

[1893.]



VICTORIA
GOVERNMENT GAZETTE.

Published by Authority.

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No. 114]

THURSDAY, JUNE 27.

[1946

Dairy Products Acts.
QUOTAS FOR BUTTER AND CHEESE.

BUTTER QUOTA.

I WILLIAM GEORGE MCKENZIE, Minister of Agriculture, in the State of Victoria, after consultation with the Victorian Dairy Products Board, and after ascertaining that the supply and distribution of butter at reasonable prices to consumers thereof in Victoria will be ensured, hereby determine a quota for butter as follows:—

The proportion shall be Sixty-nine point six nought per cent. The period for which this quota is to operate shall be the month of July, 1946.

CHEESE QUOTA.

I WILLIAM GEORGE MCKENZIE, Minister of Agriculture, in the State of Victoria, after consultation with the Victorian Dairy Products Board, and after ascertaining that the supply and distribution of cheese at reasonable prices to consumers thereof in Victoria will be ensured, hereby determine a quota for cheese as follows:—

The proportion shall be Eighty-six point seven nought per cent. The period for which this quota is to operate shall be the month of July, 1946.

W. G. MCKENZIE,
Minister of Agriculture.

13th June, 1946.

Published in lieu of Notice appearing in *Government Gazette* of 26th June, 1946, page 1836.





VICTORIA GOVERNMENT GAZETTE.

Published by Authority.

[Registered at the General Post Office, Melbourne, for transmission by post as a newspaper.]

No. 115]

MONDAY, JULY 1.

[1946

Factories and Shops Acts.

DETERMINATION OF THE BRICKLAYERS BOARD.

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

(2) On the 7th July, 1926, the power to determine the lowest prices or rates which may be paid to any persons employed laying or fixing faience or majolica on floors, walls, or ceilings, was taken from the Tilelayers Board and conferred exclusively on the Bricklayers Board.

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 any person or persons or classes of persons (other than labourers) wheresoever employed in the process, trade or business of a bricklayer," has made the following Determination, namely:—

- (i) That as from the operative date as prescribed in clause (ii) hereof, the last previous Determination of this Board shall be revoked and replaced by this Determination.
- (ii) (a) Part I. hereof shall operate from the beginning of the next pay period to commence after the 17th April, 1946, and shall continue in force whilst the Building Trades of Victoria Award of the Commonwealth Court of Conciliation and Arbitration remains in force.
If and when the provisions of this Part cease to apply by virtue of the limitation prescribed in the previous paragraph, all employees covered by the said provisions will automatically be subject to the provisions of Part II. hereof.
- (b) Part II. and Part III. hereof shall operate from the beginning of the next pay period to commence after the 17th April, 1946.

PART I.

1. This Part applies only in respect of the employment of persons on the construction renovation repair alteration or demolition of buildings performed on the site thereof, and in particular it shall have no application—

- (i) to employment by an employer in any industry where the work performed by the employee is subsidiary or auxiliary to the chief and principal purpose and business of such industry; or
- (ii) to employment in workshops.

2.

* WAGES.

(a) Apprentices.—PER WEEK OF 44 HOURS.				Improvers.—PER WEEK OF 44 HOURS.			
	Weekly Rate.	War Time Loading.	Total Weekly Wage.		Weekly Rate.	War Time Loading.	Total Weekly Wage.
	s. d.	s. d.	s. d.		s. d.	s. d.	s. d.
1st year	28 3	1 0	27 3	1st six months	21 9	1 0	22 9
2nd year	39 9	1 6	41 3	2nd six months	31 9	1 6	33 3
3rd year	64 0	2 6	66 6	2nd year	45 9	2 0	47 9
4th year	72 0	3 0	75 0	3rd year	74 3	3 0	77 3
5th year	89 9	3 6	93 3	4th year	95 9	4 0	99 9
				5th year	112 3	4 6	116 9

PROPORTION (IN ANY PLACE).

One apprentice to every three bricklayers or fraction thereof receiving not less than the minimum wage of 15s. 6d. per week of 44 hours.

An amended indenture of apprenticeship was approved on 7th September, 1940.

PROPORTION (IN ANY PLACE).

One improver to every four bricklayers or fraction thereof receiving not less than the minimum wage of 15s. 6d. per week of 44 hours.

* NOTE.—Section 151 Act 3677 reads as follows:—"When in any Determination a Wages Board has fixed a wages rate only for wholly or partly preparing or manufacturing either inside or outside a factory, any articles or for doing any work, then it shall not be lawful for any person to pay or authorize or permit to be paid therefor any piecework prices, and the receipt or acceptance of any piecework prices shall not be deemed to be payment or part payment of any such wages."

(b) *Other Employees.—PER WEEK OF 44 HOURS.*

	Per Week.	Per Hour.
	<i>s. d.</i>	<i>s. d.</i>
(1) Foreman bricklayer in charge of three or more employees Provided that in every case, a foreman bricklayer shall receive not less than 2½d. per hour in excess of the highest rate prescribed for any employee working under the control of such foreman.	163 1	3 8 ²¹ / ₄₄
(2) Bricklayers employed in the construction of, and/or repairs to gas retorts for the manufacture of gas, or retorts used in the manufacture and/or refining of oil from shale or coal— (a) Where the temperature does not exceed 140° Fahrenheit (b) Where the temperature exceeds 140° Fahrenheit	179 7 195 2	4 0 ⁴³ / ₄₄ 4 5 ⁸ / ₂₂
(3) Bricklayers employed on old firework and/or repairs to boilers, bakers' ovens, furnaces, and all work pertaining thereto— (a) Where the temperature does not exceed 140° Fahrenheit (b) Where the temperature exceeds 140° Fahrenheit	179 7 195 2	4 0 ⁴³ / ₄₄ 4 5 ⁸ / ₂₂
(4) Bricklayers employed on all new firework, construction of stills, towers, and acid resisting brickwork, and all work pertaining thereto other than repairs to same	163 1	3 8 ²¹ / ₄₄
(5) Bricklayers employed on repair work to acid furnaces, acid stills, acid towers, and all other acid resisting brickwork	195 2	4 5 ⁸ / ₂₂
(6) Bricklayers laying glass bricks	155 6	3 6 ⁹ / ₂₂
(7) Bricklayers engaged below ground level (in underpinning the foundation of an adjoining building)	160 10	3 7 ¹⁹ / ₂₂
(8) All other bricklayers	155 6	3 6 ⁹ / ₂₂
(9) Persons employed laying or fixing faience or majolica on floors, walls, or ceiling Bricklayers employed building chimney stacks shall be paid— Over 50 feet to 100 feet, 1s. 0½d. per day extra. And for every additional 50 feet or fraction thereof, 1s. 0½d. per day extra.	155 6	3 6 ⁹ / ₂₂

DIRTY WORK.

3. Bricklayers employed at work as described in clause 2 (b), classifications (2), (3), (5), and (7), which is of an unusually dirty nature shall be allowed 10 minutes as washing time on completion of each day's work.

WORKING IN EXCESSIVE HEAT.

4. When a bricklayer in the last two hours of his day's work is working in artificial heat exceeding 140° Fah. he shall be allowed ten minutes of working time in which to cool off.

HOURS.

5. The ordinary hours shall be 44 per week to be worked in five or five and a half days, the daily hours being respectively 8 hours 43 minutes Monday to Friday inclusive or 8 hours Monday to Friday inclusive and 4 hours on Saturday between the hours of 7.30 a.m. and 5.30 p.m. Monday to Friday inclusive and 7.30 a.m. to 12 noon on Saturday. The lunch break shall not be less than 42 minutes.

OVERTIME.

6. (a) Persons employed on sewerage work, drainage work, or underground work not connected with building construction, shall be paid:—

For work done in excess of 44 hours in any week Time and a half.

(b) Persons employed on any other work shall be paid:—

For work done within the hours fixed as the time of beginning and ending work—

(i) In excess of 4 hours on the day on which the half-holiday is usually observed and 8 hours on the other working days of the week Time and a half.

(ii) In excess of 44 hours in any week Time and a half.

For work done on the weekly half-holiday after 12 noon Double time.

For work done on the other working days of the week—

Between the time of ending work as prescribed in clause 5 and 8 p.m. Time and a half.

Between 8 p.m. and midnight Double time.

Between midnight and the time of commencing work as prescribed in clause 5 Double time.

INCLEMENT WEATHER.

7. Each employee shall be paid an allowance at ordinary rates for time lost through inclement weather, subject to the following conditions:—

- (i) That such allowance shall not exceed the equivalent of eight hours' pay in any one week.
- (ii) That weather shall not be regarded as inclement for the purposes of this clause unless the employer or his representative on the job, and a representative of the men on such job, agree that it shall be so regarded. Failing such agreement weather shall not be regarded as inclement and work shall continue.
- (iii) Any intermission of work owing to inclement weather so regarded as aforesaid shall immediately cease and work shall be immediately resumed on the employer or his representative calling for a resumption of work.
- (iv) An employee shall not be entitled to payment as provided for in this clause, unless he remains on the job until a decision to cease work for the day has been made by agreement between the employer or his representative and a representative of the men.
- (v) The intermission of work by employees who would be exposed to or working in inclement weather so regarded in accordance with this clause shall not be a ground for intermission of work in places where employees are not so exposed to or are not called upon to work in such inclement weather.

ALLOWANCE IN RESPECT OF EXCESS FARES AND TRAVELLING TIME.

8. (a) The following payments shall be made in lieu of fares and travelling time within the radii named using G.P.O., Melbourne (cr. Bourke and Elizabeth streets) or the principal post offices at Ballarat, Bendigo, and Geelong as centres:—

	<i>s. d.</i>
Up to and including 12 miles	2 0 per day
Over 12 miles and including 20 miles	2 6 per day
Over 20 miles and including 30 miles	3 0 per day

These allowances shall not be payable if the employer provides or offers to provide transport free of charge, in which case 1s. 4d. per day travelling allowance shall be paid.

(b) Where fares are necessarily incurred on distant jobs, as defined in clause 9 (a) of this Part or on work performed outside the radii named in sub-clause (a) hereof the provisions of that sub-clause shall apply except that the local Post Office shall be the centre.

ALLOWANCES IN RESPECT OF DISTANT JOBS.

9. (a) When distance and/or travelling facilities reasonably prevent an employee going and returning each day to his usual place of residence, suitable board and sleeping accommodation including stretcher and mattress for each employee shall be provided. When work is situated away from suitable accommodation, the employer shall supply tents or huts with sleeping accommodation therein including stretcher and mattress for each employee in addition to any allowance provided in this clause; the allowance to be made shall be—

	<i>s.</i>	<i>d.</i>
For less than a full week	10	0 per day
For a full working week at the rate of	42	0 per week

(b) In lieu of the payments prescribed in clause 8 (a) of this Part an employee to whom sub-clause (a) applies shall be paid travelling time (not exceeding ordinary working hours per day) at ordinary rates of pay, and, where incurred, second-class return fare, and 5s. to cover expense of reaching his home railway station and transport of tools if any cost necessary. Provided that the return fare shall not be payable if the employee is dismissed for misconduct or is held incompetent within one week of starting work or leaves within one month of engagement. Travelling time shall be calculated as from Spencer-street and Flinders-street Railway Stations or the home Central Railway Station (if residing in the country) to destination by rail or usual travelling facilities.

(c) If an employee elects to return to his home at the week end after three months of continuous service and thereafter at three-monthly periods he shall be paid a second-class return fare (Victorian Railways only) on the pay day which immediately follows the date on which he returns to the job.

If the work upon which the employee is engaged will terminate in the ordinary course within a further 28 days after the expiration of three months this sub-clause shall not apply.

ALLOWANCE IN RESPECT OF MEALS.

10. Where an employee is required to work overtime in excess of one hour and has not been given notice of same on the previous working day, he shall be allowed an amount of 2s. 6d. for a meal. When working overtime for two hours or more, employees shall be allowed to take, without deduction of pay, 20 minutes for crib immediately after the ordinary ceasing time, and thereafter 30 minutes for crib shall be allowed after each four hours of continuous work. Provided that where an employee works overtime for two hours without taking the prescribed interval of 20 minutes, he shall be deemed to have worked two and one-third hours.

WORK ON SUNDAYS AND PUBLIC HOLIDAYS.

11. Double time shall be paid for work performed on Sundays, New Year's Day, Australia Day, Labour Day, Good Friday, Easter Monday, Anzac Day, King's Birthday, Melbourne Cup Day, Christmas Day, and Boxing Day.

EXCESS OF HOURS.

12. An employee who has worked continuously (except for meal intervals) for 20 hours, shall have a break of at least twelve hours before again starting work.

REST PAUSE.

13. (a) There shall be a rest period of ten minutes from the time of ceasing to the time of resuming work between the hours of 9.30 a.m. and 11 a.m. without deduction of pay.

(b) The employer shall provide facilities to enable the employees to obtain an adequate supply of boiling water at meal times and rest periods.

ANNUAL LEAVE.

14. (a) Subject to the provisions of sub-clauses (c) and (d) hereof, a period of fourteen consecutive days inclusive of public holidays occurring during the period shall be allowed as leave annually to all employees after twelve months' continuous service (less the period of annual leave) with an employer. Unless otherwise mutually agreed upon between an employer and the employee concerned, in which case the leave shall be given and taken within three months of becoming due, such leave shall be given and taken in conjunction with the Christmas and New Year holidays.

(b) If after 88 hours' continuous service, excluding overtime, in any qualifying twelve-monthly period an employee leaves his employment or his employment is terminated by the employer, the employee shall be paid 1/13th of a week's wage in respect of each completed 88 hours of continuous service in respect of which leave has not been granted hereunder.

(c) Where an employee absents himself from work during any qualifying period of service for any reason other than a reason set out in sub-clause (d) hereof, the amount of leave or payment in lieu to which he would otherwise be entitled under sub-clauses (a) and (b) hereof, shall be reduced by 1/50th for each week or part thereof during which any such absence occurs.

(d) For the purpose of administering the provisions of this clause, service shall be deemed to be continuous notwithstanding an employee's absence from work for the following reasons:—

(i) Injury received during the course of employment and for which an employee received Worker's Compensation—up to a maximum period of two months.

(ii) Any reason satisfactory to the employer or, in event of dispute, the Secretary for Labour.

(iii) Where called up for military service up to three months in any qualifying period.

(e) Each employee before going on leave shall be paid in advance the wage which would ordinarily accrue to him during the currency of the leave.

(f) Service before the 1st day of October, 1945, shall be disregarded for the purpose of calculating annual leave.

(g) Notwithstanding anything elsewhere contained in this Determination, an employer giving leave at the Christmas-Now Year period may, at his option either:—

(i) Stand off without pay during the period of leave any employee who has not then qualified for the full period; or

(ii) Stand off for the period of leave any employee who has not then qualified for fourteen consecutive days' leave and pay him pro rata for the leave which he has then qualified on the basis of 1/13th of a week's wages in respect of each 88 hours' consecutive service (exclusive of overtime) during his current qualifying twelve-monthly period.

FIRST-AID OUTFIT.

15. An efficient first-aid outfit shall be supplied on all jobs where building permits are necessary.

TRANSPORT.

16. If an employee is required to work overtime or on a Sunday or holiday (mentioned in clause 11) and no regular means of conveyance is available the employer shall at the request of the employee provide suitable transport to convey him to the job or to his residence as the case may be. If the employer fails to provide such transport he shall pay to the employee such reasonable amount as has been necessarily incurred by him.

PAYMENT OF WAGES.

17. Wages, allowances, and other money due shall be paid not later than the time of ceasing work on Thursday of each working week, or otherwise by mutual arrangement. On termination of employment by the employer all wages allowances, and other monies shall be paid at the time of dismissal.

INSPECTION OF TIME SHEETS AND BOOKS.

18. The Secretary for Labour may authorize at any time (except pay day) or place, the inspection of all wages sheets, time sheets or other wages records by a person nominated by the Victorian Operative Bricklayers Society and approved by the Secretary for Labour, provided that 24 hours' notice of such inspection is given to the employer.

TOOLS.

19. Each employer shall provide at the works a safe and suitable place for the tools of his employees.

SHELTER.

20. Each employer shall provide suitable dressing accommodation with a dry floor, and including seating, on all jobs unless it is impracticable to do so due to site conditions or building regulations. Where five or more men are employed, and the work is estimated to last two weeks or more, a shelter shed based on six square feet per person with a minimum of 50 square feet, shall be provided. Such shed shall be for the exclusive use of workmen and not used for the storage of building materials.

DEFINITION OF FOREMAN.

21. Where four or more bricklayers are employed on any job, one shall be a foreman and entitled to the rate prescribed for such a foreman.

TERMINATION OF EMPLOYMENT.

22. One hour's notice of termination of employment shall be given by either employer or employee or one hour's pay shall be paid or forfeited in lieu thereof. Such hour shall be allowed the employee to gather clean, pack and transport his tools.

APPRENTICES AND IMPROVERS.

23. The provisions of clause 22 of this Part shall not apply to the employment of apprentices.

PART II.

1. This Part applies in respect of the employment of all persons coming within the ambit of the Determination, other than those provided for in Part I. hereof.

2. *** WAGES.**

(a) Apprentices.—PER WEEK OF 44 HOURS.				Improvers.—PER WEEK OF 44 HOURS.			
	Weekly Rate.	War Time Loading.	Total Weekly Wage.		Weekly Rate.	War Time Loading.	Total Weekly Wage.
	s. d.	s. d.	s. d.		s. d.	s. d.	s. d.
1st year	26 3	1 0	27 3	1st six months	21 9	1 0	22 9
2nd year	39 9	1 6	41 3	2nd six months	31 9	1 6	33 3
3rd year	64 0	2 6	66 6	2nd year	45 9	2 0	47 9
4th year	72 0	3 0	75 0	3rd year	74 3	3 0	77 3
5th year	89 9	3 6	93 3	4th year	95 9	4 0	99 9
				5th year	112 3	4 6	116 9

PROPORTION (IN ANY PLACE).

One apprentice to every three bricklayers or fraction thereof receiving not less than the minimum wage of 152s. 6d. per week of 44 hours.

An amended indenture of apprenticeship was approved on 7th September, 1940.

PROPORTION (IN ANY PLACE).

One improver to every four bricklayers or fraction thereof receiving not less than the minimum wage of 152s. 6d. per week of 44 hours.

(b) **Other Employees.—PER WEEK OF 44 HOURS.**

	Total Weekly Wage.	Per Hour.
	s. d.	s. d.
(1) Foreman bricklayer in charge of three or more employees Provided that in every case, a foreman bricklayer shall receive not less than 2½d. per hour in excess of the highest rate prescribed for any employee working under the control of such foreman.	160 1	3 7 ²³ / ₄₄
(2) Bricklayers employed on sewerage work, drainage work, or underground work not connected with building construction	160 1	3 7 ²³ / ₄₄
(3) Bricklayers employed in the construction of, and/or repairs to gas retorts for the manufacture of gas, or retorts used in the manufacture and/or refining of oil from shale or coal— (a) Where the temperature does not exceed 140° Fahrenheit (b) Where the temperature exceeds 140° Fahrenheit	176 7 192 2	4 0 ⁷ / ₄₄ 4 4 ⁹ / ₂₂
(4) Bricklayers employed on old firework and/or repairs to boilers, bakers' ovens, furnaces, and all work pertaining thereto— (a) Where the temperature does not exceed 140° Fahrenheit (b) Where the temperature exceeds 140° Fahrenheit	176 7 192 2	4 0 ⁷ / ₄₄ 4 4 ⁹ / ₂₂
(5) Bricklayers employed on all new firework, construction of sills, towers, and acid resisting brickwork, and all work pertaining thereto other than repairs to same	160 1	3 7 ²³ / ₄₄
(6) Bricklayers employed on repair work to acid furnaces, acid stills, acid towers, and all other acid resisting brickwork	192 2	4 4 ⁹ / ₂₂
(7) Bricklayers laying glass bricks	152 6	3 5 ¹³ / ₂₂
(8) Bricklayers engaged below ground level (in underpinning the foundation of an adjoining building)	157 10	3 7 ¹ / ₂₂
(9) All other bricklayers	152 6	3 5 ¹³ / ₂₂
(10) Persons employed laying or fixing faience or majolica on floors, walls, or ceilings Bricklayers employed building chimney stacks shall be paid— Over 50 feet to 100 feet, 1s. 0½d. per day extra. And for every additional 50 feet or fraction thereof, 1s. 0½d. per day extra.	152 6	3 5 ¹³ / ₂₂

(c) Notwithstanding anything contained in clause 2 (b) of this Part any employee, within six months of his first employment in any place whose employment is terminated by the employer for any cause, shall on such termination be entitled to be paid for such work performed by him an additional amount at the rate of 3s. per week.

* NOTE.—Section 151 Act 3677 reads as follows :—“When in any Determination a Wages Board has fixed a wages rate only for wholly or partly preparing or manufacturing either inside or outside a factory, any articles or for doing any work, then it shall not be lawful for any person to pay or authorize or permit to be paid therefor any piecework prices, and the receipt or acceptance of any piecework prices shall not be deemed to be payment or part payment of any such wages.”

DIRTY WORK.

3. Bricklayers employed at work as described in clause 2 (b), classifications (2), (3), (4), (6), and (8), which is of an unusually dirty nature shall be allowed 10 minutes as washing time on completion of each day's work.

ALLOWANCES.

Fares.

4. (a) An amount of 3s. 6d. per week shall be made in lieu of fares on all work performed within 12 miles of the Post Office at the corner of Bourke and Elizabeth streets, Melbourne, or the principal Post Offices of the cities of Ballarat, Bendigo or Geelong. When work is performed outside that area an employee shall be paid all fares necessarily incurred in travelling to and from the job to and from his residence.

When an employee is engaged to work at such a distance that he is unable to return to his residence the same night he shall be paid, in addition to any other rates to which he is entitled:—

(i) When the time occupied on the job is less than a working week, 10s. per day, and when such time is in excess of a working week, an allowance at the rate of £2 2s. per week. The amounts prescribed herein shall not be payable if suitable board and lodging has been provided by the employer.

(ii) The fares necessarily expended, in addition to travelling time at ordinary rates.

Sub-clauses (i) and (ii) of this clause shall not apply to an employee unless he notifies the employer or his representative of his place of residence before being engaged.

Travelling.

(b) A travelling allowance of 1s. 4d. per day, as compensation for time lost in going to, and returning from work, shall be paid to each employee for each day he attends for work on the job at which he is for the time being engaged.

Inclement Weather.

(c) Each employee shall be paid an allowance at ordinary rates for time lost through inclement weather, not exceeding the equivalent of eight hours' pay in any one week. The question as to whether weather is inclement shall be a matter of agreement between the employer, or his representative on the job, and a representative of the men on such job. An employee shall not be entitled to payment as provided in this sub-clause unless he remains on the job until a decision to cease work has been arrived at between the representatives mentioned.

PAYMENT OF WAGES.

5. (a) All wages due shall be paid not later than Thursday in each week.

(b) An employer shall not keep more than one day's pay in hand.

(c) If an employee leaves or is dismissed he shall be paid his wages on leaving or being dismissed, or paid by post or otherwise within 24 hours thereafter. If wages are not paid within the time prescribed in this paragraph, the employee shall be deemed to continue to be employed at ordinary rates until such wages are paid.

(d) All other wages shall be paid during ordinary working hours.

TIME OF BEGINNING AND ENDING WORK.

6. The times of beginning and ending work for persons (other than those employed on sewerage work, drainage work, or underground work not connected with building construction) shall be:—

(a) Within the following part of the city of Melbourne, namely, in Flinders-street, Spencer-street, Victoria-street, and Spring-street, and within the area enclosed by such streets:—

Time of Beginning.	Time of Ending.
8 a.m.	5 p.m. Monday to Friday inclusive.
8 a.m.	12 noon on Saturday.

(b) All other places—

Time of Beginning.	Time of Ending.
7.45 a.m.	5.15 p.m. on each of five days in the week.
7.45 a.m.	12 noon on the other working day of the week on which the half-holiday is usually observed.

OVERTIME.

7. (a) Persons employed on sewerage work, drainage work, or underground work not connected with building construction shall be paid:—

For work done in excess of 44 hours in any week Time and a half.

(b) Persons employed on any other work shall be paid:—

For work done within the hours fixed as the time of beginning and ending work—

(i) In excess of 4 hours on the day on which the half-holiday is usually observed and 8 hours on the other working days of the week Time and a half.

(ii) In excess of 44 hours in any week Time and a half.

For work done on the weekly half-holiday after 12 noon Double time.

For work done on the other working days of the week—

Between the time of ending work as prescribed in clause 6 and 8 p.m. Time and a half.

Between 8 p.m. and midnight Double time.

Between midnight and the time of commencing work as prescribed in clause 6 Double time.

REST INTERVAL.

8. There shall be an interval of ten minutes at a time fixed by the employer between 9.30 a.m. and 10 a.m. for rest on each day Monday to Friday inclusive in each week for each employee, such time to count as time worked. Boiling water for tea shall be provided by the employer for the employee during such interval if the employee so desires.

FIRST-AID OUTFIT.

9. An efficient first-aid outfit shall be supplied on all jobs where building permits are necessary.

TRANSPORT.

10. If an employee is required to work overtime or on a Sunday or holiday (mentioned in clause 16) and no regular means of conveyance is available the employer shall at the request of the employee provide suitable transport to convey him to the job or to his residence as the case may be. If the employer fails to provide such transport he shall pay to the employee such reasonable amount as has been necessarily incurred by him.

PART III.

1. This Part applies to all persons covered by the Determination.

PERIODICAL ADJUSTMENT OF WAGES.

2. The wages rates for adults set out in clauses 2 of Part I, and Part II. hereof, 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. The wages of apprentices and improvers, shall be adjusted proportionately to adjustments of the basic wage such adjustments to be calculated 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 3 of this Part.

Basic Wage.

Place.	Basic Wage.	Index Number Set Assigned.
Throughout the State	£ s. d. 4 12 0	Melbourne

ADJUSTMENT OF BASIC WAGE.

3. (a) Until the beginning of the first pay period to commence in August, 1946, the amount of the basic wage shall be as prescribed in clause 2 of this Part.

(b) During each future period of or near a quarter beginning with the first pay period to commence in an August, a November, a February, or a May, 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 to a place is that assigned thereto in clause 2 of this Part.
- (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 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	1214-1216	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.

A. V. BARNES, J.P., Chairman.
J. V. WILLOX, Acting Secretary.

Melbourne, 10th May, 1946.



[1903]



VICTORIA GOVERNMENT GAZETTE.

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No. 116]

MONDAY, JULY 1.

[1946

Factories and Shops Acts.

DETERMINATION OF THE CEMETERY EMPLOYEES BOARD.

NOTE.—This Determination on the 5th December, 1941, applied to the whole of the State of Victoria.

IN accordance with the provisions of the Factories and Shops Acts, and the Order in Council thereunder, the Wages Board appointed to "determine the lowest price or rates which may be paid to any person employed in or about a cemetery as a grave digger, grave decorator, gatekeeper, labourer, or gardener" has made the following Determination, namely:—

1. That as from the 13th June, 1946, 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.			
s. d.				Within the Metropolitan District.		All other Parts of Victoria.	
				Per Hour.	Per Week of 44 Hours.	Per Hour.	Per Week of 44 Hours.
				s. d.	s. d.	s. d.	s. d.
1st year	..	..	..	24	6		
2nd "	..	..	..	28	0		
3rd "	..	..	..	33	0		
4th "	..	..	..	39	6		
5th "	..	..	..	50	6		
				Grave diggers	.. ..	2 9 ⁸ / ₁₁	122 6
				All others	.. ..	2 5 ² / ₁₁	107 0

PROPORTION (WITHIN ANY PLACE).

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

ALLOWANCES.

3. (a) Any employee who is required to set and/or fire explosives shall be paid 2s. extra per day for each day or part of a day on which he performs such operations, and any person who has been directed by the management to assist such an employee shall be paid 1s. extra per day for each day or part of a day on which he is so required to assist.

(b) Any employee who is engaged in boring holes in stone by hand or machine for any period in excess of two hours on any day shall be paid 1s. per day extra for each day on which he is so required to work.

EXHUMATIONS.

4. Workmen employed for the purpose of exhumations shall be paid for the first body exhumed from any grave the sum of one pound and for each additional body exhumed from the same grave a further ten shillings shall be paid.

TIME OF BEGINNING AND ENDING WORK.

5.

Time of Beginning.	Time of Ending.
7.30 a.m. ..	.. 12 noon on the day on which the half-holiday is locally observed.
7.30 a.m. ..	.. 5.15 p.m. on the other working days of the week.

A meal interval of not less than 45 minutes shall be allowed each employee between noon and 1.30 p.m. each day, Monday to Friday inclusive.

OVERTIME.

6. All work done outside the hours specified as the times of beginning and ending work, or for any work done within such hours in excess of 44 hours in any week, shall be paid at the rate of time and a half. Provided that any employee who is required to do any work after 1 p.m. on the day on which the half holiday is locally observed shall receive a minimum payment for four hours' work at such overtime rate. Such overtime shall be paid for in cash, and employees shall not be booked time off in lieu thereof.

HOLIDAYS.

7. (a) Employees shall, as far as practicable, be entitled to the following holidays without deduction of pay:—New Year's Day, Australia Day, Good Friday, Easter Monday, Anzac Day, Labour Day, King's Birthday, Christmas Day, and Boxing Day, and,

(i) within the Metropolitan District as defined in the Factories and Shops Acts—Melbourne Cup Day;

(ii) outside the said Metropolitan District—Melbourne Cup Day or in lieu of such day, a holiday to be mutually agreed upon between any Cemetery Trust and a majority of its employees;

but if any other day be by Act of Parliament or Proclamation substituted for any of the above-named holidays, this condition shall only apply for the day so substituted, or should any such holiday occur on a Sunday and a day is not so substituted, employees shall be entitled to a holiday in lieu of same on a day to be arranged between the employees and the Trust concerned.

Provided that should an employee be required to work on any day specified in this sub-clause such work shall not include the digging of stock graves, but may include:—

(i) any necessary maintenance work up to noon on such day;

(ii) the filling in of a grave;

(iii) the preparation of an ordered grave.

(b) Any employee who having been instructed to report for work on any holiday mentioned in sub-clause (a) hereof shall if he so reports be entitled to payment as follows:—

(i) An allowance of 5s. if not given a start at work.

(ii) A full day's wage if required to do any work on any such day.

The allowance or wage provided for in (i) and (ii) hereof are in addition to the payment of a day's pay to which an employee is entitled under sub-clause (a).

SUNDAYS.

8. All work done on Sundays shall be paid for at double time. Provided that any employee who is required to be on duty solely for the purpose of opening or closing the cemetery and/or for acting as a patrolman or as a supervising attendant shall receive a minimum payment of 6s., and any employee called on duty to do any other work shall receive a minimum payment of one pound for each Sunday he is so required to work.

NOTICE OF WORK ON A SUNDAY OR HOLIDAY.

9. If at all possible, 24 hours' notice that his services will be required on such day, shall be given to an employee required to work on a Sunday or a holiday specified in clause 7.

PICNIC DAY.

10. The 3rd Wednesday in February in each year shall be observed as a holiday within a radius of 20 miles of the General Post Office, Melbourne, and at Ballarat, Bendigo, and Geelong. Employees (except those required to carry out essential services) shall be entitled to such holiday without deduction of pay.

Employees required to carry out essential services may receive ordinary rates of pay only for work done on such day, but shall within one month receive another day off in lieu of such picnic holiday or have one day added to the annual leave provided for in clause 13.

FARE ALLOWANCE.

11. Any employee residing outside a radius of five miles from his place of employment shall in addition to any other amounts to which he may be entitled under this Determination receive the sum of Two shillings per week as a fare allowance.

TERMS OF ENGAGEMENT.

12. Any employee (other than a casual employee) willing and available to work shall in respect of each week of his employment be paid the full weekly wage fixed by this Determination.

ANNUAL HOLIDAY.

13. The annual holiday shall be as prescribed by the provisions of the Factories and Shops (Annual Holidays) Act 1946 and any amendments which may be made thereto from time to time.

PAYMENT OF WAGES.

14. Wages shall be paid not later than Thursday in each week.

SICK LEAVE.

15. (a) Any employee (other than a casual employee) who has not less than twelve months' service with the same employer shall be entitled to leave of absence on account of ill health or accident, provided he has submitted within 24 hours of the commencement of such absence satisfactory evidence that same is not the result of his own misconduct. If the conditions hereinbefore stated have been complied with, the employee shall also be entitled during such absence in any year to payment as follows:—

(i) For the first two weeks, full pay.

(ii) For the next two weeks, half pay.

(b) Notwithstanding anything contained in sub-clause (a) hereof, if the full period of sick leave, as prescribed above is not taken during the employee's fourth, or any subsequent year of continuous service, such portion as is not taken in such fourth or any subsequent year of service, shall be cumulative from year to year up to a period not exceeding six weeks on full pay, and a further six weeks on half pay, provided that for each two weeks of any such sick leave, a medical certificate, or other satisfactory evidence of injury or illness shall be furnished by the employee if so required.

(c) Notwithstanding anything contained in sub-clauses (a) or (b) hereof, for absence on account of ill-health or injury for any period not exceeding two consecutive working days, and not exceeding in the aggregate four working days in any one year, the production of a medical certificate shall not be necessary.

(d) 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 as is prescribed by sub-sections (a) and (b) hereof than is sufficient with such compensation to make up the full or half pay as the case may be.

(e) For the purpose of this clause a year shall mean a period of twelve months commencing on the 1st day of January in each year.

WET PLACES.

16. Employees required to work in wet places shall be provided with leather or rubber knee boots and overalls.

Suitable and adequate overhead covering shall be provided for all employees engaged in grave digging.

PROTECTION FROM FALLING EARTH OR MASONRY.

17. Where an employee is working in sand or loose earth at a depth of 5 ft. 6 in. or greater, or in any earth at a depth below 7 feet, he shall be assisted by another employee, or given protection by means of timbering or other adequate protection to obviate danger from falling earth or masonry.

DEFINITION.

18. A casual employee is a person who is not required to report for duty on each or every ordinary working day, but who is called upon to do certain specified work at irregular intervals.

TERMINATION OF EMPLOYMENT.

19. Except in a case where an employee has been guilty of a misdemeanour, seven days' notice of termination of employment shall be given by either employer or worker, or a week's wages shall be paid or forfeited, as the case may be, in lieu thereof. This clause does not operate in the case of a casual employee.

PERIODICAL ADJUSTMENT OF WAGES.

20. The wages rates for males 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 apprentices or improvers shall be adjusted proportionately to adjustments of the basic wage, such adjustments to be to the nearest 6d., half or less than half of 6d. to be disregarded.

The basic wage shown hereunder shall be adjusted as prescribed in clause 21.

Basic Wage.

Place.	Basic Wage.	Index Number Set Assigned.
Throughout the State of Victoria	£ s. d. 4 12 0	Melbourne

ADJUSTMENT OF BASIC WAGE.

21. (a) Until the beginning of the first pay period to commence in August, 1946, the amount of the basic wage shall be as prescribed in clause 20.

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

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

J. V. WILLOX, Acting Secretary.

Melbourne, 30th May, 1946.



[1907]



VICTORIA
GOVERNMENT GAZETTE.

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No. 117]

MONDAY, JULY 1.

[1946

Factories and Shops Acts.

DETERMINATION OF THE NAIL MAKERS BOARD.

NOTE.—This Determination applies to the following parts of Victoria, namely:—The Metropolitan District as defined in the Factories and Shops Acts and the Order in Council thereunder and such portion of the city of Sandringham as is not included within the said district; the cities of Ballarat, Bendigo, Geelong, Geelong West, and Warrnambool; the town of Newtown and Chilwell, and the boroughs of Eaglehawk and Sebastopol.

IN accordance with the provisions of the Factories and Shops Acts the Wages Board which, since the 26th April, 1938, has had the power to determine the lowest prices or rates which may be paid to any person (including storemen, packers, and sorters) employed in the process, trade, or business of—

- (a) making nails;
- (b) weaving wire netting or barbed wire;
- (c) galvanizing;
- (d) drawing wire;

has made the following Determination, namely:—

1. That as from the beginning of the first pay period to commence on or after the 23rd May, 1946, the last previous Determination of this Board shall be revoked and replaced by this Determination.

2.

WAGES PER WEEK OF 44 HOURS.

	s.	d.
Nail or tack tool maker	122	0
Nail or tack machinist	115	0
Assistant to nail or tack machinist	110	0
Roofing nail heading machinist	112	0
Barbed wire tool maker or machinist	115	0
Assistant to barbed wire machinist	110	0
Clipper or tier-up on concertina barbed wire	109	0
Rumbler	109	0
Galvanizer	120	0
Pickler—Head, or where only one pickler is employed	114	0
Assistant pickler	108	0
Assistant working over metal pot	114	0
Swinger	106	0
Wire-drawing plate setter	113	0
Wire-drawing block operator	109	0
Storeman, packer, or sorter	112	0
All others	101	0

Leading Hands.

Leading hands in charge of not less than three and not more than ten employees, 6s. per week extra; more than ten and not more than twenty employees, 12s. per week extra; more than twenty employees, 18s. per week extra.

3.

APPRENTICESHIP.

Work to be Taught.

- (a) An apprentice shall be taught the work of each of the following occupations:—
 - (1) Tool making;
 - (2) Setting-up; and
 - (3) Machining.

Contract of Apprenticeship.

- (b) Every contract of apprenticeship hereinafter made shall contain—
 - (i) the names of the parties;
 - (ii) the date of birth of the apprentice;
 - (iii) a statement of the trade or trades to which the apprentice is to be bound and which he is to be taught during the course and for the purpose of the apprenticeship;
 - (iv) a covenant by the master to teach and instruct or cause the apprentice to be taught or instructed in the trade to which the apprentice is bound;
 - (v) the date at which the apprenticeship is to commence or from which it is to be calculated;
 - (vi) all other conditions of apprenticeship.

Cancellation or Suspension of Indenture.

(c) If through lack of orders or through financial difficulties an employer is unable at any time to find employment and training for an apprentice and if a transfer to another employer cannot be arranged, the obligations and duties imposed by the indenture may, with the concurrence of the apprentice and his guardian, be suspended for a period agreed upon, or if no such agreement is arrived at the indenture may with the approval of the Secretary for Labour be determined by the employer. The onus of proving circumstances justifying such determination shall be on the employer.

Proportion.

(d) (i) The proportion of apprentices who may be taken by an employer shall be one to every three or fraction of three tradesmen.

For the purpose of ascertaining the number of apprentices, the number of tradesmen shall be deemed to be the average number working during the immediately preceding six months, and, in ascertaining such proportion an employer actually working in any workshop shall be deemed to be a tradesman.

A person who is for a term not exceeding two years taking practical training in a workshop in continuance of a course of training for professional work shall not be taken into account in calculating the proportion of apprentices to tradesmen.

(ii) An employer specially qualified to teach apprentices may, with the consent of the Secretary for Labour, on the recommendation of the Wages Board, employ a greater proportion of apprentices to tradesmen than hereinbefore specified.

Until further order, apprentices so taken shall not be counted in future calculations of the proportion of apprentices to tradesmen authorized by this Determination.

Period of Apprenticeship.

If an apprentice is under the age of 16 years 6 months at the time of commencing—5 years; if 16 years and 6 months or over—4 years.

Probationary Period.

(e) Minors may be taken on probation for three months and if apprenticed such three months shall count as part of their period of apprenticeship.

Wages.

(f) The minimum weekly rates of wages for apprentices shall be the undermentioned percentages of the contemporaneous needs basic wage prescribed for the area in which they are employed, and in addition thereto the constant and war loadings specified, and in all contracts of apprenticeship hereafter made the employer shall covenant to pay wages of not less than such rates:—

The total wage of apprentices shall be calculated to the nearest sixpence, any broken part of sixpence in the result not exceeding threepence to be disregarded.

(g) Wages per Week of 44 Hours.

	Percentage of Needs Basic Wage.	Constant Loading.	War Loading.	Total Wage Payable.
<i>Four and Five-year Terms.</i>				
	Per Week.	Per Week.	Per Week.	Per Week.
		s. d.	s. d.	s. d.
1st year	22½		0 9	21 6
2nd year	30	1 0	1 0	29 6
3rd year	45	1 6	1 6	44 6
4th year	75	2 0	2 3	73 0
5th year	95	2 0	3 0	92 6
<i>Four-year Terms.—Apprentices commencing after the Age of 16 Years 6 Months.</i>				
1st year	26		0 9	24 6
2nd year	45	1 0	1 6	44 0
3rd year	75	2 0	2 3	73 0
4th year	95	2 0	3 0	92 6

Provided that subject to the sub-clause relating to lost time herein an apprentice on attaining the age of 21 years shall thereafter, until he has completed his apprenticeship, be paid the appropriate tradesman's rate as set out in clause 2.

On the expiration of his apprenticeship an employee who produces satisfactory evidence that he has satisfactorily completed the full term set out in his indentures shall, irrespective of the work on which he may be employed, receive the rate provided for a nail or tack tool maker.

Hours.

(h) The ordinary hours of employment of apprentices shall not in each workshop exceed those of the tradesmen.

Overtime and Shift Work.

(i) No apprentice under the age of eighteen years shall be required to work overtime or shift work unless he so desires.

Payment by Results.

(j) An apprentice shall not work under any system of payment by results.

Lost Time.

(k) The apprentice at the end of the calendar period of any year in which he has actually given service to the master upon less than the ordinary working days prescribed in this Determination, or in which he has unlawfully absented himself without the master's consent shall, for every day short of the said number of working days, and for every day of such absence, serve one day, and the calendar period of the succeeding year of his service shall not be deemed to begin until the said additional day or days shall have been served.

Provided that in calculating the extra time to be so served the apprentice shall be credited with time which he has worked during the relevant year in excess of his ordinary hours.

Prohibition of Premiums.

(l) An employer shall not, either directly or indirectly, or by any pretence or device receive from any person or require or permit any person to pay or give any consideration in the nature of a premium or bonus for the taking or binding of any probationer or apprentice.

Attendance at Technical Schools.

(m) Apprentices attending technical colleges or schools and presenting reports of satisfactory conduct shall be reimbursed all fees paid by them.

Annual and Sick Leave.

(n) Apprentices shall be entitled to sick and annual leave in accordance with the provisions of clauses 14 and 15 hereof respectively.

FEMALES, MALE JUVENILE WORKERS, AND IMPROVERS.

4. Female labour may be employed at sorting or packing. The minimum rates of wage for adult and junior females and for juvenile workers and improvers shall be as follows:—

Wages per Week of 44 Hours.

	Percentage of Needs Basic Wage.	Constant Loading.	Total Wage Payable.
<i>I.—Adult Females.</i>			
Under three months' experience	85	<i>s. d.</i> 3 0	<i>s. d.</i> 63 0
All others	75	3 0	72 0
<i>II.—Junior Females.</i>			
17 years of age and under	40	1 0	38 0
18 years of age	47½	1 3	45 0
19 years of age	55	1 6	52 0
20 years of age	62½	2 0	59 6
<i>III.—Improvers and Junior Males.</i>			
Under 16 years of age	25	0 6	23 6
16 years of age	35	0 9	33 0
17 years of age	47½	1 0	44 6
18 years of age	60	1 0	56 0
19 years of age	75	2 0	71 0
20 years of age	90	2 0	85 0

Provided that the rate payable to any employee shall not, excluding the constant loading, be less than 20s.

The total wage shall be calculated to the nearest sixpence, any broken part of sixpence in the result not exceeding threepence to be disregarded.

The proportion of improvers who may be taken by an employer shall be one to every four or fraction of four tradesmen.

The minimum rate payable to a junior female of any age or a junior male of eighteen years or more each with less than six months' experience under this Determination shall, until he or she has had such six months' experience, be 10 per cent. less than the amount represented by the percentage of the needs basic wage hereby prescribed for a junior employee of his or her age and in addition thereto the constant loading prescribed for such an employee.

A female or a junior employee, who on the date of this Determination coming into force, in his or her case was entitled under the previous Determination to a rate higher than that hereby prescribed for an employee of his or her age and experience, shall be paid at not less than the rate prescribed by such previous Determination for an employee of his or her age or experience, as the case may be, until he or she completes the year or experience or of age in respect of which the last-mentioned rate is prescribed. Upon completion of such year the minimum rate of wage in his or her case shall be the rate hereby prescribed.

SPECIAL RATES.

5. In addition to the wages prescribed in clauses 2, 3, and 4 hereof, the following special rates and allowances shall be paid to employees including apprentices and unapprenticed juniors:—

Dirty Work.

(a) Work which a foreman and workman shall agree is of an unusually dirty or offensive nature, 1½d. per hour extra.

In case of disagreement between the foreman and workman, the workman or a shop steward on his behalf shall be entitled within 24 hours, to ask for a decision on the workman's claim by the employer's industrial officer (if there be one), or otherwise by the employer or the executive officer responsible for the management or superintendence of the plant concerned. In such case a decision shall be given on the workman's claim within 48 hours of its being asked for (unless that time expires on a non-working day, in which case it shall be given during the next working day), or else the said allowance shall be paid.

In any case where an organization alleges that an employer or his representative is persistently unreasonable or capricious in relation to such claims, it shall have the right to bring such case before the Wages Board.

Wet Places.

(b) An employee working in any place where his clothing or boots become saturated, whether by water, oil, or otherwise, shall be paid 2d. per hour extra: Provided that this extra rate shall not be payable to an employee who is provided by the employer with suitable and effective protective clothing and/or footwear: And provided further that any employee who becomes entitled to this extra rate shall be paid such extra rate for such part of the day or shift as he is required to work in wet clothing or boots.

Special Rates not Cumulative.

(c) Where more than one of the disabilities entitling a workman to extra rates exist on the same job, the employer shall be bound to pay only one rate, namely, the highest for the disabilities so prevailing.

Rates not Subject to Penalty Additions.

(d) The special rates herein prescribed shall be paid irrespective of the times at which the work is performed, and shall not be subject to any premium or penalty additions.

HOURS OF WORK.

Day Workers.

6. (a) Subject to the exceptions hereinafter provided the ordinary hours of work shall be 44 per week to be worked in five days of 8 hours (Monday to Friday inclusive) and one day (Saturday) of 4 hours; or five days (Monday to Friday inclusive) of 8 hours 48 minutes each continuously except for meal breaks at the discretion of the employer, between 7 a.m. and 5.30 p.m. on Monday to Friday inclusive, and 7 a.m. and noon on Saturday.

In localities where the recognized half-holiday is on a day other than Saturday the day so recognized may be substituted for Saturday for all the purposes of this Determination.

Provided that the spread of hours herein prescribed may be altered as to all or a section of the employees by mutual agreement between an employer and the representative of the union in that shop.

Five-Days' Week.

(b) In any case in which the ordinary week's work of 44 hours can be performed in five days as aforesaid without—

- (i) detriment to the public interest;
- (ii) loss in the value of goods handled or to be handled;
- (iii) reducing the efficiency of production; or
- (iv) reducing the efficacy of the necessary services,

the employer shall on or before the 1st July, 1946, allow those employees who so desire to do so to work their ordinary hours in five days as aforesaid. Any dispute as to whether the ordinary hours of work can in any case or cases be worked in five days without detriment, loss or reduction as aforesaid shall be determined by the Wages Board upon application made by or on behalf of the employees. Upon such an application proof that the working of a five-days' week will result in such detriment, loss or reduction as aforesaid shall be upon the employer.

This sub-clause shall not apply to employees engaged on the maintenance and servicing of plant.

It is a condition of the allowing of a five-days' week hereunder that if required employees shall comply with the reasonable and lawful orders of the employer as to working overtime, including the working of overtime on Saturday.

SHIFT WORK.

Definitions.

7. (a) For the purposes of this clause:—

“Afternoon shift” means any shift finishing after 6 p.m. and at or before midnight.

“Continuous work” means work carried on with consecutive shifts of men throughout the 24 hours of each of at least six consecutive days without interruption except during breakdowns or meal breaks or due to unavoidable causes beyond the control of the employer.

“Night shift” means any shift finishing subsequent to midnight and at or before 8 a.m.

“Rostered shift” means a shift of which the employee concerned has had at least 48 hours’ notice.

Hours—Continuous Work Shifts.

(b) This sub-clause shall apply to shift workers on continuous work as hereinbefore defined.

The ordinary hours of such shift workers shall not exceed—

- (i) 8 in any one day; or
- (ii) 48 in any one week; or
- (iii) 88 in 14 consecutive days; or
- (iv) 176 in 28 consecutive days.

Subject to the following conditions such shift workers shall work at such times as the employer may require:—

- (i) a shift shall consist of eight hours, inclusive of crib time;
- (ii) except at the regular change-over of shifts, an employee shall not be required to work more than one shift in each 24 hours;
- (iii) twenty minutes shall be allowed to shift workers each shift for crib, which shall be counted as time worked.

Hours—Other than Continuous Work.

(c) This sub-clause shall apply to shift workers not upon continuous work as hereinbefore defined. The ordinary hours of such shift workers shall not exceed—

- (i) 44 in any week to be worked in five shifts of 8 hours 48 minutes on Monday to Friday inclusive, or five shifts of 8 hours and one shift (Saturday) of 4 hours, or
- (ii) 88 in fourteen consecutive days in which case an employee shall not, without payment for overtime, be required to work more than eight consecutive hours on any shift or more than six shifts in any week, or
- (iii) 132 in 21 consecutive days, in which case an employee shall not, without payment of overtime, be required to work more than eight consecutive hours on any shift or more than six shifts in any week.

Such ordinary hours shall be worked continuously except for meal breaks at the discretion of the employer. An employee shall not be required to work for more than six hours without a break for a meal.

Except at regular change over of shifts an employee shall not be required to work more than one shift in each 24 hours.

Rosters.

(d) Shift rosters shall specify the commencing and finishing times of ordinary working hours of the respective shifts.

Variation by Agreement.

(e) The method of working shifts may in any case be varied by agreement between the employer and the accredited representative of the union to suit the circumstances of the establishment.

The time of commencing and finishing shifts once having been determined may be varied by agreement between the employer and the accredited representative of the union to suit the circumstances of the establishment, or in the absence of agreement by seven days’ notice of alteration given by the employer to the employees.

Afternoon or Night Shift Allowances.

(f) Shift workers on continuous work whilst on afternoon or night shifts shall be paid $7\frac{1}{2}$ per cent. more than the ordinary rates for such shifts.

Shift workers on other than continuous work whilst on afternoon or night shifts shall be paid 10 per cent. more than the ordinary rates for such shifts.

Shift workers who work on any afternoon or night shift which does not continue for at least five successive afternoons or nights in a five-day workshop or for at least six successive afternoons or nights in a six-day workshop shall be paid at the rate of time and a half.

An employee who—

- (i) during a period of engagement on shift works night shift only; or
- (ii) remains on night shift for a longer period than four consecutive weeks; or
- (iii) works on a night shift which does not rotate or alternate with another shift or with day work so as to give him at least one-third of his working time off night shift in each shift cycle,

shall during such engagement, period or cycle, be paid at the rate of time and a quarter for all time worked during ordinary working hours on such night shifts.

Overtime.

(g) Shift workers for all time worked in excess of or outside the ordinary working hours prescribed by this Determination or on a shift other than a rostered shift shall—

- (i) if employed on continuous work be paid at the rate of double time; or
- (ii) if employed on other shift work at the rate of time and a half for the first four hours and double time thereafter, except in each case when the time is worked—
 - (iii) by arrangement between the employees themselves;
 - (iv) for the purpose of effecting the customary rotation of shifts; or
 - (v) is due to the fact that the relief man does not come on duty at the proper time; or
 - (vi) on a shift to which an employee is transferred on short notice as an alternative to standing the employee off in circumstances which would entitle the employer to deduct payment for a day in accordance with clause 13 (b) hereof.

Provided that when not less than 8 hours’ notice has been given to the employer by the relief man that he will be absent from work and the employee whom he should relieve is not relieved, the unrelieved employee shall be paid at the rate of time and a half for the first 4 hours on duty after he has finished his ordinary shift and at the rate of double time thereafter except where the employee is required to continue to work on his rostered day off when he shall be paid double time.

Sundays and Holidays.

(h) Shift workers on continuous work shifts for work done on a rostered shift the major portion of which is performed on a Sunday or holiday shall be paid at the rate of time and a half.

Shift workers on other than continuous work for all time worked on a Sunday or holiday shall be paid at the rates prescribed by clause 10 of this Determination. Where shifts commence between 11 p.m. and midnight on a Sunday or holiday the time so worked before midnight shall not entitle the employee to the Sunday or holiday rate; provided that the time worked by an employee on a shift commencing before midnight on the day preceding a Sunday or holiday and extending into a Sunday or holiday shall be regarded as time worked on such Sunday or holiday.

Junior and Female Employees.

(i) Female shift workers, apprentices or juniors whilst on afternoon or night shifts shall be paid not less than the rates hereinbefore prescribed or 1s. per shift whichever is the higher.

MIXED FUNCTIONS.

8. 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.

OVERTIME.

9. (a) For all work done outside ordinary hours the rates of pay shall be time and a half for the first four hours and double time thereafter, such double time to continue until the completion of the overtime work. Provided that in the case of an apprentice or a junior the rate for overtime shall be not less than the rate herein prescribed or 1s. 6d. per hour, whichever is the higher.

Except as provided in this sub-clause or sub-clause (b) hereof in computing overtime each day's work shall stand alone.

Rest Period After Overtime.

(b) When overtime work is necessary it shall, wherever reasonably practicable, be so arranged that employees have at least eight consecutive hours off duty between the work of successive days.

An employee (other than a casual employee) who works so much overtime between the termination of his ordinary work on one day and the commencement of his ordinary work on the next day that he has not at least eight consecutive hours off duty between those times shall, subject to this sub-clause, be released after completion of such overtime until he has had eight consecutive hours off duty without loss of pay for ordinary working time occurring during such absence.

If on the instructions of his employer such an employee resumes or continues work without having had such eight consecutive hours off duty he shall be paid at double rates until he is released from duty for such period and he shall then be entitled to be absent until he has had eight consecutive hours off duty without loss of pay for ordinary working time occurring during such absence.

Call Back.

(c) An employee recalled to work overtime after leaving his employer's business premises (whether notified before or after leaving the premises) shall be paid for a minimum of three hours' work at the appropriate rate for each time he is so recalled; provided that, except in the case of unforeseen circumstances arising, the employee shall not be required to work the full three hours if the job he was recalled to perform is completed within a shorter period. This sub-clause shall not apply in cases where it is customary for an employee to return to his employer's premises to perform a specific job outside his ordinary working hours, or where the overtime is continuous (subject to a reasonable meal break) with the completion or commencement of ordinary working time.

Overtime worked in the circumstances specified in this sub-clause shall not be regarded as overtime for the purposes of sub-clause (b) of this clause where the actual time worked is less than three hours on such recall or on each of such recalls.

Saturday Work—Five-Days' Week.

(d) A day worker on a five-days' week required to work overtime on a Saturday shall be afforded at least three hours' work or paid for three hours at the appropriate rate except where such overtime is continuous with overtime commenced on the day previous.

Standing By.

(e) Subject to any custom now prevailing under which an employee is required regularly to hold himself in readiness for a call back, an employee required to hold himself in readiness to work after ordinary hours shall until released be paid standing-by time at ordinary rates from the time from which he is so to hold himself in readiness.

Meal Hours—General.

(f) For work done during meal hours and thereafter until a meal-hour break is allowed time and a half rates shall be paid. An employee shall not be compelled to work for more than six hours without a break for a meal.

Meal Hours—Maintenance Employees.

(g) Subject to the provisions of the second part of sub-clause (f) of this clause an employee employed as a regular maintenance man shall work during meal breaks at the ordinary rates herein prescribed whenever instructed to do so for the purpose of making good breakdowns of plant or upon routine maintenance of plant which can only be done while such plant is idle.

Crib Time.

(h) An employee working overtime shall be allowed a crib time of twenty minutes without deduction of pay after each four hours of overtime worked if the employee continues work after such crib time.

Provided that where a day worker on a five-days' week is required to work overtime on a Saturday the first prescribed crib time shall, if occurring between 10 a.m. and 1 p.m., be paid at ordinary rates.

Unless the period of overtime is less than one and a half hours an employee before starting overtime after working ordinary hours shall be allowed a meal break of twenty minutes which shall be paid for at ordinary rates. An employer and employee may agree to any variation of this provision to meet the circumstances of the work in hand provided that the employer shall not be required to make any payment in respect of any time allowed in excess of twenty minutes.

Tea Money.

(i) An employee required to work overtime for more than two hours without being notified on the previous day or earlier that he will be so required to work shall either be supplied with a meal by the employer or paid 2s., and 1s. 3d. for each subsequent meal, but such payment need not be made to employees living in the same locality as their workshops who can reasonably return home for meals.

Unless the employer advises an employee on the previous day or earlier that the amount of overtime to be worked will necessitate the partaking of a second or subsequent meal (as the case may be) the employer shall provide such second and/or subsequent meals or make payment in lieu thereof as above prescribed.

If an employee pursuant to notice has provided a meal or meals and is not required to work overtime or is required to work less than the amount advised he shall be paid as above prescribed for meals which he has provided, but which are surplus.

Transport of Employees.

(j) When an employee, after having worked overtime, or a shift for which he has not been regularly rostered, finishes work at a time when reasonable means of transport are not available, the employer shall provide him with a conveyance to his home, or pay him his current wage for the time reasonably occupied in reaching his home.

HOLIDAYS AND SUNDAY WORK.

10. (a) Employees shall be entitled to the following public holidays without loss of pay as regards employees on weekly hiring.—New Year's Day, Australia Day, Good Friday, Easter Saturday, Easter Monday, King's Birthday, Labour Day, Anzac Day, Christmas Day, and Boxing Day, or such other day as is generally observed in the locality as a substitute for any of the paid days respectively.

By agreement between any employer and his employees, other days may be substituted for the said days or any of them as to such employer's undertaking.

Exceptions.

(b) An employee not engaged on continuous work shall be paid at the rate of double time for work done on Sundays and public holidays, such double time to continue until he is relieved from duty:

Provided that where employees are necessarily engaged in repairs to or renewals of their employer's plant and machinery necessary for resumption of work the next following working day, work done on Sundays and holidays shall be paid for at the rate of time and a half for the first eight hours and double time thereafter.

(c) An employee, other than a casual employee, not engaged in continuous work who works on a Sunday or a public holiday and (except for meal breaks) immediately thereafter continues such work shall, on being relieved from duty be entitled to be absent until he has eight consecutive hours off duty, without deduction of pay for ordinary time of duty occurring during such absence.

(d) Employees, other than on shift, required to work on Sundays or public holidays shall be paid for a minimum of three hours' work.

EXTRA RATES NOT CUMULATIVE.

11. Extra rates in this Determination, except rates prescribed in clause 5, are not cumulative so as to exceed the maximum of double the ordinary rates.

PAYMENT OF WAGES.

12. (a) Wages shall be paid weekly or fortnightly.

(b) On the first pay day occurring during his employment, an employee shall be paid whatever wages are due to him up to the completion of his work on the previous day: Provided that this sub-clause shall not apply to employers who make a practice of allowing advances to employees approximating wages due.

(c) Upon determination of the employment wages due to an employee shall be paid to him on the day of such determination, or forwarded to him by post on the next working day.

(d) An employee kept waiting for his wages on pay day for more than a quarter of an hour after the usual time for ceasing work shall be paid at overtime rates after that quarter hour, with a minimum of a quarter of an hour.

(e) On or prior to pay day, the employer shall state to each employee, in writing, the amount of wages to which he is entitled, the amount of deductions made therefrom, and the net amount being paid to him.

CONTRACT OF EMPLOYMENT.

Weekly Employment.

13. (a) Except as hereinafter provided, employment shall be by the week. Any employee not specifically engaged as a casual employee shall be deemed to be employed by the week.

(b) Employment shall be terminated by a week's notice on either side given at any time during the week or by the payment or forfeiture of a week's wages as the case may be. This shall not affect the right of the employer to dismiss any employees without notice for malingering, inefficiency, neglect of duty or misconduct, and in such cases the wages shall be paid up to the time of dismissal only or to deduct payment for any day the employee cannot be usefully employed because of any strike or through any breakdown in machinery or any stoppage of work by any cause for which the employer cannot reasonably be held responsible.

(c) An employee not attending for duty shall except as provided by clause 14 hereof lose his pay for the actual time for such non-attendance.

Casual Employment.

(d) A casual employee is one engaged and paid as such. A casual employee for working ordinary time shall be paid per hour one-fortieth of the weekly rate prescribed by this Determination for the work which he or she performs.

Late Comers.

(e) Notwithstanding anything elsewhere contained in this Determination an employer may select and utilize for time-keeping purposes any fractional or decimal proportion of an hour (not exceeding a quarter of an hour) and may apply such proportion in the calculation of the working time of employees who without reasonable cause promptly communicated to the employer, report for duty after their appointed starting times or cease duty before their appointed finishing times.

An employer who adopts a proportion for the aforesaid purpose shall apply the same proportion for the calculation of overtime.

SICK LEAVE.

14. (a) An employee on weekly hiring who is absent from his work on account of personal illness, or on account of injury by accident arising out of and in the course of his employment, shall be entitled to leave of absence, without deduction of pay, subject to the following conditions and limitations:—

(i) He shall not be entitled to paid leave of absence for any period in respect of which he is entitled to workers' compensation.

(ii) He shall, within 24 hours of the commencement of such absence, inform the employer of his inability to attend for duty and, as far as practicable, state the nature of the injury or illness and the estimated duration of the absence.

(iii) He shall prove to the satisfaction of his employer (or in the event of dispute the Wages Board) that he was unable on account of such illness or injury to attend for duty on the day or days for which sick leave is claimed.

(iv) He shall not be entitled in any year (whether in the employ of one employer or of several) to leave in excess of 44 hours of working time.

For the purpose of administering paragraph (iv) of this sub-clause an employer may, within one month of this Determination coming into operation or within two weeks of the employee entering his employment, require an employee to make a sworn declaration or other written statement as to what paid leave of absence he has had from any employer during the then current year; and upon such statement the employer shall be entitled to rely and act.

Single Day Absences.

(b) In the case of an employee who claims to be allowed paid sick leave in accordance with this clause for an absence of one day only such employee if in the year he has already been allowed paid sick leave on more than one occasion for one day only, shall not be entitled to payment for the day claimed unless he produces to the employer a certificate of a duly qualified medical practitioner that in his, the medical practitioner's, opinion the employee was unable to attend for duty on account of personal illness or on account of injury by accident. Nothing in this sub-clause shall limit the employer's rights under sub-clause (a), (iii) hereof.

Cumulative Sick Leave.

(c) Sick leave shall accumulate from year to year so that any balance of the period specified in sub-clause (a) (iv) of this clause which has in any year not been allowed to an employee by an employer as paid sick leave may be claimed by the employee and subject to the conditions hereinbefore prescribed shall be allowed by that employer in a subsequent year without diminution of the sick leave prescribed in respect of that year. Provided that sick leave which accumulates pursuant to this sub-clause shall be available to the employee for a period of two years, but for no longer from the end of the year in which it accrues.

Attendance at Hospital, &c.

(d) Notwithstanding anything contained in sub-clause (a) hereof an employee suffering injury through an accident arising out of and in the course of his employment (not being an injury in respect of which he is entitled to workers' compensation) necessitating his attendance during working hours on a doctor, chemist, or trained nurse, or at a hospital, shall not suffer any deduction from his pay for the time (not exceeding four hours) so occupied on the day of the accident, and shall be reimbursed by the employer all expenses reasonably incurred in connexion with such attendance.

ANNUAL LEAVE.

Period of Leave.

15. (a) A period of fourteen consecutive days' leave shall be allowed annually to an employee after twelve months' continuous service (less the period of annual leave) as an employee on weekly hiring in any one or more of the occupations to which this Determination applies.

Seven-day Shift Workers.

(b) In addition to the leave hereinbefore prescribed seven-day shift workers, that is shift workers who are rostered to work regularly on Sundays and holidays shall be allowed seven consecutive days' leave including non-working days.

Where an employee with twelve months' continuous service is engaged for part of the twelve-monthly period as a seven-day shift worker, he shall be entitled to have the period of fourteen consecutive days' annual leave prescribed in sub-clause (a) hereof increased by half a day for each month he is continuously engaged as aforesaid.

Annual Leave Exclusive of Public Holidays.

(c) Subject to this sub-clause the annual leave prescribed by this clause shall be exclusive of any of the holidays prescribed by clause 10 of this Determination, and if any such holiday falls within an employee's period of annual leave and is observed on a day which in the case of that employee would have been an ordinary working day, there shall be added to the period of annual leave time equivalent to the ordinary time which the employee would have worked if such a day had not been a holiday.

Where a holiday falls as aforesaid and the employee fails without reasonable cause proof whereof shall be upon him to attend for work at his ordinary starting time on the working day immediately following the last day of the period of his annual leave he shall not be entitled to be paid for any such holiday.

Broken Leave.

(d) The annual leave shall be given and taken in a continuous period or, if the employee and the employer so agree, in two separate periods and not otherwise.

Calculation of Continuous Service.

(e) For the purposes of this clause service shall be deemed to be continuous notwithstanding—

(i) any interruption or termination of the employment by the employer if such interruption or termination 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 personal sickness or accident or on account of leave lawfully granted by the employer; or

(iii) any absence with reasonable cause proof whereof shall be upon the employee.

In cases of personal sickness or accident or absence with reasonable cause the employee to become entitled to the benefit of this sub-clause shall inform the employer in writing if practicable within 24 hours of the commencement of such absence of his inability to attend for duty and as far as practicable the nature of the illness injury or cause and the estimated duration of his absence. A notification given by an employee pursuant to clause 14 shall be accepted as a notification under this sub-clause.

Any absence from work by reason of any cause not being a cause specified in this sub-clause shall not be deemed to break the continuity of service for the purposes of this clause unless the employer during the absence or within fourteen days of the termination of the absence notifies the employee in writing that such absence will be regarded as having broken the continuity of service.

In cases of individual absenteeism such notice shall be given in writing to the employee concerned, but in cases of concerted or collective absenteeism notice may be given to employees by the posting up of a notification in the plant, in the manner in which general notifications to employees are usually made in that plant and by posting to each union whose members have participated in such concerted or collective absenteeism a copy of same not later than the day it is posted up in the plant.

A notice to an individual employee may be given by delivering same to him personally or by posting it to his last recorded address, in which case it shall be deemed to have reached him in due course of post.

In calculating the period of twelve months' continuous service any such absence as aforesaid shall not, except to the extent of not more than fourteen days in a twelve-monthly period in the case of sickness or accident, be taken into account in calculating the period of twelve months' continuous service.

Calculation of Service.

(f) Service before the date of operation of this Determination shall be taken into consideration for the purpose of calculating annual leave, but an employee shall not be entitled to leave or payment in lieu thereof for any period in respect of which leave or a payment in lieu thereof has been allowed or made under the clause hereby revoked. Provided however, that in respect of service before the 1st January, 1946, the annual leave shall be allowed at the rate of 3½ hours for each completed one month of continuous service and in respect of service after that date at the rate of 7½ hours for each completed one month of continuous service. Any broken part of a month served before the 1st January, 1946, shall for the purposes of this clause be deemed to be service after the 1st January, 1946. The period of annual leave to be allowed under this sub-clause shall be calculated to the nearest day any broken part of a day in the result not exceeding half a day to be disregarded.

Where the employer is a successor or assignee or transferee of a business if an employee was in the employment of the employer's predecessor at the time when he became such successor or assignee or transferee the employee in respect of the period during which he was in the service of the predecessor shall for the purpose of this clause be deemed to be in the service of the employer.

Calculation of Month.

(g) 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.

Leave to be Taken.

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

Time of Taking Leave.

(i) 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 two weeks' notice to the employee.

Leave Allowed Before Due Date.

(j) 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.

Where leave has been granted to an employee pursuant to this sub-clause 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 one complete month 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-twelfth of the amount of wage paid on account of the annual leave, which amount shall not include any sums paid for any of the holidays prescribed by clause 10 of this Determination.

Payment for Period of Leave.

(k) Each employee before going on leave shall be paid two weeks' wages, except a shift worker or an employee taking his leave pursuant to sub-clause (d) of this clause either of whom shall be paid the amount of wage he would have received in respect of the ordinary time which he would have worked had he not been on leave during the relevant periods. For the purposes of this sub-clause and sub-clause (l) hereof, wages shall be at the rate prescribed by clause 2, 3, and 4 of this Determination for the occupation in which the employee was ordinarily employed immediately prior to the commencement of his leave or the termination of his employment, as the case may be. 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.

Proportionate Leave on Dismissal.

(l) If after one month's continuous service in any qualifying twelve-monthly period an employee lawfully leaves his employment or his employment is terminated by the employer through no fault of the employee, the employee shall be paid at his ordinary rate of wage for 3½ hours in respect of each completed month of continuous service before the 1st January, 1946, and for 7½ hours at the same rate in respect of each completed month of continuous service after that date, the service in each case being service in respect of which leave has not been granted hereunder.

Annual Close Down.

(m) Where an employer closes down his plant, or a section or sections thereof, for the purposes of allowing annual leave to all or the bulk of the employees in the plant, or section or sections concerned, the following provisions shall apply—

- (i) He may by giving not less than one month's notice of his intention so to do stand off for the duration of the close down all employees in the plant or section or sections concerned, and allow to those who are not then qualified for two full weeks' leave paid leave on a proportionate basis of one-sixth of a week's leave for each completed month of continuous service.
- (ii) An employee who has then qualified for two full weeks' leave, and has also completed a further month or more of continuous service shall be allowed his leave, and shall subject to sub-clause (f) hereof also be paid one-sixth of a week's wages in respect of each completed month of continuous service performed since the close of his last twelve-monthly qualifying period.
- (iii) The next twelve-monthly qualifying period for each employee affected by such close down shall commence from the day on which the plant, or section or sections concerned is re-opened for work.
Provided that all time during which an employee is stood off without pay for the purposes of this sub-clause shall be deemed to be time of service in the next twelve-monthly qualifying period.
- (iv) If in the first year of his service with an employer an employee is allowed proportionate annual leave under paragraph (i) hereof, and subsequently within such year lawfully leaves his employment or his employment is terminated by the employer through no fault of the employee, he shall be entitled to the benefit of sub-clause (i) of this clause subject to adjustment for any proportionate leave which he may have been allowed as aforesaid.

MISCELLANEOUS.

Accommodation and Conveniences.

Boiling Water.

16. (a) (i) Employers shall provide boiling water for employees at meal times.

Drinking Water.

(ii) Employers shall provide for the use of employees in workshops a sufficient supply of wholesome cool drinking water from bubble taps or other suitable drinking fountains.

First-Aid Outfit.

(iii) In each workshop, and at other places where employees are regularly employed, the employer shall provide and continuously maintain at a place or places reasonably accessible to all employees an efficient first-aid outfit.

Clause 8 of Chapter 9 of the Regulations under the *Factories and Shops Act 1928* requires that a first-aid ambulance chest shall be kept in some accessible place upon the premises, and that such chest shall be equipped and supplied with the following articles :—

Articles.	Quantities to be kept in Ambulance Chest.
Antiseptic solution	1 bottle
Bandages, cotton and gauze	1 dozen assorted sizes
Castor oil	2 oz.
Iodine, tincture of	2 oz.
Manual, first-aid	1
Petroleum, carbolized	1 jar
Picric acid solution, made according to the following recipe or prescription :—	
1½ teaspoonful of powdered picric acid, 3 oz. of absolute alcohol, and 2 pints of distilled water	1 pint
Pins, safety	1 packet
Sal volatile	6 oz.
Scissors	1 pair
Tourniquet	1
Tweezers	1 pair
Cotton, absorbent	An adequate assortment
Gauze, sterilized, plain	
Lint, absorbent	
Plaster, adhesive	

Lockers.

(iv) An employer shall at some reasonably convenient place on his premises provide a suitable locker for each employee in his workshop, or hanging facilities which afford reasonable protection for employees' clothes. In any case in which compliance with this paragraph necessitates the provision of lockers or new or improved hanging facilities, they shall be provided by the 1st July, 1946, unless the employer proves to the satisfaction of the Wages Board that he is unable by reason of shortage of material or labour or any other difficulties to provide such new or improved facilities, in which case their provision may be postponed for such period or periods as the Wages Board determines.

Washing and Sanitary Conveniences.

(v) Employers shall provide proper and sufficient washing and sanitary conveniences.

Clothing, Equipment, and Tools.

Damage to Clothing and Tools.

(b) (i) Compensation to the extent of the damage sustained shall be made where in the course of the work clothing or tools are damaged or destroyed by fire or molten metal or through the use of corrosive substances. Provided that the employer's liability in respect of tools shall be limited to such tools of trade as are ordinarily required for the performance of the employee's duties.

Goggles.

(ii) Suitable mica or other goggles shall be provided by the employer for each employee using emery wheels or where used by more than one employee such goggles shall be sterilized before being used by another employee. An employee when working on emery wheels shall wear the goggles provided for his protection.

Goggles containing celluloid shall not be considered suitable for the purposes of this provision.

Protective Clothing—Galvanizing, &c.

(iii) Employers shall provide suitable protective aprons, rubber gloves, and rubber boots or clogs, to employees engaged in the manual handling of materials over hot galvanizing or tinning pots or pickling or plating baths.

Tools.

(iv) Until further order the employer shall provide for each employee such tools as were customarily provided at the time of the making of this Determination. The employee shall replace or pay for any tools so provided if lost through his negligence.

Females—Rest Period and Seats.

(c) Female employees shall be allowed a rest period of not less than ten minutes during each day or shift, to be taken during the first or second half of the day or shift as may be decided by a majority of the female employees in a shop.

When requested by employees and where practicable suitable seats shall be provided by the employer for female employees.

Ventilation.

- (d) While any work is being carried on in any confined or enclosed space in which—
- (i) fumes, gases, dust or vapours which may be dangerous or injurious are liable to be present or to be generated in the course of the work; or
 - (ii) the atmosphere may otherwise become vitiated,
- the employer shall install a suction exhaust apparatus, through which by means of a power-driven fan air is drawn from the vicinity of the work in relation to which it is installed.

Where it is impracticable to install such suction exhaust apparatus the employer shall take all such steps as are necessary to ensure safe working conditions in any such confined or enclosed space.

This sub-clause shall not be deemed to be inconsistent with the Harmful Gases, Vapours, Mists, Smokes and Dust Regulations 1945 (published in the Victorian Government Gazette No. 21, dated 7th February, 1945) and shall not apply to any processes or occupations to which those Regulations apply.

SHOP STEWARDS.

17. An employee appointed shop steward in the shop or department in which he is employed shall, upon notification thereof to his employer, be recognized as the accredited representative of the union to which he belongs, and he shall be allowed the necessary time during working hours to interview the employer or his representative on matters affecting employees whom he represents.

RIGHT OF ENTRY OF UNION OFFICIALS.

18. (a) For the purpose of interviewing employees on legitimate union business, a duly accredited union representative shall have the right to enter employers' premises during the midday meal break on the following conditions:—

- (i) That he produces his authority to the gatekeeper or such other person as may be appointed by the employer.
- (ii) That he interviews employees only at places where they are taking their meal.
- (iii) That not more than one representative of each of not more than three unions be on the premises at any one time.
- (iv) That no one representative visit the premises more than once in each week.
- (v) That if any employer alleges that a representative is unduly interfering with his work or is creating dissatisfaction amongst his employees, or is offensive in his methods, or is committing a breach of any of the previous conditions such employer may refuse the right of entry, but the representative shall have the right to bring such refusal before the Wages Board:

Provided that where certain employees are working under a system of shift work which precludes a representative from interviewing them during the midday meal break the representative shall have the right to enter the employer's premises for the purpose of interviewing such employees at such time and under such conditions as to notice as may be mutually arranged by the representative and the employer or, failing agreement, at such times and under such conditions as the Wages Board may decide.

(b) For the purpose of investigating complaints concerning the application of this Determination, or the employment of females upon work which is alleged to be unsuitable for females, a duly accredited union representative shall be afforded reasonable facilities for entering an employer's workshop or plant during working hours, subject to the following conditions:—

- (i) That he discloses to the employer or his representative the complaint which he desires to investigate.
- (ii) That he makes his investigations in the presence of the employer or his representative (if the employer so desires).
- (iii) That he does not interfere with work proceeding in the workshop or plant.
- (iv) That he conducts himself properly.

(c) A union representative shall be a duly accredited representative of an organization concerned if he be the holder for the time being of a certificate, signed by the general secretary of that organization and bearing the seal of that organization, in the following form, or in a form not materially differing therefrom:—

(Name of organization.)

This is to certify that _____ is a duly accredited representative of the abovenamed organization.

General Secretary.

(SEAL)

Date—

Specimen signature of holder—

Strictly not transferable.

TIME AND WAGES BOOK.

19. (a) Each employer shall keep a record from which can be readily ascertained the name of each employee and his occupation, the hours worked each day, and the wages and allowances paid each week.

(b) The time occupied by an employee in filling in any time record 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 when entering or leaving the employer's premises.

(c) The time and wages record shall be open for inspection to a duly accredited union official 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 union or the district secretary or organizer of any division suspects that a breach of the Determination has been committed: Provided also that only one demand for such inspection shall be made in one fortnight at the same establishment.

(d) The official making such inspection shall be entitled to take a copy of entries in a time and wages record relating to the suspected breach of the Determination.

NOTICE BOARD.

20. The employer shall permit a notice board of reasonable dimensions to be erected in a prominent position in his establishment, upon which accredited union representatives shall be permitted to post formal union notices, signed or countersigned by the representative posting same.

GENERAL DEFINITIONS.

21. For the purposes of this Determination the following definitions shall apply:—

- "Sunday" means all time between midnight Saturday and midnight Sunday.
- "Year" means the period between the 1st day of June in each year and the next 31st day of May.
- "Nail or tack tool maker" means an employee who makes and fits all tools used in nail, staple, or tack making machines.
- "Nail or tack machinist" means an adult employee who is in charge of and sets up machines to produce the various types of nails and/or tacks. He is also responsible for the quality of the product.
- "Assistant to nail or tack machinist" is one who brings up wire to machines, and assists machinist in feeding machines and removing finished products.
- "Barbed wire tool maker or machinist" means an employee who makes, grinds, and fits tools used in, and is in charge of barbed wire making machines. He is also responsible for the quality of the product.
- "Assistant to barbed wire machinist" is one who feeds material and spools into barbed wire machines, stands by, adjusts tension, cuts off and removes finished products.
- "Tradesman" is a person employed as a toolmaker and/or a setter-up and/or a machinist, receiving not less than the appropriate rate set out in clause 2.
- "Improver" is any junior employee other than an apprentice or a juvenile worker as defined.
- "Juvenile worker" means a male person under 21 years of age (other than an apprentice or an improver) employed in assisting rumber, sawdusting, filling ladles, washing, scrubbing, drying, brushing off, sorting, packing, watching nail machines or barbed wire machines, wiring nail machines or barbed wire machines, watching and feeding tack machines, attending nail-rolling machines, attending horseshoe nail-heading machines, attending horseshoe nail-pointing machines, attending roofing nail-heading machines.

PERIODICAL ADJUSTMENT OF WAGES.

22. 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 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 females and of apprentices, improvers, and juvenile workers shall be adjusted proportionately to adjustments of the basic wage.

The basic wage shown hereunder shall be adjusted as prescribed in clause 23.

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.

23. (a) Until the beginning of the first pay period to commence in August, 1946, the amount of the basic wage shall be as prescribed in clause 22.

(b) During each future successive period beginning with the first pay period to commence in an August, a November, a February, or a May, 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:—

- (i) The index number set to be applied is that assigned to Melbourne.
- (ii) 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.
- (iii) The amount assigned in the following table (or in any extension thereof) to the index number division comprising that number is to be ascertained.
- (iv) 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	1118-1120	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.

Marginal Rates.

In addition to the basic wage provided in clause 22 the margins and wartime loadings set out in this clause shall be the minimum rate payable to employees therein named:—

Classification.	Margins per Week.	Wartime Loadings per Week.
	s. d.	s. d.
Nail or tack tool maker	20 0	4 0
Nail or tack machinist	14 0	3 0
Assistant to nail or tack machinist	9 0	3 0
Roofing nail heading machinist	11 0	3 0
Barbed wire tool maker or machinist	14 0	3 0
Assistant to barbed wire machinist	9 0	3 0
Clipper or tier-up on concertina barbed wire	8 0	3 0
Rumbler	8 0	3 0
Galvanizer	19 0	3 0
Pickler—Head, or where only one pickler is employed	13 0	3 0
Assistant pickler	7 0	3 0
Assistant working over metal pot	13 0	3 0
Swinger	5 0	3 0
Wire drawing plate setter	12 0	3 0
Wire drawing block operator	8 0	3 0
Storeman, packer, or sorter	11 0	3 0
All others	Nil	3 0

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

J. V. WILLOX, Acting Secretary.

Melbourne, 8th May, 1946.