



VICTORIA GOVERNMENT GAZETTE.

Published by Authority.

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

No. 107]

MONDAY, MAY 31.

[1943

Factories and Shops Acts.

COMMERCIAL CLERKS BOARD.

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

IN THE INDUSTRIAL APPEALS COURT.

In the matter of the Determination of the Commercial Clerks Board, dated the 31st March, 1943, and published in the *Victoria Government Gazette* on the 7th April, No. 66 of 1943,

and

In the matter of an Appeal by the representatives of the employers on the said Board.

(Before His Honour Judge Stretton, Mr. C. H. Grant, and Mr. J. V. Stout.)

Thursday, the 13th day of May, 1943.

This Appeal coming on for hearing by this Court on the 19th day of April, 1943, and on subsequent days UPON READING the appeal and UPON HEARING Dr. Ellis of counsel for the employers, and Mr. Stanley Lewis, of counsel for the employees:

THIS COURT DOETH (BY CONSENT OF THE PARTIES SO FAR ONLY AS RELATES TO THE RATES OF REMUNERATION PRESCRIBED BY CLAUSE (2) HEREOF) ORDER AND DETERMINE:—

(1) That as from the beginning of the first pay period which commenced in April, 1943, the above-mentioned Determination of the Commercial Clerks Board be and is HEREBY AMENDED by substituting for the provisions thereof which relate to the lowest prices or rates which may be paid the provisions relating to such prices or rates which appear in the amended Determination which is set out hereunder.

The substituted prices or rates are the lowest prices or rates which may be paid, as from the beginning of the first pay period which commenced in April, 1943, to any person or persons or classes of persons (other than persons employed by any banking company, insurance company, trustee company, barrister or solicitor, but including persons employed in his practice by a barrister or solicitor as a typewriter or stenographer) employed in connexion with some trade or business as a clerk, collecting clerk, time-keeping clerk, despatch clerk, store clerk, weighing clerk, cashier, typewriter, stenographer, bookkeeper, or telephone switchboard attendant.

(2)

APPRENTICES OR IMPROVERS.

MALES.					FEMALES.				
Wages per Week.					Wages per Week.				
Experience.	Commencing Age.				Experience.	Apprentices.	Improvers.		
	Under 16 Years.	16 Years.	17 Years.	18 Years or Over.			Typistes, Stenographers or Operators of Ledger-keeping Machines.	All Other Improvers.	
	s. d.	s. d.	s. d.	s. d.		s. d.	s. d.	s. d.	
1st year	26 0	26 0	28 6	30 6	1st year	26 0	34 0	26 0	
2nd year	34 0	34 0	40 9	49 3	2nd year	30 6	39 0	30 6	
3rd year	40 9	43 9	58 0	66 3	3rd year	39 6	47 9	39 6	
4th year—					4th year	49 3	55 0	49 3	
1st six months ..	53 9	60 3	68 3	84 0	5th year and until 21				
2nd six months ..	53 9	60 3	84 0	85 6	years of age ..	60 3	65 0	60 3	
5th year—									
1st six months ..	72 6	76 0	99 9	105 6					
2nd six months ..	72 6	96 9	99 9	105 6					
6th year and until 21									
of age	99 9	105 6					

PROPORTION (in any place).

APPRENTICES.
One apprentice to every two or fraction of two workers receiving not less than the minimum wage.
An indenture of apprenticeship prescribed by the Board was approved on 13th February, 1924.

IMPROVERS.
One improver to one or two
Two improvers to three or four
Three improvers to five or six
And thereafter one improver to every three or fraction of three

Workers receiving not less than minimum wage.

JUVENILE WORKERS OTHER THAN APPRENTICES AND IMPROVERS.

(a) In cases where only one person coming within the scope of this Determination is employed, and such person is under 21 years of age, and in cases where a person is employed in connexion with copying work for a Directory, and such person is under 21 years of age, the lowest rate of wages per week to be paid to such person in either of such cases shall be the rate fixed for an improver, male or female (as the case may be), of the like experience.

(b) Female employees under the age of 21 years (other than apprentices or improvers) employed as telephone switchboard attendants.

	Wages per Week.	
	s.	d.
1st year	27	9
2nd year	32	9
3rd year	41	9
4th year	51	0
5th year and until 21 years of age	62	6

OTHER EMPLOYEES.

WAGES PER WEEK.

	Within a radius of 25 miles of the General Post Office, Melbourne, and within a radius of 10 miles of the Post Office, Geelong.		Within the Cities of Ballarat, Bendigo, and Warrnambool, and the Boroughs of Eaglehawk and Sebastopol.		All other Parts of Victoria where this Determination Applies.	
	Males.	Females.	Males.	Females.	Males.	Females.
	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.
Stenographers, typistes, or operators of calculating, or ledger-keeping machines	119 0	79 6	116 0	73 6	113 6	68 0
Telephone switchboard attendants	119 0	78 0	116 0	73 6	113 6	68 0
All other adults	119 0	76 0	116 0	71 9	113 6	68 0

(3) WEEKLY HOURS.—The number of hours to constitute an ordinary week's work shall be—

- (a) 44 hours in retail shops;
- (b) 42 hours in all other places.

(4) TIMES OF BEGINNING AND ENDING WORK.

	Time of Beginning Work.	Time of Ending Work.
On the usual weekly half holiday	8 a.m.	1 p.m.
On all other days of the week	8 a.m.	6.15 p.m.

Provided that for clerks employed in retail shops the time of beginning and ending work on the day on which the usual late trading night is observed or the day immediately preceding a public holiday shall be:—

Time of Beginning Work.	Time of Ending Work.
9 a.m.	9 p.m.

The provisions of this clause shall not apply to employees working in hotels, guest houses, boarding houses, restaurants or coffee palaces, but the spread of hours for such employees shall not exceed nine (9) in any one day.

(5) OVERTIME.—(a) Employees working in hotels, guest houses, boarding houses, restaurants or coffee palaces shall be paid time and a half for all work done in excess of the number of hours fixed for an ordinary week's work.

(b) Employees working in any other place:—

- (i) Within the hours fixed in clause (4) in excess of hours fixed for an ordinary week's work .. Time and a half.
- (ii) Outside the hours fixed in clause (4) .. Time and a half.

For the purpose of administering the provisions contained in sub-clauses (a) and (b) hereof the minimum period for which an employee shall be paid overtime shall be one-half hour per week.

(6) TERMS OF EMPLOYMENT.—All employees (other than casuals) willing, ready, and available for work shall be paid the full weekly wage fixed herein irrespective of the number of hours worked not exceeding 44 in retail shops or 42 in any other place. To terminate employment one week's notice shall be given by either employer or employee or in lieu of such notice by an employer, one week's wages shall be paid. The provisions of this clause shall not apply in any instance where an employee is dismissed for misconduct.

(7) CASUAL LABOUR.—Casual hands, i.e., persons who are employed during any week for not more than one-half of the maximum number of hours fixed in the Determination as a week's work, shall be paid at the rate of time and a half on the hourly rate calculating *pro rata* by dividing the weekly rate by the number of hours fixed for a week's work.

(8) SPECIAL RATES FOR SUNDAYS AND PUBLIC HOLIDAYS.—The special rate to be paid to a clerk or cashier employed in hotel, guest house, boarding house, coffee palace, or restaurant shall be at the rate of time and a half, and the special rate to be paid to any other persons shall be the rate of double time for all work done on Sundays, New Year's Day, Australia Day (26th January), Good Friday, Easter Saturday (except in localities in which the late trading night is observed on Saturday), Easter Monday, Labour Day (21st April) (within a radius of 25 miles of the G.P.O., Melbourne; the cities of Ballarat, Bendigo, Geelong, Geelong West, and Warrnambool; the town of Newtown and Chilwell; and the boroughs of Eaglehawk and Sebastopol), Anzac Day, King's Birthday, Melbourne Cup Day (within the radius of 25 miles of the G.P.O., Melbourne, except in establishments where employees other than clerks are employed and the majority of such employees do not observe Cup Day as a holiday), Christmas Day, and Boxing Day; but if on 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 this clause shall not apply to:—

- Receiving clerks or punch or fare checking clerks, outfit clerks, roster clerks, or other clerks in lieu of or in substitution for any such clerks in connexion with the traffic operations of tramways or employed in tramway sheds or tramway offices; or
- Counter clerks, entering clerks, cashiers, label or despatch clerks employed in daily newspaper offices.

(9) ANNUAL HOLIDAYS.—Any employee who has been in the service of the same employer for a period of not less than twelve months shall be granted holidays on full pay for a period of nine consecutive working days in each year (exclusive of the holidays specified in clause (8)), and such holidays shall be given within six months of completion of each twelve months' service. Should an employee's services be terminated before the expiration of twelve months' service he shall be entitled to *pro rata* holidays on full pay; but should an employee be dismissed at any time for misconduct before the expiration of any period of twelve months of such employment, he shall not be entitled to any annual leave or any *pro rata* payment in lieu thereof.

(10) HOLIDAYS AND SICK LEAVE.—No deduction shall be made from the wages of employees granted leave for the holidays specified in clause (8) or for unavoidable absence through illness for not more than six days in any year.

(11) TIME AND WAGES RECORDS.—Each employer shall keep time and wages records showing the name of each employee, the hours worked each day, and the wages and overtime paid each week. The time and wages record shall be open for inspection to a duly accredited official of the Federated Clerks' Union of Australia during the usual office hours at the employer's office, or other convenient place, provided that only one demand for such inspection shall be made at the same establishment in any one fortnight, and such demand shall not be made unless the Secretary of the Union suspects that a breach of this Determination has been committed.

(12) MEAL ALLOWANCE.—Any employee who is required to work after the usual finishing hour of work beyond one hour, shall be paid a meal allowance of 2s. This provision shall only apply within a radius of 25 miles of the G.P.O., Melbourne and 10 miles of the Post Office, Geelong.

(13) VEHICLE ALLOWANCES—(a) Where an employer requires an employee to use his own bicycle in the performance of his duties, such employee shall be paid an allowance at the rate of 3s. 6d. per week for such period as the bicycle is used.

(b) Where an employer requires an employee to use his own motor vehicle in the performance of his duties, such employee shall be paid an allowance of not less than fourpence per mile but such allowance shall not exceed £3 per week.

(c) Where an employer provides a motor vehicle which is used by an employee in the performance of his duties, all expenses including registration, running and maintenance of such motor vehicle shall be paid by the employer.

(14) UNIFORM ALLOWANCE.—Where an employer requires any employee to wear any special uniform, dress, or clothing, such employee shall be paid an allowance of 2s. 6d. per week unless such uniform, dress, or clothing is supplied and laundered by the employer.

(15) REST PERIOD.—All employees shall be allowed two rest intervals on each day as follows:—(a) The first of ten minutes to be allowed between the time of commencing work and the usual meal interval; (b) the second of ten minutes to be allowed between the usual meal interval and the time of ceasing work for the day. Such intervals are to be counted as part of time worked.

(16) FLOOR COVERING.—Where an employee is called upon to remain stationary on a concrete or stone floor for a period exceeding half an hour, suitable floor covering shall be provided by the employer.

(17) PAYMENT OF WAGES.—Wages, overtime, and allowances shall be paid during working hours not later than Friday in each pay week.

(18) PERIODICAL ADJUSTMENT OF WAGES.—The wages rates set out in clause (2) are based upon the following basic wage, and pursuant to and in accordance with the provisions of section 21 of the *Factories and Shops Act 1934*, this Court hereby determines that rates for male adults shall be automatically increased or decreased by the same amount, and at the same time as such basic wage, provided that the wages of female adults, apprentices, improvers and juvenile workers shall be adjusted proportionately to adjustments of the basic wage—such adjustments to be made to the nearest 3d., half or less than half of 3d. to be disregarded.

Provided further that no rate shall be increased or decreased by more than the increase or decrease in the basic wage.

The basic wage shown hereunder shall be adjusted as prescribed in clause (19).

Basic Wage.

Place.	Basic Wage.	Index Number Set Assigned.
Within the area to which this Determination applies	£ s. d. 4 12 0	Melbourne

(19) ADJUSTMENT OF BASIC WAGE.—(a) Until the beginning of the first pay period to commence in August, 1943, the amount of the basic wage shall be as prescribed in clause (18).

(b) During each future successive period beginning with the first pay period to commence in an August, a November, a February, or a May, the amount of the 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 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:—

- (1) The index number set to be applied is that assigned to Melbourne.
- (2) 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.
- (3) The amount assigned in the following table (or a any extension thereof) to the index number division comprising that number is to be ascertained.
- (4) The basic wage shall be of that assigned amount during such successive period.

TABLE.

Index Number Divisions.	Basic Wage.	Index Number Divisions.	Basic Wage.
	£ s. d.		£ s. d.
994-1006	4 1 0	1118-1129	4 11 0
1007-1018	4 2 0	1130-1141	4 12 0
1019-1030	4 3 0	1142-1154	4 13 0
1031-1043	4 4 0	1155-1166	4 14 0
1044-1055	4 5 0	1167-1179	4 15 0
1056-1067	4 6 0	1180-1191	4 16 0
1068-1080	4 7 0	1192-1203	4 17 0
1081-1092	4 8 0	1204-1216	4 18 0
1093-1104	4 9 0	1217-1228	4 19 0
1105-1117	4 10 0	1229-1240	5 0 0

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

The adjustment shall be made on the following rates:—

APPRENTICES OR IMPROVERS.

MALES.					FEMALES.			
Wages per Week.					Wages per Week.			
Experience.	Commencing Age.				Experience.	Apprentices.	Improvers.	
	Under 16 Years.	16 Years.	17 Years.	18 Years or Over.			Typistes, Stenographers or Operators of Ledger-keeping Machines.	All Other Improvers.
	<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>		<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>
1st year	26 0	26 0	28 6	30 6	1st year	26 0	34 0	26 0
2nd year	34 0	34 0	40 9	49 3	2nd year	30 6	39 0	30 6
3rd year	40 9	43 9	58 0	66 3	3rd year	39 6	47 9	39 6
4th year—					4th year	49 3	55 0	49 3
1st six months ..	53 9	60 3	68 3	84 0	5th year and until 21			
2nd six months ..	53 9	60 3	84 0	85 6	years of age ..	60 3	65 0	60 3
5th year—								
1st six months ..	72 6	76 0	99 9	105 6				
2nd six months ..	72 6	96 9	99 9	105 6				
6th year and until 21 years of age	99 9	105 6				

JUVENILE WORKERS OTHER THAN APPRENTICES AND IMPROVERS.

	Wages per Week.	
	<i>s. d.</i>	<i>s. d.</i>
1st year	27 9	..
2nd year	32 9	..
3rd year	41 9	..
4th year	51 0	..
5th year and until 21 years of age	62 6	..

FEMALE ADULTS.

WAGES PER WEEK.

	Within a radius of 25 miles of the General Post Office, Melbourne, and within a radius of 10 miles of the Post Office, Geelong.	Within the Cities of Ballarat, Bendigo, and Warrnambool, and the Boroughs of Eaglehawk and Sebastopol.	All other Parts of Victoria where this Determination Applies.
	<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>
Stenographers, typistes, or operators of calculating, or ledger-keeping machines	79 6	73 6	68 0
Telephone switchboard attendants	78 0	73 6	68 0
All other adults	76 0	71 9	68 0

By the Court,

REX L. CECIL,

Registrar.

Melbourne, 13th May, 1943.