



VICTORIA GOVERNMENT GAZETTE.

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[1945

Factories and Shops Acts.

DETERMINATION OF THE MARKET GARDENERS BOARD.

NOTE.—This Determination applies to such portion of the State of Victoria as is within a radius of 40 miles from the post office at the corner of Bourke-street and Elizabeth-street in the city of Melbourne.

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 engaged in the trade of market gardening (that is to say, the growing of vegetables for sale), has made the following Determination, namely:—

1. That on the 15th November, 1945, the last previous Determination of this Board shall be revoked and replaced by this Determination.

2.

(2) Improvers.		Other Employees.	
		Wages per Week.	
		£ s. d.	
15 years of age or under	.. .. .	1	4 9
16 years of age .. .. .	.. .. .	1	14 6
17 years of age .. .. .	.. .. .	2	4 6
18 years of age .. .. .	.. .. .	2	19 3
19 years of age .. .. .	.. .. .	3	16 9
20 years of age or over, the appropriate rate prescribed under the heading "Other Employees".			
PROPORTION.			
One improver to every three or fraction of three workers receiving not less than the minimum wage.			
		Foreman gardener, i.e., a gardener in charge of two or more employees	
		6 4 0	
		All others	
		5 9 0	

PROHIBITION OF EMPLOYMENT.

3. The Board determines that no person shall be employed as an apprentice.

TIMES OF BEGINNING AND ENDING WORK.

4. The time of beginning and ending work shall be the times mutually agreed upon between the employer and the employee.

ORDINARY WORKING WEEK.

5. Forty-eight (48) hours shall constitute an ordinary week's work, to be worked on any or all of the days except Sunday.

OVERTIME.

6. All time worked in excess of 48 hours per week shall be paid for at the following rates:—

For the first two hours	Time and a quarter.
For the next two hours	Time and a half.
Thereafter	Double time.

SPECIAL RATES FOR WATERING.

7. Employees required to do watering between the hours of 8 p.m. and the usual starting time on the following day shall be paid at the rate of time and a quarter, provided that double time shall be paid for all watering done between the hours of midnight on Saturday and midnight on Sunday.

TERMS OF ENGAGEMENT.

8. (a) Except as provided in sub-clause (b) hereof all employees shall be employed by the week. Employees to become entitled to the weekly wage prescribed by this Determination must be available, ready and willing to perform such work as the employer shall from time to time require on the days and during the hours usually worked by the class of employees affected.

(b) Employment for the first two weeks of service at any period shall be from hour to hour at the weekly rate fixed.

TERMINATION OF EMPLOYMENT.

9. Subject to sub-clause (b) of clause 8 employment shall be terminated only by a week's notice on either side or a week's wages paid or forfeited as the case may be, and such notice may be given at any time during the week. This shall not affect the right of the employer to dismiss any employee without notice for malingering, inefficiency, neglect of duty or misconduct.

HOLIDAY AND SUNDAY WORK.

10. (a) Weekly employees, if not required to work, shall be entitled to the following holidays without deduction of pay:—New Year's Day, Australia Day, Good Friday, Easter Monday, King's Birthday, Labour Day, Anzac Day, Christmas Day, Boxing Day, and Picnic Day.

If any employee is required to work on any of the holidays specified in this sub-clause he shall be paid double time for all work done and ordinary rate for the remainder of the day.

(b) All work done on Sundays shall be paid for at double time.

ANNUAL LEAVE.

11. Any employee who has been in the service of the same employer for a continuous period of not less than twelve months shall be granted one week's holiday (exclusive of the holidays mentioned in clause 10) on full pay each year and such holiday shall be given at a time mutually agreed upon, such time being not later than six months after the completion of each twelve months' service.

If, after four months' service in any twelve monthly period, employment is terminated for any cause other than misconduct then the employee shall be given one day's pay for each completed two months' service.

SICK LEAVE.

12. (a) If the employee is absent from duty through his own illness and he produces evidence satisfactory to the employer, no deduction shall be made from his wages in respect of such absence in so far as it does not exceed in the aggregate forty-eight hours of working time in any one year of employment or a proportionate less time during any shorter period of employment: Provided that, in every case, an employee shall have at least three months' service to entitle him to such leave.

(b) Notwithstanding the provisions of sub-clause (a) hereof if the full period of sick leave as prescribed 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 ninety-six hours of working time, which shall be the maximum amount of leave to which an employee shall be entitled in any year without deduction of pay.

For the purposes of this sub-clause service prior to the 15th November, 1945, shall be disregarded.

REST PERIOD.

13. A rest period of ten minutes without deduction of pay shall be allowed each morning at a time mutually agreed upon.

CLOTHING ALLOWANCE.

14. An employee shall receive an allowance of 1s. per week towards the cost of providing waterproof clothing.

PAYMENT OF WAGES.

15. Wages shall be paid not later than Thursday in each week and within 10 minutes of ceasing work for the day.

RIGHT OF ENTRY OF UNION OFFICIAL.

16. Any official of the Australian Workers' Union (authorized in writing by the Secretary of the Victorian Branch of the said Union) may enter during the lunch hour upon any land or premises on which operations are carried on and inspect the working conditions and interview employees on legitimate union business.

BOARD AND LODGING.

17. Where the employee is provided with board and lodging an amount of 25s. per week may be deducted from the rates of pay fixed.

PERIODICAL ADJUSTMENT OF WAGES.

18. The wages rates of "other employees" 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 rates shall be automatically increased or decreased by the same amount, and at the same time as such basic wage. Provided that the wages of 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 19.

Basic Wage.

Place.	Needs Basic Wage Adjustable.	Loading Constant.	Total Basic Wage.	Index Number Set Assigned.
	£ s. d.	s. d.	£ s. d.	
Within the area to which this Determination applies	4 12 0	6 0	4 18 0	Melbourne

ADJUSTMENT OF BASIC WAGE.

19. (a) Until the beginning of the first pay period to commence in February, 1946, the amount of the basic wage shall be as prescribed in clause 18.

(b) During each future successive period beginning with the first pay period to commence in a February, a May, an August, or a November, 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 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 Number Divisions.	Basic Wage.	Index Number 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.

P. A. RANGLES, J. P., Chairman.

J. V. WILLOX, Secretary.

Melbourne, 29th November, 1945.