



Fair Work  
Commission

SIR RICHARD KIRBY ARCHIVES

# EQUAL PAY



Sir William Raymond Kelly  
Chief Judge of the Commonwealth Court of Conciliation and Arbitration  
1949-56

During World War II (1939-45), women's wages increased to 75% of the basic wage paid to men.

Before the war it was at around 54% of the men's basic wage, as set out in the 1919 Clothing Trades case.

This was adopted by the Commonwealth Court of Conciliation and Arbitration as the new standard in 1949-50.



Basic Wage Inquiry 1949-1950  
(1950) 68 CAR 698

# EQUAL PAY



As Australian troops served overseas, women at home increasingly took on 'men's jobs' creating a dilemma for legislators and the Commonwealth Court of Conciliation and Arbitration. Women employed in men's jobs were paid much lower wage rates than the men they were replacing.

Under the National Security Regulations the government in 1942 established a special wage-fixation tribunal, the Women's Employment Board. It was empowered to award pay rates of 60-100 per cent of the male rate, assessed on the basis of the woman employee's relative efficiency and productivity. Some 80,000 women benefited from its determinations, representing about 9 per cent of the total female workforce at its wartime peak.

Following the war:

- the Commonwealth Government in 1947 changed the definition of 'industrial matter' to include 'any claim that the same wage shall be paid to persons of either sex performing the same work, or producing the same return of profit or value to their employer'
- legislation in 1949 provided for a Full Bench of the Court to set a uniform basic wage for women
- in the Basic Wage Inquiry of 1949-50, the Court rejected pay equity but decided the female basic wage should be increased to 75 per cent of the male rate.

# 1949-50

Basic Wage Inquiry 1949-1950  
(1950) 68 CAR 698

‘My learned friend Mr Wright referred to the necessity for an examination of the position of social services. ...

Some similar considerations of course apply to the question of female rates in that again the Court might consider that for sociological reasons, or reasons which it is proper for the Court to take into account, although they do not concern purely economic factors, it is desirable that the minimum rates of females should be equal to those of males, or only a little lower, or remain as they are at present, or something of that kind. ...

Perhaps I should not address too much argument to that aspect because the Attorneys-General whom I represent are on record as being in opposition to any proposal for an equality of female rates with the male rates.’

Submission by Mr R. M. Eggleston, appearing for the Attorney-General for the State of Victoria and the Attorney-General for the State of Western Australia  
Transcript Vol 1 at pp.240-241

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