

CUMULATIVE INDEX TO MATTERS REFERRED TO IN DECISIONS OF APPEAL COURT, INDUSTRIAL COMMISSION AND INDUSTRIAL MAGISTRATES CONTAINED IN VOL. 59 PART 1, SUB PART 6

NOTE: *Denotes Industrial Appeal Court Decision.

† Denotes Commission in Court Session Decision.

Subject	Page
Absence	
Claim that award breached—Failure to pay wages in lieu of notice—Chronic absenteeism may constitute misconduct justifying summary dismissal—Breach proven—Metal Trades.....	802
Accommodation	
Alleged breach of award re deduction for accommodation—Terms of employment—Usual incidents of employer/employee relationship not present—Dismissed—Painters and Decorators.....	371
Claim for caravan site subsidy—Award provides for free single accommodation—Workers who bring wives do so in knowledge that no accommodation available as policy is for single men to be employed—Meat Industry.....	829
Act	
† Provisions of Act with reference to jurisdiction—Definition of “industrial matter”—Jurisdiction confirmed—Workers Compensation.....	160
Claim that Commission lacks jurisdiction to make an order sought—Meaning of Industrial Dispute, Industrial Matters, Workers and Industry—Previous decisions—Provisions of State and Federal Acts—Provisions of University Act—Dismissed—University Academic Staff.....	445
Claim of exclusive coverage of “certified scaffolder” and “scaffolder”—Union not party to award—Provisions of Act relating to single Commissioner quashing previous orders—Dismissed—Metal Trades.....	680
*Appeal against decision on preliminary points regarding lump sum Workers’ Compensation payment—Matter not a “dispute”—Commission cannot make an order which is inconsistent with Act of Parliament—Upheld—Fire Brigades.....	489
*Appeal against decision dismissing wage claim—Provisions of Act in relation to Commission’s jurisdiction to set criteria for assessment of claims—Dismissed—S.E.C.....	494
Claim that unfair dismissals be determined according to principles of natural justice—Provisions of act relating to equity and good conscience—Dismissed—Hospital Industry.....	623
Claim to bring all matters relating to apprentices back within an award—Provisions of Industrial Training Act and Regulations—Intent to allow processing of breaches of regulations—Refused—Building Trades Construction.....	500
Dispute re “nursing” classifications—Task of Commission is to fix rates and conditions—Certain work may need recognition and categorization in a form that appears prohibited by virtue of a statute—Award to provide for nursing work by unregistered people—Nursing Aides and Assistants.....	
Claim to cancel award provision relating to engine drivers—Engine Drivers Union not party to award—Provisions of Act relating to cancellation—Appeal Court finds cancellation to be a punitive measure—Provisions of award had not been applied to engine drivers—Dismissed—Construction and Maintenance.....	820
Allowances	
Claim for increased dust allowance—Previous inspections and decision—Federal decision—Granted in part—Iron Ore Industry.....	80
Claim for dust allowance—Power of Commission to allow alteration of claim—Provisions of Act—Inspections—Previous experience regarding dust—Previous decisions—Granted—Iron Ore Industry.....	84
Claim for higher disabilities grouping—Previous decision—Inspections—“usual” working conditions—Granted—Iron Ore Industry.....	78
Claim for travelling allowance—Workers cannot return home each night—Some Living in Perth, Bunbury and Collie—Provisions of award and order—Previous decisions—Granted in part—Muja Power Station Construction.....	74
† Appeal against Board of Reference decision regarding confined space allowance—Inspections—Allowance paid for work in smaller pipes—Dismissed—Water Supply.....	13
Claim for telephone and laundry allowances—Benefits apply to other workers employed by employer—No requirement to have telephone—Different award issued out of different jurisdiction—Dismissed—Clerks.....	164
Claim for payment for higher duties—Award provision—Duties normally carried out—Granted—Police.....	150
Claim for increase—Previous decision—Inspections found no deterioration in conditions—Basis for payment of disabilities appropriate—To be paid to “whole of site”—Special allowance for furnace walls etc.—Iron Ore Industry.....	174
Claim for \$9.80 diversity allowance—Analogy drawn between responsibilities of “large shovel” and “major power station” operation—Provision of other agreements and award—Some changes in work requirements demonstrated—No contrived relationship between shovel drivers and power house engine drivers—Dismissed—Iron Ore Industry.....	443
Claim for increased car allowance and simplified schedule—Public Service Allowances—Clause in related award—Granted in part—Electrical Contracting Industry.....	299
Claim for increased rates of pay for tradesmen and adult workers—Background and structure of existing award rates—No case to vary base rate—License allowance and increased special payment granted—Electrical Contracting Industry.....	299
Supplementary decision—Claim for increased wages as Commission had “double discounted” license allowance payable under Federal award—Granted—Electrical Contracting Industry.....	299
Claim for special payment to maintenance tradesmen—Inspections—Three components—Federal and other States’ decisions—Familiarisation, Expertise and Diverse Skills—Disabilities—Granted in part—Government Building and Engineering Trades.....	353
Claim for certificate allowance for post basic course—Nature of courses—Position of part time workers—Previous decision—Granted—Registered Nursing Aides.....	533
Claim re skill and responsibility—Award provides minimum rates—Dispute re assessment of grades of work—Average work of 25 y.o. clerk—Granted—Clerks.....	692
Claim re on-call allowance—Previous decision established nexus with Government workers—Granted—Nurses.....	618
Claim for \$5.00 per week allowance for being required to work in dining car—Occasions infrequent—Emergency circumstances—Granted in part—Railway Conductor.....	694
Application for interpretation—Eligibility for allowance for attending to refrigeration compressor etc.—History of provision—Allowance not payable—Engine Drivers.....	628
Claim for dry cleaning allowance—Paid to other workers employed by same employer—Previous decision—Granted—F.P.A. Pilots.....	778

CUMULATIVE INDEX—*continued*

	Page
<i>Allowances—continued</i>	
Claim for supply and laundering of clothes—Award provisions—Previous decisions on basis of assessment of current rates of pay—Claim not properly founded—Current allowances revised—Dismissed—Meat Industry	858
Claim for increased area and industry allowance—History of allowance—district allowance—Isolation—Amenities—Danger that particular factors may be double counted—Refused—Gold Mining Industry	842
Claim allowance for all hours worked—Inspections—Compensation via area and industry allowance—Refused—Gold Mining Industry	842
Claim for additional payments for particular places of work and tasks—Inspections—Area and industry allowance—Granted in part—Gold Mining Industry	842
Remittance of claim to the Commission following appeal—Payment to unsupervised tradesmen—Further hearing—Relative work circumstances—Extra payment extended to building tradesmen—Iron Ore Industry	853
Claim for payment of isolation allowance—Area removed from regular public transport—Survey questionnaires on mode of travel—Transportation factors in “indexation increases”—Cost consideration—Decisions stating rate re travel time and expenses—Dismissed—Railway Employees	832
<i>Annual Leave</i>	
Claim for new closedown provisions—Current provisions include Christmas closedown—Claim rejected previously—Lack of evidence other than that another award contains provision—Provisions of “parent” award—Dismissed—Engine Drivers Timber Industry	36
Claim that annual leave loading should apply to weekly wage rather than minimum prescribed wage—Terms of award—Meaning of ordinary wage—Wages agreed to cannot be said to be prescribed—Dismissed—Commercial Traveller	59
Claim for twenty per cent loading—Registered agreement contained provision now sought by order—Previous decisions—Dismissed—Meat Industry	166
Complaint regarding holiday pay—Terms and scope of Federal Award—Notice given by worker—Major and substantial work—Proven—Clothing Trades	147
Failure to pay holiday pay—Contractor or employee—Definition of “worker” from Act—Provisions of award—Transport Workers	151
Claim that employer not entitled to reduce leave on account of absences through strike and leave without pay—Warning by Commissioner in conference—Dismissed—Water Supply	172
Claim for removal of disqualification from payment where termination due to misconduct—Standard annual leave provision—No special circumstances in industry—Dismissed—Mineral Sands Processing	343
Question of payment of loading on compulsory retirement—Standard clause of Commission—Single Commissioner not to depart from standard unless case distinguished from the generality—Equity and justice already satisfied—Dismissed—Iron and Steel Industry	432
Claim that unions be party to agreement on taking of leave in more than one period—Belief that workers agree only under duress—Other avenues for union to intercede—Dismissed—Mineral Sands Processing	343
Claim for loading to proportionate leave on termination—Previous decision stating general rule—Dismissed—Mineral Sands Processing	343
Claim re <i>pro rata</i> entitlements for full and part time workers—Calculation on basis of ordinary hours in the year—Granted in part—Nursing Aides and Assistants	533
Rate of double time and a half sought for work on public holiday—Extension of annual leave as public holidays not recognised as such—Previous decision acknowledging need for long break—Rosters—Granted in part—Nursing Aides and Assistants	533
Claim re leave included in calculation of annual leave—Inclusion among others of long service leave—Exclusion of maternity leave—Loading—Nursing Aides and Assistants	533
Application for interpretation—Dispute regarding rate of pay payable when leave is accrued—Award makes no provision for accrual of leave—Question not capable of being answered—Laundry Industry	630
Interpretation regarding <i>pro rata</i> payment for part time workers—Reduction of ordinary hours—Provisions of award—Calculation according to hours of service over accruing period—Day Care Centres	627
Dispute re absences counting as time worked in calculating annual leave entitlement—Union business—Absence on workers compensation—Commission Standards—Refused—Pipe, Tile and Pottery Manufacturing	568
Claim re splitting annual leave and provision of travelling expenses—Isolation—Previous decisions—Usual practices and general principles—Refused—Gold Mining Industry	842
Claim for additional travel assistance according to years of service—Provisions of iron ore agreements—Rest and recreation provisions in construction awards—Cost estimates re travelling—Refused—Gold Mining Industry	842
Claim for 25 per cent loading—Provisions of related awards—Disposition of site <i>vis a vis</i> other mining operations—Provisions of iron ore awards—Granted—Gold Mining Industry	842
Claim for increased period—Isolation factor—Existing provisions as per iron ore industry—Other annual leave provisions adjusted—Refused—Gold Mining Industry	842
Alleged failure to pay for two years’ annual leave—Continuity of service—Award provision—Shortage of evidence—Upheld in part—Building Trades Construction	803
Claim that calculation of leave be according to another award—Seasonal abattoir—Nexus not established in this case—Dismissed—Meat Industry	829
<i>Appeals</i>	
† Against order denying reinstatement claim—Commission’s exercise of discretion—Employer’s right to dismiss as opposed to employee’s right not to be dismissed—Maintenance of authority—Employer-employee relationship—Dismissed—Hospital Industry	11
† Against award granting HSOA coverage in Spastic Welfare—Claim that Clerks Union relevant—History of appeal—Specifications of scope clause and responsiveness—Definition of “industry”—Dismissed—Spastic Welfare	9
† Against Board of Reference decision regarding confined space allowance—Inspections—Allowance paid for work in smaller pipes—Dismissed—Water Supply	13
† Against dismissal of claim for reinstatement to foreman position after relegation to leading hand—Intention of Order not clear—Remitted to Commission for further hearing and determination—Water Supply	95
† Against dismissed claim for re-employment—Principles of natural justice—Employer apparently sought to “get around” dismissal provisions—Alleged cruelty to patients—Statement of the principle on appeal—Dismissed—Nursing Aid	208

CUMULATIVE INDEX—continued

	Page
Appeals—continued	
† Against decision designating “home depot”—Re-organisation and reduced hours due to downturn—Change of circumstances demands amendment rather than interpretation of existing provision—Granted—Iron Ore Industry	205
† Against decision on a preliminary point—Claim for issuance of a first award—Legal position—Decisions on the exercise of discretion by the Commission—Dismissed—Clerks—Iron Ore Industry	201
† Against decision of Industrial Magistrate in claim for payment for Long Service Leave—Award provisions—Payment in lieu on resignation—Calculation of entitlement—Remitted—Clerks	210
† Against decision ordering re-engagement—Worker unfit to commence work when new contract of service offered—Previous decision—Dismissed—Nursing Assistant	207
† Against decision reguaranteed hours—Cancellation of work provisions—Provisions of either award or agreement apply depending on roster—Dismissed—Iron Ore Industry	204
Against decision reguaranteed hours—Payment for allocation of mainline duties after sign-on—Claim for time worked in addition to guaranteed hours depot to depot—Ground of appeal essentially a complaint that appellants claim not originally acceded to—Dismissed—Iron Ore Industry	204
† Against decision dismissing claim for district allowance increases—Interim order of Commission in Court Session—Circumstances of each industry—Cost of living and CPI movements—Industries found to be special cases—Dismissed—Engine Drivers	291
† Against decision dismissing claim for <i>pro rata</i> annual leave while on workers’ compensation—Award provisions—Severing of contract of service—Industrial matter—Dismissed—Building Industry	289
† Against decision dismissing claim for government long service leave provisions—Industry employer involved in—Not defacto State agency as claimed—Provisions of Bulk Handling Act—Dismissed—Grain Handling	482
* Against interpretation of “one week”—Regarding contract of service—“Calendar” or “working” week—Distinction between work to be performed under the contract of service and the contract of service itself—Electrical Contracting Industry	498
* Against decision dismissing wage claim—Provisions of Act in relation to Commission’s jurisdiction to set guidelines for assessment of claims—Dismissed—S.E.C.	494
* Against decision on preliminary point regarding lump sum Workers’ Compensation payment—Matter not a “dispute”—Commission cannot make an order which is inconsistent with Act of Parliament—Upheld—Fire Brigades	489
† Against decision of Commission—Real dispute not defined clearly by Memorandum of Matters in Dispute—Commission lacked jurisdiction—Upheld—Meat Industry	739
† Against decision prescribing prospective application of wage increases—Principles governing appeals—Disparity between local and Eastern States rates—Order failed to effect intention of decision—Upheld in part and remitted—Laundry Employees	738
† Against order prescribing wage rates based on gender—Principles governing appeals—Upheld and remitted—Laundry Employees	738
Apprentices	
Claim for amended derivation of wages—Percentages of Tradesman rate—Origin of existing structure—Decision of Commission in Court Session—Displacement of apprentices in current economic climate—Comparison with Federal rates—Granted—Electrical Contracting Industry	299
Claim to bring all matters relating to apprentices back within an award—Provisions of Industrial Training Act and Regulations—Intent to allow processing of breaches of regulations—Refused—Building Trades Construction	500
Award	
Application for—Recent registration of union—Objection to compulsion to join union—Granted—Car Salesmen....	30
Alleged breach of—Claim that annual leave loading should apply to weekly wage rather than minimum prescribed wage—Terms of Award—Meaning of ordinary wage—Wages agreed to cannot be said to be prescribed—Dismissed—Commercial Travellers	59
Alleged breach in respect of wages—Classifications within award—Worker employed under an agreement—List of duties—Major or substantial employment—Was the agreement and contract of service or a contract for services?—Difference between servant and a contractor—Dismissed—Electricity Supply	60
Claim re failure to pay correct wages—Wages record—Question as to whether worker was dismissed without notice—Meal break times differed from wages record—Proven—Transport Industry	62
Industrial Gazette accepted as evidence in courts—Scope of award—Building or construction industry—Employer not bound by award—Building Trades	146
Claim for—Provisions of regulations—Applicant’s constitutional rule—Realness and genuineness of dispute—“Equivalents” and definitions—Public interest and divided loyalties—Lack of precision within claim—Award to proceed—Foreman and supervisors at Cliffs Robe River Iron Associates	177
Claim for new award—Answers filed and objection lodged by another union—Situation governed by Regulation and the Act—Objection filed was in the nature of estoppel—Possible adoption of role of intervenor—Objecting union deemed not be respondent—Municipal Employees	821
† Appeal against decision on a preliminary point—Claim for issuance of a first award—legal position—Decisions on the exercise of discretion by the Commission—Dismissed—Clerks Iron Ore Industry	201
Delivery of replacement award—Origin and expressed term of existing award—Previous application to amend award refused—Full review of conditions of employment rather than piecemeal amendments—Electrical Contracting Industry	299
Delivery of replacement award—Coverage of Federal award—Previous decision on coverage—Parties desire for State “roping in” award—Building Trades Construction	500
Delivery of replacement award—Content and structure agreed upon with exception of overtime, sickness and annual leave clauses—Pipe, Tile and Pottery Manufacturing	568
Application for joinder—Provisions of Act—Scope of awards—Constitution rules—Applicant union never a party to an award in the industry—Previous decisions—Industrial Appeal Court decision—Relation of workers to Management—Refused—Metal Trades	696
Claim that workers be paid according to different award—Dispute as to whether work is in earth works or building industry—Unions’ constitution rules—Federal award exclusions—“Major and substantial employment”—Dismissed—Earth Works Industry	681
Delivery of new Award—Previous extensive review—Principle of not altering basis upon which award was erected has less weight than in regard to award amendments—Inspections—Peculiarities of Industry—Pastry Cooks	558

CUMULATIVE INDEX—*continued*

Page

Award—*continued*

Preliminary decision relating to issuance of award—Various grounds for objection—Commission in Court Session decision—Previous decision Law—and Principles in industrial coverage—Objections dismissed—School Hostels	701
Claim for preliminary point—Commission's jurisdiction questioned—Union's constitutional coverage questioned—Industrial regulation already exists for some callings—Union's constitutional rule—Federal decision—Commission in Court Session decision—Reference to proceed	698
Delivery of new awards—Previous review—Changes in work done and in context in which work done—Inter-relationships between classifications—Previous decisions—History and work of nursing—Where is nursing carried out—Nursing Aides and Assistants	533

Bereavement Leave

Claim for provision of—Short Leave already provided—Foremen should be treated same as "salaried staff"—Dismissed—Foremen	333
Claim for increased leave and inclusion of additional relatives—Commission will not move from Metal Trades provisions—Dismissed—Mineral Sands Processing	343

Board and Lodging

Claim to increase deduction for—Percentage of Basic Wage—Alleged connection with other award dismissed—Justification for increase—Increases less than CPI and wage rate movements—Granted—School Hostels	50
Claim to alter method of calculation—Male basic wage used as basis—Adjustment according to C.P.I. movement cumbersome—Granted—Clerks	523

Board of Reference

Rent Review Board—Employer's claim to increase rents—Nominal Rent not increased since 1962—Repair and Renovation Programme planned—Granted in part—Water Supply	377
---	-----

Breach of Award

Failure to pay holiday pay—Contractor or employee—Definition of worker from Act—Provisions of award—Transport Workers	151
Alleged breach regarding application for union membership—Scope clause does not expressly tie in employees—Respondency—Work performed—Dictionary definition of upholsterer—Dismissed—Furniture Trade	148
Complaint regarding holiday pay—Terms and scope of Federal Award—Notice given by worker—Major and substantial work—Proven—Clothing Trades	147
Failure to pay correct wages alleged—Dispute as to hours worked—Proven in part—Hotel Industry	149
Alleged breach re deduction for accommodation—Terms of employment—Existence of Contract of Service—Previous decisions—Usual incidents of employer/employee relationship not present—Dismissed—Painters and decorators	371
Claim for payment as Matron—Employer claimed worker employed as charge nurse—Definitions—Breach proven—Nurses—Private Hospitals	373
Claim of underpayment—Not independent contractor—Union's constitution rule—Provisions of Act—Terms of award prevail where union rules conflict with award—Employer has the right to control the work—Proven—Sales Representatives	660
Various breaches alleged—No junior worker provisions—Age of Majority Act—Provisions of other awards—Award not relevant for junior—Proven in part—Building Industry	659
Claim re failure to pay correct wages—Organisation of pathologist employer's business—Respondency—Previous decision—Proven—Clerks	805
Claim re wages—Entitlement to casual loading—Contract of service—Expected duration of employment—Meaning of month at common law—Interpretation Act definition—Appeal decision—Upheld—Metal Workers	801
Various alleged breaches—Contract of service—Continuity of service—Records—Proven in part—Building Trades Construction	803
Alleged failure to pay for two year's annual leave—Continuity of service—Award provision—Shortage of evidence—Upheld in part—Building Trades Construction	803
Claim that award breached—Failure to pay wages in lieu of notice—Summary dismissal for misconduct—Frequency of absences—Chronic absenteeism may constitute misconduct justifying summary dismissal—Breach proven—Metal Trades	802

Casual

Claim to limit period of employment of casuals—Previous decision—Award makes no provision for part-time work—Refused—Electrical Contracting Industry	299
Claim that casual workers be granted usual overtime provisions—Granted though subsequently deleted in speaking to the minutes—Pastrycooks	558
Claim to have loading and minimum engagement reduced—History of casual provisions and loading—Previous decisions—Shift and weekend penalties to apply—Granted in part—Clerks	523
Claim re breach of award—Entitlement to casual loading Contract of Service—Expected duration of employment—Meaning of month—Upheld—Metal Workers	801

Classification

Alleged failure to pay correct wages—Classifications within award—Was worker employed under a contract of service or a contract for services—Difference between servant and contractor—Major or substantial employment—Dismissed—Electricity Supply	60
---	----

CUMULATIVE INDEX—continued

	Page
Classification—continued	
† Appeal against dismissal of claim for reinstatement to foreman position after relegation to leading hand—Intention of order not clear—Remitted to Commission for further hearing and determination—Water Supply	95
New classification and rate sought—Origin of extra payment—Current form of payment inappropriate—Provision of related award—Granted—Railways	356
Claim to have classifications replaced by single classification—Inspections—No justification—Dismissed—Laundry Workers	340
Claim to include definition of “Greenkeeper” (Tradesman)—Opposition to immediate elevation to tradesman status—Apprenticeship syllabus and qualifications—Tradesman status limited to man in charge—Greenkeeping Industry	591
Objection to insertion of “motor vehicle driver” classification—One award to cover whole workforce in industry—Constitutional coverage—Dissatisfaction may result if different rates and conditions apply—Dismissed—Industrial Catering Industry	582
Claim for extension of existing classification—Inspectors—Time elapsing in reaching proficiency—Refused—Gold Mining Industry	842
Claim that builders’ labourers be paid higher group rate—Recent decision allowing similar claim—Respondent practice of paying higher rate—Inspections—Federal nexus—Refused—Building Trades Government	798
Clothing	
Claim to replace money allowance with provision of clothing and footwear—Practice of Government sector and effects of taxation on allowances—Previous decisions—Allowance not to be increased but safety boots to be provided—Mineral Sands Processing	343
Claim for provisions of two sets of working attire—Recent decision—Position in iron ore industry—Refused—Gold Mining Industry	842
Claim for supply and laundering of clothes—Award provisions—Previous decisions on basis of assessment of current rates of pay—Claim not properly founded—Current Allowances revised—Dismissed—Meat Industry	858
Claim for dry cleaning allowance—Paid to other workers employed by same employer—Previous decision—Granted—F.P.A. Pilots	778
Comparative Wage Justice	
Claim for increased rates of pay for tradesmen and adult workers—Background and structure of existing award rates—Comparative wage justice—Contiguous operation of federal and state awards—Granted—Electrical Contracting Industry	299
Claim for wages in “Steel Fabrication Order”—Previous decision—Employer’s financial situation—Not simply comparative wage justice—Dismissed—Metal Trades	831
Compensation	
Claim for compensation for theft of tools of trade—Duties required of worker—Degrees of responsibility which lie in the parties—Worker responsible for proper maintenance of vehicle from which tools were stolen—No award requirements re safekeeping of worker’s property—Refused—Engineers M.R.D.	827
Conference	
† Appeal against decision of Commission—Memorandum of matters in dispute from conference did not reveal specific dispute—Jurisdiction lacking—Upheld—Meat Industry	739
Conditions of Service	
Claim that worker at P.W.D. Slipway receive “wharf conditions”—Previous decisions—Similarity of circumstances—Granted—Clerk	175
Claim for Hospital Salaried Officers wages and conditions—Principles involved in application of public service conditions—Some employers extend public hospital conditions to officers and therefore required to extend government conditions to wages employees—Nursing Aides and Assistants	533
Claim for alignment with Hospital Salaried Officers wages and conditions—Principles involved in application of public service conditions—Previous decisions—ILO convention a discrimination in employment—Provisions of Act—Standards of Commission—Importance of concept of salary—Some education in differences warranted—Refused—Nursing Aides and Assistants	533
Claim for provisions of cabin to protect plant operator—Associated with the work—Cost considerations—Award provisions—Industrial matter—Granted in part—Municipal Employees	860
Contract of Service	
Question of whether award applied to “worker”—Was worker employed under a contract of service or a contract for services?—Difference between servant and contractor—Classifications within award—Major or substantial employment—Dismissed—Electricity Supply	60
Application for inclusion of a clause replacing the usual clause—Essence of industrial law is the contract of service—Conditions controlled and determined once the contract is entered into—Application seeks to shackle freedom of the employer—Dismissed—Hospital Industry	56
Claim for engagement and retrenchment according to seniority—Seniority historically an important element of employee/employer relationship—Employer rights to terminate—Granted—Meat Industry	428
Alleged breach of award re deduction for accommodation—Terms of employment—Existence of Contract of Service—Previous decisions—Usual incidents of employer/employee relationship not present—Painters and Decorators	371

CUMULATIVE INDEX—continued

	Page
Contract of Service—continued	
Claim to clarify definition of week—Notice of termination of contract—Previous decision—Provision in other award—Notice given at or before commencement includes that day in notice period—Electrical Contracting Industry	299
Claim for payment up to time of dismissal—Provision of Metal Trades (General) Award—Granted Electrical Contracting Industry	299
Claim for two weeks notice period for shop stewards—Steward is firstly a worker—Position does not merit additional consideration—Refused—Electrical Contracting Industry	299
Claim to limit period of employment of casuals—Previous decision—Award makes no provision for part-time work—Refused—Electrical Contracting Industry	299
Provision sought for payment of holiday in case of dismissal within 14 days of that holiday—Previous decision contemplated remedy—Question of re-engagement—Granted in part—Electrical Contracting Industry	299
† Appeal against decision dismissing claim for <i>pro rata</i> annual leave while on workers' compensation—No further liabilities once contract severed—Industrial matter—Dismissed—Building Industry	289
Claim that Commission lacks jurisdiction to make an order sought—Meaning of Industrial Dispute, Industrial Matters, Workers and Industry—Contract of Service found to exist—Dismissed—University Academic Staff.	445
Employer claims for relief of payment of wages up to time of dismissal re misconduct—Theft and wilful damage—Entitlement to dismiss not subject to same rules as in criminal or civil court—Previous decision—Refused—Nursing Aides and Assistants	533
Breach of award regarding underpayment—Not independent contractor—Employer had right to control work—Found to be employee—Proven	660
Claim for reduction from two to one days wages being "held" by employer—Payment for work performed goes to fundamental basis of contract—Protection and redress for breach of contract—Provisions of Act—Granted—Pastrycooks	558
Claim that casual workers be granted usual overtime provisions—Granted though provision subsequently deleted in speaking to the minutes—Pastrycooks	558
Claim for four weeks trial period for persons entering industry—Hours and other conditions—Two weeks granted—Pastrycooks	558
* Appeal against interpretation of "one week"—Regarding contract of service—"Calendar" or "working" weeks—Distinction between work to be performed under the contract of service and the contract of service itself—Dismissed—Electrical Contracting Industry	498
Claim of underpayment—Existence of contract of service—Work shared by brothers—Refused—Building Trades Construction	803
Various breaches of award alleged—Contract of service—Continuity of service—Records—Proven in part—Building Trades Construction	803
Claim re breach of award—Entitlement to casual loading—Expected duration of employment—Meaning of month—Upheld—Metal Workers	801
Claim that award breached—Failure to pay wages in lieu of notice—Chronic absenteeism may constitute misconduct justifying summary dismissal—Question of repudiation of contract—Proven—Metal Trades	802
Coverage—Constitutional Coverage	
† Dispute as to which union tradesmen's assistants should belong—Constitution of various unions—History of constitutional changes—Previous decisions—"Electrical labourer" covers assistants—Assistants to electrical tradesmen not eligible to belong to A.W.U.—Iron Ore Industry	71
† Appeal against award coverage—Claim that Clerks Union not H.S.O.A. is relevant union—History of appeal—Specifications of scope clause and respondecy—Definition of "Industry"—Dismissed—Spastic Welfare	9
Claim for award—Provisions of regulations—Applicant's constitutional rule—Previous decisions—Award to proceed—Foremen and supervisors at Cliffs Robe River Iron Associates	177
Preliminary Point regarding claim for new award—Industrial regulation already exists for some callings—Union's constitutional rule—Federal decision—Commission in Court Session—Reference to proceed	698
Claim for coverage of assistants employed by Public Health Department in community health work—Objection by other union—Another union has right to enrol workers and was negotiating award coverage—Granted	671
Claim of exclusive coverage of "certified scaffolder" and "scaffolder"—Union not party to award—Constitution rules of unions—Provisions of Act relating to questioning provisions inserted by previous order—Dismissed—Metal Trades	680
Objection to insertion of "motor vehicle driver" into catering award—One award to cover whole workforce—Constitutional coverage previously granted by Commission in Court Session—Employers' need for uniformity of conditions—Dismissed—Catering Industry	582
Definitions	
Claim that academic staff are neither workers nor engaged in any industry—Jurisdiction of Commission—Definitions of Industrial Matter, Industrial Dispute, Worker and Industry—Dismissed—University Academic Staff	445
Claim for altered definition of Electrician Special Class—Possession of post trade qualifications—Dilution of definitions—Dismissed—Electrical Contracting Industry	299
Claim for altered definition of construction work—Resolution of differences via Board of Reference—Dismissed—Electrical Contracting Industry	299
Dispute whether re-wiring constitutes construction work—Suggested similarity of conditions and disabilities—Claim not tested—Dismissed—Electrical Contracting Industry	299
Claim to 'clarify' definition of week—Notice of termination of contract—Previous decision—Provision in other awards—Notice given at or before commencement includes that day in notice period—Electrical Contracting Industry	299
Claim for inclusion of definition of month—Interpretation of month is well known—Refused—Electrical Contracting Industry	299
Claim for exclusion of word sex from preference clause—Non-discrimination—Prescription of Commission in Court Session—Refused—Electrical Contracting Industry	299
Claim for provisions to prevent tradesmen being called on to carry out work beyond scope of their trade—Restriction inadvisable—Dismissed—Mineral Sands Processing	343

CUMULATIVE INDEX—continued

Page

Definitions—continued

Dispute as to extent of meaning of "clerk"—Previous decisions—New South Wales and Industrial Appeal Court definitions—Managerial and executive positions excluded—Overaward payments will not cause exclusion—Hotels Industry.....	523
Dispute whether work done by unregistered persons constitutes nursing work—Unique functions of nurses—training afforded to third or lowest level nursing—Dividing line between "nursing" and "good samaritan" activities—Principle purpose for which worker engaged—Award to extend to unsupervised, untrained persons as they are workers engaged in nursing—Nursing Assistants.....	533
† Case stated by magistrate—Question of additional leave entitlement for working 11½ hours whilst on annual leave—Previous decision on "day or part thereof"—Appeal Court decision—Ordinary meaning—Police.....	487
Claim re breach of award—Entitlement to casual loading—Expected duration of employment—Meaning of month at common law—Interpretation Act definition—Appeal decision—Upheld—Metal Workers.....	801

Demarcation

Dispute as to whether fitters or riggers lift counterweights at crushing and screening plants—Inspections—Scope and practice of Trade of fitter—Provisions of agreement—Lifted by fitters but inspected by licensed rigger—Iron Ore Industry.....	77
Dispute regarding loading and unloading engine room parts — Previous decisions — Custom and practice — Union's constitution rules — Safety — Ship's crew and ship repair firm's employees to carry out work — Maritime Industry.....	165
Definition and qualifications of instrument maker and repairer as opposed to instrument technician—Award provisions—Dispute as to rates of pay—S.E.C.	422

Disabilities

Claim for higher grouping—Previous decision—Inspections—"Usual" working conditions—Granted—Iron Ore Industry.....	79
Claim for increased allowance for construction workers and work on lintels and seals boxes while furnace is running—Previous decision—Inspections—Granted—Iron Ore Industry.....	174
Claim for special payment to maintenance tradesmen—Inspections—Federal and other States decisions—Granted in part—Government Building and Engineering Trades.....	405
Claim for conditions similar to Iron Ore Industry—Work for Iron Ore Company—Not "side by side" work—Not involved in same industry—General claim dismissed—Dust allowance increased—Contractors.....	403
Claim for payment of isolation allowance—Area removed from regular public transport—Survey questionnaires on mode of travel—Transportation factors in "indexation increases"—Cost considerations—Decision stating rule re travel time and expenses—Dismissed—Railway Employees.....	832
Claim for payment of isolation allowance—Availability of public transport—Survey questionnaire on mode of travel—Discoloration of vehicles from locomotive emissions—Solution to problem does not lie in an allowance—Employer to supply cleaning agents—Refused—Railway employees.....	832
Claim for allowance for all hours worked—Inspections—Compensation via area and industry allowance—Refused—Gold Mining Industry.....	842
Claim for additional payments for particular places of work and tasks—Inspections—Area and industry allowance—Granted in part—Gold Mining Industry.....	842
Claim for increased area and industry allowance—History of allowance—District allowance—Isolation—Amenities—Danger that particular factors may be double counted—Refused—Gold Mining Industry.....	842

Dismissal

Claim for <i>pro rata</i> payments—Contract terminated after "demotion"—Previous decisions regarding dismissal provisions—Employer's right to dismiss—Previous decision regarding long service leave entitlement—Granted—Clerks.....	269
Claim for reinstatement—Activity as shop steward—Reasons for termination hard to accept—Reported condition of employer's vehicles to police—Negligence in use of vehicle—Dismissed—Municipal Workers.....	267
Claim that employer's decision to dismiss a worker and suspend another harsh and unreasonable—Accusation of "Dangerous horse-play leading to fighting" unfounded—Incident found to be trivial—Granted—Iron Ore Industry.....	412
Provision sought for payment of holiday in case of dismissal within 14 days of that holiday—Previous decision contemplated remedy—Question of re-engagement—Granted in part—Electrical Contracting Industry.....	299
Claim for deletion of provision that worker lending protective equipment and recipient liable for dismissal—Penalty severe—Provision in Metal Trades Award—Dismissed—Mineral Sands Processing.....	343
Claim for re-instatement—Complications with annual leave application—Subsequent absence without leave—Absentee record—Previous conference—Worker showed little regard for delicacy of his special leave position—Refused—Metal Trades.....	676
Claim to insert new provisions—Some workers unable to comply with new roster system—Claim that unfair dismissals be determined according to principles of natural justice—Employer's right to dismiss—Provisions of Act relating to equity and good conscience—I.L.O. Recommendations—Dismissed—Hospital Industry.....	623
Claim for re-employment—Number of incidents leading to dismissal—Worker did not want re-employment with same employer—Dismissed—Hospital Industry.....	684
Claim for re-instatement—Worker made himself unavailable for work—No reason offered—Religious grounds proffered at later stage—No suggestion of breach of award—"Justice" of the matter—Exercise of employer's right—Dismissed—Mineral Sands Industry.....	824
Claim that award breached—Failure to pay wages in lieu of notice—Summary dismissal for misconduct—Chronic absenteeism may constitute misconduct justifying summary dismissal—Breach proven—Metal Trades.....	802
Claim that dismissal fair and reasonable—Damage to company property—Discipline in line camp essential—Upheld—Iron Ore Industry.....	826

CUMULATIVE INDEX—*continued*

	Page
Dispute	
Question of "real and genuine"—Preliminary point in claim for award—Previous decisions—Organisation of a sub-branch and regular meetings shows membership is active and interested—Award to proceed—Foremen and supervisors at Cliffs Robe River Iron Associates.....	177
Claim that academic staff are neither workers nor engaged in any industry—Jurisdiction of Commission—Definitions—Existence of Industrial dispute requires disagreement over an industrial matter—Dismissed—University Academic Staff.....	445
† Appeal against decision of Commission—"Dispute" not specifically revealed in Memorandum of Matters in dispute from conference—No dispute clearly defined therefore Commission lacked jurisdiction—High Court decision—Upheld—Meat Industry.....	739
District Allowances	
Appeal against decision dismissing claim for district allowance increases—Interim order of Commission in Court Session—Circumstances of each industry—Cost of living and C.P.I. movements—Industries found to be special cases—Dismissed—Engine Drivers.....	291
Claim for inclusion of new clause—Liberty reserved pending Commission in Court Session decision—Interim order issued—Intention to increase existing rates not insert new clauses—Dismissed—Bakers.....	622
Equal Pay	
Claim for equal pay for classification of assistant—Previous decision following detailed study—Previous wage relationship essentially consent nexus with related award—Wage relationship of tradesmen—Intra-award relativities to be preferred—Inspections—Granted—Pastrycooks.....	558
† Appeal against order prescribing wage rates based on gender—Principles governing appeals—Upheld and remitted—Laundry Employees.....	738
Exemption	
Complaint regarding failure to join union or seek exemption—Provisions of award—Weekly rate not hourly rate determines limit for automatic exemption—Proved—Clerks.....	804
Fares and Travelling	
Claim for provision similar to Federal award—Substantial ties with State Building Trades award—Fate of latter award—Not "rubber stamp" approval of Federal award—Granted—Engine Drivers.....	233
Federal	
Complaint regarding holiday pay—Terms and scope of Federal Ward—Notice given by worker—Major and substantial work—Proven—Clothing trades.....	147
Holidays	
Provision sought for payment of holiday in case of dismissal within 14 days of that holiday—Previous decision contemplated remedy—Question of re-engagement—Granted in part—Electrical Contracting Industry.....	299
Claim for 4 hours minimum payment for weekend and award holiday overtime—Provisions of related awards—Granted in part—Electrical Contracting Industry.....	299
Hours	
Claim for reduction in standard working hours—Differential hours worked within enterprise—"People within a location work the hours of that location"—Clerks Grain Handling.....	15
† Appeal against decision reguaranteed hours—Cancellation of work provisions—Provisions of either award or agreement apply depending on roster—Dismissed—Iron Ore Industry.....	204
† Appeal against decision reguaranteed hours—Payment for allocation of mainline duties after sign-on—Claim for time worked in addition to guaranteed hours depot to depot—Dismissed—Iron Ore Industry.....	204
Claim for inclusion of late night trading provisions—Provisions of award—Previous decisions—Commission in Court Session requirements—Background to inclusion in Shop and Warehouse award—Loadings for weekend work—Dismissed—Clerks.....	228
† Appeal against decision designating "home depot"—Re-organisation and reduced hours due to downturn—Change of circumstances demands amendment—Granted—Iron Ore Industry.....	205
Claim for 37½ hour week—Supervisory duties of foremen—Need to work longer hours—Dismissed—Foremen.....	333
Claim that work in excess of eight hours on any day be paid at overtime rates—Spread of hours—Trainee veterinary nurses attending lectures—Granted in part—Animal Welfare.....	330
Claim for earlier cessation of work—Previous decision—Agreement provision—Present starting time—Granted—Meat Industry.....	427
Claim for five day week with Saturday or Sunday being one of two consecutive days off—Contention that present provision essential to operation of industry—Previous decision on peculiarities of industry—Provision in related award—Penalties for working "days off"—Granted—Pastrycooks.....	558
Indexation	
* Appeal against decision dismissing wage claim—Binding nature of guidelines—Provisions of Act relating to Commission setting criteria for assessment of claims—Criteria or guidelines will be part of the equity, good conscience and substantial merits of the case—Commissioners' responsibility to apply guidelines—Dismissed—S.E.C.	494

CUMULATIVE INDEX—continued

	Page
Indexation—continued	
*Appeal against decision regarding claim for altered service pay scheme—Indexation guidelines—“Unfair discrepancy” category—Dealt with on merits—Binding nature of guidelines—Commission may set criteria for dealing with future cases—Such criteria do not fetter Commission’s jurisdiction—Dismissed—Printing Industry.	491
*Two applications heard together—Condition of economy—Discounting for government induced price rises—Commission’s power with regard to holding enquiry and issuing order—Retention of quarterly reviews not justified—Unfair discrepancies still exist—Modification of guidelines to allow consideration on “merit” conditional—Overaward payments—Substantial compliance—Adjourned pending Australian Commission decision.	733
Industrial Matters	
† Preliminary point regarding claim not being an “industrial matter”—Provisions of Act—Definition of “industrial matter”—Workers Compensation.	160
Claim that Commission lacks jurisdiction to make an order sought—Meaning of Worker, Industry, Industrial Dispute and Industrial Matters—Previous decisions—Provisions of Act—Dismissed—University Academic Staff.	445
Appeal against decision on preliminary points regarding lump sum Workers’ Compensation payment—Jurisdiction of Commission—Not “industrial matter”—Upheld—Fire Brigades.	489
Claim for provision of cabin to protect plant operator—Hazards associated with the work—Award provision—Commission to be mindful of acting within the jurisdiction on an industrial matter—Granted in part—Municipal Employees.	860
Industry	
† Appeal regarding award coverage—Definitions of industry—Specifications of scope clause and respondency—Dismissed—Spastic Welfare.	9
Claim that Commission lacks jurisdiction to make an order sought—Respondent said not be engaged in any industry—Statutory definitions—Previous decisions—Dismissed—University Academic Staff.	445
Claim for conditions applying to Iron Ore Industry—Work for iron ore company—Not “side by side” work—Not involved in same industry—Dismissed.	403
Claim that workers be paid according to different award—Dispute as to which industry employers operating in—“Earth works” or “building” industry—Unions’ constitution rules—“Major and substantial employment”—Dismissed—Earth Works Industry.	681
† Appeal against decision dismissing claim for government long service leave provisions—Claim that employer involved in “orderly marketing industry”—Not a public utility—Dismissed—Grain Handling.	482
Claim re failure to pay correct wages—Respondency—Organisation of pathologist employer’s business—Previous decision—Proven—Clerks.	805
Application for introduction of tally scheme—Introduction of “service kills” at smallgoods plant—Previous decisions—Changed circumstances place respondent in abattoir industry—Granted—Meat Industry.	772
Industry Allowance	
Claim for—Dangerous nature of work etc already canvassed—Award delivered only recently—Attempt to gain wage increase—Comparison with other States—Dismissed—Security Industry.	436
Claim for allowance for all classifications—Inspections—Features of work common to all employees—Previous decisions—Disabilities included in assessment of base rate—Refused—Engineering S.E.C.	385
Interpretation—Definition	
Application for interpretation of Payment of Wages clause—Background to inclusion of clause—Dual purpose in determining interval and day—General rather than particular case—Provision aimed at compensating off duty officers for fruitless visits—Gaol Officers.	57
Regarding return to work after strike—Stop work meeting delayed commencement of rostered shift—Trains cancelled or manned by other crew—Established practice shows that where commencement of shift is missed, shift is lost—Iron Ore Industry.	58
Question regarding method of calculating payment to tally workers—Provisions of award—Previous decision gives rule of interpretation—Plain and ordinary meaning of language—Meat Industry.	135
† Case stated by Magistrate—Question of additional leave entitlement for working 11½ hours whilst on annual leave—Previous decision on “day or part thereof”—Appeal Court Decision—Ordinary meaning—Remitted—Police.	487
Application for—Dispute regarding rate of pay payable when leave is accrued—Award makes no provision for accrual of leave—Question not capable of being answered—Laundry Workers.	630
Application for—Eligibility for allowance for attending to refrigeration compressor etc—History of provision—Allowance not payable—Engine Drivers.	628
Interpretation regarding <i>pro-rata</i> payment for part-time workers—Reduction of ordinary hours—Provisions of award—Calculation according to hours of service over accruing period—Day Care Centres.	627
*Appeal against interpretation of “one week”—Regarding contract of service—“Calendar” or “working” weeks—Distinction between work to be performed under the contract of service and the contract of service itself—Dismissed—Electrical Contracting Industry.	498
Question of rate applicable where work commences on day preceding public holiday and overtime extends into public holiday—Provisions of award—Payable at holiday rates—Iron Ore Industry.	799
Intervention	
Question of leave to intervene—Industrial Appeal Court decision—Distinction between “right to be heard”, and “power in the Commission to grant such right”; “absence of right does not deny the power”—Iron Ore Industry.	80

CUMULATIVE INDEX—*continued*

	Page
Isolation Disability	
Claim for rest and recreation provision—Distant construction work in remote areas—Provision in other awards—Granted—Metal Trades.....	237
Claim for additional allowance—District allowance—Maintenance work on home in workers absence—Previous decision—Refused—Electrical Contracting Industry.....	299
Claim for rest and recreation provision—Recent Decision—Flow on—Electrical Contracting Industry.....	299
Claim for payment of isolation allowance—Area removed from regular public transport—Survey questionnaires on mode of travel—Transportation factors in “indexation increases”—Cost considerations—Decision stating rate re travel time and expenses—Dismissed—Railway Employees.....	832
Claim for increased area and industry allowance—History of allowance—District Allowance—Isolation—Amenities—Danger that particular factors may be double counted—Refused—Gold Mining Industry.....	842
Jurisdiction	
† Preliminary point regarding claim not being industrial matter and therefore denies jurisdiction—Provisions of Act—Definition of “industrial matter”—Previous decision—Jurisdiction confirmed—Workers Compensation.....	160
Claim that Commission lacks jurisdiction to make an order sought—Meaning of Industrial Dispute, Industrial Matters, Workers and Industry—Previous decisions—Provision of State and Federal Acts—Provisions of University Act—Role of University Visitor—Dismissed—University Academic Staff.....	445
* Appeal against decision on preliminary points regarding lump sum Workers’ Compensation payment—Not an “industrial matter” therefore no jurisdiction—Erroneous in law—Upheld—Fire Brigades.....	489
* Appeal against decision regarding claim for altered service pay scheme—Jurisdiction to make indexation guidelines binding questioned—Commission may set criteria for dealing with future cases—Such criteria do not fetter Commission’s discretion—Dismissed—Printing Industry.....	491
† Appeal against decision of Commission—Previous decisions—Formulation of a “dispute”—Grievance not specifically revealed in Memorandum of Matters in Dispute—Not true dispute therefore Commission lacked jurisdiction—Upheld—Meat Industry.....	739
Jury Service	
Claim re payment whilst rendering such service—Inequitable to require employer to make up shortfall—Redress if necessary to be sought elsewhere—Refused—Electrical Contracting Industry.....	299
Leave	
Claim for inclusion of short leave provision—Relation of short leave to compassionate leave—Parity with Salaried Officers—Refused—Nursing Aides and Assistants.....	533
Loadings	
Question of payment of annual leave loading on compulsory retirement—Standard clause of Commission—Single Commissioner not to depart from standard unless case distinguished from the generality—Equity and justice already satisfied—Dismissed—Iron and Steel Industry.....	43
Claim to reduce casual loading—History of casual provisions and loading—Previous decisions—Shift and weekend penalties to apply—Granted in part—Clerks.....	
Claim for 25% loading—Provisions of related awards—Disposition of site <i>vis a vis</i> other mining operations—Provisions of iron ore awards—Granted—Gold Mining Industry.....	842
Claim re shift loading—Provision elsewhere—Recent agreement on loading—Indexation of that loading—Refused—Engineers Wire Industry.....	795
Long Service Leave	
Claim for government provisions—Relationship with government hospitals award for other conditions—Extended to some private hospitals by agreement—Found to be hospital workers but not in government service—Refused—Red Cross.....	22
† Appeal against Industrial Magistrate’s decision—Award provisions—Payment in lieu on resignation—Calculation of entitlement—Remitted—Clerks.....	210
Claim for <i>pro-rata</i> payment—Contract terminated after “demoted”—Previous decision regarding <i>pro-rata</i> entitlement—Granted—Clerks.....	269
Claim for <i>pro-rata</i> payment—Worker resigned when on Workers Compensation—Continuous service not disputed—Award coverage established—Granted—Timber Industry.....	264
Claim for reduction from ten to seven years before leave—Reflects unregistered agreement provisions—Previous decisions—Clerks conditions to apply to “blue collar” workers—Granted—Food Processing.....	293
Claim for same conditions as “Nickel Industry”—Previous decisions—Question properly dealt with by Commission in Court Session—Special conditions to be considered—Comparison with other types of mining—Dismissed—Mineral Sands Processing.....	343
Claim for <i>pro-rata</i> —Contract terminated through business downturn—Calculation of compensation—Granted in Part—Metal Industry.....	400
Claim for prospective reduction of qualifying period for Long Service Leave—Establishment of new complex—History of company industrial relations—Effect of new technology on nature of work—Previous related decision—Leisure as a form of benefit sharing—Granted—Brewing Industry.....	417
† Appeal against decision dismissing claim for government long service leave provisions—Claim that employer involved in “orderly marketing industry”—Not a public utility—Dismissed—Grain Handling.....	482
Claim for <i>pro rata</i> payment—Question of transmission of business—Definition of “business”—Previous decisions—No obligation for purchaser to retain employees of seller—Dismissed—Shop Assistants.....	814
Claim for reduced qualifying period—Commission in Court Session decision—Circumstances justifying departures from the standard—Previous decisions—Granted—Gold Mining Industry.....	842

CUMULATIVE INDEX—continued

	Page
Management Prerogatives	
† Claim that worker unfairly transferred—Duties of job and replacement—Previous decision—Commission will not interfere in management's re-organisation—Dismissed—Clerks.	439
Reference regarding lube crews reporting industry—Efficiency of service—Management right to re-organise—Previous decisions—Dismissed—Iron Ore Industry.	837
Manning—	
Application for introduction of tally scheme—Introduction of service kills at smallgoods plant—Previous decisions—"Abattoir industry"—Composition of tally team—Granted—Meat Industry.	772
Union convener requested to transfer to vacant position—Section would be undermined in his absence—Management rights—Safety—Manning levels to be altered when plant inspected—Iron Ore Industry..	840
Maternity Leave	
Claim for twelve weeks maternity and one weeks paternity leave with pay—Allowed to similar workers in Victoria—Recent decision—Uniformity to be guiding principle—Refused—Railway Employees.	675
Claim re unpaid leave—Practice re-government wages employees—Workers not allowed or required to work during six weeks prior to or after birth—Protection afforded—Question of other leave supplementing maternity leave—No principles established re interrelationship of maternity and sick leave—Nursing Aides and Assistants.	533
Meal Allowance—See Smokos.	
Claim for increase—Current prescription in many awards—Movement in CPI—Figure set is not unrealistic—Clerks Grain Handling.	15
Claim for increase—Previous decision—Refusal to work overtime—Granted in part—Printing Industry.	273
Claim for increase—No criteria for assessing quantum—Provision in related award—Granted in part—Electrical Contracting Industry.	299
Claim for mess subsidy provision for working couples—Difficulties associated with midday meals—Domestic issue—Discriminates against non-working wife—Matter best dealt with between the parties—Dismissed—Gold Mining Industry.	842
Misconduct	
Claim for provision for payment up to time of dismissal—Provision of Metal Trades (General) Award—Granted—Electrical Contracting Industry.	299
Claim for re-instatement—Favoured treatment in grain sampling alleged—Supply of beer to samplers—Source and loading of grain—Onus is on employer to prove facts constituting misconduct—No rules exist in an area susceptible to mischief—Granted—Grain Handling.	690
Employer claim for relief of payment of wages up to time of dismissal—Theft or wilful damage—Entitlement to dismiss not subject to same rules as in criminal or civil court—Previous decision—Refused—Nursing Aides and Assistants.	533
Claim that award breached—Failure to pay wages in lieu of notice—Summary dismissal for misconduct—Chronic absenteeism may constitute misconduct justifying summary dismissal—Breach proven—Metal Trades.	802
Natural Justice	
Essence of Industrial Law is the Contract of Service—Conditions controlled and determined once the contract is entered into—No general prohibition on rights of parties to terminate that contract—Tribunals not to interfere unless there has been a fundamental denial of natural justice—Hospital Industry.	56
† Appeal against dismissed claim for re-employment—Principles of natural justice—Employer apparently sought to "get around" dismissal provisions—Statement of the principle on appeal—Dismissed—Nursing Aide.	208
Claim to have unfair dismissals determined according to principles of natural justice—Act provides determination according to equity, good conscience and substantial merits—Found to be synonymous—Dismissed—Hospital Industry.	623
Nexus	
Claim to alter nexus from one award to another—Comparison with hospital cleaners—Industrial Appeal Court decisions—Rates for minority should not set basis for industry—Dismissed—Cleaning Contractors.	248
Claim for "fares and travelling" and "shift work" provisions similar to Federal award—Substantial ties with State Building Trades award—Fate of latter award—Not "rubber stamp" approval of Federal award—Granted—Engine Drivers.	233
Reference of industrial dispute for new award—Previous wage fixation method—Principles involved in the flow on of benefits gained by consent—Nexus refused—Food Processing Industry.	214
Claim for increased total wage and changed method of wage fixation—Origin of rates—Subsequent recommendations—"Better of two worlds" criterion—Rates and wage structure elsewhere—Origin of "experience rate"—Federal decision—Granted in part—Engineering S.E.C.	385
Claim for equal pay for classification of assistant—Previous decision—Previous consent nexus with related award—Wage relationship of Tradesmen—Intra award relativities to be preferred—Inspections—Granted—Pastrycooks.	558
Claim for nexus change—History of State and Federal awards—Previous decisions—Relationship of certain classifications to other awards—Inspections—Comparisons with other awards—Granted—Catering Industry.	582
Claim for wages comparable with supply vessels in oil or gas industries—Rates previously set by agreement—Comparison with other vessels—Granted in part—Maritime Industry.	853
New basis of wage fixation sought—Claim for nexus with state award—Origin of current fixation—Nature of work—Existence of overaward payments—Commercial Travellers—Refused.	740

CUMULATIVE INDEX—continued

	Page
<i>Nexus—continued</i>	
Claim for maintenance of nexus with federal award—Previous state and federal decisions—Federal award altered to paid rates—Financial position of respondent—Employer adopted principle of paid rates—Granted—Goldfields Transport Workers.	788
Claim for increase in Special Rates—Wage nexus with federal award extended to conditions by agreement—In contested amendment Commission will not depart from basis of award unless exceptional circumstances exist—Dismissed—Cereal Processing.	755
Increased wage sought to maintain wage relationship—Composition of total wage—Previous decisions—"Better of two worlds" approach—Base rate to increase but total wage not to alter—Storemen S.E.C.	786
Claim that builders' labourers be paid higher group rate—Recent decision allowing similar claim—Respondent practice of paying higher rate—Previous decisions having regard to federal rates—Refused—Building Trades—Government.	798
Claim for wage increase—Desire to break one federal nexus and create another—Federal decision regarding work value increase—Inspections—Granted—Transport Workers.	790
Claim for annual leave calculation to be according to another award—Other award does not cover seasonal work—Nexus not established in this case—Dismissed—Meat Industry.	829
 <i>Over Award Payment</i>	
Claim for additional payment to equate with that paid to blue collar employees—Changes in relativity—Reasonableness of existing over award payment for "average" work—Differences in award wage structures—Indexation guidelines—Granted in part—Clerks Cement Industry.	425
Claim covering tradesmen and trades assistants—Previous decisions—considerations giving rise to such payments—Commission in Court Session decisions to prevail in absence of special circumstances—Refused—Cement Industry.	401
 <i>Overtime</i>	
Claim for payment—Overtime allegedly offered then withdrawn—Award provisions—Verbal roster agreement—Rostered worker not expected to be available but was—No offer found—Dismissed—Iron Ore Industry.	266
Claim for double time for pre-start work—Previous decision—Earlier starting time introduced—Workers refusing to do overtime at current rate—Granted in part—Printing Industry.	273
Claim for payment at double time of all overtime outside ordinary hours—No support found in related awards—Refused—Electrical Contracting Industry.	299
Claim for 4 hours minimum payment for recalls and for weekend and award holiday overtime—Provision of related awards—Granted in part—Electrical Contracting Industry.	299
Claim for four hours pay for standby—Disruption caused on weekdays compared with weekends—Previous decision—Dismissed—Foremen.	333
Claim that work in excess of eight hours on any day be paid at overtime rates—Trainee veterinary nurses attending lectures—Granted in part—Animal Welfare.	330
Claim for double time payment and for ten hour break—Deletion of proviso excluding recalls of less than three hours from counting as overtime for purpose of ten hour break—Minimum payment on recall to be increased to four hours—Dismissed—Mineral Sand Processing.	343
Claim that overtime workers be selected from workers performing the class of work required—Preferential treatment in allocation of overtime—Problem serious in years past—Refused—Pipe, Tile and Pottery Manufacturing.	568
Claim that casual workers be granted usual overtime provisions—Granted though provision subsequently deleted in speaking to the Minutes—Pastrycooks.	558
Claim for recall provisions—Granted—Dispute regarding payment of overtime rates to workers paid in excess of 20% above minimum award rate—Decision of Industrial Magistrate—Ordinary hourly rate payable—Clerks.	523
Interpretation where work commences on day preceding public holiday and overtime extends into public holiday—Provisions of award—Shift did not commence after 11 p.m.—Payable at holiday rates—Iron Ore Industry.	799
 <i>Part Time Workers</i>	
Claim re calculation of <i>pro rata</i> annual leave—Ordinary hours in the year—Workers best interest to preserve full leave at <i>pro rata</i> rather than reverse—Granted—Nursing Aides and Assistants.	533
Claim for amended provision covering hours and ratio of part-time workers—Award prescription—Problems overcome by discussion—Granted in part—Pastrycooks.	558
Claim that union approval be sought on engagement of part time workers—Need to ensure full time workers not prejudiced—Liberty reserved—Clerks.	523
Interpretation regarding <i>pro rata</i> annual leave payment—Reduction of ordinary hours—Calculation according to hours of service over accruing period—Provisions of award—Day Care Centres.	627
Complaint regarding failure to join union or seek exemption—Provisions of award—Weekly rate not hourly rate determines limit for automatic exemption—Clerks.	804
 <i>Penalty Rates</i>	
Claim for increased penalties applying to Saturday work and the half day in a 5½ day week—Background to late night trading provisions—Decisions on Saturday morning loadings—Analogy of sixth day to public holiday work—Dismissed—Clerks.	228
Claim re Saturday and Sunday Work—Five day week sought with Saturday or Sunday being one of two consecutive days off—Previous decision on peculiarities of industry—Provision in related award—Penalties for working "days off"—Granted in part—Pastrycooks.	558

CUMULATIVE INDEX—*continued*

	Page
Preference	
Claim for deletion of word sex from preference clause—Non discrimination—Prescription of Commission in Court Session—Refused—Electrical Contracting Industry	299
Complaint regarding failure to join union or seek exemption—Provisions of award—Part-time worker—Did not earn above limit regarding exemption—Proved—Clerks.	804
Alleged breach of award—Failure to apply for union membership—Not established that employer bound by award—Dismissed—Clerks.	806
Counterclaim re workers receiving twenty per cent or more above award rate of pay—Similar provision elsewhere—Refused—Commercial Travellers.	740
Public Holidays	
Claim for same holidays as apply to supervisors—Provisions of Public Service Act—Provisions in other States—Granted—Foremen.	333
Interpretation of rate applicable where work commences on day preceding public holiday and overtime extends into holiday—Provisions of award—Payable at holiday rates—Iron Ore Industry.....	799
Public Interest	
Question of relating to claim for award—Create divided loyalties—Managerial nature of the work—Industrial regulation by award for “managerial levels” been occurring since 1961—Award to proceed—Foremen and supervisors at Cliffs Robe River Iron Associates.....	177
Rates of Pay	
Claim that builders’ labourers be paid the wage for bricklayer’s labourer—No award but order regulates conditions and wages according to government award—Work as tradesman’s assistant rather than labourer—Granted—W.A. Institute of Technology	85
Claim for special provisions for temporary clerks—Workers supplied by contractors—Discrepancies between clients’ employees rates of pay—Attempts to grade clerks futile—Dismissed—Clerks.....	133
Claim for increased rates to maintain relativities—Federal work value decision—Relation to Federal rates—Decisions granting increases to government tradesmen notwithstanding relativities—Dismissed—Builders Labourers	265
Claim for increase for tradesmen and adult workers—Background and structure of existing award rates—Rates payable under Federal and other State awards—Comparative wage justice—Contiguous operation of Federal and State awards—Granted—Electrical Contracting Industry	299
Supplementary decision—Claim for increase as Commission had ‘double discounted’ license allowance payable under Federal award—Total rates only to move to reflect changes in Federal award—Granted—Electrical Contracting Industry	299
Claim for increase—Comparison with other metal tradesmen—Rates in other States—History of relativities—Granted—Food Industry.....	414
Claim for increase—Rise granted elsewhere—Alleged unfair discrepancy despite not recognised relativity—Previous decision—History of current rates—Relative skills of workers—Change in wage differential overtime—Granted in part—Grain Handling Industry.....	410
Rate sought for new classification—Origin of extra payment—Current form of payment inappropriate—Previous decision re marginal and special rates—Provision of related award—Granted in part—Railways.....	356
Additional rate sought—Tie in with Federal award—Previous decision—Hours worked—Allowance not to be looked at in isolation to total conditions of employment—Granted in part—Maritime Workers.....	361
Claim for additional payment to equate with that paid over award to blue collar employees—Changes in relativity—Reasonableness of existing over award payment for “average” work—Differences in award wage structures—Indexation guidelines—Granted in part—Clerks Cement Industry	425
Claim for increase—Composition and origin of current rates—Previous decisions—Power of Commission—Indexation guidelines—Granted in part—Engineering S.E.C.	385
Claim re nursing aide special class—Current method of classification—Post basic qualifications—Aides unable to progress upwards in hierarchy—Entitlement to higher rate—Nursing Aides.....	533
Claim re nursing assistants—Changes in nature of work since previous examination—Certain assistants have no involvement with basic nursing care and are more properly aligned to domestic workers—Other assistants to continue relationship with the nurse—Nature of work and extent of training programmes—Wage relationship in all States—Nursing Assistants.....	533
Claim re registered nursing aides—Nature of work—Training courses—Question of “cover” or liability within context of civil law relating to claims for damages for negligence—Wage relationship of aide to nurse in all States—Anomalies—Registered Nursing Aides	533
Claim for wages in “Steel Fabrication Order”—Previous decision—Employer’s financial situation—Not simply comparative wage justice—Dismissed—Metal Trades.	831
Claim for wages comparable with supply vessels in oil or gas industries—Wages previously set by agreement—Comparison with other vessels—Granted in part—Maritime Industry.....	853
Claim for twenty per cent increase—Eroding effect of indexation—Expenses associated with isolation—Possibility of double counting for such factors—Previous decisions on wage indexation principles—Dismissed—Gold Mining Industry.....	842
Recall	
Claim for 4 hours minimum payment for re-calls—Provision of related awards—current provision—Refused—Electrical Contracting Industry	299
Claim for increased minimum period of payment—Award provisions—Previous decisions—Number of call outs—Time worked—Hours paid—Refused—Gold Mining Industry.....	842

CUMULATIVE INDEX—*continued*

Page

Records

Claim that license or permit number be shown in time and wages record—Allowed—Electrical Contracting Industry	299
Claim that workers residential address be shown in time and wages record—Administrative difficulties—Personal follow up is preferable means of communication—Refused—Electrical Contracting Industry	299

Redundancy

Claim for more advantageous provisions—Reorganisation and relocation—Commission in Court Session decision unknown—Company's transfer policy "just not good enough" rather than question of "hardship"—Comparison with other schemes not relevant—Dismissed—Iron Ore Industry	433
Claim for four weeks' pay for each year of service and payment of removal costs and fares—Provisions in other industries—No common standard—Dismissed—Mineral Sands Processing	343

Reinstatement

Claim for—Leading hand left work ill—Could not find superior to notify him—Made arrangements for locking up—Termination unfair—Granted—Meat Industry	87
Claim for—Work near completion so workers laid off—Union claim shop steward exempt from "last on first off" principle—Dismissed—Construction Industry	66
† Appeal against order denying claim for—Employer's right to dismiss as opposed to employee's right not to be dismissed—Employer-Employee relationship—Dismissed—Hospital Industry	11
Claim for—Worker initially refused to perform X-rays—Reprimand warranted—Majority decision—Hospital Industry	67
Claim for—Activity as shop steward—Reasons for termination hard to accept—Reported condition of employer's vehicles to police—Negligence in use of vehicle—Dismissed—Municipal Worker	267
† Appeal against decision ordering—Worker unfit to commence work when new contract offered—Previous decision—Dismissed—Nursing Assistant	207
† Appeal against dismissed claim for re-employment—Principles of natural justice—Employer apparently sought to "get around" dismissal provisions—Alleged cruelty to patients—Dismissed—Nursing Aide	208
Claim for—Work history with employer—Nature of work—Form of termination—Employer rights—Dismissed—Main Roads	435
Claim for—Complications with annual leave application—Subsequent absense without leave—Absentee record—Previous conference—Worker showed little regard for delicacy of his special leave position—Refused—Metal Trades	676
Claim for—Functions of grain samplers—Dockage for sprouted grain—Favoured treatment in sampling—Supply of beer to samplers—Source of loading of grain—Onus is on employer to prove facts constituting misconduct—No rules exist in an area susceptible to mischief—Granted—Grain Handling	690
Claim for—Worker made himself unavailable for work—No reason offered—Religious grounds proffered at later stage—No suggestion of breach of award—Exercise of employer's right—Dismissed—Mineral Sands Industry	824

Relativity

Claim for increased rates—Federal work value decision—Relation to Federal rates—Decisions granting increases to government tradesmen notwithstanding relativities—Dismissed—Builders Labourers	265
Claim for increased rate of pay—Rise granted elsewhere—Alleged unfair discrepancy despite no recognised relativity—Previous decision—Change in wage differential over time—Granted in part—Grain Handling Industry	410
Claim for equal pay for classification of assistant—previous decision consequent upon detailed study—Previous wage relationship essentially consent nexus with related award—Wage relationship of tradesman—Intra award relativities to be preferred—Inspections—Granted—Pastrycooks	558

Responsibility

Claim by two employers to be not operating in certain industry—Inspections—Nature of work—Struck out as party to award—Electrical Contracting Industry	299
Claim for new award—Answers filed and objection lodged by another union—Situation governed by Regulation and the Act—Objection filed was in the nature of estoppel—Possible adoption of role of intervener—Objecting union deemed not to be respondent—Municipal Employees	821
Alleged breach of award—Failure to apply for union membership—Not established that employer bound by award—Dismissed—Clerks	806
Claim re failure to pay correct wages—Organization of pathologist employers business—Previous decision—Proven—Clerks	805

Retrenchment

Claim for retrenchment according to seniority—Seniority historically an important element of employer/employee relationship—Employer rights to terminate—Granted—Meat Industry	428
--	-----

Rules

Application to amend constitution rule—Objections—Decisions on previous applications—Rules of various branches prior to amalgamation—Classifications closely related to classifications in existing constitution—Extension of activities of and union interest in S.E.C.—Granted in part—Engineering Industry	379
---	-----

CUMULATIVE INDEX—*continued*

	Page
Safety	
Claim for provision of safety boots for contractors' employees—Firm using contractors supplies its own workers with safety footwear—Previous decisions refused claim—Particular conditions and circumstances—Granted—Iron Ore Industry.....	80
Claim for additional payments for particular places of work and tasks—Alleged damaging effects of certain substances—Commission in no position to make findings—Remedy lies in effective control or provision of protective equipment—Refused—Gold Mining Industry.....	842
Claim for provision of cabin to protect plant operator—Hazards associated with the work—Cost considerations—Award provisions—Industrial matter—Granted in part—Municipal Employees.....	860
Union convenor requested to transfer to vacant position—Section would be undermanned in his absence on industrial matters—Safety—Manning levels to be altered when plant inspected—Iron Ore Industry.....	840
Scope	
Delivery of new awards—Line between private and government sectors of the industry—Existing scope of awards—Source of finance for institution—Paramount element is ability of the Hon. Minister for Health to exercise direct control over the institution—Nursing Aides and Assistants.....	533
Dispute whether work done by unregistered persons constitutes nursing work—Unique functions of nurses—Purpose for which worker engaged—Award to extend to unsupervised, untrained persons as they are workers engaged in nursing—Scope of award limited only by virtue of Constitution rule of applicant union—Nursing Assistants.....	533
Seasonal Work	
Claim for such provisions—Capacity utilization of abattoirs—Problems facing meat industry—Meaning of seasonal work—Provisions of Federal awards—Granted—Meat Industry.....	428
Shift Work	
Interpretation regarding return to work after strike—Commencement of rostered shift delayed by stop work meeting—Trains cancelled or manned by other crews—Established practice shows shift is lost—Iron Ore Industry.....	58
Claim for provisions similar to Federal award—Ties with State Building Trades award—Fate of latter award—Not "rubber stamp" approval of Federal conditions—Granted Engine Drivers.....	233
Claim for increased allowance—N.S.W. decision—Previous decision regarding nursing aides and assistants—Restriction for part time workers—Calculation and apportionment of hours—Granted in part—Nurses.....	240
Claim for one weeks notice of intent to introduce—Interests of members—Reasonable notice—Specific details to be made known—Granted in part—Electrical Contracting Industry.....	299
Dispute as to whether shifts are to be worked on construction projects—Resolution by Board of Reference—Electrical Contracting Industry.....	299
Claim for increased loading—Disabilities—Shifts often worked by choice—ILO study—Recent decision—Refused—Nursing Aides and Assistants.....	533
Claim for inclusion of shift work clause—New South Wales decision—Not an ordinary shift work industry—Previous decision fixes additional rates for night and weekend work—Rates increased but existing clause retained—Clerks.....	523
Claim re shift loading—Provision elsewhere—Recent agreement on loading—Indexation of that loading—Refused—Engineers Wire Industry.....	795
Sick Leave	
Claim for increased benefit—Provisions of "Federal" award—No other evidence submitted—Objection on grounds that this should be sought by award amendments—Dismissed—Iron Ore Industry.....	80
Claim for the flow-on of sick leave provisions gained elsewhere by consent—Principles involved—Inequitable for the Commission to award less than the present standard—Food Processing Industry.....	214
Claim for payment of accrued leave on retirement—Other workers receive provision—Dismissed—Foremen.....	333
Claim for increased quantum after twelve months service—Previous decision—Incidence of claimed provision—Question of Commission standard—Liberty to apply—Pipe, Tile and Pottery Manufacturing.....	568
Claim re quantum and cumulation—Extended incapacity—Minister for Labour may grant additional sick leave—History—Criteria and success rate re applications—Reference to Commission where dispute exists over exercise of Minister's discretion—Nursing Aides and Assistants.....	533
Claim for payment of accrued sick leave on retirement—Provisions of Public Service—Comparison with other workers in the port—Dismissed—F.P.A. Pilots.....	778
Smokos	
Claim for increased meal allowance—History of existing clause—Counter claim for limitation based on notice—Previous decision—Granted—Clerks.....	228
Claim for altered smoko arrangements—Relation to Building Trades Workers—Refused—Electrical Contracting Industry.....	299
Dispute as to time elapsing before meal break to be taken—Previous decision—Situation in construction camps—Claim for reduced elapsed time refused—Electrical Contracting Industry.....	299
Claim for increased meal allowance—No criteria for assessing quantum—Provision in related award—Granted in part—Electrical Contracting Industry.....	299
Special Rates and Provisions	
Claim for paid shopping time—Hours of work prevent personal shopping—Early finish with make-up scheme granted—Iron Ore Industry.....	80

CUMULATIVE INDEX—continued

	Page
Special Rates and Provisions—continued	
Claim for "R. & R. Provisions" to be applied to maintenance workers—Provisions of agreement—Engagement in Perth or locally—Granted—Iron Ore Industry.....	80
Claim for increased dust allowance—Previous inspections and decision—Federal decision—Granted in part—Iron Ore Industry.....	80
Claim for dust allowance—Power of Commission to allow alteration of claim—Provisions of Act—Inspections—Previous experience regarding dust—Previous decisions—Granted—Iron Ore Industry.....	84
† Appeal against Board of Reference decision regarding confined space allowance—Inspections—Allowance paid for work in smaller pipes—Dismissed—Water Supply.....	13
Claim for revised Higher Duties provision—Existing provision a relic—Problems to be resolved by approach to Commission rather than Board of Reference—Clerks Grain Handling.....	15
Claim for telephone and laundry allowances—Benefits apply to other workers employed by employer—No requirement to have telephone—Different award issued out of different jurisdiction—Dismissed—Clerks.....	164
Claim for increased allowance—Construction workers and work on lintels and seals boxes while furnace is running—Previous decision—Inspections—Granted—Iron Ore Industry.....	174
Question regarding certain penalties being used by management to make up minimum rate for tally workers—Terms of award—Rule of interpretation—Right to additional payment conferred—Meat Industry.....	135
Claim for provision of tools or tool allowance—Practices of other employers—Provisions on other awards—Previous decisions—Dismissed—Mineral Sands Processing.....	343
Claim for increases—Previous decision—Provisions of federal awards—Uncertainty as to meaning of federal clause—Granted in part—Maritime Workers.....	361
Claim that workers working on ladder always have "ground" assistant—Long standing provision—Dismissed—Mineral Sands Processing.....	343
Claim that qualifying period for "experience rates" be reduced for tradesmen—Federal decision—Nature of work and necessary familiarization periods—Time calculated on the average situation—Refused—Engineering S.E.C.....	385
Claim that "experience rates" be prescribed for semi-skilled workers—Origin and extension of rates in S.E.C.V. Award—Inspections—Accommodation within "better of two worlds" criterion—Granted—Engineering S.E.C.....	385
Claim for increased special payments—"Better of two worlds" criterion—Relation to indexation guidelines—Comparison of rates in S.E.C.V. and general industry in W.A.—Importance of electricity supplies—Granted in part—Engineering S.E.C.....	385
Claim for industry allowance for all classifications—Inspections—Features of work common to all employees—Previous decisions—Disabilities included in assessment of base rate—Refused—Engineering S.E.C.....	385
Claim that payment in lieu of all allowances be increased—History of payment—Inspections—Identifiable work areas—Differing degrees of "disability"—Granted—Mineral Sands Processing.....	343
Claim for deletion of provision that workers lending protective equipment and recipient liable for dismissal—Penalty severe—Provision in Metal Trades Award—Dismissed—Mineral Sands Processing.....	343
Claim for increased tool allowance—Prescriptions in other awards or agreements—Replacement cost of kit—Incidence of replacement—Insurance of kit—Granted in part—Electrical Contracting Industry.....	299
Claim for increased rates of pay for tradesmen and adult workers—Background and structure of existing award rates—No case to vary base rate—License allowance and increased special payment granted—Electrical Contracting Industry.....	299
Supplementary decision—Claim for increased wages as Commission had 'double discounted' license allowance Payable under Federal award—Granted—Electrical Contracting Industry.....	299
Dispute as to whether kitchen "whites" are uniforms—Claim for laundry allowance—Previous decisions—Granted—Catering Industry.....	582
Claim for increased special payment—Recent Commission in Court Session decision—Nature of work—Inspections—Parent award—Granted—Gas workers S.E.C.....	687
Claim for increase—Wage nexus with Federal award extended to conditions by agreement—in contested amendment Commission will not depart from basis of award unless exceptional circumstances exist—Dismissed—Cereal Processing.....	755
Stand Down	
Determination sought on question of availability of useful work—Cyclone Alby—Terms of award—Obligation on employer to prove workers could not be usefully employed—Metal Trades.....	68
Claim for amended breakdown clause—Provision of Metal Trades (General) Award—Existing provision not shown to be deficient—Dismissed—Electrical Contracting Industry.....	299
Claim for new provision—Refused previously but circumstances changed—Strikes and power failures cause cessation of trade—South Australian decision—History of dispute resolution in the industry—Shop Assistants...	621
Supervision	
Claim for compensation for theft of tools of trade—Worker responsible for proper maintenance of vehicle from which tools were stolen—Management practice of ensuring proper maintenance—No award requirements re safekeeping of worker's property—Refused—Engineers M.R.D.....	827
Strike	
Interpretation regarding return to work after strike—Stop work meeting delays commencement of shift—Plane missed—Trains cancelled or manned by other crews—Established practice shows shift lost—Iron Ore Industry...	58
Claim that employer not entitled to reduce annual leave on account of absences through leave without pay and strike—Warning by Commissioner—Board's refusal to meet and discuss claim—Dismissed—Water Supply.....	172
Supplementary and Special Payments	
Claim for special payment for maintenance tradesmen—Inspections—Three components—Federal and other States' decisions—Familiarisation, Expertise and Diverse Skills—Disabilities—Granted in part—Government Building and Engineering Trades.....	405
Claim for increased "Service Allowance"—Unfair discrepancy alleged—Comparison with government security workers not valid—dismissed—Security Industry.....	436

CUMULATIVE INDEX—continued

	Page
Supplementary and Special Payments— <i>continued</i>	
Claim for service pay amounts payable in Nickel Industry—Claim that current payments inadequate—Dismissed—Mineral Sands Processing.....	343
Claim for higher rates after completion of second and third year of service—Origin and extension of experience rates—Federal decision—Commission in Court Session decision—Refused—Gas Workers SEC.....	687
Claim for increased special payment—Recent Commission in Court Session decision—Nature of Work—Inspections—Parent award—Granted—Gas Workers SEC.....	687
Claim for increased service pay—Rates paid in industry—Comparison with other States—Previous decisions—Commission in Court Session decisions prevail unless “special circumstances” demonstrated—Employer’s offer awarded—Cement Industry.....	686
Claim for amended and increased service pay provision—Structure of scheme—Average duration of service—Short life of operation—Granted in part—Gold Mining Industry.....	842
Tallies	
Interpretation regarding minimum daily and additional payments—Provisions of award—Plain and ordinary meaning of language—Previous decision for rule of interpretation—Meat Industry.....	135
Application for introduction of Tally Scheme—Introduction of “service kills” at smallgoods plant—Previous decisions—“Abattoir industry”—Principle of reasonable “kill time”—Composition of tally team—Granted—Meat Industry.....	772
Technological Change	
Claim for prospective reduction of qualifying period for Long Service Leave—Establishment of new complex—Effect of new technology on nature of work—Previous related decision—Leisure as a form of benefit sharing—Granted—Brewing Industry.....	417
Termination	
Application for replacement of usual contract of service clause—Essence of industrial law is the contract of service—No general prohibition on rights of parties to terminate that contract—Application seeks to shackle freedom of the employer—Dismissed—Hospital Industry.....	56
Claim for re-engagement—Leading Hand left work ill—Could not find superior to notify him—Made arrangements for locking up—Termination unfair—Granted—Meat Industry.....	87
† Appeal against order denying reinstatement—Employer’s right to dismiss as opposed to employee’s right not to be dismissed—Employer-employee relationship—Dismissed—Hospital Industry.....	11
Claim for re-engagement—Sister in charge of Nursing Post—Complaints by patients to Board—Rudeness and intolerance towards patients—Claim dismissed—Hospital Industry.....	168
Claim for re-instatement—Work history—Nature of work—Form of termination—Employer rights—Dismissed—Main Roads.....	435
Claim for <i>pro-rata</i> long service leave—Contract terminated through business downturn—Calculation of compensation—Granted in part—Metal Industry.....	400
Total Wage	
Increase sought to maintain wage relationship—composition of total wage—Previous decisions—“Better of two worlds” approached—Not demonstrated that total wage should alter—Granted in part—Storemen S.E.C.	786
Travelling	
Claim for allowance—Provisions of award and order—Previous decisions—Comparison with other sites—Some workers living in Collie, Bunbury and Perth—Granted in part—Muja Power Station Construction.....	74
Claim to delete provision that employer pay expenses reasonably incurred—Leave responsibility of provision of board and lodging with employer—“Reasonable incidental expenses”—Dismissed—Foremen.....	333
Claim for increased allowance—Provision of Metal Trades award for construction workers—Comparison not relevant—Granted in part—Mineral Sands Processing.....	343
Claim for payment of isolation allowance—Area removed from regular public transport—Survey questionnaires on mode of travel—Transportation factors in “indexation increases”—Cost considerations—Decisions stating rate re travel time and expenses—Dismissed—Railway Employees.....	832
Claim re splitting annual leave and provision of travelling expenses—Isolation—Previous decision—usual practices and general principles—Refused—Gold Mining Industry.....	842
Claim for additional travel assistance according to years of service—Provisions of iron ore agreements—Rest and recreation provisions in construction awards—Cost estimates—Gold Mining Industry.....	842
Dispute re vehicle provisions—Decision on method of determination—Calculation of standing charges and running costs—Granted in part—Commercial Travellers.....	740
Claim for air fares for female workers—Place of engagement—Previous decision—Engagement always at work site—Dismissed—Meat Industry.....	829
Unfair Discrepancy	
Claim for increased rate of pay—Rise granted elsewhere—Alleged unfair discrepancy despite no recognized relativity—Previous decision—Change in wage differential over time—Granted in part—Grain Handling Industry.....	410
Claim for increased total wage—Relation of previous recommendation to indexation guidelines—Private Industry rates—Wage rate surveys—Granted in part—Engineering S.E.C.....	385
Claim for additional payment to equate with that paid over award to blue collar employees—Changes in relativity—Reasonableness of existing over award payment for ‘average’ work—Differences in award wage structures—Indexation guidelines—Granted in part—Clerks Cement Industry.....	425

CUMULATIVE INDEX—continued

	Page
Unfair Discrepancy—continued	
Claim for increased service allowance—Comparison with government workers not valid—Previous decision—Dismissed—Security Industry	436
New basis of wage fixation sought—Origin of current fixation—Existence of over award payments—Rates paid <i>vis a vis</i> award rates elsewhere—Refused—Commercial Travellers	740
Unions	
† Dispute as to which union tradesman's assistants should belong—Constitutions of various unions—History of constitutional changes—Previous decisions—"Electrical labourer" covers assistants—Assistants to electrical tradesmen not eligible to belong to A.W.U.—Iron Ore Industry	71
† Appeal against award coverage—Claim that Clerks' Union not HSOA is relevant union—History of appeal—Specifications of scope clause and responency—Definition of "industry"—Dismissed—Spastic Welfare	9
Objection to compulsory unionism clause—New award—Dismissed—Car Salesmen	30
Alleged breach of award regarding application for union membership—Scope clause does not expressly tie in employees—Responency—Work performed—Dismissed—Furniture Trade	148
Demarcation dispute regarding loading and unloading engine room parts—Previous decisions—Custom and practice—Union's constitution rules—Safety—Ship's crew and ship repair firm's employees to carry out work—Maritime Industry	165
Application to amend constitution rule—Objections—Decisions on previous applications—Rules of various branches prior to amalgamation—Classifications closely related to classifications in existing constitution—Extension of activities of and union interest in S.E.C.—Granted in part—Engineering Industry	379
Claim for two week period of notice for shop stewards—Steward is firstly a worker—Position does not merit additional consideration—Refused—Electrical Contracting Industry	299
Claim re conduct of union business—Role of shop stewards—Decision when existing award issued—Refused—Electrical Contracting Industry	299
Claim that workers be paid according to different award—Dispute as to whether work is in "earthworks" or "building" industry—Unions' constitution rules—"Major and substantial employment"—Dismissed—Earth Works Industry	681
Application for joinder—Provisions of Act—Scope of awards—Constitution rules—Applicant union never a party to an award in the industry—Previous decisions—Industrial Appeal Court decision—Relation of workers to management—Refused—Metal Trades	696
Claim of exclusive coverage of "certified scaffolder" and "scaffolder"—Union not party to award—Constitution rules of unions—Provisions of Act in relating to questioning provisions inserted by previous order—Dismissed—Metal Trades	680
Claim to cancel award provision relating to driving engines—Engine Drivers Union not party to award—Provisions of award had not been applied to engine drivers—Difference in union's constitution rule in Federal and State unions led to insertion of provision as in Federal award—Appeal Court Decision—Dismissed—Construction and Maintenance	820
Union convenor requested to transfer to vacant position—Section would be undermanned in his absence on industrial matters—Safety—Manning levels to be altered when plant Inspected—Iron Ore Industry	840
Claim for new award—Answers filed and objection lodged by another union—Situation governed by Regulation and the Act—Objection filed was in the nature of estoppel—Possible adoption of role of intervenor—Objecting union deemed not be respondent—Municipal Employees	821
Complaint regarding failure to join union or seek exemption—Provisions of award—Part time worker—Did not earn above limit regarding exemption—Proved—Clerks.	804
Wage Indexation	
Claim for increased total wage—Composition and origin of current rates—previous decision—Indexation guidelines—Nexus—Unfair discrepancy—Change in nature or conditions of work—Granted in part—Engineering S.E.C.	385
† Preliminary judgement—Request to award Federal decision—Previous decision—Guidelines—Industrial Appeal Court decision regarding guidelines pending—Hearing to proceed on delivery of decision from Appeal Court	481
* Appeal against decision regarding claim for altered service pay scheme—Indexation guidelines—"Unfair discrepancy" category—Dealt with on merits—Binding nature of guidelines—Commission may set criteria for dealing with future cases—Such criteria do not fetter Commission's jurisdiction—Dismiss—Printing Industry. ...	491
* Appeal against decision dismissing wage claim—Binding nature of guidelines—Provisions of Act relating to Commission setting criteria for assessment of claims—Criteria or guidelines will be part of the equity, good conscience and substantial merits of the case—Commissioners' responsibility to apply guidelines—Dismissed—S.E.C.	494
† Two applications heard together—Condition of economy—Discounting for government induced price rises—Commission's power with regard to holding enquiry and issuing order—Retention of quarterly reviews not justified—Unfair discrepancies still exist—Modification of guidelines to allow consideration on "merit" conditional—Overaward payments—Substantial compliance—Adjourned pending Australian Commission decision	733
Wages	
Alleged failure to pay correct wages—Classifications within award—Worker employed under an agreement—Was agreement a contract of service or a contract for services?—Difference between worker and contractor—Dismissed—Electricity Supply	60
Claim re failure to pay correct wages—Wages record—Question as to whether worker was dismissed without notice—Meal break times differed from wages record—Proven—Transport Industry	62
Complaint of failure to pay correct wages—Dispute as to hours worked—Proven in part—Hotel Industry	149
Reference of industrial dispute for new award—Previous wage fixation method—Decisions in support of that proposition—Flow-on of benefits gained by consent—Principles involved—Nexus refused—Food Processing Industry	214
Claim for increased rates to maintain relativities—Federal work value decision—Relation to Federal rates—Decisions granting increases to government tradesmen notwithstanding relativities—Dismissed—Builders Labourers	265

CUMULATIVE INDEX—continued

	Page
<i>Wages—continued</i>	
Claim for increase—Comparison with hospital cleaners—Attempt to destroy other nexus—Industrial Appeal Court decisions—Rates for minority should not set basis for industry—Dismissed—Cleaning Contractors	248
Claim for increase—Background and structure of existing award rates—Comparative wage justice—Contiguous operation of federal and state awards—Granted—Electrical Contracting Industry	299
Supplementary decision—Claim for increase as Commission had 'double discounted' license payable under federal award—Granted—Electrical Contracting Industry	299
Claim for increase—Award recently delivered but no appeal against those wages lodged—Industry allowance claim merely aimed at wage review—Dismissed—Security Industry	436
Claim for increase—Preliminary decision relating to ability to amend award—Life of award—Quality of union's case in original hearing—Change in circumstances—Hearing to proceed—Engine Drivers	441
Claim for increase and altered structure—Present rate from Victorian Railways Federal Award—Federal decisions and work value inquiry—Comparable wage rates justified—Granted in part—Railway Workers	358
Claim for increased total wage—Composition and origin of current rates—Previous decisions—Power of Commission—Indexation guidelines—Granted in part—Engineering S.E.C.	385
Claim for increased base rate—Composition and origin of current rates—Indexation guidelines—Commission in Court Session decisions—Similar claim recently rejected by Commission—Refused—Engineering S.E.C.	385
Claim for increase—Wage structure—Comparison with Victorian rates—Definitions—Lines of demarcation not to be drawn—Granted in part—S.E.C.	422
Claim for total rate—Claim for increase in line with other States—Granted—Laundry Workers	340
Breach of award—Claim for payment as Matron—Employer claimed worker employed as charge nurse—Definitions—Breach proven—Nurses—Private Hospitals	373
Claim for increase—Work value—Reduction in manning—Assessment of change—Granted—Engine Drivers	332
Claim for increases—Many grounds—Comparison with Metal Trades rates—Increases due—Dramatic change required—Previous decisions—Dismissed—Mineral Sands Processing	343
Claim for increase—Rise granted elsewhere—Alleged unfair discrepancy despite no recognized relativity—Previous decision—History of current rates—Relative skills of workers—Change in wage differential over time—Granted in part—Grain Handling Industry	410
Claim for reduction from two to one days wages being "held" by employer—Payment for work performed goes to fundamental basis of contract—Protection and redress for breach of contract—Provisions of Act—Granted—Pastrycooks	558
History of State and Federal awards—Previous decisions—Relationship of certain classifications to other awards—Inspections—Comparison with other awards—Realignment granted—Catering Industry	582
Claim that years of service as well as age determine wage—South Australian decision—Dismissed—Clerks	523
Claim for removal of allowance for operators of complometers etc—Work value not discussed—Hand held calculators not to be included—Dismissed—Clerks	523
Claim for increase—Nurses required to remain on duty or be available—Previous decisions regarding government workers—Granted—Nurses	618
Claim for wage increase to equate with wages in Federal Award—Duties almost identical—Other provisions apart from wages to be taken into account—Dismissed—Railway Conductors	694
Claim for increase for leading hands—Inspections—New duty statements merely "spell out" existing duties—Minor change in circumstances does not warrant increase—Iron Ore Industry	677
Claim for increase for control room operators—Inspections—Circumstances changed but did not make award provision unjust—No work value increase—Dismissed—Iron Ore Industry	677
Claim for increase for ore handlers—Mere change of circumstance insufficient—Award provision must be shown to be no longer just—Union knew of change when award delivered—Dismissed—Iron Ore Industry	677
Claim for increased total wage—Recent Commission in Court Session decision—Nature of work—Inspections—Previous agreement on basis of wage fixation—Relativities—History of rates—Granted in part—Gas workers S.E.C.	687
Claim for maintenance of nexus with federal award—Previous state and federal decisions—Federal award altered to paid rates—Financial position of respondent—Employer adopted principle of paid rates—Granted—Goldfields Transport Workers	788
Claim for wages in "Steel Fabrication Order"—Previous decision—Employer's financial situation—Not simply comparative wage justice—Dismissed—Metal Trades	831
Claim for increase for Control Room Operators—Changed circumstances—Function of positions hasn't changed but methods have—Inspections—Increase in work value—Granted in part—Iron Ore Industry	840
Claim for 20% increase—Eroding effects of indexation—Expenses associated with isolation—Possibility of double counting for such factors—Previous decisions on wage indexation principles—Dismissed—Gold Mining Industry	842
Claim for increase—Classifications of builders' labourers—Recent decision allowing similar claim—Respondent practice of paying higher rate—Inspections—Previous decisions having regard to federal rates—Nexus—Refused—Building Trades Government	798
Increase sought to maintain wage relationship—Composition of total wage—Previous decisions—"Better of two worlds" approach to wage fixation—Recognised nexus—Not demonstrated that total wage should alter—Granted in part—Storemen S.E.C.	786
Claim for wages comparable with supply vessels in oil or gas industries—Rates previously set by agreement—More work relating to offshore drilling would develop—Comparison with other vessels—Granted in part—Maritime Industry	853
Claim re failure to pay correct wages—Respondency—Organisation of pathologist employer's business—Previous decision—Proven—Clerks	805
New basis of fixation sought—Claim for nexus with State award—Origin of current fixation—Nature of work—Existence of over award payments—Unfair discrepancy—Refused—Commercial Travellers	740
Claim re breach of award—Entitlement to casual loading—Contract of service—Expected duration of employment—Meaning of month—Upheld—Metal Workers	801
Claim to increase wages—Desire to break one nexus and create another—Federal decision—Work value considerations—Inspections—Previous decision—Granted—Transport Workers	790
<i>Workers Compensation—</i>	
† Preliminary point regarding—Objection on ground that claim seeks to circumvent effects of legislation—Commission's power to make order which is inconsistent with Statute of Parliament—High Court decision finds this an industrial matter—Act prescribes minimum compensation and allows higher payment	160
Appeal against decision dismissing claim for <i>pro-rata</i> annual leave while on compensation—Severing of contract of service—Industrial Matter—Dismissed—Building Industry	289

CUMULATIVE INDEX—*continued*

	Page
Work Value	
Claim for increased total wage—changes in work skills and responsibility established—Federal work value inquiry—Granted in part—Engineering S.E.C.	385
Claim for increased wages—Reduction in manning—Assessment of change—Granted—Engine Drivers	332
Claim for increased wages for control room operators—Inspections—Change in circumstances but no increase in work value—Award provision not unjust—Dismissed—Iron Ore Industry.	677
Claim to increase wages—Desire to break one nexus and create another nexus—Federal decision—Work value considerations—Inspections—Previous decision—Granted—Transport Workers.....	790
Claim for wage increase for Control Room Operators—Changed circumstances—Function of positions hasn't changed but methods have—Inspections—Increase in work value—Granted in part—Iron Ore Industry	840
