



VICTORIA GOVERNMENT GAZETTE.

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[1943

Factories and Shops Acts.

DETERMINATION OF THE MOTOR DRIVERS 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 appointed to "determine the lowest prices or rates which may be paid to persons employed—

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

has made the following Determination, namely:—

1. That as from the beginning of the first pay period to commence in August, 1943, the last previous Determination of this Board shall be revoked and replaced by this Determination.

2. APPRENTICES OR IMPROVERS.

Apprentices.						Improvers.					

OTHER EMPLOYEES.

	" A "	" B "
Employees operating exclusively within a radius of 15 miles of the General Post Office, Melbourne.		Employees operating exclusively outside a radius of 15 miles of the General Post Office, Melbourne, or operating partly within and partly outside such radius.
(i) Vehicles Engaged on Regular Services.		
(See Clause 13 for Definition of Vehicle Engaged on Regular Services.)	s. d.	s. d.
Drivers of motor cars (including motor omnibuses, motor coaches, and charabancs) engaged on regular services—		
In which the licensed passenger seating capacity exceeds 19 persons	125 0*	120 0*
In which the licensed passenger seating capacity exceeds 13 but does not exceed 19 persons ..	121 6*	116 6*
In which the licensed passenger seating capacity exceeds 7 but does not exceed 13 persons ..	117 6*	112 6*
In which the licensed passenger seating capacity does not exceed 7 persons	115 6*	110 6*
* These rates include a special war loading of 3s. per week.		
(ii) Vehicles Not Engaged on Regular Services.		
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	115 6	110 6
In which the licensed passenger seating capacity exceeds 14 but does not exceed 22 persons ..	113 6	108 6
In which the licensed passenger seating capacity exceeds 7 but does not exceed 14 persons ..	111 6	106 6
In which the licensed passenger seating capacity does not exceed 7 persons and the vehicle plies for public hire upon the street	108 6	103 6
All other drivers	106 0	101 0
(iii) Employees Not Provided for in (i) and (ii) hereof.		
Conductors (including females)	109 6	104 6
Greasers	107 6	102 6
Cleaners	104 0	99 0
All others—		
Males	104 0	99 0
Females	61 6	54 6

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 of work shall be:—

- (a) For drivers of vehicles on regular services the maximum ordinary hours, without payment of overtime, shall not exceed 88 hours per fortnight: Provided that not more than 50 hours may be worked in any week without payment of overtime.
- (b) For greasers and/or cleaners—44 hours per week.
- (c) For all employees other than those provided for in sub-clauses (a) and (b)—48 hours per week.

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 or a fortnight's work (as the case may be) be extended without payment of overtime.

Subject to sub-clauses (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 for work done—

- (i) In excess of the hours for a day's work agreed upon between an employer and his employees
- (ii) Outside the daily spread of hours
- (iii) In excess of 88 hours per fortnight or in excess of 50 hours in any week

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

(b) For 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 | |

(c) For drivers of vehicles not engaged on regular services—

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|---|--|
| (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 | |

(d) 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, provided he is ready, available, and willing to work, 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), (b), and (c) and the rate provided in clause 2 for the class of work done plus 33½ 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), (b), and (c), 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.

If an employee (other than a casual employee) is required to report for duty on any day, and does so, he shall receive a minimum of three hours' work or payment for such period.

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.

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. **SICK PAY.**—An employee absent from work on account of ill health or the result of an accident shall be entitled to be paid at half ordinary rates for a period not exceeding in the aggregate twelve days in any one year: Provided that an employer shall have the right before paying such sick pay to require the employee concerned to produce a medical certificate as proof that his absence from work was on account of illness or incapacity. Should the employee so produce a medical certificate at the request of the employer such employee shall receive a refund of any expense incurred in obtaining such certificate up to but not exceeding a sum of 10s. 6d. Notwithstanding any other provision in this clause where, under any scheme of insurance or an accident, relief, or provident fund, to secure the benefit of which the employer has paid the necessary premium or under any Workers' Compensation Act, compensation becomes payable for any of such days of absence, the employer shall not be bound to pay more of such wage than is sufficient with such compensation to make up the half pay hereinbefore provided.

12. **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 each employee shall enter his 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.

13. **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.

14. 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, this Board hereby determines that the rates for male adults shall be automatically increased or decreased by the same amount, and at the same time as such basic wage, provided that the wages of female adults, apprentices, improvers, and juvenile workers shall be adjusted proportionately to adjustments of the basic wage—such adjustments to be to the nearest 6d.

The basic wage shown hereunder shall be adjusted as prescribed in clause 15.

Basic Wage.

Place.	Basic Wage.	Index Number Set Assigned.
Throughout the State	£ s. d. 4 13 0	Melbourne

15. ADJUSTMENT OF BASIC WAGE.—(a) Until the beginning of the first pay period to commence in November, 1943, the amount of the basic wage shall be as prescribed in clause 14.

(b) During each future successive period beginning with the first pay period to commence in a November, a February, a May, or an August, the amount of the basic wage 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 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 is that assigned to Melbourne.
- (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 that number is to be ascertained.
- (4) The basic wage shall be of that assigned amount during such successive period:

Table.

Index Numbers Divisions.	Basic Wage.	Index Numbers Divisions.	Basic Wage.
	£ s. d.		£ s. d.
994-1006	4 1 0	1118-1129	4 11 0
1007-1018	4 2 0	1130-1141	4 12 0
1019-1030	4 3 0	1142-1154	4 13 0
1031-1043	4 4 0	1155-1166	4 14 0
1044-1055	4 5 0	1167-1179	4 15 0
1056-1067	4 6 0	1180-1191	4 16 0
1068-1080	4 7 0	1192-1203	4 17 0
1081-1092	4 8 0	1204-1216	4 18 0
1093-1104	4 9 0	1217-1228	4 19 0
1105-1117	4 10 0	1229-1240	5 0 0

Any extension of this table must be of the same construction as the table.

NOTE.—Under section 233 of the *Factories and Shops Act* 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 section 237 of the same Act.

A. V. BARNES, J.P., Chairman.

J. W. RYAN, Secretary.

Melbourne, 16th August, 1943.