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Factories and Shops Acts.

DETERMINATION OF THE MOTOR DRIVERS 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 since the 15th day of August, 1950, has had the power to "determine the lowest prices or rates which may be paid to persons employed—

- (a) driving mechanically-propelled vehicles hired or plying for hire ;
 (b) cleaning or attending to the running requirements (not including repairs) of mechanically-propelled vehicles which are—
 (i) hired, plying for hire, or used in connexion with a trade or business ;
 (ii) stalled in a public garage or in an engineer's workshop ;
 (c) as conductors in connexion with mechanically-propelled passenger vehicles hired or plying for hire ;
 (d) giving practical instruction in the driving of mechanically-propelled vehicles, but not including persons employed as instructor drivers in connexion with motor assembly works, warehouses, or showrooms."

has made the following Determination, namely :—

1. That as from the beginning of the first pay period to commence in December, 1950, the last previous Determination of this Board shall be revoked and replaced by this Determination.

2.

WAGES.

Apprentices or Improvers.

Apprentices.				Improvers.					
				(a) Improvers employed as drivers of vehicles in which passengers are being conveyed—					
				1st year's experience as such .. 137s. 6d. per week.					
				Thereafter The rate provided in clause 2 "Other Employees" for the class of vehicle driven.					
				(b) Other Improvers—					
				Wages per Week.					
				Commencing Age—					
				17 Years or Under.	18 Years.	19 Years.	20 Years.		
				s. d.	s. d.	s. d.	s. d.		
1st year's experience	..	..	..	40	6				
2nd "	"	"	..	53	6				
3rd "	"	"	..	66	6				
4th "	"	"	..	78	0				
And thereafter the minimum wage.									
PROPORTION.									
One apprentice to every three or fraction of three workers receiving not less than the minimum wage.									
PROPORTION.									
One improver to every seven or fraction of seven workers receiving not less than the minimum wage.									

OTHER EMPLOYEES.

(i) Vehicles Engaged on Regular Services.

(See Clause 13 for Definition of Vehicle Engaged on Regular Services.)

Drivers of motor cars (including motor omnibuses, motor coaches, and charabancs) engaged on regular services—	<i>s. d.</i>
In which the licensed passenger seating capacity exceeds 18 persons	189 0*
In which the licensed passenger seating capacity exceeds 13 but does not exceed 18 persons	195 0*
In which the licensed passenger seating capacity exceeds 7 but does not exceed 13 persons	191 0*
In which the licensed passenger seating capacity does not exceed 7 persons	189 0*

* These rates include a special war loading of 3s. per week.

(ii) Vehicles Not Engaged on Regular Services.

Drivers of motor cars (including motor omnibuses, motor coaches, and charabancs) not engaged on regular services—	
In which the licensed passenger seating capacity exceeds 23 persons	194 0
In which the licensed passenger seating capacity exceeds 7 but does not exceed 23 persons	189 0
In which the licensed passenger seating capacity does not exceed 7 persons and the vehicle plies for public hire upon the street	183 0
All other drivers	179 0

(iii) Drivers giving practical instruction in the driving of mechanically-propelled vehicles.

Driver instructor	212 0
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(iv) Employees Not Provided for in (i), (ii), and (iii) hereof.

Conductors (including females)	184 0
Greasers	189 0
Cleaners	177 0
All others—	
Males	177 0
Females	133 0

(v) Additional Amounts Payable for Long Service with an Employer.

An employee who has been in the continuous service of an employer or any successor, or assignee, or transferee of such employer, shall, in addition to the rates hereinbefore prescribed, be entitled to receive as part of his ordinary wages, amounts as follows:—

- (a) for drivers of vehicles on regular services—
After not less than two years, but less than five years of such service an additional 5s. per week;
After five years or more of such service, an additional 10s. per week.
- (b) drivers giving practical instruction in the driving of mechanically-propelled vehicles—
After one year or more of such service, an additional 10s. per week.
- (c) for all other employees—
After two years or more of such service, an additional 5s. per week.

ALLOWANCES.

- 3. (a) Where a vehicle with licensed passenger seating capacity exceeding seven persons is engaged on regular service operating exclusively within a radius of 18 miles of the General Post Office, Melbourne, and the driver is required to collect fares and/or give change, he shall be paid 3d. an hour or part thereof with a minimum of 1s. a day and a maximum of 9s. per week of 40 hours, in addition to any other amounts to which he may be entitled under this Determination. Where the licensed seating capacity is seven persons, and the driver is called upon to collect fares and/or give change, he shall be entitled to receive an allowance of 3d. per hour or part thereof up to a maximum of 1s. per day, and 3s. per week.
- (b) When a vehicle engaged on regular service outside the area referred to in sub-clause (a) hereof carries parcels or goods other than articles of passengers' personal luggage) and/or if the driver of such a vehicle is required to collect fares such driver shall receive an allowance of 9d. per day or part of a day with a maximum of 3s. per week in addition to any amounts to which he may be entitled under this Determination.
- (c) Any employee, whose employment may necessitate his being absent from his home and his being unable to conveniently return to such home on any day, shall receive a minimum of a full day's pay for each day he is so absent plus an allowance to cover the cost of his board and lodging.
- (d) The driver of an articulated vehicle shall receive an additional 1s. per day or part thereof for each day he is so required to drive such a vehicle.

HOURS OF WORK.

- 4. The ordinary hours of work shall be:—
- (a) For drivers of vehicles on regular services the maximum ordinary hours, without payment for overtime, shall not exceed 80 hours per fortnight: Provided that up to 48 hours may be worked in any one of the two weeks without payment for overtime.
- (b) Drivers of all night buses, i.e., buses licensed as such by a properly constituted Licensing Authority—36 hours per week of six days.
- (c) For greasers and/or cleaners—40 hours per week.
- (d) Drivers giving practical instruction in the driving of mechanically-propelled vehicles—40 hours per week.
- (e) For all employees other than those provided for in sub-clauses (a), (b), (c), and (d)—40 hours per week.

Ordinary daily hours shall be as hereinafter provided. Notwithstanding any condition therein, a driver (other than a driver giving practical instruction in the driving of mechanically-propelled vehicles) not engaged on regular services who is not given a meal time within five hours of commencing duty, shall have the daily hours of work and spread of hours as provided in sub-clauses (i) and (ii) hereof reduced by one hour, and a driver of a regular service vehicle shall have time off for a meal within five hours of commencing duty.

The ordinary daily hours for employees (except drivers of vehicles on regular services, greasers, and/or cleaners) shall be eight hours. The ordinary daily hours of drivers of vehicles on regular services, greasers, and/or cleaners may be fixed by mutual agreement between an employer and his employees concerned, provided that in no case shall the ordinary hours of a week's or a fortnight's work (as the case may be) be extended without payment for overtime, and provided further that any driver of a vehicle on a regular service who commences his shift before 6 a.m. or who finishes his shift after 7 p.m. on any day shall receive an additional 1s. per day.

Subject to sub-clauses (i) and (ii) hereof the hours of a day's work as hereinbefore provided shall be continuous—

- (i) Within a daily spread of nine hours, employees (other than casual employees and drivers giving practical instruction in the driving of mechanically-propelled vehicles) working in the area defined in clause 3 (a) may be required to have a meal period not exceeding one hour, and employees (other than casual employees) working outside such area may within a daily spread of ten and a half hours be required to have a meal period not exceeding two and a half hours.
 - (ii) Casual employees working within a daily spread of nine hours in the area defined in clause 3 (a) may be required to take a meal period not exceeding one-half hour if employed not less than four hours, and less than eight hours, but if employed for eight hours or more, may be required to take a meal interval not exceeding one hour.
- Casual employees working within a daily spread of ten and a half hours outside such area may be required to take a meal period not exceeding one-half hour if employed not less than four hours and less than eight hours, but if employed for eight hours or more, may be required to take a meal interval not exceeding two and a half hours.

- (iii) The ordinary daily hours of drivers giving practical instruction in the driving of mechanically-propelled vehicles shall be between the hours of 8 a.m. and 5 p.m., Monday to Friday inclusive.

A meal break of not more than one hour nor less than half an hour shall be allowed and taken.

OVERTIME.

5. Overtime shall be paid for as follows:—

- (a) For drivers of vehicles on regular services for work done—
- | | |
|---|--|
| (i) In excess of the hours for a day's work agreed upon between an employer and his employees | } For the first four hours .. Time and a quarter
Thereafter Time and a half |
| (ii) Outside the daily spread of hours | |
| (iii) In excess of 80 hours per fortnight or in excess of 48 hours in any week | |
- (b) For greasers and/or cleaners—
- | | |
|---|--|
| (i) In excess of the hours for a day's work agreed upon between an employer and his employees | } For the first four hours .. Time and a quarter
Thereafter Time and a half |
| (ii) Outside the daily spread of hours | |
| (iii) In excess of 40 hours in any week | |
- (c) For drivers of vehicles not engaged on regular services—
- | | |
|---|---|
| (i) In excess of eight hours on any day | } For the next four hours .. Time and a quarter
Thereafter Time and a half |
| (ii) Outside the daily spread of hours | |
- (d) Drivers giving practical instruction in the driving of mechanically-propelled vehicles—
- (i) Monday to Friday—Outside the times of beginning and ending work, or in excess of eight hours on any one day, time and a half for first two hours and double time thereafter.
- (ii) Saturday—Up to 12 noon time and a half, and thereafter double time.
- (e) For employees other than those provided for in sub-clauses (a), (b), (c), and (d)—
- | | |
|---|--|
| (i) In excess of eight hours on any day | } For the first four hours .. Time and a quarter
Thereafter Time and a half |
| (ii) Outside the daily spread of hours | |

Provided that any employee covered by sub-clauses (c) or (d) who is required to work on more than five days in any week shall receive not less than his ordinary week's wage for the first five days worked in such week plus payment at ordinary rates for the first eight hours worked on any day in excess of such five days, and overtime rates for all work done in excess of such first eight hours.

CONTRACT OF EMPLOYMENT.

6. (a) Other than drivers giving practical instruction in the driving of mechanically-propelled vehicles.

An employee shall be engaged either as a weekly employee or as a casual employee. Unless he is specifically engaged as a casual employee he shall be deemed to be and shall be paid as a weekly employee and shall, provided he is ready, available, and willing to work, receive for work done in any week, at least, the rate provided in clause 2 hereof for the class of work he is required to do. An employee engaged at the beginning of a week or during a week shall not have his contract of employment as herein provided varied until the end of such week.

A casual employee shall receive a minimum of three hours' work or payment for same for each start at work on any day.

A start at work shall mean the commencement of work for the day and each resumption of work after a break on any day except a break for a meal interval as provided in clause 4 (ii) hereof. For the first three hours after any start at work on any day a casual employee shall receive a *pro rata* payment based on the weekly hours provided in clause 4, sub-clauses (a), (b), and (c), and the rate provided in clause 2 for the class of work done plus 33½ per cent.

For all work done in excess of three hours after any start at work on any day he shall receive a *pro rata* payment based on the weekly hours provided in clause 4, sub-clauses (a), (b), and (c), and the rate provided in clause 2 for the class of work done.

Casual employees shall be booked off at the place where they were engaged for work.

Drivers of vehicles engaged on regular services shall receive three full days off within each fortnight. Provided that to meet an unforeseen circumstance an employee may be required to work an additional day in any fortnight. Payment for such additional day shall be at appropriate overtime rates. A fortnight shall be deemed to commence at midnight on a Saturday and to finish at midnight on the 2nd Saturday thereafter.

If an employee (other than a casual employee) is required to report for duty on any day, and does so, he shall receive a minimum of three hours' work or payment for such period.

(b) Drivers giving practical instruction in the driving of mechanically-propelled vehicles shall be engaged by the week.

ANNUAL HOLIDAY.

7. The annual holiday shall be as prescribed by the provisions of the *Factories and Shops (Annual Holidays) Act 1946* (No. 5111), and any amendments which may be made thereto: from time to time.

SPECIAL RATES.

8. (a) Other than drivers giving practical instruction in the driving of mechanically-propelled vehicles.

Time and a half shall be the special rate payable to the driver of a vehicle on a regular service, a greaser, a cleaner, or a garage worker, for work done on a Sunday and time and a half shall be the special rate for all work done on Christmas Day, Boxing Day, Show Day (Metropolitan District only), New Year's Day, Australia Day, Anzac Day, Good Friday, Easter Monday, Labour Day, and 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 day so substituted.

(b) Drivers giving practical instruction in the driving of mechanically-propelled vehicles shall be paid double time for all work done on Sundays, and any of the holidays mentioned in sub-clause (a) hereof.

NIGHT SHIFT.

9. Employees (other than drivers and conductors) working between the hours of 8 p.m. and 7 a.m. shall be paid 6d. per hour extra with a maximum of 2s. a shift.

MIXED FUNCTIONS.

10. An employee engaged for more than half of one day or shift on duties carrying a higher rate than his ordinary classification, shall be paid the higher rate for such day or shift. If for less than half of one day or shift, he shall be paid the higher rate for the time so worked.

SICK PAY.

11. (a) An employee absent from work on account of ill health or the result of an accident shall be entitled to be paid at ordinary rates for a period not exceeding in the aggregate 40 hours of working time in any one year: Provided that an employer shall have the right before paying such sick pay to require the employee concerned to produce a medical certificate as proof that his absence from work was on account of illness or incapacity. Should the employee so produce a medical certificate at the request of the employer such employee shall receive a refund of any expense incurred in obtaining such certificate up to but not exceeding a sum of 10s. 6d. Notwithstanding any other provision in this clause where, under any scheme of insurance or an accident, relief, or provident fund, to secure the benefit of which the employer has paid the necessary premium or under any Workers' Compensation Act, compensation becomes payable for any of such days of absence, the employer shall not be bound to pay more of such wage than is sufficient with such compensation to make up the ordinary pay hereinbefore provided.

(b) Notwithstanding the provisions of sub-clause (a) hereof, if the full period of sick leave as prescribed 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 80 hours of working time, which shall be the maximum amount of sick leave to which an employee may be entitled in any year without deduction of pay.

TIME BOOKS.

12. (a) Each employer shall at the garage or yard at or from or in connexion with which the employee works or at an office convenient thereto, keep a record or time book showing the name of each employee working under this Determination, in which each employee shall enter his time of starting and finishing work each day.

(b) The age of each employee receiving less than the adult wage shall be entered in the record or time book.

(c) Such record or time book shall on demand be produced by the employer for inspection to an official of the Motor Transport and Chauffeurs' Association of Australia, duly authorized in writing by the president and secretary of the local branch or sub-branch of such organization, at the place where the record or time book is kept between the hours of 10 a.m. and noon on any day between the 1st and 27th inclusive in each calendar month, except on pay day or the day before.

In the case of the first inspection, seven days' notice shall be given to the employer of the intended inspection, and in the case of any subsequent inspection one day's notice shall be given.

(d) Provided that an employer may at his option, in lieu of a time book, provide a mechanical clock for the purpose of recording the time of each employee.

(e) Where an employee performs work for which a special rate is provided, a record of such work and the nature of the same shall be recorded in the time book or equivalent record.

(f) The provisions of sub-clauses (b), (c), and (e) hereof shall not apply to drivers giving practical instruction in the driving of mechanically-propelled vehicles.

DEFINITION.

13. A vehicle on regular service shall mean a vehicle which travels to a regular fixed schedule of times between two fixed points and which does not require any specified number of passengers before a scheduled trip is undertaken, but does not include a vehicle operating under contract to the Education Department.

STANDING DOWN EMPLOYEE.

14. The employment of a weekly employee shall be terminated by a week's notice on either side given at any time during the week or by the payment or forfeiture of a week's wages as the case may be. This shall not affect the right of the employer to dismiss any employee without notice for inefficiency, neglect of duty or misconduct and in such cases the wages shall be paid up to the time of dismissal only or to deduct payment for any day the employee cannot be usefully employed because of any strike or any stoppage of work by any cause for which the employer cannot reasonably be held responsible.

UNIFORMS, ETC.

15. Any employee who is required by his employer to wear a uniform or dust coat shall be supplied with such clothing by the employer. The employee shall be required to keep this clothing in a reasonably clean condition.

Where an employee (other than a driver giving practical instruction in the driving of mechanically-propelled vehicles) is required to do roadside repairs, including the changing of tires, he shall be allowed 6d. per week for the purpose of equipping himself with overalls.

PERIODICAL ADJUSTMENT OF WAGES.

16. The wages rates for adult males set out in clause 2 are based upon the following basic wage, and, pursuant to the provisions of section 21 of the *Factories and Shops Acts 1934*, this Board hereby determines that the rates for male adults shall be automatically adjusted by the same amount and at the same time as such basic wage as prescribed in clause 17.

BASIC WAGE.

Place.	Basic Wage (Adjustable).	Index Number Set Assigned.
	£ s. d.	
Throughout the State	8 2 0	Melbourne

ADJUSTMENT OF BASIC WAGE.

17. (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 February, 1951, the amount of the Basic Wage shall be as prescribed in clause 16.

(c) During each future successive period beginning with the first pay period to commence in a February, a May, an August, or a November, the amount of the 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 .103 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.

ADJUSTMENT OF JUNIOR AND FEMALE RATES.

18. (a) The wages of Apprentices and Improvers as set out in clause 2, shall be the undermentioned percentages of the basic wage.

Apprentices.		Improvers.				
	Percentage	(a) Improvers employed as drivers of vehicles in which passengers are being conveyed—				
1st year's experience	25	1st year's experience as such .. 85 per cent.				
2nd year's experience	33	Thereafter .. The rate provided in clause 2 "Other Employees" for the class of vehicle driven.				
3rd year's experience	41					
4th year's experience	48					
		(b) Other Improvers—				
		Percentage.				
		Commencing Age—				
		17 Years or Under.	18 Years.	19 Years.	20 Years.	
1st year's experience	33	41	55	64	..	
2nd year's experience	41	55	64	..	..
3rd year's experience	55	64	..	..	..
4th year's experience	64	..	..	..	..

(b) The wages of, "All others—Females", shall be seventy-five per cent. of the rate prescribed for "All Others—Males."

(c) The wages of apprentices and improvers and females shall be calculated to the nearest 6d., half or less than half of 6d. to be disregarded.

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

J. W. RYAN, Secretary.

Melbourne, 16th November, 1950.

NOTE.—Under section 233 of the Factories and Shops Act any person who is guilty of a contravention of any clause of this Determination shall be liable to penalties as follows:—

For the first offence, not more than ten pounds.

For the second offence, not less than five pounds nor more than twenty-five pounds.

For the third or any subsequent offence, not less than fifty nor more than one hundred pounds.

In addition, the Court may award arrears of wages as provided in section 237 of the same Act.

