



# VICTORIA GOVERNMENT GAZETTE.

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[1956

## DETERMINATION OF THE INDUSTRIAL APPEALS COURT.

IN THE MATTER of the *Labour and Industry Acts*.

AND

IN THE MATTER of a DETERMINATION OF THE DRAUGHTSMENS BOARD made on the 23rd day of January, 1956.

AND

IN THE MATTER of Appeals against the said Determination.

Before the Industrial Appeals Court (Judge Gamble, B. M. Fullerton, Esq.; and M. C. Jordan, Esq.)

Monday the 9th day of April, 1956.

Having heard the above-mentioned Appeals on the 8th and 9th days of March, 1956, and on this day this Court doth order and determine:—

That the Appeals be upheld in part and the following be substituted in lieu of the Determination appealed against.

Notes. (i)—This Determination applies to the whole of the State of Victoria.

(ii)—In accordance with the provisions of the Labour and Industry Acts, the Draughtsmens Wages Board was appointed for "Tracers and Draughtsmen (that is persons engaged mainly in making drawings from sketches or other data) but not including:—

- (a) Persons subject to the jurisdiction of any Wages Board heretofore appointed;
- (b) Architects, Engineers or Surveyors;
- (c) Students gaining experience during vacation;
- (d) Any person in charge of a drawing office in which not less than twenty tracers or draughtsmen are employed"—

1. This Determination shall come into force and be operative from the beginning of the first full pay period to commence after the 9th April, 1956.

### WAGES PER WEEK OF 40 HOURS.

2. (a) Trainee Draughtsmen—

Age.	Males. Percentage of Male Basic Wage.	Females. Percentage of Female Basic Wage.	Wage.	
			Males.	Females.
			£ s. d.	£ s. d.
16 years or under	39	39	4 18 0	3 13 6
17 years	50	50	6 5 6	4 14 0
18 years	58½	58½	7 7 0	5 10 0
19 years	89	89	11 3 6	8 7 6
20 years	100 plus 22s.	100 plus 22s.	13 13 0	10 10 0

## (b) Junior Females—Tracers—

Age.	Percentage of Female Basic Wage.	Wage.
		£ s. d.
15 years or under .. .. .	55	5 3 6
16 years .. .. .	65	6 2 0
17 years .. .. .	75	7 1 0
18 years .. .. .	85	8 0 0
19 years .. .. .	95	8 18 6
20 years .. .. .	100 plus 10s.	9 18 0

## (c) Adult Employees—

	Male.	Female.
	£ s. d.	£ s. d.
(i) Draughtsman—designing—		
First year of experience as such .. .. .	22 11 0	19 8 0
Second year of experience as such .. .. .	23 16 0	20 13 0
Thereafter .. .. .	25 1 0	21 18 0
(ii) Draughtsman—other—		
First year of experience as such .. .. .	16 6 0	13 3 0
Second year of experience as such .. .. .	17 11 0	14 8 0
Third year of experience as such .. .. .	18 16 0	15 13 0
Thereafter .. .. .	20 13 6	17 10 6
(iii) Leading Draughtsman as defined—30s. per week extra.		
(iv) Tracer—female .. .. .		11 13 0
(v) Leading Tracer as defined—15s. per week extra.		

## PROPORTION OF TRAINEE DRAUGHTSMEN.

3. (a) The proportion of trainee draughtsmen who may be employed by any employer shall not exceed one trainee to every two or fraction of two adult draughtsmen, architects, engineers or surveyors, provided that no person who has a greater number of trainee draughtsmen in his employ than is prescribed above shall by reason thereof be guilty of a breach of this Determination if he proves that at the date of the engagement of each of the trainees in his employ and for three months previous thereto he had in his employ such number of adult employees as at that date entitled him to the number of trainees in his employ.

(b) Any person whose employment or continued employment is prohibited by virtue of sub-clause (a) hereof, and who was employed before the 1st February, 1956, shall be entitled to continue to be employed, but such person shall not be counted for any of the purposes of such sub-clause.

## HOURS OF WORK.

4. (a) The hours for an ordinary week's work shall not exceed eight per day or 40 per week.

(b) The ordinary hours of work shall be worked between 7.30 a.m. and 5.30 p.m. Monday to Friday inclusive, provided that the spread of hours or daily hours may be altered by mutual agreement between the employer and the majority of his employees concerned in an establishment or plant.

## OVERTIME.

5. (a) All time worked in excess of, or outside of, the ordinary hours prescribed by Clause 4, Hours of Work, of this Determination shall be paid for at the rate of time and half for the first four hours and double time thereafter. Except as provided in sub-clause (b) hereof in computing overtime each day's work shall stand alone.

(b) An employee, after the completion of overtime work performed on the specific instruction of his employer, after his usual ceasing time, shall be entitled to be absent until he has had eight consecutive hours off duty without deduction of pay for ordinary time of duty occurring during his absence.

If, on the specific instruction of his employer, an employee resumes work without having had eight consecutive hours off duty, he shall be paid at the rate of double time until he is relieved from the duty to take such rest period and he shall then be entitled to be absent until he has had eight consecutive hours off duty without deduction of pay for ordinary time of duty occurring during such absence.

(c) An employee recalled to work overtime, after leaving his employer's business premises shall be paid for a minimum of three hours' work at the appropriate overtime rate for each time he is recalled.

(d) An employee working overtime shall be allowed a meal break of twenty minutes, without deduction of pay after each four hours of overtime worked if the employee continues work after such meal break.

(e) Where overtime of two hours or more is worked after the usual time of ceasing work a meal break of not less than 30 minutes shall be allowed. Such meal break shall be taken not more than five hours after the resumption of work from the previous meal period.

(f) An employee required to work beyond two hours after the usual finishing time of work shall be paid a meal allowance of 5s. for the first meal and 3s. 4d. for each subsequent meal or be provided with an adequate meal where the employer has his own cooking and dining facilities.

(g) When an employee working overtime finishes work at a time when normal means of transport is not available, the employer shall provide him with a conveyance to reach his home.

## HIGHER-GRADE DUTY.

6. An employee who is called upon to perform work of a higher grade than that in which he is normally engaged, shall be paid for the time so employed at the rate of the first year of the grading of the employee whose duties he is performing.

## LOWER-GRADE DUTY.

7. An employee who is called upon to perform work of a lower grade than that in which he is normally engaged shall suffer no reduction of salary on that account.

## FARES, TRAVELLING EXPENSES, AND TRAVELLING TIME.

8. (a) If an employee be directed to work at a place other than his usual place of employment all fares necessarily incurred by him each day in excess of the normal fares of travelling from his home to his usual place of employment and return shall be paid by the employer.

(b) If an employee be directed to work at a place other than at his usual place of employment and the means of transport by which he is directed to travel offers travellers accommodation of more than one class, the fares which shall be payable under this clause shall be such as to enable him to travel first class.

(c) If an employee be directed to work on 'country work' the employer shall reimburse him for all out of pocket expenses necessarily incurred.

(d) An employee should he so desire it shall be reimbursed by his employer to the extent of a first class return fare to his usual place of residence in respect of his normal place of employment after each period of four weeks on 'country work' unless such work is inherent in the normal work of the establishment in which he is employed.

(e) If an employee be directed to work at a place other than his usual place of employment all time necessarily occupied by him on any day in travelling which is in excess of the time normally occupied by him in travelling when working at his usual place of employment shall be deemed to be working time and shall be paid for at the rate of single time except on Saturday, Sunday or any day prescribed in Clause 9 hereof, when the rate shall be time and a half. The maximum travelling time to be paid for shall be twelve hours out of every 24 hours, or if a sleeping berth is provided by the employer for all-night travelling, eight hours out of every 24 hours.

(f) For the purpose of this Clause 'country work' shall mean work which renders it necessary for an employee to sleep at a place other than his usual place of residence in respect of his usual place of employment.

## HOLIDAYS AND SUNDAYS.

9. (a) Employees shall be entitled to the following holidays and (except for casual employees) without deduction of pay in respect thereof—New Year's Day, Australia Day, Labour Day, Good Friday, Easter Saturday, Easter Monday, Anzac Day, Queen's Birthday, Christmas Day, and Boxing Day, and within the Metropolitan District as defined in the Labour and Industry Acts, Melbourne Cup Day; or such other day as is generally observed in the locality as a substitute for any of the said days respectively, provided that employees covered by this Determination shall observe the same holidays as are observed by the majority of persons in the establishment in which they are employed.

By Agreement between an employer and the majority of his employees in an establishment or plant, other days may be substituted for the said holidays or any of them.

(b) An employee shall be paid at the rate of double time for work done on Sunday and holidays and such double time shall continue until the employee is relieved from duty: Provided that the foregoing provision shall not apply where, by mutual agreement between the employer and the employee concerned one day in lieu is given off for each Sunday or holiday worked in which case this day shall be paid for at normal rates.

(c) An employee who works on a Sunday or holiday and (except for meal breaks) immediately thereafter continues such work, on being relieved from duty shall be entitled to be absent until he has had eight consecutive hours off duty, without deduction of pay for ordinary time of duty occurring during such absence.

(d) An employee requested to work on Sundays or holidays shall be paid for a minimum of four hours work at the appropriate rate for each such day worked.

## TERMS OF EMPLOYMENT.

10. 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 a fortnight's notice shall be given by either employer or employee or in lieu thereof a fortnight'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.

Notwithstanding any provisions elsewhere contained herein, an employer may deduct payment for any day an employee cannot usefully be employed because of any strike, breakdown of machinery, or any stoppage of work by any such cause for which the employer cannot reasonably be held responsible. Provided that such standing down shall not be deemed a break in the continuity of the employment of the employee for the purpose of any rights under this Determination or any variation or modification thereto.

## Casual Employment.

A casual employee is one engaged and paid as such. A casual employee for working ordinary time shall be paid per hour one-fourth of the weekly rate prescribed by this Determination for the work which he or she performs, plus 12½ per cent.

An employee not specifically engaged as a casual employee shall be deemed to be employed by the fortnight.

## SICK LEAVE.

11. (a) Any employee other than a casual who having had at least three months' service with the same employer is absent from duty on account of personal ill health or injury due to any cause shall be entitled to sick pay as follows:—

(i) During the first year—three and one-third hours for each complete month of service.

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

Provided that within 48 hours of the commencement of such absence he informs the employer of his inability to attend for duty and as far as practicable state the nature of the ill health or injury and the estimated duration of the absence.

Provided further than an employee shall be required to produce a medical certificate or other reasonable proof of illness to the employer for any period of absence in excess of two days or an aggregate of four days in any year of service to be entitled to payment for 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, provided an employee remains in the service of the one employer, or any successor of such employer, be cumulative from year to year.

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.

(c) For the purpose of this clause the service of an employee in employment on the 1st February, 1956, shall be deemed to have commenced on 1st January, 1955, or such later date as the employment actually commenced.

Provided that, if prior to the 1st February, 1956, an employer has failed to grant the leave now prescribed or any part of it he shall not thereby be in breach of this Determination.

## MEAL BREAK.

12. A break of not less than 30 minutes and not more than one hour as mutually arranged by an employer with the majority of his employees in an establishment or plant shall be allowed for a meal between the hours of 11.30 a.m. and 2.0 p.m. Monday to Friday inclusive.

For work done at the direction of the employer during the employee's meal break and thereafter until a meal break is allowed, time and a half rates shall be paid.

An employee shall not be required to work for more than five hours without a break for a meal.

## MORNING AND AFTERNOON TEA.

13. (a) Employees shall be allowed a rest period of ten minutes without deduction of pay in the forenoon at a time fixed by the employer.

(b) Employees shall be permitted without ceasing work to partake of refreshment in the afternoon.

## MISCELLANEOUS.

*Equipment.*

14. (a) An employee shall not be required to provide more than the following items of equipment—compasses, two set squares, protractor, ruling pen, and 12-inch scale.

*Lockers.*

(b) The employer shall provide each employee with a locker or drawer with a lock and key wherein the equipment ordinarily required for the performance of his duties may be kept, and the employer shall thereby be relieved of responsibility for the loss of such equipment, except in the case of loss by fire.

*Work in Abnormal Conditions.*

(c) Where an employee is required to work in abnormal conditions as to temperature, height, dirt, oil, wetness, danger, and the like, such reasonable precautions shall be taken by the employer as may be necessary to facilitate the employee carrying out his duties with a maximum of safety and such employee shall be provided with all special clothing required for any such abnormal condition.

*Damaged Clothing or Equipment.*

(d) Where an employee, as a result of performing any duty required by the employer, and as a result of negligence of the employer suffers any damage to or soiling of clothing or other personal equipment, the employer shall be liable for the replacement, repair or cleaning of such clothing or personal equipment.

*Lighting.*

(e) Adequate lighting shall be provided within the limit of 25-50-foot candles measured at the surface of the drawing board.

## ANNUAL HOLIDAY.

15. (a) Except as provided in sub-clause (b) hereof, annual leave shall be as prescribed by the *Labour and Industry Act* 1953.

(b) In the case of an adult draughtsman with not less than five years experience as such, or an employee classified by his employer as a draughtsman-designing, the period of annual leave shall be three weeks in lieu of two weeks as prescribed by the Act, and the phrase '3/49' shall apply in lieu of the phrase '1/25' wherever the latter appears in Section 144 of the Act, and the phrase 'three consecutive weeks' shall apply in lieu of the phrase 'two consecutive weeks' where it appears in sub-section (2) of Section 143 of the Act.

## RIGHT OF ENTRY.

16. (a) For the purpose of interviewing employees on legitimate association or union business, a duly accredited association or union representative shall have the right to enter employers' premises during the midday meal break on the following conditions :—

- (i) That he produces his authority to the gatekeeper or such other persons as may be appointed by the employer ;
- (ii) That he interviews employees only at places where they are taking their meal or at such other convenient place as may be stipulated by the employer ;
- (iii) That not more than one representative of each of such organization be on the premises at any one time ;
- (iv) That no one representative visit the premises more than once a week ;
- (v) 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 previous conditions, such employer may refuse the right of entry.

Provided that where certain employees are working under a system of shift work which precludes a representative from interviewing them during the midday meal break, the representative shall have the right to enter the employers' premises for the purpose of interviewing such employees at such time and under such conditions as to notice as may be mutually arranged by the representative and the employer.

(b) For the purpose of investigating complaints concerning the application of this Determination, a duly accredited association or union representative shall be afforded reasonable facilities for entering an employer's drawing office during working hours, subject to the following conditions :—

- (i) That he discloses to the employer or his representative the complaint which he desires to investigate ;
- (ii) That he makes his investigations in the presence of the employer or his representative (if the employer so desires) ;
- (iii) That he does not interfere with work proceeding in the drawing office ;
- (iv) That he conducts himself properly.

(c) A union representative shall be a duly accredited representative of an organization concerned if he be the holder for the time being of a certificate signed by the general secretary of that organization and bearing the seal of that organization, in the following form, or in a form not materially differing therefrom :—

(Name of Organization.)

This is to certify that  
organization.

(SEAL)

Specimen signature of holder.

Strictly not transferable.

For the purposes of this clause the words association or union shall mean the Amalgamated Engineering Union and/or the Association of Architects, Engineers, Surveyors, and Draughtsmen of Australia.

is a duly accredited representative of the above-named

General Secretary.

Date—

## CERTIFICATE OF SERVICE.

17. Upon termination of employment, the employer, when requested by the employee shall provide him with a certificate of service stating length of service, duties performed and classification of office.

## BOARD OF REFERENCE.

18. The Wages Board has determined that in accordance with Section 31 (1) of the *Labour and Industry Act* 1953, a Board of Reference shall be appointed to determine disputes of facts concerning any provision of its Determination.

The Board of Reference shall consist of—

- (i) The Chairman of the Wages Board ;
- (ii) Two representatives of employers, of whom one shall be a member of the Wages Board, and such representatives shall be appointed by a majority of the employers' representatives on the Wages Board ; and
- (iii) Two representatives of employees, of whom one shall be a member of the Wages Board, and such representatives shall be appointed by a majority of the employees' representatives on the Wages Board.

## DEFINITIONS.

19. Unless the context otherwise indicates or requires, words importing the masculine gender shall include the feminine gender and the several expressions hereunder shall have the respective meanings assigned to them :—

*Draughtsman—Designing.*

A draughtsman—designing means an adult employee—

- (a) who has had at least four years experience as a draughtsman or who has had training deemed by the employer to be equivalent thereto, and
- (b) who has received a diploma of a recognized educational institution appropriate to the work in which he is engaged, except in the case of an architectural draughtsman who shall have received a certificate of architectural draughtsmanship issued by the Royal Melbourne Technical College, or its equivalent, and
- (c) who is engaged in the preparation and checking of major designs of buildings, structures, machines, plant or other equipment and the making and checking of drawings and/or sketches associated therewith, and the preparation of specifications, calculations, estimates, and technical reports, and the tabulation of weights and quantities; and who in carrying out that work is required to apply trade experience or draughting experience and skill acquired by virtue of paragraphs (a) and (b) hereof.
- (d) Notwithstanding the provisions of paragraphs (a) and (b) hereof, an employer shall classify an employee as a draughtsman—designing who has been for six months performing work which is of the same nature as required by paragraph (c) hereof and which requires the application of a similar standard of trade and/or draughting experience which has been acquired by other means than as provided for in paragraphs (a) and (b) hereof.

*Leading Draughtsman—Other.*

A leading draughtsman—other, shall mean a draughtsman—other, who is required to supervise and is normally responsible for the work performed by three or more draughtsmen—other, including trainees.

*Leading Draughtsman—Designing.*

A leading draughtsman, designing shall mean a draughtsman—designing who is required to supervise three or more draughtsmen of whom at least one is performing the work of a draughtsman—designing or a leading draughtsman—other.

*Leading Tracer.*

A leading tracer shall mean a tracer who is required to supervise and who is normally responsible for the work performed by two or more tracers.

*Trainee Draughtsman.*

A trainee draughtsman shall mean an employee of less than 21 years of age who is undergoing and proves to the satisfaction of his employer when requested that he is continuing a certificate course for draughting prescribed by the Education Department of Victoria or any course at least equivalent thereto.

NOTE.—By Order in Council dated 14th December, 1954, the Draughtsmen Board was ordered to be constituted and appointed "for Tracers and Draughtsmen (that is persons engaged mainly in making drawings from sketches or other data) but not including—

- (a) Persons subject to the jurisdiction of any Wages Board heretofore appointed;
- (b) Architects, Engineers or Surveyors;
- (c) Students gaining experience during vacation;
- (d) Any person in charge of a drawing office in which not less than twenty tracers or draughtsmen are employed."

## PERIODICAL ADJUSTMENT OF WAGES.

20. The wages rates 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 Court 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.	Basic Wage (Adjustable).	Index Number Set Assigned.
	£ s. d.	
Throughout the State .. .. .	12 11 0	Melbourne

The Basic Wage for adult females shall be 75 per cent. of the above-mentioned Basic Wage as adjusted from time to time calculated to the nearest 6d. and the appropriate rates prescribed in clause 2 shall be adjusted accordingly.

## ADJUSTMENT OF BASIC WAGE.

21. (a) For the purposes of this Determination the expression "Commonwealth Statistician's 'C Series' 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, 1956, 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 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 "C Series" 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.

## MARGINS.

22. In addition to the appropriate Basic Wage prescribed in clause 20 hereof the wages rates for adult employees set out in Clause 2 hereof contain margins as follows :—

	£ s. d.
(i) Draughtsman—designing (male or female)—	
First year of experience as such .. .. .	10 0 0
Second year of experience as such .. .. .	11 5 0
Thereafter .. .. .	12 10 0
(ii) Draughtsman—other (male or female)—	
First year of experience as such .. .. .	3 15 0
Second year of experience as such .. .. .	5 0 0
Third year of experience as such .. .. .	6 5 0
Thereafter .. .. .	8 2 6
(iii) Tracer—female .. .. .	2 5 0

By Order of the Court,

J. C. THOMAS,

Registrar.

By Authority: W. M. HOUSTON, Government Printer, Melbourne.

