



VICTORIA GOVERNMENT GAZETTE.

Published by Authority.

[Registered at the General Post Office, Melbourne, for transmission by post as a newspaper.]

No. 2]

MONDAY, JANUARY 7.

[1952

DETERMINATION OF THE INDUSTRIAL APPEALS COURT.

IN THE INDUSTRIAL APPEALS COURT.

IN THE MATTER of the Determination of the Dairy Farm Workers Board dated the 16th August, 1951, and published in the Victoria Government Gazette No. 938 on the 6th September, 1951.

AND

IN THE MATTER of Appeals by the Victorian Employers' Federation, The Victorian Dairy Farmers' Association and the Graziers' Association of Victoria.

(Before His Honour Judge Gamble, K. H. Boykett, Esq., and J. V. Stout, Esq.)

Thursday, the 18th day of October, 1951.

These Appeals coming on for hearing by this Court on the 1st, 2nd and 3rd days of October, 1951, and subsequently on this day for judgment.

This Court DOTH ORDER AND DETERMINE:—

1. That, as from the beginning of the first pay period commencing in November, 1951, the above-mentioned Determination of the Dairy Farm Workers Board shall be revoked and replaced by this Determination as to "the lowest prices or rates which may be paid to any person or persons or classes of persons employed at farm work connected with the production of milk or cream for trade or sale".

WAGES PER WEEK.

2.

Age.		Percentage of Basic Wage.	Wages.		Other Employees.	
			Male.	Female.	Males.	Wages.
			£ s. d.	£ s. d.		£ s. d.
Under 16 years	..	52	5 3 6	3 17 6	Leading Hand (i.e. an employee who is in charge and directs the work of three or more employees) General Hand	
16-17 years	..	60	5 19 6	4 9 6		11 18 0
17-18 years	..	70	6 19 6	5 4 6		11 9 0
18-19 years	..	80	7 19 0	5 19 0		
19-20 years	..	90	8 19 0	6 14 0		
20-21 years	..	100	9 19 0	7 9 0		
					Females.	

The percentages prescribed above are in the case of males related to the male basic wage, and in the case of females to the female basic wage.

The wages of adult females shall be 75 per cent. of the appropriate rate prescribed above for a male calculated to the nearest 6d. half or less than half of 6d. in a result to be disregarded.

HOURS OF WORK.

3. The ordinary hours of work shall not exceed eight on any day or 48 in any week to be worked in six days (Sunday to Saturday inclusive). The spread of hours shall not exceed twelve hours on any day.

Provided that the employer and employee may, by agreement, substitute eight hours a day for a twelve day fortnight, in which case the days off shall be consecutive.

No. 2.—11017/51.—PRICE 6D.

OVERTIME.

4. All work done in excess of eight hours on any day or outside the spread of hours, shall be paid at the rate of time and a quarter for the first hour and time and a half thereafter.

DAY OFF.

5. An employee required to work on his day off shall be paid at the rate of double time in addition to any amount payable in respect of the weekly wage.

CONTRACT OF EMPLOYMENT.

6. (a) Except as hereinafter provided, employment shall be by the week. An employee not specifically engaged as a casual employee shall be deemed to be employed by the week.

(b) Employment 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 malingering, inefficiency, neglect of duty or misconduct, and in such cases the wages shall be paid up to the time of dismissal only.

(c) An employee not attending for duty shall, except as provided by clause 9 hereof, lose his pay for the actual time for such non-attendance.

CASUAL LABOUR.

7. Any person employed other than on a weekly basis shall be paid 10 per centum in addition to the appropriate rate prescribed in clause 2.

HOLIDAYS.

8. A weekly employee shall be entitled to the following public holidays without deduction of pay, provided that where such employee is required to work he shall be paid time and a half for the work done:—Christmas Day, Boxing Day, New Year's Day, Australia Day, Labour Day, Good Friday, Easter Monday, Anzac Day, King's Birthday, and 13th November, 1951 (provided it is then a proclaimed holiday), but if any other day be by Act of Parliament or Proclamation substituted for any of the above-mentioned holidays the special rate shall be payable only for work done on the day so substituted. Provided further that any other day may be substituted as a holiday by mutual agreement between the employer and the employee.

ANNUAL HOLIDAY.

9. The Annual holiday shall be three weeks in the terms and conditions, with appropriate adjustments, in accordance with 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.

SICK LEAVE.

10. (a) When a weekly employee is disabled by personal ill health, proof of which sickness is given to the employer, by medical certificate or other satisfactory evidence within 24 hours of the employees' consequential absence, he shall, on account thereof, be entitled without deduction of pay to absent himself from work one day in each two months, or for a proportionate aggregate in a longer period, but not exceeding 48 hours of working time in any year of employment.

(b) Notwithstanding anything contained in 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 96 hours of working time, which shall be the maximum amount of leave to which an employee may be entitled in any year of service without deduction of pay. For the purposes of this sub-clause, service prior to the 1st September, 1951, shall be disregarded.

PROTECTIVE CLOTHING.

11. An employee shall receive an allowance of 3s. per week for the provision of protective waterproof clothing (e.g., oilskins, gum boots, and gloves).

CLEANSING MATERIAL.

12. A suitable solvent and cotton waste shall be provided by the employer where required by the employee in the course of his duties.

DRYING CONVENIENCES.

13. The employer shall provide adequate conveniences for employees to dry their clothes.

PROVISION OF AND DEDUCTION FOR KEEP.

14. (a) Where the employer provides an employee with board and lodging the standard thereof shall be reasonably adequate and the standard of accommodation provided shall be in accordance with the following, that is to say, there shall be a sufficiency of necessary furniture, bedding, blankets and bed-room and washing utensils and sufficient provision made for lighting, heating, bathing, ventilation and sanitation. The sleeping quarters provided shall contain not less than 480 cubic feet of air space for each person accommodated therein and not more than two persons shall be accommodated in any one sleeping apartment. The food provided shall be sufficient and well prepared and cooked.

(b) Subject to compliance with the provisions of sub-clause (a) hereof the employer shall be entitled to deduct from the wages payable to an employee provided by him with board and lodging an amount to compensate himself for the cost thereof at the following rates:—

	£	s.	d.
Adult males at the rate of	2	3	4 per week
Adult females and junior males at the rate of	1	15	0 per week
Junior females at the rate of	1	10	0 per week

provided that such rates are adjustable by adding or subtracting, as the case may be, to or from the rates prescribed an amount of 4d. in the case of adult males, and 3d. in all other cases for each variation of 1s. in the male basic wage.

PROVISION OF LIVING PREMISES FOR EMPLOYEE.

15. Where an employer provides an employee with living premises for the use of the employee and his family as a prerequisite of employment the employer shall be entitled to make a charge for the use of such premises and the employee shall pay each week the amount of such charge as agreed to in writing by both parties at the commencement of the employment. A copy of such agreement shall be lodged within seven days thereafter with the Secretary of the Australian Workers Union, Melbourne.

Within 24 hours of the termination of his employment an employee shall be required to vacate the said premises.

PAYMENT OF WAGES.

16. (a) The full amount of each employee's wage shall be paid each week in the employer's time.

(b) A casual employee whose employment is terminated by the employer shall be paid all monies due to him at the termination of his employment. Where the employment is terminated by the employee such payment shall be made within 48 hours of such termination.

(c) The employer shall pay at any time on the written order of the employee any obligatory contributions or charitable donations out of the amount for the time being due to the employee; provided that the employer shall not be required to make payment in respect of any such order which may be presented to him less than twenty-four hours prior to the time fixed for payment.

FIRST-AID OUTFIT.

17. The employer shall provide and continuously maintain at a place or places reasonably accessible to all employees an efficient first-aid outfit, which shall consist of the following articles and quantities:—

Articles.	Quantities to be kept in Ambulance Chest.
Antiseptic solution	1 bottle
Bandages, cotton and gauze	1 dozen assorted sizes
Castor oil	2 oz.
Iodine, tincture of	2 oz.
Manual, first-aid	1
Petroleum, carbolized	1 jar
Picric acid solution, made according to the following recipe or prescription:— 1½ teaspoonfuls of powdered picric acid, 3 oz. of absolute alcohol, and 2 pints of distilled water ..	1 pint
Pins, safety	1 packet
Sal volatile	6 oz.
Scissors	1 pair
Tourniquet	1
Tweezers	1 pair
Cotton, absorbent	An adequate assortment
Gauze, sterilized, plain	
Lint, absorbent	
Plaster, adhesive	

TIME BOOK.

18. An employer shall supply each employee with a time-sheet or book and the employee shall record thereon in ink the hours worked on each day during a week and deliver same to the employer at the end of each working week. Upon delivery of this time-sheet or book the employer shall record the classification, actual wages paid and the deduction for keep in respect of such employee.

It shall be the responsibility of the employer to ensure that the provisions of this clause are complied with.

RIGHT OF ENTRY OF UNION OFFICIALS.

19. The Secretary, or any other Official of the Australian Workers Union authorized in writing by the secretary, shall not be prevented on production of such authority by any employer from visiting and conversing with any employee or employees at a time mutually agreed upon by the employer and the said Secretary or Official.

PERIODICAL ADJUSTMENT OF WAGES.

20. The wages rates 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 by the same amount and at the same time as such basic wage as prescribed by clause 21.

Basic Wage.

Place.	Male Basic Wage (Adjustable).	Index Number Set Assigned.
	£ s. d.	
Victoria	9 19 0	Melbourne

The female basic wage shall be 75 per cent. of the above male basic wage calculated to the nearest 6d., half or less than half of 6d. in a result to be disregarded.

ADJUSTMENT OF BASIC WAGE.

21. (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 20.

(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.

MARGIN.

22. In addition to the male basic wage the classification for other employees, males, contain margins as follows:—

	£ s. d.
Leading hand	1 19 0
General hand	1 10 0

By the Court,

E. W. LAITY,
Registrar.

