



VICTORIA GOVERNMENT GAZETTE.

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No. 239]

THURSDAY, NOVEMBER 21.

[1946

Factories and Shops Acts.

DETERMINATION OF THE SHOPS BOARD No. 21 (BOOKSELLERS AND NEWSAGENTS).

NOTE.—This Determination applies to the following parts of Victoria, viz.:—The Metropolitan District as defined in the Factories and Shops Acts and the Order in Council thereunder, and such portions of the city of Sandringham as are not included in 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 now has power "to determine the lowest prices or rates which may be paid to any persons employed—

- (a) in booksellers' or newsagents' shops,
- (b) in the trade of a wholesale bookseller or newsagent,
- (c) in a lending library conducted for profit,"

has made the following Determination, namely:—

1. That as from the beginning of the first pay period to commence on or after the 15th November, 1946, the previous Determination of this Board shall be revoked and replaced by this Determination.

2.

Apprentices or Improvers.			Other Employees.			
WAGES.	Per week of 47 hours within the City area and 48 hours elsewhere.		WAGES.			
	Males.	Females.				
	<i>s.</i>	<i>d.</i>	Within the Metropolitan District.		All other parts of Victoria where this Determination applies.	
	<i>s.</i>	<i>d.</i>	Males.	Females.	Males.	Females.
15 years of age or under	19	0	<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>
16 years of age ..	22	0				
17 years of age ..	29	6				
18 years of age ..	38	6				
19 years of age ..	47	0				
20 years of age ..	55	6				
PROPORTIONS (by any employer).			DEPARTMENTAL MANAGER, i.e., a person in control of two or more persons (not including bookstall employees) receiving not less than the minimum wage—			
Apprentices.			Where two such persons are under his or her control			
One apprentice to every three or fraction of three workers receiving not less than the minimum wage.			Where three or more such persons are under his or her control			
An indenture of apprenticeship has been prescribed by the Board.			123 0 82 6 123 0 82 6			
Improvers.			132 6 93 6 132 6 93 6			
Two improvers to each adult worker receiving not less than 78s. per week of 48 hours in the case of a male adult and 41s. 6d. per week of 48 hours in the case of a female adult.			All Others.			
			(a) Employed in connexion with the sale or distribution of newspapers—			
			21 years of age 78 0 43 6 78 0 43 6			
			22 years of age 91 0 50 0 91 0 50 0			
			23 years of age or over 101 6 56 0 99 0 52 6			
			(b) Employed at any other work—			
			21 years of age 78 6 43 6 78 0 43 6			
			22 years of age 93 6 50 0 93 6 50 0			
			23 years of age or over 108 6 59 0 105 6 55 6			

OVERTIME.

3. (a) Any employee who in any week works for any time in excess of 47 hours within the City area and 48 hours elsewhere shall be paid for such extra time at the rate of time and a half.

(b) Any employee who is required to work between 12.45 p.m. and 4 p.m. on any Saturday shall be paid for such work at the rate of double time.

TIME WAGES.

4. (a) (This clause shall not apply to an employee at a Railway Bookstall sub-let to a newsagent.) Any person employed on time wages for less than the number of hours fixed for an ordinary week's work shall for each hour worked up to 23½ hours within the City area and 24 hours elsewhere be paid at the ordinary wage rate with an addition of 33½ per cent. and thereafter the ordinary wage rate up to but not exceeding ordinary wages rates for an ordinary week's work.

(b) An employee at a Railway Bookstall sub-let to a newsagent who works less than 48 hours in any week shall only be entitled to be paid *pro rata* according to the number of hours worked.

HOLIDAYS.

5. (Nothing in this clause shall apply to any employee who is required to work on any day mentioned therein in connexion with the sale or distribution of newspapers.) Employees shall be entitled to the following holidays without deduction of pay:—New Year's Day, Australia Day, Good Friday, Easter Saturday, Easter Monday, Anzac Day, Labour Day, King's Birthday, Melbourne Cup Day (Metropolitan District only), Christmas Day, and Boxing Day, and after 12.30 p.m. on Show Day in localities mentioned in the Twelfth Schedule to the *Public Service Act 1928* within the area to which this Determination applies; 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.

Any employee who is required to work on any day mentioned in this clause shall receive double time for such work.

MEAL MONEY.

6. Any employee who is required to work overtime in excess of one hour on any day shall receive an allowance of 2s. 6d. as meal money in addition to the rates provided in clause 3.

ANNUAL HOLIDAY.

7. The annual holiday shall be as prescribed by the provisions of the *Factories and Shops (Annual Holidays) Act 1946* (No. 5111) and any amendments which may be made thereto from time to time.

(In his or her own interests each employer of labour should obtain a copy of the above Act, which may be purchased from the Government Printer, Melbourne, at a cost of 9d., plus postage.)

SICK LEAVE.

8. (a) Any employee not attending for duty who has had not less than twelve months' service with the same employer shall not lose his pay for the actual time lost if such employee produces or forwards within 24 hours of the commencement of such absence evidence satisfactory to the employer that his non-attendance was due to personal ill-health or accident necessitating such absence, but such employee shall not be entitled to payment for non-attendance on the grounds of personal ill-health or accident for more than six days in each year.

(b) If the full period of sick leave as prescribed above is not taken in any year such portion as is not taken shall be cumulative from year to year up to a period not exceeding 18 days, which shall be the maximum amount of leave to which an employee may be entitled in any year without deduction of pay.

MEAL INTERVALS.

9. Employees shall be entitled to meal intervals as follows:—

(a) Between the 7th December and the 24th December in	} Between the hours of 11.45 a.m. and 2.45 p.m., and on a late trading night between the hours of 5 p.m. and 7 p.m.
each year—three-quarters of an hour	
(b) At any other period of the year—one hour	

TERMINATION OF EMPLOYMENT.

10. Except where the conduct of an employee justifies instant dismissal seven days' notice of termination of employment shall be given by either employer or employee or one week's wages shall be paid or forfeited in lieu thereof.

DEFINITION.

11. "City area" shall mean the Central Area of the City of Melbourne enclosed by and including Flinders, Spencer, Latrobe, Victoria, and Spring streets.

PAY DAY.

12. Employees shall be paid weekly on a regular pay day other than a Friday or a Saturday.

REST PERIOD.

13. A rest interval of ten minutes shall be given to all employees during each morning and afternoon, and shall be counted as time worked.

BICYCLE ALLOWANCE.

14. If an employee is required to use his own bicycle in the business of his or her employer, an allowance of 6d. per day or part thereof shall be made for such use.

TIME AND WAGES RECORD.

15. Employers shall keep a Time and Wages Record, showing the name, age, and sex of each employee, the number of hours worked each day and each week, and the wages and overtime payments (if any) to each such employee. Such record shall be open for inspection by a duly accredited representative of the Shop Assistants and Warehouse Employees Federation of Australia (Victorian-Tasmanian Branch).

REFERENCE.

16. On an employee being dismissed or leaving his or her employment he or she shall be entitled to and shall receive from the employer a reference stating length of service and qualifications. This reference must be given to the worker immediately on the termination of his or her employment.

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

J. V. WILLOX, Acting Secretary.

Melbourne, 31st October, 1946.



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THURSDAY, NOVEMBER 21.

[1946

Factories and Shops Acts.

DETERMINATION OF THE WIRE FENCE AND TUBULAR GATE BOARD.

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

IN accordance with the provisions of the Factories and Shops Acts, the Wages Board which since the 22nd November, 1923, has had the power to determine the lowest prices or rates which may be paid to any person or persons or classes of persons employed in the trade of making or erecting woven wire fence (other than wire netting) and tubular gates, has made the following Determination, namely:—

1. That as from the beginning of the first pay period to commence on or after the 11th September, 1946, the last previous Determination of this Board shall be revoked and replaced by this Determination.

2. ADULTS.

	Wages per Week of 44 Hours.	
	£	s. d.
Welder—		
First class (other than when using Cutler machine)	6	18 0
First class, using Cutler machine	6	5 0
Second class	5	16 0
Third class	5	12 0
Tack Welder	5	14 0
Machinists, being those engaged in working on ringlock, or any other class of fence-making machines, chain netting machines, or picket fabric machines	5	16 0
Paint spray operator	5	12 0
Persons employed in attaching chain netting, fabric, or wire cables to gates or frames	5	13 6
Scroll maker	5	13 6
Tubular frame maker	5	16 0
Person engaged in erecting woven wire fence or tubular gates	5	16 0
Stamp hand	5	9 6
All other adult employees	5	2 0

Provided that any person without previous experience employed in attaching chain netting, fabric, or wire cables to gates or frames, scroll making or tubular frame making, and erectors of woven wire fence or tubular gates, shall be paid 107s. per week of 44 hours for the first six weeks of such employment in the industry.

LEADING HANDS.

3. 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.

APPRENTICESHIP.

4. The Board has determined that no apprentice shall be taken in the trade.

UNAPPRENTICED MALE JUNIORS.

5. The wages of unapprenticed male juniors shall be the undermentioned percentages of the contemporaneous needs basic wage, and in addition thereto the constant loadings specified.

	Percentage of Needs Basic Wage.	Constant Loading Per Week.		Wages Per Week of 44 Hours.
		s.	d.	
Under 16 years of age	25	0	6	23 6
16 years of age	35	0	9	33 6
17 years of age	47½	1	0	45 0
18 years of age	60	1	0	57 0
19 years of age	75	2	0	71 6
20 years of age	90	2	0	85 6

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 minimum rate payable to a junior employee of 18 years or more with less than six months' experience under this Determination shall until he 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 age, and in addition thereto the constant loading specified for such an employee.

No junior shall be employed in outside spray painting or in the occupation of outside erecting who has not attained the age of nineteen years and, has not completed two years in the industry or if under the age of 16 years, using electric arc or oxy-acetylene blow pipe.

SPECIAL RATES.

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

Wet Places.

(a) 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 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.

Confined Spaces.

(b) Working in confined space (as defined), 3d. per hour extra.

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.

Travelling Time, Allowance, and Board.

7. (a) An employee required to work at a job away from his workshop or depot shall, at the direction of his employer, present himself for work at such job at the usual time of starting work. When an employee is required to work away from his workshop or depot, all time reasonably spent in excess of time usually spent in travelling to or from his home to the workshop or depot shall be paid for at ordinary rates (except on Sunday or a holiday when payment shall be at the rate of time and a half), up to a maximum of twelve hours out of every 24 or, where a sleeping berth is provided, a maximum of eight hours out of every 24.

(b) An employee engaged in a capital city to work in the country, or sent from one country centre to work in another country centre, shall be entitled to travelling time, and for a period not exceeding three months to expenses.

All excess fares and reasonable travelling expenses, including 2s. 6d. for each meal, together with the cost of board and lodging if the employee has to remain away from his home for a night, shall be paid by the employers.

The fares allowed shall be first class on coastal boats or on interstate boats where there is no second class as distinct from steerage, and on trains second class, except where all-night travelling is involved, when they shall be first class, and sleeping berths shall be provided where available.

(c) A camping allowance of 3s. per day for every day, including Sunday, shall be paid to employees engaged on country jobs at places where ordinary board and residence is not obtainable and camping in tents, cubicles, or other temporary shelter is necessary: Provided that where cooked meals are procurable by the employee at a mess established by the employer, the amount of such country allowance shall be 9d. per day for every day including Sundays.

(d) Until further order an employer shall be free to engage labour on the site of a job carried on away from the workshop, without payment of any travelling time or fares, unless such employee is sent from the workshop:

Provided that if any employee engaged for the erection of a job had previously been engaged by the same employer in the fabrication of the job in a workshop he shall be paid fares in excess of those incurred in travelling to and from the workshop.

HOURS OF WORK.

Day Workers.

8. (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 service,

the employer shall on or before the 1st October, 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.

9. (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 of 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 15 (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 four 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 12 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 Employees.

(i) 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.

10. 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.

11. (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 a junior, the rate for overtime shall be not less than the rate herein prescribed or 1s. 6d. per hour whichever is the higher.

(b) An employee, other than a casual employee, after the completion of overtime work performed after his usual ceasing time shall be entitled to be absent until he has had eight consecutive hours off duty, without deduction of pay for ordinary time of duty occurring during such absence.

If on the instructions of his employer any employee resumes work without having had such eight hours off duty he shall be paid at double rates until he is relieved from duty to take such rest period, and he shall then be entitled to be absent until he has had eight consecutive hours off duty without deduction of pay for ordinary time of duty occurring during such absence.

(c) Except as otherwise provided in paragraphs (a) and (b) hereof, in computing overtime each day's work shall stand alone.

(d) An employee recalled to work overtime after leaving his employer's business 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.

(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.

(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.

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

(h) 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 or 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.

(i) An employee required to work overtime for more than two hours without being notified the day before 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 workshop who can reasonably return home for meals.

If an employee pursuant to notice has provided a meal or meals and is not required to work overtime he shall be paid as above prescribed for meals so provided.

(j) 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 purposes of making good breakdowns of plant or upon routine maintenance of plant which can only be done while such plant is idle.

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

HOLIDAYS AND SUNDAY WORK.

12. (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 said 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 had 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.

13. Extra rates in this Determination, except rates prescribed in clause 6 are not cumulative so as to exceed the maximum of double the ordinary rates.

PAYMENT OF WAGES.

14. (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 termination of the employment wages due to an employee shall be paid to him on the day of such termination, 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.

15. (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 employee 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 break-down 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 16 hereof, lose his pay for the actual time of such non-attendance.

Casual Employment.

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.

SICK LEAVE.

16. (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 HOLIDAY.

17. (a) The annual holiday for an employee on weekly hiring, or a casual employee, 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.

(b) In addition to the above, seven day shift workers, that is shift workers who are rostered to work regularly on Sundays and holidays, shall be allowed for each twelve monthly qualifying period one week's leave including non-working days.

(c) 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 two weeks' annual leave prescribed by the said Act increased by one half day for each month he is continuously engaged as aforesaid.

(d) If in any twelve-monthly qualifying period a seven day shift worker lawfully leaves his employment or his employment is terminated by the employer through no fault of the employee the employee shall be paid, in addition to all other amounts (including any payment in lieu of annual leave as prescribed by sub-clause (a) hereof) due to him, an amount equal to one-fiftieth of his ordinary pay for the period of employment as a seven day shift worker.

MISCELLANEOUS.

Accommodation and Conveniences.

Boiling Water.

18. (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
Petrolatum, carbolized	1 jar
Picric acid solution, made according to the following recipe or prescription:— 1½ teaspoonfuls 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 damages 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 performances of the employee's duties.

Gloves.

(ii) Suitable canvas or leather gloves shall be provided by employers for operators of pneumatic tools and/or punch and shearing machines and suitable gloves or pads for such other work as the foreman and employee may agree.

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 equipment shall be provided.

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

Goggles.

(iii) 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 Equipment—Welding.

(iv) Employers shall provide a sufficient supply of the undermentioned equipment to enable each welder and his assistant when engaged on work necessitating its use to be supplied with same:—

- (a) Suitable asbestos sheets,
- (b) Hand screens or helmets fitted with coloured glass (or in the case of oxy-acetylene operators protective glasses with side shields),
- (c) Anti-flash goggles,
- (d) Aprons, leather sleeves and leggings (or coveralls of flame-proof material) and gauntlet gloves; and
- (e) Gum or other insulating boots when working in places so damp that danger of electric shock exists.

An employee who is pursuant to this paragraph supplied with any of the equipment specified herein shall wear or use as the case may be such equipment in such a way as to achieve the purpose for which it is supplied.

Where electric arc operators are working screens which shall be suitable and sufficient for the purpose shall be provided by the employer for the protection of employees from flash.

Tools.

(v) 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.

SHOP STEWARDS.

19. 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.

20. (a) For the purpose of interviewing employees on legitimate union business, a duly accredited union representative shall have the right to enter employer's premises during the mid-day 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 mid-day 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, 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 above-named organization.

SEAL.

General Secretary.

Date.

Specimen signature of holder.

Strictly not transferable.

TIME AND WAGES BOOK.

21. (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.

22. 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.

DEFINITIONS.

23. "Confined space" means a compartment or space, access to which is through a manhole or similar opening, or a place the dimensions of which necessitate an employee working in a stooped or otherwise cramped position, or without proper ventilation.

"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.

Welding.

"Welder—1st class" means a tradesman using electric arc and/or oxy-acetylene blowpipe and/or coal gas cutting plant who is required to apply general trade experience as a welder.

"Welder—2nd class" means an adult employee using an electric arc or oxy-acetylene blowpipe who is not a welder 1st class or welder 3rd class.

"Welder—3rd class" means an adult employee using an electric spot or butt welding machine or cutting scrap with an oxy-acetylene blowpipe.

PERIODICAL ADJUSTMENT OF WAGES.

24. The wages rates set out in clauses 2 and 5 are based upon the following basic wage rates and, pursuant to 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 rates.

The basic wage rates shown hereunder shall be adjusted as prescribed in clause 25.

Basic Wage.

Place.	Needs Basic Wage (Adjustable).	Loading (Constant).	Total Basic Wage.	Index Number Set Assigned.
	£ s. d.	s. d.	£ s. d.	
Throughout the State	4 13 0	6 0	4 19 0	Melbourne

ADJUSTMENT OF BASIC WAGE.

25. (a) Until the beginning of the first pay period to commence in November, 1946, the amounts of the basic wage shall be as prescribed in clause 24.

(b) During each future successive period beginning with the first pay period to commence in a November, a February, a May, or an August, the amounts 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 to a place is that assigned thereto in clause 24.

(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 amount assigned 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.

In addition to the basic wage prescribed by clause 24, any adult employee of a classification specified hereunder shall be paid the margin and wartime loading hereinafter assigned to that classification, and such loading shall be deemed to be part of his ordinary rate of wage for all purposes of this Determination:—

Classification.	Margin.	Wartime Loading.
	<i>s. d.</i>	<i>s. d.</i>
Welder—		
First-class (other than when using Cutler machine)	33 0	6 0
First-class, using Cutler machine	22 0	4 0
Second-class	14 0	3 0
Third-class	10 0	3 0
Tack welder	12 0	3 0
Machinists, being those engaged in working on ring-lock, or any other class of fence-making machines, chain netting machines, or picket fabric machines	14 0	3 0
Paint spray operator	10 0	3 0
Person employed in attaching chain netting, fabric, or wire cables to gates or frames	11 6	3 0
Scroll maker	11 6	3 0
Tubular frame maker	14 0	3 0
Person engaged in erecting woven wire fence or tubular gates	14 0	3 0
Stump hand	7 6	3 0
All other adult employees	Nil.	3 0

A. V. BARNS, J.P., Chairman.

J. V. WILLOX, Acting Secretary.

Melbourne, 27th August, 1946.