



VICTORIA GOVERNMENT GAZETTE.

Published by Authority.

[Registered at the General Post Office, Melbourne, for transmission by post as a newspaper.]

No. 198]

SATURDAY, AUGUST 28.

[1937

Factories and Shops Acts.

EXCAVATION OR ROADWORK BOARD.

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

IN THE COURT OF INDUSTRIAL APPEALS.

IN the matter of the Factories and Shops Acts,

and

In the matter of an Appeal by the representatives of the employers on the Excavation or Roadwork Board against the Determination of the said Board, dated the 1st May, 1936.

Monday, the 9th day of August, 1937.

(Before His Honour Mr. Justice Martin, Mr. Charles Snell, and Mr. A. Ray.)

The above-mentioned Appeal coming on for hearing by this Court on the 6th May, 10th June, and 30th July, 1937, and this day. **UPON READING** the Appeal, and **UPON HEARING** Mr. L. Mann, Secretary of the Victorian Employers' Federation, for the employers, and Mr. A. M. Fraser, of Counsel, and a witness for the employees: **THIS COURT DOETH ORDER AND DETERMINE** :—

(1) That on the 24th August, 1937, the Determination of the Excavation or Roadwork Board dated the 1st May, 1936, shall be revoked and replaced by this Determination as to the lowest prices or rates which may be paid to any person or persons or classes of persons employed at—

(A) Excavation or earthwork in connexion with—

- (a) the building of wharfs, piers, jetties, or docks,
- (b) the forming of street channels or drains,
- (c) the diversion of streams or rivers.

(B) The construction or maintenance of streets, footpaths, or roads, and any work incidental thereto.

(C) Concrete work in connexion with or incidental to—

- (a) the construction of street channels or drains,
- (b) the diversion of streams or rivers.

(D) The construction of storm-water drains (other than main storm-water drains), and any work incidental thereto—
but not including persons who may be or are subject to a Determination of the Sewer Builders Board.

(2)

IMPROVERS.

Wages.			Proportion (by any Employer).	
		Per hour.	IMPROVERS.	
		<i>s. d.</i>	One improver to every twenty-five or fraction of twenty-five workers receiving not less than the rate fixed in this Determination for "All others."	
Under 18 years of age	..	..	1	0
18 years of age and under 20	..	..	1	3
20 years of age and under 21	..	..	1	5

NOTE.—The Wages Board has determined in accordance with section 25 (1) of the amended *Factories and Shops Act* 1934 that the trade is so unskilful that no person should be taken as an apprentice to the trade.

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OTHER EMPLOYEES.

	WAGES.					
	Within the Metropolitan District as defined in the Factories and Shops Acts and the Order in Council thereunder.		In all Other Parts of Victoria.			
	Day Shift. Per Hour.	Afternoon Shift or Night Shift	Day Shift. Per Hour.	Afternoon Shift or Night Shift.		
	s. d.		s. d.			
Leading rigger	1 11	1s. per shift in addition to the rates fixed for Day Shift.	1 10½	1s. per shift in addition to the rates fixed for Day Shift.		
Pitcher-setter, cube-setter, or pavior						
Splicer of wire rope or hemp rope						
Weigher on asphaltic concrete mixing plant						
Pipe-jointer } of cast iron or steel pipes, or of cement pipes	1 10		1 9½			
Leading pipe-layer } under internal pressure						
Leading tackle hand						
Manhole builder						
Sinker working more than 12 feet below surface in trenches for storm-water drains	1 9½		1 9			
Skid scoop (tumbling tommy) filler and driver						
Driver of six or more horses						
Batterman using batter rule						
Bituminous emulsion worker	1 9½		1 9			
Boodler in tunnel						
Person tarring or laying wood blocks						
Powder-monkey						
Rake hand on tar macadam	1 9		1 8½			
Rake hand—asphaltic concrete						
Sanitary or garbage attendant						
Sinker working more than 6 feet below surface in trenches for storm-water drains						
Scabblor in tunnel	1 9		1 8½			
Timber man in tunnel or shaft						
Tunnel man or shaft sinker						
Bitumen kettle attendant or pourer						
Filler of monkey-tail scoop	1 9		1 8½			
Hammer or drill man						
Hot asphaltic concrete shoveller or forker						
Jack hammer man						
Metal spreader from plates or dumps on road bed	1 9		1 8½			
Person mixing, gauging, spreading, laying on or finishing concrete						
Spaller						
Ploughman						
Setter-out of reinforcements	1 8½		1 8			
Cold asphaltic concrete shoveller or forker						
Tipper of monkey-tail scoop						
Manhole builder's labourer						
Person doing rough pitching	1 8½		1 8			
Slurry filler						
Tar macadam mixer or wheeler						
All others						
	1 7½		1 7			

(3) HOURS.—The hours of work shall be 44 for each week in the case of those employees who are engaged on work for which any Municipal or Shire Council is the immediate or ultimate employer. In all other cases the hours of work shall be 48 in each week. Should an employee be engaged both on Municipal or Shire work and also on other work in the same week, the hours to be worked in that week shall be 44.

(4) SHIFTS.—That the hour of beginning and the hour of ending each shift shall be as follows:—

				Time of Beginning.	Time of Ending.
				Where one shift is worked—	
Monday to Friday	..	..	(Day shift)	{ 8 a.m.	12 noon
Saturday	..	..	..	{ 1 p.m.	5 p.m.
				{ 8 a.m.	12 noon
				Where two or three shifts are worked—	
Monday to Saturday	..	..	(Day shift)	7 a.m.	3 p.m.
			(Afternoon shift)	3 p.m.	11 p.m.
			(Night shift)	11 p.m.	7 a.m.

Any of the above times may be varied or the total weekly hours may be worked from Monday to Friday on the vote of a majority of the employees.

The following rates shall be paid for all time worked by an employee before or after his shift—

- (a) In cases where the times of beginning and ending the shift have been varied by the vote of a majority of the employers and where the work is done within the hours as so varied
- (b) In other cases

Ordinary rates.
Time and a quarter for the hour immediately preceding or following the times prescribed, and time and a half for the remainder.

Provided that horse drivers shall be entitled to payment at ordinary rates only for time spent in taking charge of teams at the yard, camp, or stable, or in taking teams therefrom or returning teams thereto.

(5) **SPECIAL RATES.**—Double time shall be the special rate payable to any person who is required to work on Sundays, New Year's Day, Australia Day (26th January), Good Friday, Easter Monday, Anzac Day, King's Birthday, Labour Day, Christmas Day, and Boxing Day, but ordinary rates only shall be payable to an employee who works on any of these days at his own request. If any other day be by Act of Parliament or Proclamation substituted for any of the above-named holidays, the special rate shall be payable only for work done on the day so substituted.

(6) **WET PAY.**—An employee who is required to work in a wet place and who is not provided by the employer with gum boots or oilskins, or both, which will prevent him from getting wet, shall be paid one shilling extra for each day on which he performs any work in such wet place.

A place shall be deemed to be wet when water other than rain is dropping continually from overhead so as to saturate the clothing of the employee if unprotected, or when the water in the place where the employee is standing is over 2 inches deep.

(7) **EMPLOYEE RECALLED TO WORK.**—Any employee who is recalled to work after the expiration of his customary working time for the day, and after he has left work for the day, shall be paid at the least as for working two hours at overtime rates.

(8) **EMPLOYEE NOT REQUIRED ON NEXT SHIFT.**—Any employee who is not informed before he leaves the job at the end of his shift that he is not required to work at his next shift, and who is not put to work at the next shift, although he attends, shall be paid in full wages for half that shift not worked, except when such unemployment is due to circumstances beyond the control of the employer. This clause shall apply only where more than one shift is being worked.

(9) **PAYMENT OF WAGES.**—Payment of wages shall be made during working hours. Where payment is not so made, and such failure is not caused by special circumstances beyond the control of the employer, the employee shall be paid at ordinary rates for the time occupied in paying to him his wages.

(10) **ROTATION OF SHIFTS.**—Where practicable, shifts shall be changed in rotation each week.

(11) **CRIB TIME.**—Where two or more shifts are worked, twenty minutes shall be allowed during each shift for "crib time," without deduction from wages.

(12) **MAXIMUM OVERTIME PERIOD BETWEEN MEALS.**—When overtime is worked by an employee, or any work is performed by an employee on a Sunday, not more than four hours shall be worked without a break for a meal.

(13) **REST PERIOD AFTER OVERTIME DUTY.**—When an employee has been on duty so long as not to have had eight hours at least for rest before his next proper or usual starting time, he shall be entitled to be absent until he has had eight hours off duty.

(14) **WATER FOR ROCK DRILLING BY MACHINE.**—In places where rock-drilling machines are used in tunnels or in shafts over 10 feet deep, the employer shall, where practicable, provide, and the employee shall use, water when drilling rocks by machines. In other rock-drilling places, where practicable and reasonable, water shall be provided and used.

(15) **CLOGS.**—Rakers and shovellers of asphaltic concrete shall be provided, by the employer, with clogs.

(16) **VENTILATION.**—The employer shall install, where necessary, appliances for proper and adequate ventilation of shafts and tunnels.

(17) **WATER.**—Sufficient water for each gang shall be provided by the employer free of charge.

(18) **SANITATION.**—In all camps, where the pan system is not in use, the employer shall install fly-proof sanitary conveniences and provide attention thereto. In shifting camps, practicable and reasonable temporary provision shall be made by the employer.

(19) **CHANGING HOUSE.**—Where required, the employer shall provide on each job a sufficiently roomy enclosed and roofed structure to enable employees to change their clothing.

(20) **FIRST-AID OUTFIT AND STRETCHER.**—The employer shall provide at every job a sufficient first-aid box and a stretcher for the use of sick or injured employees, and shall keep the same always in proper order.

(21) **POWDER-MONKEY'S WORK.**—Where explosives are used, the work of a powder-monkey shall be done only by a man competent for that work.

(22) **TOOLS.**—The employer shall supply all tools necessary, which the employee shall return in good condition (fair wear and tear excepted).

(23) **PAY DAY.**—Payment of wages due under this Determination shall be made on any day other than Saturday.

ADDITIONAL PROVISIONS APPLICABLE ONLY TO WORK DONE OUTSIDE THE METROPOLITAN DISTRICT AS DEFINED IN THE "FACTORIES AND SHOPS ACTS" AND THE ORDER IN COUNCIL THEREUNDER.

The provisions of clauses 24 to 32 inclusive shall not apply to any work in connexion with which the employer elects to pay and does pay to every employee who is subject to this Determination, rates not less than those provided for work done within the above-mentioned Metropolitan District.

(24) **ERECTING AND SHIFTING CAMP.**—Employees shall be paid at their respective ordinary rates for all time occupied by them during their ordinary hours of duty in erecting or shifting camp and in removing plant and equipment. For such work performed outside the ordinary hours of duty employees shall be paid at overtime rates.

(25) **WALKING AND TRAVELLING TIME—**

(a) Where the employee has to walk between the yard, camp, depot or picking-up place of the employer and his work, and the distance to be walked is in excess of 1 mile, he shall be paid for each mile of such excess distance at the rate of one-third of the hourly rate provided for "All others."

(b) Where the employee is conveyed between the said yard, camp, depot or picking-up place and the place of work, for all time in excess of twenty minutes each way spent in such conveying he shall be paid at the rate fixed for "All others."

(26) **CAMP ALLOWANCE—**

(a) Employees who in order to be available for their work have to live in a camp established either by employers or employees for the purpose of enabling employees to be so available by living therein, shall be paid a camping allowance of 1s. for each day in which they are required to hold themselves and do hold themselves available in the camp for work throughout the said day, whether or not work is done thereon, provided that the employer shall not be bound to pay any camping allowance if—

- | | |
|---|---|
| (i) the employer provides the employee with a proper mess room and with cooked food thereat at cost price; such price not to exceed in any case 18s. per week per employee; | } whether or not the employee avails himself of these facilities. |
| (ii) proper board, at not exceeding 18s. per week, can be obtained by the employee within a reasonable distance from the camp. | |

(b) Nothing in this clause shall entitle the employer to deprive a married man living in the camp with his wife of the camp allowance, unless the employer supplies such an employee with a house at a reasonable rent.

(27) **FARES.**—The fares of an employee proceeding for the first time to work from the place of engagement shall be paid by the employer, who may deduct the amount thereof from his first or later wages.

Provided that the amount so deducted shall be refunded to the employee if he continue to work for the employer for at least two months, or for so long as the work continues should the work cease sooner.

(28) **USE OF TENTS AND CUBICLES.**—When employees have to camp out to be near their work, tents and tent poles or cubicles shall be provided by the employer free of charge.

(29) **STRETCHERS.**—The employer shall supply, free of charge, material for stretchers.

(30) **WOOD AND WATER.**—The employer shall provide at the camp a reasonable quantity of wood and water for all employees living in or about the camp.

(31) **DRYING SHEDS.**—The employer shall provide adequate conveniences for employees to dry their working clothes.

(32) **MESS ROOM.**—The employer shall, if required by the majority of the employees, provide a mess room in a fixed camp containing twenty or more men where the camp is likely to continue for at least six months.

(33) **FIRST AID.**—The employer shall employ a man with first-aid qualification on all works employing 100 or more men, and a person with first-aid knowledge in other circumstances reasonably requiring the same.

(34) **ACCOMPANYING INJURED OR SICK EMPLOYEES.**—No employee suffering from illness or injury sustained on the job shall be permitted to leave the job unless accompanied or assisted by a sufficient number of employees, except in the case of his removal by ambulance to his home or a hospital. All expenses incurred in such patient's removal shall be paid by the employer.

(35) **RETURN OF TOOLS AND TENTS.**—If the employer requires an employee, when discharged or leaving, to take down tents or return tools or tents, he shall pay the employee for the time so occupied at the rate fixed for "all others."

By the Court.

H. N. JONES,

Registrar.



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[Registered at the General Post Office, Melbourne, for transmission by post as a newspaper.]

No. 199]

SATURDAY, AUGUST 28.

[1937.

Factories and Shops Acts.

DETERMINATION OF THE FROZEN GOODS BOARD.

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

IN accordance with the provisions of the Factories and Shops Acts, the Wages Board appointed "to determine the lowest prices or rates which may be paid to any person or persons or classes of persons employed in the trade of freezing, refrigerating, packing or grading goods of any kind (other than ice-cream) for the purpose of trade or sale in a frozen or refrigerated condition, but not including—(a) persons subject to the Determination of the Ice Board; (b) any person or persons engaged in the slaughtering and boning departments of meat works or abattoirs in the preparation and packing of meats, offals, and by-products in a fresh condition" has made the following Determination, namely:—

(1) That on the 26th August, 1937, the last previous Determination shall be revoked and replaced by this Determination.

(2)

WAGES.

Improvers and Juvenile Workers.				Other Employees.					
		Per Hour.	Per Week.			Until the 6th Day of October, 1937.		On and After the 7th Day of October, 1937.	
						Per Hour.	Per Week of 44 Hours.	Per Hour.	Per Week of 44 Hours.
		s. d.	£ s. d.			s. d.	£ s. d.	s. d.	£ s. d.
16 years of age and under 17	..	0 8½	1 12 0	Permanent chamber hands (as defined in clause 9)	..	2 3 13/22	5 1 2	2 4 9/22	5 4 2
17	" "	0 9	1 15 0						
18	" "	0 11	2 2 0	Other chamber hands	..	2 4 13/22	5 4 10	2 5 9/22	5 7 10
19	" "	1 0½	2 7 0						
20	" "	1 4½	3 2 0						
For definition of juvenile workers see clause 9.				All others 2 1½ 4 17 9 2 2 13/46 5 0 9					
PROPORTION OF IMPROVERS.				Temporary workers shall be paid time and a third on the ordinary rates for work done during ordinary working hours. For work done outside these hours they shall receive ordinary overtime rates.					
One improver to every 25 or fraction of 25 workers receiving not less than the hourly rate herein prescribed for "all others."									

NOTE.—The Wages Board has determined in accordance with section 25 (1) of the amended *Factories and Shops Act 1934* that the trade is so unskilful that no person should be taken as an apprentice to the trade.

(3) ORDINARY WEEK'S WORK.—The number of hours which shall constitute a week's work shall be as follows:—

Hanging ground and grading room employees	46 hours per week
All others	44 hours per week

(4) **TIMES OF BEGINNING AND ENDING WORK.**—The times of beginning and ending work each day shall be as follows:—

	Time of Beginning.	Time of Ending.
(a) Meat Export Works.		
Hanging ground and grading room hands—		
Monday to Friday	7.45 a.m.	5.15 p.m.
Saturday	7.45 a.m.	12 noon
Chamber hands—		
Monday to Friday	8 a.m.	5 p.m.
Saturday	8 a.m.	12 noon
(b) Cool Stores Works.		
All employees—		
Monday to Friday	7 a.m.	6 p.m.
Saturday	7 a.m.	12 noon

(5) **OVERTIME.**—The following rates, subject to the conditions stated in clauses (6) and (7), shall be paid for all work done:—

(a) Outside the times of beginning and ending work as provided in clause (4).

(i) On Saturdays.—Time and a half fixed on the ordinary rates, for the first hour and double time thereafter.

(ii) On other week days.—Time and a half.

(b) Within the hours fixed as the time of beginning and ending work:—

(i) In excess of four hours on Saturday and eight hours on other week days.—Time and a half. This extra rate shall not apply to the hanging ground and grading room employees.

(ii) In excess of the number of hours fixed for a week's work in clause (3).—Time and a half.

The overtime rates payable for work done on Sundays and holidays are provided for in clause (8).

(6) **EXTENDED WORK.**—Where an employee is required to work continuously for 16 hours (exclusive of meal hours) he shall in respect of any further work done by him before he has had a clear break of 12 hours from work be entitled to payment for such further work at the highest overtime rate (except meal times and smoke-oh rates) to which he may have been entitled at any time during the currency of such continuous work.

(7) **MINIMUM OF OVERTIME.**—If an employee is required to work more than one hour and a half on any day after the time of ending work as provided in clause (4) or if having ceased work for the day for not less than one hour, an employee is recalled to work he shall receive a minimum of two hours' pay.

(8) **SUNDAYS AND HOLIDAYS.**—(a) Double time fixed on the ordinary rates shall be paid for all work done on Sundays, New Year's Day, Union Picnic Day, Australia Day (26th January), Labour Day (21st April), Anzac Day, Good Friday, Easter Monday, Melbourne Cup Day, Christmas Day, and Boxing Day, but if any other day be by Act of Parliament or Proclamation substituted for any of the above-named holidays, the special rate shall be payable only for work done on the day so substituted.

An employee called to work on a Sunday shall receive a minimum of three (3) hours work or shall be paid for same, and if required to work in excess of eight hours on a Sunday or a holiday shall be paid the extra rate provided in this clause plus one-third of such extra rate for such excess work.

(b) An employee (other than a temporary worker) if not called upon to work on any day mentioned in clause (8) (a) as a holiday shall receive a day's pay (based on his ordinary rates) for such day provided that he is called upon to work for any portion of the working week in which such holiday occurs, but any employee who is called upon to work on a holiday for a period of less than eight hours shall receive double ordinary rate for the time so worked and ordinary rate for the balance of eight hours.

(9) **DEFINITIONS.**—(a) A juvenile worker shall mean a person under 21 years of age (other than an improver) engaged in stamp marking carcasses, stamping, stringing and putting on tickets, handling or packing offals or by-products, scraping, nailing up, re-wiring, and branding packages, sweeping up and acting as an assistant to a Government Inspector.

(b) A permanent chamber hand shall mean a chamber hand who at the time of engagement or at any time thereafter is, subject to good behaviour, engaged under a written contract for at least six months' continuous employment.

(c) A temporary worker shall mean any person (including a juvenile worker) other than a hanging ground or grading room employee who is employed for less than three full consecutive working days. Saturdays, Sundays, and holidays are not to be counted as working days, i.e., Friday, Monday, and Tuesday would be three consecutive working days whether Saturday or Sunday is worked or not.

(10) **MEAL HOURS.**

Clause (a) **Meat Export Works.**—Breakfast. A period of one hour between the hours of 6 a.m. and 9 a.m. shall be allowed for breakfast. Dinner.—One hour between 12 noon and 1.30 p.m. shall be observed as a dinner hour. Tea.—when work is to be continued for more than one and a quarter hours after the time fixed for ending work in clause (4) (a) one hour between 5 p.m. and 6.30 p.m. shall be observed as a tea hour, and if such overtime is to finish not later than midnight, work shall then proceed uninterruptedly (except for a smoke-oh as provided in clause 11). If however, work is to continue after midnight, one hour (before midnight) shall be observed as a meal hour, and thereafter, one hour after each four hours' work.

Clause (b) Not more than five hours shall be worked by employees in cool stores working between 7 a.m. and 6 p.m. without an interval of one hour for a meal. If work is to continue after 7 p.m., the hour from 5 p.m. to 6 p.m. shall be observed as a meal hour. If, however, work is to continue after midnight one hour (before midnight) shall be observed as a meal hour, and thereafter, one hour after each four hours' work.

Clause (c) All work done during a meal hour stated in clause (10) (a) and (b) shall be paid for at the rate of double time, fixed on the wage for the day on which such meal hour is worked.

(11) **SMOKE-OH.**—Fifteen minutes interval shall be allowed for smoke-oh between ordinary starting time in the morning and 12 noon, and fifteen minutes between 1 p.m. and 6 p.m., provided that employees who commence work before 7 a.m. and have no breakfast hour shall be allowed an interval of fifteen minutes at the end of each two hours' work until dinner hour. If men are required to work after 6 p.m. an interval of fifteen minutes after every two hours' work shall be allowed.

GENERAL CONDITIONS.

(12) **WAITING TIME.**—When an employee has been instructed to report at a certain hour and is kept waiting before he commences work such waiting shall be paid for at ordinary rates provided for the class of work to be done.

(13) **MINIMUM OF WORK.**—(a) Employees called to work on any day within the hours set out in clause (4) shall be given a minimum of 3½ hours' work on Saturdays, and 8 hours on other days (except Sundays or holidays) or shall be paid for same, but they may be worked for any period beyond the hours fixed in clause (4) until such amount has been absorbed in payment at the rate applicable to the time worked. This clause shall not apply if there has been a breakdown in the machinery or if work cannot be proceeded with due to a sectional strike.

(b) Employees called to work exclusively outside the hours set out in clause (4) shall be given a minimum of 4 hours' work or shall be paid for same.

(14) COLD TEMPERATURES.—Employees called upon to work in a temperature less than four degrees above zero shall be paid 3d. per hour extra. No employee shall be compelled to work in a temperature of below zero, and an employee who becomes overheated working outside a cool chamber shall be allowed to cool down before entering the chamber. This provision shall be reasonably construed.

(15) LEAKAGE OF AMMONIA.—No employee shall be called upon to work in a chamber where a leak of ammonia exists.

(16) CONTINUATION OF WORK BETWEEN MIDNIGHT AND TIME OF COMMENCING AS SET OUT IN CLAUSE (4).—When an employee works for more than 2 hours between midnight and ordinary time of commencing work, and continues work during the day, the special rate provided in clause (5) (a) for work done outside the hours fixed for a day's work, shall continue to be paid for all work done until the employee has had a clear break from work of 12 hours.

(17) EMPLOYEES WORKING IN A FREEZING CHAMBER.—No employee shall work in a freezing chamber, the temperature of which does not exceed 40 degrees Fahr. unless he is paid according to the rates provided for chamber hands in clause 2 of this Determination.

(18) CONTINUITY OF WORK.—The work of each employee on each day shall be continuous with the customary break for a meal.

(19) MEAL ALLOWANCE.—(a) An employee required to work overtime for more than one and a quarter hours in Meat Export Works after the time of ending work in clause (4), shall be paid 1s. 6d. tea money unless notified on the previous day that his services will be needed. If having been notified accordingly he has provided himself with a meal he shall receive, in the event of the work not being done or ceasing before respective meal times, 1s. 6d. for each meal so provided.

(b) An employee required to work in Cool Stores for more than nine hours from the time of commencing work shall be granted 1s. 6d. tea money unless notified on the previous day that his services will be needed. If having been notified accordingly he has provided himself with a meal he shall receive, in the event of the work not being done or ceasing before respective meal times, 1s. 6d. for each meal so provided.

(20) TERMINATION OF EMPLOYMENT.—Employees may be paid off at any time without notice.

(21) PROVISION OF OUTFIT.—The following articles shall be provided at each place where work under this Determination is done :—

(a) An ammonia outfit which shall be kept adjacent to the chambers.

(b) An alarm outfit in each chamber, such outfit to be connected with the engine-room.

(c) Waterproof capes and caps for use of employees engaged in de-frosting.

(d) Bagging for moccasins for use of chamber hands.

A. S. HAUSER, Chairman.

J. V. WILLOX, Secretary.

Melbourne, 10th August, 1937.



VICTORIA GOVERNMENT GAZETTE.

Published by Authority.

[Registered at the General Post Office, Melbourne, for transmission by post as a newspaper.]

No. 200]

SATURDAY, AUGUST 28.

[1937

Factories and Shops Acts.

DETERMINATION OF THE SHOPS BOARD No. 2 (BOOT REPAIRERS).

NOTE.—This Determination applies to the following parts of Victoria, viz.:—The Metropolitan District as defined in the Factories and Shops Acts and the Order in Council thereunder, and such portion of the city of Sandringham as is not included within the said district; the cities of Ballarat, Bendigo, Geelong, Geelong West, and Warrnambool; the town of Newtown and Chilwell; and the boroughs of Eaglehawk and Sebastopol.

IN accordance with the provisions of the Factories and Shops Acts, the Wages Board appointed to "determine the lowest prices or rates which may be paid to any persons employed in the trade of a Boot Repairer" has made the following Determination, namely:—

(1) That on the 26th August, 1937, the last previous Determination of this Board shall be revoked and replaced by this Determination.

(2)

Apprentices or Improvers.					Other Employees.				
Wages per Week of 44 Hours.					Wages per week of 44 Hours.				
Commencing Age.									
	Under 16 years.	16 years.	17 years.	18 years or over.					
	s. d.	s. d.	s. d.	s. d.					
1st year	11 6	17 0	17 0	25 6					
2nd year	17 0	25 6	25 6	32 6					
3rd year—									
1st 6 months	25 6	32 6	32 6	46 0					
2nd 6 months	25 6	32 6	32 6	53 0					
4th year—									
1st 6 months	32 6	39 6	46 0	Minimum					
2nd 6 months	32 6	39 6	53 0	wage					
5th year—									
1st 6 months	39 6	46 0	Minimum						
2nd 6 months	39 6	53 0	wage						
6th year—									
1st 6 months	46 0	Minimum							
2nd 6 months	53 0	wage							
Thereafter	Minimum								
	wage								

Proportion (in any Place).									
Apprentices.									
One apprentice to every three or fraction of three workers receiving not less than 90s. 3d. per week of 44 hours.									
Improvers.									
One improver to every four workers receiving not less than 90s. 3d. per week of 44 hours.									

Female Receiver, Despatcher or Saleswoman	s. d.	47	3
All other adults	s. d.	90	3

- (3) TIMES OF BEGINNING AND ENDING WORK.—The times of beginning and ending work for any person shall be :—

Time of Beginning.		Time of Ending.	
8 a.m.	.. .. .	1 p.m.	on Saturdays, and
8 a.m.	.. .. .	6 p.m.	on the other working days of the week.

- (4) OVERTIME.—The following rates shall be paid for all work done :—

Outside the times of beginning and ending work Double time.
 Within the times of beginning and ending work, in excess of 44 hours in any week .. Time and a quarter.

(5) PAYMENT FOR HOLIDAYS.—All employees shall be entitled to the following holidays without deduction of pay :—New Year's Day, Australia Day, Trade Picnic Day (within the Metropolitan District as defined in the Factories and Shops Acts and the Order in Council thereunder), Good Friday, Easter Monday, Anzac Day, Labour Day, Melbourne Cup Day, Christmas Day, and Boxing Day.

(6) SPECIAL RATES.—Double time shall be the rate for all work done on New Year's Day, Australia Day, Good Friday, Easter Monday, Labour Day, Melbourne Cup Day, Christmas Day, or Boxing Day; but if any other day be by Act of Parliament or Proclamation substituted for any of the above-named holidays, the special rate shall only be payable for work done on the day so substituted.

Provided that outside the Metropolitan District another holiday may be substituted for Melbourne Cup Day in Clauses 5 and 6.

H. J. RICHARDSON, J.P., Chairman.

W. L. HARRINGTON, Secretary.

Melbourne, 10th August, 1937.



VICTORIA GOVERNMENT GAZETTE.

Published by Authority.

[Registered at the General Post Office, Melbourne, for transmission by post as a newspaper.]

No. 201]

SATURDAY, AUGUST 28.

[1937

Factories and Shops Acts.

DETERMINATION OF THE TUCKPOINTERS BOARD.

NOTE.—This Determination on the 30th August, 1937, applied to the whole of the State of Victoria.

IN accordance with the provisions of the Factories and Shops Acts, the Wages Board appointed to "determine the lowest prices or rates which may be paid to any person or persons, or classes of persons, wheresoever employed in the trade or business of a tuckpointer" has made the following Determination, namely:—

(1) That on the 30th August, 1937, the last previous Determination of this Board shall be revoked and replaced by this Determination.

(2) APPRENTICES AND IMPROVERS.						OTHER EMPLOYEES.	
					Wages per Week of 44 Hours. s. d.		
1st year	..	..	..	..	17 0	Tuckpointers	.. .. 2s. 6d. per hour, or 110s. per week of 44 hours
2nd "	..	..	..	..	27 9		
3rd "	..	..	..	..	38 0		
4th "	..	..	..	..	55 0		
5th "	..	..	..	..	60 3		
Thereafter	..	..	..	..	Minimum wage.		

APPRENTICES (PROPORTION BY ANY EMPLOYER).

One apprentice to every three or fraction of three workers receiving not less than 110s. per week of 44 hours.

IMPROVERS (PROPORTION BY ANY EMPLOYER).

One improver to every three or fraction of three persons receiving not less than 110s. per week of 44 hours.

A form of indenture prescribed by the Board was approved on 20th December, 1923.

(3) ALLOWANCES.—The following allowances shall be paid to persons employed on work away from their employer's place of business:—

- (1) The fares, exceeding 4d. per day, necessarily expended in going from and to the employee's residence to and from his work.
- (2) For work done at a distance from the employer's place of business if the employee is unable to return to his home the same night:—
 - (a) 6s. per day for the first seven days, and thereafter 30s. per week extra.
 - (b) Freight necessarily incurred for transport of tools to or from work.

(4) TIMES OF BEGINNING AND ENDING WORK.—

Time of Beginning.				Time of Ending.	
7.45 a.m.	..	..	..	5.15 p.m.	on each of five days of the week.
7.45 a.m.	..	..	..	12.15 p.m.	on the other working day of the week on which the half-holiday is usually observed.

(5) OVERTIME.—The following rates shall be payable:—

- (a) Time and a quarter for work done between 5.15 p.m. and 7.15 p.m. on any working day other than the day on which the weekly half-holiday is usually observed.
- (b) Time and a half for all other work done outside the times of beginning and ending work on any week day.
- (c) Time and a quarter for all work done within the times of beginning and ending work in excess of 44 hours in any week.
- (6) SPECIAL RATES FOR SUNDAYS AND PUBLIC HOLIDAYS.—Double time shall be the special rate for all work done on Sundays, 26th January (Australia Day), Good Friday, Easter Monday, 21st April (Labour Day), Christmas Day, Boxing Day, and New Year's Day; but if any other day be by Act of Parliament or Proclamation substituted for any of the above-named holidays, the special rate shall be payable only for work done on the day so substituted.

(7) PAYMENT OF WAGES.—All payments of wages shall be made not later than the hour of ceasing work on Thursday of each week.

(8) The lowest piece-work prices for doing any of the following kinds of work shall be :—

NOTE.—All colours, spirits, lime-putty and sand to be supplied by the employee (except where otherwise specified).

Form of measurement :—(a) All work to be reckoned by actual measurement on completion of work ; (b) Square shall mean 100 square feet.

Tuckpointing, Stretcher Bond	27s. 3d. per square
„ English, Flemish, or Colonial Bond	29s. 6d. „
„ Vandyke or open balustrade work	35s. 0d. „
„ Mixed coloured work other than Vandyke work	29s. 6d. „
„ Stonework	20s. 7d. „
Flat joint, mortar or cement (including spirits)	21s. 8d. „
„ Beaded work, mortar or cement (including spirits)	23s. 8d. „
Cleaning brickwork	3s. 10d. „
Raking out work	6s. 1d. „ (extra)
Cold water paint—Colouring cement or plain work, two coats	9d. per square yard
„ „ „ rough cast work, two coats	1s. 3d. „ „
Lime and copras colouring plain work	7d. „ „
„ „ „ rough cast work	9d. „ „

(9) **PIECE-WORK WHICH MAY BE FIXED BY AN EMPLOYER.**—The Board determines, under the provisions of section 150 of the *Factories and Shops Act 1928*, that any employer may fix and pay piece-work prices to any person employed at any work for which this Board has not fixed piece-work prices, but has fixed a minimum wage ; provided that such employer shall base such piece-work prices on the earnings of an average worker working under like conditions, and such piece-work prices shall be fixed so that an average worker can earn not less than the wages rate fixed by the Board for such work.

H. J. RICHARDSON, Chairman.

L. M. BRADY, Secretary.

Melbourne, 12th August, 1937.



VICTORIA GOVERNMENT GAZETTE.

Published by Authority.

[Registered at the General Post Office, Melbourne, for transmission by post as a newspaper.]

No. 202]

SATURDAY, AUGUST 28.

[1937

Factories and Shops Acts.

PLUMBERS BOARD.

NOTES.—(1) This Determination applies to the whole of the State of Victoria.

(2) Plumbing and Gasfitting were proclaimed on the 10th October, 1923, as Apprenticeship Trades under the *Apprenticeship Act 1928*, for the Metropolitan District.

Full particulars of the *Apprenticeship Regulations* for these trades may be obtained on application to the Secretary, Apprenticeship Commission, Gisborne-street, Melbourne, C.2.

IN THE COURT OF INDUSTRIAL APPEALS.

IN the matter of the Factories and Shops Acts,

and

IN the matter of an Application for a revision of the Determination of the Court of Industrial Appeals (Plumbers) dated the 17th December, 1936.

Monday, the 9th day of August, 1937.

(Before His Honour Mr. Justice Martin, Mr. Albert E. Smith, and Mr. Alfred Charles Mitchell.)

The above-mentioned Application coming on for hearing by this Court this day. UPON READING an affidavit by Mr. H. E. Foster and UPON HEARING Mr. H. E. Foster on behalf of the employees, and Messrs. H. E. Forrester, F. J. Watsford and W. D. Smith on behalf of the employers and by consent: THIS COURT DOETH ORDER AND DETERMINE—

(1) That on the 1st September, 1937, the Determination of the Court of Industrial Appeals dated the 17th day of December, 1936, shall be revoked and replaced by this Determination as to the lowest prices or rates which may be paid to any person or persons or classes of persons—

- (a) employed either inside or outside a factory or workroom in the process, trade, or business of a plumber or gasfitter;
(b) whosoever employed in any plumbing work (including electrical or gas fittings) in connexion with the erection or repairing of buildings.

(2)

Apprentices (other than those covered by the Apprenticeship Commission).			Improvers.*		Other Employees.			
WAGES.			WAGES.		WAGES.		Per Week of 14 Hours.	Per Hour.
Per Week of 44 Hours.			Per Week of 44 Hours.				£ s. d.	s. d.
s.	d.		s.	d.	Persons employed—			
1st year	..	12 0	1st year	..	(a) Where the artificial temperature is—	£ s. d.	s. d.	
2nd „	..	17 9	2nd „	..	Over 130° F. ..	9 8 11	4 3½	
3rd „	..	21 9	3rd „	..	115° F., but not exceeding 130° F. ..	8 13 4	3 11½	
4th „	..	31 9	4th „	..	50° F. or lower ..	9 8 11	4 3½	
5th „	..	45 3	5th „	..	(b) In connexion with ammonia coils in an artificial temperature of 45° F. or lower ..	7 13 2	3 5½	
6th „	..	64 0	6th „	..	(c) Lead burning or at lead work connected therewith ..	6 17 7	3 1½	
and thereafter the minimum wage.			and thereafter the minimum wage.		(d) On swing scaffold, swing seat, or rope ..	6 2 0	2 9½	
PROPORTION (within any factory or place).			PROPORTION (within any factory or place).		(e) On fitting, jointing, or fixing any class of pipes or ducts (except those used for electrical conduit, or for the conveyance of high pressure steam to machinery for power) ..	5 14 8	2 7½	
One apprentice to every two or fraction of two workers receiving not less than £5 0s. 7d. per week of 44 hours.			One improver to four		Any other plumber or gasfitter ..	5 14 8	2 7½	
An indenture of apprenticeship prescribed by the Board, as amended by the Court of Industrial Appeals, was approved on 7th September, 1923.			Two improvers to fifteen		Persons employed solely as gas main or service layers ..	5 0 7	2 3½	
			Three improvers to thirty		(NOTE.—See clause 9 re casual rate, and clause 11 re ship work.)			
			and thereafter one additional improver to every seven additional					

* The employment, within the Metropolitan District, of any improver is illegal. (See Note 2 above.)

(3) Times of beginning and ending work—

Time of Beginning.	Time of Ending.
7.45 a.m. ..	12 noon on Saturday or the day on which the half-holiday is locally observed, and
7.45 a.m. ..	5.15 p.m. on the other working days of the week.

(4) OVERTIME.—The following rates shall be paid for all work done during the times specified hereunder:—

Gas Main or Service Layers.

(a) Outside the hours fixed in Clause 3:—

	On Saturday or the Day on which the Half-holiday is Locally Observed.	On the Other Working Days of the Week.
Between 5.15 p.m. and 7.15 p.m. .. .. .	.. .. .	Time and a half
„ 7.15 p.m. and midnight .. .. .	.. .. .	Double time
„ 12 noon and 2 p.m.	Time and a half	
„ 2 p.m. and midnight	Double time	
„ Midnight and 7.45 a.m.	Double time	Double time

(b) Within the hours fixed in Clause 3 in excess of 44 hours in any week:—

First two hours .. .. .	.. .. .	Time and a half.
Thereafter .. .. .	.. .. .	Double time.

All Others.

(a) Outside the hours fixed in Clause 3:—

	On Saturday or the Day on which the Half-holiday is Locally Observed.	On the Other Working Days of the Week.
Between 5.15 p.m. and 6.15 p.m. .. .. .	.. .. .	Time and a half
„ 6.15 p.m. and midnight .. .. .	.. .. .	Double time
„ 12 noon and 1 p.m.	Time and a half	
„ 1 p.m. and midnight	Double time	
„ Midnight and 7.45 a.m.	Double time	Double time

(b) Within the hours fixed in Clause 3 in excess of 44 hours in any week:—

First hour .. .. .	.. .. .	Time and a half.
Thereafter .. .. .	.. .. .	Double time.

(5) SPECIAL RATES FOR SUNDAYS AND PUBLIC HOLIDAYS.—Double time shall be the special rate for all work done on Sundays, New Year's Day, 26th January (Australia Day), Good Friday, Easter Monday, Labour Day, Anzac Day (by persons not subject to *Anzac Day Act 1928*), Christmas Day, Boxing Day; but if any other day be by Act of Parliament or Proclamation substituted for any of the above-named holidays, the special rates shall only be payable on the day so substituted.

(6) ALLOWANCES.—The following allowances shall be paid to persons (other than persons employed by the gas companies, employed on work away from the centre (the centre meaning the employer's usual place of business or the employee's residence, whichever is the nearer to the work):—

(i) The fares necessarily expended in going from and to the centre to and from his work.

(ii) For time necessarily occupied in travelling from and to the centre to and from his work—

(a) During usual working hours	} Ordinary rates.
(b) Outside usual working hours— Time in excess of a total of 1½ hours occupied in going from and to the centre to and from his work	

(iii) For work done at a distance from the centre, if the employee is unable to return to his home the same night, and suitable board and lodging has not been provided by the employer ... 8½d. per hour extra

(7) TOOLS AND APPLIANCES.—That if any employee is required to provide any or all of the following tools or appliances:—

Caulking-irons, drilling frame and chain, tap key, chain wrenches, files, grips or tongs of over 12 inches in length, hacksaw frame or blades, mandrills, dummies, metal pots, pipe cutters, plumbing irons, ratchets, stocks, dies, drills for stone, taps and drills for brass or iron threads, or vyces—

1s. per hour in addition to the ordinary rates fixed by this Determination shall be paid by the employer.

(8) MEAL INTERVAL.—Persons employed as gas main or service layers shall not be called upon to work for a longer period than five hours continuously without an interval of one hour for a meal. Such provision shall only apply to persons employed within the hours fixed as the times of beginning and ending work as set out in Clause (3) of this Determination.

(9) CASUAL LABOUR.—Casual employees (i.e., persons employed during the week for not more than one-half the maximum number of hours fixed in this Determination as a week's work) shall be paid at the rate of 1½d. per hour extra.

(10) TERMINATION OF EMPLOYMENT.—One hour's notice of termination of employment shall be given by either employer or employee, or one hour's pay shall be paid or forfeited in lieu thereof.

(11) SHIP WORK—

(i) All work done on a ship of any class—

(a) whilst it is under way; or

(b) in wet places or confined spaces; or

(c) in a ship which has done one trip or more, in oil fuel tanks, in bilges under engine-room or stokeholds, or on soil pipes—

shall be paid for at the rate of 8d. per hour in addition to the ordinary wage.

(ii) For the purposes of this paragraph—

“Wet Place” means one in which the clothing of the workman necessarily is wetted to an uncomfortable degree, or one in which water accumulates underfoot to a depth exceeding two inches.

“Confined Space” means one of which the dimensions are such that the workman must work in a stooped or cramped position, or without adequate ventilation, or where confinement within a limited space is productive of unusual discomfort to him.

(iii) Should the employer and the workman be unable to agree whether or not any work done by the latter is such as entitles him to the additional wage provided by this paragraph, the question is to be submitted to a Referee, chosen by the parties, whose decision will be binding on both of them. In the event of the parties being unable to agree on a Referee, application is to be made to the Secretary of the Department of Labour of the State of Victoria to appoint an Inspector to determine the matter in dispute, and the decision of such Inspector will be binding on both of them.

By the Court,

H. N. JONES,

Registrar.



VICTORIA
GOVERNMENT GAZETTE
EXTRAORDINARY.

Published by Authority.

[Registered at the General Post Office, Melbourne, for transmission by post as a newspaper.]

No. 203]

SATURDAY, AUGUST 28.

[1937

DEATH OF THE HONORABLE GEORGE MICHAEL PRENDERGAST,
MEMBER OF THE LEGISLATIVE ASSEMBLY OF VICTORIA.

THE Premier, with feelings of profound regret, announces to the public the decease, to-day (Saturday), the 28th August, 1937, at North Melbourne, in this State, of the Honorable George Michael Prendergast, Member of the Legislative Assembly of Victoria.

The State Funeral will move from the deceased's residence, 83 Chapin-street, North Melbourne, at 3 o'clock p.m. on Monday, 30th instant, to the Melbourne Crematorium at the New Melbourne General Cemetery, Fawkner.

A. A. DUNSTAN,
Premier.

By Authority: H. J. GREEN, Government Printer, Melbourne.

