Industrial Arbitration in Queensland

by

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THE State of Queensland forms the north-eastern portion of the Australian continent; it comprises about 670,000 square miles, and has a population of 750,000 inhabitants. The principal city is Brisbane, which has a population of 200,000. The State is divided naturally into two sections by the Great Dividing Range running roughly parallel with the coast. West of the range the pastoral industry—the production of wool and meat—is carried on, east of it, dairying and agriculture. The northern portion of the coastal district produces the greater part of the sugar consumed in Australia. Other important industries are mining, slaughtering of cattle and freezing of meat for export, wheat farming, and fruit growing. Fully 80 per cent. of the employees in commerce, transport, and industry in the State have their wages and conditions of labour regulated by industrial awards and determinations; on 31 March 1921 this number was roughly 100,000.

In Australia all the States have laws establishing tribunals empowered to regulate wages and conditions of labour. There is also a Federal tribunal. Under the constitution of the Commonwealth of Australia of 1901 the Commonwealth Parliament was empowered to make laws as to "conciliation and arbitration for the prevention and settlement of industrial disputes extending beyond the limits of any one State". In view of the establishment of inter-state free trade, an effort was made in the first session of the Commonwealth Parliament to empower it to regulate labour conditions in general; but attempts to alter the constitution have failed, and Parliament merely passed a law establishing a Commonwealth Court dealing solely with conciliation and arbitration of labour disputes.

There has been much litigation as to the precise limitation of the jurisdiction of the Federal Arbitration Court. Thus far it has been determined that it can only deal with disputes and disputants directly concerned, that it cannot make awards binding on persons not parties to the dispute, and that the dispute must be shown to extend beyond the limits of a State. The whole question came up at the Premiers' Conference of Australia during the first week of November 1921. Two resolutions were introduced proposing legislation by the various States and the Commonwealth Parliament for the establishment of a combined court, made up of judges of the Commonwealth and State courts and tribunals, to act as a court of appeal from all State and Federal

arbitration courts. This court would determine the jurisdiction of the Commonwealth and State arbitration tribunals respectively, and would fix the basic minimum wage and the standard hours of labour in any or all industries in the Commonwealth. Legislation by the Commonwealth was also advocated in order to confine the jurisdiction of the Commonwealth Arbitration Court to disputes in Federal industries, and to except employees of a State from its jurisdiction. Such legislation would leave the courts of the various States free to deal with matters of fact; no question of jurisdiction could arise, because the scope of their authority would be entirely fixed by the one combined court in question. Mr. Hughes, the Prime Minister, in announcing the decisions of the Conference, called attention to the fact of the difficulty of amending the constitution.

> No amendment to the constitution is possible for some considerable time, and the present industrial conditions arising out of the war, accentuated by the conflicting and overlapping jurisdictions of the Federal and the State industrial system, call for some immediate remedy.

The changes proposed would no doubt dispose of the question whether awards of the Federal Court prevail over those made by State tribunals, although judicial authority at the present time, it may be observed, indicates that they do not. Cases of technical inconsistency seldom occur; where Federal and State awards overlap, it is usually possible to comply with both. The policy of the Queensland court, when it finds that some of the persons who will be bound or affected by the State award are already subject to a Federal award, is to refuse, save in exceptional circumstances, to deal with the matter covered by the Federal award, or to exempt from the operation of the State award persons covered by the Federal award, or to make the State award conform as nearly as may be to the conditions of the Federal award.

The Industrial Arbitration Act of 1916 of the State of Queensland is one of the most recent and in some respects the most advanced of the State Acts on that subject. The Act does not relate to industrial arbitration alone; it establishes a tribunal whose powers are not only arbitral but legislative. An arbitral tribunal settles disputes; but the Court of Industrial Arbitration, established under the Act, has power, within wide limits, not only to settle disputes, but also to regulate industrial matters—to make awards which have the effect of law and govern the conduct of employers and employees even though they may have been in no way concerned in an industrial dispute. The Act represents the confluence of two currents of legislation, one originating in the desire to alleviate social injustice, the other in the desire to prevent and terminate industrial disturbances.

Origin of Compulsory Arbitration

The origin of compulsory arbitration in Australia may be traced to two far-reaching industrial upheavals, the maritime strike which occurred in 1890 and the shearers' strike of 1891.

Both these strikes extended to all the eastern States. Soon after the maritime strike of 1890, a Royal Commission was appointed by the New South Wales Government to inquire into industrial relations. It presented an exhaustive report, recommending the appointment of a Board of Conciliation and Arbitration. Such a board was established, but it had no powers of compulsion, and proved a failure.

Charles Cameron Kingston, a former Premier of South Australia, who is regarded as the father of compulsory arbitration, introduced into the South Australian Parliament, on 12 December 1890, a Bill "to encourage the formation of industrial unions and associations, and to facilitate the settlement of industrial disputes". The object of the Bill was to compel parties to meet before boards of conciliation and to provide for the compulsory enforcement of industrial agreements. The scheme proposed did not become law until 1894; but it formed the basis of a Bill providing for compulsory arbitration introduced by Pember Reeves in New Zealand in 1892 which became law in 1894. The system of compulsory arbitration then introduced, modified from time to time as experience suggested, has ever since prevailed in New Zealand (1). The arbitration laws of most of the Australian States are modelled upon the New Zealand legislation; where they differ, the variations aim at meeting the defects which have from time to time become apparent in practice.

Compulsory arbitration became law in Western Australia and in New South Wales in 1900. Victoria and Tasmania still have wages boards, the former having in addition a Court of Industrial Appeal. A Compulsory Arbitration Act was not passed in Queensland until 1912. The Commonwealth Arbitration Act was passed in 1904.

Industrial Legislation prior to the Wages Boards

In 1890 Sir Samuel Griffith (afterwards Chief Justice of Australia) introduced into the Queensland Parliament a remarkable measure laying down "the natural law relating to the acquisition of property". This curious Bill is worthy of perusal by social students; it is referred to here only because of Clauses 21 and 28, which provide:

> The natural and proper measure of wages is such a sum as is a fair immediate recompense for the labour for which they are paid, having regard to its character and duration; but it can never be taken at a less sum than such as is sufficient to maintain the labourer and his family in a state of health and reasonable comfort.
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> It is the duty of the state to make provision by positive law for securing the proper distribution of the net products of labour in accordance with the principles hereby declared.

The Bill did not become law; probably it was intended merely as an educative measure; but it represents the earliest attempt

(1) Cf. *International Labour Review*, Vol. IV, No. 1, Oct. 1921, pp. 32-46: *Industrial Peace in New Zealand*, by Sir John Findlay.

in Queensland—and, I think I may correctly say, in Australia—to give legislative recognition to the principle that the employed shall be paid a wage adequate to maintain a reasonable standard of life.

In the year following the introduction of this Bill occurred the shearers' strike. The struggle was attended by great bitterness, and military forces were called upon to maintain order (2). Both the maritime strike of 1890 and the shearers' strike of 1891 resulted in the defeat of the employees, who thereupon turned their attention to political action. Gradually a Labour Party came into being in the various States. In Queensland the party soon attained considerable strength ; but it was not until 1903 that, in coalition with another party, it assumed office, the coalition retaining power for some years. In 1915 for the first time in Queensland the Labour Party obtained an absolute majority of members in the Legislative Assembly. It has held office ever since. In Queensland a Government cannot retain office without the support of a majority in the Legislative Assembly ; but to understand the slow progress of social reform in regard to industrial matters, it should be borne in mind that the other House of Parliament, the Legislative Council, a nominated body, without whose concurrence legislation cannot be enacted, had, until 1920, a majority of members who favoured a policy of non-interference.

There existed in Queensland no tribunal for fixing the wages or conditions of employment until 1908, when the first Wages Boards Act was passed. In 1896 the legislature had passed a Factories and Shops Act, which limited the working hours of males under 16 and of females to 48 hours per week in factories and to 52 hours in shops. In 1900 a more advanced Factories and Shops Act had been passed—the first Act to regulate the remuneration of employees. It provided that juniors in factories and shops should be paid a minimum of two shillings and sixpence for a 56-hour week. In 1908 this Act was amended so as to provide for a minimum of five shillings per week for the first year with two shillings and sixpence added for succeeding years; while with adults a minimum of fifteen shillings per week after four years' experience was prescribed. The minimum was again increased in 1916, but is now practically abrogated by the awards of the Arbitration Court, which fix a much higher wage.

Wages Boards

The first mention of tribunals for the regulation of wages appears in a resolution passed on 30 April 1900 by the Legislative Assembly, affirming the desirability of establishing wages boards. This resolution was passed on the motion of Frank McDonnell, a

(2) For a fuller account of the strike cf. W. G. Spence : *Australia's Awakening*. Worker Trustees, Sydney and Melbourne, 1909. The action of the Queensland Government in relation to the strike is summarised by C. A. Bernays : *Queensland Politics during Sixty Years*. Brisbane, 1919.

member of the Labour Party, who had been organiser of the Shop Assistants' Association. As a private member he had introduced the first Early Closing Bill. He has been prominently associated with all factories and shops legislation in Queensland, and served as a member of the Factories and Shops Royal Commission which sat in 1901. In 1906 the first attempt was made by a Queensland Ministry to place a Wages Board Act on the statute book. The Bill was passed by the Legislative Assembly, but rejected by the Legislative Council. A Wages Board Bill was again introduced in 1907, and passed the Legislative Assembly but not the Legislative Council. But in 1908, yielding to the pressure of public opinion, the Legislative Council passed the identical measure it had rejected in 1907. Various investigations had disclosed conditions as they existed. Bernays points out that:

> Tailoresses' wages in Queensland in 1907 averaged 12s. 11d. per week, but in Victoria, with a Wages Board Act in force, they averaged 17s. 1d. Dressmakers in Queensland averaged 9s. 8d. per week, and in Victoria 12s. 2d. Numerous other instances could be given to show how wages boards had improved the position of badly paid employees. It will hardly be believed that there was a tailoring establishment in Brisbane in 1906-1907 which employed 84 hands, 53 of whom averaged only 3s. 7d. per week, two received nothing, 24 received 2s. 6d. a week [3].

The Wages Board Act of 1908 was modelled upon the Wages Boards Act of the State of Victoria, which had been in operation since 1898. Power was given to the Governor-in-Council to appoint wages boards in order to determine the lowest prices or rates which might be paid to any person employed in wholly or partly preparing or manufacturing any particular articles of clothing or wearing apparel or furniture, or in any process, trade, or business usually or frequently carried on in a factory or shop. There was power to extend the Act to other trades, businesses, or industries. The boards were also empowered to determine the ordinary working hours. The exercise of the power to appoint these boards was optional, and their jurisdiction could be limited as to subject matter and locality. Each board consisted of representatives, equal in number, of employers and employees, and a chairman appointed by the Governor-in-Council. The awards made by the boards had the force of law, were binding on all employers and employees in the trade or business affected, and were in force until amended by the board. Failure to comply with them was a punishable offence. They prevailed over agreements to the contrary. Where no board was created, an agreement, made between a majority of the employers and a majority of the employees, and ratified by the Minister, had the same effect as a determination of a special board. The machinery of this Act was improved by an amending Act assented to in January 1912, but in December of that year the Industrial Peace Act of 1912 was enacted, introducing for the first time in Queensland the principle of compulsory arbitration.

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[3] *Op. cit.* p. 480.

The Industrial Peace Act of 1912

The Industrial Peace Act of 1912 was the direct outcome of what is known as the general strike, a serious industrial upheaval which occurred early in 1912, commencing with a strike of the employees of the Brisbane Tramway Company. Employees of the Company had the provisions of the Wages Boards Act of 1908 extended to them and were subject to an award in force since June 1909. A number of the employees, with tramway employees in other States, formed a Union of Tramway Employees, registered in the Federal Court in 1910. In order to obtain an award of the Federal Court, there must, as has been explained, be a dispute extending beyond one State, and certain employees in Queensland, in conjunction with other members of the Union, set about the creating of an inter-state dispute. The Company endeavoured to prevent its employees from joining the Union, and refused to recognise the Union. One of the matters claimed by the members of the Union was the right to wear a badge showing they were members. The attempt to wear this badge was followed by the dismissal of a number of members of the Union. A sympathetic strike occurred, followed by a general strike. The Executive of the Government of the State, anticipating disorder, enrolled special police and requested the Federal Government to protect the State against domestic violence, as permitted under Section 119 of the Constitution. The Federal Government refused to intervene, and no disorder of any great consequence in fact eventuated (4). Class and party feeling ran high, however, and the Government of the day, after the failure of the strike, appealed to the country on the issue of their action in suppressing the strike and were returned to power by a considerable majority. The Government announced its intention of passing an Industrial Peace Act and on its return to power carried out its promise.

The Industrial Peace Act of 1912 established an Industrial Court. The Governor-in-Council was empowered to appoint the judge of the Court, whose tenure of office was seven years, and who was secured in office for that term during good behaviour. The Governor-in-Council had also power to appoint acting judges. The Act prohibited strikes and lock-outs under a penalty of £1,000, unless fourteen days' notice was given to the Registrar and a secret ballot taken by him resulted in favour of a strike, and, in the case of public utilities, unless also a conference by a judge, prior to the notice, proved abortive. Conviction for engaging in a strike or lock-out could be followed by an injunction restraining the continuance of the offence, disobedience being punishable by imprisonment for a period not exceeding six months.

(4) It may be mentioned that, after much litigation and consequent delay, the Tramways Union obtained an award relating to the Brisbane Tramways, but it was set aside on the ground that no inter-state dispute existed. The award is set out in the *Commonwealth Arbitration Reports*, Vol. 6, p. 130; and the relevant interesting decisions of the High Court will be found in *Commonwealth Law Reports*, Vol. 18, p. 54; Vol. 19, pp. 43-165. Both published by the Government Printer, Melbourne.

The Act continued the system of wages boards, subject to the control of the Court, changing their name to industrial boards, and giving them wider powers. The extent to which wages boards had been created under the Act of 1908 will be seen from the list of seventy-one boards set out in the Schedule to the Act of 1912. The awards of these boards were continued in operation. No new boards were to be created except upon the recommendation of the Court; the Court was empowered to recommend boards for the many callings scheduled. The Court had wide power of recommending the abolition, extension, and regrouping of boards. It could exercise the functions of a board in case of delay. On appeal it could review the decisions of a board. Where no board was in existence for a calling, the Court had original jurisdiction over all industrial matters and industrial disputes in a calling submitted to it by the Minister, the Registrar, by employers employing twenty employees, or by twenty employees in a calling. The Court had power to mediate and to call a compulsory conference. Awards were to be binding on all persons in the calling in the locality to which they applied. An interesting feature of the Act was its attitude to trade or industrial unions. The trade or industrial unions, as such, could not invoke the jurisdiction of the Court; this, if done by employees, could only be done by them in their individual capacity. A union, if a party to an industrial dispute, could be represented by a member or officer; but no party could be represented by a lawyer, or by a salaried officer of an industrial association, or by a member of Parliament. Section 34 provided that

> no person shall be refused employment or in any way discriminated against on account of membership or non-membership of any industrial association. No person who is an employer or employee shall be discriminated against or injured or interfered with in any way on account of membership or non-membership of an industrial association.

Industrial unions were, however, specifically made liable to the penal provisions of the Act. Notwithstanding this policy of non-recognition of unions, there is no doubt but that both the Wages Board Act and the Industrial Peace Act led to the multiplication of unions and the increase in the number of unionists. With this policy of non-recognition may be contrasted the policy of most other arbitration laws, including that of the existing Act, based upon the recognition of industrial organisations. The following figures indicate the growth of unionism in Queensland from 1908 to 1913 (the wages board period), from 1914 to 1916 (the Industrial Court period), and from 1917 to 1920 (the Arbitration Court period).

Year	Membership of Unions
1908	23,698 [5]
1913	51,683
1916	66,807
1920	103,784

[5] Approximate; complete information not obtainable.

The Industrial Arbitration Court

The year 1915 saw the advent to power of the Labour Party, and in 1916 the Industrial Arbitration Act of 1916 was passed.

The success of an arbitration tribunal is largely dependent upon the personal qualifications of the arbitrating authority. Apart from mere personal considerations, there is much controversy as to the best form of tribunal. Among the varieties of tribunal tried are (1) wages boards, composed of representatives of the employers and employees and a chairman chosen by them or by the government, (2) a court consisting of a judge and two other members, representative of employers and employees, and (3) a court consisting of a judge or judges.

Wages boards have undoubtedly done excellent work in Queensland and in New South Wales. The fact that they are composed (with the exception of the chairman) of persons engaged in the industry enables the taking of evidence to be in large measure dispensed with. In practice, however, in the majority of boards most of the important questions are left to the chairman to determine. One of their main defects is their want of co-ordination, leading to inconsistencies and anomalies. The right of appeal to a court is a very imperfect remedy for this. In Queensland the anomalies introduced through the wages board system are many, but gradually they are being eliminated through the agency of the Arbitration Court. Nor is the Court itself free from criticism in regard to the persistence of anomalies; the circumstances which have led to the existence of these anomalies have been adverted to at length in some remarks made by the writer in a judgment delivered at Townsville last year (6). Wages boards were frequently guilty of delays, but in Queensland this was remedied to some extent by the provision in the 1912 Act enabling the Court to intervene in the event of undue delay.

Wages boards by their work have prepared the way for arbitration courts. Courts, consisting of a judicial chairman and of laymen representatives of employers and employees, have been tried in New South Wales and Western Australia, but both States have now discarded the laymen representatives. The Queensland system, where the work is at present done by two judges, seems to work satisfactorily. Each judge constitutes the Court, and there is power to refer any matter to a full bench consisting of all the judges. It has also power to recommend the creation of industrial boards, and it is open either to employers or to employees to apply for such recommendation. The Court recommended the creation of one industrial board—in no other instance has a request for a board been preferred. No industrial court in Australia has shown greater expedition in disposing of matters before it, but the methods, as much as the constitution, of the Court may be responsible for this.

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(6) *Queensland Government Gazette*, 8 April 1920: *Building Trades Award*. Brisbane, Government Printer.

Tenure of Office of Industrial Judges

The tenure of the judges of an arbitration court is a matter of importance. One of the defects of the wages board system was the insecurity of tenure of the chairman. Under the Queensland Act of 1912 the judge of the Industrial Court had a seven years' tenure. Provision was made that a judge of the District Court (who has a life tenure), or a barrister, should be appointed as judge of the Industrial Court. In fact, a District Court judge was appointed. In 1915 a barrister, who was appointed an acting judge, made an award for the sugar industry favourable to the workers but resented by the growers and millers as being too great a burden for it to bear considering the state of the industry at the time. The award was undoubtedly a conscientious award by one who, before and since, has frequently acted as a District Court judge; but the matter became an issue in party politics and, as the result of the controversy, it came to be recognised that an industrial judge who had to determine matters of such widespread importance should have security of tenure. Accordingly, by the Act of 1916, nobody who has not already security of tenure as a judge of the Supreme or District Court can be appointed an *acting* industrial judge; while an industrial judge is appointed for seven years. The tendency throughout Australasia is to give the industrial judge life tenure or to appoint as industrial judge a judge who has already life tenure, such as a Supreme Court judge, to perform industrial work. Before the day of statutory industrial arbitration, when an industrial arbitrator in an important dispute was required, a Supreme Court judge, with life tenure, was often suggested. The ideal arbitrator should be impartial and independent of political control—independence at all events may be expected of a judge with such tenure. The President of the Commonwealth Arbitration Court is a High Court judge and the industrial judges of the various States and New Zealand have, in most instances, life tenure. In Queensland the intention of the framers of the arbitration law was to give the Executive power to appoint an industrial judge a judge of the Supreme Court with life tenure, but the section has been interpreted by the Courts as enabling the conferring only of the same tenure as an Industrial Court judge, namely, seven years.

A life tenure for an arbitration judge, as such, is not desirable. A judge, although suitable at the commencement of his career, may become or demonstrate that he is unsuited or unfitted for the position. His functions being in part legislative, it is important that, while he should not be swayed by passing gusts of political or industrial partisanship, his industrial viewpoint should not be diametrically opposed to the contemporary attitude of intelligent students of industrial problems. Seven years is the period of office of the Commonwealth Court Arbitration Judges. Appointments from time to time for periods of seven years by the Executive of parliaments elected triennially should ensure

an industrial judiciary with a reasonably modern industrial outlook. On the other hand, most of the reasons which can be urged for security of tenure for Supreme Court judges in order that they may have nothing to fear from a hostile Executive through an independent exercise of their functions apply to industrial judges, who have to adjudicate upon questions not infrequently involving not only industrial but also bitter political controversy; there is an additional reason for security of tenure in Queensland, where the judges have to determine questions involving hundreds of thousands of pounds, as to which the Executive and its servants are contending parties. The best solution seems to be to select a person capable of performing both ordinary Supreme Court duties and arbitration duties, and to give him the recognised tenure of the former office, and seven years' tenure of the latter with power to the Executive to reappoint him. The Queensland Act provides that the judges of the Court, whether or not appointed industrial judges, have the status (which does not include tenure) of Supreme Court judges; and it is also declared that the Court is a branch of the Supreme Court.

Jurisdiction of the Court

The Industrial Arbitration Act of 1916 gives to the Court very wide powers as to industrial matters and inserts safeguards against the intervention of courts of law. The principle of industrial arbitration is now generally acquiesced in by employers and employees, but for years many employers fought the intervention of the arbitration courts. Frequently the ordinary courts of law were invoked to restrain industrial authorities from dealing with industrial matters, and the Commonwealth Arbitration Court in particular has been greatly harassed and delayed by such litigation. Not only is the jurisdiction of the Queensland Court, under the Act of 1916, conferred in very wide terms, but provisions have been inserted prohibiting other courts from interfering. So far, this prohibition has been successful; only one attempt has been made to get past it, and that failed.

It is not necessary to set out in detail the industrial matters with which the Court may deal; but the definition of industrial matters is so wide that almost every conceivable subject which could form a matter of dispute between or affect the relationship of employer and employee comes within the jurisdiction of the Court. Numerous legislative attempts to confer extended powers on industrial tribunals have been made, but events have from time to time demonstrated the need for the use of wider definitions of industrial matters; the Queensland Act, as the result of that experience, has its powers stated in very wide terms indeed. The main limitation of the power of the Court is in reference to the callings with which it may deal; domestic servants and agricultural workers (other than sugar field workers) are excluded. The Governor-in-Council may also exempt any class of persons

from the provisions of the Act—a power which has on more than one occasion been exercised with respect to the more highly paid public servants.

Procedure of the Court

Arbitration courts, like wages boards, have frequently been guilty of great delays. In most instances this can be ascribed to the understaffing of the court. Such certainly was the main cause of delay in the New South Wales Court established in 1901. The Newcastle miners waited four years for their case to be heard, and were prevented from striking only by the creation of a special tribunal. Understaffing is also a great contributing factor to the delays in the Federal Arbitration Court. The Queensland Court is not understaffed, and its methods make for greater expedition than is customary in most courts. Lawyers are excluded from the Court (except by consent of parties—a consent seldom given), and in most instances the laymen appearing are experts in industry, not skilled in the art of lengthening cases. Formal requirements are reduced to a minimum. A union (or twenty employees) or an employer who desires a matter to be determined by the Court files a claim. A representative comes before a judge in Chambers. The judge makes an order as to service and names a day before which the answers must be filed and on which the parties attend. The matter is heard there and then, if the parties are willing and the judge happens to be free to devote the day to the hearing, or a day is fixed for the hearing. The Court inquires whether any good result is likely to come of the parties conferring. The answer is usually in the affirmative. The Court then summons representatives of the parties to a conference. In most instances the parties depart to a conference room to discuss matters. If they so desire, they confer in the presence of the judge, who makes suggestions or, if the parties so wish, determines the matter on the arguments adduced and on statements made without hearing any witnesses. If there is a serious controversy as to the facts, or if the court or the parties desire a formal hearing and determination, the matter is referred into Court and dealt with publicly. The private conferences of the parties often result in agreements, and the Court makes awards according to the terms of such agreements, first satisfying itself that the public interests are not injuriously affected.

Industrial agreements between unions and employers may be registered, and when so registered have the force of awards. The agreements may, after affording opponents an opportunity of being heard, be made a common rule, applying to all employers and employees in the calling in the locality.

It is quite exceptional for a conference to be altogether abortive; the points in issue are usually narrowed down to a few. The Court gives full reasons for its judgments on the more important contested matters. The parties to other claims may, by studying these judgments, form some idea of what the Court's decisions in

analogous matters are likely to be, hence the judgments are a guide in conferences. The conferences take the place of the prolonged proceedings of the wages boards, and it is exceptional for matters requiring technical knowledge or knowledge of trade customs to be left to the judge's determination. For such matters the judge is empowered to summon expert assistance, but in practice this is hardly ever necessary, the parties being willing that the matter should be determined by the judge after hearing the witnesses.

Local Differentiation

The Court has its headquarters at Brisbane, the largest city in the State of Queensland. The Court makes periodical visits to Rockhampton and Townsville, the former the principal city of the central district, with a population of 20,000, the latter the principal city of North Queensland, with a population of 25,000. Rockhampton is 400 miles and Townsville 850 miles north of Brisbane. The awards of the Court are gradually being made State-wide in their operation and a recognised marginal allowance between the southern and northern districts obtains. Occasionally when local disputes of any importance occur, a judge of the Court visits the scene and determines the matter on the spot. When making the award for the sugar industry, the Court has either itself or through an industrial magistrate taken evidence at important centres. The judges of the Court have also visited isolated towns in the mining districts in the course of their investigations and proceedings.

WAGES

Among the principal matters for determination by industrial courts are wages and hours of labour. In regard to these matters the Queensland Court must conform to certain rules laid down by the legislature.

As to wages, Section 9 provides as follows:

(1) The Court may from time to time declare general rulings relating to any industrial matter for the guidance of suitors before it and of boards, and in order to prevent a multiplication of inquiries into the same matters.

(2) Such declarations shall be *primâ facie* binding as decisions of the Court upon the Court and any board or industrial magistrate.

(3) Without limiting the generality of the power conferred by the two immediately preceding subsections, the Court may from time to time make declarations as to—

(a) the cost of living;
(b) the standard of living;
(c) the minimum rate of wages to be paid to persons of either sex;
(d) the standard hours:

Provided that—

(i) the minimum wage of an adult male employee shall be not less than is sufficient to maintain a well-conducted employee of average health, strength, and competence and his wife and a family of three children in a fair and average standard of comfort, having regard to the conditions of living prevailing among employees in the calling in respect of which such minimum wage is fixed, and provided that in fixing such minimum wage the earnings of the children or wife of such employee shall not be taken into account;

(ii) the minimum wage of an adult female employee shall not be less than is sufficient to enable her to support herself in a fair and average standard of comfort, having regard to the nature of her duties and to the conditions of living prevailing among female employees in the calling in respect of which such minimum wage is fixed.

Section 8 provides:

Without limiting the generality of the powers of the Court, the Court may make an award with reference to a calling or callings—

(i) fixing the quantum of work or service to be done and the lowest prices for their work or rates of wages payable to employees other than aged or infirm workers:

Provided that in fixing rates of wages in any calling—

(a) the same wage shall be paid to persons of either sex performing the same work or producing the same return of profit to their employer;

(b) the Court shall be entitled to consider the prosperity of the calling and the value of an employee's labour to his employer in addition to the standard of living, but in no case shall a rate of wages be paid which is lower than the minimum wage declared by the Court.

The Basic Wage

Every Australian arbitration court lays down its idea of a basic wage—the lowest wage which the court will prescribe—a wage below which a married man and his family cannot be maintained in reasonable comfort. The courts have been assailed by employers who allege that the basic wage from time to time fixed is too high and by employees who allege that it is too low. Yielding to representations by employees, the Prime Minister of the Commonwealth in 1920 appointed a Federal Basic Wage Commission, consisting of representatives of employers and employees and a chairman (a lawyer with wide industrial experience), to inquire into the basic wage. The Commission presented a valuable report, after twelve months' investigation, which unanimously affirmed that the minimum wage adopted by the various Australian courts was not enough to maintain a man, wife, and three children in a sufficiently high standard of comfort. The findings of this Commission could not be legally enforced except through legislative enactment (which the Commonwealth had no power to pass) or by adoption by the courts. Neither legislation nor judicial adoption has eventuated. The wage standard of the Queensland Court approaches nearest to the standard recommended by the Commission, but is considerably below it.

The obstacles in the way of the Queensland Court adopting the Federal Commission's finding were twofold. (1) Free trade between the States would make it fatal to Queensland industries to have a much higher wage scale than have the neighbouring States of New South Wales and Victoria, which show no likelihood of adopting the Commission's finding. (2) Production in Australia would be insufficient to enable the wage mentioned in their finding to be given to *all* adults. The number of adult males is greater than the number of dependent children, so that it may be

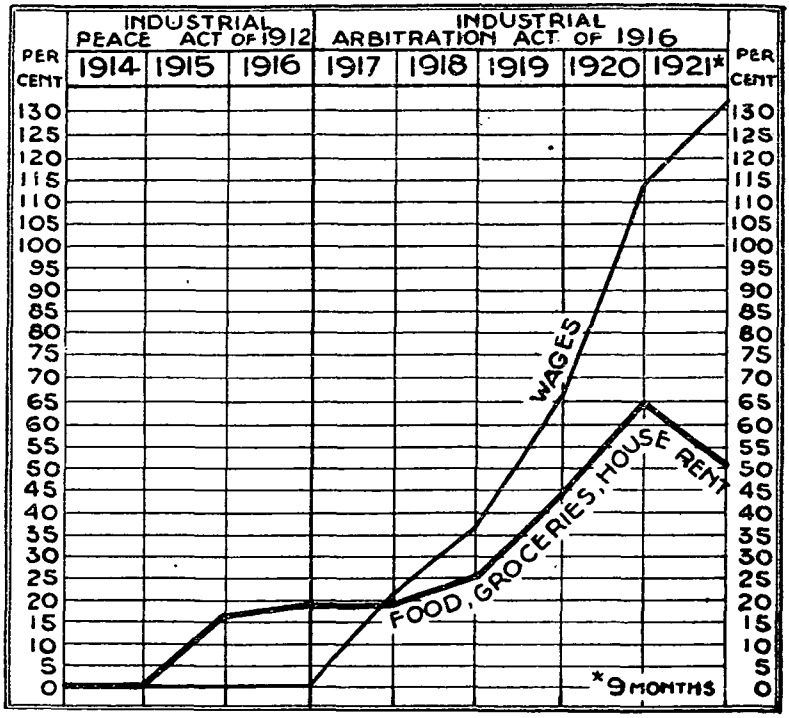

DIAGRAM A. Cost of living in Brisbane, 1914-1921, and average wages of dressmakers (including women's readymade clothing), laundresses, and waitresses.

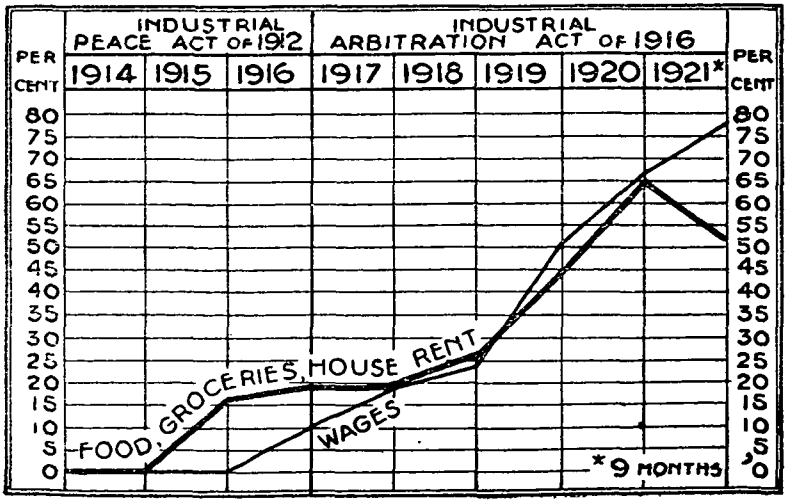

DIAGRAM B. Cost of living in Brisbane, 1914-1921, and average wages of fitters, carpenters, cabinet makers, and compositors.

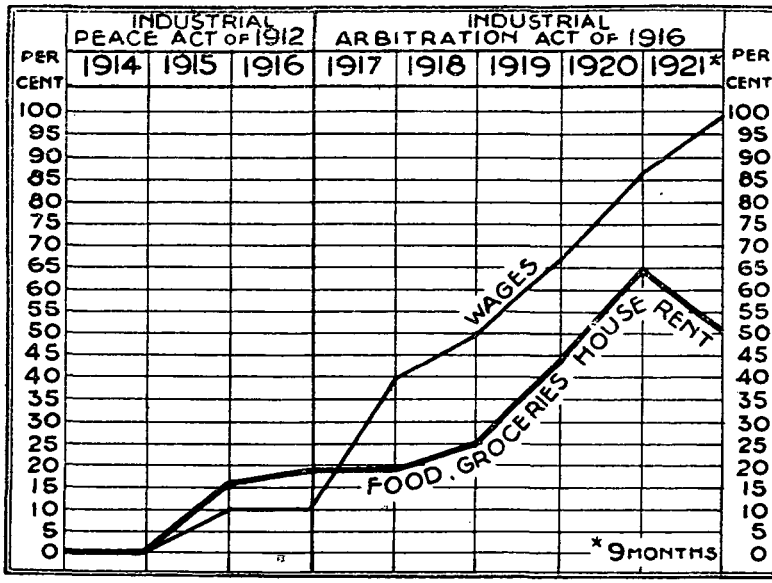

DIAGRAM C. Cost of living in Brisbane, 1914-1921, and average wages of lower grade railway employees, including fettlers, porters, firemen, drivers and guards (lowest grade), clerks (age 21), and engine fitters in workshops.

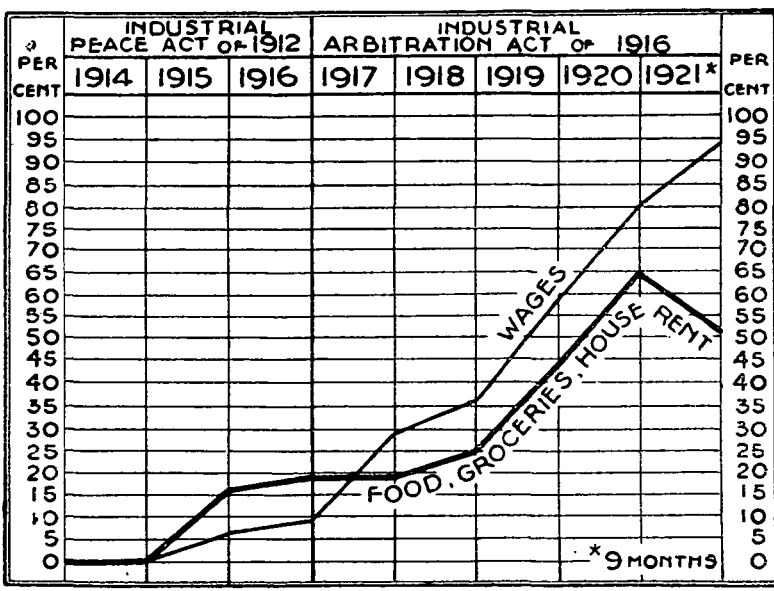

DIAGRAM D. Cost of living in Brisbane, 1914-1921, and average wages of all occupations included in diagrams A, B, and C.

practicable for the legislature, by some system of endowment of children, or wives and children, to provide the necessary standard. It is obvious that the present system, under which married and single are paid equal wages, places married men at a disadvantage, but to prescribe a higher wage for married men would lead to preference of employment to unmarried men.

The judges of the Queensland Court reconsidered the minimum wage for that State in February 1920, after the presentation of the Federal Basic Wage Commission's report, and declared a minimum wage of £4 5s. per week for industries "of average prosperity". This is not a true basic wage, since it recognises that in industries not of average prosperity a lower wage may be paid. In no award, however, has the Court fixed a minimum wage lower than the wage—adjusted according to the cost of living—laid down by Mr. Justice Higgins in the Harvester decision of 1907, which may still be regarded as the Australian basic wage (7).

The wage of £4 5s. is the wage for unskilled workers in normal industries ; a higher sum is given to skilled workers, piece-workers, workers employed in abnormal conditions, casual and seasonal workers. It must be confessed—as the Queensland Court confessed in its basic wage judgment—that scientifically the methods by which the basic wage is determined leave much to be desired, but, with the facts available, precision is not obtainable. In any case, though mathematically the wages which can be paid may be determinable, the question what wages should be paid will always be a matter for political or quasi-political determination.

Relation of Wages to Cost of Living

The graphs here given (prepared by the Registrar of the Court), show the movement of wages and the cost of food, groceries, and house rent from 1914 to the present time, for workers in three selected wage groups.

Casual, Intermittent, and Seasonal Work

The regulation of wages in casual, intermittent, and seasonal work calls for special consideration, for in such work wages that in regular work constitute a living wage would be insufficient. An instance of casual work is that of waterside workers. Here the Court estimates that the average number of hours worked per week is 29, and, dividing the basic wage by 29, fixes the hourly rate at 2s. 11d. The building trades furnish an example of intermittent work. In its award as to these trades the Court fixes a sum above that which it would award if the employment were regular. The whole of the building trade employees throughout the State are covered by one award, which, contrary to the usual

(7) The whole question of the basic wage is fully discussed in the judgment of the full bench of the Queensland Court. Cf. *Government Gazette*, 24 Feb. 1921.

custom in this industry, prescribes a weekly, instead of hourly, wage—a provision to which employers have expressed great objection.

The principal seasonal work regulated by Queensland awards is that in the sugar, shearing, and meat export industries. The harvesting season in the sugar industry lasts about six months of the year ; in the shearing industry few men get more than twenty weeks' actual work ; in the meat export industry, in normal seasons, there is about six months' work, but frequently there are but two or three months owing to seasonal fluctuations. In all these industries the Court prescribes daily or weekly wages which are higher than those prescribed in respect of work of a more regular nature, for in seasonal industries the employees frequently have to travel considerable distances to take up their work and, moreover, many of them find it difficult to obtain employment in the slack season.

Piece-work

For many industries the Court fixes piece-work rates. The shearer in the pastoral industry, the cane cutter in the sugar industry, the slaughterman in the meat export industry, the miner in the mining industry, are all piece-workers, and their piece-work rates are fixed at sums which enable the average competent worker to earn considerably more than the ordinary daily wage. The Australian Workers' Union sought the abolition of piece-work in the sugar industry, but the Court refused to abolish it; reasons for and against piece-work are considered at some length in the judgment [8]. Piece-work also obtains generally throughout the garment making trades.

HOURS

As to hours, the legislature has provided—Section 10 (1)—

> The following directions shall be observed by the Court and the boards in making awards, and by the parties in making industrial agreements, in all callings to which this Act applies, save in the callings mentioned in the first proviso to paragraph *(a)* hereof :—
>
> *(a)* Employees shall not be worked on more than six out of seven consecutive days, and the time worked by them within any period of six consecutive days shall not exceed forty-eight hours; the time worked by employees on each day shall not exceed eight hours, except in those callings where a short day in each week is mutually adopted by the employers and employees, in which latter cases the time worked on five days of the week may be proportionately greater than eight hours per day in order to allow forty-eight hours to be worked during six consecutive days :
>
> Provided that in the callings following, namely, carting trade, the removal of house refuse and night soil, parcels deliveries, employees on coastal, river, and bay vessels, and musterers and drovers of stock, the Court in its discretion may determine the maximum daily or weekly hours :
>
> Provided further that—

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[8] *Government Gazette*, 1 May 1919.

(b) The working time of employees in underground occupations, or occupations in which the conditions as to temperature, ventilation, lighting, and limitation of approaches are similar to those obtaining in underground occupations, shall include permitted intermissions for rest and meals, shall be reckoned from bank to bank, and shall not exceed six hours per day unless a temperature of less than eighty-five degrees Fahrenheit thermometer, using a wet bulb, is maintained for at least a seven-eighths proportion of the working shift in the working place where the employee is occupied ;

(c) Intermissions for rest (other than "smoke-oh's" and for meals), in any day on which eight and three-quarters hours or less are worked, shall not exceed a total of one hour ;

(d) Overtime, that is time worked in excess of the times or hours above limited, or before or after the fixed or recognised times of starting or leaving off work on any day in any calling, may be permitted by the terms of any award or industrial agreement at a rate of payment therefor of not less than double time in any calling in or in connection with which more than one shift per day is worked, or not less than time and a half in any other calling ;

(e) Notwithstanding the terms of any current award or industrial agreement, the Court may by award from time to time, for the purpose of distributing the work available in a calling so as to relieve unemployment, or for any other purpose which appears to the Court to be good and sufficient, prohibit or restrict to any extent the working of overtime in any calling ;

(f) The Court shall, upon the application of an industrial union, make an award prohibiting the working of overtime in any calling in which the working of overtime is not permitted as aforesaid, but nothing herein shall prevent the amendment or making of any award so as to permit the working of overtime ;

(g) Notwithstanding the terms of any industrial agreement a greater number of hours than above limited may be fixed by award if the Court certifies that for reasons of paramount public interest such greater number of hours should be worked in the calling ;

(h) Subject to the last preceding paragraph, where in any calling the ordinary time of work is at the commencement of this Act fixed by award or industrial agreement or by well-established practice in the calling, such time shall not be exceeded in any award or industrial agreement made after such commencement in respect of such calling.

In most manufacturing industries a 44-hour week is in operation—five days of eight hours each and four on one day. The 44-hour week first became general in North Queensland, which is within the tropics ; within the last two or three years it has been extended throughout the State, is being adopted in New South Wales, and is soon likely to be of fairly general application through the Commonwealth.

STRIKES

Under the present Act a strike or lock-out is not an offence provided it is authorised by ballot. In practice, however, the direction that a ballot should be taken is ignored. In some instances fines have been inflicted upon persons illegally striking, but the majority of cases go unpunished. It is generally recognised that it is extremely difficult, if not impraticable, to punish a large body of strikers. Since the coming into operation of the Act of 1916, the strikes which have caused the most serious con-

sequences in Queensland are strikes in the shipping, waterside labour, and coal industries. These industries were in the main regulated by awards of the Federal Court, and the strikes originated in the South.

Difficulty in maintaining industrial peace in the meat export industry has been experienced. In this industry, for some years before 1917, it was the custom for the employing companies and their employees to enter into agreements. The employers, however, found that notwithstanding the agreements strikes, including slow strikes, were of frequent occurrence. The employing companies determined that they would enter into no further agreements but would apply to the Court to regulate the industry and adhere in the future to the strict letter of the award. Among the first matters dealt with by the newly established Court in 1917 was a dispute in this industry over the refusal of the employers to meet the employees in private conference and discuss wages and conditions of work. In the following year the Court determined the wages and working conditions in the industry, the unions taking the stand that they were unwilling industrial litigants. Frequent strikes took place, especially in the Northern District of Queensland. Differences of opinion on matters of detail were the occasion, but not the cause, of the strikes. Direct action usually took the form of a slow strike by a section of the employees, necessitating the employers facing a heavy loss of perishable products unless they yielded to the demands. The employers frequently yielded rather than incur loss, and success in one strike encouraged others. In South Queensland little trouble was experienced; Townsville, in North Queensland, was the turbulent centre. The employers took a determined stand in 1919, and serious industrial trouble ensued, other unions indulging in sympathetic action. A ballot of all the members has resulted in the adoption of arbitration as the policy of the union; this, together with the failure of the policy of direct action in 1919, has probably led to peace in the industry, for the employees seem at last to have arrived at the conclusion that strikes do not pay. However, since in times of depression strikes have little chance of success, one must beware of being over-sanguine of the future merely because peace now prevails.

Another industry in which strikes were of frequent occurrence was the sugar industry. Since 1917 no strike causing serious loss has occurred, and this may be ascribed in large measure to the intervention of the Court and the industrial magistrates. The most serious strike occurred at Innisfail in North Queensland in 1918, and was eventually settled on terms recommended by the Court. Another strike of considerable importance occurred recently in the South Johnstone District, near Innisfail, and was largely due to a turbulent minority of direct actionists who are in conflict with the policy of the Australian Workers' Union. The Union, however, decided to discipline the malcontents and has been successful in defeating them and restoring industrial peace. In the sugar industry, to facilitate the cutting, the standing cane is

often burnt, by agreement between sugar-farmer and cutter. This enables the cutter to earn more money, while the cane suffers little deterioration in sugar contents if it is cut without delay. If delay ensues, however, the loss is considerable. A dishonest cutter will sometimes, after the cane is burnt either with or without permission, demand a higher rate than that at which he has contracted to cut the cane, and the farmer is then faced with the alternative of losing heavily or yielding to the higher demand. Stringent provisions to meet such cases have been inserted in the award, and have met with some measure of success.

With regard to strikes as a whole, their frequency increased during the war period (9). There was a shortage of labour owing to the absence of so many men in the war; employers were making great profits; the prices of commodities were rapidly rising; it was a period of abnormal excitement, political and industrial. When these circumstances, with those that are peculiar to Queensland, are taken into consideration, it will be found that the record of this State in regard to industrial strife does not compare unfavourably with the record of other countries. In fact, the industries in which most trouble occurred were industries where the work was of a casual nature, where men were living away from their homes and were working in a tropical climate.

Opinions will vary as to the extent to which arbitration courts have contributed to industrial peace, but this much may be said with confidence: the fact that the Court was available to determine questions in dispute, and that the Court investigated and expressed its opinions upon the merits of the disputes, had the effect of removing much of the bitterness which usually attended industrial troubles; while public opinion, which weighs so much in all

(9) Cf. AUSTRALIAN COMMONWEALTH BUREAU OF CENSUS AND STATISTICS, *Quarterly Summary of Australian Statistics*, Bulletin No. 85, Sept. 1921, p. 64 (Melbourne, Government Printer), from which the following figures are taken:

INDUSTRIAL DISPUTES IN QUEENSLAND, 1913 TO 1921

Year	New disputes	Establishments involved in new disputes	Workpeople involved in new disputes			Working days lost			Total estimated loss in wages*
			Directly	Indirectly	Total	New disputes	Old disputes	Total	£
1913	17	20	1,781	225	2,006	—	—	55,288	28,374
1914	18	42	1,280	406	1,686	—	—	25,703	11,747
1915	17	39	1,477	589	2,066	—	—	19,934	9,505
1916	64	252	17,367	2,954	20,348	—	—	170,690	96,976
1917	39	202	12,074	971	13,045	—	—	347,699	178,125
1918	84	696	8,803	1,875	10,678	—	—	483,883	131,142
1919	69	295	9,078	6,336	15,414	—	—	586,661	327,537
1920	55	71	3,775	2,033	5,808	—	—	68,298	44,943
1921 †	13	14	1,080	1,396	2,476	55,554	32,770	88,324	56,154

* Total estimated loss during the respective periods for all disputes.
† First half of 1921.

[Editor, *International Labour Review*]

strikes, usually brought its influence to bear upon the parties to compose their differences by submitting to the arbitrament of a tribunal established by law. It is an undoubted fact that arbitration as a means of settling industrial disputes grew in popular favour during the war period, though it cannot be gainsaid that many who were then in favour of it as a means of promoting industrial peace are no longer in favour of it when the dislocation of business owing to falling and fluctuating prices has, by creating unemployment, made the employees less formidable in industrial warfare.

Local Disputes

Owing to the distance of Brisbane from many of the industrial centres, it is impossible for the Court to intervene and determine local disputes promptly. Yet such prompt intervention is in many cases essential. For such matters the services of local industrial magistrates are requisitioned. These industrial magistrates are almost invariably police magistrates, permanent officials. When the Court receives information, usually by telegram, as to the existence of a dispute requiring urgent attention in a distant part of the State, a telegram is dispatched to the nearest industrial magistrate, asking him to call a conference, and either to endeavour to induce the parties to compromise or to determine the matter in dispute. Sometimes, when the matter is one that the parties wish should be determined by the Court, evidence is taken and transmitted to the Court with such observations as the industrial magistrate thinks fit to make. In several awards, for example, the sugar industry award, powers of direct intervention are conferred on an industrial magistrate in general terms, and upon a cane inspector, expert in determining questions requiring a practical knowledge of cane-cutting operations. In other awards, for example, the meat export industry awards, provision is made for the appointment of local arbitrators and industrial committees with powers to determine disputes as to the interpretation of the award or otherwise arising with reference to work done under an award. Dissatisfaction arose amongst employees owing to inconsistent departmental interpretation of the railway award. The Commissioner, at the suggestion of the Court, designated an officer whose duty it was to interpret the award and publish his interpretations. The unions or the commissioner may appeal from these interpretations to the Court. The power to appeal is freely exercised, but in 95 per cent. of the cases the opinion expressed by the interpreter stands.

Union Preference

The question whether preference of employment should be given to members of industrial unions has been the occasion of much discussion. Under the 1912 Act, in spite of the provision that no person shall be refused employment or in any way discrimin-

ated against on account of membership or non-membership of an industrial association, shortly after the Act was passed an agreement was entered into between the employers and the individual unions in the meat export industry practically granting an exclusive right of employment to members of the unions. In the existing awards these preference provisions still obtain, subject to certain important modifications arising out of numerous sectional strikes which have occurred in the northern portions of the State. The Industrial Arbitration Act of 1916 was only passed after a compromise with the nominated House, the Legislative Council, which insisted on the excision of certain machinery clauses relating to the granting of preference of employment to unionists and succeeded in having them deleted, believing—erroneously as subsequently appeared—that the excision would prevent the granting of preference. The full bench of the Arbitration Court in 1917 decided that the wide powers conferred by the Act enabled the Court to grant preference to unionists, notwithstanding the omission of the machinery provision. In many of its awards now in operation, preference to unionists—and in some instances the exclusive employment of unionists—is prescribed.

In 1917 the question of preference was sharply raised by a majority of the employees of the Mt. Morgan Company's mine, who refused to work with non-unionists. The Court, after a public hearing, made an award providing that all employees doing work in respect of which the Australian Workers' Union had obtained awards should be members of the Union or should join the Union within a certain period after their employment.

The Australian Workers' Union, which has the largest membership of any union in Queensland or in Australia, has also obtained preference in several important industries, notably the shearing and the sugar industries, but it has been made a condition of such preference that it should only obtain so long as the union resorts to arbitration and not to strikes for the purpose of settling its disputes. The policy of this union, affirmed by ballot of all its members, is to submit its disputes to arbitration. The union contends that unless it has preference it cannot discipline unruly members, for they would simply leave the union. A small minority of members of the union is disposed to follow in some respects the precepts of the Industrial Workers of the World, and whatever industrial trouble has occurred in recent years in the ranks of this union has been mainly attributable to this element.

In numerous awards the Court has given preference, in one form or another, to members of industrial unions, with a view to recognising the benefits obtained for employees through the unions by awards made at their instance, to preventing discrimination against unionists, to stabilising employment in industries, and to obtaining the assistance of the unions in the maintenance of industrial peace. Qualified preference, conditioned to last only so long as the members of the union refrain from striking, has in several instances been awarded.

Enforcement of Awards

Offences against awards are punishable by fine. Charges of such offences, and also proceedings for the recovery of wages due under an award, are determined by local industrial magistrates, and there is a right of appeal to the Court by way of rehearing. In practice proceedings for offences against an award are usually taken by officials of the Department of Labour—a Department which is in no way subject to control by the Court, but whose duty it is to see that awards are properly carried out. If the parties interested desire to obtain an opinion of the Court as to the interpretation of an award, they may apply direct to the Court for a ruling. Where the facts are undisputed, this is a simple, expeditious, and inexpensive remedy—it has been much resorted to by the employers and the unions in the meat export industry—obviating the distasteful remedy of prosecutions for penalties or suits for the recovery of monies. It may be remarked that, not only in the making of awards is the Court protected from interference by other tribunals, but in the determination of all questions relating to their interpretation or enforcement its decision is also final. The Court has thus an advantage over the Commonwealth Court, the awards of which must be interpreted by the ordinary courts of law.

Non-manual Workers and Public Servants

It is worthy of note that in Queensland employees who ordinarily are associated neither with unions nor with arbitration courts have taken advantage of the provisions of the Queensland Acts and have derived very considerable benefits from the awards. Among the latest who have sought the protection of the Court are nurses, clerks, bank officers, teachers in primary and secondary schools, and architectural draughtsmen. Most of these employees were forced to have recourse to the Court, being unable, without the aid of the Court, to have their salaries increased so as to compensate for the diminished purchasing power of money. Before the establishment of the Arbitration Court, they were for the most part not organised into unions and unable and indisposed to take direct action. There is little doubt that, but for the help of the Arbitration Court, their wages would not have increased in accordance with the cost of living.

A very important function of the Court is the regulation of the wages and conditions of service of public servants. The most elaborate award is that covering the railway employees of the State. This award deals with about 15,000 employees and with some hundreds of grades and varieties of occupation; numerous unions are parties to the proceedings.

Among the results which may be claimed from the awards of the Court in respect of public servants generally is the institution of a system of classification for clerical and administrative officers. In the railway service this result was directly due to the action of the Court, in the ordinary public service indirectly, reclassification

being effected by the appointment of a Commissioner. But for the Arbitration Court, it is not unlikely that public servants would have experienced a difficulty in having their salaries adjusted to changes in the cost of living, similar to that experienced by public servants in other countries, such as the United States (10). The Act contains a special provision that, even after the Court fixes the salaries of public servants, payment is subject to the necessary funds being voted by Parliament. In practice, however, when the salaries have been fixed by the Court, Parliament makes its appropriations in accordance with the Court's awards.

Trend of Arbitration

Although arbitration is from time to time attacked, now by dissatisfied employers, again by dissatisfied employees, it is almost certain that, whatever variations may be made in the constitution, personnel and powers of industrial tribunals, arbitration for the prevention and settlement of industrial disputes has come to stay (11). It seems inevitable that eventually a wide power of regulating industrial matters must be handed to the Commonwealth Parliament (12). The resolution to this effect recognising the desirability of extending the Federal powers was moved in the first Federal Parliament by the great lawyer who subsequently became the President of the Commonwealth Arbitration Court—Mr. Justice Higgins—and whose admirable contributions to the *Harvard Law Review* (13), entitled *A New Province of Law and Order*, are, or should be, familiar to all students of Australian

(10) United States Bureau of Labour Statistics, *Monthly Labour Review*, Vol. X, No. 6, June 1920, pp. 19-35: *The Government's Wage Policy during the last Quarter Century*, by Mary Conyngton. Washington, Government Printing Office.

(11) To illustrate the development of industrial arbitration and industrial agreements in Queensland, the following figures have been taken from the *Official Year Book of the Commonwealth of Australia*, Nos. 12 and 13; and the *Quarterly Summary of Australian Statistics*, Bulletins Nos. 84 and 85 June and Sept. 1921; Melbourne, Government Printer.

Date	Awards or determinations in force	Industrial agreements in force	Number of persons working under State awards, determinations and industrial agreements
31 December 1913	73	5	—
31 December 1917	125	75	—
31 December 1918	184	74	90.000
31 December 1919	206	65	90.000
31 December 1920	242	56	100.000
31 March 1921	203	42	100.000

[Editor, *International Labour Review*]

(12) See p. 386 of this article.

(13) Nov. 1915 and Jan. 1919. Cambridge, Mass. Reprinted in U. S. Bureau of Labour Statistics: *Monthly Labour Review*, Vol. II, No. 2, Feb. 1916, pp. 1-22, and (in summary) Vol. VIII, No. 6, June 1919, pp. 208-215, under the title *Industrial Peace in Australia through Minimum Wage and Arbitration*. Washington, Government Printing Office.

industrial problems. Should wider powers be given to the Commonwealth Parliament, the difficulty will be to devise a scheme of arbitration which, while retaining central control of the more important matters, will permit of speedy decentralised regulation of matters of detail. It is of utmost importance that delays should be avoided. Possibly the larger questions, such as the basic wage, may be determined by a bench of judges, or a body representative of employers and employees presided over by a judge, such as the New South Wales Board of Trade; while matters of detail may be left to other judges, subject to a right of appeal. Nor is it improbable that, as the importance of the industrial problem is recognised, Parliament will itself determine some of the matters of outstanding importance, and, in so determining, will be aided by the research work of the courts and wages boards, which are in reality subordinate legislative bodies.

The basic wage should be determined more scientifically than at present, but for this purpose statistical and economic knowledge will need to be greatly advanced. The principle underlying the idea of the basic wage, that human needs must be considered in fixing remuneration, should lead to differentiation in the income of those with dependents or else special provision for the support of those dependents. As far back as 1890, a Labour Congress declared in favour of pensions for children. Legislative proposals in this direction are now before the New South Wales Parliament. Mr. Piddington, the Chairman of the Commonwealth Basic Wage Commission already adverted to, has in a memorandum addressed to the Federal Prime Minister invited attention to this matter; while the Commonwealth Government, in regard to its own servants, makes extra payments in respect of wives and children.