state via the police fund. This difficulty was overcome by making the increase subject to the discretion of the NSW Governor. The benefit was only paid if it benefited the police pensioner.<sup>126</sup> The amendment to the Police Regulation (Superannuation) Act also entitled the widows of retired police officers to half of their deceased husband's pension.<sup>127</sup>

It would have been politically detrimental for Askin not to have fully honoured his superannuation election commitment. Askin's 1965 election campaign "with Askin you'll get action" targeted the Labor voter such as public servants, railway workers and police officers. This explains Askin's determination in executing the undertaking regardless of the obstacles. He certainly would not have been able to camouflage his broken promise to voters with a parliamentary committee.

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<sup>125</sup> *Cabinet Papers*, 14 November 1967, SUBJECT: Government Railways (Superannuation) Amendment Bill. DECISION: Approval was given... as summarised in the Minister for transport Cabinet Minute dated 31 October 1967.

<sup>126</sup> *Cabinet Papers*, 25 January 1966. SUBJECT: Police Pensions. DECISION: Approval was given to the preparation of a Bill to give effect to the proposals set out in the Cabinet Minute of the Premier dated 21 January 1966.

<sup>127</sup> *Cabinet Papers*, 15 February 1966. SUBJECT: Police Regulation (Superannuation) Assessment Bill, 1966. DECISION: Approval was given to matters set out in the Premier's Cabinet Minute dated 11 February 1966.

### 3.8 Law Reform

Askin listed law reform as one of the major achievements of the Coalition government.<sup>128</sup> Clune and Griffith, who claimed that Askin “had little interest in policy or reform”, conceded that members of the Askin Government such as Attorney General, McCaw, and Maddison, the Minister for Justice, were “capable Ministers and had a number of achievements to [their credit]”.<sup>129</sup> (However no others were mentioned.) In accordance with the election policy speech, these reforms included the establishment of a full-time law reform commission, compensation for victims of crime, funds for payment of costs for acquitted persons in legal proceedings, a legal practitioners bill, a miscellaneous provisions bill, a stamp duties act, an obscene and indecent publications act and the constitution of a permanent court of appeal. The pre 1863 Old Land Titles system was to be converted into the modern Torrens Title system, while the issue of married women’s property rights was held over until the second term of government. This was to include savings by a wife from a husband’s allowance, which were to become the wife’s property unless there was an agreement between the two parties.

The concept of the Law Reform Commission was to ensure that the integrity of the rule of law and the judiciary was maintained. The Commission’s role was to be a non-partisan advisory body which would initiate legislation, thus providing a bridge between recommendation and reform.<sup>130</sup> The decision to establish a full-time Law Reform Commission was considered by Professor David G. Benjafield of the Law Faculty of Sydney University, a member of the commission, as “the most important landmark in law reform in NSW”. The law was considered as a “tangled web” and no

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<sup>128</sup> Interview (Pratt): Sir Robert Askin, 2:2/14.

<sup>129</sup> Clune and Griffith, *Decision and Deliberation*, p.441.

<sup>130</sup> *Cabinet Papers*, 15 November 1966. SUBJECT: Law Reform Commission. DECISION: Approval was given to the preparation of legislation to establish the Law Reform Commission as a statutory body along the lines indicated by the Attorney General in his Cabinet Minute Dated 10 November 1966; *Cabinet Papers*, 6 December 1966, SUBJECT: Law reform Commission Bill: 1966. DECISION: Approval was given to the provisions of the law Reform Commission Bill, as drafted and as summarised in the Cabinet Minute of the Attorney General dated 5 December 1966.

longer a satisfactory apparatus by which to regulate order and freedom in a modern society.<sup>131</sup>

Under the Law Reform Commission Bill, the commission was to consist of six commissioners appointed by the Public Service Board. The Chairman was to be a judge or retired judge. The other commissioners would hold suitable qualifications such as a solicitor or barrister at law or be someone holding an academic appointment in a university law faculty.<sup>132</sup> The Commission regarded the law to a certain extent as a manifestation of the will of the community. Therefore, the input and feedback from the community was essential for it to succeed. The Commission was open to the public and encouraged law reform proposals.<sup>133</sup>

The immediate task of the Commission was to ensure that the law was understood by the community. This was initiated through a review whose aim was to update *Defamation Act*, modernise the *Interpretation Act* and better define the powers of the office. They also appointed an ombudsman and examined lowering the voting age from 21 years. Numerous antiquated Imperial acts which had originated from English law and applied to NSW in 1828 were to be revised. The extensive agenda also included legal aid and compensation for personal injuries that had resulted from a criminal offence.

McCaw passionately advocated the case for the lowering of the age of legal privilege. He predicated his argument on the fact that young people between the ages of 18 and 21 could be called upon to participate in military service. They could be made to take responsibility for criminal acts or enter into a marriage contract, but they needed a guarantor if they wanted to enter into a mortgage or hire purchase agreement.<sup>134</sup> The state voting age was also

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<sup>131</sup> *SMH*, 31 August 1965, p.8.

<sup>132</sup> *Cabinet Papers*, 6 December 1966, SUBJECT: Law reform Commission Bill: 1966. DECISION: Approval was given to the provisions of the law Reform Commission Bill, as drafted and as summarised in the Cabinet Minute of the Attorney General dated 5 December 1966.

<sup>133</sup> *SMH*, 29 April 1966, p.5.

<sup>134</sup> *ibid*, 31 October 1965, p.3.

a matter for state legislation. McCaw stated that the existing law was “a mockery when it keeps a youth, a legal infant until 21”.<sup>135</sup>

The idea of referring the legal privilege issue to the Law Reform Commission had been mentioned in the policy speech, but when Askin realised the political advantage, he quickly embraced the reform. Askin was also well aware that lowering the voting age to eighteen would translate into 200,000 eligible voters and new voters in 1967 were likely to support the Liberal Party. Askin endorsed McCaw’s reasoning and stated that he was in favour of “giving greater responsibility to young people in the 18 to 21 age group”.<sup>136</sup> John O’Hara, the political correspondent for the *SMH*, suggested that “any decision to reduce the voting age, would give electoral advantage to the Liberal Party”. He expressed the opinion that the ALP’s inability to appeal to young people had contributed to its failure at both a state and federal level.<sup>137</sup>

According to Don Aitkin this was due in part to the intensification effect; whereby new voters will be attracted to a party when it is at the height of its popularity. In his analysis Aitkin concluded that Generation two, whom he identified as Labor supporters during the 1930s and 1940s, had abandoned the Labor Party by a ratio of one in three by 1966. These were the parents of what he identified as generation five; those who reached the voting by 1955.<sup>138</sup> After 1955 the ALP failed to appeal to the new voters and the immigrants. Considering that generation five and the immigrants totalled 44% of the electorate, Aitkin concluded: “that Labor’s electoral problems were of some magnitude”.<sup>139</sup>

The Law Reform Commission’s report, which was touted by McCaw as the most comprehensive in Australia’s legal history, was handed down in November 1967. After two years, the Commission had completely reviewed

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<sup>135</sup> *SMH*, 22 March 1966, p.1.

<sup>136</sup> *ibid*, 22 July 1967, p.1.

<sup>137</sup> *ibid*, 22 March 1966, p.1.

<sup>138</sup> Don Aitken, *Stability and Change in Australian Politics*, Canberra, 1977, p.98.

<sup>139</sup> *ibid*, p.102.

NSW laws which were derived from Imperial statutes and had recommended the repeal of more than 300. The recommendations were to be legislated after the 1968 election. The next task for the Commission was to examine the statutes which had originated in the NSW Parliament since sovereignty was granted in 1856.<sup>140</sup>

In 1965 growing concern had been expressed by leading barristers and judges, the Law Council of Australia, the NSW Bar Association, the Council for Civil Liberties and the general public, that justice in NSW had become excessively expensive and outside the reach of the ordinary citizen. The existing Legal Assistance Act was limited to civil matters and provided aid for poor people with a means tested income limit of £921. This limit included middle-class as well as working-class people. This prompted the Government to investigate the possibility of a more equitable scheme.<sup>141</sup>

The legal profession was opposed to the extension of the existing state funded scheme. They claimed that it was a form of “creeping socialism” with the potential to impair the independence of the legal profession.<sup>142</sup> After consultation with the legal profession and the Law Reform Commission, it was decided that funding of legal aid could be achieved by amending the Legal Practitioners Act. With the cooperation of the Law Society and the Bar Association, a statutory interest account was established. All solicitors were required in the month of June to deposit no less than 1/3 of the lowest aggregate balance of their trust account which was calculated annually at the end of March.<sup>143</sup> The interest earned from this fund was used to finance the Legal Assistance Scheme which came into operation on 1 January 1968. Legal aid was to be provided where reasonable grounds for litigation occurred, for amounts over and above the limit of the Legal Assistance Act,

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<sup>140</sup> *SMH*, 17 November 1967, p.1.

<sup>141</sup> *ibid*, 5 June 1965, p.2.

<sup>142</sup> *ibid*, 5 June 1965, p.2.

<sup>143</sup> *Cabinet Papers*, 31 January 1967, SUBJECT: Legal Practitioners (Amendment) Bill, 1967.

DECISION: Approval was given to the preparation of a Bill to amend the Legal Practitioners Act to give effect to the proposals of the Attorney General...as set out for his Minute for Cabinet dated 26 January, 1967.

and the assisted person was to make a contribution to the costs according to their income and capital.<sup>144</sup>

The fund was also used to supplement the State Fidelity Fund. This raised the limit for claims against solicitors in the case of fraudulent behaviour from \$30,000 to \$60,000 and accelerated the payment process. The amendment provided for this limit to be raised in accordance with the accrual of the fund. With the increase in the State Fidelity Fund, the amendment negated the necessity to exhaust all legal avenues before a claim could be made on the Fund. The Fund also provided finance to the Law Foundation which funded law education, maintenance of legal libraries, legal research and reform.<sup>145</sup>

Other amendments which deleted obsolete and archaic provisions and modernised the Act were included. Penalties for offences under the Act were increased; loop holes which allowed unqualified persons who charged for legal work to avoid prosecution were removed; provisions for transparency in the operation of trust accounts were strengthened. Solicitors who did not operate client trust funds were exempted from contributing to the Fidelity Guarantee Fund.<sup>146</sup>

The NSW Criminal Injuries Compensation Act 1967 became operational in 1 January 1968. On the eve of the election, Askin and McCaw relished the opportunity to announce that the Government had honoured

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<sup>144</sup> *Cabinet Papers*, 9 August 1966. SUBJECT: Legal Practitioners (Amendment) Bill. DECISION: Approval was given to the Attorney General undertaking further discussions with the Law Society on the basis of the proposals outlined in the Cabinet dated the 15 July 1966; *Cabinet Papers*, 31 January 1967, SUBJECT: Legal Practitioners (Amendment) Bill, 1967. DECISION: Approval was given to the preparation of a Bill to amend the Legal Practitioners Act to give effect to the proposals of the Attorney General...as set out for his Minute for Cabinet dated 26 January, 1967.

<sup>145</sup> *Cabinet Papers*, 31 January 1967. SUBJECT: Legal Practitioners (Amendment) Bill, 1967. DECISION: Approval was given to the preparation of a Bill to amend the Legal Practitioners Act to give effect to the proposals of the Attorney General...as set out for his Minute for Cabinet dated 26 January, 1967.

<sup>146</sup> *ibid.*

another election undertaking. This was the first Act of its kind in Australia and McCaw claimed that only Cuba and New Zealand had similar legislation.<sup>147</sup>

This Act applied to all cases where a person suffered bodily harm by “reason of the commission of any felony, misdemeanour or any other offence”. Compensation was to be paid by the Crown, with the same limit of \$2000 under the existing Crimes Act. Under the Crimes Act, compensation could be imposed on the offender but it was usually unsuccessful due to the lack of means or imprisonment of the perpetrator. Under the Criminal Injuries Compensation Act, the Crown could pay compensation when the offender was unidentified, or when the accused was found not guilty. In such a case, the Crown would issue a certificate specifying the amount of compensation that would have been awarded if a guilty verdict had been handed down. The Crown had full rights to claim against a guilty offender for the reimbursement of the compensation paid to the victim. Legislation was also introduced for the first time providing compensation for those persons who were injured while assisting police.<sup>148</sup> When the \$2000 limit was criticised, McCaw showed little surprise. He acknowledged that he did not expect people to be satisfied but that a larger limit could be set when more government funds were available. He explained that this legislation broke new ground and that the Askin Government was the first government to take such an initiative.<sup>149</sup>

The three relevant components of criminal law consisted of the offender, the victim and the wrongly- accused person. When the *Costs for Criminal Cases Bill*, along with the *Criminal Injuries Compensation Bill* were enacted, the state was provided with the machinery to effectively deal with criminal law. The *Costs for Criminal Cases Act* provided for the payment of costs of an acquitted person. Under the Criminal Injuries Compensation Act, in addition to the existing notion of state retribution for the criminal act, the

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<sup>147</sup> *SMH*, 2 December 1966, p.1; *Cabinet Papers*, 1 December 1966.

<sup>148</sup> *SMH*, 6 January 1968, p.7.

<sup>149</sup> *ibid*, 4 September 1967, p.7.



offender was made aware of the responsibility to the victim and the victim was assured of compensation.<sup>150</sup>

The payment of costs for an unjustly accused citizen relieved that person from the burden of indirect retribution by the state.<sup>151</sup> The basic discretionary guidelines for the courts were set down by the examination of each case on its merits, in relation to the cumulative assessment of the following questions. Firstly, would the prosecutor have had reasonable grounds to initiate the trial if the facts presented in the court were known at the time that proceedings were initiated? And secondly, did the conduct of the accused “bring the procedures or their continuation upon himself?”<sup>152</sup>

The principal aim of the Government’s law reform agenda was to streamline the administration of justice. The recognised inadequacies in 1965 were the growing backlog of Supreme Court cases, the high costs of litigation and the excessive waste of time. These problems were addressed by the Government through the constitution of an Appellate Court and the Law Reform (Miscellaneous Provisions) Bill which proposed the abolition of juries in motor accident cases, referred to as “running down” cases.<sup>153</sup>

In 1965 there was no permanent Appellate Court in NSW. Supreme Court judges, who were entrusted with the appeal jurisdiction, sometimes heard appeals from single judgements. Appeals from verdicts of juries and criminal appeals were heard by the Supreme Court sitting in banco which was the full court with full judicial appellate authority, consisting of the Chief Justice and two or more judges. This was not a true Appellate Court in the sense that it did not deal exclusively with appeals. The judges, apart from the

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<sup>150</sup> *SMH*, 1 March 1967, p.14.

<sup>151</sup> ‘Australian Political Chronicle January-April 1967’, *AJPH*, Vol.13, No.2, p.259.

<sup>152</sup> *Cabinet Papers*, 3 August 1965. SUBJECT: Payment of costs of Acquitted Persons. DECISION: Approval was given to the preparation of a bill to give effect to the proposals in relation to this matter as outlined in the Attorney General’s Cabinet Dated 23 July 1965.

<sup>153</sup> ‘Australian Political Chronicle September-December 1965’, *AJPH*, Vol.12, No.1, p.81.

Chief Justice, were appointed via a periodic roster system which sometimes led to delays and inconsistent judgements.<sup>154</sup>

When the full-time Appellate Division of the Supreme Court was established it consisted of at least six judges, including the Chief Justice, who were considered experts and most suited to being entrusted with appellate duties. The idea was to create a permanent “combined judicial operation” which would deliver more consistent verdicts and ease the court congestion.<sup>155</sup> In July 1965 there were still 265 civil matters outstanding despite the 289 cases that had been heard in the previous 12 months. With the establishment of the new court, it was expected that the delay for a new hearing would be reduced from 12 months to 3 months.<sup>156</sup> Criminal appeals and appeals that dealt with the liberty of a citizen were left to the Supreme Court sitting in banco, where members of the bench were experienced in the criminal jurisdiction of the Supreme Court.<sup>157</sup>

The Australian Section of the International Commission of Jurists was concerned that the central amendments to the *Law Reform (Miscellaneous) Act* might prevent a single judge of the Supreme Court from issuing a writ of habeas corpus. McCaw guaranteed that this right would be preserved.<sup>158</sup> The concern by the jurists that “the effectiveness of the writ of habeas corpus as an essential bastion of personal liberty, should not be diminished” was put to rest when an amendment was agreed to by the Cabinet on 24 June 1967. It provided that a writ of habeas corpus could only be submitted to one Supreme Court judge with the right of appeal to the Court of Appeal. It also deleted the

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<sup>154</sup> *Cabinet Papers*, 4 June 1965. SUBJECT: Constitution of a permanent Appellate Court. DECISION: Approval was given to the preparation of a Bill to give effect to the recommendation outlined in the Minute of the Attorney General dated 18 May 1965.

<sup>155</sup> *ibid.*

<sup>156</sup> *SMH*, 5 November 1965, p.1.

<sup>157</sup> *Cabinet Papers*, 4 June 1965. SUBJECT: Constitution of a permanent Appellate Court. DECISION: Approval was given to the preparation of a Bill to give effect to the recommendation outlined in the Minute of the Attorney General dated 18 May 1965.

<sup>158</sup> *SMH*, 17 December 1965, p.8.

anomaly that allowed a person seeking such a writ to move from one judge to another until they found the required sympathetic judgement.<sup>159</sup>

Great Britain and all other Australian states except NSW and Victoria had abandoned the use of juries in “running down” cases where the victim had allegedly been run over by a vehicle. In NSW, these cases accounted for up to 60% of Supreme Court cases. They were deemed responsible for delays, inconsistencies in compensation awarded by a jury, inefficient use of the Court’s time and expensive for both the state and the citizen. For example, a hearing before a jury took two to three times longer than one heard before a judge. The Chief Justices of the Australian states, at their 1965 conference, concurred that such cases heard before a single judge were “satisfactory and without criticism”. However, the NSW Bar Association opposed the bill arguing that a jury was more representative of the community views than a single judge. McCaw countered this and suggested that their opposition was out of self-interest due to the “lucrative practices” that some members had built up out of “running down” cases.<sup>160</sup>

The rationale behind this reform was that it would deliver shorter hearings, less litigation, less court congestion, consistency in damage assessment, a reduction in legal costs and a more impartial administration of the law of negligence. The reform bill supplanted the archaic law which awarded the plaintiff nothing in the case of contributing negligence. Instead the plaintiff received a scaled down amount in accordance with the fault. The new reform deemed “running down” cases as congruent with other forms of Common Law action. This had been revoked by Section 38A of the *Third Party Insurance Act 1951*. The status quo was restored, whereby a payment made into a court by the defendant was considered adequate for the damage and accepted by the plaintiff. The plaintiff was entitled to the payment of certain costs. If the plaintiff’s claim was considered unreasonable by the court,

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<sup>159</sup> *Cabinet Papers*, 24 January 1967. SUBJECT: Procedures relating to Writs of Habeas Corpus. DECISION: Approval was given to the preparation of a Bill to amend the law relating to Writs of Habeas Corpus as proposed by the Attorney General in his Cabinet dated 18 January 1967.

<sup>160</sup> *SMH*, 1 June 1965, p.2.

then there was no entitlement for these costs. This remedied the excessive claims made against the Government Insurance Office; these claims were seen as responsible for the court congestion and the excessive fees charged by legal practitioners.<sup>161</sup>

The previous ALP government had introduced the original legislation and the new bill received intense opposition from the ALP which resulted in its amendment in the Legislative Council. These amendments included the requirement that a judge was obliged to order a jury trial if so requested by either party and that both parties had to agree before making an application to the Court of Appeal.<sup>162</sup> When delays in court proceedings became a public issue, McCaw swiftly laid the blame squarely at the ALP's feet. He claimed that they had obstructed an attempt by the Government to abolish juries in motor vehicle cases which were clearly causing congestion in the courts.<sup>163</sup>

The Old Land Title system was another cause of court congestion. Since 1863, all freehold titles granted by the Crown had been registered under Torrens Title. The Old Land Title system used before 1863 was relevant centuries earlier under English law but by 1965 was a burden to the land owners and the state. Conveyancing was cumbersome, time consuming and expensive for the landowner, while the state was burdened with the extra expense of maintaining a separate Deeds of Registration system.<sup>164</sup> The Old Land Title system incorporated the concept of 'good root of title' whereby title to land relied on a series of documents dating back at least 30 years. Torrens Title uses only a single document that is guaranteed by the state government, to record all the details affecting the land. The *Real Property (Amendment) Act* modernised the act by updating "old English" terminology and rectifying

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<sup>161</sup> *Cabinet Papers*, 25 May 1965. SUBJECT: Law reform (Miscellaneous Provisions) Bill. DECISION: Approval was given to the preparation of a Bill to give effect to the proposals set out in the Attorney General's Minute to the Cabinet dated 20 May 1965.

<sup>162</sup> Australian Political Chronicle September-December 1965', *AJPH*, Vol.12, No.1, p.82.

<sup>163</sup> *SMH*, 22 March 1966, p.16.

<sup>164</sup> *Cabinet Papers*, 13 September 1966. SUBJECT: Real Property (amendment) Act, 1966 (Automatic conversion of title). DECISION: Approval was given to the preparation of a Bill to give effect to the proposals of the Attorney-General in relation to the Automatic conversion to Torrens Title of existing old systems titles, as set out in his Cabinet Minute, dated 26 August 1966.

anomalies. It recognised the use of electronic technology for recording and storing titles.<sup>165</sup> It also made a provision for the automatic conversion from “old system” title to Torrens title. There were only about 5% of properties registered under the “old system” title. However, the subdivision of large parcels of land had created a multiplier effect on these titles, thus creating a pool of titles that were inferior to Torrens title. The amendment relieved the economic burden on the state and provided the landowner with a superior tenure of title.<sup>166</sup>

Overhauling the land title system was a straightforward task in comparison to censorship legislation. This was undertaken by the Askin Government during the period of dramatic change in community mores between 1966 and 1972. The ‘old morality’ underpinned by wowsism and puritanism was endorsed by the churches and enshrined in the censorship legislation. The legislation upheld the suppression of ideas which were considered sacrilegious, seditious, obscene or a danger to society. As a result, Australia was a very censored society.<sup>167</sup>

The sexual revolution of the 1960s was the catalyst for the dramatic change in community mores. The invention of the contraceptive pill in the early 1960s helped transform heterosexual culture in Australia. Sexuality and procreation were separated more completely than before. This liberated women from the fear of unwanted pregnancy which allowed them to claim their sexual rights in the form of sexual pleasure within and outside marriage.

The sexual revolution ushered in “the permissive society”, which became part of the vernacular at the time. By 1971, nudity and homosexual

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<sup>165</sup> *Cabinet Papers*, 20 September 1966. SUBJECT: Real Property (Amendment) Act, 1966. DECISION: Approval was given to the preparation of a Bill to amend the Real Property Act as proposed by the Attorney General in his Cabinet Minute 5 September, 1966.

<sup>166</sup> *Cabinet Papers*, 13 September 1966. SUBJECT: Real Property (amendment) Act, 1966 (Automatic conversion of title). DECISION: Approval was given to the preparation of a Bill to give effect to the proposals of the Attorney-General in relation to the Automatic conversion to Torrens Title of existing old systems titles, as set out in his Cabinet Minute, dated 26 August 1966.

<sup>167</sup> Frank Bongiorno, *The Sex Lives of Australian: A History*, Collingwood, 2012, p.252-253; Nicole Moore, *The Censor's Library*, St Lucia, 2012, p.253.

themes had appeared in the television serial *Number 96*. The use of four-letter words was almost essential in modern theatre, “go go” girls danced topless at discotheques and the first tampon commercial was shown on television in 1972.<sup>168</sup>

However, when the Askin Government began tampering with the censorship laws in its first term, it induced a vigorous campaign by intellectuals, liberals, socialists, academics, anarchists and students for the liberalisation of the laws.<sup>169</sup> This was countered by the puritans and the churches. The censorship controversy was a manifestation of the declining authority of the churches and a collapse in any consensus about community standards. The Morgan Gallup polls from the late 1940s to the late 1960s showed that the interviewees who believed in God had declined from 95 to 87%, those who believed in life after death decreased from 63 to 47%, and those who had been to church in the previous fortnight had diminished from 35 to 25%.<sup>170</sup> Dr Gough, the Archbishop of Sydney, claimed that atheism, ‘self-expression’ and ‘free love’ engendered communism.<sup>171</sup> The Catholic Church attempted to obstruct ‘the permissive society’ with the 1968 papal encyclical against birth control. Some Catholics protested, some defected but mostly they were indifferent.<sup>172</sup>

The Government’s first chore was to address the lack of uniformity between the States’ and Commonwealth’s censorship legislation which was illuminated when the Federal Minister for Excise and Customs released *The Trial of Lady Chatterley*, *Lady Chatterley’s Lover*, *Lolita*, *Borstal Boy* and *Confessions of a Spent Youth*. This occurred despite the fact that these publications were prohibited by some of the States. On the advice of the Commonwealth, the States convened a conference in order to resolved this

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<sup>168</sup> Horne, *Time of Hope*, p.13.

<sup>169</sup> Bongiorno, *The Sex Lives of Australians*, p.252.

<sup>170</sup> Horne, *Time of Hope*, p.9.

<sup>171</sup> Gerster and Bassett, *Seizures of Youth*, p.52.

<sup>172</sup> Horne, *Time of Hope*, p.26.

dilemma.<sup>173</sup> As a result, the National Literature Review Board which dealt with publications that claimed literary, scientific or artistic merit was established. Other publications which were known as “trash literature” were left to the states. The publications that were approved by the Board were free to be published and distributed in all the states.<sup>174</sup>

The original idea behind the Askin Government’s amendments to the Obscene and Indecent Publications Act was to establish a more balanced and fair legal framework for the publishers and book sellers. The amendment ensured that the defendant had the right for such a case to be held before a jury. A jury was considered able to provide a broader balance of the accepted mores of the community compared with a magistrate. A State Advisory Committee was established and included: a woman; a recognised expert in literature, art and science; and a lawyer. The function of the committee was to adjudicate on the status of “trash” publications, which made no claim to literary, scientific or artistic merit, at the request of publishers and booksellers. The role of the National Literature Review Board was also written into the Act.

However, when the Act was reviewed and it came to public attention, the Government discovered that it had opened a “Pandora’s box”. Interest groups including the various religious denominations lobbied for the implementation of more stringent legislation regarding the censorship of publications. This was based on the grounds that youth were being corrupted by the sale of salacious publications such as the *Kings Cross Whisperer*, *Oz*, and “girly” magazines which were being sold in public places. The intention of a fairer deal for the publishers and booksellers appeared that it might lead

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<sup>173</sup> *Cabinet Papers*, 14 September 1965. SUBJECT: Censorship of Literature. DECISION Approval was given to the proposals in relation to this matter as set out in the Cabinet Minute of the Chief Secretary dated 10 September, 1965.

<sup>174</sup> Moore, *The Censor’s Library*, p.265; *Cabinet Papers*, 17 January 1967, SUBJECT: Obscene and Indecent Publications Act and Censorship of Literature. DECISION: Approval was given to the preparation of a Bill to give effect to the recommendations of the Chief Secretary in relation to the matter as set out in his Cabinet Minute dated 20 December 1966; *SMH*, 21 September 1967, p.1;

instead to the introduction of more stringent censorship legislation and stricter penalties.<sup>175</sup>

The issue of “trash” literature was brought to the attention of Willis via means of a petition signed by 70,000 persons which was lodged by the Welfare and Decency League. Willis responded by adding to the list of amendments a new “Adult Classification” which restricted the sale of such publications to persons over 16 years. The churches, sensing that their stewardship of the morals of the community was being hijacked, nailed their banner to the censorship bandwagon. In their wisdom, a deputation of the Council of Churches proposed to Willis that the term “Adult classification” should be replaced with “Restricted”. Willis appeased the Council by accepting their inane proposition which suggested that “Adult” would arouse curiosity and encourage juveniles to seek out such publications.<sup>176</sup>

Under the Obscene and Indecent Publications (Amendment) Bill 1967, the Government’s original undertakings were enacted along with more stringent amendments. The role of the Advisory Committee was to consider, and recommend to the Chief Secretary, whether a publication should be classified as “Restricted”. The Chief Secretary was invested with the power to prevent restricted literature from being promoted or sold, except through bookshops. These amendments replaced the role of the courts in the determination of what constituted obscenity because the Chief Secretary’s department had limited success in prosecuting such cases. Willis claimed that the low success rate was due to the difficulty of proving obscenity.<sup>177</sup> The only

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<sup>175</sup> *Cabinet Papers*, 17 January 1967. SUBJECT: Obscene and Indecent Publications Act and Censorship of Literature. DECISION: Approval was given to the preparation of a Bill to give effect to the recommendations of the Chief Secretary in relation to the matter as set out in his Cabinet Minute dated 20 December 1966.

<sup>176</sup> *Cabinet Papers*, 22 August 1967. SUBJECT: Obscene and Indecent Publications (Amendment) Bill, 1967. DECISION: Approval was given to the provisions of this Bill as outlined in the Cabinet Minute of the Chief Secretary dated 17 August, 1967. Cabinet Also approved of the proposal in the Chief Secretary’s Supplementary dated 21 August 1967.

<sup>177</sup> *Cabinet Papers*, 17 January 1967. SUBJECT: Obscene and Indecent Publications Act and Censorship of Literature. DECISION: Approval was given to the preparation of a Bill to give effect to the



avenue for an appeal against a restricted classification was through the application to a court for a writ of mandamus which restrained or corrected the abuse of the executive function of a minister. This classification remained in force, pending the outcome of any appeal. The Chief Secretary was also empowered, on the recommendation of the Advisory Board, to declare a publication immune from prosecution under the act.<sup>178</sup>

During a fiery debate, the male-dominated Legislative Assembly was probably entertained when the Opposition whip, Brian Bannon, brandished a double-paged picture of a naked woman from a “girlie” magazine. He claimed that the legislation failed to ban such publications which were produced by newspaper interests and sold in shops. The Liberal Member for Hurstville, Thomas Mead, suggested the legislation should have included the banning of “brothel beauties from film advertisements”. He also criticised the Sydney University Student Union newspaper *Honi Soit* for displaying obscene material stating that it could be more aptly called Hanoi Soit.<sup>179</sup> During the Vietnam War, Hanoi, the capital of North Vietnam, was seen as the manifestation of the communist threat to the free world.<sup>180</sup> By juxtaposing “obscene literature” with Hanoi, Mead expressed the anxieties of the “sexual revolution” of the 1960s in terms of the anxieties of the cold war. In his view both were a serious threat to the free world.

Jack Renshaw, the Leader of the Opposition, objected to what he termed the autocratic powers invested in the minister and argued that these powers should be in the hands of the judiciary.<sup>181</sup> Sid Einfeld, the ALP MLA for Bondi, objected to the *Australian International News Review*, a journal

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recommendations of the Chief Secretary in relation to the matter as set out in his Cabinet Minute dated 20 December 1966.

<sup>178</sup> *Cabinet Papers*, 22 August 1967, SUBJECT: Obscene and Indecent Publications (Amendment) Bill, 1967. DECISION: Approval was given to the provisions of this Bill as outlined in the Cabinet Minute of the Chief Secretary dated 17 August, 1967. Cabinet Also approved of the proposal in the Chief Secretary's Supplementary dated 21 August 1967; *SMH*, 21 September 1967, p.1.

<sup>179</sup> *SMH*, 4 October 1967, p.11.

<sup>180</sup> *The Bulletin*, 21 March 1970, p.20.

<sup>181</sup> *NSW LA PD*, 27 Sept 1967, p.2049.

edited by “extreme Right” Liberal, Henry Fischer.<sup>182</sup> Einfeld claimed that the journal was obscene and indecent on the grounds that it incited disaffection between people based on race and religion and in this case, fostered hatred of the Jewish community.<sup>183</sup> Censorship as a means to prevent the perversion of the minds of young was a prevalent argument in its favour. Ken Booth, the ALP MLA for Kurri Kurri, suggested that evidence was required to ascertain the effectiveness of censorship.<sup>184</sup> Peter Cox, the ALP MLA for Auburn, intimated that in a declining Christian society, censorship was necessary while Clarrie Earl, the ALP MLA for Bass Hill, feared censorship, claiming that the churches and governments in the past had been responsible for retarding the expression of progressive ideas.<sup>185</sup> John Mason, the Liberal MLA for Dubbo, concurred when he stated that “I see nothing but extreme danger in any emotionally charged attack upon the freedom of speech and the dissemination of ideas that are contrary to our own”.<sup>186</sup>

There was a broad range of views expressed in the parliament that echoed some of those expressed in the community. The churches generally welcomed the legislation as a move in the right direction.<sup>187</sup> James Manson, the Chief Secretary for Victoria, which had the most stringent laws of all the states, claimed that the legislation would highlight and attract the attention of young people to “trash” publications. The founding president of the Council for Civil Liberties, Professor Alan Ker Stout, believed that the intelligence of young people was underrated by the Government and that the legislation would be inconsequential. Perhaps, in the light of Askin’s *modus operandi*, the view expressed by Frederick May, the Professor of Italian at the University of Sydney, was plausible. May described it as “a clumsy, silly, unnecessary, repressive proposal. I don’t think it has any possibility of working ... I think this represents a rather sinister move when an organisation can lobby to such

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<sup>182</sup> R. W. Connell and Florence Gould, ‘Politics of the extreme right : Warringah, 1966’, *Sydney Studies in Politics, Series 7*, R.N. Spann and Henry Mayer (eds), Sydney, 1967, p.58.

<sup>183</sup> *NSW LA PD*, 27 Sept 1967, p.1693.

<sup>184</sup> *ibid*, 27 Sept 1967, p.1694.

<sup>185</sup> *ibid*, 27 Sept 1967, p.1696.

<sup>186</sup> *ibid*, 27 Sept 1967. p. 2047.

<sup>187</sup> *SMH*, 30 September 1967, p.11.

effect that the Government adopts what appears to be a policy of expediency".<sup>188</sup>

The law reform legislation typified Askin's leadership which was essential to the electoral success and the longevity of the coalition government. It required no abstract concept or ideology. This rang true with Askin's self-assessment as a middle of the road man which was in line with his temperament. The law reform dealt with concepts that were acceptable to a Liberal or Labor Government. Nonetheless, the legislation was long overdue and that it had been neglected by previous ALP Governments.

Askin also demonstrated his adherence to proven political tactics. He focused on the needs of the voters by honouring his election promises. He recognised the needs of his peers by harnessing the ability of McCaw and Maddison which was demonstrated by the appointment to their respective Ministries. The Government's prosecution of the law reform legislation demonstrated Askin's leadership authority and this augured well for him at the 1968 election.

### **3.9 Education**

The CP's component of the Coalition's election commitment consisted of two elements. Firstly, issues affecting rural areas such as land tax, "old systems title", land valuation and decentralisation. Secondly, there was education, which included state aid to non-government schools, which was one of the most controversial issues of the election. There had always been a disparity between education opportunities in rural and metropolitan areas. Education had traditionally been a vote winner for the CP, especially since the impact David Drummond had on country education during his twelve year tenure as Education Minister. Cutler, as Leader of the CP and Minister for Education and Science was responsible for implementing these education reforms. The Wyndham scheme, which was adopted in 1962, had extended high school

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<sup>188</sup> *SMH*, 19 January 1967, p.5.

education by one year. When the scheme came into effect in 1966, a heavier burden was placed on the parents of school children. This burden was alleviated by finance to provide textbooks and bursaries. The Coalition also promised free travel for school children and financial assistance to non-state schools in the form of assistance in the payment of interest on building loans. However, the most comprehensive reform was the proposed establishment of an Education Commission. The role of the Education Commission was to remove control of the state's teaching utility from the Public Service Board. This concept was endorsed and was actively championed by the Teachers' Federation.<sup>189</sup>

The student transport scheme had been initiated in 1904 for the purpose of providing access to education for country children. Between 1915 and 1950 free rail travel was available to the nearest appropriate school for both government and non-government school students. In 1950, school children in the metropolitan area were entitled to a 50% concession on government bus and rail services. The subsidy for the special school bus service, which provided free transport for country students living more than 2 miles from a public school, was raised from 75% to 100%. However, in 1956 this was revoked and parents were obliged to pay the equivalent cost of a metropolitan government bus services term ticket towards the Special School Bus Service.<sup>190</sup>

At the Cabinet meeting on 27 July 1965, it was decided, on the advice of Treasury that free transport would only be extended to country children, which was introduced at the start of the 1966 school year.<sup>191</sup> In 1967 eligible Sydney students received a subsidy for school travel which exceeded \$2.50 per term. It was not until after the 1968 election that Sydney students received

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<sup>189</sup> *SMH*, 6 April 1965, p.2

<sup>190</sup> NSW Parliament, *Report on the School Student Transport Scheme, Report No. 68, Public Accounts Committee of the 50<sup>th</sup> Parliament*, Sydney, 1993, p.5.

<sup>191</sup> *Cabinet Papers*, 27 July 1965, SUBJECT: Conveyance subsidies for school children in country areas. DECISION: Cabinet decided to approve the recommendation of the Minister [sic] for Education and science dated 1 February 1966.

a subsidy equal to their country cousins.<sup>192</sup> It was vital that the CP honour its election commitment to education. This was especially so considering that Cutler was Education Minister and the precedent had been set by Drummond. Because of the vast distances in rural areas, transport was a far more critical issue for country voters than for their city counterparts. Therefore, electorally it was critical that the CP focus on the needs of the voters.

The Education Bill which was enacted received bipartisan support because the Labor Government gave the assurance that it would provide extra financial support to parents at the time of the implementation of the Wyndham scheme. Therefore, the Coalition Government was bound to honour this commitment to the extent of its available financial resources. Subsequently the Government allotted £500,000 which provided 10,000 extra bursaries and an extra £1,000,000 for textbooks for both Government and non-Government schools.<sup>193</sup> Askin and his government took full political credit for this action even though it was simply delivering on a bipartisan commitment.<sup>194</sup>

Although state aid was generally accepted in principle in the electorate, it still had its detractors. This was demonstrated when the delegates of the NSW Federation of the Parents and Citizens Association passed a motion at their August 1966 meeting to conduct a state wide petition to oppose state aid.<sup>195</sup> Nonetheless the Government honoured its commitment whereby building contracts which were entered into after 13 May 1965 received a

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<sup>192</sup> NSW Parliament, *Report on the School Student Transport Scheme, Report No. 68, Public Accounts Committee of the 50<sup>th</sup> Parliament*, Sydney, 1993, p.5.

<sup>193</sup> *Cabinet Papers*, 24 August 1965. SUBJECT: Assistance for Secondary Pupils: Bursaries, Allowances and text Books. DECISION: The Minister for Education and Science asked that his Cabinet Minute dated the 19 August 1965 be amended ... Cabinet approved of the proposals of the Ministers as so amended.

<sup>194</sup> *SMH*, 25 August 1965, p.1.

<sup>195</sup> 'Australian Political Chronicle January-August 1966', *AJPH*, Vol.12, No.3, p.374.

government subsidy of up to 5% of the annual interest on the loan over a period not exceeding 20 years.<sup>196</sup>

This progressive reform proved to be a difficult promise on which to deliver. By December 1966, the significant financial impact on the budget was such that Cutler was compelled to present a cost-cutting proposal to the Cabinet. Cutler presented a range of austerity options but after consideration the Cabinet approved his recommendation that the subsidy scheme should be retained for the term of the office of the present government.<sup>197</sup>

In his policy speech Cutler had also expressed the need for a youth guidance policy as part of the CP's education policy. Cutler was able to attain political capital by resurrecting Government relations with Judge Adrian Curlewis, Chairman of the NSW National Fitness Council and the Youth Policy Advisory Committee. Curlewis had publicly severed ties with the Labor Government after it had shelved his submission to implement a youth coordination scheme at a cost of \$500,000.<sup>198</sup> Cutler advised Curlewis that cost was the foremost obstacle to the original scheme and authorised him to provide a revised submission. This culminated in the establishment of the Youth Advisory Council with the function of providing advice to the Government on the development of youth services throughout the state. The Government also committed its support to the establishment of an autonomous association of youth organisations in NSW.<sup>199</sup> Remarkably, the Council accepted without protest a very modest grant of \$20,000 for distribution amongst the various youth organisations. After the Council received 100 applications, Cutler promised an increase which was forthcoming after the 1968 election in the amount of \$40,000.<sup>200</sup>

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<sup>196</sup> *Cabinet Papers*, 30 November 1965, SUBJECT: Independent Schools : Financial assistance for Buildings. DECISION: Approval was given to the proposals in relation to this matter set out in the Cabinet Minute of the Minister for Education and Science dated the 17 November 1965.

<sup>197</sup> *Cabinet Papers*, 20 December 1966, SUBJECT: Non-Government Schools – Financial assistance for buildings. DECISION: Cabinet endorsed the view of the Minister for Education and Science in relation to this matter, as set out in his Minute for Cabinet, dated 25 October, 1966.

<sup>198</sup> *SMH*, 13 July 1966, p.6.

<sup>199</sup> *ibid*, 7 December 1966, p.4.

<sup>200</sup> *ibid*, 27 February 1968, p.21.

The popular message adopted by state premiers at the time, that the states “were being robbed by successive Prime Ministers”, was championed by Askin.<sup>201</sup> Askin and his Government’s unmitigated opposition to Commonwealth centralism and their absolute commitment to state sovereignty was overt. This was manifest when the Government established the Board of Teacher Education.

Cutler alerted the Cabinet on 19 July 1966 that there was evidence that the Commonwealth Government planned to enter the field of teacher training for both state and non-state school teachers. Cutler conceded that there were no state-wide recognised qualifications for teachers and that a large number of non-state school teachers had no professional training. The problem of stretched resources of state teachers’ colleges, coupled with the fact that only two of the five churches involved in education provided teacher training, was seen by Cutler as an important challenge but one that could be postponed. However, the evidence that the Commonwealth intended to enter this field precipitated the Askin Government’s decision to take immediate action.

While Cutler welcomed the proposal by the Commonwealth to enter the field of teacher training, he recognised that without sufficient administrative machinery in place, the proposal would be implemented on the terms and conditions of the Commonwealth. Subsequently the Cabinet approved the establishment of a Board of Teacher Education with whom the Commonwealth would be obliged to consult on the execution of any such proposals. The constitution of the Board was such that if the funds were forthcoming from the Commonwealth, then the membership and function of the Board could be expanded. Cutler did not want representation of non-state schools on the board because their contribution to teacher training was small. However, if the Commonwealth funded these non-state teacher training institutions then they could be included on the board. Thus, the State Government still retained some control over all teacher training institutions. In

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<sup>201</sup> Clune, David and Griffith, Gareth, *Decision and Deliberation: The Parliament of New South Wales 1856-2003*, Sydney, The Federation Press, 2006, p.441.

the meantime, there was ample justification for its existence under the guise of an advisory body to address the problems associated with the training of state school teachers.<sup>202</sup> In effect, the establishment of the Board guaranteed state control of teacher training for both state and non-state schools.

At the Conference of the NSW State Teachers' Federation in December 1967, Cutler espoused the principle of state sovereignty. His response to those who advocated a national education system was "might I suggest that they are welcoming manacles to stop their hands shaking ... this state does not want to be in a position where it is compelled to follow anyone". Cutler contended that any inadequacies in the state education system were due to financial deprivation from the Commonwealth. Education was a state responsibility "where Commonwealth aid has only become necessary because it has taken upon itself alone, access to the major tax source".<sup>203</sup>

The idea of an Education Commission had been advocated since it was first mooted at the 1917 Teachers' Federation Conference.<sup>204</sup> The main premise was that the Education Department should be placed under the control of a commission comprising experts in education as opposed to the Public Service Board.<sup>205</sup> When the ALP was in office between 1941 and 1965, it had no intention of implementing a commission on the grounds that it would dilute its control of the largest spending portfolio. During that period the ALP had successfully fobbed off the teachers.<sup>206</sup> Even though a commission was not forthcoming, the ALP enjoyed the support of the teachers. At the 1965 election the ALP continued this paradigm, ignored the teachers' issues and took them for granted. Askin and Cutler filled this void and placated the Teachers' Federation with the promise of equal representation on the

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<sup>202</sup> *Cabinet Papers*, 26 July 1966, SUBJECT: Establishment of a board of Teacher Education. DECISION: The constitution of the proposed Board of Teacher Education was further considered and Cabinet approved of the verbal recommendation of the Minister for Education and Science.

<sup>203</sup> *SMH*, 19 December 1967, p.7.

<sup>204</sup> Bruce Mitchell, *Teachers, education and politics: a history of organizations of public school teachers in New South Wales*, St. Lucia, 1975, p.87.

<sup>205</sup> *ibid*, p.17.

<sup>206</sup> Mitchell, *Teachers, education and politics*, p.198.



proposed Education Commission.<sup>207</sup> This concept had been ardently supported by Cutler since the 1962 election.<sup>208</sup>

The threat of the “crimson tide” enveloping Australian shores, alluded to by Askin in his election speech, failed to materialise. Nonetheless, Cutler discovered some home-grown communists in the Teachers’ Federation. The concept of the Education Commission was scuttled after he received documented evidence indicating that a significant number of members of the executive of the Teachers’ Federation were card carrying members of the Australian Communist Party. The establishment of such a Commission, Cutler felt, would be tantamount to handing the control of the education system over to the Teachers’ Federation. Cutler stated “from there on the Teachers’ Federation absolutely hated my guts”.<sup>209</sup>

The fracas began in December 1966 when Cutler announced that the Teachers’ Federation would not be given equal representation on any education controlling body “because their representation would be left wing”. Samuel (Sam) P Lewis, the President of the Federation, refuted this claim and stated that the Federation had “never taken part in political campaigns and never directed its members on how to vote”. He then stressed that “all forms of acts must be considered if the Government repudiates its election promise because they don’t like the political colour of the executive of the leadership of the Federation”.<sup>210</sup> In May 1967 Askin, in an attempt to neutralise the conflict, advised the Federation that a commission would be established consisting of two representatives each from of the Federation and the Government and a fifth representative suitable to both parties.<sup>211</sup>

By August 1967, the concept of an Education Commission with equal representation by the Teachers’ Federation had become totally unacceptable to Askin and Cutler. Although they were primarily motivated by the perceived

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<sup>207</sup> Dempsey, ‘1968’, *The People’s Choice*, p.14.

<sup>208</sup> Davey, *The Nationals*, p.192.

<sup>209</sup> *ibid* p.193.

<sup>210</sup> *SMH*, 22 December 1966, p.7.

<sup>211</sup> *SMH*, 1 May 1967, p.9.

threat of militancy associated with the “left wing”, they deflected this concern by focussing instead on the likely financial burden of the Federation’s reform agenda. This was exemplified in the Cabinet meeting 1 August 1967 where Cutler presented the view that if the claims of the Teachers’ Federation for the reduction in class sizes and the introduction of a 40 minute teaching period had been met, the education budget would need to be expanded by \$14m. It was also noted that every \$1 per week increase in teachers’ salaries would cost the government \$1.5m per annum.

The matter of the broken election promise was camouflaged by the creation of an Education Review Committee. The frame of reference included the “broad principles of management”, and the overarching question of whether state education would be controlled by the State Government or the Teachers’ Federation. The idea was to hoodwink the teachers and not alienate them before the 1968 election. After the establishment of the Review Committee was endorsed by the Cabinet, the matter was held in the strictest confidence until after the release of a carefully crafted press statement. The Government attempted to hide its true agenda of delaying the review until after the election by citing the fact that a review had not been held for 50 years and that the Teachers’ Federation was supportive of such an exercise. To give legitimacy to this political manoeuvre, the Government quoted an item from the Teachers’ Federation journal dated 2 June 1965 which said that “discussion and planning would be an important stage in the establishment of a new body, and while this would be time consuming, there would be no desire to see a bad start made as a result of careless preparation.”<sup>212</sup>

Askin was mindful of his political tactics when he was dealing with education. He demonstrated insight and adaptability by taking advantage of every possible situation. This was exemplified when he engaged in mendacity by claiming full credit for the extra funding for bursaries and text books which had been initiated by the previous ALP Government. The Government, with a modest \$20,000 grant, curried favour with Judge Curlewis the chief advocate

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<sup>212</sup> *Cabinet Papers*, 1 August 1967. Cabinet Minute: Administration of Education, Report of Cabinet Sub-committee, p.2.

for youth services, after his dispute with the ALP Government over its refusal to allocate \$500,000. Askin focused on the needs of the voters and his CP peers when free transport was granted to country children despite the strict state budgetary controls. He also demonstrated his absolute commitment to state sovereignty when the Government established the Board of Teacher Education. This overt commitment was essential because it buttressed his leadership authority with his peers and the electorate.

However, Askin did not fare so well when it came to insight and adaptability in relation to his duplicitous treatment of the Teachers' Federation. He chose a short-term political gain when he promised to establish an Education Commission at the 1965 election. This translated into a political liability and it remained so over the life of his government. Askin would have been well advised to emulate the ALP and refrain from such a commitment.

Neither the ALP, when it was in government, nor the Askin Government intended to relinquish or dilute control of the largest spending portfolio to the Teachers' Federation. Cutler's 'left wing' accusation was rhetoric which inflamed an already volatile issue. In contrast, during the 1950s when the Teachers' Federation increased its pressure for an education commission, the ALP was able to avoid confrontation, appease the teachers with small concessions and retain their traditional support. It also suited the ALP that the Federation believed the Public Service Board was its enemy and that it vented its grievances accordingly. This deflected criticism away from the Education Department and therefore away from the Government. It is important to note that the ALP Government had an ally insofar as Don Taylor, the President of the Teachers' Federation from 1955 to 1963, was an 'old Labor man' and that he was happy for the Public Service Board to bear the wrath of the Federation.<sup>213</sup>

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<sup>213</sup> Mitchell, *Teachers, Education and Politics: A History of Organizations of Public School Teachers in New South Wales*, St. Lucia, , 1975, p.191.

Until 1961, the Teachers' Federation wanted an education commission that would have complete control of state education. After the 1961 Federation conference, its new proposal was at best confusing. For example, it wanted a commission to possess all the powers invested in the public service. The Federation also wanted full control over policy formulation even though this was not under the control of the public service. However, in contradiction to their proposal, these vast powers were not to exceed the powers of the respective Directors of General and Technical Education. As a result the ALP left the issue of the Education Commission dormant at the 1965 election.<sup>214</sup> Instead of following suit, Askin gambled with the teachers' vote and rushed into the minefield avoided by the prudent ALP. Perhaps, he was under the illusion that duping the teachers was as easy as positioning himself upwards during his 'greasy' days in the records department of the bank.

### 3.10 Housing

In the election campaign, Askin had claimed that the Labor Government had "allowed the housing shortage in the state to become chronic". Due to the lack of accommodation, some families were living under deplorable conditions which created "a breeding ground for juvenile crime, delinquency and communism".<sup>215</sup> The Government's program, which was designed to address this housing crisis included: the expansion of the lending criteria for building societies; the replacement of slums with modern housing developments; a review of the out-dated land zoning laws; the release of crown land; and a review of the eligibility criteria for housing commission applicants. Askin guaranteed that rents would not increase during the first term of the government which involved the controversial and complex amendments to the Landlord and Tenant Act.<sup>216</sup>

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<sup>214</sup> Mitchell, *Teachers, Education and Politics*, p.192.

<sup>215</sup> 1965 election policy speech delivered by R.W. Askin, p.16.

<sup>216</sup> *ibid* pp.16-20.

Askin introduced the Cooperative Building Society (Amendment) Bill 1965 which raised the limit for home loans from £3750 to £4250. The limit of the loan advance was raised from 80% to 90% of the value of the property and the state indemnified the Building Societies against any loss due to the higher lending ratio.<sup>217</sup> The introduction of the Permanent Building Society Bill of 1967 ensured greater security for the investing public. It required that Permanent Building Societies retain not less than \$600,000 for call funds which was to consist of a minimum of \$400,000 of the members' capital. When raising funds, building societies could not secure loans for periods of less than 10 years. The presupposition was that the more funds invested in the building society by the public would result in more funds available for the building of homes. Building societies did not develop in country areas. In order to redress this inequitable situation, the Government made loans available in areas without building societies through the home building account of the Commonwealth and State Housing Agreement.<sup>218</sup>

Stanley Stephens, in his capacity as Minister for Housing and Co-operative Societies, became inadvertently embroiled in a scrum of conflicting mores when the St George Cronulla Building Society introduced its "no children" home loan plan. The plan required a married couple to enter into a written undertaking declaring that they did not intend to have a family for three years. Under this scheme, the home purchase loan scheme was repaid from the salaries of the husband and wife. The Catholic Church positioned itself in the front row, describing this as iniquitous and instructed its brethren to avoid the scheme. Birth control had been a central issue during this period, but the Church had remained adamant in the 1960s that contraception was against the will of God. There was concern from the Sociology Department of the University of NSW that the scheme might exacerbate any conflict over the question of birth control. The Family Welfare Bureau did not condemn it

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<sup>217</sup> *Cabinet Papers*, 18 May 1965, SUBJECT: Loan Limits for (a) Building Societies (b) General Housing Indemnities. DECISION: The recommendations of the Minister for Co-operative Societies as set out in his Minute to Cabinet of the 17 May, 1965, were approved.

<sup>218</sup> *Cabinet Papers*, 21 February 1967, SUBJECT: Permanent Building Societies Bill. DECISION: Approval was given to the Provisions of the Permanent Building Societies Bill ... in the Cabinet Minute of the Minister for Co-operative Societies, dated 16 February, 1967 relating to this Matter.

although they found it restrictive. The St George Cronulla Building Society indicated that other building societies intended to follow suit. Stephens made it clear that his approval was not required but stated that “anything that can be done to assist young married couples to get a home I support”.<sup>219</sup>

The Green Valley Project, the Artarmon Flats Project and the slum clearance project in Waterloo in the Sydney metropolitan area were canvassed by Stephens as examples of the Government’s achievements in delivery of its housing agenda. He described the “Cartwright” section of the Green Valley Housing estate near Liverpool as one of the “most exciting” projects in Australia. It was estimated that when the project was completed it would house 25,000 people in almost 6,000 dwellings.<sup>220</sup> The Artarmon project delivered two multi-story buildings providing 132 flats for middle to low income families.<sup>221</sup> The slum clearance project at Waterloo was touted as “the way of the future”. The \$6m project was constructed on 4.5 acres of reclaimed slums. The twin 17 storey towers contained 426 flats with parking for 213 cars. It was surrounded by landscaped gardens, lawns and play areas for children.<sup>222</sup> At the time, the concept of the vertical village was considered the solution to low cost housing. The Government did not consider that it had the potential to become a vertical slum.

The concept of villa developments was an initiative of local councils to address the out-dated land zoning laws. These developments required only minor changes to existing regulations and were heralded as a great solution to the housing crisis. The new style of development in “multi-housing” located in Kogarah and opened by Stephens in 1967 proved to be the genesis of the ubiquitous contemporary villa developments. The villa was promoted as an attractive alternative to the home unit. The single storey villa developments had the potential to provide multi-housing on existing single dwelling allotments.

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<sup>219</sup> *SMH*, 3 February 1967, p.6.

<sup>220</sup> *ibid*, 30 August 1966, p.19.

<sup>221</sup> *ibid*, 2 February 1967, p.1.

<sup>222</sup> *ibid*, 30 December 1966, p.1.

The promise by the Government to release large tracts of crown land for housing became problematic due to its limited availability. The immediate solution was to transfer to the crown the 25 acres at South Coogee appropriated to the Housing Commission by the previous Labor Government. It was deemed more appropriate for this land to be made available to first home buyers for the erection of cottage type dwellings.

The other more audacious solution was to resume the hundreds of acres of crown land located in the Holsworthy area which was under lease to the Army as a training facility. The land was gauged to be suitable for a satellite township of 20,000 people. After the Commonwealth was informed of the proposal, the Army rebutted the claim by highlighting the possibility of unexploded shells and mortar bombs on the land and asserting that this rendered the land unsuitable for housing. Stephens was unswayed by the Army's response and stated that Sydney was "expanding fast and the crown land we have our sights on would be ideal and logical for housing development".<sup>223</sup> It would appear that after floating such a grandiose idea and with an election on the horizon, Askin and Stephens had no intention of allowing a few unexploded bombs to stand between them and a swag of potential votes.

Although a means test for housing commission applicants was tabled in the policy speech, this idea was reviewed and rejected as inappropriate on the grounds that the majority of the applicants were well within the parameters of the existing guidelines. Instead, a declaration of assets, liabilities and income was introduced as a deterrent to those applicants who were able to purchase or rent through the private sector.<sup>224</sup>

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<sup>223</sup> *SMH*, 9 September 1967, p.1.

<sup>224</sup> *Cabinet Papers*, 6 July 1965, SUBJECT: Eligibility for housing commission accommodation. DECISION: Letter from Premier dated 8 July 1967. Approval was given by the Cabinet on the relevant matters in the Minute of the Minister for Co-operative Societies.

The Landlord and Tenant Act was complex and inequitable. The Act had been introduced in NSW in 1948 by the state Labor Government and effectively replaced the National Security Landlord and Tenant regulations of the war years which had been repealed in 1948. In May 1950 the Flat and Property Owners' Association was constituted in response to the introduction of the new Act. The act was amended in 1954 and specified that all premises rented between 7 December 1941 and 1 January 1955 were subject to rent control with the rent determined by the Fair Rents Board. In 1964 the Act was amended and introduced a 17A lease which permitted the lessee and the lessor to determine the rent, independent of the Fair Rents Board. However the lessee still remained under the protection of the Rent Control Board. The Rent Control Board was responsible for the machinery by which the Act was implemented through the Fair Rents Board. The rent-controlled premises were subject to rent increases which were determined by the Fair Rents Board on the basis of 1939 valuations.

During the Askin Government's first term, the complexity and inequity of the Act created dissatisfaction within all parties who operated under it. The Real Estate Institute of NSW described the Act as "unfortunate and in many respects iniquitous".<sup>225</sup> Maddison acknowledged that the administrators of the Act, and those people regulated by the Act, were "living in purgatory".<sup>226</sup> J. C.(Jack) Rathborne, an executive member of the Flat and Property Owners Association, stated that the Act "is like an old car tyre. It has been patched and patched and patched." He described the legislation prepared by Maddison as a "new patch [that] will make it burst".<sup>227</sup>

The contentious issue of the 1939 valuations was tested in the case of Rathborne v Able in May 1965 when the High Court ruled that the Fair Rents Board was able to determine rents at the current property valuations instead of the valuations of 1939. At the first cabinet meeting of the Askin Government, the Government supported Mrs Able in her appeal to the Privy

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<sup>225</sup> *SMH*, 29 May 1967, p.18.

<sup>226</sup> *ibid*, 19 February 1966, p.8.

<sup>227</sup> 'Australian Political Chronicle January-August 1966', *AJPH*, Vol 12, No.3, p.437.



Council against the High Court finding and guaranteed a lodgement fee of £2500. The decision of the High Court had the potential to derail the Government's election commitment not to increase rents. Askin had been punished in the 1962 election when he proposed giving landlords the authority to increase rent in rent-controlled premises by up to 40%. Maddison anticipated the ruling in favour of Rathborne and negated the High Court decision by amending the Act.

Rent control was essential in order to provide protection for pensioners and lower-income earners in a time of acute shortage of accommodation.<sup>228</sup> The amendment introduced by Maddison in December 1965 made it clear that apart from wealthy tenants, "the Fair Rents Board" would regard the 1939 valuations in determining rentals of "prescribed premises and no other". This amendment nullified the decision of the High Court.<sup>229</sup> The Askin Government also viewed the "alternative accommodation" clause introduced in 1964 by the Renshaw Government as unjust and impractical and introduced an amendment to delete this clause. In repossession cases under the "alternative accommodation" clause, it was mandatory for the landlord to provide alternative accommodation for the tenant. This was deleted and the previous position was restored whereby magistrates handed down a decision on the basis of relative hardship.

The Government also recognised that many tenants enjoyed the privilege of rent control at the expense of less affluent landlords. The wealthy tenant criteria was added which deemed those with an income above £3000 to be able to pay a fair rent. This was to be implemented under the 17a lease. If the "wealthy" tenant refused to accept rent increases, there was the

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<sup>228</sup> *SMH*, 8 September 1965, p.16.

<sup>229</sup> *Cabinet Papers*, 7 December 1965, SUBJECT: The Landlord and Tenant (amendment) Bill, 1965. DECISION: Approval was given to the provisions of the Landlord and Tenant (Amendment) Bill, 1965, as drafted, and summarised in the Cabinet Minute dated 3 December, 1965, submitted by the Minister of Justice.

possibility of the property being decontrolled by the Board and no longer subject to rent control.<sup>230</sup>

In January 1966 the new amendment forcing the 1939 valuation criteria was tested in the case of *Rathborne v Hamill*. Rathborne was supported by the Flat and Property Owners' Association. The Court of Appeal ruled on the loophole in the Act that the Fair Rents Board had broad discretionary powers to consider changed economic conditions in the determination of rents.<sup>231</sup> The first application was lodged on 1 January 1966, whereby a magistrate increased the rent on a suburban house by 52% on the grounds that that house had increased in value by 3.75 times its 1939 valuation.<sup>232</sup> This resulted in a total of 592 applications for rent variations determined in favour of the landlord up until 12 October 1966.

In order to counter this attack on its election commitment, the Askin Government passed an amendment to the Act on 12 October 1966 to form a new code of rules which prevented the Fair Rents Board from taking into account economic conditions. The amendment was retrospective and invalidated all increases in rent based on economic grounds. The difference between increased rents and the previously controlled rents was to be refunded to the tenant.

This amendment was tested when Peter Clyne (a lawyer and tax consultant notorious for his litigious attitude concerning taxation) contested a decision of the Fair Rents Board based on the retrospective legislation. The Board had repealed a decision made on 8 August 1966 and ordered a rent reduction from \$6.80 to \$2.38 per week. The submission was made in the

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<sup>230</sup> *Cabinet Papers*, 20 July 1965. Cabinet Minute submitted by the Minister of Justice; *Cabinet Papers*, 7 December 1965, SUBJECT: The Landlord and Tenant (amendment) Bill, 1965. DECISION: Approval was given to the provisions of the Landlord and Tenant (Amendment) Bill, 1965, as drafted, and summarised in the Cabinet Minute dated 3 December ,1965, submitted by the Minister of Justice.

<sup>231</sup> *Cabinet Papers*, 16 August 1966, SUBJECT: Landlord and Tenant (Amendment) Act, 1948-1965. DECISION: Approval was given to the inclusion in the proposed Landlord and Tenant (Amendment) Bill, of amendments to give effect to the further proposals of the minister of Justice... in his Cabinet Minute dated the 9 August, 1966

<sup>232</sup> 'Australian Political Chronicle January-August 1966', *AJPH*, Vol. 12, No.3, p.437.

Court of Appeal on the grounds that section 5, which carried the 1966 amendment, was unconstitutional and invalid. In June 1967, Chief Justice Sir Leslie Herron rejected the submission on the grounds that the purpose of the 1966 amendment was legislative and “not an exercise of so called judicial power or usurpation” which had been claimed by the plaintiff.<sup>233</sup>

Askin had reiterated at a press conference in July 1965 that the Government had promised “there will be no increases in rents and that we will take every legislative action necessary to ensure that this does not come about”.<sup>234</sup> According to Maddison, the Government’s aim was to administer the Act in a more equitable way for both the landlord and the tenant. Maddison pointed out that despite the Government’s freezing of rents, the landlord’s situation had improved. He cited as an example that 18,588 decontrolled leases had been registered in 1965. This represented 30% of the 54,000 5A leases in place and an improved situation for landlords. As this trend continued, the proportional increase in decontrolled premises resulted in a slight easing in the rents of uncontrolled properties under 5A leases and the increased availability of rental properties.

The Government appreciated the inadequacies of the Act in terms of the limited protections it provided to pensioners and low-income earners, but was not prepared to implement drastic changes until it received a mandate at the 1968 election. In the light of the litigious approach taken by the landlords and the memory of the 1962 election, Maddison put the onus onto the landlords. He suggested that all parties would need to come together and cooperate in order to form a plan prior to the next election “to bring justice to all”.<sup>235</sup> The Government also attempted to broaden its voter support by its pragmatic approach towards tenants under rent control.

### **3.11 US Presidential Visit to NSW**

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<sup>233</sup> *SMH*, 20 June 1967, p.1.

<sup>234</sup> *SMH*, 21 July 1965, p.6.

<sup>235</sup> ‘Australian Political Chronicle January-August 1966’, *AJPH*, Vol 12, No.3, p.437.

October 1966 saw the first visit to Australia of a serving US President. The excitement and enthusiasm which enveloped Sydney in anticipation of a four-hour visit from Texan born President Lyndon B. Johnson was palpable. The city streets were draped in a mass of red, white and blue bunting, with many buildings displaying pictures of the President. The designated route from Kingsford-Smith Airport for the presidential motorcade was renamed for the day in Johnson's honour.<sup>236</sup> The motorcade was to be showered with ticker-tape at strategic intervals.<sup>237</sup> There were 100,000 free US and Australian flags distributed, while 1,000 school children greeted the President wearing Texan cowboy hats.<sup>238</sup> All children in NSW under the age of 15 were offered free travel to Sydney.<sup>239</sup> The entrance to the formal reception area for the presidential party at the NSW Art Gallery was adorned with a display of caged kangaroos and koalas.<sup>240</sup> The Vietnam Committee which represented all the peace and anti-Vietnam war organisations was formed to organise a mass legal and peaceful "anti-Vietnam war demonstration".<sup>241</sup>

In the midst of all the exuberance Askin demonstrated his artistic flair by suggesting that "beach towels could be hung from the windows to brighten the city". Askin has sometimes been referred to as a philistine, and, after his artistic contribution, this claim might have some merit. Not to be upstaged by Prime Minister Holt's slogan "all the way with LBJ", Askin endorsed the slogan "make Sydney gay for LBJ".<sup>242</sup> The view was expressed that Askin was "overdoing the welcoming".<sup>243</sup>

The motorcade was involved in some dramatic events during the journey from the airport to the Art Gallery. There was a high speed detour when the posse of US security staff out-manoeuvred an anti-Vietnam

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<sup>236</sup> *Daily Telegraph*, 18 October 1966, p.3.

<sup>237</sup> *Daily Telegraph*, 22 October 1966, p.9.

<sup>238</sup> *The Sun*, 21 October 1966, p.45.

<sup>239</sup> *Daily Telegraph*, 14 October 1966, p.1.

<sup>240</sup> *SMH*, 15 October 1966, p.1.

<sup>241</sup> *ibid*, 10 October 1966, p.28.

<sup>242</sup> *Daily Telegraph*, 15 October 1966, p.3; *SMH*, 15 October 1966, p.1.

<sup>243</sup> *SMH*, 19 October 1966, p.27; *The Sun*, 21 October 1966, p.34; *The Sun*, 25 October 1966, p.32; *Daily Mirror*, 21 October 1966, p.4

demonstration which threatened to block the route near the University of NSW on Anzac Parade. This caused disappointment for the thousands of well-wishers who had spent hours waiting for the motorcade, only to be rewarded by a flash of glass and chrome as the vehicles sped past.<sup>244</sup> Children wept, whilst some adults cursed that “Sydney has been taken for a ride” and threw their flags into the gutter in disgust.<sup>245</sup>

The vehicles sped too quickly for the ticker-tape to be effective but not quickly enough to escape the accuracy of the flour bombs hurled by the anti-Vietnam war demonstrators “who provided the biggest anti-Vietnam, anti LBJ demonstration”.<sup>246</sup> The air conditioning of the bubble top Cadillac failed after the cooling system was blocked by streamers. Subsequently, the President and his wife Lady Bird were rescued by a fleet of Commonwealth cars. As the motorcade continued it was halted several times while the police dragged away the demonstrators who had flung themselves in front of the cars.<sup>247</sup> Just as the drama seemed to be subsiding, and with the Art Gallery finally in sight, the President was upstaged by an escaping koala.<sup>248</sup>

In the context of the modern staging of such events, the four-hour sojourn of the President was farcical. However, it was 1966 and Askin had orchestrated an extravaganza with a broad overarching benefit for all involved. Askin spent “a gay day with LBJ” and he commented that “Sydney rose to the occasion. It could never have been better”.<sup>249</sup> LBJ enjoyed an extensive and favourable US press coverage.<sup>250</sup> The visit was touted as the “biggest reception in Australia’s history” and it was declared that “Hollywood couldn’t have done it better.”<sup>251</sup> The anti-Vietnam war movement received

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<sup>244</sup> *The Bulletin*, 29 October 1966, p.8; *The Sun*, 24 October 1966, p.25.

<sup>245</sup> *SMH*, 23 October 1966, p.2, 140.

<sup>246</sup> *The Bulletin*, 29 October 1966, p.8; *Daily Mirror* 22 October 1966, p.3

<sup>247</sup> *Daily Mirror*, 22 October 1966, p.7

<sup>248</sup> *SMH*, 23 October 1966, p.118.

<sup>249</sup> *ibid*, 23 October 1966, p.140.

<sup>250</sup> *Daily Telegraph*, 22 October 1966, p. 9; *Daily Telegraph*, 24 October 1966, p.5.

<sup>251</sup> *SMH*, 23 October 1966, p.2; *SMH*, 24 October 1966, p.2; *Daily Telegraph*, 24 October, p.5; *Daily Telegraph*, 24 October 1966, p. 2.

world-wide coverage of their cause;<sup>252</sup> some “bush kids” were able to visit Sydney for the first time; and one hundred and forty churchmen from Australia and the US including three bishops from Protestant churches in Australia took advantage of the opportunity to present a signed statement urging the President to de-escalate the hostilities in Vietnam. On their way back to the airport, after the harbour cruise, the President endeared himself to some of the disappointed crowd. He stopped the motorcade four times. He threw his ten gallon Texan hat into the delighted crowd at the Sydney Town Hall, exchanged handshakes and “howdies” before boarding the US Air Force jet bound for the Vietnam war conference in Manila.<sup>253</sup> Ironically the Aborigines were spared from participating in the excruciating event. In contrast to their Maori counterparts, they were excluded from the festivities. At the Wellington airport in New Zealand, en-route to Australia, the President received a traditional Maori welcome in the form of a war dance performed by Maori tribesman.<sup>254</sup>

The political notion that entertainment for the masses invokes harmony and goodwill amongst the citizens has been intermittently utilised throughout history. Askin certainly recognised the importance of insight and adaptability and exploited his fortune by providing a “three ring circus” for the voter when he orchestrated the Presidential visit. He promoted himself and the government by bathing in the limelight and the popularity of President Johnson. He instilled pride in the voters by showcasing the harbour city to the world. His leadership authority was enhanced when he positioned himself by the side of the most powerful man on earth, particularly in the context of the anxieties of the Cold War, whereby Australia considered the US its great and powerful ally.

The visit of the US President illuminated attributes of Askin’s temperament. Alongside the President he was able to project his self-image

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<sup>252</sup> *The Sun*, 24 October 1966, p.1; *The Sun*, 22 October 1966, p.1; *Daily Mirror*, 22 October 1966, p.1; *The Australian*, 24 October 1966, p.3.

<sup>253</sup> *SMH*, 23 October 1966, p.142; *SMH*, 21 October 1966, p.1

<sup>254</sup> *The Sun* 20 October 1966, p.2; *Daily Telegraph*, 20 October 1966, p.1; *The Australian*, 20 October 1966, p.1; *SMH*, 29 October 1966, p.5.

as dependable, beneficent and respectable. His respect and adulation for authority was reflected by his exuberance over the event. This was the occasion when Askin uttered the legendary “run over the bastards”, when he was referring to the demonstrators. The President was amused by the “back slapping” laconic humour, but unfortunately it has been taken literally by the media and has become part of the Askin myth. This matter will be taken up in chapter 4.

At the airport President Johnson told the press that the demonstrators had the right to dissent.<sup>255</sup> He also embraced Askin with a Texan bear hug and told him; “we have never had a greater welcome than Sydney gave us”.<sup>256</sup> According to David McNicoll, a former journalist with the *Bulletin*; there is no doubt that Askin made a great impression on the President. Many years later McNicoll spent a day with Johnson at his ranch in Texas where he “enquired warmly”: “How’s Bob Askin? ... Now there’s a man”.<sup>257</sup>

### 3.12 State Secession Movement

The premise that the Sydney metropolitan area was receiving an inequitable share of the state’s bounty at the expense of the Northern region underpinned the ideology of the New England New State Movement. In 1922 the Commonwealth examined the question posed by the Legislative Assembly concerning the feasibility of the secession of northern NSW and determined that it was a matter for consideration by the state. Subsequently, the Nicholas Royal Commission, which investigated the matter and handed down its report in January 1925, gave impetus to the New State Movement.<sup>258</sup>

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<sup>255</sup> *The Australian*, 24 October 1966, p.1.

<sup>256</sup> *Daily Telegraph*, 24 October 1966, p.5.

<sup>257</sup> *The Bulletin*, 22 September 1981, p.32.

<sup>258</sup> *Cabinet Papers*, 23 August 1966, Cabinet Minute: New State Movement – Referendum, dated 15 August 1966, and presented by the Premier, p.2.

The area the report deemed suitable for self-government included: the Hunter Valley, the North Coast including the Greater Newcastle Region, the Tablelands and the North-West, with the boundary positioned slightly west of Coonabarabran and Walgett. There were three phases of due process to be completed before the proposed new State could be established. An affirmative outcome by the majority of the electors at a referendum held in the affected area; an outcome in the affirmative by the majority of the electors in the whole of NSW; and an agreement with the Commonwealth in relation to the distribution of government revenue.<sup>259</sup> In practical terms, it was virtually impossible.

The idea of a new State had been posited during the Lang controversies of 1931-32. These new state movements became associated with the CP in the 1930s and advocated for secession from 1948 until the 1967 referendum.<sup>260</sup> The New England New State Movement was emboldened when Cutler guaranteed that a referendum would be held within the first term of a Coalition government. Cutler appeased the Movement, which consisted primarily of CP members, whereas Askin remained silent on the issue. There was probably always a reasonable level of support in the main New State areas, such as Northern Tablelands, but the hollow promise of a referendum that supported this fanciful idea proved problematic. Instead of dissipating, the Movement, which was supported by a war chest of \$200,000 to prosecute their case, gained momentum.<sup>261</sup>

In response to the Government's procrastination on the issue, the Movement demanded that the Government honour its election commitment, declaring in a letter to the Cabinet that "only by prompt and acceptable announcement of the Government's intentions would the near-spent patience of the supporters of the Movement be satisfied". The Movement also reminded Askin that he had supported the secessionists' right to a vote as

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<sup>259</sup> *SMH*, 9 November 1966, p.1.

<sup>260</sup> *Armidale and District Historical Society Journal. and Proceedings, No 23 March 1980*, Armidale and District Historical Society, Armidale, 1980, p.96.

<sup>261</sup> Davey, *The Nationals*, Sydney, 2006, p.199.



early as 1963 in a speech in Parliament.<sup>262</sup> Askin also promised a referendum at the 1965 election. The Government finally acquiesced in the demands of the Movement for a referendum which was held on 29 April 1967.<sup>263</sup> The request for the Greater Newcastle Region, which was hostile towards the Movement, to be excluded from the proposal, was refused by the Government on the grounds that it contravened the Nicholas report.

The outcome of the referendum was in the negative by 198,812 votes to 168,103.<sup>264</sup> The Movement blamed the inclusion of Newcastle and the Lower Hunter for the loss. Their claim was wide of the mark on account of the 34% “yes” vote on the North coast or “milk zone” because the dairymen feared that they would lose access to the lucrative Sydney milk market. The North coast included the electorates of Lismore, Clarence, Raleigh and Byron. This result proved decisive when it was combined with the Newcastle area where the “yes” vote was just 28%.<sup>265</sup> The movement held Cutler responsible for its inclusion and punished him at the 1968 election by contesting four of the CP seats located in the Northern Region. Cutler demonstrated his contempt for the movement when he stated that “they’d been pursuing it since Jesus Christ; it had had its run”.<sup>266</sup> In retrospect Askin may have rued his original 1963 speech in Parliament and his election promise. While it resonated with a Liberal viewpoint, the consequences were more far-reaching than he may have intended. Even though the inclusion of Newcastle proved an effective tactic, there was nonetheless some unavoidable electoral damage for his friend and ally.

The secessionist vote was the strongest in the northern part of the proposed new state with a yes vote of 66.6%. This included the electorates of

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<sup>262</sup> *Cabinet Papers*, 23 August 1966, Cabinet Minute: New State Movement – Referendum, dated 15 August 1966, and presented by the Premier, p.2.

<sup>263</sup> *Armida and District Historical Society Journal. and Proceedings*, No 23 March 1980, p.99.

<sup>264</sup> *SMH*, 13 May 1967, p.4.

<sup>265</sup> *Armida and District Historical Society Journal. and Proceedings*, No 23 March 1980, p.99; Frank Bongiorno and Andrew Messner, ‘New England’, *People and Politics in Regional NSW, Volume 2 – the 1950s to 2006*, Jim Hagan (ed), The Federation Press, Sydney, 2006, p.154

<sup>266</sup> “Interview with Charles Cutler, Orange, 24 January 2005” quoted in Davey, *The Nationals*, Sydney, 2006, p.202.

Armidale, Barwon, part of Castlereagh, Burrendong, Tamworth and Tenterfield. The New England New State Movement was buoyed by the result and proceeded with a proposal for a smaller state that excluded Newcastle and the Lower Hunter. In reality, the 1967 referendum extinguished any prospect for a new state.

### 3.13 The Parliament

The Coalition had enjoyed control of the Legislative Council from 1959 until 1964 when the ALP gained a majority. Askin's fortunes changed on 3 December 1966 at the triennial election of the Legislative Council when the government won an additional seat. Along with the support of the six independent MLCs, the Government's working majority was 31:29 from 22 April 1967.<sup>267</sup> Before September 1967, the ALP had successfully amended some of the Coalition's legislation. The ALP considered this as protecting the rights of the people while the Government claimed it was obstructionist.

After 1967, the Legislative Council lost the modest bicameral function it had possessed since 1959. The Legislative Council did not, however, revert to the status of a 'rubber stamp' of the 1950s when the ALP controlled both houses. This was because the Government relied on the support of the independent Labor group until 1973. It was a group of ALP rebels who were expelled from the party in 1959 for crossing the floor.<sup>268</sup> Also, some of the more adventurous coalition members were willing to experiment with committees of enquiries.<sup>269</sup> Nonetheless, Askin took advantage of the coalition's majority whenever the opportunity arose. For example during the second and third sessions, five of the 150 bills failed to pass through the Legislative Council. Twenty six bills were amended 145 times and the assembly disagreed on 25 amendments and compromised on only one. Of the 65 divisions in both house and committee, (12 in the House and 48 in Committee) 55 were won by the ALP. It was a different matter after

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<sup>267</sup> 'Australian Political Chronicle September-December 1966', *AJPH*, Vol.13, No.1, p.109.

<sup>268</sup> Clune and Griffith, *Decision and Deliberation*, p.407.

<sup>269</sup> *ibid*, p.443.

September 1967 when all the divisions were won by the Government, and only three of the 68 bills were amended in the Legislative Council.<sup>270</sup>

Despite the accusations of obstruction and the criticism of “the hopelessly unfashionable, indirectly elected Council”, agreement between the two houses often occurred through the process of “legislation by negotiation”.<sup>271</sup> The Landlord and Tenant Act was, according to Maddison, emasculated in the Legislative Council, but he reluctantly accepted the amendments. These amendments prevented the Government from removing the status quo regarding the witnessing of 5A and 7A leases by a solicitor or Clerk of Petty Sessions; restricting the beneficiaries on the death of a rent controlled tenant to include only the spouse, parents or pensioner child of the deceased tenant; and the obligation of the landlord to provide “reasonable suitable” alternative accommodation for a tenant when a rent-controlled property was required for the use of the sole residence of the landlord.<sup>272</sup>

The Legal Practitioners Amendment Bill exemplifies the notion of legislation by negotiation. In the Legislative Council, the opposition proposed an amendment to raise the limit payable from the Fidelity Guarantee Fund to victims of fraudulent behaviour by legal practitioners to \$250,000. This was subsequently defeated on the floor. A compromise was reached in the Legislative Council which raised the limit to \$150,000. It is noteworthy that this occurred in March 1967 on the eve of the Government gaining control of the Legislative Council. While Askin might have waited until he could ‘rubber stamp’ the amendments, it would seem that he was prepared to negotiate to achieve a satisfactory outcome.<sup>273</sup>

During the second session of parliament, the amendments to the Workers Compensation Act proposed by the ALP provoked a lively debate in the Legislative Assembly. The amendments included extra protection for

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<sup>270</sup> Clune and Griffith, *Decision and Deliberation*, p.447.

<sup>271</sup> *ibid*, p.443, 451.

<sup>272</sup> ‘Australian Political Chronicle September-December 1966’, *AJPH*, Vol.13, No.1, p.107.

<sup>273</sup> Clune and Griffith, *Decision and Deliberation*, p.451.

partially incapacitated employees who suffered further injury at work; greater access by the Workers Compensation Commission to scrutinise the insurance company of the employer; and a provision to enable a worker to take action against the insurance company of a deceased employer and also in the case of the employer in permanent residency overseas. This was defeated in the Legislative Assembly, passed in the Legislative Council, then accepted without further argument in the Legislative Assembly.<sup>274</sup>

The Government and the ALP found common ground when the Commonwealth Conciliation and Arbitration Commission handed down its controversial decision on the 1967 National Wage Case. In effect, the setting of wages on the principle of the basic wage and margins, which originated from the Harvester judgement of 1907, was to be replaced with the Total Wage concept canvassed by the National Employers Policy Committee. This was opposed by the ACTU, the Australian Council of Salaried and Professional Associations, state governments and the High Council of Commonwealth Public Service Organisations. Justice Beatty, the President of the State Industrial Commission, stated that the decision “had undermined the foundation of the legislative structure erected by parliament”.<sup>275</sup>

The basic wage was the amount deemed necessary for an unskilled labourer with a wife and three children to live with dignity as human beings in a civilised community. A margin was a separate element over and above the basic wage which reflected the skill level and the responsibility of an employee in a particular industry or profession. From 1953 the Commonwealth Arbitration Tribunal had assessed annual applications presented by the trade unions and adjudicated on the case for an increase in the basic wage. From 1961, the criteria for assessment were changes in real prices and productivity. The Federal Metal Trades Award, based on the same criteria as the basic wage, became accepted as the benchmark in the

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<sup>274</sup> ‘Australian Political Chronicle January-August 1966’, *AJPH*, Vol 12, No.3, p.436.

<sup>275</sup> *SMH*, 27 June 1967, p.7.

determination of the margins in the majority of awards.<sup>276</sup> The Total Wage Concept, introduced by the Commonwealth Conciliation and Arbitration Commission in its 1967 Wage Case hearing, eliminated the basic wage and margins. The President of the Commission, Sir Richard Kirby, explained that it would "eliminate the awkward necessity for different Benches contemporaneously dealing with different parts of the wage; it should simplify the rapid and proper spread of economic decisions throughout awards".<sup>277</sup>

The Total Wage Concept proved problematic. The methodology used in NSW became redundant because the basic wage was fixed to the Federal Metal Trades Award. Unless legislation was enacted, the basic wage would stagnate. This dilemma was addressed in the interim by amending the Industrial Arbitration Act. Wages in NSW were determined on the basic wage and margins criteria with the Industrial Commission in court session empowered to assess and implement the change in Commonwealth awards based on economic grounds of the Total Wage Concept. The minimum wage concept, embedded in the total wage concept, was to be introduced where desirable by the wage fixing tribunals.<sup>278</sup>

The *Long Service Leave Amendment Bill, the Workers Compensation (Dust Diseases) Bill* and the *Public Service and Statutory Bodies (Extended Leave) Amendment Bill* introduced in 1967 received fierce opposition from the ALP. The ALP had pioneered the concept of long service leave in Australia in 1955 and any attempt to tamper with the legislation was viewed with contempt; subsequently the *Public Service and Statutory Bodies (Extended Leave) Amendment Bill* failed to pass in the Legislative Council. The bill proposed that government employees would be able to take a proportion of their long service leave after 10 years instead of waiting for 15 years. The

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<sup>276</sup> Bob Hawke, 'Total Wage Concept' speech delivered on 21 July 1969 on ABC Radio, *The Bob Hawke Prime Ministerial Library*, <http://www.library.unisa.edu.au/BHPML/speeches/prespeeches.asp>, accessed 3 August 2010.

<sup>277</sup> *SMH*, 6 June 1967, pp.8-9

<sup>278</sup> *Cabinet Papers*, 18 July 1967, SUBJECT: Proposed Legislation regarding the Basic Wage. DECISION: Approval was given to the recommendations of the Minister for Labour and Industry in relation to this matter ...as set out in his Cabinet Minute, dated 13 July, 1967.

opposition argued that the leave period should be three months instead of the proposed two months. The bill was presented again in November 1967 and was passed by both houses. After an uproar in both the Legislative Assembly and Legislative Council, the other two Bills were rammed through in the same fashion.<sup>279</sup> Askin believed in the bi-cameral system but winning an election took priority. In an election year the quicker these bills passed through the parliament, the less opportunity there was for the opposition to garner media attention at the expense of the Government.

The notion of legislation by negotiation was a noble one and it exemplified the Askin Government's commitment to good governance through the cooperation of the parliament. This appeared to be the case with the amendments to the *Legal Practitioners Amendment Bill* and the *Workers Compensation Bill*. In the case of the total wage concept it was viewed by all states as a sovereignty issue and not a partisan matter. It is important to note that sometimes the compromises suited the Government. The dilution of the *Landlord And Tenant Act* enabled the Government to blame the ALP and retain the vote of the landlord who was their traditional supporter. It also sought the votes of the tenants. By agreeing to the amendments the Government had ensured that the tenants would not experience any hardship that they could plausibly blame on Askin's administration.

When the Government rammed the *Public Service Long Service Leave Amend Bill* and the *Long Service Amendment Bill* through the parliament at the end of 1967 it was mindful of the election due in early 1968. After he gained control of the upper house, Askin demonstrated that he was prepared to use the Legislative Council as a "rubber stamp" like the ALP in the 1950s, to implement the Government's policies. In an election year Askin was keen to avoid any unnecessary pressure on a budget that was already in deficit. Therefore, the request by the Public Service Association to increase the long service leave from two months to three months after ten years of service was refused. Askin was careful not to mention this in his press release. Instead he stated that the Government agreed to two months on full pay or six months on

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<sup>279</sup> 'Australian Political Chronicle September-December 1967', *AJPH*, Vol.14, No.1, p.118.

half pay after ten years of service. It was calculated on the three months or six months respectively for fifteen years of service, but agreed to the right of the public servant to take proportionate extended leave after ten years.<sup>280</sup> The purpose of the *Long Service Amendment Bill* was to prevent an employer from dismissing an employee just before the long service leave was due. Before the amendment there was no obligation to pay the entitlement. The Government was also mindful of its traditional business sector voter and included an amendment that negated this provision in the case of serious misconduct by the employee.<sup>281</sup> The ALP had refused to agree to this when it had control of the Legislative Council.

Askin was well suited to the adversarial Westminster system and this allowed him to dominate the parliament. Under the wartime premiership of McKell from 1941- 47, the parliament was conducted in a spirit of cooperation. This was exemplified through the abandonment of the gag and the guillotine during this period. After McKell retired, and the extraordinary circumstances of the war years had passed, the gag and the guillotine were reintroduced and parliament returned to its normal adversarial practices under the Westminster system.<sup>282</sup>

The “gag” or closure is the motion “that the question is now put”. If the motion is passed by at least thirty members then the current debate is terminated and it is voted on immediately. The guillotine is similar except that it applies to the whole current business being discussed not just the current motion. In order to activate the guillotine the Premier or a Minister is required to give notice on an earlier sitting day as to the time and the stage of the bill that the guillotine will be applied. The number of times the respective Labor

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<sup>280</sup> *Cabinet Papers*, 23 May 1967, SUBJECT: Public Service Long Service Leave Amendment Bill. DECISION: Approval was given to the Cabinet Minute of the Minister for Labour and Industry in relation to this matter as outlined in his Cabinet Minute dated 18 May 1967.

<sup>281</sup> *Cabinet Papers*, 30 November 1965, SUBJECT: Proposed amendments of the Long Service Act, 1955-1963, and the Long Service Leave (Metalliferous Mining Industry) Act, 1963. DECISION: Approval was given to the Preparation of a Bill to give effect the Proposals set out in the Cabinet Minute of the Minister for Labour and Industry on the subject dated the 26 November, 1965.

<sup>282</sup> Clune and Griffith, *Decision and Deliberation*, pp.360-374.

Governments used the “gag” between 1947 and 1965 ranged between 55 (1962-1965) and 83 (1953-1956) with a mean of 66. The range for the Coalition Government between 1965 and 1976 was 104 (1973-1976) to 132 (1968-1971), with a mean of 116.<sup>283</sup>

As the statistics illustrate Askin revelled in this environment, and became a master of the precedent of the “winner takes all” style of politics established by the ALP governments after McKell. He had no compunction about the ruthless use of the gag and the guillotine or brokering a deal with the independent members in the Legislative Council. Askin’s “attitude was that he was going to mete out to the ALP the treatment it had given him – with interest”.<sup>284</sup> Through this mastery, he was able to dominate the Legislative Assembly and manipulate the Legislative Council.

### **3.14 Local Government**

The Local Government Amendment Bill introduced by the Askin Government honoured an election promise to address the legislative anomalies which placed an unfair burden on the rate-payer. Local councils were invested with the power to waive rates in cases of hardship and lend money to sporting clubs.<sup>285</sup> However, the Government went beyond its election platform when it introduced two new bills into the parliament in an attempt to wrench control of the Sydney City Council and the Sydney County Council from the ALP. Subsequently, both of these bills were defeated in the Legislative Council in the second session of Parliament.<sup>286</sup>

The ALP had enjoyed control of the Sydney City Council since 1949 when it had altered the boundaries. The Lord Mayor had consistently been a member of the ALP from 1949 and in 1965, 13 of the 20 aldermen were from

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<sup>283</sup> Clune and Griffith, *Decision and Deliberation*, p.430.

<sup>284</sup> *ibid*, p.429.

<sup>285</sup> *Cabinet Papers*, 6 Jul 1965, SUBJECT: A letter from the Premier dated 8 July 1965 stated that the Cabinet agreed at the Cabinet Meeting on 6 July 1965 to the provisions with variations of the Cabinet Minute of the Minister for Local Government dated, 1 June 1965.

<sup>286</sup> ‘Australian Political Chronicle September-December 1965’, *AJPH*, Vol.12, No.1, p.83.



the ALP. This deep-rooted control of the Council by the ALP had been a bane to Morton and captains of business since Morton had been leader of the opposition in the 1950s.<sup>287</sup> Morton, the Minister for Local Government, condemned it as “a democracy of the worst kind because it hides behind the skirts of democracy”.<sup>288</sup> It is worth noting that a key criticism of Morton’s leadership when he was leader of the LP was his lack of commitment due to his business interests.

Morton’s agenda became clear immediately after the 1965 election. The Government announced on 20 May 1965 that a commission consisting of three members of the Government Boundaries Commission would conduct an inquiry into the ward structure of the Sydney City Council. The terms of reference focussed on whether the existing division of wards in the city should be altered, abolished or retained: if altered, the Commission was required to recommend an alternative structure. Then, on 21 July 1965, the Government reduced the allocation of loans to the Sydney City Council from £400,000 to £100,000. Morton defended the decision and the accusation that it was politically motivated on the grounds that the Sydney Council had an accumulated loan facility of more than £1,000,000.<sup>289</sup>

The Commission reported that the ward system was satisfactory and should be retained. In the Cabinet minutes 2 September 1965, Morton argued that action was necessary in order to implement the 1962 election policy undertaking that the city wards “would be drawn up with strict regard to community of interest”. The cabinet agreed that the matter should be unofficially reviewed by the full board of the Government Boundaries Commission. It is significant that the Liberals lost the 1962 election and that Morton conceded that it was omitted from the 1965 policy speech.<sup>290</sup> This

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<sup>287</sup> *SMH*, 21 May 1965, p.1.

<sup>288</sup> *SMH*, 28 September 1967, p. 2.

<sup>289</sup> ‘Australian Political Chronicle January-August 1966’, *AJPH*, Vol.12, No.3, p.374.

<sup>290</sup> *Cabinet Papers*, 21 September 1965, SUBJECT: Boundaries of the City of Sydney. DECISION: Approval was given to the proposals in relation to this matter as set out in the Cabinet Minute of the Minister for Local Government dated 10 September, 1965.

raised the question as to whether the Government had a clear mandate to alter the boundaries.

Morton's plan for the alteration of the boundaries gained impetus when the Commission suggested that the boundaries should be modified. However, when the Cabinet met on 29 March 1966, it failed to approve Morton's recommendations for the necessary legislation to be drafted. Instead the Cabinet resolved that the Government Boundaries Commission report should be tabled in the parliament and that the matter should be resubmitted to Cabinet at a "more desirable time".<sup>291</sup> The boundary changes had not been a policy undertaking at the 1965 election so the Government did not have a mandate, nor did it have the numbers in the Legislative Council. Morton, undeterred by the decision, resubmitted the minute at the next Cabinet meeting on 5 April 1966 with the support of Hughes, and gained approval. Subsequently, when the Government gained control of the Legislative Council in 1967, the complex legislation was ready to be presented to the parliament. It was deemed unnecessary for a press statement to be released regarding the legislation.<sup>292</sup>

The idea of the legislation was to wrest control of the CBD and the industrial areas from the ALP. The ALP was able to retain its control of the City Council because the working-class residents, who were traditional ALP voters, were combined with the CBD and the industrial areas by the existing boundaries which had been drawn up by the ALP Government in 1949. The Local Government (City of Sydney Boundaries) Bill provided that the Labor-controlled City Council was to be dissolved and placed into administration; three Commissioners would administer the council until the election of 20 aldermen who would in turn elect the Lord Mayor; a new municipality of Northcott would be established which would include the working-class

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<sup>291</sup> *Cabinet Papers*, 29 March 1966, SUBJECT: Boundaries of the City of Sydney. DECISION: Cabinet deferred a decision on the recommendation set out in the Cabinet Minute of the Minister for Local Government in relation to this matter in relation to this matter dated the 23 March, 1966.

<sup>292</sup> *Cabinet Papers*, 5 April 1966, SUBJECT: Boundaries of the city of Sydney. DECISION: Approval was given to the recommendations of the Minister for Local Government in relation to this matter as set out in his Cabinet Minute dated the 23 March, 1966.

suburbs of Redfern, Newtown and Alexandria; the new city area was reduced from 11 to 5 square miles and included Circular Quay to Chippendale and Pyrmont to Darlinghurst and Moore Park. The parts of the city outside Northcott and the new city area would be absorbed by the neighbouring municipalities of Woollahra, Leichhardt and Marrickville.<sup>293</sup>

The bill was premised on what Morton claimed was gross inefficiency and mismanagement of rate payers' funds. It was met with outrage from members of the Local Government Association, council workers and the ALP. The ALP touted the bill as "the most controversial and publicised issue in NSW politics in the second half of 1967".<sup>294</sup> This culminated in a demonstration of some 2000 council employees on the steps of Parliament House during the second reading of the Bill.<sup>295</sup>

The ALP vigorously opposed the Bill in parliament. The Opposition brought about 17 divisions until the Government terminated the debate with the gag.<sup>296</sup> The debate in the Legislative Council extended through four late-night sittings, but the Opposition's hopes of defeating the Bill were dashed when the five independent members voted with the Government. The independents had agreed to vote as a block on all major Government legislation; in return, the Government had agreed to allow each independent member to be replaced with another independent if they left the parliament due to death or retirement.<sup>297</sup>

Hancock's view of the manoeuvre was that "Like governments which preceded and came after it, Askin's cabinet fiddled with the boundaries of the City of Sydney in order to ensure that the elected council mirrored its own politics".<sup>298</sup> O'Hara, political correspondent for the *SMH*, found the indignation

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<sup>293</sup> 'Australian Political Chronicle September-December 1967', *AJPH*, Vol.14, No.1, p.117.

<sup>294</sup> 'Australian Political Chronicle September-December 1967', *AJPH*, Vol.14, No.1, p.116.

<sup>295</sup> *SMH*, 21 September 1967, p.1.

<sup>296</sup> 'Australian Political Chronicle September-December 1967', *AJPH*, Vol.14, No.1, p.117.

<sup>297</sup> *SMH*, 28 September 1967, p.1.

<sup>298</sup> Ian Hancock, 'Askin, Robin', *The Premiers of New South Wales 1856-2005, Volume 2, 1901-2005*, Clune and Turner (eds.), p.355.

expressed by the government towards the system of local government, which allowed the majority of the Labor aldermen to hamstring the minority, was hypocritical. He claimed that the system used in local government decision-making was the same as that of the cabinet.<sup>299</sup> O'Hara suggested that the legislation was motivated by a "spirit of vendetta". He was convinced on "good authority" that the majority of cabinet members had reservations as to whether the Government had a mandate. O'Hara's hypothesis was that Morton and Hughes had dictated to the Cabinet in order to gain approval of the legislation. In hindsight this appears plausible. At the Cabinet meeting on 29 March 1966 the proposal was rejected, only to be accepted at the next cabinet meeting on April 5 1966. According to O'Hara, this was a result of the strong support for the Bill by Hughes. O'Hara argued that it was imprudent for a Minister to interfere in the field of expertise of another Minister. This practice invited repercussions when the offending minister presented his own proposals. Hughes had first-hand knowledge of local government in his role as Mayor of Armidale from 1954-56; so in this case it was two ministers to be taken on. O'Hara also intimated at the time that Morton had prepared the legislation in advance, which enabled him instantly to strike the moment the way was clear in the Legislative Council. The correctness of O'Hara's suggestion is clearly revealed by the Cabinet Papers.<sup>300</sup>

Askin was here largely following a precedent set by the previous Labor Governments in order to gain a political advantage. Even though some of the Cabinet members had reservations over the mandate question and were anxious over the controversy that would arise, the result was that it eliminated Labor opposition at the local government level, thereby alleviating an inconvenience to Government. Askin allowed the process to take its course and agreed to the arrangement with the independents, allowing them to be

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<sup>299</sup> *SMH*, 28 September 1967, p.2.

<sup>300</sup> *Cabinet Papers*, 29 March 1966, SUBJECT: Boundaries of the City of Sydney. DECISION: Cabinet deferred a decision on the recommendation set out in the Cabinet Minute of the Minister for Local Government in relation to this matter in relation to this matter dated the 23 March, 1966; *Cabinet Papers*, 5 April 1966, SUBJECT: Boundaries of the city of Sydney. DECISION: Approval was given to the recommendations of the Minister for Local Government in relation to this matter as set out in his Cabinet Minute dated the 23 March, 1966.

replaced on death or retirement with another independent in return for passing the bill. In Askin's mind, it was obviously worth the fuss.

### 3.15 The 1968 Election

During his first term in office, Askin had delivered three consecutive budget deficits. This forced him to abandon his modus operandi and break election promises by increasing fares, taxes and medical costs.<sup>301</sup> However, it was reasonable for Askin to argue for his absolution on the grounds of mitigating circumstances. His government had inherited a deficit from Labor offset by projected increases in mineral royalties which failed to materialise. In the context of the severe drought, the dramatic fall in mineral prices, the stringency of the Commonwealth's financial agreements, in addition to the 1965 election promises, deficit financing was inevitable.<sup>302</sup>

After Askin's "baptism of fire" at his first Premiers' Conference in 1965, he evolved into a formidable warrior in his quest for a more equitable share of Commonwealth revenue. Headlines such as "NSW best of loan allocations" certainly demonstrated to the electorate that he was diligent in his efforts.<sup>303</sup> A boost in Commonwealth finance proved a crucial fillip for Askin in the 1968 state election. After the presumed death of Prime Minister Holt in December 1967, Askin was instrumental in the selection of John Gorton as Prime Minister. Askin believed that Gorton was "determined to see that the federal system works effectively".<sup>304</sup> After extensive face-to-face meetings with the new prime minister and telephone conferences with the other state premiers, Askin secured a Commonwealth grant for NSW, Victoria, South Australia and Queensland. This enabled him to announce immediately that \$5.1m would be offset against the deficit of \$6.0m, while the \$6.35m loan allocation would be used to extend the water and sewerage works, which had been an item of special interest for Askin since he had entered parliament.<sup>305</sup> This largesse gilded the pathway for Askin's success in the election on 24 February 1968.

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<sup>301</sup> Dempsey, '1968', *The People's Choice*, p.4.

<sup>302</sup> *SMH*, 28 September 1967, p.8.

<sup>303</sup> *SMH*, 18 June 1966, p.1.

<sup>304</sup> *SMH*, 22 January 1968, p.4.

<sup>305</sup> *SMH*, 19 February 1968, p.8.

The general consensus of the commentariat was that the election campaign was uneventful. The major issues were housing, education, support for all rural communities in the wake of the drought, and family benefits.<sup>306</sup> The state aid issue had been settled, with Askin declaring that “reasonable aid to independent schools is now a generally accepted principle”.<sup>307</sup> In contrast to the controversy of the 1965 election, where Askin capitalised on the ALP’s indecision on the state aid question, the 1968 election resembled an auction between Askin and Renshaw. The typical rhetoric exchanged by the two leaders was exemplified when Renshaw stated that the three budget deficits were evidence of Askin’s mismanagement. Askin quickly retorted and laid the blame on the burden of the deficit that he had inherited from the ALP.<sup>308</sup>

At the time of the 1968 election, the Vietnam factor overshadowed domestic politics. The Australian commitment to the war effort had been substantial. The media coverage was dominated by the imminent threat of the fall of Saigon to the communists, which jeopardised the chances of the US-led alliance winning the war. The sense of crisis was such that all political parties involved in the state election had difficulty in gaining media coverage.<sup>309</sup> Askin capitalised on the anxious state of the electorate by reassuring it that NSW was in steady hands. He adopted the mantra “don’t rock the boat too much when it is on an even keel”. Askin consistently maintained a high profile as Premier throughout the campaign by reminding voters that the Coalition was the government and not just a party contesting an election. This message was reinforced by increasing the number of press releases in a business-as-usual mode by his ministers throughout the campaign.<sup>310</sup>

Askin also appealed to a sentiment commonly found among voters that one three-year term is an unreasonably short time for a Government to implement its platform, except in the case of gross mismanagement or ineptitude. The editorial in the *SMH* concurred with Askin, on the premise that

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<sup>306</sup> ‘Australian Political Chronicle January-April 1968’, *AJPH*, Vol.14, No.2, p.246.

<sup>307</sup> Dempsey, ‘1968’, *The People’s Choice*, p.4.

<sup>308</sup> ‘Australian Political Chronicle January-April 1968’, *AJPH*, Vol.14, No.2, p.246.

<sup>309</sup> Dempsey, ‘1968’, *The People’s Choice*, p.4.

<sup>310</sup> Dempsey, ‘1968’, *The People’s Choice*, p.21.

the Government had proved efficient, sensible, fair and still demonstrated a zeal for reform, especially with regard to the work of the Attorney General Maddison and the Justice Minister McCaw.<sup>311</sup>

Postal voting had been eliminated in NSW by the ALP in 1949. It usually favoured the Coalition and it was reinstated by the Askin Government in 1965. During the election, Willis constantly reminded voters that this facility was available.<sup>312</sup> The redistribution of the electoral districts in 1966 was viewed as inequitable and unfair by the ALP. However, according to the Electoral Commission, the bias of 0.122% towards the ALP in 1965 was more than the pro-Coalition bias of 0.094% after the 1966 redistribution<sup>313</sup>

The most significant outcome regarding voting patterns at the 1968 election was the strong personal vote for the sitting members. On the evidence gathered by Malcolm Mackerras, this was higher than at any other NSW state election to that time. There was a swing of 2.2% to the coalition in rural areas with an overall swing of 0.9% which indicates that the voters regarded the performance of the Government as satisfactory. The swing in the country was variable, with no evidence of a general pattern. For example, Tenterfield and Lismore returned to their CP roots after extraordinary in-roads into the CP vote by ALP and Independent candidates over local issues in 1962 which carried over in 1965. Goulburn and Murrumbidgee were typical of personal voting for the sitting members, namely R.W. Brewer (CP) and A.J. Grassby (ALP) respectively.<sup>314</sup>

The election result was a resounding victory for Askin and his Government. Overall, the Coalition majority moved from 4 seats to 14 seats with the LP winning 3 existing ALP held seats and 2 of the newly created seats. There was no net change with regard to independents: Darby, the independent for Manly, returned to the LP and J.A. Lawson, the CP member

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<sup>311</sup> *SMH*, 20 February 1968, p.1.

<sup>312</sup> Dempsey, '1968', *The People's Choice*, p.10.

<sup>313</sup> Dempsey, '1968', *The People's Choice*, p.9.

<sup>314</sup> Malcolm Mackerras, *NSW Elections*, Canberra, 1973, p.184.



for Murray, stood as an Independent and was elected.<sup>315</sup> Askin now enjoyed control of both Houses which ensured him a much easier path in prosecuting his Government's commitments and reform agenda.

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Askin's leadership was fundamental to the resounding victory that the Coalition enjoyed at the 1968 election. Despite the shortcomings in relation to the Teachers' Federation and some hostile fallout from the new state referendum, Askin's successful leadership during his first term in office was a tribute to his temperament, which dovetailed naturally with the identified four tenets which underpinned his art of politics.

In summary, Askin respected the needs of voters by attempting to honour his election promises. When this was unachievable, in the case of higher taxes, he blamed the Federal government. In other cases, he navigated his way around the issue by an innovative political manoeuvre or burying the issue in a royal commission or parliamentary inquiry. Askin conducted a consultative and collegial Cabinet. He recognised the needs and aspirations of the CP and his party members and appointed the portfolios accordingly. Askin also took advantage of Gorton's political ambition to bolster his own electoral position. He also demonstrated his strength of leadership through his tenacious efforts in protecting the sovereignty of NSW. This was demonstrated in his ability to adapt to the confrontational environment of the Premiers' Conference and Loan Council meeting where he became a formidable force in securing the best outcome for NSW. After the election the likelihood of the Coalition becoming a long-term government was a tribute to Askin's leadership.

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<sup>315</sup> Dempsey, '1968', *The People's Choice*, p.32.

## Chapter 4 – 1968 to 1971

The fourteen-seat majority that the Askin Government enjoyed at the beginning of its second term was the second largest of any government since the 1947 election. Considering that NSW was touted as a Labor state, this was almost equivalent to a landslide for Askin. During the second half of 1969, the Government was able to luxuriate in the temporary national endorsement of the LP. The LP governed in coalition or in other ways, at the Federal level, and in all the states. This altered the tenor of the government. Instead of capitalising on fortune, Askin discarded his proven art of politics for hubris. This was clearly displayed by his misguided 'run over the bastards' episode and when he "declared himself in favour of free enterprise and state aid to private schools and against sit-ins, pornography, abortion, homosexuality and the Vietcong".<sup>1</sup> It was also reflected in the proposed controversial legislation. The amendments to the *Parliamentary Electorates and Election Act* served as a trigger for the redistribution of the electoral boundaries which alleviated the Government's boundary disadvantage. The law-and-order reform legislation was embedded in conservatism and it will be argued that it was out of touch with the electorate. It was concerned with student demonstrations, dissident conscripts, pornography, strikes and the need for harsher penalties for vagrants, prostitutes, beggars and fortune tellers. It also contained ambiguous overtones regarding abortion and homosexual law reforms.<sup>2</sup>

At the time of the Georges River by-election, on 9 September 1970, the impact of the progressive social movements had taken effect. Askin campaigned on the proposed law and order legislation which resulted in a disastrous loss. However, the by-election was pivotal to the Askin government winning the 1971 election because it prompted Askin to return to his art of politics which had been fundamental to his successful leadership. This about-face proved vital to the Government's survival in 1971. There is no doubt that hubris was electorally deleterious to the Government. Nevertheless, the

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<sup>1</sup> Horne, *A Time Of Hope*, p.56.

<sup>2</sup> 'Australian Political Chronicle May-August 1970', *AJPH*, Vol.16, No.3, p.401.

Government implemented significant reforms. It remained stable, responsible and endeavoured to deliver on its election promises. This will be discussed in the context of the Government's legislation and relevant events such as the Moratorium marches and the Georges River by-election.

#### **4.1 The 42nd Parliament**

The first session of the 42<sup>nd</sup> Parliament opened on 26 March 1968 and was prorogued on 22 May 1968. The short session was the usual practice after an election. Ellis was re-elected as Speaker. The Government enacted 26 bills carried over from the previous session. It also introduced 15 new bills although in a different format first employed in the 41<sup>st</sup> parliament.<sup>3</sup>

The second session, which was opened on 7 August 1968, ran for nine months and was prorogued on 7 May 1969. At the beginning of the second session the members of both houses were summoned by the Governor to the Legislative Council to "consider important matters directed to the progress of the state and the welfare of its people". In his address the Governor informed the Parliament that the drought had eased during the 1967-68 financial year but there had been an impact on the economy. Although the wheat crop had been substantial it was well below the record level of 1966 with some areas still experiencing drought conditions. However, the state was able to look forward to a "bumper" crop in 1968, on account of record plantings due to the good rainfall.<sup>4</sup> The Governor was pleased to inform the members that the Government had finished the year with a modest surplus due to a special Federal Government grant on account of the drought. Improved business conditions had also had a positive impact. The Governor then left the parliament to discharge its duties.

The third and final session of the 42<sup>nd</sup> Parliament opened on 6 August 1969 and ran for five months until it was dissolved on 13 January 1971. The most significant announcement in the Governor's address was the

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<sup>3</sup> 'Australian Political Chronicle January-April 1968', *AJPH*, Vol. 14, No. 2, p. 248.

<sup>4</sup> *NSW LA PD, Session 1969-70, 6 August 1969*, pp. 1-6.

controversial *Summary Offences Bill*, which was to replace the *Vagrancy Act* and amend the *Police Offences Act*. The Government also sought the authority of parliament to hold a referendum on the question of Sunday trading.<sup>5</sup>

Askin's Ministry was sworn in at Government House on 5 March 1968. There was only one change which was indicative of Askin's sound judgement. Geoff Crawford replaced Bill Chaffey as the Minister for Agriculture. Bill Chaffey was the son of Frank Chaffey, a farmer and the MLA for Tamworth. Bill Chaffey won the seat of Tamworth for the United Australia Party at a by-election in 1940 after the death of his father. He enlisted in the Australian Infantry Force in 1941 and served until the end of the war.

The agricultural portfolio was the responsibility of the CP and therefore the decision was made by Cutler. Bill Chaffey had a drinking problem and Cutler was obliged to counsel him on several occasions during the first term. Chaffey had become too much of a risk, so Cutler replaced him. The Country Party leader emphasised that he was disconcerted at having to lecture Chaffey over his drinking habits, considering he was not himself shy when it came to drinking alcohol himself. Cutler had been in the army with Chaffey and found the decision, and its execution, the "saddest" experience of his political career. Subsequently Chaffey resigned and became the independent member for Tamworth.<sup>6</sup>

It was a fillip for the CP on 9 July 1968 when Askin, contrary to tradition, supported the CP MLC John Fuller as Government leader in the Legislative Council. This was considered the property of the LP because they were the senior partner in the coalition.<sup>7</sup> Fuller replaced Arthur Bridges, the former LP Minister for Child and Social Welfare, and leader of the LP in the Legislative Council, who died on 23 May 1968. Stanley L. Eskill was the newly elected LP leader in the Legislative Council. This was the second time

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<sup>5</sup> *NSW LA PD, Session 1969-70*, 6 August 1969, pp.1-6.

<sup>6</sup> Davey, *The Nationals*, Sydney, 2006, p.192.

<sup>7</sup> *SMH*, 2 July 1968, p.5.

Askin had supported a CP nomination in the Legislative Council and demonstrated the strength of the relationship between the coalition partners or, at least, between Askin and Cutler. Askin had previously been emphatic that Harry Budd would be the coalition nominee for President of the Legislative Council, after the death in May 1966 of William E. Dixon, the ALP President of the Legislative Council. Askin displayed his strength of leadership to his peers when he showed no compunction in favouring capability over party allegiance.

Askin's decision to support Fuller was also based on Fuller's ability and experience in navigating legislation through the Legislative Council. There is little doubt that the rivalry and dissension amongst the LP members in the Legislative Council affected Askin's judgement. Eskill's successful bid for the leadership was a gruelling, grudging battle and represented a changing of the old guard.<sup>8</sup> (The old guard consisted of long serving LP members of the Legislative Council who had become unsettled by the ambitious young members that included Eskill.) There was supposedly an attempt to pressure Askin to appoint Eskill to the cabinet after the death of Bridges who had been part of the old guard. Eskill probably knew, on Askin's track record, that he had no possibility of being appointed to the cabinet. Eskill made himself unavailable by taking up an army appointment as Commander of the 2<sup>nd</sup> Division of the Eastern Command. Instead, Askin appointed Frederick Hewitt, who was one of the old guard, which proved to be a perceptive judgement, in so far as it appeared to quell the antagonism between the old guard and the younger LP members of the Legislative Council.<sup>9</sup>

## 4.2 Health

In the LP policy speech at the 1968 election, Askin committed to continue to address the "shortage of hospital beds both in the city and the country".<sup>10</sup> This

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<sup>8</sup> *SMH*, 8 August 1968, p.4.

<sup>9</sup> *SMH*, 31 August 1968, p.6.

<sup>10</sup> '1968 election policy speech' delivered by R.W. Askin, *The Australian Liberal*, Vol.11, No.4, February 1968, p.10.

was forthcoming by implementing some of the recommendations of the committee established under the chairman of Dr K.W. Starr to examine the report of the Public Service Board research division into the state hospital service. The committee had been established in 1965 and became known as the Starr Committee and hence, the Starr Report. In accordance with the recommendations, the Department of Health, the Health Commission and the Ambulance Transport System were to be brought under the control of the Minister for Health. The aim was to co-ordinate the administration and avoid the duplication of expenditure.<sup>11</sup> The Government also adopted the scheme for regionalisation of the public hospitals. A pilot scheme had been successfully implemented in the Riverina region and Cabinet had approved plans for the scheme to be introduced into the Western region.<sup>12</sup>

The Minister for Health, Harry Jago, acted on the recommendation in the report on drug abuse, that he had commissioned from the Department of Health. The report highlighted the massive social, medical and financial burden posed by drug addiction. The report was furnished in the form of a "Plan for a Drug Dependence service in NSW". Jago was responding to the concern of a bewildered public over a problem that was accelerating, and which they found difficult to fathom. As a result the cabinet approved Jago's proposal. An assistant state director of the psychiatric service was appointed to oversee the drug dependency service, the service for alcoholism and the forensic psychiatric service. An adolescent psychiatric inpatient unit was to be established as well as a unit for drug-dependent adults. Youth education programs were to be devised along with an increase in counsellors specialising in drug dependency and alcoholism. Easy access to counsellors,

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<sup>11</sup> *Cabinet Papers*, 2 April 1968, SUBJECT: Organisation of Health Services. DECISION: The proposals of the Minister for Health, as set out in his Cabinet Minute, dated the 20 march, 1968, relating to this matter.

<sup>12</sup> *Cabinet Papers*, 2 April 1968, SUBJECT: Regionalization of public Hospitals. DECISION: The proposal of the Minister for Health, as set out in his Cabinet Minute, dated the 20 March, 1968, relating to this matter, was endorsed.

assessments and treatments for drug dependent persons was provided by setting up an inner city mental clinic.<sup>13</sup>

The legislation relating to health reform and drug abuse was an example of good governance in so far as the government took the initiative and directly responded to the needs of the public, and this was viewed with general approval. However, this was not the case with the legislation concerning the health dangers relating to cigarette smoking and the relocation of Sydney Hospital to Parramatta. Jago dithered and the Cabinet procrastinated over the cigarette smoking legislation, while Askin's political instincts, underscored by his temperament and tactics, shone, as he orchestrated the Sydney Hospital affair from the Premier's office and shepherded Jago through the political quagmire.

The modern anti-smoking campaign began in the UK and the US in 1950 after a new epidemiological research linked cancer directly to smoking. This set in train a protracted battle between the medical profession and the tobacco companies.<sup>14</sup> The medical profession in Australia began to lobby the Commonwealth Government in 1958, after the UK Health Ministry warned of the dangers. They ramped up the pressure after the landmark report by the College of Physicians in the UK in 1962 and the US Surgeon General's report in 1964, by which time the dangers of smoking had become orthodoxy to the medical profession.<sup>15</sup>

The Health Minister's proposal for the cigarette smoking legislation in NSW was first brought to the attention of the cabinet on 2 June 1969. This was in response to the National Health and Medical Research Council (NHMRC) recommendations that cigarette smoking could be reduced through education programs, warning labels on packets and by regulating the nicotine

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<sup>13</sup> *Cabinet Papers*, 17 November 1970, SUBJECT: Determination of Government policy in respect of services to be provided to combat the problem of drug abuse. DECISION: Approval was given to the recommendations of the Minister for Health in relation to this matter, as set out in his Minute, dated the 12 November, 1970.

<sup>14</sup> Tyrrell, Ian, *Deadly Enemies: Tobacco and its Opponents in Australia*, Sydney, 1999, p161.

<sup>15</sup> *ibid*, p.162.

and tar content.<sup>16</sup> Jago supported the recommendation, but the cabinet passed over deliberation, pending the outcome of the state Health Ministers' conference on 25 July 1969. However, it was May 1972 before the Government reached a decision to endorse warning labels, and legislation was subsequently introduced on 1 January 1973.

At the conference all of the Ministers agreed to introduce legislation requiring that the statement "Warning: smoking is a health hazard" appear on all cigarette packets. For it to be effective, it was decided that the states would introduce their legislation in unison. By the end of 1969, all of the states, except NSW, had drafted their legislation ready to be executed.

After the conference Jago recommended the legislation to the cabinet, but again it deferred a decision. There were concerns that the legislation was an infringement on people's individual liberties. Jago supported this view at a press interview when he commented that people "could knock themselves about if they wanted to".<sup>17</sup> Askin doubted the effectiveness of warnings in the light of the "torrent of television advertising glamorising cigarette smokers".<sup>18</sup> There were also concerns that the tobacco companies were entitled to the same rights as other organizations. In question time, Jago made it clear to the parliament that he was not anxious to favour the interests of the tobacco companies over the health of the citizens.<sup>19</sup> He later prosecuted the argument that curtailing cigarette advertising on television and radio, which came under the jurisdiction of the Commonwealth, was the most effective action.<sup>20</sup> He thereby placed the onus on the Commonwealth.

Jago changed positions in April 1971 and no longer supported the introduction of warning labels. This prompted Rex Jackson, the ALP member for Heathcote, to question him in parliament over the support the British

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<sup>16</sup> *The Australian*, 20 November 1969, p.2.

<sup>17</sup> *SMH*, 23 July 1969, p.10.

<sup>18</sup> *SMH*, 1 August 1969, p.1.

<sup>19</sup> *NSW LA PD, Session 1968-69*, 6 November 1968, p.2311.

<sup>20</sup> *SMH*, 30 March 1972, p.3; *NSW LA PD, Session 1971-72*, 8 September 1971, p.839.



Tobacco Co. had given the Government at the 1968 election.<sup>21</sup> Jago ignored the question and stated that the matter rested with the Federal Government's responsibility to curtail advertising under the Broadcasting Act. He informed the parliament that the Federal Government's decision was influenced by the \$230 million collected in excise and the \$12 million from media advertising.<sup>22</sup> In actuality, the NSW Government had no intention of acting before the Commonwealth Government.

In their extensive research into tobacco regulation, Clare Hooker, Stacy Carter and Simon Chapman utilised internal tobacco industry documents as their primary sources. They concluded that, in the early 1970s, all major political parties received substantial funds for their election campaigns and that Phillip Morris had successfully lobbied Askin to block the warning legislation, and protected the government's stalling mode from adverse publicity.<sup>23</sup> They achieved this outcome by using their large advertising expenditure as leverage to exert pressure on the media moguls.<sup>24</sup> However, by March 1972 Phillip Morris's borrowed time had expired. Jago changed positions again and supported labelling after the Commonwealth introduced mandatory legislation for all cigarette advertising on television and radio to include health warnings. On 3 May 1972 a joint meeting of all NSW coalition MLAs unanimously voted in favour of the warning labels.<sup>25</sup>

The inaction of the Askin Government was neither inimitable nor extraordinary. The economic impact of the tobacco industry retarded any swift action on the part of governments. All Australian governments had been reluctant to endorse the recommendations of the medical profession.<sup>26</sup> The multi-national tobacco companies were rated in the top ten of the most

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<sup>21</sup> Rex Jackson the Minister for Corrective Services in the Wran Government was handed down a ten year custodial sentence for corruption in September 1987.

<sup>22</sup> *SMH*, 28 April 1971, p.13.

<sup>23</sup> Chapman, S and Carter, S.M., "Avoid health warnings on all tobacco products for just as long as we can": a history of Australian tobacco industry efforts to avoid, delay and dilute health warnings on cigarettes, *Tobacco Control*, December 2003, Volume 12, suppl 3, p.13-16.

<sup>24</sup> Chapman and Carter, "Avoid health warnings on all tobacco products", p.iii,16.

<sup>25</sup> *SMH*, 3 May 1972, p.8.

<sup>26</sup> Tyrrell, *Deadly Enemies*, p.177.

profitable manufacturing industries, of which seventy per cent were marketed from Sydney.<sup>27</sup> The Commonwealth Government's financial interest was reflected in the tax revenue from sales, manufacturing and advertising of the products. According to the Department of Community Services, the tax revenue peaked at \$900 million per annum in 1975.<sup>28</sup> The impact of the tobacco industry was demonstrated by the CP's influence on the Coalition Government from 1949 to 1973. This ensured that the production of tobacco which was grown in Southern Queensland, WA, and NSW was supported. It was exemplified when the Commonwealth Government in 1965 rejected the Commonwealth Health Department's proposal for public education on the dangers of smoking. The Cabinet only conceded to a voluntary advertising code, in cooperation with the tobacco industry, with the aim of preventing children from being exposed to cigarette advertising.<sup>29</sup> In 1958, the NSW Labor Government's Health Minister, Billy Sheahan, echoed Menzies' praise and recognition of the great benefits that the Tobacco industry contributed to the prosperity of the nation.<sup>30</sup> Even Whitlam altered his election undertaking to ban television advertising after he won the 1972 election. The Whitlam Government continued to subsidise local tobacco growers in the form of a guaranteed buy price and incentives to manufacturers in the form of research grants for "improving the product" and import duty relief incentives where local leaf content of cigarettes sold in Australia exceeded fifty percent;<sup>31</sup> at the same time, revenue allocated to the anti-smoking campaigns was less than half that provided for subsidies.<sup>32</sup>

After, the *Cigarette (labelling) Act 1973*, Cigarette smoking was not mentioned in the NSW Parliament again until 1979.<sup>33</sup> Regulating smoking was

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<sup>27</sup> *SMH*, 21 September 1972, p.21.

<sup>28</sup> This was after the introduction of the national health scheme and the realization of the burden that smoking related illness would have on health expenditure.

<sup>29</sup> Tyrrell, *Deadly Enemies*, p.177.

<sup>30</sup> *ibid*, p.166.

<sup>31</sup> *SMH*, 11 August 1973, p.12 ; *SMH*, 24 July 1973, p.6.

<sup>32</sup> Tyrrell, *Deadly Enemies*, p.185.

<sup>33</sup> Claire Hooker and Simon Chapman, 'Our Youth Must be Protected From Drug Abuse': Talking Tobacco Control in the New South Wales Parliament from the 1960s to the Twenty-first Century, *Health & History*, 2007, Vol.9, No.1, p.116.

not only a low priority for Askin but also for his successors, Neville Wran, Barry Unsworth and Nick Greiner who all considered the immediate administration of the state as more important.<sup>34</sup> The economic effect was always a major concern.

Any decrease in the profitability of the tobacco companies would have led to a greater impost on NSW than the other states. Therefore, Askin was not prepared to commit until the Commonwealth declared its intentions. There is no doubt that the tobacco lobby had a significant influence on the Askin Government's decision. They were able to gain sympathy and time but they were unable to prevent the legislation.<sup>35</sup> The tobacco lobby was countered by the attitude of the electorate. In the early 1970s, 84 percent of Australians supported the warning labels which was reflected in the unanimous vote of the coalition MLAs.<sup>36</sup> Askin spread the responsibility of the decision across all of the coalition MLAs which sent a clear message to the tobacco industry that the unanimity of the decision represented the attitude of the electorate and that he was no longer able to stall the legislation. This probably helped shore up the support of the tobacco industry at the next election.

The Government's bold decision to transfer Sydney Hospital to Parramatta proved to be far more controversial than the smoking legislation. Due to the rapidly expanding population growth in Western Sydney, Parramatta was forecast to become the demographic centre of the Sydney Metropolitan area. It had become clear that the hospital services were skewed towards the inner city. Although a site for a new Sydney hospital was on the Government's agenda, a television exposé produced by the ABC, which illuminated the deplorable state of Parramatta Hospital, possibly expedited the Government's decision.<sup>37</sup>

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<sup>34</sup> Claire Hooker and Simon Chapman, 'Structural elements in achieving legislative tobacco control in NSW, 1955-95: political reflections and implications', *Australian and New Zealand Journal of Public Health*, 2006, Vol. 30, No.1, p.13.

<sup>35</sup> Hooker and Chapman, 'Structural elements in achieving legislative tobacco control in NSW, p.10-11.

<sup>36</sup> Chapman and Carter, "Avoid health warnings on all tobacco products", p.iii16.

<sup>37</sup> *SMH*, 10 August 1969, p.16.

The viability of Sydney Hospital had been the subject of discussion since 1953 when a Sydney University team of consultants charged with the task of examining the utility of the location of Sydney Hospital recommended that it should be relocated to Parramatta. The historic site which the hospital had occupied since 1811 was too small, the buildings were dilapidated and its facilities were inconvenient at its Macquarie Street location in the CBD. The former Labor Government proposed to move the hospital to the Prince of Wales Hospital at Randwick but this was successfully opposed by the Sydney Hospital Board. On 8 December 1966 the Askin Government had guaranteed the tenure of Sydney Hospital at the Macquarie Street site until 1976.<sup>38</sup> However, at the 1968 election the Sydney Hospital Board became circumspect when Askin intimated that discussions were in process to find a suitable site for a new modern Sydney hospital.<sup>39</sup>

Consequently, the Sydney Hospital Board was invited to submit a memorandum detailing their views and ideas for a new Sydney hospital. They proposed a 1200 bed hospital to be built within the CBD, either on the old markets site at Haymarket or the St Patrick's church site in the Rocks area. They also recommended that the Sydney Eye Hospital, which was under their control, be relocated from Woolloomooloo to the same site. A decision was reached at the Cabinet meeting 30 July 1968. This was in response to Askin's undertaking to the Board on 30 April 1968 that a decision would be reached before the second session of parliament.<sup>40</sup>

The Cabinet agreed to Jago's proposal to close down both Sydney Hospital and Parramatta Hospital. A modern hospital was to be built at the cost of \$40 million on a suitable site at Westmead. The designated site was the Parramatta showground which was only one mile from the Parramatta

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<sup>38</sup> *Cabinet Papers*, 30 July 1968, SUBJECT Sydney and Parramatta Hospitals. DECISION: The recommendations of the Minister for Health in relation to this matter as set out in the Cabinet Minute dated 15 July, 1968, were approved.

<sup>39</sup> 'Australian Political Chronicle May-August 1968', *AJPH*, Vol.14, No.3, p.420.

<sup>40</sup> *Cabinet Papers*, 30 July 1968, SUBJECT Sydney and Parramatta Hospitals. DECISION: The recommendations of the Minister for Health in relation to this matter as set out in the Cabinet Minute dated 15 July, 1968, were approved.

Hospital. The Sydney Eye Hospital was to be relocated and rebuilt on land allocated for hospital use near Royal Prince Alfred Hospital (RPAH). This location was in close proximity to Sydney University, the CBD and Central Railway Station.<sup>41</sup>

The rationale behind the Government's decision was the increased population and the inadequate health services in Western Sydney. A survey map which was attached to the Cabinet Minute illustrated that there were 12.3 beds per 1000 head of population in the CBD and 6.2 beds in the inner city. This declined to 2.05 in Western Sydney, then 1.9 in the outer West. Western Sydney extended from Hornsby in the north, encompassed Parramatta, Penrith, Blacktown and Liverpool, through to Sutherland in the south.<sup>42</sup> Westmead Hospital would additionally provide improved emergency services in Western Sydney which were identified as unsatisfactory in the NSW Hospitals' Commission study group report.<sup>43</sup>

Finance was also a significant factor behind the Government's decision to close Sydney Hospital. Jago explained to the press that during the financial year 1968-69 the Government could only provide \$20 million when approximately \$200 million was needed for urgent hospital requirements across the state. He reiterated this point when he informed the parliament that the Government lacked the funds to build hospitals in both the inner city and Western Sydney. Jago stated that the reconstruction of Sydney Hospital would cost \$40 million which would impede the hospital building programs in the suburban and regional areas.<sup>44</sup> The Cabinet's initial decision was reaffirmed at a joint party meeting of coalition MLAs who voted unanimously in favour of the relocation.<sup>45</sup>

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<sup>41</sup> *Cabinet Papers*, 30 July 1968, SUBJECT Sydney and Parramatta Hospitals. DECISION: The recommendations of the Minister for Health in relation to this matter as set out in the Cabinet Minute dated 15 July, 1968, were approved.

<sup>42</sup> *Cabinet Papers*, 30 July 1968, Cabinet Minute from the Minister of Health dated 15 July 1968. ADDENDUM No.1, Map 1, Map 2.

<sup>43</sup> *SMH*, 3 October 1969, p.6.

<sup>44</sup> *SMH*, 22 August 1968, p.4. *NSW LA PD, Session 1968-69, 6 August 1968*, pp.470-472.

<sup>45</sup> *SMH*, 13 August 1968, p.4.

The Westmead hospital was crucial to the Government's long term plan. The suggestion of 1200 extra beds for the CBD was unacceptable. It was contrary to the plans to develop Royal North Shore Hospital at Gore Hill, and the Mater Misericordiae Hospital at Crows Nest, both of which were within a ten kilometre distance from the CBD, and St. Vincent's Hospital and Royal Prince Alfred Hospital on the fringe of the CBD. The improvement of facilities in these centrally located hospitals was intended to compensate for the relocation of Sydney Hospital.<sup>46</sup>

The Government's long-term hospital plan was hinged on Sydney University agreeing to Westmead. It was vital, therefore that the negotiations with the protagonists, namely Sydney University, The Sydney Hospital Board and Parramatta Hospital, were carefully finessed. However, Jago's monumental blunder shattered this prerequisite and instead he took on the role as provocateur. The Cabinet decision had leaked to the press before he had consulted with the key organisations. Jago then inflamed their fury by not expressing any regret for the lack of consultation. His only regret was that he did not convey the *fait accompli* before it reached the public arena.<sup>47</sup> This was considered an affront by the Sydney Hospital Board because the Board had in place a full-time standing committee which had been developing plans for a new Sydney Hospital for the previous three years. Jago's actions generated a flurry of publicity when Dr Richie, the chairman of the Sydney Hospital Board, held a press conference which was "packed to the rafters" with journalists.<sup>48</sup> As a result, those who opposed the closure were galvanised in the support of Richie, which culminated in the formation of the Save Sydney Hospital Welfare Committee.<sup>49</sup> What Jago considered as "opposition" in his Cabinet Minute erupted into an adversarial contest between him and the Hospital Board.<sup>50</sup>

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<sup>46</sup> Mater Misericordiae (latin: "Mother of Mercy") Hospital; *Cabinet Papers*, 30 July 1968.

<sup>47</sup> *SMH*, 10 August 1968, p.16.

<sup>48</sup> *SMH*, 2 August 1968, p.8.

<sup>49</sup> *SMH*, 2 August 1968, p.8.

<sup>50</sup> *Cabinet Papers*, 30 July 1968, Cabinet Minute – Sydney and Parramatta Hospitals (The Hon. A. H. Jago), p.1.

Jago's debacle and the public reaction took the Government by surprise and created a situation that required a delicate balancing act. The Government's strategy was to prosecute its case by capitalising on the media coverage and turning the publicity to its advantage. The Parramatta Hospital Board had warmly endorsed the Westmead proposal. This enabled Jago to set the stage and create a dichotomy between Western Sydney and the inner city by illuminating the disparity between their respective health services. He then exploited this by highlighting the Government's support for the utility of the Westmead proposal over the sentimental argument for retaining a dilapidated and outmoded historic relic. Before the government's plan could be satisfactorily executed, it was essential that Sydney University agree to abandon Sydney Hospital in favour of Westmead as its major teaching hospital. The government also required Sydney Hospital to relocate its teaching facilities to Westmead. While these decisions were being deliberated by Sydney Hospital and Sydney University, Jago courted and exploited the media at every opportunity.

The publicity became a boon for the government. At a media inspection of the 235 acre Westmead site, Jago elevated the pressure on the University and Sydney Hospital by unreservedly declaring that the 1200 bed hospital would be built regardless of the protagonists' decisions. In support of the Westmead project, he relished in the opportunity of having the media on hand to show them the deplorable condition of Parramatta Hospital.<sup>51</sup> At a media excursion illustrating the appalling condition of RNSH, Jago claimed that it mirrored many hospitals in NSW. He also took the opportunity to shift any blame for the poor condition of the hospitals away from the NSW Government by portraying it as a result of insufficient funding by the Commonwealth Government. The media coverage at the opening ceremonies of the \$560,000 Mater Hospital upgrade, the expansion of the casualty department at the Prince of Wales and the redevelopment of St. Vincent's demonstrated that the redevelopment program for hospitals within 10 kilometres from the CBD was coming to fruition.<sup>52</sup>

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<sup>51</sup> *SMH*, 5 October 1968, p.10.

<sup>52</sup> *SMH*, 21 June 1969, p.12; *SMH*, 25 June 1969, p.12.

During the deliberation period Askin became alarmed after a report to journalists asserted that the Sydney Hospital Board and Sydney University would reject the proposal. The Government was hoping that Sydney University would agree and then Sydney Hospital would follow suit. The Government dismissed the report as unfounded. Nonetheless, Askin, who probably was the architect of the Government's strategy, moved to centre stage. He wrote to Professor B.R. Williams, the Vice-Chancellor of Sydney University, promising that action would be taken to satisfy the requirements of its medical school and teaching hospital facilities. Askin then arranged a meeting between Jago and the Vice-Chancellor.<sup>53</sup> Subsequently, a special committee was established to explore common ground between the University and the Government. The committee negotiated acceptable conditions which were endorsed by the University Senate. This translated into a Government victory in its campaign to build Westmead Hospital.<sup>54</sup> As a result of the Senate decision, The Sydney Hospital Board acquiesced and joined with Sydney University and the State Government under the chairmanship of Professor Williams to plan Westmead Hospital. Jago touted that Westmead Hospital would be "the most modern and comprehensive teaching hospital in Australia."<sup>55</sup>

There is little doubt that at the meeting arranged by Askin between Jago and the Vice-Chancellor that the University came to the conclusion that they were hamstrung. Therefore they had little alternative but to accept the proposed \$40 million teaching hospital at Westmead. The University had lost St. Vincent's to UNSW and Sydney Hospital was unsatisfactory. RPAH was in a dilapidated condition and it was at least five years before the \$50 million development plan could commence. In order to accommodate the immediate needs of Sydney University, in October 1969 Askin acquiesced by honouring the Vice-Chancellor's request to expedite funds for the planned redevelopment project at RNSH. This enabled construction to begin in 1969-

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<sup>53</sup> *SMH*, 24 May 1969, p.12.

<sup>54</sup> *ibid*, 25 October 1969, p.1.

<sup>55</sup> *ibid*, 25 September 1969, p.5.



70 which ensured that clinical places would be available for students already enrolled in their pre-clinical years.<sup>56</sup>

Although the Government won the campaign for Westmead, the fate of Sydney Hospital and the Sydney Eye Hospital hung in the balance. Askin decided pragmatism and acquiescence was the prudent approach towards the Sydney Hospital Board. He was then faced with the dilemma of how Jago would be able to execute this position in light of the antagonism that he had engendered with the Board. Askin's ingenious solution was to send Jago on an overseas ten week sabbatical to investigate the garbage facilities of Great Britain, Denmark, Sweden and the US.<sup>57</sup> Jago assiduously sent a weekly tape recording to his Sydney office with a running commentary of his findings. This was then released to the media, probably for the purpose of legitimising his sojourn.<sup>58</sup> Askin installed the affable and loyal Wal Fife as acting Health Minister, who was able to deliver the desired outcome.

The plan to move Sydney Hospital was scuttled because The Sydney Hospital Board that controlled the Sydney Eye Hospital held approximately \$430,000 in publicly subscribed funds. These funds, according to the original terms and conditions, could only be utilised for the redevelopment of the Woolloomooloo site.<sup>59</sup> Subsequently, the Sydney Eye Hospital remained on the same site with approved plans for a four-stage extension to be completed by 1973. The Government later honoured its 1971 election promise of \$1 million for the project. While Jago was overseas, Fife mended the frayed relationships and the Government agreed to a \$20 million future rebuilding program.<sup>60</sup> The media was informed that the cabinet would not formally agree until Jago returned. In actuality, Jago's agreement was a formality and the wrangle over the Sydney Hospital was left to future state governments.

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<sup>56</sup> *SMH*, 25 October 1969, p.1.

<sup>57</sup> Interview (Paul Loughnan) with Wal Fife, 10 July 2009.

<sup>58</sup> *SMH*, 12 June 1970, p.7.

<sup>59</sup> *SMH*, 2 August 1968, p.1.

<sup>60</sup> Interview (Paul Loughnan) with Wal Fife, 10 July 2009.

Askin's art of politics and his temperament were epitomised in his management of the Sydney Hospital affair. He demonstrated to the voters that he appreciated their needs. The seats encircling the metropolitan area that would benefit from the Westmead Hospital included; Gosford (LP) Hawkesbury(LP), Nepean(LP), Bulli(ALP) and Campbelltown(LP). All of these seats had experienced a swing of between 2.2% and 8.00% to the ALP at the 1968 election.<sup>61</sup> Therefore, support for Westmead Hospital was not only an example of good governance by providing satisfactory medical services to all of these electorates but it was also politically expedient. In contrast, the inner-city electorates affected by the deficit of Sydney Hospital were predominantly ALP seats.

Askin also recognised the needs of his peers. He understood that Jago needed to be shepherded through the maelstrom that he had created rather than being castigated for his blunder. According to Fife, Askin was well aware of Jago's strengths and weaknesses. For example, on the campaign trail during the 1971 election, Askin was informed that one of his ministers was ineligible to contest his seat because he had failed to nominate by the due date. Without prompting, Askin said 'Jago'.<sup>62</sup> Nevertheless, Askin sent Jago overseas ensuring that his authority was not undermined when the Government changed its attitude towards the Sydney Hospital Board. This was reiterated by the media release which indicated that the decisions reached in his absence were subject to his approval. With regard to his wider peer group, all of the coalition MLAs were consulted and given the opportunity to participate in the Westmead decision.

Askin demonstrated acute political acumen in recovering and resolving what could have been a debacle for the Government. He showed flexibility in changing the hospital policy to meet the changing situation. He also demonstrated artful diplomacy in working with the hospital board to find consensus. The adverse publicity was turned into fortune for the Government. This enabled the spotlight for any failing on the part of the NSW Government

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<sup>61</sup> Dempsey, '1968', *The People's Choice*, p.34.

<sup>62</sup> Interview (Paul Loughnan) with Wal Fife, 10 July 2009

to be shifted onto the Commonwealth, while accentuating the State Government's progressive hospital plan. Jago's talent in this field was undoubtedly recognised by Askin. By implementing the redevelopment plan for the hospitals within a 10 kilometre radius of the CBD, Askin created a situation that left Sydney University with little choice but to endorse the Westmead Hospital.

### 4.3 Education

The favourable consideration that the Askin Government enjoyed from the NSW Teachers' Federation after Askin and Cutler had seduced them with the promise of an Education Commission at the 1965 election was brief. Askin informed the Teachers that the Education Review Committee, conveniently set up before the 1968 election, would hand down its decision regarding the fate of the Education Commission in February 1969.<sup>63</sup> By October 1968 it had become clear that they had been duped and the prospect of an Education Commission was unlikely. In response, the Teachers' Federation called a strike and 1200 teachers descended on Parliament House. In the highly charged atmosphere, which attracted widespread publicity, they aired their grievances. The teachers highlighted their low salaries, poor working conditions, the inadequate number of teachers to cope with the increased number of pupils, failure to introduce a three-year training course for primary school teachers, inadequate relief staff, and failure to provide a new Teachers' College and give trainees adequate financial support.

When Askin announced that there would be no Education Commission, the battle lines were drawn. The teachers were further aggravated when the Ridge Committee recommended that only a teachers' advisory board should be established. In response the NSW Teachers' Federation initiated an unrelenting campaign against the Government.<sup>64</sup>

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<sup>63</sup> Sir Norman Ridge, a prominent businessman had been appointed Chairman of the committee, and hence it was known as the Ridge Committee.

<sup>64</sup> 'Australian Political Chronicle September-December 1968', *AJPH*, Vol.15, No.1, p.85; Cabinet Papers 15 April 1969; *The Bulletin*, 29 November 1969, p.32.

The teachers' strike illuminated the political liability of the Government's stance on policy. Askin demonstrated insight and adaptability when he and Cutler assented to some of the teachers' demands, despite the impost on the Government's budget. The teachers' protest was successful insofar as it expedited the introduction of the three-year teacher training course. On 17 July 1968 Cutler had prepared a Cabinet Minute for the approval of the three-year course. This was predicated on the recommendation of the Board of Teacher Education, the NSW Teachers' Federation, the Federation of Parents and Citizens Associations and the Australian College of Education. However, Cutler and Askin heeded the view of the treasury that "until new resources could be tapped" the proposal "needed to be put on hold".<sup>65</sup> Askin again sought the advice of treasury whereby it reiterated its original view in a memorandum dated 2 October 1968. After the teachers' strike on 1 October 1968, the Cabinet Minute dated 17 July 1968 was presented to the Cabinet and subsequently approved on 15 October 1968.<sup>66</sup>

Askin announced on 1 October 1968, the day of the teachers' strike, that the Cabinet had agreed to borrow an extra \$5 million from the Commonwealth to build extra classrooms and schools. The loan was refused but the proposal demonstrated to the teachers the Government's concern and initiative. The issue of relief teachers was addressed in November 1968 with the introduction of an approved list of teachers by the Education Department.<sup>67</sup>

Askin's insight and adaptability might have resonated with the general electorate but it had no impact on the teachers. In light of the duplicity

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<sup>65</sup> *Cabinet Papers*, 15 October 1968, SUBJECT: Proposed extension of period of teacher training to minimum of three years. DECISION: Following consideration of the Cabinet Minute of the Deputy Premier and the Minister for Education and Science dated 17 July 1968 ... it was decided to approve [sic] the extension of the period of teacher training to a minimum of three years.

<sup>66</sup> *Cabinet Papers*, 15 October 1968. See letter from the Deputy Premier and Minister for Education and Science dated 2 October 1968, 67/40930, pp.1-2.

<sup>67</sup> 'Australian Political Chronicle September-December 1968', *AJPH*, Vol. 15, No. 1, p.85.

concerning the Education Commission, nothing could placate the teachers' scorn as they vigorously prosecuted their anti-Government campaign. The ferocity of the campaign was such that Cutler had contemplated resigning from parliament.<sup>68</sup>

It began in earnest at the Lake Macquarie by-election in April 1969. A public relations consultant was hired, their campaign coffers eclipsed the LP's expenditure by 150%, and the extensive media coverage culminated in 400 parents attending the public meeting organised by the Teachers' Federation. The ALP retained the seat with an increased margin but the campaign was a precedent for what the teachers had in store at the 1971 election.<sup>69</sup> Their resolve was strengthened in July 1969 when 30 state-wide meetings were attended by 17,000 teachers. They voted for a \$10.00 levy which provided \$250,000 for their anti-government election campaign.<sup>70</sup>

Askin's gamble with the Education Commission had only short term benefits. The teachers, who were traditional Labor voters, were probably always going to be problematic for a coalition government. At least their hostility was kept at a low ebb when Askin was seeking to win the first election in 1965 and consolidate his position in 1968. But more importantly, when Cutler contemplated resigning, he almost lost his "drinking mate", whose relationship had been vital to the unity of the coalition.

## 4.4 Aborigines

The plight of Aboriginal people remained on the political agenda after the 1967 referendum. At the referendum over 90% of Australians voted for the removal of two references in the constitution that discriminated against Aborigines, and for them to be included in the census. The Askin Government proceeded to improve the lot of Aboriginal people at a glacial pace which was

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<sup>68</sup> Davey, *The Nationals*, Sydney, 2006, p.193.

<sup>69</sup> Don Harwin, '1971', *The People's Choice, Electoral Politics in 20th Century NSW, Volume Three - 1968 to 1999*, Michael Hogan and David Clune (eds.), Sydney, 2001, p.45.

<sup>70</sup> Davey, *The Nationals*, Sydney, 2006, p.193.

in line with the other Australian states. Nonetheless, the *Aborigines Act* was considered a landmark reform. It had received bipartisan support and was the result of the Joint Parliamentary Committee report that was tabled in the NSW Legislative Assembly on 17 September 1967.<sup>71</sup> Eric Willis, Chief Secretary and minister responsible for Aborigines, proclaimed the legislation as the harbinger of a “new era where the emphasis is on independence and self-determination”.<sup>72</sup> Charles Perkins, a prominent Aboriginal activist contended that “the act would mean a big step for Aborigines enabling them to use normal community services”.<sup>73</sup>

The *Aborigines Bill 1968* rescinded all other acts relating to Aborigines and recognised that they had the same status as any citizen. It constituted an Aboriginal Advisory Council that replaced the Aboriginal Welfare Board for the purpose of advising the Minister for Aboriginal Affairs. Nine Aborigines were to be appointed to the Council, of which six were to be elected by the Aboriginal people in a process overseen by the State Electoral Commission. Three of the six were to be from outside the Sydney, Newcastle and Wollongong area. The remaining three councillors, one of whom was to be a woman, were to be appointed by the Minister. The assets of the defunct Board, which were mainly houses and land, were to be transferred to the state Minister for Child Welfare and Social Welfare who was empowered to make them available to the Minister for Aboriginal Affairs upon request. Therefore the Minister, who was privy to the advice of the Aboriginal Advisory Council, had control of Aboriginal housing.<sup>74</sup>

Housing was a critical issue and this was highlighted at the Aborigines Conference held at Sydney University in August 1968. A resolution was passed which claimed that the number of people accommodated in Aboriginal-occupied houses was almost twice that of other Australians. Also,

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<sup>71</sup> *SMH*, 13 September 1967, p.1.

<sup>72</sup> *ibid*, 7 November 1968, p.5.

<sup>73</sup> *ibid*, 19 May 1969, p.5.

<sup>74</sup> *Cabinet Papers*, 5 November 1968, SUBJECT: Aborigines Bill, 1968. DECISION: Approval was given to the provisions of this Bill as outlined in the Cabinet Minute of the Chief Secretary dated the 1 November, 1968.

25-50% of Aboriginal dwellings presented a health risk due to substandard utilities such as water, electricity, drainage, plumbing and sewerage.<sup>75</sup>

The Joint Committee had recommended that the education and housing of Aborigines was to be integrated into the white community. Houses were to be erected on town blocks instead of Aboriginal reserves that were located outside the town boundaries. Patience was required by Willis to enable the attitude of the white residents to adjust to the new paradigm. For example, the *Sun*, reported that “white women wept in south Kempsey yesterday when told seven homes for Aboriginal families would be built in their streets”.<sup>76</sup> One resident lamented, “It’s not that bad when they’re kiddies but you would not want your daughter to marry one of them”. Willis had reduced the number of houses from ten to seven after the affected residents had unsuccessfully appealed to the Aboriginal Welfare Board against the erection of any houses.<sup>77</sup> The *Aborigines Act* set in law the new paradigm that as full citizens, Aborigines could live anywhere. Later, in response to a report that was critical of Government’s lack of action on Aboriginal housing, Willis claimed that the Askin Government had spent \$1,590,000 in the past three years on housing for Aboriginals compared to with \$862,000 during the preceding three of the Labor Government.<sup>78</sup>

Despite the ground-breaking legislation, the Aboriginal question was a low priority for the Askin Government. It was a bipartisan issue and offered limited political capital. This was demonstrated when all the members of the NSW Parliament were invited to attend the Aborigines Conference in August 1968 in order to discuss the Joint Committee Report. Only twenty of the members replied, two accepted and only one attended.<sup>79</sup> In the *States Grant (Aboriginal Advancement) Bill 1970*, the Commonwealth increased its provisions for the states by 40%. NSW was the only state that suffered a reduction in its allocation for the 1969-70 financial year over that of 1968-69.

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<sup>75</sup> *SMH*, 5 August 1968, p.5; *The Bulletin*, 21 March 1970, p.38.

<sup>76</sup> *The Sun*, 29 February 1968.

<sup>77</sup> *The Australian*, 1 January 1968.

<sup>78</sup> *SMH*, 16 July 16, 1968, p.5.

<sup>79</sup> *ibid*, 2 August 1969, p.5.

Education fell by 25%, the grants for employment and regional projects was reduced from \$28,000 to \$2,000 and \$270,000 to \$80,000 respectively, and other purpose grants, excluding housing, were cut from \$535,000 to \$251,000.<sup>80</sup> It is notable that Askin, the consummate champion for a fair share of Commonwealth finance, was silent on these reductions.

## 4.5 Social Reforms

The Askin Government capitalised on its mandate and introduced a raft of significant social reforms. The *Sunday Entertainment Bill*, enacted in the first term, allowed concerts, theatre and films to be enjoyed on Sundays and legalised commercial sporting events already held on Sundays. It was expanded upon by overhauling the liquor laws.<sup>81</sup> The minimum age at which minors could enter into contracts and purchase property was lowered from 21 years to 18 years.<sup>82</sup> Preparations began for the development of the Botany Bay port facilities, Westmead Hospital, and the Cumberland College of Health Sciences. The most notable reforms were in relation to the liquor laws, road safety, consumer protection, the stock market and National Parks.

### Liquor Laws

The liquor act was overhauled to allow alcohol to be sold at the Sydney Opera House and booth licenses to be issued to the Sydney Cricket Ground and the Sydney Sports Ground under the same regulations as Saturday trading.<sup>83</sup>

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<sup>80</sup> *SMH*, 17 November 1970, p.2.

<sup>81</sup> *Cabinet Papers*, 22 February 1966, SUBJECT: Sunday Entertainment Bill. DECISION: Cabinet approved of the provisions of the Sunday Entertainment Bill as drafted, and as outlined in the Chief Secretary's Cabinet Minute dated the 18 February, 1966.

<sup>82</sup> *Cabinet Papers*, 17 March 1970, SUBJECT: Minors (Property and Contracts) Bill, 1970. DECISION: Approval was given to the provisions of the Minors (Property and Contracts) Bill, 1970, as summarised in the Attorney-General's Cabinet Minute dated the 16 March 1970.

<sup>83</sup> *Cabinet Papers*, 5 November 1968, SUBJECT: Recommendation that the Liquor Act be amended to permit of the sale of liquor at the Sydney Opera House. DECISION: Approval was given to the preparation of an amendment of this Liquor Act to give effect to the proposal of the Minister of Justice ... as set out in his Cabinet Minute dated 30 October, 1968; *Cabinet Papers*, 20 May 1969. Minute For



Licensed restaurant hours were standardised and extended: midday to 3pm and 6pm to midnight on Mondays to Saturdays; midday to 3pm and 6pm-9pm on Sundays, Christmas Day and Good Friday. A new category of tavern permit was established in which drinking facilities could be provided without the mandatory co-requisite requirement for accommodation.<sup>84</sup>

The law regarding membership of clubs was relaxed by reducing the minimum age from 21 to 18, but the restrictions on the use of poker machines remained unchanged at 21 years. The government also introduced legislation to place a ceiling on membership numbers.<sup>85</sup> Pat Hills, the Opposition Leader, stated that the ALP did not have a policy on liquor laws but would see what the government proposed.<sup>86</sup> He challenged the Government logic of lowering the age for membership, which would naturally increase membership numbers, while at the same time introducing limits on such numbers. Maddison, the Minister for Justice, who instigated the reform, was convinced that the general public favoured smaller to medium-sized clubs. The legislation subsequently passed into law.<sup>87</sup>

Nonetheless, the Government's proposed legislation to introduce Sunday trading caused the greatest fracas.<sup>88</sup> There were two opposed interest groups.<sup>89</sup> The anti-Sunday trading campaign was organised by temperance groups and church leaders under the banner of the Responsible

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Cabinet – Proposal For Amendment of The Liquor Act. Dated 1 May 1969 and presented by the Minister of justice at the Cabinet meeting on 20 May 1969.

<sup>84</sup> *Cabinet Papers*, 24 February 1970, SUBJECT: Liquor (Amendment) Bill. DECISION: Approval was given to the provisions of the Liquor (Amendment) Bill as drafted and outlined in the Cabinet Minute of the Minister of Justice dated the 18 February, 1970.

<sup>85</sup> *The Bulletin*, 6 October 1969, p.30; *Cabinet Papers*, 13 January 1970, SUBJECT: Proposed amendments to the Liquor Act, 1912. DECISION: Approval was given to the Preparation of a Bill to give effect to the Proposal outlined in the Cabinet Minute, dated 2 January 1970, submitted by the Minister of Justice.

<sup>86</sup> *SMH*, 7 October 1968, p.7.

<sup>87</sup> 'Australian Political Chronicle May-August 1969', *AJPH*, Vol.15, No.3, p.87.

<sup>88</sup> *Cabinet Papers*, 20 May 1969. Minute For Cabinet – Proposal For Amendment of The Liquor Act. Dated 1 May 1969 and presented by the Minister of justice at the Cabinet meeting on 20 May 1969, p.1,3.

<sup>89</sup> *The Bulletin*, 6 December 1969, p.30.

Liquor Reform Committee. They argued that Sunday trading by hotels would increase alcoholism, drunkenness, drink-driving, and ruin the traditional family Sunday. The Australian Hotels Association, which had a vested financial interest, led the affirmative side under the guise of advocating liberal values in a society of changing mores.<sup>90</sup>

On the surface it appeared that the Government was split over the issue and that a “palace revolt” was imminent. The CP MLAs firmly supported the proposal because over 100 country towns in NSW had consistently ignored the Sunday trading laws.<sup>91</sup> The LP MLAs in marginal seats were strongly opposed because of the strength of the anti-Sunday trading sentiment in their electorates.<sup>92</sup> Unbeknown to journalists, who were gleefully sharpening their pencils, and the anti-Sunday trading groups who were tenaciously pressuring the LP MLAs, Askin had an exit option. Although Maddison did not recommend a referendum as an option in his Cabinet Minute, he had indicated that the instrument was available. Maddison had recommended that Sunday trading should be restricted to country regions before it was introduced into metropolitan areas. When the issue became contentious in the extreme, Askin put the matter before a joint party meeting whereby a referendum was unanimously endorsed.<sup>93</sup> It was held on 29 November 1969.

Askin had no intention of allowing the Sunday trading issue to split the Government or to be held to ransom by the antagonists. He was unperturbed by the divisive discourse because the divided electorate justified the expense of another referendum. Askin completely defused the volatile situation. The Government and the Opposition remained neutral on the matter, the media found the experience tiresome and the ‘no’ supporters enjoyed a landslide victory.<sup>94</sup> The skill that Askin displayed when he defused the Sunday trading

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<sup>90</sup> ‘Australian Political Chronicle September-December 1969’, *AJPH*, Vol.16, No.1, p. 81.

<sup>91</sup> *The Bulletin*, 6 December 1969, p.30.

<sup>92</sup> ‘Australian Political Chronicle May-August 1969’, *AJPH*, Vol.15, No.3, p.85.

<sup>93</sup> *Cabinet Papers*, 20 May 1969, Minute For Cabinet – Proposal For Amendment of The Liquor Act. Dated 1 May 1969 and presented by the Minister of justice at the Cabinet meeting on 20 May 1969.

<sup>94</sup> ‘Australian Political Chronicle September-December 1969’, *AJPH*, Vol.16, No.1, p. 81.

controversy was indicative of his leadership. The Government also displayed its willingness to adapt to changing mores by lowering the age for club membership.

### **The Stock Market**

The stock market boom of 1969-70, which became known as the "Poseidon" boom, alerted the Government and the electorate to the gaping inadequacies of company law and legislation regulating the stock market. By the 1960s the world wide mineral boom was well under way.<sup>95</sup> There were increasing discoveries of mineral deposits, prices were consistently rising, and in this case, the world wide shortage of nickel acted as the catalyst.<sup>96</sup> In 1960 the Federal Government lifted the ban on iron exports to Japan that had been imposed in 1938. In the same year large deposits of high-grade iron were discovered in the Pilbara region of Western Australia and most of it was exported to Japan.<sup>97</sup> By 1970 Australia had become a major supplier of minerals and metal concentrates to Japan, totalling more than one billion dollars. Japan was one of the world's most rapidly expanding industrial nations.<sup>98</sup>

The nickel deposits owned by the mining behemoth Western Mining Corporation (WMC) set the stock market boom in motion. This was exemplified by the stratospheric rise in the WMC share price. In December 1967 the share price was \$7.02. In January 1968 it had risen to \$43.50, and by June 1968 the shares had been split 5 for 1 which translated into \$80.00 per share.<sup>99</sup> However the frenzy began in earnest in February 1969 when

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<sup>95</sup> Stephen Salsbury and Kay Sweeney, *The Bull, the Bear and the Kangaroo: The History of the Sydney Stock Exchange*, Sydney, 1988, p.345.

<sup>96</sup> *ibid*, pp. 348-349.

<sup>97</sup> James Docherty, *A To Z Of Australia*, Lanham, 2007, p.165.

<sup>98</sup> *The Bulletin*, 21 March 1970, p.61; *The Bulletin*, 14 November 1970, p.87; *Australian Financial Review (AFR)*, 2 March 1970, p.1; *The Australian*, 6 November 1969, p.15; *The Australian*, 18 November 1969, p.12.

<sup>99</sup> Salsbury and Sweeney, *The Bull, the Bear and the Kangaroo*, p. 350.

Poseidon, an insignificant listed mining company, secured nickel prospects at Mount Windarra near Laverton in WA.<sup>100</sup>

On 29 September 1969, Poseidon reported to the Adelaide Stock Exchange that a massive deposit of nickel had been found. Between September 1969 and the end of 1970 the Sydney Stock Exchange experienced an unprecedented boom.<sup>101</sup> The frenetic irrational trading was underpinned by euphoria and “fanatical greed” that was the driving force behind the meteoric rise of the stock market.<sup>102</sup> This phenomenon can be appreciated by tracking the share price of Poseidon. On 25 September 1969 the share price was \$1.60. On 1 October 1969 it rose to \$17.70. In December 1969 shares sold for \$128.00, 12 January 1970, \$200.00, 30 January 1970, \$212.00, until they peaked on 10 February 1970 at \$280.00 which was precariously close to a month’s average salary in Australia at the time.<sup>103</sup> By December 1970 they had plummeted to \$44.00 and down to \$10.05 in December 1972.<sup>104</sup>

In the context of the stock market boom it seemed that the progressive social changes affected everyone. Egalitarianism was said to be the cornerstone of the boom. It was touted as a “proletarian” boom. Hippies, truck drivers, school children, politicians and air hostesses all scrambled to board the stock market “gravy train” to financial bliss.<sup>105</sup> The *SMH* characterised the boom with the headline “Tradition is now Trad” followed by this extract from its editorial: “The greatest part of stock exchange business is now a casino and the casino atmosphere is gradually extending its hold on the national

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<sup>100</sup> *The Australian*, 31 January 1970, p.10; Salsbury and Sweeney, *The Bull, the Bear and the Kangaroo*, pp. 351-352.

<sup>101</sup> *The Australian*, 5 January 1970, p.1.

<sup>102</sup> *The Bulletin*, 17 January 1970, p.45.

<sup>103</sup> Australia Bureau of Statistics, *Average Earnings December Quarter 1969*

<sup>104</sup> *The Australian*, 19 December 1970 Page11; *The Australian*, 22 December 1970, p.8; Salsbury and Sweeney, *The Bull, the Bear and the Kangaroo*, pp. 351-354;

<sup>105</sup> Salsbury and Sweeney, *The Bull, the Bear and the Kangaroo*, p.352; *SMH*, 11 January 1970, p.9; *The Australian*, 8 December 1979, p.4.

consciousness. The Great God Greed is claiming new adherents in unexpected places".<sup>106</sup>

A key characteristic of a mining boom is the mass buying of shares.<sup>107</sup> The Senate enquiry into the Australian securities markets and their regulations, handed down in 1974, long after the boom, found that tens of thousands of ordinary people were involved in the purchase of shares during the boom. And that the Poseidon share price became the subject of the general public. Besides the professional investors and the corporate groups the report revealed that out of about 20,000 of the shareholders in Poseidon more than 11,000 owned less than 20 shares each.<sup>108</sup>

Of course the "boom" was followed by the inevitable "crash",<sup>109</sup> and the sometimes gullible "proletariat" limped back to normality "via the highway of regret" after their illusions of easy wealth had been dashed.<sup>110</sup> The scallywags, scandals and those who were privy to sensitive market information fared well. However, the Tasminex episode finally "sent the dogs barking" and illuminated the inadequate legislation.<sup>111</sup> Bill Singline, the chairman of Tasminex, another insignificant mining company, announced on 27 January 1970 that the company had found "massive sulphides" which, as with Poseidon, was an indicator of the presence of nickel deposits.<sup>112</sup> He boasted that it could be bigger than Poseidon. The share price immediately spiralled upwards from \$16.00 to \$96.00.<sup>113</sup> When the geologists refused to confirm the claim, the share price plunged to \$36.00. Around this time it was estimated that 80% of mining companies were unviable and only existed

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<sup>106</sup> *SMH*, 11 February 1970, p.16.; *The Australian*, 31 January 1970, p.10.

<sup>107</sup> Salsbury and Sweeney, *The Bull, the Bear and the Kangaroo*, p.351.

<sup>108</sup> Senate Select Committee on Securities and Exchange, *Australian Securities Markets and their Regulations*, Part 1, Volume 1, Canberra, 1974, p.2.5

<sup>109</sup> Carmen Reinhart, and Kenneth Rogoff, *This Time is Different: Eight Centuries of Financial Folly*, Princeton, 2009, p.xxvi.

<sup>110</sup> *The Bulletin*, 11 April 1970, p.59; *AFR*, 18 March 1970, p.1; *The Australian*, 29 November 1969, p.16.

<sup>111</sup> *SMH*, 20 March 1970, p.1

<sup>112</sup> *The Bulletin*, 14 March 1970, p.23,58.

<sup>113</sup> *The Australian*, 29 January 1970, p.17.

because of the irrational market.<sup>114</sup> A report prepared for the Attorney General in Tasmania criticised the exaggerated public statements made by the company and highlighted the clear evidence of “insider trading”.<sup>115</sup>

In the wake of the Tasminex affair, McCaw, the Attorney General, prepared and placed before the parliament the *Securities Industry Bill*, which quickly passed into law. Its purpose was to improve the protection available to the public in its dealings with the securities industry.<sup>116</sup> In accordance with the act, a Corporate Affairs Commission was instituted with invested powers over the stock exchange and share transactions. It also became the body responsible for the governance and registration of companies. The act stipulated four new offences associated with fraudulent behaviour causing fluctuations in the stock market. The stringent penalties could be applied with fines of up to \$10,000, 5 years gaol or both.<sup>117</sup> The Act was further amended in July 1970 to strengthen the powers of the Commission and provide it with the authority to inspect the books and accounts of licensed dealers, brokers and investment advisors and take appropriate action if the law had been broken.<sup>118</sup> The *Company Act 1970* was also amended to require increased transparency and disclosure of shareholdings in relation to company acquisitions.<sup>119</sup>

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<sup>114</sup> *SMH*, 17 January 1970, p.34.

<sup>115</sup> Michael Coulson, *An Insider's Guide to the Mining Sector: An In-depth Study of Gold and Mining Shares*, Petersfield : Harriman House, 2008, p.194.

<sup>116</sup> *The Australian*, 18 February 1970, p.1; *AFR*, 4 March 1970, p.6; *AFR*, 25 March 1970, p.6.

<sup>117</sup> *Cabinet Papers*, 3 March 1970, SUBJECT: Establishment of a Corporate Affairs Authority and Appoint of a Commissioner for Corporate Affairs. DECISION: Approval was given to the preparation to give effect to the proposals of the Attorney-General ...set out in his Cabinet Minute dated 2 March 1970; SUBJECT: Legislation for the control of stock exchange, stock brokers and share trading practices. DECISION: Approval was given to the Preparation of Legislation ...to the proposals of the Attorney-General ... as set out in his Cabinet Minute dated the 3 March 1970.

<sup>118</sup> *Cabinet Papers*, 21 July 1970, SUBJECT: Securities Industry Act,1970 – Proposals for amendment. DECISION: Approval was given to the preparation of a Bill ... dated 17 July 1970, submitted by the Attorney-General.

<sup>119</sup> *Cabinet Papers*, 1 September 1970, SUBJECT: Companies (Amendment) Act, 1970. DECISION: Approval was given to the provisions ...as summarised in the Cabinet minute, dated the 28 August1970, submitted by the Attorney-General.

It was necessary for the public to have confidence in the stock exchange. After malpractice was uncovered by a Senate select committee in 1970, Askin promoted the *Securities Industry Bill* prepared by McCaw. The stock exchange had been self-regulating before the bill was passed. The majority of the regulations initiated by the Askin Government were adopted by the other states. Askin's ability to mix with the ordinary voter probably revealed to him that the small investor was affected by the stock market crash well before it was exposed in the 1974 senate report. It might explain why NSW took the initiative to legislate before the other states.

### **Consumer Protection**

Before 1959, Western industrialised governments including Australian governments had failed to give adequate attention to consumer protection which was necessary to deal with the phenomenon of consumerism that was synonymous with the post war boom.<sup>120</sup> The consumers had become increasingly vulnerable in the new environment of sophisticated marketing techniques, large scale shopping centres, consumer credit and multi-national companies and monopolies.<sup>121</sup> This precipitated the launch of the Australian Consumers Association and subsequently 'CHOICE' magazine as its voice in 1959. It was the first such Australian organisation that was the result of a meeting of concerned citizens, held at the Sydney Town Hall.<sup>122</sup>

The Askin Government was in the vanguard of the process of developing consumer protection as part of government policy. In the 1968 Election Policy speech, Askin promised to protect consumers against artificial price fixing, restrictive trade practices and misrepresentation. His promise materialised in the form of the *Consumer Protection Bill*. Two bodies were established under the Bill: the Consumer Affairs Council and a Consumer Affairs Bureau. A Commissioner of Consumers' Affairs was appointed and

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<sup>120</sup> Jo-Anne Miley, '200 Years of Consumer Protection in NSW', NSW Department of Consumer Affairs, Sydney, 1987, p.13.

<sup>121</sup> Miley, '200 Years of Consumer Protection in NSW', p.17.

<sup>122</sup> *ibid*, p.13.

made responsible for the operation of the two bodies which were part of the Department of Labour and Industry.<sup>123</sup>

The Consumers' Affairs Council was an advisory body that reported to the minister on referred matters and other issues pertinent to the legislation and the administration of the Act. The Consumers' Affairs Bureau complimented the council by providing research facilities, and information ascertained from its daily administration. It provided advice to consumers, received complaints of fraudulent practise and initiated remedial action on their behalf.<sup>124</sup> In the parliament, Willis, the Minister for Labour and Industry, praised the merits of the bill. Syd Einfeld, the deputy leader of the opposition, referred to the bill as a "useless toothless thing". The proof was in the results for the Government, because one year after its introduction, the Bureau reported that 90% of complaints had been resolved to the consumer's satisfaction.<sup>125</sup> The Government demonstrated good governance in the area of consumer protection and the other states to a large extent modelled their legislation on NSW. Askin was acutely aware of the importance of the vote of the suburban housewife. They were the ones who usually managed for the family's finances. He had paid particular attention to them at the 1965 election appearing with Mollie at shopping centres and through Frank Packer's newspapers. At the 1968 election he had promised to legislate in favour of the consumer. Now it was time for him to deliver on his commitment and legislate on the behalf of all the citizens.

### **Road Safety**

In its first term, the Government addressed the horrific death toll on the roads by implementing provisional licences for new drivers, stricter driving tests, a

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<sup>123</sup> *Cabinet Papers*, 11 June 1968, SUBJECT: Proposed Consumer Protection Legislation. DECISION: Approval was given to the proposals of the Minister for Labour and Industry ... as set out in his Cabinet Minute dated the 6 June 1968.

<sup>124</sup> *Cabinet Papers*, 10 December 1968, SUBJECT: Proposed Consumer protection Bill. DECISION: Approval was given ...to the proposals outlined in the Cabinet Minute, dated 5 December, 1968, submitted by the Minister for Labour and Industry.

<sup>125</sup> 'Australian Political Chronicle May-August 1970', *AJPH*, Vol.16, No.3, p.400.



defective vehicles scheme as well as increase in the number of traffic police. As a result the death toll declined in the 1966-67 calendar year. However, much to the dismay of Milton Morris, the Minister for Transport, this improvement was fleeting. In 1968 the trend reversed with 1,211 fatalities, 94 more than 1966-67. Peter Coleman, in his opinion piece concerning road carnage in *The Bulletin* claimed that this could be complacency “in 50 years of driving the average man is likely to have had only one severe crash.”<sup>126</sup> In response, the Cabinet approved Morris’s proposal for uniform driving and rest periods for long distance transport drivers and alcohol breath testing.<sup>127</sup> The establishment of Australia’s first permanent traffic accident research unit provided an insight into the contributing role of motor vehicles and roads in accidents as well as exploring the human psychological factors.<sup>128</sup> The authority was largely financed via the sale of personalised registration plates.<sup>129</sup>

The introduction in NSW of breath testing for blood alcohol content was long overdue. It had been introduced in Queensland, Great Britain and Victoria. Queensland reported a 29% decrease in alcohol-related road accidents in its first year. For the same period Britain had recorded a 15% fall in fatalities. The ALP argued that the legislation had the potential to violate personal liberties and they questioned the science. Morris, however, had a compelling case considering that half the drivers in NSW who were involved in road accidents had been under the influence of alcohol.<sup>130</sup>

Previous Labor governments had neglected to update legislation in accordance with increased motor vehicle ownership and improved technology associated with the increased speed capacity of the modern car. In the area of road safety, the Askin Government’s record certainly exceeded that of

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<sup>126</sup> *The Bulletin*, 28 March 1970, p.17.

<sup>127</sup> *Cabinet Papers*, 14 January 1969, SUBJECT: Report on road safety. DECISION: The report of the Minister for transport on road safety dated 13 January, 1969 was received it was agreed that a press statement should be issued by the Premier based on the Minister’s Minute.

<sup>128</sup> *The Bulletin*, 10 Jan 1970, p.15.

<sup>129</sup> *ibid*, 19 September 1970, p.34.

<sup>130</sup> ‘Australian Political Chronicle September-December 1968’, *AJPH*, Vol.15, No.1, p. 84.

previous ALP governments. Road safety is an important legacy of the Coalition Government.

## National Parks

The National Parks and Wildlife legislation was a substantial legacy of the Askin Government. The *National Parks and Wild Life Bill (1967)* amalgamated the *Fauna Protection Act*, and centralised the administration of National Parks and Wildlife under the state direction of the National Parks and Wildlife service.<sup>131</sup> By 1976, 15% of the state's coastline had been conserved for public use. Between 1967 and 1976 the National Parks had increased from 860,760 hectares to 1,720,000 hectares. These included 42 National Parks, 9 historic sites, 104 native reserves, two game reserves and two Aboriginal sites.<sup>132</sup>

The proposed development for a national park on reclaimed Commonwealth land situated on the Sydney Harbour foreshore was considered by John O'Hara (NSW political correspondent for the *SMH*) as a striking gain for the Askin Government. He credited Lewis, the Minister for Lands, with "winning his tenacious fight to wrest harbour foreshore land from the Commonwealth".<sup>133</sup> Indeed, Lewis was diligent in his dealings with the Commonwealth. In actuality, the harbour foreshore land was compensation for the Askin Government's failure to secure the 33,811 acres at Holsworthy for the major housing development programme that it had wanted in its first term.<sup>134</sup> The dilemma that the state faced was that the Commonwealth had leased the land for military purposes. The proposed \$500 million housing project was to honour its 1965 election promise.<sup>135</sup> When the lease expired and the State Government gave notice to the Commonwealth to quit the area, the Commonwealth Government responded by legislating to invest powers in itself, which enabled the land to be resumed under the *Lands Acquisition*

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<sup>131</sup> *The Bulletin*, 17 October 1970, p.29.

<sup>132</sup> NSW Premier's Department, *A decade of good government, 1965-1975*, Sydney, 1976, p.39.

<sup>133</sup> *SMH*, 23 January 1971, p.6.

<sup>134</sup> *Daily Telegraph*, 22 November 1968.

<sup>135</sup> *The Sun*, 20 November 1970.

*(Defence) Act 1968*.<sup>136</sup> The proposed grandiose housing development on the military manoeuvre area was probably never going to come to fruition. Askin's cabinet was well aware that the Commonwealth could resume the indispensable land, particularly in light of Australian's escalating involvement in the Vietnam war.

On 29 October 1968 the cabinet approved Lewis' proposal to force the "Commonwealth to introduce special legislation with all the attendant debate and publicity".<sup>137</sup> The rationale was that the publicity created by the resumption of state land would demonstrate to the electorate that the Commonwealth obstructed the Askin Government's election promise. Thus, the Government benefited politically from the proposed housing development, deflected the blame to the Commonwealth when it was aborted, and then claimed credit for the harbour foreshore. The Commonwealth retained 33,846 acres of the Holsworthy manoeuvre area and released 1286 acres for urban use with a further 1286 acres to be released at its convenience.<sup>138</sup> It retained 1,000 acres of the foreshore because of substantial military installations. The State government was able progressively to establish 1,351 acres of harbour foreshore as a national park that included North Head, South Head, Nielson Park, Clark Island, Shark Island, Middle Harbour and Dobroyd Head.<sup>139</sup>

A noteworthy factor at play during the harbour foreshore negotiations was Lewis' self-promotion. He relished the opportunity to cast off the shackles of the low profile Lands Department. A flattering profile of Lewis in the *SMH* under the headline "pugnacious – But things happen" illustrates the flavour of

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<sup>136</sup> *Cabinet Papers*, 1 April 1969, Minute for Cabinet: Liverpool Manoeuvre Area. SUBMITTED for the information of Cabinet by the Minister for Lands, 25 March 1969; *Daily Telegraph*, 28 November, 1968.

<sup>137</sup> *Cabinet Papers*, 29 October 1968, SUBJECT: Liverpool manoeuvre Area. DECISION: The recommendations ... in the Cabinet minute of the Minister for Lands dated the 24 October, 1968, were approved.

<sup>138</sup> *Cabinet Papers*, 1 April 1969, Minute for Cabinet: Liverpool Manoeuvre Area. SUBMITTED for the information of Cabinet by the Minister for Lands, 25 March 1969.

<sup>139</sup> *SMH*, 14 April 1969, p.1; *Daily Telegraph*, y8 July 1969, p.1; *The Sun*, 19 September 1969, p.3; *The Australian*, 29 October 1970, p.6

the publicity.<sup>140</sup> Lewis' leadership aspirations were further titillated when Askin suffered a mild coronary occlusion in June 1969.

There is no evidence to suggest that Askin was concerned by Lewis' media attention. On the contrary, Askin remained true to his art of politics and promoted Lewis' autonomy. This was demonstrated when Whitlam, the Prime Minister, attempted to sideline Lewis and deal directly with Askin. Askin was indignant and described his action as "palpable subterfuge".<sup>141</sup> Nonetheless, according to John Fuller, the Minister for Planning and Environment, Askin did intervene. This occurred when Whitlam contacted Askin after he came under pressure from the Soviet Ambassador, because the Woollahra Council had refused to approve their development application for a Consulate. The suburb of Woollahra is in the Eastern Suburbs of Sydney where a number of consulates are located. Askin instructed Fuller to override the council's decision under powers invested in the new Planning and Environment legislation. Askin, forever the opportunist, agreed on the condition that Whitlam expedited the formalities concerning the harbour foreshore.<sup>142</sup>

The formalities were finally executed under the Fraser Government in January 1976. Timothy Fisher, the NSW Minister for Lands, said that Whitlam had tried to renege on the deal in the latter part of his term, which was after Askin's retirement and under the Premiership of Lewis.<sup>143</sup> It is ironic that when the foreshore was finally handed over to the state, Lewis, who remained the MLA for Wollondilly, was also the former Minister for Lands, and the former Premier of NSW.

## **4.6 State-Commonwealth Relations**

A contentious issue that was responsible for continuous tension between the states and the Commonwealth was the refusal by the Commonwealth to

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<sup>140</sup> *SMH*, 22 August 1969, p.2.

<sup>141</sup> *SMH*, 16 November 1973, p.8.

<sup>142</sup> Interview (Paul Loughnan) with Sir John Fuller, 10 January 2008.

<sup>143</sup> *SMH*, 29 January 1976, p.17.

reverse the uniform tax decision of 1942. The states viewed the collection of the majority of taxes by the Commonwealth and their redistribution as inequitable. They considered any form of centralism as an attack on their sovereignty. Therefore, the deflection of blame onto the Commonwealth government when their budgets were strained became the continuous mantra of the states. Even Pat Hills, the leader of the opposition appreciated the poor budgetary position and supported Askin when he directed half the Annual profit of the NSW Rural Bank, which equated to more than \$500,000, into consolidated revenue.<sup>144</sup>

When Gorton became Prime Minister in January 1968 it was clear that he intended to assert greater Commonwealth financial sovereignty over the states. Unlike Menzies and Holt, who ostensibly respected the principles of federalism, while at the same time endorsing creeping centralism, Gorton was forthright which set him on a collision course with the states.<sup>145</sup> Askin was incensed because he had encouraged NSW LP MHRs to support Gorton in his bid for the Prime Ministership under the misconception that he was sympathetic towards NSW and an advocate of federalism. In June 1968 Gorton announced that the Commonwealth could veto any revenue collected by the states when deemed to impair the Commonwealth implementing its constitutional responsibilities.

Tensions were further exacerbated when the Commonwealth wanted to expand on the *Petroleum (submerged lands) Act 1967* to include mineral deposits in its *Territorial Sea and Continental Shelf Bill*.<sup>146</sup> The states had agreed to put aside state jurisdiction in order to protect offshore areas which included the continental shelf, the seabed and subsoil.<sup>147</sup> The agreement, which included petroleum but excluded mineral deposits, was recognised in

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<sup>144</sup> 'Australian Political Chronicle May-August 1969', *AJPH*, Vol.15, No.3, p.86.

<sup>145</sup> Hancock, 'Askin, Robin', *The Premiers*, p.347.

<sup>146</sup> *SMH*, 10 June 10 1970, p.1; *Cabinet Papers*, 18 March 1969, SUBJECT: Exploration for and Exploitation of off-shore Minerals other than Petroleum. See DECISION and Cabinet Minute date 14 March 1969.

<sup>147</sup> *Cabinet Papers*, 21 March 1967, Minute For Cabinet – Joint Commonwealth / State Off-Shore Petroleum Legislation: submitted by the minister for Lands dated 8 March 1967.

Commonwealth and state reciprocal legislation.<sup>148</sup> This furore was not settled until 1978 when control over the minerals was shared between the Commonwealth and the states, with the Commonwealth retaining the right of veto.<sup>149</sup>

With centralism supposedly threatening to engulf the states, Askin laid down the gauntlet by stating in parliament that his government “will oppose to the utmost anybody who advocates centralism, irrespective of the party”. Askin mobilised all the members of his Government, installed himself as the chief exponent in the fight for state rights and led the charge with all the belligerence that he could muster. At the LP conference in September 1969, six weeks before the federal election and where Carrick had set the theme for party unity, Askin took the opportunity to castigate Gorton over the inequitable distribution of taxation. He blamed the Gorton Government for the increase in the state’s taxes and charges and highlighted the tight rein that the Commonwealth held on the states in regard to where the Commonwealth grants were spent. Askin claimed that this practice hamstrung the states in their ability to prioritise funding for particular works. Askin remained unrepentant for publicly ventilating his grievances and blamed the loss of the seven NSW seats at the 1969 federal election on Gorton’s failure to address the financial needs of NSW.<sup>150</sup>

Askin’s vitriol was further expressed in the form of a cabinet memorandum, leaked to the press, listing examples of Commonwealth interference with the states. The memorandum and the publicity generated by the press leak was in anticipation of the meeting arranged by the states with Gorton on 26 February 1970. The states intended to demonstrate their

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<sup>148</sup> *Cabinet Papers*, 30 May 1967, SUBJECT: Progress in proposed uniform Off-Shore Petroleum Legislation. DECISION: Cabinet endorsed the decision taken by the conference of Attorneys-General and Ministers for Mines held in Sydney on 7 April, 1967, as reported in the Cabinet Minute of the Minister for Mines, dated 11 May 1967.

<sup>149</sup> *SMH*, 23 June 1978, p.2.

<sup>150</sup> Hancock, ‘Askin, Robin’, *The Premiers*, p.357 (ref *NSWPD* 15 August 1968, p.269.)

unswerving solidarity which would compel Gorton to hand some control of the taxation revenue back to them.<sup>151</sup>

Despite Askin's histrionics, his assent could always be purchased with a "pot" of money. This clearly demonstrates that his anti-centralist stance was not always sincere and that his desired outcome justified his *modus operandi*. From Askin's point of view, the louder the rhetoric the larger the "pot" of money. He continued this pattern until Gorton finally began to quell his centralist rhetoric at the premiers' meeting on 26 February 1970.

Askin began his campaign against Gorton in his speech at the NSW LP conference in September 1968. This was a precursor to the Askin Government's fourth budget deficit and he laid the blame directly on the Commonwealth Government. Askin continued the theme of inequitable distribution of taxes between the states by highlighting the fact that NSW received \$102.00 per head while Tasmania received \$234.00 and WA \$204.00. He also queried the Commonwealth Government's justification for the \$1000 million allocated for the development of PNG when the states were struggling.<sup>152</sup>

The 1968/69 budget was brought down on 25 September 1968 and provided for a deficit of \$4.3 million. This was after an extra \$37 million was gained from increased hospital fees, increased fares and stamp duty on motor vehicles and the introduction of a 0.1% receipts turnover tax. The tax amounted to 1 cent for every \$10 on business transactions. All the states except Queensland had introduced the controversial receipts turnover tax. On the positive side of the ledger, the number of trainee teachers had been increased by 25%, state aid to non-government schools amounted to \$2 million and a land tax rebate for primary production land saved farmers \$2.4 million.<sup>153</sup>

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<sup>151</sup> 'Australian Political Chronicle September-December 1970', *AJPH*, Vol.17, No.1, pp.107-108.

<sup>152</sup> 'Australian Political Chronicle September-December 1968', *AJPH*, Vol.15, No.1, p. 86.

<sup>153</sup> *ibid.*

Gorton responded to the plight of the states at a special Premiers meeting on 13 March 1969. He allocated a one-off grant of \$12 million to reduce their deficits. NSW received \$3,999,000 and Askin said “that the grant had lifted a great financial burden off his shoulders”.<sup>154</sup> In the 1969/70 budget speech delivered in September 1969, Askin used his proven tactic and attacked the Commonwealth Government in anticipation of a face-off with Gorton. The increased expenditure on education, health and policing had resulted in a budget deficit of \$6,758,286. This was a substantial increase over 1968/69 but small in comparison to the \$20 million Victorian deficit.<sup>155</sup>

Askin had little interest in Gorton’s electoral prospects and it was left to Carrick and the party organisation to work diligently behind the scenes to diffuse the tension.<sup>156</sup> In the end, the anticipated highly-charged confrontation with Gorton on 26 February 1970 was an anti-climax. Gorton and the Federal Cabinet, on the advice of Treasury, unequivocally refused the states’ entry into the field of income and payroll taxation. At the meeting Gorton did concede that a more generous formula for revenue needed to be considered. He then offered the states \$12 million on a per capita basis for their budgets and promised more in the near future. Askin was the first to break the ranks of solidarity and took the \$4 million without any of his usual blustering.<sup>157</sup>

Gorton honoured his promise at the June 1970 Premiers’ Conference. NSW received a \$32.35 million increase in its carry-on loan for the next financial year and an extra \$269 million tax reimbursement for the next five years. This translated into an additional \$60.1 million over the 1970/71 financial year. It was good news for Askin with an impending election in early 1971. Nevertheless, Askin kept his options open and he was taciturn when he said “that NSW might just get through without raising taxes, but it would be touch and go”.<sup>158</sup>

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<sup>154</sup> ‘Australian Political Chronicle May-August 1969’, *AJPH*, Vol.15, No.3, p.86.

<sup>155</sup> ‘Australian Political Chronicle September-December 1969’, *AJPH*, Vol.16, No.1, p. 81.

<sup>156</sup> Starr, *Carrick*, p.200.

<sup>157</sup> Ian Hancock, *John Gorton: He Did It His Way*, Sydney 2002, p.261; Hancock, ‘Askin, Robin’, *The Premiers*, p.358.

<sup>158</sup> *SMH*, 27 June 1970, p.8.



At the October 1970 Premiers' conference, Gorton went further and this time "all the Premiers were jubilant".<sup>159</sup> The receipts duty of 1% turnover tax on business transactions introduced and collected by the states had been outlawed by the High Court. Then the opposition, with the support of the Democratic Labor Party (DLP) in the Senate, rejected the Government's receipts-tax legislation in June 1970 that was designed to circumvent the high court ruling.<sup>160</sup> Subsequently, Gorton brokered a deal with the DLP in the Senate to pass the legislation which allowed the states to retain the tax collected before 1 September 1970, but to reimburse the tax after that date. As a result Gorton compensated the states for the lost tax revenue with an annual increase of 11% until June 1976.<sup>161</sup>

In the wake of Gorton's largesse in June and October, Askin called for an end to all hostilities and declared that Gorton "acted in a statesman like way".<sup>162</sup> In contrast to the previous budget speeches the tenor of the September 1970 budget speech was tempered with a "make do" theme.<sup>163</sup> There were no recriminations towards the Commonwealth Government and no intimation of increases in state taxes or charges in the lead up to the 1971 election. Gorton had provided Askin with a budgetary scope that enabled him to "pork barrel" the electorate. Indeed, Askin needed all available fortune at the 1971 election.

It is incredible that a seasoned reporter such as O'Hara found it disconcerting when Askin jettisoned his federalist ideology at the Premiers' meeting on 26 February 1970. He wrote in the *SMH* that Askin "has suffered such a swift and dramatic reversal to his public prestige" that "it has inevitably raised queries about his political future".<sup>164</sup> O'Hara had chronicled Askin's modus operandi since his maiden Premiers' conference, whereby Menzies

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<sup>159</sup> *SMH*, 9 October 1970, p.1

<sup>160</sup> *AFR*, 16 June 1970, p.16; *SMH*, 27 June 1970, p.1.

<sup>161</sup> *SMH*, 9 October 1970, p.1.

<sup>162</sup> *ibid*, 9 October 1970, p.11.

<sup>163</sup> Hancock, 'Askin, Robin', *The Premiers*, p.358.

<sup>164</sup> *SMH*, 4 March 1970, p.2.

hoodwinked him when he brokered a secret deal with Bolte behind the speaker's chair. The old 'warhorse' had no intentions of being duped a second time.

Centralism was an anathema to Askin except when it was politically expedient. He was impervious to Carrick's calls for unity and refused to suffer any of the political woes of Gorton, his fellow Liberal, at the expense of the own political fortune. Askin even went so far as to intrigue against Gorton in late 1969 in a failed attempt to bring down his Prime Ministership.<sup>165</sup>

The analysis of Askin's modus operandi in the *Bulletin* was wide of the mark because when it came to ideology over a "pot of money", Askin would take the latter. According to *The Bulletin*, Gorton owed Askin because of his support in the "last Federal power struggle". Askin's pay-off was a better deal for the states.<sup>166</sup> *The AFR* posed that Askin sold out on the principle of the states sharing in income taxation collection for the proverbial "pot of money". When O'Hara pondered over the various scenarios in order to explain the psychology or rationality behind Askin's modus operandi, his last and "simple explanation" revealed the answer. Askin, "was aware all the time that the voters themselves prefer to take the cash and let the credit go. They can be bought off too".<sup>167</sup> This exemplified Askin's ability to read the electorate which was a fundamental attribute to his leadership. Askin confirmed this when he surreptitiously directed his staff to write letters to the newspapers, under assumed names, "denying any loss of creditability: the demand for income tax power was merely a giant bluff to obtain more money from the Commonwealth".<sup>168</sup> In this case Askin's tactic was based on Machiavelli's tenet of insight and adaptability whereby he engaged in dishonest activity but managed to conceal it from the electorate. Askin was merely abiding by his proven art of political leadership which was underpinned by his temperament and tactics.

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<sup>165</sup> Hancock, *The Liberals*, p.134.

<sup>166</sup> *The Bulletin*, 10 October 1970, p.24.

<sup>167</sup> *SMH*, 4 March 1970, p.2.

<sup>168</sup> Hancock, *The Liberals*, p.158; *SMH*, 3 March 1970, p.2; *SMH*, 12 March 1970, p.2.

## 4.7 Hubris and the Georges River by-election

Askin's skill as a consummate raconteur was savoured by the guests who attended the US Chamber of Commerce luncheon in Sydney on 23 July 1968. He was clapped and cheered when he told them that LBJ was amused when he advised a police officer to "run over the bastards". Askin was referring to the demonstrators who were blocking the motorcade on 22 October 1966.<sup>169</sup> Askin was never repentant over the alleged incident. On the contrary, in the interview with Pratt he said; "Oh yes, oh well that's not alleged, I said it all right, but it was said jocularly".<sup>170</sup> It was unfortunate for Askin that a reporter overheard the story at the luncheon and it subsequently became the subject of headlines in the tabloid press. Nonetheless, it was politically careless and demonstrated Askin's hubris which marred his political judgement until the Georges by-election on 19 September 1970.

After being energised by the response of the guests, Askin continued his story and referred to the demonstrators as "the great unwashed" and advised the US businessmen present not to be misled by "long haired people who had nothing better to do with their time". Askin claimed that LBJ remarked that "when I look into the faces of the crowd ... 90% are with me ... more than I could find in America."<sup>171</sup> In hindsight, LBJ was probably observing the naivety of the Australian general public which was underpinned by the notion that the US was our great and powerful friend and ally during the cold war.

The *SMH* reported that Askin had shocked his Cabinet. The opposition leader Hills said that Askin "showed an unbalanced attitude of mind that made him unfit to hold office" and intimated that the police officer might have carried out the request. Askin was unrepentant and believed that nobody would "take the remarks seriously". It is unreasonable to charge Askin with irresponsibility:

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<sup>169</sup> *SMH*, 24 July 1968, p.4.

<sup>170</sup> Interview (Pratt): Sir Robert Askin, 1:2/27

<sup>171</sup> *SMH*, 24 July 1968, p.4.

rather, it was an example of Australian laconic humour which was obviously understood by the police officer. Hills was probably accurate when he described the incident as an “outburst of uncontrolled exhibitionism”.<sup>172</sup> There is little doubt that the “boy from Glebe”, perched up in the limousine beside the most powerful man on earth, was intoxicated with exuberance. Askin was in his element, especially in the light of LBJ’s reputed obstreperous, laconic and lewd sense of humour.<sup>173</sup>

The Askin government’s newfound hubris was demonstrated on 29 March 1969 when the Chief Secretary Eric Willis introduced amendments to the *Parliamentary Electorates and Elections Act* into the Legislative Assembly that automatically triggered a redistribution of the electoral boundaries.<sup>174</sup> This consolidated the 1968 election result by notionally increasing the government majority by four.<sup>175</sup> The amendments were predicated on the three major political parties having “repeatedly complained about the necessity for proclaiming a more realistic boundary”. This “would of course necessitate legislation and result in in a complete redistribution”.<sup>176</sup>

In 1928 the boundaries between the “Sydney area” and the “country area” had been fixed. This had remained unaltered since the redistribution under the McGirr Government in 1949. The “Sydney area” consisted of 48 electorates and the “country area” 46. The ALP government had enjoyed a slight bias until 1965.<sup>177</sup> Under the amendments, the “Sydney area” became known as the central area, which was expanded to include 63 electorates. The boundaries were expanded from Hornsby in the north to Williamstown,

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<sup>172</sup> *SMH*, 25 July 1968, p.2.

<sup>173</sup> Irwin Unger and Debi Unger, *LBJ: A Life*, New York, 1999, p.371,515; Robert Caro, *The Years of Lyndon Johnson: The Path to Power*, London, 1982, p.404.

<sup>174</sup> *Cabinet Papers*, 17 December 1968, SUBJECT: Proposed amendments to the Parliamentary Electorates and Elections Act, 1912, as amended. DECISION: Cabinet approved of the preparation of a Bill [sic] by the Chief Secretary as outlined in his Cabinet Minute dated the 5 December, 1968.

<sup>175</sup> Don Harwin, ‘1971’, *The People’s Choice, Volume Three*, Hogan and Clune (eds.), p.47.

<sup>176</sup> *Cabinet Papers*, 17 December 1968, SUBJECT: Proposed amendments to the Parliamentary Electorates and Elections Act, 1912 as amended. As proposed by the Chief Secretary on 5 December 1968.

<sup>177</sup> David Clune, ‘The 1950 Election’, *The People’s Choice, Vol.2*, Hogan and Clune (eds.), p.292.

Sutherland in the south to Shellharbour, and from Blacktown in the west to Linden. The remainder of the state became known as the country area and comprised 33 electorates. There were slightly more than 27,600 voters in each electorate in the central area and just under 20,000 in each country electorate.<sup>178</sup>

By 1968, Askin had become intolerant of the new progressive social movements. In 1966, anti-war protesters had almost spoiled his day with LBJ. Two protest marches from Hyde Park to the Sydney Stadium organised by the “Mobilisation to end the war in Vietnam” movement had taken place in October 1967 and April 1968. Demonstrations had continued unabated with “sit-ins” which were a popular new form of dissidence. On the eve of the 1968 election, Richard Croll in his pre-recorded current affairs programme *Newsmakers*, had the temerity to scrutinise Askin over his education policy with a pertinent question. Askin objected, then walked out accusing Croll of being an “ALP stooge” and then told him to “go to hell”.<sup>179</sup> Croll was a 2GB radio current affairs programme anchor who had become known as the political inquisitor. His programmes were similar in format to *This Day Tonight* (TDT) and dealt with controversial issues such as sex and teenagers, political dissidence, the anti-Vietnam movement, and the relevance of the British Empire.<sup>180</sup> These issues were explained by Robin Boyd, a critic of Australian architecture and culture, in his 1967 Boyer lectures. He identified ‘a new kind of split in our society “deeper than the old rift between left and right and brought about by the emergence of an intellectual or cultural opposition to the Australian conservative”’.<sup>181</sup>

The equilibrium between conservatism and radicalism had shifted because the parliament, the media and the party system, which was entrenched in the Menzies era, failed to accommodate the new views of the

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<sup>178</sup> *Cabinet Papers*, 18 February 1969, Cabinet Minute SUBJECT: Proposed Amendments to the Parliamentary Electorates and Elections Act. Submitted by the Chief Secretary and dated 13 February 1969.

<sup>179</sup> *SMH*, 4 February 1968 p.3, *SMH*, 6 February 1968 p.10.

<sup>180</sup> *SMH*, 21 November 1966, p.16; *SMH*, 2 November 1965, p.2; *SMH*, 11 September 1966, p.2.

<sup>181</sup> Horne, *Time of hope*, p.160.

public. Therefore, there was no vehicle provided by the authorities, who were the “custodians of democracy”, to accommodate discourse over the complex issue of Vietnam. Instead, the new middle class expressed its new visions for Australia through protest and found a home in the anti-Vietnam protest movement.<sup>182</sup>

The new middle class was depicted by Boyd as “the modern Australian who sees so many shortcomings in Australian social development that he is on the point of despair”. The new vision for Australia’s future imagined by the new middle-class was legitimised by ABC Radio and Television current affairs programs such as *This Day Tonight* (TDT) which began in 1967.<sup>183</sup> By 1970, *TDT* had become a “powerful symbol of the times”. To the new middle class it was a “sign of Australia’s growing maturity”.<sup>184</sup>

Askin demonstrated his contempt for the “new middle class” and its imagined vision for Australia’s future in his letter responding to Kerwin Maegraith, a retired caricaturist and journalist who had written to him in support of his behaviour at 2GB. “The chap on 2GB set out to antagonise me ... It was not a case of being Premier, but I didn’t carry a rifle for four years to let anybody address me in the way he did”.<sup>185</sup> Askin probably hankered for the days of Menzies when in 1963 he had the ABC’s “Four Corners” anchor Allan Ashbolt removed from the screen for having the temerity to scrutinise the influence of the RSL on conservative politics.<sup>186</sup> All that Askin could do was walk out; the modern notion of challenging the status quo did not sit well with his innate respect for authority. Askin’s temperament contributed to his political success but it also made it difficult for him to understand the new progressive social movements and changing needs of the baby-boomer voter.

During an anti-war rally in July 1968 at Sydney University, students lifted a Mini Minor motor vehicle occupied by a police sergeant who was

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<sup>182</sup> Horne, *Time of hope*, p.63.

<sup>183</sup> *ibid*, p.160.

<sup>184</sup> *ibid*, p.1.

<sup>185</sup> ML MSS 4944 Papers of Kerwin Maegraith 1959-1970.

<sup>186</sup> Gerster and Bassett, *Seizures of Youth*, p.84.

allegedly tape recording the speeches, and ingloriously dumped it and its occupant on the road outside the university grounds. Another incident occurred when the police had apprehended and handcuffed a national service “draft dodger” on the Sydney University grounds. The students crowded the police, removed the handcuffs with bolt cutters and declared the “University to be a sanctuary”.<sup>187</sup> However, the incident at the university on 1 May 1969 when Sir Roden Cutler, the Governor of NSW, was hit with tomatoes was the last straw for Askin and his Government.

This precipitated a meeting between the Commissioner of Police and Askin to determine legislation that would give police the powers to deal with the growing civil dissidence. Askin established a committee comprising representation from the Attorney General's Department, the Police Department and the Commonwealth Attorney General's Department. The aim was to “adopt the existing law as far as possible to meet the situation” without being seen as an attack on civil liberties.<sup>188</sup> This was the catalyst for Askin's stringent stance on law and order which was made manifest in the proposed “summary offences” legislation.

The Governor, while attending an arts graduation ceremony, was caught in a melee involving militant students protesting against the presence of the university regiment. It was “an organisation which [demanded] unquestioning obedience from its members”.<sup>189</sup> The students considered it anachronistic and incongruent with an environment of anti-war sentiment. Subsequently, the university was sympathetic to the student union, which had apologised to the Governor, and ceased using the regiment at official functions. Cutler, who had had his right leg amputated and was awarded the Victoria Cross (VC) during WW2, said in his speech that the demonstration

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<sup>187</sup> Sol Enkel, “Vicissitudes of a Vice-Chancellor”, *Minerva: A Review of Science, Learning and Policy*, London, Vol.45, No.4, p.476.

<sup>188</sup> *Cabinet Papers*, 7 July 1970, See Cabinet Statement. Summary Offences Bill – Review of Police Offences Act, 1901 and Vagrancy Act, 1902. Presented by the Chief Secretary and dated 28 May, 1970, p.6

<sup>189</sup> *SMH*, 2 May 1969, p.1.

was “not personal”.<sup>190</sup> He then thanked the Vice-Chancellor, Bruce Williams, for the warm welcome and added, “I hope you make it less warm in future”.<sup>191</sup>

In contrast to the view of the Governor, Askin unleashed all of his pent up fury at the University. The *SMH* reported that the “government from the premier down acted violently to the news of the incident while the tabloids were concerned with the drama of the event and the aftermath. Askin stated that the “onus lies heavily on the University to impose a bit of expelling”.<sup>192</sup> He then warned the University that the government would “step in and take the action which may be deemed appropriate”, thus effectively threatening its autonomy through the withdrawal of government funding.<sup>193</sup> The education minister, Charles Cutler, said that students would not be allowed to “disrupt our way of life, whether they are ratbags, louts or politically inspired people”.<sup>194</sup> This attitude echoed Menzies’ response when he was confronted by a Student Action group protesting about the Government’s restrictive immigration policy at a LP rally during the 1961 election campaign. “I detest some of these wretches that get into universities...About half of them would not be at universities but for my government ... They are a collection of ratbags and larrikins”.<sup>195</sup> Menzies reiterated this sentiment during a series of lectures at the University of Texas in November 1969. Charles Cutler and Askin, who completed their political indentures during the sober and comfortable era of Menzies, were unable to draw on any experience to deal with a new radical generation. Fortunately, the Vice-Chancellor, who was well aware of the simmering university campuses and the detrimental effect on the university’s reputation, was able to defuse the situation after a parley with Charles Cutler. Askin withdrew his statement and he and Charles Cutler emphasised that they had no intentions of interfering with the autonomy of the university.<sup>196</sup>

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<sup>190</sup> *Daily Mirror*, 2 May 1969, p.2; *The Sun*, 2 May 1969, p.2.

<sup>191</sup> *SMH*, 2 May 1969, p.1.

<sup>192</sup> *Daily Telegraph*, 3 May 1969, p.1; *SMH*, 3 May 1969, p.1.

<sup>193</sup> *Daily Mirror*, 2 May 1969, p.2.

<sup>194</sup> *SMH*, 3 May 1969, p.1; *Daily Telegraph*, 3 May 1969, p.3; *The Sun*, 2 May 1969, p.1.

<sup>195</sup> Gerster and Bassett, *Seizures of Youth*, p.37.

<sup>196</sup> *SMH*, 3 May 1969, p.1; *Daily Telegraph*, 3 May 1969, p.2.



The polarising effect of the new protest and social movements became patently evident around the time of the incident involving the Governor at Sydney University. In an article published in the *SMH*, the Vice-Chancellor presented an analysis of the role of Universities. The principal thesis was that in order for a university to conduct higher education, which was the examination and the “search for a better understanding of the nature of society”, its autonomy from the state was paramount.<sup>197</sup> There was no place for intimidation within or outside the university. If intimidation was substituted for argument and reason, then the “university would have failed in its responsibility to encourage and protect the spirit of critical enquiry and its expression”.<sup>198</sup>

In a *SMH* editorial the police were advised to refrain from using force or provocation. Instead, they were encouraged to allow the “youthful high spirits a loose rein and arrest as few demonstrators as possible”. The editorial cited the *National Service Act (1964)* as a reasonable grievance for students. “Instead of becoming too rigid, fearful or high-minded about demonstrations, the government should be ready to listen to the students’ complaints”.<sup>199</sup> The view expressed in a respected and balanced broadsheet such as the *SMH* made Cutler’s and Askin’s attitude appear unreasonable and archaic. This view was also becoming the accepted norm in the broader community.

Carrick, in a letter to Askin on 6 May 1969, stressed that the students should not be singled out for punishment. His prophetic advice, that if the grievances of the majority of the demonstrators were appreciated then they would reject the militant minority, was proved accurate at the first Moratorium in May 1970. Carrick also advised against additional legislation to deal with the dissidence and espoused that “it is essential that we [LP] are regarded as the trustees of civil liberties”. Askin’s reply demonstrated that he was baffled by new social movements. “I don’t think we as a government can remain quiet

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<sup>197</sup> *Daily Telegraph*, 3 May 1969, p.3.

<sup>198</sup> *SMH*, 3 May 1969, p.8.

<sup>199</sup> *ibid*, 19 April 1969, p.2.

when her Majesty's representative is pelted with rotten fruit". He then intimated to Carrick in confidence that according to a "worrying confidential police report", there was no alternative but to legislate.<sup>200</sup> It is ironic that Askin, who probably carried an SP Book instead of a rifle during his war service, was rigid to the extreme in his attitudes towards civil liberties. In contrast, Carrick and Tom Uren who both suffered the horrors of Changi and the Burma railway, considered civil liberties sacrosanct. Uren, ALP MHR for Reid, advocated a peaceful protest to demonstrate to the Federal Government the feelings of "a great many people of this country over the Vietnam war".<sup>201</sup>

The anti-war, anti-conscription demonstrations first became a law and order issue when the Federal Government introduced the *National Service Amendment Bill* on 1 May 1968.<sup>202</sup> Penalties for non-compliance were doubled and failure to respond to a call-up notification was punishable by a maximum incarceration for two years.<sup>203</sup> This was the genesis of the conservatives' campaign against the anti-war movement. The campaign reached its zenith during the lead up to the first moratorium, 8 May 1970, and the period prior to the second moratorium on 18 September 1970.<sup>204</sup> The Federal Government's law-and-order issue, which was based on the claim that the moratorium would lead to violence between the anti-war demonstrators, the police and pro-war demonstrators, proved unfounded. The first moratorium march was given support by a broad cross-section of the community in all the capital cities. The police reported that "it was Sydney's biggest and most peaceful protest". The moratorium showed that large demonstrations dealing with controversial and inflammatory issues could be conducted peacefully. Both Askin and the Police Commissioner agreed.<sup>205</sup>

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<sup>200</sup> ML MSS. 2385, Y4705, Item 11: March-December, 1969, Liberal Party Papers.

<sup>201</sup> *SMH*, 9 May 1969, p.9.

<sup>202</sup> Peter Edwards, *A Nation at War: Australian Politics, Society and Diplomacy During the Vietnam War 1965-1975*, Sydney, 1997p.217.

<sup>203</sup> *The Australian*, 13 June 1970, p.1; *The Australian*, 14 September 1970, p.2.

<sup>204</sup> Malcolm Saunders, 'Law and Order' and the Anti-Vietnam War Movement: 1965-72, *AJPH*, Vol.28, No.3, p.372; *The Australian*, 27 August 1970, p.1; *The Australian*, 28 September 1970, p.2.

<sup>205</sup> *SMH*, 9 May 1970, p.2.

This was not the desired result of the conservatives. The Federal Government ramped up their campaign in preparation for the second moratorium. This resulted in the most aggressive law and order campaign undertaken by a federal government. The aim was to deprive the moratorium of respectability and legitimacy by associating it with lawless anarchy. This would engender fear into the new middle class who would then be less inclined to support and participate in the protest. The rationale was that the law and order issue would highlight the undemocratic lawless moratorium, thus deflecting the attention away from Vietnam and conscription. The federal Government's rhetoric was also focused on associating the ALP with the Moratorium in order to garner political capital at the impending Senate election in November 1970.<sup>206</sup> The more violent and unruly the moratorium, the greater the political gain for the conservative federal and NSW governments.

In the midst of the federal government's campaign, ten of Askin's backbenchers initiated their own campaign against the dissident students by attacking what they described as blasphemy and obscenity in the university student newspapers. The backbenchers high-jacked question time on three consecutive occasions beginning on 10 March 1970. They used it as a forum by raising the issues through pertinent questions in order to pressure the government to intervene. Willis, the Chief Secretary, quelled the backbenchers by threatening the newspapers with prosecution. The Vice-Chancellor expressed concern to the Cabinet that an over-reaction by the government would inflame an already volatile situation.<sup>207</sup> After a "sit-in" by Sydney University students, who were demanding student representation on the university board, the unruly backbenchers threatened to high-jack question time again. On 26 March 1970 the backbenches were curtailed by an agreement between Askin and the opposition to abolish question time.

The radical backbenchers were extreme, even by Askin's standards. There were ten of them; T.F.Mead, M.W.J. Hough, W.P. Coleman, J.L.

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<sup>206</sup> Saunders, 'Law and Order' and the Anti-Vietnam War Movement: 1965–72, p.372.

<sup>207</sup> 'Australian Political Chronicle January-April 1970', *AJPH*, Vol. 16, No.2, pp.238-239.

Barracclough, L.W. Mutton, G.G.T. Jackett, S.G. Mauger, K.R. Doyle, J.F. Cameron and Mrs E. Furley MLC. The following extract from the statement they issued on 24 April 1970 exemplifies their incredibly skewed ideology. "This country is faced with a danger far greater than it has ever known [the new social movements], and the tragedy of it is that most Australians don't know or don't care or are hapless in apathy that blinds them".<sup>208</sup>

If Askin had followed Carrick's advice and endeavoured to understand the grievances of the demonstrators then he might not have been punished at the Georges River by-election. Instead, he had his own idea of how to deal with the dissenting students by way of the *Summary Offences Bill*. It was essential to restrain the extreme members of the government from attracting unwanted attention. This was possibly Askin's ulterior motive for shutting down question time. The contents of the bill had not been released even to the cabinet, and already there had been speculation in the media that it was excessive and a threat to civil liberties. The hysterical claims by the backbenchers were temporarily muted by the peaceful May moratorium. However, Askin was able to appease them with the proposed *Summary Offences Bill* and the law-and-order campaign at the Georges River by-election.

In the wake of the incident involving the Governor at Sydney University in 1969, Askin, in his role as Minister for Police, discussed with Police Commissioner, Norman Allan, the legislative options available to increase police powers that would better enable them to deal with "sit-ins" and street demonstrations. On 7 July Willis issued to the cabinet a minute for discussion and consideration in relation to the *Summary Offences Bill*. The two most disconcerting elements were the provision for an "agent provocateur" and the concept of an aggravated offence. Allen strongly advocated the "agent provocateur" provision, "because of the continually changing society in which

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<sup>208</sup> 'Australian Political Chronicle January-April 1970', *AJPH*, Vol. 16, No.2, pp.238-239.

we live today”.<sup>209</sup> He considered that it was necessary for police to act with impunity regarding accusations of provocation. The concept of an aggravated offence was predicated on the public’s perception that offensive behaviour involving one person in company was more serious than an individual acting alone. It seems that these provisions were designed to give the police carte blanche when they were dealing with demonstrations. They were outlined in a letter from Allen to the Chief Secretary which was most probably covered with Askin’s fingerprints.<sup>210</sup> This supposition is premised on Askin’s detestation of public dissent and demonstrations, along with his indifference towards the growing understanding of the anti-Vietnam demonstrations by the electorate.

The death of Douglas Cross, LP MLA for Georges River, on 9 July 1970, precipitated an optional by-election for the government. Although the by-election was not mandatory, due to the impending state election in early 1971, Askin decided to risk it before the boundary changes took effect at the state election, since these favoured the ALP in Georges River. It also created the opportunity for the government to campaign on the issue of law and order. Askin was confident of holding the seat because he was convinced that the general public wanted action on public dissidence, and he said that “the bulk of the public will be solidly behind the *Summary Offences Bill*”.<sup>211</sup> The by-election also dovetailed with the federal government’s law and order campaign against the September Moratorium.

The overall theme of the law and order campaign of the LP was that it supported “social change” and that it was dedicated to the preservation of “individual liberty”. The LP was adamant that it encouraged “dissent and demonstrations as valid democratic weapons”. Under the cover of their rhetoric they attempted to instil fear into the electorate by condemning the

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<sup>209</sup> *Cabinet Papers*, 7 July 1970, See Letter dated 3 July, 1970 addressed to the Under Secretary, Premier’s Department – Commissioner’s Office, SUBJECT: Proposed Summary offences Bill. REFERENCE: Your confidential memorandum of the 5 June, 1970, Ref. Schedule A, p.2.

<sup>210</sup> *Cabinet Papers*, 7 July 1970, Confidential memorandum addressed to Under Secretary, Premier’s Department from Police Commissioner, Norman Allan, dated the 5 June 1970.

<sup>211</sup> *SMH* 6 September, 1970, p.182.

“militant minority, who cry liberty in order to practise anarchy”.<sup>212</sup> McCaw, the Attorney General, argued that “public exaltation to destroy laws ... inevitably leads to the destruction of the institution of free speech, free association, free press and the parliament. The alternative is anarchy followed by dictatorship”. Askin had urged the judiciary to “make an example [of] lawless minorities who go beyond what most of the community regards as a fair go... The penalties are there, it is up to the courts to enforce them”.<sup>213</sup> As outlined in their by-election manifesto, the LP identified the minority as all those who demonstrated against the Vietnam War. “These people are the destroyers of liberty ... They are fully prepared to destroy the liberty of others in order to reach their own goals”.<sup>214</sup>

Askin’s overall strategy was that a victory in the by-election would translate into a mandate for the *Summary Offences Bill*. Through the implementation of the legislation, the Government could claim that it had saved the electorate from anarchy. This paved the way for the government to contest the 1971 election on law and order. It also complemented the government’s good record of reform, stability and the favourable financial deal Askin had brokered with Gorton. The challenge for Askin was to create a political environment that validated his law and order policy at the by-election.

After the Moratorium committee had set the date for the second moratorium to be held over three days, 18-20 September 1970, Askin chose the 19 September 1970 as the date of the by-election. The coincidence was uncanny; the commentators concurred that it was probably a tactical move. On 8 July 1970, Willis turned the already simmering campuses into a “powder keg”, by prosecuting the director and editors of the University of New South Wales publication *Tharunka* for obscene publication under the *Obscene and Indecent Publications Act*.<sup>215</sup> The rumblings that the *Summary Offences Bill* contained stringent anti-demonstration legislation had mobilised the students

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<sup>212</sup> Liberal Party Papers, Mitchell Library, ML MSS. 2385, Y4705, Item 2.

<sup>213</sup> ‘Australian Political Chronicle May-August 1970’, *AJPH*, Vol. 16, No.3, p.402.

<sup>214</sup> Liberal Party Papers, Mitchell Library, ML MSS. 2385, Y4705, Item 2,

<sup>215</sup> ‘Australian Political Chronicle May-August 1970’, *AJPH*, Vol. 16, No.3, p.401.

and the unions to demonstrate.<sup>216</sup> Allen inflamed the volatile situation by withholding his decision on the issuing of permits for the moratorium march. The NSW moratorium convenor Ken McLeod, confirmed that “the moratorium is fully committed to a policy of non-violent action”, as was the case in May.<sup>217</sup> On the afternoon of Friday 18 September, when the march was to commence, the marshals were unaware whether permission had been granted for the use of the city streets.<sup>218</sup> When the *SMH* enquired into the status of the permit situation, the police declined to cooperate and Allen was unavailable for comment.<sup>219</sup> It would appear that Allen had deliberately left the moratorium committee in the dark regarding the permission from the Police Department for the march. This was probably intended to create confusion and encourage the protesters to march and inadvertently break the law.

It would appear that the ruse on the part of Askin and Allen was to antagonise the demonstrators. Allen predicted that the demonstrators would “take over the city by insurrection”.<sup>220</sup> By coincidence a LP convention was scheduled for the Friday night at the Sydney Town Hall which Askin probably hoped would be a catalyst for confrontation. Askin pre-empted his desired outcome on the eve of the moratorium when he taunted the ALP MLAs in parliament with accusations that they were “in favour of what certain ratbags propose to do, or might do, in the form of public demonstrations with violence”.<sup>221</sup> Askin’s tactic was to detonate the “powder keg” at the Friday demonstration, the day before the by-election.<sup>222</sup> The shocking violence that Askin anticipated would generate extensive media coverage. It would fan the smouldering fear and anxiety in the electorate, already cultivated by the conservatives’ campaign. The voters would then seek refuge in the law-and-order legislation.<sup>223</sup>

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<sup>216</sup> *SMH*, 23 July 1970, p.6; *The Australian*, 10 July 1970, p.1.

<sup>217</sup> *The Australian*, 16 September 1970, p.8; *Daily Telegraph*, 18 September 1970, p.15 .

<sup>218</sup> *The Australian*, 18 September 1970, p.7.

<sup>219</sup> *SMH*, 18 September 1970, p.1.

<sup>220</sup> *SMH*, 22 September 1970, p.2; *The Australian*, 19 September 1970; p.1 *The Australian*, 30 September 1970; p.8.

<sup>221</sup> *SMH*, 18 September 1970, p.7; *Daily Telegraph*, 16 September 1970, p.12.

<sup>222</sup> *The Australian*, 3 October 1970, p.6.

<sup>223</sup> *The Australian*, 26 September 1970, p.10.

The moratorium was to commence at 2pm on Friday 18 March 1970, with a rally at Wynyard Park. The protesters were then to march to the intersection of George and Park Streets, opposite the town hall, for a one-hour anti-conscription forum. The march was then to proceed down George Street to Victoria Park for an evening rally commencing at 7pm.<sup>224</sup>

The moratorium committee first became aware of the status of their permit application when the march left Wynyard Park. They were unaware that the police had redirected the route away from the town hall. The protesters at this point were immediately “dispersed by a flying wedge of more than one hundred police”. This was “the first hint of major trouble ... fists flew and several were arrested”. The estimated number of 8,000 protestors then “battled against police to get to George Street. The “worst violence” began when the police, who were following “a carefully prepared plan designed to keep the demonstrators away from the town hall”, wrangled them towards Hyde Park. When the crowd propped, the police “plucked violently struggling men and women from the pavement and hustled them into waiting police vans. Punches were thrown as police and demonstrators grappled on the road ... about 1000 demonstrators eventually reached the town hall where they sang”.<sup>225</sup> The demonstration concluded in Victoria Park with an “almost picnic air about it”.<sup>226</sup>

By the time Askin arrived at the Sydney Town Hall to attend the LP state convention only “a few of the demonstrators were sitting on the steps outside”.<sup>227</sup> Askin was probably self-satisfied with the outcome of the plan to keep the protesters away from the town hall and the LP conference which had provoked the violent struggle between the police and the protesters at Wynyard Park. This was widely covered by the media and at this stage Askin would have been confident that it would auger well with his ruse to convince

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<sup>224</sup> *SMH*, 18 September 1970, p.1.

<sup>225</sup> *SMH*, 19 September 1970, p.1; *The Australian*, 24 September 1970, p. 18; *Daily Telegraph*, 19 September 1970, p.1.

<sup>226</sup> *SMH*, 19 September 1970, p.9; *Daily Telegraph*, 19 September 1970, p.3.

<sup>227</sup> *SMH*, 19 September 1970, p.1.



the voters at the Georges River by-election to endorse his law-and-order legislation. It was reported that he was “unduly smug about the events of moratorium day”.<sup>228</sup> In his opening address at the convention, Askin said that the “public is on our side in the worrying atmosphere that obtains today”. He praised the police: the Commissioner and those with him “know what to do...and today they did it in a magnificent fashion.”<sup>229</sup> The Commissioner fully understands my Government’s policy ... to exercise restraint...and not to worry about trivial breaches ... but if there are incidents ... an irresponsible minority should not be allowed to hold the city to ransom”.<sup>230</sup>

Askin informed the conference that he had driven through the streets of Sydney for a “first hand” view of the melee. Despite the confrontation between the protesters and the police the demonstration concluded peacefully at Victoria Park. There was no evidence of torched motor vehicles or smashed shop windows which had been a common occurrence in Paris demonstrations. It was astonishing that the only dangerous characteristics Askin identified in the protesters, who were supposed to hold the city to ransom, was that “they were a pretty scruffy lot indeed. Most of them needed a haircut and a wash”. Askin then assured the conference that the LP would win the by-election with “a loss of a few votes due to the personal following of Doug Cross”.<sup>231</sup>

Askin’s ruse was a dismal failure and demonstrated his poor judgement in relation to the law-and-order issue.<sup>232</sup> The by-election was a disaster for the Government and Askin was out-campaigned by the young Frank Walker and the ALP. The Georges River electorate was considered a “fairly representative seat” of the state. The ALP campaigned on the cost of living and education, ignoring the issue of law and order.<sup>233</sup> They won the seat with a 9% swing that would translate into a six seat majority if it was repeated at

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<sup>228</sup> *SMH*, 27 September 1970, p.54.

<sup>229</sup> *The Australian*, 19 September 1970, p.5.

<sup>230</sup> *SMH*, 19 September 1970, p.9.

<sup>231</sup> *SMH*, 19 September 1970, p.9; *Daily Telegraph*, 19 September 1970, p.6.

<sup>232</sup> *The Australian*, 21 September 1970, p.1

<sup>233</sup> Don Harwin, ‘1971’, *The People’s Choice*, p.49.

the general election.<sup>234</sup> Frank Walker, the newly elected member for Georges River, found that the main concern of housewives was the cost of living and that “people just weren’t interested in law and order. To them law and order means protection from crime, not demonstrations”.<sup>235</sup> Some of the voters would probably have been parents and grand-parents of the demonstrators or even demonstrators themselves. They certainly would have been unimpressed with Askin constantly haranguing their children. Askin had no children; perhaps that made it harder for him to understand the baby-boomer generation who had not lived through the Depression or World War Two.

The by-election was a paradox insofar as the electorate embraced the traditional way by protesting at the ballot box. In turn the voters dismissed the conservative notion that other forms of protest such as street demonstrations were a threat to democracy. The electorate was in the process of breaking out of the out-dated and comfortable cocoon of the Menzies’ era.

The impact of the protest movements of the 1960s was manifest in the views expressed by the media commentators and the various interest groups in the aftermath of the Moratorium and the by-election.<sup>236</sup> In a letter to the editor of the *SMH*, the correspondent postulated that the discriminatory use of the police force against political enemies should not be tolerated and argued that this action posed a greater threat to democracy than demonstrations.<sup>237</sup> Photographs produced by the ABC confirmed “that police constables removed their identification badges then punched and kicked demonstrators”.<sup>238</sup>

The *SMH* editorial echoed Tom Uren’s assessment “that many police behaved in a controlled and responsible manner. But others did not ... Therefore it must be suspected that their conduct reflected the attitude of some senior police officers”.<sup>239</sup> Allan’s conduct came under scrutiny when it

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<sup>234</sup> *SMH*, 27 September 1970, p.1; *The Australian*, 26 September 1970, p.10.

<sup>235</sup> *SMH*, 21 September 1970, p.12; *Daily Mirror*, 7 September 1970, p.18.

<sup>236</sup> *The Australian*, 23 September 1970, p.3.

<sup>237</sup> *SMH*, 21 September 1970, p.1.

<sup>238</sup> *ibid*, 22 September 1970, p.4.

<sup>239</sup> *ibid*, 22 September 1970, p.2.

was ascertained that about 173 marchers were arrested out of a Sydney crowd of approximately 15000, compared with 4 from a Melbourne crowd of 50,000.<sup>240</sup> Dr Allan Lay, a Methodist minister who participated in the march, posited that the moratorium alerted the community to “the use of a police force to inhibit the freedom of assembly and the free expression of opinion” which underpinned the democratic process at the ballot box. The NSW Council of Civil Liberties released a pamphlet, “The Right of Peaceful Assembly”. The thesis of Justice Hope, outlined in the pamphlet, concerned the decision-making process for public demonstrations after the debacle at the September moratorium. He posited that public demonstrations should be dealt with by a magistrate. This avenue would be available in the case where the police and the protest group failed to reach an agreement. This process would keep the policing separate from politics and any “associated odium”.<sup>241</sup>

Perhaps the most poignant views towards the law-and-order policy of the conservative governments were those expressed by some young Liberals, the future custodians of LP philosophy. A booklet titled, “The Present Crisis in Universities”, authored by three members of the Sydney University Liberal Club, was sent to all LP politicians. Its purpose was “an attempt to offset interference by the government in university activities”. The authors described it as “an un-hysterical evaluation of student dissent”. They debunked the rhetoric that the student demonstrations were controlled by communists. It was conceded that some students were misguided and subversive but they were not communists. They argued that the demonstrations were another form of “pressure group tactics”, similar to that of the RSL or the AMA. It was posited that there were “very few violent extremists on the lunatic left”. The authors also echoed Carrick’s advice that, “Tolerance of legal dissent is the greatest weapon in limiting the numbers of such militants”.<sup>242</sup>

The ALP pursued Askin and Allen with a vengeance. Gough Whitlam, now the leader of the federal ALP, who had been informed by senior police

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<sup>240</sup> *SMH*, 24 September 1970, p.1.

<sup>241</sup> *SMH*, 28 September 1970, p.7.

<sup>242</sup> *SMH*, 25 September 1970, p.8; *The Australian*, 19 October 1970, p.4.

officers, said that “some young policeman who had been corrupted by military service in Vietnam had besmirched the reputation of the NSW police force”.<sup>243</sup> Syd Enfield called for a Royal Commission after Allen agreed to conduct an internal enquiry. Enfield claimed that it was justified by the complaints of reputable citizens and photographic evidence. He regarded the actions of Allen as irresponsible and that he was in no position to conduct an impartial enquiry.<sup>244</sup>

Askin heeded the warning he was given by the voters which was demonstrated by his improved results in the subsequent election. He abandoned the hubris that had blinkered his judgement and re-engaged with the voters. Subsequently, the *Summary Offences Bill* was diluted. Askin then trained his sights on the environmental issues in consideration of the electorate.

The idea of the *Summary Offences Bill* was to review the *Vagrancy Act 1902* and the *Police Offences Act 1901*, “because some offences were incongruous in the modern society”.<sup>245</sup> These acts were to be replaced with the *Summary Offences Act*. This created an opportunity for Askin to subtly introduce stringent law and order legislation.<sup>246</sup> The by-election defeat, along with opposition in the cabinet, stymied his plan.<sup>247</sup> Maddison, the Attorney General, expressed his position at a LP campaign dinner in Newcastle, “There would be no future for the LP if it did not acknowledge the right to dissent ... The essence of LP philosophy is the balance between civil liberties and the protection of the rights of its citizens”.<sup>248</sup>

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<sup>243</sup> *SMH*, 25 September 1970, p.1.

<sup>244</sup> *ibid*, 24 September 1970, p.1.

<sup>245</sup> *Cabinet Papers*, 7 July 1970, See Cabinet Statement. Summary Offences Bill – Review of Police Offences Act, 1901 and Vagrancy Act, 1902. Presented by the Chief Secretary and dated 28 May 1970, p.6.

<sup>246</sup> *The Australian*, 16 October 1970, p.3.

<sup>247</sup> *The Australian*, 11 November 1970, p.7.

<sup>248</sup> *SMH*, 17 October 1970, p.5; *The Australian*, 13 July 1970, p.4.

Askin was adamant that the bill was not diluted, despite his blustering rhetoric before the by-election. Hills derided it as a “damp squib”. The anomalies and anachronisms were addressed in the *Summary Offences Act*. Penalties for living off the earnings of prostitutes or for providing premises were doubled. The concept of an “aggravated offence” was diluted to apply only to “sit-ins” in private and government buildings. “Agents provocateur” failed to pass the scrutiny of the cabinet.<sup>249</sup>

After the Georges River by-election, Askin was keen to pursue an issue that would deflect attention away from the *Summary Offences Bill*. Pollution which had become a concern in the electorate was the solution. It had become an acceptable political issue by 1970 after the Senate Select Committee on water pollution found that “we are still living in our own filth”, and that all levels of government dealing with the issue boarded on “chaotic”.<sup>250</sup> Sydneysiders had become disgusted with the prospect of continually sharing the beach with their own waste. The pollution problem was further manifest on 25 July when a “rotten egg gas”, odour, which became known as the “big stink”, emanated from an unknown source in one of the industrial areas and enveloped the city. The July petrol strike further illuminated the issue when the city’s air pollution decreased by 50% because of the reduced number of motorists. The public reaction was demonstrated in the Morgan Gallup poll at the end of 1970. It showed that 78% of motorists were in favour of the introduction of lead free petrol even though it would cost an extra 3 cents per gallon.

Askin and his Government had good reason to savour the success of their first term which was reflected in the decisive 1968 election victory. Instead of capitalising on his good fortune Askin allowed hubris to undermine his proven art of politics and embraced conservatism over pragmatism. Askin

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<sup>249</sup> *Cabinet Papers*, 13 October 1970, See Press Statement by the Premier: Summary Offences Bill. See also Chief Secretary’s Cabinet Minute: Summary Offences Bill – Refusal of Approval for Procession; *Cabinet Papers*, 3 November 1970, Summary Offences Bill – Cabinet statement presented by the Chief Secretary dated 2 November 1970.

<sup>250</sup> *SMH* 27 July 1970, p.1; *SMH* August 6 1970, p.11; Horne, *A Time Of Hope*, p.78; *Cabinet Papers*, 4 August 1970.

was clearly bewildered by the protest movements but unlike his contemporaries such as Carrick and Sir Roden Cutler, he refused to engage with the sentiments of the demonstrators. His entrenched conservatism culminated in the “law and order” legislation. As a result the Georges River by-election was a disaster. Askin’s attempt to exploit the “law and order issue” was poor judgement and a blot on his otherwise discerning leadership.

## **4.8 The 1971 Election**

There is no doubt that Askin’s law and order debacle affected the Government’s credibility at the 1971 election. However, Askin was faced with an entirely different political climate at the election held on 13 February 1971 compared to 1968. The fortunes of the LP and the CP were in decline at both a state and federal level. The federal ALP under the leadership of Gough Whitlam was in its ascendancy. The ALP was elected in South Australia in 1970, Western Australia in 1971, and Tasmania in 1972.

Along with the support of Carrick’s well-oiled party machine, Askin mustered all of his political skills to face the challenge and narrowly escaped defeat.<sup>251</sup> Fortunately, Askin’s foresight had secured a favourable financial deal with Gorton in October 1970 which augured well for the 1971 election. Askin took heed of Gorton’s warning that the Commonwealth Government intended to prosecute its austerity economic policy in order to combat inflation.<sup>252</sup> The election date was set to be held after the Premiers’ Conference in the first week of February 1971, where Askin hoped it would become evident to the electorate that the increase in the cost of living was a result of the Gorton Government’s economic policy. Askin had no compunction in blaming his federal colleagues for the cost of living increase which underpinned his slogan “Let’s keep our state a better place to live”.

According to Geoffrey Reading (Askin’s press secretary), Askin was also privy to the ALP policy and campaign documents in early January which

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<sup>251</sup> Don Harwin, ‘1971’, *The People’s Choice*, p.67; ML MSS. 2385, Y4705, Item 11, Askin to Carrick.

<sup>252</sup> Hancock, ‘Askin, Robin’, *The Premiers*, p.358.

were allegedly leaked by Solomon (Sim) Rubensohn, a director of the advertising firm commissioned by the ALP. The claim was dismissed by senior Labor members citing that Rubensohn was engaged by the ALP after 1971.<sup>253</sup> Askin announced the election date on January 11 1971. He had indicated in the Cabinet meeting on 22 December 1970 that the election date must be announced before 9 February 1971.<sup>254</sup> The leak might have influenced his early announcement. Askin also met with Gorton on 8 January 1971 in Canberra, where Gorton had warned him that there would be cutbacks in Commonwealth funding to deal with inflation which would be announced at the up-coming Premiers' conference.<sup>255</sup>

The NSW ALP was in a renewal phase after Pat Hills replaced Jack Renshaw as leader in 1968. After the success of the Georges River campaign the ALP made the cost-of-living issue the centrepiece in their campaign under the theme of "you'll be much better off with a Labor Government". Despite the \$8 million budget deficit, Gorton's largesse enabled Askin to promise an almost doubling of state aid from \$8.2m to \$16.5m over two years. This received "a resounding endorsement from the Catholic Church".<sup>256</sup>

The Coalition won 49 seats, the ALP 45 and independents were elected in Murray and the Blue Mountains. After the appointment of the speaker and with the continuing support of the independents, the Government had a majority of 5. There was a swing of 4.9% to the ALP, in contrast to the swing to the coalition in 1968.<sup>257</sup> There was a swing of 0.9% and 1.3% to the DLP and the newly formed Australia Party respectively which had no effect on the overall result.<sup>258</sup> After preferences were distributed, the ALP was 50.9% over the Coalition's 49.1%. However, in NSW when boundaries are changed they were usually "mildly gerrymandered" towards the incumbent Government. For example, in 1962 the ALP won a majority of 4 seats with

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<sup>253</sup> Harwin, '1971', *The People's Choice*, p.51.

<sup>254</sup> *Cabinet Papers*, 22 December 1970, See Agenda: Cabinet Meeting, 22 December, 1970 – 10.30am.

<sup>255</sup> Hancock, 'Askin, Robin', *The Premiers*, p.358.

<sup>256</sup> Hancock, *The Liberals*, p.135.

<sup>257</sup> Mackerras, *NSW Elections*, p. 181 and p.178.

<sup>258</sup> Harwin, '1971', *The People's Choice*, p.65.

52.4% whereas in 1965 the Coalition had won by a majority of 2 seats with 52.7%.<sup>259</sup>

The Government lost the marginal seats of Gosford, Campbelltown and Nepean but held the marginal seat of Hawkesbury in region encircling the metropolitan area. The lack of adequate infrastructure in these developing areas was the main concern of the voters.<sup>260</sup> The Government's aim to retain these seats with the proposed Westmead Hospital failed to materialise.

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While the Askin Government was undoubtedly reluctant to accept social change, its practical reforms became its hallmark. Under Askin's leadership the Government was able to find an equilibrium between what the voters wanted and its desire to retain government. This was exemplified by the reforms on liquor laws, the stock market, road safety, national parks and consumer protection. In the case of the pollution issue, Askin's adaptability and insightfulness enabled him to focus on the needs of the voters. His aim was to deflect attention away from the unpopular Summary Offences Act and onto a practical issue that affected their everyday lives. This tactic was underpinned by Askin's art of politics and in the political melee of 1971, he needed every available political advantage.

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<sup>259</sup> Mackerras, *NSW Elections*, p. 189.

<sup>260</sup> Harwin, '1971', *The People's Choice*, p.64.



## **Chapter 5 – The Final Terms, 1971-75**

Winning a fourth term for any government is usually a difficult task. After the 1971 election, it appeared that the Askin Government was moribund, so the probability of losing the next election was high. Nonetheless, against all odds and in the light of the declining stocks of conservative parties at the national level, Askin led his Government to a resounding fourth-term victory on 17 November, 1973. This chapter examines the significant events of the Askin Government's third term. It illustrates that 1973 was the most significant year in Askin's political career and clearly demonstrates the principal argument of this dissertation: that Askin's contribution as leader was crucial to the electoral success and longevity of the coalition government.

Askin was able to achieve this result by utilising, with consummate efficiency, the four political tactics based on the political theory of Machiavelli which were fundamental to his art of politics. These were the requirement to focus on the needs of the voters; awareness of the needs of his peers; insight and adaptability to changing political circumstances; and maintaining the authority to lead. Askin attempted to honour his reform commitments, and when this was not possible, he blamed the federal government. He took advantage of the ailing federal government under the inept leadership of Prime Minister McMahon, just before it was defeated by Whitlam in 1972. Then, at the end of 1973, he capitalised on the waning popularity of Whitlam which was continuously reflected in the opinion polls and called an early election.<sup>1</sup> The Government also gained a possible advantage through a new electoral redistribution Bill that allowed the electoral boundaries to be altered prior to the 1973 election, instead of waiting until 1975.

### **5.1 The 42nd Parliament**

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<sup>1</sup> *Bulletin*, 21 July 1973, P.12; *The Australian*, 25 August 1973, p.1; *Bulletin*, 22 September 1973, p.20; *Bulletin*, 13 October 1973, p.9; *Bulletin*, 10 November 1973, p.26, *Daily Telegraph*, 21 June 1973, p.5, *Daily Telegraph*, 19 November 1973, p. 3.

The First session of the Forty-third Parliament commenced on 16 March 1971 and continued to 6 May 1971. Askin created the Ministry for Environmental Control and Sport in accordance with his election promise. Beale became Minister for Environmental Control, and Willis picked up Sport.<sup>2</sup> Otherwise, the Cabinet remained the same except for a minor reshuffle in order to balance the workload. After three elections, Askin remained mindful of the needs and ambitions of his colleagues; because of his astute judgement, Askin had attained the equilibrium that secured his leadership and avoided any “upset or palace revolutions”.<sup>3</sup>

William McMahon became Prime Minister in March 1971 after Gorton lost the confidence of the federal parliamentary LP. Under McMahon, the national economic outlook was deteriorating. The Governor, Sir Roden Cutler, opened the second session on, 4 August 1971 and informed the Parliament that inflation had become a serious issue for public finance in 1970-71. As a result, the Government handed down a deficit of \$7,800,000. According to the Government, this was due to inflationary pressures coupled with a sharp fall in wool prices and other primary industry products. Recent droughts followed by widespread flooding also contributed to the poor performance of the rural sector. However, overseas reserves rose to more than \$2,000,000, and unemployment, at the end of 1971, was the lowest in any state. The second session of parliament ran for just over seven months until 23 March 1972.<sup>4</sup>

International economic uncertainty was reinforced at the opening of the third session on 16 August 1972. The Governor, Sir Roden Cutler informed the Parliament that Australia was now one of the world's foremost trading nations and that the “interaction of international and domestic” influences was reflected in the 1971-72 financial year. The slow-down in the Japanese economy along with an uncertain international exchange rate and the imminent entry of the UK into the European Economic Community presented

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<sup>2</sup> ‘Australian Political Chronicle January-April 1971’, *The Australian Journal of Politics and History*, Vol.17, No.2, p.276.

<sup>3</sup> Interview (Pratt): Sir Robert Askin, 2:2/11.

<sup>4</sup> *NSW LA PD*, Vol.92, 4 August 1971, pp.1-5.

significant problems to Australia and NSW. Askin reminded the parliament and the voters of the Government's sound financial management credentials when the Governor noted that the \$5,500,000 budget deficit would have been far greater if Askin had not extracted special assistance from the Commonwealth. The third session of the parliament ran for nine months and closed on 2 May 1973.<sup>5</sup>

The theme of economic uncertainty continued at the opening of the fourth and final session on 8 August 1973. Members were informed by Cutler that the Queen and the Duke of Edinburgh had consented to open the Sydney Opera House in October 1973. The 1972-73 financial year was hampered by rising unemployment, sluggish consumer demand, high inflation and uncertainty in the rural sector. However, because Askin secured a 15 million dollar loan from McMahon in 1972 as well as an unexpected increase in stamp duty revenues, the budget deficit was just over 3 million dollars. This was a modest deficit to be announced in an election year.<sup>6</sup> The Governor listed the achievements of the Government and the future direction planned for the state. Askin had decided to call an early election, which was clearly reflected in the proposed budget for 1973-74. "A carefully planned programme of works and services had been drawn up, and estimates and amounts proposed to be voted from the General Loan Account for these purposes will be submitted for your consideration".<sup>7</sup> This enabled Askin to fund his election promises. He was also keen to capitalise on the pageantry of the Opera House opening that coincided with the declining popularity of the Whitlam Government.

During the third term, the techniques Askin used to negate the opposition were familiar. There were 261 Bills dealt with in only 160 sitting days; the 46 motions put by the opposition were defeated and the requests for select committees were blocked on a regular basis. The Government retained the support of the independent Labor group in the Legislative Council

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<sup>5</sup> *NSW LA PD*, Vol.99, 16 August 1972, pp.1-7.

<sup>6</sup> *NSW LA PD*, Vol.105, 8 August 1973, p.2.

<sup>7</sup> *NSW LA PD*, Vol.105, 8 August 1973, pp.1-7.

(expelled members of the ALP who established themselves into a formal group in August 1961) until April 1973 when it gained control in its own right.<sup>8</sup> The “gag” was used 126 times compared to 55 times by the Renshaw Government. This was not uncharacteristic of the Askin Government, but the ruthless nature of its application was significant in so far as it demonstrated Askin’s determination to exert his authority over the Parliament, and to use every available opportunity in order to improve his chances at the next election.<sup>9</sup>

An example of the Government’s ruthless mode of operation occurred when on 23 February 1973, the Labor member for Casino, Donald Day, was “gagged” midway through his proposed urgency motion in favour of selective decentralisation recommended in the NSW Development Committee’s 1969 report.<sup>10</sup> On the 3 March 1972, the Government treated Peter Fox, the Labor member for Auburn, in the same way, when he requested a debate on transport services.<sup>11</sup> Askin dismissed the behaviour of the opposition as undermining the intended use of the urgency motion.

Perhaps the most audacious example of this ruthlessness was the electoral boundaries legislation.<sup>12</sup> The *Parliamentary Electorate and Elections (amendment) Bill* was drafted after it was approved at a meeting of the coalition parties, and then by the Cabinet on 5 April 1973. The Bill provided for the immediate distribution of the electoral boundaries which increased the Legislative Assembly by three seats to bring the total to 99. In the Central Area, the total was increased to 66, while in the Country Area the number of seats was unchanged. The maximum amount a seat could vary from the quota was increased from 15% to 20%.<sup>13</sup> The issue had become highly

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<sup>8</sup> Clune and Griffith, *Decision and Deliberation*, p.412, 456.

<sup>9</sup> David Clune and Ken Turner, ‘1973’, *The People’s Choice, Vol.3*, Hogan and Clune (eds.), p.79.

<sup>10</sup> *NSW LA PD*, Vol.97, 23 February 1972, pp.4453

<sup>11</sup> Clune and Griffith, *Decision and Deliberation*, p.430.

<sup>12</sup> Clune and Turner, ‘1973’, *The People’s Choice, Vol.3*, Hogan and Clune (eds.), p.79-80.

<sup>13</sup> *Cabinet Papers*, 10 April 1973, SUBJECT: Parliamentary Electorates and Elections (Amendment) Bill, 1973. DECISION: Approval was given to the provisions ...as summarised in the Cabinet Minute, dated 9 April 1973, submitted by the Chief Secretary

contentious for Askin's federal counterparts. In order to retain unity and support from his peers Askin included them in the decision-making process by obtaining approval from the coalition caucus before it was approved by the Cabinet. A bill dealing with administrative reforms had already been endorsed by the Cabinet on 28 March 1972, so the Government took the opportunity to include these amendments in that bill.

It seems that the motive to rush the bill through the Parliament on the last day of the Third Session, was to benefit the Government at the scheduled 1974 election.<sup>14</sup> These amendments countered the bill that was introduced into the Parliament on 26 March 1969, and gazetted in 1970.<sup>15</sup> It enacted that an electoral redistribution was to take place at every other election, or every six years, instead of every five years; because "frequent changes in electoral boundaries interfere with political organisation and confuse the electors".<sup>16</sup> Therefore, the next redistribution was due to take place in 1975.

It was essential that the legislation was passed before the end of the third session on 11 April 1973, to enable the machinery to be activated in time for the next election. On the morning of the 10 April 1973, a memo from the Premier's Department was sent to the Cabinet Ministers reminding them that "Contingent notice of Bills cannot be given in the Legislative Council until notice has been given in the Legislative Assembly, or the Bill in question has been introduced. 24 hours [sic] must elapse between the giving of contingent notice in the Legislative Council and the consideration of the Bill". It was also suggested in the memo that by giving notice in the early afternoon of 10 April, discussion would be able to take place in the Legislative Council at an early hour on 11 April.<sup>17</sup>

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<sup>14</sup> *The Daily Telegraph* 11 April 1973, p.3.

<sup>15</sup> Don Harwin, '1971', *The People's Choice*, Vol.3, Hogan and Clune (eds.), p.46-47.

<sup>16</sup> *Cabinet Papers*, 17 December 1968, SUBJECT: Proposed amendments to the Parliamentary Electorates and Election Act, 1912, as amended. DECISION: Cabinet approved of the Preparation of a Bill ... sic [by] the Chief Secretary as outlined in his Cabinet Minute dated the 5 December, 1968: ...See also p.2 of the Cabinet Minute presented by the Chief Secretary dated 5 December, 1968.

<sup>17</sup> *Cabinet Papers*, 10 April 1973, See Letter from the Premier's Department dated 10 April 1973, ref m12745.

However, the Bill was introduced in the Legislative Assembly without notice at 9.37 P.M. on 10 April so the Bill could be considered in the Legislative Council after 9.37 PM, on 11 April. Standing orders were suspended in order for the Bill to pass all stages in the Legislative Assembly in one sitting. The opposition walked out in protest at 1.30am, over what it claimed to be the excessive use of the “gag”. Subsequently, the next day, 11 April 1973, the Bill passed through all stages in the Legislative Council at 2.00am.<sup>18</sup>

Askin’s tactic was to exercise the element of surprise and keep it out of the media until the deed was done. This was evidenced in another memo to the Cabinet Ministers on 10 April 1973 which stated that there was no point in issuing a press statement because the Bill will “pass all stages tonight”.<sup>19</sup> The element of surprise denied the opposition any media opportunity to accuse the Government of creating a “gerrymander”. Instead, Askin was able to divert any such accusations by justifying the legislation on the grounds of “Shifts in population and the addition to the rolls of 18-21 year voters”.<sup>20</sup> The *SMH* editorial described Askin’s tactics as “bulldozing” and no better than the preceding Labor government but also acknowledged that the Government had a “good case for the redistribution”.<sup>21</sup> According to Malcolm Mackerras “a minor strengthening of the already existing gerrymander is now as favourable to the Liberal/Country coalition as they are ever likely to be”.<sup>22</sup> In other words, Askin used every available means to maximise the Government’s election prospects.

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<sup>18</sup> Clune and Turner, ‘1973’, *The People’s Choice*, Vol.3, Hogan and Clune (eds.), p.80.

<sup>19</sup> *Cabinet Papers*, 10 April 1973, See Cabinet Meeting: Minutes to be considered by Cabinet at its meeting on Tuesday, 10 April, 1973, p.2.

<sup>20</sup> ‘Australian Political Chronicle May - August 1973’, *The Australian Journal of Politics and History*, Vol.19, No.3, p.411.

<sup>21</sup> *SMH*, 12 April 1973, p.6.

<sup>22</sup> Clune and Turner, ‘1973’, *The People’s Choice*, Vol.3, Hogan and Clune (eds.), p.81; Malcolm Mackerras, *New South Wales Elections*, ANU, Canberra, 1973, p.205

## 5.2 State-Commonwealth Relations: The McMahon Government

Prime Minister Gorton's forthright endorsement of centralism had begun to infuriate Askin just six months after he became Prime Minister in January 1968.<sup>23</sup> By March 1971, Askin had had enough and blatantly intrigued against Gorton with Federal NSW Members, which led to a party room revolt. Bolte also played the same role with the Victorian federal members. Subsequently, William McMahon became Prime Minister. Personally, Askin and Gorton got on well.<sup>24</sup> Gorton had been most helpful during the February election, but his centralism was anathema to Askin who believed that it was an impediment to Federalism and a hindrance to his chances at the next election. So the hapless McMahon was handed the unenviable task of negotiating with the now highly experienced and formidable Askin.<sup>25</sup>

Askin had previously dealt with McMahon and considered him a good treasurer but lacking in personal strength and dominance as Prime Minister.<sup>26</sup> So when McMahon warned the states in February 1972 not to expect relief from the Commonwealth for their budget deficits, which were strained due to global and domestic inflation, Askin's response was explosive. Considering that it was an election year for the Federal Government, McMahon's timing could not have been more ill-advised.<sup>27</sup>

Askin immediately went on the offensive, describing McMahon's Government as "dithering".<sup>28</sup> He threatened to increase taxes and charges in the August budget and blame it on Commonwealth policy.<sup>29</sup> Askin said that his Government would be forced to retrench state public servants, which

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<sup>23</sup> Hancock, 'Askin, Robin', *The Premiers*, p. 357; Hancock, *John Gorton: He Did It His Way*, Sydney, 2002, p.186.

<sup>24</sup> Hancock, *John Gorton: He Did It His Way*, Sydney, 2002, p.286.

<sup>25</sup> *ibid*, p. 359.

<sup>26</sup> Interview (Pratt): Sir Robert Askin, 2:1/30.

<sup>27</sup> Hancock, 'Askin, Robin', *The Premiers*, p. 359.

<sup>28</sup> *SMH*, 12 February 1972, p.1.

<sup>29</sup> *ibid*, 11 February 1972, p.1.

would have been detrimental to McMahon's election chances. These were already under siege due to the popularity of the Whitlam-led Labor Party. The national unemployment figures released for January 1972 were 130,000, an increase of 10,000 since December 1971.<sup>30</sup> Askin raised such a hue and cry that even the NSW Labor Council called for emergency funds to be provided to the states. Headlines such as, "Prime Minister struggling to satisfy Askin", certainly would have promoted Askin to the voter as a crusader for state rights.<sup>31</sup> Perhaps one of the most significant commentaries by Askin, which epitomised his *modus operandi* with possibly a glimmer of statesmanship, was the answer he gave at a press conference regarding his attacks on his federal colleagues during an election year: "I am a Liberal and a consistent Liberal, but as Premier of the State, I represent not just Liberals".<sup>32</sup>

McMahon wisely yielded under the pressure from the states, and within no time at all, Askin, the leader of the senior state, was congratulating McMahon on his "decisive approach to the economic situation and the problems of the states", and with good reason.<sup>33</sup> McMahon's electoral prospects were hopeless, and so Askin played on his desperation, a point that was evident in McMahon's statement after the Premiers' conference, dated 22 June 1972. Askin managed to extract an extra \$112 million for the states of which NSW received \$34.2 Million. \$7.1 million was sourced from the per capita increase of \$1.50 to \$3.50. There was \$50 million to cover the increase in the award wages of public servants, which negated Askin's threat of retrenchments, and an extraordinary loan allocation. The \$15 million loan facility that reduced the budget deficit was interest free for the initial twelve months, with a provision for the repayments to be forgiven in any year that the budget was in deficit.<sup>34</sup> This also enabled Askin to deliver on his election promises. They included an increase in allowances for non-state primary school children from \$50 to \$61 and non-state secondary children from \$59 to

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<sup>30</sup> *SMH*, 4 February 1972, p.1.

<sup>31</sup> *ibid*, 5 February 1972, p.1.

<sup>32</sup> *ibid*, 12 February 1972, p.8.

<sup>33</sup> Hancock, 'Askin, Robin', *The Premiers*, p. 359; *SMH*, 15 February 1972, p.1.

<sup>34</sup> *Cabinet Papers*, 27 June 1972, See Premiers' Conference and Loan Council meeting held on 22<sup>ND</sup>/23<sup>RD</sup> June, 1972. Presented to the Cabinet by the Premier and Treasurer dated 26 June 1972.



\$61 while the living away from home allowance for all secondary school children was raised from \$58 to \$72. These increases were to commence on 1 July 1972. The threshold for land tax on homes was raised from \$33,000 to \$42,000, and corporations registered outside the state were exempt from land tax on farming land.<sup>35</sup>

Askin had no compunction in capitalising on the dwindling stocks of his federal counterparts in order to secure his regime. In June 1972 he would have been dreading the prospect of a Whitlam Government. His foresight was such that the loan provided a modest buffer against what he viewed as likely to be rampant centralism under a Whitlam Labor Government.<sup>36</sup>

### **5.3 Askin and the Whitlam Government**

As a result, 1973 proved to be the most significant year in Askin's political career. When the Labor Party won the federal election on 2 December 1972 under the leadership of the charismatic Gough Whitlam, Askin faced his first actual contest of ideas since he entered politics. Even before the Cabinet of the Whitlam Government was sworn in, the battle-lines were drawn between the progressive titan's idea of federalism, and that of the conservative old "war-horse".

According to Whitlam, the financial resources from income tax, company tax and customs and excise duties were skewed towards the Commonwealth Government. Consequently, the states were unfairly burdened with delivering the costly services of education, health, transport, police and prison services.<sup>37</sup> Whitlam did not believe that the return of greater financial autonomy to the states would improve the situation. He supported the notion that the Federal Government was responsible for the way the states spent Commonwealth funds granted to them. This in turn provided a

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<sup>35</sup> 'Australian Political Chronicle September-December 1972', *AJPH*, Vol. 19, No.1, p.81.

<sup>36</sup> Hancock, 'Askin, Robin', *The Premiers*, p. 360; 'Australian Political Chronicle September-December 1972', *AJPH*, Vol. 19, No.1, p.81

<sup>37</sup> Gough Whitlam, *The Whitlam Government: 1972-1975*, Viking, Melbourne, 1985, p.711.

more efficient, equitable and responsive political machinery to operate the education, transport and health systems.<sup>38</sup> Whitlam implemented this idea at his first Premiers' Conference on 28 June 1973. He informed the states that the Commonwealth would exercise stringent control over the way the states spent their funds in areas such as education, hospitals, re-shaping the cities, and local government.<sup>39</sup> However, Whitlam was emphatic that his policies were not framed deliberately to promote centralism.<sup>40</sup>

As far as Askin was concerned the Commonwealth State relations were at "crisis point", and Whitlam's idea of federalism was a "virtual rape of the states".<sup>41</sup> Whitlam countered Askin's conservatism by describing the Askin Government as "the most reactionary, obstructive and discredited" in Australia.<sup>42</sup> He believed in the commitment of the Liberal Party to "the maintenance unimpaired of the Federal system" enshrined in the LP platform of 1947.<sup>43</sup> Askin opined that centralism was a factor in Gorton's downfall: "Centralism was an anathema to the big body of Liberals. The Liberal philosophy is in favour of the Federal System and against centralism".<sup>44</sup> Askin later recalled that "The Whitlam Government was extremely harsh as far as allocation of finance was concerned. If the [Whitlam Government] had stayed in office ... it would have led to the collapse of the Federal system as we know it and the states would have been glorified local government departments and would not have been independent in the way they are now".<sup>45</sup> Undoubtedly, Askin's and Whitlam's ideas of federalism were diametrically opposed.

Askin's performance in 1973 was a culmination of his political maturity and his art of politics, underpinned by his temperament, and it demonstrated

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<sup>38</sup> Whitlam, *The Whitlam government*, p.713; *The Australian*, 5 June 1973, p.4.

<sup>39</sup> *SMH*, 29 June 1973, p.1; *The Daily Telegraph*, 19 July 1973, p.4; *The Australian*, 29 June 1973, pp.1-2; *The Australian Financial Review*, 29 June 1973, p.1.

<sup>40</sup> Whitlam, *The Whitlam government*, p.713.

<sup>41</sup> Hancock, 'Askin, Robin', *The Premiers*, p. 360; *Cabinet Papers*, 13 March 1973. *SMH*, 29 June 1973, p.1, 6; *The Daily Telegraph*, 29 June 1973, p.7; *The Australian*, 29 June 1973, p.2.

<sup>42</sup> Hancock, 'Askin, Robin', *The Premiers*, p. 360; *SMH*, 12 November 1973, p.1.

<sup>43</sup> Hancock, 'Askin, Robin', *The Premiers*, p.357.

<sup>44</sup> Interview (Pratt): Sir Robert Askin, 2:1/29.

<sup>45</sup> *ibid*, 2:1/18.

that Askin's leadership was an essential factor in the electoral success of the coalition government. When Whitlam and his Ministers trained their sights on Askin immediately after they had their resounding victory, it was because he was "the one Liberal campaigner whom Labor feared". Askin certainly had the reputation of being the only Liberal in NSW who was able to win over Labor voters in a Labor state.<sup>46</sup> Therefore, it was in their interests to destabilise his leadership.

This was evidenced in Tom Uren's profile in the *Australian* on 6 December 1973 under the headline: "Uren is ready to sock it to the states". Uren, the Federal Minister for Urban and Regional Development, said "I will be arguing that unless State Government programmes are set down to Federal guidelines of priorities, they should not get Federal money ... Askin's a problem and will be a problem but he's got an election coming up. He'll need more than just opening his mouth and using insulting words to people. People want to hear something positive".<sup>47</sup> Frank Crean, the Treasurer-designate, said that "Askin got favourable treatment from the former government, now he could expect equal treatment with the other states".<sup>48</sup> Askin had it on sound authority that during the victory celebration of the Labor Party in December 1972, a spokesman said that they set out to destroy the status and credibility of McMahon and that they intended to do the same to Askin before the next State election.<sup>49</sup> There is no doubt that Whitlam and his Ministers were motivated to utilise every opportunity to trounce Askin. They were enjoying the spoils of a resounding victory, while Askin was in the unenviable position of facing a fourth term election at the beginning of 1974. Moreover, Askin had three by-elections in the offing that had the potential to bring down his Government, so the contest concerned political tactics as well as federalism.

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<sup>46</sup> *The Bulletin*, 27 July 1973, pp.12-13.

<sup>47</sup> *The Australian*, 6 December 1972, p.6.

<sup>48</sup> *SMH*, 15 December 1972, p.1

<sup>49</sup> *The Australian*, 14 May 1974, p.68.

Whitlam and his Ministers underestimated the formidable combatant at their cost. Sometimes creating hostilities with a State Government is a prudent tactic but it depends on the ability of the Commonwealth Government to convince the electorate that the state is at fault.<sup>50</sup> In hindsight, the Whitlam Government would have been well advised to avoid unnecessary confrontation with Askin. When the curtain was raised on that tumultuous year, the newly-elected Labor Government was enjoying a post-election goodwill period. Whitlam had ordered Askin to close the Rhodesia Information Centre in Sydney,<sup>51</sup> and he had refused his request for more funds.<sup>52</sup> However, by the end of 1973 the Rhodesia Information Centre had closed, Askin was victorious at the 1973 election, whereas Whitlam was left struggling in the opinion polls.<sup>53</sup>

### **5.3.1 The Rhodesia Information Centre**

The controversy over the attempted closure of the Rhodesia Information Centre is significant in so far as it opened hostilities between Whitlam and Askin. It is also indicative of the tactics used to destabilise Askin's leadership. The controversy unfolded under the following circumstances. Material had been leaked to the press that Whitlam had ordered Askin to close the Information Centre on the grounds that all members of the United Nations were prohibited from aiding the illegal Smith regime in Rhodesia.<sup>54</sup> Askin responded by accusing the Whitlam Government of gross discourtesy and stated that the letter was more of a plea for co-operation rather than an order. Askin described the Whitlam Government as "a bunch of novices and political troglodytes", and stated emphatically that "NSW is a sovereign state and nobody gives us orders". Askin elaborated and said "If you [Whitlam] want to close down the centre, do it yourself and don't expect us to do your dirty

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<sup>50</sup> *The Bulletin*, 10 March 1973, p.10.

<sup>51</sup> *SMH*, 9 December 1972, p.1.

<sup>52</sup> *The Australian*, 15 December 1972, p.3.

<sup>53</sup> *The Daily Telegraph*, 24 September 1973, p.2; *The Daily Telegraph*, 10 November 1973, p.3; *The Bulletin*, 3 Oct 1973, p.3; *The Australian*, 25 August 1973, p.1.

<sup>54</sup> *SMH*, 4 April 1973, p.17.

work”.<sup>55</sup> Subsequently, Askin referred the matter to the state’s Crown Law authorities who had the attempt to close the centre resolved in the NSW Supreme Court.<sup>56</sup>

The attempt to close the centre served as a means of applying political pressure to Askin, which also fuelled the beginning of the contest that was ostensibly over state rights. The controversy continued to serve this purpose throughout the year. In September 1973, the full sitting of the High Court ruled against the Commonwealth Government’s decision to disconnect the centre’s postal and telephone services. Whitlam blamed Askin for lack of co-operation and then made plans to alter the postal and telecommunication laws.<sup>57</sup> Whitlam further exploited the issue by increasing the intensity of his rhetoric in the lead up to the state election in November 1973. He accused Askin of supporting the illegal racist regime by not co-operating to have the centre closed. Askin refuted this accusation on the ground that “the [NSW Supreme] Court ruled that the Corporate Affairs Commission had power [under the *Business Names Act*] to cancel the business name”, but the State Government had no authority to close the centre.<sup>58</sup>

It is ironic that, long after the political contest was over, Whitlam wrote: “His [Askin] Government co-operated with mine in applying to the Supreme Court of NSW for the Centre’s registration under the *Business Names Act* to be cancelled on the ground that it gave the erroneous impression that the Australian authorities recognised the rebel government in Rhodesia ... My Government’s legislative program was too full and too often disrupted for the Bill to be passed during our time”. The centre was finally closed at the request of the new Mugabe Government of Zimbabwe in 1980.<sup>59</sup> The Rhodesia issue served as a political convenience to begin hostilities between Askin and the Whitlam Government. It was followed by skirmishes that occurred throughout

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<sup>55</sup> *The Daily Telegraph*, 9 December 1972, p.3; *SMH*, 8 December 1972, p.1, *SMH*, 9 December 1972, p.1; *The Sun*, 8 December 1972, p. 1.

<sup>56</sup> *SMH*, 12 November 1973, p.1

<sup>57</sup> *SMH*, 11 September 1973, p.1; *SMH*, 12 September 1973, p.2.

<sup>58</sup> *ibid*, 12 November 1973, p.1

<sup>59</sup> Whitlam, *The Whitlam government*, p.70.

1973, over political tactics and conflicting ideas concerning state sovereignty which included the Privy Council; Sea and Submerged Lands; Sydney's second airport; local government; and decentralisation.

### 5.3.2 The Privy Council

When Whitlam travelled to London to discuss the abolition of Appeals to the Privy Council, it sustained Askin's electoral strategy. Askin was able to claim that this was another example of Whitlam's centralist policies. The Askin Government contended that it was there to protect the interests of NSW, and that a Liberal Government in the senior state would prevent all of the power from being vested in the Labor Federal Government.<sup>60</sup>

The abolition of the Privy Council appeals had been part of Labor's platform since 1908.<sup>61</sup> The aim was to unshackle Australia from archaic colonial law by making the High Court of Australia the final court of appeal. When the Whitlam Government was elected it was one of its priorities to terminate all appeals to the Privy Council by Australian courts.<sup>62</sup> Whitlam and the British Government found that it was a matter for the Australian Government, and that the British Parliament could provide complementary legislation which would amend the Statute of Westminster in relation to the Privy Council.<sup>63</sup>

Askin and the five other states, three of them Labor, rallied against the proposal and they decided to take their case to the British Government.<sup>64</sup> Whitlam contained his rage over the action of the Labor states, and instead he

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<sup>60</sup> Interview (Pratt): Sir Robert Askin, 1:2/38.

<sup>61</sup> *The Daily Telegraph*, 20 June 1973, p.12.

<sup>62</sup> Anne Twomey, *The Chameleon Crown: The Queen and Her Australian Governors*, Sydney, 2006, pp.131-132.

<sup>63</sup> *SMH*, 26 April 1973, p.3.

<sup>64</sup> *Cabinet Papers*, 8 May 1973, See Cabinet Minute heading: COMMONWEALTH-STATE RELATIONSHIPS presented by the Attorney-General dated 4 May 1973. See also subject and decision, p.1; *Cabinet Papers*, 26 June 1973, See MINUTE FOR CABINET – STATE LEGISLATIVE POWERS: CONSTITUTIONAL RELATIONS WITH THE UNITED KINGDOM presented by the Attorney-General dated 21 June 1973.

focussed his invective on Askin and the Premier of Queensland, Joh Bjelke-Petersen.<sup>65</sup> Pat Hills, the NSW leader of the Opposition, inadvertently acknowledged Askin's powers of persuasion by accusing him of "conning" the Labor Premiers.<sup>66</sup> The reason the premiers viewed the proposal with apprehension was because the High Court had usually ruled in favour of the Commonwealth in matters of state sovereignty.<sup>67</sup> After the premiers travelled to London to discuss the matter and were awaiting the outcome, Askin sensed that the British Government deemed the matter to be between the States and the Australian Government.<sup>68</sup> Therefore, he made it clear in his press statements that the main concern of the Premiers, particularly the Labor premiers, was the lack of consultation by Whitlam.<sup>69</sup> He was probably aware that Whitlam's tactic was to test the reaction of the states, because he had little faith in any agreement being reached between them.<sup>70</sup>

So when Whitlam conceded that he would be happy to undertake discussions with the states, Askin claimed that "the states' battle with the federal Government over state rights had saved federalism in Australia" and that their trip to London was a great success. In other words, the states retained their dignity, and they accepted the abolition of Privy Council appeals as a fait accompli.<sup>71</sup> The Privy Council was on the agenda at the Premiers' Conference on 28 June 1973, but it only received cursory attention.<sup>72</sup>

After the Premiers' Conference, Askin said that Australia would "one day become a republic [because] the Canberra centralists were slowly eroding the states' power".<sup>73</sup> Bjelke-Petersen went further, possibly after being

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<sup>65</sup> *SMH*, 15 June 1973, p.6.

<sup>66</sup> *SMH*, 12 June 1973, p.2.

<sup>67</sup> *ibid*, 4 June 1973, p.6.

<sup>68</sup> Document 469 "Australia: States' Petitions on Offshore Rights", *Documents on Australian Foreign Policy: Australia and the United Kingdom 1960-1975*, Ashton, S.R., Bridge, Carl and Ward, Stuart (eds.), Canberra, 2010, p.1032; *The Daily Telegraph*, 19 June 1973, p.11.

<sup>69</sup> *SMH*, 14 June 1973, p.2; *SMH*, 19 June 1973, p.1; *The Australian*, 7 June 1973, p.11.

<sup>70</sup> *SMH*, 20 June 1973, p.3.

<sup>71</sup> *ibid*, 19 June 1973, p.1.

<sup>72</sup> *ibid*, 30 June 1973, p.10.

<sup>73</sup> *The Daily Telegraph*, 30 June 1973, p.15.

goaded by Askin who was the shrewder of the pair, when they were both in London. "He [Whitlam] wants to declare Australia a republic, and then he can become a dictator President", declared Bjelke-Petersen.<sup>74</sup> As far as Askin was concerned, every time a hue and cry was raised against Whitlam's centralism, his own electoral chances were improved. His tactic might have resonated with the electorate because a Gallup Poll found that six out of ten people interviewed did not support the abolition of appeals to the Privy Council.<sup>75</sup> Nevertheless, "Appeals to the Privy Council of England from the Australian High Court on matters of wholly State character [were] abolished on 26 February, 1973".<sup>76</sup>

The over-riding motivation of the premiers was to retain access to the Privy Council because they wanted to protect their lucrative offshore minerals royalties from the Federal Government and they also thought that they would get a fairer hearing from the Privy Council.<sup>77</sup> This was precipitated by the *Commonwealth Seas and Submerged Lands Act* which was put before the Parliament in May 1973, and subsequently enacted on 4 December.<sup>78</sup> It was the same centralist legislation that contributed to the downfall of Gorton: the states were never going to agree with Whitlam's idea that the off-shore resources needed to be dealt with nationally and not fragmented by six different jurisdictions.<sup>79</sup>

As a result, the Askin Government supported the Queensland and Tasmanian Governments in their petition to the Queen in May 1973 which sought the right for direct appeal to the Privy Council under a *Judicial*

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<sup>74</sup> *SMH*, 25 June 1973, p.3.

<sup>75</sup> *The Bulletin*, 25 August 1973, p.24.

<sup>76</sup> 'New Legislation of the Australian Government, No. 15, December 1975', *The Whitlam Years: Australia's Labor Legislation 1972 – 1975*, Sydney, 1978, p.448; Tony Blackshield, 'Law Reform', *Whitlam Re-visited: Policy Development, Policies and Outcomes*, (eds.) Hugh Emy, Owen Hughes and Race Matthews, Pluto Press Australia, Leichhardt, 1993, p.102.

<sup>77</sup> *Cabinet Papers*, 15 May 1973, See Cabinet Minute TASMANIAN PETITION TO PRIVY COUNCIL – STATE POWERS OVER THE SEA BED presented by the Attorney-General.; *SMH*, 16 May 1973, p.6; *The Australian*, 7 June 1973, p.11; Twomey, *The Chameleon Crown*, p.116.

<sup>78</sup> 'New Legislation of the Australian Government, No. 5, October 1973, *The Whitlam Years*, p.140.

<sup>79</sup> *The Australian*, 5 June 1973, p.4; *The Daily Telegraph*, 13 December 1972, p.5.



*Committee Act* of 1833 that had never been executed. This coincided with the Premiers' extraordinary trip to London. Of course the futile exercise was rejected by the Queen in February 1974 "because the High Court of Australia does not, in practice, grant leave to appeal to the judicial committee [of the Privy Council] on *inter se* questions ... There exists therefore in Australia a forum in which the sea-bed issues can be resolved, and it is in this forum that Commonwealth/State disputes have hitherto been resolved in Australia".<sup>80</sup> In response, the Askin Government lodged a writ in the High Court on 20 June 1974 challenging the legislation.<sup>81</sup> However, this time around, Askin was not in the position to dislodge the Prime Minister even though it would have been high on his agenda. So the High Court was the only option; and the full Court ruled on 17 December 1974 in favour of the Commonwealth, and gave it sovereignty over the Australian Territorial Sea and the Continental shelf.<sup>82</sup>

### 5.3.3 The Sydney Second Airport

Whitlam was by no means always the victor when he dealt with the Askin Government. He created a furore at the beginning of 1973 when he posed his plan to build a second airport at Galston in the north west of Sydney. As a result, about one thousand protesters stormed Parliament House in Canberra.<sup>83</sup> In the case of the second airport, the final decision rested with the NSW government and Askin's Cabinet had decided against the proposal.<sup>84</sup>

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<sup>80</sup> Document 466 'Foreign Commonwealth Office record of meeting with Australian state premiers and ministers', *Documents on Australian Foreign Policy: Australia and the United Kingdom 1960-1975*, Ashton, S.R., Bridge, Carl and Ward, Stuart (eds.), Canberra, Australian Department of Foreign Affairs and Trade, 2010, p.1028; *SMH*, 18 February 1974, p.3.

<sup>81</sup> *SMH*, 21 June 1974, p.11; *Cabinet Papers*, 26 March 1974; *Cabinet Papers*, 13 August 1974.

<sup>82</sup> *SMH*, 18 December 1975, p.2,10.

<sup>83</sup> *The Daily Telegraph*, 12 September 1973, p.9; *SMH*, 12 Sept. 1973, p.1.

<sup>84</sup> *Cabinet Papers*, 25 September 1973, See subject and decision under the heading COMMONWEALTH/STATE COMMITTEE PLANNING SYDNEY AIRPORTS. See also Cabinet minute under the same heading presented by the Deputy Premier and Minister for Highways and Minister for Local Government dated 19 September 1973; *Cabinet Papers*, 2 October 1973, See SUBJECT and DECISION under the heading Establishment of Growth Centre Development Authorities and stabilisation of land values in Growth Centres presented by the Minister for Decentralisation and development dated 2 October 1973

Askin knew that Galston would never come to fruition while his Government held office. He said: "It was typical of the ill-considered, snap judgement schemes being churned out in Canberra".<sup>85</sup> While Askin took every opportunity to join the chorus in decrying Whitlam's centralism over the issue, he was just as contented for the controversy to be battled-out in the ranks of the Labor Party.

It reached a climax when Michael Whelan, the ALP Federal candidate in the Parramatta by-election in September 1973, announced that the Galston airport was a myth.<sup>86</sup> This was followed by Whitlam's commitment on the eve of the by- election that Galston would definitely go ahead. The seat of Parramatta was in the vicinity of Galston; when Labor lost the by-election, Bob Hawke, the ACTU President, publicly derided Whitlam as "politically crazy" for announcing that Galston would go ahead when there had been no binding decision. Philip Ruddock won the seat and managed a 7.3% swing to the LP.<sup>87</sup> So when Whitlam criticised Askin during the state election in November 1973 for not controlling boxing and other combat sports, Askin was in his element and responded: "I am unable to answer this off hand, but NSW is prepared to supply boxing gloves of the appropriate size for Mr Whitlam and Mr Hawke".<sup>88</sup> Whitlam was probably on the mark when he stated that Askin "stirred up Galston" to benefit the Liberal Party at the by-election as well as his own political capital. The Galston affair concluded when the Federal Government rejected it on economic and environmental grounds in May 1974.<sup>89</sup>

### 5.3.4 Local Government

The Whitlam Government's policy to streamline Local Councils which included amalgamating Sydney into eight regions was also treated with

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<sup>85</sup> *SMH*, 29 April 1973, p.1.

<sup>86</sup> *The Daily Telegraph*, 17 September 1973, p.3.

<sup>87</sup> *SMH*, 24 September 1973, p.1.

<sup>88</sup> *ibid*, 12 November 1973, p.1.

<sup>89</sup> *ibid*, 11 May 1974, p.1.

uncompromising contempt by the Askin Government. When the matter was raised with Harry Jago, the acting Minister for Local Government, it was met with the terse response: “we value the word “local” in Local Government”.<sup>90</sup> However, when Whitlam’s progressive policies suited Askin he demonstrated remarkable co-operation. He pleaded for the \$359.42 million to supply sewerage to the 150,000 Sydney properties without the amenity. It was Whitlam’s electoral promise to provide funds in order to expedite the completion of the sewerage utility.<sup>91</sup> It is notable that Askin expressed in his maiden speech, in 1950, his concern for the lack of sewerage in his electorate. Despite their political differences Askin and Whitlam were both sympathetic to local problems. In contrast, Askin’s LP counterparts in Canberra had criticised Whitlam for having the mentality of a shire president when he announced his sewerage policy.

### 5.3.5 Decentralisation

Similarly, it was touted as remarkable that Victoria, NSW and the Commonwealth were able to “fully co-operate” in the establishment of Albury-Wodonga, Australia’s first growth centre.<sup>92</sup> Whitlam said “the agreement was an historic example of how the Australian Government and the States could work together in the interests of the Australian community”.<sup>93</sup> Askin agreed even though the benefit appeared to be skewed towards Victoria. Albury-Wodonga was 191 miles from Melbourne, whereas Sydney was 366 miles from the growth centre. However, Victoria had traditionally invested in the borderland because of its close proximity to Melbourne and the injection of Commonwealth funds was especially welcome. Also in December 1972, the Askin Government had established the Bathurst-Orange Development Corporation. So the NSW Government preferred this growth centre because of the close proximity to Sydney.<sup>94</sup>

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<sup>90</sup> *The Sun*, 2 May 1973, p.31, ‘1973’, *The People’s Choice*, p.86.

<sup>91</sup> *SMH*, 23 May 1973, p.3.

<sup>92</sup> *The Australian*, 24 September 1973, p.11.

<sup>93</sup> *ibid*, 24 October 1973, p.2.

<sup>94</sup> Whitlam, *The Whitlam Government*, p.386.

The reason for Askin's enthusiasm was because he had persuaded Whitlam in January 1973 to support the Orange-Bathurst area in NSW as well as Albury-Wodonga.<sup>95</sup> It is important to note that "public support for the programme [was] overwhelming. The Labor Government was swept into office last December partly on its visionary urban, reform programme".<sup>96</sup> Consequently, Whitlam could not ignore the NSW project. The NSW Cabinet's decision was emphatic: that before they would agree to Albury-Wodonga, the Commonwealth needed to ensure that financial support was continued for Bathurst-Orange.<sup>97</sup> So when the first tranche of finance was provided to the States for their decentralisation projects, NSW received \$13.9 million out of the \$33 million of Commonwealth funds. Albury-Wodonga was allocated \$4.5 million and the bulk of the balance was spent on the Bathurst-Orange centre.<sup>98</sup>

#### **5.4 NSW-By-Elections: The Epitome of Askin's Art of Politics**

Similar skirmishes continued throughout the year, but the most significant contest in 1973 was when the Askin Government won the three by-elections held on 17 February. The feat was an embodiment of Askin's political acumen and tactics, which left Whitlam and the ALP in his wake. This 'trifecta' is one of the clearest examples of the crucial role that Askin played not only in winning office in 1965, but retaining it for four terms. Askin described his triumph at the state by-elections as "the one victory that I felt most satisfaction from and which I think was most meritorious was the mini-election of three by-elections held on the 17 February 1973."<sup>99</sup> In hindsight, Askin's courageous

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<sup>95</sup> *The Australian*, 26 January 1973, p.1.

<sup>96</sup> *ibid*, 24 September 1973, p.11.

<sup>97</sup> *Cabinet Papers*, 15 May 1973, See subject and decisions under the heading Albury/Wodonga: proposed Growth Centre. Also see Cabinet Minute under the same heading presented by the Minister for Decentralisation and development dated 24 April 1973. Also see Press Statement dated 15 May 1973; *Cabinet Papers*, 2 October 1973, See Memo and Cabinet minute under the heading Emergency Powers Bill, 1973 presented by the Minister for Labour and Industry dated 27 September 1973. Also see subject and decision under the same heading.

<sup>98</sup> *SMH*, 23 August 1973, p.9.

<sup>99</sup> Interview (Pratt): Sir Robert Askin, 1:2/38.

approach to the three by-elections and the subsequent Parramatta by-election gave him an unassailable lead for the 1973 state election.

In December 1972 the Askin Government was about to face three by-elections in the Government-held seats of Armidale, Byron and Hawkesbury. The LP MLA for Hawkesbury, Bernie Deane, retired due to ill-health. Davis Hughes, the CP MLA for Armidale, resigned to take up the position of NSW Agent General in London, while Stanley Stephens the CP MLA for Byron retired into private life.<sup>100</sup> This left the Government in a precarious position. The Legislative Assembly consisted of 96 seats: 48 Government seats; 45 ALP held seats; and three independent members who usually supported the Government. Askin candidly summarised the Government's position; "If we lost 3 of [the seats], we were out of office. If we lost 2 we would have great difficulty in carrying on".<sup>101</sup> The by-elections which were considered a "mini election" were arguably the toughest test for the government since it won office in 1965.<sup>102</sup> They tested its strength as well as Askin's leadership.<sup>103</sup> At the time the political climate was far from favourable to the Government, which proved Askin's success all the more remarkable.

The Whitlam Government was enjoying a goodwill period afforded to new Governments, and it was taking every opportunity to destabilise Askin's leadership.<sup>104</sup> In contrast the Askin Government had been in office for eight years and its image was becoming worn.<sup>105</sup> The strong swing in NSW of more than 5% to the ALP at the December federal election put the NSW Coalition Government in its most vulnerable position since defeating the Labor Government in 1965. This swing was strongly reflected in the outer suburbs of Sydney which encompassed the state electorate of Hawkesbury.<sup>106</sup> There

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<sup>100</sup> *The Daily Telegraph*, 18 January 1973, p.5.

<sup>101</sup> Interview (Pratt): Sir Robert Askin, 1:2/38; *The Daily Telegraph*, 30 January 1973, p.4; *SMH*, 19 February 1973, p.1; *The Bulletin*, 27 January 1973, p.12-13; *The Sun*, 17 February 1973, p.19.

<sup>102</sup> *The Daily Telegraph*, 16 February 1973, p.8.

<sup>103</sup> *The Bulletin*, 27 January 1973, pp.12-13.

<sup>104</sup> *SMH*, 19 February 1973, p.6.

<sup>105</sup> *The Australian*, 10 February 1973, p.8b; *The Daily Telegraph*, 16 February 1973, p.8

<sup>106</sup> *The Australian*, 5 December 1972, p.4; *SMH*, 16 February 1973, p.8

also had been a swing of 11% away from the Government at the Mosman by-election after Pat Morton retired.<sup>107</sup> Askin could not depend on any support from his federal counterparts because they were “behaving like stunned fowls”,<sup>108</sup> and fighting amongst themselves after losing the election. Therefore, it was prudent to isolate them from the campaign. So Askin took on Whitlam on his own terms.<sup>109</sup>

Askin’s Ministers and the members of his government urged him not to hold the three by-elections at the same time in February. This was on account of the small margins of 5.1% in Hawkesbury and 4.6% in Byron, as well as the possibility of losing Government. Armidale had a bigger margin of 12%.<sup>110</sup> Also “Whitlam was at the top of the wave” and there was no doubt that he would undertake a massive campaign against Askin.<sup>111</sup>

Hughes and Stephens had not handed their letters of resignation to the Speaker. Consequently, the option was available for Askin to persuade them to delay their retirement. Nonetheless, Askin decided to hold the three by-elections on 17 February 1973.<sup>112</sup> It was editorialised in the *SMH* that “Askin gambled his political career on the role of a leading public critic of the Whitlam Government at a time when this role appeared suicidal.”<sup>113</sup> Askin recalled: “you’ve got to trust your judgement at times and I felt that by adopting the right tactics we could win ... we devised a plan to make it look as though what was in actual fact the case, that we were there to protect NSW’s interests and we didn’t want to be dominated by big brother from Canberra”.<sup>114</sup> In effect, Askin used his proven tactical rhetoric against the Federal Government’s centralism, except in this case he was able to support his argument by targeting

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<sup>107</sup> *The Bulletin*, 27 January 1973, pp.12-13

<sup>108</sup> *SMH*, 19 February 1973, p.6.

<sup>109</sup> *The Daily Telegraph*, 14 December 1972, p.2

<sup>110</sup> Mackerras, *New South Wales Elections*, Canberra, 1973, p.133; the assessment of Armidale as a safe seat proved wrong: demography was moving temporarily in favour of the ALP which won the seat in 1978.

<sup>111</sup> Interview (Pratt): Sir Robert Askin, 1:2/38.

<sup>112</sup> *SMH*, 4 December 1972, p.11.

<sup>113</sup> *ibid*, 19 February 1973, p.1.

<sup>114</sup> Interview (Pratt): Sir Robert Askin, 1:2/38.

Whitlam's progressive reforms.<sup>115</sup> By this decisive action and astute judgement, Askin demonstrated his courage and strength of leadership to his peers and they accordingly awarded him all the credit. This of course arrested any doubt over his leadership tenure.<sup>116</sup>

Askin's tactic was to go on the offensive immediately after the Whitlam Government won the election, which was exemplified by his attitude towards the closure of the Rhodesia Information Centre. After his request to boost unemployment relief was refused on the ground that he received favourable treatment from McMahon, he sent a submission to Whitlam for an increase in grants to NSW. Whitlam informed the states that they were to use their own revenue for the remainder of the 1972-3 financial year and cancelled the half yearly Premier's conference usually held in February.<sup>117</sup> When WA and SA received grants of \$6 million and \$7 million respectively, Askin seized the opportunity and claimed that the tax payers of NSW were "tired of subsidising fellow Australians." Askin also accused Whitlam of by-passing the elected government of NSW when he discussed unemployment relief and the revaluation of the dollar with Hills, the Labor opposition leader.<sup>118</sup>

After twenty three years in opposition the federal Labor Government was zealous in implementing its reform agenda. When the Governor General, Sir Paul Hasluck, opened the Federal Parliament on 27 February 1973 he outlined the most "comprehensive programme of legislation in its history."<sup>119</sup> It included: the *Sea and Submerged Lands Act*, reforms to local Government, a second airport for Sydney, and a restructuring of the way the States spent Federal grants. Anachronistic ties with Great Britain were to be severed including the abolition of appeals to the Privy Council and the discarding of

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<sup>115</sup> Clune and Turner, '1973', *The People's Choice*, pp.85-86; *The Sun*, 15 February 1973. p.19.

<sup>116</sup> *The Sun*, 19 February 1973. p.2.

<sup>117</sup> *SMH*, 12 February 1973. p.6.

<sup>118</sup> *The Australian*, 13 December 1972, p.3; *The Daily Telegraph*, 18 December 1972, p.2; *The Australian* 5 January 1973, p.2.

<sup>119</sup> *The Daily Telegraph*, 28 February 1973, p.11.

imperial honours.<sup>120</sup> By initiating diplomatic relations with the People's Republic of China and North Vietnam, Whitlam placed Australia on a more independent foreign policy footing.<sup>121</sup> This was at odds with the traditional idea that Australia looked to Great Britain and the US for its security.

Without the benefit of hindsight the voters became unnerved at the rapidity of the implementation of what proved to be farsighted reforms,<sup>122</sup> and sometimes Whitlam's performance had seemed erratic and his authority over his Ministers and the caucus appeared uncertain after publicised in-fighting.<sup>123</sup> Askin sensed this reaction in the electorate and harnessed the unease to under-score his by-election slogan; "Keep a brake on Canberra with a strong Government in NSW". Unlike in the Georges River by-election, his judgement was accurate which was reflected in the opinion polls. Askin elevated the usual bickering between the State and the Federal Government over money into a contest over ideology. He was then able to use the progressive reforms as evidence of Whitlam's centralism and his disregard for Australian tradition when he presented his Government's case to the voters.<sup>124</sup> On reflection, Askin said that "the Whitlam Government has been too quick in shifting from the US sphere of influence to that of Hanoi and Peking... the hell-bent way in which they have been severing connections with the UK has worried a lot of people ... I believe the excellent result came because people know that I stand first and foremost for my state".<sup>125</sup> Askin was able to provide a counter balance to the voters and he had form when it came to standing up to federal conservative governments so they would have been confident that he was capable of dealing with a Labor federal government.

Pat Hills, the leader of the Opposition, undertook a massive campaign and was convinced that NSW Labor would benefit from the Whitlam

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<sup>120</sup> *The Daily Telegraph*, 8 December 1972, p.2; *The Daily Telegraph*, 13 December 1972 p.5; *The Daily Telegraph*, 3 February 1973, p.7; *The Daily Telegraph*, 13 February 1973, p.13.

<sup>121</sup> *SMH*, 27 December 1973, p.1

<sup>122</sup> *The Australian*, 17 February 1973, p.2.

<sup>123</sup> *SMH*, 19 February 1973, p. 6, *SMH* 16 February 1973, p.6; *SMH*, 7 January 1973, p.27.

<sup>124</sup> *The Sun*, 16 February 1973, p.14

<sup>125</sup> *SMH*, 19 February 1973, p.4.



Government's popularity.<sup>126</sup> He was supported in his campaign by high-profile members of the Labor Party that included Whitlam, some of his Ministers and Bob Hawke, the ACTU president. Askin countered this by corralling every Cabinet Minister and backbencher into "door knocking, shaking hands and addressing meetings ... Askin campaigned tirelessly in all three electorates ... [he] addressed political rallies, chattered to passers-by in the streets and generally met the people".<sup>127</sup> He added a sweetener by announcing that death duties would be abolished on estates valued up to \$50,000.<sup>128</sup> Also, the taxation rebate on primary production vehicles was increased from 33.5% to 50%. The three electorates were associated with primary production, so the Whitlam Government's decision to revalue the dollar, which was estimated to cost these industries between \$46 million and \$49 million, did not augur well for NSW Labor. Another impediment to Hills' campaign in Hawkesbury was the union ban on US shipping, which threatened the export industries of meat and fruit from the Hawkesbury electorate.<sup>129</sup> The Australian Maritime Union had banned all US shipping in Australian ports at the end of December 1972 after the US bombing of the large civilian centres of Hanoi and Haiphong in North Vietnam.

Askin took advantage of every opportunity and capitalised on the way Hills appeared to pander to Whitlam. The Premier said Hills chose to "tag-along" after Whitlam and Hawke, gambling on their "popularity to swing the three seats".<sup>130</sup> By taking a secondary role to Whitlam, Hills left himself open to attack by Askin, who rebuked him for using Whitlam's "Its time" slogan and for "not standing on his own two feet and fighting the by-election on state issues".<sup>131</sup> Hills approach also invited Askin to remark: "Can you imagine Mr

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<sup>126</sup> *The Daily Telegraph*, 30 January 1973, p.4; *The Sun*, 19 February 1973, p.4.

<sup>127</sup> *SMH*, 22 February 1973, p.7.

<sup>128</sup> *The Daily Telegraph*, 2 February 1973, p.1; *The Daily Telegraph*, 16 February 1973, p.8; *The Sun*, 2 February 1973, p.17.

<sup>129</sup> *SMH*, 7 January 1973, p.27.

<sup>130</sup> *The Sun*, 19 February 1973, p.2.

<sup>131</sup> *SMH*, 19 February 1973, p.1.

Hills standing up to Mr Whitlam and fighting flat out for additional money for NSW? In fact, can you imagine him standing up to anybody?”<sup>132</sup>

## 5.5 The 1973 State Election

With a general election in the offing, Askin had no time for hubris after his victory. He continued to champion state sovereignty with his main focus on the next State election. The next significant opportunity for Askin to re-enforce his credentials with the electorate presented itself at the federal by-election in the seat of Parramatta on 22 September 1973.

In the lead up to the Parramatta by-election Askin exploited the instability that had plagued the Whitlam Government since it won office. The continuation of the Labor caucus undermining Whitlam had led many voters to doubt his authority over his Government and his ability to “run the country”.<sup>133</sup> Askin continued his rhetoric “We need the whole LP to embark on a crusade. It’s imperative that we win as it’s a test not between two political parties but between two ways of life”. This was because the rate of inflation (which had become a global phenomenon) was caused by the “reds, the pinkies and the socialists ... As for Whitlam, I believe he’s losing ground daily.”<sup>134</sup> Indeed, Askin was keeping an eye on the opinion polls and gauging the mood of the voters.

The seat of Parramatta was left vacant after the resignation of former Liberal minister Nigel Bowen who had been appointed Chief Judge in Equity in the Supreme Court of NSW. Until the 1972 federal election, when the LP won just 50.3% of the vote in Parramatta, the seat was considered safe Liberal. Michael Whelan who came within five primary votes of winning the seat in December 1972 was nominated the Labor candidate.<sup>135</sup> So the

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<sup>132</sup> *SMH*, 12 February 1973, p.6.

<sup>133</sup> *The Daily Telegraph*, 24 September 1973, p.3; *SMH*, 24 September 1973, p.6; *SMH*, 13 October 1973, p.6.

<sup>134</sup> *The Daily Telegraph*, 30 August 1973, p.3.

<sup>135</sup> *The Australian*, 13 August 1973, p.2.

ensuing victory of Philip Ruddock with a 7.3% swing against Whelan was a good achievement and augured well for the Askin Government.<sup>136</sup>

By 19 October 1973, Askin was confident that the political climate favoured his government so he called the election that was held on 17 November, three months earlier than necessary.<sup>137</sup> The federal government had become unpopular, with particular concern in the electorate over the 14% inflation rate, reflecting a dramatic 9.3% increase in consumer prices in the first nine months of the Whitlam Government.<sup>138</sup> Also, the opinion polls had indicated throughout the year that the Whitlam Government would lose a general election.<sup>139</sup> NSW had been plagued by industrial action which Askin claimed was the fault of the federal government. Askin brought down a budget in anticipation of an early election;<sup>140</sup> his Government was bathing in the limelight after the opening of the Sydney Opera House while the electoral redistribution was also favourable to the coalition.<sup>141</sup>

The budget brought down on 25 September was clearly a pre-election budget.<sup>142</sup> Askin ensured that the “little man” received a “fair go”.<sup>143</sup> While there were no increases in fares for commuters, there was an increase of 30% in state aid to independent schools and a decrease in land tax and death duties. Askin, in his role as treasurer, was able to provide an extra \$44 million through a one per cent increase in payroll tax.<sup>144</sup> The election date was announced on Friday, 19 October, the day before the Sydney Opera House was opened by the Queen.<sup>145</sup> Undoubtedly, Askin wanted to associate the

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<sup>136</sup> *The Bulletin*, 21 July 1973, p. 20.

<sup>137</sup> *The Australian*, 20 October 1973, p.1; *The Daily Telegraph*, 19 October 1973, p.1.

<sup>138</sup> *The Bulletin*, 27 October 1973, p.14; *The Daily Telegraph*, 21 June 1973, p.5; *The Daily Telegraph*, 17 November 1973, p.3.

<sup>139</sup> *The Bulletin*, 21 July 1973, p.12; *The Australian*, 25 August 1973, p.1; *The Daily Telegraph*, 24 September 1973, p.3; *The Bulletin*, 3 October 1973, p.3; *The Daily Telegraph*, 10 November 1973, p.12.

<sup>140</sup> *The Daily Telegraph*, 3 July 1973, p.7; *The Daily Telegraph*, 18 September 1973, p.9.

<sup>141</sup> Mackerras, *New South Wales Elections*, p.25; *The Bulletin*, 21 April 1973, p.23.

<sup>142</sup> *SMH*, 26 September 1973, p.1.

<sup>143</sup> *The Daily Telegraph*, 18 September 1973, p.9.

<sup>144</sup> *The Daily Telegraph*, 25 September 1973, p.3; *SMH* 26 September 1973, p.1; *The Daily Telegraph*, 18 September 1973, p.9.

<sup>145</sup> *The Daily Telegraph*, 20 October 1973, p.2.

election with the sense of national pride and the pageantry of the Royal occasion on that bright, sunny Sydney day.<sup>146</sup> Under the headline of “A gift for all time”, Askin described it as “one of the most memorable occasions in the cultural history of NSW and, indeed the Nation...an occasion in which we can all take pride...a remarkable complex which has already won international fame”.<sup>147</sup> However, the Queen was greeted with “Tons of garbage, slime and foetid water [that had] brought the stench of decay to Sydney’s streets and footpaths”, as a result of a strike by 400 garbage workers.<sup>148</sup> This was a stark reminder to the people of NSW of the plethora of strikes they had endured during the year.<sup>149</sup>

Failing equipment prompted the radio technical officers at Sydney Airport to take industrial action which caused major disruptions along the eastern seaboard.<sup>150</sup> Fourteen thousand members of the Federated Union of Locomotive Enginemen went on strike which stopped all trains throughout Australia.<sup>151</sup> The metropolitan train strike occurred when train drivers refused to train guards to be emergency drivers.<sup>152</sup> Mail officers at the Mail Exchange banned overtime due to a dispute concerning compulsory overtime which delayed twelve million parcels.<sup>153</sup> An inter-union demarcation dispute at the wharves caused them to be choked up with cargo.<sup>154</sup> Sydney University Law School was forced to close because of a dispute by technicians and attendants over a new work agreement. Another demarcation dispute, this time between the Vehicle Builders Union and the Storeman and Packers Union, resulted in 750 workers being stood down at the Borg Warner component plant.<sup>155</sup> In addition, a beer drought in hotels and clubs resulted from a strike by four thousand brewery employees of Tooth Ltd over the

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<sup>146</sup> *The Bulletin*, 27 October 1973, p.14.

<sup>147</sup> *ibid*, 20 October 1973, p.42.

<sup>148</sup> *The Sun*, 23 October 1973, p.4; *SMH*, 20 October 1973, p.1.

<sup>149</sup> *The Bulletin*, 10 November 1973, p.20.

<sup>150</sup> *The Australian*, 4 October 1973, p.1; *AFR*, 3 October 1973, p.4.

<sup>151</sup> *The Daily Telegraph*, 1 November 1973, p.1; *The Sun*, 1 November 1973, p.1.

<sup>152</sup> *The Daily Telegraph*, 19 September 1973, p.9; *The Daily Telegraph*, 10 October 1973, p.1.

<sup>153</sup> *The Daily Telegraph*, 4 October 1973, p.2; *The Daily Telegraph*, 29 September 1973, p.2.

<sup>154</sup> *The Daily Telegraph*, 12 July 1973, p.13; *The Daily Telegraph*, 14 July 1973, p.2.

<sup>155</sup> *The Daily Telegraph*, 4 October 1973, p.3; *AFR*, 3 October 1973, p.4.

sacking of a forklift driver.<sup>156</sup> However, the most controversial industrial dispute concerned the 35 hour week claim by the power production distribution and supply workers. This precipitated the proposal for an Emergency Powers Bill by Askin if he won the election. The Bill involved the maintenance of essential services, where a jail sentence could be imposed for a breach of the Act.<sup>157</sup>

Politically, the strikes were a boon for the Askin Government. All of the industrial disputes had in some way affected the general public and therefore attracted public attention. In most cases the services that were disrupted were considered public utilities in the minds of the voters, which made the strikes easy political capital for Askin. Also there was no apparent connection between the various strikes which made it convenient for Askin to lay the blame on the union-affiliated ALP.<sup>158</sup> Askin, always the tactician, ignored the high rate of inflation which was a factor contributing to the strikes.

Askin claimed that he called an early election “because he wanted a mandate to take a strong stand against militant unions.”<sup>159</sup> His tactic was to by-pass Hills and face-off against the Whitlam Government where he believed he was able to capitalise on the dissatisfaction with the Labor Party. It had worked well at the State and Federal by-elections.<sup>160</sup> Two recent opinion polls, the Australian nationwide Opinion Poll and the Gallup Poll respectively, had indicated that in NSW the Whitlam Government would have received 45% of the vote to the Coalition’s 48%, while there was a national swing of 7% to the coalition.<sup>161</sup> It was also difficult for the federal government to fight back without appearing “vengeful and spiteful” and antagonising the State.<sup>162</sup> This was exemplified during the election when Whitlam said that the NSW Government

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<sup>156</sup> *The Daily Telegraph*, 3 July 1973, p.13; *The Daily Telegraph*, 8 July 1973, p.13.

<sup>157</sup> *The Daily Telegraph*, 25 September 1973, p.2; *Cabinet Papers*, 2 October 1973; *The Daily Telegraph*, 3 November 1973, p.4.

<sup>158</sup> *AFR*, 3 October 1973, p.4.

<sup>159</sup> *The Australian*, 20 October 1973, p.128; *The Daily Telegraph*, 13 October 1973, p.3; *The Sun*, 6 November 1973, p.4.

<sup>160</sup> *The Daily Telegraph*, 20 October 1973, p.2.

<sup>161</sup> *The Daily Telegraph*, 20 October 1973, p.3; *The Bulletin*, 10 November 1973, p.26.

<sup>162</sup> *The Bulletin*, 24 November 1973, p.36.

was “grudging, tardy and negative in co-operating with the National Government”. Askin countered that the co-operation of his Government could not be matched by any state Government: “It ill behoves Mr Whitlam, therefore, to speak as he has. From now on there will be fewer favours”.<sup>163</sup>

The main weapon in Askin’s armoury was the industrial lawlessness over the 35 hour week issue. It reached a critical stage in February 1973 when the Industrial Commission rejected a claim by the Labor Council for a 35 hour week for power workers.<sup>164</sup> The rationale behind the decision was the inflationary effect it would have had on the already burdened economy; it would lead to an increase in the price of electricity and encourage other industries to follow suit.<sup>165</sup> As a result, all of the MLAs of the coalition parties unanimously supported the cabinet’s decision to reject the union’s claim. The power workers reacted by participating in a series of strikes throughout the year. The power blackouts as they became known affected Sydney, Newcastle and many country areas. Power rationing was required for essential services, city traffic became chaotic when the signal lights failed, and industries were denied electricity. All the citizens of the State were affected in some way.<sup>166</sup>

When Askin announced that the Government had drafted legislation to jail and fine unionists who refused to operate essential services in a declared emergency, his tactic was to encourage an hysterical and threatening response from the Labor Party and the unions.<sup>167</sup> Clyde Cameron, the Federal Minister for Labour, said in the federal parliament that Askin’s legislation would lead to a “near revolutionary situation where there could be bloodshed in the streets of Sydney”.<sup>168</sup> The union leaders threatened a state-strike: “We

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<sup>163</sup> *SMH*, 12 November 1973, p.1.

<sup>164</sup> *The Daily Telegraph*, 25 September 1973, p.2.

<sup>165</sup> *ibid*, 4 October 1973, p.2.

<sup>166</sup> *The Daily Telegraph*, 29 June 1973, p.1; *The Australian*, 26 June 1973, p.1; *AFR*, 26 June 1973, p.1; *SMH*, 29 September 1973, p.1; *The Daily Telegraph*, 3 October 1973, p.1; *AFR*, 3 October 1973, p.4; *The Australian*, 4 October 1973, p.1.

<sup>167</sup> *The Australian*, 2 November 1973, p.1; Policy Speech, 1 November 1973, p.4.

<sup>168</sup> *The Australian*, 3 November 1973, p.3.

want to make it quite clear that a vote for Askin is a total stoppage of all sections of industry in the State".<sup>169</sup> This reaction played into Askin's hands by demonstrating their militancy and lawlessness to the electorate.

Askin was then able to reinforce his claims that Hills and the ALP supported the unions in their quest for a 35 hour week, and that a Hills Labor Government would "capitulate to [their] sabotaging tactics".<sup>170</sup> Askin said the "cutback" of Snowy Mountain power to NSW was a major cause to the blackouts. He cited as evidence the fact that Rex Connor, the Federal Minister for Minerals and Energy, had misled the Federal Parliament by denying that he had advised the Snowy Mountains Scheme Council to cut power production due to union pressure. Connor admitted to writing the letter that stated that "the permanent works of the Authority [should operate] in a manner which does not run counter to the intentions of the 35 hour week committee". Askin described the letter as "political chicanery of the worst kind". He said that the Federal Government was "covertly trying to force the NSW government into granting a 35 hour week to Electricity Commission Employees".<sup>171</sup> The only option available to Hills was to plead to the power workers to return to work.<sup>172</sup> Askin then went on the offensive by offering Whitlam a solution: "should your Government decide to implement a 35 hour week for your own public service ... and therefore accept responsibility for the highly inflationary consequences, this would cause a review of my Government's decision". Whitlam and Cameron had disagreed in Parliament over the timing of honouring their election promise to grant a 35 hour week to Commonwealth employees, due to the inflationary effects.<sup>173</sup>

Askin had no intention of introducing the emergency legislation or being specific about its format. He had learnt his lesson from the debacle at the Georges River by-election, which resulted in the dilution of the *Summary*

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<sup>169</sup> *ibid*, 7 November 1973, p.1.

<sup>170</sup> Policy Speech, 1 November 1973, p.2.

<sup>171</sup> *The Daily Telegraph*, 29 September 1973, p.3; *SMH*, 29 September 1973, p.1.

<sup>172</sup> *The Daily Telegraph*, 4 October 1973, p.1.

<sup>173</sup> *Daily Telegraph*, 26 September 1973, p.2; *The Daily Telegraph*, 4 October 1973, p.1; *The Daily Telegraph*, 6 October 1973, p.2; *The Australian*, 6 October 1973, p.1.

*Offences Act* before the 1971 election. Fredrick Hewitt, the Minister for Labour and Industry, for the purpose of political expediency, re-hashed the *Emergency Powers Act No. 19* 1949. Probably because of its severity it “was kept alive for less than three months and no positive action was taken.” The Act had been assented on 30 June 1949, in unison with the Federal Labor Government’s *National Emergency (Coal Strike) Bill* on 29 June 1949 in response to the coal strike, which lasted from 27 June to 15 August 1949. Hewitt’s “draft bill had not been revised by the Parliamentary Counsel ... [and] its introduction was to be delayed until circumstances dictate its passage through the parliament”.<sup>174</sup> The Parliamentary Counsel was responsible for drafting bills.

Neville Wran, who moved from the Legislative Council to become the MLA for Bass at the 1973 election, and subsequently the Leader of the Opposition, was accurate when he said that “Askin was being unnecessarily provocative by not being specific about his intended state of emergency legislation ... the intended legislation was an emotional appeal with little substance.” Askin was possibly hoping that the unions would create an incident that would bode well for his re-election.<sup>175</sup> Maximillian Walsh wrote in the *Australian Financial Review*: “It was no trouble for Askin to float off the idea of jailing strikers in his policy speech, only to back-pedal the whole idea throughout the campaign when it became evident that it was a loaded one.”<sup>176</sup> Clearly Askin had learnt from the Georges River by-election.

It was widely considered a foregone conclusion that the Government would be returned in 1973.<sup>177</sup> The only surprise was that the Askin victory was not as resounding as everyone expected, including the ALP. The aim of the Federal Government was to keep an Askin victory as small as possible. Malcolm Mackerras reckoned that the NSW ALP needed a swing of

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<sup>174</sup> *Cabinet Papers*, 2 October 1973.

<sup>175</sup> *The Daily Telegraph*, 5 November 1973, p.5.

<sup>176</sup> *AFR* 19 November 1973, p.4.

<sup>177</sup> *The Bulletin*, 24 November 1973, p.36; *AFR*, 19 November 1973, p.4; Clune and Turner, ‘1973’, *The People’s Choice*, p.105.



approximately 3% to win. However, the political pundits concurred that an opposite outcome was most likely.<sup>178</sup>

Askin, who announced his retirement within 12 to 18 months, offered little apart from what he had promised in the budget.<sup>179</sup> He guaranteed the voters that he would take a strong stand against the “industrial saboteurs” in the electricity industry, and that his Government was a bulwark against Canberra’s centralism. He then reminded the voters of the Government’s record and urged them to keep “NSW in good hands”.<sup>180</sup>

Despite the dull election, a moment of light relief was captured when Whitlam was campaigning in the electorate of Coogee. The Prime Minister was photographed at Coogee Beach with “bikini girls” and “the former Rugby League Kangaroo winger, Michael Cleary”, the Labor candidate for Coogee.<sup>181</sup> In response, Askin campaigned for Ross Freeman, who became the LP candidate for Coogee, after the retirement of Kevin Ellis, the former Speaker. Freeman was a 26 year old barrister, who was described as resembling a young “surfie” rather than a politician, and probably needed all the support that could be mustered. So Askin arrived at the Coogee Bay Hotel on that balmy Friday afternoon prior to the election, flanked by two beautiful “Go-Go” girls.<sup>182</sup> With a wink and a smile, he made his way across the greasy tiles of the public bar with the girls in tow; the wall-to-wall blue singlet clad male patrons erupted into a cacophony of “catcalls” and cheers.

Freeman defeated the high-profile Michael Cleary by eight votes. There is no doubt that the boy from Glebe, who rose to the position of Premier and the first citizen of the State, always retained the common touch and never

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<sup>178</sup> *AFR*, 12 November 1973, p.5; *AFR*, 19 November 1973, p.2; Clune and Turner, ‘1973’, *The People’s Choice*, p.108.

<sup>179</sup> *SMH* 9 November 1973, p.1.

<sup>180</sup> *The Australian*, 2 November 1973, p.4; *The Sun*, 2 November 1973, p.7.

<sup>181</sup> *The Australian*, 19 November 1973, p.2.

<sup>182</sup> “Go Go” girls were professional dancers, who performed on musical variety television shows such as *Bandstand* when the art form was fashionable in the 1960s and early 1970s.

forgot his roots.<sup>183</sup> This was a characteristic of Askin's temperament that enabled him to communicate across the broad section of the electorate, and explains why he was feared by the ALP. Maximilian Walsh, a political commentator for the *AFR*, observed that federal politicians on both sides of politics were of the opinion that "in an ideological way, he [Askin could be] comfortable in either Party."<sup>184</sup> Nonetheless, Freeman's stint as the youngest MLA was short lived. The Court of Disputed Returns ruled the election void and ordered a by-election which Cleary won by a slim margin.<sup>185</sup> Askin claimed that Labor won because he was overseas during the by-election campaign, and therefore he was unable to organise it.<sup>186</sup>

The general election resulted in the Coalition winning 52 seats; 18 went to the CP and 34 to the LP, against Labor's 44 seats. After the election of the Speaker, the Government had a seven-seat advantage over Labor on the floor of the House. However Jago, the Minister for Health, forgot to nominate by the due date and was disqualified from contesting his blue ribbon seat of Gordon, which was won by the DLP.<sup>187</sup> The DLP won the safest LP seat by default which gave Askin an improvement of 5 seats over the 1971 election. The DLP MLA for Gordon, Kevin Harrold, and the former Liberal and independent MLA for Blue Mountains, Harold Coates, generally supported the Government, unlike John Hatton, the independent MLA for South Coast.<sup>188</sup> The government effectively had a comfortable majority of nine seats which was a considerable improvement over the 1971 result. The ALP's two party preferred vote suffered an overall swing of 2.5%. In the rural areas, the ALP reached its nadir with a 6.1% swing against it which was attributed to the reaction to the federal government's rural policies.<sup>189</sup>

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<sup>183</sup> *The Australian*, 19 November 1973, p.2.

<sup>184</sup> *AFR*, 19 November 1973, p.1.

<sup>185</sup> Clune and Turner, '1973', *The People's Choice*, p.106.

<sup>186</sup> Interview (Pratt): Sir Robert Askin, 1:2/37.

<sup>187</sup> *AFR*, 19 November 1973, p.5.

<sup>188</sup> Clune and Turner, '1973', *The People's Choice*, p.105.

<sup>189</sup> *The Australian*, 19 November 1973, p.2; Clune and Turner, '1973', *The People's Choice*, p.107.

## 5.5 The Fourth Term

### 5.5.1 Financial Relations with the Whitlam Government

The main concern of the Askin Government when the Whitlam Government was elected in December 1972 was the latter's proposed direct intervention into policy and decisions concerning the State's responsibility in the areas of housing, education, public transport and health. In a minute to the Cabinet, the Under Secretary to the Treasury suggested that it would be prudent for the Government to balance the financial benefits to the state against the reduced autonomy involved in conditions set down by the Commonwealth. Diplomacy and pragmatism were the order of the day as opposed to brinksmanship. From the point of view of the departments and authorities, and the voters who were primarily concerned with the improved services, state sovereignty was inconsequential.<sup>190</sup>

Askin on the other hand was opposed to centralism, especially when it was politically expedient. But he was retiring, the Government was not facing an election until way into the future, and they enjoyed a very comfortable majority compared to 1971. Throughout 1973 the Askin Government agreed to the Federal Government's proposals with amendments regarding State consultation and control. Askin clearly realised that at this time he had a myriad of other issues on which to attack the Whitlam Government without jeopardising his prospects for additional Federal Government funding.

The NSW Government agreed to the \$86 million as the first tranche of a five year agreement for welfare housing which began on 1 July 1973. The states had negotiated substantial concessions from the Federal Government but they still conceded that Canberra had more control than they desired.<sup>191</sup>

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<sup>190</sup> *Cabinet Papers*, 13 March 1973, See SUBJECTS and DECISIONS under the heading COMMONWEALTH-STATE FINANCIAL RELATIONS. Also see report from the Treasury signed by the Under Secretary and Comptroller of Accounts dated 6 March 1973.

<sup>191</sup> *Cabinet Papers*, 10 July 1973, SUBJECT: Commonwealth State Housing Agreement. DECISION: Approval was given to the proposal set out in the Cabinet Minute, dated 5 July 1973 submitted by the Minister for Housing and Co-operative Societies; *Cabinet Papers*, 30 August 1973, See Subject and

Similarly, the States agreed to the Whitlam Government's proposal to assume the financial responsibility for tertiary education. The NSW Government agreed on the condition "that any grants to be made for tertiary education would be determined after consultation with the State".<sup>192</sup>

When Whitlam announced in December 1972 that he would give the States \$500 million over the next five years for transport Milton Morris, the Minister for Transport said that he would "approach the offer from a strictly non-political basis".<sup>193</sup> However when the federal government made it clear, "that the Government would seek a voice in the management of Transport Authorities", Morris and the NSW Government accepted the proposal only in principle. Subsequently, when the Federal Government offered \$12.64 million for the 1973 financial year for the State's nominated projects, an agreement was not reached until October 1974 due to negotiations over state sovereignty.<sup>194</sup>

Conversely, the federal government's proposal for a Universal Health Scheme was deemed unacceptable. This decision was ratified at the Cabinet Meeting on 17 December 1974, and was the final significant decision before Askin retired. He offered an alternative proposal and the first contentious issue was the lack of "financial support to hospitals by the Commonwealth Government through administrative procedures already in existence".<sup>195</sup> Askin

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Decision under the heading Housing Agreement Bill, 1973 submitted by the Minister for Housing and Co-operative Societies dated 29 August 1973.

<sup>192</sup> *Cabinet Papers*, 12 June 1973, See Subject and decisions and then Cabinet minute submitted by the Minister for Education dated 29 August 1973; *Cabinet Papers*, 19 June 1973, See Subject and Decision under the heading Commonwealth Government Proposals for Assumption of Financial Responsibility for Tertiary Education submitted by the Minister for Education dated 6 June 1973.

<sup>193</sup> *Daily Telegraph*, 12 December 1972, p.1; *Daily Telegraph*, 17 February 1973, p.1; *The Australian*, 17 February 1973, p.1.

<sup>194</sup> *The Australian*, 25 August 1973, p.13; *Cabinet Papers*, 9 April 1974 and 8 October 1974.

<sup>195</sup> *Cabinet Papers*, 17 December 1974, See SUBJECT and DECISION under the Heading Recurrent costs of Public Hospitals Universal Health Insurance Scheme-Alternative Proposals.

retired on 7 January 1975 and the matter was left for his successors to resolve.<sup>196</sup>

All of these proposed reforms had to be financed in a global inflationary environment. After the Premiers' Conference in May 1973 a committee consisting of State and Commonwealth officers was established in a co-ordinated effort to reduce inflation. It was found that the main concern for Governments was the spiralling prices of food and other necessities such as fuel, which had a highly emotional effect on consumers and subsequently their behaviour. The appropriate fiscal and monetary policies were paramount in curbing inflation, as well as "restraint on incomes and other costs" and "the labour market".<sup>197</sup> This bode well for Askin's decision not to agree to the 35 hour week. Regardless of the phenomenon of global inflation and its effect on the Australian economy, Askin had no qualms in blaming the Whitlam Government's policies in the lead up to the election.

### 5.5.2 Social Issues and the Askin Government

Along with inflation, the Whitlam Government and elections, the controversial social issues of censorship and the so called "green bans" exacerbated Askin's woes. They also highlighted the change in social attitudes since 1965 when the Askin Government was first elected. So when Ian Griffith, the Chief Secretary, pronounced in the second reading of the *Indecent and Restricted Publications* bill that "The Government does not see its role as one who tells the public that irrespective of the views of a very large section of it, no restraints will be imposed upon pornography, and that there is no need to worry as it will do them no harm. The community demands something better than this".<sup>198</sup> The community "demands" proved to be contrary to the stringent

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<sup>196</sup> *Cabinet Papers*, 7 January 1975, See SUBJECT and DECISION under the heading Retirement of Sir Robert Askin where Cabinet endorsed the sentiments expressed in the Cabinet Minute dated 6 January 1975.

<sup>197</sup> *Cabinet Papers*, 24 July 1973, See Cabinet Minute Submitted by the Minister for Labour and industry dated 19 July 1973 under the heading; Counter-Inflation Measures in Overseas Countries.

<sup>198</sup> 'Australian Political Chronicle January-April 1971', *AJPH*, Vol.17, No.2, p.255.

measures constituted in the bill, in the attempt to “curb the sale, display and distribution of indecent articles”.<sup>199</sup> This occurred just after the Whitlam Government had removed the administration of federal censorship from the “Department of Customs altogether”. By the end of 1973 the list of banned literary titles had vanished.<sup>200</sup> The bill drew severe criticism from the Council of Civil Liberties, the Bar Association, the Australian Journalists Association, universities, and newspapers. When the Government attempted to rush it through the Legislative Council, the Law and Justice Committee of the LP was outraged. The bill was defeated on the floor of the Legislative Council and referred to a select committee. Subsequently, Griffith declared that no new bill would be presented.<sup>201</sup>

The “green ban” was the result of an alliance between the Builders Labourers’ Federation (BLF) and green or environmental conservation groups. They were usually instigated by resident groups or groups advocating environmental protection and conservation. In NSW the “green bans” had their genesis when the BLF successfully supported the “Battlers for Kelly’s Bush” in their quest to save parkland on the banks of the Parramatta River at Hunters Hill.<sup>202</sup> The BLF campaigned against South African racism in the form of the 1971 tour of the whites-only South African Springbok rugby union team.<sup>203</sup>

The banning of work on building sites created strong opposition from builders and the Askin Government. Nonetheless the “green bans” received support from an unusually wide range of groups often with conservative backgrounds. The BLF halted Government projects at The Rocks, the demolition of homes at Woolloomooloo to make way for the Eastern Suburbs Railway and preserved parts of the Botanical Gardens where a car park for

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<sup>199</sup> ‘Australian Political Chronicle January-April 1971’, *AJPH*, Vol.17, No.2, p.255; *Cabinet Papers*, 31 October 1972 and 27 February 1973.

<sup>200</sup> Nicole Moore, *The Censor’s Library*, St Lucia, 2012, p. 251.

<sup>201</sup> ‘Australian Political Chronicle January-April 1971’, *AJPH*, Vol.17, No.2, pp.255-256.

<sup>202</sup> Jack Munday, *Green Bans and Beyond*, Sydney, 1981, p.82.

<sup>203</sup> *ibid*, pp.71-72.

the Opera House was proposed. The BLF was also responsible for the preservation of rows of terrace houses in Victoria Street, Potts Point.<sup>204</sup>

The support of the “green bans” by the community reflected the community attitudes towards the environment and heritage buildings. The bans also served as a bridle against Askin’s out-dated notion that progress and development were measured “in terms of Sydney’s rising skyline.”<sup>205</sup> Nevertheless, the controversy created by the “green bans” had little effect on Askin’s comprehensive election victory in the electorate at large.

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1973 was the epitome of Askin’s art of politics. It demonstrates that his remarkable career was based on the bedrock of diligent adherence to the four tenets of Machiavelli’s proven political tactics. Askin demonstrated his understanding of insight and adaptability in the way he dealt with the Whitlam Government. Fortune was defined by Machiavelli as events beyond the control of the leader and he said that it accounts for about half the political situations in which a leader finds himself. It is therefore crucial for the leader to be capable of capitalising on fortune and able to anticipate such changes in political circumstances before they arrive. Whitlam was certainly Askin’s “Fortune” and he capitalised on it with aplomb during 1973. After the Whitlam Government was sworn in in February 1973 its popularity began to wane. Throughout 1973 the opinion polls consistently revealed that Whitlam had lost the 7% of the voters that he gained in 1972, and that at a general election he would narrowly lose to the federal Coalition. This was exemplified when Askin called the three by-elections in unison when the Whitlam Government was supposedly enjoying a goodwill period. To take advantage of the situation, policy flexibility was paramount. This was evidenced when Askin proposed the Emergency Legislation. He had no intention of introducing legislation that fined and jailed unionists. He was able to walk a fine line

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<sup>204</sup> David Clune and Ken Turner, ‘1973’, *The People’s Choice, Vol.3*, Hogan and Clune (eds.), p. 87.

<sup>205</sup> Hancock, ‘Askin, Robin’, *The Premiers*, p.369, Peter Spearritt, *Sydney Since the Twenties*, Sydney, 1978, p.108.

between the voters who were against industrial action by proposing the legislation, and those who believed it was a liberty to which workers were entitled when the notion of the Bill was cast off. Therefore Askin avoided becoming unpopular with the voters. He took a similar approach to the *Indecent and Restrictive Publications* bill. At the beginning of 1973 the Bill had been drafted to counter Whitlam's liberal approach to censorship. By the end of 1973 public opinion had moved to Whitlam's approach. After the failed attempt to rush it through the Legislative Council and it outraged the Law and Order Committee of the LP the Bill was discarded. Machiavelli states that sometimes it is advantageous for a leader to engage in mendacity regarding policy position, but it is vital that such acts are concealed from the electorate. In relation to the Emergency legislation, Askin executed this tenet with precision.

At the beginning of 1973, Askin's leadership was probably at its nadir. The narrow victory at the 1971 election was a hangover from the Georges River by-election debacle which was a result of his poor judgement. If there was a time where Askin's peers were entitled to question his leadership then this was the time. In accordance with his fundamental political tactics, it was paramount that Askin remained aware of the needs of his peers and maintained leadership authority. His leadership was dependent on them, and hinged on his strength and courage as well as his ability to win elections. This was clearly demonstrated by his decisive approach to the by-elections that guaranteed his leadership until he chose to retire. Askin also called joint CP and LP MLAs meetings to endorse controversial Cabinet decisions, such as the Emergency Legislation and the alteration of the electoral boundaries. Askin's art of politics was manifest in his electoral success in 1973.

What made the 1973 comprehensive general election victory extraordinary was that the Royal Commission into Organised Crime was taking place during the election campaign. Askin established the Royal Commission after the Opposition claimed that he attempted to "cover up" the infiltration of organised crime in clubs. He then volunteered and took the witness stand. This matter is taken up and discussed in chapter 6.



## 5.6 Askin's Retirement Year

After the 1973 election victory Askin had achieved more than any NSW State Liberal leader. He had won four elections and became the longest serving NSW Liberal Premier. During the election he had flagged his retirement, so there was little left for him to do. Subsequently, he rewarded himself and Molly with an extended overseas trip between May and July under the auspices of l'Ambassadeur au le monde for expanding NSW trade. Askin's temperament was typical of a supervisor guardian. He expected the privileges of high office as well as accepting its obligations.

After the 1973 election Askin said little inside or outside the parliament.<sup>206</sup> He retained the treasury portfolio but delegated to Willis and his other Ministers the job of dealing with Whitlam at the annual Premiers' Conference and preparing the budget. However, he involved himself in two significant incidents before he retired. Askin took on Whitlam one last time during the Federal double dissolution election in May 1974, and he influenced the decision in the ballot for his own successor.

There is little doubt that Askin was motivated by retribution over ideology when he entered the 1974 federal election campaign. It was a result of the constant personal attacks by the Labor Party since it had won office in 1972. This is demonstrated in the Bruce Stannard interview with Askin on the "tough business of politics" published in the *Australian* in May 1974.<sup>207</sup> Askin denied that he was bitter, but said that he had good reason to be, and he elaborated on the "planned campaign" to damage him. He said that

last December at Labor's victory celebrations, a party spokesman got up and said: 'As a prelude to winning the 1972 election we set out to destroy the status and credibility of McMahon. We succeeded. We will employ the same tactics with Askin in the state election'. A Liberal party supporter was there and she took it all down in shorthand. I called the

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<sup>206</sup> *Daily Telegraph*, 12 April 1974, p.1.

<sup>207</sup> *The Australian*, 14 May 1974, p.68.

man about it and he quibbled and said that it had been taken out of context, but it hadn't. He said it: I told him I wasn't going to take it like McMahon. I was going to kick back. Then they started their whispering campaign, you know, whisper, whisper, whisper.

Askin continued

"It's the false accusations, the insinuations and the innuendo that I get worked-up about". He reeled off the following examples; "one rumour was that I was living apart from my wife... Another was that I was at the races too much. I pointed out that it was my money ... and Joe Cahill was a regular. Then there was the rumour about my involvement in [illegal casinos] clubs. I've never been inside one of those casinos in my life and I've never had the slightest connection with them. If anybody can prove anything the contrary I'll resign from parliament tomorrow. Then they said Askin's covering up for the criminal elements in the [sports and recreation] clubs. So I said we'll have a Royal Commission. I went into the box for two and a half hours; answered every question and the judge found everything disproved. The Government was in no way involved but not one of the people making the allegations and spreading the rumours was prepared to get into that box... If Labor had one thing on me, one thing to my real discredit they would get up in parliament where they have complete and absolute privilege. I'd have no comeback if it was true. They don't because they haven't got it".<sup>208</sup>

One reason organised crime was able to flourish from the mid-1970s through the 1980s and into the 1990s was because the issue had become politicised. The political capital at stake by linking politicians of any complexion to organised crime was too enticing for it to become bi-partisan or to be taken out of the political arena. While this was being played out, organised crime was able to establish itself by exploiting the weaknesses in

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<sup>208</sup> *The Australian*, 14 May 1974, p.68

the institutions and politics.<sup>209</sup> Therefore, the two most successful premiers of the era, Askin and Wran, both suffered as a result of false accusations, insinuations and innuendo, although it affected Wran to a lesser extent. Askin called a Royal Commission and took the stand while Wran stood aside until the matter was resolved. Wran had been accused of intervening in a decision made by Murray Farquhar, in his capacity as Chief Stipendiary magistrate, which had perverted the course of justice in favour of members of the organised crime fraternity.<sup>210</sup> Both Premiers were exonerated. Wran like Askin said that he was not bitter, but that he would not forgive, and that he would not forget.<sup>211</sup> Askin took the opportunity and meted out his retribution on the Labor Party through his controversial election advertising campaign in the lead up to the 1974 double dissolution election.

The television advertisement involving an “Estonian lady” claiming that Labor’s socialism was disguised communism caused the most outrage. She claimed that “many Australians can’t understand, they haven’t seen it happen. I have seen it in my country, Latvia, Lithuania, East Germany and Poland, and now I can see the same thing happening here”.<sup>212</sup> The advertisement was the brainchild of John Singleton, the young millionaire advertising executive and founder of his Workers’ Party who was responsible for overseeing the advertising campaign.

The zealous young Singleton believed that the ALP’s platform was “the socialisation of industry, production, distribution and exchange” and appointed himself as the designated saviour of Australian democracy.<sup>213</sup> Because of his fervour, Singleton played into the hands of Askin who was more interested in retribution than ideology. At their first meeting regarding the format of the advertising, the scheduled half hour meeting was extended to two and a half

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<sup>209</sup> Moffitt, *A Quarter to Midnight: The Australian Crisis, Organised crime and the Decline of the Institutions of State*, North Ryde, 1985, p.150.

<sup>210</sup> Evan Whitton, *Can of Worms*, Sydney, 1986, p.149.

<sup>211</sup> Whitton, *Can of Worms*, p.151.

<sup>212</sup> John Singleton, *True Confessions*, Cassell Australia, Stanmore, 1979, p. 100; *The Australian*, 9 May 1974, p.3.

<sup>213</sup> Singleton, John, *True Confessions*, Stanmore, 1979, p.95.

hours. They discussed a race horse Singleton was going to buy, after which Askin said, "I'm a punter [John] and I'm going to punt with you all the way", and the campaign was underway.

The television advertisements caused consternation within the ALP, with some of Askin's Liberal colleagues and among the community at large. The Labor Party failed in its application for an injunction prohibiting the repetition of the advertisements.<sup>214</sup> When Don Chipp, a former Commonwealth Minister from Victoria, criticised Askin over the Advertisements, Askin said that he "couldn't care less". He described Chipp as a "trendy" who favoured relaxing the abortion and homosexual laws and supported "pot smoking", and that he "would thank Mr Chipp and his pussy-footing Victorians to keep their bibs out of NSW".<sup>215</sup> Nonetheless, after five days Askin had the advertisements cancelled.<sup>216</sup>

Subsequently, Singleton's Rolls Royce was blown-up at his Berowra Waters retreat, just north of Sydney. The following account by Singleton demonstrates how keen Askin was to mete out his retribution on the Labor Party. Understandably, all that Singleton wanted to do was to leave Berowra Waters as quickly as possible. "But Sir Robert had asked me to stay and face the reporters. 'John this is worth votes if you state it straight. I'm asking you to stick it out.' So I stuck it out. 'John, all you have to tell them is that if Gough Whitlam has friends like that, who needs enemies'".<sup>217</sup> Singleton was not as naive as Askin had probably hoped and he did not make the statement to the press.

The repercussions for Askin over his campaign were at best unfavourable. The Whitlam Government narrowly won the election and Askin was held responsible for the Liberal Party's lowest vote in NSW for 12½ years.<sup>218</sup> His backbenchers began canvassing for his early retirement, the Federal LP blamed Singleton's advertisements and Askin for their failure to

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<sup>214</sup> *The Australian*, 7 May 1974, p.2; *Daily Telegraph*, 9 May 1974, p.2.

<sup>215</sup> *Daily Telegraph*, 10 May 1974, p.2.

<sup>216</sup> *The Australian*, 14 May 1974, p.68.

<sup>217</sup> Singleton, *True confessions*, p.108.

<sup>218</sup> *Daily Telegraph*, 21 May 1974, p.5.

defeat the Whitlam Government, and the NSW state executive of the LP concluded the advertisements had adversely affected the campaign.<sup>219</sup> Askin was on his overseas trip during the election backlash so he probably cared little for what the ungrateful backbenchers thought; after all, he had kept them on the treasury benches for the last ten years. The coalition lost the 1976 election and they remained in opposition until 1988. Undoubtedly Askin realised it was time to go, so when he returned from overseas in July he announced his retirement. Before it took effect on Friday 3 January 1975 he carried out one final significant intervention.<sup>220</sup>

Willis had been Askin's loyal deputy throughout his premiership and was his obvious successor. But Askin had always considered him a "dreary pedant" and "a vain man" who had little experience outside of politics and did not understand what it was to be an "average Australian".<sup>221</sup> Askin had always enjoyed Lewis's company as a "drinking mate" and he had demonstrated initiative while Askin was overseas by undertaking a comprehensive review and re-structuring of public administration. Askin had always viewed Lewis as a future leader and also as a potential threat to his own leadership so he kept him in a low profile portfolio. Lewis had also canvassed votes when Askin had suffered his first heart attack. So when it came time for Askin to retire he had no compunction in supporting Lewis over Willis in the leadership ballot.

In retirement, the Askins lived a quiet life. Askin had suffered two heart attacks during his time as premier and his health was not good. He and his wife Molly enjoyed the surrounds of Fairybower in Manly, they went to the races, played cards and kept a low profile. They attended the odd official function, usually a farewell to one of his colleagues. He also fulfilled his duties as Director on the board of TNT, a role that added fuel to the rumour that Abeles had paid him for his knighthood which is part of the corruption story.

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<sup>219</sup> Hancock, *The Premiers*, p.362; *Daily Telegraph*, 21 May 1974, p.5; LPA, Liberal Party Papers, Mitchell Library, MSS 3340 / MLK 1233.

<sup>220</sup> *Cabinet Papers*, 7 January 1975, See SUBJECT and DECISION under the heading Retirement of Sir Robert Askin where Cabinet endorsed the sentiments expressed in the cabinet Minute dated 6 January, 1975.

<sup>221</sup> Interview (Pratt): Sir Robert Askin 2:2/26 and 2:2/27, Hancock, 'Askin, Robin', *The Premiers*, p. 363.

Askin continued to suffer poor health in the last couple of years of his life and died in September 1981, aged 74.

Askin's retirement year was lacklustre in comparison to his previous years as premier. Apart from the attack on the Whitlam Government at the 1974 federal election he maintained a low profile. Electorally, he had achieved more than any NSW state leader up to that time, and his leadership was a significant contributing factor to the longevity of the Coalition Government. But his health was failing, the mores of the electorate were changing, and it was clear that his time had passed. Askin left the Coalition Government with a strong majority in the parliament, and its fortunes were left in the hands of his colleagues.

## Chapter 6 – The Askin Corruption Myth

### 6.1 Introduction

The notion that Sir Robert Askin was a corrupt politician has become received wisdom since 12-19 September 1981, when an exposé was published under the headline “ASKIN: FRIEND TO ORGANISED CRIME” in the *National Times* by a young journalist, David Hickie. Almost anyone over the age of fifty years, who has any recollection of Askin, identifies him as the corrupt premier of NSW. This observation is often followed by an inaccurate, far-fetched story along the lines that Askin was single-handedly responsible for the flourishing of organised crime in NSW.

If it is going to be established that Askin was foremost a remarkably talented and capable politician, it is critical to remove the perception that Askin was first and foremost a corrupt politician. Therefore this chapter is significant to the central argument of the dissertation, that Askin’s contribution as leader was crucial to the electoral success and longevity of the Coalition Government. It also demonstrates Askin’s courage and leadership skills. He established the first royal commission into organised crime when the Government was accused by the opposition of covering up organised crime in NSW. Askin took the stand at the commission and challenged members of the opposition to do likewise. There was no information forthcoming.

Certainly Askin was a “colourful politician” who enjoyed a beer, a bet, a joke and a laugh in a public bar at the races, engaged the services of SP bookmakers when it suited him and treated everyone he met, regardless of their station in life, as a potential vote. This context and further assertions that Askin was a womaniser no doubt created fertile ground for the far-fetched stories; but it is not tantamount to corruption. The author has gleaned from the study of the Askin Government that many of these allegations, which were unsubstantiated and uncorroborated, have taken on mythical proportions. It is therefore essential that the corruption issue is addressed in this dissertation.

The Askin corruption myth was able to be propagated because the accusations were underpinned by the undisputed fact that organised crime increased during the latter period of the Askin Government, which was manifest by the number of illegal casinos in operation. This was pertinent to the allegations made in the exposé that “Askin and Police Commissioner Hanson were each paid \$100,000 per year from 1967-8 until Askin’s retirement to allow Perce Galea’s illegal casino to operate uninterrupted”.<sup>1</sup> However, what was ignored is the history of organised crime in NSW in the periods before and after the Askin Government. When examined in this context, the illegal casinos and organised crime are likely to have escalated under any government.

It is not the aim of this chapter to prove that Askin was a pristine politician but rather to demonstrate that the Askin corruption myth is a result of journalistic inexperience and uncorroborated allegations. The aim of this chapter is to dispel the Askin corruption myth, which took hold when Hickie made the claim that Askin was the patron of organised crime in Sydney. Without the prosecution of this principal headline claim, all of the hearsay, innuendo and anonymous accusations are unlikely to have appeared in the public domain. Consequently, it would have been unlikely for the myth to exist, let alone take on a life of its own. As a result, the charge that Askin was “a friend to organised crime” has taken on mythical proportions and become received wisdom. Therefore, it is a travesty of history that the political corruption allegations, which were clearly founded on disproportionate evidence by Hickie, remain embroidered in the fabric of the historiography of the Askin Government.

The Askin corruption myth began with the publication of a profile of Perce Galea in the *National Times* in January 1981. This was followed by the Askin exposé on 13 September 1981, and a claim of corruption made by a group of bookmakers on 27 September 1981. The article concerning the bookmakers was the final publication in the *National Times* by any

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<sup>1</sup> *National Times*, 13-19 September 1981, p.1.



investigative journalists, in relation to the allegations, that Askin was corrupt. Four years later, David Hickie published a book, *The Prince and the Premier*.

The emergence of the Askin myth and the political environment and circumstances which were conducive for it to be propagated are examined and analysed in this chapter. This is the first time a balanced academic work has been undertaken that deals with this controversial subject and challenges Hickie's evidence. A reassessment has been undertaken of the evidence and the commentary over the past thirty-two years. It has included interviews with some of the protagonists and it is concluded that the Askin corruption myth was founded on hearsay, innuendo and uncorroborated evidence. The Askin myth emerged from the exposé in the *National Times*. As a result of its propagation in *The Prince and the Premier*, the corruption myth became entrenched in the historiography of the period.

## 6.2 Corruption and Organised Crime

Political corruption is "behaviour that deviates from the formal rules of conduct, governing the actions of someone in a position of public authority, because of private-regarding motives such as wealth, power or status".<sup>2</sup> When political corruption takes place the contractual elements of offer, acceptance, and consideration are used in such a way as to pervert the relationship between the state and society. The corrupt act occurs when those individuals who represent the state, such as politicians and civil servants, manipulate the system to benefit the corrupters, who are members of the general public, in return for their gain or advantage.<sup>3</sup>

The definition of corruption can be further refined under the terms of "grand political corruption" and "bureaucratic corruption", or a combination of

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<sup>2</sup> J. S. Nye, Corruption and Political Development: A Cost-Benefit Analysis", *The American Political Science Review*, Vol. 61, No. 2 (June 1967), pp. 417-427; Mushtaq H. Khan, "A Typology of Corrupt Transactions In Developing Countries", Paper presented at Development Studies Association Annual Conference, Dublin, Ireland, September 1995, p.2; Inge Amundsen, *Political Corruption: An Introduction to the Issues*, Chr. Michelsen Institute, 1999, p.2.

<sup>3</sup> Amundsen, *Political Corruption*, p.3.

both. Grand political corruption occurs when a premier and ministers collude to formulate legislation in order to benefit themselves. Bureaucratic corruption is of a low level that takes place at the implementation stage of government policy. When bureaucratic and grand political corruption operate in unison, the corrupt minister and the corrupt individuals in the bureaucracy support the actions of each other. This acts as a contagion that can affect all levels of the bureaucracy to varying degrees.<sup>4</sup> The allegation that Askin was a “friend to organised crime” is a combination of grand political and bureaucratic corruption. In this case systemic corruption on a grand scale involving other ministers can be unequivocally discounted.

Organised crime as such has existed in NSW since the colonial era, usually referred to in the past as gang or underground activity. In keeping with the global phenomenon, a new form of sophisticated organised crime syndicate based on the US Mafia model emerged after the gang wars of 1967 and 1968.<sup>5</sup> The leaders were intelligent and employed the services of accountants, lawyers and highly qualified businessmen to conceal their illegal activities by laundering money through sophisticated offshore facilities, and to defend them or their counterparts when they were prosecuted.<sup>6</sup> The tentacles of these syndicates reached into all aspects of crime such as SP bookmaking, drug trafficking, prostitution and illegal casinos. In the early 1970s, due to the US government’s crackdown on the Mafia, their organisations were forced to move their assets to offshore locations, one of which was Australia. The Moffitt Royal Commission Into Organised Crime, established by the Askin Government in 1973, discovered that Bally Australia Pty Limited, which was a subsidiary of the Mafia controlled Bally Corporation of America, had attempted to infiltrate Australian clubs.<sup>7</sup>

Between 1973 and 1984, five Royal Commissions into organised crime were established: the Moffitt, Woodward, Williams, Stewart, and Costigan

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<sup>4</sup> Jens Andvig, Odd-Helge Fjeldstad, Inge Amundsen, Tone Sissener, Tina Søreide, *Research on Corruption: A Policy Oriented Survey*, Chr. Michelsen Institute, 2000, p.17-19.

<sup>5</sup> Alfred McCoy, *Drug Traffic: Narcotics and Organized Crime in Australia*, Sydney, 1980, p. 97,103.

<sup>6</sup> Athol Moffitt, *A Quarter to Midnight*, p.11, 66

<sup>7</sup> McCoy, *Drug Traffic*, p.72.

Inquiries. It was revealed that between 1979 and 1984, there was an alarming “escalation in organised crime, both as to amount and sophistication”. The upsurge commenced in the mid-1970s, which was after Askin retired.<sup>8</sup>

Athol Moffitt, who was the first Royal Commissioner to investigate organised crime in Australia, concluded that the confrontational Westminster system allowed for no common ground to be reached concerning organised crime. Instead, the opposing parties were more interested in scoring points by accusing each other of corruption in an attempt to cause electoral damage. This enabled organised crime, with its intelligence, to enter “unnoticed, from the wings” and exploit the weaknesses in the institutions and politics.<sup>9</sup> Also, apathy and the lack of awareness of most members of the public and many politicians contributed to its escalation.<sup>10</sup> As a result, the hundreds of millions dollars in profits “[gave] enormous power to the unscrupulous criminals who run large established operations outside the law, in accordance with their own law and in defiance of the nation and its governments, but under the shelter of the freedoms which they provide.”<sup>11</sup>

There is little doubt that organised crime would have established itself during the early 1970s no matter which party was in government. The illegal casinos that flourished under the Askin Government were a result of the global phenomenon of the institutionalisation of organised crime and its subsequent escalation. This is evidenced by the number of illegal casinos under the succeeding governments: there were 13 under the Askin Government, 11 under the Wran Government, and 20 under the Greiner Government which held office for a much shorter period than either the Askin or Wran Governments.

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<sup>8</sup> Moffitt, *A Quarter to Midnight*, p.70.

<sup>9</sup> *ibid*, p.150.

<sup>10</sup> *ibid*, p.237

<sup>11</sup> *ibid*, p.236.

### 6.3 The emergence of the Askin corruption myth

The key to the Askin corruption myth lies buried in the book *Heralds and Angels: The House of Fairfax*, authored by Gavin Souter, who was the company's historian.<sup>12</sup> The protagonists responsible for the Askin corruption myth were the inexperienced young journalist David Hickie, the inexperienced editor of the *National Times*, David Marr, and an alleged anonymous primary source whom Hickie described as "impeccable".<sup>13</sup> The primary source was reportedly Perce Galea,<sup>14</sup> "a major crime figure",<sup>15</sup> who "laundered large amounts of drug money",<sup>16</sup> and had been dead for four years when the exposé was published.

Percival John Galea was born at Broken Hill on 26 October 1910 and relocated with his family in 1914 to the Sydney suburb of Woolloomooloo. In the rough-and-tumble world of the slum suburb, the young Galea graduated from "paper boy" to professional gambler.<sup>17</sup> Galea began his career in illegal gambling during World War II when the aristocratic game of baccarat became for many the preferred form of illegal gambling. These "baccarat clubs" took root in the Kings Cross area, which was a popular recreation venue for war servicemen.<sup>18</sup> During the 1970s, Galea and his long-time business partners, Joe Taylor and Eric O'Farrell, and his fellow illegal casino owner, George Walker, transformed these clubs into "fully fledged casinos".<sup>19</sup> Galea became "the uncrowned king of illegal casinos in Sydney".<sup>20</sup>

Galea's associates, and sometime business partners, included the notorious criminals of the day: Lennie McPherson, Abe Saffron, "Stan the

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<sup>12</sup> In a telephone interview with the author, Souter confirmed that the contents of the book were sanctioned by the Fairfax board

<sup>13</sup> Hickie, *The Prince and the Premier*, p.59.

<sup>14</sup> SMH, 28 November, 1993, p.17; Interview David Hickie with P.E. Loughnan.

<sup>15</sup> *National Times*, September 13 to 19, 1981, p.1.

<sup>16</sup> *ibid*, p.8.

<sup>17</sup> *National Times*, 4-10 January 1981, p.1.

<sup>18</sup> David Hickie, *The Prince and the Premier*, Sydney, 1985, p.20.

<sup>19</sup> Hickie, *The Prince and the Premier*, p.11.

<sup>20</sup> *ibid*, p.20.

Man" Smith and George Freeman.<sup>21</sup> Leonard Arthur "Lennie" McPherson (1921-1996) "was a standover man, a murderer, a rapist and a thief".<sup>22</sup> Abraham "Abe" Gilbert Saffron (1919 – 2006 ) "was a highly successful Australian criminal whose tentacles of vice, exploitation, gross abuse of the laws of the land, blackmail and corruption ... extended across most of mainland Australia and probably overseas for more than half a century".<sup>23</sup> Stanley John "Stan the Man" Smith (1937 – 2010) was "one of Sydney's criminal heavyweights for three decades ... [and was] described during his prime as a Mafia associate, a 'stand-over criminal and international shop thief".<sup>24</sup> George David Freeman (1935-1990) was a "criminal, gambler and racing commission agent", and a "close confederate of Galea".<sup>25</sup> He was known as the "Boss" in the Sydney crime milieu and was mentioned in several royal commissions into organised crime.<sup>26</sup>

The Askin corruption myth evolved in the following circumstances. At the beginning of 1981, David Marr succeeded Evan Whitton as editor of *The National Times*. Marr was a "young lawyer journalist who had written a widely acclaimed biography of Sir Garfield Barwick".<sup>27</sup> He had demonstrated his ability as a writer and on this basis, Max Suich, the chief editorial executive, who was responsible for the final decision concerning publication, promoted him to editor.<sup>28</sup> Vic Carroll, who was credited with the success of *The Australian Financial Review*, spent only a month mentoring Marr in the art of editorship. Marr was then left to his own devices.<sup>29</sup>

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<sup>21</sup> Evan Whitton, *Can of Worms*, The Fairfax Library, Sydney, 1986, pp.328-329.i

<sup>22</sup> Tony Reeves, *Mr Sin: The Abe Saffron Dossier*, Sydney 2007, p.i.; Committee on the Office of the Ombudsman and the Police Integrity Commission, *Research Report on Trends in Police Corruption*, NSW Parliament, December 2002, p.26.

<sup>23</sup> Reeves, *Mr Sin*, p.6.

<sup>24</sup> *SMH*, 15 January 2010.

<sup>25</sup> G.P. Walsh, "Freeman, George David (1935–1990)", Australian Dictionary of Biography, <http://adb.anu.edu.au/> accessed 3 July 2012; Hickie, *The Prince and the Premier*, p.88.

<sup>26</sup> Bob Bottom, *Connections: Crime, Rackets, and Networks of Influence Down-under*, Sydney, 1985, p.119; Whitton, *Can of Worms*, pp.280-283.

<sup>27</sup> Gavin Souter, *Heralds and Angels – The House of Fairfax*, Sydney, 1990, p.145.

<sup>28</sup> Souter, *Heralds and Angels*, p.147.

<sup>29</sup> *ibid*, p.148.

At the time of Marr's promotion, Askin had become seriously ill. David Hickie had been a "close observer and to some extent a confidant of the Galea organisation, which until Perc Galea's death in 1977, had been one of the most important sections of organised crime in Sydney". Hickie was reportedly in possession of "very convincing evidence that the organisation had made regular payments to Askin and many senior police". In anticipation of Askin's death, Marr requested Hickie to broaden his evidence through further investigation.<sup>30</sup>

The publication of the Galea profile in the *National Times* in January 1981 was in anticipation of the Askin exposé, which was to be published the moment Askin was dead. The Galea story begins with the introduction of Professor John Hickie, "one of Sydney's leading... [cardiac] specialists", to Galea in July 1963.<sup>31</sup> After suffering a serious heart attack, Galea had been admitted to St. Vincent's Hospital and given a few hours to live. He was a pillar of the Catholic Church and had received the last rites from Cardinal Norman Gilroy. Galea was a knight of Saint John, which was the highest papal honour that a Catholic could receive. A nun had informed Hickie that it was "a passport to heaven". (However, there were rumours that Galea had acquired his "passport to heaven" by dubious means.) The next morning when Professor Hickie was doing his rounds, he called in to see the new cardiac patient. Galea recovered, and "this was the beginning of a 15 year friendship".<sup>32</sup>

According to the article, Galea's generosity was well known. "He would arrive at the Professor's house every Christmas night in a truck loaded with [an] enormous 25 foot Christmas [stocking] ... The several hundred dollars worth of contents were for the Professor's seven children". "Galea loved a night out. He took the Professor to see Nelson Eddy at the old Chequers and Jane Powell at the Chevron, always in the front seat". Professor Hickie noted Galea's generosity and recalled: "I always thought he over tipped the

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<sup>30</sup> Souter, *Heralds and Angels*, p.145.

<sup>31</sup> *National Times*, 4-10 January 1981, p.12.

<sup>32</sup> *ibid*, 4-10 January 1981, p.12.

headwaiter". Of course, Galea extended this generosity to his own family: "He was especially careful to look after his family; the ticket that won \$200,000 in a lottery in 1975 was called family. We are always in everything together".<sup>33</sup>

Hickie narrates the grand life of Galea at the race course. He explains how the £12,000 that Galea won in a lottery in 1957 was seminal to his "meteoric rise as a punter". Galea was "always elegantly, expensively and immaculately attired, and he soon become known as "The Prince" in racing circles ... He loved to share his success with everyone and was known to be one of the "softest touches" in the racing game ... more than any other racing identity Galea took the public into his confidence".<sup>34</sup> In March 1964, Galea's horse "Eskimo Prince" won the Golden Slipper Stakes at Rosehill in Sydney, and Galea won £30,000. "Perc received one of the greatest receptions ever heard of on a Sydney racecourse and in his exuberance Galea pulled out a roll of 10 pound notes (totalling 150 pounds) as he was walking up the stairs of the members stand ... and threw it over the fence to the excited crowd. They scrambled in all directions to get the money. Before he left the course he gave away another 1500 pounds to strappers, acquaintances and well-wishers ... Galea always said he owed his incredible luck to a battered old pair [sic] of rosary beads".<sup>35</sup>

Galea was given an air of respectability by references to his operating "upper class casinos in the European style ...Galea invested a small fortune in expensive fixtures in his casinos. But he knew his assets were secure...For more than ten years the casinos flourished without police interference".<sup>36</sup> Galea probably invested heavily in his casinos in the hope that they would be licenced, because this would have given him the "prominence and respectability" that he so anxiously desired.<sup>37</sup> This had been the case in Tasmania and South Australia and there were rumblings that the NSW

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<sup>33</sup> *National Times*, 4-10 January 1981, p.14.

<sup>34</sup> *ibid*, p.13.

<sup>35</sup> *ibid*, p.14.

<sup>36</sup> *National Times*, 4-10 January 1981p.12.

<sup>37</sup> Hickie, *The Prince and the Premier*, p.374; Reeves, *Mr Sin*, p.viii.

government would take similar action.<sup>38</sup> Galea certainly was in a position to capitalise on a change of legislation. His bridge club had an annual turnover of up to \$110 million with profits as high as \$2.3 million.<sup>39</sup> This information also implied that the amount Askin was claimed to have extorted from Galea, in Hickie's upcoming exposé, was conceivable.

The article laid the ground for the reader to be anchored in the perception that Galea is respectable, prominent, honest and generous. Galea acquired his respectability from his association with Professor Hickie. It was inconsequential that, according to the article, they only socialised on two occasions. Galea's prominence was a result of his racing interests. The implied honesty was based on the notion that, if Galea's "upper class casinos in the European style" were operating in Europe, they would be legal. Galea's generosity was ubiquitously illustrated throughout the article.

In early September 1981, when the news broke that Askin had the dreaded "death rattle", and his demise was nigh, the eager "young" journalist and the "elegant" young editor anxiously awaited the publication of their explosive exposé.<sup>40</sup> This could possibly have been the chance of a lifetime—maybe the Australian equivalent of "Watergate". Unfortunately, their "Deep Throat" was "a major crime figure",<sup>41</sup> who "laundered large amounts of drug money" and had been dead for four years.<sup>42</sup>

Marr insisted on publishing the article immediately after they received word that Askin was dead. Suich, who had extensive experience and expertise in editorship, and had been a former editor of the *National Times*, was apprehensive due to the lack of documentary evidence. Eventually, he

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<sup>38</sup> *Australian* 20 June 1973, p.4; *Australian*, 19 June 1973, p.3; *Australian*, 17 August 1973, p.3; *The Sun*, 18 June 1973.

<sup>39</sup> *National Times*, 4-10 January 1981, p.12; Committee on the Office of the Ombudsman and the Police Integrity Commission, *Research Report on Trends in Police Corruption*, p.23.

<sup>40</sup> Souter, *Heralds and Angels*, p.149; *SMH*, 14-15 July 2012, p.3.

<sup>41</sup> 'Deep Throat' was the alias given to the impeccable source whose evidence helped impeach US President Nixon – Carl Bernstein and Bob Woodward, *All the President's Men*, Simon and Schuster, New York 1974, p.71;

<sup>42</sup> *National Times*, 13-19 September 1981, p.1 and p.8.



relented because he believed that an editor should possess the necessary skills to judge the veracity and the volume of on-the-record evidence to “justify unsourced assertions”.<sup>43</sup>

On 14 September 1981, when over 1000 invited mourners left Askin’s state funeral at St Andrews’s Cathedral in Sydney with “Onward Christian soldiers” still ringing in their ears, they might have been greeted by the headline in the *National Times* at the nearby news stand, “ASKIN: FRIEND TO ORGANISED CRIME”.<sup>44</sup> The young journalist David Hickie claimed in the leading article that, “according to a reliable source high up in the old Galea empire”, Askin and Police Commissioner Hanson were each paid \$100,000 per year from 1967-8 until Askin’s retirement to allow Perce Galea’s illegal casino to operate uninterrupted”.<sup>45</sup>

Hickie was emphatic that the “source is impeccable”, adding “this information has not been available for the *National Times* to use until Askin’s death”.<sup>46</sup> The astonishing fact about this exposé is that Hickie describes Galea without naming him, as “a major crime figure”.<sup>47</sup> It is likely that if Galea, who had been dead for four years, had been named as the “impeccable source”, Max Suich would not have allowed the exposé to be published and the Askin corruption myth would never have taken hold.

However, the story was published and the premise from which the Askin corruption myth evolved was headlined on the front page. “While Sir Robert Askin was in power, organised crime became institutionalised on a large scale in NSW for the first time. Sydney became the crime capital of Australia”.<sup>48</sup> The story is continued on page eight where the reader is informed that “The casinos produce money for crime, but more importantly they laundered large amounts of drug money”. It is implied that Askin was

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<sup>43</sup> Souter, *Heralds and Angels*, pp.145-146.

<sup>44</sup> Hancock, ‘Askin, Robin’, *Premiers*, 364; *The Australian*, 15 September 1981, p.1.

<sup>45</sup> *National Times*, 13-19 September, 1981, p.1; Hancock, ‘Askin, Robin’, *Premiers*, p.365.

<sup>46</sup> *National Times*, 13-19 September, 1981, p.1.

<sup>47</sup> *ibid*, p.1.

<sup>48</sup> *National Times*, 13-19 September, 1981, p.8.

responsible for the escalation of drug trafficking. This underlying process of implication leading to inference dovetailed well with what had been making news at the time. The Woodward Royal Commission (1977-1979) had been initiated to investigate drug trafficking and the disappearance of the anti-drug campaigner Donald Mackay. The Commission had found that the Calabrian Mafia had a powerful influence on drug trafficking in NSW. The subsequent Stewart Royal Commission (1981-83) was set up to investigate the Mr Asia drug syndicate. That syndicate had run a multi-national heroin enterprise that had left a litany of murders in its wake.<sup>49</sup> The *Bulletin* published a book review of *Greed*, authored by Richard Hall, which explored the Mr Asia drug syndicate.<sup>50</sup> The *National Times* surveyed allegations “that drugs and other valuable commodities have been smuggled in and out of Australia inside corpses and coffins”.<sup>51</sup>

The use of visual imagery to contrast Galea and Askin began with the profile of Galea in January 1981. The choice of a line drawing of Galea instead of a photograph was effective because of its “simplicity and clarity”.<sup>52</sup> It accentuated the description in the caption of a warm and generous man who was favoured by the media and the supreme pontiff. The caption noted that he operated outside the law but “Galea epitomised the laissez-faire attitude of Australia’s gambling capital”. There is no mention that he was a “a major crime figure”,<sup>53</sup> who “laundered large amounts of drug money”.<sup>54</sup> The drawing is complemented by a photograph where Galea is portrayed as the prominent grand prince of the race course, towering over the jockey and the horse trainer.<sup>55</sup>

In contrast, Askin’s photograph in the exposé was most unflattering. He displayed a supercilious, leering expression of a villain, while “puffing on a fat

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<sup>49</sup> Whitton, *Can of Worms*, p.44-46 and p.337.

<sup>50</sup> *The Bulletin*, 15 September 1981, p. 15 and p.83.

<sup>51</sup> *National Times*, 20-26 September 1981, p.3.

<sup>52</sup> Paul Messaris, *Visual Persuasion, The Role of Images in Advertising*, London, 1997, p.130.

<sup>53</sup> *National Times*, 13-19 September, 1981, p.1.

<sup>54</sup> *ibid*, p.8.

<sup>55</sup> *ibid*, p.13.

cigar”.<sup>56</sup> The photograph chosen to accompany the bookmakers’ story in the *National Times* created the image of a sombre Askin being arrested by two senior police officers. However, the small print in the caption indicated that he was inspecting a police parade when he was Premier.<sup>57</sup>

The timing of Hickie’s article was derided as outrageous. Lady Mollie Askin was demonstratively upset.<sup>58</sup> Askin’s staff, the former ministers who served in the Askin Government, as well as Sir John Carrick and Sir Roden Cutler, all denied “any evidence of systemic corruption”. John O’Hara, the *SMH* political correspondent, after scrutinising the rumours and claims, concluded that they were unfounded.<sup>59</sup>

The exposé created a furore. Neville Wran, the Labor premier, dismissed the *National Times* report as “tasteless in the extreme”. Wran said that the [Stuart royal commission] ... had the power to inquire into links between Sir Robert Askin and organised crime”. Nothing, however, was forthcoming. Wran added that “illegal casinos had always flourished in Sydney ... Australians would bet on two flies crawling up a wall ... some of the most respected people in society frequented the casinos ... from his point of view it would be better if the casinos were legalised”.<sup>60</sup> Wran, who had been premier since 1976, found himself in the same position as Askin regarding the eradication of organised crime and concurred with Moffitt that politicisation, apathy and lack of public awareness made the issue almost intractable.

John Singleton, who had close association with Askin during the double dissolution election campaign of 1974 and had become a well-known advertising man and media commentator on Sydney radio station 2KY, expressed the hope that he might some time “get a chance to have a little yarn with that fellow from the *National Times*, that little cowardly person who

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<sup>56</sup> *National Times*, 13-19 January 1981, p.1. Hickie, *The Prince and the Premier*, p.49.

<sup>57</sup> *Sun Herald*, 23 March 1985, p.162.

<sup>58</sup> Hancock, ‘Askin, Robin’, *Premiers*, p.365

<sup>59</sup> *ibid* p.366.

<sup>60</sup> *The Sun*, 16 September 1981, pp.1-2; *National Times*, 20-26 September 1981, p.9.

wrote that attack on Bob Askin yesterday, free of any facts, just smears and innuendos of a petty mind, and to think that the once great Fairfax empire could stoop to such gutter, gutless journalism is to me sickening".<sup>61</sup> The *Daily Telegraph* reported "a storm of anger" "over a weekend report alleging that Askin accepted huge bribes... Politicians from all political parties were outraged".<sup>62</sup> The *Daily Mirror* headlined the report as "Despicable" and noted that the allegations were concerned with dead people.<sup>63</sup>

The *National Times* made the following statement in reply to these criticisms: "In response to our story last week a great deal of fresh information has been added to *National Times* material on corruption in the Askin and later years". This was confirmed by Marr in a television appearance. The decision to publish the day before Askin's funeral was viewed "as the most wilful infringement of the maxim against speaking evil of the dead".<sup>64</sup> Suich had overlooked the usual procedure of consulting James Fairfax, the Chairman of the Board of John Fairfax and Sons, when contentious issues were to be published. Subsequently, Suich was left with the unenviable task to show cause to the board why he and Marr should not resign.<sup>65</sup>

The concern of Sir Warwick Fairfax, a board member and former chairman, was that the publication of such an article "brought discredit to the whole organisation". The directors were concerned that the allegations were made the moment Askin was dead, and not during the past 16 years since he had become premier. The Board issued a memo to Suich to be passed on to Marr and the deputy editor, Brian Toohey.<sup>66</sup> There is no doubt that the board members remembered that Askin had a defamation writ issued against Fairfax over an article in the "Clancy" section of the *National Times* on 21 September 1980. The Board accepted responsibility for the libel, and the

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<sup>61</sup> *National Times*, 20-26 September 1981, p.9.

<sup>62</sup> *Daily Telegraph*, 14 September 1981, p.2; *National Times*, 20-26 September 1981, p.9.

<sup>63</sup> *Daily Mirror*, 14 September 1981, p.2; *National Times*, 20-26 September 1981, p.9.

<sup>64</sup> Souter, *Heralds and Angels*, p.144.

<sup>65</sup> *ibid*, p.146.

<sup>66</sup> Souter, *Heralds and Angels*, p.146.

apology was subsequently published in the *National Times*.<sup>67</sup> There was ample opportunity for any evidence to be tested. Fairfax were in a position to “call their witnesses under oath, cross examine Askin ruthlessly, examine all his financial affairs, expose his bank accounts, [because] once a writ is issued, the matter must proceed to its final conclusion in court, except with the agreement ... of all parties”.<sup>68</sup> John Fairfax & Sons made the decision not to proceed.

The memo read: “No further story relating to Sir Robert Askin is to be published unless you have persuasive and hard on-the-record evidence. This is not to say that you can’t use anonymous sources where you are satisfied of their honesty and accuracy, but the reputation of the *National Times* must not be prejudiced by serious charges being made by simple assertions”.<sup>69</sup> In other words, the Board considered Hickie’s evidence was nothing more than “simple assertions”. Under a more experienced editor like Suich, the article would probably not have been published.

Suich initially agreed to Marr’s request to publish a follow-up article. However, after Marr appeared on a television show and promised to publish it, Suich changed his mind. Perhaps Suich objected to being pressured by Marr and the television station. After some heated debate, “Suich said reluctantly: [to Marr] ok it’s on your head”.<sup>70</sup>

The second and final article was written by Hickie and Marian Wilkinson and published in the 27 September – 3 October 1981 issue.<sup>71</sup> The article “asserted that Sir Robert, in the last few months of his premiership, had been paid \$55,000 by a group of Sydney bookmakers to ensure that bookmakers’ turnover tax was not increased”.<sup>72</sup> A rumour had been circulating that the licenced bookmakers’ turnover tax was to be doubled. The authors

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<sup>67</sup> Geoffrey Reading, *High Climbers: Askin and Others*, Sydney, 1989, p.142.

<sup>68</sup> *ibid*, p.144.

<sup>69</sup> Souter, *Heralds and Angels*, p.146.

<sup>70</sup> *ibid*, p.147.

<sup>71</sup> *National Times*, 27 September to 3 October 1981, p.1.

<sup>72</sup> Souter, *Heralds and Angels*, p.147.

were indifferent to the fact that after Askin retired, Premier Lewis doubled the tax. The second article made no significant corruption claims and Suich appeared satisfied, probably because he was not compelled to bear the wrath of James Fairfax and the board.<sup>73</sup> In actuality, the article was about a typical bunch of greedy bookmakers carping about money. Under the definition of corruption, the bookmakers had played the role of the corrupters, in a failed attempt to persuade Askin to manipulate the system for their gain. Hancock aptly evaluated the hearsay: “If true, the bookmakers should have concentrated on their day job. Askin was about to retire and was in no position to determine anything”.<sup>74</sup>

## 6.4 The propagation of the Askin corruption myth

*The Prince and the Premier* was published on Thursday 28 March 1985. It was launched with a flurry of publicity. The *SMH* printed three excerpts, the *Sun-Herald* two and the *Sun* ran a cursory piece,<sup>75</sup> and Marr wrote a book review in the *National Times*. These four mast-heads belonged to John Fairfax & Son, and Hickie was a journalist working on the *Sun-Herald*.<sup>76</sup> The book expanded on the themes introduced in the exposé: Askin was responsible for the institutionalisation of organised crime, which made him culpable for the major criminal activities which were making headlines in all the major newspapers of the day. Galea’s respectability was enhanced and the “impeccable source” remained a mystery.

The regeneration of the myth began in the *SMH* on Saturday 23 March 1985, the week before the book was published: “*The Prince and the Premier* is the story of Perc Galea, Bob Askin and others who gave organised crime its start in Australia”. The extract gave a background to Askin’s premiership and the claim that he was a friend to organised crime.<sup>77</sup> On Monday 25 March, the

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<sup>73</sup> Souter, *Heralds and Angels*, p.147.

<sup>74</sup> Hancock, ‘Askin, Robin’, *Premiers*, p.365.

<sup>75</sup> *The Sun*, 3 April 1985, p.26.

<sup>76</sup> *Sun Herald*, 24 March 1985, p.5.

<sup>77</sup> *SMH*, 24 March 1985, p.160-162, 164.

second extract dealt with how, under Askin, illegal casinos became a “Laundromat” for criminals and Perc Galea was “keen for respectability”.<sup>78</sup> Finally, on Tuesday 26 March the head-line “Organised Crime: The NSW Police Chiefs ...The best police force money can buy”, illustrates the issue of police corruption and flavour of the extract.<sup>79</sup> The *Sun-Herald* highlighted that “The prince in the title is the late Perc Galea, a casino operator and a punter who, according to Hickie, paid Askin and [Police] Commissioner Hanson at least \$100,000 a year each so his illegal casinos could operate unhindered”. This was under the header “The two lives of Askin”.<sup>80</sup>

Marr who had enthusiastically endorsed the exposé when he was editor of the *National Times* had clearly lost faith in Hickie’s evidence when he concluded that the book was “extraordinarily repetitive” and had only an “odd ring of truth”. After four years of reflection, Marr’s assessment is significant in so far as it brings Hickie’s evidence into contention.<sup>81</sup> Marr was more measured in his portrayal of Galea and Askin; this is in contrast to Hickie’s “impeccable source” and the characterisation of Galea as the hero and Askin as the villain.<sup>82</sup>

According to Marr, Hickie’s account rested on a view that, “The scale of the operation and the network of criminal activity which flourished under Askin’s active patronage were known at the time”. However, he dismissed Hickie’s view when he concluded that “Askin was only an inheritor, taking up and perfecting what had been developed by his predecessors who had come to office promising reform and retired leaving the system functioning”.<sup>83</sup> Marr did note that Askin “was brazen” and “a familiar figure in the Randwick members’ enclosure, dressed in a blue suit and matching hat, puffing on a fat cigar while discussing the form with leading bookies, senior police and shady characters of the gambling and casino world”. Marr opined that Askin got

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<sup>78</sup> *SMH*, 25 March 1985, pp. 6-7.

<sup>79</sup> *ibid*, 26 March 1985, p.6.

<sup>80</sup> *Sun-Herald*, 24 March, p.5; *Sun-Herald*, 31 March, p.5.

<sup>81</sup> *National Times*, 29 March - 4 April, 1985, p.25.

<sup>82</sup> *National Times*, 29 March - 4 April, 1985, p.25.

<sup>83</sup> *ibid*, p.25.

“away with it” because the press “with a few honourable exceptions” were corrupted by men like Galea “who ran casinos and corrupted politicians, plunged on his own horses and invested a fortune in the prerequisites of a gentleman’s pleasure at the track: smart suits and entry to the AJC”.<sup>84</sup> Marr concluded that “Galea won the affection of a couple of generations of sporting Sydney for the price of a few stunts, some bottles of champagne and thousands of free filets mignon”.

Probate had been granted for the Askin estate and the headlines in the *Sun Herald* 31 March 1985 read “Tax man hits Askin Will”.<sup>85</sup> This probably would have passed unnoticed if the book had not been published at the same time. Also on 27 March 1985, the day before the book was published, Max Newton, an expatriate and journalist living in New York, made a sensational claim on a Sydney radio program. He claimed that

in 1970 a lawyer who was now a senior politician gave him \$15,000 in a brown paper bag to pass on to the then premier Sir Robert Askin. He said that the lawyer was acting on behalf of an Asian businessman Felipe Ysmel, who was seeking favours from Askin. In parliament last night [27 March] National Party leader Mr Punch named Mr Wran [Labor Premier] as the senior politician involved.<sup>86</sup>

After the fracas that the allegations caused, Newton said “I underestimated how amenable the climate was to talk of political corruption these days”.<sup>87</sup> However, the fracas certainly would not have stalled the sale of the book.

Newton claimed that in 1971 he had been asked by Wran, who was a QC, to deliver \$15,000 to Askin on behalf of Ysmel, his client. Newton had made an enquiry as to whether Askin would receive a donation for the 1971 election campaign. Askin was happy to take the donation, and in return Ysmel

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<sup>84</sup> *National Times*, p.25.

<sup>85</sup> *Sun Herald*, 31 March 1985, p.1.

<sup>86</sup> *The Sun*, 28 March 1985, p.1

<sup>87</sup> *Sunday Telegraph*, 31 March 1985, p.4.



hoped to gain an interview.<sup>88</sup> Ysmel “was a [Filipino] multi-millionaire steel magnate who was one of the biggest punters in Australia”.<sup>89</sup> His idea was to persuade Askin to approve plans that would allow him to build a sports stadium for Jai Lai, “a game associated with high betting”.<sup>90</sup> With regard to the money, Newton said “I’ve never seen \$15,000 disappear so quick [into the top draw]. I’m afraid Bob [Askin] didn’t deliver”.<sup>91</sup> If there is any truth in the claim, then Ysmel, in his attempt to bribe Askin, suffered the same fate as the bookmakers.

Wran immediately provided the police commissioner with a statutory declaration denying the allegation and tabled it in parliament.<sup>92</sup> In describing Newton, Wran said

Newton owes the Commonwealth Taxation Commissioner hundreds of thousands of dollars, he is a tax cheat, a tax avoider and a bankrupt ... Since dead men tell no tales and in the atmosphere of guilt by association which permeates the fabric of Australian society today, Newton, this whisky swilling eccentric, with a reputation for unreliability and instability has decided to seek a headline for himself ... Anyone who believes Newton's allegation, would be prepared to believe that the Pope is a Jew.<sup>93</sup>

*The Sunday Telegraph* took it upon itself to investigate the allegations and concluded that “it was nothing but a storm in a teacup”. Newton’s affidavit was published in the *Sunday Telegraph* outlining the incident and the paper was satisfied that “Newton does not even hint at any criminal activity”.<sup>94</sup> After Police Commissioner John Avery investigated the allegations, he concluded in his report that “All of these issues, when coupled with the fact that this meticulous

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<sup>88</sup> *Sunday Telegraph*, 31 March 1985, p.4.

<sup>89</sup> *Daily Mirror*, 28 March 1985, p.3.

<sup>90</sup> *Daily Telegraph*, 28 March 1985, p.3.

<sup>91</sup> *The Australian*, 28 March 1985, p.5; *Daily Telegraph*, 28 March 1985, p.3;

<sup>92</sup> *The Sun*, 28 March 1985, p.3; *Daily Mirror*, 28 March 1985, p.2.

<sup>93</sup> *NSW LA PD*, 28 March 1985, pp.5361-5363.

<sup>94</sup> *Sunday Telegraph*, 31 March 1985, p.4.

investigation has elicited not one item of corroboration, convinces me, as I have said, that the claims Maxwell Newton are utterly without foundation”.<sup>95</sup> Wran was sympathetic to the injustice of an atmosphere that led to the implication that Askin was guilty by association but whereas this spurred Wran on to defend himself vigorously, Askin could not do the same because he was dead.

In the same week that the book was published *The Sun Herald* published an article about Lady Mollie Askin who had died in 1984. The paper claimed that her \$3,724,879 estate, including Askin’s estate, had been substantially reduced. This was because “investigators checked bookmakers’ ledgers and other sources” which prompted “a taxation inquiry into Sir Robert’s affairs”.<sup>96</sup> The tax debt was reported to be \$2 million, but despite the serious implication of this assertion, the source of the information was not identified. “An official of the Permanent Trustee Company LTD., the administrators of the Askin estate, said ... the amount of tax is confidential – a matter between the client and the taxation department. The estate had been reduced by taxation and other creditors ... There was still a substantial residue and the legacies would be paid in full. And there will be quite a handsome amount to go to charities”.<sup>97</sup> It is worth mentioning that long after the fanfare surrounding the publication of the book had subsided, the headlines read: “Hospitals get most of Askin’s cash”. The trustees relayed that the “tax settlement was not as big as suggested in earlier reports ... When [Lady Askin] died in 1984 she left gifts of \$1.4 million to friends and charities and directed the remaining \$2.5 million be invested in two perpetual funds to benefit charities and welfare groups”.<sup>98</sup>

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<sup>95</sup> *SMH*, 14 June 1985, p.11.

<sup>96</sup> *Sun Herald*, 31 March 1985, p.1.

<sup>97</sup> *Sun Herald*, 31 March 1985, p.1.

<sup>98</sup> *The Sun*, 13 November 1986, p.5.

## **6.5 Re-assessment of the Askin corruption allegations**

In order to provide a reassessment of the evidence provided over the past three decades it is important to review a number of key elements. Hickie's evidence is tested against the major claim that Askin was the patron of organised crime in Sydney and lesser claims regarding the sale of knighthoods and other corrupt acts. In assessing what Hickie said and wrote, it is essential to examine how Liberal Party historian Ian Hancock and others have responded to his claims. The Moffitt Royal Commission is very important as it provided ample opportunity to uncover corruption in the Askin Government and did not find any. The evidence of investigative journalist Bob Bottom is very important as he is possibly the best informed living person with detailed knowledge of organised crime in NSW; Bottom concludes that Hickie's evidence "in retrospect it is not credible".<sup>99</sup> The possibility that the inexperienced young journalist Hickie was duped by his primary source is also examined.

### **6.5.1 Bob Bottom's Retrospective Assessment**

Bob Bottom is one of the most important and respected figures in investigating and reporting on organised crime in Australia. He sparked his first inquiry into the NSW police force with an exposé in the *Bulletin* magazine in 1963. He was credited with expediting Australia's first Royal Commission into organised crime – the Moffitt commission in NSW in 1973. Since that time he has participated in 18 Royal Commissions and other judicial and parliamentary inquiries. In 1997 he was awarded an Order of Australia Medal (OAM) in recognition of his work.

The principal premise that Askin was paid \$100,000 per year from 1967-8 until his retirement, to allow Galea's illegal casinos to operate with impunity, defies logic. According to Bottom, "there has never been any first-hand proof that [Askin] personally received any bribe money relating to illegal

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<sup>99</sup> Interview (Paul Loughnan) with Bob Bottom, 26 May 2012.

casinos". Bottom continues: "No police intelligence reports or telephone intercept records which I had access to ever detected anything linked to Askin" and he doubts if "Askin really did receive any bribe money to allow" casinos to continue to operate. He also noted that "illegal casinos continued to flourish" under all succeeding governments and yet, "unlike the legendary singling out of Askin, nobody has ever suggested, in the media or in parliament, that Lewis, Wran, Unsworth or Greiner received any bribe money for allowing virtually the same number of illegal casinos to flourish for two decades after Askin retired."<sup>100</sup> The final clause in the statement is inadvertently supported in Hickie's book: "During the 1980s a succession of newer Sydney casinos have been exposed in state parliament".<sup>101</sup>

The NSW Police Commissioner's Organised Crime Group found that "Total eradication of gambling was not the intent of the legislative change, as it was realised that as with Prohibition in the [US], such an objective was doomed to failure. There do exist today, however, various forms of illegal gambling in this state".<sup>102</sup> The enquiry by the former Chief Justice of NSW, Sir Lawrence Street, into illegal gambling in 1991, discovered that there were twenty illegal gambling clubs operating. "The introduction of legal casinos in Sydney is unlikely to eliminate illegal casino gambling", the former judge concluded ... although it may diminish to some extent ... It was unrealistic to expect that such activity could be eliminated entirely".<sup>103</sup> This was tabled in parliament on 3 December 1991. The Independent Commission Against Corruption (ICAC) was told that "Bruce Galea, son of the late Sydney racing identity Perce Galea, was believed to be the biggest illegal gaming operator in the state".<sup>104</sup> In relation to the last clause in Bottom's statement, allegations were never made that Bruce Galea paid extortion money to any Premier, to enable him to operate with impunity.

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<sup>100</sup> Bob Bottom, signed statement provided to the author, dated 28 May 2012.

<sup>101</sup> Hickie, *The Prince and the Premier*, p.201.

<sup>102</sup> *SMH*, 30 March 1994, p.4.

<sup>103</sup> *SMH*, 4 December 1991, p.18.

<sup>104</sup> *ibid*, 12 June 1993, p.17.

### 6.5.2. Hickie's Evidence

In reviewing Hickie's evidence, it is critical to recognise that the claims fall into two categories. Firstly, the headline allegation that Askin was the patron of organised crime in Sydney is defined as grand political corruption because it was systemic in so far as Askin and the police commissioner Hansen and his department were alleged to be involved. Secondly, claims that Askin sold knighthoods and turned a blind eye to SP bookmaking are defined as low-level bureaucratic corruption that takes place at the implementation level of government policy and do not constitute grand political corruption. As stated in the introduction to this chapter, without the prosecution of the headline claim, all of the secondary low-level corruption accusations would never have appeared in the public domain. Consequently, it would have been impossible for the myth to exist, let alone take on a life of its own.

It is important to engage with the work of Ian Hancock. He is the only historian to have systematically examined Hickie's evidence. Hancock, who certainly could not be accused of harbouring any bias against Askin or the LP, concluded that "while no concrete evidence has yet been presented to allow thorough public testing, and no one has suggested he deliberately robbed the public purse, it is hard to brush aside the suspicion that Bob Askin engaged in some corrupt activities".<sup>105</sup> Regarding the claim of grand political corruption, Hancock concluded that Hickie's impeccable sources, identified in confidential correspondence from Hickie, were "plural" and "too well placed to be dismissed". According to Hickie, the same evidence provided to Hancock was provided to the author. Due to the passage of time, Hickie was prepared to grant the author an interview where he declared that all principal sources could be discussed openly because they were all deceased. As a result, the author was in a position to build on the important work of Hancock. Hickie confirmed that almost all of his "24 filing cabinets" of materials on Askin have now been discarded, and, as a result, there were no contemporaneous notes

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<sup>105</sup> Hancock, 'Askin, Robin', *Premiers*, p.368

forthcoming. Based on a re-examination of the evidence, in conjunction with a lengthy interview with Hickie, it is concluded that the claim of grand political corruption is based on hearsay, innuendo and anonymous accusations.

Galea, who was Hickie's primary source, has already been discounted.<sup>106</sup> Bob Bottom has also added that it is not credible that Galea would have shared any of the details of his illegal business operations with Hickie, who at the time was a young law student and gardener.<sup>107</sup> The other well-placed sources noted in Hickie's evidence and referred to by Hancock as "plural" were Galea's wife Beryl, his long-time business partner Eric O'Farrell and fellow illegal casino boss George Walker. Regarding Beryl, Bottom notes that "of course they [major criminals] are not telling their wives much about their business operations and in any event, because graft payments were made by go-betweens and well out of the sight of wives, they might know that their husbands are paying people money but they would not know who to".<sup>108</sup> Bottom also notes that major criminals such as O'Farrell and Walker always observed their criminal code and did not disclose confidential matters such as these to anyone, let alone a student and gardener. Hickie had a lawn-mowing business when he was at university and often spoke to his sources after he had finished mowing their lawn. This point holds particular weight when considering that Bottom had access to police wire taps of major crime figures such as George Freeman, Abe Saffron and the "boss of bosses" Fred Anderson "who controlled most things". While these tapes do talk about police and "who ran what", they never refer to the involvement of Askin or politicians. In summary, the claim that Askin was the patron of organised crime in Sydney, presented by Hickie in the book and to the author after 32 years, cannot be sustained.

Regarding the lower-level claims of corruption, as stated previously, the aim is not to prove that Askin was a pristine politician. There is no doubt that Askin engaged the services of SP bookmakers, and, as John O'Hara

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<sup>106</sup> Loughnan interview with David Hickie.

<sup>107</sup> Loughnan interview with Bob Bottom.

<sup>108</sup> *ibid.*

pointed out, Askin was in a position to take advantage of his connections with the “big end of town” which might have given him an advantage and opportunities in the purchase of shares and property. However, O’Hara investigated the rumours concerning the corruption allegations and nothing was forthcoming. Jim Carlton, the LP secretary who succeeded Carrick, said that Askin had “turned a blind eye” to SP bookmaking at the Murdoch headquarters - hardly systemic corruption. David McNicoll was one of only a few journalists who knew Askin personally and this is what he had to say about the allegations:

If Askin was accepting bribes he had strange ways of enjoying the fruits. His lifestyle was almost depressingly simple. He never aspired to a more glamorous home than a Manly cottage; he entertained hardly at all.<sup>109</sup>

The low-level claims are still based on hearsay and their strength is certainly anchored in a belief that the size of Askin’s estate was too large to have been accumulated via legitimate means. However, the claim by Hickie that the Askin estate could not have been accumulated, based on Askin’s income, is myopic. As noted by Waller, the period of Askin’s political career was “times of plenty”.<sup>110</sup> For example, the median house price in Sydney rose by almost 700% from \$11,800 in June 1965 to \$78,740 December 1980;<sup>111</sup> during the same period, the average Australian share price increased by over 400%.<sup>112</sup> Waller also notes that “payment of income tax had become voluntary. There was no capital gains tax, no fringe benefits tax” and in summary “only mugs and public servants” (himself included) paid tax ... lump sum of money could be multiplied many times over in a short space of time”.<sup>113</sup> Waller goes on to point out that an intelligent, frugal, well-informed and well-connected man such as Askin could certainly have accumulated his

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<sup>109</sup> Abjorensen, “Leadership in the Liberal Party”, p.292; *Bulletin*, 1 July 1986.

<sup>110</sup> Waller report.

<sup>111</sup> *SMH*, “Median Sydney property price movements 1965-1980”, Extract from “BIS Shrapnel” report, 12 August 1981, p.18.

<sup>112</sup> Standard and Poors, *Australian Share Price Movements*, Sydney Nov 2009, p.1.

<sup>113</sup> Waller report.

estate without recourse to “dishonourable conduct”. A definitive conclusion cannot be made until such time as additional “concrete evidence” comes to light, such as the release of probate details in 2071.

It is understandable that Hancock found that the “sheer volume of direct, hearsay and circumstantial testimony he [Hickie] collected is very disturbing” in light of the unproven claim that the estate was too large to have been obtained by legitimate means. The actual volume of evidence is not as important as the test of its quality. Even taking Hickie’s claims at face value, it would not satisfy the scrutiny of a reasonable person. For example, the evidence of Askin’s tax affairs should be discounted as they are unverifiable and based on undocumented information from an unnamed tax office official whom Hickie said could face criminal charges if he identified himself. Regarding knighthoods, there is no compelling evidence that Askin sold knighthoods. More investigation and research are needed to provide clarity about this aspect of Askin’s premiership. “Some, like John Carrick and Tom Lewis, said they would not be “surprised” if Askin had “sold” a few knighthoods, but that is all”, is conjecture, and the evidence tabled by Hickie does not support this claim.<sup>114</sup> For example, regarding the Sir Elton Griffin knighthood, Hickie’s witnesses and the anonymous bank manager could not provide any evidence that a payment from Griffin to Askin was payment for his knighthood.

### **6.5.3. Galea: the primary “impeccable” source**

It has never been suggested that Hickie, “an honest soldier of the truth,” ever doubted Galea’s word or harboured “the remotest doubt that Askin was corrupt”.<sup>115</sup> On the contrary, it is well within the realms of possibility that the inexperienced young journalist was duped by a master of crime. It is important to remember that Galea was Hickie’s primary source and that the story could not be published until Askin was dead so Galea covered himself regarding

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<sup>114</sup> Hancock, ‘Askin, Robin’, *Premiers*, p.366.

<sup>115</sup> *Sun Herald*, 28 November 1993, pp.14-15,17,19.



libel charges. The impressionable Hickie, who was a student at the time and looking to a career in journalism, would have been keen for a story and in the right frame of mind to fall for a Galea fabrication.

The rationale behind Galea's duplicity was probably to mete out retribution upon Askin. Respectability and legitimacy are often desired goals for organised crime figures.<sup>116</sup> In Galea's case this was exemplified by his desire for "entrée into the most privileged circles" and his life-long ambition to become a member of the Sydney Turf Club (STC) and the Australian Jockey Club (AJC).<sup>117</sup> "The race clubs traditionally refused membership to people with ... unsavoury reputations ... [Galea] had been black balled for over 20 years".<sup>118</sup> Askin was supposed to have extorted a sum of \$5000 from Galea to assist him in his membership to the STC. Galea, however, had been a strong sponsor of the Labor Party and they helped him to obtain a provisional membership of the AJC. Galea said "I feel fulfilled now ... After 20 years, I really wanted the badge".<sup>119</sup>

Respectability was probably only one of the reasons why the legalisation of the casinos was of paramount importance to Galea.<sup>120</sup> His illegal gambling enterprises were a financial risk in so far that they could be closed at any moment.<sup>121</sup> Galea had invested heavily and his capital was always at risk. The capital value of an enterprise earning \$2.3 million and with annual turnover of \$100 million would have had an enormous value when it was legalised. This might have been utilised as collateral to support legal investments. The legal casinos would reduce the risk of being investigated for

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<sup>116</sup> Annelise Anderson, *The Business of Organised Crime*, Stanford, 1979, p.76; Michael D. Maltz, 'Defining Organised Crime', *Handbook of Organized Crime in the United States*, Robert J. Kelly, Ko-Lin Chin and Rufus Schatzberg (eds.), Westport, 1994, p.27.

<sup>117</sup> Hickie, *The Prince and the Premier*, p.19.

<sup>118</sup> *ibid*, pp.376-378.

<sup>119</sup> Anderson, *The Business of Organised Crime*, p.76; Hickie, *The Prince and the Premier*, p.376; *SMH*, 25 March 1985, pp.6-7.

<sup>120</sup> Reeves, *Mr Sin*, p.vii.

<sup>121</sup> Robert Kelly and Rufus Schatzberg, 'Once upon a time in America' – Organised crime and civil society, *Organised Crime and the Challenge to Democracy*, Felia Allum and Renate Siebert (eds.), London, 2003, p.137.

tax evasion in relation to other illegal income.<sup>122</sup> Money from illegal activities is easily mixed in with funds from a legitimate business.<sup>123</sup> The lucrative profits gained from the legal casinos could be prudently reinvested in the expansion of these businesses and legitimate employment would have been available to family members and other members of the organised crime fraternity.<sup>124</sup> Galea considered himself a family man, and legalisation of the casinos would have enabled him to bequeath the enterprises and their income to his beneficiaries.<sup>125</sup> He had experienced a series of heart attacks so his legacy is likely to have increasingly played on his mind. If the enterprises had been legitimate, his son Bruce Galea might not have been identified by ICAC as “the biggest illegal gaming operator in the state”.

In 1973-74 Galea had reason to be optimistic regarding the legalisation of his casinos. The NSW Government was monitoring the impact of the licenced casino in Tasmania.<sup>126</sup> Willis stated: “It might be time for the Government to consider extending facilities for legal gambling, [and] Police Commissioner Fred Hanson advocated licencing the clubs”.<sup>127</sup> At Askin’s request, Maddison had met a deputation from the Harrah’s Group, a US based gambling operation, for consultation regarding the operation of legal casinos.<sup>128</sup> Askin had strongly opposed licencing casinos and said “any decision on licencing clubs would have to be a joint party decision”.<sup>129</sup> However he appeared to have changed his view when he stated that, “If legislation of gambling casinos comes the emphasis should be on trying to have something legal that is now illegal, not as revenue raiser”. Also “the annual convention of the state LP passed a motion urging the NSW Government to legalise gambling clubs immediately”. Maddison, the Minister

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<sup>122</sup> Anderson, *The Business of Organised Crime*, p.78.

<sup>123</sup> Kelly and Schatzberg, ‘Organised crime and civil society’, p.137.

<sup>124</sup> Anderson, *The Business of Organised Crime*, p.79; United Nations Office on Drugs and Crime, *An Assessment of Transnational Organized Crime in Central Asia*, New York, 2006, p.44.

<sup>125</sup> Kelly and Schatzberg, ‘Organised crime and civil society’, p.137; Anderson, *The Business of Organised Crime*, p.79.

<sup>126</sup> *The Australian*, 10 October 1973, p.3; *SMH*, 16 June 1973, pp.1,3.

<sup>127</sup> *SMH*, 16 June 1973, p.1.

<sup>128</sup> *ibid*, 14 July 1986, p.2.

<sup>129</sup> *The Sun*, 18 June 1973, p.3; *The Australian*, 20 June 1973, p.3.

for Justice, said: "he was in favour of legalising clubs provided existing illegal clubs were brought under control". Finally, Askin indicated "if the cabinet recommended legalising casinos the matter would be referred to a joint government party meeting".<sup>130</sup> In August 1974 there was a rumour that Askin was about to nominate two operators to be granted casino licences.<sup>131</sup>

Expectations of the legalisation of the casinos were dashed when Askin stated in parliament on 27 August 1974, four months before he retired, "I am against the legalising of gambling casinos and there is no question of their being made legal while I am Premier and Treasurer".<sup>132</sup> There is no doubt that this caused disappointment amongst Galea and the organized crime network. This was demonstrated by the vitriol in Smith's tirade, delivered (and recorded) during a meeting of major crime figures at the Taiping restaurant in Elizabeth Street, Sydney.<sup>133</sup> Smith "was one of Sydney's criminal heavyweights for over three decades".

The meeting was held on 22 June 1976 just after Wran announced that the government intended to legalise the casinos. Stanley John Smith had devised a plan whereby the members of the organised crime network would retain control of the casinos when they were licenced. This became known as the Taiping conspiracy. Smith was "revered among criminals as "Stan the man"... [and identified] as a leader of the underworld". His aim was to "get the game sewn up", so that the licences would not be granted to outsiders. This was to be achieved by bribing politicians "to gain control of any board set up to grant licences and administer casinos".<sup>134</sup> Smith claimed "we done the same six years ago, the exact same thing you are facing now".<sup>135</sup> According to Bottom "It was not clear whether he was suggesting that organised crime in Australia had had a part in Las Vegas or whether he was alluding to the NSW

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<sup>130</sup> *SMH*, 13 August 1974, p.13.

<sup>131</sup> *NSW LA PD*, 27 August 1974, p.647.

<sup>132</sup> *ibid*, p.647

<sup>133</sup> Bob Bottom, *The Godfather in Australia: Organised Crime's Australian Connections*, Sydney, 1979, p.103.

<sup>134</sup> *ibid*, p.103.

<sup>135</sup> *ibid*, p.110.

licenced club industry".<sup>136</sup> Smith reminded his confederates of the benefits of having the casinos licenced: "You're talking about something that could go on forever ... [the] government is getting their tax out of it ... This is a legal way of printing money ... you're dealing with a multi-million dollar business there".<sup>137</sup>

As the self-appointed overseer of the conspiracy, Smith castigated his confederates for their ineptitude in squandering the opportunity when Askin was premier:

I've never found you the most generous people that I've fucking heard of. You know, so, perhaps you might be looking at long pennies. For Christ sake, get up and realise you're dealing with a multi-million dollar business there. So, if you sit back and hang back with your traditional penny pinching fucking attitude, well, this'll slip away from you. That is why I started in this whole business, [as overseer] when you didn't do it with fucking Askin. [Sir Robert Askin, former Premier] ... You know, as well as I do, [politicians] they're the shiftiest bunch of fucking people that ever, ever lived.<sup>138</sup>

Smith was infuriated with Galea and his cohorts because they were unable to bribe Askin and have their casinos legalised and he did not want to miss another opportunity. Nonetheless, the Wran Government changed its policy and it was almost two decades before a legal casino operated in NSW.

#### **6.5.4. The Moffitt Royal Commission**

The establishment of the Moffitt Royal Commission 1973-74 concerning the infiltration of organised crime into NSW registered clubs was a result of an exposé, published, by Bob Bottom in the *Sunday Telegraph* 25

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<sup>136</sup> Bottom, *The Godfather in Australia*, p.107.

<sup>137</sup> *ibid*, p.108,110.

<sup>138</sup> *ibid*, pp.109-110.

July 1972 under the header, "Crims Grab Clubs". It was followed by another "Seminal piece" co-authored by Bottom and Anthony Reeves, "The Night the Mafia Came to Sydney".<sup>139</sup> Until these exposes were published organised crime had largely escaped public attention. Consequently, the Government requested a report from the Police Commissioner regarding the matter. An interim report was prepared which indicated that there was infiltration of organised crime into registered clubs and a serious threat from overseas.<sup>140</sup>

Askin alerted the Parliament to the findings of the interim police report. However, when the final report was handed to the Government he did not table it in the Parliament as he had promised. The final report was a complete contradiction of the interim report. The South Sydney Juniors' Leagues Club, which had attracted the greatest suspicion in the interim report, was now regarded as completely free of corruption and the "Bally organisation was clean and beautiful".<sup>141</sup> The diligent opposition under the leadership of Pat Hills declared it a "whitewash" and a "cover up".

In an unprecedented response, Askin established a Royal Commission and declared that he would take the witness stand. He said; "It was more efficient to give the Police reports to a Royal Commission than to table them in parliament".<sup>142</sup> Justice Randolph Athol Moffitt was appointed commissioner. This was the first Royal Commission to deal specifically with organised crime: "Maddison said that Askin set up the Royal Commission because of the charges that the Government was covering up, and illegalities in the clubs".<sup>143</sup>

The royal commission certainly shone the spotlight on the celebrities of the organised crime fraternity. If Askin had been involved with organised crime then surely he would have been reluctant to initiate a Royal Commission. The header in the *Daily Telegraph*, 23 March 1974 read: "Stars

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<sup>139</sup> Whitton, *Can of Worms*, p.16; Moffitt, *A Quarter to Midnight*, p.72; Bob Bottom, *Without Fear or Favour*, South Melbourne, 1984. pp.30-31.

<sup>140</sup> Moffitt, *A Quarter to Midnight*, p.72.

<sup>141</sup> *ibid*, p.72.

<sup>142</sup> *The Australian*, 17 August 1973, p.2.

<sup>143</sup> *The Sun*, 20 August 1973, p.0.

appear at club inquiry ... With 'Fibber', 'Blue eyes' and the gang ... It all sounds like a roll call for a hoods' convention". The nicknames provided some light relief for the commission officials. The "American gangsters some of them top Mafiosi" were mentioned because of their connection with 'Bally Manufacturing Corporation of America', that was a "huge US poker machine company". It was of great concern that a US crime syndicate had attempted to infiltrate Australia via 'Bally Australia Pty. Ltd.'. <sup>144</sup>

The Australian 'stars' who made a personal appearance by way of subpoena were Abraham Gilbert Saffron, George David Freeman and McPherson, who took centre stage. McPherson was alleged to have pressured licenced clubs to use Bally poker machines. He had taken Joseph Dan Testa to Bourke, NSW on a kangaroo shooting trip. Testa had "become synonymous with accusations of American Mafia infiltration into Australia". <sup>145</sup> He was described by a commission witness as a psychopathic killer. When he arrived in Australia to give evidence he vowed "revenge against any witness who had named him". <sup>146</sup> In the light of the public airing and the ordeal that Askin inflicted upon these criminals, it is incredible that Askin was a friend to organised crime.

The Royal Commission began on 3 September 1973, and after an eighty-four day hearing from 154 witnesses, who were asked more than fifty thousand questions, the report was tabled in parliament on 14 August 1974. <sup>147</sup> The Government was exonerated from any charges relating to a 'cover up'. However, Moffitt recommended that the Bally Corporation should be banned from operating in Australia because it posed a threat of infiltration into Australian licenced clubs. <sup>148</sup> Following the release of the Moffatt report, Willis told the parliament:

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<sup>144</sup> *Daily Telegraph*, 23 March 1974, p.4.

<sup>145</sup> Bottom, *Without Fear or Favour*, p.34 .

<sup>146</sup> *ibid*, pp.34-35.

<sup>147</sup> *Daily Telegraph*, 15 August 1974, p. 2.

<sup>148</sup> *The Australian*, 15 August 1974, p.3; Moffitt, *Report on Allegations of Organised Crime in Clubs*, p.134,135; *Daily Telegraph*, 15 August 1974.

Both the former Leader of the Opposition [Hill] and the present Leader of the Opposition [Wran] made base allegations in this House under the coward's cloak of parliamentary privilege. They said that the Premier and other Ministers in this Government were attempting to hide criminals and criminal activities. When we called their bluff and set up a Royal commission and invited them to give evidence, how many of them went before the Royal commission? Not a one. Not a word of evidence was offered by them to the commission, where they could have been cross-examined by a judge and lawyers. They could not be seen for miles; they had all disappeared into the wide blue yonder. The allegations that they were prepared to make in this coward's castle about corruption and crime on the Government benches suddenly dissolved into thin air ... [they] have made utter and unadulterated fools of themselves. They made allegations that they could not substantiate ... they crept away with their tails between their legs when they were invited to give evidence before the commission, where they could have been cross-examined ... It is interesting that, though it is a week since the Royal commission report was tabled, there has not been a question on it at question time ... the silence is deafening ... for nine and a half years they have been scraping around all over the place trying to find something to hit us with in the way of corruption, criminal activities, impropriety or something of that kind. So far, they are still scratching like a mangy dog because they have not found one thing, and they will not.<sup>149</sup>

Askin told the Parliament, three months later on 4 December 1974, that Hewett and two other cabinet ministers as well as himself had written to the Royal Commission advising that they were “quite willing to go along voluntarily and I was quite happy to give them all the information I had”. Askin then complained that members of the opposition “who made the allegations about covering up have been most noticeable by their absence from the royal commission... I should have thought that the gentlemen who alleged these things would not do so without having some information. Surely they could not

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<sup>149</sup> *NSW LA PD*, 20 August 1974, pp.431-432.

make serious allegations like that without any foundation. If they did they should not be in parliament”.<sup>150</sup>

### 6.5.5. The Waller Report and Other Protagonists

Justice Atthol Moffitt stood by his assessment 20 years later in a letter to Kevin Waller stating that “There was no evidence, hearsay or otherwise, before the Royal Commission (on Organised Crime in Clubs) over which I presided in 1973 of improper conduct on the part of Sir Robert Askin.” In 1993, the *Sun Herald* “took the extraordinary step” of holding a commission of inquiry, overseen by journalist Evan Whitton and led by former NSW Coroner Kevin Waller, to review the evidence against Askin.<sup>151</sup> This took place after the publication of the Fairfax history *Herald and Angels*, because the Fairfax organisation was probably haunted by the propagation of the Askin corruption myth that had been founded on ‘unsourced assertions’. Waller stated in his report

The main purpose of the procedure is not to convict or acquit an individual, but to search for the truth. However, before public figures may be stigmatised as corrupt one must insist on evidence of some strength.

Where has the evidence come from? I have read David Hickie’s book “The Prince and the Premier”, together with his later comment and the further material received at the Sun-Herald. Much of the information is remote hearsay, and in many instances the witnesses are dead, unknown, un-named or otherwise unavailable.

No significance at all can be attached to statements by un-named persons. There is not a responsible tribunal in the world which would

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<sup>150</sup> *NSW LA PD*, 4 December 1973, p.27.

<sup>151</sup> Murray Goot, “Askin, Sir Robert William (Bob) (1907–1981)”, *Australian Dictionary of Biography*, <http://adb.anu.edu.au/> accessed 29 July 2012.



place any reliance whatever on reported conversations with anonymous people. The Prince and the Premier is littered with such quotations, which may have satisfied the author but do not constitute proper evidence for obvious reasons.<sup>152</sup>

Wal Fife, Milton Morris, and Sir John Fuller, who were members of Askin's cabinet throughout the entire period of his Premiership, and who enjoyed honourable reputations, were all interviewed and they were all emphatic that Askin was not corrupt.<sup>153</sup> John Hatton, the maverick former independent MLA for South Coast, who was misreported in the media as having accused Askin of being corrupt confirmed that he was not privy to any evidence that proved Askin was corrupt. His misreported claim was that organised crime flourished in the latter part of the Askin Government.<sup>154</sup> It is noteworthy that Hickie used Hatton's misreported statement to support his allegations. Askin's press secretary, Geoff Reading, and Russ Ferguson, who was Askin's driver for over 20 years, and would have been privy to any illegalities were equally emphatic. Reading said that Hickie's claims were "never tested" and remained "unproven". Ferguson said "if there was anything like that I think I'd know".<sup>155</sup>

Evan Whitton was understandably not interested in the topic after the inquiry by the *Sun Herald* in 1993 turned into a debacle when a lengthy reproach was received from the former Justice Moffitt. Whitton had inaccurately claimed that Askin had committed perjury by swearing under oath that he had never been inside an illegal casino. This was typical of the inaccuracies that fuelled the hearsay and innuendo that were responsible for the myth to take on a life of its own. In fact, Askin made this statement in an interview published in *The Australian*.<sup>156</sup>

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<sup>152</sup> An article presenting the Waller report was published in the SMH on 28 November 1993; a fully copy of the original 8 page report is in the possession of the author of this thesis.

<sup>153</sup> Loughnan interviews with Fife, Morris and Fuller

<sup>154</sup> Loughnan interview with Hatton; Reading, *High Climbers*, p.142

<sup>155</sup> Hancock, 'Askin, Robin', *Premiers*, p.366.

<sup>156</sup> *The Australian*, 14 May 1974, p.68.

At the time of the Waller report, Stuart Littlemore QC who was commentator for the ABC Media Watch program, publicly goaded Hickie to be cross-examined on his evidence. He noted that there were “very embarrassing reasons, aren't there, Mr Hickie, that explain your unwillingness to debate the quality of your work.” Littlemore reinforced Waller’s observations that Hickie’s evidence was no more than “rumour, tittle-tattle and second and third-hand material” that “will not do” and then told Hickie to “put up or shut up”. He also noted that Waller’s assessment was contrary to what Whitton had expected.<sup>157</sup> Significantly, two of Waller’s most damning pages of the report were omitted from publication.

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The assessment by Hickie that Askin was an ‘underestimated man’ is accurate in the context of the Askin corruption myth. Those lying, thieving, murdering criminals such as ‘Mr Big’, ‘Mr Sin’, ‘Stan the Man’, ‘The Prince’ and the likes of ‘Ironbar’ and ‘liar’ were unable to corrupt Askin. The fact that they could not bribe Askin for favours was evidenced by what Smith had to say about him on the Taiping conspiracy tape recording. It is noteworthy that if these criminals had a regular job within the bounds of the law, they probably would have struggled to scratch out a living. In contrast, Askin had attained the high office of Premier and first citizen of the state, and retained it for almost ten years.

It is incomprehensible that Askin, who revelled in the company of world leaders and the prestige of his position, would manipulate the state in order to benefit criminals. Askin had no children to benefit from his wealth, he desired no ostentatious status symbols such as mansions, cars or holiday homes, his home was modest although it was located in a picturesque suburb, and he bequeathed his estate to Mollie who in turn bequeathed the majority of her \$3,724,879 estate to charities. There is no doubt that Askin expected the privileges of high office and he probably had no compunction in

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<sup>157</sup> Stuart Littlemore, ABC ‘MEDIA WATCH’, 4 October 1993.

taking political donations whether they were from tax paying businesses or licenced bookmakers.

The principal premise of the exposé in the *National Times* and the book *The Prince and the Premier* that Askin was the patron of organised crime in Sydney from 1967- 68 until his retirement is implausible because it was founded on “unsourced assertions” and the hearsay of a of a notorious criminal who aided and abetted drug dealers. “a major crime figure”, who “laundered large amounts of drug money”, and who had been dead for four years. Without this premise, the myriad of other allegations that became received wisdom would not have entered the public domain. The conclusion reached after interviewing David Hickie, and after reassessing the central allegations that propagated the Askin corruption myth, is that the evidence is based on unsubstantiated claims. The allegations as stated simply cannot be sustained.

## Conclusion

The main subject addressed in this dissertation is the contribution that Askin's leadership played in the electoral success and the longevity of the Liberal-Country Party coalition Government. An examination of Askin's leadership is important insofar that it identifies the qualities that enabled him to lead the coalition into Government after twenty four years in the wilderness, and retain it for four terms. The principal argument is that Askin's leadership was crucial to the success and longevity of the coalition Government. It is prosecuted by tracing Askin's trajectory from his early life, his entry into politics, through to the leadership of the LP and ultimately his premiership. After Askin became premier his leadership is examined in the context of the Government and its program. It is concluded that Askin's leadership was crucial to the electoral success of the Coalition, and the key to Askin's success was his temperament and his art of politics which was underpinned by his adherence to the four principles as defined by Machiavelli. This is the first substantial study of Askin's leadership and the Coalition Government. The Askin corruption myth is dispelled, which is also a significant novelty of the dissertation.

The Cabinet Papers of the Askin Government used in this dissertation proved to be an invaluable primary source. They provided an "insight into the cultural, social and the political life" of the citizens of NSW. The Cabinet Minutes contained in the Cabinet Papers are the most important official record of the Cabinet because they record the Government's agendas and decisions. These records were used in conjunction with the other contemporary primary sources to reconcile and obtain an accurate assessment of the Government.

The combination of temperament and tactics was the basis of Askin's successful leadership which is examined using Keirse's temperament theory and Machiavelli's political theory as a framework. This combination enabled him to lead the coalition into government, retain government for four terms and leave political life at a time of his own choosing. The four principles of Machiavelli's political theory used as a framework were: insight and adaptability; the maintenance of leadership authority; focus on the needs of the voters; and awareness of the needs of the leader's peers.

These two theories as mentioned in the introduction were used to create a framework in order to understand Askin's leadership. The framework is used as a lens to understand his *modus operandi* and helps explain the clichéd assessments of others who have described him as “fair dinkum”, liking a “beer and a bet”, a “man of the moment”, being a “clever politician”, a good “raconteur” and never losing “the common touch”. The idea was not an exercise in political science or psychology that tested a hypothesis of these theories based on Askin's leadership. Therefore it was unnecessary to labour over the theoretical aspects and also removed the need for repetition throughout the four terms of the Askin Government. It is important to the argument to draw all of the threads together in the conclusion to overview how Askin's temperament and tactics underpinned his leadership.

In the context of Keirey's temperament theory, Askin had a preference for co-operation and negotiation, concrete proposals over abstract concepts, and this, along with his strong respect for authority and tradition, was aligned with the attitude of the general electorate during the cold war period. Askin's respect for high office was accompanied by his expectation of its privileges as well as its obligations. He revelled in the company of world leaders and the prestige of his position which was demonstrated when the US President Johnson visited Sydney in 1966 and when the Queen opened the Sydney Opera House in 1973. Askin's sociable disposition became evident during his early adulthood and continued throughout his life. He pursued opportunities where he became involved in leadership roles in social institutions. These included chess, debating and rifle clubs. Askin was vice-captain of the Rural Bank's rugby league premiership team, served on the executive of the NSW Swimming Association and became vice-president then president of the Rural Bank's branch of the United Bank Officers' Association. His social disposition proved invaluable in his election campaigns.

Askin's temperament proved well suited to the robust adversarial environment of the parliament. He immersed himself in the parliamentary debates and was assiduous in taking issues up to the then Government.

Askin demonstrated to his peers his leadership attributes and was elected deputy leader in 1954 after only four years in the Parliament.

The principal non-Labor Party in NSW had been out of office since 1941 and was in danger of becoming a permanent opposition. After Vernon Treatt led the party to three election defeats, machinations within the party precipitated his retirement in 1954 which caused the party to become split down the middle. As a result there were four leaders between 1954 and 1959.

Two groups had developed: those supporting Treatt who moved their allegiances to Robson and the group that supported Pat Morton. Robson won the leadership ballot in 1954 by one vote. Morton challenged Robson and defeated him in a leadership ballot by 15 to 5 votes. However, after Morton led the LP to another two defeats in 1956 and 1959 and refused to resign, he was defeated in a party censure motion by two votes.

As a result the leadership was declared vacant and all members were afforded the opportunity to put themselves forward. No one was forthcoming so Askin seized the opportunity and was elected unopposed. Askin was acutely aware that the disunity was an electoral liability for the party. He had retained the Deputy Leadership and had managed to straddle the two groups even though he had supported his friend Robson in the leadership contest. Askin had waited for the moment that enabled him to be elected leader unanimously. This outcome resulted in the two factions, dissolving and the party unifying behind him.

Askin had observed Cahill at the 1956 and 1959 elections capitalising on the disunity of the parliamentary LP, the dysfunctional relationship between the organisational and parliamentary wings of the LP, and the toxic relationship that had developed between the LP and the CP. The lack of consultation between the two wings of the LP resulted in the lack of clarity regarding the demarcation of their roles which hindered their capacity to play complementary roles in order to win elections. The concept of triangular contests was the most contentious issue that polarised the coalition parties.

Askin's leadership, underpinned by his temperament and tactics, is manifest in the new era and the change in the fortunes of the coalition after he was elected leader in 1959. The organisational wing of the LP established a state council committee to address the problems of a clear long-term policy, improvement in branch membership and the public relations of the parliamentary LP. In 1959 the pragmatic Charles Cutler was elected leader of the CP. Both leaders realised that the unity of both parties was essential in order to break the ALP stronghold in NSW. Consistent with Askin's preference for co-operation and negotiation, a two party committee was established to improve inter-party relations and address policy differences such as triangular contests before they escalated into conflict.

The 1962 election was Askin's first test as leader and the loss strengthened his resolve to market the Coalition's brand of government and win the 1965 election. victory in 1965. proved to be a dress rehearsal for the successful campaign of 1965. The LP was united and the coalition parties had presented a unified front by settling the question of triangular contests. Askin's pragmatic leadership style enabled him to recognise the needs of voters and engage with them in the language of "the ordinary working man". He courted traditional Labor voters such as railway workers, public servants, and retired public servants who were struggling under the pressure of inflation. He became the champion of the "small man" and the causes of the "underdog".

The loss of the 1962 election was anticipated by the LP so Askin's leadership was secure. The political environment of 1962 was hostile towards the NSW coalition which resulted in a resounding victory for the Government. The Menzies Government had implemented a stringent monetary policy as an inflationary measure that produced an acute "credit squeeze". This prompted Premier Heffron to call an early election to capitalise on the misfortune of the NSW coalition. The Government successfully negated innovative policy initiatives presented by the coalition. It was also aided by a redistribution of the electoral boundaries which increased the modest bias that the ALP already enjoyed.

The political climate at the time of 1965 election was far more hospitable to the NSW coalition. The 1961 recession had subsided and Menzies was at the zenith of his popularity. At the 1963 Federal Election the Federal ALP lost 7 seats in NSW to the Menzies Government. In the lead up to the 1965 election Askin relentlessly applied his political tactics and demonstrated his leadership ability to his peers and the electorate through his powerful parliamentary performances, his insight as an astute strategist and strength as a vigorous campaigner at the Wollongong-Kembla by-election. The coalition came close to winning the traditionally safe seat with a swing of almost 8% away from the Government.

The coalition won the 1965 election with 47 seats to Labor's 45. Askin took it upon himself to run a parallel campaign to that of the LP organisation and his image became the face of the LP campaign. Askin virtually hijacked the campaign with the slogan "with Askin you'll get action" which became synonymous with action on transport, housing and the family budget. After 24 years in the wilderness it was an extraordinary victory for the coalition. It was the biggest conservative vote in the history of the Liberal Country Party coalition in NSW. Askin had changed the perceived complexion of the LP from the traditional "silvertail North Shore Party" to one that related to the wage-earning voter. He achieved what no other leader could in 24 years.

Law reform was a major legacy of the Askin Government. Maddison and McCaw were assiduous in honouring the law reform commitments such as the Law Reform Commission and a permanent Court of Appeal. Morris established a standing committee in order to reduce the road carnage. It resulted in compulsory helmets for motor cyclists, provisional licencing for drivers and mandatory wearing of seat belts.

During the first term Askin had delivered three consecutive budget deficits and broke an election promise by increasing fares, taxes, and medical costs. He argued his case on the grounds of mitigating circumstances; these included the inherited deficit from the Labor Government, the dramatic fall in mineral prices, the severe drought and the stringency of the Commonwealth finance agreements. Askin appealed to the sentiment of the voters that one



three-year term was an unreasonably short term for a government to implement its platform. The voters accepted the Government's position and it was returned in 1968 with a resounding victory. The Coalition's majority went from 4 seats to 14 and also gained the control of the Legislative Council.

In his second term Askin jeopardised his electoral success by substituting his proven art of politics with hubris which was demonstrated in the *Summary Offences Bill*. The Bill was concerned with student demonstrations, dissident conscripts, pornography, prostitutes, beggars and fortune tellers. The law-and-order legislation was founded on a conservatism that was out of touch with much of the electorate. The introduction of the *National Service Amendment Bill* on 1 May 1968 was the genesis of the conservatives' law-and-order campaign against the anti-Vietnam war and anti-conscription demonstrations. Penalties for non-compliance were doubled and the failure to respond to a call-up notification was punished by incarceration for a maximum of two years.

Askin attempted to manipulate the political climate in order to validate his law-and-order policy at the Georges River by-election on 19 September 1970. His campaign centred on the proposed law-and-order legislation. Askin and Police Commissioner Allan deliberately set out to antagonise the demonstrators. Their rationale was that the shocking violence predicted by Askin and Allen would attract extensive media coverage. Those voting at the by-election would then seek refuge in the law and order and the Government would win the by-election paving the way for the 1971 election to be contested on the law-and-order legislation.

Askin would have been well advised to abide by his proven art of politics. The by-election was a disaster for the Government. The ALP had campaigned on the cost of living and education, ignoring the issue of law and order. They won the seat with a 9% swing. The main concern of the electorate was the cost of living, not protection from the demonstrators. The significance of the Georges River by-election was that Askin appreciated the warning that he was given by the electorate. In keeping with Machiavelli's theory Askin abandoned the hubris that had blinkered his judgement and embraced his innate art of politics. He re-engaged with the electorate, diluted the *Summary*

*Offences Bill* and concentrated on conservation issues in consideration of the electorate.

Despite Askin's poor judgement, the Government had implemented significant reforms, remained stable, responsible and endeavoured to deliver on its election promises. There is no doubt that Askin's law and order debacle affected the Government's credibility at the 1971 election. The other factor at play was the decline in the fortunes of the LP and the CP both at a state and federal level. Nonetheless, the Askin Government was re-elected albeit with a reduced majority of five seats.

1973 was the pinnacle of Askin's political career and epitomised his art of politics. At the beginning of 1973, the Askin Government found itself in the most vulnerable position since defeating the Labor Government in 1965. Askin demonstrated that his leadership was essential to the electoral success of the Coalition government. He led the Government to a fourth term victory against the odds of a hostile political environment, coupled with the perception that because of its longevity the Government was becoming worn.

Askin's leadership had reached its nadir after the 1970 Georges River by-election. In 1973, Askin redeemed himself by diligently re-employing the four tenets of Machiavelli's political tactics. He demonstrated his acute understanding of insight, adaptability and political fortune and dealt with the Whitlam Government accordingly and won the three vital by-elections at the beginning of 1973, which cemented his ongoing leadership. Askin's approach was reminiscent of his early days when he was seeking the premiership. He remained true to his tactics throughout the year and the political fortunes of his Government improved. Askin sensed that the electorate was becoming unnerved by the rapidity of the implementation of Whitlam's progressive reforms and harnessed the unease to under-score his mantra: restrain Canberra with a strong Government in NSW. When the political climate had satisfactorily turned to favour the Government, Askin called an early election in November 1973 and won with a net gain of four seats over 1971.

Taken in total, the performance of the Askin Government in a Labor state was remarkable. The Coalition was elected on a significant primary vote majority in 1965 of 49.81% to 43.3% for Labor and this carried through again in 1968. Predictably the Coalition lost ground to Labor in 1971 and retained government despite falling behind Labor on a primary vote basis. This fall was short-lived and the Coalition retained government for a remarkable fourth term with their primary vote again eclipsing that of Labor.

While this dissertation concentrates primarily on Askin and the Parliamentary Liberal Party it is axiomatic that without the existence of the Liberal Party Organisation it would have been impossible for any leader of the Parliamentary Party to lead the Coalition to victory. Matters such as pre-selection, relations with the CP regarding elections, financing the organisation, membership and decisions on broad platform policies were practically and logistically beyond the capacity of the Parliamentary Party. After Askin became leader in 1959 the importance of the organisation can easily be exemplified.

The Organisation established a state council committee to address the problems of a clear long-term policy, improvement in branch membership and it took steps to improve the relationship between the organisational wing and the Parliamentary Party. The Organisation also aimed to promote to the public the new found harmony between the two wings of the Party.

In the early 1960's the issue of state-aid had become a significant electoral issue. Carrick had been in the vanguard of the promotion of state aid as a policy of the LP. He was in a prime position in the lead up to the 1962 election to advise Askin to leave state aid as a sleeper and let the ALP deal with the matter. The Organisation was responsible for convincing Askin to include state aid in the 1965 election policy which proved to be a prudent decision.

Juxtaposing Askin's leadership success over the four terms of government Carrick transformed the Party Organisation into a formidable Party machine. Carrick's notion of the three cornered contests proved helpful

in blunting the ALP juggernaut. He rightly advised the Government not to legislate against the anti-Vietnam demonstrators before the 1971 election. Carrick was also able to defuse the tension with Gorton in February 1970 which could have been electorally detrimental to both Askin and Gorton. When Askin's leadership was at its nadir before the 1973 election the formidable Party machine was able to step up and complement Askin's leadership skills at a time when he needed all the support that he could muster.

The essence of the Askin corruption myth is that Askin patronised organised crime in Sydney from 1967-8 until he retired, and that he and Police Commissioner Hanson were each paid \$100,000 per year to allow illegal casinos to operate uninterrupted. The allegations were made by a young journalist David Hickie and published in the *National Times* on 9 September 1981, the day before Askin's funeral. The allegations were further embellished in Hickie's book *The Prince and the Premier*. Hickie described his anonymous source as impeccable. As a result, the notion that Askin was a corrupt politician has become received wisdom.

The emergence of the Askin corruption myth and the political environment and the circumstances that were conducive for it to be propagated have been examined and analysed. The evidence and the commentary over the past thirty two-years has been reassessed; this included an interview with Hickie and an interview with Bob Bottom, the investigative journalist who was instrumental in the establishment of the first Royal Commission into organised crime in NSW. Hickie's anonymous impeccable source turned out to be Perce Galea who was a known criminal.

There is no suggestion that Hickie harboured any doubt as to the integrity of his impeccable source; rather his lack of balanced scrutiny of the evidence was a result of his inexperience as a journalist. It is concluded that the allegations were based on innuendo, hearsay and uncorroborated allegations and that the evidence, particularly that of Hickie, is of poor quality and cannot be relied upon. Further research into the history of investigative journalism would add to the body of knowledge concerning the Askin

corruption myth. Possibly decades into the future, when the libel laws no longer apply, a more forensic study might explain the motivation of the protagonists who propagated the myth. As it stands the Askin Government does not deserve to be shrouded in the legacy of the Askin corruption myth. The argument contained here is that the received wisdom is unfounded.

The main focus of this dissertation was on Askin's leadership. Although significant legislation was examined, it was in the context of the Askin Government.. Therefore an analysis into the degree to which the legislation reflected the wants and needs of the community with particular emphasis on social reforms was neglected. From a political science viewpoint, it would be worthwhile to analyse the legislative output of the Askin Government and compare its reforms with the previous 24 years under Labor. The schema used by David Clune in his doctoral thesis was developed by Burton and Drewry and modified by Helen Nelson for a study of federal and state legislative outputs. There were more than 800 pieces of legislation during Askin's premiership and they would need to be categorised into machinery amendments and major policy initiatives.<sup>158</sup>

Askin's leadership was essential to the Coalition becoming a long-term government and not just a one-term novelty in a Labor state. His leadership was underpinned by his temperament and tactics. The study of Askin's leadership through this prism has provided a more substantial understanding of his leadership success. The debunking of the Askin corruption myth presents a rational and reasonable assessment compared to the predominant received wisdom, that Askin was little more than a corrupt premier.

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<sup>158</sup> David Clune, "The Labor Government in New South Wales 1941 to 1965: A Study in Longevity in Government", unpublished Ph.D. Thesis, University of Sydney, 1990, p.228.

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