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[1935

Factories and Shops Acts.

DETERMINATION OF THE MUSICIANS BOARD.

Adjusted pursuant to section 21 of the *Factories and Shops Act 1934* (No. 4275).

Note.—This Determination applies to the whole of the State of Victoria.

I, WILLIAM DEMPSTER, in pursuance of the powers contained in the Factories and Shops Acts and in consequence of the provisions contained in a determination made on the 30th September, 1935, by the Musicians Board, and published in the *Government Gazette* on the 15th October, 1935, hereby issue an adjusted determination showing the adjusted wages rates to be paid as from the first Saturday in December, 1935, to any person employed as a player of any musical instrument.

(1) WAGES.

(A) GRAND OPERA, GRAND BALLET, CONCERTS, OR RELIGIOUS PERFORMANCES.

Weekly Employees.

(A1) For the purpose of this sub-clause (A) a week's work shall be deemed to consist of seven performances, namely, six at night and one matinee, or, at the option of the employer, of any performances and/or rehearsals to the aggregate number of seven, in either case all such seven to be held within seven consecutive days and none on Sunday.

(A2) Leaders—

| | £ | s. | d. |
|---|---|----|---------|
| (i) Week's work | 8 | 17 | 0 |
| (ii) Each performance not included in week's work | 1 | 2 | 6 extra |

(A3) Principals—

| | £ | s. | d. |
|---|---|----|---------|
| (i) Week's work | 6 | 17 | 0 |
| (ii) Each performance not included in week's work | 0 | 18 | 0 extra |

(A4) Other performers—

| | £ | s. | d. |
|---|---|----|---------|
| (i) Week's work | 5 | 17 | 0 |
| (ii) Each performance not included in week's work | 0 | 15 | 9 extra |

Casual Employees.

| | | | |
|--|---|----|---|
| (A5) Leaders—each performance | 1 | 12 | 0 |
| (A6) Principals—each performance | 1 | 5 | 8 |
| (A7) Other performers—each performance | 1 | 2 | 6 |

(B) GENERAL THEATRICAL ENTERTAINMENTS, INCLUSIVE OF PANTOMIME, VARIETY SHOW, VAUDEVILLE, REVUE, COMIC OPERA, MUSICAL COMEDY, DRAMA, BURLESQUE, MINSTREL SHOW, AND OTHER ENTERTAINMENTS SIMILAR TO ANY OF THESE NOT ELSEWHERE PROVIDED FOR BY THIS DETERMINATION.

Weekly Employees.

(B1) For the purpose of this sub-clause (B)—

(i) A week's work of six performances shall be deemed to consist of six night performances, or, at the option of the employer, of any performances and/or rehearsals to the aggregate number of six, all such performances and/or rehearsals in either case to be held within seven consecutive days and none on a Sunday.

(ii) A week's work of twelve performances shall be deemed to consist of two performances on each of six calendar days, or, at the option of the employer, of any performances and/or rehearsals to the aggregate number of two on each of such days, all such twelve performances and/or rehearsals in either case to be held within seven consecutive days and none on a Sunday.

| | £ | s. | d. |
|---|---|----|---------|
| (B2) Week's work of six performances | 4 | 11 | 6 |
| (B3) Week's work of twelve performances | 7 | 11 | 6 |
| (B4) Each performance not included in week's work | 0 | 13 | 6 extra |
| (B5) Pianist employed additionally for voice trials or similar work 4s. 6d. extra per hour of such work with a minimum payment as for one hour. | | | |

Casual Employees.

| | £ | s. | d. |
|---|---|----|----|
| (B6) Each performance by any one (other than a pianist playing alone) | 0 | 19 | 10 |
| (B7) Each performance by pianist playing alone | 1 | 2 | 6 |
| (B8) Pianist employed only for voice trials and similar work 5s. 5d. per hour with minimum as for one and a half hours. | | | |

(C) PICTURE SHOWS.

Weekly Employees.

(C1) For the purpose of this sub-clause (C)—

- (i) A week's work of six performances shall be deemed to consist of six night performances, or, at the option of the employer, of any performances and/or rehearsals to the aggregate number of six, all such six performances and/or rehearsals in either case to be held within seven consecutive days and none on Sunday.
- (ii) A week's work of twelve performances shall be deemed to consist of two performances on each of six calendar days, or, at the option of the employer, of any performances and/or rehearsals to the aggregate number of two on each of such days, all such twelve performances and/or rehearsals in either case to be held within seven consecutive days and none on a Sunday.

| | | | |
|---|---|----|---------|
| | £ | s. | d. |
| (C2) Week's work of six performances | 4 | 3 | 0 |
| (C3) Week's work of twelve performances | 7 | 3 | 0 |
| (C4) Each performance not included in a week's work | 0 | 14 | 0 extra |

(C5) Pianist employed additionally for voice trials or similar work 5s. extra per hour of such work with a minimum payment as for one hour.

Intermittent Weekly Employees.

| | | | |
|--|---|----|---------|
| | £ | s. | d. |
| (C6) One performance per week | 0 | 16 | 0 |
| (C7) Two performances per week | 1 | 12 | 6 |
| (C8) Three performances per week | 2 | 1 | 0 |
| (C9) Four performances per week | 2 | 15 | 6 |
| (C10) Five performances per week | 3 | 8 | 0 |
| (C11) Each extra performance over five | 0 | 15 | 0 extra |

(C12) Pianist employed additionally for voice trials or similar work 5s. extra per hour of such work, with a minimum payment as for one hour.

Casual Employees.

| | | | |
|--|---|----|----|
| | £ | s. | d. |
| (C13) Each performance | 1 | 1 | 0 |
| (C14) Pianist-employed only for voice trials or similar work 6s. per hour, with a minimum payment as for one and a half hours. | | | |

(D) STAGE BAND.

Weekly Employees.

(D1) For the purpose of this sub-clause (D), a week's work shall be deemed to consist of six night performances, or, at the option of the employer, of any performances and/or rehearsals to the aggregate number of six, in either case all such six performances and/or rehearsals to be held within seven consecutive days and none on a Sunday.

| | | | |
|---|---|----|----------|
| | £ | s. | d. |
| (D2) Week's work | 2 | 18 | 0 |
| (D3) Each performance not included in week's work | 0 | 12 | 0* extra |

Casual Employees.

| | | | |
|-------------------------------|---|----|----|
| | £ | s. | d. |
| (D4) Each performance | 0 | 17 | 6* |

(E) BROADCASTING AND RELAYING.

Weekly Employees.

(E1) For the purposes of this sub-clause (E), a week's work of 18 or 36 hours shall be deemed to consist of work done in and according to the following manner and conditions, that is to say:—

- (i) In the case of the week's work of 18 hours, 3 hours, and in the case of the week's work of 36 hours, 6 hours is to be the day's work.
- (ii) The work is to be done on each of six days, all within seven consecutive days and none on a Sunday.
- (iii) It is to be done between 12 noon and 12 midnight.
- (iv) The employee is to be off duty for at least one hour between 1 p.m. and 3 p.m., and one hour between 5 p.m. and 7 p.m.
- (v) Each day's work is to be done in separate periods of either 1½ or 3 consecutive hours, chosen at the employer's option.
- (vi) During the second hour of each period of three consecutive hours, the employee is to be allowed an interval of at least ten minutes, which is to be deemed to be time worked.
- (vii) If not more than one-third in all of any one of the said periods of 1½ or 3 hours is used in performances, the employer is to have the right to use one-third of such period for rehearsals.

| | | | |
|---|----|----|---------|
| | £ | s. | d. |
| (E2) Week's work of 18 hours | 4 | 11 | 6 |
| (E3) Week's work of 36 hours | 18 | 11 | 6 |
| (E4) Each performance not included in a week's work and not exceeding three hours | 0 | 15 | 0 extra |
| (E5) Pianist not member of orchestra employed for accompaniments and occasional solos— | | | |
| (i) For 36 hours in a week not including Sunday | 5 | 8 | 0 |
| (ii) For each hour over 36 in the week | 0 | 6 | 0 extra |

Casual Employees.

| | | | |
|---|---|----|----|
| | £ | s. | d. |
| (E6) Per hour, with a minimum payment as for three hours— | | | |
| (i) Pianist playing alone | 0 | 8 | 6 |
| (ii) Others | 0 | 7 | 6 |

Relaying.

(E7) If the whole or part of any musical performance of employees engaged otherwise than exclusively for broadcasting is broadcast, each of the said employees shall be paid, in addition to his prescribed rate, 5s.* for each such performance.

(F) CIRCUSES.

(F1) Musicians employed in circuses shall be paid at the rate of £5 15s. per week of six performances, which sum is to include all travelling allowances other than fares. Each additional performance shall be paid for at the rate of 15s. per performance. A casual employee shall be paid at the rate of £1 2s. per performance.

(F2) The bandmaster shall be paid at the said rates each increased by one-sixth.

(G) BRASS OR REED BANDS.

Casual Employees.

| | | | |
|---|---|----|----|
| | £ | s. | d. |
| (G1) Each performance not to exceed three hours | 0 | 15 | 0* |

* If employed for any performance or rehearsal under sub-clauses (A) or (B) 10 per cent. to be deducted.

(H) CAFES, HOTELS, RESTAURANTS, AND SIMILAR PLACES.

Weekly Employees.

| | £ | s. | d. |
|---|---|----|---------|
| (H1) For six performances, each not exceeding one hour and being one performance a day | 2 | 2 | 0 |
| (H2) For twelve performances, being two performances per day, each not exceeding one hour (but such performances on the same day may be grouped as one performance not exceeding two hours) | 2 | 12 | 6 |
| (H3) For eighteen performances, being three performances per day, each not exceeding one hour (but such performances may be grouped as one performance not exceeding one hour, and one performance not exceeding two hours, or one performance not exceeding three hours) | 3 | 17 | 6 |
| (H4) For six performances, each not exceeding one and a half hours and being one performance per day | 2 | 2 | 0 |
| (H5) For twelve performances, being two performances per day, each not exceeding one and one-half hours (but such performances may be grouped as one performance not exceeding three hours) | 3 | 13 | 0 |
| (H6) For eighteen performances, being three performances a day, each not exceeding one and one-half hours (but such performances may be grouped as one not exceeding one and one-half hours and one not exceeding three hours) | 5 | 13 | 0 |
| (H7) An employee who has an engagement under (H3) or (H6) may during the period of that engagement be engaged at the following rate:—For six performances after 7.30 p.m., each not exceeding one and one-half hours, and being one performance per night, if by the same employer and at any place within the Metropolitan District as defined in the Factories and Shops Acts | 1 | 15 | 6 |
| (H8) An employee who has an engagement under (H2) and (H3) may during the period of that engagement be engaged for six performances after 7.30 p.m., each not exceeding one and one-half hours per night, if by the same employer and at any place within the Metropolitan District as defined in the Factories and Shops Acts | 2 | 2 | 0 |
| (H9) An employee who has an engagement under (H1) and (H4) may during the period of that engagement be engaged for six performances after 7.30 p.m., each not exceeding one and one-half hours and being one performance per night if by the same employer and at any place within the Metropolitan District as defined in the Factories and Shops Acts | 2 | 4 | 0 |
| (H10) For six performances, each not exceeding three hours | 4 | 0 | 0 |
| (H11) To employees working after 7.30 p.m. and not between the hours of 11 a.m. and 7 p.m.; for six consecutive performances between 7.30 p.m. and 11.30 p.m., not exceeding three consecutive hours | 4 | 6 | 0 |
| (H12) For an extra performance under (H1) to (H3) not exceeding one hour | 0 | 10 | 0 extra |
| (H13) For an extra performance under (H4) to (H6) not exceeding one and one-half hours | 0 | 10 | 0 extra |
| (H14) For extra performances under (H10) not exceeding three hours | 0 | 12 | 6 extra |
| (H15) The performances for which each of the foregoing rates for weekly employees are prescribed in this sub-clause (H) are performances all held within seven consecutive days and none on a Sunday. | | | |
| (H16) The performances for which the rates are prescribed in the foregoing sub-clauses (H1) to (H6) inclusive, (H10), (H12), (H13), and (H14) are performances all held between the hours of 11 a.m. and 7.30 p.m. | | | |

Casual Employees.

- (H17) An employee employed on a week day between 11 a.m. and 7.30 p.m. shall be paid 6s. an hour, with a minimum payment of 15s. for each performance.
- (H18) An employee employed on a week day after 7.30 p.m. shall be paid 7s. an hour, with a minimum payment of £1 1s. for each performance.

Playing for Dancing.

- (H19) If in any of the preceding cases covered by this sub-clause (H) an employee is required to play for dancing where arrangements are made for dancing by clearing the floor or any portion of same for that purpose, or when dancing is advertised or paid for, he shall be paid in addition to the appropriate rate hereinbefore prescribed a further 10 per cent.

(I) DANCES AND DANCING CLASSES.

Weekly Employees.

| | | | |
|---|---|----|---------|
| (I1) For the purpose of this sub-clause (I)— | | | |
| (i) A week's work of six performances shall be deemed to consist of one performance not to exceed three consecutive hours on each of six calendar days, all to be given within seven consecutive days, and none on a Sunday. | | | |
| (ii) A week's work of twelve performances shall be deemed to consist of twelve performances, two on each of six calendar days, each performance not to exceed three consecutive hours, all to be given within seven consecutive days, and none on a Sunday. | | | |
| (I2) Week's work of six performances done between 9 a.m. and 6 p.m.— | | | £ s. d. |
| (i) By any one (other than a pianist playing alone) | 4 | 3 | 0 |
| (ii) By pianist playing alone | 5 | 0 | 0 |
| (I3) Week's work of six performances done between 6 p.m. and midnight— | | | |
| (i) By any one (other than a pianist playing alone) | 4 | 8 | 0 |
| (ii) By pianist playing alone | 5 | 5 | 0 |
| (I4) Week's work of twelve performances all done between 9 a.m. and 6 p.m.— | | | |
| (i) By any one (other than by a pianist playing alone) | 7 | 3 | 0 |
| (ii) By pianist playing alone | 8 | 1 | 0 |
| (I5) Week's work of twelve performances not all done between 9 a.m. and 6 p.m.— | | | |
| (i) By any one (other than a pianist playing alone) | 7 | 8 | 0 |
| (ii) By pianist playing alone | 8 | 6 | 0 |
| (I6) Each performance on a week day not included in a week's work | 0 | 15 | 0 extra |
| (I7) Pianist playing alone on a week day in dancing classes— | | | |
| (i) For not more than 30 hours in a week | 4 | 3 | 0 |
| (ii) For each hour over 30 in a week | 0 | 5 | 0 extra |

Casual Employees.

| | | | |
|---|---|----|----|
| (I8) Performing at a dance on a week day : Per hour with a minimum payment as for three hours— | £ | s. | d. |
| (i) Pianist playing alone | 0 | 10 | 6 |
| (ii) Others | 0 | 7 | 6 |
| (I9) Performing at a dancing class on a week day : Per hour, with a minimum payment as for three hours— | | | |
| (i) Pianist playing alone | 0 | 6 | 0 |
| (ii) Others | 0 | 5 | 0 |

(J) SKATING RINKS AND OTHER LIKE FORMS OF ENTERTAINMENT NOT ELSEWHERE PROVIDED FOR.

Weekly Employees.

| | | | |
|--|---|----|----|
| (J1) For the purpose of this sub-clause (J)— | | | |
| (i) A week's work of six performances shall be deemed to consist of one on each of six days, each performance not to exceed three consecutive hours in duration, all to be held within seven consecutive days, and none on a Sunday. | | | |
| (ii) A week's work of twelve long performances shall be deemed to consist of two performances on each of six calendar days, each performance not to exceed three consecutive hours in duration, all twelve to be held within seven consecutive days, and none on a Sunday. | | | |
| (iii) A week's work of twelve short performances shall be deemed to consist of two performances on each of six calendar days, each performance not to exceed two consecutive hours in duration, all twelve to be held within seven consecutive days, and none on a Sunday. | | | |
| (J2) Week's work of six performances | £ | s. | d. |
| (J3) Week's work of twelve long performances | 3 | 19 | 0 |
| | 6 | 19 | 0 |

| | |
|--|--------------|
| (J4) Each performance on a week day not included in a week's work of six performances or twelve long performances, and not to exceed three consecutive hours | £ s. d. |
| (J5) Week's work of twelve short performances in roller skating rinks, performances to be held between 2.30 p.m. and 5 p.m., and between 8 p.m. and 10.30 p.m. | 0 12 6 extra |
| (J6) Each performance on a week day in roller skating rink not included in week's work of twelve short performances, and not to exceed two consecutive hours | 4 13 0 |
| | 0 10 0 extra |

Casual Employees.

(J7) Six shillings per hour on a week day, with minimum payment as for two hours in roller skating rink and as for three hours in other cases.

(K) PERFORMANCES FOR SUCH DANCING AND FOR OTHER PURPOSES AS ARE NOT ELSEWHERE PRESCRIBED FOR HEREIN.*Casual Employees.*

| | |
|--|---------|
| (K1) Pianist playing alone, each performance on a week day, not to exceed three hours in duration | £ s. d. |
| (K2) Employee (not being pianist playing alone)— | 1 11 6 |
| (i) Engaged for one performance on a week day not to exceed three consecutive hours in duration, and in this case to be given between 9 a.m. and 11 p.m. | 1 2 6 |
| (ii) Engaged for two such performances to be given on one day, with one hour interval between them for refreshments | 1 15 0 |
| (iii) Engaged for three such performances to be given between 10 a.m. and 10 p.m. on one day, with one hour interval between each two performances for meals | 2 5 0 |

(L) GRAMOPHONE RECORDING.*Casual Employees.*

| | |
|---|---------|
| (L1) To employees not receiving any royalty, 10s.* per hour on week days, with a minimum payment as for two hours | £ s. d. |
| | 0 10 0* |

(M) CONDUCTOR LEADERS.*Weekly or Casual Employees.*

(M1) A conductor leader shall be paid the appropriate rate for a member of the orchestra, with an addition of one-fourth of such rate.

Intermittent Weekly Employees.

(M2) A conductor leader shall be paid 5s.* extra for each performance.

(N) LEADERS.*Weekly or Casual Employees.*

Where there is a conductor in an orchestra (not being an orchestra to which sub-clause (A) of this clause (2) applies), the leader in such orchestra shall be paid the appropriate rate for a member of the orchestra with an addition of one-sixth of such rate.

(O) ADDITION TO PRESCRIBED RATE IF EMPLOYEE PLAYS ONE OR MORE EXTRA INSTRUMENTS.*Weekly Employees.*

| | |
|--|--------------|
| (O1) If any extra instrument supplied by employee: each performance during week of employment— | £ s. d. |
| (i) If three performances or less | 0 4 0* extra |
| (ii) If four | 0 3 6* extra |
| (iii) If five | 0 3 0* extra |
| (iv) If six or more | 0 2 6* extra |
| (O2) If no extra instrument supplied by employee: For each performance | 0 2 6* extra |

Casual Employees.

| | |
|---|--------------|
| (O3) If any extra instrument supplied by employee: For each performance | £ s. d. |
| (O4) If no extra instrument supplied by employee: For each performance | 0 5 0* extra |
| | 0 3 6* extra |

Exceptions.

(O5) The flute and piccolo are not extra to each other, nor are other instruments extra to each other which the Victorian Branch of the Musicians' Union of Australia by its authorized representative and the employer concerned agree are not to be considered extra.

(P) REHEARSALS NOT INCLUDED BY OPTION OF EMPLOYER IN A WEEK'S WORK IN LIEU OF A PERFORMANCE.
All Weekly or Casual Employees intended to be employed in a performance for which the rehearsal is held, including Conductor Leaders, Leaders, and Principals.

| | |
|--|---------|
| (P1) In grand opera, and other work comprised in sub-clause (A) of this clause— | £ s. d. |
| (i) Commencing before 3 p.m. not to exceed two hours | 0 9 0 |
| (ii) Commencing before 3 p.m. not to exceed three hours | 0 13 6 |
| (iii) Commencing at or after 3 p.m. not to exceed two hours | 0 11 3 |
| (iv) Commencing at or after 3 p.m. not to exceed three hours | 0 16 11 |
| (P2) In any other work— | |
| (i) Commencing before 3 p.m. not to exceed two hours | 0 7 0½ |
| (ii) Commencing before 3 p.m. not to exceed three hours | 0 10 0½ |
| (iii) Commencing at or after 3 p.m. not to exceed two hours | 0 10 0½ |
| (iv) Commencing at or after 3 p.m. not to exceed three hours | 0 15 0½ |
| (P3) In the case of weekly employees the foregoing rates proscribed in this sub-clause are extra rates to be paid in addition to the rates proscribed for the week's work. | |

Other Employees.

| | |
|---|-------------|
| (P4) Pianist employed only for rehearsals with company or artists in grand opera or any other work comprised in sub-clause (A) hereof— | £ s. d. |
| (i) Weekly employee for 36 hours in a week, excluding Sunday | 4 13 0 |
| (ii) Weekly employee for each hour over 36 in the week | 0 5 5 extra |
| (iii) Casual employee for each hour on a week day, with a minimum payment as for three hours | 0 4 6 |
| (P5) Pianist employed only for rehearsals with company or artists in any general theatrical or other work comprised in sub-clause (B) hereof— | |
| (i) Weekly employee for 36 hours in a week, excluding Sunday | 4 8 0 |
| (ii) Weekly employee for each hour over 36 in the week | 0 4 6 |
| (iii) Casual employee for each hour on a week day with minimum payment as for three hours | 0 4 1 |

* If employed for any performance or rehearsal under sub-clauses (A) or (B) 10 per cent. to be deducted.

§ If employed for any performance or rehearsal under sub-clause (B) 10 per cent. to be deducted.

(Q) ADDITION TO PRESCRIBED RATES FOR PERFORMING OUTSIDE ORCHESTRA PIT OR WELL.

Weekly or Casual Employees.

| | | | |
|---|---|----|----------|
| (Q1) Where an orchestra is required to perform on the stage in view of the audience— | £ | s. | d. |
| For each musician—per performance | 0 | 2 | 6* extra |
| (Q2) Where a musician is required to play in view of the audience either solo or as one of a duet, trio, or otherwise than in the ordinary way as part of a complete orchestra— | | | |
| For such musician—per performance | 0 | 3 | 0* extra |

(R) ADDITION TO PRESCRIBED RATES WHERE EMPLOYEE SUPPLIES MUSIC.

Weekly Employees.

| | | | |
|--|---|----|----------|
| (R1) Employee required to supply music | £ | s. | d. |
| | 0 | 10 | 6* extra |

Casual Employees.

| | | | |
|---|---|---|----------|
| (R2) Employee so required—per performance | 0 | 3 | 6* extra |
|---|---|---|----------|

(S) HIGHER DUTIES.

If a musician engaged to do certain work is required to do in lieu thereof other work for which a higher rate is prescribed, he shall be paid for such other work at the higher rate with a minimum payment as for one performance or as for three hours on each occasion on which he is so required.

(2) TIME OF PAYMENT.

(a) In theatres and similar places all moneys payable under this Determination to a weekly or intermittent weekly employee shall be paid not later than the first interval on a Friday in each week, but where it has been customary to pay employees on Saturday, and not on Friday, such moneys shall be paid not later than the first interval on the Saturday night.

(b) If a weekly or intermittent weekly employee's engagement be terminated, all moneys due to him under this Determination shall be paid within 48 hours of the termination.

(c) All moneys due under this Determination to a casual employee shall be paid upon the completion of the work for which he is engaged.

(3) NO DEDUCTION FOR MEALS SUPPLIED.

No deduction from any of the payments herein prescribed shall be made for meals supplied by an employer to an employee.

(4) ARRANGING BAND PARTS, ETC.

The payments prescribed by this Determination do not include any sums to be paid to a conductor leader or leader, or any other employee for arranging band parts, or doing any orchestration.

(5) TERMINATION AND OTHER INCIDENTS OF EMPLOYMENT.

(a) Where an employee is not expressly engaged as a casual employee, he shall be deemed to be engaged as a weekly employee or an intermittent weekly employee (as the case may be).

(b) A casual employee may at any time enter into an agreement with his employer to become a weekly employee, but such agreement shall not affect any casual rates payable by the employer to the employee before such agreement is entered into unless it is entered into within three days of the beginning of his employment as a casual employee, in which case he shall be deemed to have been a weekly employee from such beginning.

(c) Where an employee is required by an employer to go on tour he shall be deemed to be in the employment of the employer at least from the time at which he begins to travel on the tour and to remain in such employment at least until he finishes travelling on his return from the tour, unless in the meantime the employment has been determined legally for malingering, inefficiency, neglect of duty, or misconduct.

(d) The weekly wage prescribed by this Determination shall be paid to each weekly employee or intermittent weekly employee who is ready and willing to perform the work provided for by the Determination during any week whether he is required to perform such work or not, and this provision is to apply to all engagements whether for open-air performances or otherwise.

(e) An employee to become entitled to the wage prescribed for a weekly employee or for an intermittent weekly employee is to perform such of the work provided for as the employer shall from time to time require on the days and during the hours usually worked by the class of employee affected.

(f) A weekly employee or intermittent weekly employee shall be engaged and paid as for at least one week.

(g) The employment of a weekly employee or of an intermittent weekly employee is to be terminated on either side only by a week's notice, either given in writing or plainly posted up on the call board or other place seen by the employees in the ordinary course of their employment, which notice may be given at any time during the week at or before the beginning of work on a day, to expire at the end of the sixth calendar day succeeding such day, or if the sixth day be a Sunday, of the fifth day, and the employee shall only be entitled to payment *pro rata* for the time up to the expiration of the notice.

(h) Where the period of employment of a weekly employee or of an intermittent weekly employee (as the case may be) includes in addition to one or more complete weeks, a part of a week, the weekly employee shall be paid for each whole or fraction of a calendar day included in the part of a week one-sixth of his prescribed weekly wage, and the intermittent weekly employee shall be paid as a casual employee for any work done by him during such part of a week.

(i) Where an employee is engaged as a weekly employee for any fixed number of performances per week, the engagement shall not be altered to a weekly engagement for which a less sum is prescribed, except on a week's notice to the employee.

(j) Nothing in this Determination shall affect any legal right to dismiss without notice any employee whether on tour or not for malingering, inefficiency, neglect of duty or misconduct, and in the case of such dismissal wages and other moneys or allowances due under this Determination shall be payable for the employment up to but not after the time of dismissal.

(k) Notwithstanding anything contained in this Determination, an employer may in the case of any weekly employee deduct payment of wages on any day on which an employee cannot be usefully employed because of—

(i) Any strike.

(ii) Any breakdown of machinery.

(iii) Any stoppage of work unavoidable by the employer other than a stoppage due to weather.

Provided that this sub-clause shall not affect the operation of clause (10) hereof—

(1) Except so far as circus employees are expressly referred to in this Determination their working conditions of employment shall be those now existing in respect of musicians engaged in circuses.

(6) DURATION, ETC., OF PERFORMANCES.

(a) Except as otherwise provided in this Determination, the duration of performances (with intervals included), so far as covered by the rates of pay prescribed in clause (1), shall not exceed the following times respectively:—

(i) In picture shows, two and three-quarter consecutive hours.

(ii) In circus entertainments, three and one-half hours.

(iii) In general theatrical entertainments, three consecutive hours.

(iv) In skating rinks and other places included in sub-clause (J) of clause (2) and in dancing halls, three consecutive hours.

* If employed for any performance or rehearsal under sub-clauses (A) or (B) 10 per cent. to be deducted.

Provided that if during a performance in talking picture shows the employees are not required to perform for more than two hours in the aggregate, they may be required to work over a spread of three and one-quarter hours.

(b) Where a performance extends in duration to two and one-quarter hours without finishing, an interval of at least ten minutes shall be then allowed, unless it has been previously allowed during the performance, and in either case such interval shall be regarded as time worked.

(c) A performance shall be deemed to have started at the time notified by the employer to the employees as the starting time, or if no such time be notified to have started at the time advertised for starting the performance, but in either case if all the members of the orchestra are not present and ready to start at such time, the performance shall be deemed to start only when the orchestra actually starts playing.

(d) The provisions of this clause apply to all employees whether casual or not unless the contrary intention appears.

(7) DURATION, ETC., OF REHEARSALS.

(a) The duration of rehearsals so far as covered by the rates of pay prescribed in clause (1) shall not exceed two hours where the engagement is for a rehearsal not to exceed two hours nor more than three hours in other cases.

(b) Except as otherwise provided herein the said hours shall be consecutive.

(c) If a rehearsal having been begun before 1 p.m. will not be completed by that time, and the musicians engaged therein have previously asked or do then ask that it be adjourned for some specified time not exceeding one hour for luncheon, it shall be adjourned for not less than the specified time and not longer than one hour, but the time of such adjournment shall not for any purpose be counted as time worked by the musicians, and the work done after the adjournment shall for the purpose of payment be treated as if done continuously with that done before the adjournment.

(d) If the actors engaged in a rehearsal with musicians refuse to proceed therewith without an adjournment for luncheon and such adjournment be granted, the time of such adjournment not exceeding one hour to be between noon and 2 p.m., shall not for any purpose be counted as time worked by the musicians, and the work done after the adjournment shall be treated for the purpose of payment as if done continuously with that done before the adjournment.

(e) Where a rehearsal extends in duration to two and a quarter hours without finishing, an interval of at least ten minutes shall be then allowed unless it has been previously allowed during the rehearsal not sooner than one hour after the starting time, and in either case such interval shall be regarded as time worked.

(f) A rehearsal shall be deemed to have started at the time notified by the employer as the starting time, but if all the members of the orchestra are not present and ready to start at such time, the rehearsal shall be deemed to start only when the orchestra actually starts playing.

(g) If an employer requires the orchestra engaged in a matinee performance of a production or any member or members of such orchestra to play over any part or parts of the production for the purpose of rectifying or rearranging any part of the score or performance of the production, the musicians so employed shall, if not kept more than one hour for such purpose, only be entitled to overtime payment as prescribed in clause (9) and not to payment as for a rehearsal.

(h) The ordinary range of hours within which rehearsals are to be held shall be as follows:—

(i) From 10 a.m. to 4 p.m. if held with the actors.

(ii) From 9 a.m. to 3 p.m. if held for a continuous picture show or a picture show giving two performances a day.

(iii) From 3 p.m. to 11 p.m. if the engagement be for a rehearsal commencing at or after 3 p.m.

(iv) From 10 a.m. to 3 p.m. except as otherwise provided herein.

(i) Rehearsals beginning at 9 a.m. for continuous picture shows or picture shows giving two performances a day shall be held in the place where the musician is usually employed or in a place within half a mile thereof, and in the latter case the cost of transferring the double bass and the drums shall be borne by the employer.

(j) The provisions of this clause apply to all employees whether casual or not unless the contrary intention appears.

(8) ABSENCE FROM DUTY.

(a) Any weekly employee absent from duty shall lose pay proportionate to the time of such absence unless he produces or forwards to his employer within 24 hours of the commencement of such absence evidence satisfactory to the employer that the absence was reasonable because of either—

(i) any illness of himself due neither to his own default nor to accident arising otherwise than out of and in the course of his employment;

(ii) any bodily injury to himself caused by accident arising out of and in the course of his employment.

(b) The deduction of pay for absence from a night performance or from a performance, period of work, or rehearsal made part of the week's work for which a rate for the week is prescribed shall be proportionate to that rate and the deduction for absence from a performance or a rehearsal not part of a week's work, shall be proportionate to the rate prescribed for that performance or rehearsal.

(c) This clause shall not affect any right of the employer to determine the employment in accordance with clause (5) of this Determination.

(9) OVERTIME PAY AND ALLOWANCES.*

(a) Except as otherwise provided in this Determination, any time worked over or outside the prescribed time limit or range of any performance, period of work, rehearsal, or other work or after a break in working time prescribed to be worked consecutively or continuously shall be paid for at the rate of 1s. 3d. for each fifteen minutes or portion thereof up to midnight and of 2s. 6d. for each fifteen minutes or portion thereof after midnight.

Provided that in the case of rehearsals commencing before 3 p.m. not to exceed two hours, the payment for any time up to one hour worked over the said two hours shall be at the rate of 1s. instead of the said 1s. 3d.

(b) When the time limit of any performance, period of work, or rehearsal is exceeded by less than five minutes, such excess shall not be counted as overtime worked, but if it is exceeded by five minutes or more sub-clause (a) shall apply in respect of the whole of such excess.

(c) No overtime shall be payable in respect of the first night of a production which is within sub-clause (B) of clause (1), and which continues to be produced at the same theatre for at least six nights, but an alteration in items of a production shall not be regarded as making the first performance of such alteration a first night within this sub-clause.

(d) All time to be paid for under this clause or as overtime under any other part of this Determination shall be computed weekly in the aggregate.

(e) Where a casual employee within sub-clause (K) of clause (1) is employed for a performance exceeding four hours, such employee shall, unless meals are provided be paid not less than 3s. 6d. for refreshment expenses in addition to the other payments prescribed by this Determination.

(f) If any employee mentioned in sub-clause (H) of clause (1) is detained at the place of employment by the employer or his representative after 11.30 p.m. and if so detained until too late to travel by the last tram, train, or vehicle to his or her home, the employer shall provide proper conveyance for the employee so detained, if a female to her home, or if a male to his home if such home is more than a mile from the place of employment.

(g) The provisions of this clause apply to all employees whether casual or not unless the contrary intention appears.

(10) SUNDAYS AND PUBLIC HOLIDAYS.*

(a) For any work done on a Sunday payment shall be made at least as follows:—

(i) To weekly and intermittent weekly employees in addition to their prescribed pay for the rest of the week—

(a) For performing otherwise than at a rehearsal, 12s. per hour, with a minimum payment as for two and three quarter hours in picture theatres and three hours elsewhere.

* If work is in connexion with any performance or rehearsal under sub-clauses (A) or (B) 10 per cent. to be deducted.

Provided that this provision for a minimum payment does not apply to work continued from Saturday over midnight into Sunday and that work continued from Sunday over midnight into Monday shall for the purpose of this sub-clause be deemed all to be done on the Sunday.

- (b) For each rehearsal double the appropriate rates prescribed for work on ordinary days.
- (ii) To casual employees double the appropriate rates prescribed for work on ordinary days.
- (b) For any work done on Good Friday, Christmas Day, and Labour Day (21st April) payment shall be made at least as follows :—
- (i) To weekly employees in addition to their appropriate rates prescribed elsewhere herein, if the work be included in the week's work or be covered by the prescribed weekly rate one-sixth of the appropriate weekly rate prescribed in clause (1), and if the work be any performance not so included double the ordinary rate prescribed in clause (1) for a performance not so included.
- (ii) To intermittent weekly employees in addition to their appropriate rates prescribed elsewhere herein a further payment ascertained by dividing the appropriate rate prescribed in clause (1) by the number of the performances such rate covers.
- (iii) To casual employees double the appropriate rates prescribed for work on ordinary days.
- Provided nevertheless in respect of Labour Day that there shall be paid to weekly employees one-twelfth instead of one-sixth of the said weekly rate and one and a half times instead of double the said ordinary rate; to intermittent weekly employees a payment ascertained by dividing by twice the said number instead of by the said number, and to casual employees one and a half times instead of double the said rates.
- (c) For any work done on other holidays payment shall be made at least as follows :—
- (i) To weekly employees in addition to their appropriate rates prescribed elsewhere herein, if the work be included in the week's work or be covered by the prescribed weekly rate, one-twelfth of the appropriate weekly rate prescribed in clause (1) and if the work be any performance not so included one and a half times the ordinary rate prescribed in clause (1) for a performance not so included.
- (ii) To intermittent weekly employees in addition to their appropriate rates prescribed elsewhere herein a further payment ascertained by dividing the appropriate rate prescribed in clause (1) by twice the number of the performances such rate covers.
- (iii) To casual employees one and one-half times the appropriate rates prescribed for work on ordinary days.

The said other holidays are the days observed as New Year's Day, Australia Day (26th January), Easter Monday, Anzac Day, King's Birthday, Boxing Day, and all other days regarded and observed as holidays throughout the State; but where any of the holidays named are observed on different days in different parts of the State, employees shall only be entitled to extra payment from the one employer for work on one of such days in each year.

Provided nevertheless that there shall be paid to weekly employees one-twenty fourth instead of one-twelfth of the said weekly rate; to intermittent weekly employees a payment ascertained by dividing by four times instead of by twice the said number, and to casual employees one and a quarter instead of one and a half times the said rates.

(cc) Where any of the days specified as holidays in sub-clause (b) or (c) of this clause falls on a Sunday and in consequence a holiday is generally observed on an ordinary week day which would not otherwise be kept as a holiday, work done on such ordinary week day shall be deemed to be done on one of the days to which the said sub-clause (c) applies and shall be paid for accordingly.

(d) Where a weekly employee is employed as such in one or more performances or periods of work on one of the aforesaid holidays, at least one performance or period of three hours' work (as the case may be) shall be deemed to be a performance or period included in his week's work, and therefore not an additional or extra performance for which a lower rate is prescribed.

Provided that—

- (i) If a night performance or period of three hours occur, it shall be deemed to be the one so included.
- (ii) If the week's work consist of twelve performances or twelve periods of three hours or the equivalent thereof, two performances or two such periods, inclusive of the night performance or period of work (if any), shall if occurring on the holiday be deemed to be so included.
- (iii) Except as aforesaid none of the said performances shall be deemed to be so included unless the employer so chooses.
- (e) In the case of weekly employees (not including intermittent weekly employees) if by reason of any of the aforesaid holidays being a holiday no work is done thereon the prescribed weekly wage shall nevertheless be paid, and such holiday shall be treated for the purpose of sub-clause (A) of clause (1) as if one of the seven performances provided for in that sub-clause had occurred thereon, and for the purpose of the rest of the said clause (1) where 6, 12, 18, or 24 performances are provided for shall be treated as if one-sixth respectively of the number of performances so provided for had occurred thereon, and where no number of performances is provided for shall be treated as if one-sixth of the ordinary amount of work provided for as covered by the weekly wage had been done thereon.
- (f) If an employee is required by his employer to travel on a Sunday he shall, unless he is paid in pursuance of this clause for working on the said Sunday, be paid 7s. 6d. therefor.

(11) TRAVELLING.

(a) For all work by an employee to be done outside a 30-mile radius of the city or town where the engagement with him is made, he shall be provided with first class return boat or train accommodation.

(b) Employees when travelling by train at night shall be provided with sleeping accommodation, or if such sleeping accommodation is not provided, shall be paid the sum which is charged to the public by the Railway Department for such sleeping accommodation.

(c) In addition to the rates of pay prescribed by this Determination employees shall be allowed 10s. for each day, including Sunday, such allowance to start upon the first day upon which the employee commences travelling and to continue until the day upon which he ceases travelling :

Provided that—

- (i) Where the part spent in travelling of the commencing day and the part so spent of the ceasing day are together not more than 24 hours, 10s. shall be paid for the whole combination of such parts; where they are more than 24, but not more than 36 hours, 15s. shall be paid; and where they are more than 36 hours 20s. shall be paid.
- (ii) Where the employee commences and returns from a trip on the same day, 10s. shall be paid in respect of that day.
- (cc) (1) Where an employer engages beforehand with an employee to employ him throughout a continuous period of at least thirteen weeks in one city or town only, and not with a view to the employee working on tour either there or elsewhere, the employee shall be entitled to the allowance under sub-clause (c) hereof for only fourteen days in respect of his stay after his arrival in the said city or town.

(2) Where an employee not engaged with a view to his working on tour has been continuously employed by an employer in one city or town for at least twelve continuous months, this clause (11) shall not apply to him in respect of his return to the place of engagement.

(d) The employer shall transport or pay the reasonable cost of transporting the double bass or drums when they are to be used for the purpose of the employment.

(e) Where an employee is engaged otherwise than as a weekly or intermittent weekly employee, and the ordinary fare for return transit from the post office of the city or town where he is engaged to the place of employment is more than 6d., the employer shall pay the reasonable cost of such return transit.

(f) Where a suggestion is made by or for an employer or proposed employer to a person that the latter will be employed by the former in a certain place if he presents himself there, and such person does so present himself and is employed there, such employee shall receive from the employer all provisions, allowances and payments which would be due under this clause (11) to an employee who is situated in the place where such person is when the suggestion is made and who is definitely engaged by the employer to go from that place and work in the place where such person so presents himself and is employed.

(12) SUPPLY OF UNIFORMS.

Where an employee is required to wear special uniform other than evening dress, such uniform shall be supplied by the employer, and must be clean and in good condition, and the cost of renovation and similar costs must be paid by the employer.

(13) ACCOMMODATION.

- (a) The employer shall provide reasonable accommodation, including lavatories, for employees.
- (b) There shall be a proper entrance to and exit from the orchestra.

(14) TIME-BOOKS TO BE KEPT, ETC.

- (a) The employer shall keep a time-book or time-sheet, properly posted in ink, showing the names of and times worked by, each employee, and the wages paid to each employee from week to week.
- (b) The time-book or time-sheet, with all the entries therein shall, on demand be produced by the employer for inspection at the place where it is kept, at any time between the hours of 10 a.m. and 1 p.m. during any day except pay day, to an official of the Musicians Union of Australia, who has been authorized in writing to inspect the same by the general secretary or secretary of the State branch of the said union.
- (c) One clear day's notice shall be given to the employer of any intended inspection.
- (d) No authority to inspect shall be given by the said union unless the general secretary or State branch secretary has good reason to suspect that a breach of the Determination has been committed by the employer, whose time-book or time-sheet is to be inspected.

(15) SUB-CONTRACT, ETC.

- (a) If work of any of the kinds covered by this Determination is done by an employee or arranged to be so done in the interest in any way of an employer, this Determination shall apply to such work, employee or employer, notwithstanding that the employer causes or permits such work to be done for, or through or by means of a contractor or other person, and the employer and employee shall have the same rights and obligations to each other as if they were in respect of such work directly employer and employee.

DEFINITIONS.

- "Weekly employee" means an employee engaged by the week.
- "Intermittent weekly employee" means an employee engaged for performances on all the nights being less than six in the week on which the theatre or place of amusement is regularly opened, and for performances on other stated days or nights in each week as may be agreed upon between the employer and the employee.
- "Casual employee" means an employee engaged otherwise than by the week or than as an intermittent weekly employee.
- "Orchestra" means an orchestra of three or more players.
- "Conductor Leader" means the member of an orchestra who plays and directs the orchestra.
- "Leader" is the first or principal violin in an orchestra where there is a conductor.
- "Principal." For the purpose of section (A) of clause (1) of this Determination shall mean and include the first of a group of instrumentalists playing one class of instrument or the player of an instrument of which only one is used in the orchestra.

W. DEMPSTER,
Secretary for Labour.

Melbourne, 10th December, 1935.