



# VICTORIA GOVERNMENT GAZETTE.

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TUESDAY, SEPTEMBER 5.

[1939

Factories and Shops Acts.

## DETERMINATION OF THE EXCAVATION OR ROADWORK 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 6th May, 1930, has had the power to determine the lowest prices or rates which may be paid to any person or persons or classes of persons employed at—

- (a) Excavation or earthwork in connexion with—
  - (1) the building of wharfs, piers, jetties, or docks,
  - (2) the forming of street channels or drains,
  - (3) the diversion of streams or rivers.
- (b) The construction or maintenance of streets, footpaths, or roads, and any work incidental thereto.
- (c) Concrete work in connexion with or incidental to—
  - (1) the construction of street channels or drains,
  - (2) the diversion of streams or rivers.
- (d) The construction of storm-water drains (other than main storm-water drains), and any work incidental thereto—

but not including persons who may be or are subject to a Determination of the Sewer Builders Board, has made the following Determination, namely:—

(1) That on the 7th day of September, 1939, the last previous Determination of this Board shall be revoked and replaced by this Determination.

(2) IMPROVERS.

Wages.	Proportion (by any Employer):
Per hour.	IMPROVERS.
Under 18 years of age .. .. . 1 4	One improver to every twenty-five or fraction of twenty-five workers receiving not less than the rate fixed in this Determination for "All others."
18 years of age and under 20 .. .. . 1 7	
20 years of age and under 21 .. .. . 1 9	

NOTE.—The Wages Board has determined in accordance with section 25 (1) of the amended *Factories and Shops Act* 1934 that the trade is so unskilful that no person should be taken as an apprentice to the trade.

### OTHER EMPLOYEES.

	WAGES.
	Per hour.
	s. d.
Rigger .. .. .	2 3½
Pitcher Setter, Cube Setter, or Pavior .. .. .	
Splicer of Wire Rope or Hemp Rope .. .. .	
Weigher of Asphaltic Concrete Mixing Plant .. .. .	
Bitumen Pourer or Kettle Attendant .. .. .	
Tunnel Man or Shaft Sinker .. .. .	
Timber Man in Tunnel or Shaft .. .. .	
Powder Monkey .. .. .	
Man-Hole Builder .. .. .	
Sinkers in Trenches for storm-water drain .. .. .	
Finisher in Concrete work .. .. .	

OTHER EMPLOYEES—continued.

	WAGES.	
	Per hour.	
	s.	d.
Pipe Joiner, or Pipe Layer .. .. .	..	..
Leading Tackle Hand .. .. .	..	..
Skid Scoop (Tumbling Tommy) .. .. .	..	..
Filler and/or Driver .. .. .	..	..
Guard :—i.e., an employee in charge of a train or rake of trucks or railway wagons, drawn or propelled by steam, electric or other motor power, used in connexion with the haulage of ballast (sand, gravel or broken stone) rock, earth or other material used in connexion with construction work	2	2½
Jack Hammer man .. .. .	..	..
Mixer, Gauger, Spreading or Layer on of Concrete .. .. .	..	..
Batterman using Batter Rule .. .. .	..	..
Bituminous-Emulsion Worker .. .. .	..	..
Boodler in Tunnel .. .. .	..	..
Fencer .. .. .	..	..
Person Laying or Tarring Wood Blocks .. .. .	..	..
Rake Hand on Tar Macadam .. .. .	..	..
Rake Hand on Asphaltic Concrete .. .. .	..	..
Sanitary or Garbage Attendant .. .. .	..	..
Scabler in Tunnel .. .. .	..	..
Hot Asphaltic Concrete Shoveller; or Forker .. .. .	..	..
Metal or gravel spreader .. .. .	..	..
Spaller; ploughman, Man-hole Builder's Labourer, and Telford pitcher setter .. .. .	..	..
Filler of Monkey-Tail Scoop .. .. .	..	..
Setter out of Re-inforcements .. .. .	..	..
Attendant on Steam or Power driven navy :—i.e., an employee lifting and laying down tracks and doing other work incidental thereto	2	1½
Tipman :—i.e., an employee at the tiphead who directs where the material shall be tipped, assists in the tipping and keeps bank or dump true to specified line and level	2	1½
Cold Asphaltic Shoveller or Forker .. .. .	..	..
Ploughman's Offsider .. .. .	..	..
Tipper of Monkey-Tail Scoop .. .. .	..	..
Slurry Filler .. .. .	..	..
All Others .. .. .	2	0½

(3) HOURS.—The hours of work shall be 44 for each week.

(4) SHIFTS.—(a) That the hour of beginning and the hour of ending each shift shall be as follows :—

	Time of Beginning.	Time of Ending.
Monday to Friday .. .. . (Day-shift)	8 a.m.	12 noon
Saturday .. .. . "	1 p.m.	5 p.m.
	8 a.m.	12 noon
Monday to Saturday .. .. . (Day shift)	7 a.m.	3 p.m.
	3 p.m.	11 p.m.
	11 p.m.	7 a.m.

Any of the above times may be varied or the total weekly hours may be worked from Monday to Friday on the vote of a majority of the employees.

(b) Employees working Afternoon and Night Shift shall be paid Is. per shift extra.

(c) Where practicable, shifts shall be changed in rotation each week.

(5) OVERTIME.—All work done in excess of the ordinary daily hours of work shall be paid for at one and a half times the ordinary prescribed rate for the first four hours and at double the ordinary prescribed rate for the time thereafter worked.

Provided that horse drivers shall be entitled to payment at ordinary rates only for time spent in taking charge of teams at the yard, camp, or stable, or in taking teams therefrom or returning teams thereto.

(6) MIXED FUNCTIONS.—(a) Where an employee is required to do, and does, on any one day for a time exceeding two hours in the aggregate, work for which a higher rate is prescribed than for other work done by him on that day, he shall be paid at not less than such higher rate for all work done by him on that day.

(b) In all other cases where an employee does more than one class of work he shall be paid for each class proportionately to the time he works thereat.

(7) SPECIAL RATES.—Double time shall be the special rate payable to any person who is required to work on Sundays, New Year's Day, Australia Day (26th January), Good Friday, Easter Monday, Anzac Day, King's Birthday, Labour Day, Christmas Day, and Boxing Day, but ordinary rates only shall be payable to an employee who works on any of these days at his own request. If any other day be by Act of Parliament or Proclamation substituted for any of the above-named holidays, the special rate shall be payable only for work done on the day so substituted.

(8) WET PAY.—An employee who is required to work in a wet place and who is not provided by the employer with gum boots or oilskins, or both, which will prevent him from getting wet, shall be paid one shilling extra for each day on which he performs any work in such wet place.

A place shall be deemed to be wet when water other than rain is dropping continually from overhead so as to saturate the clothing of the employee if unprotected, or when the water in the place where the employee is standing is over 2 inches deep.

(9) EMPLOYEE RECALLED TO WORK.—Any employee who is recalled to work after the expiration of his customary working time for the day, and after he has left work for the day, shall be paid at the least as for working two hours at overtime rates.

(10) EMPLOYEE NOT REQUIRED ON NEXT SHIFT.—Any employee who is not informed before he leaves the job at the end of his shift that he is not required to work at his next shift, and who is not put to work at the next shift, although he attends, shall be paid in full wages for half that shift not worked, except when such unemployment is due to circumstances beyond the control of the employer. This clause shall apply only where more than one shift is being worked.

(11) PAYMENT OF WAGES.—Employees shall be paid their wages in working hours, and if not so paid shall be entitled to be paid at ordinary basic wage rates for the time they have to wait for payment, provided that, if because of circumstances beyond the reasonable control of the employer, he cannot so pay the wages, he shall only be bound to pay them at the earliest time reasonable in the circumstances.

(12) TIME RECORD.—(a) The employer shall keep a record of the names of the employees of such employer and in respect of each such employee a record from week to week of the periods, times and class of work done and the rates of wage and amounts of wage paid, and shall obtain from week to week the signature of such employee to such record.

(b) The Secretary or Branch Secretary of the Australian Workers' Union or of the Municipal and Shire Council Employees Union or an official of either such Union authorized in writing to that effect by the Secretary or Branch Secretary shall be allowed on any day coming two days after a pay day between 10 a.m. and 12 noon, or at such other time as may be agreed upon, to inspect such records so far as may be reasonably necessary to obtain information.

(13) ROTATION OF SHIFTS.—Where practicable, shifts shall be changed in rotation each week.

(14) CRIB TIME.—Where two or more shifts are worked, twenty minutes shall be allowed during each shift for "crib time," without deduction from wages.

(15) MAXIMUM OVERTIME PERIOD BETWEEN MEALS.—When overtime is worked by an employee, or any work is performed by an employee on a Sunday, not more than four hours shall be worked without a break for a meal.

(16) REST PERIOD AFTER OVERTIME DUTY.—When an employee has been on duty so long as not to have had eight hours at least for rest before his next proper or usual starting time, he shall be entitled to be absent until he has had eight hours off duty.

(17) WATER FOR ROCK DRILLING BY MACHINE.—In places where rock-drilling machines are used in tunnels or in shafts over 10 feet deep, the employer shall, where practicable, provide, and the employee shall use, water when drilling rocks by machines. In other rock-drilling places, where practicable and reasonable, water shall be provided and used.

(18) CLOGS.—Rakers and shovellers of asphaltic concrete shall be provided, by the employer, with clogs.

(19) VENTILATION.—The employer shall install, where necessary, appliances for proper and adequate ventilation of shafts and tunnels.

(20) WATER.—Sufficient water for each gang shall be provided by the employer free of charge.

(21) SANITATION.—In all camps, where the pan system is not in use, the employer shall install fly-proof sanitary conveniences and provide attention thereto. In shifting camps, practicable and reasonable temporary provision shall be made by the employer.

(22) CHANGING HOUSE.—Where required, the employer shall provide on each job a sufficiently roomy enclosed and roofed structure to enable employees to change their clothing.

(23) FIRST-AID OUTFIT AND STRETCHER.—The employer shall provide at every job a sufficient first-aid box and a stretcher for the use of sick or injured employees, and shall keep the same always in proper order.

(24) POWDER-MONKEY'S WORK.—Where explosives are used, the work of a powder-monkey shall be done only by a man competent for that work.

(25) TOOLS.—The employer shall supply all tools necessary, which the employee shall return in good condition (fair wear and tear excepted).

(26) PAY DAY.—Payment of wages due under this Determination shall be made on any day other than Saturday.

ADDITIONAL PROVISIONS APPLICABLE ONLY TO WORK DONE OUTSIDE THE METROPOLITAN DISTRICT AS DEFINED IN THE "FACTORIES AND SHOPS ACTS" AND THE ORDER IN COUNCIL THEREUNDER.

(27) ERECTING AND SHIFTING CAMP.—Employees shall be paid at their respective ordinary rates for all time occupied by them during their ordinary hours of duty in erecting or shifting camp and in removing plant and equipment. For such work performed outside the ordinary hours of duty employees shall be paid at overtime rates.

(28) WALKING AND TRAVELLING TIME—

(a) Where the employee has to walk between the yard, camp, depot or picking-up place of the employer and his work, and the distance to be walked is in excess of 1 mile, he shall be paid for each mile of such excess distance at the rate of one-third of the hourly rate provided for "All others."

(b) Where the employee is conveyed between the said yard, camp, depot or picking-up place and the place of work, for all time in excess of twenty minutes each way spent in such conveying he shall be paid at the rate fixed for "All others."

(29) CAMP ALLOWANCE—

(a) Employees who in order to be available for their work have to live in a camp established either by employers or employees for the purpose of enabling employees to be so available by living therein, shall be paid a camping allowance of 1s. for each day in which they are required to hold themselves and do hold themselves available in the camp for work throughout the said day, whether or not work is done thereon, provided that the employer shall not be bound to pay any camping allowance if—

(i) the employer provides the employee with a proper mess room and with cooked food thereat } whether or not  
at cost price; such price not to exceed in any case 25s. per week per employee; } the employee  
(ii) proper board, at not exceeding 25s. per week, can be obtained by the employee within a } avails himself of  
reasonable distance from the camp. } these facilities.

(b) Nothing in this clause shall entitle the employer to deprive a married man living in the camp with his wife of the camp allowance, unless the employer supplies such an employee with a house at a reasonable rent.

(30) FARES.—The fares of an employee proceeding for the first time to work from the place of engagement shall be paid by the employer, who may deduct the amount thereof from his first or later wages.

Provided that the amount so deducted shall be refunded to the employee if he continues to work for the employer for at least two months, or for so long as the work continues should the work cease sooner.

(31) USE OF TENTS AND CUBICLES.—When employees have to camp out to be near their work, tents and tent poles or cubicles shall be provided by the employer free of charge.

(32) STRETCHERS.—The employer shall supply, free of charge, material for stretchers.

(33) WOOD AND WATER.—The employer shall provide at the camp a reasonable quantity of wood and water for all employees living in or about the camp.

(34) DRYING SHEDS.—The employer shall provide adequate conveniences for employees to dry their working clothes.

(35) MESS ROOM.—The employer shall, if required by the majority of the employees, provide a mess room in a fixed camp containing twenty or more men where the camp is likely to continue for at least six months.

(36) FIRST AID.—The employer shall employ a man with first-aid qualification on all works employing 100 or more men, and a person with first-aid knowledge in other circumstances reasonably requiring the same.

(37) ACCOMPANYING INJURED OR SICK EMPLOYEES.—No employee suffering from illness or injury sustained on the job shall be permitted to leave the job unless accompanied or assisted by a sufficient number of employees, except in the case of his removal by ambulance to his home or a hospital. All expenses incurred in such patient's removal shall be paid by the employer.

(38) RETURN OF TOOLS AND TENTS.—If the employer requires an employee, when discharged or leaving, to take down tents or return tools or tents, he shall pay the employee for the time so occupied at the rate fixed for "all others."

D. BERRIMAN, Chairman.

J. B. McINDOE, Secretary.

Melbourne, 21st day of August, 1939.





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TUESDAY, SEPTEMBER 5.

[1939

## PROCLAMATION

By His Excellency Major-General Sir Winston Joseph Dugan, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Companion of the Most Honorable Order of the Bath, Companion of the Most Distinguished Service Order, Governor of the State of Victoria and its Dependencies in the Commonwealth of Australia, &c., &c., &c.; Vice-Admiral of the State of Victoria.

WHEREAS by the *Prize Courts Act 1894* it is enacted that when any commission warrant or instructions from His Majesty the King or the Admiralty for the purpose of commissioning or regulating the procedure of a prize court at any place in a British Possession have been issued, then, subject to instructions from His Majesty the Vice-Admiral of such possession may when satisfied by information from a Secretary of State or otherwise that war has broken out between His Majesty and any foreign State, proclaim that war has so broken out, and that thereupon the said commission warrant and instructions shall take effect as if the same had been issued after the breaking out of such war and such foreign State were named therein:

And whereas on the tenth day of July in the sixty-third year of Her reign Her late Majesty Queen Victoria was pleased to issue a commission to certain commissioners therein named authorizing and enjoining the said commissioners to will and require such courts (including among others courts of law being Colonial Courts of Admiralty within the meaning of the *Colonial Courts of Admiralty Act 1890*) as the said commissioners shall select, upon proclamation being made in that part of Her Majesty's Dominions Possessions or Colonies within which such court has jurisdiction in Admiralty by the Vice-Admiral thereof, that war has broken out between Her Majesty and some foreign State or States and not otherwise, to take cognizance of and judicially to proceed upon all and all manner of captures, recaptures, seizures, prizes, reprisals of all ships, vessels, and goods then already seized and taken, and which thereafter shall be seized and taken, and all other matters of prize falling within the jurisdiction of Prize Courts, and to hear and determine the same, and according to the course of Admiralty, and the Law of Nations, and the Statutes, Rules, and Regulations in that behalf for the time being in force, to adjudge and condemn all such ships, vessels, and goods as shall belong to the State or States named in the Proclamation aforesaid, or to the subjects of such State or States, or to any other persons inhabiting within any of the countries, territories, or dominions of such State or States, or be otherwise condemnable as prize:

And whereas by warrant dated the second day of February, One thousand nine hundred and twelve, the said commissioners did in His Majesty's name will and require the Supreme Court

of Victoria in its Admiralty Jurisdiction and the Judge of the said Court and all others the Judges or Judge for the time being of the said Court, or other the persons or person executing the duties of the office of Judge of the said Court for the time being, upon proclamation being made by the Vice-Admiral for the time being of Victoria that war has broken out between His Majesty and any foreign State, and not otherwise, to take cognizance of and judicially to proceed upon all and all manner of captures, recaptures, seizures, prizes, and reprisals of all ships, vessels, and goods which shall on the outbreak of any such war have been already seized and taken, and which shall thereafter be seized and taken, and which are or shall be brought within the limits of the said court, and all other matters of prize falling within the jurisdiction of the said court, and to hear and determine the same according to the course of Admiralty and the Law of Nations, and the Statutes, Rules, and Regulations in that behalf for the time being in force, to adjudge and condemn all such ships, vessels and goods as shall belong to the foreign State named in such proclamation or to the subjects of such State, or to any others inhabiting within any of the countries, territories, or dominions of the same or which are otherwise condemnable as prize, and which shall be brought before the said Supreme Court of Victoria in its Admiralty Jurisdiction as a Court under the *Colonial Courts of Admiralty Act 1890* for adjudication and condemnation:

And whereas by the *Colonial Courts of Admiralty Act 1890* it is enacted that nothing in that Act shall affect any power of appointing a Vice-Admiral in and for any British Possession or any place therein, and that whenever there is not a formally appointed Vice-Admiral in a British Possession or any place therein the Governor of the Possession shall be *ex officio* Vice-Admiral thereof:

And whereas there is not a formally appointed Vice-Admiral in the State of Victoria:

Now therefore I, Sir Winston Joseph Dugan, the Vice-Admiral for the time being of Victoria, being satisfied thereof by information received by me, do hereby proclaim that war has broken out between His Majesty the King and Germany.

Given under my Hand and Seal, at Government House, Melbourne, this fifth day of September, in the year of our Lord One thousand nine hundred and thirty-nine, and in the third year of the reign of His Majesty King George VI.

(L.S.)

WINSTON DUGAN.

By His Excellency's Command,

A. A. DUNSTAN.

GOD SAVE THE KING!

By Authority: T. RIDER, Government Printer, Melbourne.

