

**DRAKE-BROCKMAN Edmund Alfred C.B., C.M.G., D.S.O., M.I.D.**

1884-1949, judge, soldier and politician, was born on 21 February 1884 at Busselton, Western Australia, son of Frederick Slade Drake-Brockman and his wife Grace Vernon, nee Bussell. Educated at the Anglican Guildford Grammar School 1897-1902, Drake-Brockman was influenced by the school's strong tradition of military training and in 1903 joined the Citizen Military Forces. In 1908-09 he attended a special course of training with the Imperial Forces at the Staff College, Quetta, Indicate, and by 1911 was a Major. He had served his articles with the firm of James (Sir Walter,) and Derbyshire, Perth solicitors, and was admitted to practice in 1909. On 9 April 1912 at Hawthorn, Melbourne, he married Constance Andrews.

On 25 August 1914 Drake-Brockman joined the Australian Imperial Force as a Major in the 11th Battalion which he commanded during the landing at Gallipoli on 25 April 1915. After several narrow escapes he was wounded on 15 July and was evacuated to Malta and England before being invalided to Australia in October. He was appointed C.M.G. for his work on Gallipoli. He returned to Egypt in April 1916 and, as Lieut-Colonel, took command of the 16th Battalion on 11 May. In the operations in France at Pozieres and Mouquet Farm, and at Bullecourt in 1917, the battalion suffered very heavy casualties. Drake-Brockman commanded the 4th Training Battalion on Salisbury Plain, England, from October 1917 to February 1918 when he returned to the 16th Battalion which then served at Hebuterne, Villers-Bretonneux, Hamel and in the offensive from 8 August. That month he took command of the 4th Brigade and in October was promoted Colonel and temporary Brigadier General. Drake-Brockman had taken part in nearly all the major actions of the A.I.F. with great distinction. He was awarded the Distinguished Service Order in December 1917 and the Montenegrin Order of Danilo (fourth class), was appointed C.B. in June 1919 and was mentioned in dispatches six times. He remained on the active list; promoted major general in 1937, during World War II he commanded the 3rd (Militia) Division until 1942.

After World War I Drake-Brockman returned to legal work in Perth and politics. He was elected as a Nationalist senator for his State in 1919 and admitted to the Victorian Bar next year. In 1924 he became President of the Australian Employers' Federation, and next year represented Australia at the League of Nations Assembly, Geneva. Drake-Brockman was a reliable party man, and in 1923-26 was Government Whip; but he retired from parliament in 1926 to facilitate his party's arrangements with the Country Party. Next April he joined (Sir) G.S. Beeby, G.J. Dethridge and L.O. Lukin as a judge of the recently reconstituted Commonwealth Court of Conciliation and Arbitration. His appointment was bitterly criticised because of his political and economic affiliations, but he lived down this hostility; the Australian Council of Trade Unions came to appreciate his 'common-sense and at times unorthodox methods'. During the early difficult years of the court Drake-Brockman made awards in some major industries, particularly the railways; after seven years and four million words in transcript. In the 1934 basic wage inquiry, with the chief judge, he provided the majority decision called for 'some system of family or child endowment'.

By World War II Drake-Brockman had become the senior and most experienced judge. In 1939-40 he made awards in the coal-mining industry, previously governed by State awards. It has been claimed that 'the changes were the greatest ever made to the advantage of the workers in the mining or any other industry.' They included the 40 hour week for underground workers and paid annual leave. In his survey of the industry 'Drake-Brockman stated that the 'history of the coal-mining industry in Australia ... may be described as an unbridled and unregulated contest between employers and employees ... and actuated only by the rules of the jungle'. A system of local reference boards and a central reference board under his chairmanship was created, but in 1943 the dissatisfaction of the Miners' Federation led to his replacement.

Throughout the pre-war and early war years, 'the Drake', as he was usually known, was regarded as a conservative judge who adhered rigidly to the orthodox principle of capacity to pay. However, with increasing confidence, a pragmatic strain emerged; in 1943 he varied the clothing trades award to lift the minimum wage for journey women to 75 percent of the male needs basic wage and extended it to the rubber industry. These were seen as attraction wages, a principle strongly rejected by Chief Judge Piper and judges O'Mara and Kelly. Drake-Brockman's action was mainly dictated by wartime competition for female labour. That he did not see it as a bold social step in women's wages fixation was clear from his cautious reference to departing 'to some extent', from the 'sound economic basis of wages fixation which has always guided the Court when making awards for this industry'. He stressed that his orders in the clothing and rubber industries were to have wartime operation only. Nevertheless in the 1945 female minimum rates case, judges Drake-Brockman and AW Foster provided the minority judgement in favour of a general prescription of 75 percent. (It was not until 1950 that his minority view was adopted by the court).

Increasingly over the later war years and into the post-war period, he became the *de facto* head of the arbitration court. Partly this was because Chief Judge Piper was failing, but it also reflected Drake-Brockman's longer experience and his ability to work with others with that unquestioned confidence of right to rule, which had marked him out as commanding officer and parliamentary whip. For example, it was the senior, and not the chief judge, who presided over the politically sensitive series of hearings on standard hours of work and the basic wage which began in October 1945. Hours per week were reduced from forty four to forty as from the beginning of 1948, and a 7s. per week increase in the needs basic wage was awarded, as an interim measure, pending full inquiry into the property post-war level of that wage. It was no surprise that he was appointed by the Chifley Labor Government as Chief Judge in June 1947. But Drake-Brockman suffered for most of the next two years from arteriosclerosis, which he believed to have been caused by the strain of the protracted 40-hour case and which necessitated his carrying out most of his duties from his sick bed.

His strengths had been those of personality rather than intellect. He was an effective negotiator and arbitrated easily and confidently. Moreover his practical, humane approach to problems, allied to his political sensing of current needs, attuned him to the Labor government's concern for full employment and the avoidance of situations which might jeopardise the employment of demobilised soldiers. For the two years of his appointment there was respect and easy understanding between the prime minister and the chief judge and union leaders felt that he appreciated their point of view at times when others had accused them of being recalcitrant and illogical. Edmund Drake-Brockman was not a lawyer's judge like his successor Kelly. Nor was he a social innovator in the mould of HB Higgins. His contribution to history was that his mixture of conservatism and pragmatism, expressed by a reliable personality, carried the institution of industrial arbitration through what could have been stormy time of transition from war to peacetime activity.

Predeceased by his wife, he died on 1 June 1949 at Tarnook Victoria, and was cremated. Two daughters and a son survived him.