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VICTORIA GOVERNMENT GAZETTE.

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[1951

Factories and Shops Acts.

DETERMINATION OF THE THEATRE MANAGERS BOARD.

NOTE.—This Determination applies to the whole of the State of Victoria.

IN accordance with the provisions of the Factories and Shops Acts the Wages Board appointed to "determine the lowest prices or rates which may be paid to any person or persons or classes of persons employed in concert halls, cinematographic, legitimate or vaudeville theatres as—

- | | |
|----------------------------|-------------------------------------|
| (a) general managers, | (h) secretary-treasurers, |
| (b) managers, | (i) assistant secretary-treasurers, |
| (c) zone managers, | (j) treasurers, |
| (d) assistant managers, | (k) assistant treasurers, |
| (e) trainee managers, | (l) publicity men, or |
| (f) secretaries, | (m) assistant publicity men," |
| (g) assistant secretaries, | |

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.

(a) Weekly Employees.

	Until the Beginning of the First Pay Period to Commence in February, 1951.	Thereafter.
First Schedule.	Per Week. £ s. d.	Per Week. £ s. d.
*Zone Manager	16 3 0	16 10 0
Manager	16 3 0	16 10 0
Manager of two theatrettes or manager of one theatre and one theatrette	20 3 0	20 10 0
(Provided that one manager of two such establishments shall be permitted only in cases in which the businesses carried on in both establishments are owned by one proprietor; the expression "one proprietor" to include separate companies in which the majority of shareholders of one are the majority of shareholders in the other)		
Assistant Manager (legitimate or vaudeville theatre and/or concert hall)	13 13 0	14 0 0
Assistant Manager (picture theatre)	12 13 0	13 0 0
Trainee Manager	9 13 0	10 0 0
Treasurer (legitimate or vaudeville and/or concert hall)	12 13 0	13 0 0
Treasurer (picture theatre)	11 3 0	11 10 0
Second Schedule.		
*Zone Manager	15 3 0	15 10 0
Manager	15 3 0	15 10 0
Assistant Manager	11 3 0	11 10 0
Trainee Manager	9 13 0	10 0 0
Third Schedule.		
*Zone Manager	14 3 0	14 10 0
Manager	14 3 0	14 10 0
Assistant Manager	11 3 0	11 10 0
Trainee Manager	9 13 0	10 0 0
Fourth Schedule.		
*Zone Manager	12 3 0	12 10 0
Manager	12 3 0	12 10 0
Manager intermittently employed shall be paid:—		
(i) For two days per week of not more than 13 hours 20 minutes	4 11 8	4 15 7
(ii) For three days per week of not more than 20 hours	6 16 6	7 2 3
(iii) For four days per week of not more than 26 hours 40 minutes	8 17 4	9 4 4
(iv) For five days per week of not more than 33 hours 20 minutes	10 10 2	10 17 2

* Additional Allowances.

A Zone Manager shall, in addition to his ordinary wage, be entitled to the following allowance for each additional theatre, theatrette, or concert hall supervised :—

First Schedule.

£1 per week with a maximum of £1 per week.

Second Schedule.

15s. per week with a maximum of £3 per week.

Third Schedule.

10s. per week with a maximum of £2 per week.

Fourth Schedule:

7s. 6d. per week with a maximum of £1 10s. per week.

(b) Casual Employees.

A casual employee is one engaged and paid as such. A casual employee for working ordinary time shall be paid per hour one-fortieth of the appropriate weekly wage with the addition of 20 per cent. with a minimum payment as for 4 hours.

HOURS.

3. (i) The ordinary hours of work for weekly employees shall not exceed 80 hours per fortnight provided that not more than 44 hours shall be worked in any one week. A week shall be reckoned Monday to Saturday, inclusive, or alternatively any six consecutive working days excluding Sundays.

(ii) The ordinary hours of work shall commence not earlier than 9.30 a.m. and finish not later than 11.20 p.m., provided that the hours of work under this sub-clause must be worked within a spread of 12 hours.

TIME OFF.

4. (a) Weekly employees covered by the First Schedule shall, as arranged by the employer, be entitled to one afternoon, as from 1 p.m., and one night off each week.

(b) Weekly employees covered by the Second and Third Schedules shall, as arranged by the employer, be entitled to two afternoons off each week as from 1 p.m.

ROSTERS.

5. Each employee shall be provided with a roster setting out his normal hours of work.

TIME AND WAGES BOOKS.

6. (a) The employer shall keep a time book or time sheet, properly posted in ink, showing the names of and the times worked by each employee, and the wages paid to each employee from week to week, and shall retain such time book or sheet in good condition and unaltered for at least twelve months from the time in respect of which any entry was made.

(b) The time book or sheet shall, after all the time worked previous to the entry by an employee has been entered therein, be produced to such employee, and such entry if correct shall be vouched by his signature in the time book or time sheet.

(c) The time book or time sheet with all the entries therein shall, on demand, be produced by the employer for inspection at the theatre or some convenient place where it is kept during any day to the General Secretary or Branch Secretary of the Theatre Managers' Association, or any member of the Association who has been authorized in writing by the General Secretary or Branch Secretary of the said Association to inspect the time books or time sheets of such employer, and such General Secretary or Branch Secretary or authorized member may thereupon inspect and make a copy of such time books or time sheets or make extracts therefrom.

One clear day's notice shall be given to the employer of any intended inspection.

No inspection shall be made and no authority to inspect shall be given unless the General Secretary or the Branch Secretary or authorized member has good reason to suspect that a breach of the Determination has been committed by the employer whose time book or time sheet is to be inspected.

MIDNIGHT PERFORMANCES.

7. An employee called on to work at a performance which begins after the usual closing time of 11 p.m. or thereabouts shall be paid for that performance one-third of his appropriate weekly rate.

OVERTIME.

8. (i) All time worked outside the times of beginning and ending work as prescribed in Clause 3 shall be paid for at the rate of double time.

(ii) All time worked within the times of beginning and ending work in excess of the hours fixed for a week's work shall be paid for at the rate of time and a half for the first four hours and double time thereafter; provided that all time worked outside the spread of 12 hours in any one day shall be paid for at the rate of double time.

(iii) The foregoing rates shall not be cumulative.

SPECIAL RATES.—SUNDAYS AND HOLIDAYS.

9. (a) (i) Any employee called upon to work on a Sunday, Christmas Day, Good Friday or Labour Day, shall be paid double time for all time worked with a minimum payment as for a full day at double time.

(ii) To casual employees double the appropriate rates prescribed for work on ordinary days.

(b) (i) Any employee called upon to work on New Year's Day, Australia Day, Easter Monday, Anzac Day, King's Birthday, Boxing Day, and all other days regarded and observed as holidays throughout the State shall be paid time and one half.

(ii) To casual employees one and one-half times the appropriate rates prescribed for work on ordinary days.

MEAL HOURS.

10. The following shall be the prescribed hours for meals :—

Luncheon—Not less than one hour continuous between 11.45 a.m. and 2.15 p.m.

Dinner—Not less than one hour continuous between 5 p.m. and 7 p.m.

Supper—Not less than half an hour continuous between 10 p.m. and midnight, where a further performance is to commence after 11 p.m.

If an employee is required to work during the time when a meal interval should be allowed he shall be paid for such time worked at the rate of time and one half in lieu of ordinary time.

DINNER AND EVENING DRESS SUITS.

11. Employees required so to do shall provide their own dinner dress for evening wear in a first class condition and any expense reasonably incurred for maintenance, repair and laundering the same occasioned by use when on duty shall be defrayed by the employer.

Where an employer requires an employee to wear full evening dress suit, white coat or other prescribed wear, the employer shall provide same in first class condition, and any expense incurred for maintaining and laundering the same occasioned by use when on duty shall be defrayed by the employer.

TERMS OF ENGAGEMENT.

12. (a) All employees on the permanent staff shall be engaged by the week unless a longer period of engagement be agreed to between the parties.
- (b) Such employment shall be terminated on either side only by two weeks' notice, which may be given at any time during the week and the employee shall only be entitled to payment up to the time of the expiration of the notice.
- (c) Nothing in this Determination shall affect any legal right of an employer to dismiss without notice any employee for whatever period engaged for malingering, inefficiency, neglect of duty or misconduct, and in the case of such dismissal wages shall be payable for the employment up to but not after the time of dismissal.
- (d) Notwithstanding anything contained in this Determination an employer may deduct payment of wages for any day on which an employee cannot be usefully employed because of—
- (i) any strike, or
 - (ii) any breakdown of machinery, or
 - (iii) any stoppage of work unavoidable by the employer.

TRAVELLING AND INCIDENTAL EXPENSES.

13. (a) All out-of-pocket expenses incurred in connexion with the employer's business authorized by the employer and properly paid by the employee shall be reimbursed by the employer.
- (b) If an employee is required to travel within the State of Victoria on his employer's business and is unable to return to his home each night, he shall, in addition to his weekly wage, be provided with first-class transport including a sleeping berth on trains where such accommodation is usually available together with a living allowance of £5 5s. per week, or if the period be less than one week, at the rate of £1 1s. per day, or the employer shall have the option of providing and paying for accommodation suitable to reasonable requirements of the employee and as approved by the employee, such approval not to be unreasonably withheld.
- (c) If any employee is detained at the place of employment by the employer or his representative after 11.30 p.m. and if so detained until too late to travel by the last tram, train or vehicle to his or her home, the employer shall provide proper conveyance for the employee so detained, if a female to her home, or if a male to his home if such home is more than a mile from the place of employment.

REMOVAL EXPENSES.

14. Where an employee is appointed or transferred to a theatre, and the employer desires the employee to reside in a particular suburb or town, then the cost of removal and expenses necessarily incurred shall be borne and paid for by the employer.

ANNUAL LEAVE.

15. (a) All full time employees, other than casuals, shall be entitled to and shall take three weeks' annual leave on full pay and in the event of the employment of an employee, other than a casual, being terminated before the expiration of twelve months, such employee shall be paid one and one-half days' pay for each completed month of service.
- (b) The employer shall, where practicable, give each employee at least one calendar month's notice of the date from which his annual leave shall be taken.
- (c) The annual leave shall be given and taken in three consecutive weeks unless otherwise mutually arranged.
- (d) Where any Public Holiday as prescribed in clause 9 occurs during the period of the employee's annual leave, the leave shall be increased by one day for each holiday falling as aforesaid.

SICK LEAVE.

16. (a) Any employee not attending for duty shall lose his pay for the actual time lost unless such employee has had not less than three months' service with the same employer and produces or forwards within twenty-four hours of the commencement of such absence evidence satisfactory to the employer that his non-attendance was due to personal ill-health or accident necessitating such absence, but such employee shall not be entitled to payment for non-attendance on the grounds of personal ill-health or accident for more than 40 hours of working time in each year of service; provided that he shall not be entitled to paid leave of absence for any period in respect of which he is entitled to Workers' Compensation.
- (b) Notwithstanding anything contained in 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 120 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.

PAYMENT OF WAGES.

17. All moneys payable to an employee shall be paid not later than 9 p.m. on the last day or night of the employee's working week, but payment of overtime in respect of any week shall be paid in the subsequent week.

RIGHT OF ENTRY OF ASSOCIATION OFFICIALS.

18. (1) For the purpose of interviewing employees on legitimate Association business, a duly accredited representative of the Theatre Managers' Association shall have the right to enter employer's premises on the following conditions:—
- (a) That he produces his authority to the manager or such other person as may be appointed by the employer for that purpose.
 - (b) That not more than one representative of the said Association be on the premises at any one time.
 - (c) That not more than one representative be permitted to visit the premises more than once a week; provided that such representative shall not make his visit earlier than 30 minutes after the commencement of the performance.
 - (d) That if any employer alleges that a representative is unduly interfering with his work or is creating dissatisfaction amongst his employees or is offensive in his methods or is committing a breach of any of the conditions herein, such employer may refuse the right of entry, but the representative shall have the right to bring such refusal before the Wages Board.
- (2) A person shall be a duly accredited representative of the Theatre Managers' Association, if he be the holder for the time being of a certificate which has not been cancelled or revoked, signed by the Secretary and bearing the seal of the Association and bearing the signature of the holder. The certificate shall be in the following form, or in a form not materially different therefrom:—

Theatre Managers' Association.

This is to certify that whose signature appears hereunder, is a duly accredited representative of the above-named Association for all purposes of the Theatre Managers' Determination.

Seal of Association.....

.....Secretary.

.....Date.

(Signature of holder of Certificate.)

DEFINITIONS.

19. (a) "Theatre" includes cinematograph theatres, theatrettes, legitimate theatres, vaudeville theatres and concert halls.
 (b) "Zone Manager" means a person who in addition to working in a theatre as a manager exercises supervision, control or direction over another manager or managers in another theatre or theatres.

(c) "Manager" means a person who is responsible for the general business operations at the theatre and who may be called upon to attend to any of the following:—advertising, maintenance, employment and supervision of staff thereof, and who with or without the assistance of a treasurer and/or assistant manager, is responsible for the checking, safe keeping and banking of the theatre receipts and funds, the payment of salaries and wages and/or accounts, and the preparation and keeping of records as directed by the proprietor or his representative.

(d) "Assistant Manager" means a person who assists a manager of a theatre in carrying out the duties of a manager as herein provided and who is called upon to carry out the duties and responsibilities of the manager during the absence of the manager from the theatre.

(e) "Trainee Manager" means a person who shall at all times be under the direct supervision of a manager or assistant manager for a period of not more than twelve months engaged in training for the duties of a manager, assistant manager or treasurer.

(f) "Treasurer" means a person other than a manager or assistant manager who may be called upon to carry out the checking, banking and safe keeping of the theatre receipts and funds, and the payment of accounts and/or wages and salaries, and the preparation and keeping of such records as directed by the manager but shall not include a person whose regular duties are those of any other employee at the theatre.

SCHEDULES.

First Schedule.

20. Theatres situated in the area enclosed by Flinders-street, Spencer-street, Latrobe-street, Victoria-street, and Spring-street, in the City of Melbourne.

Second Schedule.

Theatres (other than those in the first schedule) giving two performances daily or nightly (as the case may be).

Third Schedule.

Theatres (other than those in the first and second schedules) in the Metropolitan District as defined in the Factories and Shops Acts and the Orders in Council thereunder and in the following provincial cities and towns showing six nights per week and one matinee.

Ararat	Castlemaine	Horsham	Swan Hill
Bendigo	Dandenong	Maryborough	Wangaratta
Ballarat	Geelong	Mildura	Warrnambool
Colac	Hamilton	Shepparton	Wonthaggi

Fourth Schedule.

Theatres in all places other than those provided for in the first, second and third schedules, giving more than one performance per week.

PERIODICAL ADJUSTMENT OF WAGES.

21. The wages rates 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 Act 1934*, the Board hereby determines that such rates shall be automatically adjusted as prescribed by clause 22.

Provided that the rates for a manager intermittently employed shall be adjusted as follows:—

Original Rates	Original Base.	Adjustment.
£ s. d.	s. d.	
(i) 3 5 8	116 0	56½ per cent. of the amount of increase or decrease of the basic wage.
(ii) 4 18 6	116 0	82½ per cent. of the amount of increase or decrease of the basic wage.
(iii) 6 11 4	116 0	100 per cent. of the amount of increase or decrease of the basic wage.
(iv) 8 4 2	116 0	100 per cent. of the amount of increase or decrease of the basic wage.

BASIC WAGE.

Place.	Basic Wage (Adjustable).	Index Number Set Assigned.
	£ s. d.	
Throughout the State	8 9 0	Six Capital Cities (Weighted average)

ADJUSTMENT OF BASIC WAGE.

22. (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 May, 1951, the amount of the Basic Wage shall be as prescribed in clause 21.

(c) 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, 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.

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

J. V. WHILLOX, Secretary.

Melbourne, 24th January, 1951.

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