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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 22nd February, 1940, by the Motor Drivers Board, and published in the *Government Gazette* on the 14th March, 1940, 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 May, 1940.

(2) APPRENTICES OR IMPROVERS.

Apprentices.					Improvers.					
Wages per Week.										
<i>s. d.</i>										
1st year's experience	..	..	..	..	19	0	(a) Improvers employed as drivers of vehicles in which passengers are being conveyed—		
2nd "	"	"	"	"	25	0	1st year's experience as such	66s.	per week	
3rd "	"	"	"	"	31	3	Thereafter	..	..
4th "	"	"	"	"	37	0	The rate provided in Clause (2) "Other Employees" for the class of vehicle driven			
And thereafter the minimum wage.					(b) Other Improvers—					
PROPORTION.					Wages per Week.					
One apprentice to every three or fraction of three workers receiving not less than the minimum wage.					Commencing Age—					
					<i>s. d.</i>					
					17 years or under.	18 years.	19 years.	20 years.		
					<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>		
					25	0	31	3	42	6
					31	3	42	6	48	6
					42	6	48	6		
					48	6				
					And thereafter the minimum wage.					
PROPORTION.										
One improver to every seven or fraction of seven workers receiving not less than the minimum wage.										

OTHER EMPLOYEES.

Table with columns for 'A' and 'B' categories. Category 'A' includes employees operating exclusively within a radius of 13 miles of the General Post Office, Melbourne. Category 'B' includes employees operating exclusively outside a radius of 13 miles of the General Post Office, Melbourne, or operating partly within and partly outside such radius. The table lists various roles and their counts in s. d. format, including Drivers of motor cars engaged on regular services, Drivers of motor cars not engaged on regular services, and Conductors, Greasers, Cleaners, and All others (Males and Females).

(3) ALLOWANCES.—(a) Where a vehicle with licensed passenger seating capacity exceeding seven persons is engaged on regular service within the area referred to in Column "A" of Clause (2) 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 eight hours and for each additional hour beyond eight, 3d. in addition to any other amounts to which he may be entitled under this Determination.

(b) When a vehicle engaged on regular service within the area referred to in Column "B" of Clause (2) carries parcels or goods (other than articles of passengers personal luggage) and/or if the driver of such a vehicle is required to collect fares such driver shall receive an allowance of 6d. per day or part of a day in addition to any amounts to which he may be entitled under this Determination.

(c) Any employee whose employment may necessitate his being absent from his home and his being unable to conveniently return to such home on any day, shall receive a minimum of a full day's pay for each day he is so absent plus an allowance to cover the cost of his board and lodging.

(4) HOURS OF WORK.—The ordinary hours for a week's work shall be—

- (a) For drivers of vehicles on regular services, greasers, and/or cleaners ... 44 hours.
(b) For all employees other than those provided for in sub-clause (a) ... 48 hours.

Ordinary daily hours shall be as hereinafter provided. Notwithstanding any condition therein, a driver not engaged on regular services who is not given a meal time within five hours of commencing duty, shall have the daily hours of work and spread of hours as provided in sub-clauses (i) and (ii) hereof reduced by one hour, and a driver of a regular service vehicle shall have time off for a meal within five hours of commencing duty.

The ordinary daily hours for employees (except drivers of vehicles on regular services, greasers, and/or cleaners) shall be eight hours. The ordinary daily hours of drivers of vehicles on regular services, greasers, and/or cleaners may be fixed by mutual agreement between an employer and his employees concerned, provided that in no case shall the ordinary hours of a week's work be extended.

Subject to sub-clause (i) and (ii) hereof the hours of a day's work as hereinbefore provided shall be continuous—

- (i) Within a daily spread of nine hours, employees (other than casual employees) working in the area defined in Column "A" of Clause (2) may be required to have a meal period not exceeding one hour, and employees (other than casual employees) working in the area as defined in Column "B" of Clause (2) may within a daily spread of ten and a half hours be required to have a meal period not exceeding two and a half hours.

- (ii) Casual employees working within a daily spread of nine hours in the area provided for in Column "A" of Clause (2) may be required to take a meal period not exceeding one-half hour if employed not less than four hours, and less than eight hours, but if employed for eight hours or more, may be required to take a meal interval not exceeding one hour.

Casual employees working within a daily spread of ten and a half hours in the area provided for in Column "B" of Clause (2) hereof may be required to take a meal period not exceeding one-half hour if employed not less than four hours and less than eight hours, but if employed for eight hours or more, may be required to take a meal interval not exceeding two and a half hours.

(5) OVERTIME.—Overtime shall be paid for as follows:—

- (a) For drivers of vehicles on regular services, greasers, and/or cleaners—
(i) In excess of the hours for a day's work agreed upon between an employer and his employees ... For the first four hours ... Time and a quarter ... Thereafter ... Time and a half
(ii) Outside the daily spread of hours ...
(iii) In excess of 44 hours in any week ...
(b) For drivers of vehicles not engaged on regular services—
(i) In excess of eight hours on any day ... For the first two hours ... Ordinary rates ... For the next two hours ... Time and a quarter ... Thereafter ... Time and a half
(ii) Outside the daily spread of hours ...
(c) For employees other than those provided for in sub-clauses (a) and (b)—
(i) In excess of eight hours on any day ... For the first four hours ... Time and a quarter ... Thereafter ... Time and a half
(ii) Outside the daily spread of hours ...

(6) **CONTRACT OF EMPLOYMENT.**—An employee shall be engaged either as a weekly employee or as a casual employee. Unless he is specifically engaged as a casual employee he shall be deemed to be and shall be paid as a weekly employee and shall receive for work done in any week, at least, the rate provided in Clause (2) hereof for the class of work he is required to do. An employee engaged at the beginning of a week or during a week shall not have his contract of employment as herein provided varied until the end of such week.

A casual employee shall receive a minimum of three hours' work or payment for same for each start at work on any day.

A start at work shall mean the commencement of work for the day and each resumption of work after a break on any day except a break for a meal interval as provided in Clause (4) (ii) hereof. For the first three hours after any start at work on any day a casual employee shall receive a pro rata payment based on the weekly hours provided in Clause (4) sub-clauses (a) and (b), and the rate provided in Clause (2) for the class of work done plus 3½ per cent.

For all work done in excess of three hours after any start at work on any day he shall receive a pro rata payment based on the weekly hours provided in Clause (4), sub-clauses (a) and (b), and the rate provided in Clause (2) for the class of work done.

Casual employees shall be booked off at the place where they were engaged for work.

Drivers of vehicles engaged on regular services shall receive two full days off within each fortnight. A fortnight shall be deemed to commence at midnight on a Saturday and to finish at midnight on the 2nd Saturday thereafter.

(7) **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.

(8) **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.

(9) **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.

(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.**—A vehicle on regular service shall mean a vehicle which travels to a regular fixed schedule of times between two fixed points and which does not require any specified number of passengers before a scheduled trip is undertaken.

NOTE.—Under section 233 of the Factories and Shops Acts any person who is guilty of a contravention of any clause of this Determination shall be liable to penalties as follows :—

For the first offence, not more than ten pounds.

For the second offence, not less than five pounds nor more than twenty-five pounds.

For the third or any subsequent offence, not less than fifty nor more than one hundred pounds.

In addition, the Court may award arrears of wages as provided in Clause 237 of the same Acts.

J. A. MARZORINI,
Secretary for Labour.

Melbourne, 23rd April 1940.

