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[1939

Factories and Shops Acts.

DETERMINATION OF THE MOTOR DRIVERS BOARD.

Adjusted pursuant to section 21 of the *Factories and Shops Act 1934* (No. 4275).

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

I, FRANCIS ANTHONY MARZORINI, in pursuance of the powers contained in the *Factories and Shops Acts* and in consequence of the provisions contained in a determination made on the 29th August, 1938, by the Motor Drivers Board, and published in the *Government Gazette* on the 16th September, 1938, hereby issue an adjusted determination showing the adjusted wages rates to be paid to any persons employed—

- (1) driving mechanically-propelled vehicles hired or plying for hire;
- (2) cleaning or attending to the running requirements (not including repairs) of mechanically-propelled vehicles which are—
 - (a) hired, plying for hire, or used in connexion with a trade or business;
 - (b) stalled in a public garage or in an engineer's workshop;
 - (c) as conductors in connexion with mechanically-propelled passenger vehicles hired or plying for hire.

(1) The adjusted rates herein shall be paid as from the beginning of the first pay period to commence in December, 1939.

(2) APPRENTICES OR IMPROVERS.

Apprentices.					Improvers.							
WAGES.					WAGES.							
					Per week of 48 hours.							
					s. d.							
1st year's experience	18	9	1st year's experience	24	3
2nd "	"	"	"	"	24	3	2nd "	"	"	"	30	3
3rd "	"	"	"	"	30	3	3rd "	"	"	"	41	6
4th "	"	"	"	"	36	0	4th "	"	"	"	47	6
and thereafter the minimum wage.					and thereafter the minimum wage.							
PROPORTION.					PROPORTION.							
One apprentice to every three or fraction of three workers receiving not less than the minimum wage.					One improver to every seven or fraction of seven workers receiving not less than the minimum wage.							

OTHER EMPLOYEES.

	"A."	"B."	"C."	"D."	Per Week of—
	Operating exclusively within the Metropolitan District.	Operating to or from a terminal within the Metropolitan District to or from a terminal outside such District but which is not more than 13 miles from the G.P.O., Melbourne.	Operating to or from a terminal within the Metropolitan District to or from a terminal outside such District but which is more than 13 miles from the G.P.O., Melbourne.	Operating in all other parts of Victoria.	
<i>Vehicles Engaged on Regular Services.</i>					
Drivers of motor cars (including motor omnibuses, motor coaches, and charabancs) engaged on regular services—	<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>	Hrs.
In which the licensed passenger seating capacity exceeds 19 persons	103 0	103 0	..	98 0	48
In which the licensed passenger seating capacity exceeds 14 but does not exceed 19 persons ..	99 6	99 6	..	94 6	48
In which the licensed passenger seating capacity exceeds 7 but does not exceed 14 persons ..	95 6	95 6	92 6	90 6	48
In which the licensed passenger seating capacity does not exceed 7 persons	93 6	93 6	90 6	88 6	48
In which the licensed passenger seating capacity exceeds 22 persons .. .. .	..	..	96 6	..	48
In which the licensed passenger seating capacity exceeds 14 but does not exceed 22 persons ..	..	..	94 6	..	48
<i>Vehicles Not Engaged on Regular Services.</i>					
Drivers of motor cars (including motor omnibuses, motor coaches, and charabancs) not engaged on regular services—					
In which the licensed passenger seating capacity exceeds 22 persons	96 6	..	..	91 6	48
In which the licensed passenger seating capacity exceeds 14 but does not exceed 22 persons ..	94 6	..	..	89 6	48
In which the licensed passenger seating capacity exceeds 7 but does not exceed 14 persons ..	92 6	..	..	87 6	48
In which the licensed passenger seating capacity does not exceed 7 persons and the vehicle plies for public hire upon the street	89 6	..	..	84 6	48
All other drivers	87 0	87 0	87 0	82 0	48
<i>Other Employees.</i>					
Conductors (including females)	90 6	90 6	90 6	85 6	48
Greasers	88 6	..	..	83 6	46
Cleaners	85 0	..	..	80 0	46
All others—					
Males	85 0	..	..	80 0	48
Females	49 0	..	..	43 6	48

Where a vehicle with licensed passenger seating capacity exceeding 7 persons is engaged on regular service within the area or on any of the routes referred to in Columns "A," "B," and "D" of this clause and the driver is required to collect fares and/or give change, he shall be paid 3d. an hour or part thereof with a minimum of 1s. a day and a maximum of 1s. 6d. a day of 8 hours and for each additional hour beyond 8, 3d.

(3) HOURS OF WORK.—The number of hours to be worked in any day shall be eight with a break of not more than one hour for a meal. In the case of persons provided for in column "C" of clause (2) hereof, the eight hours may be worked inclusive of meal time within a continuous period of 10½ hours from the commencement of the shift.

(4) OVERTIME.—(a) For all work done in excess of eight hours in any day by drivers provided for in columns "A," "B," and "D" of clause (2) hereof when driving vehicles not engaged on regular services—

- For the first two hours Ordinary rate.
- For the next three hours Time and a quarter.
- Thereafter Time and a half.

(b) For all work done after the expiration of 10½ hours from the commencement of their shift by drivers provided for in column "C" of clause (2) hereof—

- For the first two hours Time and a quarter.
- Thereafter Time and a half.

(c) By all other employees in excess of eight hours in any day—

- For the first four hours Time and a quarter.
- Thereafter Time and a half.

(5) ANNUAL HOLIDAYS.—Employees who have been in the service of an employer for a period of not less than twelve months shall be granted the following holidays in each year on full pay:—

- (a) Drivers of motor cars (including motor omnibuses, motor coaches, and charabancs) engaged on regular services 12 days.
- (b) All other employees 6 days

Should any employee be dismissed or leave his employment prior to completing a full year's service with that employer, he shall be entitled to a proportionate holiday calculated on a quarterly basis as follows:—

- | | | | |
|---|----|----|--|
| (i) For 13 and not more than 26 weeks' service | .. | .. | One-quarter of the prescribed annual holiday. |
| (ii) For more than 26 and not more than 39 weeks' service | .. | .. | One-half of the prescribed annual holiday. |
| (iii) For more than 39 and less than 52 weeks' service | .. | .. | Three-quarters of the prescribed annual holiday. |

or he shall be paid a sum corresponding to the number of holidays to which he is entitled under this clause, calculated on the average of his weekly earnings during the preceding four weeks. Except as otherwise provided herein, holidays shall be allowed and taken within three months of the completion of each twelve months of service.

(6) **SPECIAL RATES.**—Time and a quarter shall be the special rate for all work done on Christmas Day, Boxing Day, Show Day, New Year's Day, Australia Day, Anzac Day, Good Friday, Easter Monday, Labour Day, and King's Birthday; but if any other day be by Act of Parliament or Proclamation substituted for any of the above-named holidays, the special rate shall only be payable for work done on the day so substituted.

(7) **CASUAL EMPLOYMENT.**—Any employee who contracts for less than a week's work shall be paid for the first 21 hours at the rate of time and a third, and for every hour thereafter ordinary time.

Provided that an employee who completes the full number of hours prescribed for an ordinary week's work shall not receive more than the ordinary rate prescribed for that week, in addition to any overtime to which he may be entitled under clause (4) hereof.

Provided further that an employee starting work under this clause shall be entitled to a minimum of four hours' consecutive work or to four hours' pay for the job.

(8) **NIGHT SHIFT.**—Employees (other than drivers and conductors) working between the hours of 8 p.m. and 7 a.m. shall be paid 3d. per hour extra with a maximum of 1s. a shift, and a maximum of 4s. a week.

(9) **MEAL TIME.**—(a) A driver not engaged on regular services who is not given a meal time within five hours of commencing duty shall have such meal time taken off at the end of his shift.

(b) A driver of a regular service vehicle shall have time off for a meal within five hours of commencing duty.

(10) **MIXED FUNCTIONS.**—An employee engaged for more than half of one day or shift on duties carrying a higher rate than his ordinary classification, shall be paid the higher rate for such day or shift. If for less than half of one day or shift, he shall be paid the higher rate for the time so worked.

(11) **TIME BOOKS.**—(a) Each employer shall at the garage or yard at or from or in connexion with which the employee works or at an office convenient thereto, keep a record or time book showing the name of each employee working under this determination, in which shall be entered the time of starting and finishing work each day.

(b) The age of each employee receiving less than the adult wage shall be entered in the record or time book.

(c) Such record or time book shall on demand be produced by the employer for inspection to an official of the Motor Transport and Chauffeurs' Association of Australia duly authorized in writing by the president and secretary of the local branch or sub-branch of such organization, at the place where the record or time book is kept between the hours of 10 a.m. and noon on any day between the 1st and 27th inclusive in each calendar month, except on pay day or the day before.

In the case of the first inspection, seven days' notice shall be given to the employer of the intended inspection, and in the case of any subsequent inspection, one day's notice shall be given.

(d) Provided that an employer may at his option, in lieu of a time book, provide a mechanical clock for the purpose of recording the time of each employee.

(e) Where an employee performs work for which a special rate is provided, a record of such work and the nature of the same shall be recorded in the time book or equivalent record.

(12) **DEFINITION.**—Distance is to be measured in a straight line.

F. A. MARZORINI,

Secretary for Labour.

Melbourne, 6th November, 1939.

