



# Teachers' Kit

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## Waltzing Matilda and the Sunshine Harvester Factory

### Introduction

This Teachers' Kit contains four units for years 9 and 10 in secondary school.

The units teach the material in *Waltzing Matilda and the Sunshine Harvester Factory*. Teachers may wish to give students copies of the sections they wish to teach. These may be printed off the website and photocopied as required.

The lessons deal with:

1. the reasons why the Australian Parliament established the Commonwealth Court of Conciliation and Arbitration in 1904
2. the establishment by the Court of a minimum wage, beginning with the Harvester decision of 1907 that 7 shillings a day for an unskilled labourer was 'fair and reasonable wages'
3. the later change in the 1960s and 1970s to equal award pay for women and Aboriginal stockmen, and the development of special lower minimum wages for adolescents and apprentices, and
4. the gradual development of sick leave, annual leave, maternity and paternity leave in the 1930s–1990s.



## Unit 1: Waltzing Matilda and the Great Strikes

This lesson deals with Part 1 of *Waltzing Matilda and the Sunshine Harvester Factory* (pages 5–53).

### The Lesson

In summary:

- in the 1890s the British colonies of New South Wales, Victoria, South Australia, Queensland, Western Australia and Tasmania experienced a terrible recession in which people lost jobs or could not find work, and businesses found it difficult to make a profit
- some employers cut employee wages as a result, and some employers were also hostile to trade unions, and refused to employ trade union members. They claimed the right to ‘freedom of contract’ as they called it. Some trade unions insisted that only union members could be employed, which they called ‘recognition of unionism’
- the six British colonies on the Australian continent, including Tasmania, experienced terrible labour disputes during the 1890s, which were known as the Great Strikes. They included the 1890 maritime strike, the pastoral disputes of 1891 and 1894, and the 1892 Broken Hill strike. The striking workers lost, and had their wages cut. The strikes and their ending were a new development for the colonies. They left a legacy of lasting bitterness and division between large groups of working class people and the rest of the colony population. Overall strikes became recognised as a great social problem. Colonial legislation did not provide a solution, although some limited attempts were made to introduce legislation to deal with the problem. The Great Strikes were an unhappy memory in Australia for a long time, in the same way that, for example, we remember the two World Wars and the Great Depression. They are still remembered in the song ‘Waltzing Matilda’, a song loosely based on some events in Queensland during the shearers’ strike or war of 1894 [pp.9–20]
- the strikes led to discussion in colonial Parliaments about ways of avoiding such strikes and better dealing with such disputes over wages and conditions. Acts of Parliament in NSW and Victoria which provided for voluntary conciliation and arbitration were not successful. Charles Kingston of South Australia drafted a Bill for compulsory conciliation and arbitration which became the main Australian model for dealing with disputes. Another model was the wages board system which began in Victoria in 1896 [pp.20–27]
- during the 1890s a number of Conventions were called to discuss the possible federation of the six Australian colonies into one nation. During those Conventions there was discussion about whether or not the new Australian Parliament should have the power to make laws about these strikes and their effects. The Conventions decided that Parliament should be able to make laws about these matters, and s.51(35), the conciliation and arbitration power, was then included in the Australian Constitution [pp.29–32]
- at the first two federal elections held in Australia, in 1901 and 1903, most political groupings supported a compulsory conciliation and arbitration Act. However, this general support did not mean that the establishment of the



Arbitration Court in 1904 was easy. During the debate on the Bill there were four governments, and four Prime Ministers, the first four Prime Ministers of Australia: Edmund Barton, Alfred Deakin, Chris Watson, and George Reid. The government changed twice because of disagreements about the Bill. The Bill which became law was in a form originally drafted by Charles Kingston, but Alfred Deakin was its most influential supporter. The Bill became law while George Reid was Prime Minister, and he spoke in favour of the Bill but also raised many objections to it. Alfred Deakin of Victoria introduced the Bill in 1903 and said the Bill would 'prevent strikes ... the tribunal intervenes simply for the purpose of bringing the parties together ... then those who cannot by conciliation settle their disputes between themselves are required ... to allow the terms of settlement to be laid down by an impartial tribunal' [pp.35–53]

- What actually happened when the Bill became law in 1904? In summary the New Province for Law and Order, as Higgins called it, led to the following [pp.97–104]:
  - Firstly, the Court handed down binding awards. By the 1920s the minimum wage fixed by the Court applied to most Australian employees. This came from the 7 shillings a day minimum wage for unskilled labourers first fixed in the 1907 Harvester Decision handed down by Justice Higgins of the Commonwealth Court of Conciliation and Arbitration.
  - Secondly, strikes did not end, and there were some bitter disputes and strikes. However, there was never a repeat of the terrible bitterness of the Great Strikes of the 1890s.
  - Thirdly, the development of trade unions was encouraged.
  - Finally, overall, the New Province probably 'ameliorated class conflict' by giving trade union concerns about wages and conditions some official standing and recognition, bringing their concerns and claims into official recognition and respectability.

## Student Activities

Waltzing Matilda was written by Banjo Patterson in 1895 while he was staying at the Dagworth sheep station in Queensland, the scene of the 1894 shearers' strike. The last two verses are:

Up rode the squatter, mounted on his thoroughbred,  
Down came the troopers, one, two, three,  
'Where's that jolly jumbuck you've got in your tucker bag?'  
'You'll come a-Waltzing Matilda, with me'.

Waltzing Matilda, Waltzing Matilda  
'You'll come a-Waltzing Matilda, with me'  
'Where's that jolly jumbuck you've got in your tucker bag?'  
'You'll come a-Waltzing Matilda, with me'.

Up jumped the swagman and sprang into the billabong,  
'You'll never take me alive', said he,  
And his ghost may be heard as you pass by that billabong,  
'You'll come a-Waltzing Matilda, with me'.



Waltzing Matilda, Waltzing Matilda  
'You'll come a-Waltzing Matilda, with me'  
And his ghost may be heard as you pass by that billabong,  
'You'll come a-Waltzing Matilda, with me.'  
'Oh, You'll come a-Waltzing Matilda, with me.'

[Note: 'Waltzing matilda' refers to carrying the 'matilda' or 'swag', a swag or bag being a travelling shearer's sleeping partner; a 'swagman' was a travelling shearer or farm labourer; a 'jumbuck' is a sheep; 'troopers' refers to mounted police and the army; 'coolibah tree' is a type of gum tree; a 'billy' is a tin can in which water was boiled on the fire; 'tucker bag' is a bag in which tucker or food was carried; a 'billabong' is a pond or body of water; a 'squatter' is a grazier or pastoralist, running sheep or cattle on a property. This version includes the 'You'll never catch me alive said he' variation introduced by the Billy Tea company and written by Marie Cowan. Banjo Paterson's original lyrics referred directly to 'drowning', which the tea company felt was too negative.]

Henry Lawson in his radical period had this comment on the 1891 shearers' strike in his poem 'Freedom on the Wallaby'<sup>1</sup>:

Our parents toil'd to make a home,  
Hard grubbin 'twas an' clearin';  
They wasn't crowded much with lords  
When they was pioneering.  
But now that we have made the land  
A garden full of promise,  
Old greed must crook 'is dirty hand  
And come ter take it from us.  
So we must fly a rebel flag,  
As others did before us,  
And we must sing a rebel song  
And join in rebel chorus.  
We'll make the tyrants feel the sting  
O' those that they would throttle;  
They needn't say the fault is ours  
If blood should stain the wattle.

[Note: 'Freedom on the Wallaby' means the freedom of the open road and bush, as shearers and others wandered through the Australian outback. The rebel flag refers to the Eureka flag, which contains the Southern Cross. The flag was raised at the Ballarat diggings in 1854 in a stockade set up by the diggers who were opposed to government taxing their mining operations. The Eureka Stockade was stormed by British troopers.]



## Possible Questions (Alternatives)

1. Explain the effects of the Great Strikes of the 1890s on the Australian economy and on relationships between employers and workers. In what ways would the concerns of trade unions and of employers be met by the establishment of a Commonwealth Court of Conciliation and Arbitration?

OR

2. Using information from *Waltzing Matilda* and *the Sunshine Harvester Factory*, including the two songs, analyse what the Australian Parliament hoped to achieve in establishing the Commonwealth Court of Conciliation and Arbitration in 1904. [Note: an example of such an essay is contained at the end of this kit. It is not a model, but simply an example for a teacher to use to help students develop their own approaches.]

OR

3. Using four or five main points, explain the attitudes expressed in 'Waltzing Matilda' and 'Freedom on the Wallaby'. To what extent might these have influenced the debate on how to deal with strikes and employer and trade union claims for changes in wages or other matters?

OR

4. Using *Waltzing Matilda* and *the Sunshine Harvester Factory* write an essay dealing with the reasons why the Australian Parliament established the Commonwealth Court of Conciliation and Arbitration in 1904. You may analyse 'Waltzing Matilda', 'Freedom on the Wallaby', the views of Kingston, Deakin, Reid, and Watson, various employers, and union leaders.

OR

5. The Great Strikes led to one of the most famous Australian songs, and one of the most famous Australian poems:
  - What are 'Waltzing Matilda' and 'Freedom on the Wallaby' about?
  - What are the attitudes expressed in them, how did they arise, what do they mean, and how would they influence a debate over how to deal with conflict between shearers and pastoralists, or other labour conflicts, or strikes?

OR

6. Some questions about the proposals developed by the early Australian leaders to regulate labour relations are:
  - What was the model for compulsory arbitration of industrial disputes developed by Kingston?
  - Why did one view, supporting compulsory conciliation and arbitration, prevail? What were the various views of the time?
  - Why was it so difficult for Parliament to agree on the specific terms of the Act when compulsory conciliation and arbitration was supported by most politicians and supported in the first two federal election campaigns in Australian history?



– Why were the early Australian leaders so concerned to bring an end to strikes, and why did they do so by providing an alternative to strikes through arbitration rather than simply prohibiting strikes?

Relevant material relating to these questions is set out in Part 1 of *Waltzing Matilda and the Sunshine Harvester Factory*.



## Unit 2: The Formation of the Australian Minimum Wage

This lesson deals with Part 2 of *Waltzing Matilda and the Sunshine Harvester Factory* (pages 55–104).

Overall this lesson will teach:

- how the Harvester Decision established 7 shillings a day or 42 shillings a week as ‘fair and reasonable’ wages, which became the ‘basic wage’
- how the basic wage was first set, and how it was later increased, and the debate that occurred over the way to adjust it. This included the needs of workers, and the capacity of the economy to sustain any increase
- how the Australian minimum wage came to apply to most Australian workers, and
- in summary, by the 1930s the minimum wage consisted of the following: a basic wage derived from the Harvester Decision 7 shillings a day for an unskilled labourer which was often adjusted by movements in the consumer price index to maintain its actual value, margins for higher skilled employees which were increased separately and infrequently, and constant debate between those advocating that great weight should be placed on humanitarian considerations such as the needs of a family, and those who argued that greater weight should be placed on economic considerations and constraints.

### The Teaching Challenge

A teacher needs to convey the humanitarian reasons which led to the establishment of the basic wage, and the conflict that erupted between these humanitarian reasons, the need for working men to support a family, and the simple limits of economic productivity. This conflict came to a head in 1921, when the Commonwealth Court of Conciliation and Arbitration refused to establish a new higher minimum wage to reflect the findings of a Royal Commission on the real level of needs of workers in terms of household expenses. The Court thought that the economy could not support such a minimum wage.

Arguments about the needs of workers however necessarily continued, because the minimum wage and its level were established for a reason or object. There was always however some degree of confusion in the approach taken to needs with, for example, different tribunals adopting different ‘families’ as the measure of needs (federally it was a family of five, in some States a family of four, in NSW a family of three), the treatment of women’s wages was unfortunate, single men received a ‘family’ wage, and the original Harvester assessment and methodology does not withstand close scrutiny. There was never in actuality any real arithmetically precise basis to the assessment taken by the Court to assessing needs. It was always simply a rough overall assessment of the needs of workers made by the Court.

However, the minimum wage led to the first measure of consumer price movement in Australia, the A Series of 1912, established to enable the Court to adjust the minimum wage to maintain its value when prices rose. The A Series was a major achievement in the



development of the economic or governmental services of Australia.

Another important debate is the setting of a lower minimum wage for women, based on the view that men should receive sufficient wages to support a wife and three children, while women need only receive a wage sufficient to support themselves. This decision has often been discussed or criticised, and led to campaigns for equal pay. These campaigns were not successful until 1972. Aboriginal stockmen were exempted from award wages until 1968. Again, this has often been discussed or criticised, and there is also still some discussion about whether or not the achievement of equal pay for Aboriginal stockmen in 1968 led to some Aboriginal stockmen losing their jobs and being replaced by white stockmen.

Student activities are to discuss and assess the nature of the minimum wage using the practical example of trying to compile a menu to feed a family on the Harvester minimum wage. Should it have been a 'pauper's wage', 'minimum or subsistence wage', or 'minimum of health and comfort wage', to use the words of the 1919 Royal Commission on the Minimum Wage? Which of these if any is a 'living' or 'family' wage?

## The Lesson

In summary:

- the Harvester Decision of 1907 set 7 shillings a day or 42 shillings a week as the minimum wage for unskilled labourers. It was set by Justice Higgins of the Commonwealth Court of Conciliation and Arbitration on the basis of 'the normal needs of the average employee, regarded as a human being living in a civilised community'
- Higgins also had regard to the 7 shillings a day being used as the minimum by prominent Victorian employers, particularly public bodies, and its history as a recognised minimum for sustaining employees. It was a 'family' wage because Higgins also had regard to the household budgets of a number of tradesmen (tradespeople, or journeymen as they were then known). It was also a 'living' wage not what the 1919 Royal Commission called a 'pauper' or 'subsistence' wage [pp.57–69]
- this 42 shillings a week was higher than the minimum wages set in many State tribunals, which were often 36 shillings a week
- in 1912 the Commonwealth Government established the 'A' series consumer price index, to measure changes in the prices of food and household goods. It was done to enable the Court to adjust the minimum wage in line with inflation. Thus the minimum wage was the reason for the establishment of systematic statistics on movements in consumer prices in Australia
- by the 1920s the State tribunals had adopted the higher Harvester minimum wage, in place of the often lower one they had used, and Harvester became the national minimum wage. It was the 'basic wage', with higher skilled employees paid more. The 'margin' for skill as it became known was usually an additional 3/7 of the basic wage [pp.70–71]



- by the 1920s over half of the Australian workforce was covered by the Australian minimum wage
- in the 1920s automatic indexation of the basic wage started, every quarter (that is, every three months). Every award had a clause which automatically increased, or decreased, the basic wage in line with the consumer price index [pp.81–82]
- in 1921 the Court refused to adopt, on economic grounds, the amount estimated by the Royal Commission on the Minimum Wage as needed to sustain a man, wife and family. The Court did not have a fairy wand to wave to generate economic prosperity, only industry could sustain wage increases. This was a dramatic recognition that needs based wage fixation was subject to economic limits [pp.85–88]
- special and separate minimum wages were set for women and young people, while Aboriginal workers were often exempted from awards
- the early minimum wage for women was set on the same level as that for men if women were in competition with men in a particular industry sector or occupation (e.g. if they were blacksmiths), but on a different level if they were not (e.g. milliners work was mainly done by women). Most women worked in female dominated areas so the lower female minimum usually applied. The lower women's rate was a 'living' wage but not a 'family' wage, on the assumption that the male had to support a wife and a family, but that a single woman did not. When a single woman married she often resigned her employment or was required to resign. Women received about 54 per cent of the Harvester wage until World War II, when women's minimum wages were increased to about 75 per cent of the adult male wage. They received the same award wage as men after the 1972 Equal Pay Case [pp.71–80]
- Aboriginal workers were exempted from many awards until the 1966 Aboriginal Stockmen's Case, which removed this exemption so that the same award rate would apply to all Australians. Many Aboriginal people were exempted in this way because legally they were not yet treated as full Australian citizens with all the usual legal rights and entitlements, although Aboriginal men had voted as early as 1851 in South Australia<sup>2</sup> [pp.115–126]
- the Court was always prepared to include apprenticeship rates in awards, but usually with a ratio of apprentices to tradespeople, in order to protect adult jobs. It was sometimes prepared to include junior rates in awards, which were lower than adult rates, but sometimes refused to do so, in order to protect adult jobs and because there was no training obligation with such rates. The Court was concerned to promote training, particularly apprenticeships, but its powers were limited. It tried to regulate apprenticeship training contracts to some extent [pp.127–143].

Each step in the development of the minimum wage involved a workplace or many workplaces, trade unions, employers and employer associations. It was a dynamic process in which each had various objectives which were sometimes in dramatic conflict with each other—sometimes successful, sometimes not.



Trade unions were determined to persuade the Court to establish the results of the 1919 Royal Commission as the new minimum wage in place of the Harvester minimum wage, while employers were determined to resist this. In 1921 the Court dismissed this claim. During the 1920s, trade unions continued to seek the 1919 Royal Commission amounts, but were not successful. Trade unions brought all of the test cases relating to the minimum wage, equal pay, hours of work and annual leave, and

initiated public campaigns for the claims. Employers resisted the claims, and initiated campaigns, and were sometimes successful, or were influential in determining the manner in which the claims were granted in order to protect jobs and their costs (profit) position.

### **Possible Questions (Alternatives)**

1. Was Justice Higgins correct to establish the first minimum wage on the basis of ‘the normal needs of the average employee, regarded as a human being living in a civilised community’? What other test could or should he have used? To what extent did he have regard to or adopt the rates actually paid by employers? Could he have simply adopted average wages paid, and was this compatible with fairness and equity, and the objects of the Act? Should he instead have estimated the value of the work? Was the level of the minimum wage the correct one, regardless of the test?

OR

2. How did Justice Higgins convert the test he used into the monetary amount of 7 shillings per day for an unskilled labourer? What method did he use?

OR

3. What was the Royal Commission’s approach to assessing the needs of workers? Was it the same or different to that of Justice Higgins?

OR

4. Was the Court correct in adjusting the Harvester Decision 7 shillings by estimates of movements in the cost of living? What other approach, if any, should it have taken?

OR

5. Why did the Commonwealth Court of Conciliation and Arbitration refuse to establish a new minimum wage based on the Royal Commission estimate of the needs of employees? What approach did the Court take? Was it correct in its approach?

OR

6. Was what Kingston called in 1891 the ‘price’ for a prohibition on strikes and lockouts too high to pay? Was there a ‘price’ and what was it? Was there a benefit as well as a price, if there was a price? If so what was it?

OR

7. Summarise the reasons why Justice Higgins set a different minimum wage for fruit packers, who were nearly all women. Why would such an approach not be applied today?



OR

8. Why did the Court sometimes set minimum wages for young people at lower rates than adult rates, and sometimes refuse to set such rates? What is the difference between an apprenticeship slaughtering and an apprenticeship in a butcher's shop, or involving both a butcher's shop and slaughtering areas? Why should one take longer to complete than the other?

OR

9. What led Justice Higgins to set ratios of apprentices to journeymen, or led him to refuse to provide for junior rates?

OR

10. What age should young people start work in abattoirs, steamships, boot factories, and combine harvester factories? Is 14 years of age too young?

OR

11. What was it like to work in 1910 as a young person in a boot trade factory, or on a ship as a steward, or as a linesman?

OR

12. Summarise the arguments put by employers against granting equal pay to Aboriginal stockmen. On what grounds did the Commission reject those arguments?

### **Teacher's Answer to the Student Activity**

Assuming an employee was continually employed, and not seasonally employed, the 2 shillings a day (20½ pence) available out of a 7 shillings a day wage in 1907 would probably enable a working man's family to maintain a sufficiently nourishing diet. However, regular work was hard to find at the time, as Janet McCalman says in *Struggletown* about the period 1900–1914 in the working class suburb of Richmond, in Melbourne:

'But the real problem facing the working class was more than inadequate pay and poor conditions. The largest problem was the immaturity of the economy and the shortage of regular and suitable work for all those desiring it. Even in good years, unemployment stood at levels that would be quite unacceptable by the 1960s. An analysis of the 15,000 unemployed in the winter of 1899 revealed the alarming fact that 52 per cent of them were artisans or skilled labour, 47 per cent were unskilled and 0.08 per cent white collar workers: 20 per cent of these were assessed to be first-class workmen, 50 per cent as fair to medium workmen and 30 per cent as either too old, too weak or too lightly built for heavy work. The economic development of the next fourteen years would do little to provide work for many of these people. The new factory system had no place for slow workers and technological advance was to result in the de-skilling of processes, replacing skilled men and women with juveniles.'<sup>3</sup>

If regular work was actually found and the employee was employed under the Harvester unskilled wage, that employee could buy each day, for example:

1 kilo of bread (1 loaf, or 12 thick slices of bread, 2½ pence), 30 grams of tea (three



teaspoons, enough for three pots of tea, 3 pence), 30 grams of sugar (three teaspoons, 3 pence), 50 grams of jam (enough to spread five pieces of bread, ½ pence), 500 grams of oatmeal (enough for five large plates of porridge, 2½ pence), 1 kilogram of potatoes (about 7 medium sized potatoes, 1 pence), 1 pint of milk (2 pence), 500 grams of mutton (4 pence), and 1 cabbage (2 pence), adding up to 20½ pence. This would leave room for beer, a sweet suet pudding, or 2–3 medium apples (1 pence).

This is probably enough for a nourishing meal for a family of five.

If a single mother (e.g. a widow) was looking after three children, she would only have about half the 20½ pence available for food, because she might only earn 54 per cent of the male minimum wage. This was because the female minimum wage was lower than that set for the male minimum wage. This would lead to difficulties in buying enough food for the family.

The following are three examples of the student task set in the next section being completed. They are of course examples only for use by the teacher:

### **Task 1: Menu for working class family of five in 1907 (20½d/day)**

Breakfast

Oatmeal (500g)—2.5d

Milk (1 pint)—2d

Tea (10g)—1d

Lunch

Cabbage Soup:

1 cabbage—2d

3 carrots—1.5d (per bunch)

3 onions—1.5d

Stock

Dinner

Harricot Mutton:

1kg Mutton—7.93d

3 turnips—1.5d

3 carrots (left over from lunch)

3 onions (left over from lunch)

Total: 19.93d

### **Task 2: Menu for single working woman (11d/day)**

Breakfast

2 slices of bread—1d

Pot of tea—1d

Milk (½ pint)—1d

Lunch

Alma pudding (using Mrs Beeton's recipe and costing)—3d



Dinner

Toad-in-the-hole (using Mrs Beeton's recipe and costing)—4.3d

Total: 10.3d

**Task 3: Menu for unmarried working woman with three children (11d/day)**

Breakfast

Oatmeal (400g)—2d

Milk (1 pint)—2d

Lunch

Loaf of bread—2.5d Jam (50g)—0.5d

Dinner

Roast Shoulder of Mutton (500 g)—4d

Total: 11d

Note the comments of Janet McCalman about the period 1900–1914 in Richmond, in Melbourne:

'The quality of working-class nutrition is difficult to assess as we have no reliable figures on family diets. Yet even amongst small families on a skilled man's wage, there were likely to be some vitamin deficiencies through over-cooking vegetables. The vast majority of families managed to fill children's tummies somehow, although many school children had little or no lunch. It was not uncommon for men and working adolescent sons to be given the lion's share of meat and egg protein, while mothers and daughters had to fill up on stodge; and, in an age when pregnant women believed they had to eat for two, obesity was common. Only the heavy physical work performed by both men and women reduced the threat to health of a diet too high in refined carbohydrate and fat. But food meant success, happiness, reassurance and solace and as the working-class standard of living began to rise in the 1940s these rituals, once based on life-sustaining needs, degenerated into self-indulgence. The size of the meals and afternoon teas consumed by this generation can be truly astonishing, and the fact that the memories of childhood food are often the most vivid of all testifies to the emotional importance of food to the poor.'<sup>4</sup>

Sweets were a real treat for children. Some children were given 3 pennies to go to the pictures and see a film on Saturday afternoon, and a penny to spend on treats. Saturday afternoon was, said Mary, the highlight of her week:

'You stood there an hour before the pictures [cinema] opened—you never missed out—that was really 'it'. And did you spend that penny! You never spent a penny straight out—that was real extravagant. You'd stand there an hour and get a ha'p'orth of this and a ha'p'orth of that; six-a-penny lollies, sliver sticks and silver sammies and bull's-eyes and you sucked them all day so you really got your penny's worth.'

While fresh fruit was almost unknown, Phyllis Smith remembers:

'The Hoadley's chocolates, big and luscious—the sweets are not the same now, they're tizzie; and the cake shop next door—for a penny you got beautiful big lamingtons, great big



cream cakes and jam scones—really I thought I lived in a child’s paradise.’<sup>5</sup>

## Student Activities

A minimum wage is the minimum amount that an employee in the area covered by the minimum wage can legally be paid. In the Harvester Decision of 1907 Justice Higgins of the Commonwealth Court of Conciliation and Arbitration set the first minimum wage for a full-time unskilled labourer on the basis of ‘the normal needs of the average employee, regarded as a human being living in a civilised community’. These normal needs included, in his view, enabling a working man to support a wife and three children in reasonable standards of comfort.

Did the Harvester minimum wage actually do this? One way to answer this question is to look at what food a working class family of five could afford to buy on the unskilled labourer’s minimum wage.

The tasks:

1. Compile a menu for a day for a working class family of five in 1907 (a father, mother, and three children), using no more than 20½ pence (just under 2 shillings).

OR

2. Do the same thing using only 17½ pence, the alternative and lower minimum wage set at the time of 36 shillings a week, as opposed to the Harvester minimum of 42 shillings a week.

OR

3. Compile a menu for a day for a single woman, using no more than 11 pence.

OR

4. Try to compile a menu for a day for a single woman supporting a family of herself and three children on 11 pence.

OR

Other tasks could include comparing menus of today with those of 1907, different types of household, and young people on apprentice wages

20½ pence, or just under two shillings, is the money available from the Harvester minimum wage to spend on food. The 42 shillings a week had to pay for a family’s rent, clothing, fuel and light, and other expenses, as well as food. About 28.4 per cent of wages, just over a quarter, might be available for food.<sup>6</sup>

Use the prices in the following table (drawn from p.68 of *Waltzing Matilda and the Sunshine Harvester Factory*). Feel free to replace vegetables with equivalent vegetables, or meat with equivalent meat.



However, the cuts of meat used are the cheapest for the time, and pork and chicken would be generally too expensive:

**Table 1: Price of food, 1907<sup>7</sup>**

Food	Price	Food	Price
Bread	2½ pence per kilo	Butter	3 pence per 100 grams
Flour	2½ pence per kilo	Cheese	2 pence per 100 grams
Tea	3½ pence per 100 grams	Eggs	1 penny per egg
Coffee	4 pence per 100 grams	Beef (shin)	8.37 pence per kilo
Sugar	½ pence per 100 grams	Mutton (shoulder)	7.93 pence per kilo
Rice	½ pence per 100 grams	Beef (corned brisket without bone)	9.26 pence per kilo
Sago	1 penny per 100 grams	Fruit (eating)*	1½ pence per 500 grams
Jam	1 penny per 100 grams	Fruit (cooking)*	1 penny per 500 grams
Oatmeal	2½ pence per 500 grams	Cabbage or cauliflower*	2 pence each
Raisins	1½ pence per 100 grams	Marrow or pumpkin*	1 penny per 500 grams
Currants	1½ pence per 100 grams	Tomatoes or beetroot*	1½ pence per 500 grams
Potatoes	1 penny per kilo	Beans or peas*	1½ pence per 500 grams
Onions	1½ pence per kilo	Carrots, parsnips or turnips*	1½ pence per bunch
Milk	2 pence per pint	Golden syrup*	½ penny per 100 grams

\* The 1907 price for this food is derived from 1920 prices recorded in the Royal Commission on the Basic Wage, 23 November 1920, Professor Osborne's report, p. 68. These prices were adjusted to 1907 prices using the Retail Price Indexes by Commodity Group, Australia, 1901–1938, food and groceries, p. 213 of *Australians, Historical Statistics*, (ed.) Vamplew, Fairfax, Syme & Weldon Associates, 1987, p. 214. Pence have been rounded to single or half pence in the case of the smallest amounts, others rounded to two places.

Each day they could buy, for example: 1 kilo of bread (1 loaf, or 12 thick slices of bread, 2½ pence), 30 grams of tea (three teaspoons, enough for three pots of tea, 3 pence), 30 grams of sugar (3 pence), 50 grams of jam (enough to spread five pieces of bread, ½ pence), 500 grams of oatmeal (enough for five large plates of porridge, 2½ pence), 1 kilogram of potatoes (about 7 medium sized potatoes, 1 pence), 1 pint of milk (2 pence), 500 grams of mutton (4 pence), and 1 cabbage (2 pence), adding up to 20½ pence. It seems that most jobs were daily hire, until the 1920s when Justice Higgins introduced weekly hiring into awards. This required more continuity in hiring, and therefore more steady incomes for families.<sup>8</sup>



### **Compare the menu of 1907 with the alternative, lower minimum wage**

If the Harvester wage of 1907 was not 42 shillings a week, but 36 shillings as it was under some early awards, the amount available to buy a family food for one day would be perhaps 1 shilling and 7 pence or 1 shilling and 8 pence (19 pence or 20 pence a day). Would this be enough to feed a family under your calculations? What sort of changes would you make to your menu and recipes?

### **Compare the menu of 1907 with the menus of today**

Draw up a similar menu for you or your family today for one day. Find the current minimum wage per week on the Fair Work Australia website. Divide this amount by seven to get daily wages. Divide this amount by 28.4 per cent to calculate the rough daily amount that can be spent on food for your family on each day. Use prices available at the local supermarket, which can usually be found on the internet. Compare that menu with that for a working family of 1907. What are the differences between a menu of today and a menu of 1907?

### **Women's wages**

The special minimum wage for women was about 54 per cent of the male wage. It was supposed to be a living wage for a single female, but not a family wage designed to support a family of five as the male wage was. The assumption also was that a single female might live at home, or the rental would be less than for a male supporting a family of five. Assume that in 1907 a single female on the female basic wage would have available to feed herself perhaps about 11 pence each day. Design a menu for a day that fits within that budget.

However, that wage might have to support a family if, for example, the woman was a single mother supporting three children and was on the lower female wage. Using the earlier prices, try to calculate the sort of food that a mother, with 11 pence a day available for food to feed a family, could buy to support a family of herself and three children.

### **Different types of household**

Using the amount of 20½ pence a day available for food for a man on the unskilled Harvester wage, and 11 pence a day available for food for a woman on the unskilled Harvester wage, calculate and place in order from most well off to least well off each of the different types of household:

- a male worker with a wife and three children
- a single female worker, living by herself independently
- a female worker, supporting three children, or other dependents (e.g. parents or relatives)
- a married female worker with no children, with a husband on the male unskilled minimum wage, and
- a single male worker, living by himself independently.

Are these outcomes consistent with the stated humanitarian objectives of Justice Higgins in the



Harvester Decision? Remember that most or many families might be supported by a mother and father, with the father receiving a family wage. However there would be other households without the full family wage (e.g. a mother supporting children on her own, see p.80).

### **Diet and menus**

You should note that the diet consisted of high amounts of tea, bread, potatoes, oats or porridge, cabbage, cauliflower, dripping, and mutton. Remember that you can make portions for each person smaller if you run out of money, or can use cheaper items in substitution, such as potatoes or bread with dripping. Assume that the three children only need as much food as the two adults.

Mrs Beeton's cookbook, *'All About Cookery'*, published in Melbourne in 1905, provides some guide to appropriate recipes. Extracts are on the Fair Work Australia website. It was a cookbook mainly for the middle classes, but working class families would use many of the recipes, although not the French recipes. Alternatively, you may wish to use other recipes that your grandparents or great grandparents might have used, including some early recipes you may have at home. Aim to use the basic recipes that a working class family would use. Australians were amongst the most prosperous workers in the world, and unlike their cousins in Britain or Europe could usually eat meat every day, but it was still difficult sometimes to feed the family on the basic wage. Be careful to get the most nutrition for the least expenditure.

You can assume that some spices and condiments have already been bought, or you can include in the daily food bill small percentages of them.

You will notice that there have been many changes to the diet of Australians since 1907. It was then mainly a British diet, given that most Australians came from Britain or Ireland, or their parents did. Today Australians come from many other countries, and have brought their menus and diet with them. Some of the Australian foods of 1907 are not necessarily attractive to many people today, for example suet and dripping. Look in your local supermarket. Can you find any dripping or suet, or 'mutton'? What are they? Have you ever tried them? On the other hand, less processed food was eaten. Some items were then almost luxuries, such as jam.

Assume that breakfast is bread and dripping, bread and butter, or porridge made of oats, or porridge hominy (ingredients: hominy, water, butter): 'A good breakfast dish in winter'.<sup>9</sup>

Lunch can be a sandwich, bread with filling, or one of the smaller dishes. Sometimes people wanted to eat meat three times a day.

There are many possible meals for lunch or dinner in Mrs Beeton's book including:

- boiled rabbit (Mrs Beeton p.337, average cost in 1905 1s to 1s 6d)
- cauliflower cheese (Mrs Beeton p.80, average cost in 1905 1s 6d)



- roast leg of mutton and potatoes (average cost in 1905 10d per lb plus 3d)
- mutton cutlets with mashed potatoes (average cost in 1905 2s 4d)
- potato pie, 'A capital dish that almost everyone likes is Potato Pie', (Mrs Beeton p.321, average cost in 1905 7d)
- cheap onion soup (Mrs Beeton p.274, average cost in 1905 8d)
- stewed carrots (Mrs Beeton p.79, average cost in 1905 9d)
- suet pudding (Mrs Beeton p.396, average cost 5d)
- suet pudding veal or cheaper cut of meat if necessary (Mrs Beeton p.397, average cost 2s 5d)

### Guide to the currency

£1 = 20 Shillings. 1 Shilling = 12 pence. £1, 10 shillings, and 1 pence, could be written as £1.10.1, or

£1/10/1. 1 shilling can be 1s, and 1 pence can be 1d The Australian dollar was not introduced until 1966. **An easy way to calculate total prices is to convert the money available into pence, e.g. 7 shillings becomes 84 pence. Then deduct expenditure in pence from that amount.**



## Unit 3: The Campaigns for Equal Pay for Women and Aboriginal Stockmen and Minimum Wages for Adolescents

This lesson deals with Part 3 of *Waltzing Matilda and the Sunshine Harvester Factory* (pages 105–143).

### The Lesson

In summary:

- the Harvester Decision of 1907 set 7 shillings a day or 42 shillings as the minimum wage for men working as unskilled labourers
- as a result of the Fruit Pickers Decision of 1912 and the Clothing Trades Case of 1919, women received the male minimum wage if they worked in competition with men (e.g. a blacksmith or fruit picker), but received only 54 per cent of the male wage if they worked in jobs mainly performed by women (e.g. a milliner or fruit packer)
- Aboriginal workers often did not receive ordinary award rates, while adolescents might be paid the adult rate or a percentage of the adult rate if they were employed as apprentices, or as junior employees
- attitudes towards equal pay for adult women gradually changed. The 1949-50 Basic Wage Case set women's rates at a minimum of 75 per cent of male wages, and the workforce participation of women gradually increased from around 17 per cent in 1961 to 33 per cent in 1971. The 1969 Equal Pay Case considered the principle of equal pay for equal work, and held that the principle
- should be implemented, subject to various conditions. The 1972 Equal Pay Case decided that nearly all distinctions between award rates for men and women should be removed. In its decision, the Commission stated that 'award rates for all work should be considered without regard to the sex of the employee'. Women's wages increased from 73 to 93 per cent of men's during the 1970s as the new pay principles were gradually implemented [pp.109-112]
- in the Cattle Industry Case of 1966 (known as the Aboriginal Stockmen's Case) employers argued that Aboriginal people should be paid less than other workers as they were not able to work as productively as non-Aboriginals. The Commission decided instead that '[t]here must be one industrial law, similarly applied, to all Australians, Aboriginal or not', while also stressing the availability of exemptions from full rates if the 'slow worker' clause was applied to an individual Aboriginal worker, one by one, rather than Aboriginal workers as a group. The decision specified that changes to the award would be implemented on 1 December 1968. The decision was applied to all states, except Queensland. There is still a debate about the effect of this decision on Aboriginal employment [pp.115-125]
- conditions in early Australian factories were often dangerous and demanded long hours of work, and an 1883 Victorian royal commission found that the needs of young people working in factories were 'cruelly ignored'. The Commonwealth Court of Conciliation and Arbitration sought to regulate the employment of young people. In a series of decisions,



Justice Higgins made judgments which varied according to the case before him. In the telegraph industry he refused an application for a special lower minimum wage to enable boy labour to be employed at rates lower than the adult rate (due to concerns regarding the dangers of the work, as well as concerns that adult workers would be displaced by cheaper boy labour); in Harvester he established lower rates of pay for apprentices which varied according to years of service as an apprentice [pp.127-143]. In other cases he established a ratio of apprentices to adult workers, in order to limit apprentices and protect adult jobs, and sometimes he also regulated the training agreement which contained obligations to train an apprentice, as well as allowing apprentices time off work to attend training institutions. Overall Justice Higgins tried to promote the training of young people, using the limited powers at his disposal, at a time when the numbers of apprenticeships were a very small percentage of the numbers of boys employed. Young girls had separate apprenticeship systems leading to qualifications in work usually done by women, such as binding and trimming felt hats in a felt hat manufactory.

## Student Activities

1. The Gibb Committee (Committee to Review the Situation of Aborigines on Pastoral Properties in the Northern Territory) found that the adoption of the Cattle Station Industry (Northern Territory) Award 'adversely affected the employment of Aborigines'. Whitehouse and Sandall also expressed a view regarding this issue. Discuss the different views put. Was the slow worker permit system a solution to the conflicting points of view? If not, why not?

OR

2. Discuss the ways that developments in wage equality might be seen as a reflection of community ideas and values. Is there, for example, a relationship between maternity leave and equal pay, given that maternity leave is designed to allow women to return to work after the leave, while until the 1960s it was assumed or required that women would leave the workforce when they became pregnant?

OR

3. Before the terrible recession of the 1890s female teachers in Victoria received 80 per cent of the male wage. As a result of the recession, the Victorian Government cut Government expenditure. It cut the salaries of male teachers by no greater than 11 per cent, but cut the salaries of female teachers by 5 to 36 per cent.

In 1901 the Victorian Lady Teachers' Association asked the Education Department to restore the earlier 80 per cent rate, and to provide some justice. It noted that Government reserved for male teachers the 'plum' position of the head-teacher at a large school at a salary ranging from £239 to £288 per annum. It asked for other measures to be taken to provide justice. It claimed that women are under 'great disabilities ... They go through exactly the same training as the men, they have to pass the same examinations, they have to work infinitely harder than the men, but they always receive less pay than the men ... The association has not gone as far as it might have gone in demanding equal pay for equal work; it simply asks, in all courtesy, that women teachers



may have restored to them their former four-fifths of the men’s salary in the same class.’<sup>10</sup>

Explain the approach that the Victorian Government took to women’s wages. What assumptions underlay that approach?

OR

4. Imagine a boot factory in 1910, and then imagine the same boot factory in 1975. What changes might you see in the composition of the workforce, and their pay and conditions?

OR

5. Imagine a large farm in 1910 that employs men and women, adolescent apprentices and labourers, and indigenous stockmen. Describe the different role that each type of employee might have had, and how much they would have been paid. Now imagine the same farm in 1975. How would the employees’ roles and pay have changed?

OR

6. In the Harvester Decision, the Court determined that the following wages for young people in 1907 were appropriate:

**Table 2: Wages for young people**

	Year/age	Rate per week/day
Apprentices	1st year	8s per week
	2nd year	12s per week
	3rd year	16s per week
Apprentices	4th year	20s per week
	5th year	24s per week
	6th year (if any)	30s per week
	7th year (if any)	36s per week
	Boys (Not Apprenticed)	Under 15
	15–16	2s 6d per day
	16–17	3s per day
	17–18	3s 6d per day
	18–19	4s per day
	19–20	5s per day
	20–21	6s per day
Young journeymen—Class A (A person who has completed an apprenticeship and has not more than one year’s subsequent experience.)		Not less than two thirds of the minimum prescribed for journeymen (10s a day)
Young journeymen—Class B (Temporary classification for two years after 1 November 1907.)		Not less than five-eighths for the first year and three-fourths for the second year, of the minimum prescribed for journeymen



Assume that the young people live with their parents, so that no rent is payable, and deduct 1s a week for clothing. What sort of menu or diet would young people have per day?

Using the various decisions summarised in Part 3 of *Waltzing Matilda and the Sunshine Harvester Factory*, discuss what it was like to work as a young person in the early part of the twentieth century.

In particular, discuss:

- the Victorian Royal Commission report of 1883
  - the length of an apprenticeship in those days
  - at what age a young person could start work
  - whether or not young people were trained, and how
  - the various restrictions placed on special lower rates in awards for young people
  - the careers guide of 1931 to working in the boot trade (on the website)
  - the 1909 decision on Boot Trade Employees
  - what it was like to work as a linesman laying telegraph lines, and
  - what it was like to work as a boy on a steamship.
7. Using *Waltzing Matilda and the Sunshine Harvester Factory*, discuss the approach taken to the fixation of minimum wages for young people. Why was it a different wage to that fixed for adults?

OR

8. The 1919 Royal Commission on the Basic Wage (accessible from the Documents section of the website) discussed three types of minimum wage:
- The pauper or poverty level.
  - The minimum or subsistence level.
  - The minimum of health and comfort level.

Justice Higgins fixed the Harvester minimum wage on the basis of 'the normal needs of the average employee, regarded as a human being living in a civilised community'. What does this mean, and which of the three types of minimum wage discussed by the 1919 Royal Commission best describes the Harvester minimum wage? Is the basic wage of 1907 in fact a living wage or a family wage given what you have learnt about feeding a family for a day on the basic wage? What are the differences between the three types of minimum wage discussed by the Royal Commission of 1919? Using your research on menus, what sort of menus would fit each type of wage?

OR



9. Alternatively, using *Waltzing Matilda and the Sunshine Harvester Factory* describe and discuss the development of the Australian minimum wage in the period 1907–1928. What were the key events? What were the problems the Court experienced in setting the minimum wage? How did the Court respond to those problems?

OR

10. Note: Some questions in Unit 2 also relate to equal pay.



## Unit 4: The Growth of Labour Standards

This lesson teaches Part 4 of *Waltzing Matilda and the Sunshine Harvester Factory* (pages 145–169). Overall this lesson teaches:

- the growth of labour standards in hours of work, annual leave, sick leave, and maternity and paternity leave
- how things were before the establishment of these labour standards, and how they gradually developed, thus enabling industry to sustain cost increases, and
- what these labour standards, and their absence, meant for the way of life of Australians.

### The Teaching Challenge

In this lesson a teacher should try to convey the relationship between the development of labour standards on hours of work and leave and the way of life of Australians, without the economic development of the country being damaged by excessive burdens being placed on industry. Workers have a life outside the workplace, such as family needs on weekends or a need for holidays or to become pregnant and have a family. Sometimes they are unable to work because of illness or injury. Standards dealing with these issues are part of the modern first world approach to organisation of society in Australia and elsewhere, part of a civilised society. The story of how the modern organisation of work and private life developed is an important and often overlooked one.

### The Lesson

In summary:

Is there an Australian weekend consisting of Saturday and Sunday off work to play sport, spend time with family, to shop, garden, or engage in other activities?

Many employees work on weekends because of the nature of the industry, such as restaurants and hotels, retail shops, and mining. Many other workers however work Monday to Friday, and take Saturday and Sunday off. Where did this practice come from?

Another question: what happens if a worker becomes sick or is injured, and is unable to work? Should he or she lose pay because of that, or should the employer pay the employee during absence from work?

What happens if a worker wishes to go to the seashore or the mountains or the outback for a holiday, or to visit relatives in another State, or overseas? Should the employer pay the employee while he or she is on holiday?

What happens if a worker becomes pregnant and wants to have time off to have her baby and then to care for it? Should the worker resign or leave work? Should the employer keep the job open for her? For how long? What happens to a worker temporarily filling the job after she comes back from maternity leave? Should the husband or partner be able to take unpaid or paid leave for the period?



These are all questions which are of fundamental importance to workers and their families. These questions were answered in different ways at different times. In 1905 when the Commonwealth Court of Conciliation and Arbitration began to operate, the Australian weekend was only Saturday afternoon and Sunday, and many workers worked very long hours. 48 or 48¾ hours per week was a sort of official general standard, but there was also the problem of 'sweating' or exploitation, in which workers worked for much longer hours, and sometimes were not fully paid. If a worker was sick or injured and unable to work, he or she was not paid by the employer, but might be paid because of an insurance policy he or she had contributed to each week of about 1 shilling to 1 shilling and sixpence each week. Eventually he or she might lose his or her job if the absence from work was not a short one. Most women resigned their jobs when they married, and few became pregnant while at work. Pregnancy was supported by the woman's husband, or other family members. Holidays were short, and mainly during religious holidays such as Christmas and Easter.

Gradually all of this changed. In 1927 the 44 hour week was introduced by the Court, and in 1947 the 40 hour week. This was the beginning of the Saturday and Sunday weekend for many Australian workers.

In 1922 short periods of sick leave began to be included into awards. In 1935 a week's paid annual leave began to be included into awards. In 1974 a year's unpaid maternity leave began to be introduced into awards, and it became the usual practice for married women not to resign their jobs when they married.

Now most workers work 38 ordinary hours each week or averaged over a longer period. They are entitled to at least four weeks' paid annual leave for each year of service, ten paid days of personal/carer's leave each year, and one year's unpaid parental leave.<sup>11</sup>

## Possible Questions

1. Is annual or recreational leave needed for the health and well being of employees? Is it an entitlement earned by service with the employer, and a benefit to the employer? What sort of society would we be if there was no right to annual leave?
2. Why was there no general right to maternity leave until 1974? What is the association, if any, between the equal pay case of 1972 and the decision to give women maternity leave in 1974? Are the assumptions of both cases similar, namely that women should be able to participate in the labour market fully, as men do, and that measures should be taken to deal with any special requirements that women might have? Do men take paternity leave as much as women take maternity leave? If not, why not?
3. What would happen to a family in 1907 if a father became ill and unable to work, and no money was earned to support a family? How would workers deal with illness without sick leave?



## Student Activities

1. There are 365 days in a year (except for Leap Years). Assume that an employee is a full-time employee working a 38 hour week, Monday to Friday.

Assume that he or she takes his or her full amount of four weeks' annual leave, and ten days personal/carer's leave, and eleven public holidays. How many days of the 365 days will he or she actually work? How many hours in a year will he or she work?

In 1907 the typical working week was Monday to Friday and Saturday morning, and the working week was 48¾ hours a week. There was no annual leave entitlement, no sick leave entitlement, and assume that there are only four public holidays. How many days of the 365 days would he or she actually work? How many hours in a year would he or she have worked?

2. What is a holiday? Please describe a favourite holiday you have been on, if you have ever been on a holiday. Describe where you went, and for how long, and what you enjoyed about the holiday or what you did not enjoy (e.g. leaving a favourite pet behind).

Ask your parents or grandparents, or other older relatives, about the earliest holiday they can remember. It does not matter if they were not Australian citizens. Ask them where they went, and for how long, and what they enjoyed about it or did not enjoy. Compare that holiday with your favourite holiday.

Try and find out about early holidays places near where you live. Are there special seaside resorts, or mountain resorts, or other places where people used to go in the early part of last century? The tourism offices may be able to help you with your research. Find out how people travelled there, and what they did when they got there.

3. What is the purpose of a holiday for you at school, or for people at work? Is it for the health and recreation of the worker or schoolchild, to ensure that a worker is a fitter, better worker, or the schoolchild a better learner, all or none of those things, or other things?
4. What is the purpose of sick leave? Should the employer pay an employee to be absent from work and sick? If so, for how long should an employer pay an employee to be absent? Should it make a difference if an employee has been in the job for a short period, e.g. less than six months, or 20 years?
5. Using *Waltzing Matilda and the Sunshine Harvester Factory*, describe the reasons which led to the development of annual leave, sick leave, and parental leave.



## Sample Essays

### Unit 1: Waltzing Matilda and the Great Strikes

#### **Q2. Using information from *Waltzing Matilda and the Sunshine Harvester Factory*, including the two songs, analyse what the Australian Parliament hoped to achieve in establishing the Commonwealth Court of Conciliation and Arbitration in 1904.**

The Commonwealth Court of Conciliation and Arbitration (the Court) was created by the Australian Parliament in 1904. The Court was created in response to growing concern regarding industrial action that had been occurring across the continent. The 'Great Strikes' of the 1890s, which primarily involved maritime workers and shearers, had been particularly problematic, resulting in on-going inter-class tension. Hence, it was an early priority of the Parliament following federation in 1901 to establish a better way to resolve such disputes.

#### **The Great Strikes**

The Great Strikes included the 1890 maritime strike, the 1891 and 1894 pastoral (or shearers') disputes and the 1892 Broken Hill strike. These strikes were a response to the concern of workers about their pay and conditions and occurred in the context of a declining economic climate in which profit margins and, therefore, wages were being cut.

The workers involved in the 1891 shearers' strike in Queensland were concerned that their pay would be reduced because pastoralists were employing non-union workers at a lower rate. They had a number of demands, including that their existing wages be maintained. The workers were represented by the Australian Shearers' Union and the pastoralists were represented by the Pastoralists' Federal Council.

In response to the strike, the Queensland government deployed a large number of police officers and soldiers and it became clear that the strike action was not maintainable. Following the strike, some union leaders were jailed for conspiracy.

The class tension which existed around the time of 1891 has been immortalised in Henry Lawson's poem 'Freedom on the Wallaby' which includes the lines:

We'll make the tyrants feel the sting,  
Of those that they would throttle;  
They needn't say the fault is ours  
If blood should stain the wattle.

The shearers went on strike again in 1894 due to concern that their rate of pay was likely to be reduced from 20 shillings/100 sheep shorn to 18 shillings. They set up camps which received union support. In response, the NSW and Queensland governments acted in favour of the pastoralists, by sending police and troopers and arresting shearers. The union could not afford to maintain the strike camps, and the strike was eventually called off.

It is believed that the 1894 strike was the inspiration for Banjo Patterson's 'Walzing Matilda', which he composed at a sheep station which had been involved in the strike. It refers to a



travelling shearer who chooses to take his own life rather than surrender to the authorities and illustrates the class tension at the time of the strikes.

## **Federation**

At the same time as the Great Strikes were occurring, politicians were debating how Australia should be federated, and what powers would be given to the Australian Parliament. Perhaps as a direct result of the strikes, the need for the government to be able to deal with industrial conflict was a key issue at the constitutional conventions. The power of the Commonwealth government to enact legislation to deal with industrial disputes was eventually included into s.51(35) of the Australian Constitution.

## **The Establishment of the Court**

The Commonwealth Conciliation and Arbitration Act 1904, which established the Court, was passed on 15 December 1904 after lengthy parliamentary debate. Although it was widely supported by political leaders at the time, the coverage of the Act was contentious and the government changed twice due to conflict about the Bill.

The Act was intended to prevent further industrial action, such as strikes, by creating a Court which would encourage parties to resolve disputes by agreement through conciliation and provide for arbitration in default of agreement. The Act also allows for the Court to make and enforce agreements between employers and employees and encourage registered organisations, such as Unions. These objects of the Act are continued through the work of Fair Work Australia today.

## **Unit 4: The Growth of Labour Standards**

### **Q5. Using *Waltzing Matilda and the Sunshine Harvester Factory*, describe the reasons which led to the development of annual leave, sick leave, and parental leave.**

As employees in 1907 had no general right to take sick leave, annual leave or paternal leave, any prolonged absence from the workplace could eventually bring employment to an end. For example in *Finch v Sayers* [1976] 2 NSWLR 540, a biscuit maker who worked in a factory for 11 months became ill and could not work for 5 weeks. The biscuit maker had lost his job because he was absent from work due to illness. It would appear then, that a reason which led to the development of sick leave was to overcome this occurrence of employment coming to an end due to prolonged absence from work.

Furthermore, 'friendly societies' which provided some money to sick or injured workers were limited. As there was no system of government funded unemployment or other benefits, the 'friendly societies' provided financial support and acted like insurance for workers against sickness or accident. However,

the schemes were only applied in some industries and because the friendly societies provided insurance in return for subscriptions—many workers were unable to keep up with the subscriptions. The development of sick leave would therefore have eased the pressure off families who were often left destitute if they had a sick 'breadwinner' husband.



Specifically in relation to annual leave, it appears that a principle was established in 1935 by the Commonwealth Court of Conciliation and Arbitration that paid annual leave would be *desirable* as it would increase the 'vigour and zeal of employees'. It was said by Chief Justice Dethridge that employers would reap benefits in providing annual leave because when an employee returns from a paid holiday, the employee would be 'fresh and eager for work' upon return. The advantages would also include 'higher output, fewer spoilt goods, less absence, less sickness and few accidents'. With the Chief Justice referring to the fact that these advantages were real as shown by the 'testimony of many employers who spontaneously introduced annual holidays with pay', this would have led to the development of annual leave to become a national legislated entitlement.

In relation to parental leave, a reason for its development is that it became accepted in society that women need not leave their job on marriage and could return to their job following birth of a child. With the growing number of women who married and remained in their jobs, the problems of reconciling pregnancy, childbirth and the demands of the workplace became a real issue. The introduction of maternity leave and then eventually parental leave, soon became an entitlement which alleviated the demands of work and childbirth.

These are the reasons that led to the development of sick leave, annual leave and parental.



## Endnotes

1. H Lawson, 'Freedom on the wallaby', as published in *Worker*, Brisbane, 16 May 1891.
2. R Hamilton, *Colony: Strange Origins of the One of the Earliest Modern Democracies*, Wakefield Press, Kent Town, 2010.
3. J McCalman, *Struggletown*, Melbourne University Press, 1984.
4. *ibid.*, p.57.
5. *ibid.*, p.71.
6. Labour and Industrial Branch Report No.1, Prices, Price Indexes and Cost of Living in Australia, by GH Knibbs, Commonwealth Statistician, December 1912, p.17. Rent was 16.3 per cent, food 28.4 per cent, clothing 12.3 per cent, fuel and light 3.4 per cent, other items 39.6 per cent. This is similar to the percentages of expenditure in for example 1970. The *1970 WA Basic Wage Case Decision*, at p.29, records housing as 25.5 per cent, food 32.4 per cent, clothing 8.7 per cent, household equipment 3.5 per cent, groceries other than food 5.6 per cent, miscellaneous 15.6 per cent, and transport 8.7 per cent. Source: J Hutson, *Six Wage Concepts*, AEU 1971, p.40.
7. Labour and Industrial Branch Report No 1—Prices, Indexes and Cost of Living in Australia by GH Knibbs, December 1912, Appendix III. Melbourne 1907 prices used.
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11. Source: the *Fair Work Act 2009*, National Employment Standards, sections 59–116.

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