



VICTORIA GOVERNMENT GAZETTE.

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Factories and Shops Acts.

DETERMINATION OF ENTERTAINMENT EMPLOYEES (PERFORMERS) BOARD.

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

IN accordance with the provisions of the Factories and Shops Act, 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 persons subject to the jurisdiction of any Wages Board heretofore appointed) engaged as performers in radio or other entertainments conducted for private gain has made the following determination, namely:—

1. That as from the beginning of the first pay period to commence on or after the 23rd January, 1947, the last previous Determination of this Board shall be revoked and replaced by this Determination.

PART I.—Theatrical Entertainments.

RATES OF PAY.

2. The minimum rates of pay to be paid by an employer to an employee for work, inclusive of work in or incidental to either performances or rehearsals or both shall subject to reduction under clause 12 of this Determination be as set out hereunder.

—	Engaged by the Week.	Not on Tour.		On Tour.	
		Per Week. *A	Per Week. *B	Per Week. *A	Per Week. *B
		£ s. d.	£ s. d.	£ s. d.	£ s. d.
(i)	Actor	6 15 0	6 16 0	7 12 6	7 13 6
(ii)	Actress	6 1 6	6 2 6	6 19 0	7 0 0
(iii)	Male engaged in the chorus or ballet	6 5 0	6 6 0	7 2 6	7 3 6
(iv)	Female engaged in the chorus or ballet	5 11 0	5 12 0	6 8 6	6 9 6
(v)	supernumeraries engaged by the week shall be paid 5s. for each rehearsal and 6s. for each performance with a minimum payment per week of £2 10s.				
(vi)	Juvenile Rates—				
(a)	<i>Males.</i>		Not on Tour. Per Week.		On Tour. Per Week.
	Under 14 years of age and not within sub-clause (c) hereof		£ s. d.		£ s. d.
	14 years of age and under 16 years of age		1 12 6		2 2 6
	16 years of age and under 18 years of age		2 7 6		2 17 6
	18 years of age and under 21 years of age		3 15 0		4 7 6
			4 10 0		5 5
(b)	<i>Females.</i>				
	Under 14 years of age and not within sub-clause (c) hereof		1 12 6		2 2 6
	14 years of age and under 16 years of age		2 7 6		2 17 6
	16 years of age and under 18 years of age		3 10 0		4 2 6
	18 years and under 20 years of age		4 5 0		5 0 0

* Rates in columns "A" are payable until the beginning of the first pay period to commence in February, 1947, thereafter the rates in columns "B" are payable.

(c) Children under 14 years of age who are engaged in pantomime who do not appear in the night performances shall be paid £1 per week and shall perform one rehearsal on the stage before commencement of production without payment. The material for the wardrobe for these children will be supplied by the employers; if the employer makes the costume it shall remain the employer's property but otherwise it shall be the property of the child.

(vii) A member of the ballet or chorus who acts as deputy ballet or chorus master or mistress or who, under the instructions and supervision of the producer or stage manager supervises the numbers or acts to be performed by the ballet or chorus during a performance shall be paid not less than 16s. per week in addition to the per week rate.

(viii) If an employee is required by his or her employer to act as understudy he or she shall be paid an additional 5s. per week for each part understudied as required except that in cases where the part or one of the parts understudied is that of the leading actor or comedian or leading actress or comedienne 10s. per week shall be paid for that part instead of or in addition to the 5s. as the case may be.

(ix) A person who is attending rehearsals at the direction of an employer for a future production and who is not at that time employed in any current production by that employer shall for the period between the first date upon which such person is directed to attend for rehearsal and the commencement of the production be paid one half of the rates mentioned in sub-clause (a) (i), (ii), (iii), (iv) and (vi) (plus the full on tour allowance where applicable) for any week in which the number of hours worked at such rehearsals does not exceed 24 and full rates for any week in which such number of hours is 24 or more but if such period exceeds four weeks full rates shall be paid for each week in excess of four.

Engaged Casually.		Per Day.
		£ s. d.
(a)	Actors and Actresses	1 5 0
	Chorus and ballet male and female	1 0 0
<i>Juveniles, Male and Female.</i>		
	14 years and under 16 years of age	0 8 0
	16 years and under 18 years of age	0 12 0
	18 years and under 21 years of age	0 17 0
<p>The above rates include one rehearsal of one hour if required. For any number of performances above one on any one day for the same employer a further quarter of the above rates shall be paid for the second performance and full rate for each performance above two. If the employee be engaged by more than one employer on any one day the above full rates shall be paid by each employer. Performances at different places on the same day for the same employer shall not be deemed to be employment by different persons.</p>		
<i>Supernumeraries.</i>		Per Day.
		£ s. d.
	For attending a rehearsal and performance in one day	0 16 0
	For attending two performances in one day	0 15 0
	For attending a rehearsal only in one day	0 8 0
	For attending a performance only in one day	0 7 0

(b) An employee who lives in and is under casual engagement to perform any work at any place outside the metropolitan area shall have first class rail or other transport provided by the employer and if required to travel at night shall be provided with a sleeping compartment in the case of rail travel. Should the employer not provide such sleeping compartment the employer shall pay to the employee the sum usually charged to the employer by the railway authorities therefor.

The employer shall provide reasonable accommodation at an hotel or boarding house for any such casual employee who is obliged to remain and lodge overnight at any place other than his usual place of abode and in default thereof shall pay such employee the sum of 12s. 6d.

Should the total time of the outward and return journey of a casual employee travelling to and from employment outside the metropolitan area exceed twenty-four hours such employee shall be paid one half of the abovementioned rates for each period of twenty-four hours or part thereof in such excess in addition to the provision of lodging.

(c) Employees engaged by the week while on tour shall be paid their weekly wages from the time the employees leave the place of engagement until they return to that place at the end of the tour, broken weeks at the beginning or end of the tour to be paid for *pro rata*, and the days of departure and return other than Sundays to be each counted as one day worked;

Provided that such employees whilst travelling on ship, if the employer provide passage, including bed and board, shall in respect only of each complete calendar day of such travelling be entitled only to one-twelfth of their weekly wage.

(d) Notwithstanding any contract or arrangement no employee engaged by the week shall be paid or receive from his employer in respect of the whole period of his employment an aggregate of payments and allowances less than the aggregate of the minimum payments and allowances for ordinary work, overtime work, extra performances, and travelling fares and expenses payable to or receivable by an employee under this Determination in respect of similar employment in the absence of any such contract or arrangement.

SPECIAL ATTENDANCES.

3. If for the purpose of wardrobe, photography, or any other matter connected with an employer's business, he requires an employee to attend at any place before the commencement of his period of employment, he shall pay the employee for the time of such attendance *pro rata* at the minimum rate prescribed for the employee by clause 2 of this Determination with a minimum payment as for three hours.

This time of any such attendance during the period of employment shall be counted as time worked.

WAGES WHEN PAID.

4. Wages shall be paid to an employee without any deduction (other than advances on account of wages, fines or tax or other deductions which the employer is bound by law to deduct) not later than 10 p.m. on the Friday of each week, except in the case of a broken week, when payment shall be made not later than the same hour on the night of the last performance: Provided that should any employee be short paid or over paid in any week, in the case of short payment he shall receive the amount short paid on the following pay day or as soon thereafter as possible, and in the case of over payment, the amount over paid shall be deducted from the employee's wage on the following pay day or as soon thereafter as possible: Provided further that this clause shall not affect sub-clause (f) of clause 5 and clauses 7 and 17 of this Determination.

ENGAGEMENT.

5. (a) In the case of employees not engaged for a tour and not paid the rates for those casually engaged, the employment shall be terminated on either side only by a week's notice, either given in writing or plainly posted up on the call board or other place seen by the employees in the ordinary course of their employment, which notice may be given at any time during the week, and the employee shall only be entitled to payment *pro rata* for the time up to the expiration of the notice.

(b) In the case of an employee engaged for a tour the employment shall continue until the employee is returned to the place of engagement, but may, in the absence of any agreement to the contrary, be then terminated without notice. Should the employee leave the employer's employ during the course of the tour such employee shall be responsible for his own return fare unless such leaving be justified by and directly attributable to a breach of this Determination by the employer with respect to such employee during the employment, in which case the fare shall be payable by the employer.

(c) If any work is done by an employee for the employer after the time of the expiration of the notice under sub-clause (a) hereof or after the termination of a touring engagement under sub-clause (b) hereof otherwise than in pursuance of a separate weekly or touring engagement, it shall be paid for at casual rates.

(d) Employees, to become entitled to be treated as being engaged by the week must perform such work as the employer shall from time to time require on the days and during the hours usually worked by the class of employees affected.

(e) Nothing in this Determination shall affect any legal right of an employer to dismiss without notice any employee, whether on tour or not, for malingering, neglect of duty or misconduct; and in case of such dismissal, wages shall be payable for the employment up to, but not after, the time of the dismissal.

(f) Notwithstanding anything contained in this Determination an employer may deduct payment of wages for any day on which an employee cannot be employed in his usual class of employment because of—

- (i) any strike;
- (ii) any breakdown of machinery;
- (iii) any stoppage of work unavoidable by the employer.

TRY-OUTS.

6. The engagement shall not be deemed to have commenced until after a "try-out" if such "try-out" is desired; and an employee shall not be entitled to any payment until he or she is definitely engaged, except as prescribed herein and for rehearsals as prescribed in paragraph (ix) of sub-clause (a) of clause 2 of this Determination. Any "try-out" involving an appearance in public shall be paid for at the rate of one-sixth of the prescribed minimum weekly rate for the class of employee in question and any "try-out" not involving such public appearance shall not be paid for unless the number thereof exceeds three in any calendar month in which case there shall be paid for each "try-out" in excess the one-sixth rate aforesaid. No "try-out" shall be held on a Sunday.

ABSENCE FROM DUTY.

7. (a) Any employee paid per week absent from duty shall lose pay proportionate to the time of such absence unless he produces or forwards to his employer within twenty-four hours of the commencement of such absence evidence satisfactory to the employer that the absence was reasonable, because of either—

- (i) any illness of himself due neither to his own default nor to accident arising otherwise than out of and in the course of his employment; or
- (ii) any bodily injury to himself caused by accident arising out of and in the course of his employment.

(b) If any dispute shall arise as to the deduction of pay on the ground that satisfactory evidence has not been produced or forwarded, the question whether the evidence should have been accepted by the employer as satisfactory may be determined by the local secretary or other authorized representative of the Actors' Equity of Australia and the employer or his representative and if they do not agree shall be determined by the Wages Board, and the employer and the employee shall treat the evidence as satisfactory or not satisfactory for the purpose of sub-clause (a) hereof according to the tenor of the determination; which determination shall be conclusive and subject to no appeal.

(c) This clause shall not affect any right of the employer to determine the employment in accordance with clause 5 of this Determination.

HOURS.

8. Hours of duty shall not exceed $8\frac{1}{2}$ in any one day nor 96 in any one fortnight, including both performances and rehearsals.

OVERTIME.

9. (a) For all time worked over $8\frac{1}{2}$ hours in any one day or 96 hours in any one fortnight, the employee shall be paid at the rate of time and a quarter.

(b) If an employee is detained in the theatre by the employer or his representative until after 11.30 p.m. he or she shall be paid for the time he or she is detained after 11.30 p.m. at the rate of time and a half

(c) If a female employee is detained too late to travel by the last tram, train or vessel to her home (temporary or permanent), as the case may be, the employer shall provide for her proper conveyance to her home. This provision shall also apply to a male employee if his home is more than a mile from the theatre.

DEFINITION.

(d) "Time and a quarter" and "time and a half" used in relation to pay, respectively mean at the rate of one and a quarter and one and a half the actual pay of the employee in question, calculated *pro rata* for the time for which the payment is to be made.

TIMES OF PERFORMANCE AND REHEARSAL.

10. (a) Where a rehearsal is held on the same day as a performance the rehearsal shall not exceed $4\frac{1}{2}$ hours in duration. Such rehearsal shall not commence before 10 a.m. and shall finish at or before 4 p.m., with an interval of at least one hour, or at the employer's option the rehearsal may commence at 10 a.m. and continue until 1.30 p.m. without any interval. If no performance is held on the same day as a rehearsal, such rehearsal shall not exceed $8\frac{1}{2}$ hours in duration, with an interval of at least one hour. The employee shall be dressed and ready to begin rehearsal at the time fixed to start. Each of the intervals shall contain at least one continuous hour clear of any dressing, undressing, re-dressing, making-up or other work. The said intervals shall be given during the period between the hours of noon and 2 p.m. and 6 p.m. and 8 p.m. as the case may be. If the aforesaid hours are exceeded or the said continuous clear hour is curtailed, overtime shall be paid for the extra time worked or for the time of the curtailment.

(b) Where in the ordinary course of business not more than eight performances are given in any one week, no call of any kind shall be made on a day where more than one performance is given except in case of emergency.

TIME FOR DRESSING.

11. Thirty minutes shall be allowed an employee for preparatory duties incidental to a performance such as undressing, making-up and re-dressing, and fifteen minutes shall be allowed after a performance for undressing, washing off grease paint, and re-dressing; such time shall count as working time.

NUMBER OF PERFORMANCES.

12. (a) The wages prescribed in paragraphs (i), (ii), (iii), (iv) and (vi) of sub-clause (a) of clause 2 of this Determination, shall be the weekly wage for the purposes of calculating hourly rates, overtime, Sunday and holiday rates, rehearsal rates under paragraph (ix) of sub-clause (a) of clause 2 of this Determination and any other rates of pay based on the weekly wage.

(b) The number of ordinary performances for employees engaged in vaudeville and vaudeville revue and other entertainments not of a substantially whole time nature shall in any one week not exceed twelve. For each extra performance beyond twelve the employee shall be paid one-tenth of the weekly wage in addition to such wage.

(c) (i) Except as herein provided the number of ordinary performances per week for employees engaged in grand opera, drama, comedy, comic opera, musical comedy, revue, pantomime or other substantially whole time entertainments shall in any one week not exceed eight and in each such week in which such number is not exceeded the employer shall be entitled to deduct the sum of 10s. from the said amounts mentioned in paragraphs (i), (ii), (iii), (iv) and (vi) of sub-clause (a) of clause 2 of this Determination.

(ii) In the following cases the number of ordinary performances in the week may exceed eight but not exceed twelve namely—

- (a) in any week in which a public holiday or holidays occur one extra ordinary performance may be given on each such holiday;
- (b) during Easter week and Christmas week;
- (c) during the pantomime season in December and January.

In such circumstances such employees shall be paid the full amounts mentioned in sub-clause (a) of clause 2 of this Determination without deduction of the sum of 10s. or any part thereof and in addition the holiday pay under clause 13 of this Determination.

(iii) In any other circumstances in which such employees may give more than eight ordinary performances in any one week they shall be paid one-eighth of the weekly wage for each such performance in addition to such weekly wage.

(d) If an employee is engaged on weekly engagement to appear in two or more different contemporaneous productions for the same employer each production shall be deemed to be a separate week's engagement for the purposes of this Determination and the number of performances in each shall be counted separately for the purposes of this clause but this provision shall not apply—

- (i) When one of the productions is the pantomime during December and January ; or
- (ii) when any of the performances are short time appearances at picture theatres, cabarets and other like entertainments.

SUNDAYS AND PUBLIC HOLIDAYS.

13. For any work done on Sundays or public holidays, payment shall be made at least as follows :—

(a) On Sundays—

(i) If the engagement is by the week, one-third of the weekly wage received by the employee in addition to his wage for the week.

(ii) If the engagement is not by the week, at least double the prescribed minimum per day rate.

(b) On Good Friday, Christmas Day and Eight Hours Day—

(i) If the engagement is by the week, one-sixth of the weekly wage received by the employee in addition to his wage for the week or tour.

(ii) If the engagement is not by the week, double the prescribed minimum per day rate.

(c) On other holidays—

(i) If the engagement is by the week, one-twelfth of the weekly wage received by the employee in addition to his wage for the week or tour.

(ii) If the engagement is not by the week, one and a half times the prescribed minimum rate per day.

The said other holidays are the days observed in the State where the employment occurs as New Year's Day, Australia Day, Easter Monday, Anzac Day, King's Birthday, Boxing Day and all other days regarded and observed as holidays throughout the State.

(d) In the case of employees engaged by the week, if by reason of any of the holidays referred to in this clause being a holiday no work is done thereon, the wage for the week or tour shall nevertheless be paid without deduction therefor, and such holiday shall, for the purpose of clause 12 of this Determination be treated as if there had occurred thereon one of the eight or two of the twelve performances for which that clause provides.

(e) If an employee is required by his employer to travel on a Sunday, he shall, unless he is paid in pursuance of this clause for working on the said Sunday, receive therefor, if engaged by the week one-twelfth, or if not so engaged, one-half of the prescribed minimum per week or per day rate appropriate for him.

TRAVELLING.

14. (a) An employee engaged by the week, when travelling on duty, shall be provided by his employer with first-class accommodation both by rail and boat, but when travelling by a vessel carrying one class only, or by a vessel carrying two classes only, for which the lower class fare is at least 75 per cent. of the higher class fare or by a vessel of at least 6,000 tons carrying first second and third class passengers, in any of which cases he shall, if required, accept the only or the lower or the second-class accommodation as the case may be.

(b) An employee, when travelling on duty at night by train, shall be provided with sleeping accommodation, and if such sleeping accommodation is not available the employee shall be paid the sum which would be charged to the employer by the appropriate railway department for such sleeping accommodation if it were available.

TRANSPORTATION OF LUGGAGE.

15. All luggage required by the employee in the execution of his duties shall be taken from the wharf or railway station to the theatre and from the theatre to the wharf or railway station, and from theatre to theatre, at the employer's expense. All reasonable care, but no responsibility, shall be taken by the employer.

In the case of canvas theatres (country touring tent shows) if the employer's canvas theatre or other place of performance is over half a mile by the shortest available route from the wharf or railway station and there are no trams or other public transport services readily available at the time of arrival or departure of the employees for the commencement or at the conclusion of the show in the town the employer shall at his expense provide transport for the employees and their luggage to and from the station or wharf and the place of performance.

WARDROBE AND MAKE-UP.

16. (a) The employer shall provide make-up in the case of supernumeraries.

(b) Actors and actresses shall provide their own make-up. When the employer requires the employee to use special body make-up (other than facial or in cases of specialty acts) the employer shall provide such make-up.

(c) The employer shall provide wardrobe "wigs" and appurtenances required by him to be used in performance or rehearsal and they must be clean when so provided.

(d) All laundry made necessary by the work of the employee for the employer shall be done at the employer's expense.

PENALTY FOR BREACH OF DUTY.

17. An employer may at his discretion inflict a fine of 5s. upon an employee or suspend him for one performance with loss of pay or instantly dismiss him for any unpunctuality or missing of an entrance, or any dereliction of duty during a performance and/or rehearsal :

Provided that whenever a penalty as aforesaid has been imposed the employer shall when paying the employee give a written notice to the employee so penalized stating the amount of the fine, and the offence committed and the date thereof, and the employee shall have the right of appeal to a committee of two, one to be nominated by the employee and the other by the employer or his representative, and should they fail to agree they shall refer the matter for final decision to the Wages Board.

TIME BOOKS TO BE KEPT, ETC.

18. (a) The employer shall keep a time book or time sheet properly posted in ink, showing the names of and times worked by each employee, and the wages paid to each employee from week to week.

(b) The time book or time sheet shall, after all the time worked previous to the entry by an employee has been entered therein, be produced to such employee, and such entry if correct, shall be vouched by his signature in the time book or time sheet, and the entries of the time so worked may be checked by an accredited representative of the Actors' Equity of Australia if he be available at the place of business and by the employer's representative who shall, if the entries be correct, vouch for them by their signatures in the time book or time sheet.

(c) The time book or time sheet, with all the entries therein, shall, on demand, be produced by the employer for inspection at the place where it is kept, at any time between the hours of 10 a.m. and 1 p.m. during any day except pay day to an official of the Actors' Equity of Australia who has been authorized in writing to inspect the same by the general secretary or secretary of a State branch of the said Equity. One clear day's notice, setting out the grounds for desiring such inspection, shall be given to the employer of any intended inspection. No authority to inspect shall be given by the said Equity unless the general secretary or State branch secretary has good reason to suspect that a breach of this Determination has been committed by the employer whose time book or time sheet is to be inspected.

ACCESS FOR UNION REPRESENTATIVE.

19. The president or general secretary or an official of the Actors' Equity of Australia duly authorized in writing shall not more than twice in any one week have access to any employer's premises to interview members of the Equity on union matters when they are off duty, the place of interview to be chosen by the employer. Such interviews shall take place between 4.30 p.m. and 6 p.m. on Wednesdays, or upon such other days as may be agreed upon between the Equity and the employer concerned and the Equity shall have the right within the week immediately preceding the day of the interview to put a notice on the notice board of the premises that the representative of the Equity will be at the premises on the particular Wednesday, or other day so agreed upon.

SUB-CONTRACT, ETC.

20. (a) If work of any of the kinds covered by this Determination is done by an employee or arranged to be so done, in the interest in any way of an employer, this Determination shall apply to such work, employee and employer, notwithstanding that the employer causes or permits such work to be done for, or through, or by means of a contractor or other person, and the employer and employee shall have the same rights and obligations to each other as if they were in respect of such work directly employer and employee.

(b) An employer shall not permit any of the work covered by this Determination to be done by employees in any place under his control through a contractor or other person, except in accordance with the terms and conditions of this Determination as if the contractor or other person were himself a party and bound by this Determination.

(c) No employer shall enter into any contract for the carrying on of any of the work covered by this Determination by means of employees unless the contract contains a clause binding the contractor to pay the rates and observe the conditions prescribed in this Determination in respect of the work contracted for so long as this Determination remains in operation.

(d) Provided an employer shall have complied with sub-clauses (b) and (c) hereof and shall pay to the contractor at least such sum in the aggregate as the employees would be entitled to hereunder such employer shall not be under any responsibility that the contractor pays to each employee the minimum sum to which he would be entitled under this Determination nor be under any liability to any such employee for any payment nor be deemed to have committed a breach of this Determination in the event of the contractor not paying any such employee such minimum sum.

(e) If the whole or part of any performance of actors, actresses or choristers engaged otherwise than exclusively for broadcasting is broadcast each of the said employees shall be paid, in addition to his prescribed rate, 5s. for each performance.

DEFINITIONS.

21. "Engaged by the week" means being engaged for at least a week of employment terminable only in the manner prescribed by clause 5 of this Determination or being engaged for employment to last longer than a week.

"Engaged casually" means being engaged otherwise than by the week.

"Actor or actress" means a person who takes part in a performance and is required to speak in the aggregate more than five lines, or to sing by himself or herself, or to dance solo during any performance, or to perform any speciality.

"Supernumerary" means a person who takes part in a performance but is not required therein to speak by himself or herself in the aggregate more than two, or in Shakespearian productions more than five lines, exclusive of shouts, exclamations and utterances marked by authors or stage direction for all (omnes) the players on the stage to speak at the same time, nor required to sing in the aggregate more than sixteen, or in Shakespearian productions more than thirty-two bars of the musical score, if any, and includes anyone appearing as extra lady, show girl or mannequin.

PART II.—Radio Entertainments.

RECORDING.

Casual Employees.

22. (a) These, whether actors, actresses, singers, vaudeville artists, comperes, or other entertainers taking part in recorded transcriptions for use in Commercial Broadcasts, shall be paid as follows:—

	£	s.	d.
Musical presentations—			
Including rehearsal and recording, provided that the time involved does not exceed one and a half (1½) hours—per "side"	1	1	0
Beyond one and a half (1½) hours on any one day for each quarter (¼) of an hour or part thereof	0	5	6
Recordings of less than fifteen (15) minutes to be paid <i>pro rata</i> with a minimum per call of	1	1	0
Preliminary rehearsals in which no recording is done, per hour or part thereof, but with minimum of 10s: 6d.	0	7	6
A fifteen minute recording or part thereof is one side of a record or a recording of such duration on wax, acetate, fibre, copper wire, or by any other means.			
When a singer appears in any recording as a solo performer such singer shall be paid for each solo item after the first in any one programme the sum of	0	10	6
Rehearsal time for these additional periods shall be one half (½) the time allowed for the first quarter (¼) hour or "side."			
"Legitimate" or "Straight" presentations—			
Including rehearsal and recording provided that the time involved does not exceed one (1) hour—per "side"	1	1	0
Beyond one (1) hour on any one day for each quarter (¼) of an hour or part thereof	0	5	6
Recordings of less than fifteen (15) minutes to be paid <i>pro rata</i> with a minimum per call of	1	1	0
Preliminary rehearsals in which no recording is done per hour or part thereof	0	10	6
A fifteen minute recording or part thereof is one side of a record or a recording of such duration on wax, acetate, fibre, copper wire, or by any other means.			
When any performer is engaged in chorus work he shall be paid for each fifteen (15) minutes (but with a minimum of 10s.) at the rate of	0	5	0
Provided that should a solo performer be receiving payment as such in any period, he shall not during the same period receive any additional fee as one of the chorus.			
Each performer in rehearsals of chorus work shall be paid at the rate per one hour and a half (1½) hours or part thereof of	0	5	0

Weekly Employees.

(b) For the purpose of this sub-clause a week's work shall be deemed to consist of not more than eight hours in any one day or not more than six days in any one week, and not more than forty hours in any one week.

These employees whether actors, actresses, or radio artists, shall for a week's work be paid—

(a) Until the beginning of the first pay period to commence in February, 1947	8	8	0
(b) Thereafter	8	9	0

For all time worked in excess of the foregoing on any one day or in one week payment shall be at the rate of time and a half.

Provided that—

Any such employee who in any week takes part in more than twelve (12) recorded "sides of fifteen (15) minutes shall for each "side" in excess of that number be paid at the rate herein fixed for casual employees.

If any such employee in addition to working on the other six (6) days of any week is required to work on the Sunday he shall be paid at the rate of double pay for such Sunday work.

If the hours of work of any such employee on any one day are "scattered" so as to cover a period exceeding twelve (12) hours he shall be paid at the rate of time and a half for that day.

COMMERCIAL ANNOUNCEMENTS.

£ s. d.

23. Actors and actresses when used as such or as announcers, comperes or commentators, shall for each hour or part thereof be paid	1	1	0
If used in more than one half (½) the aggregate number of announcements in any one hour, an additional amount of	0	10	6

LIVE SHOWS, ACTUAL BROADCASTS, ETC.

Casual Employees.

24. (a) These whether actors, actresses, singers, vaudeville artists, comperes, or other entertainers taking part in broadcast performances for use in Commercial Broadcasts shall be paid as follows:—

Musical presentations—

£ s. d.

Including rehearsal and broadcasting, provided that the time involved does not exceed one and a half (1½) hours—per fifteen (15) minute broadcast	1	1	0
Rehearsal beyond one and a half (1½) hours on any one day, for every quarter (¼) hour of part thereof	0	5	6
Broadcasts of less than fifteen (15) minutes to be paid <i>pro rata</i> with a minimum per call of	1	1	0
Preliminary rehearsals in which no broadcasting is done, per hour or part thereof (but with a minimum of 10s. 6d.)	0	7	6
When a singer appears in any broadcast as a solo performer he shall be paid for each solo item after the first in any one programme the sum of	0	10	6
Rehearsal time for these additional periods shall be one half (½) the time allowed for the first quarter (¼) hour broadcast or performance.			
“Legitimate” or “Straight” presentations. Including rehearsal and broadcasting, provided that the time involved does not exceed one (1) hour—per fifteen (15) minute broadcast or performance	1	1	0
Beyond one (1) hour on any one day for every quarter (¼) of an hour or part thereof	0	5	6
Broadcasts of less than fifteen (15) minutes to be paid <i>pro rata</i> with minimum per call of	1	1	0
Preliminary rehearsals in which no broadcasting is done, per hour or part thereof	0	10	6
When any performer is engaged in chorus work he shall be paid for each fifteen (15) minutes (but with a minimum of 10s.) at the rate of	0	5	0
Provided that should a solo performer be receiving payment as such in any period, he shall not during the same period receive any additional fee as one of the chorus			
Each performer in rehearsals of chorus work shall be paid at the rate per one hour and a half (1½ hrs.) or part thereof	0	5	0

Weekly Employees.

(b) For the purpose of this sub-clause a week's work shall be deemed to consist of not more than eight hours in any one day or not more than six days in any one week, and not more than forty hours in any one week—

£ s. d.

These employees whether actors, actresses, or radio artists, shall for a week's work be paid—			
(a) Until the beginning of the first pay period to commence in February, 1947	8	8	0
(b) Thereafter	8	9	0

For all time worked in excess of the foregoing on any one day or in any one week payment shall be at the rate of time and a half.

Provided that—

- Any such employee who in any week takes part in more than twelve (12) broadcasts or performances of fifteen (15) minutes shall for each broadcast or performance in excess of that number be paid at the rate herein fixed for casual employees.
- If any such employee in addition to working on the other six (6) days of any week is required to work on the Sunday he shall be paid at the rate of double time for such Sunday work.
- If the hours of work of any such employee on any one day are “scattered” so as to cover a period exceeding twelve (12) hours he shall be paid at the rate of time and a half for that day.
- When in any recording or broadcast a singer appears as a solo performer for a period exceeding fifteen (15) minutes or one “side,” such singer shall be paid for each solo item beyond the first in the same programme the sum of

0 10 6

Rehearsal time for each such solo item beyond the first shall be one half (½) the rehearsal time allowed for the first period of fifteen (15) minutes or one “side.”

AUDITIONS, SAMPLE RECORDINGS, OR TRIAL BROADCASTS.

25. These according to their specific type as set out in this Determination, and whether broadcast for public or private purposes, or recorded for any reason whatever, shall be paid for in full, but this shall not apply to any voice test in private unless it entails a previous rehearsal.

REMAKES OF RECORDINGS.

26. Should a remake be necessary owing to the mistake of any member of the cast, the remake shall be made by the cast without charge provided that no longer interval occurs than is necessary for a replay of the disc, for which time the cast shall remain in attendance.

If the necessity for a remake owing to such mistake is not discovered until later than as aforesaid the cast shall perform the remake at half rates, and if the remake is necessary owing to any technical fault or to any mistake other than that of one of its members, the cast shall be paid as for a new recording.

PERFORMANCES BY MEMBERS OF STAFF.

27. Where a member of the management's staff, other than an actor, or actress, is called upon to perform any duty within the scope of this Determination he shall be paid a sum not less than that payable under this Determination for the particular duty so performed, except where such member receives a staff salary or wages greater than the minimum weekly pay herein prescribed for an actor or actress. Provided that when process discs are being recorded he shall be paid the sum as prescribed in clause 22 in addition to his ordinary salary or wages.

BROADCASTS OR RECORDING IN THE PRESENCE OF AN AUDIENCE.

28. Where a broadcast or a recording is made before an audience, members generally of which have paid for admission, each employee taking part in such broadcast or recording shall be paid the additional sum of one quarter (¼) the rate to which he is otherwise entitled, but this shall not apply to community singing advertised and/or announced as such, or to performances of which fifty per cent. at least of the proceeds is donated to charity.

MAKE-UP.

29. (a) Make-up in excess of that normally provided by an actor, or actress, shall be provided at the expense of the management and all dress other than that usually and ordinarily worn by the employee (i.e., such dress as would be worn to and from the place of employment) shall be provided by the management in a clean and fresh condition. The employee shall nevertheless, if so required by the management, provide one dinner dress in a reasonably good condition.

(b) Any cleaning or laundering made necessary by such make-up or by “Business” occasioned for the management's benefit shall be at its expense, but cleaning or laundering which in the ordinary course of events is necessary is excluded from this rule.

LATE ARRIVALS.

30. If an employee is late for a call, the burden shall be borne by the cast. If a producer or any person other than one of the actors, or actresses, delays the rehearsal or recording the burden shall be borne by the management.

CANCELLED CALLS.

31. Should a call be cancelled within twelve (12) hours of the time of such call for any reason other than the non-attendance of an employee the call shall be paid for in full.

MEAL BREAKS.

32. One hour shall be allowed for lunch between 12 o'clock noon and 2 p.m. and one hour for dinner between 5 p.m. and 7 p.m. or at a time to be agreed upon. Should the cast require a "break" for morning or afternoon tea, the time thus occupied shall not be counted as in the time of employment.

PHOTOGRAPH CALLS.

33. All photograph and publicity calls shall be paid for at rehearsal rates.

TIME SHEETS.

34. Every employee shall sign a time sheet provided by the management whereon shall be shown the time occupied, number of records, and footage of films. A copy of this time sheet, together with pay sheets, shall be open for inspection by Actors' Equity representatives if required for checking purposes.

NOTICE BOARD.

35. The management shall provide and place in a position a suitable and easy of access notice board for the display of announcements and notices, and on which the Actors' Equity shall have the right to place relevant notices.

ACCESS.

36. Actors' Equity officials, provided they are duly authorized in writing, shall have access to broadcasting or recording premises for the purpose of interviewing members, when off duty, on union matters, the place of the interview to be arranged between the Actors' Equity and the management, and to be reasonably suitable for the purpose.

ACTORS' EQUITY MEMBERSHIP.

37. No objection shall be taken to nor shall any discrimination be exercised against any employer because of Equity membership or activity.

ONE EMPLOYEE—ONE PART.

38. A broadcast or recording shall be taken as the performance by an employee of one part or character only. In the event of an employee being required to perform more than one part or character he shall be paid an additional sum of one quarter ($\frac{1}{4}$) the prescribed amount, but only if and when the additional part or parts consists of more than 25 words in the aggregate.

SOUND EFFECTS.

39. Should an actor be required to produce sound effects not incidental to his particular part in the broadcasting or recording he shall be paid an additional sum of one quarter ($\frac{1}{4}$) the prescribed amount.

TRAVELLING.

40. First class return fares and reserved seats, wherever obtainable, shall be provided by the management for all employees who may be required to travel in the management's interests: When such travel involves any employee spending the night in the train he shall be provided with a sleeping berth at the expense of the management wherever such berth is procurable, and where not procurable the employee shall be paid the sum usually charged to the public by the Railway Commissioners.

PRODUCERS AND ASSISTANT PRODUCERS.

41. These shall be paid at not less than actors' rates.

STAR ARTISTS.

42. Where an artist is announced as "starred" in any broadcast or recording he shall be paid an additional sum of not less than one quarter ($\frac{1}{4}$) the prescribed rate.

PAYMENT OF WAGES.

43. Casual employees shall be paid within 24 hours after the termination of their work. Weekly employees shall be paid weekly and not later than Friday of each week.

RATES FOR CHILDREN.

44. Children shall be paid at one half ($\frac{1}{2}$) the rates specified in clauses 22 to 24 inclusive.

DETENTION.

45. If a female employee is detained by the employer beyond the hour of 11.30 p.m. the employer shall provide for her proper conveyance to her home whether temporary or permanent. This provision shall apply also to a male employee who is so detained after the hour of midnight.

BROADCAST OF RELIGIOUS SERVICES.

46. Nothing in this Determination shall apply to the broadcasting of religious services.

DEFINITIONS.

47. "Actor" or "Actress" means a person who, having previously so appeared three times within any period of twelve months, appears in any broadcast or recording in which he is required to speak in the aggregate more than five words, or to sing by himself during any such broadcast or recording, or to perform any specialty.

"Casual Employee" means an employee engaged otherwise than as a weekly employee.

"Child" or "Children" means a person or persons under the age of sixteen years.

"Legitimate" or "Straight Presentation" means tragedy, drama, comedy drama, farce comedy, cavalcade of events presented in play form, presentation of events past, present, and future (actual or fictional), presented in play form in which the instrumental music used is only incidental to the presentation for theme, bridge, or link, or to heighten the dramatic value or create atmosphere, and any other presentation other than musical presentation.

"Musical Presentation" means grand opera, opera bouffe, light opera, musical comedy, musical farce, vaudeville, revue, minstrel show, pantomime, or any other presentation in which the dialogue is interspersed with either vocal solos, duets, trios, quartettes, quintettes, octettes, or chorus.

"Time and a half" used in relation to pay means at the rate of one and a half ($1\frac{1}{2}$) times the actual pay of the employee in question, and calculated *pro rata* for the time for which the payment is to be made.

"Weekly Employee" means an employee engaged on a weekly basis, and for a minimum period of eight consecutive weeks.

PART III.

This Part applies to all persons covered by the Determination.

PERIODICAL ADJUSTMENT OF WAGES.

48. The wages rates set out in clause 2 (i), (ii), (iii), and (iv) and those for weekly employees in clauses 22 and 24 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 adjusted as prescribed in clause 49.

Basic Wage.

Place.	Needs Basic Wage. (Adjustable).	Loading (Constant).	Basic Wage.	Index Number Set Assigned.
	£ s. d.	s. d.	£ s. d.	
Throughout the State	5. 1 0.	6 0.	5, 7 0	Six Capital Cities (Weighted Average)

ADJUSTMENT OF BASIC WAGE.

49. (a) For the purposes of this Determination, the expression "Commonwealth Statisticians 'all items' 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.

(b) Until the beginning of the first pay period to commence in May, 1947, the amounts of the Basic Wage shall be as prescribed in clause 48 of this part.

(c) 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 needs basic wage shall be adjusted by the following method, namely, by multiplying the last published Commonwealth Statisticians' "all items" retail price index number by the factor .087 taken to one place of decimals, the resultant whole number being the amount of the basic wage expressed in shillings, but should the decimal number reach .5 or more the basic wage shall be taken to the next higher shilling.

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

J. W. RYAN, Secretary.

Melbourne, 28th February, 1947.



VICTORIA
GOVERNMENT GAZETTE.

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MONDAY, APRIL 14.

[1947

Factories and Shops Acts.

DETERMINATION OF THE BUILDERS' LABOURERS 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 first pay period to commence in December, 1937, has had the power to determine the lowest prices or rates which may be paid to any person or persons or classes of persons (other than persons bolting structural ironwork in position, heating rivets, and holding up for boilermakers) employed in the occupation of—

- (a) builder's labourer on or about any building, or assisting any bricklayer, mason, plasterer, carpenter, plumber, or any other tradesman engaged in building operations;
- (b) labourer engaged in the construction, repair, demolition, or removal of buildings and bridges;
- (c) scaffolder, gear hand, gantry hand, crane hand, or dogman, or as a drainer on work in connexion with buildings;
- (d) labourer excavating ground for foundations or basements of buildings, or levelling ground on a proposed building site;
- (e) labourer doing concrete work or mortar mixing in connexion with or incidental to building construction;
- (f) labourer doing tar-paving or asphaltting work, or other work of a similar character in connexion with or incidental to building construction;
- (g) labourer cleaning bricks on a site on which a building is being demolished, repaired, or constructed.

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 come into force from the beginning of the next pay period to commence after the 1st December, 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 first 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 come into force from the beginning of the next pay period to commence after the 1st December, 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 or joinery mills.

All other builders' labourers shall be deemed to be unskilled.

2.

WAGES.

Note.—Rates payable in Column lettered "A" are payable until the first pay period to commence in February, 1947, thereafter the rates prescribed in Column lettered "B" are payable.

	A		B	
	Per Week.	Per Hour.	Per Week.	Per Hour.
	£ s. d.	s. d.	£ s. d.	s. d.
Builders' labourers—				
Skilled	7 8 3	3 4½	7 9 3	3 4½
Unskilled	6 16 4	3 1½	6 17 4	3 1½

For the purposes of this clause a builder's labourer shall be deemed to be skilled if employed at any of the following occupations:—steel structural erector (on steel frame building), gear hand rigger, pile driver, tackle hand, gantry hand, dogman, scaffolder (erecting rope scaffolding on buildings exceeding two stories above ground level), hod carrier, powder monkey, drainer, jackhammerman, and winch or hoist driver.

All other builders' labourers shall be deemed to be unskilled.

GENERAL PROVISIONS.

3. Where the employer has made a payment, which payment purports to be a payment of the wages payable to an employee for any period, the employer shall not be liable to pay to such employee any further sum prescribed by this Determination in respect of any services rendered to the employer during such period, unless within three months after the last day of such period a demand in writing of such further sum claimed has been made to the employer by such employee or by some person on his behalf and/or if proceedings to recover the amount claimed are not taken within nine months.

Wherever in this Determination time worked is required to be paid for at more than the ordinary rate, such time shall not be subject to more than one penalty, but shall be subject to that penalty which is to the employee's greatest advantage.

SPECIAL RATES.

4. Employees when working for more than one hour in the shade in places where the temperature is raised by artificial means to between 115 and 130 degrees Fahrenheit, shall be paid 1½d. per hour extra; employees when working in places where the temperature exceeds 130 degrees Fahrenheit shall be paid 3d. per hour extra. Where work continues for more than two hours in temperatures exceeding 130 degrees Fahrenheit, employees shall also be entitled to twenty minutes rest after every two hours work without deduction of pay. The temperature shall be decided by the representative of the employer after consultation with the employees who claim the extra rate.

Employees when working for more than one hour in places where the temperature is reduced by artificial means below zero, shall be paid 1½d. per hour extra. Where the work continues for more than two hours employees shall be entitled to a rest period of twenty minutes after every two hours without loss of pay.

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 48 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 be not less than 42 minutes.

OVERTIME.

6. (a) Except as hereinafter provided, all time on duty beyond the ordinary hours of duty hereinbefore provided shall be paid for at the rate of time and a half for the first two hours and at the rate of double time thereafter.

(b) As far as practicable employees shall not be required to work overtime.

(c) In computing overtime each day's work shall stand alone.

(d) For the purpose of computing overtime each fraction of a quarter of an hour shall be paid for as if it were a full quarter of an hour.

(e) In the case of employers employing members in a continuous process, all time on duty beyond 8 hours per day or beyond 44 hours per week shall be paid for at the rate of time and a half for the first four hours and at the rate of double time thereafter, except where the excess time of duty—

(i) is by arrangement between the employees themselves; or

(ii) is for the purpose of effecting the customary weekly rotation of shifts; or

(iii) is due to the fact that the relieving man does not come on duty at the proper 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:—

	s.	d.
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 11, 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.

TRANSFER FROM JOB TO JOB.

9. An employee transferred by the employer from one job to another job on the same day shall be paid for the time occupied in travelling as for time worked and the cost of such transfer shall be borne by the employer.

EMPLOYEE CALLED FOR WORK.

10. (a) An employee notified to commence duty and actually attending for duty and who is notified by the employer or his representative that his services are not required, shall be paid for two hours as time worked.

(b) An employee who is required to attend for work and is kept waiting to commence work by the instructions of the employer or his representative shall be paid at his ordinary rate of pay for the time he is so kept waiting.

(c) The provisions of sub-clauses (a) and (b) hereof shall not apply where one hour's previous notice that he will not be required to take up duty at the commencement of work has been given to the employee personally or left at his residence provided that if the employee has not given his address to the employer then the employer shall not be required to pay as prescribed by these sub-clauses.

(d) The provisions of sub-clauses (a) and (b) hereof shall not apply in cases where work cannot be commenced or continued on account of wet weather.

ALLOWANCE IN RESPECT OF DISTANT JOBS.

11. (a) When distance and/or travelling facilities reasonably prevent an employee going from 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
For a full working week at the rate of	42	0

(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.

12. 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.

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

EXCESS OF HOURS.

14. 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.

15. (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.

16. (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 $\frac{1}{13}$ th 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 $\frac{1}{13}$ th 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-New 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 for which he has then qualified on the basis of one-thirteenth of week's wages in respect of each 88 hours' consecutive service (exclusive of overtime) during his current qualifying twelve-monthly period.

PAYMENT OF WAGES.

17. Wages, allowances, and other monies 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 Australian Builders Labourers' Federation and approved by the Secretary for Labour, provided that 24 hours' notice of such inspection is given to the employer.

SHIFT WORK.

19. Within half a mile from the General Post Office at Melbourne the employer may carry on demolition and/or building work or work incidental thereto by shifts subject to the following conditions:—

(a) Up to three shifts may be worked, namely, morning shift, afternoon shift, and night shift.

(b) As far as practicable shifts shall be worked in rotation.

(c) The hours of work in each shift be as follows:—

- (i) Night shift from midnight Sunday to 7 a.m. Monday, from 11 p.m. Monday to 7 a.m. Tuesday, from 11 p.m. Tuesday to 7 a.m. Wednesday, from 11 p.m. Wednesday to 7 a.m. Thursday, from 11 p.m. Thursday to 7 a.m. Friday, and from 11 p.m. Friday to 7 a.m. Saturday.
Day shift from 7 a.m. to 3 p.m. on Monday, Tuesday, Wednesday, Thursday, Friday, and Saturday.
Afternoon shift from 3 p.m. to 11 p.m. on Monday, Tuesday, Wednesday, Thursday, Friday, and Saturday with an allowance of half an hour in each shift for a meal.
- (ii) The wages to be paid to builders' labourers as such who are employed on the said works shall be as follows:—
Morning shift—Ordinary rate.
Afternoon shift—Time and one-eighth.
Night shift—Time and a quarter.
- (iii) All time on duty in each shift beyond the hours of work mentioned shall be paid for at the rate of time and a half for the first two hours and double time thereafter.
- (iv) That any builder's labourer properly presenting himself for work and no work being then available for him shall be allowed and paid two hours wages at shift rates.
- (v) That so far as possible 44 hours' work shall be made available for each builder's labourer in each week.
- (vi) That in the event of any builder's labourer having to cease work on account of any stoppage operations after trams and trains have ceased running, provision shall be made by the employer for conveying him to his home or alternatively he shall be paid in respect thereof two hours wages.
- (d) If it is desired to work shifts in any other place then the question shall be referred to the Secretary for Labour and he shall determine whether under all the circumstances it is proper for the work to be carried on by shift. If he should so determine, then the above provisions relating to shift work shall apply.
- (e) Except where inconsistent with the provisions of this clause the other provisions of this Determination shall apply to such work.

SANITARY CONVENIENCES.

20. Suitable and adequate sanitary conveniences shall be provided by the employer. Sanitary conveniences shall not be regarded as suitable within the meaning of this determination unless they are enclosed and fitted with a door and roofed, and contain a proper seat and sufficient quantity of lime.

SUPPLY OF WATER.

21. Employers shall provide pure drinking water for employees. Where the water is not conveyed by pipe it shall be kept in a covered receptacle.

FIRST AID.

22. (a) A sufficient first aid chest shall be supplied and maintained by the employer and shall be kept under the control of a responsible person in a place accessible to the employees. In case of any dispute as to the adequacy of any first aid equipment the matter shall be referred to the Secretary for Labour.

(b) An employee meeting with an accident on the job necessitating his removal to hospital or to a doctor for medical attention shall be conveyed by ambulance or other suitable conveyance at the expense of the employer.

LOADS.

23. (a) No employee shall be required to carry more than the following loads by hod:—

Up to a height of 15 feet—12 bricks.

Over a height of 15 feet—10 bricks.

(b) In cases where bricks are carried by wheelbarrow the employee shall not be required to carry more than 36 bricks in a load on scaffolding at a height of more than 15 feet from the ground, or more than 40 bricks in a barrow in any other place.

If any other barrow than that which is commonly in use at the time of this determination is introduced by an employer then any question as to the load which may be carried in such barrow shall be determined by the Secretary for Labour.

TOOLS.

24. The employer shall supply all tools required for the work of any builder's labourer employed by him, free of cost or charge to the employee.

CHANGE HOUSE.

25. Where practicable and where not less than a total of fifteen men are employed the employer shall provide a suitable change house for the keeping of the clothes of the workmen employed. No cement, lime or building materials shall be stored in such change house.

WET PLACES.

(a) Where an employee is obliged by the employer to work spreading or packing wet concrete so that his boots are liable to become saturated, then the employer shall provide the employee with gum boots.

(b) Where an employee is obliged to work in conditions where boots become saturated with water, the employer shall supply the employee with gum boots for use on such work.

(c) If an employee is required to work in a place in which water is continually dripping from overhead so as to saturate the clothing of the employee he shall be provided with an oilskin coat so as to protect him from getting wet or in lieu thereof shall be paid 1s. extra for the day whatever amount of work may be done by him on such day.

DEFINITIONS.

26. For the purposes of this Determination—

"Continuous process" means a process in which during an unbroken period of not less than one week operations are continued during all the hours of the day from midnight to midnight or during sixteen hours of the day. Such a process shall be deemed to be a continuous process even if, through no fault of the employer, the work ceases for a time to be carried on.

"Shift worker" in a continuous process means an employee engaged for not less than a week in such continuous process.

CONTRACTING, SUB-CONTRACTING.

27. (a) No employer shall permit any of the classes of work covered by this Determination to be carried on by a contractor or other person except in accordance with the terms and conditions of this Determination as if the contractor or other person were himself an employer and bound by this Determination.

(b) No employer shall enter into any contract for the carrying on of any of the classes of work covered by this Determination by any contractor unless the contract contains a clause binding the contractor to pay the rates and observe the conditions set out in this Determination in respect of the work contracted for, and unless a clause is inserted in any such contract to the effect that the employer can determine the contract if there is any breach of the condition above referred to.

TERMINATION OF EMPLOYMENT.

28. 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.

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.

	Wages per Week—					
	Adjustable Rate.		Plus War Loading (Non Adjustable).		Total Wage.	
	A	B	A	B	A	B
WAGES OF WEEKLY EMPLOYEES.						
	<i>s.</i>	<i>d.</i>	<i>s.</i>	<i>d.</i>	<i>s.</i>	<i>d.</i>
2. (a) Labourer employed as steel structural erector (on steel frame building), gear hand, rigger, pile driver, tackle hand, gantry hand, dogman, scaffolder (erecting rope scaffolding on buildings exceeding two stories above ground level), powder monkey, drainer, jackhammerman, and winch or hoist driver. Provided always that men employed doing labouring work assisting these classifications shall be paid under sub-clause (b) hereof	118	0	119	0	121	0
(b) Builders' labourers in occupations other than those set out in sub-clause (a)	112	0	113	0	115	0

Note.—Rates shown in Columns lettered "A" are payable until the first pay period to commence in February, 1947, thereafter the rates prescribed in Columns lettered "B" are payable.

WAGES OF CASUAL EMPLOYEES.

3. Builders' labourers shall, subject to the conditions hereinafter set out, be deemed to be and shall be paid as casual employees for the first six months of their employment. At the end of six months employees who have been continuously employed for that period without loss of time on all usual working days and with loss of time if such is due to the fault of the employee shall be deemed thereafter to be continuously employed and shall be paid not less than the weekly rate herein prescribed. The period of six months referred to in this clause may have been served during or before or partly during and partly before the date of the coming into operation of this Determination.

Casual employees shall be paid not less than the following per hour:—

	For a 44-hour Week.		For a 48-hour Week.	
	A	B	A	B
	<i>s.</i>	<i>d.</i>	<i>s.</i>	<i>d.</i>
(a) If doing the work set out in (2) (a) above	3	1½	2	10½
(b) If doing the work set out in (2) (b) above	2	11½	2	8½

Note.—Rates shown in Columns lettered "A" are payable until the first pay period in February, 1947, thereafter the rates prescribed in Columns lettered "B" are payable.

GENERAL PROVISIONS.

4. Where the employer has made a payment, which payment purports to be a payment of the wages payable to an employee for any period, the employer shall not be liable to pay to such employee any further sum prescribed by this Determination in respect of any services rendered to the employer during such period, unless within three months after the last day of such period a demand in writing of such further sum claimed has been made to the employer by such employee or by some person on his behalf and/or if proceedings to recover the amount claimed are not taken within nine months.

Wherever in this Determination time worked is required to be paid for at more than the ordinary rate, such time shall not be subject to more than one penalty, but shall be subject to that penalty which is to the employee's greatest advantage.

SPECIAL RATES.

5. Employees when working for more than one hour in the shade in places where the temperature is raised by artificial means to between 115 and 130 degrees Fahrenheit, shall be paid 1½d. per hour extra; employees when working in places where the temperature exceeds 130 degrees Fahrenheit shall be paid 3d. per hour extra. Where work continues for more than two hours in temperatures exceeding 130 degrees Fahrenheit, employees shall also be entitled to twenty minutes rest after every two hours work without deduction of pay. The temperature shall be decided by the representative of the employer after consultation with the employees who claim the extra rate.

Employees when working for more than one hour in places where the temperature is reduced by artificial means below zero, shall be paid 1½d. per hour extra. Where the work continues for more than two hours employees shall be entitled to a rest period of twenty minutes after every two hours without loss of pay.

FARES AND ALLOWANCES.

6. (a) When engaged on country work (as hereinbefore defined) an employee shall, if the locality of such work be more than 20 miles from the General Post Office at Melbourne, be entitled to an additional payment at the rate of 3d. per hour provided that if the locality of the work renders it reasonably necessary for him to sleep at a place other than his usual place of residence, he shall be entitled to an additional payment at the rate of 5s. per day for seven days in lieu of the additional payment at the rate of 3d. per hour hereinbefore mentioned.

(b) When engaged on country work (as hereinbefore defined) an employee shall be entitled to fares necessarily incurred in travelling from and to his centre and to payment for his time of travelling from and to his centre (not exceeding eight hours per day) at ordinary rates of payment.

(c) When engaged on work not being country work (as hereinbefore defined) an employee, not deemed to be continuously employed (as hereinbefore defined), shall be paid for each day on which he attends for work at the job, an allowance equivalent to one quarter of an hour's payment at his ordinary rate of payment for that day, and in addition thereto he shall also be paid a further allowance at the rate of 2s. 6d. per week or, in the event of his attending for work at the job for less than six days in the week at the rate of 6d. per day for each day on which he so attends for work.

(d) A fare shall be deemed to be necessarily incurred under this clause, or such additional payment shall be made if the employee use a bicycle or other means of locomotion or walk instead of using a public conveyance, but a fare shall not be deemed to have been so incurred and payment shall not be required to be made where the employer provides or offers to provide a reasonable conveyance free of charge.

(e) For the purpose of sub-clause (a) hereof the Post Office at the corner of Bourke and Elizabeth-streets, Melbourne, shall be deemed to be the General Post Office at Melbourne.

PUBLIC HOLIDAYS.

7. Employees other than casual employees shall be entitled to the following days (referred to herein as "public holidays") on full pay, namely:—Christmas Day, Boxing Day, New Year's Day, Australia Day, Good Friday, Easter Monday, Labour Day, Anzac Day, or such days as are observed from time to time as substitutes for such days respectively in a city or locality: Provided always that if any of the above-mentioned holidays fall on a Saturday or Sunday where a week of six days is worked only the half day in the case of Saturday shall be observed and in the case of Sunday no holiday shall be allowed excepting where a day is generally observed in the locality as a substitute. Provided also that in the case of a five-day week no holiday shall be allowed on a Saturday or Sunday excepting on such a substituted day: And provided further that such employees when engaged in another industry shall be entitled only to the public holidays prescribed for the majority of employees in such other industry.

TRANSFER FROM JOB TO JOB.

8. An employee transferred by the employer from one job to another job on the same day shall be paid for the time occupied in travelling as for time worked and the cost of such transfer shall be borne by the employer.

EMPLOYEES CALLED FOR WORK.

9. (a) An employee notified to commence duty and actually attending for duty and who is notified by the employer or his representative that his services are not required, shall be paid for two hours as time worked.

(b) An employee who is required to attend for work and is kept waiting to commence work by the instructions of the employer or his representative shall be paid at his ordinary rate of pay for the time he is so kept waiting.

(c) The provisions of sub-clauses (a) and (b) hereof shall not apply where one hour's previous notice that he will not be required to take up duty at the commencement of work has been given to the employee personally or left at his residence provided that if the employee has not given his address to the employer then the employer shall not be required to pay as prescribed by these sub-clauses.

(d) The provisions of sub-clauses (a) and (b) hereof shall not apply in cases where work cannot be commenced or continued on account of wet weather.

PAYMENT OF WAGES.

10. (a) Wages accrued may be paid on any day of the week, Monday to Friday inclusive, and shall be paid at or before the cessation of work.

Provided always that—

(i) an employer shall not keep more than one day's pay in hand;

(ii) an employee whose service ends before pay time shall be paid at or before the time of its ending, or shall be paid by post or otherwise within 24 hours thereafter;

(iii) in the case of a mixed industry, payment of wages shall be made in accordance with the practice prevailing for the majority of the employees in such mixed industry.

(b) If wages be not paid within the periods prescribed the employee shall be paid at ordinary rates for all time in excess of fifteen minutes beyond such time until the wages are paid or posted to his last known place of address.

TERMINATION OF EMPLOYMENT.

Casual employment may be terminated by the employee on giving not less than one hour's notice or by the employer on giving not less than one hour's notice or by the payment of one hour's pay.

HOURS OF LABOUR.

12. (a) Except as herein provided the ordinary hours of duty shall be 44 per week to be worked on five days of eight hours and one day (Saturday) of four hours between the hours of 8 a.m. and 5 p.m., with one hour's interval for a meal on week days, and 8 a.m. and noon on Saturday: Provided always that an employer may agree with the Australian Builders Labourers' Federation to vary the hours of starting and finishing work or to work a five-day week within such hours as may be agreed upon or as may be determined by a Board of Reference in default of such agreement. The Board of Reference shall for the purpose of this Determination consist of the Chairman of this Wages Board, the President of the Victorian Branch of the Australian Builders Labourers' Federation, and the President of the Master Builders Association, or the respective occupants of those positions for the time being.

(b) Where the standard hours in an employer's industry exceed 44 per week, the hours of duty shall be the standard hours in that particular industry.

(c) The ordinary hours of duty of employees engaged in a continuous process shall be 48 per week to be worked as to day workers eight and three-quarter hours on ordinary week days between 7.30 a.m. and 5 p.m., with three-quarters of an hour interval for a meal, and four and a quarter hours on Saturday between 7.30 a.m. and 11.45 a.m., and as to shift workers eight hours per shift.

(d) Builders' labourers attending on or assisting tradesmen whose ordinary hours of duty are more than 44 per week shall work the hours of such tradesmen and such builders' labourers shall be entitled only to overtime for work done in excess of such hours.

(e) In the case of a mixed industry, builders' labourers shall conform to the daily hours and meal time of the tradesmen they assist.

OVERTIME.

13. (a) Except as hereinafter provided, all time on duty beyond the ordinary hours of duty hereinbefore provided shall be paid for at the rate of time and a half for the first two hours and at the rate of double time thereafter.

(b) As far as practicable employees shall not be required to work overtime.

(c) In computing overtime each day's work shall stand alone.

(d) For the purpose of computing overtime each fraction of a quarter of an hour shall be paid for as if it were a full quarter of an hour.

(e) In the case of employers employing members in a continuous process, all time on duty beyond 8 hours per day or beyond 44 hours per week shall be paid for at the rate of time and a half for the first four hours and at the rate of double time thereafter, except where the excess time of duty—

(i) is by arrangement between the employees themselves; or

(ii) is for the purpose of effecting the customary weekly rotation of shifts; or

(iii) is due to the fact that the relieving man does not come on duty at the proper time.

MEAL HOURS.

14. (a) For work done during meal periods and thereafter until a meal period break is allowed time and a half rates shall be paid. Where owing to the requirements of the work it is necessary for an employee to work beyond noon then the meal period of such employee shall commence not later than 1 p.m.

(b) An employee working overtime shall be allowed a crib-time of twenty minutes without deduction of pay after each four hours of work, but this provision shall not prevent any arrangement being made for the taking of a longer meal period without pay.

(c) Before starting overtime after working ordinary hours a meal period of at least 45 minutes shall be allowed, unless the period of overtime is less than one and a half hours.

An employer and his employee may mutually agree to any variation of this sub-clause to meet the circumstances of the work in hand.

SUNDAY AND HOLIDAY WORK.

15. (a) Except as hereinafter provided, all time on duty on Sundays or public holidays (as herein defined) shall be paid for at the rate of double time.

(b) In the case of an employer employing workers continuously, all time on duty on Sundays or on the public holidays observed by the majority of the employees in the establishment concerned shall be paid for at the rate of double time.

(c) Notwithstanding the provisions of sub-clauses (a) and (b) hereof employees engaged in repairs or renewals of their employer's plant or machinery necessary for the resumption of work the next following working day shall on public holidays or Sundays be paid at the rate of time and a half.

SHIFT WORK.

16. Within half a mile from the General Post Office at Melbourne the employer may carry on demolition and/or building work or work incidental thereto by shifts subject to the following conditions:—

(a) Up to three shifts may be worked, namely, morning shift, afternoon shift, and night shift.

(b) As far as practicable shifts shall be worked in rotation.

(c) The hours of work in each shift be as follows:—

(i) Night shift from midnight Sunday to 7 a.m. Monday, from 11 p.m. Monday to 7 a.m. Tuesday, from 11 p.m. Tuesday to 7 a.m. Wednesday, from 11 p.m. Wednesday to 7 a.m. Thursday, from 11 p.m. Thursday to 7 a.m. Friday, and from 11 p.m. Friday to 7 a.m. Saturday.

Day shift from 7 a.m. to 3 p.m. on Monday, Tuesday, Wednesday, Thursday, Friday, and Saturday.

Afternoon shift from 3 p.m. to 11 p.m. on Monday, Tuesday, Wednesday, Thursday, Friday, and Saturday with an allowance of half an hour in each shift for a meal.

(ii) The wages to be paid to builders' labourers as such who are employed on the said works shall be as follows:—

Morning shift—Ordinary rate.

Afternoon shift—Time and one-eighth.

Night shift—Time and a quarter.

(iii) All time on duty in each shift beyond the hours of work mentioned shall be paid for at the rate of time and a half for the first two hours and double time thereafter.

(iv) That any builder's labourer properly presenting himself for work and no work being then available for him shall be allowed and paid two hours wages at shift rates.

(v) That so far as possible 44 hours' work shall be made available for each builder's labourer in each week.

(vi) That in the event of any builder's labourer having to cease work on account of any stoppage operations after trams and trains have ceased running, provision shall be made by the employer for conveying him to his home or alternatively he shall be paid in respect thereof two hours wages.

(d) If it is desired to work shifts in any other place then the question shall be referred to the Secretary for Labour and he shall determine whether under all the circumstances it is proper for the work to be carried on by shift. If he should so determine, then the above provisions relating to shift work shall apply.

(e) Except where inconsistent with the provisions of this clause the other provisions of this Determination shall apply to such work.

SANITARY CONVENIENCES.

17. Suitable and adequate sanitary conveniences shall be provided by the employer. Sanitary conveniences shall not be regarded as suitable within the meaning of this Determination unless they are enclosed and fitted with a door and roofed, and contain a proper seat and sufficient quantity of lime.

SUPPLY OF WATER.

18. Employers shall provide pure drinking water for employees and boiling water at meal times. Where the water is not conveyed by pipe it shall be kept in a covered receptacle.

FIRST AID.

19. (a) A sufficient first aid chest shall be supplied and maintained by the employer and shall be kept under the control of a responsible person in a place accessible to the employees. In case of any dispute as to the adequacy of any first aid equipment the matter shall be referred to the Secretary for Labour.

(b) An employee meeting with an accident on the job necessitating his removal to hospital or to a doctor for medical attention shall be conveyed by ambulance or other suitable conveyance at the expenses of the employer.

LOADS.

20. (a) No employee shall be required to carry more than the following loads by hod:—

Up to a height of 15 feet—12 bricks.

Over a height of 15 feet—10 bricks.

(b) In cases where bricks are carried by wheelbarrow the employee shall not be required to carry more than 36 bricks in a load on scaffolding at a height of more than 15 feet from the ground, or more than 40 bricks in a barrow in any other place.

If any other barrow than that which is commonly in use at the time of this Determination is introduced by an employer then any question as to the load which may be carried in such barrow shall be determined by the Secretary for Labour.

TOOLS.

21. (a) Employers shall provide all necessary plant and tools except picks, shovels, hods, and larries, which are to be provided by employees.

(b) The employer shall be responsible for the sharpening of picks.

(c) Employers shall provide a suitable lock-up place in which to store employees' tools.

CHANGE HOUSE.

22. Where practicable and where not less than a total of fifteen men are employed the employer shall provide a suitable change house for the keeping of the clothes of the workmen employed. No cement, lime or building materials shall be stored in such change house.

WET PLACES.

23. (a) Where an employee is obliged by the employer to work spreading or packing wet concrete so that his boots are liable to become saturated, then the employer shall provide the employee with gum boots.

(b) Where an employee is obliged to work in conditions where boots become saturated with water, the employer shall supply the employee with gum boots for use on such work.

(c) If an employee is required to work in a place in which water is continually dripping from overhead so as to saturate the clothing of the employee he shall be provided with an oilskin coat so as to protect him from getting wet or in lieu thereof shall be paid 1s. extra for the day whatever amount of work may be done by him on such day.

DEFINITIONS.

24. For the purposes of this Determination—

“Continuous process” means a process in which during an unbroken period of not less than one week operations are continued during all hours of the day from midnight to midnight or during sixteen hours of the day. Such a process shall be deemed to be a continuous process, even if through no fault of the employer, the work ceases for a time to be carried on.

“Shift worker” in a continuous process means an employee engaged for not less than a week in such continuous process.

“Country Work” means work on a job distant more than 10 miles from the employee’s centre, if such centre be the General Post Office at Melbourne, or more than 6 miles from the employee’s centre if such centre be elsewhere.

“Employee’s centre” means the General Post Office at Melbourne, if the employee’s place of residence is within 10 miles of such General Post Office; and if the employee’s residence is not within 10 miles of such General Post Office it means his residence or his nearest post office whichever be the nearer to the job.

“Continuously employed” means an employee who has been continuously employed for more than six months without loss of time on usual working days and with loss of time if such is due to the fault of the employee.

CONTRACTING, SUB-CONTRACTING.

25. (a) No employer shall permit any of the classes or work covered by this Determination to be carried on by a contractor or other person except in accordance with the terms and conditions of this Determination as if the contractor or other person were himself an employer and bound by this Determination.

(b) No employer shall enter into any contract for the carrying on of any of the classes of work covered by this Determination by any contractor unless the contract contains a clause binding the contractor to pay the rates and observe the conditions set out in this Determination in respect of the work contracted for, and unless a clause is inserted in any such contract to the effect that the employer can determine the contract if there is any breach of the condition above referred to.

PART III.

This Part applies to all persons covered by the Determination.

PERIODICAL ADJUSTMENT OF WAGES.

1. The wages rates set out in clause 2 of Part I. and clauses 2 and 3 of Part II. are based upon the following basic wage, 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 adjusted as prescribed in clause 2 of this Part.

Basic Wage.

Place.	Needs Basic Wage (Adjustable.)	Loading (Constant).	Total Basic Wage.	Index Number Set Assigned.
	Per week.	Per week.	Per week.	
	£ s. d.	£ s. d.	£ s. d.	
Throughout the State	5 1 0	0 6 0	5 7 0	Melbourne

ADJUSTMENT OF BASIC WAGE.

2. (a) For the purposes of this Determination, the expression “Commonwealth Statistician’s ‘all items’ 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 signed by or on behalf of the Commonwealth Statistician.

(b) Until the beginning of the first pay period to commence in May, 1947, the amounts of the Basic Wage shall be as prescribed in clause 1 of this Part.

(c) 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 needs basic wage shall be adjusted by the following method, namely, by multiplying the last published Commonwealth Statistician’s “all items” retail price index number by the factor .087 taken to one place of decimals, the resultant whole number being the amount of the basic wage expressed in shillings, but should the decimal number reach .5 or more the basic wage shall be taken to the next higher shilling.

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

J. W. RYAN, Secretary.

Melbourne, 28th February, 1947.



VICTORIA GOVERNMENT GAZETTE.

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MONDAY, APRIL 14.

[1947

Factories and Shops Acts.

DETERMINATION OF THE STONECUTTERS BOARD.

NOTE.—(1) 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 20th November, 1934, has had the power to determine the lowest prices or rates which may be paid to persons employed—

- (1) in the process, trade, or business of cutting, carving, polishing, or setting marble or stone, or cutting letters therein ;
(2) in cemeteries—

- (a) Cleaning monuments, headstones, or kerbs,
(b) Painting letters or drilling holes for lead letters,
(c) Dismantling or re-erecting monuments, headstones, or kerbs—

has made the following Determination, namely:—

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

WAGES FOR ADULTS OTHER THAN APPRENTICES.

2. The minimum rate of wage for an adult other than an apprentice shall, subject to adjustment under clause 15 of this Determination, be as follows:—

(a) Weekly Wage.

Classification.	Total Basic Wage, Including Loadings.	Margin for Skill.	Loading for Leave and Holidays.	Tool Allowance.	Total Wage.
	s. d.	s. d.	s. d.	s. d.	s. d.
Carver, building	112 0	53 3	17 6	1 0	183 9
Carver, monumental	112 0	39 3	16 0	1 0	168 3
Stonemason	112 0	27 0	14 9	1 0	154 9
Surface operator	112 0	27 0	14 9	1 0	154 9
Letter cutter	112 0	27 0	14 9	1 0	154 9
Lathe machinist	112 0	22 3	14 3	..	148 6
Planer machinist	112 0	22 3	14 3	..	148 6
Dry grinding machine operator	112 0	22 3	14 3	..	148 6
Carborundum machinist on moulding work	112 0	22 3	14 3	..	148 6
Carborundum machinist on other than moulding work	112 0	14 9	13 0	..	139 9
Carborundum sawyer	112 0	14 9	13 0	..	139 9
Polisher (hand)	112 0	14 9	13 0	..	139 9
Polisher (machine)	112 0	14 9	13 0	..	139 9
Frame saw machinist	112 0	14 9	13 0	..	139 9
Man using hand pneumatic tool of 6 lbs. or over or exceeding 1½-inch piston and which is not a drill or grinder	112 0	166 6	29 6	1 0	309 0
Person cleaning monuments, headstones, or kerbs	112 0	14 9	13 0	..	139 9
Person painting letters, or drilling holes for lead letters	112 0	27 0	14 9	1 0	154 9
Person dismantling or re-erecting monuments, headstones, or kerbs	112 0	27 0	14 9	1 0	154 9
Labourer or assistant	112 0	..	11 6	..	123 6

(b) Hourly Wage.

Classification.	44-Hour Week Workers.	40-Hour Week Workers.
	s. d.	s. d.
Carver, building	4 2 ⁵ / ₄₄	4 7 ¹ / ₂
Carver, monumental	3 0 ³⁹ / ₄₄	4 2 ¹⁹ / ₄₀
Stonemason	3 6 ⁹ / ₄₄	3 10 ¹⁷ / ₄₀
Surface operator	3 6 ⁹ / ₄₄	3 10 ¹⁷ / ₄₀
Letter cutter	3 6 ⁹ / ₄₄	3 10 ¹⁷ / ₄₀
Lathe machinist	3 4 ¹ / ₂
Planer machinist	3 4 ¹ / ₂	3 8 ¹¹ / ₂₀
Dry grinding machine operator	3 4 ¹ / ₂	3 8 ¹¹ / ₂₀
Carborundum machinist on moulding work	3 4 ¹ / ₂
Carborundum machinist on other than moulding work	3 2 ⁵ / ₄₄
Carborundum sawyer	3 2 ⁵ / ₄₄
Polisher (hand)	3 2 ⁵ / ₄₄
Polisher (machine)	3 2 ⁵ / ₄₄
Frame saw machinist	3 2 ⁵ / ₄₄
Man using hand pneumatic tool of 6 lb. or over or exceeding 1 ¹ / ₂ -inch piston and which is not a drill or grinder	7 0 ³ / ₁₁
Person cleaning monument, headstones, or kerbs	3 2 ⁵ / ₄₄
Person painting letters, or drilling holes for lead letters	3 6 ⁹ / ₄₄
Person dismantling or re-erecting monuments, headstones, or kerbs	3 6 ⁹ / ₄₄
Labourer or assistant	2 9 ¹⁵ / ₂₂

For a leading hand, the stonemason's rate per hour and the following additional rate shall be paid:—

	Per Week.
	s. d.
In charge of not more than five men	7 6
In charge of six to ten men	12 6
In charge of over ten men	15 0

APPRENTICES AND THEIR RATES.

3. (a) Youths entering the trade of a stonemason shall be indentured (if between 15 and 17 years of age) for a period of five years; if over 17 years of age, for a period of four years.

(b) Youths may be taken on probation for a period not exceeding three months before being apprenticed, and the period of probation shall be treated as part of their term of apprenticeship.

(c) If any employer is unable to fulfil his obligation to an apprentice, he may, with the consent of the Secretary for Labour, transfer the apprentice to another employer, who may take and employ him as an apprentice.

(d) Every apprentice may during the term of his apprenticeship attend at night the classes in masonry or similar subjects (chosen by the employer) provided at a Technical College or School, and the fees actually paid per term shall be refunded by the employer on production of a certificate from the instructor that the apprentice has satisfactorily attended the classes during the school term.

(e) The proportion of apprentices to be employed shall not exceed one apprentice to every three journeymen stonemasons or fraction of three stonemasons receiving not less than the rate for masons for 44 hours or 40 hours as the case may be.

(f) Subject to adjustment under clause 16 hereof, the minimum rates of wage to be paid to apprentices shall be:—

(i) Where an apprentice is indentured for five years:—

	Adjustable rate Per Week.	Loading (Constant) Per Week.	Loading for Leave and Holidays.	Total Wage Payable.
	£ s. d.	s. d.	s. d.	£ s. d.
1st year	1 8 0	0 6	1 6	1 10 0
2nd year	1 19 0	1 0	2 0	2 2 0
3rd year	2 11 6	1 0	2 6	2 15 0
4th year	3 11 0	1 6	3 6	3 16 0
5th year	4 14 6	2 0	4 6	5 1 0

(ii) Where an apprentice is indentured for four years:—

	Adjustable Rate Per Week.	Loading (Constant) Per Week.	Loading for Leave and Holidays.	Total Wage Payable.
	£ s. d.	s. d.	s. d.	£ s. d.
1st year	1 13 6	1 0	1 6	1 16 0
2nd year	2 6 0	1 0	2 0	2 9 0
3rd year	3 6 6	1 6	3 6	3 11 6
4th year	4 14 6	2 0	4 6	5 1 0

JUVENILE WORKERS AND THEIR RATES.

4. (a) Subject to adjustment under clause 16 hereof, the minimum rates to be paid to juvenile workers shall be:—

	Adjustable Rate Per Week.	Loading (Constant) Per Week.	Loading for Leave and Holidays.	Total Wage Payable.
	£ s. d.	s. d.	s. d.	£ s. d.
Under 16 years of age	1 3 0	0 6	1 0	1 4 6
Over 16 and under 17 years of age	1 12 6	1 0	1 6	1 15 0
Over 17 and under 18 years of age	2 3 0	1 0	2 0	2 6 0
Over 18 and under 19 years of age	2 15 6	1 6	2 6	2 19 6
Over 19 and under 20 years of age	3 9 6	1 6	3 6	3 14 6
Over 20 and under 21 years of age	4 4 6	2 0	4 0	4 10 6

(b) The proportion of juvenile workers to be employed shall be one juvenile to every four persons or fraction of four persons receiving not less than the rates for adult males other than apprentices.

HOURS.

5. (a) (i) The hours of duty for carvers, stonemasons (except when engaged in the setting of stone in buildings, or in erecting memorials), letter cutters, apprentices (except when engaged in the setting of stone in buildings or in erecting memorials), planing machine operators, and dry grinding machine operators who are engaged during any week on the working of sandstone and/or granite for more than four hours, shall for that week be 40 per week to be worked between the hours of 7.45 a.m. and 5.15 p.m. from Monday to Friday inclusive (with one hour off for meals).

(ii) The hours of duty for all other employees shall be 44 per week to be worked between the hours of 7.45 a.m. and 5.15 p.m. from Monday to Friday inclusive (with one hour off for meals) and 7.45 a.m. and noon on Saturdays.

(b) Where machinists, polishers, or sawyers are required to work shift-work the hours of duty shall be between 7 a.m. and 11 p.m., provided such hours are worked in two shifts with two sets of men. The first shift shall be from 7 a.m. to 3 p.m. at ordinary rates and the second shift from 3 p.m. to 11 p.m., during which the first three hours shall be paid at ordinary rates and the last five hours at time and a quarter.

(c) All time worked between 11 p.m. and 7 a.m. shall be paid for at double time.

OVERTIME.

6. All time worked outside the hours mentioned in sub-clause (a) of clause 5 of this Determination and not in accordance with sub-clauses (b) and (c) thereof, shall be overtime, and shall be paid for at the rate of time and a half.

COUNTRY WORK.

7. (a) Every employee on country work on buildings which necessitates his being away from home at night shall be paid 3s. 6d. per day extra, and all fares and travelling time both ways shall also be paid for.

(b) In monumental work the time in travelling shall be paid for at ordinary rates between the usual starting and finishing times from Melbourne, and all fares and reasonable expenses actually incurred shall be paid.

FARES.

8. All fares actually and reasonably incurred from and to established masonry works as centres or from and to the Melbourne Town Hall as a centre for building work, shall be paid by the employer.

PUBLIC HOLIDAYS.

9. The days upon which New Year's Day, Australia Day, Good Friday, Easter Monday, Labour Day, Cup Day, Christmas Day and Boxing Day are observed, shall be recognized as holidays.

SUNDAY AND HOLIDAY WORK.

10. All time worked on Sundays and on the public holidays mentioned in clause 9 hereof, shall be paid for at the rate of double time.

WET WEATHER.

10A. If the employer or his representative and the employee or employees performing setting work agree that wet weather makes it impossible to continue such work, alternative work shall be provided by the employer failing which the employee or employees on the job shall be paid for the time so lost.

TOOLS.

11. (a) The employer shall provide all claw bits and tools for granite and for basaltic stones except mash hammers, squares, pitching tools, and straight-edges up to 4 feet in length. If these tools are not provided, the employer shall pay 1d. per hour additional to the wage rate herein prescribed.

(b) Employers shall sharpen in a proper manner all necessary tools, and provide for the return of same to the masons at intervals of not more than two days. On completion of engagement all tools shall be sharpened or an allowance made in lieu thereof.

(c) The employer shall provide for all pneumatic surfacing machines, jet sprays or other suitable device for wetting stone.

BANKER'S SPACE.

12. (a) The space between bankers (not stone to stone) on which masons are working cutting freestone, shall not be less than 4 feet, and on all hardstones not less than 6 feet.

(b) No banker shall be nearer than 15 feet to the cutters of a planing machine or to frame saw or nearer than twenty-five feet to a surfacing machine unless adequate protection by screens is provided.

HOT WATER AND ACCOMMODATION.

13. The employer shall provide hot water and suitable sanitary accommodation. On all works suitable working shelter sheds shall be provided.

At their permanently established works the employers shall provide—to accommodate the average number of employees calculated for the twelve months ending on the 30th day of September, in each year a shed or room equipped with table and forms for meals, hanging space and hooks for clothes, and washbasin or basins, and a rubbish receptacle, and shall sweep the shed or room provided that the employees shall keep the building fittings and contents tidy and in good order and condition.

This sub-clause not to become operative until labour and materials are available.

DEFINITIONS.

14. (a) "Stonemason". The dressing and/or setting of all kinds of masonry is regarded as masons work, but if no mason be immediately available a competent tradesman may set plain sills, steps, templates, window or door heads.

(b) "Carvers" are those who carve any kind of stonework which does not come within the definition of stonemasonry in sub-clause (a) hereof, for the decoration of buildings or other stonework, from a model or freehand design.

(c) "Lettercutters" are those who mark out, cut or finish letters in any kind of stone.

(d) "Polishers" are those who do all gritting, facing or polishing necessary on trachyte, granite, marble, terazzo, or other similar stones or compositions.

(e) "Foreman" is a man placed in charge of at least three adult workers under this Determination and who supervises the execution and output of work.

(f) "Assistant" means a labourer engaged and/or employed in the monumental industry.

(g) "Juvenile worker" means a person under 21 years of age engaged in the stonecutting industry but not as a stonecutter.

(h) "Monumental". The term monumental shall mean pertaining to public memorials or monuments erected in cemeteries or churches.

(i) "Frame saw machinists" are men who fix the blades and superintend the correct cutting of the stone.

(j) "Carborundum machinists" are men who operate high speed carborundum machines. "Carborundum machinist on moulding work" shall mean the machinist on a carborundum machine where the carborundum machine used is cut to a shape and is not a square wheel.

(k) "Lathe machinists" are men operating any power-driven lathe or turning machine except when polishing.

(l) "Planer machinists" are men engaged operating any planer machine for the dressing of stone work.

PERIODICAL ADJUSTMENT OF WAGES.

15. The wages rates set out in clause 2 hereof are based upon the following basic wage, 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 adjusted as prescribed in clause 16. The rates for apprentices and juvenile workers shall be adjusted in proportion at the same time as the rates prescribed in clause 2.

Basic Wage.

Place	Needs Basic Wage (Adjustable)	Loading (Constant).	Total Basic Wage.	Index Number Set Assigned.
Throughout the State	£ s. d. 5 0 0	s. d. 6 0	£ s. d. 5 6 0	Melbourne

ADJUSTMENT OF BASIC WAGE.

16. (a) For the purposes of this Determination the expression "Commonwealth Statistician's 'all items' 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.

(b) Until the beginning of the first pay period to commence in August, 1947, the amounts of the Basic Wage shall be as prescribed in clause 15.

(c) During each future successive period of six months beginning with the first pay period to commence in an August or a February, the amount of the needs basic wage shall be adjusted by the following method namely by multiplying the published Commonwealth Statistician's "all items" retail price index number for the half year next preceding the adjustment by the factor .087 taken to one place of decimals, the resultant whole number being the amount of the basic wage expressed in shillings, but should the decimal number reach .5 or more the basic wage shall be taken to the next higher shilling.

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

J. W. RYAN, Secretary.

Melbourne, 11th March, 1947.