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 non-existence of the complexity of the problems and of the organisation of older countries did not interpose difficulties which might otherwise have operated. Hence also 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 and a healthier mode of life. 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. 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 accrued to the trades unions.

While the demands of the early unionists have almost in their entirety been conceded by the employer, unionism nevertheless continues. Industrial legislation has not yet reached the stage when the conflicts between employer and employés cease. A numerically strong union will sometimes attain its end by the threat—and sometimes by the fulfilment of the threat—of a strike.

Each State of the Commonwealth, it may be said, has enacted, with more or less elaboration, legislation respecting trade unions and respecting the regulation of the conditions of industrial life, particularly those of factory employment; and each State, except Tasmania, has regulated the hours of business for the great majority of shops. Some of the States have also established machinery for the regulation of wages, as well as of other matters connected with employment.

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 any one part of the Commonwealth must necessarily affect very intimately any other part. An expression of the intimacy of these economic and industrial relations of different parts is seen, for example, in the refusal of an Arbitration Court in New South Wales 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.

2. **History of Unionism in Australasia.**—(i.) *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.

(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 in 1866. In this capital, 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 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 Australia 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: the return of industrial peace, however, was marked by a decrease in 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 have been copied by the States, the Acts also providing for unions of employers. The latter provision has been but slightly utilised, however, 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. Information concerning them in some States is not at present available, since they do not publish information regarding their members and funds. The figures given for registered trade unions must not therefore be regarded as affording any criterion by which the present position of unionism may be judged. The discrepancy between the numbers of registered and unregistered unions in some States may be gauged by the fact that there were at the close of the year 1908 seventy-four unions affiliated with the Melbourne Trades Hall, thirteen with the Bendigo, and sixteen with the Ballarat Trades Hall, making a total of 103. In Victoria only seven, however, were registered, and some of the latter are not affiliated. In South Australia there were sixty-seven unions affiliated to the local Trades Council, but only twenty-four were registered. In Western Australia the number of unionists registered under the Industrial Arbitration Act is about 33 per cent. more than the number registered under the Trade Union Acts. In New South Wales the numbers are almost identical.

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

(ii.) *Workmen and Employers in Unions.* Available statistics at present do not shew what proportion of Australian workmen are members of trade unions, though a census of occupations would at least for some States enable an estimate to be made.

The Acts are but little availed of by employers.

(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 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. 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 interference between employer and employé. This policy has been called "new unionism." A resolution affirming the desirability of Parliamentary representation of labour being carried at the congress of 1884, a number of members representing the special interests of the wage-earners were elected to the Legislatures of some of the States, but the unions took no steps 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, though a certain amount of ameliorative legislation had already found its way into the statute books of the States. Since 1890 the party has considerably influenced Australian politics. In 1904 and 1908-9 Labour Governments occupied the Commonwealth Treasury benches, while the elections held in April, 1910, resulted in the Labour Government gaining an absolute majority in both of the Federal Houses of Parliament. In South Australia the elections of 1910 resulted in a Labour majority being returned. In Queensland more than a third of the House of Representatives are Labour members, the elections of 1909 having increased their strength. In New South Wales the election of 1907 augmented the party, and it is now an important element in Parliament. Victoria and Western Australia have also elected a considerable number of direct Labour representatives.

Triennial federal conferences laid down a policy for the party, but at present there is no authoritative Commonwealth organisation, and the policy is not binding upon a State league. 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 Employés.* The statistics of registered trade unions of employés 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 number, etc., of these unions is therefore no guide to the position of unionism in Australia. The figures for 1908 are as hereunder:—

REGISTERED TRADE UNIONS OF EMPLOYES, 1908.

State.	No. of Unions.	No. of Members.	Receipts.	Expenditure.	Funds.
			£	£	£
New South Wales	150	112,477	102,797	99,805	89,055
Victoria	5	7,464	1,832	6,120	4,837
Queensland	32	14,980	15,679	12,730	9,494
South Australia	27	2,930*	5,097*	4,355*	11,545*
Western Australia	116	15,088	40,651	36,862	24,842
Tasmania	1	59	682	78	604
Commonwealth ...	331	152,998†	166,738†	159,950†	140,377†

* Returns for 12 unions only, 15 having failed to furnish returns. † Excluding 15 unions in South Australia.

(ii.) *Unions of Employers.* At the close of 1908 there were in New South Wales three unions of employers, with 1441 members; in Queensland three, with 143 members; and in Western Australia forty-eight, with 409 members.

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 employés, with 88,075 members. Under the Industrial Disputes Act which has succeeded the Arbitration Act of 1901, the information is not required to be furnished. 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. Unions of employés have declined in late years. In 1904 and the following year 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; and in 1908, 121 unions, with 15,187 members. These figures include councils and associations. Registration under Commonwealth legislation began in 1906. In that and the two following years, there was but one union of employers, with 6 members. The unions of employés numbered 20 in 1906, with 41,413 members; 24, with 57,306 members, in 1907; and 37 unions, with 69,536 members, in 1908.

§ 2. Laws Relating to Conditions of Labour.

1. **Tabular Statement of Statutes affecting Labour.**—The Statutes enacted 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, the Act is not included in the table:—

TABLE OF STATUTES.

New South Wales.	Victoria.	Queensland.	South Aust.	Western Aust.	Tasmania.
Factories & Shops 1896 Factories & Shops 1909 Early Closing 1899 " 1900 " 1906 Minimum Wage 1908	Factories and Shops 1905 (2) Factories and Shops 1907 Factories and Shops 1909	Factories and Shops 1900 Factories and Shops 1908 Wages Boards 1908	Factories 1894 " 1900 " 1904 " 1906 " 1908 " 1909 Early Closing 1900 " " 1901 " " 1902 " " 1903	Factories 1904 (2) Early Closing 1902 Early Closing 1904 (2) Seats for Shop Assistants 1899	Women and Children Employment 1884 " " 1903 " " 1905 Chimn'y Sweepers 1882
Industrial Arbitration Act 1901 Industrial Arbitration Act 1905 Industrial Disputes 1908 Industrial Disputes 1909	—	—	Conciliation 1894	Industrial Conciliation and Arbitration 1902 " " 1909	—
Mines Inspection 1901 Coal Mine Regulation 1902 Coal Mine Regulation 1905 Miners' Accident Relief 1900 Miners' Accident Relief 1901	Mines 1897	Mining 1898 " 1901 " 1902	Mining 1893	Mines Regulation 1906 Goldfields Act 1895 Coal Mines Regulation 1902	Mining 1900
Contractors' Debts 1897	Employers and Employés 1890 Employers and Employés 1901	Contractors' & Workmen's Lien 1906 Wages 1870 " 1884	Workmen's Liens 1893 Workmen's Liens 1896	Workmen's Wages 1898	—
Attachment of Wages Limitation 1900	—	Wages (as above)	Wages Attachment 1898	Workmen's Wages 1898	Wages Attachment 1900
Public Health 1896	Health 1890	Health 1886 " 1890 " 1900	Health 1898	Health 1898 " 1906	Public Health 1903
Truck 1900 Truck 1901	See Factories	See Factories	See Factories	Truck 1899 " 1900 " 1904	—
Shearers' Accommodation 1901	—	Shearers' and Sugarworkers' Accommodation 1905 Do. 1906	Shearers' Accommodation 1905	—	—
—	Closer Settlement (Workers' Homes) 1904	—	—	—	—
—	Boilers' Inspection 1906	Inspection of Machinery & Scaffolding 1908	—	Steam Boilers 1897 Inspection of Machinery 1904	Inspection of Machinery 1902 " " 1909

TABLE OF STATUTES.—Continued.

New South Wales.	Victoria.	Queensland.	South Aust.	Western Aust.	Tasmania.
—	Servants' Registry Offices 1897	—	—	Employment Brokers 1897 Employment Brokers 1909 Imported Labour Registry 1897	—
—	Trade Unions 1890	Trade Unions 1886	Trade Unions 1876	Trade Unions 1902	Trade Unions 1889
Masters & Servants 1902 Apprentices 1901	Employers and Employés 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
Employers' Liability 1897	Employers and Employés (Employers' Liability)	Employers' Liability 1886 Employers' Liability 1888 Workers' Compensation 1905 Workers' Compensation 1909 Workers' Dwelling 1909	Employers' Liability 1884 Employers' Liability 1889 Workmen's Compensation 1900 Workmen's Compensation 1904 Workmen's Compensation 1909	Employers' Liability 1894 Workers' Compensation 1902	Employers' Liability 1895 Employers' Liability 1898 Employers' Liability 1903
Bankruptcy 1898 (preference to wages)	Insolvency	Insolvency 1874 Insolvency 1876	Insolvency	Bankruptcy 1892 Associations Incorporation 1895	Bankruptcy 1870 Bankruptcy 1899
—	—	—	—	Breach of Contract about Fisheries 1847 Pearl-Shell Fishery Regulation 1875 Fisheries 1899	—

* New South Wales Acts.

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, fixing of rates of payment, provision of sanitary accommodation, ventilation and cleansing of premises, 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 tables hereinafter. It may be stated that Tasmania is now the only State where no adequate factories legislation is in force.

(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. The existing Victorian Act, passed in 1905, contained originally 163 sections, and is now extended by two amendments of 35 and 40 sections respectively. There are, moreover, numerous regulations in force under its authority. The three principal provisions in the Act of 1873 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 the 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.

Similar conditions were found to prevail in other States. New South Wales and Queensland adopted regulative measures in 1896 and subsequent years, and South Australia in 1894, 1900, and 1906. Western Australia followed suit in 1902 and 1904. Tasmania adopted the Victorian Act of 1873 in 1884, with a small extension in 1905; a Royal Commission in 1907 reported the desirability of legislation, and in 1909 Factories and Wages Boards Bills were introduced into Parliament, with the object of bringing Tasmania into line with other States.

The same remarks apply in a general way to the condition of employés 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 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 employés, 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. Tasmanian factories' legislation deals exclusively with females and young persons. 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, excepting Tasmania, have statutes containing provisions respecting the hours during which shops 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 and by himself and family,

with, however, certain exceptions, such as exist in the State of Victoria. In that State shops wherein not more than one assistant, whether paid or not, is employed, are permitted to remain open for two hours a day longer than other shops of the same class. The object of this is to relieve the hardship which exists for such persons, for example, as widows who are wholly dependent for a livelihood upon the casual trade of small shops. It is, however, reported that little or no benefit has accrued from the permission. In New South Wales, Victoria, Queensland, South Australia, and Western Australia 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 South 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 throughout identical. 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 the Saturday half-holiday became compulsory on 1st May, 1909, and there is a strong movement throughout the Commonwealth in favour of closing on the afternoon of that day. In Western Australia, nevertheless, the Government lately abandoned the compulsory Saturday half-holiday in favour of an optional Wednesday or Saturday, as in other States. In New South Wales in 1908 a special commissioner reported adversely to compulsory Saturday closing.

(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, they are also in many cases peculiar to Australia. Despite experience and continued amendment they have not even yet attained to a settled form. Of the Australian States, Victoria has the most complete system of industrial legislation, and other States are gradually adopting the Victorian statutes, either *en bloc* or with amendments suggested by local conditions. Western Australia has 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., 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. 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 of both sexes visit the factories with full powers of entry, examination, and enquiry. 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 employés, giving the names, age, 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 employé'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. 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, in order to disclose the manufacturer, and 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 or each sex are required.

(*p*) Shopkeepers are required to provide proper seating accommodation for female employés. (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*) Wide powers of regulation are granted to the Executive and large 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, and is of interest as indicating the extent to which the Factories Acts apply:—

FACTORIES REGISTERED UNDER ACTS, 1908.

State.	No. of Registered Factories.	Numbers Employed.		
		Males.	Females.	Total.
New South Wales	3,883	48,286	22,402	70,688
Victoria	5,143	44,474	31,736	76,210
Queensland*	1,887	15,402	6,750	22,152
South Australia†	1,534	11,657	4,625	16,282
Western Australia	708	7,105	2,106	9,211
Tasmania‡	...	...	...	...
Commonwealth	13,155	126,924	67,619	194,543

* As at 31st October, 1909. † Metropolitan area only. ‡ No general factories Acts.

7. **Mining Acts.**—Mining Acts regulate the working of mines. The employment underground of females and of boys under fourteen years is prohibited. No boy under seventeen years may be employed as lander or braceman at any plat or landing place; 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 are also inserted in the Acts. Engine-drivers 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 above referred to. 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.

8. **Other Acts.**—The British *Employers' Liability Acts*, and in some States the *Workmen's Compensation Act* 1897, have been adopted. In some States the provisions of the former are extended to seamen. 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 administrative 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.

9. **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 enquired into the working of the Acts, affords satisfactory evidence that they have, on the whole, effected their objects.

10. **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.

COMPARATIVE VIEW OF LEADING FEATURES OF THE LAW

HEADING.	NEW SOUTH WALES.	VICTORIA.	QUEENSLAND.
Acts.	Factories and Shops 1896.	Factories and Shops 1905 (2). " " 1907. " " 1909.	Factories and Shops 1900 " " 1908. Wages Boards 1908.
Application of Acts—Limitations.	Only in districts proclaimed by the Government. 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.	Only in cities, towns and boroughs, but may be extended. Not applicable to dairying, agricultural, horticultural, viticultural and pastoral occupations. Not applicable to laundries attached to religious and charitable institutions.	Only in area proclaimed by Governor-in-Council. Not applicable to prisons, reformatories, dairies, shops, mines, agricultural buildings, and domestic workshops. Governor may exempt partially or wholly any factory or class of factories in a given district.
Definition of Factory— By Nos. Employed " Asiatics " " Power used " Special classes included	Four or more. Any Chinese. Steam or mechanical. Bakehouses, laundries, dye-works.	Four or more. One Chinese Steam or mechanical. Bakehouses, laundries, dye-works, quarries, clay-pits. Gas & electric light works	Two or more (including occupier). One Asiatic. Steam or mechanical. Bakehouses, laundries.
Administration.	Minister of Labour.	Minister of Labour.	Home Secretary.
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' prior notice 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, and names of out-workers. Out-workers must register.	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.
Hours of Work.	Adult males—not enacted. Females and young persons —see separate table.	Adult males—not enacted. Females and young persons —see separate table.	Adult males—not enacted. Females and young persons —see separate table.
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 Inspector permits. Forbidden if dangerous trade conducted.	Minister may forbid meals being taken in factories; he may require provision of suitable eating room.
Employment of Women & Children.	See separate table.	See separate table.	See separate table.
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 not to be used as sleeping places. Seats to be provided for females. Proper necessary precautions to be taken against fire.	Factories to be clean, wholesome, and well ventilated. Over-crowding forbidden. Factories to be thoroughly cleaned once in fourteen 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.	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.	Must be fenced.
Minimum 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.	2s. 6d. No premium is permitted from apprentices.

RELATING TO FACTORIES IN AUSTRALIA AND NEW ZEALAND.

SOUTH AUSTRALIA.	WESTERN AUSTRALIA.	TASMANIA.	NEW ZEALAND.
Factory 1894. " 1900. " 1904. " 1906. " 1908.	No. 22 of 1904. No. 44 of 1904.	Employment of Women and Children in Workrooms and Factories 1884. Do. 1903. Do. 1905.	Factories Act 1901. " " 1902. " " 1905. " " 1906.
In places determined by the House of Assembly. Not applicable to domestic servants and agricultural and pastoral pursuits.	In districts proclaimed by Governor-in-Council. Not applicable to mines, dairies, ships, prisons, reformatories, domestic (other than Asiatic) work shops. Governor may exempt any factory.	Whole State where women and children are employed.	...
Anyone.	Six or more. One Asiatic. Steam or mechanical. Bakehouses, laundries.	One woman, young person, or child.	Two or more. One alien Asiatic. Steam or mechanical Bakehouses, laundries.
Minister of Industry.	Minister of Commerce and Labour.	...	Minister of Labour.
Inspectors with full powers of entry, examination and enquiry.	Inspectors with full powers of entry, examination and enquiry.	Inspection by Police and Health officers.	Inspectors with full powers of entry, examination and enquiry.
Twenty-one days' prior notice.	Prior notice. Annual re-registration if Asiatics employed.	...	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 shewing names aud addresses of out-workers, quality and description of work done, and the nature and amount of remuneration. Sub-contracting in textiles forbidden.
Adult males—not enacted. Females and young persons —see separate table.	Adult males—not enacted. Females and young persons —see separate table.	...	Males, over 16: Maximum, forty-eight hours weekly. Overtime of adult males not regulated. Females and young persons —see separate table.
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.	Employment during meal hours forbidden.	Forbidden for women and boys. If number exceeds four, a suitable meal room is to be provided.
See separate table.	See separate table.	See separate table.	See separate table.
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 must be warmed and ventilated. Seats to be provided for saleswomen.	Factories to be clean, wholesome & properly ventilated. Overcrowding forbidden. Unhealthy persons may be forced to suspend work. Goods, clothing, etc., to be disinfected where necessary. Pure drinking water to be provided. Factories to be cleaned once in fourteen months. Bakehouse not to be used as sleeping place. Satisfactory provision for women and boys to be made against wet and steam in factories where wet spinning is carried on. Efficient fire escapes to be provided
Must be fenced. Employment of children under sixteen may be forbidden.	Must be fenced. Any machine may be prohibited by Inspector as dangerous. Employment of females and boys forbidden.	...	Must be fenced. Any machine may be prohibited by Inspector as dangerous.
4s. No premium is to be paid by female apprentices.	...	...	5s. No premium in respect to employment is to be paid.

FACTORIES ACTS.—AUSTRALIA AND NEW ZEALAND.

HEADING.	NEW SOUTH WALES.	VICTORIA.	QUEENSLAND.
Acts Application of Acts	As in preceding table	As in preceding table	As in preceding table
*Ordinary Age of Admission to Factory	14	13	14
Maximum Working Hours of Women and Young Persons — Per week	Females and boys under 16, 48 hours	Females and boys under 16, 48 hours	Females and boys under 16, 48 hours
Maximum Working Hours of Women and Young Persons — „ day	...	Do., 10 hours	...
Maximum Working Hours of Women and Young Persons — Maximum hours of continuous labour	Females and boys under 18, 5 hours	Females and boys under 18, 5 hours	Do., 5 hours
Maximum Working Hours of Women and Young Persons — Interval	Do., ½ hour	Do., ½ hour	Do., ½ hour
Prohibited Hours of Work	Girls under 18, 7 p.m. to 6 a.m. Boys under 16, 7 p.m. to 6 a.m.	Girls under 16, 6 p.m. to 6 a.m. Boys under 14, 6 p.m. to 6 a.m. Females, after 9 p.m.	Girls under 18, 6 p.m. to 6 a.m. Boys under 18, 6 p.m. to 6 a.m.
Overtime— Limitation—Per day	Three hours	Three hours	Three hours
„ week	Three 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	One and a-half ordinary rate	One and a-half ordinary rate	One and a-half ordinary rate, but never below 6d. per hour
Prohibition of Employment after Childbirth	4 weeks	...	...
Restrictions and Prohibitions of Employment affecting Women and Young Persons in Dangerous Trades — Type-setting	Young persons under 16	Boys and girls under 14	...
Dry grinding and match dipping	Young persons under 16	Boys and girls under 18	...
Manufacture of bricks and tiles	Girls under 18	Girls under 18	...
Making and finishing of salt	Girls under 18	Girls under 18	...
Melting or annealing of glass	Boys under 16; girls under 18	Boys under 14; girls under 18	...
Silvering of mirrors by mercurial process; manufacture of white lead	Boys and girls under 18	Young persons under 18	...
Cleaning of machinery in motion, and mill gearing	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.

RESTRICTIONS REGARDING WOMEN AND YOUNG PERSONS IN FACTORIES.

SOUTH AUSTRALIA.	WESTERN AUSTRALIA.	TASMANIA.	NEW ZEALAND.
As in preceding table	As in preceding table	As in preceding table	As in preceding table
13	14	13	16
Females and boys under 16, 48 hours Do., 10 hours Do., 5 hours Do., 1 hour	Females and boys under 14, 48 hours Do., 8¾ hours Do., 5 hours Do., ¾ hour	... Females, 10 hours Boys and girls under 14, 8 hours Women and boys and girls under 18, 5 hrs. Children, 4 hours Females and young persons, 1 hour	†Females and boys under 16, 45 hours Do., 8¼ hours Do., 4¼ hours Do., ¾ 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.	... ...	Females, 6 p.m. to 8 a.m. Boys under 16, 6 p.m. to 7.45 a.m.
... Nine hours per week 100 hours Five-fourths ordinary rate	Three hours Two consecutive days Thirty days ...	In jam factories in January, February, March & December, young persons and children may work 9 hours per day ...	Three hours Two consecutive days Thirty days Four hours, with half-hour interval Five-fifths ordinary rate
...	4 weeks	...	4 weeks
...	Girls under 15	...	Girls under 15
...	...	...	Young persons under 16
...	Girls under 16	...	Girls under 16
...	Girls under 16	...	Girls under 16
...	...	...	Girls under 18
...	All females; boys under 18	...	Females; boys under 18
All females; boys under 16	All females; boys under 18	...	...
All females; boys under 16	Females under 21; boys under 16	...	...

† In woollen mills in New Zealand females and boys under 16 may work slightly longer hours.

COMPARATIVE VIEW OF LEADING FEATURES OF THE LAW

HEADING.	NEW SOUTH WALES.	VICTORIA.	QUEENSLAND.
Acts	As for factories Early Closing Act Minimum Wage Act 1908	As for factories	As for factories
Maximum Hours of Employment— Males	...	52 hours per week	...
Maximum Hours of Employment— Females and Boys per week	Girls under 18, boys under 16, 52 hours	Females and boys under 16, 52 hours	Females and boys under 16, 52 hours
Maximum Hours of Employment— Females and Boys per day	Girls under 18, boys under 16, 9½ hours (except 1 day, 11½ hours)	Females and boys under 16, 9 hours (except 1 day, 11 hours)	Females and boys under 16, 9½ hours (except 1 day, 11½ hours)
Maximum Hours of Employment— Maximum continuously	All females: 5 hours	Females and boys under 18, 5 hours	...
Maximum Hours of Employment— Interval	All females: ½ hour	Females and boys under 18, ½ hour	...
Overtime per day	...	...	3 hours
Overtime per year	...	...	40 days
General closing time	4 days, 6 p.m.; 1 day, 10 p.m.; 1 day, 1 p.m.	4 days, 6 p.m.; 1 day, 1 p.m.; 1 day, 10 p.m.	4 days, 6 p.m.; 1 day, 10 p.m.; Saturdays, 1 p.m.
Exemption from closing time	Certain shops	Businesses concerned with 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

§ 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 New South Wales, Victoria, Queensland, and South Australia, and an Arbitration Court in Western Australia. 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. 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.

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 1905. 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 shop employés, carters and drivers, persons employed

RELATING TO SHOPS IN AUSTRALIA AND NEW ZEALAND.

SOUTH AUSTRALIA.	WESTERN AUSTRALIA.	TASMANIA.	NEW ZEALAND.
Act in aid of early closing, 1900 " " 1901 " " 1902 " " 1903	No. 24 of 1902 No. 1 of 1904 No. 52 of 1904	As for factories	Shops and Offices 1904 " " 1905
...	56 hours per week	...	52 hours per week
Boys and girls under 16, 52 hours	All persons, 56 hours per week	...	Females and boys under 18, 52 hours
Boys and girls under 16, 9 hours (except 11 hours on 1 day)	...	...	Females and boys under 18, 9½ hours
...	One hour interval between noon and 3 p.m. If open after 6.30 p.m., 1 hour for tea	...	...
...		...	...
3 hours 40 days	3 hours 12 days per half-year	... ...	3 hours 30 days
4 days, 6 p.m.; 1 day, 9 p.m.; 1 day, 1 p.m.	4 days, 6 p.m.; 1 day, 10 p.m.; 1 day, 1 p.m. (Opening hour not earlier than 8 a.m.)	...	4 days, 6 or 7 p.m.; 1 day, 9 p.m.; 1 day, 1 p.m.
Certain classes of shops	Shops such as hairdressers, newsagents, and those selling drugs and edibles	...	Shops concerned with sale of food
...	1 to 3 women	Sitting accommodation for saleswomen	Reasonable sitting accommodation for females

in connection with buildings or quarrying, or the preparation of firewood for sale or the distribution of wood, coke, or coal. The Act of 1909 extended the system to the mining industry.

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.

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). There is no power in Victoria to limit the number of apprentices employed. Such a power exists in South Australia. 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 a 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 in the case of females employed in the clothing trade by charging an apprenticeship premium is prevented by the prohibition of all such premiums in that particular case. Until the Minimum Wages Act of 1908 began to operate, this absolute minimum provision did not exist in New South Wales.

South Australia adopted 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 in respect to women and children employed in clothing and whitework 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 Boards' determinations, though these were without legal force. The system has been 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 is of a still wider scope than the Victorian Act.

The system is also in operation in New South Wales and Queensland. In Western Australia the object is attained under the Arbitration Court system.

It is claimed that the efficacy of the Wages Board system is proved by the increasing anxiety of trades which have not yet been allowed to come under it, to take advantage of it, and apply its benefits to their own conditions.

(ii.) *Mode of Constitution.* The following statement is taken from the Report of the Chief Inspector of Factories, Victoria, for 1907. It is interesting, in view of the very general movement throughout Australia towards the constitution of Wages Boards. The method is not precisely the same in the different States, but that of Victoria is given as being the State in which the system was first introduced, and has had most remarkable development:—

"The constitution of a Board, and the appointment of the members of a Board, involve two distinct procedures. 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, either by representations made by employers and employés, or by employés alone, or by the reports of the officers of the department. The reasons alleged by employers for desiring a Board are, usually, unfair competition; and those by employés, low wages, and often the employment of excessive juvenile labour. If the Minister is satisfied that a case has been made out, he will move the necessary resolution in Parliament, and when such resolution has been carried, an Order-in-Council is passed constituting the Board. The Order indicates the number of members to sit on the Board. 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 employés. These representatives must be, or have been, employers or employés, as the case may be, actually engaged in the trade to be affected. All that is necessary is, that the full names and addresses of persons willing to act should be sent in. Where there are associations of employers or employés, it is not often that more than the necessary number of nominations are received. In any 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 employés,

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 employés object to the persons nominated by the Minister—and they must object to all the nominations, and not to individuals—an election is held under Regulations made in accordance with the Act. Shortly stated, employers have from one to four votes, according to the size of the factories carried on, as regards the election of employers, but as regards Special Boards for shops, each employer has only one vote; and each employé in the trade, over eighteen years of age, has a vote for the election of representatives of employés. 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 elect a chairman within fourteen days of the date of their appointment, and 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, is in future entirely in the hands of the Board. Vacancies in Special Boards, and, because of the preponderance of Chinese, all appointments of members of the Furniture Board, are filled on the nomination of the Minister without any possibility of either employer or employé 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. It will be seen that, unless employers and employés agree, a full attendance of the Board is required, as, in case of a difference of opinion, the chairman decides the matter, and he has only one vote, the same as any other member of the Board. 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 shall come into force, but this date cannot be within thirty days of its signature by the chairman. If the Minister is satisfied 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 reconsider 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 *Government Gazette*. This power is not, however, likely to be used by the Minister, as provision is now made by which either employers or employés 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 employés 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, if he thinks fit, without appeal by either employer or employé. 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 determination. No proceedings for breaches of the determination can be taken by any one without the sanction of the Department. Any employé, however, may sue an employer for any wages due to him under any determination, notwithstanding any contract or agreement expressed or implied to the contrary."

(iii.) *Special Minimum Wage Provisions.* At the end of 1908 the Minimum Wage Act was passed in New South Wales. A summary of the provisions of this enactment, and a statement of some of the ills it was invented to meet, as set out in the departmental reports, will serve as an indication of the general trend of public feeling in regard to employés throughout the Commonwealth. The Act provides 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 is evidenced by the fact that in the workrooms in the Metropolitan 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 Minimum Wage Act applies to persons coming within the definition of "shop assistant" in terms of the Early Closing Act. A minimum rate of threepence per hour or portion of an hour is to be paid when overtime is worked at intervals of not more than one month, and a sum of not less than sixpence as tea-money is to be paid on the day the overtime is worked. The payment of a premium or bonus on behalf of employées in connection with the manufacture of articles of clothing or wearing apparel is 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 will find it worth while to teach her employées, so as to bring in a return, in work, for the outlay as speedily as possible, and discharges of partially-trained workers will be less frequent. It is expected that the trades will also be improved by the weeding out of those who fail to show reasonable aptitude for their work. It is hoped that the provisions of the Act will result in a great deal less overtime being worked by the younger girls, who are the persons chiefly affected by its provisions.

(iv.) *Comparison with Functions of Boards of Conciliation in Britain.* It may be noted that the Boards of Conciliation, appointed in England under the Conciliation Act 1897, appear to correspond to the Australian Wages Boards in a remarkable degree, and not in any way to the Arbitration Courts of Australia, inasmuch as they are appointed for each trade or calling, and not to adjudicate generally upon any cases which come before them. Eminent success attended the Board of Trade's conciliatory efforts in the settlement of industrial disputes in 1909. The disastrous struggles of the previous year in the shipbuilding, engineering, and kindred industries had no counterpart, the good offices of the Board of Trade tiding over the two serious labour troubles, viz., that in the South Wales coal field, arising out of the operation of the new Mines Eight Hours Act, and that in the Scottish coal trade, regarding a proposed reduction in wages.

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 divergences between the Acts are noted. The New South Wales Acts expired on 30th June, 1908.

The Acts in force at the close of the year 1908 were as follows:—

South Australia: The Conciliation Act 1894.
Western Australia: The Industrial Conciliation and Arbitration Acts 1902 and 1909.
Commonwealth: The Commonwealth Conciliation and Arbitration Acts 1904 and 1909.

(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 and in many respects is superseded by the Wages Board system already described. Western Australia passed an Act in 1900, repealed and re-enacted with amendments in 1902, New South Wales followed in 1901. A bill introduced into the Tasmanian Parliament in 1903 was rejected by the Upper Chamber. The Commonwealth principal Act, passed in 1904, applies only to industrial disputes extending beyond the limits of a single State.

(iii.) *Industrial Unions.* The Arbitration Act, made to encourage a system of collective bargaining and 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, is quite distinct from the trades union; it is not a voluntary association, but rather an organisation necessary for the administration of the law. Industrial unions (or "organisations," as they are styled in the Commonwealth Act) may be formed by employers or employés. They must be registered, and must file annual returns of membership and funds. Unions of employers must have a minimum number of employés. In New South Wales and Western Australia the minimum is 50, under the Commonwealth Act 100. All unions of employés must possess the following qualifications:—In New South Wales the union must be a trade union or branch thereof, or be an association of unions; in Western Australia a membership of 15, and 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. The Amending Act of 1909 regulates the binding of apprentices and terms of apprenticeship. *The Commonwealth Acts forbid the employment of funds for political purposes.*

(iv.) *Industrial Agreements.* Employers and employés 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.

Failing agreement, disputes are settled by reference to the court. This consists of a judge of the Supreme Court of the State, or, in the case of the Commonwealth, of the High Court. In the States, he is assisted by two "members," who are chosen by and are appointed to represent the employers and employés respectively. Technical assessors may be called in to sit with and to advise the court.

Cases are brought before the court either by employers or employés. 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 employés. The breadth of its jurisdiction may be gathered from the Commonwealth definition of industrial matters. The definition includes the principal matters dealt with by the Acts in a concise form. "Industrial matters" includes all matters relating to work, pay, wages, reward, hours, privileges, rights, or duties of employers or employés, or the mode, terms, and conditions of employ-

ment or non-employment; and in particular, without limiting the general scope of this definition, includes all matters pertaining to the relations of employers and employés, 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.

(v.) *Powers of Court.* The court may fix and enforce penalties for breaches of awards, restrain contraventions of the Acts, declare any practice or regulation to be a "common rule" of the trade, and define the limits of its observation (the Commonwealth Court has power to mitigate the hardships of the common rule), hear objections to it, and exercise all the usual powers of a court of law.

The court may prescribe a minimum rate of wage; it may also (except in Western Australia 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.

All parties represented are bound by the award, and also all parties within the ambit of a common rule or (in the case of Western Australia) giving adherence. The court possesses full powers for enforcement of awards.

In Western Australia there is also a system of Boards of Conciliation, consisting of representatives of employers and employés. They may make awards, which are binding if not challenged within a month after being filed. As a matter of fact, they are almost invariably appealed from, and the tendency is to go direct to the court.

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

(vi.) *Miscellaneous.* The Commonwealth and Western Australian Acts absolutely forbid strikes and lockouts. The New South Wales Act specifically forbids them, prior to or during the pendency of a case, leaving events after the award to be dealt with by the court. 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 employés' union of the labour required.[2]

4. Comparative Statement of Tribunals for Regulating Wages in Australia and New Zealand.—The table on pages 1042 and 1043 shews at a glance the Acts which operate in fixing wages, their application, 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, except Tasmania, where general factories legislation had not, up to the end of 1909, been enacted, there are operative Acts; and also in New Zealand.

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1. Federated Amalgamated Railway, etc., Employés *v.* N.S.W. Railway, etc., Employés 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, some experience has been gained of their working. The Wages Board system is new in South Australia and Queensland. Tasmania is without legislation. The desirability of uniformity has, as already mentioned, been recognised by the New South Wales Arbitration Court, which (conversely to the last-mentioned cases) 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. This attitude cannot be made effective by the Arbitration Court of the Commonwealth, which has jurisdiction only over industrial disputes extending beyond the limits of any one State.

The Interstate Commission Bill, introduced into the Senate in October, 1909, contained several important industrial provisions, whose object was, while relying on the network of State industrial tribunals (wages boards, etc.), to link them up in one Federal tribunal that should have for its object the adjustment of differences wherever they had arisen in connection with industries extending over more than one State. These provisions would not become law until the necessary Acts were passed by the States. States Premiers, however, have already in conference given them their support. The measure has not yet been enacted.

6. **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; and the statutes referred to immediately hereinafter are the expression thereof.

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 IN

PARTICULARS.	NEW SOUTH WALES.	VICTORIA.	QUEENSLAND.
Name of Acts	Industrial Disputes Act 1908	Factories and Shops Acts	The Wages Board Act 1908
If Act operative	Yes	Yes	Yes
No. of Tribunals	Unlimited	Unlimited	Unlimited
Actual Tribunal	Wages Boards	Wages Boards	Wages Boards
How Tribunal is brought into existence	By the Industrial Court	By a resolution of Parliament	By the Governor-in-Council
Application of Acts	All occupations except domestic service	To trades carried on in factories; business in shops; building trades, etc.	Either the whole State or such part as Governor-in-Council may determine
How a trade is brought under review	By application of union	Usually by petition to nister	Apparently by petitions and representations to Minister
Chairman of Tribunal	Any person elected by Board. If not elected, he is appointed by Governor-in-Council	Any person elected by Board. If not elected, he is appointed by Governor-in-Council	Any person elected by Board. If not elected, he is appointed by Governor-in-Council
No. of members of Tribunal	Not less than three nor more than eleven	Not exceeding eleven	Not less than five nor more than eleven
How members are elected	On recommendation of Industrial Court	Nominated by Minister. But if one-fifth of employers or employés object, representatives are elected by them	By employers and employés respectively
Decisions — how enforced	By the Industrial Court	By Factories Department in Courts of Petty Sessions	Apparently by Factories Department
Duration of decision	For period fixed by Court	Until altered by Board	Until altered by Board
Appeal against decision	To Industrial Court	To the Court of Industrial Appeals	None
suspension of decision possible	No suspension	Yes; for not more than twelve months	Yes; for not more than six months
If unionism an essential part of system.	Yes	No	No
Any provision against strikes	Yes	No	No
Does Tribunal's decision apply to trades or firms	To Trades	To Trades	To Trades

TRADES IN AUSTRALIA AND NEW ZEALAND.

SOUTH AUSTRALIA.	WESTERN AUSTRALIA.	TASMANIA.	NEW ZEALAND.
The Factories Acts	Industrial Conciliation and Arbitration Acts		Industrial Conciliation and Arbitration Act
Yes	Yes		Yes
Unlimited	Several Conciliation Boards. One Arbitration Court		Several Conciliation Courts. One Arbitration Court
Wages Boards	Arbitration Court		Arbitration Court
By the Governor-in-Council	By the Act		By the Act
Practically to trades carried on in factories	All occupations		All occupations
By petitions, etc.	By application of Union		By application of Union
Anyone if elected by Board. If not, a Stipendiary Magistrate	A Judge of the Supreme Court		A Judge of the Supreme Court
Not less than five nor more than eleven	Three		Three
By employers and employés respectively	Practically by employers and employés respectively	NO LEGISLATION.	By the councils of Employers and Employés Associations respectively
By Factories Department	By Arbitration Court on complaint of Union or Registrar		By Arbitration Court on complaint of Union
Until altered by Board	For period fixed by Court, not exceeding three years		For period fixed by Court, not exceeding two years
To Court of Industrial Appeals	No appeal		No appeal
No suspension	No suspension		No suspension
No	Yes		Yes
No	Yes		No
To Trades	Trades by common rule		To Firms

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 employés 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 employés. 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, however, 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.

The Bounties Act 1907 makes 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 Act also provides 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 from the time of the first operation of the Act to the end of 1909 were:—

COMMONWEALTH BOUNTIES PAID (EXCLUDING SUGAR).

Year.	Flax and Hemp.	Preserved Fish.	Tobacco Leaf.	Total.
	£	£	£	£
1908-9	126	358	—	484
1909 (half-year to 31/12/09) ...	65	27	6	98

The provision of bounties for sugar-growers is dealt with on page 400 *supra*. The present operative Act is the Sugar Bounty Act 1905, in the terms of which the grower receives bounty according to his production of sugar-cane grown by white labour. The bounties and expenses for the last five years were:—

SUGAR BOUNTIES AND EXPENSES, 1904-5 to 1908-9.

Year.	1904-5.	1905-6.	1906-7.	1907-8.	1908-9.
	£	£	£	£	£
Bounties	121,408	148,106	328,210	577,148	477,090
Expenses	6,770	6,603	7,706	7,474	6,616
Total	128,178	154,709	335,916	584,622	483,706

§ 4. Operation of the Wage-regulating Laws.

1. **System of Wages Boards.**—Wages Boards are appointed upon the application of either employers or employés. The grounds usually alleged by the former are that their business is hampered by "unfair" competitors, who pay only a sweating wage; by the latter, 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.

2. **Wages Boards.**—There were at the end of 1908 fifty-one special Boards in existence in Victoria and eight in South Australia. Some of the Boards, however, of then recent appointment, had not made any determination. The following table shews the position of trades in relation to the Boards:—

WAGES BOARDS, 1908.

	Total Number of Distinct Trades carried on in Registered Factories.	Total Trades under Boards.	Total Factories Regist'r'd	Total Employés	Total Empl'yés under Wages Boards.	Percentage under Boards.	Number of Determinations.
Victoria	162	59	5,143	76,210	67,000	88%	49
Queensland† ...	56	29	1,887	22,152	No record	...	23
South Australia* ...	74	24	1,534	16,282	10,098	62%	20

* Metropolitan area only. † As at 31st October, 1909.

In Victoria there were in 1907 forty-three convictions for disobedience to determinations of Wages Boards (not including overtime working), and twenty-five in 1908.

The Court of Appeal in Victoria has heard five appeals from determinations of Wages Boards. In one case the decision was upheld; in three 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.

3. **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 South Australian reports discloses similar facts in that State.

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

WAGES OF FEMALES IN CLOTHING TRADES, 1897 and 1908.

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.
1908	Females at minimum wage and over ...	2,801	1 1 3	285	20 0	744	19 5
	Pieceworkers	128	0 17 7	813	16 11	181	17 1

The above trade, the sweating in which is world-wide, is taken as an example, and corresponding results may be obtained in any State, according as there is or is not a regulative law. In Tasmania, where no such law exists, the scale of wages may be gathered from the fact that in clothing factories females of three and five years' service, and of twenty to twenty-six years of age, receive twelve shillings per week.

It may be stated generally that some of the most prosperous trades in Victoria, e.g., the boot trade, have been longest under the Acts.

§ 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 affect 1157 employers and nearly 38,000 employés. In Western Australia thirty-four agreements were registered up to the end of 1906; ten in 1907, and ten in 1908, making a total of fifty-four. The estimated number of employers affected was 619; of employés, 15,946. 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 252 industrial disputes were, up to the end of 1908, filed; seventy-one awards were made, and forty-five breaches of awards were proved before the court. The Industrial Disputes Act of New South Wales has 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.) 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 became established throughout the Commonwealth.

(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 and 1905* prohibit the immigration of any persons who are unable to comply with certain educational conditions. The effect 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. Out of this total 912 were agricultural labourers introduced for the Queensland sugar industry, viz., 571 by the Queensland Government and 341 by the Colonial Sugar Refining Company. The labourers for the sugar plantations included all the Spaniards, Scandinavians, and Austrians, and 684 out of 731 British. The remaining 47 British and the 13 Germans were required for various industries. In 1908 only 22 contract immigrants were admitted, of whom 20 were British and 2 German. The Britishers follow various occupations; the two Germans are piano makers. No contracts were disapproved, and no contract immigrants were refused admission during 1907 or 1908.

(v.) *The Sugar Bounty Act 1905* 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 indicating that the articles to which it is applied are the exclusive production of the worker or of members of the association—an adaptation of the American "union label"—has been held by the High Court to be constitutionally *ultra vires*. The Court made an order forbidding the Registrar to keep a workers' register.