

CASES DECIDED AND AWARDS MADE
IN THE COMMONWEALTH COURT OF
CONCILIATION AND ARBITRATION,
INCLUDING CONFERENCES CON-
VENED BY THE PRESIDENT OR
DEPUTY PRESIDENT, DURING THE
YEAR 1916.

In the matter of
THE WATERSIDE WORKERS' FEDERATION OF
AUSTRALIA

and

F. W. HAGELTHORN, MINISTER OF STATE FOR THE
DEPARTMENT OF AGRICULTURE FOR THE STATE
OF VICTORIA AND OTHERS.

(No. 2 of 1916.)

*Compulsory Conference—Interpretation of Award—Rates for
loading Wheat—Use of term "Strike."*

1916.
MELBOURNE,
January 14.

On 10th January 1916 the General Secretary of the Waterside Workers Federation of Australia made an application to the President, Mr. Justice Higgins, for a conference under the provisions of section 16A of the Act in the above matter. The President.

The declaration in support of the application set out that an industrial dispute had arisen between the members of the above-named federation and John Darling and Son, James Bell and Company Limited, Louis Dreyfus and Company Limited, William Crosby and Company Limited, the Victorian Producers Co-operative Company Limited, Dalgety and Company Limited, F. W. Prell and Company Limited and J. F. Goulding, in regard to wages and conditions for loading wheat. The Department of Agriculture was not bound by the award⁽¹⁾ but the members of the federation refused to accept work except on the lines of the award. The Department was willing to abide by the terms of the award but interpreted it differently. The ordinary rate under the award was 1s. 9d. per hour; the rate for overtime was time and a half or 2s. 7½d. per hour; the rate for holidays was double time or 3s. 6d. per hour. The Department had agreed to pay 3d. extra per hour for loading wheat but refused to pay overtime rates at time and a half and holiday rates at double time. The men claimed 3s. for overtime, and 4s. for holidays. Employers had

⁽¹⁾ 8 C.A.R. 53 at p. 80; 9 C.A.R. 293 at p. 316.

1916.

WATERSIDE
WORKERS'
FEDERATION
and
MINISTER FOR
AGRICULTURE,
VICTORIA, AND
OTHERS.

The President.

refused to employ men unless the men would accept terms and conditions of the employers in respect to overtime and holiday rates, and the members of the federation refused to accept work on such terms. The Minister for Agriculture had then threatened to bring farmers from the country. It was thought that this action would lead to the trouble spreading to the other States.

The President summoned a Conference which was duly held in Melbourne on the 14th January 1916.

After the parties had promised that they would respectively give and accept work as the President should decide, His Honour decided: "On the true interpretation of the award men working wheat are entitled under award to 2s. 10½d. and 3s. 9d. (if 3d. extra paid for ordinary hours) and that as a matter of fairness and expediency under existing circumstances a further payment should not usually be pressed for by any of the employees."

During the course of the Conference, reference was made to the loose way in which the word "strike" was used, in being applied to mere refusals to take a job. There was no evidence to show that the refusal of the men to accept work came within the definition of strike given in the Act.

His Honour also drew attention to the fact that the men at present held the advantage in bargaining owing to the scarcity of labour and he intimated that the Court would have power to interfere with any unfairness on the part of the employees as well as the employers.

In the matter of

WATERSIDE WORKERS' FEDERATION OF AUSTRALIA

V.

COMMONWEALTH STEAM-SHIP OWNERS'
ASSOCIATION AND OTHERS.

Ex Parte THE VICTORIAN STEVEDORING AND GENERAL CONTRACTING
COMPANY PROPRIETARY LIMITED.

1916.

MELBOURNE,
February 14, 17,
18.

The President.

Application for Penalties as for Breach of Award, or in the alternative, for Cancellation of Award—Refusal to handle Flour for Export because of Price of Bread—Offence of "Strike" in Act explained—Distinction between Breach of Contract and Breach of Award.

This was an application on behalf of the Victorian Stevedoring and General Contracting Company Proprietary Limited for an order imposing penalties on certain members of the Waterside Workers' Federation for alleged breaches of the award of 1st May