

DEPT. OF THE SENATE
No. 5079
Presented 18 FEB 1944
John Edwards
SECRETARY OF THE SENATE

1944

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY STANDING COMMITTEE
ON PUBLIC WORKS

R E P O R T

RELATING TO THE PROPOSED
ERECTION OF ARBITRATION COURT BUILDING - MELBOURNE

MEMBERS OF THE PARLIAMENTARY STANDING COMMITTEE ON PUBLIC WORKS
(Eleventh Committee)

BOWLAND JAMES, Esq., M.P., (Chairman)

Senate

Senator William Edward Aylett
Senator Charles Henry Brand
Senator Charles Adcock Lamp

House of Representatives

William Patrick Conelan, Esq., M.P.,
Hon. Eric John Harrison, M.P.
Daniel Milcahy, Esq., M.P.,
George James Rankin, Esq., M.P.
Hon. Sir Frederick Harold Stewart, M.P.

EXTRACT FROM THE VOTES AND PROCEEDINGS OF THE HOUSE OF REPRESENTATIVES, No. 9.

Dated 15th October, 1945

5. PUBLIC WORKS COMMITTEE - REFERENCE OF WORK - ERECTION OF ARBITRATION
COURT BUILDING, MELBOURNE. -

Mr. Lazzarini (Minister representing the Minister for the Interior)
moved, by leave, That, in accordance with the provisions of the
Commonwealth Public Works Committee Act 1915-1936, the following
proposed work be referred to the Parliamentary Standing Committee on
Public Works for investigation and report:- Erection of Arbitration
Court Building, Melbourne.

Mr. Lazzarini having laid on the Table plans in connexion with the
proposed work -

Debate ensued.

Question - put and passed.

LIST OF WITNESSES

- BODEN, Herbert Edgar, honorary general Secretary, Australian Shipping Officers' Association, and general secretary, Australian Insurance Staffs Federation.
- BROWN, George Albert, federal secretary, Municipal Officers' Association of Australia.
- CROFTS, Charles Alfred, federal secretary Gas Employees' Union.
- DERHAM, Francis Plumley, solicitor, Melbourne.
- FLEMING, James, chief mechanical engineer, Allied Works Council, Department of the Interior.
- GIBSON, Frederick Joseph Richardson, general secretary, Employers' Federation of New South Wales.
- KNOWLES, Sir George Shaw, Solicitor General, Secretary, Attorney General's Department, and Chief Parliamentary Draughtsman.
- McDONALD, Donald Mylan, secretary, Metal Trades Employers' Association.
- McPHERSON, James, secretary, Victoria-Riverina Branch, Australian Workers' Union.
- MENZIES, Robert Gordon, M.P.
- MORRISON, Donald Vincent, Deputy Industrial Registrar, and Conciliation Commissioner of the Commonwealth Arbitration Court, Sydney.
- MUNDY, Charles Ebenezzer, arbitration agent, Amalgamated Engineering Union.
- O'MARA, Thomas, Judge of the Commonwealth Arbitration Court.
- PARRY, Norris Robert, general secretary of the Australian Saddlery, Leather, Sail, Canvas, Tanning, Leather Dressing and Allied Workers Trades Employees' Federation.
- ROLLAND, Henry Maitland, Director of Architecture, Allied Works Council, Department of the Interior.
- STEWART, Murray Milne, Industrial Registrar, and Conciliation Commissioner, Commonwealth Court of Conciliation and Arbitration, Melbourne.
- STOUT, James Victor, secretary, Melbourne Trades Hall Council.
- THORNTON, Ernest, general secretary, Federated Ironworkers' Association of Australia.
- WILKINSON, James William, federal secretary, Federated Agricultural Implements and Stovemakers' Association.

ERECTION OF ARBITRATION COURT, MELBOURNE.

R E P O R T

The Parliamentary Standing Committee on Public Works, to which the House of Representatives referred, for investigation and report, the question of the Erection of Arbitration Court Building, Melbourne, has the honour to report as follows :-

INTRODUCTORY

1. The law for the establishment of the Commonwealth Court of Conciliation and Arbitration - usually referred to as the Commonwealth Arbitration Court - was passed in 1904, and under this law a Justice of the High Court was appointed as President of the Court for a term of seven years. Provision was made for the possible appointment of one or more Deputy Presidents by the President, and, in pursuance of this provision, appointment was made, from time to time, of one or more Justices of the High Court.
2. Some time later, the provision for the appointment of deputies by the President was repealed, and the Governor-General was given power to appoint a Justice of the High Court, or a Judge of the Supreme Court of a State, or, later, a barrister or solicitor of five years' standing, to be a Deputy President, and in pursuance of this provision, all Deputy Presidents were appointed for a limited term.
3. While the President, and any Deputy Presidents were Justices of the High Court, the accommodation available in the State Law-Courts, Melbourne, for Justices of the High Court, was utilised by them. Accommodation, however, was not always available, and instances occurred where cases had to be adjourned for lack of Court space.
4. In 1918, the High Court held that the system of having a President or Deputy President appointed otherwise than for life did not create a Court with judicial functions, and in 1926 the Government decided to appoint for life three Judges of the Arbitration Court.
5. Meanwhile the work of the Court had been growing in extent, and in 1922 it had been found necessary to appoint two full-time Deputy Presidents. These appointments rendered it necessary to find additional Court accommodation in Melbourne.
6. In that year, on the amalgamation of the Navy Office with the Department of Defence, the Navy Office vacated a building which it had occupied during the last war, and it was decided, in the absence of more satisfactory

accommodation, to take a lease of this building as the headquarters of the Arbitration Court, at a rental of £1,025 per annum.

PRESENT PROPOSAL

7. In explaining, in the House of Representatives, the motion to refer this project for investigation by the Committee, the Minister stated that "plans for a permanent Arbitration Court building were drawn up in 1941, and the estimated cost was £80,000. ...the cost at the present time would be somewhat higher.." Later, when details were obtained in evidence from the officials responsible for the designing of the building, an amended plan was placed before the Committee, and particulars submitted of two alternative schemes. Scheme 1 provided for a building with basement, ground floor, mezzanine floor, and first, second, and third floors. Scheme 2 contemplated, in addition, fourth, fifth and sixth floors.

SITE

8. It is proposed to construct the building on vacant land situated in Little Bourke Street, between Queen and William Streets, directly opposite the High Court of Australia. The area has a frontage of 68ft. 5½in. to Little Bourke Street, by a depth of 125ft. along Little Queen Street. It is bounded on the south by a 10ft. wide easement for light and air adjoining the Equity Trustees property, and on the east by an existing brick building. This land was purchased by the Commonwealth in 1959 for the sum of £12,500.

TYPE OF CONSTRUCTION

9. It is proposed that the building shall be of reinforced concrete frame, concrete slab floors, brick curtain walls, cream brick veneer to north, west, and for approximately 20 feet of the east elevations - the balance of external walling to be cement rendered. The building is to have a stone base and stone surrounds and reveals are to be formed to all external door and window openings of ground floor on the north and west elevations. Terra cotta lumber is to be used throughout for all internal partitions, and the roof is to be specially designed to resist heat penetration.

ACCOMMODATION

10. Basement Floor: Air conditioning, heating and refrigeration plants, also light and power switch room.

Ground Floor: Four Court Rooms - one measuring 50ft. by 25ft., two 37ft. by 22ft. 6 in., and one 30ft. by 22ft.6in., court lobby, offices for

advocate and counsel, and rooms for male and female witnesses, also lavatory accommodation for males and females. Provision is made in the entrance hall from Little Bourke Street for two lifts - one to be installed for use if Scheme 1 is adopted; the second to be installed if the building is carried to its full height. A third lift, servicing the ground, first and second floors only, to be installed at the rear of the building is suggested for the exclusive use of the Judges and their Associates. A corridor to provide access to the Courts for the Judges, and for their communication with advocate and counsel, is also to be provided.

Messanine Floor: Conference room, ante-room, visiting officials' room, women's rest room, and lavatory accommodation.

First Floor: Chambers for five Judges and their Associates, Library and various other offices. The Judges' Chambers to be provided with independent lavatory accommodation and robe cupboards.

Second Floor: Industrial Registrar, Deputy Industrial Registrar, Conciliation Commissioner, Conference Room, Chief Clerk, General Office, private automatic telephone exchange, strong room, male and female lavatories.

Third Floor: Chief Reporter, reporting staff, with eight small dictation rooms attached, women's room, men's room, and general office accommodation.

Fourth, fifth and sixth floors: Each provides additional office space of approximately 3,700 square feet, and necessary lavatory accommodation.

ESTIMATED COST

Scheme 1.

		£
11.	Building	52,000
	Engineering Services --	
	Preparation of site	80
	Stormwater drainage	150
	Sewerage drainage	250
	Water service	300
	Fire service (hydrants and extinguishers)	350
	Hot water service	350
	Installation of two lifts	7,000
	Electric light and power	5,500
	Installation of telephones	120
	Air conditioning	<u>12,500</u>
	Total	<u>£76,600</u>

Scheme 2.

	£
Building	80,000
Engineering services --	
Preparation of site	80
Stormwater drainage	150
Sewerage drainage	250
Water service	550
Fire service (hydrants and extinguishers)	600
Hot water service	700
Installation of three lifts	15,000
Electric light and power	5,700
Installation of telephones	270
Air conditioning	<u>17,200</u>
	<u>£118,500</u>

COMMITTEE'S INVESTIGATIONS

12. The Committee visited the site purchased in Little Bourke Street, inspected the existing accommodation in Lonsdale Street, and scrutinised the plans prepared for the proposed new building. Evidence was taken from one of the Judges of the Arbitration Court, the Industrial Registrar, Melbourne, the Deputy Industrial Registrar, Sydney, and representatives of the legal profession, the employers, and employees in Melbourne and Sydney, so that the Committee might obtain the opinions of a representative cross-section of the persons using or associated with the Court.

13. From its own inspection, and from the unanimity of the opinions expressed by all witnesses examined, the Committee is satisfied that the building now utilised for Arbitration Court purposes in Melbourne - originally a private home, and later a private hospital - is inconvenient, inadequate, and has never been satisfactory for the purpose to which it has been put. It is poorly ventilated, and it was represented that by the end of a Court day, there is in all of the Court Rooms a most offensive-odour. The best of the Court Rooms is so located that behind the Judges' bench there is a large window, so that Counsel and Advocates appearing in Court, have the glare from this window in their eyes when addressing the Court.

14. When the premises were first acquired for Arbitration Court purposes, there was no other building on the block, but some years later the owner erected at the rear of the Court building a printing establishment which is in full operation by day. The street the building fronts has, in recent years, become extremely busy, and all of the Court Rooms are located within 10 to 12 feet of the building line - two of them being actually on the building line. With the noise of traffic from the front, and the noise of

the printing establishment at the back, the business of the Court is conducted at times under great difficulty.

15. The building has no elevator, so that all persons having business with the Registry, must climb two flights of stairs. The Judges have little privacy. In the case of one Court Room the Judge's entrance is along an uncovered balcony and through a window. In the case of one of the other Court Rooms the Judge, when entering or leaving the Court, has frequently to pass through a number of people in the passage.

16. For this utterly inadequate and unsatisfactory accommodation the Commonwealth pays a rental of £1,025 per annum, and the Committee recommends that steps be taken to provide more suitable accommodation for the Arbitration Court in Melbourne as early as practicable.

SITE

17. The area purchased for the new structure is good building land, level, and adequate in size for the purpose for which it is intended. Although in a street which might be considered as not commensurate with the dignity of a Commonwealth Court, it is within an area which in Victoria has become associated traditionally with the superior State Courts, and is directly facing the High Court of Australia. Although situated in a narrow street, it has the advantage that such street is reasonably free from heavy traffic; and witnesses using the Court agreed that the new building would be conveniently situated for their purposes.

AMENDMENT OF PLANS

18. It was originally intended to erect on this land a building providing for three Court Rooms, accommodation for four Judges and their Associates, and for the Registry and Reporting branch. However, there are now four Judges of the Court, and in Melbourne, in addition, there are two Conciliation Commissioners. The jurisdiction of the Arbitration Court in war time has been greatly extended, and although it is impossible to predict with any degree of assurance, the exact form which the industrial powers of the Commonwealth will take after the war, it is represented that the Arbitration Court is likely to play an even greater part in the determination of industrial conditions than it has hitherto done.

19. With this in view, and with the idea of planning for the future rather than for the present, the Attorney-General's Department requested the Department of the Interior to prepare alternative plans providing for greater accommodation than was contained in the plans originally forwarded to the Committee. These amended plans provide for four Court Rooms instead of three, and more adequate provision for the Judges and for the Registry.

20. From the evidence obtained the Committee is of opinion that the work of the Arbitration Court in Melbourne is not likely to diminish, and recommends that it would be wise to provide four Court Rooms instead of the three originally suggested.

21. The construction of the building to a height of six storeys to provide further office accommodation has been suggested because of late the Attorney-General's Department has experienced increasing difficulty in housing its branches conveniently. Quite recently it has been necessary to remove the Conveyancing Branch of the Crown Solicitor's Office from the High Court building, and lease accommodation three blocks away at a rental of £416. per annum. The Investigation Branch is accommodated in quarters for which is made an annual charge of £620, and accommodation is rented for the Arbitration Inspectors at £234 per annum. The Reporting Branch of the department is now housed mainly in a Commonwealth building in Post Office Place, and it is necessary for the reporters, when reporting proceedings in the High Court, the Arbitration Court, or the Bankruptcy Court to travel to and from Post Office Place, a distance of two to two and a half blocks, with consequent inconvenience and loss of time.

22. It was represented that it would be a convenience and an economy if the proposed building were taken to the full height - six storeys - allowable in this area, and the above activities housed therein with a consequent saving in rental of £2,295 per annum. From inquiries made by the Committee there would appear to be no objection to the upper portions of this building being utilised as offices, and as any excess space could readily be absorbed by other Commonwealth activities, the Committee recommends that the full value of the land be obtained by erecting a six storeyed building thereon as proposed.

CLASS OF BUILDING

23. As mentioned previously, the building proposed is to be a plain utilitarian structure faced with cream brick having stone surrounds and reveals to external window and door openings on the ground floor. To provide a stone facade in lieu of the cream brick and stone trim to the north elevation would cost an extra £5,000. The Committee feels it should be the aim of the Commonwealth to set a high standard in the architecture of its Government buildings, and it would be more in keeping with the dignity of a Commonwealth Court to be housed in a building less like an ordinary block of commercial offices. However, the site chosen for this building is in such a situation, on the building line, in a narrow street, that the Committee can see no necessity to increase its cost by the provision of a stone front.

REFERENCE LIBRARY

24. During the course of the Committee's inquiries, the opinion was expressed that it would be a convenience if arrangements were made to include in the new building a reference library. It was stated that at the present time the Court is poorly served in this respect - indeed, the library available consists only of such books as the Judges possess themselves. It was suggested that there should be not only a Law Library, but also a library dealing with industrial matters, economics, and technical subjects. It was added that there should also be a librarian whose services could be availed of by parties appearing before the Court, particularly those who are not fitted by training to find what they want in books of reference.

25. The Committee is in agreement with these suggestions, and recommends that such matters receive consideration when the new building is being erected.

ACCOMMODATION FOR REPRESENTATIVES

26. It was pointed out to the Committee that one of the draw-backs of all our Court Rooms is a lack of adequate accommodation for Representatives, when a large number are appearing at the same time. It should be remembered that, in Arbitration, matters are dealt with concerning not two parties only, but sometimes as many as twenty parties. It is therefore recommended that as much space as possible be provided at the Bar Table, and, in addition, the row of seats immediately at the rear of the Bar Table be furnished with desks, so that, when necessary, they also could be utilised by Representatives.

GENERAL

27. Unanimous approval was expressed by witnesses at the proposal that the Court Rooms should be air-conditioned, and that special attention is to be paid to their acoustics, and the sound-proofing of walls and ceilings. During the course of the inquiry certain suggestions were made of amenities which would enhance the conveniences of the building, the principal of which were:-

Judges' Dais: Special attention should be paid to the height from the floor. Also there is a possibility that at times there may be as many as five Judges to occupy the Bench in the principal Court, so that it was suggested that the Bench in that Court should occupy the full width of the Court Room, excepting for a narrow opening at one end to allow access to the body of the Court.

Cloak Room: There should be accommodation in the building for Advocates and Representatives - especially those from other States - to hang their hats and overcoats, and store their papers and baggage.

Access to General Office: The plan of the second floor should be amended so that persons having business with the General Office should have ready access thereto from the lift or staircase without passing the door of the office of the Industrial Registrar or of the Deputy Industrial Registrar.

The Committee recommends that these suggestions be taken into early consideration before final drawings are completed.

ESTABLISHMENT OF COURT AT CANBERRA

28. With a view to the ultimate development of Canberra as the centre of all Commonwealth activities, inquiries were made by the Committee as to the advisability or practicability of establishing the central Arbitration Court at the National Capital. While some witnesses agreed that this objective might be a possibility for the remote future, all witnesses were of opinion that such a course presented certain difficulties by reason of the fact that most professional men and Advocates, as well as the headquarters of the various Unions are located mainly in Sydney or Melbourne; Canberra is not a centre of workshop activity or of general industries; and witnesses would have to be brought to the Court here at some inconvenience and added expense. Moreover, the question of adequate accommodation for visitors is likely to be a difficulty at the National Capital for some time to come. Even if, at some future time, the main Arbitration Court is established at Canberra, it was represented that that would not dispense with the need for Courts in the State Capitals.

29. The question as to whether at least the Central Registry of the Arbitration Court might not be established at Canberra at an early date, was also discussed, but it was pointed out that the Industrial Registrar would have