



VICTORIA GOVERNMENT GAZETTE.

Published by Authority.

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

No. 129]

TUESDAY, JULY 16.

[1946

Factories and Shops Acts.

DETERMINATION OF THE STOREMEN, PACKERS, AND SORTERS 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 which now has the power to determine the lowest prices or rates which may be paid—

(a) to any person employed—

(i) as a Storeman, Packer, or Sorter;

(ii) in assisting a Storeman, Packer or Sorter;

(iii) as an assembler, collector, or checker of goods in course of receipt or despatch;

(b) to any person or persons or classes of persons employed at wiping eggs in any place where eggs are stored, sorted, or packed for trade or sale—

but not including any persons subject to the jurisdiction of any of the following Boards:—

Aerated Water Trade Board	Furniture Board (Wood Mantelpiece or Overmantel)	Printers Board (Provincial)
Agricultural Implements Board	Glassworkers Board	Retail Dairy Board
Bedstead Makers Board	Grocers Sundries Board	Rubber Trade Board
Biscuit Board	Ham and Bacon Curers Board	Shops Board No. 1 (Boot Dealers)
Boarding Houses Board	Hotel and Restaurant Board	Shops Board No. 7 (Country Shop Assistants)
Brewers Board	Ice Board	Shops Board No. 9 (Drapers and Men's Clothing)
Butter Board	Jam Trade Board	Shops Board No. 12 (Fuel and Fodder)
Butter Factories Board	Leather Goods Board	Shops Board No. 13 (Fuel and Fodder—Country)
Cardboard Box Trade Board	Marine Stores Board	Shops Board No. 14 (Furniture Dealers)
Cigar Trade Board	Meat Preservers Board	Shops Board No. 15 (Grocers)
Condenseries Board	Millet Broom Board	Shops Board No. 16 (Hardware)
Confectioners Board	Nailmakers Board	Slaughtering for Export Board
Cordage Board	Paper Board	Tea Packing Board
Fellmongers Board	Paper Bag Trade Board	Tinmiths Board
Flock Board	Pastrycooks Board	Wholesale Grocers Board
Flour Board	Plate Glass Board	Wireworkers Board
Flour Board (Country)	Pottery Board	Woodworkers Board
Frozen Goods Board	Printers Board	Woolen and Cotton Trade Board—
Fruit Packing Board	Printers Board (Country)	
Furniture Board (Picture Frames)		

has made the following Determination, namely:—

1. That as from the beginning of the first pay period to commence on or after the 4th July, 1946, the last previous Determination of this Board shall be revoked and replaced by this Determination.

No. 129.—6281/46.

PART I.

WAGE RATES.

ALL PLACES OTHER THAN OIL, GREASE, AND PETROLEUM PRODUCTS STORES.

2. APPRENTICES AND IMPROVERS.

	Wages Per Week of 44 Hours.					Number (in any place).
	Males.		Females.			
	Bread-making Establishments.	Any Other Place.	Establishments in which are sorted Waste Pieces or Clippings of Cottons, Silks, Woollens, or Woollen and Cotton Pieces.	Egg Packing Establishments.	Any Other Place.	
	s. d.	s. d.	s. d.	s. d.	s. d.	
Under 16 years of age	73 0	24 3	27 3	26 3	24 3	<p>APPRENTICES. One apprentice to every three or fraction of three workers of the same sex receiving not less than the minimum wage. An indenture of apprenticeship prescribed by the Board was approved on 24th May, 1923.</p> <p>MALE IMPROVERS. <i>Egg Packing Establishments.</i> One male improver to every two or fraction of two male workers receiving not less than 112s. per week of 44 hours. <i>Any Other Place.</i> One male improver to every four or fraction of four male workers receiving not less than 111s. per week of 44 hours.</p> <p>FEMALE IMPROVERS. <i>Laundries.</i> One female improver to every three or fraction of three female workers receiving not less than 69s. 3d. per week of 44 hours. <i>Establishments in which are sorted waste pieces or clippings of cottons, silks, woollens, or woollen and cotton pieces.</i> Two female improvers to every three or fraction of three female workers receiving not less than 68s. 6d. per week of 44 hours. <i>Egg Packing Establishments.</i> One female improver to every three or fraction of three female workers receiving not less than 66s. 6d. per week of 44 hours. <i>Any Other Place.</i> One female improver to every four or fraction of four female workers receiving not less than 63s. 9d. per week of 44 hours.</p>
16 to 17 years of age		32 3	31 0	33 6	31 6	
17 to 18 years of age		41 6	36 6	38 0	35 0	
18 to 19 years of age		58 0	41 0	45 0	40 9	
19 to 20 years of age		83 0	74 9	47 9	46 0	
20 to 21 years of age	112 6	91 3	54 6	56 0	52 0	

Provided that any female improver employed packing or sorting laundry-work shall, after completing three years' experience, be paid the wage fixed for an adult

3. OIL GREASE, AND PETROLEUM PRODUCTS STORES ONLY.

JUNIOR RATES.

Wages Per Week of 44 Hours.

	s. d.
Under 16 years of age	34 0
16 to 17 years of age	42 6
17 to 18 years of age	49 0
18 to 19 years of age	59 0
19 to 20 years of age	76 6
20 to 21 years of age	91 0

(a) Provided that any youth called upon to stack full cases more than three high, to stack barrels, or to lift any weight over 1 cwt. shall be classed as an adult and entitled to receive the adult rate of pay whilst so engaged.
(b) Provided further that no employee under 21 years of age shall be employed on the filling of rail or road tank waggons.

4. (a) OTHER EMPLOYEES.

MALES.

IN OIL, GREASE, AND PETROLEUM PRODUCTS STORES.

	Wages Per Week of 44 Hours.
	s. d.
(i) Storemen or Packers	112 0
Leading hands—as defined in clause 22 hereof—	
(I)	117 0
(II)	122 0
(III)	122 0
(IV)	132 0
Blenders—as defined in clause 22 hereof—	
Grade 1	132 0
" 2	127 0
" 3	117 0

Where a blender is also a leading hand as defined in clause 22 hereof he shall be paid the appropriate additional amount prescribed for a leading hand together with the appropriate additional amount prescribed for a Blender.

(ii) Casual hands shall be paid at the rate per hour of 3s. 6½d. adjustable under clause 46 hereof.

PART I.—continued.

4. (b) IN (OR ON) ANY PLACE OTHER THAN OIL, GREASE, AND PETROLEUM PRODUCTS STORES.

Column No.	Males employed in (or on) or in connexion with—											
	Wharfs, Wharf Sheds, Customs Railway Sheds, or Fumigating Sheds.	Potato or Onion Stores.	Bond or Free Stores or General Bulk Storage Business.	Lime, Cement, or Plaster Stores.	Fibrous Plaster Stores, or Wholesale Softgoods Warehouses.	Book Factories, or Wholesale Chemical Establishments.	Bread-making Establishments.	Bag (Hessian, Jute or Cotton) Stores, Tobacco, Paint, Painters' Oils, Colour and Varnish Stores.	Machinery Stores.	Dye Stores other than Dye Stores connected with the business of dyeing or the manufacture of piece-goods or apparel.	Seed Stores.	Any Other Place.*
	44 Hours. s. d.	44 Hours. s. d.	44 Hours. s. d.	44 Hours. s. d.	44 Hours. s. d.	44 Hours. s. d.	44 Hours. s. d.	44 Hours. s. d.	44 Hours. s. d.	44 Hours. s. d.	44 Hours. s. d.	44 Hours. s. d.
	WAGES PER WEEK OF											
Any person engaged as a Storeman, Packer, or Sorter who (notwithstanding he may be under the orders of a superior who does not devote the whole of his time to supervising the storing, packing, or sorting)—												
(a) Works singly	130 0	121 8	115 0	117 0	114 0	116 6	127 0	116 6	118 6	126 0	114 0	118 6
(b) Supervises or directs the number of persons 18 years of age or over indicated hereunder, viz. :—												
(a) 1, 2, 3, 4, 5, or 6 such persons	130 0	121 8	115 0	119 6	116 3	118 9	133 3	118 9	125 9	128 3	116 3	120 9
(b) 7 or more such persons	130 0	121 8	115 0	133 6	130 9	133 6	147 9	133 6	134 9	142 3	138 9	134 9
Storeman in charge of a bulk store removed from the main place of business	..	..	..	..	114 0	116 6	..	116 6	118 6	126 0	114 0	118 6
Packers of crockery, china, or glassware	..	..	..	..	..	..	..	..	..	..	..	117 3
Packers of metal window frames	..	..	..	..	..	..	..	..	..	..	..	114 0
Persons handling pianos, pianoplayers, or organs	..	..	..	..	..	..	..	..	..	..	..	114 0
Egg packers, sorters, or testers with six months' or more experience	..	..	..	..	..	..	..	..	..	..	..	112 0
All male adults not otherwise provided for	130 0	121 8	115 0	114 0	111 0	112 0	127 0	112 0	114 0	122 0	112 0	114 0

Storemen or packers called upon to work in cool stores shall be paid 3s. per hour whilst so employed. This rate includes 1 1/11d. as a war loading. Such war loading shall not be taken into account when computing overtime or holiday pay.

* Note.—The rates set out in column No. 12 above apply to males employed—

- (a) (i) As storemen in Figured, Roll, and Sheet Glass Stores; and
- (ii) As storemen in Engineering Establishments, or who are in charge of, or issue stores and tools for use in such establishments.
- (b) In (or on) or in connexion with—
 - (i) Bulk paper stores or rubber goods manufacturers' stores.
 - (ii) Iron yards in which steel or iron bars, plates, pipes or sheets, black or galvanized, are handled.
 - (iii) Hardware stores.
 - (iv) Electrical goods manufacturers' stores.
 - (v) Electrical goods stores (wholesale or retail establishments) other than electrical goods manufacturers' stores.
 - (vi) Match factory stores.
 - (vii) Wholesale confectionery stores.
 - (viii) Bulk salt stores, stores in which stoves are stocked (except stove or oven manufacturers' stores) and stores in which sausage casings are stored, packed, or sorted.
 - (ix) Stove, oven, or metal goods manufacturers' stores.
 - (x) Dye stores connected with the business of dyeing, or the manufacture of piece-goods or apparel; and
 - (xi) Any place not elsewhere included in clause 4 (b).

4. (c)

FEMALES.

	Females Employed in or in Connexion with—			
	Manufacturing Chemists' Factories.	Establishments in which are sorted Waste Pieces or Clippings of Cottons, Silks, Woolens, or Woolen and Cotton Pieces.	Egg Packing Establishments.	Any Other Place.
	44 Hours. s. d.	Wages per 44 Hours. s. d.	Week of— 44 Hours. s. d.	44 Hours. s. d.
Any person engaged as a female Packer or Sorter who (notwithstanding she may be under the orders of a superior who does not devote the whole of his time to supervising the storing, packing, or sorting)—				
(a) Works singly	66 6	73 3	78 6	66 6
(b) Supervises or directs the number of persons 18 years of age or over, indicated hereunder, viz. :—				
(i) 1, 2, 3, 4, 5, or 6 such persons	70 6	78 6	83 0	70 6
(ii) 7 or more such persons	79 9	86 0	92 0	79 9
Females employed packing or sorting laundry work	..	..	..	69 3
Packers of crockery, china, or glassware	..	..	..	79 3
Egg Packers, Sorters, or Testers—				
With less than eight weeks' experience	..	..	67 6	..
With eight weeks' or more experience	..	..	74 9	..
All female adults not otherwise provided for	63 9	68 6	66 6	63 9

PART II.

PROVISIONS APPLICABLE ONLY TO PERSONS EMPLOYED IN OIL, GREASE, AND PETROLEUM PRODUCTS STORES.

5. SPECIAL RATES.

In addition to the wages prescribed in clauses 3 and 4 of this Determination the following special rates shall be paid :—

- (a) When not more than two storemen and packers are employed for more than half an hour handling or rolling barrels or drums weighing over 5 cwt., they shall be paid 6d. per hour extra whilst so employed.
- (b) *Confined Space*.—Employees working in a confined space as defined in clause 22 hereof, 3d. per hour extra.
- (c) *Dirty Work*.—Employees performing dirty work as defined in clause 22 hereof, 3d. per hour extra.
- (d) *Cumulative Rates*.—Where an employee performs work which is covered by sub-clauses (b) and (c) of this clause the rates shall be cumulative so as to provide a total rate of 6d. per hour for dirty work performed within a confined space.

6. HOURS.

- (a) Forty-four hours shall constitute a week's work, and they shall be worked as follows :—
Eight hours per day from Monday to Friday, both inclusive, and four hours on Saturday to be worked between the hours of 7 a.m. and 5.30 p.m. Monday to Friday, both inclusive, and between the hours of 7 a.m. and noon on Saturday.
- (b) Provided that it shall be optional for an employer to work either a six-day or a five-day week. When a five-day week is worked, the daily hours on Monday to Friday, both inclusive, shall not exceed 8 hours 48 minutes, within the hours provided in the immediately preceding paragraph, without the payment of the overtime rate.
- (c) Subject to the above, the hours of starting and knocking off may be fixed by each employer, but having once been fixed they shall not be altered without seven days' notice to the employees.

7. SHIFT WORK.

- (a) Where the industry necessitates a continuous process, three shifts of eight hours each may be worked. Employees working on such shifts shall be paid 8s. per week in addition to the rates prescribed in clauses 3 and 4 hereof.
- (b) Employees required for duty in connection with the loading of tank waggons and fully assembled composite waggons with petroleum products in bulk or drums or packages may be employed on shifts provided that such shift work extends over one calendar month, and when so employed shall be paid 8s. per week in addition to the rates prescribed in clauses 3 and 4 hereof.
- (c) Five shifts of eight hours including crib time of half an hour and one shift of four hours or five shifts of eight hours 48 minutes, including crib time of half an hour shall constitute a week's work.
- (d) Overtime shall be calculated in accordance with the provisions of clause 8 of this Determination.

8. OVERTIME.

- (a) For all work done on Sundays, Holidays and after 12.30 p.m. Saturdays the rates of pay shall be double time.
- (b) For all work done outside ordinary hours except as provided in sub-clause (a) hereof, the rates of pay shall be time and a half for the first three hours and double time thereafter, such double time to continue until the employee has been released from duty.
- (c) An employee, other than a casual employee, after the completion of overtime work performed after his usual ceasing time shall be entitled to be absent until he has had eight consecutive hours off duty, without deduction of pay for ordinary time of duty occurring during such absence.
- (d) An employee recalled to work overtime after leaving his employer's business premises shall be paid for a minimum of three hours work at the appropriate rate for each time he is so recalled; provided that, except in the case of unforeseen circumstances arising, the employee shall not be required to work the full three hours if the job he was recalled to perform is completed within a shorter period.
- (e) For all work done during supper, breakfast or lunch hours and thereafter until a full meal break is allowed double time shall be paid.

9. MEAL HOURS.

- (a) One hour on Monday to Friday, both inclusive, shall be allowed for each meal except tea, provided that should any employer and any employee agree, the meal hour may be shortened to meet the exigencies of transport or for the purpose of more effectively operating either a rostered five day working week or a five day working week.
- (b) The hours for breakfast and lunch shall be fixed in each case by mutual arrangement, but having once been fixed, they shall not be altered without seven days' notice to the employees.
- (c) Unless the period of overtime is less than one and a half hours an employee before starting overtime after working ordinary hours shall be allowed a tea break of twenty minutes which shall be paid for at ordinary rates. An employer and employee may agree to any variation of this provision to meet the circumstances of the work in hand provided that the employer shall not be required to make any payment in respect of any time allowed in excess of twenty minutes.
- (d) The interval for supper shall be between midnight and 1 a.m.

10. MEAL ALLOWANCE.

A weekly or casual employee required to work overtime for more than one and a half hours after his usual knock off time, shall either be supplied with a meal by the employer or be paid 2s. for each meal.

11. HOLIDAYS.

- (a) Weekly employees shall be entitled without deduction of pay to the holidays observed in respect of—Union Picnic Day to be held on a day to be mutually agreed upon between the union and the employers or, if no agreement is reached, at a date to be fixed by the Wages Board—New Year's Day, Australia Day, Good Friday, Easter Saturday, Easter Monday, Anzac Day, King's Birthday, Labour Day, Christmas Day, Boxing Day and one other holiday on the day fixed as follows :—Within 25 miles of the General Post Office, Melbourne—Melbourne Cup Day, elsewhere any day agreed by the employer and employee concerned or fixed by the Wages Board.
- (b) Provided that in addition to the above mentioned holidays all gazetted public holidays upon which Railway Goods Yards are closed for the receipt of ordinary goods shall be observed as holidays.

12. ANNUAL LEAVE.

- (a) Employees shall be entitled to two weeks' leave, exclusive of any public holidays as provided in clause 11, on full pay at the expiration of each twelve months' service. The annual leave provided by this clause shall be allowed, and shall be taken within three months of such leave falling due, and payment shall not be made or accepted in lieu of annual leave.
Provided that when an employee leaves or is dismissed before the expiration of twelve months, he shall be paid one-sixth of a week's wages for each month of completed service.
- (b) Each employee, before going on leave, shall be paid two week's wages. For the purpose of this sub-clause the two-week's wages shall be at the rate at 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.
- (c) When the right to annual leave has accrued the employer shall give not less than one week's notice to the employee concerned of his intention to grant such leave.

13. TERMS OF ENGAGEMENT.

- (a) Employees are to be engaged either as weekly or casual hands.
- (b) In the case of casual hands the engagement shall be terminable at any time by either party. In the case of weekly hands the engagement shall be terminable by a week's notice on either side. Provided that any employee, being incompetent, disobedient or misconducting himself may be dismissed without notice.
- (c) Men engaged for stacking ex ship shall be deemed to be casual hands during the whole time they are engaged on such work.

PART II.—continued.

(d) Where an employer is not satisfied as to the reason of an employee absenting himself from work he may deduct from the wages of such employee the time he has been so absent, unless the employee produces a medical certificate or other satisfactory evidence of sickness if required by the employer, in which case the employer shall make no deduction for such sickness. Should any dispute as to satisfactory evidence of sickness occur it shall be determined by the Wages Board. Provided that should an employee remain absent for more than six days in all during any calendar year the employer may thereafter make such deduction.

(e) Casual employees who are instructed to report for work at a stipulated time, and who report for work at such time, but for whom work is not available within 30 minutes of the said stipulated time, shall be paid ordinary casual rates from the said stipulated starting time.

(f) In the event of a casual worker being instructed to report for work and his services are not required, he shall be paid for two hours at casual rates.

14.

PAYMENT OF WAGES.

(a) The payment of weekly employees shall be made during working hours in each week on a day suitable to the employer. Provided that in the case of weekly employees two days' wages may be kept in hand.

(b) Casual hands shall be paid at the time of their services being dispensed with and at the place where the work has been performed.

15.

DUAL CAPACITY.

(a) Where a weekly employee is put to work temporarily at a classification higher than that under which he was engaged or deemed to be working, he shall be paid as follows:—

- (i) Up to four hours on any one day—the rate prescribed for such higher classification with a minimum of one hour;
- (ii) Over four hours on any one day—a full day's pay at the rate prescribed for such higher classification;
- (iii) Over 22 hours in any one week—a full week's pay at the rate prescribed for such higher classification.

(b) A weekly employee shall not suffer any deduction in wages during any week by reason of his having been put to work for a part of such week at a classification lower than that under which he was engaged or deemed to be working.

16.

TRAVELLING TIME.

(a) In the case of the engagement of casual labour the time during which the employee is travelling from the place of engagement to the place of employment, or waiting at the job after engagement, shall be treated as ordinary time of duty in addition to the time of actual work. Provided that such travelling time shall not exceed 30 minutes.

(b) Where circumstances arise necessitating a longer period of travelling time than 30 minutes the extra time so required shall be paid for. Should any dispute arise as to whether payment should be made such dispute shall be determined by the Wages Board.

17.

SMOKE-OHS.

Employees shall be allowed smoke-oh periods of ten minutes during each period of at least 4 hour ordinary working time. This provision shall also apply to work performed on Saturday afternoons, Sundays and holidays.

18.

FIRST AID.

In each establishment the employer shall provide a properly equipped first aid chest at a place reasonably accessible to all employees. Such a chest shall, as to its contents, comply with any Act or Regulation in force from time to time.

19.

FARES.

Transport from store to store in the employers' time shall be arranged by the employers at their own expense or the actual expense incurred shall be paid by the employers.

20.

FOOTWEAR.

Suitable and approved footwear shall be provided for employees whilst engaged in places where employers require special footwear to be used.

21.

DINING ROOM.

The employer shall provide a suitable place in which the employee may change his clothing and eat his meals. In any case in which the employer objects that it is impracticable or unreasonable to make such provisions, or in which the suitability of the place is called in question, the matter shall be determined by the Wages Board.

22.

DEFINITIONS.

(a) A "Storeman and Packer" shall mean every employee engaged in the work of receiving, stacking, storing, packing, delivering or handling in any way whatsoever petroleum products, equipment or other merchandise sold, used or employed in connexion with a petroleum merchant's business.

(b) A "Leading Hand" shall be an employee who:—

- (i) has 1 or 2 employees under his supervision.
- (ii) is in charge of a store.
- (iii) is in charge of 3-9 employees.
- (iv) is in charge of 10 or more employees.

(c) "Confined Space" shall mean a working place, the dimensions of which necessitate an employee working in a stooped or otherwise cramped position, or without proper ventilation, or where confinement within a limited space is productive of unusual discomfort.

(d) A "Blender" shall mean an employee who is responsible for the compliance with formulae and/or processes requiring the application of power and/or heat and shall be classified into grades as herein defined, but shall exclude persons employed in the admixture of ingredients with gasoline, kerosene, or oil fuels to be marketed as such.

Grade 1.—An employee who is responsible for the supervision and operation of a blending plant requiring the services of three or more other adult storemen and packers.

Grade 2.—An employee who is responsible for the regulation of a process by the application of power and/or heat and which involves a chemical reaction between two or more ingredients and the addition of water and/or mineral acids or alkalis or where the process involves the operation of a blending plant comprising blending tanks and auxiliary service tanks for storing in bulk six or more grades; also includes an employee in charge of a blowing oil plant.

Grade 3.—Blenders not otherwise specified.

(e) A "Casual Hand" shall be one whose period of engagement is less than two weeks.

(f) "Dirty Work" shall mean handling the following substances other than in closed containers—Agrol, Sulphuric Acid, Graphite, Aluminium Stearate, and filling and handling lime sulphur; also, subject to the provisos hereinafter mentioned, other work which a foreman and a workman shall agree is of an unusually dirty or offensive nature. In cases of disagreement between a foreman and a workman, the workman or a shop steward on his behalf shall be entitled within 24 hours to ask for a decision on the workman's claim by the executive officer responsible for the management or superintendence of the plant concerned. In such a case a decision shall be given on the workman's claim within 48 hours of its being asked for (unless that time expires on a non-working day, in which case it shall be given during the next working day) or else the said allowance shall be paid. In any case, where the Union alleges that an employer or his representative is unreasonable or capricious in relation to such claims he shall have the right to bring such case before the Wages Board.

Provided that all employees receiving a Blender's wage as prescribed in clause 4 hereof, shall be deemed to be in receipt of the full allowance for all dirty and unpleasant work associated with blending.

Provided further, that the normal handling of materials used in the oil industry other than those listed above shall not be regarded as work of an unusually dirty or offensive nature.

PART III.**PROVISIONS APPLICABLE ONLY TO PERSONS EMPLOYED IN BOND OR FREE STORES OR ESTABLISHMENTS ENGAGED IN THE GENERAL BULK STORAGE BUSINESS.****TERMS OF ENGAGEMENT.**

16. (a) Employees are to be engaged as weekly or casual employees. A weekly employee is one engaged by the week, and paid by the week, and whose engagement shall be terminable by one week's notice on either side, notice not to be continued from week to week.

(b) Such notice shall be given on and take effect from pay day, or, in lieu of such notice, a week's pay shall be given.

(c) Where a weekly employee is engaged on any day other than the day immediately following pay day, he shall be entitled to casual rates for the broken portion of the week worked by him.

(d) A casual employee is one whose period of engagement is for less than four weeks, and whose engagement may be terminated at any time.

(e) Casual employees shall be guaranteed not less than two hours' work every start.

(f) Weekly employees may be summarily dismissed by the employer for dishonesty, misconduct, or for absence from work without reasonable cause, without liability to pay for more than actual time worked.

(g) Where an employer is not satisfied as to the reason of an employee absenting himself from work, he may deduct from the wages of such employee the time he has been so absent, unless the employee produces a medical certificate of sickness if required by the employer; in which case the employer shall make no deduction for such sickness. Provided that should an employee remain absent for more than six days in all during any calendar year the employer may thereafter make such deduction.

CASUAL WORK.

17. Casual employees, i.e., persons employed in Bond or Free Stores or Establishments engaged in the general bulk storage business for less than four weeks, shall be paid at the rate of 3s. 3½d. per hour, and such employees shall be guaranteed not less than two hours' work at every start.

HOURS.

18. The working hours shall not exceed 44 per week to be worked between the hours of 7.30 a.m., and 5.30 p.m. on Monday to Friday inclusive and 7.30 a.m. to 12 noon on Saturday, provided that a week's notice shall be given by the employer to the hands concerned of intention to change the usual hours of starting and finishing.

Different starting and finishing times may be fixed in distinct departments in the same establishment of the employer but not for men working together in the same department.

OVERTIME.

19. Overtime shall be paid to both weekly and casual employees for all work done before the usual starting time, and after the usual finishing time, at the rate of time and a half for the first three hours and double time thereafter.

Provided that after 12 noon on Saturday casual employees shall be paid double rates, and after 12.30 p.m. on Saturday weekly employees shall be paid double rates.

SPECIAL RATES FOR SUNDAYS AND PUBLIC HOLIDAYS.

20. (i) 6s. per hour shall be paid for all work done on Sunday, Christmas Day, or Good Friday, and (ii) for all work done on all other statutory or gazetted public holidays observed by the Customs Authority, weekly employees shall be paid at the rate of double time in addition to their weekly wage and casual employees shall be paid at the rate of double time.

HOLIDAYS.

21. All statutory and gazetted public holidays observed by the Customs Authority shall be recognized holidays without any deductions from the weekly wages to be paid under this Determination.

MEAL HOURS.

22. Meal hours shall be as follows :—

Dinner: One hour between 12 noon and 2 p.m.

Tea: 5 p.m. to 6 p.m.

Each employer shall fix the meal hour, which shall not be altered without seven days' notice to the employees.

MEAL HOUR RATES.

23. All meal hours if worked shall, except as otherwise provided, be paid for at double rates, such rates to be continued until such time as the meal hour has been allowed, provided that should work not continue after 6 p.m. meal hour rates shall not apply.

MEAL ALLOWANCE.

24. Employees called upon to work overtime after 6 p.m. on Monday to Friday or 1 p.m. on Saturday shall receive a meal allowance of 2s.

ANNUAL LEAVE.

25. (a) Employees shall be entitled to one week's leave exclusive of any public holidays as provided in clause 21 on full pay at the expiration of each twelve months' service. The annual leave provided by this clause shall be allowed and shall be taken within three months of such leave falling due and payment shall not be made or accepted in lieu of annual leave; provided that when an employee leaves or is dismissed before the expiration of twelve months' service but on or after completing six months' service he shall be paid one sixth of a week's wages for each completed two months' service.

(b) Each employee before going on leave shall be paid a week's wage. For the purpose of this sub-clause the week's wage shall be at the rate at which the employee was ordinarily employed immediately prior to the commencement of this leave or the termination of his employment as the case may be.

(c) When the right to annual leave has accrued the employer shall give not less than one week's notice to the employee concerned of his intention to grant such leave.

CARRYING HEAVY GOODS.

26. Casual employees when receiving and carrying continuously for one hour or more bagged stuff, case goods, or other packages exceeding 130 lb. in weight shall be paid 6d. per hour above the ordinary rates, provided that when carrying 10-bushel bags of bran, both temporary employees and weekly employees shall be paid 9½d. per hour above the ordinary rates.

PART IV.

PROVISIONS APPLICABLE TO PERSONS OTHER THAN THOSE EMPLOYED IN OIL, GREASE, AND PETROLEUM PRODUCTS STORES, OR IN BOND OR FREE STORES OR ESTABLISHMENTS ENGAGED IN THE GENERAL BULK STORAGE BUSINESS.

TERMS OF ENGAGEMENT.

27. (a) Employees are to be engaged as weekly or casual employees. A weekly employee is one engaged by the week and paid by the week, and whose engagement shall be terminable by one week's notice on either side, such notice not to be continued from week to week.

(b) After one full week's work, such notice may be given to a weekly employee at any time, but an employer may pay one week's wages in lieu of notice.

(c) Casual employees shall be guaranteed not less than two hours' engagement every start.

(d) A weekly employee to be entitled to the weekly wage shall be available, ready, and willing to perform his or her usual work during the days and hours usually worked by such class of employee, and may be summarily dismissed for dishonesty, misconduct, neglect of duty, or for absence from work without reasonable cause, and in the event of such dismissal the employee shall be paid only for the time actually worked. Provided that an employer may deduct payment for time lost during which the employee cannot be usefully employed by reason of any strike, breakdown of machinery, or other cause for which the employer cannot reasonably be held responsible.

(e) Any employee not attending for duty shall lose his pay for the actual time lost unless such employee has had not less than three months' service with the same employer, and produces or forwards within twenty-four hours of the commencement of such absence evidence satisfactory to the employer that his non-attendance was due to personal ill-health or accident necessitating such absence, but such employee shall not be entitled to payment for non-attendance on the grounds of personal ill-health or accident for more than 44 hours of working time in each year. For the purpose of administering this sub-clause, "year" means the period between the 1st July and the next following 30th June.

(f) Notwithstanding anything contained in sub-clause (e) hereof, if the full period of sick leave therein prescribed has not been taken in any year, such portion of the sick leave which was or is not taken shall be cumulative from year to year up to a period not exceeding 132 hours of working time which shall be the maximum amount of leave to which an employee may be entitled in any year without deduction of pay. For the purpose of administering this sub-clause, service prior to the 1st July, 1945, shall not be taken into account.

ORDINARY HOURS FOR A WEEK'S WORK.

28. (a) The ordinary hours for a week's work shall be 44 except in the case of any week in which any of the holidays specified in clause 34 occur.

(b) In any such week the ordinary hours of work shall be reduced by the number of hours regarded as an ordinary day's work for any day on which any of the said holidays occur.

CASUAL WORK.

29. Casual work, i.e., work for less than two full weeks, other than in potato or onion stores, shall be paid for at the following rates:—

On wharfs or in wharf sheds, customs railway sheds, or fumigating sheds ..	Ordinary wages rate with an addition of twenty per cent. calculated to the nearest $\frac{1}{4}$ d., half or less than half of $\frac{1}{4}$ d. to be disregarded.
Elsewhere, except in potato or onion stores	Ordinary wages rate with an addition of thirty-three and one-third per centum.

HOURS OF WORK FOR ALL PERSONS OTHER THAN THOSE EMPLOYED IN BREAD-MAKING ESTABLISHMENTS.

30. Hours of work for all persons other than those employed in Bread-making Establishments shall be:—

	Times of Beginning.	Times of Ending.
(a) On the ordinary working days of the week	7 a.m.	6 p.m.
On Saturday	7 a.m.	Noon in bulk paper, bulk lime, or cement stores. 12.30 p.m. in any other place.

An employer shall not alter the starting and finishing times in his establishment without giving one week's notice.

(b) The ordinary hours shall be worked on five days of eight hours (Monday to Friday, inclusive), and one day (Saturday) of four hours; or five days (Monday to Friday, inclusive) of eight hours forty-eight minutes, each continuously, except for meal breaks, at the discretion of the employer.

HOURS OF WORK IN BREAD-MAKING ESTABLISHMENTS.

31. The number of hours to be worked in Bread-making Establishments on each night between 9 p.m. and 7.30 a.m. shall not exceed—

On ordinary nights	7 hours.
On double nights (i.e., nights on which bread for more than one day's consumption is produced) ..	10 hours.

OVERTIME.

32. The following rates shall be paid for all work done—

(a) by persons employed in Bread-making Establishments—	} Time and a half.
In excess of the number of hours fixed in clause 31, or In excess of the ordinary hours for a week's work prescribed in clause 28	
(b) by all other persons—	} Time and a half for the first three hours, and double time thereafter. When double time becomes payable it shall continue until the completion of the overtime work.
Outside the times of beginning and ending work as prescribed in clause 30 (a), or, in excess of the ordinary hours prescribed in clause 30 (b)	

SPECIAL RATES FOR SUNDAYS AND PUBLIC HOLIDAYS.

33. Double time shall be the rate for all work done on Sunday, New Year's Day, Australia Day, Good Friday, Easter Monday, Labour Day, Anzac Day (in industries named in the Second Schedule to the *Anzac Day Act 1928*), King's Birthday, Christmas Day, or Boxing Day; provided that Melbourne Cup Day shall be substituted for King's Birthday for persons employed in laundries within the areas to which the Determination of the Laundry Workers Board applies; provided further that in any case where Melbourne Cup Day has been substituted as a holiday, as provided for in clause 34, the special rate herein provided shall operate on such day in lieu of King's Birthday, 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 days so substituted.

HOLIDAYS.

34. Weekly employees shall be granted the following holidays without deduction of pay:—The days observed as New Year's Day, Australia Day, Good Friday, Easter Monday, Labour Day, Anzac Day, King's Birthday, Christmas Day, Boxing Day, Easter Saturday (except those employed in establishments in which perishable goods are handled), and the Picnic Day or Trade Holiday fixed for the majority of the employees in any establishment.

Provided that within the Metropolitan District as defined in the Factories and Shops Acts, Melbourne Cup Day may be substituted for King's Birthday by agreement between the Secretary of the Federated Storemen and Packers Union and any employer concerned.

If any of the above holidays occurs on a Sunday or Saturday, and is not observed on any other day, then employees shall not be paid for such Sunday and shall be paid for such Saturday as for a half-day, but not otherwise.

All employees working on piecework shall be granted the same holidays as are provided for weekly wage workers, and they shall be paid for such holidays the amount for each holiday based on the minimum weekly wage as set out in this Determination for the class of work performed.

PART IV.—continued.

PERSONS EMPLOYED IN POTATO OR ONION STORES FOR LESS THAN FULL WEEK.

35. Persons employed in potato or onion stores, who work less than the number of hours fixed for an ordinary week's work, shall be paid not less than the ordinary wages rate calculated *pro rata*, according to the number of hours worked.

ANNUAL LEAVE.

Period of Leave.

36. (a) Except as hereinafter provided a period of fourteen consecutive days' leave shall be allowed annually to an employee after twelve months' continuous service (less the period of annual leave) as an employee in any one or more of the occupations to which this Part of this Determination applies.

Annual Leave Exclusive of Public Holidays.

(b) Subject to this sub-clause the annual leave prescribed by this clause shall be exclusive of any of the holidays prescribed by clause 34 of this Determination, and if any such holiday falls within an employee's period of annual leave and is observed on a day which in the case of that employee would have been an ordinary working day, there shall be added to that period one working day for each such holiday falling as aforesaid.

Where a holiday falls as aforesaid and the employee fails without reasonable cause proof whereof shall be upon him to attend for work on the working day immediately preceding the first day or at his ordinary starting time on the working day immediately following the last day of the period of his annual leave, he shall not be entitled to be paid for any such holiday.

Broken Leave.

(c) The annual leave shall be given and taken in a continuous period or, if the employee and the employer so agree, in two separate periods and not otherwise.

Calculation of Continuous Service.

(d) For the purposes of this clause service shall be deemed to be continuous notwithstanding—

- (i) 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;
- (ii) any absence from work on account of personal sickness or accident or on account of leave lawfully granted by the employer; or
- (iii) any absence with reasonable cause proof whereof shall be upon the employee.

In calculating the period of twelve months' continuous service any such absence as aforesaid shall not, except to the extent of not more than fourteen days in a twelve-monthly period in the case of sickness or accident, be taken into account in calculating the period of twelve months' continuous service.

In cases of personal sickness or accident or absence with reasonable cause the employee to become entitled to the benefit of this sub-clause shall inform the employer in writing if practicable within 24 hours of the commencement of such absence of his inability to attend for duty and as far as practicable the nature of the illness injury or cause and the estimated duration of his absence. A notification given by an employee pursuant to clause 27 (e) shall be accepted as a notification under this sub-clause.

Any absence from work by reason of any cause not being a cause specified in this sub-clause shall not be deemed to break the continuity of service for the purposes of this clause unless the employer during the absence or within fourteen days of the termination of the absence notifies the employee in writing that such absence will be regarded as having broken the continuity of service.

In cases of individual absenteeism such notice shall be given in writing to the employee concerned, but in cases of concerted or collective absenteeism notice may be given to employees by the posting up of a notification in the plant, in the manner in which general notifications to employees are usually made in that plant and by posting to the union whose members have participated in such concerted or collective absenteeism a copy of same not later than the day it is posted up in the plant.

A notice to an individual employee may be given by delivering same to him personally or by posting it to his last recorded address, in which case it shall be deemed to have reached him in due course of post.

Calculation of Service.

(e) Service before the 1st January, 1946, shall be taken into consideration for the purpose of calculating annual leave, but an employee shall not be entitled to leave or payment in lieu thereof for any period in respect of which leave or a payment in lieu thereof has been allowed or made under the clause hereby revoked. Provided however, that in respect of service before the 1st January, 1946, the annual leave shall be allowed at the rate of 3½ hours for each completed one month of continuous service and in respect of service after that date at the rate of 7½ hours for each completed one month of continuous service. Any broken part of a month served before the 1st January, 1946, shall for the purposes of this clause be deemed to be service after the 1st January, 1946. The period of annual leave to be allowed under this sub-clause shall be calculated to the nearest day any broken part of a day in the result not exceeding half a day to be disregarded.

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.

Calculation of Month.

(f) 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.

Leave to be Taken.

(g) The annual leave provided for by this clause shall be allowed and shall be taken and except as provided by sub-clauses (k) and (l) hereof payment shall not be made or accepted in lieu of annual leave.

Time of Taking Leave.

(h) Annual leave shall be given at a time fixed by the employer within a period not exceeding six months from the date when the right to annual leave accrued and after not less than two weeks' notice to the employee.

Leave Allowed Before Due Date.

(i) An employer may allow annual 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.

Where leave has been granted to an employee pursuant to this sub-clause 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 one complete month 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-twelfth of the amount of wage paid on account of the annual leave, which amount shall not include any sums paid for any of the holidays prescribed by clause 34 of this Determination.

Payment for Period of Leave.

(j) Each employee before going on leave shall be paid two weeks' wages. For the purposes of this sub-clause and sub-clause (k) hereof, wages shall be at the rate prescribed by clauses 2, 4 (b), and 4 (c) of this Determination 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. Payment in the case of employees employed on piece or bonus work or any other system of payment by results shall be at time rates.

PART IV—continued.*Proportionate Leave on Dismissal.*

(k) If after one month's continuous service in any qualifying twelve-monthly period an employee lawfully leaves his employment or his employment is terminated by the employer through no fault of the employee, the employee shall be paid at his ordinary rate of wage for 3½ hours in respect of each completed one month of continuous service before the 1st January, 1946, and for 7½ hours at the same rate in respect of each completed month of continuous service after that date, the service in each case being service in respect of which leave has not been granted hereunder.

Annual Close Down.

(l) Where an employer closes down his plant, or a section or sections thereof, for the purposes of allowing annual leave to all or the bulk of the employees in the plant, or section or sections concerned, the following provisions shall apply—

- (i) He may by giving not less than one month's notice of his intention so to do stand off for the duration of the close down all employees in the plant or section or sections concerned, and allow to those who are not then qualified for two full weeks' leave paid leave on a proportionate basis of one-sixth of a week's leave for each completed month of continuous service.
- (ii) An employee who has then qualified for two full weeks' leave, and has also completed a further month or more of continuous service shall be allowed his leave, and shall also be paid one-sixth of a week's wages in respect of each completed month of continuous service performed since the close of his last twelve-monthly qualifying period.
- (iii) The next twelve-monthly qualifying period for each employee affected by such close down shall commence from the day on which the plant, or section or sections concerned is re-opened for work.
- (iv) If in the first year of his service with an employer an employee is allowed proportionate annual leave under paragraph (i) hereof, and subsequently within such year lawfully leaves his employment or his employment is terminated by the employer through no fault of the employee, he shall be entitled to the benefit of sub-clause (k) of this clause subject to adjustment for any proportionate leave which he may have been allowed as aforesaid.

Disputes.

(m) Any dispute arising in connexion with annual leave shall be referred to the Wages Board.

MEAL ALLOWANCE.

37. An employee (other than an employee in an egg packing establishment) required to work overtime for any period in excess of one hour after the usual hour of ceasing duty shall be paid an allowance of 2s. 6d. as meal money. Provided that such meal allowance shall not be payable to an employee who can reasonably return home for a meal.

REST PERIOD.

38. A rest period of ten minutes, at a time fixed by the employer, between 10 a.m. and 11.30 a.m. each day shall be allowed to all employees (other than those employed in egg packing establishments), such time to count as time worked.

RIGHT OF ENTRY OF UNION OFFICIAL.

39. A duly accredited representative of the Federated Storemen and Packers' Union of Australia shall have the right to enter employers' establishments during the midday meal hour for the purpose of interviewing employees on legitimate Union business on the following conditions:—

- (a) That he produces his authority to the employer or his representative.
- (b) That he interviews employees only at the place where they are taking their meal.
- (c) That not more than one representative in all be in any establishment at any one time.
- (d) That no one representative visit an establishment more than once a fortnight.
- (e) That if an employer alleges that a representative is unduly interfering with his establishment or is creating disaffection amongst his employees or is offensive in his methods or is committing a breach of any of the previous conditions, such employer may refuse the right of entry, but the representative shall have the right to bring such refusal before this Wages Board.

EMPLOYER TO PROVIDE TOOLS.

40. All tools which employees (other than those employed in, or on, or in connexion with Wharfs, Wharf Sheds, Customs Railway Sheds, or Fumigating Sheds) are required to use in the course of their work shall be provided by the employer.

PIECEWORK.

41. The Board determines, under the provisions of sub-sections (1) and (2) of section 150 of the *Factories and Shops Act 1928* (No. 3677), that any employer may fix and pay piecework prices for wholly or partly packing or sorting any articles for which wages rates are fixed, provided that such employer shall base such piecework prices on the earnings of an average worker working under like conditions, and such piecework prices shall be fixed so that an average worker can earn not less than the wages rate fixed by the Board for such work.

PART IVA.**ADDITIONAL PROVISIONS APPLICABLE ONLY TO PERSONS EMPLOYED IN EGG PACKING ESTABLISHMENTS.****MELBOURNE CUP DAY HOLIDAY.**

42. Employees shall be either permitted to be absent from duty without deduction of pay from 12 noon on Melbourne Cup Day, or paid at the rate of double time for all work done after 12 noon on that day.

RESTRICTION AS TO FEMALES LIFTING HEAVY WEIGHTS.

43. The maximum weight to be lifted by any female over eighteen years of age shall be thirty pounds.

REST PERIODS.

44. A rest period of ten minutes in the forenoon and ten minutes in the afternoon shall be given all female workers without any deduction from wages.

MEAL ALLOWANCE.

45. An employee required to work overtime for any period in excess of one hour after the usual hour of ceasing duty shall be paid an allowance of 2s. 6d. as meal money. Provided that such meal allowance shall not be payable to an employee who can reasonably return home for a meal.

PART V.**WAGE ADJUSTMENT PROVISIONS APPLICABLE TO ALL SECTIONS.****PERIODICAL ADJUSTMENT OF WAGES.**

46. The wages rates set out in clauses 4 (a) (i), 4 (a) (ii), 4 (b) (other than the hourly rate for storemen or packers called upon to work in cool stores) and 17 are based upon the following basic wages, and pursuant to and in accordance with the provisions of section 21 of the *Factories and Shops Act 1934*, this Board hereby determines that the rates for males in the said clauses 4 (a) (i), 4 (a) (ii), and 4 (b), shall be automatically increased or decreased by the same amount, and at the same time as such basic wage, provided that the wages for females in clause 4 (c), and for apprentices, improvers and juvenile workers in clauses 2 and 3, shall be adjusted proportionately to adjustments of the basic wage—such adjustments to be in the case of juveniles in clause 3 to the nearest 6d. and in other cases to the nearest 3d.

PART V—continued.

The basic wages shown hereunder shall be adjusted as prescribed in clause 47.

Basic Wages.

Place.	Basic Wage.	Index Number Set Assigned.
Throughout the State—	£ s. d.	
(a) For all employees other than casual hands employed in Oil, Grease, and Petroleum Products Stores	4 12 0	Melbourne
(b) For casual hands employed in Oil, Grease, and Petroleum Products Stores	4 12 0	Melbourne, Adelaide, and Hobart (weighted average)

ADJUSTMENT OF BASIC WAGE.

47. (a) Until the beginning of the first pay period to commence in August, 1946, the amounts of the basic wages shall be as prescribed in clause 46.

(b) During each future period of or near a quarter beginning with the first pay period to commence in an August, a November, a February, or a May, 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 purpose 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 for all employees other than casual hands employed in Oil, Grease, and Petroleum Products Stores is that assigned to Melbourne and for casual hands employed in such Oil, Grease, and Petroleum Products Stores, is that of the weighted average of the three capital cities, Melbourne, Adelaide, and Hobart.
- (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 appropriate table (or in any extension thereof) to the index number division comprising that number is to be ascertained.
- (4) The basic wage and the wage per hour for casual hands shall be of the appropriate assigned amount during such period of or near a quarter.

Table.

Index Number Divisions.	Needs Basic Wage.	Loading Constant.	Total Basic Wage.	Equivalent Hourly Rate for Casual Hands Employed in Oil, Grease, and Petroleum Products Stores.	Equivalent Hourly Rate for Casual Employees Employed in Bond or Free Stores or Establishments Engaged in the General Bulk Storage Business.
994-1006	£ s. d. 4 1 0	s. d. 6 0	£ s. d. 4 7 0	s. d. 3 2½	s. d. 2 11½
1007-1018	4 2 0	6 0	4 8 0	3 2½	3 0
1019-1030	4 3 0	6 0	4 9 0	3 3½	3 0½
1031-1043	4 4 0	6 0	4 10 0	3 3½	3 0½
1044-1055	4 5 0	6 0	4 11 0	3 4	3 1
1056-1067	4 6 0	6 0	4 12 0	3 4½	3 1½
1068-1080	4 7 0	6 0	4 13 0	3 4½	3 1½
1081-1092	4 8 0	6 0	4 14 0	3 5½	3 2
1093-1104	4 9 0	6 0	4 15 0	3 5½	3 2½
1105-1117	4 10 0	6 0	4 16 0	3 6	3 2½
1118-1129	4 11 0	6 0	4 17 0	3 6½	3 3
1130-1141	4 12 0	6 0	4 18 0	3 6½	3 3½
1142-1154	4 13 0	6 0	4 19 0	3 7½	3 3½
1155-1166	4 14 0	6 0	5 0 0		
1167-1179	4 15 0	6 0	5 1 0		
1180-1191	4 16 0	6 0	5 2 0		
1192-1203	4 17 0	6 0	5 3 0		
1204-1216	4 18 0	6 0	5 4 0		
1217-1228	4 19 0	6 0	5 5 0		
1229-1240	5 0 0	6 0	5 6 0		

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

48. The hourly rate for storemen or packers called upon to work in cool stores shall be adjusted at the same time and at the same rate as that provided for a chamber hand in the Determination of the Frozen Goods Board.

A. V. BARNES, J.P., Chairman.

J. V. WILLOX, Secretary.

Melbourne, 19th June 1946.



VICTORIA
GOVERNMENT GAZETTE.

Published by Authority.

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

No. 130]

TUESDAY, JULY 16.

[1946

Factories and Shops Acts.

DETERMINATION OF THE MUSICIANS 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 employed as a player of any musical instrument” has made the following Determination namely:—

1. That as from the beginning of the first pay period to commence on or after the 6th June, 1946, the last previous Determination of this Board shall be revoked and replaced by this Determination.

2.

WAGES.

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

Weekly Employees.

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

(A2) Leaders—

	£	s.	d.
(i) Week's work	10	1	0
(ii) Each performance not included in week's work	1	2	6 extra

(A3) Principals—

(i) Week's work	8	1	0
(ii) Each performance not included in week's work	0	18	0 extra

(A4) Other performers—

(i) Week's work	7	1	0
(ii) Each performance not included in week's work	0	15	9 extra

Casual Employees.

	£	s.	d.
(A5) Leaders—each performance	1	12	0
(A6) Principals—each performance	1	5	8
(A7) Other performers—each performance	1	2	6

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

Weekly Employees.

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

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

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

	£	s.	d.
(B2) Week's work of six performances	5	15	6
(B3) Week's work of twelve performances	8	15	8
(B4) Each performance not included in week's work	0	13	6 extra
(B5) Pianist employed additionally for voice trials or similar work 4s. 6d. extra per hour of such work with a minimum payment as for one hour.			

Casual Employees.

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

(C) PICTURE SHOWS.

Weekly Employees.

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

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

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

	£	s.	d.
(C2) Week's work of six performances	5	12	0
(C3) Week's work of twelve performances	8	12	0
(C4) Each performance not included in a week's work	0	14	0 extra
(C5) Pianist employed additionally for voice trials or similar work 6s. extra per hour of such work with a minimum payment as for one hour.			

Intermittent Weekly Employees.

	£	s.	d.
(C6) One performance per week	1	3	0
(C7) Two performances per week	2	2	0
(C8) Three performances per week	2	18	6
(C9) Four performances per week	3	16	0
(C10) Five performances per week	4	17	0
(C11) Each extra performance over five	0	15	0 extra
(C12) Pianist employed additionally for voice trials or similar work 6s. extra per hour of such work, with a minimum payment as for one hour.			

Casual Employees.

	£	s.	d.
(C13) Each performance	1	2	6
(C14) Pianist employed only for voice trials or similar work 6s. 6d. per hour, with a minimum payment as for one and a half hours.			

(D) STAGE BAND.

Weekly Employees.

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

	£	s.	d.
(D2) Week's work	4	0	6†
(D3) Each performance not included in week's work	0	12	0* extra

Casual Employees.

	£	s.	d.
(D4) Each performance	0	19	0*

(E) BROADCASTING AND RELAYING.

Weekly Employees.

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

(i) In the case of the week's work of 18 hours, 3 hours, and in the case of the week's work of 36 hours, 6 hours is to be the day's work.

(ii) The work is to be done on each of six days, all within seven consecutive days and none on a Sunday.

(iii) It is to be done between 12 noon and 12 midnight.

(iv) The employee is to be off duty for at least one hour between 1 p.m. and 3 p.m., and one hour between 5 p.m. and 7 p.m.

(v) Each day's work is to be done in separate periods of either 1½ or 3 consecutive hours, chosen at the employer's option.

(vi) During the second hour of each period of three consecutive hours, the employee is to be allowed an interval of at least ten minutes, which is to be deemed to be time worked.

(vii) If not more than one-third in all of any one of the said periods of 1½ or 3 hours is used in performances, the employee is to have the right to use one-third of such period for rehearsals.

	£	s.	d.
(E2) Week's work of 18 hours	6	0	6
(E3) Week's work of 36 hours	10	0	6
(E4) Each performance not included in a week's work and not exceeding three hours	0	15	0 extra
(E5) Pianist not member of orchestra employed for accompaniments and occasional solos—			
(i) For 36 hours in a week not including Sunday	6	17	0
(ii) For each hour over 36 in the week	0	6	0 extra

Casual Employees.

	£	s.	d.
(E6) Per hour, with a minimum payment as for three hours—			
(i) Pianist playing alone	0	9	0
(ii) Others	0	8	0

Relaying.

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

(F) CIRCUSES.

(F1) Musicians employed in circuses shall be paid at the rate of £7 4s. per week of six performances, which sum is to include all travelling allowances other than fares. Each additional performance shall be paid for at the rate of 15s. per performance. A casual employee shall be paid at the rate of £1 3s. 6d. per performance.

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

(G) BRASS OR REED BANDS.

Casual Employees.

	£	s.	d.
(G1) Each performance not to exceed three hours	0	16	6*

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

† If employed for any performance or rehearsal under sub-clauses (A) or (B) 5s. to be deducted.

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

Weekly Employees.

	£ s. d.
(H1) For six performances, each not exceeding one hour and being one performance a day	2 17 0
(H2) For twelve performances, being two performances per day, each not exceeding one hour (but such performances on the same day may be grouped as one performance not exceeding two hours)	3 13 0
(H3) For eighteen performances, being three performances per day, each not exceeding one hour (but such performances may be grouped as one performance not exceeding one hour, and one performance not exceeding two hours, or one performance not exceeding three hours)	5 6 6
(H4) For six performances, each not exceeding one and a half hours and being one performance per day	2 17 0
(H5) For twelve performances, being two performances per day, each not exceeding one and one-half hours (but such performances may be grouped as one performance not exceeding three hours)	5 2 0
(H6) For eighteen performances, being three performances a day, each not exceeding one and one-half hours (but such performances may be grouped as one not exceeding one and one-half hours and one not exceeding three hours)	7 2 0
(H7) An employee who has an engagement under (H3) or (H6) may during the period of that engagement be engaged at the following rate:—For six performances after 7.30 p.m., each not exceeding one and one-half hours, and being one performance per night, if by the same employer and at any place within the Metropolitan District as defined in the Factories and Shops Acts	2 6 0
(H8) An employee who has an engagement under (H2) and (H3) may during the period of that engagement be engaged for six performances after 7.30 p.m., each not exceeding one and one-half hours per night, if by the same employer and at any place within the Metropolitan District as defined in the Factories and Shops Acts	2 17 0
(H9) An employee who has an engagement under (H1) and (H4) may during the period of that engagement be engaged for six performances after 7.30 p.m., each not exceeding one and one-half hours and being one performance per night if by the same employer and at any place within the Metropolitan District as defined in the Factories and Shops Acts	3 2 6
(H10) For six performances, each not exceeding three hours	5 9 0
(H11) To employees working after 7.30 p.m. and not between the hours of 11 a.m. and 7 p.m.; for six consecutive performances between 7.30 p.m. and 11.30 p.m., not exceeding three consecutive hours	5 15 0
(H12) For an extra performance under (H1) to (H3) not exceeding one hour	0 10 0 extra
(H13) For an extra performance under (H4) to (H6) not exceeding one and one-half hours	0 10 0 extra
(H14) For extra performances under (H10) not exceeding three hours	0 12 6 extra
(H15) The performances for which each of the foregoing rates for weekly employees are prescribed in this sub-clause (H) are performances all held within seven consecutive days and none on a Sunday.	
(H16) The performances for which the rates are prescribed in the foregoing sub-clauses (H1) to (H6) inclusive, (H10), (H12), (H13), and (H14) are performances all held between the hours of 11 a.m. and 7.30 p.m.	

Casual Employees.

- (H17) An employee employed on a week day between 11 a.m. and 7.30 p.m. shall be paid 6s. 6d. an hour, with a minimum payment of 16s. 3d. for each performance.
- (H18) An employee employed on a week day after 7.30 p.m. shall be paid 7s. 6d. an hour, with a minimum payment of £1 2s. 6d. for each performance.

Playing for Dancing.

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

(I) DANCES AND DANCING CLASSES.

Weekly Employees.

(I1) For the purpose of this sub-clause (I)—	
(i) A week's work of six performances shall be deemed to consist of one performance not to exceed three consecutive hours on each of six calendar days, all to be given within seven consecutive days, and none on a Sunday.	
(ii) A week's work of twelve performances shall be deemed to consist of twelve performances, two on each of six calendar days, each performance not to exceed three consecutive hours, all to be given within seven consecutive days, and none on a Sunday.	
(I2) Week's work of six performances done between 9 a.m. and 6 p.m.—	£ s. d.
(i) By any one (other than a pianist playing alone)	5 12 0
(ii) By pianist playing alone	6 9 0
(I3) Week's work of six performances done between 6 p.m. and midnight—	
(i) By any one (other than a pianist playing alone)	5 17 0
(ii) By pianist playing alone	6 14 0
(I4) Week's work of twelve performances all done between 9 a.m. and 6 p.m.—	
(i) By any one (other than by a pianist playing alone)	8 12 0
(ii) By pianist playing alone	9 10 0
(I5) Week's work of twelve performances not all done between 9 a.m. and 6 p.m.—	
(i) By any one (other than a pianist playing alone)	8 17 0
(ii) By pianist playing alone	9 15 0
(I6) Each performance on a week day not included in a week's work	0 15 0 extra
(I7) Pianist playing alone on a week day in dancing classes—	
(i) For not more than 30 hours in a week	5 12 0
(ii) For each hour over 30 in a week	0 5 0 extra

Casual Employees.

(I8) Performing at a dance on a week day: Per hour with a minimum payment as for three hours—	£ s. d.
(i) Pianist playing alone	0 11 0
(ii) Others	0 8 0
(I9) Performing at a dancing class on a week day: Per hour, with a minimum payment as for three hours—	£ s. d.
(i) Pianist playing alone	0 6 6
(ii) Others	0 5 6

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

Weekly Employees.

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

(iii) A week's work of twelve short performances shall be deemed to consist of two performances on each of six calendar days, each performance not to exceed two consecutive hours in duration, all twelve to be held within seven consecutive days, and none on a Sunday.

	£	s.	d.
(J2) Week's work of six performances	5	8	0
(J3) Week's work of twelve long performances	8	8	0
(J4) Each performance on a week day not included in a week's work of six performances or twelve long performances, and not to exceed three consecutive hours	0	12	6 extra
(J5) Week's work of twelve short performances in roller skating rinks, performances to be held between 2.30 p.m. and 5 p.m., and between 8 p.m. and 10.30 p.m.	6	2	0
(J6) Each performance on a week day in roller skating rink not included in week's work of twelve short performances, and not to exceed two consecutive hours	0	10	0 extra

Casual Employees.

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

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

Casual Employees.

	£	s.	d.
(K1) Pianist playing alone, each performance on a week day, not to exceed three hours in duration	1	13	0
(K2) Employee (not being pianist playing alone)—			
(i) Engaged for one performance on a week day not to exceed three consecutive hours in duration, and in this case to be given between 9 a.m. and 11 p.m.	1	4	0
(ii) Engaged for two such performances to be given on one day, with one hour interval between them for refreshments	1	16	6
(iii) Engaged for three such performances to be given between 10 a.m. and 10 p.m. on one day, with one hour interval between each two performances for meals	2	6	6

(L) GRAMOPHONE RECORDING.

Casual Employees.

(L1) To employees not receiving any royalty, 10s. 6d. per hour on week days, with a minimum payment as for two hours.

(M) CONDUCTOR LEADERS.

Weekly or Casual Employees.

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

Intermittent Weekly Employees.

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

(N) LEADERS.

Weekly or Casual Employees.

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

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

Weekly Employees.

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

Casual Employees.

(O3) If any extra instrument supplied by employee: For each performance	0	5	0† extra
(O4) If no extra instrument supplied by employee: For each performance	0	3	6† extra

Exceptions.

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

(P) REHEARSALS NOT INCLUDED BY OPTION OF EMPLOYER IN A WEEK'S WORK IN LIEU OF A PERFORMANCE.

All Weekly or Casual Employees intended to be employed in a performance for which the rehearsal is held, including Conductor Leader, Leaders, and Principals.

(P1) In grand opera, and other work comprised in sub-clause (A) of this clause—	£	s.	d.
(i) Commencing before 3 p.m. not to exceed two hours	0	9	0
(ii) Commencing before 3 p.m. not to exceed three hours	0	13	6
(iii) Commencing at or after 3 p.m. not to exceed two hours	0	11	3
(iv) Commencing at or after 3 p.m. not to exceed three hours	0	16	11
(P2) In any other work—			
(i) Commencing before 3 p.m. not to exceed two hours	0	7	6†
(ii) Commencing before 3 p.m. not to exceed three hours	0	10	0†
(iii) Commencing at or after 3 p.m. not to exceed two hours	0	10	0†
(iv) Commencing at or after 3 p.m. not to exceed three hours	0	15	0†

(P3) In the case of weekly employees the foregoing rates prescribed in this sub-clause are extra rates to be paid in addition to the rates prescribed for the week's work.

Other Employees.

(P4) Pianist employed only for rehearsals with company or artists in grand opera or any other work comprised in sub-clause (A) hereof—

(i) Weekly employee for 36 hours in a week, excluding Sunday	£	s.	d.
(ii) Weekly employee for each hour over 36 in the week	0	5	5 extra
(iii) Casual employee for each hour on a week day, with a minimum payment as for three hours	0	4	6

(P5) Pianist employed only for rehearsals with company or artists in any general theatrical or other work comprised in sub-clause (B) hereof—

(i) Weekly employee for 36 hours in a week, excluding Sunday	5	12	0
(ii) Weekly employee for each hour over 36 in the week	0	4	6
(iii) Casual employee for each hour on a week day with minimum payment as for three hours	0	4	1

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

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

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

Weekly or Casual Employees.

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

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

Weekly Employees.

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

Casual Employees.

(R2) Employee so required—per performance	0	3	6† extra
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(R3) For any performance commencing at 11 p.m. or after and extending beyond 12 midnight employees shall, notwithstanding anything hereinbefore contained, be paid at double rates, but in respect of such performance clause 11 hereof shall not apply.

(S) HIGHER DUTIES.

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

(T) LOWER RATES MAY BE AGREED TO.

Where the Federal or State Executive of the Musicians Union of Australia agrees with any employer that for special reasons lower rates should be accepted by an employee, rates may be agreed upon between the said Union and Employer.

A written copy of any such agreement, signed by the Secretary of the Union and the Employer concerned, shall be lodged with the Secretary for Labour within 7 days of the making thereof.

3.

TIME OF PAYMENT.

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

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

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

4.

NO DEDUCTION FOR MEALS SUPPLIED.

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

5.

ARRANGING BAND PARTS, ETC.

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

6.

TERMINATION AND OTHER INCIDENTS OF EMPLOYMENT.

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

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

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

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

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

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

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

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

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

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

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

(i) Any strike.

(ii) Any breakdown of machinery.

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

Provided that this sub-clause shall not affect the operation of clause 11 hereof—

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

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

7. DURATION, ETC., OF PERFORMANCES.

(a) Except as otherwise provided in this Determination, the duration of performances (with intervals included), so far as covered by the rates of pay prescribed in clause 2, shall not exceed the following times respectively :—

- (i) In picture shows, two and three-quarter consecutive hours.
- (ii) In circus entertainments, three and one-half hours.
- (iii) In general theatrical entertainments, three consecutive hours.
- (iv) In skating rinks and other places included in sub-clause (J) of clause 2 and in dancing halls, three consecutive hours.

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

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

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

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

8. DURATION, ETC., OF REHEARSALS.

(a) The duration of rehearsals so far as covered by the rates of pay prescribed in clause 2 shall not exceed two hours where the engagement is for a rehearsal not to exceed two hours nor more than three hours in other cases.

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

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

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

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

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

(g) If an employer requires the orchestra engaged in a matinee performance of a production or any member or members of such orchestra to play over any part or parts of the production for the purpose of rectifying or rearranging any part of the score or performance of the production, the musicians so employed shall, if not kept more than one hour for such purpose, only be entitled to overtime payment as prescribed in clause 10 and not to payment as for a rehearsal.

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

- (i) From 10 a.m. to 4 p.m. if held with the actors.
- (ii) From 9 a.m. to 3 p.m. if held for a continuous picture show or a picture show giving two performances a day.
- (iii) From 3 p.m. to 11 p.m. if the engagement be for a rehearsal commencing at or after 3 p.m.
- (iv) From 10 a.m. to 3 p.m. except as otherwise provided herein.

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

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

9. ABSENCE FROM DUTY.

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

- (i) any illness of himself due neither to his own default nor to accident arising otherwise than out of and in the course of his employment;
- (ii) any bodily injury to himself caused by accident arising out of and in the course of his employment.

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

(c) This clause shall not affect any right of the employer to determine the employment in accordance with clause 6 of this Determination.

10. OVERTIME PAY AND ALLOWANCES.†

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

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

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

(c) No overtime shall be payable in respect of the first night of a production which is within sub-clause (B) of clause 2, and which continues to be produced at the same theatre for at least six nights, but an alteration in items of a production shall not be regarded as making the first performance of such alteration a first night within this sub-clause.

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

(e) Where a casual employee within sub-clause (K) of clause 2 is employed for a performance exceeding four hours, such employee shall, unless meals are provided be paid not less than 3s. 6d. for refreshment expenses in addition to the other payments prescribed by this Determination.

(f) If any employee mentioned in sub-clause (H) of clause 2 is detained at the place of employment by the employer or his representative after 11.30 p.m. and if so detained until too late to travel by the last tram, train, or vehicle to his or her home, the employer shall provide proper conveyance for the employee so detained, if a female to her home, or if a male to his home if such home is more than a mile from the place of employment.

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

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

11. SUNDAYS AND PUBLIC HOLIDAYS.†

- (a) For any work done on a Sunday payment shall be made at least as follows :—
 - (i) To weekly and intermittent weekly employees in addition to their prescribed pay for the rest of the week—
 - (a) For performing otherwise than at a rehearsal, 12s. per hour, with a minimum payment as for two and three quarter hours in picture theatres and three hours elsewhere.
 Provided that this provision for a minimum payment does not apply to work continued from Saturday over midnight into Sunday and that work continued from Sunday over midnight into Monday shall for the purpose of this sub-clause be deemed all to be done on the Sunday.
 - (b) For each rehearsal double the appropriate rates prescribed for work on ordinary days.
 - (ii) To casual employees double the appropriate rates prescribed for work on ordinary days.
- (b) For any work done on Good Friday, Christmas Day, and Labour Day, payment shall be made at least as follows :—
 - (i) To weekly employees in addition to their appropriate rates prescribed elsewhere herein, if the work be included in the week's work or be covered by the prescribed weekly rate one-sixth of the appropriate weekly rate prescribed in clause 2, and if the work be any performance not so included double the ordinary rate prescribed in clause 2 for a performance not so included.
 - (ii) To intermittent weekly employees in addition to their appropriate rates prescribed elsewhere herein a further payment ascertained by dividing the appropriate rate prescribed in clause 2 by the number of the performances such rate covers.
 - (iii) To casual employees double the appropriate rates prescribed for work on ordinary days.
- (c) For any work done on other holidays payment shall be made at least as follows :—
 - (i) To weekly employees in addition to their appropriate rates prescribed elsewhere herein, if the work be included in the week's work or be covered by the prescribed weekly rate, one-twelfth of the appropriate weekly rate prescribed in clause 2 and if the work be any performance not so included one and a half times the ordinary rate prescribed in clause 2 for a performance not so included.
 - (ii) To intermittent weekly employees in addition to their appropriate rates prescribed elsewhere herein a further payment ascertained by dividing the appropriate rate prescribed in clause 2 by twice the number of the performances such rate covers.
 - (iii) To casual employees one and one-half times the appropriate rates prescribed for work on ordinary days.

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

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

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

Provided that—

- (i) If a night performance or period of three hours occur, it shall be deemed to be the one so included.
 - (ii) If the week's work consist of twelve performances or twelve periods of three hours or the equivalent thereof, two performances or two such periods, inclusive of the night performance or period of work (if any), shall if occurring on the holiday be deemed to be so included.
 - (iii) Except as aforesaid none of the said performances shall be deemed to be so included unless the employer so chooses.
- (e) In the case of weekly employees (not including intermittent weekly employees) if by reason of any of the aforesaid holidays being a holiday no work is done thereon the prescribed weekly wage shall nevertheless be paid, and such holiday shall be treated for the purpose of sub-clause (A) of clause 2 as if one of the seven performances provided for in that sub-clause had occurred thereon, and for the purpose of the rest of the said clause 2 where 6, 12, 18, or 24 performances are provided for shall be treated as if one-sixth respectively of the number of performances so provided for had occurred thereon, and where no number of performances is provided for shall be treated as if one-sixth of the ordinary amount of work provided for as covered by the weekly wage had been done thereon.
- (f) If an employee is required by his employer to travel on a Sunday he shall, unless he is paid in pursuance of this clause for working on the said Sunday, be paid 7s. 6d. therefor.

12.

TRAVELLING.

- (a) For all work by an employee to be done outside a 30-mile radius of the city or town where the engagement with him is made, he shall be provided with first class return boat or train accommodation.
- (b) Employees when travelling by train at night shall be provided with sleeping accommodation, or if such sleeping accommodation is not provided, shall be paid the sum which is charged to the public by the Railway Department for such sleeping accommodation.
- (c) In addition to the rates of pay prescribed by this Determination employees shall be allowed 10s. for each day, including Sunday, such allowance to start upon the first day upon which the employee commences travelling and to continue until the day upon which he ceases travelling :

Provided that— <ul style="list-style-type: none"> (i) Where the part spent in travelling of the commencing day and the part so spent of the ceasing day are together not more than 24 hours, 10s. shall be paid for the whole combination of such parts; where they are more than 24, but not more than 36 hours, 15s. shall be paid; and where they are more than 36 hours 20s. shall be paid. (ii) Where the employee commences and returns from a trip on the same day, 10s. shall be paid in respect of that day. 	} If travelling is in connexion with any work comprised in sub-clauses (A) or (B) of clause 2 10 per cent. to be deducted.
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(cc) (1) Where an employer engages beforehand with an employee to employ him throughout a continuous period of at least thirteen weeks in one city or town only, and not with a view to the employee working on tour either there or elsewhere, the employee shall be entitled to the allowance under sub-clause (c) hereof for only fourteen days in respect of his stay after his arrival in the said city or town.

(2) Where an employee not engaged with a view to his working on tour has been continuously employed by an employer in one city or town for at least twelve continuous months, this clause 12 shall not apply to him in respect of his return to the place of engagement.

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

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

(f) Where a suggestion is made by or for an employer or proposed employer to a person that the latter will be employed by the former in a certain place if he presents himself there, and such person does so present himself and is employed there, such employee shall receive from the employer all provisions, allowances and payments which would be due under this clause 12 to an employee who is situated in the place where such person is when the suggestion is made and who is definitely engaged by the employer to go from that place and work in the place where such person so presents himself and is employed.

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

13.

SUPPLY OF UNIFORMS.

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

14.

ACCOMMODATION.

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

15.

TIME-BOOKS TO BE KEPT, ETC.

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

16.

SUB-CONTRACT, ETC.

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

17.

DEFINITIONS.

- "Weekly employee" means an employee engaged by the week.
- "Intermittent weekly employee" means an employee engaged for performances on all the nights being less than six in the week on which the theatre or place of amusement is regularly opened, and for performances on other stated days or nights in each week as may be agreed upon between the employer and the employee.
- "Casual employee" means an employee engaged otherwise than by the week or than as an intermittent weekly employee.
- "Orchestra" means an orchestra of three or more players.
- "Conductor Leader" means the member of an orchestra who plays and directs the orchestra.
- "Leader" is the first or principal violin in an orchestra where there is a conductor.
- "Principal." For the purpose of section (A) of clause 2 of this Determination shall mean and include the first of a group of instrumentalists playing one class of instrument or the player of an instrument of which only one is used in the orchestra.

18.

ADJUSTMENT OF RATES.

- (a) For work done until the end of the first Friday in August, 1946, the amounts of the rates to be paid shall be those fixed in this Determination.
- (b) Pursuant to the provisions of Section 21 of the *Factories and Shops Act 1934* the Board determines that for work done during each future period of or near a quarter beginning with the first Saturday in an August, a November, a February, or a May, the amounts of the said rates shall be adjusted by the following method according to the position and fluctuations (if any) of the "All Items" retail price index numbers of the Commonwealth Statistician.
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.
- (i) The index number set to be applied is that of the five capital cities, Sydney, Melbourne, Brisbane, Adelaide, and Hobart weighted average.
- (ii) 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.
- (iii) The amounts of addition or deduction assigned in the following table (or in any extension thereof) to the index number division comprising such number are to be ascertained.
- (iv) Those assigned amounts shall during such period of or near a quarter be respectively added to or deducted from the originally prescribed amounts of the rates in accordance with that table.
- (v) The index number division, called "original" in the following table, is that upon which the rates are to be deemed to have been originally prescribed.

TABLE.
ORIGINAL INDEX NUMBER DIVISION, 1130-1141.

Index Number Divisions.		Scale of Rates and of Additions or Deductions.					
For Deductions.	For Additions.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
		4 12 0 and over	3 13 0 3 16 0 and 4 0 6	2 18 6 and 3 2 6	2 17 0	2 2 0 and 2 6 0	1 3 0
		s. d.	s. d.	s. d.	s. d.	s. d.	s. d.
	1167-1179	3 0	2 0	2 0	1 6	1 0	0 6
	1155-1166	2 0	1 6	1 0	1 0	0 6	0 0
	1142-1154	1 0	0 6	0 6	0 6	0 0	0 0
1130-1141	1130-1141	0 0	0 0	0 0	0 0	0 0	0 0
1118-1129	..	1 0	0 6	0 6	0 6	0 0	0 0
1105-1117	..	2 0	1 6	1 0	1 0	0 6	0 0
1093-1104	..	3 0	2 0	2 0	1 6	1 0	0 6

A. V. BARNES, J.P., Chairman.

J. V. WILLOX, Acting Secretary.

Melbourne, 3rd June, 1946.