

In the High Court
of Australia

No 6 of 1926.

Granger
-v. Yoro
The
Common-
wealth

Reasons for judgment
Isaacs. J.

Delivered 21.10.1926

HIGH COURT OF AUSTRALIA.

Court Copy. (pp. 1 - 3)

GRANGER AND OTHERS

v

THE COMMONWEALTH.

JUDGMENT.

MR. JUSTICE ISAACS.

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JUDGMENT.

...

ISAACS J.

This is an action in which four plaintiffs, employees of the Commonwealth, in the Small Arms Ammunition Factory, severally claim a declaration that as from October 27, 1924, they were entitled to be paid as Toolmakers of Machine Tools under a federal award. The award was made on 22 December, 1924, and by its terms became operative as from 27 October 1924. It provides for employees in the circumstances of the plaintiffs a basic wage of £4/4/6 per week. The marginal rates include the following:- "Tradesman, first class machinist, fitters" 24 shillings per week, and "Toolmaker of machine tools" 27 shillings per week. The plaintiffs have been paid in addition to the basic wage, which is undisputed, the marginal rate of 24 shillings a week for skill as turners and also 3/- a week for merit. The merit payment is purely voluntary and is quite outside the award. It cannot form any admission of higher grade than is acknowledged by the payment of 24 shillings under the award and I build no conclusion upon the merit payment. It would be unfortunate if any voluntary merit payment were to be regarded as an acknowledgement of a status above the one actually paid for by the award amount, for such a consequence would probably deter the Department from granting merit payments. The plaintiffs' claim to the higher status must be determined on the terms of the award and the evidence as

applied to it. // As originally framed, no definition was given of the expression "Toolmaker".

But in September 1925 a variation ^{OF} ~~in~~ the award was ordered as to several matters and was directed to take effect as from the 18th of that month. The variation included a definition of "toolmaker" as follows:- "Toolmaker means an employee engaged in making or completing special precision tools which require greater skill to make or complete than is possessed by an ordinary fitter and turner."

The position then is that two separate periods have to be considered. The first is from October 27, 1924 to September 17, 1925, and the second is from September 18, 1925 to the date of the commencement of this action. As to the first period I have to consider the meaning of the term "Toolmaker of Machine Tools" apart from the new definition of "Toolmaker", and as to the second, I have to be guided by that definition so far as it extends. I say so far as it extends, for it does not define "Machine Tools", but merely "Toolmaker".

With respect to the first period, I think that the proper meaning of the term "Toolmaker of Machine Tools" is neither so broad as the plaintiffs contend for, nor so narrow as that urged by the defendant.

Regarding as a whole the award as it originally stood, and applying to it the evidence as to the nature of the operations and the amount of skill and care necessary to produce the tools made by the plaintiffs, and the accuracy required in that production, I arrive at the ^{CONCLUSION} ~~con-~~

that in its original form the expression "Toolmaker of Machine Tools" meant exactly what it means since the variation. Therefore in determining the present meaning of the phrase, I determine the whole action. As I have said no special definition of "Machine tools" is given, and for the simple reason that none is required. The expression taken by itself has its ordinary primary meaning of any tools for any machine. But the special definition of "Toolmaker" read in conjunction with "machine tools" restricts the application of the term "machine tools", because only tools of "special precision" are included for present purposes. After giving full consideration to the evidence I accept substantially the view presented on the part of the plaintiffs. I find that the tools which the plaintiffs have been and are engaged in making are special precision tools which require greater skill to make than is possessed by an ordinary fitter or turner.

There will therefore be a declaration as sought.

Judgment to be entered for the plaintiffs with costs.