



VICTORIA GOVERNMENT GAZETTE.

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MONDAY, MARCH 25.

[1946

Factories and Shops Acts.

DETERMINATION OF THE SHOPS BOARD No. 12 (FUEL AND FODDER).

NOTES.—(1) This Determination applies to the following parts of Victoria, namely:—The Metropolitan District as defined in the Factories and Shops Acts and the Order in Council thereunder; such portions of the City of Sandringham as are not included within the said Metropolitan District; the cities of Ballarat, Bendigo, Geelong, Geelong West, and Warrnambool; the town of Newtown and Chilwell; and the boroughs of Eaglehawk and Sebastopol.

(2) By Orders in Council made on the 10th September, 1913, and 21st October, 1930, power was conferred on the Coal and Coke Board to determine the lowest prices or rates which may be paid to any person or persons, or classes of persons, employed in any business or occupation connected with the sale or distribution of coal or coke by any—

- (a) coal importer;
- (b) coal mine owner;
- (c) gas company;
- (d) agent or contractor who distributes coal or coke for any coal importer, coal mine owner, or gas company.

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 to any person or persons or classes of persons—

- (a) employed in the business of a hay, corn, or chaff dealer;
- (b) employed in carting or driving or assisting in carting or driving in connexion with the business of a hay, corn, or chaff dealer;
- (c) employed in any business or occupation connected with the preparation of firewood for sale or connected with the sale or distribution of wood, coal, or coke.
- (d) employed handling or distributing brewers or distillers' grains"—

has made the following Determination, namely:—

1. That on the 1st January, 1946, the last previous Determination of this Board shall be revoked and replaced by this Determination.

2 (i)

Improvers.			Other Employees.			
WAGES PER WEEK OF 44 HOURS.			WAGES.		Within the cities of Ballarat and Bendigo, and the boroughs of Eaglehawk and Sebastopol.	
			(a) In Hay, Corn, or Chaff Stores.		All other parts of Victoria where this Determination applies.	
			(b) Employed handling or distributing brewers' or distillers' grains			
			Foreman, i.e., the man who gives instructions to and is responsible for the work done by not fewer than three adults employed in the store			
			Drivers of motor wagons—			
			(a) having a capacity of 2 tons or less			
			(b) having a capacity exceeding 2 tons, but not exceeding 4 tons			
			(c) having a capacity exceeding 4 tons with 1s. per day extra for each trailer			
			Carters driving one horse			
			Carters driving two horses			
			And for every additional horse..			
			All others			
Under 17 years of age	..	43 3			s. d.	s. d.
17 years of age	..	50 6			113 0	116 0
18	..	62 3			0	0
19	..	69 0			44	44
20	..	76 3			44	44
					110 0	115 0
					44	44
					44	44
					121 0	106 0
					44	44
					44	44
					111 0	0
					0	0
					6 extra per day	6 extra per day
					109 0	109 0
					per week of 44 hours	per week of 44 hrs.

See also Clauses 2 (ii) and 3.

Improvers.	Other Employees.		
PROPORTION.	WAGES—continued.	Within the cities of Ballarat and Bendigo, and the boroughs of Eaglehawk and Sebastopol.	All other parts of Victoria where this Determination applies.
One improver to the first four or fraction of four workers receiving not less than 104s. per week of 44 hours, and thereafter one improver to each additional four such workers.	<i>Wood Yards, or Wood, Coal, and Coke (Combined) Yards.</i>		
	Yardman in charge, i.e., the person for the time being entrusted with the control or superintendence of a wood yard or a wood and coal yard (combined), notwithstanding he may be under the orders of a superior who does not devote his whole time to the management of the same yard ..	s. d. 106 0 per week of 44 hours	s. d. 109 0 per week of 44 hours
	Drivers of motor wagons—		
	(a) having a capacity of 2 tons or less ..	107 0 .. 44 ..	110 0 .. 44 ..
	(b) having a capacity exceeding 2 tons, but not exceeding 4 tons ..	112 0 .. 44 ..	115 0 .. 44 ..
	(c) having a capacity exceeding 4 tons, with 1s. per day extra for each trailer ..	118 0 .. 44 ..	121 0 .. 44 ..
	Carters driving one horse ..	103 0 .. 44 ..	106 0 .. 44 ..
	Carters driving two horses ..	108 0 .. 44 ..	111 0 .. 44 ..
	And for every additional horse ..	0 6 extra per day ..	0 6 extra per day ..
	All others ..	104 0 per week of 44 hours	107 0 per week of 44 hours
	<i>Coal Yards (i.e., Places where at least 80 per cent. of the Business is done in Coal) or Coke Yards.</i>		
	Drivers of motor wagons—		
	(a) having a capacity of 2 tons or less ..	107 0 per week of 44 hours	110 0 per week of 44 hours
	(b) having a capacity exceeding 2 tons, but not exceeding 4 tons ..	112 0 .. 44 ..	115 0 .. 44 ..
	(c) having a capacity exceeding 4 tons, with 1s. per day extra for each trailer ..	118 0 .. 44 ..	121 0 .. 44 ..
	Carters driving one horse ..	103 0 .. 44 ..	106 0 .. 44 ..
	Carters driving two horses ..	108 0 .. 44 ..	111 0 .. 44 ..
	And for every additional horse ..	0 6 extra per day ..	0 6 extra per day ..
	All others ..	117 0 per week of 44 hours	120 0 per week of 44 hours
	<i>Firewood Saw Mills (i.e., Places where Mechanical Power is used to saw Firewood).</i>		
	Benchmen ..	110 0 per week of 44 hours	113 0 per week of 44 hours
	Drivers of motor wagons—		
	(a) having a capacity of 2 tons or less ..	107 0 .. 44 ..	110 0 .. 44 ..
	(b) having a capacity exceeding 2 tons, but not exceeding 4 tons ..	112 0 .. 44 ..	115 0 .. 44 ..
	(c) having a capacity exceeding 4 tons, with 1s. per day extra for each trailer ..	118 0 .. 44 ..	121 0 .. 44 ..
	Carters driving one horse ..	103 0 .. 44 ..	106 0 .. 44 ..
	Carters driving two horses ..	108 0 .. 44 ..	111 0 .. 44 ..
	And for every additional horse ..	0 6 extra per day ..	0 6 extra per day ..
	All others ..	106 0 per week of 44 hours	109 0 per week of 44 hours

See also Clauses 2 (ii) and 3.

2 (ii)

EXTRA RATES.

	per week.
s. d.	
Further additional amount for a person employed handling or distributing brewers' or distillers' grains ..	3 0
Further additional amount for a person employed handling or distributing brewers' or distillers' grains in lieu of employer providing working trousers and footwear ..	1 6
Further additional amount for an employee driver who is required in any week to collect moneys and account for them as part of his duties ..	1 0

3.

ALLOWANCES.

- (i) To the amounts otherwise prescribed in this Determination shall be added the following :—
- (a) Driver of a motor vehicle fitted with a charcoal gas producer unit—for each day or portion thereof upon which he is called upon to drive such vehicle .. 1s. per day
- (b) Cleaner of gas producer unit (who is not a driver) for each day or part thereof upon which he is called upon to clean such unit .. An extra 1s.
- (ii) Suitable overalls and gloves shall be provided by the employer for any employee mentioned in sub-clause (i) hereof.
- (iii) The employer shall provide suitable washing conveniences for any employee mentioned in sub-clause (i) hereof, together with hot water or some other efficient cleansing material.

4.

TRAVELLING TIME.

Any employee employed on a milling plant who is directed during the day to work on that day at a location other than his usual place of employment, shall be paid for the time so occupied in travelling from and to such place and all fares necessarily incurred.

5.

PROHIBITION OF EMPLOYMENT.

The Board determines that no person shall be employed as an apprentice.

6.

TIMES OF BEGINNING AND ENDING WORK.

Time of Beginning.	Time of Ending.
7.30 a.m. ..	12 noon the day the half-holiday is usually observed.
7.30 a.m. ..	5.15 p.m. five days in the week.

7.

OVERTIME.

(a) Carters.

Outside the times of beginning and ending work as herein fixed .. Time and a half.

Within the times of beginning and ending work in excess of the number of hours fixed in this Determination as a week's work—first four hours' work—ordinary rate; thereafter .. Time and a half.

(b) *All Others.*

Between midnight and 7.30 a.m. . . . .	..	Double time.
At any other time outside the times of beginning and ending work as herein fixed ..	..	Time and a half.
Within the times of beginning and ending work in excess of the number of hours fixed in this Determination as a week's work—first four hours' work—ordinary rate; thereafter ..	..	Time and a half

HOLIDAYS AND SUNDAY WORK.

8. Employees shall be entitled to absent themselves from work without loss of pay on the under-mentioned public holidays, viz.:—New Year's Day, Australia Day (26th January), Good Friday, Easter Monday, Labour Day, Anzac Day, Fuel and Fodder Trades' Annual Holiday, King's Birthday, Melbourne Cup Day (within the Metropolitan District as defined in the Factories and Shops Acts and the Order in Council thereunder, and such portions of the City of Sandringham as are not included within the said Metropolitan District), Christmas Day, and Boxing Day. Work done on Sundays or on any of the specified public holidays shall be paid for as follows:—

(a) *On Sundays—*

- (i) Time occupied in attending to horses, or in the essential conveyance of fodder for stock .. Time and a half;
- (ii) All other work Time and three-quarters.

(b) *On any of the specified public holidays—*

- (i) Time occupied in attending to horses, or in the essential conveyance of fodder for stock .. Time and a half;
- (ii) All other work Double time.

If any other day be substituted by Act of Parliament or Proclamation for any of the above-mentioned holidays, the special rate prescribed shall be payable only for work done on the day so substituted.

TIME WAGES.

9. Any person employed in a factory or shop on time wages for less than the number of hours fixed for an ordinary week's work shall be paid for time worked up to 22 hours as follows:—

- (a) in any week in which two or more public holidays occur .. At the ordinary wages rate with an addition of fifty per centum.
- (b) in any other week At the ordinary wages rate, with an addition of thirty-three and one-third per centum.

For time worked beyond the 22 hours aforesaid, he shall be paid the ordinary wages rate up to but not exceeding the rate prescribed by this Determination for an ordinary week's work, together with any overtime rate which is applicable.

CASUAL LABOUR.

10. Casual hands, i.e., persons who are employed other than in a factory or shop during any week for not more than one-half of the maximum number of hours fixed in this Determination as a week's work shall be paid at the rate of time and a third.

ANNUAL LEAVE.*Period of Leave.*

11. (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 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 8 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 12 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 three 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 8 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 clause 2 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.

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 $3\frac{1}{2}$ hours in respect of each completed one month of continuous service before the 1st January, 1946, and for $7\frac{1}{2}$ 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.

SICK LEAVE.

12. (a) No deduction shall be made from the wages of any employee unavoidably absent through illness for not more than four days in any year, commencing on 1st December annually, provided he has submitted within 24 hours of the commencement of such absence satisfactory evidence that the same is not the result of his own misconduct.

(b) Notwithstanding the provisions of sub-clause (a) hereof, if the full period of sick leave as prescribed above is not taken in any year, such portion as is not taken shall be cumulative from year to year up to a period not exceeding twelve days, which shall be the maximum amount of leave to which an employee may be entitled in any year without deduction of pay. For the purposes of this sub-clause, service prior to 1st December, 1944, shall be disregarded.

TERMINATION OF EMPLOYMENT.

13. Except in a case where an employee has been guilty of a misdemeanour, seven days' notice of termination of employment shall be given by either employer or worker. If such notice be not given, a week's wages shall be paid or forfeited, as the case may be, in lieu thereof.

*PIECE-WORK.**WOOD OR COAL.*

14. The lowest piece-work prices payable to any persons for doing work of a description referred to in the following Schedule shall be—

<i>Cutting Wood.</i>							
4-ft. or over—one cut..	..	..	..	per ton	..	..	2s. 6d.
<i>Splitting Wood.</i>							
Box, redgum, or ironbark	..	..	..	per ton (40 cubic feet)..	..	..	3s. 2d.
Box, redgum, or ironbark	..	..	..	" (by weight)..	..	..	4s. 5d.
Culled box, redgum, ironbark	..	..	..	"	..	..	5s. 10d.
Blocks (box, redgum, or ironbark)	..	..	..	per truck (Standard I.)	..	..	30s. 1d.
1-ft. blocks, common wood	..	..	..	per ton (40 cubic feet)..	..	..	2s. 8d.
2-ft. blocks, common wood	..	..	..	"	..	..	2s. 3d.
1-ft. blocks, common wood	..	..	..	per truck (Standard I.)	..	..	21s. 8d.
2-ft. blocks, common wood	..	..	..	"	..	..	20s. 7d.
Mallee roots	..	..	..	per ton (by weight)	..	..	4s. 6d.
<i>Loading Wood.</i>							
Split box, redgum, or ironbark (culled or otherwise)	..	..	..	per ton (by weight)	..	..	9d.
Box blocks	..	..	..	"	..	..	9d.
1-ft. blocks, common wood	..	..	..	per ton (40 cubic feet)..	..	..	9d.
2-ft. blocks, common wood	..	..	..	"	..	..	9d.
1-ft. culled common wood	..	..	..	"	..	..	9d.

Unloading Wood or Coal.

Unloading wood, under 5 feet, from Standard I. truck	per truck	3s. 5d.
Unloading wood, 5 feet or over, from Standard I. truck	"	3s. 11d.
Unloading wood from Standard I. truck and trimming the stack	"	5s. 6d.
Unloading coal from trucks	"	4s. 5d.
Unloading coal from trucks and trimming same	"	5s. 9d.

Sawing Wood.

Sawing by hand 2-ft. common wood	per ton (40 cubic feet) ..	5s. 0d.
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Bagging, Stacking, Carrying, etc.

Bagging, weighing, and assisting in loading of split wood or blocks ..	per ton (by weight) ..	3s. 2d.
Carrying and stacking wood	per truck (Standard I.) ..	5s. 6d.

Billeting Wood.

Billeting	per ton (by measurement) ..	1s. 2d.
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NOTE.—To the weekly earnings of each pieceworker the sum of 10s. shall be added, provided that where less than 44 hours are worked in any week, a proportionate amount shall be added in lieu of such sum.

PERIODICAL ADJUSTMENT OF WAGES RATES AND PIECE-WORKERS' EARNINGS.

15. The wages rates for adults set out in clause 2 (i) are based upon the following basic wage, and pursuant to and in accordance with the provisions of section 21 of the *Factories and Shops Act 1934*, the Board hereby determines that such wages rates and the weekly earnings of piece-workers shall be automatically increased or decreased by the same amount, and at the same time, as such basic wage. Provided that the wages of juniors shall be adjusted proportionately to adjustments of the basic wage, such adjustments to be to the nearest 3d., half or less than half of 3d. to be disregarded.

The basic wage shown hereunder shall be adjusted as prescribed in clause 16.

Basic Wage.

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

ADJUSTMENT OF BASIC WAGE.

16. (a) Until the beginning of the first pay period to commence in May, 1946, the amount of the basic wage shall be as prescribed in clause 15.

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

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

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

Table.

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

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

P. A. RANDLES, J.P., Chairman.

J. V. WILLOX, Secretary.

Melbourne, 19th March, 1946.

By Authority: J. J. GOUBLEY, Government Printer, Melbourne.

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