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[1955

Labour and Industry Act 1953.

DETERMINATION OF THE LAW CLERKS BOARD.

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

IN accordance with the provisions of the Labour and Industry Act, the Wages Board, which now has the power to "determine the lowest prices or rates which may be paid to any person employed in his practice, by a barrister and solicitor, but not including:—

- (a) an articled clerk;
- (b) a barrister or solicitor serving not more than one year for the purpose of gaining experience;
- (c) a law student, i.e., a person employed as a clerk (other than an articled clerk) engaged in the course of study prescribed for those intending to qualify for admission as barristers and solicitors;
- (d) a typist or stenographer."

has made the following Determination, namely:—

1. That as from the beginning of the first pay period to commence in July, 1955, the last previous Determination of this Board shall be revoked and replaced by this Determination.

2.

*IMPROVERS.

Experience.	MALES. Wages per Week.				FEMALES. Wages per Week.	
	Commencing Age.				Experience.	
	Under 16 Years.	16 Years.	17 Years.	18 Years or Over.		
	<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>
1st year	76 0	76 0	83 0	90 0	1st year	78 0
2nd year	102 0	102 0	118 6	144 6	2nd year	90 6
3rd year	118 6	130 6	170 6	194 6	3rd year	117 0
4th year—					4th year	145 6
1st six months	159 0	177 6	199 0	248 6	5th year and until 21 years of age	180 0
2nd six months	159 0	177 6	248 6	250 6		
5th year—						
1st six months	213 6	223 0	271 0	277 6		
2nd six months	213 6	227 6	271 0	277 6		
6th year and until 21 years of age	271 0	277 6		

PROPORTION (in any place).

Where there is no person receiving the adult rate—three improvers. In all other places two improvers to each person receiving not less than the adult rate.

* The Board has determined that no person shall be employed as an apprentice.

OTHER EMPLOYEES.

	Wages per Week.	
	Within a radius of 25 miles of the G.P.O., Melbourne, and within a radius of 10 miles of the principal post offices at Geelong, Ballarat, Bendigo, and Warrnambool.	All other parts of Victoria where this Determination applies.
	£ s. d.	£ s. d.
<i>Males.</i>		
With less than three years' experience in a solicitor's office—		
1st year's experience	14 8 6	14 5 6
2nd year's experience	14 13 6	14 10 6
3rd year's experience	14 18 6	14 15 6
All others	15 1 0	14 18 0
<i>Females.</i>		
All adults	11 5 0	11 2 0

Clauses, other than clause 2, of the said Determination shall remain in force.

WEEKLY HOURS.

3. The number of hours to constitute an ordinary week's work shall be 40 (exclusive of meal times).

TIMES OF BEGINNING AND ENDING WORK.

	Time of Beginning Work.	Time of Ending Work.
4. On the usual weekly half-holiday	8.45 a.m.	12.30 p.m.
On all other days of the week	8.45 a.m.	6 p.m.

OVERTIME.

5. The following rates shall be paid for all work done:—

Outside the times of beginning and ending work } Time and
 Within the times of beginning and ending work, in excess of 40 hours in any week } a half.

TERMS OF EMPLOYMENT.

6. All employees (other than casuals) willing, ready, and available for work shall be paid the full weekly wage fixed herein, irrespective of the number of hours worked not exceeding 40. To terminate employment one week's notice shall be given by either employer or employee, or in lieu of such notice one week's wages shall be paid or forfeited, as the case may be. The provisions of this clause shall not apply in any instance where an employee is dismissed for misconduct.

CASUAL LABOUR.

7. Casual hands, i.e., persons who are employed during any week for not more than one-half of the maximum number of hours fixed in the Determination as a week's work, shall be paid at the rate of time and a half on the hourly rate calculated *pro rata* by dividing the weekly rate by the number of hours fixed for a week's work.

SPECIAL RATE FOR SUNDAYS AND HOLIDAYS.

8. (a) Double time shall be paid for all work done on Sundays, New Year's Day, the day following New Year's Day, Australia Day, Good Friday, Easter Saturday, Easter Monday, Easter Tuesday, Labour Day, Anzac Day, Queen's Birthday, Show Day, Melbourne Cup Day, Christmas Day, and Boxing Day, but if any other day be substituted by local custom or by Act of Parliament or Proclamation for any of the holidays specified herein the special rate shall be payable only for work done on the day so substituted.

(b) No deduction shall be made from the wages of employees granted leave for the holidays mentioned in sub-clause (a) hereof.

MINIMUM OF WORK.

9. Any employee required to work on any day mentioned in clause 8 shall be entitled to not less than four hours' pay at special rates provided that he is available for work during such four hours.

ANNUAL HOLIDAY.

10. The annual holiday shall be as prescribed by the provisions of the *Labour and Industry Act 1953*, and any amendments which may be made thereto from time to time.

SICK LEAVE.

11. (a) Any employee who, having had at least three months' service with the same employer, is absent from duty as a result of personal ill health or accident shall be entitled to sick pay as follows:—

(i) During the first year—3½ hours' ordinary pay for each complete month of service;

(ii) During any subsequent year of service—40 hours' ordinary pay.

Provided that in either case such employee produces or forwards within 48 hours of the commencement of such absence evidence satisfactory to the employer that his or her non-attendance was due to personal ill health or accident necessitating such absence.

(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.

For the purposes of this sub-clause service prior to the 1st May, 1949, shall be disregarded, provided that any accumulated sick leave, not exceeding 120 hours of working time, standing to the credit of the employee on the 1st May, 1952, shall not be reduced by virtue of the provisions of this sub-clause.

No employer shall terminate the services of an employee during the currency of any period of sick leave with the object of avoiding his obligations under this sub-clause.

TIME AND WAGES RECORDS.

12. Each employer shall keep time and wages records showing the name of each employee, the number of hours worked each day, and the wages and overtime paid each week. The time and wages record shall be open for inspection to a duly-accredited official of the Federated Clerks' Union of Australia during the usual office hours at the employer's office, or other convenient place, provided that only one demand for such inspection shall be made at the same establishment in any one fortnight, and such demand shall not be made unless the Secretary of the Union suspects that a breach of this Determination has been committed.

MEAL ALLOWANCE.

13. Any employee who is required to work after the usual finishing hour of work, beyond one hour, shall be paid a meal allowance of 5s.

REST PERIOD.

14. All employees shall be allowed two rest intervals on each day as follows:—(a) The first of ten minutes to be allowed between the time of commencing work and the usual meal interval; (b) the second of ten minutes to be allowed between the usual meal interval and the time of ceasing work for the day. Such intervals are to be counted as part of time worked.

PERIODICAL ADJUSTMENT OF WAGES.

15. 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 33 of the *Labour and Industry Act 1953*, the Board hereby determines that such rates shall be automatically adjusted as prescribed by clause 16.

BASIC WAGE

Place.	Basic Wage (Adjustable).	Index Number Set Assigned.
	£ s. d.	
Throughout the State	11 17 0	Melbourne

ADJUSTMENT OF BASIC WAGE.

16. (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, 1955, the amount of the basic wage shall be as prescribed in clause 15.

(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 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.

(d) The wages rates for adult females are based on a basic wage being 75 per cent. of the basic wage for adult males calculated to the nearest 6d., half or less than half of 6d. to be disregarded. The wages rates for adult females shall be adjusted by increasing or decreasing such rates by the amount of the difference from time to time in the said basic wage for females.

(e) The wages of improvers shall be the appropriate percentages as set out hereunder. Such wages shall be calculated to the nearest 6d., half or less than half of 6d. to be disregarded.

IMPROVERS.

Experience.	MALES.				FEMALES.	
	Commencing Age.				Experience.	Percentage of Female Basic Wage.
	Under 16 Years.	16 Years.	17 Years.	18 Years or Over.		
	<i>Percentage of Basic Wage.</i>					
1st year	32	32	35	38	1st year	44
2nd year	43	43	50	61	2nd year	51
3rd year	50	55	72	82	3rd year	66
4th year—					4th year	82
1st six months	67	75	84	100+11/6	5th year and until 21 years of age	100+2/6
2nd six months	67	75	100+11/6	100+13/6		
5th year—						
1st six months	90	94	100+34/-	100+40/6		
2nd six months	90	100+30/6	100+34/-	100+40/6		
6th year and until 21 years of age	100+34/-	100+40/6		

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

J. V. WILLOX, Secretary.

Melbourne, 22nd June, 1955.

