SECTION XXVII.

INDUSTRIAL UNIONISM AND INDUSTRIAL LEGISLATION.

§ 1. Development of Trades Unions in Australia.

1. **General.**—In Australia, industrial unionism paved the way for industrial legislation. Conditions of employment were on the whole favourable to the investigation of industrial problems; and experimental legislation was possible because of the simplicity and directness of the aim of those engaged in industrial occupations. Moreover, the fact of the non-existence of the complex problems and organisations of older countries rendered initial legislation comparatively easy. Hence rapid changes in laws regulating industry occur and are likely to occur. To a great extent the trades unions were responsible for these laws. They steadily and continuously urged an amelioration of the condition of the working man, and by organisation and discipline they presented a united front to opposing forces, and attained many advantages by a recognition of the principle that unity is strength. Their efforts have resulted in improved conditions, particularly short hours, a healthier mode of life, and safeguarding against accident. One great aim of present-day industrial legislation has been said to be to extend "the reasonable comforts of a civilised community" to those engaged in every branch of industry. The standard of wages must therefore be maintained at a satisfactory level. Large organisations have been able to attain their ends by force of numbers, and, in the case of the great bulk of the artisan and similar classes, through the solidarity of their unions. The smaller and less perfectly organised industries, unable to maintain an effectual struggle with hope of success, are now receiving, by legislative enactment, the benefits already gained by the trades unions. Industrial organisation by means of unions now tends to embrace all classes of wage-earners.

While the demands of the early unionists have almost in their entirety been conceded by the employer, unionism nevertheless continues. Industrial legislation aims at restricting industrial warfare by a satisfactory adjustment of industrial differences, without derangement of the economic system, but it has not yet reached the stage when conflicts between employer and employees cease.

Each State of the Commonwealth has enacted, with considerable elaboration, legislation respecting trade unions and respecting the regulation of the conditions of industrial life, particularly those of factory and shop employment. Machinery for the regulation of wages and other matters connected with employment has also been established by legislation.

At the present time there is an obvious tendency to adjust such matters throughout Australia on uniform lines. The industrial condition of any State of the Commonwealth naturally reacts quickly on any other State. This is one of the consequences of a unified tariff, and of the fact that the general economic conditions of one part of the Commonwealth must necessarily affect very intimately every other part. An expression of the intimacy of these economic and industrial relations of different parts was seen, for example, when the Arbitration Court in New South Wales refused to fix wages in the boot trade in that State at a higher rate than that fixed by the Wages Board in Victoria, because of the additional burden which such a rate would place on local manufacturers. Collective bargaining is encouraged, through the medium of legal tribunals where necessary, argument and diplomacy taking the place of open strife. Legislation gives legal form and status to the unions, and allots to them legal responsibility. The workman is encouraged, and in some cases compelled, to treat with his employer through his union, and in some cases the industrial courts are authorised to direct that preference be given to unionists.

2. **History of Unionism in Australasia.**—(1.) *Commencement of Unionism: the Eight Hours System.* The first trade union in Australia was the "Operative Masons' Society," established in Melbourne in 1850. In 1851 a branch of the "English Amalgamated Society of Engineers" was founded in Sydney. For many years the only unions existing were practically those formed by the several branches of the building trades. They were all subject to the English law prohibiting conspiracies and combinations in restraint of trade, though it does not appear that such law was ever put in force in Australia. The main object of the early unions in Australia was the limitation of the working week to forty-eight hours. The minor and friendly society benefits that were usual amongst the unions of older countries were also desired; but the chief aim was the establishment of the eight hours principle, and that aim for many years was the chief link between the unions. It is difficult to obtain detailed information concerning the unions prior to trade union legislation, but their early history generally resolves itself into an account of the early efforts put forth by metropolitan operatives to secure the limitation of the working day to eight hours. The desire to restrict Chinese immigration operated as a further incentive to combined effort. For the restriction to be effective, co-operation between the colonies was necessary. The question therefore promoted enlargement of view, and fostered amongst the workmen of Australia the sense of community of interest.

(ii.) *New Zealand.* The system was first put into practice in Australasia in 1848 by the "Otago Association," which purchased an area of land upon Port Chalmers, N.Z., and proceeded to build the town of Dunedin, under a system which recognised the eight hours day, thus instituting, in the New World of the south, that period of toil as the limit of the working day. Thus the system began voluntarily in New Zealand long before the unions that demanded and acquired it in Australia had come into existence. But many years elapsed in the Dominion before trades unionism became an established fact. The first Congress of New Zealand Trades was held in 1885. In that year, too, the general celebration of the eight hours' principle by the combined trades was inaugurated.

(iii.) *New South Wales.* In New South Wales, the operative masons obtained the eight hours concession in 1855, after a strike; but little development of the movement was noticeable until 1871, in which year four eight-hour trades—the brickmakers, stonemasons, labourers, and carpenters—inaugurated the annual celebration.

(iv.) *Victoria.* The first Melbourne Eight Hours' procession was held in 1856, the trades taking part being the masons, bricklayers, carpenters and joiners, plasterers, painters, and slaters. In the following year nine trades and about 700 men took part in the function; but the principle of the Eight Hours' Day had been recognised, and new unions were quickly established under the influence and guidance of the pioneers of the movement.

(v.) *Queensland.* After the fever of the gold rush to the Fitzroy River had subsided, settled conditions prevailed in the building industry, and the trades, being well established and organised in Queensland, celebrated their inaugural festival of the eight hours n 1866. In Brisbane, as in Melbourne, the pioneer trade was the stonemasons.

(vi.) *South Australia.* In South Australia, the establishment of the eight hours system by the unions was accomplished in 1873, the building trades, represented by the stone-cutters, painters, and carpenters, again being the leaders.

(vii.) *Western Australia.* The discovery of gold in Western Australia caused rapid development in the infant cities and towns of that State, and mechanics found abundant employment in the building trades. Unions were soon formed, and the eight hours became an established system in 1896.

(viii.) *Tasmania.* Trade Unions were established in Tasmania in 1874, the shipwrights of Hobart being the pioneer society. Here, as on the mainland, the eight hours' day was the chief aim of the operatives, and here, as in Sydney, it was conceded only after a strike. Within a few years, the general system of trades unions was instituted. The inaugural celebration of the system was celebrated in 1890.

(ix.) *The System Universal throughout Australasia.* No provision for eight hours was made in the original documents which set out the conditions of labour under which the members of the Otago (N.Z.) Association were to work in 1848. It was intended to insert a clause embodying the principle, but it was found that such a clause would be inoperative, as contracts to bind free settlers to serve under any conditions of labour beyond the seas were not provided for by any Imperial Statute. The system, however, was tacitly agreed to by both parties, and quietly and voluntarily the eight hours' day was established. Not so amicable were the methods by which it was acquired in the other colonies. There had to be unions of men and unions of trades, before the requisite forces were available to overbear opposition to the system, and, at any rate in two cases, the tradesmen resorted to strikes before the concession was granted. Generally it may be said that trades unions in the Commonwealth sprang out of the desire for an eight hours' day; and with the Western Australian celebration of 1896, trades unionism, with its eight hours' charter, completed its circuit of the Commonwealth. From 1880 to 1890 there was, in the States where industry was systematised, great activity in the organisation of labour, more particularly at the end of that period. In sympathy with the widespread industrial unrest in England the occurrence of similar unrest in Australia drew the wage-earners into the unions in large numbers.

(x.) *Organisation of Unions.* The first regular association of unions in Australia was the Trades Committee in Melbourne, formed in 1859, which afterwards became the present Trades and Labour Council. Similar councils now exist in all the States. Composed of delegates from the unions, they exercise a general care over the interests of their members.

(xi.) *Union Acts.* The Trade Union Acts of England and the collateral Conspiracy and Protection of Property Act were copied by the States, the Acts also providing for unions of employers. Except in Western Australia, the latter provision has been but slightly utilised, as apparently it offers no well-defined inducement. South Australia adopted the Acts in 1876, New South Wales in 1881, Victoria in 1884, Queensland in 1886, Tasmania in 1889, and Western Australia in 1902.

The Acts referred to provide for the legal recognition of combinations which come under the definition of trade unions; the registration of unions of seven or more persons, the registration of councils or other bodies to which registered trade unions are affiliated, the vesting of union property in registered trustees, with penal provisions in respect of defaulting officers. The registered unions are required to furnish annual returns of members and funds to a special department.

3. **Operations and Organisation of Unions subsequent to the Acts.**—(i.) *Unions.* Except as hereinafter mentioned, the Unions do not avail themselves of the Trade Union Acts to any large extent, in many cases neglecting to register.

In some States there is a considerable difference between the numbers of registered and unregistered unions, as, for instance, in Victoria, where there are 151 unions and only three are registered.

The failure to register under the Trade Union Acts does not deprive the unions of the privileges conferred by the Conspiracy Acts.

(ii.) *Membership of Unions.* At the end of the year 1912, there were, in Australia, 433,224 members of trade unions.

(iii.) *Concerted Action.* The consummation of the eight hours' system, at which the early unions had aimed, was followed by demands for further concessions and privileges. An intercolonial congress of delegates of trades unions, modelled upon a similar conference of labour organisations in Great Britain, was first held in Sydney in 1879. At the second congress in Melbourne, in 1884, sixty-nine delegates from New South Wales, Victoria, and South Australia were present, representing forty-one unions, branches, or societies. Following the methods of European associations the Australian unions sought to achieve an improved condition for their members by the establishment of rules concerning minimum wage, limited hours of toil, the

restriction of the number of apprentices and improvers, and the prohibition of the employment of non-union labour; political reforms, such as payment of Members of Parliament, "one man one vote," were also agitated. Some of the unions refuse to admit to membership any but skilled journeymen, on the ground that their object is to encourage the attainment of proper skill.

(iv.) *Representation in Parliament.* It was during the decade 1880-1890 that the trade unions of Australia espoused direct legislative representation and advocated State intervention between employer and employee. This policy has been called "new unionism." In New South Wales, trade unions obtained direct representation in Parliament in 1881, and again in 1883. A resolution affirming the desirability of Parliamentary representation of labour being carried at the congress of 1884, members representing the special interests of the wage-earners were elected to the Legislatures of some of the States, but little action was taken by the unions to obtain representation by men chosen from among their own ranks until after the great labour troubles of 1890-1892. In that period serious strikes occurred in the maritime, shearing and mining industries, and it was then that the Labour Party proper was formed. One direct result of the outbreak was the recognition of the desirability of peaceful settlement of disputes. The political labour party was accordingly organised, and has since held considerable power in most of the States, frequently occupying the Treasury benches. In 1904, 1908-9, and 1910-13 Labour Governments occupied the Commonwealth Treasury Benches, the elections held in April, 1910, having resulted in the Labour party gaining an absolute majority in both of the Federal Houses of Parliament. The present Governments in New South Wales and Western Australia are Labour. South Australia and Queensland have also had Labour Governments; and in Victoria and Tasmania the Labour party is an important element in Parliament.

Triennial federal conferences laid down a policy for the party. The Political Labour Council controls political and the Trades Hall Council trade union matters. The former consists of delegates from both unions and "branches." The branches are coterminous with State electoral districts, and nominate candidates for those districts. Candidates for the Commonwealth Senate are balloted for by all league members in the State, and for the Commonwealth House of Representatives by the branches in the constituency.

4. **Registered Trade Unions.**—(i.) *Unions of Employees.* The benefits conferred by registering Trade Unions are not, in some of the States, held in much repute; consequently the statistics of registered trade unions of employees not only do not represent the position of unionism, but, in addition, the statistics themselves for past years are so defective as to be practically valueless. The particulars furnish no reliable indication of the numerical and financial position of Trade Unions. It will be seen that some of the registered unions fail to supply returns; this non-supply may lead to cancellation of the registration. Some of the unions have obtained the cancellation of their certificates of registration, the apparent reason being that they proposed registering under the Commonwealth Conciliation and Arbitration Act. In some States considerable activity has been displayed in the formation of new unions. In others the benefits sought are obtained by other means. In Queensland, some of the largest labour unions withdrew from registration during 1911, mainly on account of the necessity for closer restriction of their objects as set forth in their rules, consequent on legal decisions affecting trade unions. The registered trade unions were as follows at the end of 1911:—New South Wales: 191 unions; 153,504 members; receipts, £163,448; expenditure, £146,959; funds, £114,687. Of these, eleven were unions of employers, with 2977 members. There were also six miscellaneous unions, having no members in the ordinary sense of the term. Victoria: 6 unions, 859 members; receipts, £1045; expenditure, £750; funds, £483. Queensland: 40 unions; 8195 members; receipts, £15,168; expenditure, £13,036; funds, £11,185. Six were unions of employers, with a membership of 277. South Australia: 21 unions, of whom only 13 furnished returns, shewing 4653 members; receipts, £7641; expenditure, £7452; funds, £15,253. Western Australia: 152 unions (including 4 industrial associations, and one Trade and Labour Council); members, 28,934; receipts, £52,640;

expenditure, £47,526; funds, £39,967. Of these, forty-six, with 554 members, are unions of employers. Tasmania: 3 unions, of which particulars were not furnished.

5. **Registration under Industrial Arbitration Acts.**—Western Australia, and New South Wales up to 30th June, 1908, were the only States with Industrial Arbitration Acts under which industrial associations could be, and actually were, registered. The number of registered unions in New South Wales shewed a gradual increase from 1902 to 1907, the figures in the latter year being 109 unions of employers, with 3165 members, and 119 unions of employees, with 88,075 members. Under the Industrial Disputes Act, which succeeded the Arbitration Act of 1901, the information is not required to be furnished. Since the Act of 1908 has operated, industrial organisation has proceeded rapidly, owing to a very evident general desire on the part of the workers to obtain the status necessary to entitle them to the advantages offered by the Act. In Western Australia, the employers' unions numbered 45, with 441 members, in 1904; 59 unions, with 520 members, in 1905; 57 unions, with 534 members, in 1906; 56 unions, with 552 members, in 1907; 48, with 409 members, in 1908; 47, with 408 members, in 1909; 46, with 444 members, in 1910; 46, with 554 members, in 1911. From 1904 to 1908 unions of employees were in a fairly stationary condition. Since 1909, however, there has been a rapid expansion. At the end of 1904 and 1905 there were 140, with 15,743 and 15,461 members respectively; in 1906 there were 130 unions, with 16,015 members; in 1907, 121 unions, with 14,544 members; in 1908, 121 unions, with 15,187 members; in 1909, 122 unions, with 17,282 members; in 1910, 130 unions, with 20,429 members; and in 1911, 152 unions, with 28,934 members. These figures include councils and associations. Registration under Commonwealth legislation began in 1906. In that and the four following years, there was but one union of employers; another was registered in 1911. The unions of employees registered were 20 in 1906, with 41,413 members; 24, with 57,306 members, in 1907; 37, with 69,536 members, in 1908; 7, with 14,161 members, in 1909; 10, with 3760 members, in 1910. Twenty-four unions of employees were registered in 1911. The membership given above is that at time of registration.

6. **Total Number of Unions, 1912.**—As already stated, the figures for trade unions registered under the Acts do not represent the position of unionism in Australia. In 1912 the Labour and Industrial Branch of the Commonwealth Bureau of Census and Statistics was established, and by the cordial co-operation of the officials of the labour organisations, comprehensive figures relating to the development of organised labour are now available. The following table gives particulars of the number of trade unions, the number of branch unions, and the number of members in each State and the Commonwealth at the end of 1912:—

TRADE UNIONS, BRANCH UNIONS, AND MEMBERS, STATES AND COMMONWEALTH, 1912.

State.	Number of Separate Unions.	No. of Branches.	No. of Members.
New South Wales	177	453	192,626
Victoria	151	241	116,557
Queensland	67	226	44,768
South Australia	78	62	37,336
West Australia	97	177	33,282
Tasmania	51	33	8,655
Total	621	1,192	433,224
Commonwealth*	408†	1,405	433,224

* Allowing for interstate excess. † Number of distinct organisations and interstate groups of organisations in the Commonwealth—not the total number of organisations, which are practically independent and self-governing. (See next page.)

In the preceding table the number of separate unions in each State furnishes the number of unions which are represented in each State, exclusive of branches within a State. That is to say, each union represented in a State is only counted once, regardless of the number of branches in that State.

Except in the last line, the number of branches indicates the number of branches of State head offices, which may, of course, themselves be branches of an inter-State or larger organisation. In taking the total number of separate unions in the Commonwealth (see last line), it is obvious that, in the case of inter-State and similar unions, there will be duplication, since each such union is counted once in each State in which it has any branches. In the figures given in the last line allowance has been made for this duplication. State branches of interstate or federated unions, as well as sub-branches within a State, are included under the heading "Branches" in the third column—last line. It should be observed, however, that the scheme of organisation of these interstate or federated unions varies greatly in character, and the number of separate Commonwealth unions does not fairly represent the number of practically independent organisations in Australia. In some of these unions the State organisations are bound together under a system of unification with centralised control, while in others the State units are practically independent and self-governing, the federal bond being loose and existing only for one or two specified purposes. It may be seen, therefore, that there are 408 distinct organisations and interstate groups of organisations in the Commonwealth, having 1405 State branches and sub-branches, and a total of 433,224 members.

7. **Development of Trade Unions in Australia, 1891 to 1912.**—The following table shews for the years specified the total number of trade unions in the Commonwealth, and the number and membership of those unions for which returns are available. The estimated total membership of all unions is shewn in the last line. The number of unions specified is the sum of the number of separate unions represented in the several States, no deduction having been made for interstate excess.

The figures given do not include particulars of comparatively small and unimportant unions which were in existence prior to the year 1912, but which, by that year, had either become amalgamated with other unions or had been disbanded or become defunct. Particulars for the more important unions in existence prior to 1912, but not in existence in that year, have, however, been included in all cases where possible. The actual returns received at this Bureau from trade unions have, in some instances, where memberships for past years were not given, been supplemented from particulars published by the State Registrars of Trade Unions.

NUMBER AND MEMBERSHIP OF TRADE UNIONS IN COMMONWEALTH, 1891 to 1912.

Particulars.	1891.	1896.	1901.	1906.	1907.	1908.	1909.	1910.	1911.	1912.
Total number of unions	124	134	198	302	323	378	419	482	573	621
No. of unions for which membership available	72	83	139	253	286	334	375	442	542	621
Membership of these unions	31,871	34,108	68,218	147,049	172,310	212,483	244,747	277,047	344,999	433,224
Estimated total membership of all unions	54,888	55,066	97,174	175,529	194,602	240,475	273,464	302,119	364,732	433,224

These figures shew that while the number of unions in 1912 was just over five times the number in 1891, the estimated membership during the same period increased nearly eight times. During the last six years the estimated annual increase in membership was greatest in the year 1912, when it amounted to no less than 68,492.

The present tendency of the trade union movement in Australia is towards "closer unionism," generally by the organisation of the workers in two or more States into interstate or federated unions, and by the grouping together of trades or industries more or less closely allied. Particulars are not available for past years as to the number of separate organisations in the Commonwealth, that is, allowing for interstate excess in

the enumeration of unions within each State. It appears certain, however, that the number of separate organisations and interstate groups of organisations in the Commonwealth has, owing to the tendency referred to, increased to a less extent than the figures in the preceding table indicate.* It is expected that in future this tendency will be clearly reflected in the returns, in which deductions will be made for interstate excess.

8. **Interstate or Federated Unions, 1912.**—The following table gives particulars as to the number and membership of interstate or federated unions in 1912 :—

NUMBER AND MEMBERSHIP OF INTERSTATE OR FEDERATED UNIONS IN THE COMMONWEALTH, 1912.

Particulars.	Unions Operating in—					Total.
	2 States.	3 States.	4 States.	5 States.	6 States.	
Number of Unions ...	20	11	17	14	10	72
Number of Members ...	31,358	18,147	55,517	43,548	131,201	279,771

It appears, therefore, that 72 out of the 408 separate associations and groups of associations in the Commonwealth are organised on an interstate basis. The membership of these 72 unions amounts to 279,771, or no less than 64.6 per cent. on the total membership (433,224) of all unions.

9. **Central Labour Organisations.**—In each of the metropolitan towns, as well as in a number of other industrial centres, delegate organisations, consisting of representatives from a group of trade unions, have been established. Their revenue is raised by means of a per capita tax on the members of each affiliated union. In most of the towns where such central organisations exist, the majority of the local unions are affiliated with the central organisation, which is usually known as the Labour or the Trades Hall Council or the Labour Federation. In Queensland and Western Australia a unified system of organisation extends over the industrial centres throughout each State. In each of these States there is a provincial branch of the Australian Labour Federation, having a central council and executive, a metropolitan and branch district councils, to which the local bodies are affiliated. The central council, on which all district councils are represented, meets periodically. In the other four States, however, the organisation is not so close, and though provision usually exists in the rules of the central council at the capital town of each State for the organisation of district councils or for the representation on the central council of the local councils in the smaller industrial centres of the State, the councils in each State are, as a matter of fact, independent bodies.

The table below shews the number of metropolitan and district or local labour councils, together with the number of unions and branches of unions affiliated therewith, in each State in February, 1913 :—

CENTRAL LABOUR ORGANISATIONS—NUMBER AND UNIONS AFFILIATED,* 1913.

Particulars.	N.S.W.	Vic.	Q'land.	S.A.	W.A.	Tas.	C'w'th.
No. of Councils ...	3	4	2†	4	11	1	25
Approximate No. of Unions and Branch Unions Affiliated ...	151	186	21	73	130	23	584

* On page 1015 it is shewn that the number of separate organisations and interstate groups of organisations in the Commonwealth in 1912 was 408, compared with 621, the sum of the separate unions in the several States.

† In addition, two important unions are directly affiliated to the Provincial Council of the Australian Labour Federation.

The figures given in the above table as to number of unions do not necessarily represent separate unions, since the branches of a large union may be affiliated to the local trades councils in the several towns in which they are represented.

Between the trade union and the central organisation of unions may be classed certain State or district councils, organised on trade lines and composed of delegates from separate unions, the interests of the members of which are closely connected by reason of the occupations of their members, such, for example, as delegate councils of bakers, bread carters and mill employees, or of unions connected directly or indirectly with the iron, steel or brass trades, or with the building trades.

§ 2. Laws Relating to Conditions of Labour.

1. **Tabular Statement of Statutes affecting Labour.**—The Statutes in force at the beginning of 1912 in the several States of the Commonwealth, which, more or less directly, affect the general conditions of labour, are shewn in the table below. Where merely an incidental reference to labour conditions is made in a statute, as is the case with, *e.g.*, the Hawkers and Pedlars Act 1892 of Western Australia, or the Firms Registration Act 1899 of South Australia, or the Health Acts generally, the Statute is not included in the table.

LABOUR LAWS—TABLE OF STATUTES IN FORCE IN AUSTRALIAN STATES, 1913.

New South Wales.	Victoria.	Queensland.	South Aust.	Western Aust.	Tasmania.
1. General—					
Factories & Shops Act 1912 Early Closing 1899, 1900, 1906, and 1910 Saturday Half Holiday 1910 Clerical Workers 1910	Factories and Shops 1912 Factories and Shops 1912 (2)	Factories and Shops 1900 and 1908	Factories 1907, 1908 and 1910 Early Closing 1911	Factories 1904 (2) Early Closing 1902, 1904 (2), 1911 and 1912.	Factories 1910 and 1911 Wages Boards 1910 and 1911 Chimn'y Sweepers 1882 Shops Closing 1911
2. Prevention of Strikes and Regulation of Rates of Wages—					
Industrial Arbitration 1912	Factories and Shops (as above)	Industrial Peace Act 1912	Factories Acts 1907-10 Industrial Arbitration Act 1912	Industrial Arbitration Act 1912	—
3. Mining Industry—					
Mines Inspection 1901 Coal Mines Regulation 1902, 1905, and 1910 Miners' Accident Relief 1900, 1901 and 1910	Mines 1897 Coal Mines Regulation 1909	Mining 1898, 1901 and 1902 Mines Regulation 1910	Mining 1893	Mines Regulation 1906 Coal Mines Regulation 1902 Mining 1904	Mining 1900, and 1911
4. Security of Wages to Wage Earners—					
Contractors' Debts 1897	Employers and Employees 1890, 1891 and 1901	Contractors' & Workmen's Lien 1906 Wages 1870 and 1884	Workmen's Liens 1893-6	Workmen's Wages 1898	—
Attachment of Wages Limitation 1900	—	Wages (as above)	Wages Attachment 1898	—	Wages Attachment 1900

LABOUR LAWS—TABLE OF STATUTES.—Continued.

New South Wales.	Victoria.	Queensland.	South Aust.	Western Aust.	Tasmania.
*Truck 1900 " 1901	—	Factories and Shops (as above)	Factories (as above)	*Truck 1899 * " 1900 * " 1904	—
Bankruptcy 1898 (preference to wages)	Insolvency 1897	Insolvency 1874 Insolvency 1876	Insolvency 1886 " 1887 " 1896	Bankruptcy 1892 " 1898	Bankruptcy 1870 Bankruptcy 1899
5. Accommodation, Homes, &c.—					
Shearers' Accommodation 1901	—	Shearers' and Sugarworkers' Accommodation 1905 Do. 1906	Shearers' Accommodation 1905	—	—
—	Closer Settlement (Workers' Homes) 1904	—	—	—	—
—	—	Workers' Dwelling 1909 and 1912.	—	Workers Homes 1911 Navigation 1904 " 1907 Merchant Shipping Act Application 1903	—
6. Inspection of Machinery, &c.—					
—	Boilers' Inspection 1906	Inspection of Machinery & Scaffolding 1908	Steam Boilers and Engine Drivers 1911 Lifts' Regulation 1908 Scaffolding Inspection 1907 and 1908	Inspection of Machinery 1904	Inspection of Machinery 1902 " " 1909 White Phos. Matches Prohibition 1911
7. Trade Unions—					
Trade Unions 1881	Trade Unions 1890	Trade Unions 1886	Trade Unions 1876	Trade Unions 1902	Trade Unions 1889
8. Relations of Masters and Servants—					
Masters & Servants 1902 Apprentices 1901	Employers and Employees 1890, 1891 and 1901 Masters and Apprentices 1890	†Apprentices 1828 † " 1844 Master and Servants 1861	Masters & Servants 1878 Defence of Workers 1909	Masters and Apprentices 1873 Masters & Servants 1892	Masters & Servants 1856 " " 1882 " " 1884 " " 1887
—	Servants' Registry Offices 1897	—	—	Employment Brokers 1909	—
9. Liability in case of Accidents—					
Employers' Liability 1897	Employers and Employees 1890 (Employers' Liability) and 1901	Employers' Liability 1886-8	Employers' Liability 1884-9	Employers' Liability 1894	Employers' Liability 1895, 1898 and 1903
Workmen's Compensation 1910	—	Workers' Compensation 1905 and 1909	Workmen's Compensation 1911	Workers' Compensation 1902 and 1909	Workers' Compensation 1910

* The "Truck" system, as applied to labour, was one by which the master obtained the labour of his servants in exchange for goods or commodities on which it is stated he generally secured a profit. The system is now almost entirely suppressed by the various statutes enacted. † New South Wales Acts unrepealed in Queensland after Separation in 1859.

2. **Benefits sought to be Conferred by the Acts.**—(i.) *General Provisions.* The legislation enacted has generally had for its object the shortening of hours, improving and fixing standard rates of wages, provision of sanitary accommodation, ventilation and cleansing of premises, safeguarding from accident, and general amelioration of the conditions of labour, particularly that of females and children, in factories. The principal provisions of these statutes are set out in the table hereinafter.

(ii.) *Historical.* The first Australian Factories Act was passed in 1873 in Victoria, and became law on 1st January, 1874. It was entitled "The Supervision of Workrooms and Factories Statute," and contained only six sections. Its principal provisions were (*a*) that any place in which not less than ten persons were engaged for hire in manufacturing goods should be constituted a factory ; (*b*) that such factories, as to building, sanitation, etc., should be subject to regulations made by the Central Board of Health ; and (*c*) that no female should be employed for more than eight hours in any one day without the permission of the Chief Secretary. The administration of the Act was entrusted entirely to the local Boards of Health, and the system was found to be less effective than was hoped. The conditions which have given rise to trouble in the old world tended to reproduce themselves in the young and growing industries of the States. Factory workers had to contend with the absence of security for a living wage, unsatisfactory sanitary surroundings, and unchecked and unscrupulous competition of Chinese in certain trades. The advocacy of legislation to control the conditions of employment became pronounced in Victoria in 1880, and a strike of tailoresses in Melbourne in 1882 led to a recognition of the real state of affairs. As a result of unsatisfactory working under the local governing bodies, and on account of agitation of the operatives, a commission was appointed in 1883, and reported the necessity of legislation for the regulation of factories, and in particular pointed out the fact that men were compelled to toil for as many as eighteen hours and women sixteen hours a day. It also shewed that the condition of out-workers was very undesirable, and that the apprenticeship system was frequently used to obtain labour without remuneration, apprentices being dismissed upon asking for payment at the end of their time. The Factories and Shops Act 1884, while providing for the suppression of many evils in respect of accommodation and lengthy hours, did not touch the two last mentioned. It provided for Government inspection, and also that six persons should constitute a factory if the premises were situated in a city, town or borough. In 1887 a short amending Act was brought in to remedy some defects that were found to exist. Its principal provision was that any place in which two or more Chinese were engaged should be deemed a factory. In 1893 a further enactment reduced the number of persons constituting a factory to four. Another Royal Commission sat in 1895, resulting in the Act of 1896, which dealt with matters previously untouched, and the system of regulation was carried on by the Act of 1900 and the complete codification of the law in 1905, and again in 1912.

Similar conditions to those which existed in Victoria were found to prevail in other States. New South Wales and Queensland first adopted regulative measures in 1896, South Australia in 1894, and Western Australia in 1902. Tasmania adopted the Victorian Act of 1873 in 1884.

The same remarks apply in a general way to the condition of employees in shops.

3. **Limitation of Hours.**—(i.) *Factories.* As already remarked, the adoption of the eight hours' system for adult males has generally been the outcome of the representations made by the trade unions. Except in New Zealand, there is no general legislation to enforce the principle, although there is now a general recognition of it. A week of forty-eight hours is the usual working week. The larger unions, however, have lately moved for a *net* day of eight hours, with Saturday half-holiday, no loading of other week days being permitted by way of compensating for the Saturday afternoon. Under this scheme there are, for five days, equal divisions for periods of labour, recreation, and rest, and four hours' work on Saturday, making a working week of forty-four hours. In the majority of occupations, forty-eight hours weekly is the recognised limit of work. On

the establishment of Wages Boards and Arbitration Courts, in the States where those institutions exist, the authorities thus created adopted the rule as part of their determinations and awards wherever it seemed reasonably practicable. In some of the larger classes of building trades, the hours have been reduced to forty-four a week, and in some technical and specialist trades, a lower maximum has been fixed, such for example, as the type-setting machine operators in Victoria, for whom the maximum has been fixed by the Wages Board at forty-two hours weekly. Reasonable provision is made by statute or award for work performed outside the scheduled hours. Organisations of employees, however, oppose overtime in any industry until all the operatives in that industry are working full time.

In the case of women and children there has been very general enactment in the States of the forty-eight hours' limit, and in addition, the maximum periods of continuous labour, and the intervals of cessation therefrom, have been prescribed in all the States. New Zealand has fixed a weekly maximum of forty-five hours for females and boys under 16. The first enactment of the forty-eight hours' limit in Australia was in 1873, when the Parliament of Victoria fixed that period for women and girls in factories.

(ii.) *Shops.* All the States have statutes containing provisions respecting the hours during which shops in large centres may be kept open for business. These provisions, in effect, not only limit the hours during which shop-hands may be employed, but apply also where the shops are tended by the proprietor alone, or by himself and family, with, however, certain exceptions. In Victoria, for example, shops wherein not more than one assistant, whether paid or not, was employed, were permitted to remain open for two hours a day longer than other shops of the same class. The object of this was to relieve the hardship which existed for such persons as, for example, widows who were wholly dependent for a livelihood upon the casual trade of small shops. It is, however, reported that little or no benefit accrued from the permission. In each of the States the closing time of shops, except those specially exempted, is 6 p.m. on four days of the week, 10 p.m. on one day (except 9 p.m. in Queensland, South Australia, and Western Australia), and 1 p.m. on one day—thus establishing a weekly half holiday. In Western Australia the opening hour is fixed at 8 a.m. In addition to fixing the closing hour, the total daily and weekly working hours are delimited in the case of women and children. In some States, butchers' shops must be closed an hour earlier than other retail establishments, the reason being the early hour at which assistants must start to attend to the markets and early morning trade.

(iii.) *Hotels, etc.* Establishments, the opening of which in the evening is presumably necessary for public convenience—such as hotels, restaurants, chemists' shops, etc.—are required to remain open for longer hours or are permitted to do business during hours prohibited in other establishments.

(iv.) *Half-holidays.* The provisions of the early closing laws differ somewhat in each State, but the main objects, namely, the restriction of long hours of labour, are identical throughout. Formerly, in some of the States, there were, and there are still in others, provisions making the early closing of a business, or the selection of a day for a half-holiday, dependent upon the option of the majority of the business people concerned, or upon the local authority. The anomalous results of the system whereby shops on one side of the street bounding two municipalities were open, when those upon the other side were closed, led to the introduction of the compulsory system, whereby the hours of business are absolutely fixed by statute. In Queensland, the day of the weekly half-holiday is fixed for Saturday. In Victoria also the Saturday half-holiday became compulsory in 1909, and in New South Wales in the following year, and there is a strong movement throughout the Commonwealth in favour of closing on the afternoon of that day.

(v.) *Exempted Trades.* The hours for shops exempted from the general provisions of the Acts are also prescribed, and special holidays are provided for carriers.

4. **Other General Conditions of Labour.**—Measures for the protection of life, health, and general well-being of the worker, tabulated hereunder, exist in most of the States. Though in some instances founded upon English legislation, many of the provisions are peculiar to Australia. Despite experience and continued amendment they have not even yet attained to a settled form. Of the Australian States, Victoria originally had the most complete system of industrial legislation. Other States gradually adopted the Victorian statutes, either *en bloc* or with amendments suggested by local conditions. Western Australia followed very closely the legislation of New Zealand, where also the measures for the amelioration of the industrial conditions are enforced by law.

5. **Administration of Factories and Shops Acts.**—The provisions of Factories and Shops Acts and of the Early Closing Acts in some of the States are consolidated under a single Act, but in others are separate enactments. The chief provisions of the principal Acts for registration, administration, record-keeping, etc., and of regulations under those Acts, are set out in the following summary :—

(*a*) Factories are defined to be places where a certain number of persons are employed in making or preparing goods for trade or sale, or in which steam or other power is employed, or where special classes of industry are carried on. In some States the employment of a Chinese, in some of any Asiatic, constitutes the place a factory.

(*b*) A Minister of the Crown administers the Act in conjunction with a Chief Inspector of Factories. Inspectors visit the factories with full powers of entry, examination, and enquiry; these are of both sexes, females being employed in that portion of the work where a woman is particularly necessary. Broadly speaking, these powers confer upon the Inspector the right to enter, inspect, and examine, at all reasonable hours by day and night, any factory where he has reason to think anyone is employed ; to take a police constable, if necessary, to assist him in the execution of his duty; to require the production of all certificates, documents, and records kept by the occupier, in accordance with the terms of the enactments ; to examine, either alone or in the presence of any other person, every person whom he finds in a factory ; to make whatever examination he deems necessary to ascertain whether the provisions of the Act are complied with.

(*c*) Registration of factories before occupation is obligatory. Description of premises and statement of the work to be done must be supplied, and a certificate of suitability of premises obtained.

(*d*) A record of all employees, giving the names, ages, wages, and work of each under a certain age (18, 20, 21, etc.) must be kept and filed in the Chief Inspector's office.

(*e*) Names and addresses of district inspectors and certifying medical practitioners must be posted ; also the working hours, the holidays, and the name, etc., of the employer.

(*f*) Records of out-work must be kept, containing the names and remuneration of workers, and stating the places where the work is done. Out-workers are required to register.

(*g*) Places in which only the near kin of the occupier are employed are generally exempt from registration.

(*h*) Meals may be prohibited in workrooms, etc. In some States occupiers are required to furnish suitable mealrooms.

(*i*) The employment in factories of young children is forbidden, and medical certificates of fitness are required in the case of young persons under a certain age. Special permits, based on educational or other qualifications, may be issued for young persons of certain ages.

(*j*) Guarantees of an employee's good behaviour are void unless made with the consent of the Minister.

(*k*) Persons in charge of steam engines or boilers must hold certificates of service or competency.

(*l*) Provision (safeguarding against accident) is made for the fencing off and proper care of machinery, vats, and other dangerous structures. Women and young persons are forbidden to clean machinery in motion or work between fixed and traversing parts of self-acting machinery while in motion; and dangerous trades are specified in which a minimum age is fixed. Notice of accidents must be sent to the district inspector. (Dangerous trades are generally under the administration of Boards of Health.)

(*m*) Provision is made for the stamping of furniture, the object being to disclose whether it is made by European or Chinese labour.

(*n*) Minimum wage provisions are inserted. Premiums to employers are forbidden.

(*o*) Sanitation and ventilation must be attended to, and fresh drinking water supplied. Separate and adequate sanitary conveniences for each sex are required.

(*p*) Shopkeepers are required to provide proper seating accommodation for female employees. (In some States this is the subject of special legislation.)

(*q*) A dressing-room for females must be provided in factories the manufacturing process of which requires a change of dress.

(*r*) Adequate protection must be made against fire, and efficient fire-escapes provided.

(*s*) Wide powers of regulation are granted to the Executive and heavy penalties imposed, including a penalty by way of compensation to any person injured or the family of any person killed through failure to fence machinery and other dangerous structures.

6. **Registered Factories.**—The number of establishments registered under Factories Acts is shewn below:—

FACTORIES REGISTERED UNDER ACTS, 1911.

State.	No. of Registered Factories.	Numbers Employed.		
		Males.	Females.	Total.
New South Wales	4,969	60,960	27,390	88,350
Victoria	5,638	52,338	36,356	88,694
Queensland	2,301	19,822	8,539	28,361
South Australia	1,757	14,105	5,484	19,589
Western Australia*	949	10,723	2,975	13,698
Tasmania	576	5,741	1,320	7,061
Commonwealth	16,190	163,689	82,064	245,753

* 1910 figures.

7. **Comparative Statement of Factories Law in Australia and New Zealand.**—The tables which follow shew at a glance the chief provisions of the Factories and Shops Acts in the Commonwealth and in New Zealand:—

A.—EMPLOYMENT IN FACTORIES.—COMPARATIVE VIEW OF

HEADING.	NEW SOUTH WALES.	VICTORIA.	QUEENSLAND.
Principal Acts	Factories and Shops 1912.	Factories and Shops 1912 " " 1912 (2).	Factories and Shops 1900. " " 1908.
Application of Acts—Limitations	In districts proclaimed Not applicable where all the workers are members of the same family. Not applicable to woolsheds, dairies, or ships. Governor may exempt any factory or class of factory in any district.	In cities, towns and boroughs; also shires to which extended. Not applicable to dairying, agricultural, horticultural, viticultural and pastoral occupations. Not applicable to laundries attached to prisons or religious and charitable institutions.	Only in areas proclaimed. Not applicable to prisons, reformatories, dairies, mines, agricultural buildings, & domestic workshops. Governor may exempt partially or wholly any factory or class of factories in a given district.
Definition of Factory— By Nos. Employed	Four or more.	Four or more.	Two or more (including occupier).
" Asiatics "	One or more Chinese.	One or more Chinese.	One Asiatic.
" Power used	Steam or mechanical.	Steam or mechanical.	Steam or mechanical.
" Special classes included	Bakehouses.	Bakehouses, laundries, dye-works, quarries, clay-pits, furniture. Gas and electric light &c., works.	Bakehouses, laundries.
Administration	Minister of Labour.	Minister of Labour.	Secretary for Public Works.
Inspectorate	Inspectors with full powers of entry, examination and enquiry.	Inspectors with full powers of entry, examination and enquiry.	Inspectors with full powers of entry, examination, and enquiry.
Registration	Seven days' prior notice.	Fourteen days' notice after occupation. Annual re-registration.	Seven days' prior notice.
Outwork	Occupier of factory to keep record, shewing places where work done and rates of payment.	Occupier to keep record of description, quantity, remuneration, names and addresses. Out-workers must register in clothing, wearing-apparel, or boot trades.	Sub-contractors' premises subject to factory regulations. Occupier to keep records shewing places, description, and quality of work; nature and amount of remuneration paid. Out-workers must register. Sub-letting forbidden.
Meals in Workroom	Minister may forbid while work is going on; he may require provision of a suitable eating-room.	Forbidden while work going on, unless Chief Inspector permits. Forbidden if dangerous trade conducted.	Minister may forbid meals being taken in factories; he may require provision of suitable eating room.
Sanitary Health and Safety Provisions	Factories to be clean, wholesome, and well ventilated. Over-crowding forbidden. Unhealthy persons under sixteen may be suspended from daily work. Avoidance of infection prescribed. Factories to be thoroughly cleaned once in fourteen months. Bakehouses and furniture factories not to be used as sleeping places. Seats to be provided for females. Proper necessary precautions to be taken against fire, and efficient fire escapes to be provided.	Factories to be clean, wholesome, and well ventilated. Over-crowding forbidden. Factories to be thoroughly cleaned once in fourteen months. Bakehouses to be washed once every six months Factories and bakehouses not to be used as sleeping places. Wet spinners must be protected. Efficient fire escapes to be provided, and fire appliances kept ready. Doors, &c., to be kept free from obstruction.	Factories to be kept clean, wholesome, and well ventilated. Over-crowding forbidden. Suspension of work by unhealthy persons may be enforced. Avoidance of infection prescribed. Fresh drinking water to be provided. Factories to be thoroughly cleaned once in twelve months. Bakehouses not to be used as sleeping places. Seats to be provided for females. Proper necessary precautions to be taken against fire.
Dangerous Machinery	Must be fenced Employment of women and boys forbidden.	Must be fenced. Employment of women and boys forbidden. First-aid ambulance-chest to be kept on premises.	Must be fenced.*
Mimi'm Wage per week	4s. No premiums or bonus on behalf of apprentices is permitted.	2s 6d. No premium is to be demanded from female apprentices and improvers in clothing trades.	5s. No premium is permitted from apprentices without permission of Inspector.

* See Machinery and Scaffolding Act 1908.

LEADING FEATURES OF ACTS IN FORCE IN AUSTRALIA,* 1913.

SOUTH AUSTRALIA.	WESTERN AUSTRALIA.	TASMANIA.
Factories 1907, 1908, and 1910.	Factories 1904. " 1904 (2).	Factories 1910 and 1911.
In places determined by Parliament. Not applicable to domestic servants and agricultural and pastoral pursuits.	In districts proclaimed. Not applicable to mines, dairies, ships, prisons, reformatories, domestic (other than Asiatic) workshops. Governor may exempt any factory.	Whole State. Not applicable to mines, ships, prisons, reformatories, rural industries, charitable institutions. Governor may exempt any factory.
Any one person. Laundry, dyeworks.	Six or more. One Asiatic. Steam or mechanical. Bakehouses, laundries.	Four or more. One Asiatic. Steam or mechanical. Bakehouses, quarries.
Minister of Industry.	Honorary Minister.	Chief Secretary.
Inspectors with full powers of entry, examination and enquiry.	Inspectors with full powers of entry, examination and enquiry.	Inspectors with full powers of entry, examination and enquiry.
Twenty-one days' prior notice.	Prior notice. Annual re-registration if Asiatics employed	Twenty-one days' prior notice.
Occupier to keep record. Out-workers to register names and addresses.	Occupier to keep record of names and addresses, and quantity and description of work done. Sub-letting forbidden.	Occupier to keep record of names and addresses, and quantity and description of work done.
Minister may forbid meals in factories carrying on noxious trades; he may require provision of suitable eating-room.	Forbidden for women and boys, except with Inspector's written permission.	Forbidden where employees working. In certain factories meal room to be provided.
Factories to be kept wholesome, clean, and well ventilated. Over-crowding forbidden. Factories to be thoroughly cleaned once in fourteen months. Adequate protection to be made against fire.	Factories and connected yards to be clean, wholesome, and well-ventilated. Over-crowding forbidden. Unhealthy persons may be forced to suspend work. Goods, clothing, etc., to be disinfected where necessary. Fresh drinking water to be provided. Thorough cleaning to be regularly done. Bakehouses not to be used as sleeping places. Efficient fire escapes to be provided and other necessary protection to be made against fire.	Factories to be clean, wholesome, and well ventilated. Overcrowding forbidden. Factories may be required to be cleaned once in fourteen months. Factories not to be used as sleeping places. Doors, &c., to be kept clear of obstructions, and fire-prevention appliances kept ready for use.
Must be fenced. Employment of children under sixteen may be forbidden.	Must be fenced.† Inspector may prohibit as dangerous machine.† Employment of females and boys forbidden.	...
48. No premium is to be paid by female apprentices.	...	48. No premium in respect to employment is permitted.

* New Zealand.—Owing to consideration of space, information regarding New Zealand has been omitted from this issue. Details up to the end of 1910 will be found in Year Book No. 5, pp. 1051 to 1055. † See Inspection of Machinery Act 1904.

B.—RESTRICTIONS AS TO EMPLOYMENT OF WOMEN

HEADING.	NEW SOUTH WALES.	VICTORIA.	QUEENSLAND.
* *Ordinary Age of Admission to Factory*	14	Boys 14 years Girls 15 years	14
Maximum Working Hours of Women and Young Persons: Per week	Boys under 16 and all females 48 hours	Boys under 16 and all females. 48 hours	Boys under 16 and all females, 48 hours[3]
„ day	...	Do., 10 hours. Females under 18 or males under 16 as type-setters, 8 hours	...
Maximum hours of continuous labour	Boys under 18 and all females 5 hours	Boys under 18 and all females, 5 hours.	Do., 5 hours
Interval	Do., ½ hour	Do., ½ hour	Do., ½ hour
Prohibited Hours of Work	Boys under 16 and all females 6 p.m. to 6 a.m.	Girls under 16, 6 p.m. to 6 a.m. Males under 16 and all females, after 9 p.m.	Girls under 18, 6 p.m. to 6 a.m. Boys under 16, 6 p.m. to 6 a.m.
Overtime— Limitation—Per day	Three hours	Three hours	Three hours
„ week	Three consecutive days	One day	Two consec'tive dys Fifty-six hrs per wk. not to be exceeded.
„ year	Thirty days	Ten days	Forty days
Continuous			
Overtime Pay	Time and a-half	Wage workers, time & a-half Piece workers, additional 3d. per hour	Time and a-half, but not below 6d. per hr.
Prohibition of Employment after Childbirth	4 weeks	...	...
Restrictions and Prohibitions of Employment affecting Women and Young Persons in Dangerous Trades: Type-setting	Persons under 16	Boys under 14; girls under 15	...
Dry grinding and match dipping	Persons under 16†	Persons under 16	...
Manufacture of bricks and tiles	Girls under 18	Girls under 16	...
Making and finishing of salt	Girls under 18	Girls under 16	...
Melting or annealing of glass	Boys under 16; girls under 18	Girls under 18	...
Silvering of mirrors by mercurial process; manufacture of white lead	Persons under 18	Persons under 18	...
Cleaning of machinery in motion, mill gearing, etc.	All females; boys under 18‡	All females; boys under 18	All females; boys under 18
Charge of lift	All females; boys under 16§	...	All females; boys under 16

* The ages given are those at which admission to factory labour is unrestricted. In some States younger children are admitted if having passed school standards, or by special permit from the Minister or inspector.

AND YOUNG PERSONS IN FACTORIES IN AUSTRALIA.

SOUTH AUSTRALIA.	WESTERN AUSTRALIA.	TASMANIA.
13	14	14
Boys under 16 and all females, 48 hours Do., 10 hours	Boys under 14 and all females 48 hours Do., 8½ hours	Boys under 16 and all females, 48 hours Females, 10 hours
Do., 5 hours	Do., 5 hours	Boys under 18 and all females, 5 hours
Do., ½ hour	Do., ¾ hour	Females & young persons, 1 hour
Females, after 9 p.m. Boys under 16, after 9 p.m.	Females, 6 p.m. to 8 a.m. Boys under 14, 6 p.m. to 7.45 a.m.	Boys under 16 and all females, after 9 p.m. ...
...	Three hours	55 hours per week not to be exceeded
Seven hours per week	Two consecutive days	...
100 hours	Thirty days	200 hours (Fruit, jam, etc., factories exempted in certain months)
Time and a-quarter	Time and a-quarter	Time and a-quarter
...	4 weeks	...
Boys under 16 and all females not more than 8 hours per day, and not after 6 p.m. or before 6 a.m.	Girls under 15	Boys under 16 and all females not more than 8 hours per day, nor between 9 p.m. and 6 a.m.
Persons under 16	...	Persons under 16
Girls under 16	Girls under 16	Girls under 16
Girls under 16	Girls under 16	Girls under 16
Boys under 14; girls under 18	...	Females under 18
Persons under 18	All females; boys under 18	All females; boys under 18
All females; boys under 18	All females; boys under 18	...
All females; boys under 18	Females under 21; boys under 16	...

† In N.S.W. this restriction applies also to casting from molten lead. ‡ In N.S.W. this restriction applies also to persons in charge of or attending to any engine or boiler ⁋ In N.S.W. this restriction applies also to any machinery classed as dangerous.

C.—EMPLOYMENT IN SHOPS.—COMPARATIVE VIEW OF LEADING

HEADING.	NEW SOUTH WALES.	VICTORIA.	QUEENSLAND.
Acts	As for factories Early Closing Act Minimum Wage Act	As for factories	As for factories
Statutory Maximum Hours of Employment. (a) Male, adults	...	52 hours per week	53 hours per week
(b) Females and Boys — per week	Girls under 18, boys under 16, 52 hours	52 hours	Females and boys under 16, 52 hours
(b) Females and Boys — per day	Girls under 18, boys under 16, 9½ hours (except 1 day, 11½ hours)	9 hours (except 1 day, 12 hours)	Females and boys under 16, 9½ hours (except 1 day, 11½ hours)
Maximum continuously	All females: 5 hours	All persons: 5 hours	...
Interval	All females: ½ hour	All persons: ½ hour	...
Maximum Overtime — per day	...	3 hours	3 hours
Maximum Overtime — per year	...	25 days	40 days
General closing time	4 days, 6 p.m.; Fridays, 10 p.m.; Saturdays, 1 p.m.*	4 days, 6 p.m.; Saturdays, 1 p.m.; Fridays, 10 p.m.	4 days, 6 p.m.; 1 day, 9 p.m.; Saturdays (or other prescribed weekly holiday), 1 p.m.
Exemption from closing time	Certain shops	Businesses concerned with tobacco, bicycles, flowers, drugs and edibles, also hairdressers and pawnbrokers	Certain exempted shops
Seats in Shops	1 to 3 females	1 to 3 assistants	1 to 3 females

* In the Metropolitan and Newcastle districts Saturday is the 1 o'clock closing day; in 56 country shopping districts and in 189 other districts Wednesday is the 1 o'clock and Saturday the 10 o'clock closing day.

8. **Mining Acts.**—Mining Acts regulate the working of mines. Generally the employment underground of all females and of boys under fourteen years is prohibited. A minimum age, usually seventeen, is fixed for employment as lander or braceman at plats and landing places; no lander, braceman, underground worker, or man in charge of motive power may be employed more than eight hours a day. A large number of scientific provisions for the protection of the lives and health of miners is also inserted in the Acts. Enginedrivers must hold certificates of competency. Persons may be licensed to certify to the condition of boilers. Provision is made to enable injured persons or the relatives of persons killed to recover damages if the injury or death results from a breach of the regulations referred to above. Inspection of mines is fully provided for. Sunday labour is forbidden. In New South Wales and (since 1st February, 1910) Victoria still more advanced mining legislation exists; numerous sections are designed to ensure the well-being of the workers, such as limitation of hours, etc.

9. **Employers' Liability and Workmen's Compensation Acts.**—In each of the States the main provisions of the British *Employers' Liability Acts* have been enacted. Generally, they apply to all manual workers, though in Victoria miners, as coming under the Mines Acts, are excepted, and in South Australia and Western Australia domestic and menial workers are specifically included. The employers' liability exists in cases of defect of plant, etc., owing to negligence of employer or person in his service. Compensation is not allowed to exceed three years' earnings, and action against the employer is to be commenced within a reasonable time, notice of injury having previously been served. The provisions of the British *Workmen's Compensation Act* 1897 have also been copied in five of the States, Victoria being the exception. This legislation marks a distinct advance upon the Employers' Liability Acts. Its application is generally to

FEATURES OF ACTS IN FORCE IN AUSTRALIA, 1913.

SOUTH AUSTRALIA.	WESTERN AUSTRALIA.	TASMANIA.
Early Closing, 1911	No. 24 of 1902 No. 1 of 1904 No. 52 of 1904 No. 1 of 1912	As for factories Shops Closing 1911
...	56 hours per week	...
Boys and girls under 16, 52 hours	Boys under 16 & all females, 52 hours	Females and boys under 16, 52 hours
Boys and girls under 16, 9 hours (except 11 hours on 1 day)	Boys under 16 & all females, 9 hours (except 10½ hours on 1 day)	Females and boys under 16, 9 hours (except 12 hours on 1 day)
...	One hour interval between noon and 3 p.m. If open after 6.30 p.m., 1 hour for tea	Females and boys under 16, 5 hours
...		Females and boys under 16, ¾ hour
3 hours 40 days	3 hours 12 days per half-year	3 hours 40 days
4 days, 6 p.m.; 1 day, 9 p.m.; 1 day, 1 p.m.	4 days, 6 p.m.; 1 day, 9 p.m; 1 day, 1 p.m. (Opening hour not earlier than 8 a.m.)	4 days, 6 p.m.; 1 day, 10 p.m.; 1 day, 1 p.m.
Certain classes of shops	Shops such as hairdressers, newsagents, tobacconists, and those selling drugs and edibles	Small shops with no paid assistants
...	...	1 to 3 females

manual workers, though restriction is made in South Australia to those receiving less than £5 weekly, and in Tasmania the limit is £3, while miners are exempted from the operation of the Act in New South Wales, being provided for in the *Miners' Accident Relief Act* 1900. The liability of employers covers all cases of injury by accident during employment, and in South Australia it extends also to disablement by industrial diseases. In certain circumstances persons employed casually otherwise than for the purposes of the employer's trade or business are excluded. Misconduct of employee exonerates the employer. Notice of accident is to be sent to the employer without delay, and proceedings for compensation must be begun within a reasonable time. In New South Wales, Queensland, and Western Australia the matter is settled by a police magistrate; in South Australia the Arbitration Court makes the award. The minimum amount of compensation in case of death is three years' earnings, or £200 (except in Tasmania, where the amount is £100, and South Australia, where it is £150), whichever is greater, up to a maximum of £300 in South Australia, £200 in Tasmania, and £400 in the other three States concerned. In case of incapacity the minimum compensation is half wages up to £1 a week in New South Wales, Queensland, and South Australia, up to £1 10s. in Tasmania, and up to £2 in Western Australia; the maximum total payment is £400 in Queensland, £300 in South Australia and Western Australia; and £200 in New South Wales and Tasmania. Agreements made by consent, may, under the authority of an official prescribed in the Act, vary its provisions. A lump sum may be accepted in lieu of weekly compensation, and compensation cannot be assigned. The main difference in the provisions of the two sets of enactments is that under the Liability Acts the employee had to show neglect or defect; under the Compensation Acts the employer has to shew misconduct of worker.

10. **Other Acts.**—Other legislation regulating conditions of labour has been enacted by the States. The British *Conspiracy and Protection of Property Act* (38 and 39 Vic., c. 86) has been adopted. Servants' registry offices are placed under adminis-

trative control, and the rates of commission chargeable are fixed by regulation. Power is given to workmen to attach moneys due to a contractor who employs them in order to satisfy a claim for wages, such wages being made a first charge on moneys due to a contractor. Workmen are given a lien for wages over material whereon they are working, even if it becomes part of other property. This is in addition to the common law lien, which ceases when possession of the property is parted with. Workmen's wages are protected from attachment. In Victoria, provision is made for the compulsory resumption of suburban lands to provide workmen's homes.

11. **General Results of Industrial Legislation.**—The results of the Legislation described must be sought in the Reports of the Inspectors of Factories of the several States. Generally speaking, the perusal of these reports and of the reports of Royal Commissions which have inquired into the working of the Acts, affords satisfactory evidence that the Acts have, on the whole, effected their objects.

§ 3. Legislative Regulation of Wages and Terms of Contract.

1. **General.**—Two systems, based upon different principles, exist in Australia for the regulation of wages and general terms of contracts of employment. A "Wages Board" system exists in Victoria and Tasmania, and an Industrial Arbitration Court in Western Australia. In the industrial legislation of New South Wales, Queensland, and South Australia both systems are embodied, Industrial or Wages Boards, as well as Industrial Courts, being instituted. In Victoria, Wages Boards' decisions may be reviewed by the Court of Industrial Appeals. In New South Wales, Industrial Arbitration Acts of 1901 and 1905 instituted an Arbitration Court. This court expired on 30th June, 1908, having delivered its last judgment on the previous day. Wages Boards were substituted under the Industrial Disputes Act 1908, and subsequent years; while the Act of 1912 introduced the mixed system. There is also the Arbitration Court of the Commonwealth, which has power, however, to deal only with matters extending beyond the limits of a single State. New Zealand has an Arbitration Court for regulating wages.

The chief aims of the Wages Board system are to regulate hours, wages, and conditions of labour and employment, by the determination of a Board usually brought into existence for any specified industry or group of industries by petition or application. Under the Industrial Arbitration Court system an industry does not technically come under review until a dispute has actually arisen. Most of the Acts, however, have given the President of the Court power to summon a compulsory conference. The legislation of the two States (Victoria and Tasmania) where the Wages Board system is in vogue, contains no provision against strikes.

2. **Wages Boards.**—(i.) *Historical.* This system was introduced in Victoria by the Factories and Shops Act of 1896. The original Bill made provision only for the regulation of the wages of women and children, but was afterwards amended in Parliament to extend the system to adult operatives of both sexes.

The Act of 1896 made provision for the regulation of wages only in the clothing and furniture trades and the bread-making and butchering trades. By an Act of 1900 the operations of the Act were extended to include all persons employed either inside or outside a "factory" or "workroom"—see sec. 4, i. (*a*)—in any trade usually carried on therein. This section is now in the Act of 1912. The Act of 1907 extended the system to trades and businesses not connected in any way with factories, making provision for the appointment of Wages Boards for metropolitan shop employees, carters and drivers, persons employed in connection with buildings or quarrying, or the preparation of fire-

wood for sale or the distribution of wood, coke, or coal. The Act of 1909 extended the system to the mining industry, and those of 1910 extended the operation of the Acts to shires.

The regulation is effected by a Board, called a Special Board, to distinguish it from the Board of Health. Boards for the regulation of wages in the trades specified in the Act of 1896 are appointed as a matter of course, and by the Executive other Boards are appointed only if a resolution for appointment be passed by both Houses of Parliament. Originally the Board was elected in the first instance, but the difficulty of compiling electoral rolls led to the adoption of the system of nomination, which has proved satisfactory. Beneficial results have followed from the institution of the system, conditions of female labour especially being improved. It is also claimed that sweating has been abolished.

The Board fixes the wages and hours of work and may limit the number of "improvers" to be employed (usually by prescribing so many to each journeyman employed). The Board fixes the wages of apprentices and improvers according to age, sex, and experience, and may fix a graduated scale of rates calculated on the same basis. Apprentices bound for less than three years are improvers, unless the Minister sanctions the shorter period of apprenticeship on account of previous experience in the trade. The Minister may sanction the employment of an improver over twenty-one years of age at a rate proportionate to his experience. Outworkers in the clothing trade must be paid piece rates. Manufacturers may, by leave of the Board, fix their own piece rates, if calculated upon the average wages of time workers as fixed by the Board.

Licenses for twelve months to work at a fixed rate lower than the minimum rate may be granted by the Chief Inspector of Factories to persons unable to obtain employment by reason of age, slowness, or infirmity. Licenses are renewable.

Penalties are fixed for the direct or indirect contravention of determinations, the obedience to which is ascertained by examination of the records of wages, etc.

A Court of Appeal has power to review determinations of the Boards.

The Acts fix an absolute weekly minimum wage, and the evasion of this provision (such as had occurred regarding females employed in the clothing trade), by charging an apprenticeship premium, is prevented by the prohibition of all such premiums. Until the Minimum Wage Act of 1908 began to operate, this absolute minimum provision did not exist in New South Wales. The Act of 1912 of this State combines the Wages Board and Arbitration Court systems.

South Australia enacted the Wages Board system in 1900, 1904, and 1906, but the first-mentioned Act was rendered inoperative owing to the disallowance by Parliament of the regulations necessary for carrying it into effect. The Act of 1904 revived the Wages Board system respecting women and children employed in clothing and white-work trades. The action of this statute was paralysed by a decision, the effect of which was to prevent the fixing of a graduated scale of wages as is done by the Victorian Boards. The necessity for some protection to the persons intended to be benefited by these statutes was urged in the annual reports of the Chief Inspector of Factories, but, until 1906, without effect. Many employers, however, voluntarily complied with the Board's determinations, though these were without legal force. The system was brought into full operation by the Act of 1906, which preceded the Victorian Act of 1907, in extending the system to other than factory trades, and was of a wider scope than the Victorian Act.

The system has also been in operation in New South Wales and Queensland, and came into operation in Tasmania during 1911. In Western Australia the object is attained under the Arbitration Court system.

In Queensland, the Wages Boards Acts were repealed in 1912, and replaced by the Industrial Peace Act, which, while embodying the principal provisions of the Wages Boards Acts, contains provisions for the establishment of an Industrial Court for appeals, and also provides against lockouts and strikes. Under this Act all Boards established under the repealed Acts continue in existence, and their determinations are recognised as awards under the new Act.

It is claimed that the introduction of the Wages Board system affording protection from unfair competition to employers, and the assurance of fair wages to employees, has led to improvement in working conditions, and that the appreciation of the workers is evidenced by the number of applications for the granting of Boards.

(ii.) *Mode of Constitution.* The following statement is taken from the Report of the Chief Inspector of Factories, Victoria, for 1911. The other States, in establishing their systems, adopted, in the main, that in vogue in Victoria.

"Before a Special Board is constituted, it is necessary that a resolution in favour of such a course should be carried in both Houses of the Legislature. It is usual for the Minister administering the Factories Act to move that such a resolution should be passed. He may be induced to adopt such a course by representations made either by employers or employees, or both, or by the reports of the officers of the Department. The reason alleged by employers for desiring a Board is usually unfair competition; those alleged by employees are low wages and the excessive employment of juvenile labour. If the Minister is satisfied that a case has been made out, he moves the necessary resolution in Parliament, and when such resolution has been carried, an Order-in-Council is passed constituting the Board. Once a resolution has been passed or a Board appointed, the Minister, through the Governor-in-Council, has full power to group or divide trades, to adjust the powers of different Boards by taking from one and adding to another, to define the parts of the State over which any determination shall operate, and generally to administer so as to secure the greatest measure of benefit. The Order constituting the Board indicates the number of members. The number of members must not be less than four nor more than ten. The Minister then invites, in the daily press, nominations for the requisite number of representatives of employers and employees. These representatives must be, or have been, employers or employees, as the case may be, actually engaged in the trade to be affected. The full names and addresses of persons willing to act should be sent in with particulars as to their connection with the trade during the three years last past. Where there are associations of employers or employees, more than the necessary number of nominations are often received. In such case, the Minister selects from the persons whose names are sent in, the necessary number to make up a full Board. The names of persons so nominated by the Minister are published in the *Government Gazette*, and unless within twenty-one days, one fifth of the employers, or one-fifth of the employees, as the case may be, forward a notice in writing to the Minister that they object to such nominations, the persons so nominated are appointed members of the Board by the Governor-in-Council. If one-fifth of the employers or employees object to the persons nominated by the Minister—and they must object to all the nominations, and not to individuals—an election is held. The Chief Inspector conducts such elections, the voting is by post, the ballot papers being forwarded to each elector. Within a few days of their appointment, the members are invited to meet in a room at the office of the Chief Inspector of Factories, and a person (always a Government officer, and usually an officer of the Chief Inspector's department) is appointed to act as secretary. The members must nominate a chairman within fourteen days of the date of their appointment, but if they cannot agree to a chairman, he is appointed by the Governor-in-Council. The times of meeting, the mode of carrying on business, and all procedure, are entirely in the hands of the Board, whose powers are defined in the Factories Acts. Vacancies in Special Boards are filled on the nomination of the Minister without any possibility of either employer or employee objecting. The result of the labours of a Board is called a 'Determination,' and each item of such determination must be carried

by a majority of the Board. The chairman is a member of the Board. His function is usually confined to conducting the proceedings. He does not exercise his vote except in cases where the Board is equally divided, when his casting vote determines the question at issue. When a determination has been finally made, it must be signed by the chairman, and forwarded to the Minister of Labour. The Board fixes a date on which the determination should come into force, but this date cannot be within thirty days of the last fixing of a price or rate of pay. If the Minister is satisfied that the determination is in form, and can be enforced, it is duly gazetted. In the event of the Minister considering that any determination may cause injury to trade, or injustice in any way whatever, he may suspend same for any period, not exceeding six months, and the Board is then required to re-consider the determination. If the Board does not make any alteration, and is satisfied that the fears are groundless, the suspension may be removed by notice in the *Gazette*. Provision is made by which either employers or employees may appeal to the Court of Industrial Appeals against any determination of a Board. This Court consists of any one of the judges of the Supreme Court, sitting alone, and the judges arrange which of them shall for the time being constitute the Court. An appeal may be lodged (*a*) by a majority of the representatives of the employers on the Special Board; (*b*) a majority of the representatives of employees on the Special Board; (*c*) any employer or group of employers, who employ not less than 25 per cent. of the total number of workers in the trade to be affected; or, (*d*) 25 per cent. of the workers in any trade. The Court has all the powers of a Special Board, and may alter or amend the determination in any way it thinks fit. The decision of the Court is final, and cannot be altered by the Board, except with the permission of the Court, but the Court may, at any time, review its own decision. The Minister has power to refer any determination of a Board to the Court for its consideration, it he thinks fit, without appeal by either employer or employee. The decision of the Court is gazetted in the same way as the determination of the Board, and comes into force at any date the Court may fix. The determinations of the Board and the Court are enforced by the Factories and Shops Department, and severe penalties are provided for breaches of determinations. No prosecution for any offence against any of the Factories Acts, or for any breach of any determination can be brought except through the Department."

(iii.) *Special Minimum Wage Provisions.* At the end of 1908 the Minimum Wage Act was passed in New South Wales. Its provisions are now incorporated in the Industrial Arbitration Act 1912. A summary of the provisions of the enactment, and a statement of some of the ills it was intended to meet, as set out in the departmental reports, serve as an indication of the general trend of public feeling throughout the Commonwealth in regard to the payment of a satisfactory wage to employees. The Act provided for a weekly wage of not less than four shillings to all persons coming within the definition of "workman" or "shop assistant." That such a measure was necessary was evidenced by the fact that in the workrooms in the Sydney district no less than 514 girls, whose ages ranged from 13 to 21 years, were, at the end of 1908, in receipt of less than four shillings per week, and in the Newcastle district there were 272 girls employed in the dressmaking and millinery workrooms receiving less than four shillings a week, the majority being paid no wages at all for their services. The Act provided that for shop assistants a minimum rate of threepence per hour or portion of an hour was to be paid when overtime was worked at intervals of not more than one month, and a sum of not less than sixpence as tea-money was to be paid on the day the overtime was worked. The payment by employees, or on their behalf, in the clothing and wearing apparel Trades, of a premium or bonus was prohibited. The system of so-called apprenticeship without payment originally carried with it the recognition of an obligation to teach the trade, especially in the dressmaking and millinery industry. This aspect of the case had, to a very great extent, been forgotten in the large workrooms, the training received for some time being more that of general discipline than of a technical character. With a minimum wage of four shillings, an employer would find it worth while to teach the employees, so as to bring in a return for the outlay as speedily as possible, and

discharges of partially-trained workers would be less frequent. The trades would be improved by the weeding out of those who failed to show reasonable aptitude for their work.

3. **The Arbitration Court System.**—(i.) *Acts in Force.* The following is a general account of the main features of the Compulsory Arbitration laws of Australia. A few important divergencies between the Acts are noted.

The Acts in force in the States at the close of the year 1912 are set out on page 1018 *supra.* In addition, the Commonwealth Statute Book contains the Commonwealth Conciliation and Arbitration Acts 1904-11.

(ii.) *Significance of Acts.* In Victoria in 1891, and in New South Wales in 1892, Acts were passed providing for the appointment of Boards of Conciliation, to which application might be made voluntarily by the contending parties. The awards of the Boards had not any binding force. Boards were applied for on but few occasions, their lack of power to enforce awards rendering them useless for the settlement of disputes.

The first Australian Act whereby one party could be summoned before, and, presumably, made subject as in proceedings of an ordinary court of law to the order of a court, was the South Australian Act of 1894. Its principles have been largely followed in other States, but it proved abortive in operation in its own State, and in many respects was superseded by the Wages Board system. Western Australia passed an Act in 1900, repealed and re-enacted with amendments in 1902 and 1909, the whole being consolidated in the Industrial Arbitration Act of 1912. The Court system was adopted in New South Wales in 1901, and various changes having been subsequently introduced, a consolidation was made in 1912. Queensland introduced the system under the Industrial Peace Act of 1912. The Commonwealth principal Act, passed in 1904, applies only to industrial disputes extending beyond the limits of a single State. In Western Australia a Court of Arbitration is constituted under the presidency of a Judge of the Supreme Court.

(iii.) *Industrial Unions.* The Arbitration Act, framed to encourage a system of collective bargaining, to facilitate applications to the court, and to assure to the worker such benefits as may be derived from organisation, virtually creates the Industrial Union. This, except in New South Wales and Western Australia, has been quite distinct from the trades union; it is not a voluntary association, but rather an organisation necessary for the administration of the law. The New South Wales Act of 1901 required all trade associations to register as "industrial unions," prescribing the separation of industrial and benefit funds, and enforcing strict and proper management, the industrial funds being available in payment of penalties incurred for breaches of the Arbitration Act. Industrial unions (or "organisations" as they are styled in the Commonwealth Act) may be formed by employers or employees. They must be registered, and must file annual returns of membership and funds. Before unions of employers are registered, there must be in their employment a minimum number of employees. In New South Wales and Western Australia the minimum is 50; under the Commonwealth Act, 100. Unions of employees must, in Western Australia, have a membership of 15; by the Commonwealth Act a membership of 100 is required. The union rules must contain provisions for the direction of business, and, in particular, for regulating the method of making applications or agreements authorised by the Acts. In Western Australia rules must be inserted prohibiting the election to the union of men who are not employers or workers in the trade, and the use of union funds for the support of strikes and lockouts; a rule must also be inserted requiring the unions to make use of the Act.

(iv.) *Industrial Agreements.* Employers and employees may settle disputes and conditions of labour by industrial agreements, which are registered and have the force of

awards. They are enforceable against the parties and such other organisations and persons as signify their intention to be bound by an agreement.

(v.) *Powers of Court.* Failing agreement, disputes are settled by reference to the court. In the Commonwealth this consists of a Judge of the High Court. The Court may (and on the application of an original party to the dispute must) appoint two assessors at any stage of the dispute. In the States the president of the tribunal (usually a Judge of the Supreme Court) is assisted by members (the number varying under the various Acts) chosen by and appointed to represent the employers and employees respectively.

Cases are brought before the court either by employers or employees. The consent of a majority of a union voting at a specially summoned meeting is necessary to the institution of a case; the Commonwealth Act requires the certificate of the registrar that it is a proper case for consideration.

The powers of the court are both numerous and varied; it hears and makes awards upon all matters concerning employers and employees. The breadth of its jurisdiction may be gathered from the Commonwealth definition of "industrial matters," viz., "all matters relating to work, pay, wages, reward, hours, privileges, rights, or duties of employers or employees, or the mode, terms, and conditions of employment or non-employment; and in particular, but without limiting the general scope of this definition, the term includes all matters pertaining to the relations of employers and employees, and the employment, preferential employment, dismissal or non-employment of any particular persons, or of persons of any particular sex or age, or being or not being members of any organisation, association, or body; and any claim arising under an industrial agreement; and all questions of what is fair and right in relation to any industrial matter having regard to the interests of persons immediately concerned, and of society as a whole."

The object of the court is to endeavour to prevent and settle industrial disputes; and when they have occurred to reconcile the parties. The court may fix and enforce penalties for breaches of awards, restrain contraventions of the Acts, and exercise all the usual powers of a court of law. The High Court has declared that the power of the Commonwealth Arbitration Court to make a common rule, *i.e.*, an extension of award in a particular case to cover the whole industry affected by the proceedings, is *ultra vires* of the constitution.[1]

The Commonwealth court may prescribe a minimum rate of wage; it may also, as regards employment, direct that preference of employment or service shall be given to members of unions. An opportunity is offered for objection to a preference order, and the court must be satisfied that preference is desired by a majority of the persons affected by the award who have interests in common with the applicants.

The Commonwealth Court is to bring about an amicable agreement, if possible to conciliate and not to arbitrate, and such agreement may be made an award. In order to prevent a matter coming into dispute the president of the Commonwealth Arbitration Court may convene a compulsory conference under his own presidency. Attendance of persons summoned to attend is compulsory. Provision is made in the recent Act, whereby, if there is no settlement arrived at in the conference, the president may refer the matter to the court and then arbitrate on it.

There are four ways in which a matter may be brought before the court—

(*a*) By the registrar certifying that it is a dispute proper to be dealt with by the court in the public interest.

(*b*) By the parties, or one of them, submitting the dispute to the court by plaint in the prescribed manner.

(*c*) By a State Industrial Authority, or the Governor-in-Council of a State in which there is no such authority, requesting the court to adjudicate.

(*d*) By the president referring to the court a dispute as to which he has held a conference without an agreement being reached.

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1. The King *v.* The Commonwealth Court *ex parte* Whybrow. (2 C.L.R., vol. 2, p. 1.)

All parties represented are bound by the award, and also all parties within the ambit of a common rule. The court possesses full powers for enforcement of awards.

States have included their railway and tramway employees, and also the employees of certain other public bodies under the Acts; the section of the Commonwealth Act giving the Commonwealth Court power over state employees has been declared unconstitutional by the High Court.[1]

(vi.) *Repression of Strikes and Lockouts.* The first instance of a strike on a large scale in Australia occurred in 1890 and 1891, when the industrial upheavals assumed far-reaching proportions. As a result of differences between pastoralists and shearers, the labour unions called out the maritime workers. Industry was paralysed by the cessation of the sea-borne coal trade. Communications were held up, and commercial activity suspended. The chief results of the strike were indirect. It was seen that peaceful methods of adjusting disputes were more conducive to the welfare of the community generally, than the suicidal methods of strike and lockout. The unions therefore turned to legislation as an effectual means of improving labour conditions. It was hoped that open hostility to the economic system might be prevented by State regulation. A general desire was shewn for recognition of conciliation and arbitration, voluntary where possible, but compulsory, through national tribunals and under legal authority, where necessary.

Accordingly, industrial legislation aims at preventing strikes and lockouts in relation to industrial disputes, other means of settlement being provided. Such is the declared object of the Commonwealth Acts. It is decreed that no person or organisation shall, on account of any industrial dispute, do anything in the nature of a strike or lockout, or continue any strike or lockout, under a penalty of £1000.

Strikes, however, have not altogether ceased, even in those States where legislation, by stringent enactment, forbids them. It has been noted that strikes of late have occurred chiefly amongst coal miners and certain unions representing unskilled labourers. The prohibiting clauses have not always been enforced by the executive. But in several instances indictment has followed attempts to bring about or to prolong a strike, and fines and imprisonment have been awarded. A decision of the Arbitration Court, ordering the Newcastle coal trimmers to return to work, was upset by the Supreme Court of New South Wales, on the ground that the Arbitration Court had no power to make men work if they did not wish to do so.

Neither Wages Boards nor Arbitration Courts have altogether abolished strikes, but it is believed that, by the provision of a properly-constituted legal tribunal for the settlement of matters in dispute, industrial unrest will be checked.

(vii.) *Miscellaneous.* Protection is afforded to officers and members of unions against dismissal merely on account of such officership or membership, or on account of their being entitled to the benefit of an award.

It has been settled by the High Court that an Arbitration Court cannot direct—

(*a*) That non-unionists seeking employment shall, as a condition of obtaining it, agree to join a union within a specified time after engagement;

(*b*) That an employer requiring labour shall, *ceteris paribus*, notify the secretary of the employees' union of the labour required.[2]

4. **Comparative Statement of Tribunals for Regulating Wages in Australia and New Zealand.**—The table on pages 1038 and 1039 shews at a glance the Acts which operate in fixing wages, the constitution and function of tribunals enacted under them, and the effect and extent of the tribunals' decisions. It will be seen that in all the States there is machinery for the regulation of wages.

1. Federated Amalgamated Railway, etc., Employees *v.* N.S.W. Railway, etc., Employees. (4 C.L.R. 488).

2. Trolly, etc., Union of Sydney and Suburbs *v.* Master Carriers' Association of New South Wales. (2 C.L.R. 509.)

5. **Movement Towards Uniformity.**—The wide difference between the development in the several States of the Commonwealth of the regulation by State institutions of the remuneration and conditions of the workers, has given rise to a desire on the part of the Commonwealth Government to secure uniformity throughout Australia by any suitable and constitutional action on the part of the Commonwealth. The provisions of States wages laws vary considerably. In New South Wales, Victoria, and Western Australia, considerable experience has been gained of their working. The system is newer in South Australia, Queensland, and Tasmania. The desirability of uniformity has, as already mentioned, been recognised by the New South Wales Arbitration Court, which refused the Bootmakers' Union an award which would increase the wages of its members to amounts exceeding those paid in Victoria in the same trade, the express ground of the refusal being that New South Wales manufacturers would be handicapped by the payment of a higher rate of wage than that prevailing in Victoria.

6. **Constitution Alteration Proposals.**—Two proposed laws for the alteration of the constitutional powers of the Commonwealth in regard to industries and businesses were submitted to the people for acceptance or rejection on the 26th April, 1911. The first law proposed to amend section 51 of the Constitution Act (see pp. 24 and 25 hereinbefore) so as to give the Commonwealth Government increased powers to deal with (*a*) trade and commerce, (*b*) corporations, (*c*) industrial matters, and (*d*) trusts and monopolies. The second law proposed to insert after section 51 of the Constitution Act, a section empowering the Commonwealth Government to make laws with respect to monopolies. Neither of the proposals was approved by the people. Fuller particulars are given on page 24 of this book. At the general elections, to be held on 31st May, 1913, these and other matters are again to be submitted by referendum. (See Appendix.)

7. **The "New Protection."**—The opinion has been expressed that a manufacturer who benefits by the Commonwealth protective tariff should charge a reasonable price for the goods which he manufactures, and should institute a fair and reasonable rate of wage and conditions of labour for his workmen.

The above view is known as the "New Protection," a phrase which, though novel, is already firmly established in Australian economic discussions. The outcome has been the enactment of new laws, designed for the benefit of the workers, and for controlling monopolies and trusts which would otherwise exploit the necessaries of life.

By the Customs Tariff 1906, increased duties were imposed upon certain classes of agricultural machinery, notably the "stripper-harvester," a machine invented in Australia, which has, to a great extent, replaced the "reaper and binder and thrashing machine" in the harvesting of wheat. By the same Act it was enacted that the machines scheduled should not be sold at a higher cash price than was thereby fixed, and that if that price should be exceeded, the Commonwealth Executive should have power, by reducing the customs duties imposed by the Act, to withdraw the tariff protection.

By the Excise Tariff Act 1906 (No. 16 of 1906), an excise of one-half the duty payable upon imported agricultural machinery was imposed upon similar machinery manufactured in Australia. But it was provided that the latter should be exempt from excise if the manufacturer thereof complied with the following condition, namely, that the goods be manufactured under conditions as to the remuneration of labour, which—

(*a*) Are declared by resolution of both Houses of the Commonwealth Parliament to be fair and reasonable ;

(*b*) Are in accordance with the terms of an industrial award under the Commonwealth Conciliation and Arbitration Act 1904 ;

(c) Are in accordance with the terms of an industrial agreement filed under the last-mentioned Act ;

(*d*) Are, on an application made for the purpose to the President of the Court, declared to be fair and reasonable by him or by a judge of a State Court or a State industrial authority to whom he may refer the matter.

TRIBUNALS FOR THE REGULATION OF WAGES

Particulars.	NEW SOUTH WALES.	VICTORIA.	QUEENSLAND.
Name of Acts	Industrial Arbitration Act 1912	Factories and Shops Act 1912	Industrial Peace Act 1912
Nature of Tribunals	Court of Industrial Arbitration. Industrial Boards	Court of Industrial Appeals. Wages Boards	Industrial Court. Industrial Boards
How Tribunals are brought into existence	Industrial Court (Judge) constituted by Act. Industrial Boards by the Minister on recommendation of Industrial Court.	Court constituted by Acts. Wages Boards by Governor-in-Council on resolution of Parliament	Industrial Court constituted by the Act. Industrial Boards, by Governor-in-Council on recommendation of Court
Scope of Acts	To industrial groups named in Schedule to Act, and those added by Proclamation. Includes Government servants	To any process, trade, business, or occupation specified in a resolution. Government servants are not included	To callings specified in Schedule to Act, and to those added by Governor-in-Council
How a trade is brought under review	Reference by Court or Minister, or by application to the Board by employers or employees	Usually by petition to Minister	By petitions and representations to Industrial Registrar
President or Chairman of Tribunal	Appointed by Minister on recommendation of Court.	Appointed by Governor-in-Council on nomination of Board, or failing that on nomination by Minister	Any person elected by Board. If none elected, appointment is by the Governor-in-Council on recommendation of Court
No. of members of Tribunal	Chairman, and 2 or 4 other members	Not exceeding 11 (including chairman)	Not less than 5 nor more than 13 (including chairman)
How ordinary members are appointed	Appointed by Minister on recommendation of Industrial Court	Nominated by Minister. But if one-fifth of employers or employees object, representatives are elected by them	By employers and employees respectively
Decisions — how enforced	By Registrar, Industrial Magistrate and Inspectors	By Factories Department in Courts of Petty Sessions	By Inspectors of Factories and Shops, Department of Labour
Duration of decision	For period fixed by Tribunal, but not more than 3 years.	Until altered by Board or Court of Industrial Appeals	12 months and thereafter, until altered by Board or Court
Appeal against decision	To Industrial Court against decision of Boards	To the Court of Industrial Appeals	To Industrial Court
If suspension of decision possible pending appeal	No	Yes; for not more than 12 months	Yes; for not more than 3 months
Can preference to unionists be declared?	Yes	No	No
Provision against strikes and lockouts	Strikes, penalty £50 and preference to unionists cancelled. Lockouts, penalty £1000.	None	Strikes £50, lockouts £1000, unless notice of intention given to Registrar and secret ballot taken in favor. In the case of public utilities, compulsory conference also must have proved abortive
Special provisions for Conciliation	Special Commissioner. 3 Conciliation Committees for colliery districts. Registered agreements	None	Compulsory Conference. Registered Agreements

IN TRADES IN AUSTRALIA,* 1913.

SOUTH AUSTRALIA.	WESTERN AUSTRALIA.	TASMANIA.	COMMONWEALTH.
The Factories Acts 1907, 1908, and 1910. Industrial Arbitration Act 1912	Industrial Arbitration Act 1912	Wages Boards Acts 1910 and 1911	Conciliation and Arbitration Act 1904-11.
Industrial Court. Wages Boards	Arbitration Court	Unlimited	Court of Conciliation and Arbitration.
Court constituted by Act of 1912. Wages Boards by the Governor-in-Council	Constituted by the Act	For the clothing trade, by the Act; for other trades, by a resolution of Parliament	Court constituted by the Act
To processes, trades, &c., specified in Act, and such others as may be authorised by Parliament	All industrial occupations	All trades, or groups or parts thereof	Industrial disputes extending beyond limits of any one State or in Federal Capital or Northern Territories
Court—matters or disputes submitted by Minister, Registrar, employers or employees, or by report of Wages Board. Wages Boards by petitions, &c.	Industrial disputes referred by President or by an Industrial Union or Association	By application of parties	Industrial disputes either certified by Registrar, submitted by organisation, referred by a State Industrial authority or by President after holding abortive Compulsory Conference
Court—President. Wages Board, appointed by Governor *on nomination of* Board, or failing nomination a Stipendiary Magistrate	A Judge of the Supreme Court	Any person elected by the Board. If none elected, appointment by the Governor-in-Council	President
Court, President only. Wages Board, not less than 5 nor more than 11 (inclusive of chairman)	Three, including president	Chairman, and not less than four nor more than ten	President only
By Governor on nomination of employers and employees respectively	Appointed by Governor, President directly, and one each on recommendation of unions of employers and workers respectively	By Governor-in-Council on nomination by employers and employees	President appointed by Governor-General from Justices of High Court
By Factories Department	By Arbitration Court on complaint of any party to the award or Registrar or an Industrial Inspector	By Factories Department	By proceedings instituted by Registrar, or by any organisation affected, or a member thereof
Until altered by Board or by order of Industrial Court	For period fixed by Court, not exceeding 3 years, or for 1 year and thenceforward from year to year until 30 days' notice given	Until altered by Board.	For period fixed by award not exceeding 5 years
Industrial Court	No appeal except against imprisonment or a fine exceeding £20	To Supreme Court	No appeal. Case may be stated by President for opinion of High Court
Yes	No suspension. Court has power to revise an award after the expiration of 12 months from its date	Yes	No appeal
No	No	No	Yes; ordinarily optional, but mandatory if in opinion of Court preference is necessary for maintenance of industrial peace or welfare of society
Penalty £500, or imprisonment 3 months	Employer or Industrial Union, £100; other cases, £10.	None	Penalty, £1000.
Compulsory Conference. Industrial Court. Registered agreements	Compulsory Conference. Registered agreements.	None	Compulsory Conference. Court may temporarily refer to Conciliation Committee. Registered agreements

* New Zealand.—Owing to considerations of space, information regarding New Zealand has been omitted from this issue. Details up to the end of 1910 will be found in Year Book No. 5, p. 1065.

By the Excise Tariff Act 1906 (No. 20 of 1906), excise duties are imposed in respect of spirits, and it is provided that if any distiller (i.) does not, after the Act has been passed a year, pay his employees a fair and reasonable rate of wages per week of forty-eight hours or (ii.) employs more than a due proportion of boys to men engaged in the industry, the Executive may on the advice of Parliament impose an additional duty of one shilling per gallon on spirits distilled by that distiller.

Exemptions have been claimed by the manufacturers of agricultural machinery in South Australia, New South Wales, Victoria, and Tasmania. These were granted in the two first-mentioned States in consequence of an agreement entered into between the employers and employees. In Victoria, "this whole controversial problem with its grave social and economic bearings" (to quote the words of the President of the Court) was discussed in a lengthy case upon the application for exemption by Victorian manufacturers, now widely known as the "Harvester Case," and in the report of that case may be found the legal interpretation of the Acts under consideration. The exemptions claimed were refused, and the court after discussing the meaning of the words "fair and reasonable" defined them by laying down what it considered to be a scale of fair and reasonable wages.

The High Court has pronounced that the legislation under these Excise Acts is unconstitutional as being an extension of Federal action beyond the powers granted, and a usurpation of the ground reserved to the States. It may be noted that the rejected measures were enacted with the consent of all parties in Parliament, having been placed upon the Statute Book whilst the Liberal party was in power, the Labour representatives strongly supporting the proposals.

8. **Bounties.**—The Bounties Act 1907, the Manufactures Encouragement Act 1908, and the Shale Oil Bounties Act 1910 make provision for the encouragement of certain Australian industries by the payment to producers of certain moneys allotted by the Act upon the production of the commodities specified. The Acts also provide for the refusal or reduction of a bounty, if the production of a commodity is not accompanied by the payment to the workers employed in that production of a fair and reasonable rate of wage. The amounts paid in bounties during 1911-12 were:—

COMMONWEALTH BOUNTIES PAID (EXCLUDING SUGAR), 1911-12.

Cotton.	Flax and Hemp.	Sisal Hemp.	Preserved Fish.	Tobacco Leaf.	Cotton Seed for Manufacture of Oil.	Coffee, Raw.	Fruits, Dried.	Combed Wool or Tops Exported.	Iron Manufactures etc.*	Wire Netting.*	Kerosene.†	Refined Paraffin Wax.†	Total.
£	£	£	£	£	£	£	£	£	£	£	£	£	£
137	480	18	168	78	...	68	1,734	16,898	17,079	5,968	2,629	739	45,996

* Paid under the Manufactures Encouragement Act 1908. † Paid under the Shale Oil Bounties Act 1910.

The provision of bounties for sugar-growers is dealt with on page 394 *supra*. The present operative Act is the Sugar Bounty Act 1910, in the terms of which the grower receives bounty according to his production of sugar-cane and beet grown by white labour. The bounties and expenses for the last eight years were:—

SUGAR BOUNTIES EXPENSES, 1904-5 to 1911-12.

Year.	1904-5.	1905-6.	1906-7.	1907-8.	1908-9.	1909-10.	1910-11.	1911-12.
	£	£	£	£	£	£	£	£
Bounties ...	121,408	148,106	328,210	577,148	477,090	402,132	630,762*	543,503†
Expenses ...	6,770	6,603	7,706	7,474	6,616	5,645	6,862	‡
Total ...	128,178	154,709	335,916	584,622	483,706	407,777	637,624	‡

* Including sugar beet, £554. † Including sugar beet, £2244. ‡ Not available.

§ 4. Operation of the Wage-regulating Laws.

1. **Awards and Determinations of Industrial and Wages Boards.**—The grounds usually alleged by the employers in seeking awards or determinations are that their business is hampered by "unfair" competitors, who pay only a sweating wage; employees allege that they are sweated, or are entitled to an increase in their wages by reason of the prosperity of the trade in which they are engaged, or increase in the cost of living.

In New South Wales there were in December, 1912, 157 Industrial Boards in existence. Awards of Boards and of the Court numbered 339, of which 90 were awards of Industrial Boards varying previous awards, 53 were awards of the Court varying previous awards. and the remaining 196 were original awards of the Court and Boards.

In Victoria there were in June, 1912, 111 Wages Boards affecting 130,000 employees. 90 determinations of Boards were in force. Since the date named the remaining Boards, with the exception of two, have met for the purpose of fixing wages, hours, etc.

The Court of Appeal in Victoria has heard nine Appeals from determinations of Wages Boards. In one case the decision was upheld; in seven cases decisions were reversed or amended; in one case the Board, unable to come to a determination, referred the matter to the Court, which exercised its power of fixing a proper wage where the average wage paid by employers did not afford a living wage. The Court also heard an appeal for a modification of its determination with respect to a trade, and decided to modify such determination by reducing the working hours and increasing the wages in certain cases.

The number of Wages Boards appointed in Queensland since the Acts came into force was, in June, 1912, 71. The employees affected numbered upwards of 30,000. In 65 cases determinations were in force. Under the Industrial Peace Act, 1912, all Boards established continue in existence, and their determinations are recognised. On 31st March, 1913, 75 Industrial Boards were in existence, and several others were in process of formation. In South Australia there were, at the end of 1912, 56 trades under Boards, with about 25,000 employees. Forty-nine determinations were in force. The Wages Board system was inaugurated in Tasmania in 1911. Up to 30th June, 1912, resolutions authorising the appointment of 19 Boards were carried in Parliament, and 11 Boards had made determinations. Four other Boards had commenced work, but had not issued their determinations.

It is stated that the determinations are well observed, and prosecutions for breaches are few, misunderstandings being usually responsible. Where there is no evident intention to evade the determination, rectification can be made on the inspector calling attention to the breach, and the employers usually comply at once with the inspector's requirements. Further action is then deemed unnecessary.

2. **Effect of Acts.**—The question whether the operation of the Acts has bettered the monetary position of the operative may be answered in the affirmative. Starting from the lowest point, the provision of an absolute minimum wage per week has stopped one form of gross sweating. Another case is that of the "white-workers" and dressmakers; with these the lowest grade was the "outworkers," who were pieceworkers. In some branches of the Victorian trade, in 1897, the wages paid to outworkers for all classes of certain goods were only from one-third to one-half the wages paid in the factories for low-class production of the same line of stuff. By working very long hours the outworker could earn ten shillings per week. The average wage of females in the clothing trade in 1897 was ten shillings and tenpence per week; there were, however, in that year 4164 females receiving less than one pound per week, and their average was eight shillings and eightpence. It was almost a revolution when a minimum wage of sixteen shillings per week of forty-eight hours was fixed by the Board, when pieceworkers' rates were fixed to ensure a similar minimum, and when outworkers were placed on the level of pieceworkers. Many employers refused to continue to give outwork and took the workers into the factories on time work. The sanitary conditions

required were far more healthy than could exist in the poorer class of dwellings. The evidence of reports from other States discloses similar facts.

3. **Change of Rate of Wage.**—The following table shews the change of affairs in Victoria in these trades:—

VICTORIA.—WAGES OF FEMALES IN CLOTHING TRADES, 1897 to 1911.

Year.	Class.	Females Employed in the Dress, Mantle, and Underclothing Trade.		Females Employed in the Shirt Trade.	
		Number.	Average Wage.	Number.	Average Wage.
			£ s. d.		£ s. d.
1897	16 yrs. and over receiving under £1 per wk.	4,164	0 8 8	435	0 12 3
	" " £1 and over ...	593	1 9 1	144	1 3 10

	Females Employed in ...	Dress and Mantle Trade.		Shirt Trade.		Underclothing Trade	
		Number.	Average Wage.	Number.	Average Wage.	Number.	Average Wage.
			s. d.		s. d.		s. d.
1911	Females at minimum wage and over ...	3,490	25 11	318	23 8	826	23 8
	Pieceworkers	73	20 10	883	21 2	185	19 9

The above trades, the sweating in which has been world-wide, are taken as examples, and corresponding results may be obtained in any State, according as there has or has not been a regulative law. In Tasmania, where no such law was in operation till 1911, the scale of wages may be gathered from the fact that in clothing factories females of three to five years' service, and of twenty to twenty-six years of age, received twelve shillings per week.

§ 5. Operation of the Arbitration Acts.

1. **New South Wales and Western Australia.**—In New South Wales eighty-six agreements were registered under the Industrial Arbitration Act 1901, and two under the Industrial Disputes Act 1908. These affected 1157 employers and nearly 38,000 employees. In Western Australia forty-two agreements were filed up to the end of 1908; twelve in 1909, thirteen in 1910 and twenty-three in 1911, making a total of ninety. The courts have been kept extremely busy. In New South Wales, up to the end of 1908, 252 industrial disputes were filed, 130 awards were made, and the balance of the disputes were settled, withdrawn, or, for some other reason, removed from the list. Fifteen industrial agreements were made "common rules," but these are ineffective in consequence of a legal decision. Fifty-five awards have been made "common rules." There have also been 648 summonses for breaches of awards. In Western Australia 319 industrial cases were, up to the end of 1911, determined; and ninety industrial agreements were made and filed. In 1912, twenty-one industrial cases were determined, making the total up to 340, and 37 industrial agreements were filed, the total on 31st December, 1912, being 127. The Industrial Disputes Act of New South Wales proved far more speedy in its remedial effects than did the Arbitration Acts. During recent years the industrial relations in several important industries have been regulated by Industrial Agreements, thus avoiding the necessity of having recourse to the Court of Arbitration.

§ 6. Other Commonwealth Legislation affecting Labour.

1. **Constitutional Power.**—By sec. 51 of the Commonwealth of Australia Constitution Act, power is conferred upon the Parliament of the Commonwealth to make laws respecting, *inter alia*—

(xix.) Naturalisation and aliens.
(xxiii.) Invalid and old-age pensions.
(xxvii.) Immigration and emigration.
(xxxv.) Conciliation and arbitration for the prevention and settlement of industrial disputes extending beyond the limits of any one State.

2. **Legislation.**—(i.) *Old-age Pensions Act.* A special appropriation was made by Parliament (Act No. 18 of 1908), whereby an Invalid and Old-age Pensions Fund was created; the payment of pensions was enacted by another statute (No. 17 of 1908) as from the 1st July, 1909, on which date the system of old-age pensions to persons of 65 years and upwards became established throughout the Commonwealth. The same Act provides for the payment of invalid pensions, operating from a date to be proclaimed; also for the age qualification for women being fixed at 60 by proclamation. In each case the proclamations were made in November, 1910. (See section, Miscellaneous § 3)

(ii.) One of the first Acts of the Commonwealth was the *Pacific Island Labourers' Act 1901*, which prohibited the importation of further Kanaka labour for sugar plantations and provided for the deportation of those already in the Commonwealth.

(iii.) *The Immigration Restriction Acts 1901, 1905, and 1910* prohibit the immigration of any persons who are unable to comply with certain educational conditions. The purpose of this Act is to exclude Asiatic and other coloured peoples from Australia.

(iv.) *The Contract Immigrants Act 1905* defines a contract immigrant as an immigrant to Australia under a contract or agreement to perform manual labour in Australia. The contract must be in writing and must be made by or on behalf of a resident in Australia. Its terms must be approved by the Minister of External Affairs before the admission of the immigrant. It must not be made in contemplation of, or with a view of affecting an industrial dispute. The Minister must be satisfied that there exists a difficulty of obtaining a worker of equal skill and ability in the Commonwealth, but this last provision does not apply to contract immigrants who are British subjects either born in the United Kingdom or descended from persons there born. The terms of the contract must offer to the immigrant advantages equal to those of local workers. Domestic servants and personal attendants accompanying their employers to Australia are excluded from the operation of the Act. Contract immigrants not complying with the above conditions are excluded from Australia.

During the year 1907, 972 contract immigrants were admitted into the Commonwealth, of whom 731 were British, 107 were Spaniards, 80 Scandinavians, 41 Austrians, and 13 Germans. In 1908, 22 contract immigrants were admitted, of whom 20 were British and 2 German. The Britishers followed various occupations; the two Germans were piano makers. In 1909, 158 contract immigrants were admitted, of whom 152 were British. Their occupations were—47 agricultural labourers, 36 bottle makers, 37 station hands, and 32 various. In 1910, 39 contract immigrants were admitted, of whom 38 were British and one French. The occupations were various, the greatest number in any one being eight puddlers (iron trade). In 1911, 352 contract immigrants were admitted, of whom 332 were British, and 17 German. Of the total, 181 were labourers in the sugar industry; 36 were shirt machinists; 20 were cabinet makers; and 19 were jewellery mounters. No contracts were disapproved, and no contract immigrants were refused admission during 1907, 1908, 1909, 1910, or 1911.

(v.) *The Sugar Bounty Act 1910* and the *Bounties Act 1907* make the payment of the bounty contingent on the goods having been grown or produced by white labour.

(vi.) Part VII. of the *Trade Marks Act 1905*, providing for the registration of marks by any individual Australian worker or association of Australian workers for the purpose of informing the consumer whether the articles to which it is applied were manufactured by union or free labour—an adaptation of the American "union label"—has been held by the High Court to be constitutionally *ultra vires*.[1] The Court made an order forbidding the Registrar to keep a workers' register.

1. Attorney-General of New South Wales *v.* Brewery Employees Union (6 C.L.R. 469).