



VICTORIA GOVERNMENT GAZETTE.

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[1946

Factories and Shops Acts.

DETERMINATION OF THE BUTTER FACTORIES BOARD.

NOTES.—(1) On 18th July, 1938, the Butter Board was deprived of the power to "determine the lowest prices or rates which may be paid to any person or persons or classes of persons wheresoever employed in the process, trade, business, or occupation of manufacturing or preparing for trade or sale—

(a) butter, cheese, or casein;

(b) cream for wholesale trade other than sterilized cream,"

and such power was conferred exclusively on the Butter Factories Board.

(2) 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 has the power to "determine the lowest prices or rates which may be paid to any person or persons or classes of persons wheresoever employed in the process, trade, business, or occupation of manufacturing or preparing for trade or sale—

(a) butter, cheese, or casein;

(b) cream for wholesale trade other than sterilized cream,"

has made the following Determination, namely:—

1. That as from the beginning of the first pay period to commence on or after the 25th March, 1946, the last previous Determination of this Board shall be revoked and replaced by this Determination.

2.

Apprentices or Improvers.				Juvenile Workers.				Other Employees.					
WAGES PER WEEK OF 44 HOURS.				WAGES PER WEEK OF 44 HOURS.				WAGES PER WEEK OF 44 HOURS.					
Shift Workers.			Ordinary Workers.	Males.		Females.		Shift Workers.			Ordinary Workers.		
Where a Seven-day Week is Worked.	Where a Six-day Week is Worked.	s. d.		s. d.	s. d.	s. d.	Where a Seven-day Week is Worked.	Where a Six-day Week is Worked.	s. d.				
s. d.	s. d.						s. d.	s. d.		s. d.		s. d.	
Under 16 years	..	..	47 9	Under 16 years	40 6	34 9	Cream grader	134 0	131 0	123 0	
16-17 years	..	..	55 9	16-17 years	45 0	39 0	Milk grader	133 0	130 0	122 0	
17-18 "	..	..	63 0	17-18 "	55 9	43 6	Milk or cream tester ..	133 0	130 0	122 0	
18-19 "	82 0	79 0	71 0	18-19 "	61 3	50 6	Creamery manager ..	131 0	128 0	120 0			
19-20 "	91 3	88 3	80 3	19-20 "	72 0	55 9	Milk or cream neutralizer ..	129 6	126 6	118 6			
20-21 "	98 0	95 0	87 0	20-21 "	82 0	61 9	Foreman of shift or department or casein plant ..	131 0	128 0	120 0			
							Butter-maker	133 0	130 0	122 0			
							Re-worker and/or processor (not requiring a butter-maker's certificate) ..	121 0	118 0	110 0			
							Operators of any of the following machines, viz. :—						
							Separator	119 0	116 0	108 0			
							Pasteurizer evacuator, or deodorizer ..	119 0	116 0	108 0			
							Weighing machine ..	119 0	116 0	108 0			
							Filling machine for tinning of butter when butter has not been milled ..	121 0	118 0	110 0			
							Filling machine for tinning of butter when butter has been milled ..	120 0	117 0	109 0			
							Storeman or packer in butter canning establishments ..	120 0	117 0	109 0			
							Other storemen or packers ..	119 0	116 0	108 0			
							Casein-maker	132 0	129 0	121 0			
							Assistant to casein-maker, casein dryers, and millers ..	120 6	117 6	109 6			
							Cheese-maker	133 0	130 0	122 0			
							Assistant to cheese-maker ..	120 6	117 6	109 6			
							Cheese storehand ..	122 0	119 0	111 0			
							Male adult washing or sterilizing cans or bottles ..	119 0	116 0	108 0			
							All other adult males ..	118 0	115 0	107 0			
							All other adult females ..	..	..	73 0	

PROPORTION (IN ANY PLACE).

Males.

One apprentice to every three or fraction of three workers receiving not less than 107s. per week.

One improver to every eight or fraction of eight workers receiving not less than 107s. per week.

Females.

One apprentice and one improver to every three or fraction of three workers receiving not less than 73s. per week.

DEFINITIONS.

3. "Juvenile worker" means a person under 21 years of age (other than an apprentice or an improver employed at—
 Patting, wrapping, or branding butter or cheese;
 Blending or re-packing cheese;
 Filling or cleaning cheese jars or moulds;
 Filling or emptying casein trays;
 Filling or drying casein in tunnels;
 Filling casein into bags;
 Weighing, filling, emptying, stacking, capping, sealing, opening, labelling, wrapping, packing, cleaning, or sterilizing tins, cartons, or bottles;
 Stamping or branding tins, cartons, cases, bottles, or labels;
 Stamping, branding, lining, or nailing up boxes or shooks, but not lifting full boxes; or
 Handling empty tins, cans, cases, crates, jars, moulds, or boxes.

"Ordinary worker" means a person—

- (a) who ordinarily works 8 hours 48 minutes between 7 a.m. and 7 p.m. on Monday, Tuesday, Wednesday, Thursday, and Friday when the ordinary week's work is performed in five days;
 (b) who ordinarily works eight hours between 7 a.m. and 7 p.m. on Monday, Tuesday, Wednesday, Thursday, Friday and four hours on Saturday between 7 a.m. and 12 noon when the ordinary week's work is performed in six days.

"Shift worker" is a person other than an ordinary worker. Males under 21 years of age (other than an apprentice or improver 18 years of age or over) or females of any age shall not be employed on shift work.

"Butter-maker" is a person who controls the temperature of cream for butter making, starts and stops the churn after filling with cream, and salts and works the butter.

"Assistant to cheese-maker" means any person employed in the working of the curd in the vats and processes up to and including unhooping the cheese from the presses. Not more than six assistants to cheese-makers shall be employed to each cheese-maker in any factory.

"Assistant to casein-maker" means any person employed in the working of the curd in the vats up to and including unhooping of the casein curd from the presses.

PROHIBITION OF EMPLOYMENT.

4. No person under 21 years of age shall be employed placing cans in or removing cans from a mechanical washer.

OVERTIME.

5. The following rates shall be paid:—

(a) To "ordinary workers" for all time worked—

Outside the times of beginning and ending work as fixed in clause 3	} Time and a half.
Within the times of beginning and ending work so fixed in excess of four hours on Saturday and eight hours on the other working days where an ordinary week's work is worked in six days	
and for all time worked on Saturday and in excess of 8 hours 48 minutes on Monday to Friday inclusive where an ordinary week's work is worked in five days	

Provided that double time shall be paid for all work done on Saturday after 12 noon

- (b) To "shift workers" for all time worked in excess of 7 hours 20 minutes on any day Time and a half.
 (c) An employee shall not be required to work more than 12 hours overtime per week; for shift workers this overtime shall be in addition to 7 hours 20 minutes per day for each of seven days.

MEAL INTERVAL.

6. An interval of not less than 30 minutes nor more than 60 minutes shall be granted for meals between the hours of 12 noon and 2 p.m., provided that females and juveniles shall be granted such interval not more than 4½ hours after starting work. Shift workers shall be allowed an interval of not less than 30 minutes nor more than 60 minutes for meal; such meal time to be not less than three hours, or more than five hours from the time of beginning work, provided that no employee shall be compelled to work for more than five hours between meal intervals and without being allowed a crib time of fifteen minutes for which he or she shall be paid.

Meal time, if worked, shall be paid for at the rate of time and a half on prevailing rates, same to continue until such time as the employee has had the full time provided for meal.

MEAL ALLOWANCE.

7. Any employee required to work more than 60 minutes overtime after the usual finishing time shall be paid, in addition to the overtime payable, an allowance of 1s. 6d. for a meal.

TIME BOOK OR OTHER RECORD.

8. That every employee shall indelibly record daily his or her correct times of beginning and ending work in a book, or on time cards, or by a mechanical contrivance, which shall be furnished by the employer.

INSPECTION OF TIME BOOK.

9. That the Secretary or Assistant Secretary of the Federated Cold Storage and Meat Preserving Employees' Union of Australia be allowed to inspect the Time Record referred to in clause 8 and wages record (covering a period of two months prior to the inspection), during the office hours of the factory.

ALLOWANCE.

10. When an employee is required by law or by his employer to wear a washable outer garment such garment (not exceeding two each year) shall be an overall of a proved type and quality and shall be provided by the employer in the month of September in each year.

CONTINUITY OF WORK.

11. The work of each day or shift shall be continuous, with the customary break for a meal.

TIME WAGES.

12. Any person ready, available and willing to work, employed on time wages for less than the number of hours fixed for an ordinary week's work between midnight Sunday and midnight Saturday shall for each hour worked up to one half the number of hours fixed for an ordinary week's work be paid at the ordinary wages rate with an addition of 33 per centum, and for each hour worked beyond the one-half aforesaid the rate of wages payable shall be the ordinary wages rate up to but not exceeding ordinary wages rates for an ordinary week's work.

TERMINATION OF EMPLOYMENT.

13. Except in a case where an employee has been guilty of misconduct, seven days' notice of termination of employment shall be given by either employer or worker.

PAYMENT OF WAGES.

14. Wages shall be paid during ordinary working hours or immediately on ceasing work on each pay day.

WASHING, DINING AND DRINKING FACILITIES.

15. Adequate washing and drinking facilities shall be provided in each factory or department, and where, in the opinion of the Inspector of Factories, conditions necessitate their use adequate dining rooms changing facilities and showers shall be provided by the employer.

IMPROVER TO RECEIVE ADULT WAGE.

16. An improver employed at any class of work for which a certificate from the Department of Agriculture is required shall, unless he is working under the direct supervision of an employee so qualified, be paid the rates of pay prescribed for such an adult employee.

ROTATION OF SHIFTS.

17. Where more than one shift per day is worked there shall be a change of shift at least once every four weeks unless otherwise arranged by mutual consent.

ANNUAL LEAVE.

18. (a) Males.—Any male employee who has been in the service of the same employer for a period of not less than twelve months shall be granted two weeks' holiday on full pay in each year, and such holiday shall be given not later than 31st August in each year.

If the employee leaves or is dismissed before the expiration of twelve months, then such employee shall be given or paid for one day's holiday for each calendar month or part of a calendar month's service. Provided that an employee shall not be entitled to one day's holiday pay for part of a calendar month until he has completed three calendar months' continuous service with the same employer.

(b) Females.—Any female employee who has been in the service of the same employer for a period of not less than twelve months shall be granted two weeks' holiday on full pay each year, and such holiday shall be given within three months of completion of each twelve months' service.

If the employee leaves or is dismissed before the expiration of twelve months, then such employee shall be given or paid for one day's holiday for each calendar month or part of a calendar month's service. Provided that an employee shall not be entitled to one day's holiday pay for part of a calendar month until she has completed three calendar months' continuous service with the same employer.

(c) If any holiday (mentioned in clause 21) occurs in the employee's period of annual leave then such employee shall be given for each such holiday:—

- (a) An extra day added to his or her annual leave with pay; or
- (b) An extra day's pay.

SICK LEAVE.

19. (a) Any employee who has been in the employment of the same employer for a period of not less than three months and who does not attend for duty shall lose his pay for the actual time lost unless 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 ground of personal ill health or accident for more than four days in each year or a proportionately less time during any shorter period of employment. For the purposes of this clause service prior to the 1st July, 1943, shall be disregarded.

(b) Notwithstanding the provisions of sub-clause (a) hereof 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 eight days, which shall be the maximum amount of leave to which an employee shall be entitled in any year without deduction of pay.

MIXED FUNCTIONS.

20. Where an employee is engaged in any one day or shift for more than two hours at work in a higher class than he is employed to perform, he shall be paid for the full day or shift at the highest rate payable for any such work under this Determination, but if he is so engaged for less than two hours he shall be paid at the rates fixed by this Determination only for the work he actually performs.

SPECIAL RATES.

21. Time and a half shall be the rate payable for all work done on Sunday, New Year's Day, Australia Day, Good Friday, Easter Monday, Labour Day, Anzac Day, King's Birthday, Christmas Day, and Boxing Day; but if any other day be by Act of Parliament or Proclamation substituted for any of the above-named holidays, the special rate shall be payable only for work done on the day so substituted. Provided that by mutual agreement between any employer and the employees concerned some other day may be substituted for King's Birthday.

Any employee called to work part of a Sunday or holiday shall be paid ordinary rate for the remainder of the day.

DAY OFF FOR SHIFT WORKERS.

22. Seven day shift workers shall be entitled to one day off without pay in each fortnight on any one of the days Monday to Saturday (both inclusive). The period of working time on such day off shall,

(i) be taken into account for the purpose of prohibiting an employee from claiming benefits under the provisions of Clause 12, and,

(ii) count as time worked for the purpose of Clause 23.

If worked is performed on such day off it shall be paid for at the rate of time and a half.

DOUBLE TIME FOR CERTAIN SUNDAY WORK.

23. Notwithstanding the provisions of Clause 21 of this Determination, an employee who works on a Sunday shall be entitled to payment at the rate of double time for such Sunday work as shall be in excess of 44 hours worked since the previous Sunday exclusive of any overtime worked by him on Monday to Saturday both inclusive.

PERIODICAL ADJUSTMENT OF WAGES.

24. 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*, 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, improvers, juveniles, and females shall be adjusted proportionately to adjustments of the basic wage, such adjustments to be to the nearest 3d., half or less than half of 3d. to be disregarded.

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

Basic Wage.

Place.	Basic Wage.	Index Number Set Assigned.
Within the area to which this Determination applies	£ s. d. 4 12 0	Melbourne

ADJUSTMENT OF BASIC WAGE.

25. (a) Until the beginning of the first pay period to commence in May, 1946, the amount 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 May, an August, a November, or a February, 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.

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

J. V. WILLOX, Secretary.

Melbourne, 14th March, 1946.



VICTORIA GOVERNMENT GAZETTE.

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MONDAY, APRIL 15.

[1946

Factories and Shops Acts.

DETERMINATION OF THE TENNIS STRINGS BOARD.

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

In accordance with the provisions of the Factories and Shops Acts the Wages Board appointed to determine the lowest prices or rate which may be paid to any person or persons or classes of persons employed in the process, trade, or business of making strings for tennis rackets, has made the following Determination, namely:—

1. That as from the beginning of the first pay period to commence on or after the 14th March, 1946, the last previous Determination shall be revoked and replaced by this Determination.

2.

APPRENTICES OR IMPROVERS.			JUVENILE WORKERS.		OTHER EMPLOYERS.
Wages per Week of 44 Hours.			Wages per Week of 44 Hours.		Wages per Week of 44 Hours.
Age.	Males.	Females.	Males.	Females.	
	<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>
Under 17 years	32 6	32 6	32 6	32 6	Males 116 6
17 years and under 18 years	43 6	38 3	43 6	38 3	Females 61 6
18 " " 19 " "	54 6	43 9			
19 " " 20 " "	65 3	49 3			
20 " " 21 " "	76 0	54 6			
<p>PROPORTION (IN ANY PLACE).</p> <p><i>Apprentices.</i></p> <p>One apprentice to every three or fraction of three workers receiving not less than 116s. 6d. per week of 44 hours.</p> <p><i>Improvers (Males).</i></p> <p>Four improvers to each male worker receiving not less than 116s. 6d. per week of 44 hours.</p> <p><i>Females.</i></p> <p>Two improvers to each female worker receiving not less than 61s. 8d. per week of 44 hours.</p>			<p><i>Definition of Juvenile Workers.</i></p> <p>Persons other than apprentices or improvers under 18 years of age doing general work, i.e., all work except—</p> <p>(a) picking out or selecting.</p> <p>(b) making in the raw state.</p> <p>(c) twisting in the dry state.</p>		
			<p>PROPORTION (IN ANY PLACE).</p> <p><i>Males.</i></p> <p>Six juvenile workers to each worker receiving not less than 116s. 6d. per week of 44 hours.</p> <p><i>Females.</i></p> <p>Three juvenile workers to each worker receiving not less than 61s. 6d. per week of 44 hours.</p>		

ORDINARY WEEK'S WORK.

3. Forty-four hours shall constitute an ordinary week's work which may be worked in five or five and a half days as follows:—

On the day on which the half holiday is usually observed	Between 7.15 a.m. and 12 noon.
On all other working days of the week	Between 7.15 a.m. and 5.30 p.m.

OVERTIME.

That the following rates shall be paid for all work done:—

4. (a) Outside the hours fixed in clause 3	Time and a half. Excepting after 12 noon on the day on which the half-holiday is usually observed when the rate shall be double time.
(b) Within the hours fixed in clause 3 in excess of either—	} Time and a half.
(1) The number of hours fixed as a day's work; or	
(2) The number of hours fixed as a week's work	

MEAL INTERVAL.

5. That a meal interval of at least half an hour shall be allowed to employees between the hours of 12 noon and 2 p.m.

SMOKO INTERVAL.

6. Employees shall be allowed 15 minutes smoko each forenoon and afternoon without deduction of pay.

PAYMENT FOR HOLIDAYS.

7. All employees shall be entitled to the following holidays without deduction of pay:—New Year's Day, Butchers' Picnic Day, Australia Day, Labour Day, Good Friday, Easter Saturday, Easter Monday, Anzac Day, Melbourne Cup Day, Christmas Day, and Boxing Day.

SPECIAL RATES.

8. Double time shall be the rate to be paid for all work done on Sunday, New Year's Day, Butchers' Picnic Day, Australia Day, Labour Day, Good Friday, Easter Saturday, Easter Monday, Melbourne Cup Day, Christmas Day, and Boxing Day, but if any other day be by Act of Parliament or Proclamation substituted for any of the above-named holidays, then the special rate shall be payable only for the day so substituted.

SICK LEAVE.

9. (a) Any employee, provided he has had at least three months' continuous service with the same employer, shall lose his pay for the actual time of such non-attendance unless he produces or forwards within twenty-four hours of the commencement of such absence evidence satisfactory to his employer that his non-attendance was due to personal accident arising out of and in the course of his employment or to personal ill-health necessitating such absence.

(b) Provided that an employee shall not be entitled to payment for non-attendance on the ground of personal accident or ill-health or both for more than forty-four hours of working time in each year of employment.

(c) Notwithstanding the provisions of sub-clause (b) hereof, 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 eighty-eight hours of working time, which shall be the maximum amount of leave to which an employee may be entitled in any year without deduction of pay.

For the purposes of this sub-clause service prior to 18th May, 1945, shall be disregarded.

ANNUAL LEAVE.

Period of Leave.

10. (a) Except as hereinafter provided 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 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 7 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 that period one working day for each such holiday falling as aforesaid.

Where a holiday falls as aforesaid and the employee fails without reasonable cause proof whereof shall be upon him to attend for work on the working day immediately preceding the first day or 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 determination of the employment by the employer if such interruption or determination has been made merely with the intention of avoiding obligations hereunder in respect of leave of absence;

(ii) any absence from work on account of 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 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.

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 9 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 the 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.

Calculation of Service.

(f) Service before the 1st January, 1946, 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 three 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 7 of this Determination.

Payment for Period of Leave.

(k) Each employee before going on leave shall be paid two weeks' wages, except a seven-days' shift worker who 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 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 one 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 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 that day on which the plant, or section or sections concerned is re-opened for work.
- (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 (l) of this clause subject to adjustment for any proportionate leave which he may have been allowed as aforesaid.

NOTICE OF INTENTION TO WORK OVERTIME.

11. (a) In every case where practicable an employer shall give twenty-four hours' notice to each employee of his intention to work such employee overtime. In each case where such notice has not been given and the employee is required to work overtime, he or she shall receive Two shillings as tea money in addition to any other special payments provided.

(b) In every case where an employee has been notified that he or she is required to work overtime and attends for that purpose but is not required, he or she shall be paid Two shillings tea money, except where the failure to find employment is due to the accidental breakdown of necessary machinery.

NOTICE OF TERMINATION OF EMPLOYMENT.

12. That from any time not later than the expiry of the first week's employment, employment shall be by the week and shall be terminable forthwith at the expiry of any working week.

TERMS OF EMPLOYMENT.

13. Where the employer terminates the employment of an employee, for reasons other than misconduct, within two weeks prior to a day or days on which a holiday or holidays occur, and such employee is re-engaged within a period of two weeks immediately after such holiday or holidays, the employee shall be paid for such holiday or holidays prescribed by this Determination, provided that such employee has been employed by the employer for a period of at least two months prior to the termination of employment.

WATERPROOF CLOTHING.

14. When an employee is called upon to work in a wet department he shall be provided by the employer with a waterproof apron and waterproof covering for his legs and when using dyes or acids injurious to the skin shall be provided with rubber gloves.

PERIODICAL ADJUSTMENT OF WAGES.

15. 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, improvers, juvenile workers and of females, shall be adjusted proportionately to adjustments of the basic wage, such adjustments to be to the nearest 3d., half or less than half of 3d. to be disregarded.

The basic wage shown hereunder shall be adjusted as prescribed in clause 16.

Basic Wage.

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

ADJUSTMENT OF BASIC WAGE.

16. (a) Until the beginning of the first pay period to commence in May 1946, the amount of the basic wage shall be as prescribed in clause 15.

(b) During each future successive period beginning with the first pay period to commence in a May, an August, a November, or a February, 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 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
1068-1089	4 7 0	1192-1203	4 17 0
1081-1092	4 8 0	1204-1216	4 18 0
1093-1104	4 9 0	1217-1228	4 19 0
1105-1117	4 10 0	1229-1240	5 0 0

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

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

J. V. WILLOX, Secretary.

Melbourne, 8th March, 1946.