The history of the Australian Minimum Wage

by The Hon. Reg Hamilton, Fair Work Commission
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Weekly minimum wage
1906–2013

Introduction

The history of the Australian Minimum Wage 1907–2012

This publication sets out in date order each of the Court and Commission decisions on the Australian minimum wage over the last one hundred years under the following headings:

- the origins of the Australian minimum wage;
- the ‘needs’ principle and ‘capacity to pay’;
- women’s wages;
- quarterly indexation 1922–1953;
- the Great Depression 1931;
- prosperity loadings 1934;
- the post war period, 1953–1956 Basic Wage Inquiries;
- margins 1908–1967;
- the total wage 1967 and subsequent adjustments until 1974;
- removal of discrimination in award rates;
- reintroduction of quarterly wage indexation 1975–1978;
- six monthly wage indexation 1978–1981;
- six monthly indexation 1983–1987, the Accord and the National Economic Summit;
- reforming awards and work and management practices 1987–1991;
- enterprise bargaining 1991–1996;

Following that some of the important aspects of this history are summarised:

- the form of adjustments to the minimum wage over 100 years (wage indexation and other forms);
- a statistical comparison of the minimum wage over 100 years (with gross domestic product, average weekly earnings and other matters);
- a statistical comparison of the Australian minimum wage compared with average weekly earnings with minimum wage systems in other comparable countries;
- the changing Court and Commission descriptions of the minimum wage in its decisions.

This publication brings together, probably for the first time, the Basic Wage, National Wage and Safety Net decisions of the last 100 years, together with each of the movements in the Australian minimum wage.
The origins of the Australian Minimum Wage

Pressure for the minimum wage came from two sources. More directly, the Victorian anti-sweating league established in the 1880s by protestant reformers to campaign against poor working conditions, and Parliamentary inquiries into poor working conditions, led to the Victorian Factories and Shops Act. This and the wages set by wages boards under the Commonwealth Basic Wage system.

In 1896 a Victorian Board of Inquiry reported that there was a problem with ‘sweating’, that is oppressive wages and conditions, in Victoria. It gave as an example one single woman with two children: ‘Her working hours averaged 72 per week, and she worked sometimes on Sunday in order to keep body and soul together. I checked the tickets, and saw that she made knickerbocker trousers throughout for from 2 shillings 6pence to 3 shillings per dozen. Seven years ago she got 6 shillings per dozen for the same work. Her earnings averaged 11 shillings per week.’

Secondly, indirectly the minimum wage was associated with the establishment of independent tribunals to deal with industrial disputes. The Great Strikes of the 1890s led to a widespread perception of economic damage, and social disorder, as well as unrest among the workforce. The strikes occurred at a time of drought and economic recession, which caused great suffering. These were matters that concerned electors, the community generally, and therefore politicians seeking to be elected in the early 1900s.

Charles Kingston, the dominant political figure in South Australia, spoke for many when he said that the ‘disastrous effects to society generally’ of labour disputes, the parties could not be left to simply ‘fight the matter out to the bitter end.’ He told the Constitutional Convention of 1891 that the solution was compulsory conciliation and arbitration:

‘the establishment of courts of conciliation and arbitration, having jurisdiction throughout the Commonwealth, for the settlement of industrial disputes.’

In 1896 a Victorian Act set an overall minimum wage for any factory or work-room in the colony of Victoria of 2 shillings and sixpence per week. This and the wages set by wages boards under the Commonwealth Basic Wage system.

As other industrial tribunals were established (South Australia 1900, NSW 1901, Western Australia 1902, Commonwealth 1904, Queensland 1908, Tasmania 1910), they made awards setting minimum wages at various levels, often 6 shillings a day or 36 shillings a week, or lower.

However, it was the 7 shillings a day set in Ex parte H.V. McKay (the Harvester Decision) that became the basis of the Australian minimum wage system. In Harvester the Commonwealth Court of Conciliation and Arbitration decided that 7 shillings a day or 42 shillings a week for an unskilled labourer was ‘fair and reasonable’ wages, having regard to ‘the normal needs of the average employee, regarded as a human being living in a civilised community’. It was set having regard to evidence about household budgets, and to enable a man, wife, and three children to live in frugal comfort. The practice of Melbourne public authorities of paying that as a minimum was also influential. Higher amounts, such as 10 shillings a day, were applied to more skilled employees such as tradespersons, known then as tradesmen or journeymen.

By the 1920s State tribunals had gradually increased award rates to at least those set in Harvester. The coverage of awards had increased and by the 1920s over half of Australian workers were protected by the minimum wage system. Eventually there were 34 separate federal basic wages based on different costs of living estimates: separate basic wages for the six capital cities, for 26 country towns and for two localities. There were also basic wages which varied in each of the six State systems.

The Harvester 7 shilling minimum was applied to an award in 1903, although there was not one consistent federal ‘minimum wage’ until the 1950s. Most awards were State awards, and the Harvester rate had little application until the 1920s. In 1913 the Harvester wage was increased by the amount of inflation found to exist in the first Commonwealth measure of inflation, the ‘A’ series.

In 1920 the Royal Commission into the Basic Wage (the Fullerton Commission) issued a report into the cost of living. The report gave an estimate of the income which was sufficient to support a man, wife, and three children under 14 in November 1920 in each capital city in Australia. It set an amount of 115 shillings for Melbourne, and similar amounts for other capital cities.

In 1921 the Court confirmed that the Harvester 7 shillings, adjusted for inflation, was the appropriate award minimum rate. It rejected a trade union application for the Court to adopt the higher Royal Commission amounts, on the basis that the economy could not sustain such increases. It set the new Harvester wage at 85 shillings per week. The 85 shillings included the ‘Powers 3 shillings’, an amount added by Powers J to maintain the real value of the Harvester minimum wage over the next three months (quarter) because of inflationary price increases which were eroding the real value of the minimum wage. However, the Powers 3 shillings was retained even when prices were falling and it was removed in 1931.

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The ‘needs’ principle & ‘capacity to pay’

Industrial tribunals had to resolve complex questions about the economic and social effects of the minimum wages they proposed to set. During the 1900s a debate took place between those seeking protection for workers and their family ‘needs’, and those seeking to protect industry. The level of the minimum wage reflected that debate, with a lower level of minimum wage for unskilled labourers initially by tribunals because of a different method of assessment of needs in, for example NSW 8 shillings a day or less, and then a relatively higher level of minimum wage set in Harvester (7 shillings a day). This was subsequently gradually adopted across Australia.

However, concerns about the capacity of industry to pay led to the rejection of attempts to raise the level of the minimum wage for unskilled labourers again to the level of ‘needs’ estimated by the Royal Commission into the Basic Wage of 1920 (the Gas Employees Case 1921). Capacity to pay was again given priority when award wages were cut by 10 per cent as a result of the Great Depression of 1931, when industry capacity to pay was substantially reduced.

Women’s wages

In *The Rural Workers’ Union and The South Australian United Labourers’ Union v The Employer*, the Court considered for the first time the question of how the Harvester ‘living’ or ‘family’ wage would be applied to women. It decided that where women were employed in work traditionally done by men and in which they were in competition with male workers, such as fruitpacking, they should be paid the full male minimum wage. This principle effectively sought to protect ‘the normal needs of a single woman supporting herself by her own exertions’, for reasons including that they were not under a legal obligation to cover ‘the normal needs of a single woman supporting herself by her own exertions’, for reasons including that they were not under a legal obligation to support a family. Justice Higgins fixed this at 54 per cent of the male basic wage.

However, women were employed in traditionally female areas or work, such as fruitpacking and millinery, they were to be paid a wage deemed sufficient to cover ‘the normal needs of a single woman supporting herself by her own exertions’, for reasons including that they were not under a legal obligation to support a family. Justice Higgins fixed this at 54 per cent of the male basic wage, and after World War II this became 75 per cent of the male basic wage, and after World War II this became 75 per cent of the male basic wage.

In *Harvester*, the Court decided that both men and women should receive the same award wage.

Quarterly indexation 1922–1953

In *Federated Gas Employers’ Industrial Union v Metropolitan Gas Company*, Justice Higgins recognised for the first time the need to maintain the real value of the minimum wage by adjusting it for inflation:

‘...7 shillings in 1907 were worth as much... in the commodities which wages can procure, as 8 shillings 5 ¼ pence today... The industrial unrest which is so general in all parts of the world seems to have solid foundation in the rise in prices of commodities, in the increasing difficulty of getting the things that are essential for subsistence.’

In 1922–1933 the Court established a system of quarterly indexation, in which the basic wage was increased in line with a Commonwealth measure of inflation each quarter: This was a measure to maintain the real value of the minimum wage, and to protect in real terms the standard of living of workers. Clauses providing for automatic increases to take place in accordance with measures of inflation were included in awards. This system was maintained until 1953, interrupted by the Great Depression (1931), a ‘fresh start’ in 1934, and World War II (1939–1945).

In theory such a system would lead to the maintenance of the award wage at the 1921–22 level in real terms. This was not however the result. The award rate in fact appears to have risen and fallen in real terms. Nobody has yet been able to explain why.

In introducing quarterly indexation the Full Court noted that employers and unions did not oppose quarterly indexation. However, employers opposed the ‘Powers three shillings’, designed to compensate employees for the time lag in obtaining an adjustment to compensate for prices which had already increased:

‘The figures submitted were so convincing that neither the employers’ representatives nor the workers’ representatives contended that the Court should go back to the figures for the preceding calendar year, or to the figures for the twelve months preceding the award, or to abandon the practice of basing the rates on the last quarter’s figures, or to abandon the quarterly adjustments. The real objection by the employers’ representatives was to the Court adding 3 shillings a week to the quarterly figures, which they contended would add 3 shillings a week to the harvesters’ judged standard, and that additional burden ought not to be added to the burdens the industries have to bear in times of depression.

... For instance, if the Court had in April last based its awards on the preceding quarter’s figures without adding 3 shillings a week thereto, the workers would have received on an average for the whole quarter up to 31st July, 3 shillings a week less than the cost of living during that quarter, and that would have been unjust to the workers.’

As previously discussed, eventually there were 34 separate federal basic wages based on different costs of living estimates: separate basic wages for the six capital cities, for 26 country towns and for two localities. There were also basic wages which varied in each of the six State systems.

The first measure of price changes used to adjust the basic wage was the ‘A Series Retail Price Index’. It was replaced with the ‘D Series Price Index’ in 1933, the ‘C Series Price Index’ in 1934, and the special Court series in 1937, amended in 1947 and 1950.

From 1923 to 1953 most adjustments to the basic wage came from award clauses automatically applying quarterly variations in the Government index of retail prices to award rates, without a Court decision. In many years there were no Court decisions which reflected the latest level of the basic wage, unless a new award was made using the latest basic wage. There were however Court decisions in 1931, 1937, 1946 and 1950 which changed the basic wage separately to automatic indexation.

In 1953 the Court decided that wage indexation was not compatible with the ‘capacity to pay’ principle, and brought it to an end, including the removal of automatic adjustment clauses in awards.

There is no ground for assuming that the capacity to pay will be maintained at the same level or that it will rise or fall co-incidently with the purchasing-power of money. In other words, the principle or basis of assessment having been economic capacity at the time of assessment, it seems to the Court altogether inappropriate to assume that the economy will continue at all times thereafter to be able to bear the equivalent of that wage, whatever may be its money terms. Whatever justification there may be for applying such an adjustment formula to a wage assessed according to rational economic capacity in a closed economy, there can, it seems to the Court, be none in an economy such as ours where so much of our productive effort depends for its value upon prices of exports and imports beyond the control of any Australian authority.

Wage indexation was not introduced again until 1975. Trade unions frequently sought its reintroduction, and employers opposed it. However, ‘the needs principle’, which included changes to the cost of living, was a consideration given weight in all decisions. Margins were adjusted more infrequently, and at separate hearings.
Prosperity loadings

In 1937 the Court added to these amounts additional loadings, which it referred to as ‘prosperity loadings’, because of present prosperity and for stabilizing reasons. These amounts were 6 shillings for NSW, Victoria and Queensland, and 4 shillings for the remaining States. In 1950 they were merged with the basic wage.

The Great Depression

In January 1931 the Court reduced ‘all’ award wage rates, including the basic wage and margins, by 10 per cent, because of the depressed state of the economy in Australia and overseas.

The evidence submitted by the applicants was to the effect that the fall in the national income had been so serious as to disturb completely the whole economic balance. The primary cause of the present crisis was the rapid fall in prices received for exported surplus primary products admittedly to the extent of £40,000,000 per annum, and the world fall in general price levels.

The Court refuses to make any variations in the basic wage ... but after much anxious thought it is forced to the conclusion that for a period of twelve months and thereafter until further order a general reduction of wages is necessary. As stated in the Court’s judgement on the recent applications for cancellation of railway awards ‘an emergency has arisen which calls for immediate re-adjustment in all directions; re-adjustment of costs of government, costs of production and services, rents, dividends, interest, and other returns to capital, and costs of living’. All must adapt themselves to the fundamental fall in national income and national wealth and to our changed trading relationships with other countries.

In 1934 the Court decided that ‘the 10 per cent reduction shall cease to operate except in some industries which are now in a critical condition or in which other special circumstances exist’, and abolished the ‘Powers 3 shillings’. It decided to assess and adjust the basic wage from a ‘fresh starting point’. It set an amount of 67 shillings for Sydney and 64 for Melbourne, with most other amounts for each capital city between those amounts.

The post war period

1953–1965 Basic Wage inquiries

During this period inquiries into the basic wage were conducted, and there was considerable debate about the relative importance to be placed on capacity to pay or the cost of living as measured by the Consumer Price Index (CPI). However, the Court then Commission consistently rejected trade union applications to re-establish a formal system of wage indexation based on the CPI, consistent with the rejection of such an approach in 1953. Instead inquiries were held at which all relevant economic and social factors were considered and given different weight according to the circumstances.

After bringing to an end quarterly wage indexation, in 1953 the Court said:

‘... we now specifically intimate that it will be to the total industry of the country that the Court will ultimately pay regard in assessing the capacity of the community to pay a foundation wage. In fine, time and energy will be saved in future cases if the parties to disputes will direct their attention to the broader aspects of the economy, such as are indicated by a study of the following matters:- Employment, Investment, Production and Productivity, Overseas Trade, Overseas Balances, Competitive position of secondary industry, Retail Trade.’

The basic wage was increased at Basic Wage inquiries:

- 1956 (10s increase)
- 1957 (10s increase)
- 1958 (5s increase)
- 1959 (15s a week increase)
- 1961 (12s a week)
- 1964 (20s a week increase)

Claims by employers for a reduction or by trade unions for an increase in the basic wage were refused in 1952–53, 1960 and 1965.

World War II

The 1940 inquiry into the basic wage was adjourned and not finalised until 1950. It stressed the ‘capacity to pay principle’, with the ‘needs principle’ also considered. In 1950 the Court increased the basic wage by 20 shillings, additional to a 7 shilling interim increase in 1946. It also increased the female basic wage to 75 per cent of the male basic wage, and merged ‘prosperity loadings’ with the basic wage.

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Margins

Margins were set, and adjusted infrequently and on an award by award basis for some time. The Court sometimes found the task of establishing a margin difficult. ‘To attempt to assess the value of an actor’s skill would be a hopeless task’. It appears that the original relationship between the Harvester 7 shillings for an unskilled labourer and 10 shillings for a fitter was influential for a time, with the margin in the metal trades increased to about three-sevenths of the basic wage again in 1921, 1937 and 1947. The metal trades margin was often applied as a yardstick in factory trades and occupations.

Claims for general increases in margins, as opposed to increases specific to one award, began to be heard in circumstances of rapid CPI increases and erosion in the value of margins. In 1954 margins were increased by two and a half their 1937 levels, and in 1959 by an additional 28 per cent of the 1954 level. Margins cases came to be heard together with basic wage cases and in 1965 an increase in the margins of 1.5 per cent of the six capital cities basic wage was awarded, and in 1966 a minimum male margin of $3.75 was prescribed for the metal trades award. In 1966 the basic wage and margins were abolished and replaced with the total wage.

In 1966 the Commission decided to abolish the distinction between the basic wage and margins. It directed that these amounts be removed from awards, and replaced by the one amount of a total wage. Wright J said:

“One of the basic considerations affecting my decision is that, over the years, the Court and the Commission have come to regard the same general economic considerations - such as purchasing power of money and national productivity - as relevant to the level of marginal rates in the fashion that they have for a very long time been relevant to the basic wage level.”

Claims for wage indexation continued to be rejected until 1975. For example, in 1969 the Commission said:

“As to automatic quarterly adjustments we reiterate what has been said before that the Commission should retain control over its own award wages and should not allow any form of automatic adjustment to them. Accordingly we reject the claims for the reintroduction of basic wages and their automatic adjustment and also for the introduction of quarterly adjustments to minimum wages for adult males.”

Instead in nearly annual National Wage Cases the Commission increased the total wage having regard to all the economic indicators before it by:

- $2.00 in 1966;
- $1 in 1967;
- $1.35 in 1968;
- 3 per cent in 1969;
- 6 per cent in 1970;
- $2 per week in 1972;
- 2 per cent plus $2.50 in 1973;
- 2 per cent plus $2.50 in 1974.

In the 1974 decision the Commission expressed its concern about the many labour cost increases that were occurring outside National Wage Case increases:

“Ever since 1967, it has been the hope of the Commission that the bulk of wage increases would come from national wage cases in which general increases on economic grounds would normally be awarded every year. This approach was elaborated in some detail in the 1969 National Wage Case Decision. The Commission’s hope has not been fulfilled. In 1970, 1972 and again last year the Commission expressed its concern at the development of..."
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In the Cattle Industry Case 1966(71) (the Aboriginal Stockmen’s Case), the Commission decided to remove the exemption of Indigenous employees from an award. This led to the removal of all such exemptions from federal awards. The result was that one award rate applied to all employees, whether Indigenous or not. It suggested that a simpler system of slow worker permits might be developed to allow pastoralists to apply for exemptions on a single employee basis.

In the Equal Pay Case 1968(72) the Commission continued in force different minimum wage provisions for men and women. However, it put in place a set of principles which enabled the rates to be reviewed and reconsidered.

In the National Wage and Equal Pay Cases 1972(73) the Commission decided that all award rates, other than the minimum wage, would be set without regard to the sex of the employee. They would be set on ‘work value’ grounds, that is, on the basis of the value of the work. This led to the end of the system of unequal award rates that had operated since 1912.

This was the second of two Equal Pay Cases. It introduced the concept of ‘equal pay for work of equal value’. The principle of ‘equal pay for work of equal value’ was to be applied to all awards of the Commission. By ‘equal pay for work of equal value’ we mean the fixation of award wage rates by a consideration of the work performed irrespective of the sex of the worker. The principle will apply to both adults and juniors … The eventual outcome should be a single rate for an occupational group or classification which rate is payable to the employee performing the work whether the employee be male or female.1


In the National Wage Case 1975(74) the Commission decided to reintroduce a system of quarterly indexation of award wages. The Commission was dealing with severely adverse economic circumstances not experienced since the Great Depression, which it described in the following terms:

‘The unemployment rate has risen to the highest level in the post-war period [4 per cent]. To real terms, private investment fell sharply during 1974 and private consumption expenditure declined during the second half of 1974. Productivity growth for 1974 was negative. A very large build up of unsold stocks has taken place. Inflation has accelerated to the highest rate since the early 1950s [17 per cent] but it has been outstripped markedly by pay increases. The combination of these inter-related factors is reflected in the abnormally large increase in the share of wages and salaries in Gross Domestic Product and the corresponding squeeze of profits measured by Gross Operating Surplus of Companies. Because of the reasonably high level of international reserves, the only feature of the economy which has not caused undue concern is the adverse movement in the balance of payments during 1974.’

The Commission said that it should act in a way which will promote economic recovery in a socially equitable and industrially harmonious way.2 The Commission decided to introduce quarterly indexation:

“We take this course as we are of the view that some form of wage indexation would contribute to a more rational system of wage fixation, to more orderly, more equitable and less inflationary wage increases and to better industrial relations, provided that indexation was part of a package which included appropriate wage fixing principles and the necessary ‘supporting mechanisms’ to ensure their viability. This conclusion is not inconsistent with much of the evidence and argument put in opposition to indexation.3

It also introduced a restrictive set of wage fixing principles which limited what other increases the Commission would award in work value, and ‘catch-up of community movements’. These were an attempt to limit the flow onto other awards of a series of industry wage increases in the previous year. Community movement increases had to be ‘genuine catch-up cases and not kipflogging’.

Reintroduction of quarterly wage indexation
1975–1978

In the National Wage Case 1975(75) the Commission decided to reintroduce a system of quarterly indexation of award wages. While indexation was introduced, the resulting award increases were sometimes disturbed by significant CPI movements, because of the failure of the parties to contain claims to those provided in the decision. The Commission consistently rejected ‘catch-up’ claims for past increases which were less than the CPI.

The decisions under the quarterly indexation system were:

• June quarter 1975 CPI increase of 2.5 per cent – the Commission ordered a flat $2.50 increase to all award wages and salaries up to $166 per week and a 1.5 per cent increase to all award wages and salaries above this level. The date of operation of the decision was 15 August 1975.
• September quarter 1975 CPI increase of 2.2 per cent – the Commission rejected the unions’ “catch-up” claim, but awarded the full 2.2 per cent increase to apply from the first full pay period commencing on or after 22 November 1975(76).
• December quarter 1975 CPI increase of 6 per cent – the Commission recognised what it called “economic responsibilities” and granted a flat $5.70 increase consisting of $3.90 to compensate for the Medibank levy, plus $2.80 for all other factors(77).
• April quarter 1976 – proceedings were adjourned and increases other than past National Wage increases were deferred until 3 May 1977(78).
• March quarter 1977 CPI increase of 2.3 per cent – the Commission decided that all award rates up to $200 per week be increased by 1.9 per cent and those above $200 per week increased by a flat $3.80.
• June quarter 1977 CPI increase of 2.4 per cent – the Commission awarded a 2 per cent increase.
• September quarter 1977 CPI increase of 2 per cent – the Commission awarded an 1.5 per cent increase operative from 12 December, with a discount of 0.5 per cent on account of industrial disruption.
• December quarter 1977 CPI increase of 2.3 per cent – the Commission awarded a 1.5 per cent increase on award wages and salaries up to $170 per week and $2.60 per week to wage rates exceeding $170 to be payable from 28 February 1978.
• March quarter 1978 CPI increase of 1.3 per cent – the Commission granted a 1.3 per cent increase but refused a claim for catch-up. The Commission said that this would be the last National Wage Case decision conducted under the existing indexation guidelines(79).

1 (1966) 113 CAR 651, Kirby CJ, President, Moore J, Taylor Senr C, 7 March 1966
3 Print C2200 167 CAR 18
4 Print D1460 182 CAR 225
5 Print D2720 186 CAR 557
6 Print D4320 192 CAR 847
7 Print D5501 198 CAR 520
8 Print D6070 201 CAR 447
9 Print D7262 205 CAR 399
10 Print D1504 304 CAR 385
11 Print D1542 309 CAR 399
12 Print D1558 314 CAR 447
13 Print D1456 318 CAR 447
14 Print D1504 320 CAR 447
15 Print D1508 322 CAR 447
16 Print D1516 324 CAR 447
In the Wage Fixation Principles case 197890 handed down on 14 September 1978 the Commission continued wage indexation but on the basis of six monthly not quarterly hearings. It continued to provide for ‘catch-up of community movements’, in particular the $24 award increase in the Metal Industry Award, and for annual hearings on increases to be awarded on account of productivity. A date for hearing in respect of June and September quarter CPI increases was set down for 31 October 1978.

Notwithstanding the problem of lack of compliance with the restrictions of the system, the Commission decided to continue a centralised wage indexation system:

“We have given careful consideration to what might happen if we decided not to persist with an orderly and centralized wage fixing system. Without it we believe there could be quite a rapid increase in industrial disputes. We have also concluded that despite the present economic situation and, in particular, the degree of unemployment, there are sufficient indications that economic reasons alone might not prevent an upsurge of wages, at first sectional and then becoming general, if no orderly system existed. We therefore believe we should persist in our efforts to maintain such a system.99

The indexation decisions in relation to the six monthly indexation system were:

- June and September 1978 quarters 2.1 and 1.9 per cent – the Commission awarded an increase of 4 per cent ‘without any reduction in the amount of the increase due to the economic costs of industrial disruption’, operative from 26 January 1979.90
- June and September 1979 quarters CPI increases of 5 or 5.1 per cent (the increase was calculated differently by the parties) – the Commission awarded an increase of 4.5 per cent operative from 1 January 1980, with the increases discounted by 0.5 per cent.90 The Commission stressed that increases must be strictly controlled if the concept of a centralised and orderly system of wage determination was to survive. It emphasised limiting the flow-on of increases from the metal industry agreement to $9.30 for tradespersons and $7.30 for non-tradespersons.
- December 1979 and March 1980 quarters CPI increases of 2.1 and 1.9 per cent – the Commission awarded an increase of 3.7 per cent.66

An inquiry into wage fixing principles was held and a decision published in April 198194. The Commission stressed that there could be no centralised system without substantial compliance with the principles which limited cost increases, and that there were currently real difficulties in achieving compliance. New principles were established which provided for six monthly wage indexation with 80 per cent of CPI to be awarded.94 In the National Wage Case – First Review 1981, an increase of 3.6 per cent was awarded, with CPI at 2.1 per cent and 2.4 per cent for the December 1980 and March 1981 quarters. This was the only decision under the new principles.

Several important industry cases were:

- In September 1981 the Commission refused to ratify an agreement to increase rates in the Transport Workers’ Award 1972 by 20 per cent.92
- On 18 December 1981 the Commission approved a consent award reached between employers and unions relating to the Metal Industry Award 197195: it provided for no further claims; 36 week to be introduced from 15 March 1982; supplementary payment be increased by $9.30 per week for filters with proportionate increases for other classifications; the loco allowance for tradesmen be increased by $2; from the first pay period on or after 1 June 1982 award rates increased by $14 for filters with relative increases for other classifications (this increase was to be the only increase to apply during the currency of the agreement and in lieu of National Wage Cases). It also provided for special rates and a meal allowance when working overtime to reflect award wage rates.
- In March 1982 the Commission adjudged an agreement to increase rates in the Manufacturing Grocers’ Consolidated Award 1975 by $25 and other matters. It decided to convene a conference.92

Finally, in July 1981, in the National Wage Case 1981102 the Commission abandoned the indexation system:

‘The events since April [the April 1981 inquiry into wage fixing principles] have shown clearly that the commitment of the participants to the system is not strong enough to sustain the requirements for its continued operation. The immediate manifestation of this is the high level of industrial action in various industries including the key areas of Telecom, road transport, the Melbourne waterfront and sections of the Australian public service’. The Commission said that any application for adjustment of wages or conditions on economic grounds would not be heard before February 1982.

The system of wage indexation had been brought to an end. One comment was that the system worked reasonably well for about three years, based on the drop in the increase in ordinary time earnings and measures of inflation, but that after 1978 wages rose at unsustainable levels. An employer complaint in 1981 was that the procedures of the system were ‘too decentralised’93.

In December 1982 in the National Wage Case102 (1982) the Commission introduced a wage pause to last until June 1983. No award increases would occur other than the first instalment of the ‘metal industry standard’, with some provision for work value, allowances, and 38 hour week agreements. This was a limitation on what was sometimes called ‘comparative wage justice’ or consistency between awards, the principle under which increases in one award were sometimes applied in other awards94. Only part of the metal industry agreement would be applied. **

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* Print E8320 31 July 1981; 261 CAR 4
* Print E8389 18 December 1981
* Print E7520 1 September 1981; 261 CAR 224
* Print E9700 14 May 1982
* Print F1600 23 December 1982**

** Commercial Printing Case 1982 (29 CAR at 371, 395 Case 1980 115 CAR at 86)
In the National Wage Case 1983 the Commission reintroduced six monthly wage indexation. The principles also provided for a 39 hour week to be introduced by consent, if there were 'cost offsets', and provided tests for other award increases in a package of principles.

In taking this decision the Commission took account of three significant developments by way of background, these being:

• the 'Statement of Accord by the Australian Labor Party and the Australian Council of Trade Unions (ACTU) on a prices and incomes approach to economic management', the importance of which was emphasised by the ACTU and Government;

• the National Economic Summit Conference initiated by the newly elected Prime Minister, the importance of which was emphasised by employers because the Accord contained provisions with which the CAY [Confederation of Australian Industry] 'expressly disagrees';

• the President's Conference', in which the 'desirability of a return to a centralized system' was agreed but in which there was disagreement about the way the system should operate, including a lack of agreement on the reintroduction of wage indexation.

The Commission summarised the principles of the 'Accord' which included:

• the maintenance of real wages is agreed to be a key adjective';

• 'The government will aim to eliminate poverty by ensuring wage justice for low earners, reducing tax on low income earners, raising social security benefits and making other improvements to the social wage.'

The lack of commitment to the principles had ended the previous indexation system. The Commission would now require a 'no extra claims' commitment to be made when each award was varied. This commitment was included as a requirement for National Wage increases until September 1994. The Commission said:

'More emphasis than usual was put in these proceedings on the requirement that unions should publicly and expressly commit themselves to accepting this decision of the Commission and to abiding by its terms. Both the ACTU and the Federal Government made this concept of commitment central to their submissions and it was an integral part of the Federal Government support of the ACTU position. Without a commitment of the kind suggested we would have been reluctant to introduce the package and in particular to award an increase of 4.3%. We have therefore provided under Principle 3 that before any award is varied to give effect to this decision every union party to that award will be required to give a public and unequivocal commitment to the Principles.'

Under the indexation principles:

• in the National Wage Case 1984 awards were generally varied to give effect to the 4.1 per cent CPI increase, effective first pay period on or after 6 April 1984;

• in the National Wage Case 1985, an increase of 2.6 per cent operative from 6 April 1985 was made;

• in the National Wage Case November 1985, an increase of 3.8 per cent effective from 4 November 1985 was provided.

The National Wage Case June 1986 continued to provide for six monthly wage indexation, with some changes to the principles. In particular a new superannuation principle provided for agreements to be approved for superannuation contributions of up to 3 per cent, but rejected a claim for such payments to be arbitrable. The package was to operate for two years from 1 July 1986. It also provided for a national wage increase of 2.3 per cent from 1 July 1986.

Under the indexation principles the National Wage case December 1986 was opposed.

The history of the Australian Minimum Wage

Reforming awards & work & management practices

1987–1991

The National Wage Case March 1987 introduced new principles which did not provide for wage indexation. The principles provided for 'two tier' increases, with the first tier a $10 per week increase to award rates. A second tier adjustment, not exceeding 4 per cent, was available in return for 'measures implemented to improve efficiency' under the 'restructuring and efficiency principle', including changes to 'work practices and management practices'. It provided for arbitration of superannuation claims.

The decision provided for work and management practices to be reformed because of the universal agreement amongst trade unions, employers and governments that Australia's severe economic problems had to be addressed. These problems included CPI increases of 10 per cent per annum compared to an OECD average of one quarter of this, increases in the national debt and the costs of servicing it, pressure on interest rates, growth in Non-farm Gross Domestic Product, negative growth in terms of trade, and a rise in unemployment from 7.0 per cent in June 1986 to 8.2 per cent.

'It is against this background that all parties to these proceedings accepted that Australia's current economic performance has to be improved quickly. It is also against this background that a strong case can be argued that the economy should not be asked at this time to absorb increased labour costs. We do not think that such an outcome is feasible, given the immediate needs and expectations of wage and salary earners. Many may already be feeling at least some of the effects of the problems that confront the country. Not to grant an increase, notwithstanding experience of what would follow from an uncontrolled situation, would inevitably in our view, destroy the immediate possibility of a co-operative community effort to play in that effort.

Our task is to provide a framework in which a combination of restraint and sustained effort to improve efficiency and productivity can be achieved. The principles we have determined that framework. For it to be successful, however, we must also make a judgement as to a workable combination of restraint and inducement for sustained effort.'

As a result of this package of principles:

• in the National Wage Case December 1987 was adjourned.

• in the National Wage Case February 1988 a flat increase of $6.00 was operative from 5 February 1988.

In the National Wage Case August 1988, two increases at least six months apart were made available, the first one of 3 per cent (after 1 September 1988) and the second a flat rate of $10 (at least six months later). The 'restructuring and efficiency principle' was replaced with the 'structural efficiency principle’. Under this principle increases were available if the parties to the award formally agreed to cooperate positively in a fundamental review of the award with a view to implementing measures to improve the efficiency of industry and provide workers with access to more varied, fulfilling and better paid jobs.

All aspects of award provisions were mentioned as being appropriate for review, including classification structures, and provisions regulating working hours.

The February 1989 Review was adjourned.

The National Wage Case August 1989, provided that adjustment of pay would be allowable for completion of successful exercises under the 'structural efficiency principle'. It provided for all award rates to be 'broadbanded' into generic classification levels, to replace the hundreds of award rates set by reference to a narrow function. Award rates were to be set by reference to the metals and building tradesperson rate of $535.30 and $55.70 per week supplementary payment. They were to be set on the basis of 'relative skill, responsibility and the conditions under which the particular work is normally performed.'

The decision provided a first increase of $10 per week for workers at the basic skill/trainer level; $12.50 per week at the semi-skilled level and $15.00 per week or 3 per cent, whichever was higher, at the tradesman or equivalent level in the second increase, to be paid not less than six months after the first increase. The second instalment of the structural efficiency adjustment was only available if the Commission was satisfied that the principle had been properly implemented and would continue to be implemented effectively.

In the National Wage Case April 1991, the 'structural efficiency principle' was continued with some changes. It provided for a 2.5 per cent general increase in award rates, subject to the requirements of the 'structural efficiency principle'.

It decided not to move to a system of enterprise bargaining supported by the ACTU and Commonwealth, and partly opposed by employers, because the parties lacked the 'maturity' to undertake such bargaining, and because the Commission had 'major concerns about:

• the incompleteness of the award reform process and its application at the enterprise level;

• the inadequate development of the 'receptive environment' necessary for the success of enterprise bargaining beyond the scope of the present system;
Statutory adjustments & wage adjustments

In these decisions, increases were made to awards without a ‘no extra claims’ commitment or requirement to restructure awards. The restructuring of awards was carried out under statutory obligations and tests124. Court and Commission variations to the minimum wage had since 1996 been made in settlement of an ‘industrial dispute’, pursuant to legislation based on the ‘conciliation and arbitration power’ of the Australian Constitution (s.51(35)). After 2006 Commission orders varying the minimum wage were made pursuant to legislation based on the corporations power in the Australian Constitution (s.51((2)), without reference to settling an industrial dispute, except in limited respects.

Reviews of the level of award rates were made on an annual basis, at first as a matter of Commission discretion, and eventually because of new statutory requirements. After 2006 the minimum wage was no longer made to prevent and settle industrial disputes.

The monetary increases awarded in the annual minimum wage proceedings from 1997–2011 are outlined in Table 1 below.

Table 1: Minimum wage increases 1997–2011

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
<th>Minimum wage</th>
<th>Tribunal reference</th>
<th>IR reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>1997</td>
<td>$10.00</td>
<td>$359.40</td>
<td>P1997</td>
<td>72 IR 31</td>
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<tr>
<td>2001</td>
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<td>$413.40</td>
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<td>2004</td>
<td>$19.00</td>
<td>$467.40</td>
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<td>2005</td>
<td>$17.00</td>
<td>$484.40</td>
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<tr>
<td>2006</td>
<td>$27.36</td>
<td>$511.86 per week</td>
<td>P002006#</td>
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<td>2007</td>
<td>$10.25</td>
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<td>2008</td>
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Note: Increase does not apply to award/agreement-free juniors and trainees

The fundamental disagreements between the parties and interveners about the nature of the proposed form of enterprise bargaining and their failure to deal with various significant issues; and

the potential for excessive wage outcomes. 4

It said that the unresolved issues required further attention and debate, if ‘industrial disruption and excessive wage outcomes’ were to be avoided.

Enterprise bargaining
1991–1996

In the National Wage Case October 19915 the Commission continued the availability of the April 1991 increase. It also provided for a new Enterprise Bargaining Principle, under which an enterprise agreement might be approved if certain tests were met, including that wage increases were ‘based on the actual implementation of efficiency measures designed to effect real gains in productivity’. The Commission said that the submissions of the parties supported the introduction of enterprise bargaining but also ‘revealed a diversity of opinions and a failure to confront practical problems’. It said that there was ‘little prospect . . . that further postponement will lead to more fully developed proposals or to the resolution of the points of disagreement’.

In the Wage Fixing Principles Decision October 1993, the Commission continued to make available structural efficiency increases, and provided for an additional $8 increase to be generally available award by award120.

In the August 1994 Review of Wage Fixing Principles122, the Commission provided for a third $8 at enterprise level from September 1995, and at award level from March 1996, subject to various tests such as a 12 month gap between the second and third safety net increases.

A new ‘minimum wage’ clause was established to be included in awards, linked not to needs but to the minimum classification rate in most federal awards. This was the rate of the C14 classification in the Metal Industry Award. All awards were linked to the rates in that award as a result of the August 1989 structural efficiency reviews.

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The form of adjustments to the minimum wage
Over 100 years

A range of approaches have been taken to adjusting the minimum wage. One approach is wage indexation (in 1921–1952, 1975–1981, 1983–1996), increasing award wages to reflect movements in measurements of inflation to maintain the real value of the award rate. Another approach is that of deciding applications for increases or the amount of the increase in the basis of all economic and social material put to the Court or Commission during a case (1906–1921, 1962–1975, 1966–the present).

Adjustments have regularly been made to the minimum wage over its 100 year history. The periods in which adjustments have been made range from quarterly (e.g. 1921–52), to six monthly (e.g. 1983–1986), to annually (2009 onwards), or after a period of years (e.g. 1957–1960).

The ‘minimum wage’ has been described in Commission awards in many ways including basic wage and margins, base rate, the total wage, supplementary payments, prosperity loadings, and other amounts. There have been a range of different minimum wage amounts. The multiplicity of terms and varying amounts has perhaps contributed to a lack of understanding and documentation.

Statistical comparison of the minimum wage
Over 100 years

The minimum wage varied in real terms until the 1960s brought some stability. The Great Depression saw a substantial cut in real terms of about 10 per cent, and the earlier level was not reached again until 1950. The 1960s and 1970s saw substantial growth in real terms, with the minimum wage reaching its height in real terms in 1980 as a result of a combination of industry cases and National Wage Cases both adding to the level of the minimum wage. It then dropped in real terms to the level reached in the late 1970s, and after a period of stability between 1990 and 2000 has been gradually increasing in real terms.

As can be seen from the following table, over the more than 100 years of the minimum wage (1907–2010), it has more than doubled in real terms (214 per cent). By comparison, movements in real gross domestic product (GDP) per person have increased four and a half times (454 per cent), while real average weekly earnings (AWE), have increased nearly four times (394 per cent) since.

The ‘wage bite’ of the minimum wage compared to average weekly earnings has consistently reduced from a very high base. A number of qualifications have to be made in relation to this conclusion.

• Firstly, there is some uncertainty about the accuracy of earlier statistics.
• Secondly, there is evidence that the Australian workforce has grown more skilled.
• Thirdly, the harvest wage of 1907 was set on the basis of what was ‘fair and reasonable’ for one large factory which conceded capacity to pay, not on an economy wide basis. Only later was it applied on an economy wide basis.
• Fourthly, the challenges that those fixing the early minimum wages faced were very different to those today, and the award wage was usually the actual wage that workers took home.
• Finally, the Australian economy was closed and less open to international trade and the minimum wage system might have reflected that environment to some extent.

In any event, the role of the minimum wage over 100 years has changed considerably in social and economic terms.
As the table below shows, the Australian minimum wage is a relatively high percentage of average weekly earnings, compared with comparable countries.

<table>
<thead>
<tr>
<th>Country</th>
<th>Percentage of Average Weekly Earnings</th>
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</thead>
<tbody>
<tr>
<td>United States</td>
<td>27.2</td>
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<tr>
<td>Greece</td>
<td>29.5</td>
</tr>
<tr>
<td>Estonia</td>
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<tr>
<td>Czech Republic</td>
<td>30.6</td>
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<tr>
<td>Slovenia</td>
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<td>Japan</td>
<td>33.3</td>
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<tr>
<td>Luxembourg</td>
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<tr>
<td>Korea</td>
<td>34.5</td>
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<tr>
<td>Spain</td>
<td>34.9</td>
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<tr>
<td>Lithuania</td>
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<td>New Zealand</td>
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<td>Australia</td>
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<tr>
<td>Latvia</td>
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<td>Average</td>
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<td>United Kingdom</td>
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<td>Hungary</td>
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<td>France</td>
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<td>New Zealand</td>
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</table>


The history of the Australian Minimum Wage

In 1907 a ‘fair and reasonable’ wage for an unskilled labourer was described in Ex Parte McKay (the Harvester Decision) as ‘the cost of living as a civilized being’ or sufficient to provide employees ‘with a condition of frugal comfort estimated by current human standards’. If by 1904 an award was a ‘safety net of wages and conditions which underpins enterprise bargaining and protects employees who may be unable to reach an enterprise agreement while maintaining an incentive to bargain for such an agreement’. In over 100 years of decisions the Court and Commission has described the minimum wage in ways that suited the circumstances of the time, and made decisions which analysed those circumstances and the appropriate Court or Commission response. After the Harvester minimum wage became the national minimum wage in the 1920s by Court decisions, the Court established automatic quarterly indexing of wages on the basis of movements in inflation 1921–1953. As Justice Higgins said in 1913 ‘The industrial unrest which is so general in all parts of the world seems to have solid foundation in the rise in prices’.

The Court reduced wages by 10 per cent in 1931 because ‘All must adapt themselves to the fundamental fall in national income’ and then with economic recovery it increased the minimum wage in 1937 because ‘present prosperity and for stabilizing reasons’. It ended automatic quarterly indexing of wages in line with inflation in 1953 because there is no ground for assuming that the capacity to pay will be maintained at the same level or that it will rise or fall co-incidentally with the purchasing-power of money.

The Court abandoned the basic wage and margin distinction and adopted the ‘total wage’ in 1967 for reasons which included that ‘over the years, the Court and the Commission have come to regard the same general economic considerations – such as the purchasing power of money and national productivity – as relevant to the level of marginal rates in the fashion that they have for a very long time been relevant to the basic wage level’.

The Commission re-established systems of wage indexation from 1975–1981, and 1983–1986, because it said in 1974: ‘Ever since 1967, it has been the hope of the Commission that the bulk of wage increases would come from national wage cases … [instead of] the three-tiered wage system, with increases occurring as a result of national wage cases, industry awards and agreements, and overaward gains of varying amounts obtained from employers’. It persisted with that system because of its concerns in 1978 about what would happen if it was abandoned, namely ‘… that despite the present economic situation and in particular, the degree of unemployment, there are sufficient indications that economic reasons alone might not prevent an upsurge of wages, at first sectional and then becoming general, if no orderly system existed’. The three-tiered system of multiple sources of minimum wage increases was finally ended with the adoption of a ‘no extra claims’ commitment requirement for accessing National Wage Case increases in 1983, after the wage explosion of 1981 and wage pause of 1982.

In 1987 yet another economic crisis led to 20 years of award and workplace reform, and then in 1991–1996 awards became a ‘safety net for enterprise bargaining’. As the Commission said in 1987, ‘Our task is to provide a framework in which a combination of restraint and sustained effort to improve efficiency and productivity can be achieved … we must also make a judgement as to a workable net for enterprise bargaining’. As the Commission said in 1987, ‘Our task is to provide a framework in which a combination of restraint and productivity’.

The Court early on established a separate system of lower minimum wages for women based not on the cost for supporting a family, but on what Justice Higgins described in 1913 as ‘the normal needs of a single woman supporting herself by her own exertions’. The Commission abandoned separate rates and applied the same rate to both men and women in 1972, stating that by “equal pay for work of equal value” we mean the fixation of award wage rates by a consideration of the work performed irrespective of the sex of the worker’.

In 1968 the Commission ended the exemption of some Indigenous employees from the minimum wage system.
The history of the Australian Minimum Wage

The establishment and maintenance of the Australian minimum wage system by independent industrial tribunals is an important part of Australia’s economic and social history, and something that differentiates Australia as a country from both the US and UK. These countries established a minimum wage later, and it appears to have been of a lesser comparative importance. The Australian minimum wage is a multi-level minimum wage based on skill and responsibility, which is unique to Australia.

The establishment of the minimum wage system was a key decision of the early Australian Commonwealth after Federation in 1901. Court decisions to reduce the minimum wage were part of Australia’s response to the Great Depression, while Court ordered increases played a role during the recovery from the Depression, and the post war recovery. The Commission’s decisions on the minimum wage sought to address the economic difficulties of the 1930s, and to promote reform of awards and workplaces in the 1940s and 1950s.

For over a hundred years the minimum wage provided employers and employees with a floor for wage rates, for employer labour costs and employee living standards, having regard to changing social and economic circumstances.

Conclusion

The history of the Australian Minimum Wage

Attachment 1 – The minimum wage since 1906 in $2012

<table>
<thead>
<tr>
<th>Year</th>
<th>Reference</th>
<th>Amount per week</th>
<th>$2012 Minimum Wage Series I</th>
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</thead>
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<td>1907</td>
<td>1 CAR 62</td>
<td>24s. per day</td>
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<td>£2.2.0 (42s.)</td>
<td>Jun - 280</td>
</tr>
<tr>
<td>1914</td>
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<td>£1.10.0 (42s.)</td>
<td>Jun - 271</td>
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<td>1916</td>
<td>2 CAR 2</td>
<td>£1.6d per day</td>
<td>£4.6s.6d.</td>
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<tr>
<td>1918</td>
<td>3 CAR 823 at 839</td>
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<td>1922</td>
<td>2 CAR 231 at 162</td>
<td>£4.10.0 (90s.)</td>
<td>Jun - 302</td>
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<tr>
<td>1923</td>
<td>3 CAR 829</td>
<td>£4.156 (95s.)</td>
<td>Feb, May, Aug, Nov</td>
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<tr>
<td>1924</td>
<td>4 CAR 8 at 73</td>
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<td>296, 295, 309, 318</td>
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<tr>
<td>1925</td>
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<td>309, 320, 322, 326</td>
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1 This is the base level of the federal minimum wage system in Aus $2012. Columns 1-3 are taken from a Commission table compiled by the Registrars over many years, added to and amended by the Hon. Reg Hamilton, Waking Matilda and the Sunshine Harvester Factory, Fair Work Australia, 2010.

W. K. Hancock, Australia, London: Ernest Benn, 1930; Geoffrey Blainey, A shorter history of Australia, William Heinemann Australia, Port Melbourne, Vic., 1994; See also Stuart Macintyre, A Concise History of Australia, Cambridge University Press, Cambridge, 1999; Edward Shann An Economic History of Australia, Cambridge University Press, Cambridge, 1930; Otto Foenander, Better employment relations and other essays in Australian National University, 2013, Appendix A Series I and Series II. Series I consists of the various Basic Wage, National Wage Case, and Safety Net decisions. Series II also includes the results of industry cases, particularly in the metal industry, which were an additional source of award rate increases in the period 1978-1995 in particular. It is difficult in that period to define one minimum wage, given the divergence resulting from industry cases. The source publication is: 1907-1932 Victorian Commonwealth Arbitration Court decisions.

1923-1955 Commonwealth Arbitration Court decisions.


1923-1955 Victorian Year Book, ABS Ct No.1300.2, National Wage Case decisions, Metal Industry Award decisions;


1907–1923 An FWC table of Commonwealth Arbitration Court decisions;
### End Series I

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<td>1971</td>
<td>372 CAR 147</td>
<td>$16.00 <strong>(280%)</strong></td>
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<td>372 CAR 147</td>
<td>$18.00 <strong>(280%)</strong></td>
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<td>372 CAR 147</td>
<td>$20.00 <strong>(300%)</strong></td>
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- **Note:** The increases were spaced 6 months apart, and were accessible subject to a commitment to negotiations under the structural efficiency principle.

### References

- Judges in Industry, Mark Perlman, Melbourne University Press, p.192
- The history of the Australian Minimum Wage

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**Footnotes:**

1. The Min wage increases under the 1970-71 feature.
2. These increases were spaced 6 months apart, and were accessible subject to the conclusion of an agreement under the structural efficiency principle.
### Australian Fair Pay Commission

#### General wage setting decisions

<table>
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### Fair Work Australia & Fair Work Commission

#### Minimum Wage Panel

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### Fair Work Australia & Fair Work Commission

#### Minimum Wage Panel

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