

Employment Changes

Over its hundred years, the Union fought hard to have local government services expanded, to obtain additional finance for local government, to protect members as permanent employees by Award coverage, and to prevent Councils replacing them with casual employees or by contractual arrangements. It also sought to protect employees' entitlements where amalgamations occurred. Prior to the first Awards, Councils were free to engage and pay employees as they wished.

When the first Awards were made, many Councils resisted having to pay the minimum wages prescribed by Award. Many also sought to avoid their obligations by employing casuals instead of permanent employees, and then not paying them for public holidays, which they were obliged to do after an employee had completed two months service. The Union had to continue to protect members when subsequent Award increases were obtained, as some Councils sought to discharge employees on the pretext of cost. Some Councils, also at different times, sought to restrict the use of full time employees by utilising other schemes to avoid payment of Award wages. A typical short-term arrangement was to suspend all but those required for urgent work so that they could be employed by local farmers for harvesting work – for which much lower wages were paid. Also at various periods, where relief monies were available, some sought to replace permanent employees with those receiving relief monies.¹

As early as 1915, a report published in the *Shire and Municipal Record* emphasised that Councils could not avoid their Award obligations merely by contracting-out for labour.

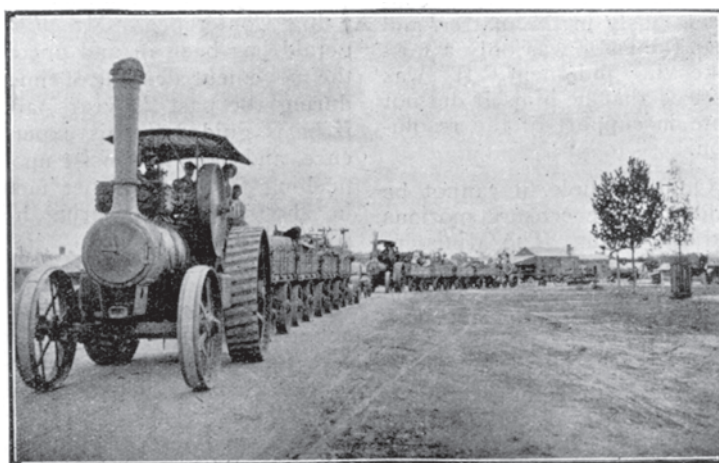
An early 20th Century Road Making Gang



Source: NSW State Library, PICMAN At Work and Play 02055

The fact of requiring the sanitary labourers to carry out their duties under contract would not in any way protect the Council from the clauses of the Industrial Award. It is specially provided by the Industrial Arbitration Act, that when a man contracts for labour only, or substantially for labour, he is nevertheless an employee. If, therefore, the amount drawn by the contractors under the contract rate was in any week less than the amount they would have received working the same hours under the Award, the Council would be liable for prosecution for a breach of the Award.²

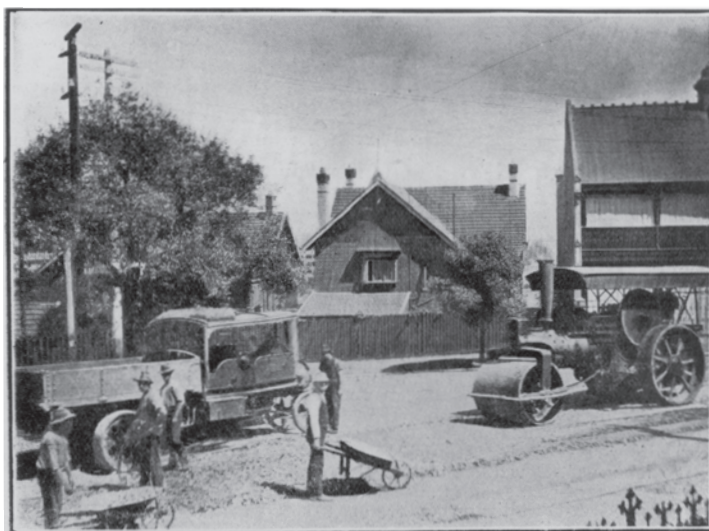
In 1916, the Industrial Court approved an application, consented to between the Union and the Shires Association, to have the Country Councils' wages Award cover employees of garbage or sanitary contractors, as well as grave diggers and herdsmen employed by trustees of commons or cemeteries.³ This brought their wages up to those of permanent employees. In 1919, following a new metropolitan Award, one metropolitan Council sought to call tenders for garbage and street cleaning work, which would have resulted in fourteen employees, eight of whom had their own horses, being dismissed. The Union successfully sought the assistance of the Local Government Association to intervene so that the issue was averted.⁴



**Wagga Wagga
Council members
and Road Plant, 1915**

Source: *The Counsellor*,
May 1915, p. 3

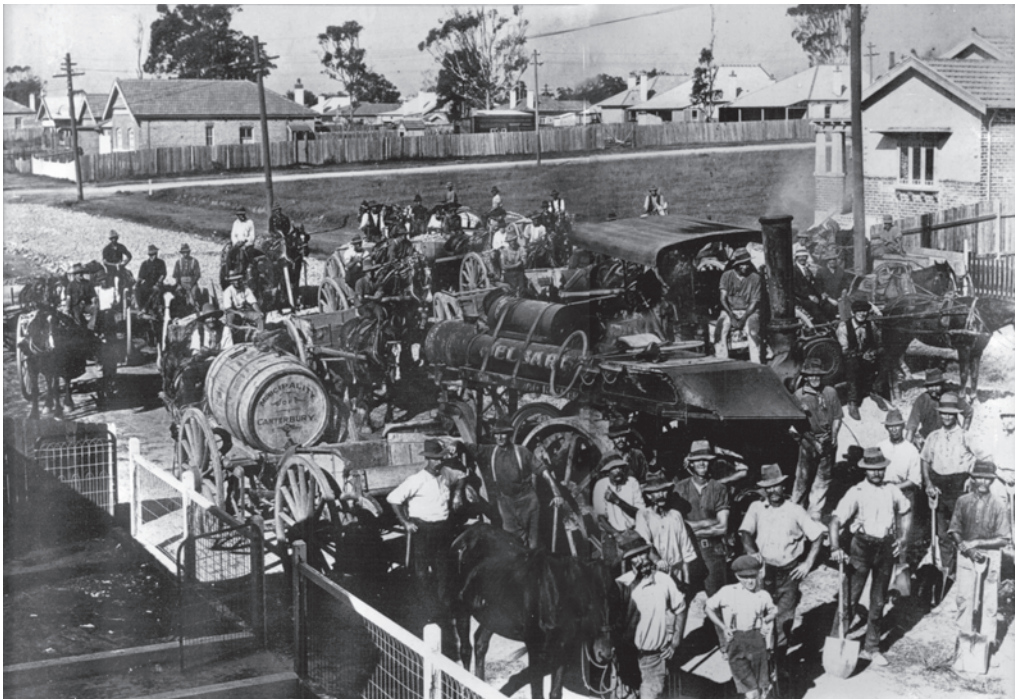
**Woollahra Council
employees and Plant,
Road Making, 1918**



Source: Municipality of
Woollahra, *Annual Report
for the Year 1918* p. 11

During the Great Depression of the 1930s, the Union faced new challenges because some Councils were trying to avoid paying Award wages and conditions by dismissing employees and then re-engaging either them or a contractor to do the necessary work. Typically, to repair a stretch of road they would lend or hire Council equipment to the new contractors to enable the work to be carried out. In these circumstances, which the Union called, “Bogus Contracts”, members were still regarded as employees, as defined under the Industrial Arbitration Act. Many prosecutions were initiated, restoring back-pay and Award wages. Often the threat of prosecution was sufficient. For example, both Kyeamba Shire and Manly Councils terminated proposed contracts before the matters were heard by the Industrial Magistrate.⁵ Nor were salaried staff immune from salary reductions. During the Depression, members of the Local Government Association Officers’ Branch were advised that they should accept neither lower salaries nor any reduction in gradings for their normal weekly hours, but should instead accept rationing systems, with reduced hours of work paid for at their normal salary rates.⁶

Canterbury Council members and Plant, early 20th Century



Source: Municipal Employees Union

Another issue confronting the Union during the Depression was the effect of the scheme introduced by the Steven's UAP Government to force recipients of dole payments to work for a cash allowance instead of receiving the dole. As the Union pointed out, they would then no longer receive dole coupons, which enabled them to obtain goods at prices fixed by contract by the Government. Instead, they would be purchasing goods, for what little cash they received, at much higher prices. The cash to be paid varied, depending upon the number of children, but was substantially less than Award wages. Councils found the overhead costs to employ these persons were greater than anticipated, and the standard of work was not up to that of permanent Council employees, as explained in a 1933 report:

Our previous remarks on the effect of this work for the dole system on the Local Government Industry, now that it has been operated, are being substantiated. A recent report made by the Shire Clerk of Sutherland Shire to his Council shows how the relief scheme has affected that Council, which was the first to institute the method of employment. He said: 'It is now for the Council to determine whether it will apply to the Government to continue the scheme for a further term when the first £10,000 [\$20,000] is exhausted'. From the figures prepared it would appear that, for every £100 [\$200] the Government finds, this Council has to find in the vicinity of £25 [\$50]. There is talk of men not doing a fair day's work under the present conditions, and the Council will have to face the fact that, as soon as the present grant is exhausted, the reduced working hours apply, and it is questionable whether the men will maintain the same standard of efficiency under the new conditions. In the event of Council deciding to continue the scheme, the Shire Clerk pointed out, serious problems of finance will have to be faced. The only available method of financing the added expenditure, the report declares, will be by increasing the bank overdraft. No doubt, due to the large expenditure this year, the number of the outside staff will have to be reduced perhaps later in the year or next year, the report added. Council decided to send a deputation to explain the position to the Minister.⁷

Contracting was still an issue in 1936 when a recommendation was made to the Annual Conference that all contractors should be brought under the Union's Awards. The General Secretary pointed out that there was a separate Wages Board governing employees of certain contractors, and that in any event an Agreement had been registered many years before giving the Australian Workers' Union the right to cover legitimate road contractors' employees. However, the Union continued its campaign to have Councils restrict their use of contractors. Another issue was that some Councils were engaging relief workers to carry out rationed road work to the detriment of long serving employees who were stood down from such work.

In 1941, with a new Labor Government elected to office, Annual Conference adopted a report to continue opposition to Councils contracting-out work by appointing a deputation to meet the Minister for Local Government to seek to have legislation passed to abolish such working arrangements. Conference also resolved to have ALP rules amended so that candidates for local government elections would be required to pledge opposition to any such proposals if elected. The campaign was to include using other political and industrial organisations and the daily press to publicise details of "The evils of contract labour in Municipal and Shire Councils".⁸ The Union was successful in having the principle of "day labour" included in the ALP Local Government Policy in 1947, thus giving the Union a lever over ALP-controlled Councils. This policy was used extensively to prevent any expansion of contract work.

The 1948 ALP Conference carried a motion whereby the Union again sought to have the Local Government Act amended to restrict contract work.

That it be the determined policy of the Party that Section 516 of the Local Government Act should be amended to provide that before a Council may enter into any contract for the execution of work or the performance of any service the

approval of the Minister for Local Government must first be obtained so that the principle of day labour may be effectively applied.

However, the Act was not amended at that time, and the 1947 policy had to be relied upon.

Contracting-out in some form has continued to be an issue with individual Councils. From the 1950s to the 1970s there were only occasional skirmishes, as in 1975 when the Prime Minister, E. G. Whitlam QC MP, was asked to prevent Sutherland Shire Council from contracting-out the building of a Childcare Centre, using finance made available to Council by the Federal Government. The Union's approach was successful, and Council proceeded to build it using their own employees.⁹

In response to the Union's continued opposition in the 1990s to proposals for compulsory tendering to be introduced into local government, NSW Premier Bob Carr wrote to the General Secretary on 16 May 1996 as follows:

Following our meeting on Tuesday 14 May 1996, I can confirm that in regards to local government, compulsory competitive tendering is not the policy of my Government.

In fact I quote from the NSW Government Policy Statement on the Application of National Competition Policy to Local Government: page 16, Section 7.10, "Accordingly, the Government considers that a decision to competitively tender services can most appropriately be made by an individual council taking into account all its relevant circumstances".

That is and will remain the policy of my Government. We want Councils to be efficient and, where relevant, its business units to be corporatised; however my Government does not advocate privatisation of community assets.

Moreover, my Government is fully aware of the important role that local government plays in providing employment especially in rural and provincial New South Wales. Realisation of this fact is why tendering processes will be left to individual councils to determine.

Further, I can assure you and your members that my Government is committed to maintaining adequate levels of regional road funding. Indeed my Government has committed funding assistance for regional roads totalling \$93 million for three years in real terms to local government authorities.

I trust the above information alleviates your concerns with regard to these two important matters.

However, in the 1990s, following overseas trends, some Councils moved to introduce contracting-out or privatisation of work. Where this was proposed, the Union sought to ensure that equitable cost comparisons were made with costs for the work being performed by Council employees, and was successful in negotiating that issue with many Councils.¹⁰

The question of redundancies was closely associated with proposals for contracting-out of Council tasks. While the Union was not opposed to voluntary redundancy provided adequate redundancy payments were agreed, its policy was strongly opposed to attempts at forced redundancies, and progressively Awards and Agreements were varied to provide for redundancy payments.¹¹

In 1994, when the Fahey Coalition Government attempted to introduce compulsory tendering for projects over \$100,000, the campaign against the proposal included interviewing ALP and Independent Members of Parliament, resulting in the legislation being defeated in the Legislative Council of NSW.¹²

Following the application of a National Competition Policy, the Union, while still opposed to tendering, came to an agreement with the Local Government and Shires Associations in 1997 about initiatives involving workplace reform and restructuring to improve performance and productivity.¹³ The Union also accepted involvement in a Government Working Party to develop guidelines for inclusion in the Local Government Act, should Councils consider competitive tendering. The Union also made detailed submissions to the State Government's Local Government Act Review to have safeguards observed should a Council propose to competitively tender some of its works¹⁴ and called on the State Government to provide further protection under the Local Government Act.¹⁵ Over this period, agreement had been reached with the Local Government and Shires Associations to vary the State Award providing for safeguards and a requirement for consultation with the Union prior to any tendering,¹⁶ and requiring Councils to examine factors under a 1995 Competitive Principles Agreement that resulted in bid teams at local levels being fully involved. When required, Union officials assisted with negotiations, and where competitive tenders were accepted, helped to formalise arrangement in an Enterprise or Council Agreement or Local Work Area Agreement.¹⁷

1929 Council Tip truck



Source: Woollahra Municipal Council Library Archives No. 1989-1430

Nevertheless, the Union continued its opposition to contracting-out, and during the late 1990s instituted campaigns against individual Councils, highlighting the disadvantages of tendering work out and the social impact on local communities.¹⁸ In 2000, President Birney said that privatisation and contracting-out still remained the major threats to job security, and insisted that opposition to those developments was the MEU's number-one priority.¹⁹

Road Maintenance Work

In June 1999, a major issue arose when the State Government announced a policy that maintenance work for the Road and Traffic Authority would be put out to competitive tendering, which would have resulted in a significant reduction in the budgets of many Councils.²⁰ Over \$85 million was being channelled through local government, enabling Councils to do road maintenance and associated works, and the loss would have resulted in a significant reduction of local government employment, particularly in country areas. As no assurances were obtained from the Minister for Roads, a campaign was begun to inform Members of Parliament and local government Councillors of the arguments against the policy. A motion opposing its introduction was carried at an ALP Country Conference, and various country Councils supported the campaign. Well-attended rallies were held in many areas throughout NSW, with thousands attending in Boorowa and Kyogle.



**1999 Boorowa Rally
Opposing Tendering**

Source: *The Counsellor*,
Summer 1999 p. 8

1999 Kyogle Rally Opposing Tendering



Source: *The Counsellor*,
Summer 1999 p. 9

A motion was carried at the Annual Conference in September 1999, condemning the Government's proposed policy and delegates adjourned to attend a huge rally in Sydney, followed by a march to Parliament House.²¹ The campaign also involved members of the Union's "Anti C.C.T. Consultation Committee" lobbying Members of Parliament. Success was achieved on 30 November 1999 when the State Government announced that the proposal for compulsory competitive tendering of road maintenance services was "dead and buried".²²

Sydney Rally Opposing Tendering, 1999



Source: *The Counsellor*, Summer 1999 p. 8

City Council Employment

The City Council has always been a substantial employer of labour. In 1927, for example, 3,000 out of 4,000 permanent employees had been employed for more than ten years.²³ The attitude in the City Council in the 1990s and onwards revived the dark old days in the earlier part of the Twentieth Century when conservative Councils or appointed Commissioners initiated policies for contracting work out. The first stoppage by Council's wage staff in six years took place over contracting issues in 1996. Although there were some successes against competitive tendering, staffing levels continued to decline.²⁴



Members protesting outside Sydney Town Hall, 1996

Source: *The Counsellor*,
Autumn 1997 p. 7

In 2001, the City Council attempted to introduce a non-union State Enterprise Agreement – holding a ballot of employees without getting the required percentage in support. Thus the Agreement could not be registered in NSW. Council then sought to translate the vote as one of approval for a Federal Agreement, where a lower percentage of employee approval was required, and filed an application to have the Agreement registered Federally. In response to Union objection, Council withdrew the application but relationships were so bitter that Council retaliated by ceasing to deduct members' Union subscriptions through payroll deductions. The previous arrangement was restored in 2002 following the Union's application to the Industrial Commission.²⁵ The Union continued to maintain opposition to competitive tendering as emphasised in a 2002 Enterprise Agreement.

Amalgamation of Council Areas

Amalgamation of Council areas had been an issue which the Union had to face as early as the 1920s, when members were affected by Council amalgamations. The Union sought legislation protecting employees' entitlements, which was generally obtained.²⁶

In 1967, the Askin Coalition Government proposed a reduction in the boundaries of the City Council, with the result that staff and functions were to be transferred to adjoining Councils. This resulted in a drastic reduction to the size of Council and was contrary to the generally held view throughout the union movement and Labor Party, over many years, that a larger city area was needed to provide adequate services and effective planning. The Union embarked on a major campaign of opposition. Wage and salaried members employed by Sydney County Council and the City Council combined in a mass meeting on 20 September 1967 to condemn the Government's legislation as unwarranted interference with democratically elected Aldermen and constituent representation from the City Council on the Sydney County Council. The meeting called for an inquiry into proposed boundary changes and for assurances that the normal protection for employees in cases of amalgamations be included in the legislation. The meeting adjourned to reassemble outside NSW Parliament House where the demonstration was addressed by senior opposition ALP parliamentary Members. The police had banned a march to Parliament House and insisted that demonstrators were restricted to the footpath, but did not interfere with the huge crowd that spilled right across Macquarie Street disrupting traffic. It was described later by police as the most orderly demonstration they had attended. Petitions were organised and a huge public rally was held at the Sydney Town Hall, with some thousands who attended unable to get into the main hall listening to the debate outside in George and Druitt Streets.

The campaign also involved the 1967 Annual Conference deciding to appeal by telegram to all members of the Legislative Council of NSW to reject the legislation "to ensure that the democratic functioning of local government is upheld and an exhaustive open inquiry be held into the proposed boundary changes". That did not eventuate, but the Government accepted an amendment in the Legislative Council to provide that the Union's General Secretary be appointed as a representative of employees on a Joint Staff Committee being set up under the Act. Also the Union was able to obtain from the Government "an unequivocal assurance that no person employed by the City Council or the S. C. C. would be prejudiced in any way by this legislation".²⁷

In 1977, the Union again made strong submissions to the Electricity Authority of NSW and to the Minister for Mines and Energy over an inquiry by the Authority into the proposed amalgamation of electricity County Councils. The campaign was successful in that assurances were given that there would be no forced retrenchments and that employment conditions would be protected.²⁸ Subsequently, in 1979, under the County Councils' Amalgamation Act, electricity Councils and electricity sections of general purpose Councils were amalgamated into larger electricity Councils, with the provision that members' conditions were protected and employment could not be terminated on the grounds of redundancy. In 1979/80 there were also proposals to unite 40 general purpose Councils into 18, and the Union gained an assurance that employees would be transferred under similar conditions. However, as the Bill introduced into Parliament did not so provide, the matter was urgently taken up by deputations to Ministers and the Premier so that the Act was amended during its passage through Parliament to provide the same protective provisions for employees as the County Councils Amalgamation Act.²⁹ However, those provisions were reviewed at the end of 1980, limiting protection to three years after amalgamation.

Up until 1993, employees were covered under Section 20 (c) of the Local Government Act, which protected their conditions of employment in the event of amalgamation. However, those provisions were abolished in 1993 by the Fahey Coalition Government. Moreover, with the corporatisation of electricity undertakings, the protection of members' entitlements has had to be addressed by negotiation with individual employers.

Appointments, Promotions and Appeals

Over the years, methods of appointment, promotion, and dismissal have altered gradually as the Union pressed for changes. In 1905, appointments were at the sole discretion of the Town Clerk of the City Council, who after advertising for labourers, appointed those who had lived in Council's area for three months, with married men receiving preference. To prevent aldermanic influence, he stated that any applicant recommended by an Alderman would be disqualified.³⁰ In 1910, with an appeals system in place, he reported that out of 37 appeals against dismissals between 1908 and 1910, after conferring with Departmental heads, 15 were reinstated or re-appointed subject to periods off work without pay, loss of privileges or down-grading.³¹

This arrangement was considered unsatisfactory, and the Union pressed Council on many occasions to set up a representative appeals board. An appeal system was introduced, with the Town Clerk as Chairman, a Council Officer appearing for the Department and the President or General Secretary appearing on behalf of the member. This was an improvement, restricting the Lord Mayor's attempts to dismiss employees, but left the Electricity Department employees without appeal since the decision of the General Manager of that Department was final. The Union continued to press for a "Court of Review" to consider all appointments or dismissals. This was not successful, except that employees dismissed from the Electricity Department were given the right to have any disciplinary decision reviewed on appeal to the Town Clerk. Under this system, although some dismissals took effect, particularly where previous warnings had been given, the Town Clerk reinstated many.

There was one case in May 1916 involving three watchmen who went to sleep on the job. In his defence of the applicants, Tyrrell argued that, while it was no excuse, they had gone to sleep owing to

the quietness of the lonely places at which they were employed. He contended they were "First Class Men" with good records, and it was unlikely that better employees would be found if they were replaced. The Town Clerk responded he did not wish to be harsh but that he would dismiss them and, after a short period of time, re-employ them. He also stated this could not be taken as a precedent, as watchmen were in a position of trust, and future offenders would not receive the same clemency.³²

A reasonably good relationship seemed to have developed between the Town Clerk and the President, and when the General Manager of the Electricity Department again asked Council in 1922 to give him the sole right to dismiss employees in his Department, after strong resistance by the Union Council agreed not to alter the appeal process. However, the Lord Mayor expressed concern that it was not appropriate that inspectors and gangers, caught up in the appeal process, should be members in the Union's Central Branch along with other wage employees. The Union agreed, and instructed them to transfer to the salaried Town Hall Branch.³³ Against opposition by Council in 1935 to changes in the appeal system, the Union strongly defended its right to represent members in appeals to the Town Clerk.³⁴

The Union also used the provisions of the Industrial Arbitration Act to make application for appeals against dismissals, although not always with success, as reported in 1939:

The Union proceeded in a major matter before the Industrial Commission to have five employees of the Glebe Council reinstated in the employ of the Council because it was alleged that these men had been victimised on account of their allegiance to a certain political body and of their activities in electioneering campaigns, both State and Municipal, which was in opposition to the political beliefs of the Mayor and of the majority of the Aldermen in office in the municipality. The hearing was a protracted one, before Mr. Justice Webb, who dismissed the application stating that this was not a case in which he felt he could order re-instatement. The principle at stake warranted the action and established the necessity for legislature to give to member's protection in their employment irrespective of their political belief.³⁵

The appeal system under Section 99 of the Local Government Act was considered to be totally unsatisfactory, and in 1926 the Local Government Association Officers' Branch asked the General Secretary to arrange a deputation to the Minister for Local Government to argue that all members should be entitled to the same right of appeal as that available to Town or Shire Clerks.³⁶ The Union's campaign continued over the years, and in 1943 it renewed its campaign to achieve an independent Appeals Board for all local government employees. In May 1944, members' assistance was requested in the campaign advising Branch Secretaries and representatives as follows:

The Union has long felt the need for an Appeals Board to which members may appeal against any injustice inflicted upon them during their employment.

To this end a deputation was taken last year to the Minister for Local Government to request the establishment of an Appeals Board for the industry by legislation in the Local Government Act. The Minister, while sympathetically

disposed to the Union's desires, saw difficulties in providing for an Appeals Board in the Local Government Act, and thought that our position may be met by an Appeals Board proposal for public servants, and referred our representations to the Premier.

Recently a bill was brought before Parliament establishing a Crown Employees' Appeals Board, but employees of Councils were not included within its scope. I [G.S.] immediately sought an interview with the Premier, who deputed the Minister for Labor and Industry to hear our plea, but no assurances were received that Council employees would be brought within the jurisdiction of the Crown Employees' Appeals Board.

The Premier was then interviewed, and advised me that as our members were not Crown employees they could not come under the Crown Employees' Appeals Board, but he would request the Minister for Local Government to make a submission to Cabinet for its consideration of a proposal for an Appeals Board to cover those engaged in the Local Government Industry.

There appears to be some equivocation on the part of the Government in meeting the Union's wishes in this matter of an Appeals Board, and it needs the support of the members of the Parliamentary Labor Caucus, so the Executive of the Union asks your Branch or Division and the individual members of the Branch or Division to approach their local Labor member for him to insist that an Appeals Board be set up for our industry.³⁷

These proposals were rejected but, in 1945, the McKell Labor Government proposed amending the appeal provisions of the Local Government Act. As the amendment fell far short of the Union's proposals it was emphatically rejected.³⁸ In February 1945, the General Secretary wrote to the Minister for Local Government:

I have been directed by the Executive of the Union, who have considered the proposal for an inquiry before dismissal of servants of Councils contained in the Local Government (Amendment) Bill introduced by you on Thursday last, to advise you that this Union, which covers the major number of servants of Councils, rejects such proposal as a substitution for the Appeals Board as requested by this Union.

The proposal excludes from the right to an inquiry before dismissal:

- (a) All employees of the Sydney County Council not covered by the Local Government Superannuation Act, which would be approximately 3,130 out of a total of 3,800 employees;
- (b) All the employees of the Municipal Council of Sydney; All the employees of municipal, shire and county Councils who had less

than three years' service in the preceding four years and were over 50 years of age at October 1, 1941;

- (c) All employees of municipal, shire and county Councils who have not had at the date of suspension three years' service within the four years preceding the date of suspension with one or more Councils.

Of the employees who are covered by the proposals, all employees with less than four years continuous service with one or more Councils are excluded from compensation where Council decides to terminate the service of the servant notwithstanding that the report of the person holding the inquiry is substantially favourable to the servant. Short periods frequently occur between relinquishing duty with one Council and the taking up of duty with another.

The compensation provisions reduce the compensation the employees of the Sydney County Council with over 10 years' service receive when dismissed for reasons other than where the reason for such dismissal does not involve the Council in any monetary loss or expense. An allowance of two weeks' pay for each year of service is paid.

Further, the Executive of the Union, also finding that the proposals do not provide for the right of the employee to retain his employment though the report of the person holding the inquiry is favourable to the employee and that the employee is not protected against regression, determined that the Bill is entirely unacceptable to the Union and insists that the Government provide an Appeals Board for Local Government Employees on similar lines to the provision of the Crown Employees' Appeals Board Act.

I have to ask that you kindly arrange to give effect to the requirements of the employees engaged in this industry.

The General Secretary pressed the claim further by writing to each Labor Member of Parliament, urging them to use their vote in Caucus to have the Minister abandon his amendments. Their replies were published in *The Counsellor*, along with the list of those who did not reply.³⁹

Section 99 of the Local Government Act was amended to give all employees of municipal, shire and county Councils a right to apply for an inquiry should that employee be suspended from employment, and, although such provisions fell short of the requirements of the Union, the terms of the amended section were an improvement. However, the Act did not provide for reinstatement, but allowed the Minister for Local Government on the recommendation of the Commissioner who held the inquiry to award compensation up to four weeks pay for each year of service to an employee who had received a favourable decision. Members' applications for an inquiry were pursued with Union support and many successes were achieved. In the case of a female clerk at Mumbulla Shire Council and a ganger at Namoi Shire Council in 1946, the Commissioners in both cases dismissed Council

reasons for suspensions, and ruled that salaries were to be paid during the whole period of suspension as well as awarding costs against the Councils.

During this period, the Union also proceeded to take cases for reinstatement to industrial tribunals, which had customarily exercised their statutory authority to reinstate employees. However, this tactic suffered a setback on 8 August 1971, following a decision by the High Court of Australia in “Dunn, North West County Council”. Under the provisions of the Industrial Arbitration Act, Commissioner F. Dunn had reinstated an employee following his dismissal by North West County Council, which decision was subject to appeal to the NSW Supreme Court where the powers of tribunals were upheld. The matter then went on appeal by the employers to the High Court, which decided that tribunals constituted under industrial arbitration did not have jurisdiction to order reinstatement of a servant of a Council to whom Section 99 of the Local Government Act applied and whose services had been terminated.⁴⁰

This left the NSW Industrial Commission in the position outlined to Parliament in 1971 by the Commission's President, The Honourable Sir Alexander Beattie Kc, referring to the High Court Judgement:

Firstly, the judgement denies that the tribunals constituted by the Industrial Arbitration Act have a jurisdiction which they have long asserted and frequently exercised to determine questions concerning the reinstatement in employment of an employee dismissed by a municipal authority.

It is not uncommon for the dismissal of such an employee to give rise to a stoppage of work by the employees' fellow workers and, if those workers happen to be, say, sanitary carriers or garbage collectors, members of the public can be gravely inconvenienced very quickly.⁴¹

As the High Court decision left employees only one avenue of appeal, over the next seven years the Union tenaciously continued its campaign until the Wran Labor Government introduced a Bill in 1978 to give an employee the right of election to either proceed under S.99 of the Local Government Act or seek reinstatement under the Industrial Arbitration Act.⁴² However, in March 1978, the Liberal and Country Party opposition in the Legislative Council destroyed the intent of the Bill, so that the Union rejected the amended Bill. The Minister, Pat Hills, advised the General Secretary:

I refer to your letter *PMcM:YD* dated April 21, 1978, concerning the Industrial Arbitration (Reinstatement Awards) Bill, 1978.

I accept and strongly support the comments you made on the desirability of proceeding with that legislation as soon as possible, and the philosophy behind those views.

You are to be congratulated on the competent manner in which you endeavoured to dissuade the opposition parties in the Upper House from amending the original Bill as they did, thus undermining the basic concepts upon which successful conciliation and arbitration processes in New South Wales must rest.

It is certainly unfortunate that shortage of time in the last Parliamentary Session precluded the Government from dealing with the Bill again in the Legislative Assembly, and indicating the unacceptability of the Upper House's amendments.

However, you may be assured that when Parliament next meets that particular Bill will be given top priority as far as I am concerned and it will be reintroduced in its original form in the hope that at that time reason will prevail in the Upper House.⁴³

Success was finally achieved in 1979 when the Industrial Arbitration (Reinstatement Awards) Amendment Act No.2 was passed by Parliament, restoring members' rights to proceed under industrial legislation.⁴⁴ It was a great victory for the Union. It provided that an employee could apply for an inquiry under S.99 of the Local Government Act or have the Union lodge an appeal under the Industrial Arbitration Act where there was a right to reinstatement. General Secretary Peter McMahon, a member of the Legislative Council at that time, was able to respond to Opposition allegations that the legislation promoted disputation. He stated that S.99 inquiries took up to three months to be heard, whereas under the Industrial Arbitration Act matters were heard expeditiously, thus averting possible industrial disputation.

In 1976, it was proposed that an inquiry be held into promotional and disciplinary matters for governmental and quasi-governmental employees, which would have embraced local government instrumentalities and their employees.⁴⁵ The Union argued strongly through the Labor Council that local government employees, who had their own rights of redress under various Award or appeals codes developed over many years, should not be included. That campaign was successful, with the result that local government employees were not included. When the Inquiry commenced, the Union had to address the issues only on behalf of members in the Electricity Commission, the Sydney Farm Produce Markets Authority, the NSW Planning and Environment Commission, and the Local Government Superannuation Board.⁴⁶ The new Government and Related Employees Appeal Tribunal (G.R.E.A.T.) came into operation in 1980, replacing the Public Service Promotions Appeal Tribunal and the Crown Employees Appeals Board. For the first time, members employed in those services had achieved the right of appeal to an independent tribunal.⁴⁷

In 1991, the Industrial Relations (Unfair Dismissal) Amendment Act came into force, omitting S.20A of the Industrial Arbitration Act under which reinstatement applications had been processed, replacing it with a section allowing individuals to apply for reinstatement and to seek compensation for "unfair" dismissal. The Union has used this provision to process many applications.⁴⁸

With regard to internal promotions, from its inception in 1935 the Sydney County Council had adopted a similar appeals system to that used in the City Council, enabling appeals to be made to the General Manager. Also the Union had successfully established a classifications and appointments committee in the SCC, on which the Union was represented.⁴⁹ An SCC Salaried Promotions Appeal Tribunal was introduced in 1985.⁵⁰

The City Council appeal system was substantially changed in 1959 when Council agreed that appeals against disciplinary and promotional decisions were to be heard by an independent adjudicator.

However, in 1973 the Public Utilities Salaries Officers' Branch advised it had no confidence in the current adjudicator and sought his removal. That appeal system, as revised from time to time, continued for many years.

Both general and establishment Awards were varied over the years, prescribing clauses as to how promotional opportunities should be available to members, others prescribing preference at the point of employment or discharge. Such clauses were varied from time to time to suit the exigencies at the time. Many members' claims in those matters were processed over the years through respective industrial tribunals.

12

Improving Leave Conditions

Annual Leave

In 1903, City Council salaried staff received two weeks annual leave, whereas wage staff received only eight days.¹ A long campaign for a uniform standard was undertaken, and in 1919 all City Council employees were awarded eighteen days (this included Saturday work).² This standard was altered to three weeks in 1921.³

However, the achievement of annual leave in general State Awards was a slow process. In 1921, the State Wages Award prescribed that payment for public holidays was “in addition to any annual leave granted by the Council”, implying that it was entirely at a Council’s discretion whether annual leave was granted or not.⁴ Negotiations with individual Councils were successful and, by 1923, between six to ten days had been obtained in many Councils.

Salaried staff fared better than wage staff, and by 1920 clerical staff under the State Agreement were entitled to two weeks leave.⁵ This was then extended into the Overseers’ Agreement in 1921 and then to draftsmen, building inspectors, and other supervisory classifications.⁶ Three weeks was obtained for adult salaried staff in their State Award in 1924, although juniors continued to only receive two weeks.⁷ An additional week’s annual leave was obtained for those in the western area of NSW from 1922. This continued to apply for seventy years until, in a restructured State Award in 1992, it was traded off for increased pay and thenceforth was no longer applicable to new employees.⁸

In 1923, when making a State Wages Award the Conciliation Committee would still not concede any specified period of leave for wages staff. The Union persisted in its campaign, and in 1924 the Shires Association Industrial Representative agreed to refer the issue to the Shires Association’s annual conference, with the result that from 1926 one week was provided in the State Wages Award.⁹ Campaigning continued with individual Councils. Examples of some successes were in 1938, when Botany Council agreed to one week’s additional leave for financial union members, and Bexley Council agreed to an additional week’s leave for those having completed more than three years service.

In May 1944, with a Labor Government in office, the campaign was intensified. Branches and members brought to the attention of their local Labor Members of Parliament their demand for the Government to legislate for an extended period of annual leave. Not resting upon that initial approach, petitions and deputations from members were taken to many Councils. The campaign was successful. By November 1944, three weeks annual leave was not only applicable in the City Council and Sydney County Council, but also in six metropolitan Councils, while two weeks had been conceded in 33 metropolitan and 20 Shire Councils. In December 1944, the Labor Government legislated to provide two weeks annual leave generally, and it was stated: “It can be truly said with pride that the efforts and arguments of our Union’s spokesmen provided inspiration for the McKell Labor Government and showed it the way”.¹⁰

During World War II, the Union campaigned with Councils to grant one additional day's leave for each year of war service by employees, and by 1945 seventy Councils had agreed. Campaigning to achieve three weeks annual leave for all members also continued, and by 1945 thirteen Councils had agreed.¹¹ Over the next ten years, individual establishment and State Awards were varied to include the three weeks leave. The 1960s saw the campaign for four weeks successfully concluded, commencing in 1961 in the City Council,¹² followed by Sydney County Council in 1962 and the Electricity Commission in 1963.¹³ Other individual Councils followed, and by early 1964 over 50% of members were receiving four weeks.¹⁴ Applications were then made to vary the State Awards, and success was achieved when the Conciliation Commissioner varied those Awards.¹⁵ So, after sixty years the Union achieved its goal of uniform annual leave for all in State Awards for wage, clerical, professional, and technical staff, with the same operative date of 1 February 1965.

A campaign for a loading to be paid when annual leave was taken was instituted in 1970, and a loading of 17½% was obtained first in the Sydney County Council. This was gradually included in subsequent Awards and Agreements, and the loading increased in some Awards up to 25% during the 1980s.¹⁶ While an annual leave loading was offset in exchange for overall salary increases in the 1995 consolidated State Award and in some electricity industry Agreements, it remained applicable in some individual Awards and Enterprise Agreements.¹⁷

Long Service Leave

The first success in achieving long service leave was in the City Council in 1912, which provided three months after fifteen years and proportionately thereafter.¹⁸ This was an outstanding achievement just nine years after registration of the Union, and showed the strength of the Union's negotiators since such leave was far in excess of employment conditions generally. By 1921, the quantum had increased to three months after ten years and proportionately thereafter.¹⁹ In the 1930s, this was extended to members in the Sydney County Council. In the intervening years negotiations were successfully conducted with many individual Councils. As far back as 1919, 25 years before it was obtained in the State Award, Randwick Council had agreed to long service leave up to a maximum of 30 weeks. In 1944, Union deputations unsuccessfully requested the State Government to pass legislation to provide long service leave.²⁰ However, representations to the Local Government Association were successful when the LGA agreed in principle to provide for long service leave after the National Security (Economic Organisation) Regulations were repealed.²¹ So, in 1946, after what was described as "a vigorous and unflagging campaign sustained over a period of years", an entitlement to thirteen weeks after fifteen years and proportionately thereafter was achieved for all members not already receiving long service leave.²² That quantum was obtained prior to, and was a higher standard than, the general provision introduced by State Labor Government legislation in 1951, which provided three months after twenty years.²³

The next improvement was in 1964 when employees covered by State Awards became entitled to proportionate leave after ten years service.²⁴ Another major advance was in 1975 when the four State Awards for salaried and wage staff were varied, to bring them into line with other establishment Awards and Agreements providing 19½ weeks after fifteen years service and an increased quantum each year thereafter. In the 1980s, additional leave was obtained for many in individual Councils.²⁵

In the 1980s, long service leave loadings were obtained in some Awards and Agreements, whereby additional payments of 10% or more were paid on taking leave.²⁶ Following the Labor Government amending the Long Service Leave Act in 1985, Awards were varied to provide that public holidays which occurred during periods of long service leave were to be added to such leave.²⁷

Another of the campaigns which took many years to achieve was the claim that all continuous service by an employee in local government, even in different Councils, should count as service for long service leave purposes. That claim was initiated in 1965 and it was not until 1970 that it was successfully concluded.²⁸

Sick Leave

1904 saw the achievement in the City Council of sick leave – being one week for each year of service up to a maximum of thirteen weeks in any one year. Sick pay was not to exceed half pay and if an employee was receiving benefits from a Benefit Society, Council deducted that amount from any entitlement.²⁹ Then, from 1905, half pay was increased to full pay,³⁰ and the quantum increased to one month a year from 1921.³¹ However, sick pay was not readily accessible in the early years, as exemplified by two cases taken up by the General Secretary with the City Council Town Clerk in 1915:

I have to bring under your notice that recently two employees who have been away from duty suffering from smallpox have been refused sick allowance, owing to the regulation providing that the employee's illness must be due to the nature of his work. Similar cases to these occurred some time ago, and on reference to the Finance Committee it was decided to pay allowance in respect to those cases. In one of the present cases the employee was engaged removing refuse from the Sydney Hospital, where, I understand, there have been several cases of smallpox recently – in consequence he is likely to have contracted the complaint in that manner.

The matter was placed before Council, who decided to grant sick leave but stated this was not to be taken as a precedent for other cases. As with annual leave and long service leave the Union continued, over the years, negotiating improvements both in the quantum and conditions under which sick leave could be taken which varied in each Award and Industrial Agreement.

The 1963 Annual Conference decided the Union's policy that untaken sick leave should not be paid to employees leaving employment.³² However, that policy subsequently changed, and the 1970s and 1980s saw many Industrial Agreements made and most Awards varied to prescribe that accumulated untaken sick leave should be paid, either in whole or in part, to those on resigning, for retirement age or ill health, being discharged, or to next of kin in the event of death.³³

In 1991, the Coalition Government proposed to prohibit the payment of untaken sick leave, and a campaign commenced with a petition of protest, with over 20,000 signatories, being delivered to the Minister for Industrial Relations. The Minister advised that any legislation would not be retrospective. However, when the Bill was introduced in the Legislative Council, it provided that future entitlements to sick leave would be debited against past accumulated sick pay. A further campaign enlisted the support of the Labor Council, and Members of Parliament were lobbied and inundated

with individual letters of protest. This resulted in an amendment precluding the deduction of future sick leave from sick leave entitlements which had accumulated up to 1993, for which a lump sum payment could continue to be made.³⁴

Subsequently, in 1999, Labor State Government changes to the Act enabled payments for untaken sick leave to be included in Enterprise Agreements, which provisions were achieved for employees in some individual Councils.³⁵

Other Leave

In addition to weekly payments received when an employee was off work on workers' compensation, the Union progressively obtained in Awards and Agreements provisions that employees pay be made up to full pay while they were off work on workers' compensation. Advances in maternity and family leave provisions are detailed in the next chapter.

13

Women and the Union

The first record of a woman holding an official position in the Union was in 1916, when, after the Bega Branch Secretary enlisted for World War I, his wife, Mrs Evans, was unanimously elected as Secretary during her husband's absence. It was stated at the time that "this was the first woman in N.S.W. to be appointed to an official Union position".¹ Although many women were employed by various Councils, especially in clerical positions, it seems that female attendance at Union meetings was a rarity. When two women first attended a general meeting of the Town Hall Branch in May 1931 the Chairman specifically extended a welcome and "expressed the hope that greater numbers would be present at future meetings".²

Women were next elected to branch positions as members of the Local Government Association Officers' Branch (LGOB) and the Public Utilities Salaries Officers' Association Branch (PUSOAB) Committees of Managements from the 1940s. By 1974, there were sixteen women on the LGOB Committee of Management. Representation increased over the years, and, in 1994, 25% of the PUSOAB Committee of Management were women. Women also represented the Union at general trade union Women's Organising Committees from 1928, and at other political and industrial conferences from the 1940s.³

Edna Ryan at the 1963 Reception for Annual Conference Delegates

Source: *Daily Telegraph*, October 1963

Edna Ryan was the first woman delegate to the Union's Annual Conference in 1963, becoming LGOB Branch President in 1965. She was elected to the MEU Executive in 1970, where she continued until 1973 when she retired. The Executive contributed financially for her visit to China in 1972.⁴ Throughout her life she was a feminist, political and social activist, and writer.⁵ In 2000, the Union established an Edna Ryan Annual Memorial Award in the form of a perpetual trophy which, following lengthy selection processes, is awarded annually to a woman member in recognition of her activities and achievements.



Margaret Feld served the longest term for a woman on the Executive – for thirteen years, from 1977 to 1990. She was also the “local contact” for salaried members at Blacktown City Council and was very active in ALP affairs in her local area where she held branch positions and also was a delegate to ALP Conferences, ALP Women’s Conferences, and was a member of the ALP Local Government (Administration) Committee.⁶ In 2002, she was one of eleven people who received a McKell Award given to those who had excelled in service to the ALP and the community.



Margaret Feld

Source: *The Counsellor*,
November 1985 p. 3

From 1994, women were again elected to the Union Executive, and in 1999 Lyn Pearson became the first female Treasurer, followed by Elizabeth Cumming in 2002. Although women did not nominate for Executive or Branch positions in the early years, issues were pursued on their behalf. The first was a claim made by the Town Hall Branch in 1917 for female clerks, which was successful in that the Town Clerk issued an instruction they were to be paid £2/5/- [\$4.50] per week, retrospective to the same date as the salaries agreed for typists.⁷ In 1920, negotiators regretted being unsuccessful in obtaining equal pay for female clerks in the general Local Government Award, the salary obtained being less than that for typists. They reported: “It is hoped that

at no distant date this anomaly will be removed”.⁸ The anomaly to which they referred was not equal pay with males, but equal rates of pay for female clerks and typists.

In 1929, a page entitled “Women’s Sphere” began in *The Counsellor* and, while the articles may have been topical for women of the day, industrial and trade union information was not provided, except for this panel, pointing out that women in local government fared better than in other industries.

In 1937, the recently established Sydney

Counsellor Panel: Womens Wages

THE WOMEN, NON-UNIONISTS.

The chief obstacles to the better organisation of women are two—the one social and psychological. As regards the first, the bulk of women in industry only expect to be engaged in a certain number of years; normally they look forward to marriage withdrawing them from the factory, the workshop or the office and it is hard therefore to arouse or to maintain in them any appreciation of the advantages of Trade Unionism. As for the economic difficulty, it is the merest truism that the trades where the wages are the lowest are the most unorganised and the most unorganisable. A typical incident is that of the female clerical worker, those within the Local Government Industry who are 80% organised covered by an award of this Union receive at 22 years of age £3/17/— per week while those covered by outside awards where difficulty is experienced in organising a rate of £2/13/3 prevails. But as conditions improve with extension of the Trade Boards and the gradual raising of wages, we may experience the difficulty growing less. The solution of the other will probably be found mainly in the spreading and improvement of industrial education which is already beginning to make itself felt among the women wage earners.

Source: *The Counsellor*, May 1929

County Council sought to exclude married women from employment on its staff, as reported:

During discussion, the sponsor of this reactionary move this week, Councillor Cramer, accused the women employees of giving incorrect answers to the questionnaire as to whether the women employees were married. He moved the following resolution, which was carried by Council:

- (1) "That this Council request the General Manager to advise if, in his opinion, and within his knowledge, the answers given by the female employees to the question, Are you married? are correct, and, if he has any doubt, is it his intention to make further inquiries."
- (2) "As in the opinion of this Council it is desirable that any female employee, on being married, should resign from her position, will the General Manager announce this as the policy of the undertaking and put the policy into effect."

The Union opposed this proposal, and again pursued the issue in 1940, claiming that women employed in the SCC who married members of the National Defence Forces should not be required to resign.¹⁰ Through Union opposition the policies were not implemented.

In 1942, the Union was successful in enhancing women's rates of pay for certain classifications in the SCC following representations to the Women's Employment Board. This Board had been set up by the Commonwealth Government under National Security Regulations to fix the remuneration, hours and conditions for the employment of women who were engaged in industry as a consequence of World War II, particularly where engaged on work usually performed by males. The Board allowed the SCC to employ females in the classifications of meter reader, cleaner, motor car washer, and chauffeur, which classifications of work were normally performed by males, and fixed rates between 90% and 100% of the total male rate for such classifications.

The Union's application to the Women's Employment Board for a determination in respect of female clerical assistants, who were replacing male employees engaged upon clerical work, was partially successful in that where a female carried out the duties of a scale clerk, 85% of the salary prescribed for males on a ten-year incremental scale of the SCC Salaried Officers' Award was paid, plus additional pay for graded clerks.¹¹ Similarly, in the City Council, up to 100% of the male rate was obtained for some women under Board declarations.¹²

The Board's determinations continued until June 1949, when findings of the Board were declared invalid, leaving female employees without Award coverage. However the Union relied on S.92 (9) of the Industrial Arbitration Act, which provided that, where rates were not prescribed, females would be paid the rate of remuneration for employees on the same class of work, that is, for example, for a male clerk. The SCC agreed with this course, and agreement was reached before the Conciliation Committee. However, in reviewing the decision the Industrial Commission stated that S.92 was only a stopgap measure, referring the matter back to the Committee to make a firm Award for female clerks. In doing so the Commission stated that the Committee must have regard to the "National

Interest and General Practice of wage pegging regulations for different rates for males and females". Consequently, only a few female clerks on the incremental scale who were still employed after the war benefited and received equal pay. Even these were disadvantaged since they only received a war loading of 3/- [30 cents] for females as against 6/- [60 cents] for males.¹³

Industrial Court decisions therefore frustrated the Union's endeavours for women to be paid equal pay and neither the SCC nor City Council made any new appointments to such positions after the war. The SCC used a classification of "female office assistant", for which rates of pay were substantially lower than those for clerks.

In 1942, a Women's Auxiliary Committee, comprising fifteen women, was established to advise and assist the Town Hall Branch Committee of Management on women's issues. At the same time, the ALP NSW Branch established a policy to obtain equal pay, facilitate training to achieve equal status, and generally to improve women's conditions.¹⁴ This resulted in the first woman, Miss B. Lewis from the customers' accounts section of the SCC, being elected to the Town Hall Branch Committee of Management in 1943.¹⁵

A diversion from industrial issues was the Union sponsoring a candidate from the SCC, Joan Russell, in a 1945 Trade Union Red Cross popular girl contest. She had been selected by the Town Hall Branch Women's Auxiliary Committee. She came fifth out of twenty-one entrants, receiving 318,000 votes and raising £1,325 [\$2,650] towards funds for Australian wounded service personnel. A gala concert at the Sydney Town Hall on 31 May 1945 was so popular (tickets being 5/- [50 cents] for the main hall and 2/- [20 cents] for the gallery) that preference to buy tickets was given to trade unionists.¹⁶

Whilst the Union was supportive of equal pay and did not oppose individual Councils throughout NSW promoting women to higher grade positions, the Town Hall Branch's predominantly male membership objected to promotional opportunities being available to women. That was in line with a generally held view, certainly up until World War II and for some years thereafter, that women did not wish to continue in employment as a career but rather preferred, on marriage, to leave so as to raise a family at home. That view was consistent with decisions throughout the union movement and industry, in that early Basic Wage rates were determined on the basis that a living (or family) wage should be sufficient for a man to maintain a wife and one or two children. This notion of a family wage, controversial within the union movement even at the time, contributed to providing: "Something of a social welfare safety net for the first time, but provided it in ways which undermined what little autonomy women had in the work place".¹⁷ This is not to say that women did not continue in employment, but except for those few in professional occupations, they generally found promotional opportunities were few and far between.

Those who remained in the SCC as female clerks after World War II were restricted to incremental scale clerks' positions. The Town Hall Branch, attempting to justify its support for this situation, stated in 1949 that:

The policy of the Town Hall Sub-branch has never been one which, on the basis of equal pay for the sexes, sought to exclude females from those positions classified in Class 19 and above of the Salaried Officers' Award, but exclusion has been, and

still is desirable in regard to the clerical positions between the top of the clerical scale and Class 19 as this represents the field of promotion for male scale clerks who represent a large bulk of the Sub-branch membership.

Having due regard to the fact that males enter the service of the County Council with the objects of pursuing a career occupation and in consideration of the economic and social conditions as existing today; the Union will continue to maintain this restriction upon female clerical progression.¹⁸

Excluding promotions to positions immediately above the top of the incremental scale had the effect of rendering promotion of women to senior positions above that virtually impossible, except for professional classifications. This highlighted the approach taken during the wartime period that no barrier was placed on the employment of females – only provided that there were satisfactory safeguards protecting males being re-employed in those positions after the war, and protecting male appointments and promotions into the future.

In 1948, a dispute occurred when the SCC General Manager appointed a woman to a position of Statistical Officer in the Power Branch, which was to be paid at a rate equivalent to Class 16, just above the top of the incremental scale. The General Manager sought to be relieved, in this instance, of the undertaking not to appoint female officers above the incremental scale. The Union would not agree. The Town Hall Branch publicised the General Manager's report to Council of 21 March 1947 regarding employment of female clerks, which stated:

By the very nature of the Council's service, a large proportion of even the best of these men must remain Scale Clerks for many years, causing some to develop an acute sense of frustration. Moreover, in most technical branches only small numbers of clerks are employed, and usually on routine work offering little or no opportunity for progress to higher-grade work within the Branch. As a result, some of these officers feel that the Scale Clerks in the "Clerical" or administrative branches have better opportunities for acquiring knowledge and experience and for becoming known to senior officers, and so have better chances of progressing to better positions.

This feeling is intensified in the case of clerks working at the Bunnerong Power Station and therefore remote from the administrative centre – the Queen Victoria Building.

Some thought has been given to this problem, and from experience gained during the war years when women clerks were employed in place of men who had enlisted, it would appear that a possible solution would be to recruit women to fill some of the Scale Clerks' positions, particularly in branches offering few opportunities for progress to higher positions.

This policy would give the male clerks opportunity for much quicker promotion and it would remove the boredom and sense of frustration which arises from doing simple or routine work for long periods.

The Branch asked the Council to revoke the General Manager's own appointment, but Council refused and the woman resigned from the Union, pointing out the inconsistency of the Union's publicised views supporting "equal pay for equal work" but denying promotional opportunities.¹⁹

From 1920, for some 40 years, women had not fared any better in the City Council, or were systematically employed on much lesser salaries. The attitude of the time was outlined thus:

In 1929 the Salaried Division Award was varied to allow female office assistants to do routine clerical work, and three junior clerks were appointed. This resulted in questions in Parliament and critical comment in the press about the Council using 'cheap female labour' and as the economy went into depression and scarcity of jobs encouraged the scape-goating of women as 'taking men's jobs', the experiment was quickly dropped. The three women eventually resigned to get married, no others were appointed, and by 1936 the category of 'female office assistants' disappeared from the Awards.²⁰

Lack of opportunities for women in the City Council was no doubt due to the policy of the Town Hall Branch's predominantly male membership and the entrenched attitude of Council's officers. It was not until the mid 1970s that women were appointed to some administrative and professional positions in the City Council, and in the 1980s female clerks began to be employed as were women into some wages classifications. Women had fared better throughout local Councils in regional NSW where they were employed as clerks, either on incremental scales and as graded clerks, or in other senior positions, and there was no opposition from the Union to such appointments. Women subsequently benefited from the Union's applications effecting "equal pay" legislation or Industrial Commission decisions.

In 1947, the Secretary of the Town Hall Branch reported success when the SCC agreed to implement equal pay for female clerks, although, as it turned out, few were appointed:

The Union has been successful in persuading the Sydney County Council to agree that it would not oppose any future Claim to provide for identical rates of pay for Male and Female Clerks. For record purposes I include a copy of the letter received from the Secretary of the Council, as under:

Mr. T. Winter
Hon. Secretary, T. H. Branch
Employment of Female Clerks.

Dear Sir,

With further reference to your discussions with the Superintendent of Personnel during recent weeks, I have to inform you that, on the 25th inst., the Council agreed not to oppose any future claim by the Municipal Employees' Union for

variation of the Council's Awards to provide for identical rates of pay for Male and Female Clerks where such Female Clerks are carrying out duties usually performed in the Council's Service by males.

Yours faithfully,
(Sgd.) E. P. Austin, Secretary.

The Town Hall Branch made its attitude quite clear to Council's Officers that it was concerned with social issues as well as economic aspects of the question of the employment of Female Clerks. Terry Winter made further representations to stress the extreme danger lying in the fact that there was, in the Salaried Officers Award, a provision for comparatively lowly paid Female Office Assistants covered by an extremely wide definition, to which females continued to be employed rather than as clerks. The Union was recognised as the first in New South Wales to secure in some of its State Awards, recognition of the principle of Equal Pay.²¹

The Union began to pursue equal pay for women vigorously from the 1950s when delegates (male) were appointed to the Council of Action for Equal Pay. In 1950, Terry Winter was one of the ACTU advocates before the Commonwealth Court of Conciliation and Arbitration when the Court decided to increase the female basic wage to 75% of the male basic wage. Up until that time, it had been 54% of the male basic wage. Following that judgement, there were renewed calls by the trade union movement for governments to honour obligations under the Treaty of Versailles, the Declaration of Human Rights, and the United Nations Charter, which all embodied the principle of equal pay for the sexes and also the International Labor Organisation's Convention N°.100 and Recommendation N°.90 on equal pay.

Weekly radio talks were given by members of the Equal Pay Committee of Labor Council over Radio Station 2KY, and General Secretary, Peter McMahon, who was on the Committee, stated in 1956:

A grave injustice is being done women in industry where they are denied both legally and morally their right to earn on an equal status with their fellows because of their incompatible position.

Surely, in this democratic country of ours there should not exist this anomalous position. Women have a right to equal pay, whether they be employed in industry, commerce, public service or the professions, so long as the output is equal to that of men.

In the capitalistic and monopolistic systems under which persons are employed today, there is, in many cases, a low value placed upon women's services in the community ... This position has to be rectified ... Women have proved themselves worthy of the highest reward in wartime, in the transitional period to peace time, and today.²²

To further promote the equal pay campaign, a ladies' auxiliary was again established within the Public Utilities Salaries Officers' Branch, which assisted Award sub committees when formulating claims. The NSW Labor Council campaign continued, and in 1958 the NSW Labor Government amended the Industrial Arbitration Act to provide a 5% increase in the female basic wage each year

from 1959 until 100% of the male basic wage was reached from 1 January 1963. The Government also legislated to enable Award-making tribunals under the Industrial Arbitration Act to award to females who were “performing work of the same or like nature to that of males and of equal value and have the same range and volume of work under the same conditions, equal margins to that of males”. At the time it was suggested this innovative legislation made NSW a leader in the advancement of equal employment opportunity.

Nineteen applications were immediately lodged to obtain the maximum benefits under the new legislation. However the Industrial Commission ruled that applications for those covered by Industrial Agreements had to be negotiated between the parties, which avenue the Union pursued with success. Margins and provisions bringing the female basic wage up to the standard were obtained in Awards for many classifications, including: female graded clerks throughout local government; female cashiers in the SCC and the Electricity Commission; draftswomen; female playground supervisors; and female convenience attendants. Those for whom the Union had already achieved equal margins, such as chief clerks, accountants, deputy Town, Shire or County Clerks, chief or deputy librarians and graded librarians, engineering, survey, or town planning draughtswomen or architects, received the equalising basic wage.²³

Library assistants did not receive the benefit of the 1958 legislation as there was substantial opposition by employer organisations, exemplified by a City Council resolution in 1968 “to oppose the extension of equal pay to ‘female subordinate classifications in the library department’”.²⁴ The campaign continued, and it was not until the 1970s that library assistants and incremental scale clerks in State Awards progressed to receiving equal pay.

In 1970, there were many female Chief Librarians throughout local government, and the Union successfully supported the creation of a distinct Library Department in the City Council, resulting in Mrs. Sarah Walters being appointed the first ever female departmental head with the right to attend and report directly to Council. In 1987 the first woman official was appointed within the Union staff as a salaried organiser.

Cohesive planning to promote women’s issues commenced with the Union’s first Women’s Committee meeting held in 1995. A charter of principles established the Committee’s objectives, which included promoting improvements in industrial issues and matters such as education-in-workplace issues, elimination of bias, promotional opportunities, increasing women’s participation and representation, and overseeing and monitoring the implementation of resolutions.²⁵

A further progressive step was taken with attendance of 70 delegates and 32 special guests at the first Union’s Women’s Conference in 1999. Several workshops enabled delegates to formulate motions, subsequently carried by Conference, while 21 recommendations were submitted to and accepted by the Union Executive. Motions included proposals for paid parental leave, job sharing, flexible hours, reduction of hours for those in the community service area, and strategies to prevent harassment. The support given, enabling Conference to succeed, was acknowledged by a Conference resolution:

This Women’s Conference expresses a vote of thanks to the Branches for their funding, to the Executive and the General Secretary Brian Harris for providing the

resources and support to facilitate the first MEU Women's Conference. We express our sincere thanks and gratitude for the MEU supporting and encouraging women's participation and the development of policy in this area for present and potential MEU members.²⁶



**Delegates attending
the 1999 MEU Womens
Conference**

Source: Municipal
Employers Union

**Committee preparing
for the 2001 MEU
Womens Conference**



Source: *The Counsellor*,
Autumn 2001 p. 6

A further Conference was held in 2001, and women participated in formulating major Award claims under a 2001 Industrial Commission Pay Equity decision, deciding that the women's issues to be given priority in claims were for librarians, community health care and childcare workers. In 2001, a campaign was begun, and kits issued, to promote industrial issues on behalf of about 2,000 female family home day carers who work under a Federal Government Scheme, which is administered under license by Councils. As a first step the Union pursued industrial protection by asking the State Government to reinstate an Administrative Decisions Tribunal before which the Union would represent members on industrial issues.²⁷

The 1990s saw new provisions obtained for family leave. The Union was one of the first NSW unions to implement the provisions of the Federal Family Leave Test Case. The State Award was varied in 1995 to provide for five days family leave to care for children or relatives. Subsequently, in 1997, this became “carers leave” and the cap of five days was removed. Members then had access to further leave entitlements such as sick and annual leave.

Unpaid maternity leave of up to 52 weeks in a year was available under legislation from 1984.²⁸ The Industrial Relations Act 1996 provided for up to twelve weeks unpaid parental leave in connection with the birth or adoption of a child. In 1994, paid maternity leave was achieved in Sydney Electricity. The MEU was the first union to achieve such leave outside the mainstream of public sector employment. The campaign continued, and by 2001, eighteen individual Councils had agreed to paid maternity leave of up to fourteen weeks. Members were asked to write to their Councils seeking support, and the Union circulated campaign material at the 1999 Local Government Association Annual Conference where a motion, submitted by Leichhardt Council and supporting the Union’s campaign, was carried by 157 votes to 99 against.²⁹ A rally was also held at the 2000 Shires Association Conference. After a further twelve months of negotiations an historic victory was achieved in 2001 with maternity leave being provided for those covered throughout NSW by the State Award. This gave members access to nine weeks leave on full pay or eighteen weeks on half pay, which could be taken in conjunction with other accumulated leave.³⁰ Such leave was also accessible to employees who worked on a casual or systematic basis.

Female membership within the Union has increased with the extension of local government services and the employment of women in areas such as health and child care. From 1994, when specific records of women’s membership were kept, their membership has increased from 3,789 in 1994 to 7,099 in 2002.³¹

Other Achievements

The Union has always encouraged social gatherings and sporting activities for members, particularly in the earlier years, giving substantial publicity and encouragement to such events. With little public entertainment available for workers, and no television or radio, such social activities were highlights in people's lives, so that the Union used such events to promote the Union's cause. Over the years, Union officers, the Executive, and country Branches initiated schemes which were of benefit to members and their families. Benefit nights were held for those who had suffered ill health or for dependants of members who had died. In 1917, the Executive even paid for the burial of a member who had died on a Saturday at the horse races.¹

Farriers' Shops

There were hundred of horses provided by carters for use by Councils and the cost of shoeing horses became increasingly expensive. In February 1921, the Executive decided to open a Farriers' Shop, and in inaugurating the proposal it asserted: "make the Union Farrier a success and other Co-operatives will follow". At the request of carters employed by Councils in the eastern area of Sydney, another shop was opened in Thurlow Street, Redfern. The Union emphasised:

Carters should recognise their liabilities and indebtedness to the Union for their efforts to reduce the cost of shoeing of their horses. A considerable percentage of the expense of running the undertaking would be avoided if every member in a position to do so, would patronise the venture.²

The cost of a set of shoes, set by the Master Farriers' Association, was 13/6 [\$1.35] which was reduced by 1/6 [15 cents] by the Union. However, only 130 out of 400 union carters took advantage of the concession. A large share of responsibility for the lack of patronage was due to the

Promoting the Union's Farrier

**Federated Municipal & Shire Council
Employees Union.**

SHOEING FORGE

Eager St. & Barlow Lane

OFF SUSSEX STREET, SYDNEY

Branch Shop, Thurlow St., Redfern

Carters Patronise Your Own Farriery

Reasons why you should :

- (1) Only the Best of Materials are being used
- (2) Your Horse will be Shod by the very best Mechanics more expeditiously than elsewhere.
- (3) Your shoeing will cost you 10 per cent less than the ruling rate outside.

JAMES TYRRELL, Secretary.

Source: *The Counsellor*, August 1921 p. 11

Farriers' Association, which blocked many firms, including Toohey's Brewery, from continuing to have their horses shod at the Union shops. Through lack of patronage, the shops were closed in 1922, the Union selling the one it had bought for £200 [\$400] near Sussex Street for £35 [\$70].³

Social Functions


Members and Branches held social functions in the early years with the full support of the Union and officials, whose attendance was sought after and welcomed. The popularity of functions were such that one benefit held at the Orient Theatre, in Crown St, Sydney in 1915 was attended by 1,500 people.⁴ Before the Town Hall Branch was formed, the Association of Officers of the City Council held their inaugural function in 1915 in the vestibule of the Sydney Town Hall as a smoke concert in two parts – one a concert, with the City Organist conducting the orchestra, and the second a lecture on town planning.⁵ The Town Hall Branch, being a large closely-knit group of salaried employees of the City Council, continued such social functions, receiving the full support of senior Council officers. The Local Government Association Officers' Branch began holding social dances and functions in 1925 at Sargeants Ballroom in Market St., Sydney, and by 1934 the functions were such a huge success that Annual Balls were being held.


**LOCAL GOVERNMENT ASSOCIATION OF
OFFICERS' BRANCH**

Fifth Annual **CABARET DANCE**

To be held at **Hordern Brothers' Florentine Ballroom**
420-422 GEORGE STREET, SYDNEY

On **SATURDAY, 11th AUGUST, 1934**

DANCING **8.30 p.m. to 12.30 a.m.**
EVENING DRESS  Tickets **6/-**



Tables may be reserved for parties of two or more. A supply of tickets will be forwarded to a member in each Metropolitan Council Office. The Committee will be pleased to hear from country members who may be visiting Sydney on this date.

PERCY C. BORTHWICK, Pres. R. FARRAN, Vice-Pres. F. W. WRIGHT, Sec.

**Publicising a
Social Function,
1934**

Source:
The Counsellor,
June 1934 p. 2

Mutual Aid Society

At the first meeting held formally to seek registration, it was proposed that consideration be given to setting up a sick and accident fund.⁶ Records do not reveal that this was achieved, but in response to continued requests from distressed members for financial assistance, the 1915 Annual Conference decided to set up a fund titled, "The Municipal and Shire Council Employees' Union of N.S.W. & Mutual Aid Society". Conference declared: "It would be cheaper for employees who may never require relief to subscribe to a fund than to be continually putting their hands in their pockets for each individual call as at present".

A Committee of Management and four honorary officers governed the Society; membership was voluntary, and the entrance fee was 1/- [10 cents], with the power to require members to pay not more than 1/- [10 cents] each two weeks. Funds were to be allocated as follows:

The sum of 1/- [10 cents] in the pound [\$2] shall be deducted by the Secretary

from all collections for the purpose of defraying expenses. Every member shall remain a member while he is in the Union or while any appeal against his removal is pending. The Committee will meet to deal with cases such as death of a member, and cases where members have been declared physically incapable by the employer and medical officer (selected by the Committee) for further duty in the service in any capacity and in each case decide the sum to be paid to the person so entitled. The Committee shall have power to investigate all cases, and its decision shall be final and conclusive, and shall be an absolute bar to any legal proceedings, which may be instituted in reference thereto. The Treasurer of the fund shall bank in the name of Trustees within 21 days of the levy being made. When a member falls sick he shall notify the Secretary or his Branch Collector within 14 days.⁷

At the end of 1915, £115/12/- [\$231.20] of the amount collected had been paid to members, leaving a small balance of £6/8/- [\$12.80]. Amounts to be paid to a member did not exceed £15 [\$30], or £10/10/- [\$21] to a widow or if there was none, to the next of kin. Due to lack of honorary volunteers, Head Office took over the fund in 1913, hoping to put it on a sounder footing. However, membership declined as voluntary contributions were not paid because of the struggle by members to keep up with the increasing cost of living. The fund ceased to operate shortly after.

Provident/Contingent Funds

To replace the Society, a Provident Fund was established in 1918, and an inaugural Concert to raise money was held that year. To augment the funds the 1918 Annual Conference decided:

... that the Attorney General be approached with a view to securing permission to run an art union for the purpose of financing the Provident Fund, tickets not to exceed 6d [5 cents]. The fund be subsidised to the extent of £5 [\$10] per month from the general fund and only applicable to financial members whose applications have come through their local branch.⁸

Publicity for 1918 Grand Concert

Federated Municipal and Shipie Council
Employees' Union (N.S.W. BRANCH)
Provident Fund
A Grand Concert

Proceeds to be used exclusively on behalf of distressed members.
 at St. PATRICK'S HALL, Harrington St., City,
FRIDAY EVENING, 25th APRIL 1918, at 8 o'clock.
Ticket Holders will participate in a Drawing for Three Prizes

1st Prize—	SUIT OF CLOTHES or LADY'S COSTUME	
	(Open Order any Firm)	£6 6s
2nd Prize—	DINNER SET (Open Order any Firm)	£3 3s
3rd Prize—	OPEN ORDER	£1 1s

FIRST CLASS MUSICAL PROGRAMME

Tickets 6d. Each

JAMES TYRRELL,
General Secretary

Source: *The Counsellor*, 1918

Further concerts were held and the fund was of immense assistance to members, particularly during the influenza epidemic in 1919. This fund was eventually superseded by a Contingent Fund set up in 1929 by Annual Conference, the reasons for its establishment being:

The provisions of the Friendly Societies Act has long restrained this Union from establishing a direct benefit fund from which fixed amounts could be claimed by contributing members, when having the misfortune of experiencing the conditions for which the fund may be established.

From the old Mutual Aid Society conducted by the Union – operation of which is now history – the Provident Fund was inaugurated, financed by the running of Art Unions and lotteries and in latter years by the profit of the Annual Picnic of the Metropolitan Area.

The creation of this new Contingent Fund is to provide additional revenue from which the Executive will be able to come more often to the aid of those members needing Union assistance.

Conference decision is that each member is to contribute 1/- [10 cents] each year. From the fund formed the Executive is to vote at its discretion such sums as will have the effect of relieving the case of immediate distress brought under notice.⁹

The demand for financial relief was so great that additional funds were contributed from the Union's general revenue. In 1939, the contribution out of each member's annual subscription was increased to 2/- [20 cents] and the Fund administered by the Executive continued to provide assistance to members up until 1959, when it was closed. After that, members received, due to the influence of Triggs on the Local Government Superannuation Board, enhanced financial assistance from the Board when off work, or when dependants received funeral benefits. Such increased benefits could not have been met from the Union's funds.¹⁰

Mortality Fund

The 1925 Annual Conference proposed that a mortality fund be set up, but the Executive subsequently considered changed circumstances, and in 1926 decided not to establish such a fund, due to the provisions of the new Workers' Compensation Act and the fact that the Minister for Local Government had promised definitely to enact a Superannuation Act "to provide a 'Death and Retiring Allowance' for all Municipal and Shire Workers".¹¹ It was not until seventy years later that the issue was again raised, and from 1997 a mortality allowance was made available from general funds to be paid to relatives of a deceased member.¹²

Sick and Accident Funds

In the 1930s, many Branches began to organise their own funds. Typical of the arrangements was that for members of Cessnock Municipal and Kearsley Shire Councils, which provided for members to pay 6d [5 cents] per week, deducted by Councils from their pay. Weekly payments were £1 [\$2] for the first eight weeks, down to 5/- [50 cents] after sixteen weeks, while for those on workers'

compensation it was 5/- [50 cents] for the first eight weeks and 2/6d [25 cents] thereafter. Following a member's death the usual amount paid was £10 [\$20]. Many other such funds were set up by other country Branches and continued for many years.

Superannuation

The first approach for a Superannuation Fund was in 1911 when at the half yearly meeting it was resolved:

The Executive be instructed to take into consideration and report at the next meeting of the Union, the advisability of approaching all Labour Aldermen of Municipal Councils with a view to establishing a Superannuation Fund based on similar lines to that of the Railway and Tramway Service. The said fund to be supported by all employees throughout the service, and Councils be asked to subscribe to the said fund.¹³

On 27 February 1911, the Executive decided that an Act of Parliament was required to achieve the objective. Although this was sought, the proposed Superannuation Bill was not passed by Parliament.¹⁴

Despite these setbacks, the first scheme to cover employees on retirement was obtained in the City Council in the first decade of the 20th Century. It provided for a non contributory compassionate and retiring allowance scheme of two-weeks pay for each year of service for those who had obtained the requisite minimum years of service.¹⁵ That scheme continued as a condition of employment for those who were transferred from Council's Electricity Department to the Sydney County Council in 1936. In 1938, it was under threat because of provisions of the National Insurance Scheme, and Union deputations, with representations from the City Council and the SCC, resulted in an application for exemption being successful.

The Local Government Superannuation Act in 1916 provided that a Municipal or Shire Council or any person, corporation, or Board could apply to have the provisions of the Act extended to cover that employing authority or that employee.¹⁶ However, that did not result in employees being effectively covered, as Councils did not encourage employees to apply. A deputation to the Minister for Local Government sought that the two-weeks gratuity for each year of service, available to be paid voluntarily by Councils under the provisions of the Local Government Act, be made mandatory so that employees not governed by superannuation or without accumulated benefits would receive monies on retirement. It was pointed out that this was necessary since Councils "shirked their responsibilities" in not paying the gratuity to the majority of employees, if to any.¹⁷ However, this approach did not meet with success. The Local Government and Shires Associations opposed such schemes, claiming it was too costly for Councils to cover all employees.

In 1927, Town or Shire Clerks, Engineers or Health Inspectors, and other persons who could reasonably be regarded as permanent employees, were brought into the Local Government Superannuation Scheme.¹⁸ The Union, supported strongly by the Local Government Association Officers' Branch, continued to press to have coverage for all employees. In 1928, the scheme was extended by proclamation to provide compulsory cover for employees in specified salaried, professional supervisory or wages classifications, but without embracing labouring classifications. It provided for insurance cover to £1,000 [\$2,000], or Provident Fund cover for those over fifty years of age receiving less than £400 [\$800] per annum.¹⁹

The Union continued campaigning to have the scheme extended to all employees, and was successful six years later when the scheme was expanded to allow an individual Council to extend cover to all individual employees by name. However, by 1937, only 15 Councils had agreed to extend coverage to all employees.²⁰ The Union was up against strong opposition from many Councils because of the cost during the Depression. As Tyrrell explained to the 1937 Annual Conference:

We find to-day that the average age of a municipal employee is 45, and to cover him under the scheme it really means half a day's pay from the Council, and also from the employee to meet the payment. Twenty days' wages would mean three men, and the Councils would have to discharge three men to find the money to pay the subsidy for the whole of the men. It looks as if the only way to get over the difficulty is that the Act be altered to make it mandatory that Councils only be permitted to employ men up to a certain age.²¹

It was not until 1942 that success was achieved when the Act was extended to provide that all employees were automatically entitled to be covered.²²

The Insurance and Provident Fund schemes were closed in 1969, and a benefits scheme introduced in 1970 which was totally inadequate.²³ So commenced another long campaign with deputations and submissions to successive Liberal and Country Party Ministers. Benefits had become completely inadequate, in many cases only providing a lump sum equal to one year's salary on retirement. A petition with over 34,000 signatures was circulated by the Union and presented to Parliament on 30 October 1974.²⁴

Present Petition in NSW Parliament

Source: Extract from
Legislative Council NSW
Hansard, 30 October 1974

The Hon. P. McMahon presented a petition from certain employees and dependents of employees of hospitals, councils and other instrumentalities covered by schemes established under the Local Government and other Authorities (Superannuation) Act, expressing dissatisfaction with the entitlements under such schemes and praying that the Legislative Council will request the Government to introduce legislation to provide benefits that will ensure the enjoyment of a proper standard of living on retirement.

Petition received on motion by the Hon. P. McMahon.

With the election of a Labor Government in 1976, a new scheme was proposed, but it included provision for an examination of whether employees would be able to continue to receive payment for untaken sick leave, provided in many Awards and Industrial Agreements. This examination was brought about by one employer body, the Local Government Electricity Association of NSW, who opposed

employees receiving such payments. The Union strongly opposed such a provision being included, and members were again asked to contact their local Members of Parliament. Members were very incensed, and in two hours on 22 November 1976, 474 employees of Shortland County Council signed a petition calling on MPs to pass the Bill without reducing employees' industrial conditions.²⁵

In supporting the Bill in the Legislative Council, Peter McMahon outlined the history of member's frustration over seven years, but the Bill was amended by the Liberal and Country Party Opposition in the Legislative Council to ensure that payments for untaken sick leave would be deducted from superannuation entitlements.²⁶ Following continued campaigning, the Act was subsequently amended and resubmitted in 1979 by the Labor Government, deleting the deduction of untaken sick leave retrospectively to 1 April 1977, and extending by twelve months the time in which contributors could transfer to the new scheme.²⁷

Superannuation benefits were again altered in 1985 when the Government amalgamated the Local Government Superannuation Board and the NSW Retirement Board into a new Public Authority Superannuation Scheme. The Union, having made representations for such changes for some years, welcomed the improvements.²⁸ Members came under another new scheme in 1988 with the commencement of a State Authorities Superannuation Scheme, which embraced all public sector employees.²⁹ The Fahey Coalition Government in 1992 established a new First State Superannuation Scheme which provided reduced benefits for new contributors.³⁰ Since then, Union policy has been to have members taken out of the State schemes and served by funds solely designed to benefit those in the local government and energy industries. The Union was successful in having two separate schemes established in 1997. One was the Local Government Superannuation Scheme, while the other was the Energy Industries Superannuation Scheme catering for employees mainly in the electricity sector.³¹ History shows that the administration of superannuation for local government and energy sector employees had turned a full circle, reverting to the earliest model in which a distinct superannuation fund catered only for such employees. The long campaign not only achieved this but also, in parallel with most schemes, obtained improvements benefiting members.

Turning to the retirement allowances operative in the City Council and SCC, in 1935 the Local Government Superannuation Act was amended to allow employees of those Councils the option of coming under the Act rather than continuing under the non-contributory retirement allowance Award provisions.³² From 1948, new employees joining the City Council and SCC were required to join the Superannuation Fund, excluding them from the option of receiving the Award retirement allowance provisions. In 1955, the Industrial Commission determined that the retirement allowance provisions in the City Council, SCC, and Electricity Commission Awards were illegal. This was of grave concern, and the Union, through the Labor Council and the ALP, successfully persuaded the Labor Government to amend the Industrial Arbitration Act to legalise the Award provisions.³³

These arrangements caused difficulties in 1957, when members newly employed in those services in 1948/49 claimed, mainly because of inadequacies in the Superannuation Fund, that they should have been entitled to come under the Retiring Allowance Award provisions, which were non-contributory. A new SCC Award made in 1957 was challenged, but the Executive, on legal advice, maintained that the 1955 amendments to the Industrial Arbitration Act validating those Award

provisions applied only to then existing employees, and that the Act precluded new employees in 1948/49 coming under the scheme. The issue came to a head when the Minister for Local Government said the SCC decision was wrong, and that the group of employees should not have been compulsorily put into the Local Government Superannuation Scheme. There were well attended general meetings of the Public Utilities Salaries Officers Association Branch, and a member leading the protest requested Branch funds to help finance his appeal against an Order of McKeon J. in the Industrial Commission.³⁴ However, the position remained unaltered and the retirement provisions continued to apply only to those employed before 1948.

Local Government Employees Medical and Hospital Club

In 1970 Annual Conference considered the possibility of establishing a medical and hospital fund, but through the initiative of Roy Heydon Johnson, who at the time was Secretary of the Local Government Officers' Branch, a group of members from the Wollongong area obtained registration for a fund under the then National Health Act. The Union responded in 1971:

The Executive in supporting the formation of the Club congratulated the Local Government Hospital and Medical Club on their successful registration as a fund, designed primarily to adequately cater for union members in local government, and urges support and membership of such fund by those eligible to ensure the fund's successful operation and enable the fund to provide increased benefits to its members.

Eligibility for membership was then restricted to members of a union covering their calling, employed in a Council in NSW, together with their single sons and daughters over seventeen years of age.

Roy Johnson left the Union to manage the club as its executive officer and membership increased from 511 in July 1971 to over 5,000 only one year later. By 2002, the fund had extended its sphere of operation and eligibility for membership and was incorporated in the Australian Health Management Group, which has a total membership of 122,000 with yearly benefits of \$220 million being paid. Dental services provided by the Fund were a far cry from those available to members in 1915. (see panel)

Credit Unions

In the early 1960s the Union, wanting members to have the availability of credit facilities more conveniently and at lesser interest rates than those then currently available, supported a credit union movement that would become a major competing financial force in years to come.

Dental Benefits in 1915

The Dentist For ALL EMPLOYEES OF THE MUNICIPAL AND SHIRE COUNCILS . . .

Also for

Their Wives and Children

IS

Charles I. Harris.

He will attend to all your Dental Requirements at the following special Low Rates of Fixed Fees.

He will accept payment
BY SMALL INSTALMENTS
EACH PAY

He will give you a written
Guarantee that all work will be
kept in perfect order for
THREE YEARS.

Can anything be fairer?

FIXED FEES

For You, your Wives, Children
and near Relatives.

	£	s.	d.
Any Gold Filling . . . for	10	6	
Any Other Filling . . . for	5		
Gold or Porcelain Crown	1	1	
Painless Extractions for	2	6	
Gold Inlays	1	1	

ARTIFICIAL TEETH

On Vulcanite Plate . . .			
per tooth	5		
On Gold Plate			
per tooth	15		
Bridge Work			
per tooth	1	1	

NO CHARGE is made for
EXTRACTIONS when ARTIFICIAL
TEETH are ordered.

A FULL UPPER OR LOWER SET
For £2 10s, NOT FROM £2 10s.

If you're not satisfied with the
Teeth after a month, you can
return them and get your money
back.

Charles I. Harris,

St. James' Chambers

(Opp. Queen's Statue)

KING STREET.

OPEN EVERY NIGHT till 9 p.m.

Source: *The Counsellor*,
December 1915 p. 8

The Union resolved:

Recognising that the majority of large numbers in the Australian work force encounter difficulties obtaining finance we recognise the value of, and support the development of Credit Unions through the Australian Federation of Credit Union Leagues.³⁵

The then Sydney City Council Credit Union was formed in 1963, and later that year the Sydney County Council Credit Union was initiated. By 1966, there were 40 Credit Unions established throughout local government and in the Electricity Commission, which number had grown to 54 by 1970, with over 25,000 members.³⁶

The NSW Credit Union League expressed their appreciation for the valued support given by the Union over these formative years. City Council's Jack Coyne, Vice President of the Australian Federation of Credit Union Leagues, speaking of the Annual Conferences of credit unions, stated that: "Credit Union meetings look like another M.E.U. meeting in progress", because of the preponderance of delegates from local government credit unions.³⁷ In later years these credit unions became community credit unions and lost their local government identity, but the Union's support had given the impetus to the formation and development of a great movement.

Trade Union Training

The Union started its own residential schools in 1975, enabling members to participate in each three-day school.³⁸ The Union pressed for further trade union education, and through the General Secretary, who was then on the National Industry Training Committee, that body, at the Union's instigation, set up a NSW Local Government Industry Training Committee, enabling training to be specifically designed for the Union's role within the local government industry.³⁹

In 1979, the Union continued to argue to the Trade Union Training Authority (established by the Federal Labor Government), that training programs be held for particular industries, rather than have a mix of participants from many industries. As a result, many such local government schools were held at the Authority's Albury/Wodonga residential college. Many employers agreed to paid leave for members to attend such courses, and this concession was eventually prescribed in the General Wages Staff Award in 1981.⁴⁰

Training was expanded in the 1990s to educate members on techniques of negotiation to achieve appropriate Award restructuring, joint development agreements and skill Awards, and to prepare for effective participation in consultative committees at the local level.⁴¹ Training continued under the Authority until 1996 when the Howard Federal Government cut funding and forced the closure of the Wodonga Facilities.⁴² From 2000, a training partnership was entered into with the Local Government and Shires Associations to coordinate with TAFE NSW to provide further education and training.⁴³ In 2001, this training partnership was expanded to combine the business expertise of the Union with the vocational education and training expertise of TAFE, represented through its Western Institute, which provided a direct link to training and education-based business administrative services. Educational training took on a more important role as Award restructuring developed, resulting in members being closely involved in bargaining and restructuring at the workplace level.

Safety

1971 saw the Union seeking the Local Government and Shires Associations' cooperation in a Local Government Safe Working Standards Joint Committee to propose safer work standards and practices to Councils. This was set up in 1974, and included representatives of the Department of Labor and of the Government Insurance Office. A code of safety practice was published in 1977, which involved safety committees being set up in Councils.⁴⁴ The Union had further success, after many years of campaigning, when the Government brought in new Local Government Industries (Machine Safety) Regulations in 1979. These Regulations required that proper safety procedures were implemented, and protective cabs or frames fitted on plant as well as other safety refinements.⁴⁵

As a result of a campaign directly to individual Councils in 1980 seeking that they discontinue using the herbicide 245T, one hundred and eleven Councils agreed to discontinue its use. The Minister instigated an inquiry, to which the Union made submissions, resulting in the Labor Government in 1983 approving certain restrictions on the manufacture, sale and use of the herbicide.⁴⁶

An Occupational Health and Safety (OH&S) Act came into effect in 1983, the provisions of which compelled local government bodies to set up Safety Committees.⁴⁷ A campaign to eliminate unsafe working practices was commenced in February 1999, and all officials undertook authorised officers' training courses and were then issued with rights of entry permits under the OH&S Act and Industrial Relations legislation. Further training enabled officials to identify and prosecute for OH&S breaches when identified.⁴⁸

Following Union representation, WorkCover NSW developed an OH&S program, and in February 2001 a WorkCover NSW Government Industry Team commenced a Council Work Safe Program. This involved selected Councils developing programs for safer working environments, with Departmental Inspectors providing information at regional Union meetings, and specific training being arranged for OH&S representatives and Union delegates.⁴⁹

Holiday Facilities

The first holiday resort available to members was purchased by Labor Council in 1949, providing holiday accommodation at reasonable rentals in cottages located at Currawong Little Mackerel Beach, on Pittwater opposite the Palm Beach peninsular. The next move was in the early 1970s, when the Local Government Superannuation Board agreed to purchase a large block of holiday units on the foreshores of Forster for the use of local government employees, which facilities were available for some fifteen years until sold. Then, in 1987, the Union purchased its own facilities for members, Aquatic Palms Resort on the waterfront of the Hastings River at Port Macquarie at a cost of \$2.5 million.⁵⁰ Motel or mobile home accommodation, as well as powered caravan sites at reduced rates, enabled members and their families to enjoy excellent and very popular accommodation.

Building Society Finance

Following Union representations, in 1965 the Local Government Superannuation Board agreed to establish a building society for local government union members, and, by 1988, \$89 million had been loaned, although loans by then were not restricted to Union members.⁵¹

Aquatic Palms Resort - Port Macquarie



Source: Municipal Employees Union

Discounted Shopping

Negotiations with two firms in 1954 enabled members to obtain discounts, which developed into a trading scheme in which 19 city stores participated, most of whom provided country orders and gave discounts to members on a wide range of household products, clothing, jewellery, and optical and dental services. The scheme was then expanded and by 1972 included retailers in Wollongong and other country areas. This service continued for some years until general discounting by firms overtook the scheme.

The next step was in 1999 when the Union joined the ACTU's Union Shopper program which enabled members to obtain substantial discounts on a wide range of goods and services, including new or used motor vehicles, and travel. The Union then expanded services to provide for home loans to members.

Communications

In 1998, an innovation was launched to enable convenient access via a website to information on industrial updates and the latest campaigns. The Premier, Bob Carr, congratulated the Union on its foresight. 1999 saw the introduction of a new Internet site enabling links to e-mail and the World Wide Web, and the site continued to expand. The Union has also been able to offer affordable computer package purchases through the ACTU, thus providing a much needed resource for all unionists.

Other Activities

For some fifty years of its history, the Union supported an annual Local Government Sporting Competition held in the Blue Mountains, which included golf, bowls, tennis, table tennis and darts.

In 1986, a scheme for the unemployed was embraced which included an Australian Traineeship Scheme. In acknowledging its responsibilities and obligations to unemployed youth, the Union was the first in Australia to sign and have registered an Industrial Agreement with the Local Government and Shires Associations dealing with rates of pay and conditions of employment for those undertaking a traineeship in multi-purpose Councils. Schemes continued over the years, resulting in a 1994 grant of \$47,000 being received to conduct a project, "Local Government and Training Reform Agenda".⁵²

In 1999, an educational scholarship scheme was begun, to honour Phillip Noel Smyth in recognition of his dedication to union activities. He died while in the Union's service, after having been employed in various positions for some twenty years. The scheme provides financial assistance to members to pursue studies in industrial relations, tertiary and university studies and to children of members to complete their higher school certificate.

In 2002, a Retired Members' Club was formed, to which eligible retired members could belong, enabling continued access to Union services as well as fostering good will and friendship amongst members and promoting the cause of Labor and unionism.⁵³