

In the matter of
**THE FEDERATED ENGINE-DRIVERS AND FIREMEN'S
 ASSOCIATION OF AUSTRALASIA**

CLAIMANT

and

**THE ADELAIDE STEAM-SHIP COMPANY LIMITED
 AND OTHERS**

RESPONDENTS.

(No. 83 of 1921.)

Industrial Dispute—Dispute Settled by Agreement.

This dispute was referred into Court on 8th August, 1921, after a compulsory conference held on the same date.⁽¹⁾ The hearing commenced at Melbourne on 31st August, 1921, before the President, Mr. Justice Powers.

1921.

MELBOURNE,
August 31.The President,
Powers, J.

H. C. Gibson (General Secretary) for the Association.
H. M. Adams for the respondents.

The dispute was settled by agreement in respect of all the respondents except Messrs. J. and A. Brown. The following agreement was duly certified and filed in accordance with section 24 of the Act:—

MEMORANDUM OF AGREEMENT

between

THE FEDERATED ENGINE-DRIVERS AND FIREMEN'S ASSOCIATION OF
 AUSTRALASIA

and

THE COMMONWEALTH STEAM-SHIP OWNERS' ASSOCIATION AND OTHERS.

(Certified to 31st August, 1921.)

MEMORANDUM OF AGREEMENT made pursuant to section 24 of the *Commonwealth Conciliation and Arbitration Act 1904-1920* this ninth day of August, One thousand nine hundred and twenty-one, between the Federated Engine-Drivers and Firemen's Association of Australasia, an organization of employees duly registered under the *Commonwealth Conciliation and Arbitration Act 1904-1920* (hereinafter called the Association) of the one part and the Commonwealth Steam-ship Owners' Association, an organization of employers duly registered under the *Commonwealth Conciliation and Arbitration Act 1904-1920*, the Adelaide Steam-ship Company Limited, Australian Steam-ships Proprietary Limited, Huddart Parker Limited, McIlwraith, McEacharn's Line Proprietary Limited, Union Steam-ship Company of New Zealand Limited, Melbourne Steam-ship Company Limited, and James Paterson and Company Proprietary Limited (hereinafter called the employers) of the other part Whereas the said Association and the said employers are parties to an industrial dispute in

⁽¹⁾ *Supra* p. 635.

1921.
 FEDERATED
 ENGINE-
 DRIVERS AND
 FIREMEN'S
 ASSOCIATION
 OF AUSTRALASIA
 v.
 ADELAIDE
 STEAM-SHIP
 COMPANY AND
 OTHERS.

relation to the wages and working conditions of the members of the said Association employed by the said employers as coal hulkmen. And whereas as the said Association applied to His Honour the President of the said Court for a compulsory conference under section 16A of the said Act. And whereas the President of the said Court called a compulsory conference which was held at Melbourne on the eighth day of August, One thousand nine hundred and twenty-one. And whereas no agreement was arrived at the President referred the dispute to the said Court under section 19 (d) of the said Act. And whereas an agreement between the parties hereto for the settlement of the whole of the dispute has now been arrived at in the terms hereinafter contained and the parties hereto are desirous of having a memorandum of the terms of the agreement certified to by the President of the said Court, and when they are certified filed with the office of the Registrar pursuant to section 24 of the said Act. Now therefore these presents witness that the said parties do hereby mutually agree as follows:—

The rates of pay and conditions of employment of coal hulkmen holding engine-drivers' certificates employed by any of the said employers in the ports of Fremantle, Albany, Port Adelaide, Melbourne, Launceston, Devonport, and Hobart be as follows:—

1. *Wages.*—The minimum rate of wage to be paid by the employers to the said hulkmen in their employ shall be Four pounds fifteen shillings (£4 15s.) per week, payable weekly.

2. *Hours.*—The hours of labour shall be from 8 a.m. to 5 p.m. on Mondays to Fridays inclusive, and from 8 a.m. to 1 p.m. on Saturdays.

3. *Overtime.*—For all work done in connexion with actual working of coal and shifting of lighters outside the hours of labour coal hulkmen shall be entitled to overtime payment at the following rates:—

Monday to Fridays inclusive between 5 p.m. and midnight, 3s. per hour, and from midnight to 8 a.m., 4s. per hour.

After 1 p.m. on Saturdays, 3s. per hour.

On Sundays and holidays, 4s. per hour.

4. *Holidays.*—The holidays for the respective ports in Australia shall be as follows:—Fremantle and Albany—Christmas Day, Good Friday, Eight Hours Day, Wharf Labourers' Picnic Day, Foundation Day, Easter Monday, Boxing Day, and King's Birthday, New Year's Day. Port Adelaide—Christmas Day, Good Friday, Eight Hours Day, New Year's Day, Easter Monday, King's Birthday, Boxing Day, Foundation Day, Prince of Wales' Birthday, State Anniversary Day. Melbourne—Christmas Day, Good Friday, Eight Hours Day, Wharf Labourers' Picnic Day, New Year's Day, Easter Monday, King's Birthday, Boxing Day, Foundation Day, Melbourne Cup Day. Launceston and Devonport—Christmas Day, Good Friday, Eight Hours Day, Wharf Labourers' Picnic Day, New Year's Day, Easter Monday, King's Birthday, Boxing Day, Foundation Day, Prince of Wales' Birthday. Hobart—Christmas Day, Good Friday, Eight Hours' Day, Wharf Labourers' Picnic Day, New Year's Day, Easter Monday, King's Birthday, Boxing Day, Foundation Day, Regatta Day.

Foundation Day shall mean the day in January observed throughout the Commonwealth, and is not to be considered as a day set apart as an anniversary of any one State.

Holidays shall mean the days prescribed under the law of the State to be observed in lieu of the actual holiday mentioned unless there be no such day prescribed in which case the day to be observed shall be the day on which the holiday falls.

5. *Annual Leave*.—Every coal hulkman who served an employer continuously for twelve months shall be allowed by the employer leave of absence on full pay for two weeks in each year conditionally upon such coal hulkmen providing a substitute to the satisfaction of the employer during such leave of absence.

1921.
FEDERATED
ENGINE-
DRIVERS AND
FIREMEN'S
ASSOCIATION
OF AUSTRALASIA
v.
ADELAIDE
STEAM-SHIP
COMPANY AND
OTHERS.

If the coal hulkman so desires, the above leave can be given in periods of one day in each month of service, such days to be mutually arranged between the employer and the employee, but should any day be not given payment shall be made for same at the rate of 16s. 4d. per day.

6. *Coaling Vessels in Quarantine*.—Where under any agreement between the Waterside Workers' Federation and the Commonwealth Steamship Owners' Association and its members, coal workers are paid any additional rate a similar practice as to rates and conditions shall be applied to the coal hulkmen.

7. *Accommodation*.—The employers will consider all reasonable requests for making the coal hulks more habitable and providing reasonable means of egress and ingress.

8. *Shifting Lighters*.—Employers to provide all assistance required in shifting lighters, except where same may be done by the lightermen employed by the same owner.

9. *Pre-existing Conditions*.—All conditions in pre-existing agreements not altered by the foregoing to remain in force.

10. *Disputes*.—In the event of a dispute arising for any reason whatsoever, work shall continue without intermission pending the discussion of the matter by the employer affected and the secretary of the Association in the port concerned; the decision of the two parties to be final, but should no agreement be arrived at, the dispute shall be referred to Melbourne to be dealt with by the General Secretary of the Association and the secretary of the Commonwealth Steamship Owners' Association, whose decision shall be final.

Disputes as to questions of interpretation arising out of this agreement shall also be referred to Melbourne to be dealt with as aforesaid.

11. *Term*.—This agreement shall come into force with respect to clause 1 (wages) as from the thirteenth day of April, One thousand nine hundred and twenty-one, and with respect to all other clauses as from the nineteenth day of July, One thousand nine hundred and twenty-one, and shall continue until the thirty-first day of December, One thousand nine hundred and twenty-one.