



VICTORIA GOVERNMENT GAZETTE

Published by Authority.

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

No. 300]

TUESDAY, SEPTEMBER 29.

[1942]

Factories and Shops Acts.

DETERMINATION OF THE FACTORY ENGINE DRIVERS' BOARD.

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

(B) On the 22nd June, 1914, and 17th August, 1920, respectively, the powers of the Factory Engine-drivers Board were extended to enable it to "fix the lowest prices or rates which may be paid to any person employed in the occupation of—

- (a) a boiler cleaner;
- (b) an engine-driver or attendant in connexion with the use of internal combustion engines or electrical engines other than internal combustion engines or electrical engines connected with mines."

(C) On the 16th April, 1935, the Board was deprived of the power to determine the lowest prices or rates which may be paid to any person employed in the occupation of—

- (a) a fireman, boiler attendant, boiler cleaner, or engine-driver in connexion with steam engines or steam boilers in or about plants for crushing metalliferous ores;
- (b) an engine-driver or attendant in connexion with the use of internal combustion engines or electrical engines in or about plant for crushing metalliferous ores—

and such power was conferred exclusively on the Mining Engine-drivers Board.

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 occupation of a fireman, boiler attendant, or engine-driver, in connexion with the use of steam-boilers or steam-engines other than steam-boilers or steam-engines connected with mines," has made the following Determination, namely:—

(1) That on the 13th August, 1942, the adjusted Determination which came into force at the beginning of the first pay period to commence in August, 1942, shall be revoked and replaced by this Determination.

(2) EMPLOYEES—OTHER THAN JUNIORS PROVIDED FOR IN CLAUSE (3).

	Wages per Week.			
	Persons other than those Employed in Bush Saw-mills.			Persons Employed in— (a) Bush Saw-mills; (b) All parts of Victoria not elsewhere included.
	Within 20 miles of G.P.O., Melbourne, 10 miles of Chief P.O., Geelong, at Warrnambool, and in the Gippsland District.	Within 15 miles of the Mildura Post Office.	At Yallourn.	
A.—STATIONARY ENGINE DRIVERS.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
<i>Steam Engines.</i>				
First-class	5 12 0	5 18 0	5 18 6	5 9 0
First-class, with condenser	5 15 0	6 1 0	6 1 6	5 12 0
Second-class	5 9 0	5 15 0	5 15 6	5 6 0
Second-class, with condenser	5 12 0	5 18 0	5 18 6	5 9 0
<i>Suction Gas or Other Internal Combustion Engine.</i>				
Fifty brake horse-power or over	5 12 0	5 18 0	5 18 6	5 9 0
Under fifty brake horse-power	5 9 0	5 15 0	5 15 6	5 6 0
<i>Electric Motors.</i>				
Attendants	5 6 0	5 12 0	5 12 6	5 3 0
B.—LOCOMOTIVE ENGINE DRIVERS.				
If human beings other than train crew are sometimes or always carried	6 7 6	6 13 6	6 14 0	6 4 6
Others	6 0 6	6 6 6	6 7 0	5 17 6
If the gauge is less than three feet, 3s. per week less in each case.				

EMPLOYEES—OTHER THAN JUNIORS PROVIDED FOR IN CLAUSE (3)—continued.

	Wages per Week.			
	Persons other than those Employed in Bush Saw-mills.			Persons Employed in— (a) Bush Saw-mills; (b) All parts of Victoria not elsewhere included.
	Within 20 miles of G.P.O., Melbourne; 10 miles of Chief P.O., Geelong, at Warrnambool, and in the Gippsland District.	Within 15 miles of the Mildura Post Office.	At Yallourn.	
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
C.—NAVIES AND DRAG LINE OR DREDGE TYPE EXCAVATORS.				
Driver	6 13 0	6 19 0	6 19 6	6 10 0
Second driver	5 19 0	6 5 0	6 5 6	5 16 0
D.—WINCH DRIVERS.				
Log haulers on timber mills or on tramways on timber mill (exceeding 8-inch diameter cylinders)	5 12 0	5 18 0	5 18 6	5 9 0
Others	5 9 6	5 15 6	5 16 0	5 6 6
E.—CRANE DRIVERS.				
Lofty cranes—first-class	6 10 0	6 16 0	6 16 6	6 7 0
Lofty cranes—second-class	6 7 6	6 13 6	6 14 0	6 4 6
Lofty cranes—third-class	6 3 0	6 9 0	6 9 6	6 0 0
Cantilever cranes	6 7 6	6 13 6	6 14 0	6 4 6
Cranes in converter sheds	6 0 6	6 6 6	6 7 0	5 17 6
Cranes transporting molten metal in foundries	5 18 0	6 4 0	6 4 6	5 15 0
Steam travelling cranes	5 18 0	6 4 0	6 4 6	5 15 0
Other steam cranes	5 14 6	6 0 6	6 1 0	5 11 6
Grab cranes	5 18 0	6 4 0	6 4 6	5 15 0
Electric cranes not elsewhere included—				
Four motions and over	5 12 0	5 18 0	5 18 6	5 9 0
Overhead traverser with auxiliary hoist				
Traverser with jib hoist				
Two or three motions				
Overhead traverser				
Stationary jib; stationary jib hoist	5 9 6	5 15 6	5 16 0	5 6 6
Traverser jib				
Hydraulic stationary jib cranes	5 7 0	5 13 0	5 13 6	5 4 0
Cranes and hoists not elsewhere included	5 3 0	5 9 0	5 9 6	5 0 0
String cranes—five tons or less				
F.—DRIVERS OF TRACTION ENGINES.				
<i>Road.</i>				
Traction engine or road roller (steam)	5 14 6	6 0 6	6 1 0	5 11 6
Road roller (oil)	5 13 6	5 19 6	6 0 0	5 10 6
Traction engine (oil—35 h.p. and over)	5 13 6	5 19 6	6 0 0	5 10 6
Traction engine (oil—under 35 h.p.)	5 12 0	5 18 0	5 18 6	5 9 0
<i>Rail.</i>				
Electric traction motor	5 7 0	5 13 0	5 13 6	5 4 0
Internal combustion traction motor	5 7 0	5 13 0	5 13 6	5 4 0
G.—FIREMEN.				
Fireman	5 4 6	5 10 6	5 11 0	5 1 6
Fireman—first-class	5 9 0	5 15 0	5 15 6	5 6 0
Leading fireman—first-class	5 15 0	6 1 0	6 1 6	5 12 0
Leading fireman—second-class	5 12 0	5 18 0	5 18 6	5 9 0
Locomotive fireman	5 7 0	5 13 0	5 13 6	5 4 0
H.—GREASERS.				
Greasers	5 4 6	5 10 6	5 11 0	5 1 6
Greasers—first-class	5 9 0	5 15 0	5 15 6	5 6 0
Trimmers	5 2 0	5 8 0	5 8 6	4 19 0
Fuelmen	5 2 0	5 8 0	5 8 6	4 19 0
Engine cleaners	5 2 0	5 8 0	5 8 6	4 19 0
Boiler cleaners	5 2 0	5 8 0	5 8 6	4 19 0
Provided that any person engaged inside the gas or water space of any boiler, flue or economizer, in cleaning or scraping work shall, whilst so employed, be paid 9d. per hour in addition to his ordinary or overtime rate of pay.				
I.—OTHERS.				
Pile-driving machine	5 15 0	6 1 0	6 1 6	5 12 0
All others	4 17 0	5 3 0	5 3 6	4 14 0

Male adult employees in bush sawmills shall, in addition to the wages shown above, be paid 2s. per week in lieu of payment under clause (5) for absences arising from sickness or accident.

NOTE.—The foregoing rates in this clause (2) include the following War Loadings:—

Classification.	Amount per Week.
B.—LOCOMOTIVE ENGINE DRIVERS.	
If human beings other than train crew are sometimes or always carried—	s. d.
Gauge not less than three feet	6 0
Gauge less than three feet	4 0
Others—gauge not less than three feet	4 0
C.—NAVIES AND DRAG LINE OR DREDGE TYPE EXCAVATORS.	
Driver	6 0
Second driver	4 0
E.—CRANE DRIVERS.	
Lofty cranes—first-class	6 0
Lofty cranes—second-class	6 0
Lofty cranes—third-class	4 0
Cantilever cranes	6 0
Cranes in converter sheds	4 0
Cranes transporting molten metal in foundries	4 0
Steam travelling cranes	4 0
Grab cranes	4 0
All other classifications	3 0

J.—ADDITIONAL RATES.

An engine-driver engaged as hereinafter specified shall be paid additional rates as follow, viz.:—

	Per week. s. d.
Attending to refrigerating compressor	6 0
Attending to electric generator or dynamo exceeding 10 kilowatt capacity	6 0
Engine-driver in charge of plant	6 0
Any engine-driver and/or fireman in a bush sawmill who is required to do saw sharpening	15 0

Provided that these rates shall not be cumulative to the extent of increasing the wage of an employee more than 32s. above the rate for "All Others," and provided further that an engine-driver attending a refrigerating compressor shall not be paid a rate less than 18s. above that fixed for "All Others."

Extra rates payable under this sub-clause shall be regarded as part of an employee's ordinary wage for the purposes of this Determination.

(3) JUNIOR LABOUR.—(a) The minimum rates of wage to be paid to juniors working as greasers or as cleaners or as motor drivers or attendants where the motor does not exceed 50 horse-power in all shall be:—

	Per week. £ s. d.
If under 16 years of age	1 16 3
If 16 and under 18 years of age	2 8 0
If 18 and under 19 years of age	3 9 6
If 19 and under 20 years of age	4 4 6

(b) If a cleaner or greaser sometimes under the supervision of an engine-driver, stops or starts an engine, he shall be paid 6s. per week extra.

(4) CASUAL LABOUR.—A casual employee (as defined) shall be paid per hour an amount equal to 1 1/10th of the weekly rate prescribed by this Determination for the work performed by him divided by forty-four.

(5) CONTRACT OF EMPLOYMENT.—(a) Except as provided by clause (4), employment shall be by the week. An employee, to become entitled to payment on a weekly basis, shall, except as provided by clause (14), perform such work as the management shall from time to time require on the days and during the hours usually worked by the class of employees affected.

(b) Employment for the first two weeks of service shall be from day to day at the weekly rate fixed. Provided that any employee who has once served a probationary period of two weeks with any employer shall not be subject to be employed for a second probationary period with the same employer, except when his re-engagement takes place at least one month after the termination of his employment. Provided further that an employee shall be paid for any holiday or holidays which occur during any period he is employed on probation pursuant to this clause.

(c) An employee not attending for duty shall, except as provided by sub-clause (cc) hereof, lose his pay for the actual time of such non-attendance.

(cc) 1. An employee on weekly hiring, who is absent from his work on account of personal illness, or on account of injury by accident arising out of and in the course of his employment, shall be entitled to leave of absence, without deduction of pay, to the same extent and subject to the same conditions as are prescribed by award, determination, or agreement (Commonwealth or State) for the general body of employees in the industry in which he is employed: Provided—

- that he shall, in any case, be entitled to qualify (subject to the aforesaid conditions) for not less than the equivalent of four days' paid leave in any year;
- that where any such award, determination, or agreement contains (for purposes of sick leave) a definition of the word "year", necessary adjustments and proportions shall be applied to employees under this Determination until the commencement of the next year in accordance with such definition, account being taken of any paid sick leave which an employee may have had during his year which is current when this paragraph comes into operation.

2. An employee on weekly hiring, who is not entitled to paid sick leave under the preceding paragraph but who is absent from work on account of personal illness or injury, as therein referred to, shall be entitled to leave of absence, without deduction of pay, subject to the following conditions and limitations:—

- he shall not be entitled to paid leave of absence for any period in respect of which he is entitled to Workers' Compensation;
- he shall prove to the satisfaction of his employer (or, in the event of dispute, of the Secretary for Labour) that he was unable, on account of such illness or injury, to attend for duty on the day or days for which sick leave is claimed;
- he shall not be entitled in any year (whether in the employ of one employer or of several) to leave in excess of the equivalent of four days of working time.

3. For the purposes of administering paragraphs 1 and 2 of this sub-clause, an employer may within two weeks of the employee entering his employment, require him to make a sworn declaration or other written statement as to what paid leave of absence he has had from any employer during the then current year, and upon such statement the employer shall be entitled to rely and act.

(d) Employment shall be terminated by a week's notice on either side, such notice to be given at any time during the week. This shall not affect the right of the management to dismiss any employee without notice for malingering, inefficiency, neglect of duty or misconduct, and in such case wages shall be paid up to the time of dismissal only, or to deduct payment for any day the employee cannot be usefully employed because of any strike by the Federated Engine-drivers and Firemen's Association of Australasia or any other Union or through any breakdown of machinery or any stoppage of work by any cause for which the employer cannot reasonably be held responsible. Provided that, where an employer orders employees not to work on any day because of the state of the weather, such order shall not deprive the employees of their claim for payment under their weekly engagements, but if such employees cease work on any day because of the state of the weather without being ordered to do so, they shall not be entitled to payment for time so lost.

(6) HOURS.—(a) For an employee not working on shift the ordinary working hours per week and per day respectively shall be of the same number as those worked in the particular workshop, factory, or working place at which such employee works by the majority of the employees not working on shift who are engaged therein in connexion with the operation for which is used the power or steam supplied with the aid of such employee.

Provided that if the number of hours worked by such majority exceeds 44 per week, the ordinary working hours for such employee shall not exceed 44 per week nor 8 in any one day if a six-day week be worked, nor 8 hours 48 minutes in any one day if a five-day week be worked.

(b) Time occupied in raising steam or closing down engines or banking fires shall be regarded as time worked.

(c) For employees not working on shift a regular starting and finishing time shall be fixed, which shall not be changed except after notice of at least a week to the employee concerned.

(d) For employees working on shift the ordinary working hours shall be as provided in clause (12) hereof.

(e) In country and bush sawmills, each engine-driver or fireman when so engaged shall be allowed 1½ hours per day at ordinary rates for preparing and/or closing down engines and/or for raising steam and/or banking fires on boilers.

(7) MEAL INTERVAL.—Except on shift work, provision shall as far as practicable be made by the employer to enable an employee to have a midday meal interval of not less than 40 minutes nor more than one hour on all working days except Saturday. Such meal interval shall not be deemed to be time worked, and the time of ceasing work shall be extended by time equal to the duration of the meal interval.

For all work done during such meal interval and thereafter until a meal break is allowed, payment shall be made at the rate of time and a half.

(8) MEAL INTERVAL DURING OVERTIME.—(a) Until further order, employees shall be allowed the same conditions as to the meals and meal intervals to be allowed while working overtime as are prescribed by award or Determination—Commonwealth or State—for the general body of employees of the industry in which they are employed.

(b) In any case to which sub-clause (a) hereof does not apply, an employee required to work overtime for more than two hours without being notified the day before that he will be so required to work shall either be supplied with a meal by the employer or paid 1s. 6d.; or if work extends into a second meal hour, 2s. 6d. for the two meals, but such payment need not be made to employees living in the same locality as their workshop who can reasonably return home for meals.

If an employee pursuant to notice has provided a meal or meals, and is not required to work overtime, he shall be paid for each meal so provided.

(9) OVERTIME.—(a) For all time worked on week days outside the hours prescribed in clause (6) hereof, overtime shall be paid at the rate of time and a half for the first four hours and double time thereafter.

(b) An employee recalled after leaving his place of work to work overtime shall be paid for a minimum of three hours' work at the appropriate rate.

(c) An employee occasionally required to hold himself in readiness, either at his home, his place of work or elsewhere, to work after ordinary hours or on a Sunday or holiday, shall be paid standing-by time at his ordinary rate of wage for the time from which he is to hold himself in readiness until released.

(d) When an employee working overtime finishes work at a time when reasonable means of transport are not available, the employer shall provide him with a conveyance to his home or pay him at his ordinary rate of wage for the time occupied in reaching his home.

(e) When an employee is required to work overtime after his usual ceasing time so long as not to permit him having at least eight consecutive hours for rest between the time of his ceasing to work such overtime and the ordinary time for commencing his next shift, he shall be entitled to absent himself from work until he has had eight consecutive hours off duty, but shall not be paid for such period of absence.

(10) HOLIDAYS.—All employees shall be entitled to the same holidays as are observed by the general body of employees of the industry in which they are employed.

(11) SUNDAY AND HOLIDAY RATE.—(a) In the case of continuous or recurring work necessarily done in the ordinary course directly for the establishment's usual production or service upon Sundays or holidays as well as upon other days of the week, ordinary time or shift worked on a Sunday or holiday shall be paid for at the rate of time and a half, but in all other cases all time on duty on Sundays or holidays shall be paid for at the rate of double time. Provided that time worked on Sundays or holidays shall be paid for at the rate of time and a half for the first eight hours and double time thereafter whenever repairs to, maintenance, or renewals of engines, boilers or other machinery in any undertaking have necessarily to be done on Sundays or holidays to allow work to proceed properly next day.

(b) To complete a shift an employee may be required to work up to 6 a.m. on a holiday at ordinary rates, provided that such employee is not required to work his usual shift commencing on the holiday.

(12) SHIFT WORK.—(a) The ordinary working hours of employees on shift work shall not exceed an average of 44 per week spread over a period of one, two, three or four weeks, to be worked in shifts of eight hours, including such time as by mutual arrangement may be taken for meals.

(b) There shall be a roster of shifts which shall—

(i) Provide for rotation unless all the employees concerned desire otherwise;

(ii) Provide for not more than eight shifts to be worked in any nine consecutive days; and

(iii) Not be changed until after four weeks' notice.

So far as employees present themselves for work in accordance therewith, shifts shall be worked according to the roster.

(c) Notwithstanding the preceding sub-clauses (a) and (b), where in any particular workshop, factory or working place at which an employee working on shift is engaged the majority of the employees working on shift therein in connexion with the operations for which is used the power or steam supplied with the aid of such employees work shifts not in accordance with sub-clauses (a) and (b) hereof, such employee shall for his ordinary hours of work work shifts similar in length, roster conditions and conditions to those of such majority, but this sub-clause shall not apply when such shifts exceed in the aggregate 176 hours in any period of four consecutive weeks, in which case the preceding sub-clauses (a) and (b) shall apply.

(d) For work done by a shift worker outside the ordinary hours of his shift double time shall be paid. But this shall not apply to arrangements between employees themselves or in cases due to rotation of shift or when the relief does not come on duty at the proper time. Provided that where not less than eight hours notice has been given to the employer by the employee that he will be absent from work and the employee whom he should relieve is not relieved, such unrelieved employee shall be paid time and a half for all time of duty after he has finished his ordinary shift.

(e) 1. Employees working afternoon or night shifts shall be paid shift premiums at the same rates and subject to the same conditions as are prescribed by the award, determination, or agreement (Commonwealth or State) for the general body of employees in the industry in which they are employed: Provided that in any case, they shall be entitled to be paid for such shifts not less than 5 per cent. more than ordinary rates.

2. Employees working afternoon or night shifts, who are not covered by paragraph 1 hereof, shall be paid shift premiums for such shifts, as follows:—

(i) If such shifts continue for more than one month—5 per cent. more than ordinary rates;

(ii) If such shifts continue for less than one month, but for more than five afternoons or nights—10 per cent. more than ordinary rates;

(iii) If such shifts do not continue for more than five afternoons or nights—overtime rates shall be paid.

(iv) A shift-worker who, during a period or engagement on shift work, works only on night shift and without some regular rotation with some other shift or with day work, shall be paid at the rate of time and a quarter for all time worked during his ordinary working hours.

For the purpose of this paragraph 2 "night shift" means any shift finishing subsequent to midnight and at or before 8 a.m.; and "afternoon shift" means any shift (not being a night shift) which starts before 6 a.m. or after 10 a.m.

(f) Where in any particular workshop, factory or working place at which an employee working on shift is engaged the majority of the employees working on shift therein in connexion with operations for which is used the power or steam supplied with the aid of such employee receive compensation by way of annual leave or otherwise for working Saturday afternoon, holiday and/or Sunday shifts, such employee shall be given similar compensation for working such shifts.

(g) The hours worked from 11 p.m. to midnight on Sundays or holidays by ordinary shift employees of the Colonial Sugar Refining Co. Ltd. shall not be considered as worked on Sundays or holidays so as to entitle the employees to Sunday or holiday rates for the one hour mentioned.

(13) ANNUAL LEAVE.—(a) Employees shall be entitled to and shall be allowed annual leave to the same extent and subject to the same conditions as are prescribed by award or determination—Commonwealth or State—for the general body of employees in the industry in which they are employed.

Employees who are not entitled to leave under the preceding paragraph and who are employed in engine rooms and boiler houses in the generation of steam or power for use in a process or processes in which ordinarily they are not directly employed shall be allowed annual leave subject to the following conditions:—

- (i) Except as hereinafter provided a period of seven consecutive days shall be allowed annually to all employees after twelve months' continuous service (less the period of annual leave) in any one or more of the occupations to which the determination applies.
- (ii) Annual leave shall be given at a time fixed by the employer within a period not exceeding three months from the date when the right to annual leave accrued and after not less than one week's notice to the employee, provided that the giving of annual leave may with the consent of the Secretary for Labour be postponed for a period to be specified in cases where the exigencies of the war render it impracticable to give it within the said period of three months.
- (iii) An employer may allow leave to an employee before the right thereto has accrued due but where leave is taken in such a case a further period of annual leave shall not commence to accrue until after the expiration of the twelve months in respect of which annual leave had been taken before it accrued.
- (iv) If after six months' continuous service in any qualifying twelve-monthly period an employee leaves his employment or his employment is terminated by the employer through no fault of the employee the employee shall be paid one-sixth of a week's wage in respect of each completed two months of continuous service in respect of which leave has not been granted hereunder.
- (v) Each employee before going on leave shall be paid a week's wage.

For the purpose of this sub-clause and paragraph (iv) hereof the week's wage shall be at the rate prescribed by clause (2) hereof for the occupation in which the employee was ordinarily employed immediately prior to the commencement of his leave or the termination of his employment as the case may be.

- (vi) The annual leave provided for by this sub-clause shall be allowed and shall be taken and except as provided by paragraph (iv) hereof payment shall not be made or accepted in lieu of annual leave.
- (vii) Notwithstanding anything herein provided an employer who gives to an employee leave of absence without loss of pay throughout the interval of time—

- (1) between the days observed hereunder as the Christmas Day holiday and the New Year's Day holiday; or
- (2) between the day immediately preceding the Good Friday holiday and the Monday next after the Easter Monday holiday,

shall be deemed thereby to fulfil all obligations to that employee under this clause in respect of the period of twelve months' service referred to in paragraph (i) hereof. The provisions of paragraph (iii) hereof shall apply to this sub-clause.

- (viii) Where leave has been granted to an employee pursuant to paragraphs (iii) and (vii) hereof before the right thereto has accrued due and the employee subsequently leaves or is discharged from the service of the employer before completing the twelve months' continuous service in respect of which the leave was granted the employer may for each two complete months of the qualifying period of twelve months not served by the employee deduct from whatever remuneration is payable upon the termination of the employment one-sixth of the amount of the wage paid on account of the annual leave, which amount shall not include any sums paid for any of the public holidays to which the employee was entitled under clause (10) hereof.
- (ix) In the case of employees in the employment of an employer on the 13th day of March, 1941, service before that date shall be taken into consideration for the purpose of calculating annual leave, and persons in employment on the 1st day of August, 1940, shall for the purposes of this clause be deemed to have commenced their service on that date.
- (x) For the purposes of this clause service shall be deemed to be continuous notwithstanding—
 - (1) any interruption or determination of the employment by the employer if such interruption or determination has been made merely with the intention of avoiding obligations hereunder in respect of leave of absence;
 - (2) any absence from work on account of sickness or accident or military service and in calculating the period of twelve months' continuous service absence on account of sickness or accident to the extent of fourteen days in any twelve months shall be deemed to be part of the period of continuous service; or
 - (3) any termination of the employment by the employee if such termination has been made merely with the intention of preventing the operation of paragraph (vii) hereof.
- (xi) Except as provided in paragraph (vii) hereof the annual leave prescribed by this clause shall be exclusive of any of the public holidays to which an employee is entitled under clause (10) hereof and if any such holiday falls within an employee's period of annual leave there shall be added to that period one day for each such holiday falling as aforesaid.
- (xii) For the purpose of this clause a month shall be reckoned as commencing with the beginning of the first day of the employment or period of employment in question and as ending at the beginning of the day which in the latest month in question has the same date number as that which the commencing day had in its month and if there be no such day in such subsequent month shall be reckoned as ending at the end of such subsequent month.
- (xiii) Where the employer is a successor or assignee or transferee of a business if an employee was in the employment of the employer's predecessor at the time when he became such successor or assignee or transferee the employee in respect of the period during which he was in the service of the predecessor shall for the purpose of this clause be deemed to be in the service of the employer.

(b) Nothing in this clause shall affect the operation of clause (12) (f) hereof and any annual leave required to be given under that sub-clause shall be given in addition to the annual leave prescribed by this clause.

(14) MIXED FUNCTIONS.—(a) Where the employment or work involves functions of a mixed character, the minimum wages to be paid to the employee for the day or part of a day he is so employed shall be calculated as if he performed such only of the said functions as involve the highest rate of wages under this Determination. If so employed for any part of a day he shall be paid at the highest rate for the whole of such day.

(b) Engine drivers, whilst in charge of their engines, shall only be required to perform such work as may be within the scope of or incidental to engine driving and the generation, use and application of engine power. Provided that engine drivers in charge of engines supplying power to any intermittent process involving regular stoppages, may during such stoppages be required to perform any work necessary or incidental to such intermittent process.

(15) EXTRA RATES NOT CUMULATIVE.—Extra rates herein prescribed are not cumulative so as to exceed the maximum of double the ordinary rates.

(16) TRAVELLING AND CAMPING ALLOWANCES.—Employees shall be allowed the same conditions as to fares, travelling time, travelling allowances, country work, camping allowances as are prescribed by award or Determination—Commonwealth or State—for the general body of employees of the industry in which they are employed.

(17) **RIGHT OF ENTRY OF UNION OFFICIALS.**—A duly accredited representative of the Federated Enginedrivers and Firemen's Association of Australasia not more than once a fortnight shall have the right to enter during the midday meal hour the portion of an employer's establishment in which any employees engaged upon any class of work to which this Determination applies are employed for the purpose of interviewing such employees on legitimate Union business.

If any employer alleges that a representative is unduly interfering with or is creating disaffection amongst his employees or is offensive in his methods, such employer may refuse the right of entry.

Provided, however, that no employer or person apparently acting on his behalf shall refuse to allow such representative as aforesaid to enter an establishment upon the ground only that it is not then the midday meal interval, unless he shall upon such refusal give the representative full and accurate particulars of the meal hours or crib times of each of the employees engaged upon work to which this determination applies. An employer shall be deemed to have committed a breach of this determination if he or the person apparently acting on his behalf omits, being obliged to do so, to give such particulars as aforesaid.

(18) **TIME AND WAGES BOOK.**—(a) Each employer shall keep a time and wages book at his workshop, factory or mill or other place of work or at an office convenient thereto showing the name of each employee, his classification under this Determination, his time of starting and finishing work each day and the amount of overtime worked, and all amounts paid to him by way of wages, special rates and allowances.

(b) Any time occupied by an employee in filling in any time book or card, or in the making of records, shall be treated as time of duty.

(c) An employer may provide a mechanical clock for the purpose of recording the time of each employee, in which case each employee shall at the end of the week enter such other particulars as may be necessary to comply with sub-clause (a) hereof on some card or document used in connexion with such clock, and such card or document shall be deemed to be the time and wages book.

(d) Such time and wages book shall on demand be produced at reasonable times by the employer for inspection to an official of the Federated Enginedrivers and Firemen's Association of Australasia duly authorized in writing by the president and secretary of the local branch or sub-branch of such Association at the place where the time and wages book is kept pursuant to sub-clause (a) hereof.

The official making such inspection shall be permitted to make and retain a copy of any entry in such time and wages book relating to any matter in respect of which he suspects a breach of this Determination has been committed. He shall, if required to do so, produce for inspection by the employer or his representative any such copy as aforesaid.

(19) **SHOP STEWARDS.**—A shop steward appointed by the employees in each workshop or place of work shall be allowed the necessary time during working hours to interview the employer or his representative on matters affecting employees whom he represents.

Provided that this clause shall not apply in any case in which at the one place an employer employs five or less employees to whom this Determination applies.

(20) **RADIATORS.**—Each crane cabin shall, unless otherwise heated, be equipped with a radiator, which the employer shall install and maintain in good order and condition.

(21) **APPLICATION OF DETERMINATION.**—This determination shall not apply to—

(i) The driving of any internal combustion engine of 30 or less b.h.p. or any engine or electric motor or any pump, air compressor, pneumatic, or small hoist on which no engine-driver or fireman or greaser is employed as such, but the starting and stopping of and attention to which is done by an employee the greater part of whose time is taken up with other work; or

(ii) The operation of pneumatic and small hoists and two-motion electric man-power cranes; or

(iii) The driving of footpath rollers of 30 cwt. and under.

(22) **EXEMPTIONS.**—

Agricultural Implement Makers.

(a) This determination shall not apply to employers who are parties to and bound by the award of the Commonwealth Court of Conciliation and Arbitration made on the 7th day of April, 1936, in the matter of industrial disputes Numbers 24 and 39 of 1935 and 8 of 1936 wherein the Federated Agricultural Implement Machinery and Ironworkers' Association of Australia and other organizations of employees and H. V. McKay Massey Harris Pty. Ltd. and other employers in the agricultural implement making industry are parties, nor to employers parties to and bound by any future award of the said Court made in that industry.

Melbourne and Metropolitan Board of Works.

(b) Clause (16)—Travelling and Camping Allowance—shall not apply to employees of the Melbourne and Metropolitan Board of Works at the Melbourne Metropolitan Farm.

Melbourne Harbour Trust Commissioners.

(c) The Melbourne Harbour Trust Commissioners are exempted from clauses (6) to (16) inclusive of this determination, so long as present conditions of labour are observed and employees engaged driving electric three-ton travelling jib cranes are, during the time they are so engaged, paid 10 per cent. more than the ordinary rate prescribed for the first eight hours worked on Monday to Friday inclusive and four hours on Saturday.

For all time worked in excess of the times prescribed in this sub-clause overtime shall be paid at the rate of time and a half for the first four hours and double time thereafter.

Motor-Body and Coach-Building Industry.

(d) This determination shall not apply to employers who are parties to and bound by the interim award of the Commonwealth Court of Conciliation and Arbitration made on the 15th day of December, 1939, in the matter of industrial disputes Numbers 35, 99, 110, 129, 131, 193, 202, and 204, of 1939, wherein the Vehicle Builders Employees' Federation of Australia and other organizations of employees and General Motors-Holdens Ltd. and other employers in the motor body and coach-building industries are parties, nor to employers parties to and bound by any future award of the said Court made in those industries.

Shire of Kerang.

(e) The Shire of Kerang, in respect of engine-drivers employed on the Kerang to Koondrook Tramway Undertaking, is exempted from clause (6) of this determination so long as it continues to allow each of such employees eighteen days' leave on full pay annually, and to observe in respect of them the following conditions:—

(a) The ordinary number of hours worked in any day shift shall not exceed nine; and

(b) Overtime at the rate prescribed by this determination shall be paid—

(i) For all time worked in excess of nine hours in any day;

(ii) For all time worked in excess of the weekly hours prescribed by clause (6) hereof, provided that overtime payments shall not be cumulative.

Municipal Bodies.

(f) This determination shall apply to the Mayor, Councillors, and Citizens of any City or Town; the Mayor, Councillors, and Burgesses of any Borough, and the President, Councillors, and Ratepayers of any Shire, other than the Shire of Kerang in respect of employees on the Kerang to Koondrook Tramway Undertaking, to the extent that he or they—

(a) Shall pay not less than the rates prescribed by this determination;

(b) Shall comply with clauses (17), (18), and (19) hereof; but

(c) May, in lieu of observing the other conditions prescribed herein, observe the conditions of employment prescribed by the award of the Commonwealth Court of Conciliation and Arbitration made on the 22nd day of August, 1930, in settlement of dispute Number 1 of 1929 between the Federated Municipal and Shire Council Employees' Union of Australia and the Lord Mayor, Aldermen, Councillors and Citizens of the City of Melbourne and others.

First Mildura Irrigation Trust.

(g) The First Mildura Irrigation Trust shall, during the pumping period, be exempted from clause (11) (a) and clause (12) (d) of this determination so long as the following conditions are observed:—

(1) Employees engaged under this determination during the pumping period shall be given preference of employment on Trust work during non-pumping periods.

(2) At the termination of the pumping period each season all employees under this determination for such period shall in addition to any annual leave granted by this determination, receive one week's leave at the ordinary weekly rate of his classification, or shall, at the employees' request, receive payment in lieu thereof.

(3) The rate for work done on Sundays and Holidays shall be time and a half.

(4) The rates paid to employees of the Trust under the determination shall be not less than 6s. per week above the rates provided by this determination for the same classifications within 20 miles of the G.P.O., Melbourne.

(5) Time worked on week days in excess of 44 hours per week shall be paid for at the rate of ordinary time for the first four hours and double time thereafter.

(23) DEFINITIONS.—In this determination, except where otherwise clearly intended—

(a) "Attendant" means a person who attends to an electric motor or motors of thirty horse-power or more in the aggregate, and performs any duties of oiling or cleaning or attending to commutators, brushes, fuses, or switches.

(b) "Casual employee" means an employee competent to do the work he is engaged to do who is dismissed or refused work without any fault of his own before the expiration of six days from the date he starts work, but does not include an employee usually engaged in another capacity by the employer concerned, and who is called upon to do work coming under the terms of this determination.

(c) "Engine-driver" means any person who operates or drives any engine or engines, the motive power of which is either steam, gas, oil, water, compressed air, or electricity, and includes any greaser who is called upon in the ordinary course of his duty to do engine-driver's work other than simply stopping or starting an engine under the supervision of an engine-driver.

(d) "Engine-driver in charge of plant" means—

(i) When two or more drivers are employed at the plant at one time, the engine-driver who is invested with the superintendence and responsibility or who has to accept the responsibility and superintendence; or

(ii) When he is the only person of his class employed on the plant, the engine-driver who does the general repair work of the plant in addition to the work of engine-driving, but not when he merely assists a fitter or engineer to do such work.

(e) "Fireman—first-class" means a fireman who attends to two or more boilers or two or more suction gas generators or one or more boilers or one or more generators developing 1,000 i.h.p. in the aggregate, and includes a fireman of a steam navy or excavator.

(f) "Greaser—first-class" means a greaser who under the supervision of an engine-driver stops or starts an engine or engines, but does not include any greaser who does so only in cases of necessity or emergency.

(g) "Leading fireman—first-class" means—

(i) The fireman employed at a plant where three or more firemen are employed at the same time who is invested with the responsibility and superintendence or who has to accept the responsibility and superintendence; or

(ii) The fireman employed at a plant where three or more firemen are employed at the same time whose duty it is to attend to the water of boilers that are fired by two or more of the other firemen.

(h) "Leading fireman—second-class" means—

(i) The fireman employed at a plant where two firemen are employed at the same time who is invested with the responsibility and superintendence or who has to accept the responsibility and superintendence; or

(ii) The fireman employed at a plant where two firemen are employed at the same time and whose duty it is to attend to the water of boilers that are fired by the other fireman.

(i) "Lofty crane—first-class" means a lofty crane on a building in the course of erection or demolition where the driving platform is more than 100 feet above the ground.

(j) "Lofty crane—second-class" means a lofty crane on a building in the course of erection or demolition where the driving platform is from 20 to 100 feet above the ground.

(k) "Lofty crane—third-class" means a lofty crane outside buildings not in the course of erection where the driving platform is more than 20 feet from the level of the ground.

(l) "Steam-engine—first-class" means a turbine or an engine or engines having a single cylinder with a bore of 12 inches in diameter or over, or having singly or together two or more cylinders the sum of the area of whose bores equals or exceeds the area of a circle 12 inches in diameter.

(m) "Steam-engine—second-class" means an engine or engines having a single cylinder with a bore less than 12 inches in diameter or having singly or together two or more cylinders the sum of the area of whose bores is less than the area of a circle 12 inches in diameter.

(24) PERIODICAL ADJUSTMENT OF WAGES.—The wages rates set out in clause (2) are based upon the following basic wage and, pursuant to the provisions of section 21 of the *Factories and Shops Act 1934*, shall be automatically increased or decreased by the same amount, and at the time, as such basic wage.

The basic wage shown hereunder shall be adjusted as prescribed in clause (25).

Basic Wage.

Place.	Needs Basic Wage (Adjustable) Per Week.	Loading (Constant) Per Week.	Total Basic Wage Per Week.	Index Number Set Assigned.
Within 20 miles of G.P.O., Melbourne	£ s. d. 4 8 0	£ s. d. 0 6 0	£ s. d. 4 14 0	Melbourne
Within 10 miles of Chief P.O., Geelong, or at Warrnambool—same as the contemporaneous basic wage for Melbourne				
Mildura and Gippeland Districts—same as the contemporaneous basic wage for Melbourne				
Yallourn—until further order the same amount in excess of Melbourne as at present, viz., 6s. 6d. per week				
Elsewhere—3s. less than the contemporaneous basic wage for Melbourne				
Bush sawmills wherever situated—3s. less than the contemporaneous basic wage for Melbourne				

(25) ADJUSTMENT OF NEEDS BASIC WAGE.—(a) Until the beginning of the first pay period to commence in November, 1942, the amounts of the basic wage shall be as prescribed in clause (24.)

(b) For work done during each future period of or near a quarter beginning with the first pay period to commence in a November, a February, a May, or an August, the amounts of the needs basic wage shall be adjusted by the following method according to the position and fluctuations (if any) of the Commonwealth Statistician's "All Items" retail price index numbers.

For the purposes of this Determination, the expression "Commonwealth Statistician's 'All Items' retail price index numbers" or any like expression means the numbers stated to be such index numbers in any document purporting, and not proved to be wrongly so purporting, to be printed by the Commonwealth Government Printer or to be signed by or on behalf of the Commonwealth Statistician.

- (i) Adjustment is to be based upon the equating of index number 1000 with 81s.
(ii) The index number set to be applied to a place is that assigned thereto in clause (24).
(iii) The index number for the calendar quarter next preceding the period of or near a quarter for which the adjustment is made is to be ascertained.
(iv) The amounts assigned in the following table (or in any extension thereof) to the index number division comprising that number are to be ascertained.
(v) The basic wage shall be of those assigned amounts during such successive period of or near a quarter.

Table.

Index Number Divisions.	Needs Basic Wage (Adjustable). Per Week.	Loading (Constant). Per Week.	Total Basic Wage Per Week.
	£ s. d.		£ s. d.
834-845	3 8 0	6s.	3 14 0
846-858	3 9 0		3 15 0
859-870	3 10 0		3 16 0
871-882	3 11 0		3 17 0
883-895	3 12 0		3 18 0
896-907	3 13 0		3 19 0
908-919	3 14 0		4 0 0
920-932	3 15 0		4 1 0
933-944	3 16 0		4 2 0
945-956	3 17 0		4 3 0
957-969	3 18 0		4 4 0
970-981	3 19 0		4 5 0
982-993	4 0 0		4 6 0
994-1006	4 1 0		4 7 0
1007-1018	4 2 0		4 8 0
1019-1030	4 3 0		4 9 0
1031-1043	4 4 0		4 10 0
1044-1055	4 5 0		4 11 0
1056-1067	4 6 0		4 12 0
1068-1080	4 7 0		4 13 0

Any extension of this table must be of the same construction as the table.

(c) The amounts of the weekly rates for juniors in clause (3) are based upon those set out in sub-clause (d) hereof which have been fixed upon a needs basic wage of 77s. per week, and such rates shall be adjusted proportionately to the average of the needs basic wage for Sydney, Melbourne, Adelaide and Hobart calculated to the nearest 6d., any broken part of 6d. in the result not exceeding 3d. to be disregarded, and shall accord with the rates payable from time to time under the appropriate award of the Commonwealth Court of Conciliation and Arbitration.

(d) The rates upon which adjustments are to be made are as follow, viz.:-

	Adjustable Portion of Wage. Per Week.	Loading (Constant) Per Week.
	£ s. d.	s. d.
If under 16 years of age	1 11 0	0 9
If 16 and under 18 years of age	2 1 0	1 0
If 18 and under 19 years of age	2 10 0	2 0
If 19 and under 20 years of age	3 12 0	2 0

D. GRANT, Chairman.

H. N. JONES, Secretary.

Melbourne, 29th July, 1942.