



VICTORIA GOVERNMENT GAZETTE.

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FRIDAY, APRIL 18.

[1941

Factories and Shops Acts.

DETERMINATION OF THE GARDEN EMPLOYEES BOARD.

NOTE.—(1) This Determination applies to the Metropolitan District as defined in the *Factories and Shops Act 1928* (No. 3677) and the Order in Council thereunder; such portions of the city of Sandringham as are not within the said district; and the cities of Ballarat, Bendigo, Geelong, Mordialloc, and Warrnambool.

(2) By Order in Council dated the 18th February, 1941, the Entertainment Employees (non-performers) Board was deprived of the power to determine the lowest prices or rates which may be paid to persons employed in the maintenance of grounds used in the business of conducting for private gain outdoor entertainments, outdoor shows, outdoor sports meetings, or outdoor amusements of any kind, and such power was conferred exclusively on the Garden Employees Board.

IN accordance with the provisions of the Factories and Shops Acts, the Wages Board which since the 18th February, 1941, has had the power to "determine the lowest prices or rates which may be paid to any person or persons or classes of persons (other than persons subject to the jurisdiction of any Board heretofore appointed) employed—

(1) As gardeners or gardeners' labourers—

- (a) by a master gardener other than a market gardener;
- (b) in connexion with the laying-out, cultivation, or keeping in order of gardens in connexion with private houses, guest houses, flats, factories, or registered schools;
- (c) in the laying out, cultivation, or keeping in order of a garden or lawn in connexion with a racecourse;
- (d) in the laying out, cultivation, or keeping in order of a garden, lawn, fairway, or green in connexion with any golf links or putting green;
- (e) in the laying out, cultivation, or keeping in order of a bowling green or tennis court or of a garden connected therewith."

(2) AT WORK CONNECTED WITH OR INCIDENTAL TO—

- (a) The construction or maintenance of private paths and drives or of ornamental features such as rockeries, &c.;
- (b) The construction or maintenance or keeping in order of brick dust or porous tennis courts;
- (c) The construction, formation, maintenance, or keeping in order of grounds or enclosures used in the business of conducting for gain outdoor entertainments, outdoor shows, outdoor sports meetings, or outdoor amusements of any kind."

has made the following Determination, namely:—

(1) That on the 10th April, 1941, the last previous Determination of this Board shall be revoked and replaced by this Determination.

(2)

Apprentices or Improvers.			Other Employees.			
	Wages per week of 44 hours.			Wages per Hour.	Wages per Week.*	Hours per Week.
	s.	d.		s. d.	s. d.	
15 years of age or under	..	21 9	(a) Persons employed as gardeners or gardener's labourers by a master gardener—			
16 years of age	..	24 6	Foremen gardeners in charge of two or more employees	2 7	113 8	} 44
17 years of age	..	27 3	Gardeners†	2 3½	100 10	
18 years of age	..	38 9	Gardeners' labourers	2 1½	94 5	
19 years of age	..	46 6	(b) Persons (other than master gardeners' employees) employed as gardeners or gardeners' labourers in connexion with the laying out, cultivation, or keeping in order of gardens in connexion with private houses, guest houses, flats, factories, or registered schools—			
20 years of age	..	55 3	(1) Employed on Jobbing Work—			
			Gardeners†	2 3½	100 10	} 44
			Gardeners' labourers	2 0	88 0	
			(2) All others—			
			Foremen gardeners in charge of two or more employees	2 6	110 0	} 44
			Gardeners†	2 1	91 8	
			Gardeners' labourers	2 0	88 0	
			(c) Persons employed as gardeners or gardeners' labourers in the laying out, cultivation, or keeping in order of a garden or lawn in connexion with a racecourse—			
			Foremen gardeners in charge of two or more employees	2 6	110 0	} 44
			Gardeners†	2 1	91 8	
			Gardeners' labourers	2 0	88 0	

PROPORTION (WITHIN ANY PLACE).

One apprentice to every three or fraction of three workers receiving not less than the minimum wage.

One improver to every three or fraction of three workers receiving not less than the minimum wage.

JUVENILE WORKERS, i.e., persons (other than Apprentices or Improvers) employed on golf links in the filling of divot holes or weeding fairways or greens—

	Wages per week of 44 hours.	
	s.	d.
15 years of age and under	..	21 9
16 years of age	..	24 6
17 years of age	..	27 3

* Except in the case of an apprentice, improver, or juvenile worker the minimum wage where the employer boards and lodges the employee shall be 25s. per week less. † See clause 17—Definitions.

Apprentices or Improvers.	Other Employees.			
Wages per week of 44 hours.		Wages per Hour.	Wages per Week.*	Hours per Week.
	(d) Persons employed in the laying out, cultivation, or keeping in order of a garden, lawn, fairway, or green, in connexion with a golf links or putting green .. Provided that any adult employee on racecourses or golf links whose regular duty it is to attend, maintain, adjust and/or operate motor mowers shall receive an additional amount of 5s. per week.	2 1	91 8	44
	(e) Persons employed as gardeners or gardeners' labourers in the laying out, cultivation, or keeping in order of a bowling green or tennis court, or of a garden connected therewith— Greenkeeper Greenkeeper's assistant	2 1 2 0	} See clause 19— 44 hours.
	(f) Persons employed in the construction or maintenance of private paths and drives or of ornamental features such as rockeries, rock walls, and pools, &c.— Foremen All others	2 7 2 3½	113 8 100 10	} 44
	(g) Persons employed in the construction or maintenance or keeping in order of brick dust or porous tennis courts— On construction work On maintenance work	2 3½ 2 0	100 10 88 0	} 44
	(h) Persons not otherwise provided for employed in the construction, formation, maintenance or keeping in order of grounds or enclosures used in the business of conducting for gain outdoor entertainments, outdoor shows, outdoor sports meetings, or outdoor amusements of any kind— (i) On racecourses and other sporting enclosures .. (ii) At any other place— On construction work On maintenance work	2 1 2 3½ 2 0	91 8 100 10 88 0	44 } 44

* Except in the case of an apprentice, improver, or juvenile worker the minimum wage where the employer boards and lodges the employee shall be 25s. per week less. † See clause 17—Definitions.

PROVISIONS APPLICABLE TO PERSONS OTHER THAN GREENKEEPERS OR GREENKEEPERS' ASSISTANTS EMPLOYED IN CONNEXION WITH BOWLING GREENS OR TENNIS COURTS.

(3) TIME OF BEGINNING AND ENDING WORK.—For all persons other than those engaged solely at watering—

Golf links or racecourses—

Time of beginning, not earlier than—

7.30 a.m. 12 noon on Saturday (or the day on which the half-holiday is locally observed).
7.30 a.m. 6 p.m. on the other working days of the week.

Time of ending Work, not later than—

Any other place—

7.30 a.m. 6 p.m. on Monday, Tuesday, Wednesday, Thursday, Friday, or Saturday.

(4) OVERTIME.—The following rates shall be paid for overtime—

Persons engaged solely at watering—

(a) On golf courses .. For all work in excess of 8 hours per day on Monday, Tuesday, Wednesday, Thursday, Friday, and 4 hours on Saturday ..
(b) Any other place .. For all work done in excess of the maximum number of hours fixed as a week's work ..

Time and a half for the first two hours and thereafter double time.

All others—

For all work outside the times of beginning and ending work ..
For all work done in any week within the times of beginning and ending work, in excess of the maximum number of hours fixed as a week's work ..

(5) EXTRA RATE.—For all time worked between the hours of 5 p.m. and 7 a.m., an employee engaged at watering shall be paid 1s. extra for each period so worked.

(6) SPECIAL RATES.—For all work done on Sundays and the under-mentioned holidays by persons other than those provided for in Clause 7, the rates shall be:—

Sundays	Persons employed on golf courses (other than those employed at watering or wiping greens)	Double time.
	All others	Time and a half.
New Year's Day, Australia Day, Labour Day, Good Friday, Easter Monday, Anzac Day, Melbourne Cup Day, Christmas Day, and Boxing Day	All persons	Time and a half.

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) HOLIDAYS.—Except as provided in Clause 18 hereunder, all persons shall be entitled to the following holidays without deduction of pay:—New Year's Day, Australia Day, Labour Day, Good Friday, Easter Monday, Anzac Day, Melbourne Cup Day, Christmas Day, and Boxing Day.

Provided that if an employee works on any one of such days he shall receive, in addition to his ordinary pay, one and a half day's holiday on full pay or one and a half day's pay in lieu thereof.

(8) PAYMENT OF WAGES.—Except by agreement to the contrary between employer and employee, payment of wages shall be made not later than 4 p.m. on Thursday in each week.

(9) TERMINATION OF EMPLOYMENT.—Except as provided in Clause 18 hereunder, seven days' notice of termination of employment shall be given by either employer or employee.

(10) **ANNUAL LEAVE.**—Except as provided in Clause 18 hereunder, any employee who has been in the service of any one employer for a period of not less than twelve months shall be granted two weeks' holiday (exclusive of the holidays mentioned in Clause 7) in each year on full pay, and such holiday shall be given within three months of the completion of twelve months' service.

In the event of termination of employment during any such period, then the employee shall be given one day's holiday for each one month's service or be paid in lieu thereof.

(11) **SICK LEAVE.**—(a) If the absence from duty of an employee be reasonable because of his own illness, and he produces to the employer satisfactory evidence thereof by medical certificate or otherwise, no deduction shall be made in respect of such absence except so far as it exceeds in the aggregate four days during any one year of employment or a proportionately less time during any shorter period of the employment.

(b) If the full period of leave as prescribed above is not taken in any year, such portion as is not taken shall be cumulative from year to year up to a period not exceeding 16 days which shall be the maximum amount of leave to which an employee may be entitled in any year without deduction of pay.

The provisions of this clause shall apply in respect to all persons other than those specified in Clause 18 hereunder, or those who have not been in the employment for three months.

(12) Except as provided in Clause 18 hereunder, every employee shall indelibly record daily his correct time of work in a book which shall be furnished by the employer. Such time-book shall be produced for inspection during reasonable hours to the Secretary of the Australian Workers' Union or any official thereof duly authorized in writing by the President or Secretary of the local branch or sub-branch of the Union.

(13) **RIGHT TO INTERVIEW EMPLOYEES.**—During the meal interval, and not more than once a fortnight, a duly accredited official of the Australian Workers' Union, authorized in writing by the President or Secretary of the Victorian Branch of such organization, shall have the right to interview any person covered by this Determination at his place of employment on legitimate union business, and shall be permitted to inspect the conditions relating to the persons employed thereat.

(14) **GUM BOOTS AND OVERALLS.**—(a) Employees engaged at watering on golf courses or racecourses shall be provided with gum boots by the employer free of cost.

(b) Employees engaged in spraying or in the distributing of fertilizer on golf courses or racecourses shall be provided with overalls by the employer free of cost.

(15) **FIRST-AID OUTFIT.**—The employer shall provide a first-aid outfit consisting of bandages, antiseptics, and sticking plaster at all places where four or more persons are employed.

(16) **BICYCLE ALLOWANCE.**—Where an employee is instructed by the employer or his representative to use his own bicycle in the course of his duties, and does so use his own bicycle, he shall be paid 1s. per week in addition to his ordinary wage.

(17) **DEFINITIONS.**—For the purposes of this Determination a gardener shall be defined as a person engaged in the pruning of roses or fruit trees; or in the trimming of a hedge with hedge clippers or shears; or in designing or supervising the laying out of a garden, or in budding, propagating, grafting, planting, or potting.

Jobbing Work shall mean work which is performed by a person who goes from job to job in the ordinary course of his employment during the week.

(18) **EXCEPTIONS.**—The provisions of Clauses 7, 9, 10, 11, and 12 of this Determination shall not apply in respect of the following employees:—

- (a) Gardeners or gardeners' labourers employed by a master gardener;
- (b) Persons employed in the construction or maintenance of private paths and drives or of ornamental features such as rockeries, &c.;
- (c) Construction workers as prescribed;
- (d) All persons who are usually employed for less than the number of hours fixed as a week's work.

PROVISIONS APPLICABLE TO GREENKEEPERS OR GREENKEEPERS' ASSISTANTS EMPLOYED IN CONNEXION WITH BOWLING GREENS OR TENNIS COURTS.

(19) **HOURS.**—The hours of work shall be 176 for each period of four (4) weeks.

(20) **OVERTIME.**—All time worked in excess of 176 hours in each period of four weeks shall be paid for at the rate of time and a third.

(21) **SPECIAL RATES.**—The special rate payable for all work done on Sunday, Christmas Day, Anzac Day, and the weekly holiday as provided hereunder shall be as follows:—

For watering	Time and a half.
For all other work	Double time.

(22) **EXTRA RATE.**—For all time worked between the hours of 5 p.m. and 7 a.m., an employee engaged at watering shall be paid 1s. extra for each period so worked.

(23) **HOLIDAYS.**—The following holidays shall be granted without deduction of pay:—Christmas Day, Anzac Day, and Thursday afternoon in each week or such other half day in lieu thereof as may be agreed upon by the employer and the employee.

24. **ANNUAL LEAVE.**—Employees shall receive two weeks' annual leave on full pay for each twelve months' service. In the event of termination of employment during any such period then the employer shall be given one day's holiday for each month of service or be paid in lieu thereof.

(25) **SICK LEAVE.**—(a) If the absence from duty of an employee be reasonable because of his own illness, and he produces to the employer satisfactory evidence thereof by medical certificate or otherwise, no deduction shall be made in respect of such absence except so far as it exceeds in the aggregate four days during any one year of employment or a proportionately less time during any shorter period of the employment. Provided that this sub-clause shall not apply to any employee who has not been in the employment for three months.

(b) If the full period of leave as prescribed above is not taken in any year, such portion as is not taken shall be cumulative from year to year up to a period not exceeding sixteen days which shall be the maximum amount of leave to which an employee may be entitled in any year without deduction of pay.

(26) **PAYMENT OF WAGES.**—Except by agreement to the contrary between employer and employee, payment of wages shall be made not later than 4 p.m. on Thursday in each week.

(27) **TIME BOOK.**—Every employee shall indelibly record daily his correct times of work in a book which shall be furnished by the employer. Such time book shall be produced for inspection during reasonable hours to the Secretary of the Australian Workers' Union or any official thereof duly authorized in writing by the President or Secretary of the local branch or sub-branch of the Union.

(28) **GUM BOOTS AND OVERALLS.**—(a) Employees engaged at watering shall be provided with gum boots by the employer free of cost.

(b) Employees engaged in spraying or in the distributing of fertilizer shall be provided with overalls by the employer free of cost.

(29) **FIRST-AID OUTFIT.**—The employer shall provide a first-aid outfit consisting of bandages, antiseptics, and sticking plaster at all places where four or more persons are employed.

(30) **TERMINATION OF EMPLOYMENT.**—Seven days' notice of termination of employment shall be given by either employer or employee.

(31) PERIODICAL ADJUSTMENT OF WAGES.—The wages rates set out in clause (2) are based upon the following basic wage and pursuant to and in accordance with the provisions of section 21 of the *Factories and Shops Act* 1934, the Board hereby determines that such rate shall be automatically increased or decreased by the same amount, and at the same time as such basic wage. Provided that the wages of apprentices and improvers shall be adjusted proportionately to adjustments of the basic wage, such adjustments to be to the nearest 3d., half or less than half of 3d. to be disregarded.

The basic wage shown hereunder shall be adjusted as prescribed in clause 32.

Basic Wage.

Place.	Basic Wage.	Additional Constant Loading.	Index Number Set Assigned.
	£ s. d.	s. d.	
Within the area to which this Determination applies	4 0 0	6 0	Melbourne

(32) ADJUSTMENT OF BASIC WAGE.—(a) Until the beginning of the first pay period to commence in May, 1941, the amount of the basic wage shall be as prescribed in clause (31).

(b) 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 according to the position and fluctuations (if any) of the Commonwealth Statisticians' "All Items" retail price index numbers.

For the purposes of this Determination the expression "Commonwealth Statistician's 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:—

- (1) The index number set to be applied to a place is that assigned to Melbourne.
- (2) The index number for the calendar quarter next preceding the period of thirteen weeks for which the adjustment is made is to be ascertained.
- (3) The amount assigned in the following table (or in any extension thereof) to the index number division comprising that number is to be ascertained.
- (4) The basic wage shall be of that assigned amount during such successive period plus the additional constant loading as prescribed in clause 31.

Index Number Divisions.	Basic Wage.	Index Number Divisions.	Basic Wage.
	£ s. d.		£ s. d.
735-746	3 0 0	908-919	3 14 0
747-759	3 1 0	920-932	3 15 0
760-771	3 3 0	933-944	3 16 0
772-783	3 3 0	945-956	3 17 0
784-796	3 4 0	957-969	3 18 0
797-808	3 5 0	970-981	3 19 0
809-820	3 6 0	982-993	4 0 0
821-833	3 7 0	994-1006	4 1 0
834-845	3 8 0	1007-1018	4 2 0
846-858	3 9 0	1019-1030	4 3 0
859-870	3 10 0	1031-1043	4 4 0
871-882	3 11 0	1044-1055	4 5 0
883-895	3 12 0	1056-1067	4 6 0
896-907	3 13 0		

H. L. JACKSON, P.M., Chairman.

GEO. E. PARR, Secretary.

Melbourne, 25th March, 1941.