



VICTORIA GOVERNMENT GAZETTE.

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[1942

Factories and Shops Acts.

DETERMINATION OF THE BOOT BOARD.

NOTE.—(1) This Determination applies to the whole of the State of Victoria.

(2) Clicking, stuff cutting, making, and finishing were proclaimed on 13th January, 1932, as Apprenticeship Trades under the *Apprenticeship Act 1928* for the Metropolitan District.

Full particulars of the Apprenticeship Regulations for these trades may be obtained on application to the Secretary, Apprenticeship Commission, Geological Museum Buildings, Gisborne-street, Melbourne (price 3d.).

IN accordance with the provisions of the Factories and Shops Acts, the Wages Board which since the nineteenth day of May, 1936, has had the power to "determine the lowest prices or rates which may be paid to any person—

(a) wholly or partly preparing or manufacturing, either inside or outside a factory, boots, shoes, or slippers of every description;
(b) designing or cutting patterns of boots, shoes, or slippers from metal or any other material"—
has made the following Determination, namely:—

(1) That on the 29th May, 1942, the adjusted Determination which came into force as from the beginning of the first pay period to commence in May, 1942, shall be revoked and replaced by this Determination.

APPRENTICES AND IMPROVERS.

(2) MALES*—Apprentices. Wages per Week of 44 Hours.

	Commencing Age.			
	Under 16 years.	16 years.	17 years.	18 years or over.
	s. d.	s. d.	s. d.	s. d.
1st year's experience—				
1st six months ..	20 0	25 0	30 0	40 0
2nd six months ..	22 6	27 6	35 0	45 0
2nd year's experience—				
1st six months ..	25 0	30 0	40 0	50 0
2nd six months ..	27 6	35 0	45 0	55 0
3rd year's experience—				
1st six months ..	30 0	40 0	50 0	65 0
2nd six months ..	35 0	45 0	55 0	70 0
4th year's experience—				
1st six months ..	40 0	50 0	65 0	Minimum wage
2nd six months ..	45 0	55 0	70 0	
5th year's experience—				
1st six months ..	50 0	65 0	Minimum wage	
2nd six months ..	55 0	70 0		
6th year's experience—				
1st six months ..	65 0	Minimum wage		
2nd six months ..	70 0			
Thereafter ..		Minimum wage		

Experience for the purpose of this Clause means actual experience whether as an apprentice or otherwise.

Proportion.

(In any factory or place.)

An employer shall not employ male apprentices in excess of the proportion of one male apprentice to every three male workers or fraction thereof receiving wage rates or earning at piece work prices not less than the minimum hourly wage for adult males. Such proportion shall be based on the average number of workers employed during the previous six months receiving wage rates or earning at piece work prices not less than the minimum hourly wage for adult males.

An amended indenture of apprenticeship has been prescribed by the Board.

See Clause (7) for wages and proportion of unapprenticed Junior Workers.

* Wages of apprentices and improvers in the Metropolitan District are regulated by the Apprenticeship Commission. See Note 2 above.
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(3) FEMALES—Improvers.

Females employed clicking, designing, or cutting patterns, stuff cutting, stuff fitting, or preparing for makers, or making or finishing, including the following operations in the making of slippers:—Turning, bottom levelling, wood heeling, blocking, steaming, and ironing on the last, irrespective of age or experience shall be paid the same rates as are paid to adult males on the same class of work.

Females employed attaching uppers to soles of shoes, known as or similar to the Sahara Sandal, or interlacing material of the uppers on the last or attaching such uppers to the soles of shoes known as Basket Shoes or any shoe similar thereto shall be paid the same rates as are paid to adult males on the same class of work.

Apprentices and all other improvers†—		Wages per week of 44 hours.
		s. d.
1st six month's experience ..	..	20 0
2nd ..	..	22 6
3rd ..	..	25 6
4th ..	..	29 0
5th ..	..	33 0
6th ..	..	37 6
7th ..	..	42 6
8th ..	..	48 0

Thereafter not less than the minimum wage for adult females.

Proportion.

(In any factory or place.)

One female apprentice to every three or fraction of three female workers employed and receiving at wages rates or earning at piece work prices not less than the minimum wage for adult females.

Proportion.

(In any factory or place.)

Three female improvers to each female worker employed and receiving at wages rates or earning at piece work prices not less than the minimum wage for adult females.

Provided that the total number of female apprentices and improvers in any factory or place shall not exceed three to each adult female receiving not less than the minimum wage for adult females.

† Junior females may be employed on the operations set out in paragraphs (c), (d), and (e) of Clause (5) at the above rates.

WAGES—continued.

Other Employees.

(4)	MALES.	Wages per week of 44 hours. s. d.	(5)	FEMALES.
Pattern Cutting—			(a) Females employed clicking, designing, or cutting, patterns, stuff cutting, stuff fitting, or preparing for makers, or finishing, including the following operations in the making of slippers:—Turning, bottom levelling, wood heeling, blocking, steaming, and ironing on the last, irrespective of age or experience shall be paid the same rates as are paid to adult males on the same class of work. (b) Females employed attaching uppers to soles of shoes, known as or similar to the Sahara Sandal, or interlacing material of the uppers on the last or attaching such uppers to the soles of shoes known as Basket Shoes or any shoe similar thereto shall be paid the same rates as are paid to adult males on the same class of work.	
	Pattern Cutters or Designers	120 6		
Clicking—			(c) Females with (i) four years' experience employed on any form of sewing machine 65 6 (ii) any other machine 62 0 (iii) any other work set out in Clause (6) hereof 60 3 (d) Females with four years' experience not otherwise provided for 60 3 (e) Females specified in paragraph (c) hereof shall, when operating a machine with hot or liquid wax, be paid 7s. 6d. per week in addition to their ordinary wage. (f) Females over the age of 21 years with less than the experience hereinbefore mentioned shall for the first twelve months be paid 63s. per week and thereafter the rate prescribed for their occupation.	
	Clicking outsides (other than felt, fabric, sheep's roans or splits)	120 6		
	Clicking felt, linings, fabrics, sheep's roans, splits—			
	By hand	117 6		
	By machine	114 6		
	All others	114 6		
Stuff cutting—				
	Cutting leather outsoles or insoles	117 6		
	Ranging by hand	117 6		
	All others	114 6		
Making—				
	All operatives except those for whom the rates herein—			
	after appearing are prescribed	120 6		
	Operator of bottom levelling machine	114 6		
	Operator of buzzer machine	114 6		
	Operator of loose nailing machine	114 6		
	Levelling by hand	114 6		
	Heeling by hand	114 6		
	Opening channels	114 6		
	Closing channels	114 6		
	Feathering	114 6		
	Turning pumps	114 6		
	Laying linings and shanking	114 6		
	Pulling up backs	114 6		
	Pulling on	114 6		
	Tingling and trimming (hand or machine)	114 6		
	Putting on heels and toe plates	114 6		
	Attaching wood heels by hand	114 6		
	Putting in stiffeners or toes	111 6		
	Putting in bottom fillings and shanks	111 6		
	Slipping off	111 6		
	Pulling out tacks	111 6		
	Stamping and sorting soles	111 6		
	Solutioning or cementing by hand or machine	111 6		
	Putting studs or bars on football boots	111 6		
Finishing—				
	Finishing right through by hand	120 6		
	Operating heel trimmer	120 6		
	Operating edge trimmer	120 6		
	Operating edge setter	120 6		
	Operating heel scourer	120 6		
	Operating Naumkeag machine and/or sandpapering machine	116 6		
	Slipping off	111 6		
	All others	114 6		

(6) FEMALE WORK.—The following classes of work may be performed by female employees at the rates prescribed in clause (5) sub-clause (c) (iii):—

- (a) making cosy slippers with soles of upper leather or other soft material with felt or compo filling (excepting the operation set out in clause (5) (a));
- (b) attaching felt to leather soles by Union Special Machine No. 75B 80,100 or any similar table machine;
- (c) marking, stamping, fitting of uppers, machining of uppers, pasting of uppers, lacing of uppers or preparing slippers for the slipper turn sewing machine;
- (d) ironing off the last;
- (e) soaking;
- (f) pomming;
- (g) attaching ornaments;
- (h) final trimming and boxing;
- (i) cleaning;
- (j) spraying;
- (k) branding;
- (l) final polishing;
- (m) final brushing;
- (n) sizing;
- (o) trecing after boot is finished;
- (p) patent and coloured leather repairing;
- (q) solutioning and covering wood heels;
- (r) skiving or trimming the insides and outsides of uppers (including cut outs);
- (s) interlacing of uppers before or after making (excluding hand made basket shoes);
- (t) making (in all stages) infants' 0s to 6s footwear with soles of upper leather or other soft material;
- (u) preparing toe puffs of material other than crop;
- (v) all work on which females can be employed in the heel and last-making industry.

(7) JUNIOR WORKERS—MALES.—(a) Unapprenticed male juniors may be employed in the following occupations:—Tacking on insoles, putting in stiffeners or toes, putting in bottom fillings and shanks, putting in and slipping lasts, last carrying, last sorting, heel nail feeding, inking edges, solutioning or cementing by hand or machine, inking and colouring (one colour only), rubbing off heels, drawing tacks or nails, soaking and sizing, tacking up stuff (including the cutting and preparation of football studs), putting in followlers, branding or stamping, any other occupation usually performed by females under this Determination.
 (b) The maximum number of unapprenticed male juniors who may be employed in any factory shall not exceed the proportion of one junior to ten or fraction of ten of the average number of male adults employed for the previous six months.
 (c) Unapprenticed male juniors shall be paid the rates provided for apprentices plus 10 per cent.
 (d) Any unapprenticed junior who has had six years' experience in the industry and who has not reached twenty-one years of age shall be paid the adult rate for the class of work he is performing.

(8) **HOURS OF WORK.**—(a) The ordinary hours of work shall not exceed 44 per week to be worked in five days between the hours of 7.30 a.m. and 5.30 p.m. on Monday to Friday inclusive. Provided that this spread of hours may be altered by mutual agreement between an employer and the Australian Boot Trade Employees Federation.

(b) Each employer may fix starting and finishing times for his own factory and such starting and finishing times, when fixed, shall not be altered except on fourteen days' notice to the employees concerned.

(9) **OVERTIME.**—(a) All time worked by an employee before his or her starting time or after his or her finishing time shall be paid for at the rate of time and a half for the first two hours and double time thereafter.

(b) In computing overtime, each day's work shall stand alone.

(c) Junior workers and apprentices shall not work overtime without the approval of the Apprenticeship Commission, unless a proportionate number of adult males or fully experienced females is employed in the respective departments.

(d) Employees called upon to work overtime exceeding one hour shall be allowed at least 30 minutes for a meal, and shall in addition to any overtime payable be allowed 1s. 6d. (1/6) for such meal, provided that in the case of Saturday overtime 1s. 6d. shall be payable only if the work extends beyond the ordinary time for ceasing work for the midday meal.

(10) **MEAL TIME.**—(a) Not less than 30 nor more than 60 minutes, shall be allowed each working day for a midday meal.

(b) An employee shall not work or be worked for more than five hours consecutively without a break for a meal.

(11) **TERMS OF ENGAGEMENT.**—(a) All employees (excepting apprentices) shall be engaged by the hour, and such engagement shall be terminated without notice at any time.

(b) Any employee who has not received on the previous day notice of suspension of work, or that he or she will not be wanted to attend at the factory, shall be paid for half a day, whether worked or not, unless there is a stoppage of work arising from some cause beyond the employer's control.

(c) Employees shall give notice to their employers when they desire to be absent from work except in cases of sickness or emergency beyond their control.

(12) **SUNDAY WORK.**—For work performed on a Sunday treble time shall be paid for a full day, whether such full day is worked or not. Provided that employees engaged in alterations of plant or machinery necessary for resumption of work the next following working day shall be paid for at the rate of time and a half.

NOTE.—Section 8 of the Factories and Shops Act No. 4275 prohibits work on Sundays, but the Minister of Labour may suspend this section in exceptional circumstances.

(13) **HOLIDAYS.**—Double ordinary time shall be paid for all work done on the following nine holidays or the days observed in lieu thereof, viz.:—New Year's Day; Australia Day; Good Friday; Easter Monday; Labour Day; Anzac Day; King's Birthday; Christmas Day; and Boxing Day; provided that within the Metropolitan District Cup Day shall be substituted for King's Birthday.

(14) **PAYMENT OF WAGES.**—(a) Wages shall be paid on Wednesday or Thursday or Friday in each week. Each employer shall fix a pay day, which once fixed shall not be altered unless with the consent of the Australian Boot Trade Employees Federation. Separate pay days for male and female employees may be fixed in any factory.

(b) Not more than one day's wages shall be kept in hand excepting that where a holiday occurs on the actual pay day, the following day may be substituted as pay day.

(c) Any employee working part of a week shall be paid all moneys due on ceasing work for that week.

(d) Where an employee's services are dispensed with, all moneys due shall be paid immediately on the employee ceasing work.

(e) Employees kept waiting more than five minutes for their pay after ceasing work shall be paid at overtime rates for all the time in excess of five minutes they are kept waiting as aforesaid.

(15) **TIME AND WAGES BOOK.**—(a) Each employer shall keep a time and wages book or record, showing the name of each employee, his or her occupation, the hours worked each day and the wages and allowances paid each week.

(b) The time occupied by an employee in filling in time books or cards or in the making of records shall be treated as time of duty, but this does not apply to checking in or out at the beginning or end of duty.

(c) The time and wages book or records shall be open for inspection by a duly accredited permanent official of the Australian Boot Trade Employees Federation during the usual office hours at the employer's office or other convenient place.

Provided that an inspection shall not be demanded unless the secretary of the said Federation or the district secretary or organizer of any branch of the said Federation suspects that a breach of this determination has been committed. Provided also that only one demand for such inspection shall be made in any one fortnight at the same establishment:

The official making such inspection shall be entitled to take a copy of entries from a time and wages book or record relating to the suspected breach of this determination.

(16) **ANNUAL LEAVE.**—(a) A period of seven consecutive days' leave shall be allowed annually to all employees after twelve months' continuous service (less the period of annual leave).

(b) Annual leave shall be given at a time fixed by the employer within a period not exceeding six months from the date when the right to annual leave accrued and after not less than one week's notice to the employee provided that the giving of annual leave may with the consent of the Secretary for Labour be postponed for a period to be specified in cases where the exigencies of the war render it impracticable to give it within the said period of six months.

(c) An employer may allow annual leave to an employee before the right thereto has accrued due but where leave is taken in such a case a further period of annual leave shall not commence to accrue until after the expiration of the twelve months in respect of which annual leave had been taken before it accrued.

(d) If after six months' continuous service in any qualifying twelve-monthly period an employee leaves his employment or his employment is terminated by the employer through no fault of the employee, the employee shall be paid one-sixth of a week's wage at ordinary rates for the occupation in which the employee was ordinarily employed immediately prior to the end of the engagement in respect of each completed two months of continuous service in respect of which leave has not been granted hereunder.

(e) Each employee before going on leave shall be paid a week's wage at ordinary rates for the occupation in which the employee was ordinarily employed immediately prior to the commencement of his leave. Payment in the case of employees employed on piece or bonus work or any other system of payment by results shall be at time rates.

(f) The annual leave provided for by this clause shall be allowed and shall be taken and except as provided by sub-clause (d) hereof payment shall not be made or accepted in lieu of annual leave.

(g) Notwithstanding anything elsewhere herein provided an employer at any time at which he is allowing annual leave to employees generally may, subject to giving notice as required by sub-clause (b) hereof, allow an employee who has then had less than twelve months' continuous service annual leave as provided in this clause and in such case shall pay the employee in respect of such annual leave one-twelfth of a week's wage at ordinary rates for the occupation in which the employee was ordinarily employed immediately prior to the commencement of the annual leave in respect of each completed one month of continuous service as aforesaid.

(h) Where leave has been granted to an employee pursuant to sub-clause (c) hereof before the right thereto has accrued due and the employee subsequently leaves or is discharged from the service of the employer before completing the twelve months' continuous service in respect of which the leave was granted the employer may for each two complete months of the qualifying period of twelve months not served by the employee deduct from whatever remuneration is payable upon the termination of the employment, one-sixth of the amount of wage paid on account of the annual leave, which amount shall not include any sums paid for any of the prescribed public holidays.

- (i) For the purposes of this clause service shall be deemed to be continuous notwithstanding:—
- (i) any interruption or determination of the employment by the employer if such interruption or determination has been made merely with the intention of avoiding obligations hereunder in respect of leave of absence;
 - (ii) any absence from work on account of sickness or accident or military service and in calculating the period of twelve months' continuous service, absence on account of sickness or accident to the extent of fourteen days in any twelve months shall be deemed to be part of the period of continuous service;
 - (iii) breaks arising from slackness of work.
- (j) Except as provided by sub-clause (g) hereof the annual leave prescribed by this clause shall be exclusive of any of the public holidays prescribed by this determination, and if any such holiday falls within an employee's period of annual leave there shall be added to that period one day for each such holiday falling as aforesaid.
- (k) For the purpose of this clause, a month shall be reckoned as commencing with the beginning of the first day of the employment or period of employment in question and as ending at the beginning of the day which in the latest month in question has the same date number as that which the commencing day had in its month, and if there be no such day in such subsequent month shall be reckoned as ending at the end of such subsequent month.
- (l) Service for the purpose of this clause shall, commencing on the 2nd January, 1942, be calculated as from the 2nd January in each year.
- (16A) ANNUAL LEAVE—YEAR 1941.—(i) Except as hereinafter provided annual leave shall not be allowed or payment be made in lieu thereof in respect of any period of service during the year which ended the 31st December, 1941.
- (ii) All employees who were continuously in the service of the same employer from the 1st day of May, 1941, up to and including the proper finishing day before Christmas, 1941, or who continued in such service from 1st May, 1941, until the 31st of December, 1941, shall be paid four-sixths of a week's wage in full settlement of all rights to annual leave for service in 1941.
- (iii) All employees who were in the employment of the employer on the proper finishing day prior to Christmas Day, 1941, with lesser service than that provided in sub-clause (ii), but with not less than one month's service shall be paid on a pro-rata basis of one twelfth of a week's wage for each completed month of service.
- (iv) The "proper finishing day" referred to in sub-clause (ii) and (iii) hereof is the day prior to Christmas Day, 1941, on which the employee would in normal circumstances be fairly deemed to have finished for 1941, having regard to the administration of the particular factory in which he was employed.
- (v) Where employees have received as payment for annual leave a sum of money which is less than the amounts prescribed in (ii) or (iii) hereof such employees shall be entitled to the difference between such sum as has been paid and the amount prescribed in paragraph (ii) or (iii) hereof.
- (vi) Nothing herein contained shall affect obligations of an employer who granted his employees leave of absence on pay between Boxing Day, 1941, and the 1st January, 1942, pursuant to the provisions of sub-clauses 3A and 3B of Regulation 19 of the National Security (Supplementary) Regulations, Statutory Rules Nos. 297 and 314 of 1941.
- (vii) The provisions of this clause terminate absolutely all rights and liabilities as to annual leave in the industry for the year ending 31st December, 1941.
- (17) MIXED FUNCTIONS.—An employee engaged for more than half of one day on duties carrying a higher rate than his ordinary classification shall be paid the higher rate for such day; if less than half of one day he shall be paid the higher rate for the time so worked.
- (18) REST PERIOD.—(a) Female employees shall be allowed a morning rest period of ten minutes at a time to be mutually arranged in each factory.
- (b) Facilities for making tea shall be made available to employees at the commencement of rest periods and meal hours.
- (19) SEATS.—Where it is necessary for employees to sit at their work, seats will be provided by the employer for the employees. Such seats shall be reasonably comfortable.
- (20) TOOLS.—The employer shall provide all needles and findings, grindery, tools for finishers, viz., feather knives, fudge wheels, ordinary top irons, waist wheels, and brushes (paint and ink), workshop and light, and all colours and materials used in connexion with the trade.
- (21) DETERMINATION POSTED.—A copy of this Determination, together with all variations thereof, shall be posted and kept posted by the employer in a prominent place in each factory or workshop.
- (22) DEDUCTION IN WAGES.—Deductions in wages may be made only for such time as is actually lost by any employee, including holidays. Such deductions shall be proportionate to the wage; but no deduction shall be made from the wages of apprentices, other than those mentioned in the Indenture of Apprenticeship.
- (23) PIECE-WORK.—(a) Any employer may fix and pay piece-work prices in lieu of time rates so long as such rates permit employees of average capacity to earn at least the minimum rate prescribed for their respective classes with the addition of 10 per cent.
- (b) If any groups of employees in any factory are dissatisfied with the piece-work rates so fixed they shall have the right to refer the matter to the Secretary for Labour for investigation and decision.
- (24) RIGHT OF ENTRY.—Any duly accredited permanent official of the Australian Boot Trade Employees Federation authorized in writing by the Secretary for Labour shall have the right to enter any place or factory of any kind whatsoever for the purpose of interviewing or conversing with the employees in such factory or place.
- Provided such duly accredited permanent officials shall not wilfully hamper or hinder the employees during their working time, and may interview any employees or converse with them during any luncheon or non-working time, for the purpose of collecting dues, posting notices, and attending to other matters of the said Federation relating to the industry.
- If any employer alleges that a representative is unduly interfering with his workshop or is creating disaffection amongst his employees or is offensive in his methods or is committing a breach of any of the conditions abovementioned, such employer may refuse the right of entry, but the representative shall have the right to bring such refusal before the Secretary for Labour.
- (25) WASHING ACCOMMODATION.—Suitable washing accommodation shall be provided for all employees.
- (26) SHOP STEWARDS.—A shop steward appointed by employees in each workshop shall be allowed the necessary time during working hours to interview the employer or his representative on matters affecting employees whom they represent.
- (27) FIRST-AID OUTFIT.—Each employer shall provide a properly equipped first-aid chest. Such chest shall comply, as to its contents, with the requirements of the Factories and Shops Acts.
- (28) PERIODICAL ADJUSTMENT OF WAGES.—The wages rates for adult males set out in clause (4) are based upon the following basic wage rates, and, pursuant to and in accordance with the provision of section 21 of the *Factories and Shops Act 1934* the Board hereby determines that such rates shall be automatically increased or decreased by the same amount, and at the same time as such basic wage rates.

The basic wage rates shown hereunder shall be adjusted as prescribed in clause (29).

BASIC WAGE.

Place.	Basic Wage.	Loadings and Margin for Skill.	Index Number Set Assigned.
Whole of the State	£ s. d. 4 5 0	£ s. d. 1 9 6	Six Capital Cities (Weighted Average)

(29) ADJUSTMENT OF WAGE RATES.—(a) Until the beginning of the first pay period to commence in August, 1942, the total wage rates prescribed in clause (4) shall be paid.

(b) During each future successive period beginning on the first pay period to commence in an August, a November, a February, or a May the amount of the basic wage prescribed in Clause (28) shall be adjusted by the following method according to the position and fluctuations (if any) of the Commonwealth Statistician's "All items" retail price index numbers.

For the purpose 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 for the six capital cities weighted average is to be applied.
- (2) The index number for the calendar quarter next preceding the period of or near a quarter 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 such number is to be ascertained.
- (4) The basic wage shall be of that assigned amount during such period of or near a quarter, plus the loadings and margin prescribed in clause (28).

TABLE.

Index Number Divisions.		Basic Wage.	Index Number Divisions.		Basic Wage.
		£ s. d.			£ s. d.
834-845	.. .. .	3 8 0	970-981	.. .. .	3 19 0
846-858	.. .. .	3 9 0	982-993	.. .. .	4 0 0
859-870	.. .. .	3 10 0	994-1006	.. .. .	4 1 0
871-882	.. .. .	3 11 0	1007-1018	.. .. .	4 2 0
883-895	.. .. .	3 12 0	1019-1030	.. .. .	4 3 0
896-907	.. .. .	3 13 0	1031-1043	.. .. .	4 4 0
908-919	.. .. .	3 14 0	1044-1055	.. .. .	4 5 0
920-932	.. .. .	3 15 0	1056-1067	.. .. .	4 6 0
933-944	.. .. .	3 16 0	1068-1080	.. .. .	4 7 0
945-956	.. .. .	3 17 0	1081-1092	.. .. .	4 8 0
957-969	.. .. .	3 18 0	1093-1104	.. .. .	4 9 0

H. J. RICHARDSON, J.P., Chairman.

E. LAITY, Secretary.

Melbourne, 14th May, 1942.

