



VICTORIA GOVERNMENT GAZETTE.

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[1949

Factories and Shops Acts.

DETERMINATION OF THE GARDEN EMPLOYEES BOARD.

NOTES.—(1) This Determination applies to the Metropolitan District as defined in the *Factories and Shops Act 1928* (No. 3677) and the Orders in Council thereunder; and the cities of Ballarat, Bendigo, Geelong, Mordialloc, and Warrnambool.

(2) By Order in Council dated the 18th February, 1941, the Entertainment Employees (non-performers) Board was deprived of the power to determine the lowest prices or rates which may be paid to persons employed in the maintenance of grounds used in the business of conducting for private gain outdoor entertainments, outdoor shows, outdoor sports meetings, or outdoor amusements of any kind, and such power was conferred exclusively on the Garden Employees Board.

(3) By Order in Council dated the 13th September, 1947, the Garden Employees Board was deprived of the power to determine the lowest prices or rates which may be paid to any person or persons or classes of persons employed—

- (a) in the laying-out, cultivation or keeping in order of a fairway or green in connexion with any golf links or putting green;
- (b) in the laying-out, cultivation or keeping in order of a bowling green or tennis court;
- (c) at work connected with or incidental to the construction or maintenance or keeping in order of brick dust or porous tennis courts;
- (d) at work connected with or incidental to the construction, formation, maintenance or keeping in order of grounds or enclosures used in the business of conducting for gain out-door entertainments, out-door shows, out-door sports meetings or out-door amusements of any kind—

and such power was conferred exclusively on the Sports Ground Maintenance Board.

IN accordance with the provisions of the *Factories and Shops Acts*, the Wages Board which since the 18th February, 1941, has had the power subject to adjustment made on the 13th September, 1947, referred to in Note (3) hereof, to determine the lowest prices or rates which may be paid to any person or persons or classes of persons (other than persons subject to the jurisdiction of any Board heretofore appointed) employed—

- (1) As gardeners or gardeners' labourers—
 - (a) by a master gardener other than a market gardener;
 - (b) in connexion with the laying-out, cultivation, or keeping in order of gardens in connexion with private houses, guest houses, flats, factories, or registered schools;
 - (c) in the laying-out, cultivation, or keeping in order of a garden or lawn in connexion with a racecourse;
 - (d) in the laying-out, cultivation, or keeping in order of a garden, lawn, fairway, or green in connexion with any golf links or putting green;
 - (e) in the laying-out, cultivation, or keeping in order of a bowling green or tennis court or of a garden connected therewith;
- (2) At work connected with or incidental to—
 - (a) the construction or maintenance of private paths and drives or of ornamental features such as rockeries, &c.;
 - (b) the construction or maintenance or keeping in order of brick dust or porous tennis courts;
 - (c) the construction, formation, maintenance, or keeping in order of grounds or enclosures used in the business of conducting for gain outdoor entertainments, outdoor shows, outdoor sports meetings, or outdoor amusements of any kind;

has made the following Determination, namely:—

1. That on the 22nd July, 1949, the last previous Determination of this Board shall be revoked and replaced by this Determination.

2.

Apprentices or Improvers.										Wages per Week of 40 Hours.		
										s. d.		
15 years of age or under	35	9
16 years of age	39	9
17 years of age	44	9
18 years of age	63	3
19 years of age	76	0
20 years of age	90	6

PROPORTION (WITHIN ANY PLACE).

One apprentice to every three or fraction of three workers receiving not less than the minimum wage.
 One improver to every three or fraction of three workers receiving not less than the minimum wage.

Other Employees.	Wages per Hour.	Wages per Week.	Hours per Week.
	<i>s. d.</i>	<i>s. d.</i>	
(a) Persons employed as gardeners or gardeners' labourers by a master gardener—			
Foremen gardeners in charge of two or more employees	4 0 ⁸ / ₂₀	160 6	} 40
Gardeners†	3 8 ¹ / ₄	147 6	
Gardeners' labourers	3 6	140 0	
(b) Persons (other than master gardeners' employes) employed as gardeners or gardeners' labourers in connexion with the laying-out, cultivation, or keeping in order of gardens in connexion with private houses, guest houses, flats, factories, or registered schools—			
(1) Employed on Jobbing Work—			
Gardeners†	3 8 ¹ / ₄	147 6	} 40
Gardeners' labourers	3 6	140 0	
(2) All others—			
Foremen gardeners in charge of two or more employees	4 0 ⁸ / ₂₀	160 6	} 40
Gardeners†	3 8 ¹ / ₄	147 6	
Gardeners' labourers	3 6	140 0	
(c) Persons employed as gardeners or gardeners' labourers in the laying-out, cultivation, or keeping in order of a garden or lawn in connexion with a racecourse—			
Foremen gardeners in charge of two or more employees	4 0 ⁸ / ₂₀	160 6	} 40
Gardeners†	3 8 ¹ / ₄	147 6	
Gardeners' labourers	3 6	140 0	
(d) Persons employed in the laying-out, cultivation, or keeping in order of a garden or lawn, in connexion with a golf links, putting green, or a tennis court	3 8 ¹ / ₄	147 6	40
Provided that any adult employee on gardens or lawns in connexion with racecourses, golf links or tennis courts whose regular duty is to attend, maintain, adjust, and/or operate motor mowers shall receive an additional amount of 5s. per week.			
(e) Persons employed as gardeners or gardeners' labourers in the laying-out, cultivation, or keeping in order of a garden connected with a bowling green.			
Foremen gardeners in charge of two or more employees	4 0 ⁸ / ₂₀	160 6	} 40
Gardeners†	3 8 ¹ / ₄	147 6	
Gardeners' labourers	3 6	140 0	
(f) Persons employed in the construction or maintenance of private paths and drives or of ornamental features such as rockeries, rock walls, and pools, &c.—			
Foremen	4 0 ⁸ / ₂₀	160 6	} 40
All others	3 8 ¹ / ₄	147 6	

* Except in the case of an apprentice, improver, or juvenile worker the minimum wage where the employer boards and lodges the employee shall be 25s. per week less. † See Clause 20—Definitions.

TIMES OF BEGINNING AND ENDING WORK.

3. For all persons other than those engaged solely at watering—
- | | |
|--------------------------------------|---|
| Time of beginning, not earlier than— | Time of ending Work, not later than— |
| 7.30 a.m. | 12 noon on Saturday (or the day on which the half-holiday is locally observed). |
| 7.30 a.m. | 5.30 p.m. on the other working days of the week. |

OVERTIME.

4. The following rates shall be paid for overtime—
- Persons engaged solely at watering—
- | | | |
|---|--|---|
| (a) Gardens or lawns in connexion with golf links | For all work in excess of 8 hours per day on Monday, Tuesday, Wednesday, Thursday, Friday, and 4 hours on Saturday | |
| (b) Any other place | For all work done in excess of the maximum number of hours fixed as a week's work | } Time and a half for the first two hours and thereafter double time. |
- All others—
- | | |
|--|---------|
| For all work outside the times of beginning and ending work .. .. . | .. .. . |
| For all work done in any week within the times of beginning and ending work, in excess of the maximum number of hours fixed as a week's work .. .. . | .. .. . |

EXTRA RATE.

* 5. For all time worked between the hours of 5.30 p.m. and 7.30 a.m., an employee engaged at watering shall be paid 1s. extra for each period so worked.

SPECIAL RATES.

6. For all work done on Sundays and the under-mentioned holidays by persons other than those provided for in Clause 7, rates shall be:—

Sundays	Persons employed on gardens or lawns in connexion with golf courses (other than those employed at watering)	Double time.
	All others	Time and a half.
New Year's Day, Australia Day, Labour Day, Good Friday, Easter Monday, Anzac Day, Melbourne Cup Day, Christmas Day, and Boxing Day	All persons	Time and a half.

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 day so substituted.

HOLIDAYS.

7. Except as provided in Clause 21 hereunder, all persons shall be entitled to the following holidays without deduction of pay:—New Year's Day, Australia Day, Labour Day, Good Friday, Easter Monday, Anzac Day, Melbourne Cup Day, Christmas Day, and Boxing Day.

Provided that if an employee works on any one of such days he shall receive, in addition to his ordinary pay, one and a half day's holiday on full pay or one and a half day's pay in lieu thereof.

PAYMENT OF WAGES.

8. Except by agreement to the contrary between employer and employee, payment of wages shall be made not later than 4 p.m. on Thursday in each week.

TERMS OF EMPLOYMENT.

9. An employer may deduct payment for any day an employee cannot usefully be employed because of any strike or any stoppage of work by any cause for which the employer cannot reasonably be held responsible.

TERMINATION OF EMPLOYMENT.

10. Except as provided in Clause 21 hereunder, seven days' notice of termination of employment shall be given by either employer or employee or one week's wages shall be paid or forfeited as the case may be.

ANNUAL HOLIDAYS.

11. 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.

SICK LEAVE.

12. (a) If the absence from duty of an employee be reasonable because of his own illness, and he produces to the employer satisfactory evidence thereof by medical certificate or otherwise, no deduction shall be made in respect of such absence except so far as it exceeds in the aggregate forty hours of working time during any one year of employment or a proportionately less time during any shorter period of the employment.

(b) 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 160 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.

The provisions of this clause shall apply in respect to all persons other than those specified in Clause 21 hereunder, or those who have not been in the employment for three months.

MEAL BREAK.

13. A meal break of not less than 45 minutes, at a time mutually arranged shall be allowed employees each day.

TIME BOOK OR RECORD.

14. Except as provided in Clause 21 hereunder, every employee shall indelibly record daily his correct time of work in a book which shall be furnished by the employer. Such time-book shall be produced for inspection during reasonable hours to the Secretary of the Australian Workers' Union or any official thereof duly authorized in writing by the President or Secretary of the local branch or sub-branch of the Union.

RIGHT TO INTERVIEW EMPLOYEES.

15. Not more than once a fortnight, a duly accredited official of the Australian Workers' Union, authorized in writing by the President or Secretary of the Victorian Branch of such organization, shall have the right to interview any person covered by this Determination at his place of employment on legitimate business, and shall be permitted to inspect the conditions relating to the persons employed thereat.

GUM BOOTS AND OVERALLS.

16. (a) Employees engaged at watering gardens or lawns in connexion with golf courses or racecourses shall be provided with gum boots by the employer free of cost.

(b) Employees engaged in spraying or in the distributing of fertilizer on gardens or lawns in connexion with golf courses or racecourses shall be provided with overalls by the employer free of cost.

FIRST-AID OUTFIT.

17. The employer shall provide a first-aid outfit consisting of bandages, antiseptics, and sticking plaster at all places where four or more persons are employed.

BICYCLE ALLOWANCE.

18. Where an employee is instructed by the employer or his representative to use his own bicycle in the course of his duties, and does so use his own bicycle, he shall be paid 2s. per week in addition to his ordinary wage.

FARES AND TRAVELLING ALLOWANCE.

19. The following payments shall be made to employees employed by a master gardener in lieu of fares and travelling time.

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

Provided that if an employee is provided with free transport by the employer to and from the job, an amount of 1s. 4d. per day only shall be payable.

Provided further that no payment shall be made if the employee is transported by the employer in the employer's time.

DEFINITIONS.

20. For the purposes of this Determination a gardener shall be defined as a person engaged in the pruning of roses or fruit trees; or in the trimming of a hedge with hedge clippers or shears; or in designing or supervising the laying out of a garden, or in budding, propagating, planting, or potting.

Jobbing Work shall mean work which is performed by a person who goes from job to job in the ordinary course of his employment during the week.

EXCEPTIONS.

21. The provisions of Clauses 7, 10, 12, and 14 of this Determination shall not apply in respect of the following employees:—

- (a) Gardeners or gardeners' labourers employed by a master gardener;
- (b) Persons employed in the construction or maintenance of private paths and drives or of ornamental features such as rockeries, &c.;
- (c) Construction workers as prescribed;
- (d) All persons who are usually employed for less than the number of hours fixed as a week's work.

PERIODICAL ADJUSTMENT OF WAGES.

22. The wages set out in Clause 2 are based upon the following basic wage rates, and pursuant to the provisions of section 21 of the *Factories and Shops Act 1934*, the Board hereby determines that such rates shall be automatically adjusted as prescribed by Clause 23. Provided that the wages of apprentices, improvers, and juvenile workers 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.

Basic Wage.

Place.	Needs Basic Wage (Adjustable).	Loading Constant.	Total Basic Wage.	Index Number Set Assigned.
Within the area to which this Determination applies	£ s. d. 5 19 0	s. d. 6 0	£ s. d. 6 5 0	Melbourne

ADJUSTMENT OF BASIC WAGE.

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

(b) Until the beginning of the first pay period to commence in August, 1949, the amounts of the Basic Wage shall be as prescribed in Clause 22.

(c) During each future successive period beginning with the first pay period to commence in an August, a November, a February, or a May, the amount of the needs basic wage shall be adjusted by the following method, namely, by multiplying the last published Commonwealth Statistician's "all items" retail price index number by the factor .087 taken to one place of decimals, the resultant whole number being the amount of the basic wage expressed in shillings, but should the decimal number reach .5 or more the basic wage shall be taken to the next higher shilling.

P. A. RANGLES, J.P., Chairman.

J. V. WILLOX, Secretary.

Melbourne, 7th July, 1949.