



VICTORIA GOVERNMENT GAZETTE.

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[1946

DETERMINATION OF THE INDUSTRIAL APPEALS COURT.

IN THE INDUSTRIAL APPEALS COURT.

IN THE MATTER of the *Factories and Shops Act 1928-1941*

and

IN THE MATTER of the Determination made by the Painters Board
on the 28th June, 1946

and

IN THE MATTER of an Appeal against certain provisions of the
said Determination.

Before the Industrial Appeals Court (Judge Stretton, K. H. Boykett, Esq., and J. V. Stout, Esq.)

Thursday, the 15th day of August, 1946.

UPON APPEAL made on the 13th day of August, 1946, and this day by Hugh Hassal Bishop and Aubrey Charles Ellis, against the Determination of the Painters Board dated the 28th day of June, 1946, AND UPON READING the notice of appeal dated the 11th day of July, 1946, AND UPON HEARING Mr. F. P. Derham for and on behalf of the abovenamed Appellants and Mr. D. D. Thomson for and on behalf of the Operative Painters and Decorators' Union of Australia (Victorian Branch), THIS COURT BOTH ORDER:—

(i) That the Appeal, insofar as it relates to the "disabilities allowance", be allowed, with liberty to either party to apply to this Court on notice to the other side:

(ii) That, in Part II., Clause 6 (iv) of the said Determination, the word "employee" be substituted for the word "employer";

(iii) That Clause 17 (Part II.) of the said Determination be deleted, and that the following be substituted therefor:—

"The Secretary for Labour may authorize in writing the inspection, at any specified time (except on pay-day) or place of all wages sheets, time sheets, or other wages records by a person nominated by the Painters and Decorators' Union of Australia, Victorian Branch, and approved by the Secretary for Labour, provided that 24 hours' notice of such inspection is given to the employer, to whom shall be produced such authority."

(iv) That the Appeal, insofar as it relates to the provisions of Part II. of the said Determination respecting tool allowance, inclement weather, fares and travelling time, distant jobs, payment of wages and cleaning tools (Clause 23), be dismissed; and

(v) That the said Determination be reprinted in the following terms:—

1. That, as from the beginning of the next pay period to commence after the 13th July, 1946, the following Determination shall be operative in respect of the lowest prices or rates which may be paid to any persons employed in the process, trade, or business of—

(a) Painting, other than ship painting or painting under the jurisdiction of any Wages Board heretofore appointed or hereafter to be appointed;

(b) Paperhanging;

(c) Sign or poster writing, and any work incidental thereto;

(d) Producing signs or posters by means of stencils, screens, or other like methods, and any work incidental thereto.

PART I.

1a. This Part applies only in respect of the employment of persons on the construction renovation alteration repair or demolition of buildings performed on the site thereof, and in particular it shall have no application—

- (i) to employment by an employer in any industry where the work performed by the employee is subsidiary or auxiliary to the chief and principal purpose and business of such industry; or
(ii) to employment in workshops or joinery mills.

WAGES.

2.

(a)

Apprentices or Improvers.

				Per week of 44 Hours.
				s. d.
1st year's experience	..	..	..	17 0
2nd	..	..	..	28 0
3rd	..	..	..	38 5
4th	..	..	..	53 8
5th	..	..	..	66 11

PROPORTION (BY ANY EMPLOYER).

Apprentices.

One apprentice to every three journeymen or fraction of three journeymen employed.

In cases where not more than three journeymen are employed at the trades, a second apprentice may be employed on the completion, by the first apprentice, of the second year of his apprenticeship course.

** Improvers.*

One improver to three	} workers receiv- ing not less than 155s. 6d. per week of 44 hours.
Two improvers to six	
Three improvers to twelve and there- after one additional improver to every	
twelve additional	

(b)

Other Employees.

			Per Hour.	Per week of 44 Hours.
			s. d.	s. d.
All classes of work	..	..	3 6 $\frac{2}{3}$	155 6

INCLEMENT WEATHER.

7. Each employee shall be paid an allowance at ordinary rates for time lost through inclement weather, subject to the following conditions:—

- (i) That such allowance shall not exceed the equivalent of eight hours' pay in any one week.
- (ii) That weather shall not be regarded as inclement for the purposes of this clause, unless the employer or his representative on the job, and a representative of the men on such job, agree that it shall be so regarded. Failing such agreement weather shall not be regarded as inclement and work shall continue.
- (iii) Any intermission of work owing to inclement weather so regarded as aforesaid shall immediately cease and work shall be immediately resumed on the employer or his representative calling for a resumption of work.
- (iv) An employee shall not be entitled to payment as provided for in this clause, unless he remains on the job until a decision to cease work for the day has been made by agreement between the employer or his representative and a representative of the men.
- (v) The intermission of work by employees who would be exposed to or working in inclement weather so regarded in accordance with this clause shall not be a ground for intermission of work in places where employees are not so exposed to or are not called upon to work in such inclement weather.

ALLOWANCE IN RESPECT OF EXCESS FARES AND TRAVELLING TIME.

8. (a) The following payments shall be made in lieu of fares and travelling time within the radii named using G.P.O., Melbourne (cr. Bourke and Elizabeth streets) or the principal post offices at Ballarat, Bendigo, and Geelong as centres:—

	s.	d.
Up to and including 12 miles	2	0 per day
Over 12 miles and including 20 miles	2	6 per day
Over 20 miles and including 30 miles	3	0 per day

These allowances shall not be payable if the employer provides or offers to provide transport free of charge, in which case 1s. 4d. per day travelling allowance shall be paid.

(b) Where fares are necessarily incurred on distant jobs, as defined in clause 9 (a) of this Part, or on work performed outside the radii named in sub-clause (a) hereof the provisions of that sub-clause shall apply except that the local Post Office shall be the centre.

ALLOWANCES IN RESPECT OF DISTANT JOBS.

9. (a) When distance and/or travelling facilities reasonably prevent an employee going from and returning each day to his usual place of residence suitable board and sleeping accommodation including stretcher and mattress for each employee shall be provided. When work is situated away from suitable accommodation, the employer shall supply tents or huts with sleeping accommodation therein including stretcher and mattress for each employee in addition to any allowance provided in this clause; the allowance to be made shall be—

	s.	d.
For less than a full week	10	0 per day
For a full working week at the rate of	42	0 per week

(b) In lieu of the payments prescribed in clause 8 (a) of this Part an employee to whom sub-clause (a) applies shall be paid travelling time (not exceeding ordinary working hours per day) at ordinary rates of pay, and, where incurred, second-class return fare, and 5s. to cover expense of reaching his home railway station and transport of tools if any cost necessary. Provided that the return fare shall not be payable if the employee is dismissed for misconduct or is held incompetent within one week of starting work or leaves within one month of engagement. Travelling time shall be calculated as from Spencer-street and Flinders-street Railway Stations or the home Central Railway Station (if residing in the country) to destination by rail or usual travelling facilities.

(c) If an employee elects to return to his home at the week end after three months of continuous service and thereafter at three-monthly periods he shall be paid a second-class return fare (Victorian Railways only) on the pay day which immediately follows the date on which he returns to the job.

If the work upon which the employee is engaged will terminate in the ordinary course within a further 28 days after the expiration of three months this sub-clause shall not apply.

(d) Any person who has travelled from a "centre" to a place of work, and is required, in the course of his employment to travel further on the same day, shall be paid all fares necessarily expended in such further travelling.

ALLOWANCE IN RESPECT OF MEALS.

10. Where an employee is required to work overtime in excess of one hour and has not been given notice of same on the previous working day, he shall be allowed an amount of 2s. 6d. for a meal. When working overtime for two hours or more, employees shall be allowed to take, without deduction of pay, 20 minutes for crib immediately after the ordinary ceasing time, and thereafter 30 minutes for crib shall be allowed after each four hours of continuous work. Provided that where an employee works overtime for two hours without taking the prescribed interval of 20 minutes, he shall be deemed to have worked two and one-third hours.

EXCESS OF HOURS.

11. An employee who has worked continuously (except for meal intervals) for 20 hours, shall have a break of at least twelve hours before again starting work.

REST PAUSE.

12. (a) There shall be a rest period of ten minutes from the time of ceasing to the time of resuming work between the hours of 9.30 a.m. and 11 a.m. without deduction of pay.

(b) The employer shall provide facilities to enable the employees to obtain an adequate supply of boiling water at meal times and rest periods.

ANNUAL LEAVE.

13. (a) Subject to the provisions of sub-clause (c) and (d) hereof, a period of fourteen consecutive days inclusive of public holidays occurring during the period shall be allowed as leave annually to all employees after twelve months' continuous service (less the period of annual leave) with an employer. Unless otherwise mutually agreed upon between an employer and the employee concerned, in which case the leave shall be given and taken within three months of becoming due, such leave shall be given and taken in conjunction with the Christmas and New Year holidays.

(b) If after 88 hours' continuous service, excluding overtime, in any qualifying twelve-monthly period an employee leaves his employment or his employment is terminated by the employer, the employee shall be paid 1/13th of a week's wage in respect of each completed 88 hours of continuous service in respect of which leave has not been granted hereunder.

(c) Where an employee absents himself from work during any qualifying period of service for any reason other than a reason set out in sub-clause (d) hereof the amount of leave or payment in lieu to which he would otherwise be entitled under sub-clause (a) and (b) hereof, shall be reduced by 1/50th for each week or part thereof during which any such absence occurs.

(d) For the purpose of administering the provisions of this clause, service shall be deemed to be continuous notwithstanding an employee's absence from work for the following reasons—

- (i) Injury received during the course of employment and for which an employee received workers' compensation—up to a maximum period of two months.
- (ii) Any reason satisfactory to the employer or, in event of dispute, the Secretary for Labour.
- (iii) Where called up for military service up to three months in any qualifying period.

(e) Each employee before going on leave, shall be paid in advance the wage which would ordinarily accrue to him during the currency of the leave.

(f) Service before the 1st day of October, 1945, shall be disregarded for the purpose of calculating annual leave.

(g) Notwithstanding anything elsewhere contained in this Determination, an employer giving leave at the Christmas-New Year period may, at his option either:—

- (i) Stand off without pay during the period of leave any employee who has not then qualified for the full period; or
- (ii) Stand off for the period of leave any employee who has not then qualified for fourteen consecutive days' leave and pay him pro rata for the leave for which he has then qualified on the basis of one-thirteenth of a week's wages in respect of each 88 hours' consecutive service (exclusive of overtime) during his current qualifying twelve-monthly period.

PAYMENT OF WAGES.

14. Wages, allowances, and other moneys due shall be paid not later than the time of ceasing work on Thursday of each working week, or otherwise by mutual arrangement. On termination of employment by the employer all wages allowances, and other moneys shall be paid at the time of dismissal.

INSPECTION OF TIME SHEETS AND BOOKS.

15. The Secretary for Labour may authorize at any time (except pay day) or place, the inspection of all wages sheets, time sheets or other wages records by a person nominated by the Painters and Decorators Union of Australia and approved by the Secretary for Labour, provided that 24 hours' notice of such inspection is given to the employer.

TOOLS AND APPLIANCES.

16. (a) Each painter shall provide himself with an ordinary dusting brush and all necessary stripping and stopping knives, hammer, hacking knife, screwdriver, and glazing knife.

(b) Each paperhanger shall provide himself with a lay-brush, scissors, rule, plumb-bob, chalk-line, and trimming knife (if he requires such an instrument), and also with surface and joint rollers.

(c) Each signwriter shall provide himself with a mahl-stick, rule, straight-edge, chalk-line, pencils and gilding cushion, mop, knife and tip.

If any employee is required to provide any tools or appliances other than those above enumerated, 6d. per hour in addition to the ordinary rates fixed by this Determination shall be paid by the employer. The employer shall supply all tools necessary for the use of apprentices.

TRANSPORT.

17. Where an employee is required to work overtime and no regular means of transport is available, the employer shall provide suitable transport to convey him to the job or his residence as the case may be. If the employer fails to provide such transport, he shall pay to the employee such reasonable amount as has been necessarily incurred by him.

WASHING TIME.

18. Each employee shall be allowed five minutes prior to the lunch interval and immediately prior to the time of ceasing work for the day in order to clean up and wash.

EMPLOYEES REPORTING FOR DUTY.

19. An employee notified to commence duty and actually attending for duty, when notified by the employer or his representative that his services are not required shall be paid for two hours as time worked.

WAITING TIME.

20. An employee who is required to attend for work and is kept waiting to commence work by instructions of the employer or his representative, shall be paid at his ordinary rate of pay for the time he is so kept waiting.

TERMINATION OF EMPLOYMENT.

21. One hour's notice of termination of employment shall be given by either employer or employee or one hour's pay shall be paid or forfeited in lieu thereof.

Such hour shall be allowed the employee to gather, clean, pack and transport his tools.

APPRENTICES.

22. The provisions of clause 21 of this Part shall not apply to the employment of apprentices.

PERIODICAL ADJUSTMENT OF WAGES.

23. The wages rates set out in clause 2 (b) of this Part are based upon the following basic wage for adult males, and, pursuant to the provisions of Section 21 of the *Factories and Shops Act 1934*, the Industrial Appeals Court hereby determines that such rates shall be automatically increased or decreased by the same amount and at the same time as such basic wage.

The basic wage rates shown hereunder shall be adjusted as prescribed in clause 24 of this Part.

Place.	Needs Basic Wage for Adult Males (adjustable).	Loading (Constant).	Total Basic Wage for Adult Males.	Index Number Set Assigned.
	£ s. d.	£ s. d.	£ s. d.	
Throughout the State	4 12 0	0 6 0	4 18 0	Melbourne

ADJUSTMENT OF BASIC WAGE FOR ADULT MALES.

24. (a) Until the beginning of the first pay period to commence in August, 1946, the amounts of the basic wage shall be as prescribed in clause 23.

(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 purposes of this Determination the expression "Commonwealth Statistician's Retail Price Index Numbers" or any like expression means the numbers stated to be such Index Numbers in any document purporting, and not proved to be wrongly so purporting, to be printed by the Commonwealth Government Printer or to be signed by or on behalf of the Commonwealth Statistician.

(1) The Index Number set to be applied to a place is that assigned thereto in clause 23 of this Part.

(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 amounts assigned in the following table (or any extension thereof) to the index Number Division comprising that Number are to be ascertained.

(4) The needs basic wage shall be those assigned amounts during such period of or near a quarter.

Table.

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

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

ADJUSTMENT OF WAGES OF APPRENTICES, IMPROVERS, AND JUVENILE WORKERS.

25. The wages rates of apprentices and improvers, as prescribed in clause 2, shall be automatically adjusted to accord with the wages rates, as adjusted from time to time, for apprentices in the metropolitan district who are under the jurisdiction of the Apprenticeship Commission.

PART II.

1. This Part applies in respect of the employment of all persons coming within the ambit of the Determination, other than those provided for in Part I. hereof.

2.

WAGES.

(a) Apprentices or Improvers.					(b) Juvenile Workers, i.e., Persons under 21 years of Age (other than Apprentices or Improvers) engaged in producing Signs or Posters by means of Stencils, Screens, or other like methods or at any work incidental thereto.					
					Per week of 44 hours.					Per week of 44 hours.
					s. d.					s. d.
1st year's experience	..	..	..	..	17 0	1st year's experience	..	..	..	17 0
2nd	..	..	..	..	28 0	2nd	..	..	..	28 0
3rd	..	..	..	..	38 5	3rd	..	..	..	38 5
4th	..	..	..	..	53 8	4th	..	..	..	53 8
5th	..	..	..	..	66 11	5th	..	..	..	66 11

Notwithstanding anything contained in clause 2 (c) (A) and (B) (i) of this Part any employee, within six months of his first employment in any place, whose employment is terminated by the employer for any cause other than misconduct or incompetence, shall on such termination be entitled to be paid for such work performed by him an additional amount at the rate of 3s. per week.

Leading Hand, i.e., a tradesman who is given responsibility of direction and supervision of the work by his employer or by his employer's responsible representative of not fewer than five tradesmen shall receive in addition to his ordinary wage, allowances as follows—

(a) If in charge of five tradesmen as aforesaid—1s. per day;

(b) If in charge of more than five tradesmen as aforesaid, 1s. per day for being in charge of the first five tradesmen, plus an additional 1s. per day for each additional five, or fraction of five tradesmen in excess of such first five tradesmen.

TIMES OF BEGINNING AND ENDING WORK.

3. (a) Except as provided in sub-clause (b) hereof, the ordinary hours of work shall be 8 hours on five days a week (Monday to Friday inclusive), to be worked between 8 a.m. and 5 p.m., and 4 hours on Saturday to be worked between 8 a.m. and noon.

(b) By agreement between an employer and the majority of his employees on the job, the ordinary hours for a week's work may be worked on five days between 7.30 a.m. and 5.30 p.m. (Monday to Friday inclusive) each day's work consisting of 8 hours 48 minutes.

(c) The lunch hour break shall be not less than 42 minutes each day.

OVERTIME.

4. All work done outside of or in excess of the ordinary hours for a day's work as prescribed, shall be paid for at the rate of time and a half for the first two hours and double time thereafter.

When working overtime for 2 hours or more, employees shall be allowed to take 20 minutes for crib immediately after the ordinary ceasing time, and thereafter 30 minutes for crib shall be allowed after each 4 hours of continuous work, such periods not to count as time worked.

An employee who has worked continuously (except for meal intervals) for 20 hours shall have a break of at least 12 hours before again starting work.

HOLIDAYS AND SUNDAY WORK.

5. 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, King's Birthday, Melbourne Cup Day, Christmas Day, or Boxing Day; but if by Act of Parliament or Proclamation, any other day be substituted for any of the above-named holidays, the special rate shall be payable only for work done on the day so substituted.

INCLEMENT WEATHER.

6. Each employee shall be paid an allowance at ordinary rates for time lost through inclement weather, subject to the following conditions:—

(i) That such allowance shall not exceed the equivalent of eight hours' pay in any one week.

(ii) That weather shall not be regarded as inclement for the purposes of this clause, unless the employer or his representative on the job, and a representative of the men on such job, agree that it shall be so regarded. Failing such agreement weather shall not be regarded as inclement and work shall continue.

(iii) Any intermission of work owing to inclement weather so regarded as aforesaid shall immediately cease and work shall be immediately resumed on the employer or his representative calling for a resumption of work.

(iv) An employee shall not be entitled to payment as provided for in this clause, unless he remains on the job until a decision to cease work for the day has been made by agreement between the employer or his representative and a representative of the men.

(v) The intermission of work by employees who would be exposed to or working in inclement weather so regarded in accordance with this clause shall not be a ground for intermission of work in places where employees are not so exposed to or are not called upon to work in such inclement weather.

ALLOWANCE IN RESPECT OF EXCESS FARES AND TRAVELLING TIME.

7. (a) The following payments shall be made in lieu of fares and travelling time within the radii named using G.P.O., Melbourne (cr. Bourke and Elizabeth-streets) or the principal post offices at Ballarat, Bendigo, and Geelong as centres:—

	s.	d.
Up to and including 12 miles	2	0 per day
Over 12 miles and including 20 miles	2	6 per day
Over 20 miles and including 30 miles	3	0 per day

(b) If the employer provides or offers to provide transport free of charge, 1s. 4d. per day travelling allowance shall be paid: Provided that this sub-clause shall not operate if the employee is transported in the employer's time.

(c) Where fares are necessarily incurred on distant jobs, as defined in clause 8 (a) of this Part, or on work performed outside the radii named in sub-clause (a) hereof the provisions of that sub-clause shall apply except that the local Post Office shall be the centre.

(d) Sub-clauses (a), (b), and (c) of this clause shall not operate when an employee is employed on maintenance work at his recognized centre.

ALLOWANCES IN RESPECT OF DISTANT JOBS.

8. (a) When distance and/or travelling facilities reasonably prevent an employee going from and returning each day to his usual place of residence suitable board and sleeping accommodation including stretcher and mattress for each employee shall be provided. When work is situated away from suitable accommodation, the employer shall supply tents or huts with sleeping accommodation therein including stretcher and mattress for each employee in addition to any allowance provided in this clause; the allowance to be made shall be—

	s.	d.
For less than a full week	10	0 per day
For a full working week at the rate of	42	0 per week

(b) In lieu of the payments prescribed in clause 7 (a) of this Part an employee to whom sub-clause (a) applies shall be paid travelling time (not exceeding ordinary working hours per day) at ordinary rates of pay, and, where incurred, second-class return fare, and 5s. to cover expense of reaching his home railway station and transport of tools if any cost necessary. Provided that the return fare shall not be payable if the employee is dismissed for misconduct or is held incompetent within one week of starting work or leaves within one month of engagement. Travelling time shall be calculated as from Spencer-street and Flinders-street Railway Stations or the home Central Railway Station (if residing in the country) to destination by rail or usual travelling facilities.

(c) If an employee elects to return to his home at the week-end after three months of continuous service and thereafter at three-monthly periods, he shall be paid a second-class return fare (Victorian Railways only) on the pay day which immediately follows the date on which he returns to the job.

If the work upon which the employee is engaged will terminate in the ordinary course within a further 28 days after the expiration of three months this sub-clause shall not apply.

(d) Any person who has travelled from a "centre" to a place of work, and is required, in the course of his employment, to travel further on the same day, shall be paid all fares necessarily expended in such further travelling.

SPECIAL RATES.

(Payable in addition to ordinary wages prescribed in clause 2.)

9. (a) *Swing Scaffold Work, and Ladder Work.*—Any person employed on a swing scaffold, or any scaffold suspended by a rope or cable, or any person employed on a ladder at a height of 35 feet or more above the nearest horizontal plane, shall be paid 1s. for the first four hours or any portion thereof, and 3d. per hour for each hour thereafter, on any day.

(b) *Scaffold Work.*—Any person employed on a scaffold (except a scaffold protected by a guard rail) at a height of 50 feet or more above the nearest horizontal plane, shall be paid 1s. for the first four hours or any portion thereof, and 3d. per hour for each hour thereafter, on any day.

(c) *Work in Wet Places.*—Any person required to work in a wet place (i.e., when water other than rain is flowing or dripping from overhead to such an extent as to saturate the clothing of the worker, or when the worker is required to work in water more than 2 inches deep), shall be paid 2d. per hour for each hour, or part thereof, he is so required to work. Provided that this extra rate shall not be payable to an employee who is provided by the employer with suitable protective clothing and/or footwear.

(d) *Work in Hot Places.*—Any person required to work for more than one hour in the shade in places, (i) where the temperature is raised by artificial means to between 115 and 130 degrees Fahrenheit, shall be paid 1½d. per hour, (ii) in places where the temperature exceeds 130 degrees Fahrenheit, the additional amount to be paid shall be 3d. per hour. Where work continues for more than two hours in temperatures exceeding 130 degrees Fahrenheit, employees shall also be entitled to twenty minutes' rest after every two hours' work without deduction of pay.

(e) *Work in Cold Places.*—Any person required to work for more than one hour in places where the temperature is reduced by artificial means below 32 degrees Fahrenheit, shall be paid 1½d. per hour. Where the work continues for more than two hours employees shall be entitled to a rest period of twenty minutes every two hours without loss of pay.

(f) *Dirty Work.*—Any person required to do work which a foreman and workman shall agree is of an unusually dirty or offensive nature shall be paid 1½d. per hour.

(g) *Work in Confined Spaces.*—Any person required to work in a confined space (i.e., a compartment or space, access to which is through a manhole or similar opening, or a place the dimensions of which necessitate an employee working in a stooped or otherwise cramped position, or without proper ventilation, and which is of a class not usually associated with the painting and decorating trade), shall be paid 3d. per hour.

(h) *Special Rates not Cumulative.*—Where more than one of the conditions entitling a workman to special rates exist on the same job the employer shall be bound to pay only one rate, namely the highest for the conditions so prevailing.

(i) *Rates not Subject to Penalty Additions.*—The special rates herein prescribed shall be paid irrespective of the time at which the work is performed, and shall not be taken into account when computing the penalty rate payable for overtime, or for work done on Sundays and holidays.

REST PERIOD.

10. There shall be a rest period of ten minutes from the time of ceasing to the time of the resumption of work, between the hours of 9 a.m. and 11 a.m. without deduction of pay.

PAYMENT OF WAGES.

11. (a) If an employee leaves or is dismissed he shall be paid his wages on leaving or being dismissed, or paid by post or otherwise on the next working day.

(b) Except as provided in the preceding sub-clause, payment of wages and other moneys due shall be made not later than 5 p.m. on Thursday in each week. Provided that this provision may be varied by the mutual agreement of the employer and the majority of employees on any job.

TOOLS AND APPLIANCES.

12. (a) Each painter shall provide himself with an ordinary dusting brush and all necessary stripping and stopping knives, hammer, hacking knife, screwdriver, and glazing knife.

(b) Each paperhanger shall provide himself with a lay brush, scissors, rule, plumb-bob, chalk-line, and trimming knife (if he requires such an instrument), and also with surface and joint rollers.

(c) Each signwriter shall provide himself with a mahl-stick, rule straight-edge, chalk-line, pencils and gilding cushion, mop, knife and tip.

If any employee is required to provide any tools or appliances other than those above enumerated, 6d. per hour in addition to the ordinary rates fixed by this Determination shall be paid by the employer. The employer shall supply all tools necessary for the use of apprentices.

ALLOWANCE IN RESPECT OF MEALS.

13. Where an employee is required to work overtime in excess of one hour and has not been given notice of same on the previous working day, he shall be allowed an amount of 2s. 6d. for a meal. When working overtime for two hours or more, employees shall be allowed to take, without deduction of pay, 20 minutes for crib immediately after the ordinary ceasing time, and thereafter 30 minutes for crib shall be allowed after each four hours of continuous work. Provided that where an employee works overtime for two hours without taking the prescribed interval of 20 minutes, he shall be deemed to have worked two and one-third hours.

SUPPLY OF HOT WATER.

14. The employer shall provide facilities to enable the employee to obtain an adequate supply of hot water at meal times.

CARE OF EMPLOYERS' TOOLS, ETC.

15. The employer shall make, in respect of each job, adequate arrangements to secure the proper care and safety of the employees' tools and gear when not in use.

TIME BOOK.

16. The employer shall keep at his centre a time book or a time sheet in which shall be recorded indelibly the name of each worker and the following particulars:—

- (a) the number of hours worked each day;
- (b) the total number of hours worked each week;
- (c) the wages, amount for overtime, and allowances paid therefor.

INSPECTION OF TIME SHEETS AND BOOKS.

17. The Secretary for Labour may authorize in writing the inspection, at any specified time (except on pay-day) or place, of all wages sheets, time sheets, or other wages records by a person nominated by the Painters and Decorators' Union of Australia (Victorian Branch), and approved by the Secretary for Labour, provided that 24 hours' notice of such inspection is given to the employer, to whom shall be produced such authority.

TRANSPORT.

18. Where an employee is required to work overtime and no regular means of transport is available, the employer shall provide suitable transport to convey him to the job or his residence as the case may be. If the employer fails to provide such transport, he shall pay to the employee such reasonable amount as has been necessarily incurred by him.

WASHING TIME.

19. Each employee shall be allowed five minutes prior to the lunch interval and immediately prior to the time of ceasing work for the day in order to clean up and wash.

ANNUAL HOLIDAY.

20. The annual holiday shall be as prescribed by the provisions of the *Factories and Shops (Annual Holidays) Act 1946*, and any amendments which may be made thereto from time to time.

ADDITIONAL ANNUAL AND SICK LEAVE FOR SPECIAL CIRCUMSTANCES.

21. When it is a constant condition of employment that an employee in a "Mixed Industry" is continuously required to work or be on call for work on week ends (i.e., Saturdays and Sundays), such employee shall be entitled to:—

- (a) one week's additional leave with pay, and

(b) payment for a maximum of 44 hours for sickness (duly certified) in any one year, provided that in the event of an employee not claiming payment in whole or in part in any year, the number of days not claimed shall be held to his credit the following year or years, subject to a maximum of 132 hours for sickness. For the purposes of sub-clause (b) hereof service prior to the 1st July, 1945, shall be disregarded. "Mixed Industry" means an industry where the work performed by painters (that is, any work to which this Determination applies) is subsidiary and auxiliary to the chief and principal purpose and business of such industry.

EMPLOYEES REPORTING FOR DUTY.

22. An employee notified to commence duty and actually attending for duty, when notified by the employer or his representative that his services are not required shall be paid for two hours as time worked.

TERMINATION OF EMPLOYMENT.

23. One hour's notice of termination of employment shall be given by either employer or employee or one hour's pay shall be paid or forfeited in lieu thereof.

When notice has been given by the employer such hour shall be allowed the employee to gather, clean, pack and transport his tools.

The provisions of this clause shall not apply to the employment of apprentices.

WAITING TIME.

24. An employee who is required to attend for work and is kept waiting to commence work by instructions of the employer or his representative, shall be paid at his ordinary rate of pay for the time he is so kept waiting.

TIME OFF FOLLOWING ACCIDENT.

25. An employee suffering injury through an accident arising out of and in the course of his employment (not being an injury in respect of which he is entitled to workers' compensation) necessitating his attendance during working hours on a doctor, chemist or trained nurse, or at a hospital, shall not suffer any deduction from his pay for time (not exceeding four hours) so occupied on the day of the accident and shall be reimbursed by the employer all expenses reasonably incurred in connexion with such attendance.

DEFINITIONS.

26. "Gippsland District" shall mean the following area, viz.:—From Hallam (beyond Dandenong) to the south to Lyndhurst, Wonthaggi, across to Port Albert, to Orbost, to Briagolong, to Walhalla, to Noojee, to Hallam.

"Centre" shall mean the employer's usual place of business.

PERIODICAL ADJUSTMENT OF WAGES.

27. The wages rates set out in clause 2 (c) of this Part are based upon the following basic wage for adult males and, pursuant to the provisions of Section 21 of the *Factories and Shops Act 1934*, the Industrial Appeals Court hereby determines that such rates shall be automatically increased or decreased by the same amount and at the same time as such basic wage.

The basic wage rates shown hereunder shall be adjusted as prescribed in clause 28 of this Part.

Place.	Needs Basic Wage for Adult Males (adjustable).	Loading (Constant).	Total Basic Wage for Adult Males.	Index Number Set Assigned.
	£ s. d.	£ s. d.	£ s. d.	
Within 20 miles of the Principal Post Office at Elizabeth-street, Melbourne—Males	4 12 0	0 6 0	4 18 0	Melbourne
Within 10 miles of the principal Post Offices at Geelong and Warrnambool respectively—same as the contemporaneous basic wage for Melbourne.				
Within 5 miles of the Post Office at Mildura; within the Gippsland District as herein defined (except Yallourn)—same as the contemporaneous basic wage for Melbourne.				
Yallourn—until further order the same amount in excess of Melbourne as at present, viz., 6s. 6d. per week.				
Elsewhere—3s. less than the contemporaneous basic wage for Melbourne.				

ADJUSTMENT OF BASIC WAGE FOR ADULT MALES.

28. (a) Until the beginning of the first pay period to commence in August, 1946, the amounts of the basic wage shall be as prescribed in clause 27.

(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 purposes of this Determination the expression "Commonwealth Statistician's Retail Price Index Numbers" or any like expression means the numbers stated to be such Index Numbers in any document purporting, and not proved to be wrongly so purporting, to be printed by the Commonwealth Government Printer or to be signed by or on behalf of the Commonwealth Statistician.

(1) The Index Number set to be applied to a place is that assigned thereto in clause 27 of this Part.

(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 amounts assigned in the following table (or any extension thereof) to the Index Number Division comprising that Number are to be ascertained.

(4) The needs basic wage shall be those assigned amounts during such period of or near a quarter.

Table.

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

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

ADJUSTMENT OF WAGES OF APPRENTICES AND IMPROVERS.

29. The wages rates of apprentices, improvers, and juvenile workers as prescribed in clause 2, shall be automatically adjusted to accord with the wages rates, as adjusted from time to time, for apprentices in the metropolitan district who are under the jurisdiction of the Apprenticeship Commission.

ADJUSTMENT OF LOADINGS.

30. The loadings set out, and included as part of the ordinary wage in clause 2 (c) (A) and (B) (i) represent approximately 15 days' pay per annum in payment or compensation for—

(a) The holidays prescribed in clause 5—6s. :

(b) Five days' sickness each year—3s.

The existing loadings of 9s. per week are based upon a Needs Basic Wage Group of 91s. to 95s. per week, and shall be automatically adjusted by increasing or decreasing the allowance by 6d. for each increase or decrease of 5s. (in the aggregate) of such Needs Basic Wage Group as shown in the schedule hereunder—

Basic Wage Group.						Total Loadings Payable.	
86s. to 90s. (inclusive) per week	..	..	..	..	..	8s. 6d.	per week
91s. to 95s.	..	..	..	..	..	9s. 0d.	..
96s. to 100s.	..	..	..	..	..	9s. 6d.	..

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

Should any increase or decrease of the loadings take place as the result of the operation of this clause, a corresponding increase or decrease as the case may be shall be made in the ordinary wages rates prescribed in clause 2 (c) (A) and (B) (i) hereof.

By the Court,

REX L. CECIL,

Registrar.

