A HISTORY OF INDUSTRIAL LAW IN QUEENSLAND WITH A SUMMARY OF THE PROVISIONS OF THE VARIOUS STATUTES

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In dealing with the history of the Arbitration Court in Queensland, I think one must begin at the earliest known efforts to regulate by law the relations between employers and employees. The serious strikes and lockouts which occurred in the Colony in the twenty years before Federation, and indeed throughout the rest of Australia and New Zealand during the same period focused the attention of some of the greatest thinkers of that time upon devising some means to regulate in some degree by law the relations between employers and employees and thus obviate or at least reduce the number of industrial disputes culminating in strikes or lockouts. This paper is not concerned with attempts made or suggested in other parts of the Commonwealth or New Zealand, although what occurred in those places had a distinct influence upon subsequent events in Queensland. It was felt that the community was vitally interested in industrial disputes, and affected by them to a greater or lesser degree.

In 1888 Sir Samuel Griffith, the then Premier of Queensland, in a political manifesto said, "The relations between labour and capital constitute one of the great difficulties of the day. I look to the recognition of this principle, that a share of the profits of productive labour belongs of right to the labourer, as of the greatest importance in the future adjustment of their relations. The experiment of giving to workmen a personal interest in the success of the industrial undertakings in which they are engaged, has already been tried in a few cases by individual employers, and has resulted in conspicuous advantage to all parties".

In 1890 Sir Samuel Griffith, who was not then Premier, introduced a bill into the State Parliament, in which two of the suggested provisions read as follows:—

21. The natural and proper measure of wages is such a sum as is a fair immediate recompense for the labour for which they are paid, having regard to its character and duration; but it can never be taken at a less sum than such as is sufficient to maintain the labourer and his family in a state of health and reasonable comfort.

28. It is the duty of the State to make provision by positive law for securing the appropriate distribution of the net profits of labour in accordance with their principles hereby declared.

From the above it will be seen that Sir Samuel Griffith had suggested that consideration should be given to

(1) the character of the work and its duration;

(2) that a living wage should be given for the lowest class of employment;

(3) that consideration should be given to the prosperity of the industry.

The bill, however, did not become law. The Federal Government tried to apply the principles enunciated in some measure to the whole of Australia by "The Excise Act of 1906", under which what is known as the "Harvester Award" was made by Mr. Justice Higgins in 1907. The Act was held invalid by the High Court, but the effect of the award remained, and has had a considerable influence on wages in Australia since. The Queensland Parliament in 1900 had passed a Factory and Shop Act, which dealt in some measure with the relations between employers and employees and restricted the hours and conditions of employment, but did not in any manner attempt to fix wages or prescribe hours of work by employees. Wages Board Acts had been passed in various Australian States, and in 1908 the Queensland Parliament passed an Act to make provision for Wages Board. This Act was read as one with "The Factories and Shops Act of 1900." It made provision for the appointment of what were called in the Act "Special Boards". The object of these Special Boards was to determine the lowest prices or rates which could be paid to any person or persons or class of persons employed either inside or outside the factory or in or in connection with a shop:

(1) in wholly or partly manufacturing any particular article of clothing or wearing apparel or furniture; or

(2) in any process trade or business usually or frequently carried on in a factory or shop;

and to determine the ordinary working hours and the maximum of working hours including overtime in or in connection with a factory or shop. The Special Boards consisted of not less than four nor more than ten members, and a chairman. Their jurisdiction could be throughout the whole State or limited to any specified locality. In fixing such lowest prices or rates the Board had to take into consideration the nature kind and class of work, the mode and manner in which the work was done, and the age and sex of the workers, in any manner which may from time to time be prescribed. The Boards were constituted by one half representative of employers and one half representative of employees. The representatives had to be (past or present) bona fide and actually employers or employees in any particular trade, and if the jurisdiction were limited in area, they had to be employers or employed within that area. The employers and employees in any trade or business elected their respective proportions of the Special Board. The Chairman of the Board was nominated by the members of the Board, and he could not be one of the members. In making any determination as to prices or rates:—

(a) the Board had to ascertain as a question of fact the average prices or rates of payment (whether piece work prices or rates or wages prices or rates) paid by employers to employees of average capacity;

(b) where it appeared to be just or expedient special wages prices or rates could be fixed for aged, infirm or slow workers.

In the case of a jurisdiction limited in area the investigation had to be confined to that area. The Special Board had to determine the lowest prices or rates of payment payable to any person or persons or class of persons employed in the particular process, trade or business. Provision was made that for wholly or partly preparing or manufacturing outside a factory articles of clothing or wearing apparel, a piece rate award only should be fixed. The Board also when fixing the lowest wages, prices or rates to be paid to any

person or persons or class of person had to determine the minimum number of hours per week for which such lowest wages, prices or rates should be payable according to the nature or conditions of the work. The Act did not in any way recognise the existence of trade unions and made no provision for organizations either of employers or employees. This Act was amended in 1912, but was almost immediately repealed by "The Industrial Peace Act of 1912".

The Tramway Strike of 1912 which resulted in what was practically a general strike in Queensland led to the passing of "The Industrial Peace Act of 1912". This Act made provision for the constitution of an Industrial Court to be constituted by a Judge who had to be a barrister or solicitor of not less than five years' standing, or a Judge of the Supreme Court, or of the then existing District Court. The court was given jurisdiction over all industrial matters and industrial disputes in any calling which were submitted to it:—

(a) by the Minister or the Registrar as proper to be dealt with by it in the public interest; or

(b) by an employer employing or usually employing, or any number of employers employing or usually employing not less than twenty employees in any calling; or

(c) by not less than twenty employees in any calling;

and the court in the exercise of such jurisdiction was given all the powers and authorities of a Board, and might make such awards and orders as it thought proper. The Act repealed "The Wages Board Act of 1908", but provided for the creation of what were called Industrial Boards which will be referred to later.

The Industrial Court was constituted an appellate court against any award of a Board or any part thereof, or any proceedings of a Board. The right of appeal could be exercised by any person bound by the award or aggrieved by the proceedings, or by any industrial association interested therein. The term "industrial association" was defined by the Act as being "any association, society, organization, or union whatsoever of persons, firms, or companies, whether of employers or of employees, and whether registered under any law or unregistered, having as its principal object the pro-

tection or furtherance of the privileges, rights, or property of its members in connection with industrial matters." The Judge of the Court was given discretionary power to act as a mediator in any industrial matter or industrial dispute whether or not it was within the jurisdiction of the court, in all cases in which it appeared to him that his mediation was desirable in the public interest. He also had power whenever it was in his opinion desirable for the purpose of settling an industrial dispute to convene a compulsory conference. The conference could be held either in public or in private at the discretion of the Judge. The jurisdiction of the court in all industrial matters and industrial disputes, whether original or by appeal, conferred on it by the Act, was made exclusive. The decisions of the court, whether acting in its original or appellate jurisdiction, was final and not removable to any other court by certiorari or otherwise. The decisions of the court could not be challenged, appealed against, reviewed, or quashed, or called in question in any other court or tribunal on any action whatever.

As above stated, the Act made provision for the creation of Industrial Boards, but every Special Board then in existence under "The Wages Board Act of 1908" was deemed an Industrial Board under this Act, and continued in existence for the purposes for which it was appointed. A list of those Special Boards was contained in a Schedule to the Act. The Act was limited to the callings enumerated in the Schedule to the Act, and to such other callings as the Governor-in-Council might from time to time by publication in the "Gazette" declare to be callings within the meaning and for the purposes of these Acts. Employees of the Crown were specially exempted from its provisions.

The creation of these Industrial Boards for any of the callings to which the Act applied was done on the recommendation of the Court. Application had to be made to the registrar in the manner prescribed in the Act, and the application was then submitted to the Court. The Court, after inquiry, furnished its recommendation to the Minister. The Governor-in-Council by Order-in-Council then created the Board declaring the number of its members, the calling, and the name of the Board. These Boards consisted of not less than four nor more than twelve members, and a Chairman. The representatives of the employers and the em-

ployees had to be bona fide and actual employers and employees, as the case might be. The jurisdiction of the Boards could be limited or general. Provision was made for the election of the members of the Board and their appointments were for three years only, but they could be re-elected.

The Act contained the usual provisions for dealing with breaches of awards and other offences, and in particular dealt with lock-outs and strikes. Strikes and lock-outs in or in connection with anything which was a public utility were prohibited unless and until a compulsory conference had been called by the Judge (which conference the Judge was commanded to call), and had proved abortive, and thereafter unless or until after fourteen days' notice in writing of the intention to lock-out or strike had been given to the registrar, and that after the registrar had taken a secret ballot amongst the employers or employees as the case required in the calling concerned and such ballot resulted in favour of a lock-out or strike, or in any other case only after fourteen days' notice in writing had been given to the registrar, and after the registrar had taken a ballot in the same manner.

The term "public utility" was defined as including the manufacture or supply of coal, gas, electricity, water for domestic purposes, supply of milk, flour, or bread, slaughter or supply of meat for domestic consumption, the getting, sale and delivery of coal or other fuel, and the protection of buildings or other structures from fires.

These provisions were enforced by a penalty not exceeding £1000, with lesser penalties for individuals taking part.

The Association if any of which a person convicted was a member, could be ordered by the Court to pay out of the funds of the Asociation any amount not exceeding £20 penalty. In the case of an Association, an industrial association of employees, doing any act or thing in the nature of a strike was liable to a penalty not exceeding £1000, and the cancellation of any award or agreement relating to the members of that industrial association.

The terms "industrial matters" and "industrial disputes" were defined in the Act. The term "industrial dispute" was any dispute as to an industrial matter, but the term did not include any dispute as to

any industrial matter arising in connection with employment by or under the Crown. "Industrial matters" was defined as matters or things affecting or relating to work done or to be done, or the privileges, rights or duties of employers or employees in any calling, or of persons who intended or proposed to be employers or employees in any such calling not involving questions which are or might be the subject of proceedings for an indictable offence, and without limiting the ordinary meaning of the definition. The term included all or any matters relating to—

(a) Wages, allowances, etc.;
(b) The hours of employment;
(c) The sex, age, qualification or status;
(d) The number or proportionate number of aged, infirm, or slow workers and apprentices;
(e) The relationship of master and apprentice;
(f) The employment of children or young workers;
(g) The right to dismiss;
(h) Established customs;
(i) All matters prescribed;
(j) All questions of what is fair and right in relation to any industrial matter having regard to the interests of the persons immediately concerned and the community as a whole.

Attention is drawn to paragraph (j) of this definition because it appears to be the first statutory enactment in Queensland which laid down the principle of consideration being given, not only to the interests of employers and employees but of the community as a whole.

The late Mr. Justice Macnaughton was appointed the Judge of the Industrial Court, and some Supreme Court, District Court Judges, and some Barristers, were appointed Acting Judges as required from time to time or to deal with particular causes.

The exclusion of Crown employees from the operation of this Act caused considerable dissatisfaction amongst those concerned. At the following election in 1915 the Denham Government which had passed the 1912 Act was defeated. In 1915 the then Government introduced a new Industrial Arbitration Act containing many of the provisions of the 1912 Act, but extended the application of the Act and radically

altered many of its provisions. This Act was rejected by the then existing Legislative Council. In the following year in an altered form it became law.

The definition of "Industrial matters" was largely extended, and included all questions as to what is fair and right (having regard to the interests of the persons immediately concerned and of the community as a whole), according to the standard of the average good employer and the average competent and honest employee in all matters pertaining to the relations of employers and employees, whether or not the relationship of employer and employee exists or existed at or before the time of making any application to the Court or at the time of the making or enforcing of any decision of the Court. The Act did not apply to State Children, domestic servants, or farm workers in other than the sugar industry and butter and cheese factories. The court was constituted by a Judge or Judges not exceeding three in number, one of such Judges to be designated the President of the court.

Subsection 6 of Section 6 of this Act provided that "notwithstanding the provisions of any Act limiting the number of judges of the Supreme Court the Governor-in-Council might appoint the President or any Judge of the court to be a Judge of the Supreme Court". The President or Judge of the court had to be a barrister or solicitor of not less than five years' standing, or a Judge of the Supreme Court or District Court. The appointment was for seven years and the appointee was eligible for reappointment for a further period of seven years.

Under this section the late Chief Justice T. W. McCawley on the 12th January, 1917, was appointed the first President of the Court. He was later appointed Chief Justice of the Supreme Court. In the interim, however, his appointment to the Supreme Court Bench had been the subject of proceedings in the Queensland Supreme Court, the High Court, and subsequently in the Privy Council. The Privy Council's decision in the case will be found in Volume 28 of The Commonwealth Law Reports, page 106. It is most interesting dealing as it does with the Constitution of Queensland.

The Court was given all the powers and jurisdiction of the Supreme Court, in addition to the powers and jurisdiction conferred by the Act and

(1) upon reference by an industrial union or employer or any twenty employees in any calling or the Minister or of its own motion to regulate the conditions of any calling or callings by an award;

(2) on the application of any person interested or of its own motion or by direction of the Minister to hold an inquiry into or relating to any industrial matter and report the result of such inquiry to the Minister;

(3) at the direction of the Minister or on the application of an industrial union or an employer, to codify into one award, all awards binding or affecting any employer or class or section of a class of employer in any calling or callings, or the members of an industrial union employed by the same employer or class or section of employers when such employer or class or section of employers or such members were subject to more than one award.

(4) To define and declare the relevant rights and mutual duties of employers and employees according to what in the opinion of the Court should be the standard of fair dealing between an average good employer and a competent and honest employee.

The Court could make awards with reference to a calling or callings:—

(1) fixing the quantum of work or service to be done and the lowest price for their work or rates of wages payable to employees other than aged or infirm workers; provided that in fixing rates of wages in any calling

(a) the same wage had to be paid to persons of either sex performing the same work or producing the same return of profit to their employer;

(b) the Court was entitled to consider the prosperity of the calling, the value of an employee's labour to his employer in addition to the standard of living, but could not fix a rate of wage lower than the minimum wage declared by the Court;

(2) fixing the number of hours and the times to be worked in order to entitle employees to the price or wage so fixed;

(3) subject to the Act fixing the lowest rates for overtime and holidays and other special work, including allowances for overtime, holidays and other special work;

(4) fixing the proportionate number of women to men or young workers to adult workers, apprentices and improvers to journeymen.

The Court also had power to rescind, vary, modify or alter any award made by it or in existence, and was also given power to modify or alter the early closing provision of the Acts relating to factories and shops, and generally power to deal with, determine, and regulate any industrial matter.

The Court had power to make general rulings and without limiting the generality of the power abovementioned might from time to time make declarations as to:—

(a) the cost of living;

(b) the standard of living;

(c) the minimum rate of wages to be paid to persons of either sex;

(d) the standard hours;

provided

(1) the minimum wage of an adult male had to be not less than was sufficient to maintain a well conducted employee of average health, strength and competence, and his wife and a family of three children, in a fair and average standard of comfort having regard to the conditions of living prevailing among such employees in the calling in respect of which such minimum wage was fixed, and the earnings of the children or wife of such employee could not be taken into account;

(2) the minimum wage of an adult female employee had to be not less than sufficient to support her in a fair and average standard of comfort having regard to the nature of her duties and the conditions of living prevailing amongst female employees in the calling in which such minimum wage was fixed.

Directions to be observed by the court and the Boards provided for under the Act in making awards and by parties making industrial agreements were laid down:—

(a) employees could not be worked on more than six out of seven consecutive days and the time worked within any period of six consecutive days could not exceed forty-eight hours;

(b) the time worked by employees in each day could not exceed eight hours except in certain callings where provision was made that a short day could be worked in each week in certain callings. In certain specified callings it was left to the court in its discretion to determine the maximum daily or weekly hours.

The directions further dealt with special provisions for employees in underground occupations or in specially hazardous occupations. Overtime was directed to be provided for at the rate of double time in any calling, in or in conection with which more than one shift per day was worked or not less than time and a half in any other calling. For the purpose of distributing work available in a calling so as to relieve unemployment, or for any other good and sufficient purpose, the court could prohibit or restrict to any extent the working of overtime in any calling. For reasons of paramount public interest, the Court could order a greater number of hours other than mentioned to be worked in any calling, but could not exceed the ordinary time fixed by an award or industrial agreement, or by well established practice in the calling. Provision was made for holidays.

The Court could remit any industrial matter to a Board for inquiry. This power was not availed of to any extent. An innovation provided in the Act was for the appointment of Industrial Magistrates, who were given jurisdiction throughout the State in regard to the powers conferred upon them by the Acts. In practice an Industrial Magistrate was appointed for each petty sessions district. Their work then and since has assisted greatly in the maintenance of industrial peace. Appeals from an Industrial Magistrate to the Court were by way of re-hearing. The jurisdiction of the Court in all industrial causes, whether original or by appeal, was exclusive. Any Judge of the Court could, if he thought fit, state a case for the opinion of the full bench. The Judge could act as a mediator in any industrial cause in all cases in which it appeared to him that his mediation was desirable in the public interest, and he could convene compulsory conferences

on any industrial matter. The Court was given very wide powers to act as conciliator in the hearing inquiry and investigation of any industrial cause.

One of the new provisions of this Act was that making provision for the registration of industrial unions. The application for registration was in the first instance made to the registrar, and had to be accompanied by the particulars required by the Act to be furnished. Provision was made for amalgamation of unions by agreement. Objections to registration could be lodged and appeals against the registrar's decision could be made to the Court. Every industrial union upon and during registration became, for the purposes of this Act, a body corporate by its registered name, having perpetual succession and a common seal. Industrial Boards were provided for under the Act, but this provision was not availed of to any great extent. Provision was made for the registration of industrial agreements which could not be for a term exceeding three years, and the Court had power to declare any industrial agreement as an award and to be a common rule of any calling or callings to which it related. The Minister was given power to constitute for any notified district a conciliation committee constituted by a chairman and two or more other members. This provision was not used at all. Provision was made for Government employees, and corporations under the Crown were deemed the employer. Provision was also made for the police force and other employees of the Crown.

Strikes and lock-outs were prohibited unless and until a strike or lock-out had been authorised by the industrial union or employers in the calling concerned. A strike was not deemed to have been authorised until all the members of the industrial union who were engaged in the calling and in the district affected had taken a ballot at a general meeting duly constituted in accordance with the rules of the union, and a majority had voted in favour of such strike. A ballot could be taken by postal ballot or otherwise, or a series of meetings could be held and ballots taken thereat, in which case the result of the aggregate vote was taken to be a decision. In any calling where no industrial union existed the ballot was conducted by the registrar. Penalties were provided for breach of the section. An employer was prohibited from refusing employment

to any person or dismissing any employee from his employment, or injuring him in his employment, or altering his position to his prejudice by reason merely of the fact that the employee was an officer or member of an industrial union, or of a society or other body that had applied to be registered as an industrial union, or was entitled to the benefit of an industrial agreement or an award. Breaches of this provision could be investigated by the court, and penalties inflicted and compensation made to the person affected. Notwithstanding anything in the Act or in any other law or any practice to the contrary the court or any board or conciliation committee in the exercise of its jurisdiction under the Act was to be governed in its or their procedure and in its or their awards or decisions by equity, good conscience and the substantial merits of the case without regard to technicalities or legal forms or the practice of other courts, and was not bound by any rules or practice as to evidence, but might inform its or their minds on any matter in such manner as is deemed just. This provision did not apply to proceedings in respect of offences against the Act. Awards were made to prevail over contracts in cases of conflict. Where in the opinion of the Minister the public interests were or would be likely to be affected by the decision of the court or the award of a board, the Crown could intervene at any stage in any proceedings under the Act. The judge or a board, and (upon being authorised in writing by a judge), any officer of the court or any other person, was given power to enter any premises for the purpose of examination of factories, inspection of work, interrogation of persons or anything in relation to any industrial matter. Provision was made for the appointment of industrial inspectors and their powers and duties were prescribed. In a lengthy schedule to the Act the powers and procedure of the court were set out. Mr. Justice Macnaughton, who had been appointed the judge of the Industrial Court under the 1912 Act, was appointed a judge of the Court of Industrial Arbitration under this Act, and as above stated the late Chief Justice The Honourable T. W. McCawley, was appointed President. The latter occupied the position until his death on 16th April, 1925, and The Honourable Mr. Justice Macnaughton until 26th May, 1925.

Under this Act awards were made for a number of callings and declarations of the court as to the basic

wage were made from time to time. In 1924 the Act was amended to make the maximum hours for a week forty-four instead of forty-eight.

In September, 1925, an Act was passed which provided that the declarations made by the court as to the basic wage in 1921 should be and remain in full force and effect, and (subject nevertheless to the terms, provisions and definitions in the Basic Wage Act set forth) the minimum rate of wages to be paid to male employees and female employees respectively who were governed and bound by awards or industrial agreements having the effect of awards, and should be the basic wage declared for male and female employees respectively, and upon the court was placed the duty to forthwith review every subsisting award to make it conformable with the basic wage declaration. That Act was to remain in force for a period of twelve months after its passing, and thereafter until the coming into force of any declaration by the court in furtherance of the provisions of any declaration made under the Act of 1916.

In the same year another Act was passed which amended the 1916 Act. It abolished the Court of Industrial Arbitration. All awards and agreements and orders made under the 1916 Act were preserved. The amending Act established a Board to be called The Board of Trade and Arbitration consisting of three persons appointed by Commission. One had to be a Judge of the Supreme Court of Queensland, who was designated the President. The qualifications of the other members of the Board were not set out and laymen were appointed. The President could be appointed for such term of years as the Governor-in-Council might fix and could be re-appointed from time to time. Each member other than the President was appointed for a term of seven years, but could be reappointed for a further term not exceeding seven years. The President and each member had to retire upon attaining the age of seventy years. The tenure of members was that they should hold office during good behaviour, and could not be removed unless an address praying for such removal was presented to the Governor by the Legislative Assembly. The Board of Trade and Arbitration was given two functions:—

(a) administrative functions; and
(b) judicial functions.

The administrative functions of the Board were set out in the Act and briefly were to acquire and disseminate knowledge in all matters connected with industrial occupations, to collect and publish information relating to, or affecting industrial conditions, to propound schemes for welfare work and report to the Governor-in-Council on such matters, to report on any matter referred to it as to the price of the commodities or services, and as to whether or not monopolies or trade rings existed for the purposes of unfairly keeping up the prices of commodities, to administer "The Profiteering Prevention Act of 1920," to investigate and report on the existence of sweating or unfair competition in an industry, report upon the productivity of industry, to consider and report upon the industrial sufficiency of the community, to collect and publish statistics on vital, social, and industrial matters, to encourage and assist in the establishment in different industries of mutual welfare committees and industrial councils, to encourage and assist schemes for mutual co-operation between employers and employees, to encourage and assist in the establishment of hostels for women workers and workmen's clubs and libraries, to report and advise on housing schemes, and to consider and report upon any other matter referred to it by the Minister.

This Board of Trade and Arbitration took the place of the Court of Industrial Arbitration provided for under the 1916 Act, and exercised all the powers and authority given by that Act to the Court of Industrial Arbitration. The Honourable Mr. Justice W. F. Webb was appointed President of the Court of Industrial Arbitration on the death of The Honourable Chief Justice T. W. McCawley. He continued as President of the Board of Trade and Arbitration, until it was abolished.

The members of the Board appointed in October, 1925, were Mr. W. N. Gillies, who occupied the position until the 9th February, 1928, and Mr. W. J. Dunstan, who occupied the position until the 23rd January, 1930. Mr. T. A. Ferry was appointed to fill the vacancy caused by the death of Mr. W. N. Gillies.

A change of Government occurred in the year 1929 and under the Industrial Conciliation and Arbitration Act of that year the Board of Trade and Arbitration was abolished and an Industrial Court was substituted.

The Court consisted of a Judge of the Supreme Court of Queensland. The Governor-in-Council could appoint additional judges. Any person qualified to be appointed a Judge of the Supreme Court could be appointed a Judge of the Industrial Court. The definitions of the various industrial terms followed to a large extent the definitions set out in the 1916 Act. The Court could appoint assessors, and the Governor-in-Council could appoint an officer to be called an actuary or statistician whose duty it was to aid the Court or a Board or a Conciliation Commissioner in respect of industrial causes, etc. The Court was given jurisdiction over all industrial causes in any callings which were referred to it, or conferred upon it under the provisions of the Act, or as was prescribed, and had exclusive jurisdiction to deal with questions of interpretation in respect of an industrial matter. Appeals to the Court from decisions of Boards appointed under the Act lay only on the ground that the Board before making the awards concerned, or in proceedings for variation or certifying to an agreement, did not observe the basis as laid down by the Act. On appeal the Court could take fresh evidence and had all the powers and authorities of a Board. The Court was given all the powers and jurisdiction of the Supreme Court in addition to the powers and jurisdiction conferred by the Act and had power to declare general ruling relating to any industrial matter and could from time to time make declarations as to

(a) the cost of living;
(b) the standard of living;
(c) awards;
(d) the standard hours.

The minimum wage had to be not less than sufficient to maintain a well conducted employee of average health, strength and competence and his wife and a family of three children in a fair and average standard of comfort. The jurisdiction of the Court as to the basic wage and standard hours was exclusive and the Court was directed as soon as conveniently possible after the commencement of the Act to make declarations as to the basic wage and the standard hours.

The Court was ordered to take every reasonable care to avoid unnecessary duplication or overlapping with awards made by the Commonwealth Court of Conciliation and Arbitration. In making declarations

in regard to the basic wage or standard hours the Court had to take into consideration the probable economic effect of such declarations in relation to the community in general, and the probable economic effect upon industry. All such declarations had to be made by a Court consisting of the Judge and the two Conciliation Commissioners. These Conciliation Commissioners were appointed by the Governor-in-Council upon such terms and conditions as to remuneration and tenure as the Governor-in-Council thought fit. Their authority extended over the whole State and one of them was Chairman of any Conciliation Board constituted by the Court. These Conciliation Boards were constituted under such designations as the Governor-in-Council might from time to time by Order-in-Council declare. The Conciliation Commissioner was Chairman, and the Minister appointed the other members of the Board which could consist of two, or four, other members, as recommended by the Court. One-half in number of such other members had to be representatives of the employers, and the other nominated by the Industrial Union or Unions of employees in the calling, and in each case had to be bona fide and actual employers or employees. These Boards had exclusive jurisdiction to make awards and where no agreement was arrived at the matter could be referred to the Court. In practice, however, neither the organizations of employers or employees availed themselves of these provisions in the Act and the Conciliation Commissioners were appointed Boards for the purposes of the Act.

Under the 1916 Act no specific provision had been made in regard to the power of the Court to grant preference to unionists, but the Court had decided that under the 1916 Act its powers in regard to industrial matters were wide enough to enable it to grant preference to unionists, and this power had been exercised under that Act and under Awards made by the Board of Trade and Arbitration from time to time.

In the 1929 Act preference could be granted where it was mutually agreed by the parties concerned or considered advisable by the Court of Board only subject to conditions laid down in the Act. Briefly these conditions were that if an employer engaged anyone not a member of the union who had not made application to be a member within fourteen days after his engagement, the employer was required to dismiss the

employee if requested to do so by the Union, provided there was then a member of the union equally qualified to perform the particular work. If, however, an employee were a member of another union he could not be called upon to join any other union until the expiry of his current union ticket. These provisions only applied so long as the rules of the union permitting any worker of good character and standard health to become a member of the union upon payment of an entrance fee not exceeding five shillings, which sum was deemed part of the annual subscription and the weekly contribution could not be more than one shilling per week. No discrimination could be exercised against any person on account of membership or non-membership of any industrial union. The Court, consisting of the Judge and two Conciliation Commissioners, was required to fix and determine wages, hours, and other conditions of employment on special relief work. The system of Industrial Magistrates was continued. Provision was made for the registration of industrial unions with very little alteration to that contained in the 1916 Act. In regard to Government employees, industrial unions comprising Crown employers could register under the Act, but industrial unions of the police force and the industrial unions of employees, subject to the provisions of the Public Service Acts, could not affiliate or register with, or be subject to any other union or federation of unions, or political organizations whatsoever, but persons under the Public Service Acts or State Education Acts could affiliate with organizations comprising similar public servants in other States.

The various corporations constituted under the Crown were doomed to be employers for the purposes of the Act, and in respect to industrial unions of Government employees provision was made

(1) the employer could enter into an industrial agreement with any one union;

(2) the Court was given jurisdiction to hear and determine the matter of any industrial dispute, but it could refer matters in dispute to a conference composed of representatives of the Government and representatives of the union, either solely between the parties, or presided over by a Conciliation Commissioner.

The employer could be represented by an officer appointed for the purpose, or with the consent of all

parties any party could be represented by solicitor or counsel. Apart from State Railway employees or employees of the Main Road Commission, or employees in connection with sugar work or members of the police force, the Public Service Commissioner or any person appointed by him with the approval of the Chief Secretary, could appear as representative of the employer. For the railway servants, Sectional Boards could be appointed, presided over by a Conciliation Commissioner. No execution or adjudication or process in the nature thereof could be used against Crown property to enforce any award or order made under the Act, but when any award affecting the Crown was made the Judge had to send the Attorney-General a certified copy of the award or order, which had to be laid before Parliament. The usual provisions were made for breaches of the award and other offences under the Act.

When a dispute arose which might disturb industrial peace or cause dislocation of trade, or might reasonably lead to a strike or lock-out, the Conciliation Commissioner had to be notified and he thereupon summoned the Conciliation Board or a Conciliation Committee, or a representative of the parties concerned to meet in conference. The Commissioner could take such action without notification. The Commissioner presided at the conference and was enjoined to make endeavours to induce the representatives of the parties to come to an agreement with a view to settlement of the dispute, and until the dispute had been finally disposed of by the Conciliation Commissioner or the Board, or the Court, or the Committee or Conference, strikes or lock-outs were forbidden. Refusal to attend the Board or Committee or Conference, or taking part in a strike while such proceedings were still proceeding, made the offender liable to a penalty, in the case of a lockout the employer or union of employers was liable to a penalty not exceeding £1,000. In the case of a default by a union of employees by the institution of a strike, the award was automatically suspended, and the union was debarred from preference for a term not exceeding three years. An employer could not refuse employment to any person or dismiss any employee from his employment, or injure him in his employment, or alter his position to his prejudice by reason merely of the fact that he was not a member of an industrial union or entitled to the benefit of an award. The court

was to be guided by equity and good conscience in a similar manner to that provided in the 1916 Act. Representatives of parties appearing could be by a member or officer of the union or any agent of the employers, but counsel or solicitor could only appear where all parties consented. The Court or Board had powers of entry as in the previous Act, and provision was also made for the appointment of industrial inspectors. The Governor-in-Council could from time to time appoint any Conciliation Commissioner to be also Commissioner of Prices.

In 1930 as neither employers or the unions would move to have Boards constituted, the 1929 Act was amended. This amendment Act extended the powers of the Conciliation Commissioner if he were satisfied that the parties were unable to agree in any matter. He had full jurisdiction to make an award for that particular calling or callings subject to an appeal to the Court. The Court or Board was given power to fix rates and conditions of piece-work, or payment by results, or prescribe an incentive wage in any case where the Court or Board was of opinion that it would be to the advantage of such industry or calling so to do. Preference to unionists was abolished and the power to grant preference was taken from the Court. Provision was also made that an employer could apply to a Conciliation Commissioner or to an Industrial Magistrate for permission under prescribed circumstances to divide the work available to employees among his employees and to employ such employees on part time only. This was to meet the circumstances caused by the depression.

Under the 1929 Act Mr. Justice W. F. Webb was the Judge of the Court. The Conciliation Commissioners were Mr. W. J. Dunstan from 23rd January, 1930, to 30th September, 1930, Mr. T. A. Ferry from 23rd January, 1930 to 1st February, 1933, and Mr. J. B. Brigden from 25th February, 1932, to 26th August, 1932. From 13th September, 1930, to 25th February, 1932, the Registrar of the Court, Mr. P. J. Wallace, was appointed Acting Conciliation Commissioner from time to time when it was necessary for the Court to be constituted by the President and two Conciliation Commissioners.

In 1932 a change of Government occurred. In that year an Industrial Conciliation and Arbitration

Act was passed. This Act repealed "The Industrial Conciliation and Arbitration Act of 1929" and amendments, but continued in existence all awards, orders and industrial agreements, registration of industrial unions, and declarations and notifications made under "The Profiteering Prevention Act of 1920". For purpose of reference I show the Sections of the Act from which the summary is taken. To a great extent the provisions of the 1916 Act with amendments up to 1929 were re-enacted, and the Act is still in existence, and has been amended from time to time as indicated hereunder. It established a Court to be called "the Industrial Court" consisting of three persons appointed from time to time by the Governor-in-Council by Commission. This number was increased to "not more than five" by an amending Act in 1948. The President of the Court has to be a Judge of the Supreme Court of Queensland. The qualifications of the other members of the Court are not prescribed. A person appointed to be a member of the Court cannot be a member of the Executive Council or the Legislative Assembly, and cannot act as a Director or Auditor or in any other capacity take part in the management of any Bank, Joint Stock Company, trade, or business. The tenure of the members of the Court is, in the case of the President, for such term of years as the Governor-in-Council may fix, and in the case of the other members of the Court for a term of seven years, but can be reappointed for a further term not exceeding seven years. Retirement in each case is at seventy years of age.

Provision is made for the appointment of a deputy in the case of illness, inability, or absence of any member of the Court. The President or any other member sitting alone shall constitute the Court, and more than one member of the Court may sit at the same time. The Court is a superior Court of Record, has an official seal which shall be judicially noticed (Section 6). The provisions of the Supreme Court Act with regard to leave of absence to Judges are applied to members of the Court other than the President (Section 6 (A)).

The Court has all the powers and jurisdiction of the Supreme Court in addition to the powers and jurisdiction conferred by the Act, and may hear and determine all questions arising under the Act whether of law or fact, including any question which may be brought before it, or which it may deem it expedient

to hear and determine for the purpose of regulating any calling or callings, and any question arising out of an industrial matter or involving the determination of the rights and duties of any person or industrial union in respect of an industrial matter, and generally may deal with all industrial matters, and more particularly has full powers and jurisdiction:—

(i) upon reference by an industrial union or employer, or any twenty employees (not being members of an industrial union of employees and not covered by any award), in any calling, or the Minister or of its own motion to regulate the conditions of any calling or callings by an award;

(ii) on the application of any person interested, or by its own motion, or by direction of the Minister to hold an inquiry into or relating to any industrial matter, and report the result of such inquiry to the Minister;

(iii) to codify awards;

(iv) to define and declare the relative rights and mutual duties of employers and employees according to what in the opinion of the Court should be the standard of fair dealing between an average good employer and a competent and honest employee.

The decision of the President upon any question arising as to the jurisdiction of the Court, or as to the construction of any of the provisions of the Act prevails, and is the decision of the Court. The Court may require the Director of the Bureau of Industry to furnish such stastical information as the Court requires in and for the purposes of the Act (Section 7).

The definitions contained in the Act are most important, and particular attention should be paid to the definitions of "Employee", "Employer", "Industrial matters", "Lock-outs", and "Strikes" (Section 4). The definition of "Industrial matters" is in very wide terms and gives the Court power to deal with almost any industrial situation which can arise.

Without limiting the generality of the powers of the Court, the Court may make awards with reference to a calling or callings:—

(i) subject to the Act fixing the quantum of work or services to be done, and the lowest price for their work, or rates of wages payable to employees other than aged or infirm workers; provided that in fixing rates of wages in any calling the same wages shall be paid to persons of either sex performing the same work, or producing the same return of profit to the employer, and the Court is entitled to consider the prosperity of the calling, and the value of the employee's labour to his employer in addition to the standard of living;

(ii) subject to the Act to fix the number of hours and the time to be worked, in order to entitle employees to the prices or wages so fixed;

(iii) subject to the Act fixing the lowest rates for overtime and holidays and other special work, including allowances as compensation for overtime, holidays and other special work;

(iv) subject to the Act fixing the proportionate number of men to women, young workers to adult workers, apprentices to journeymen in any calling;

(v) rescinding or varying any decision, direction or industrial agreement;

(vi) abrogating or varying contracts for labour;

(vii) giving retrospective effect to any award as may be consented to by the parties or as the Court considers right, fair and honest, but except with the consent of the parties the retrospective effect cannot operate prior to the date when the Court first took cognizance of the matter in question;

(viii) modifying or altering the early closing provisions or the weekly half holiday provisions relating to factories and shops;

(ix) subject to such examination as the Court determines prohibiting work outside the starting and ceasing time fixed by an award;

(x) directing that a copy of an award or industrial agreement be exhibited on the premises of any employer affected;

(xi) generally dealing with determining and regulating any industrial matter.

In dealing with transport services the Court must have regard to public safety and convenience.

Where it is mutually agreed by the parties concerned or considered advisable by the Court, the Court may grant preference either generally or to any particular union or organization subject to such conditions as the Court approves (Section 8).

Provision is made in the Act by Section 8 (A), an amendment passed in 1944, for preference to members of a fighting force, but as this field has been covered by Commonwealth legislation the Court has held that whilst the Commonwealth legislation stands these provisions are not operative.

The Court has power to declare general rulings relating to any industrial matter, and in particular can make declarations regarding:—

(a) the cost of living;
(b) the standard of living;
(c) the basic wage for males and females;
(d) the standard hours.

Declarations under (c) and (d) were required to be made by the President and two members of the Court. This was altered in 1948 to provide that such declarations shall be made by not less than three members, one of whom shall be the President, and another of whom shall be the member who is for the time being also a member of the Queensland Board of Trade.

The basic wage of an adult male employee shall not be less than is sufficient to maintain a well conducted employee of average health, strength, and competence, and his wife and a family of three children in a fair and average standard of comfort, having regard to the conditions of living in the calling in respect of which such basic wage is fixed. The earnings of the children or wife of any employee cannot be taken into account.

The basic wage of an average female employee shall be not less than is sufficient to enable her to support herself in a fair average standard of comfort having regard to the nature of her duties and the conditions of living in the calling. The Court shall in the making of declarations in regard to the basic wage or standard hours take into consideration the probable economic effect of such declaration in relation to the community in general, and the probable economic effect thereof upon any industry or industries concerned (Section 9).

The first basic wage fixed by an Arbitration Court in Queensland was by means of a declaration made by the Full Bench of the then Court (McCawley, J. presiding and Macnaughton, J.), in 1921. The judgment in this case is to be found in the 1921 Queensland W.N. 2. The basic wage then fixed did not differentiate between callings, but fixed a rate for adult employees throughout the State, and made provision for a Central and Northern parity. This system has been followed by the Court since that year.

Every award shall be deemed to contain provisions to the following effect, or provisions not less favourable to employees, except in certain specified callings:—

(a) Employees shall not be worked on more than six out of seven consecutive days. The time worked by them within any period of six consecutive days the time shall not exceed forty hours (forty-four was altered by the amendment Act of 1947 to forty). The time worked by employees in each day shall not exceed eight hours except in those callings where an industrial union of employees and an employer or association or union of employers otherwise agree. The excepted callings are railway gatekeepers, employees on coastal river and bay vessels, musterers and drovers of stock, certain employees on farms, and domestic servants. The hours of these employees are in the discretion of the Court. It is further provided that the Court is not required to observe the direction above mentioned if it is of the opinion that in respect of any industry or calling substantial unemployment will result, or that the community in general will be prejudicially affected by the observance by the Court of such direction;

(b) Special directions are given in respect to workers in underground occupations, or occupations in which the conditions as to temperature, ventilation, lighting, and limitation of approach are similar to those obtaining in underground occupations. A further direction is that overtime shall be paid for at the rate of not less than double time in any calling in or in connection with which more than one shift a day is worked, and not less than

time and a half in any other calling. For any purpose which appears to the Court to be good and sufficient the Court may prohibit and restrict to any extent the working of overtime in any calling.

By an amendment in 1946, in all cases where the Court determines it practicable, every award or industrial agreement has to make provision for rest pauses of not less than ten minutes' duration in the first and second half of the daily work. Such rest pauses must be taken at such times as will not interfere with continuity of work where continuity is necessary.

Every award must contain provisions for payment for certain holidays set out in the Act (Section 10). Annual holidays are provided for (section 10 (A)) inserted by the amending Act of 1946 and amendments made in 1947. Sick leave was also provided for in that amendment.

The Court has jurisdiction in respect of minors under twenty-one years of age subject to the provisions of "The Apprentices and Minors' Act of 1929" (Sections 12 and 13).

The Court has power to remit by general rule or special order to an Industrial Magistrate any proceedings for the recovery or enforcement of penalties incurred under the Act, or claims for arrears of wages, or for the recovery of damages for breach of agreement (Section 14).

Appeals from any decisions or findings of Industrial Magistrates lie to the Court and are by way of rehearing (Section 16).

The jurisdiction of the Court in all industrial causes whether original or by appeal conferred on it by the Act, shall be exclusive (Section 17).

Awards of the Court must be framed as best to express the decision of the Court, and to avoid unnecessary technicalities (Section 18).

An amendment in 1942 made provisions in respect to employees employed partly in and partly without the State (Section 18 (A)).

Awards are binding on:—

(a) all parties to the industrial cause, who appear or are represented before the Court;

(b) all parties who have been properly summoned to appear before the Court as party to the cause;

(c) all industrial unions connected with the calling to which the award applies;

(d) all members of industrial unions bound by the award;

(e) all employers and employees in the locality to which the award applies in the calling or callings to which it applies;

(f) all persons who whether as employers or employees are engaged in such calling or callings in that locality at any time while the award remains in force;

(Section 19).

Subject to the Act, the Court may rescind or vary any industrial agreement or decision, recommendation, direction, appointment, reference, or other act made or done by it, and may re-open any reference or proceedings, on the application of the Crown, or a party, or a person or industrial union bound thereby, or affected or aggrieved, or claiming to be so affected or aggrieved. Decisions of Industrial Magistrates can only be challenged as provided by the Act (Section 20 as amended by the 1948 Act).

A member of the Court may and shall on the application of any party bound by any decision, award, or order, state a case in writing for the opinion of the Full Bench, constituted by not less than three members. Decisions of the Court are final and conclusive, and are not impeachable for any informality or want of form, and cannot be appealed against, reviewed, quashed, or in any way called in question in any Court, on any count whatsoever. Proceedings in the Court are not removable by certiorari, and no writ of prohibition can be issued, nor injunction or mandamus granted by any Court other than the Industrial Court in respect of, or to restrain proceedings under any award, order, proceedings, or direction relating to any industrial matter which, on the face of the proceedings, appears to be or to relate to an industrial matter, or which is found by the Court to be an industrial matter (Section 21).

In 1946 the Act was amended to make provision that if an industrial dispute or disagreement, or a disagreement likely to lead to an industrial dispute, arises between employers and employees, or a union, in respect to any industrial matter, the parties to the dispute are required to file a notice of such dispute or

disagreement in the office of the Registrar, or outside Brisbane to file a notice in the office of the nearest Industrial Magistrate. Upon the filing of the notice the Court is required forthwith to

(1) hear and determine; or
(2) remit the matter to an Industrial Magistrate for hearing and determination; or
(3) take such action as it deems necessary or expedient in the matter of the notified dispute or disagreement.

The Industrial Magistrate upon the filing of a notice is required to notify the Registrar of its filing and of its contents, and if the matter of the dispute is remitted to him by the Court to hear and determine it. Penalties are provided for any party not notifying any such dispute. This provision has resulted in many disputes being settled before other action was taken by the parties (Section 21 (A)).

A member of the Court or an Industrial Magistrate is empowered to act as mediator in any industrial cause, and may convene compulsory conferences for the purpose of preventing or settling industrial disputes (Sections 22 and 23).

The Court has power to act as conciliator in any industrial cause and agreements arrived at through conciliation have the effect of an award (Section 24).

Provision is made in the Act for the appointment of an Industrial Registrar, and one or more Assistant Industrial Registrars, and their powers and duties are prescribed in the Act (Section 25 and Order 2, Rule 15).

Industrial Magistrates may be appointed from time to time, and their powers and jurisdiction are prescribed in the Act and Rules of Court (Section 26).

Provision is made for the registration of industrial unions of employers and employees. The form of the application, and the requisite documents to accompany the application, are set out in the Act (Sections 28 to 31 inclusive).

Every industrial union is required to keep a register of members of the union, and to furnish reports in regard thereto to the Registrar as prescribed in the Act (Section 35 (A)).

Employers are required to keep a register of employees showing the particulars prescribed (Section 35 (B)).

The Court has power on the application of an industrial union, or person interested, or of the registrar, to suspend the registration of the union or to cancel it. If it appears to the Court that for any reason the registration ought to be cancelled, or that the registration has been made erroneously or by mistake, or that the rules of the union or their administration do not provide reasonable facilities for the admission of new members, or impose unreasonable conditions upon the continuance of membership, or are in any way tyrannical or oppressive, or that an industrial union wilfully neglected to obey any order of the Court, the Court may order the registration of the union to be suspended for a period or cancelled (Section 40).

A union upon or during registration for the purposes of the Act becomes a body corporate by its registered name having perpetual succession and a common seal (Section 41).

Industrial agreements may be made between employers and employees and must be registered in the Court within thirty days after the making thereof. Such agreements are binding on the same parties as awards are binding. Agreements must be for a term to be specified therein not exceeding three years, and subject to any award continues in force after expiry, unless any party retires from the agreement. The retirement may take place by giving notice not more than thirty days before the expiry of the agreement (Sections 42 to 47 inclusive).

Special provision is made for Government employees to be brought under the provisions of the Act (Section 48).

Provision is made for the recovery of penalties for breaches of awards and for other offences under the Act and for the recovery of moneys due under awards (Section 50).

Strikes and lockouts are prohibited unless and until a strike or lockout has been authorized by the industrial union or employers respectively in the calling concerned. A strike can only be authorized by a secret ballot taken at a general meeting duly constituted in accordance with the rules of the union and a majority vote in favour of the strike. Where a general meeting is inconvenient the ballot may be taken by postal ballot or otherwise, or a series of meetings may be held. In callings where no industrial union exists, the ballot is

taken by the registrar, and in all cases notification must be sent to the registrar of the result of the secret ballot or the voting, together with the details thereof. If a ballot required to be taken under or for the purposes of the Act

(a) shall not have been taken within such time as the Court considers reasonable or

(b) shall have been taken

and the court considers the manner of its taking or any circumstances of or associated with its taking was improper or irregular, the Court may at any time order the registrar or some person other than the registrar to take a ballot, and where a ballot has been taken theretofore the Court may declare such ballot of no effect. Directions as to the taking of a ballot are set out in the Act (Sections 51 and 51 (A)).

Industrial unions or associations are relieved from responsibility for anything done by an agent, if the agent acted contrary to instructions by the governing body of the union or association (Section 52).

An employer cannot refuse employment to or dismiss any employee from his employment or injure him in his employment, or alter his position to his prejudice by reason of the fact that the employee is an officer or member of an industrial union, and the Court is given power to deal with any such matter (Section 53).

The Court has power on proper application to make orders in the nature of a mandamus or injunction to compel compliance under an industrial agreement, or an award, or to restrain any breach thereof (Section 55).

The Court and Industrial Magistrates are protected from obstruction (Sections 56 and 57).

Employers must furnish employees with a statement showing details of how the pay is made up (Section 57 (A)).

Publication of statements that an employer is ready and willing to employ any person at less than award rates is prohibited (Section 57 (B)).

Appeals from Industrial Magistrates lie to the Full Bench of the Industrial Court and not to the Supreme Court. The Court for these appeals is required to be constituted by not less than three members, one of whom shall be the President (Section 64).

Notwithstanding anything in the Act or any other law or any practice to the contrary, the Court in the exercise of any jurisdiction, power or function conferred or imposed upon it, shall be governed in its procedure and in its awards and conditions by equity, good conscience, and the substantial merits of the case without regard to technicalities or legal forms, or the practice of other Courts, and the Court is not bound by any rules or practice as to evidence, but may inform its mind on any matter in such manner as is deemed just, but these provisions do not apply to proceedings in respect of offences agains tthe Act (Section 67).

Awards of the Court prevail over any contract in case of conflict (Section 68).

On the hearing of any matter before the Court or an Industrial Magistrate, industrial unions may be represented by a member or officer and any other party may be represented by his agent duly appointed in writing, but unless all parties consent thereto, no party shall be represented by counsel or solicitor in any proceedings before the Court, or before an Industrial Magistrate (Section 70).

Employers must keep records of all employees showing their designation, rates of wages, times of starting and ceasing work, and the award under which they are working, and have the record available for inspection by an Industrial Inspector (Section 71).

Awards must be posted up so as to be easily read by employees in all factories, workrooms, shops, or premises to which the award applies (Section 72).

A member of the Court, and an officer of the Court, or any other person authorized by the Court, or a member of the Court, may at any time during working hours enter and inspect premises (Section 75).

The Governor-in-Council may from time to time appoint Industrial Inspectors whose powers and duties are prescribed by the Act (Section 76).

Officers of industrial unions authorized in writing by the president and secretary of the union, have the right to enter premises to make inspections therein (Section 77).

The Governor-in-Council has power to make regulations for the purposes of the Act (Section 79).

The schedule to the Act sets out the power and procedure of the Court, and the Court under the powers contained in the Act has made rules of court dealing with the procedure of the Court.

The Honourable Mr. Justice W. F. Webb was appointed President of the Court under the 1932 Act on 1st February, 1933, and remained as such till 24th April, 1946. I was appointed President on 25th April, 1946, and am still in office. The Houourable Mr. Justice H. H. Henchman and the Honourable Mr. Justice Mansfield were appointed Acting President of the Court for short periods in the years 1932 and 1944 respectively. Messrs. T. A. Ferry and W. J. Riordan were appointed members of the Court from 1st February, 1933. Mr. Ferry retired in January, 1947. Mr. Riordan is still in office. Mr. T. E. Dwyer was appointed a member of the Court as from 1st February, 1947, and is still in office.

Heritage counts. We inherit a culture, a form of justice, a way of living, and a code of morals. In time we may change many of the legacies of the past; nevertheless we carry on the thread of tradition.

—W. E. Woodward.