



# WALTZING MATILDA

AND THE SUNSHINE HARVESTER FACTORY

The early history of the Arbitration Court, the Australian  
minimum wage, working hours and paid leave

A history resource for educational institutions

FAIR WORK AUSTRALIA

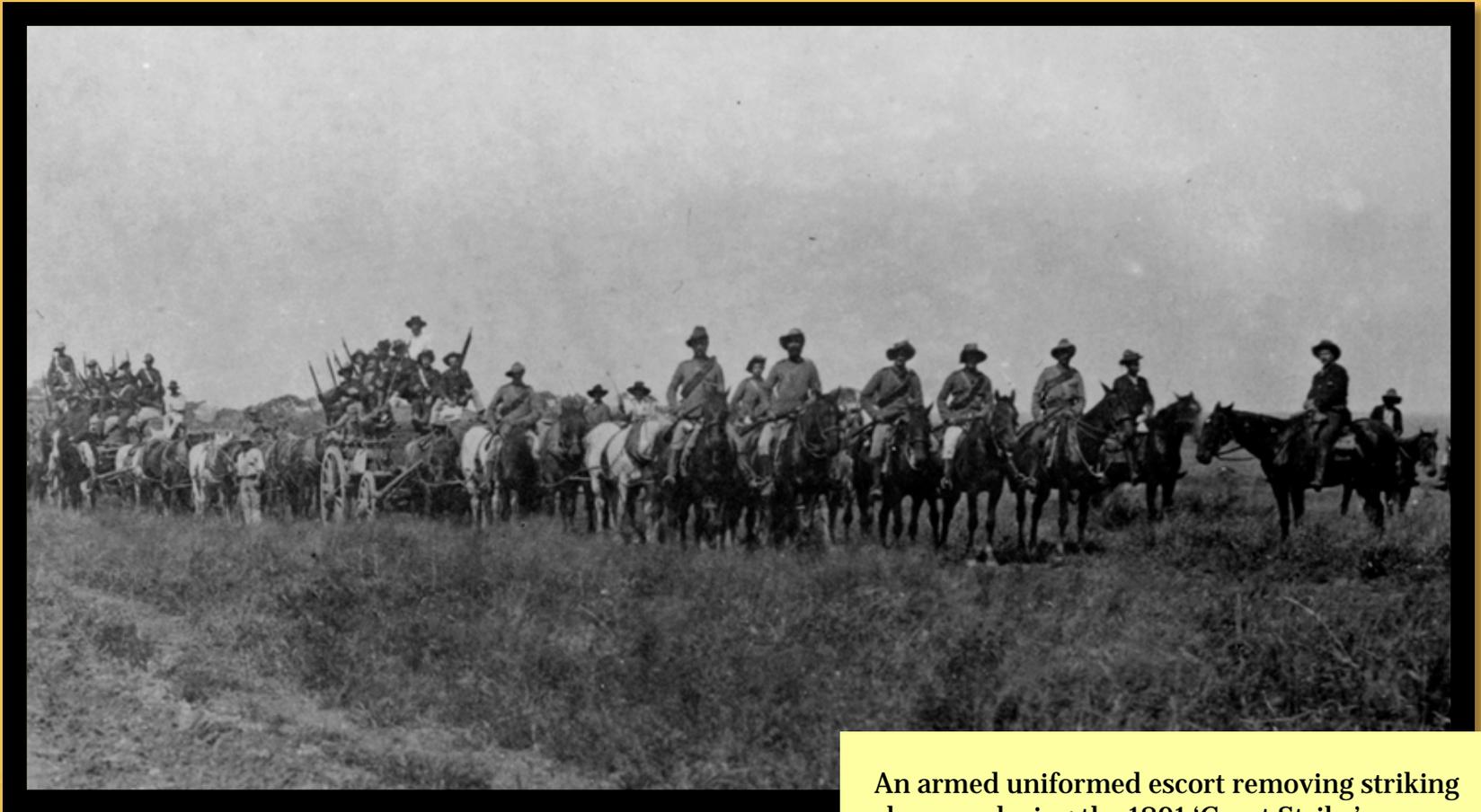
# **‘Waltzing Matilda’ and the great strikes:**

The origins of the Commonwealth  
Court of Conciliation and Arbitration

Part One



# Waltzing Matilda and the great strikes



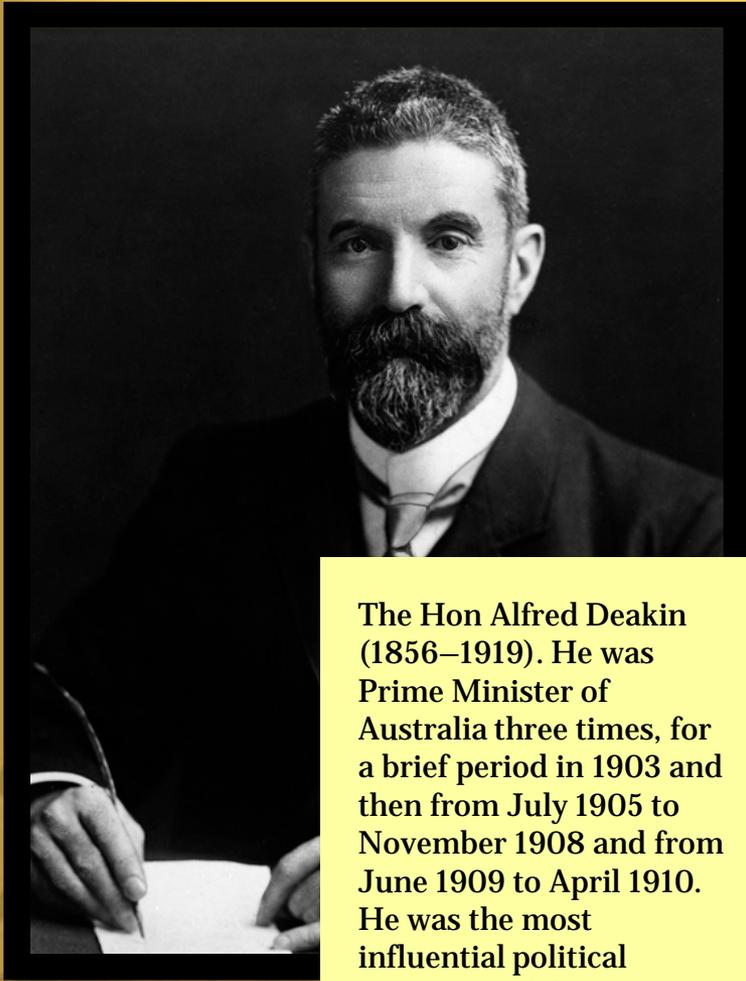
An armed uniformed escort removing striking shearers during the 1891 'Great Strike', near Hughenden, Queensland.

# Waltzing Matilda and the great strikes

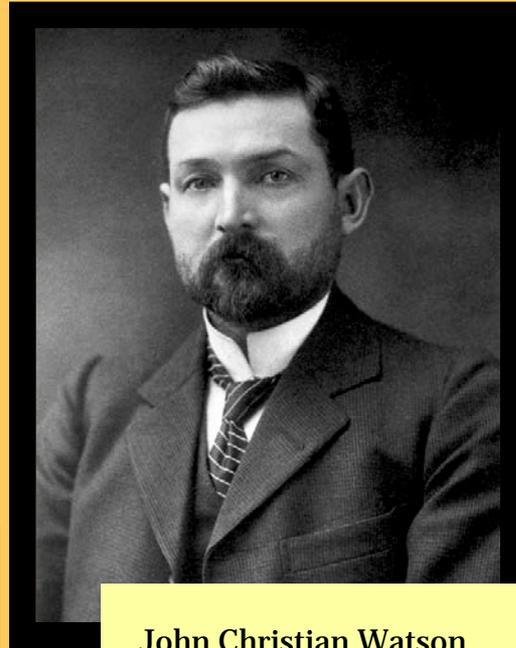


A postcard from the early 1900s.

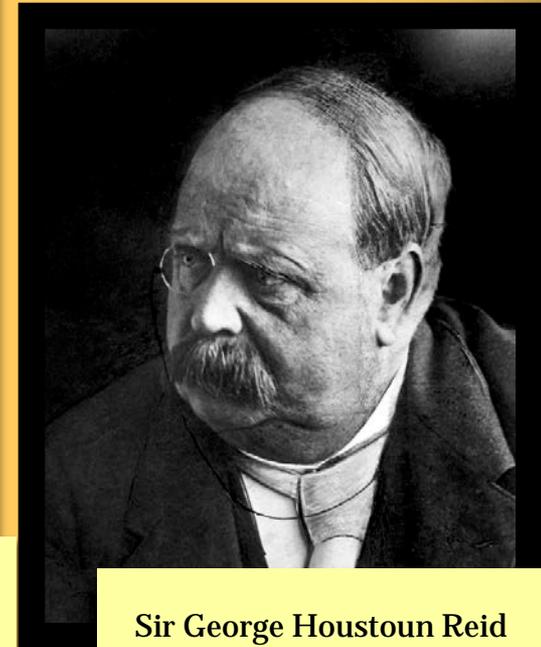
# Waltzing Matilda and the great strikes



The Hon Alfred Deakin (1856–1919). He was Prime Minister of Australia three times, for a brief period in 1903 and then from July 1905 to November 1908 and from June 1909 to April 1910. He was the most influential political supporter of the establishment of the Arbitration Court.



John Christian Watson (1867–1941). He was Prime Minister in 1904 from April to August in a short lived minority government. His party was a strong supporter of the Arbitration Court.



Sir George Houstoun Reid (1845–1918). He was Prime Minister of Australia from 18 August 1904 to 5 July 1905. His position was 'yes/no' on the Arbitration Court. The Act establishing the Court passed while he was Prime Minister.

## Waltzing Matilda and the great strikes

- 1788 Colony of New South Wales begins. Regulations on the work of convicts.
- 1828 *Masters and Servants Act 1828*—master—servant relationship.
- 1855-60 Democratic self-government in New South Wales, Victoria, South Australia, Queensland and Tasmania. Western Australia remains under Colonial Office rule.
- 1873 Victorian *Shops and Factories Act 1873* regulates safety, etc. in factories.
- 1881 New South Wales *Trade Union Act 1881* recognises trade unions, other states follow. Trade union members can still be convicted of criminal conspiracy, and are in the 1891 shearers' strike.
- 1890s The great strikes—1890 maritime strike, 1891 shearers' strike, 1894 shearers' strike, 1892 Broken Hill strike. Trade unions defeated. The memory of the bitter disputes would haunt the colonies, and be remembered in 'Waltzing Matilda'.

## Waltzing Matilda and the great strikes

- 1890 Charles Kingston introduces compulsory Conciliation and Arbitration Bill—the later model for Australia.
- 1891 New South Wales Royal Commission on Strikes—strikes ‘the great social problem of the age’. Henry Lawson writes ‘Freedom on the Wallaby’.
- 1892 New South Wales Parliament establishes a system of ‘voluntary conciliation and arbitration’ with the *Trade Disputes Conciliation and Arbitration Act 1892—defunct in 1894*.
- 1895 ‘Waltzing Matilda’ written by Banjo Paterson.
- 1895 George Reid’s New South Wales compulsory conciliation Bill defeated.
- 1896 Arbitrated awards and minimum wages begin in Victoria.
- 1898 The Constitutional Convention resolves to include a conciliation and arbitration power in the proposed Australian Constitution.
- 1901 New South Wales compulsory *Industrial Arbitration Act 1901*.

# Waltzing Matilda and the great strikes

- 1901 Australian Constitution gives the Australian Parliament the power to legislate on conciliation and arbitration (s.51(35) of the Constitution).
- 1901 First federal election—compulsory arbitration generally supported by most political groups and candidates.
- 1902 26 March 1902 Prime Minister Edmund Barton decides not to introduce the Conciliation and Arbitration Bill due to lack of parliamentary time.
- 1903 7 July 1903 Charles Kingston obtains leave to introduce the Conciliation and Arbitration Bill into Parliament. The Bill is not introduced but is printed in *The Age newspaper*.
- 1903 28 July 1903 Alfred Deakin, Attorney-General, introduces the Conciliation and Arbitration Bill into the Australian Parliament for the first time. The Bill is withdrawn by the government on 8 September after the Labor Party amends it to cover state railway employees.

## Waltzing Matilda and the great strikes

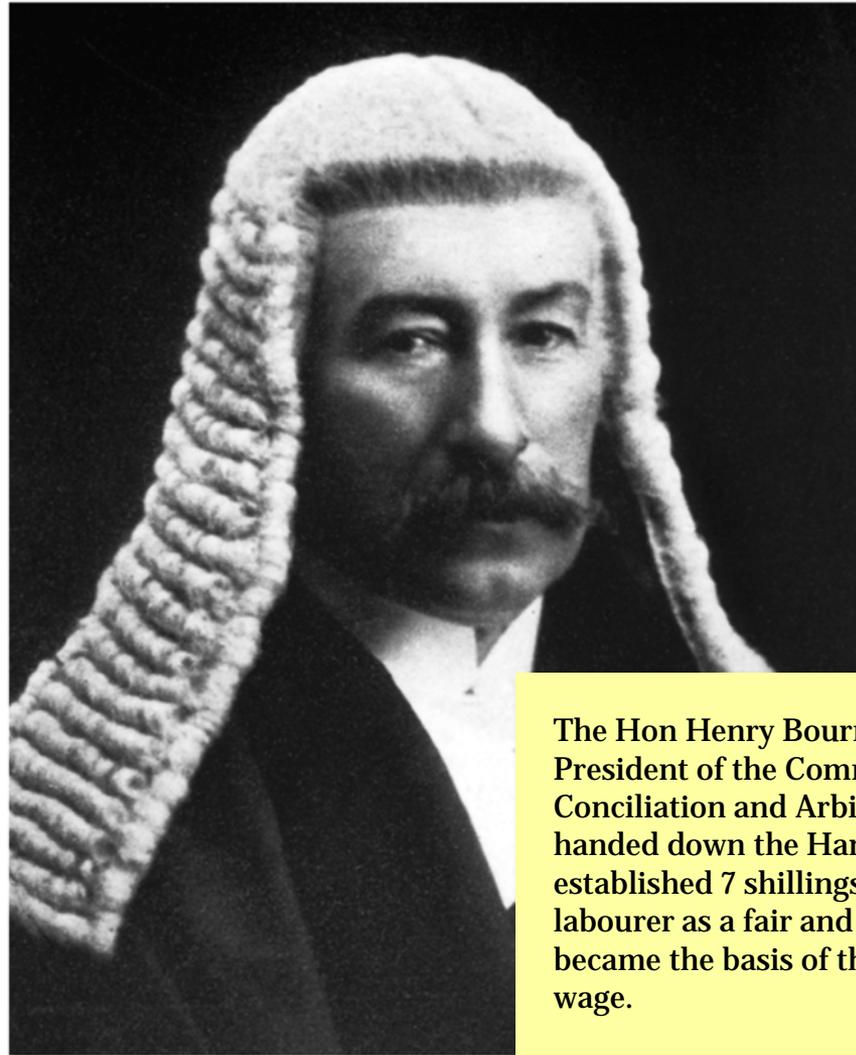
- 1903** Second federal election—compulsory arbitration generally supported by most political groups and candidates.
- 1904** 22 March 1904 Prime Minister Alfred Deakin introduces the second Conciliation and Arbitration Bill.
- 1904** The Conciliation and Arbitration Bill is approved by the Australian Parliament on 9 December 1904 during the George Reid/Allan McLean Government. The Bill is proclaimed and becomes law on 15 December 1904.
- 1905** 10 February 1905 Richard O'Connor appointed first president of the Commonwealth Court of Conciliation and Arbitration.
- 1906-07** The Court makes its first two awards. They cover the industries of the great strikes—maritime and shearing.

# Establishing an Australian minimum wage

Part Two



# Establishing an Australian minimum wage



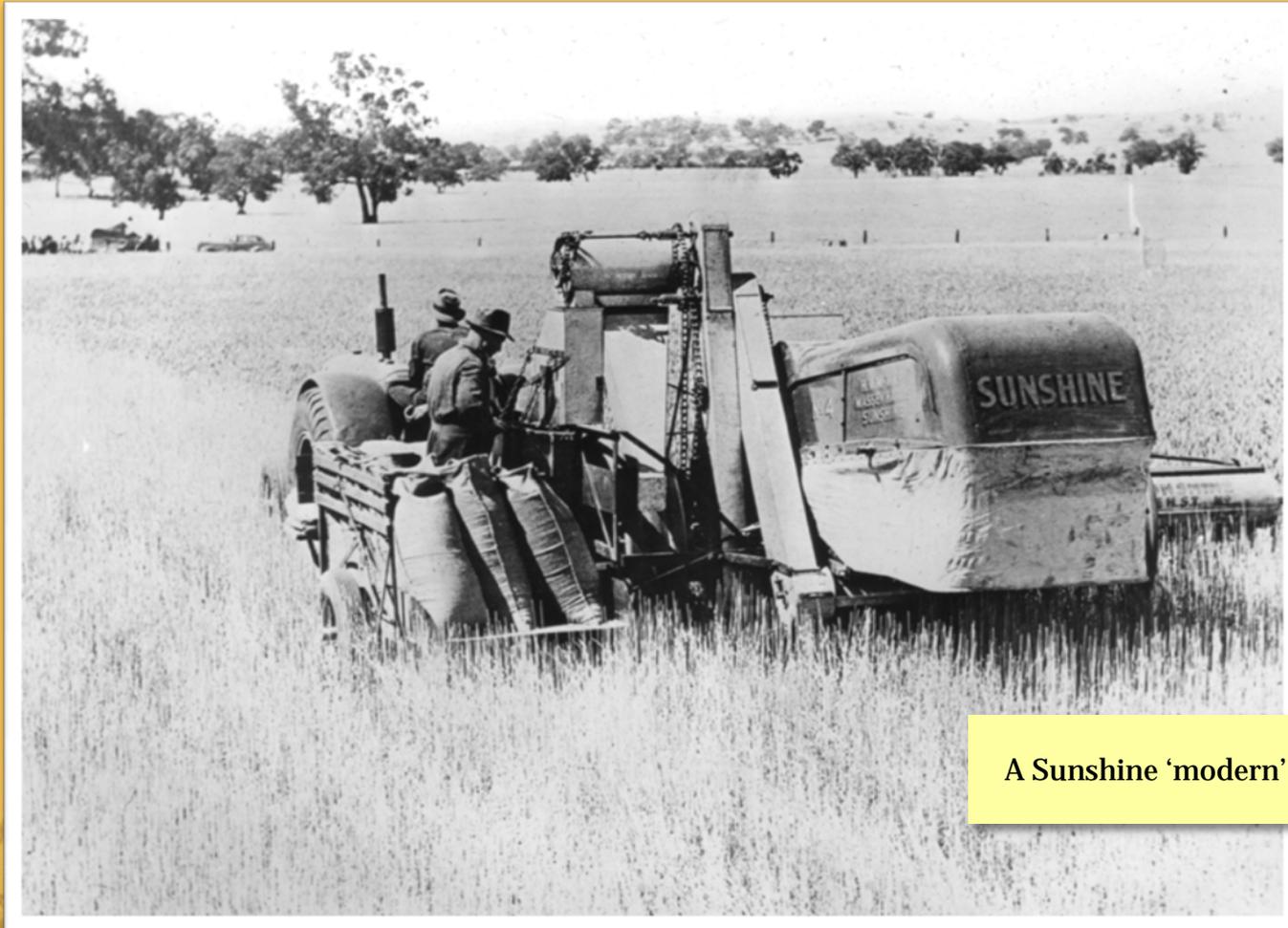
The Hon Henry Bournes Higgins (1851–1929). President of the Commonwealth Court of Conciliation and Arbitration 1907 to 1921. He handed down the Harvester Decision, which established 7 shillings a day for an unskilled labourer as a fair and reasonable wage. It became the basis of the Australian minimum wage.

# Establishing an Australian minimum wage



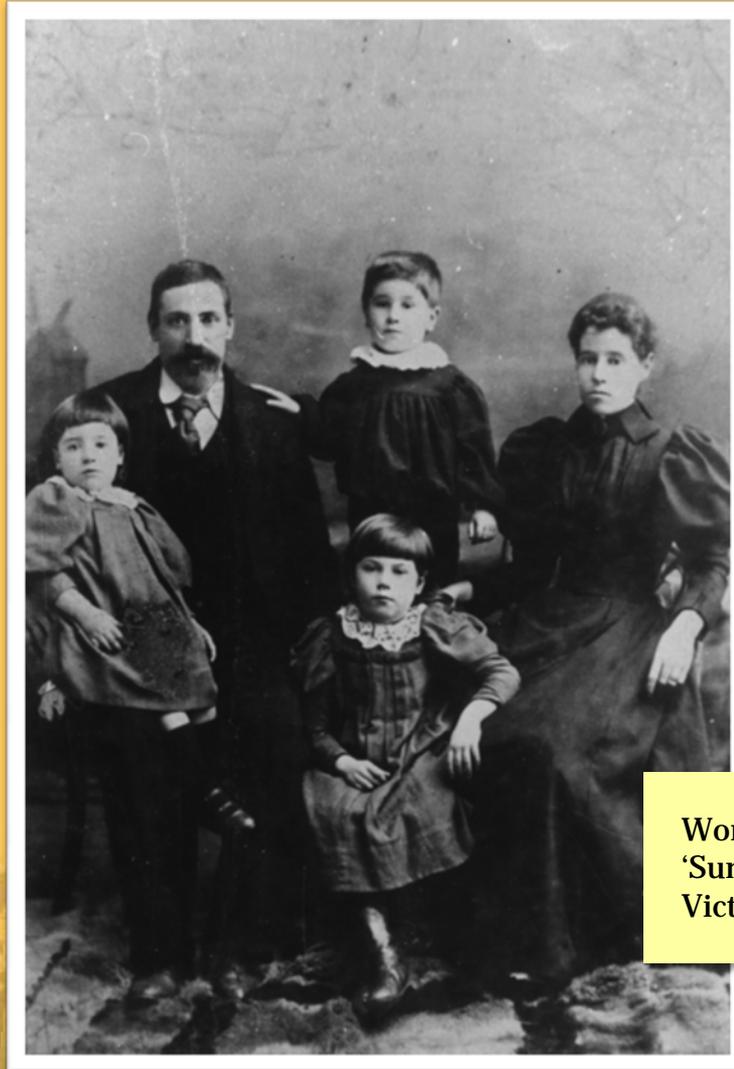
1500 farmers visit HV McKay  
Sunshine Harvester Works at the  
invitation of Mr McKay,  
September 1911.

# Establishing an Australian minimum wage



A Sunshine 'modern' harvester.

# Establishing an Australian minimum wage



Working class family in their 'Sunday best', Richmond, Victoria early 1900s.

# Establishing an Australian minimum wage

- 1907 The *Harvester Decision* establishes 7 shillings a day, or 42 shillings a week, minimum wage for an unskilled labourer. A 'family' or 'living' wage is established on the basis of 'needs' of a worker to support a family of five. This applies only to one company and the decision is overturned by the High Court.
- 1908 The Commonwealth Court of Conciliation and Arbitration adopts the Harvester 7 shillings and applies it in awards for the first time. Additional amounts are paid to more skilled employees. These additional amounts become known as 'margins'. Only 20 awards are made between 1905 and 1914 by the Court so the 7 shillings has very limited coverage. Most awards are state awards with a lower minimum wage of 36 shillings a week.
- 1912-19 The Commonwealth Statistician establishes the first statistics on inflation, the 'A' Series.

# Establishing an Australian minimum wage

- 1912** A minimum wage for some jobs performed mainly or exclusively by women, such as a fruit packer or milliner, set at 54 per cent of the male minimum wage in the *Fruit Pickers Case* and other cases. The wage is set on the basis of needs of a woman, not the need to support a family. Most women are not in the formal workforce.
- 1913** The Harvester 7 shillings is increased by the 'A' series estimate of inflation, to maintain the buying power of the minimum wage.
- 1919** Royal Commission on the Basic Wage estimates a higher minimum wage needed to meet the 'needs' of working men.
- 1920s** The Harvester minimum wage of 7 shillings a day, or 42 shillings a week, as increased, is adopted by state industrial tribunals in place of lower minimum wages, often 36 shillings a week. The Harvester minimum wage is now the national minimum wage covering most Australian employees.

# Establishing an Australian minimum wage

- 1921 *Gas Employees Case*: The Court rejects the royal commission estimated amount as unsustainable. Maintains the lower Harvester minimum wage. End of a needs-based wage?
- 1923 The Court includes a clause in awards automatically adjusting the Harvester minimum wage by amounts of inflation each three months.
- 1953 Quarterly indexation abandoned.
- 1966 *Aboriginal Stockmen's Case* removes the exemption from awards for Aboriginal stockmen. One award wage now applies to both Aboriginal and non-Aboriginal stockmen.
- 1969 *Equal Pay Case* continues separate minimum wage for women.
- 1972 *Equal Pay Case* removes separate minimum wage for women. One award wage now applies to both men and women.
- 1974 In the *National Wage Case* the Commission formally abandons a 'family wage'.

**The campaigns for  
equal pay for women  
and Aboriginal stockmen  
and minimum wages for adolescents**

Part Three

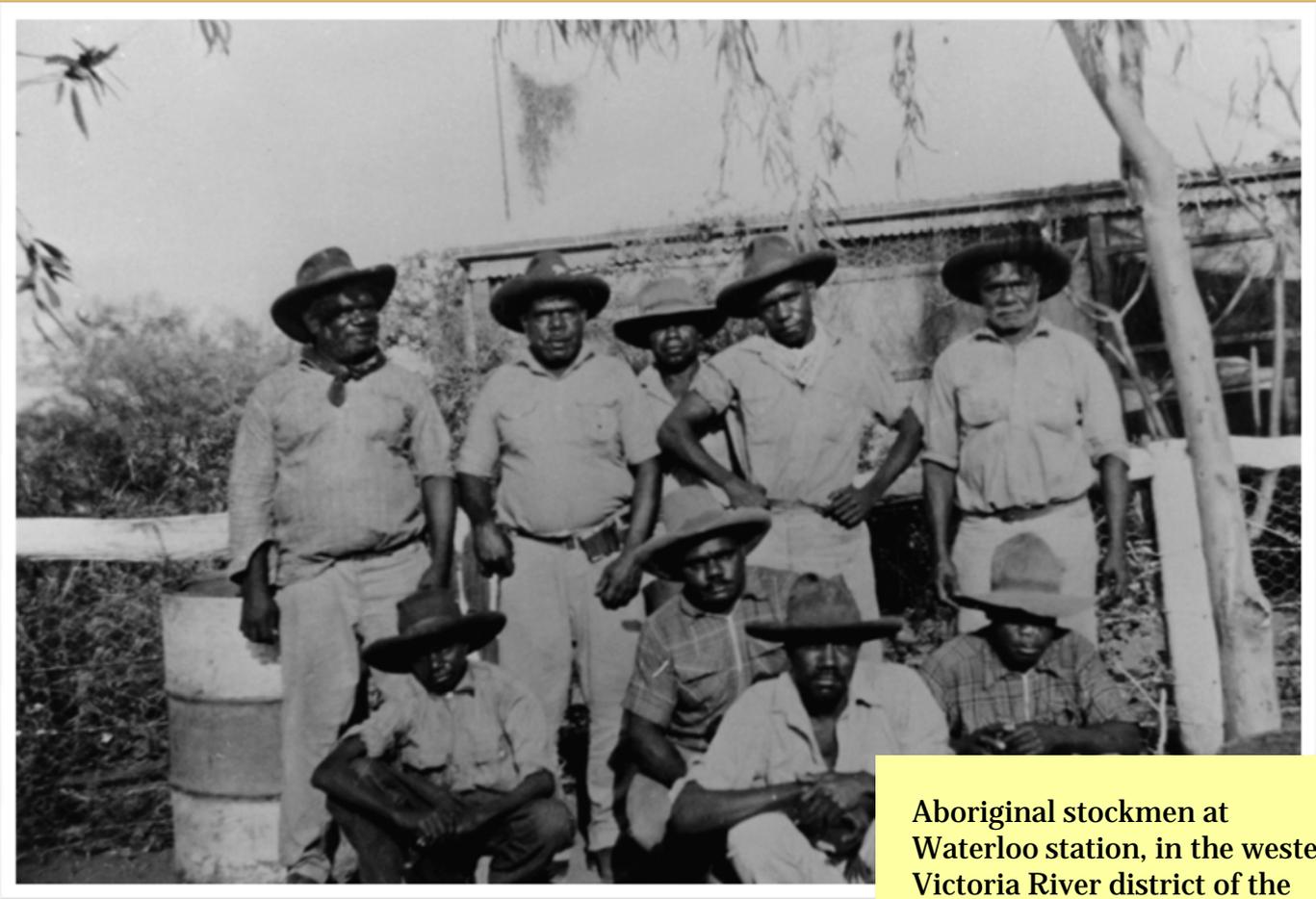


# The campaigns for equal pay



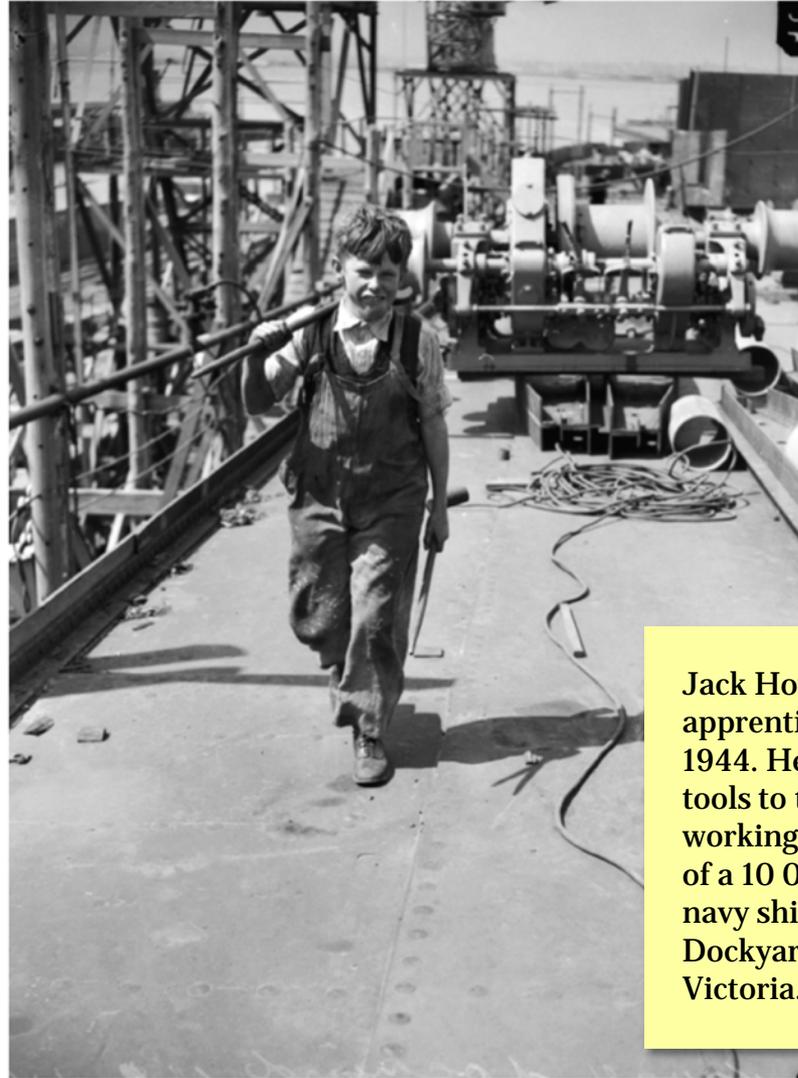
March for equal pay during the May Day parade, Fremantle, 1965.

# The campaigns for equal pay



Aboriginal stockmen at Waterloo station, in the western Victoria River district of the Northern Territory, 1954.

# The campaigns for equal pay



Jack Howe, a 15 year old apprentice in Victoria in 1944. He is pictured carrying tools to the tradesmen working on the construction of a 10 000 ton merchant navy ship at the Naval Dockyard, Williamstown, Victoria.

# The campaigns for equal pay

- 1907 *Harvester Decision includes rates of pay for young people and apprentices which are less than adult rates.*
- 1907-30s The Court prefers to set special apprenticeship rates rather than junior rates in federal awards without obligation to train young people, acts to protect adult jobs from lower junior rates by a ratio of apprentices to tradespeople. The Court sometimes regulates the form of the training contract.
- 1912-19 *Fruit Pickers Case and Clothing Trades Case: The Court sets rates of pay for women under federal awards at 54 per cent of male rates (i.e. the 'basic wage'). If women work in competition with males (e.g. as a fruit picker or blacksmith) the female rate is the same as the male rate. If women work in jobs mainly performed by women (e.g. fruit packer or milliner), then they receive the lower 54 per cent of the male minimum wage. Females usually receive lower extra payments for skill (i.e. 'margins').*

# The campaigns for equal pay

- WWII** Special regulations set female rates at 75 per cent of the male rate.
- 1949–50** The 75 per cent rate adopted for federal awards.
- 1966** *Aboriginal Stockmen's Case*: Aboriginal stockmen gain the same federal award rates as non-Aboriginal stockmen.
- 1969** *Equal Pay Case*: Special female award rates maintained in federal awards.
- 1972** *Equal Pay Case*: Special female award rates abandoned in federal awards. There is to be only one award rate, applying to both males and females.



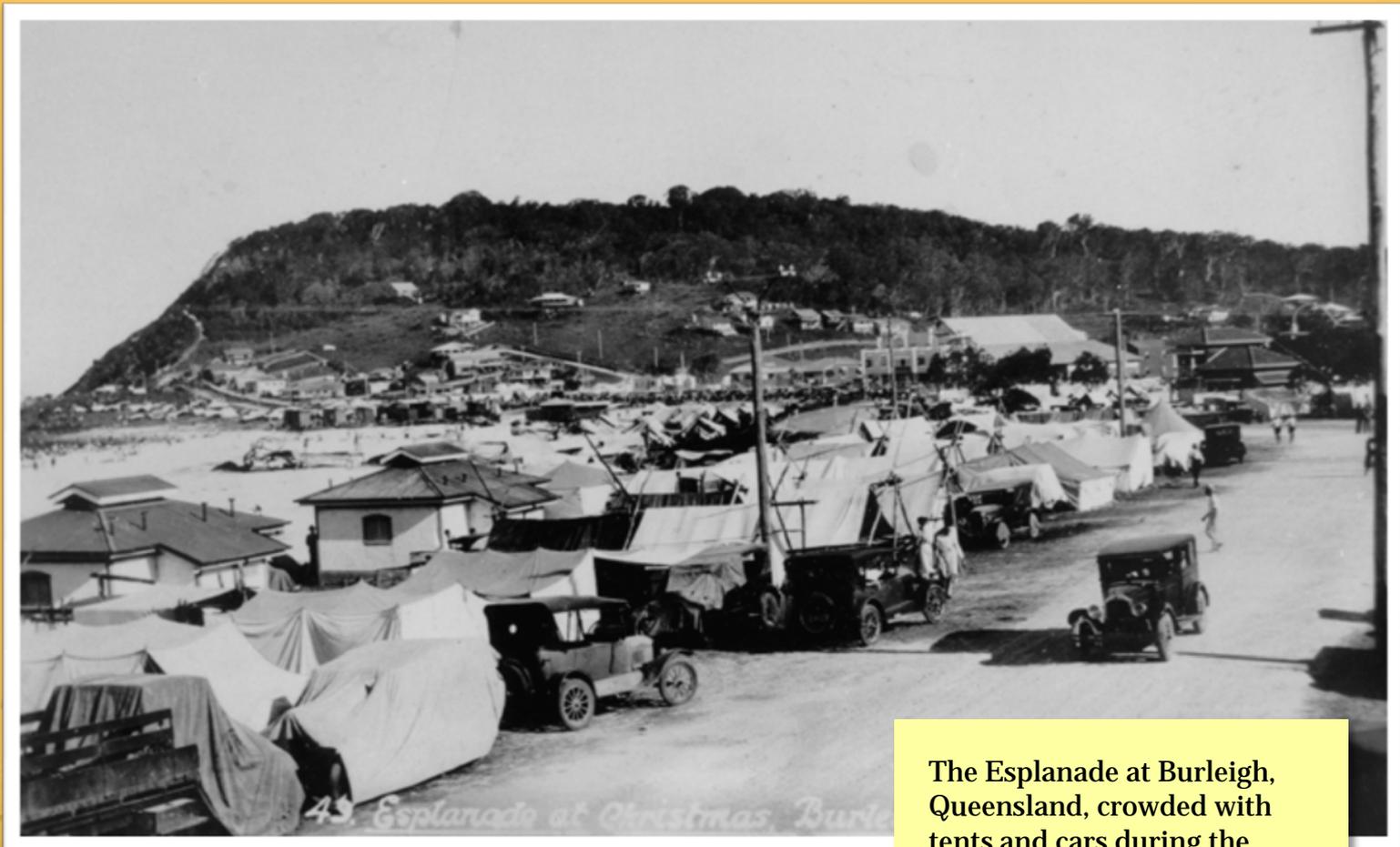
# Leave

and other entitlements

Part Four



## Leave and other entitlements



The Esplanade at Burleigh, Queensland, crowded with tents and cars during the Christmas holidays, 1932.

## Leave and other entitlements



Mrs GG Nicolaides at her home in Unley, South Australia, with her baby daughter Loulla, and Nurse Stacey, 1921.

# Leave and other entitlements

- 1856** Eight-hour day introduced for Victorian stonemasons.
- 1900s** 48 hours per week the standard, except for exploitative workplaces. No sick leave, parental leave, or annual leave. If an employee is absent on illness or injury he or she may eventually be dismissed.
- 1906** 10 days paid leave of absence introduced into federal maritime award.
- 1907** First mention of sick leave in federal awards. Shearer entitled to absent himself from work if ill.
- 1913** 21 days paid leave of absence in federal award for telegraph employees.
- 1922** Six days sick leave introduced into the federal Engineers' Award.
- 1927** 44-hour standard week introduced into federal awards.
- 1935** Federal test case introduces one week's paid annual leave into federal awards.

# Leave and other entitlements

- 1930s-70s** Gradual development in most federal awards of 10 days paid sick leave per year, which accumulates each year, with safeguards such as medical certificate requirements. Gradual development of four weeks annual leave entitlements.
- 1947** Federal test case introduces 40-hour standard week.
- 1973** Federal public servants granted 12 weeks paid maternity leave if 12 months service completed.
- 1979** Federal test case introduces a standard 12 months unpaid maternity leave into federal awards.
- 1983** 38-hour standard week introduced by agreement if there are offsets.
- 1985** Federal test case extends 12 months unpaid parental leave to mothers who adopt children.

# Leave and other entitlements

- 1990** Federal test case extends 12 months unpaid parental leave to fathers.
- 1990s** Three federal test cases combine sick leave and other forms of leave into 'personal/carer's leave'.
- 2001** Federal test case extends 12 months unpaid parental leave to certain casual employees.

