



# VICTORIA GOVERNMENT GAZETTE.

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MONDAY, JUNE 2.

[1947

Factories and Shops Acts.

## DETERMINATION OF THE GARDEN EMPLOYEES BOARD.

NOTES.—(1) This Determination applies to the Metropolitan District as defined in the *Factories and Shops Act 1928* (No. 3677) and the Order in Council thereunder; such portions of the city of Sandringham as are not within the said district; and the cities of Ballarat, Bendigo, Geelong, Mordialloc, and Warrnambool.

(2) By Order in Council dated the 18th February, 1941, the Entertainment Employees (non-performers' Board was deprived of the power to determine the lowest prices or rates which may be paid to persons employed in the maintenance of grounds used in the business of conducting for private gain outdoor entertainments, outdoor shows, outdoor sports meetings, or outdoor amusements of any kind, and such power was conferred exclusively on the Garden Employees Board.

IN accordance with the provisions of the Factories and Shops Acts, the Wages Board which since the 18th February, 1941, 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 subject to the jurisdiction of any Board heretofore appointed) employed—

- (1) As gardeners or gardeners' labourers—
  - (a) by a master gardener other than a market gardener;
  - (b) in connexion with the laying-out, cultivation, or keeping in order of gardens in connexion with private houses, guest houses, flats, factories, or registered schools;
  - (c) in the laying-out, cultivation, or keeping in order of a garden or lawn in connexion with a racecourse;
  - (d) in the laying-out, cultivation, or keeping in order of a garden, lawn, fairway, or green in connexion with any golf links or putting green;
  - (e) in the laying-out, cultivation, or keeping in order of a bowling green or tennis court or of a garden connected therewith";
- (2) At work connected with or incidental to—
  - (a) the construction or maintenance of private paths and drives or of ornamental features such as rockeries, &c.;
  - (b) the construction or maintenance or keeping in order of brick dust or porous tennis courts;
  - (c) the construction, formation, maintenance, or keeping in order of grounds or enclosures used in the business of conducting for gain outdoor entertainments, outdoor shows, outdoor sports meetings, or outdoor amusements of any kind";

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.

2.

NOTE.—Rates in the column lettered "A" hereunder are payable until the beginning of the first pay period to commence in February, 1947, thereafter the rates in column letter "B" shall be payable.

Apprentices or Improvers.	Wages per Week of 44 Hours.		Juvenile Workers, i.e., Persons (other than Apprentices or Improvers) Employed on Golf Links in the Filling of Divot Holes or Weeding Fairways or Greens.	Wages per Week of 44 Hours.	
	A.	B.		A.	B.
	s. d.	s. d.		s. d.	s. d.
15 years of age or under .. ..	27 3	27 6	15 years of age and under .. ..	27 3	27 6
16 years of age .. ..	30 6	30 9	16 years of age .. ..	30 6	30 9
17 years of age .. ..	34 3	34 6	17 years of age .. ..	34 3	34 6
18 years of age .. ..	48 0	48 6			
19 years of age .. ..	57 9	58 3			
20 years of age .. ..	68 9	69 6			

PROPORTION (WITHIN ANY PLACE).

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

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

Other Employees.	Wages per Hour.		Wages per Week.		Hours per Week.
	A.	B.	A.	B.	
	s. d.	s. d.	s. d.	s. d.	s. d.
(a) Persons employed as gardeners or gardeners' labourers by a master gardener—					
Foremen gardeners in charge of two or more employees ..	3 0 <sup>5</sup> / <sub>11</sub>	3 0 <sup>8</sup> / <sub>11</sub>	133 8	134 8	} 44
Gardeners† .. .. .	2 8 <sup>21</sup> / <sub>22</sub>	2 9 <sup>5</sup> / <sub>22</sub>	120 10	121 10	
Gardeners' labourers .. .. .	2 7 <sup>9</sup> / <sub>44</sub>	2 7 <sup>21</sup> / <sub>44</sub>	114 5	115 5	
(b) Persons (other than master gardeners' employees) employed as gardeners or gardeners' labourers in connexion with the laying-out, cultivation, or keeping in order of gardens in connexion with private houses, guest houses, flats, factories, or registered schools—					
(1) Employed on Jobbing Work—					
Gardeners† .. .. .	2 8 <sup>21</sup> / <sub>22</sub>	2 9 <sup>5</sup> / <sub>22</sub>	120 10	121 10	} 44
Gardeners' labourers .. .. .	2 5 <sup>5</sup> / <sub>11</sub>	2 5 <sup>8</sup> / <sub>11</sub>	108 0	109 0	
(2) All others—					
Foremen gardeners in charge of two or more employees ..	2 11 <sup>5</sup> / <sub>11</sub>	2 11 <sup>8</sup> / <sub>11</sub>	130 0	131 0	} 44
Gardeners† .. .. .	2 7 <sup>5</sup> / <sub>11</sub>	2 7 <sup>8</sup> / <sub>11</sub>	115 4	116 4	
Gardeners' labourers .. .. .	2 5 <sup>5</sup> / <sub>11</sub>	2 5 <sup>8</sup> / <sub>11</sub>	108 0	109 0	
(c) Persons employed as gardeners or gardeners' labourers in the laying-out, cultivation, or keeping in order of a garden or lawn in connexion with a racecourse—					
Foremen gardeners in charge of two or more employees ..	2 11 <sup>5</sup> / <sub>11</sub>	2 11 <sup>8</sup> / <sub>11</sub>	130 0	131 0	} 44
Gardeners† .. .. .	2 7 <sup>5</sup> / <sub>11</sub>	2 7 <sup>8</sup> / <sub>11</sub>	115 4	116 4	
Gardeners' labourers .. .. .	2 5 <sup>5</sup> / <sub>11</sub>	2 5 <sup>8</sup> / <sub>11</sub>	108 0	109 0	
(d) Persons employed in the laying-out, cultivation, or keeping in order of (1) a garden, lawn, fairway, or green, in connexion with a golf links or putting green (2) a tennis court or of a garden connected therewith .. .. .	2 6 <sup>8</sup> / <sub>11</sub>	2 6 <sup>8</sup> / <sub>11</sub>	111 8	112 8	44
Provided that any adult employee on racecourses, golf links or tennis courts whose regular duty is to attend, maintain, adjust, and/or operate motor mowers shall receive an additional amount of 5s. per week					
An adult employee on golf links who in the absence of the curator for two or more days is placed in charge of two or more employees shall be paid 1s per day or portion of a day extra.					
(e) Persons employed as gardeners or gardeners' labourers in the laying-out, cultivation, or keeping in order of a bowling green, or of a garden connected therewith—					
Greenkeeper solely responsible for preparation of greens ..	2 10 <sup>4</sup> / <sub>22</sub>	2 10 <sup>4</sup> / <sub>22</sub>	..	..	} See clause 19 re hours
Greenkeeper working under supervision of green director ..	2 7 <sup>5</sup> / <sub>11</sub>	2 7 <sup>8</sup> / <sub>11</sub>	..	..	
Greenkeeper's assistant .. .. .	2 5 <sup>5</sup> / <sub>11</sub>	2 5 <sup>8</sup> / <sub>11</sub>	..	..	
(f) Persons employed in the construction or maintenance of private paths and drives or of ornamental features such as rockeries, rock walls, and pools, &c.—					
Foremen .. .. .	3 0 <sup>5</sup> / <sub>11</sub>	3 0 <sup>8</sup> / <sub>11</sub>	133 8	134 8	} 44
All others .. .. .	2 8 <sup>21</sup> / <sub>22</sub>	2 9 <sup>5</sup> / <sub>22</sub>	120 10	121 10	
(g) Persons employed in the construction or maintenance or keeping in order of brick dust or porous tennis courts—					
On construction work .. .. .	2 8 <sup>21</sup> / <sub>22</sub>	2 9 <sup>5</sup> / <sub>22</sub>	120 10	121 10	} 44
On maintenance work .. .. .	2 5 <sup>5</sup> / <sub>11</sub>	2 5 <sup>8</sup> / <sub>11</sub>	108 0	109 0	
(h) Persons not otherwise provided for employed in the construction, formation, maintenance, or keeping in order of grounds or enclosures used in the business of conducting for gain outdoor entertainments, outdoor shows, outdoor sports meetings, or outdoor amusements of any kind—					
(i) On racecourses and other sporting enclosures .. .. .	2 6 <sup>8</sup> / <sub>11</sub>	2 6 <sup>8</sup> / <sub>11</sub>	111 8	112 8	} 44
(ii) At any other place—					
On construction work .. .. .	2 8 <sup>21</sup> / <sub>22</sub>	2 9 <sup>5</sup> / <sub>22</sub>	120 10	121 10	
On maintenance work .. .. .	2 5 <sup>5</sup> / <sub>11</sub>	2 5 <sup>8</sup> / <sub>11</sub>	108 0	109 0	

\* Except in the case of an apprentice, improver, or juvenile worker the minimum wage where the employer boards and lodges the employee shall be 25s. per week less. † See Clause 17—Definitions.

#### PROVISIONS APPLICABLE TO PERSONS OTHER THAN GREENKEEPERS OR GREENKEEPERS' ASSISTANTS EMPLOYED IN CONNECTION WITH BOWLING GREENS.

##### TIMES OF BEGINNING AND ENDING WORK.

#### 3. For all persons other than those engaged solely at watering—

##### Racecourses—

Time of beginning, not earlier than—

7.30 a.m. .. .. 12 noon on Saturday (or the day on which the half-holiday is locally observed).

7.30 a.m. .. .. 6 p.m. on the other working days of the week.

##### Golf links—

8 a.m. .. .. 12 noon on Saturday (or the day on which the half holiday is locally observed).

8 a.m. .. .. 6 p.m. on the other working days of the week.

##### Any other place—

7.30 a.m. .. .. 6 p.m. on Monday, Tuesday, Wednesday, Thursday, Friday, or Saturday.

##### OVERTIME.

#### 4. The following rates shall be paid for overtime—

##### Persons engaged solely at watering—

(a) On golf courses .. For all work in excess of 8 hours per day on Monday, Tuesday, Wednesday, Thursday, Friday, and 4 hours on Saturday ..

(b) Any other place.. For all work done in excess of the maximum number of hours fixed as a week's work .. .. .

Time and a half for the first two hours and thereafter double time.

##### All others—

For all work outside the times of beginning and ending work .. .. .

For all work done in any week within the times of beginning and ending work, in excess of the maximum number of hours fixed as a week's work .. .. .

## EXTRA RATE.

5. For all time worked between the hours of 5 p.m. and 7 a.m., an employee engaged at watering shall be paid 1s. extra for each period so worked.

## SPECIAL RATES.

6. For all work done on Sundays and the under-mentioned holidays by persons other than those provided for in Clause 7, rates shall be:—

Sundays .. .. .	Persons employed on golf courses (other than those employed at watering or wiping greens)	Double time.
	All others .. .. .	Time and a half.
New Year's Day, Australia Day, Labour Day, Good Friday, Easter Monday, Anzac Day, Melbourne Cup Day, Christmas Day, and Boxing Day .. .. .	All persons .. .. .	Time and a half.

But if any other day be by Act of Parliament or proclamation substituted for any of the above-named holidays, the special rate shall only be payable for work done on the day so substituted.

## HOLIDAYS.

7. Except as provided in Clause 18 hereunder, all persons shall be entitled to the following holidays without deduction of pay:—New Year's Day, Australia Day, Labour Day, Good Friday, Easter Monday, Anzac Day, Melbourne Cup Day, Christmas Day, and Boxing Day.

Provided that if an employee works on any one of such days he shall receive, in addition to his ordinary pay, one and a half day's holiday on full pay or one and a half day's pay in lieu thereof.

## PAYMENT OF WAGES.

8. Except by agreement to the contrary between employer and employee, payment of wages shall be made not later than 4 p.m. on Thursday in each week.

## TERMINATION OF EMPLOYMENT.

9. Except as provided in Clause 18 hereunder, seven days' notice of termination of employment shall be given by either employer or employee.

## ANNUAL HOLIDAYS.

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

## SICK LEAVE.

11. (a) If the absence from duty of an employee be reasonable because of his own illness, and he produces to the employer satisfactory evidence thereof by medical certificate or otherwise, no deduction shall be made in respect of such absence except so far as it exceeds in the aggregate four days during any one year of employment or a proportionately less time during any shorter period of the employment.

(b) If the full period of sick leave as prescribed above is not taken in any year, such portion as is not taken shall be cumulative from year to year up to a period not exceeding 16 days which shall be the maximum amount of leave to which an employee may be entitled in any year without deduction of pay.

The provisions of this clause shall apply in respect to all persons other than those specified in Clause 18 hereunder, or those who have not been in the employment for three months.

## TIME BOOK OR RECORD.

12. Except as provided in Clause 18 hereunder, every employee shall indelibly record daily his correct time of work in a book which shall be furnished by the employer. Such time-book shall be produced for inspection during reasonable hours to the Secretary of the Australian Workers' Union or any official thereof duly authorized in writing by the President or Secretary of the local branch or sub-branch of the Union.

## RIGHT TO INTERVIEW EMPLOYEES.

13. Not more than once a fortnight, a duly accredited official of the Australian Workers' Union, authorized in writing by the President or Secretary of the Victorian Branch of such organization, shall have the right to interview any person covered by this Determination at his place of employment on legitimate business, and shall be permitted to inspect the conditions relating to the persons employed thereat.

## GUM BOOTS AND OVERALLS.

14. (a) Employees engaged at watering on golf courses or racecourses shall be provided with gum boots by the employer free of cost.

(b) Employees engaged in spraying or in the distributing of fertilizer on golf courses or racecourses shall be provided with overalls by the employer free of cost.

## FIRST-AID OUTFIT.

15. The employer shall provide a first-aid outfit consisting of bandages, antiseptics, and sticking plaster at all places where four or more persons are employed.

## BICYCLE ALLOWANCE.

16. Where an employee is instructed by the employer or his representative to use his own bicycle in the course of his duties, and does so use his own bicycle, he shall be paid 1s. per week in addition to his ordinary wage.

## DEFINITIONS.

17. For the purposes of this Determination a gardener shall be defined as a person engaged in the pruning of roses or fruit trees; or in the trimming of a hedge with hedge clippers or shears; or in designing or supervising the laying out of a garden, or in budding, propagating, planting, or potting.

Jobbing Work shall mean work which is performed by a person who goes from job to job in the ordinary course of his employment during the week.

## EXCEPTIONS.

18. The provisions of Clauses 7, 9, 11, and 12 of this Determination shall not apply in respect of the following employees:—

- (a) Gardeners or gardeners' labourers employed by a master gardener;
- (b) Persons employed in the construction or maintenance of private paths and drives or of ornamental features such as rockeries, &c.;
- (c) Construction workers as prescribed;
- (d) All persons who are usually employed for less than the number of hours fixed as a week's work.

**PROVISIONS APPLICABLE TO GREENKEEPERS OR GREENKEEPERS' ASSISTANTS EMPLOYED IN CONNEXION WITH BOWLING GREENS.**

**HOURS.**

19. The hours of work shall be 176 for each period of four (4) weeks.

**OVERTIME.**

20. All time worked in excess of 176 hours in each period of four weeks shall be paid for at the rate of time and a third.

**SPECIAL RATES.**

21. The special rate payable for all work done on Sunday, Christmas Day, Anzac Day, and the weekly holiday as provided hereunder shall be as follows:—

For watering .. .. .	Time and a half.
For all other work .. .. .	Double time.

**EXTRA RATE.**

22. For all time worked between the hours of 5 p.m. and 7 a.m., an employee engaged at watering shall be paid 1s. extra for each period so worked.

**HOLIDAYS.**

23. The following holidays shall be granted without deduction of pay:—Christmas Day, Anzac Day, and Thursday afternoon in each week or such other half day in lieu thereof as may be agreed upon by the employer and the employee.

**ANNUAL LEAVE.**

24. Employees shall receive three weeks' annual leave on full pay for each twelve months' service. In the event of termination of employment during any such period then the employee shall be given one and a half day's holiday for each month of service or be paid in lieu thereof.

**SICK LEAVE.**

25. (a) If the absence from duty of an employee be reasonable because of his own illness, and he produces to the employer satisfactory evidence thereof by medical certificate or otherwise, no deduction shall be made in respect of such absence except so far as it exceeds in the aggregate four days during any one year of employment or a proportionately less time during any shorter period of the employment. Provided that his sub-clause shall not apply to any employee who has not been in the employment for three months.

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

**PAYMENT OF WAGES.**

26. Except by agreement to the contrary between employer and employee, payment of wages shall be made not later than 4 p.m. on Thursday in each week.

**TIME BOOK.**

27. Every employee shall indelibly record daily his correct times of work in a book which shall be furnished by the employer. Such time book shall be produced for inspection during reasonable hours to the Secretary of the Australian Workers' Union or any official thereof duly authorized in writing by the President or Secretary of the local branch or sub-branch of the Union.

**GUM BOOTS AND OVERALLS.**

28. (a) Employees engaged at watering shall be provided with gum boots by the employer free of cost.

(b) Employees engaged in spraying or in the distribution of fertilizer shall be provided with overalls by the employer free of cost.

**FIRST-AID OUTFIT.**

29. The employer shall provide a first-aid outfit consisting of bandages, antiseptics, and sticking plaster at all places where four or more persons are employed.

**TERMINATION OF EMPLOYMENT.**

30. Seven days' notice of termination of employment shall be given by either employer or employee.

**PERIODICAL ADJUSTMENT OF WAGES.**

31. The wages set out in Clause 2 are based upon the following basic wage rates, and pursuant to the provisions of section 21 of the *Factories and Shops Act 1934*, the Board hereby determines that such rates shall be automatically adjusted as prescribed by Clause 32. Provided that the wages of apprentices, improvers, and juvenile workers shall be adjusted proportionately to adjustments of the basic wage, such adjustments to be to the nearest 3d., half or less than half of 3d. to be disregarded.

*Basic Wage.*

Place.	Needs Basic Wage (Adjustable).	Loading Constant.	Total Basic Wage.	Index Number Set Assigned.
	£ s. d.	s. d.	£ s. d.	
Within the area to which this Determination applies	5 1 0	6 0	5 7 0	Melbourne

**ADJUSTMENT OF BASIC WAGE.**

32. (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 May, 1947, the amounts of the Basic Wage shall be as prescribed in Clause 31.

(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.

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

J. V. WILLOX, Secretary.

Melbourne, 24th March, 1947.

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No. 266]

MONDAY, JUNE 2.

[1947

Factories and Shops Acts.

## DETERMINATION OF THE HAM AND BACON CURERS BOARD.

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

IN accordance with the provisions of the Factories and Shops Acts, the Wages Board appointed to "determine the lowest prices or rates which may be paid to any person or persons or classes of persons employed either inside or outside a factory or work-room in the process, trade, or business of a ham and bacon curer," 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.

### IMPROVERS.

2.

#### Wages.

	Weekly Rate.	Constant Loading.	War Loading.	Total Weekly Wage.
	s. d.	s. d.	s. d.	s. d.
First year .. .. .	29 6	2 0	1 0	32 6
Second year .. .. .	41 0	2 6	1 0	44 6
Third year .. .. .	52 0	4 0	2 0	58 0
Fourth year .. .. .	75 0	4 6	2 3	81 9
Fifth year and until reaching the age of 21 years .. .. .	89 6	6 0	3 0	98 6

*Proportion (in any place).—*The number of improvers employed in any one ham and bacon establishment shall not exceed one to every three or fraction of three adult weekly employees. An employer actually working in a factory for the whole or a substantial part of his time shall be treated as an adult for the purpose of this clause.

### OTHER EMPLOYEES.

3.

#### Wages.

	Adjustable Weekly Rate.	Non-Adjustable.		Total Weekly Wage.
		Constant Loading.	War Loading.	
	£ s. d.	s. d.	s. d.	£ s. d.
(a) <i>Other than Small Goods Section—</i>				
Leading hands in the slaughtering and curing departments ..	6 16 0	6 0	3 0	7 5 0
General assistants in the slaughtering department, cutter-up, rollers, bacon trimmers, and leading hands in the lard and tallow department .. .. .	6 3 6	6 0	3 0	6 12 6
First assistant in the curing department .. .. .	6 3 6	6 0	3 0	6 12 6
Other assistants in the curing department .. .. .	5 18 6	6 0	3 0	6 7 6
Employees in the lard and tallow department, gut runners, smoke fillers, smoke room and drying room employees, packers, washers of hams and bacon and ham baggers ..	5 14 0	6 0	3 0	6 3 0
Yardmen { For 48 hours per week .. .. .	5 17 6	6 0	3 0	6 6 6
For 44 hours per week .. .. .	5 11 6	6 0	3 0	6 0 6
All others .. .. .	5 8 6	6 0	3 0	5 17 6
(b) <i>Small Goods Section—</i>				
Small goods men (i.e., men employed principally on mixing machines) .. .. .	6 9 0	6 0	3 0	6 18 0
Filler-men .. .. .	5 19 6	6 0	3 0	6 8 6
Small goods makers, other than small goods men as above mentioned, small goods sellers from cart who collect cash, boners, salters, scalders and cookers .. .. .	6 3 6	6 0	3 0	6 12 6
Packing room hands .. .. .	5 13 6	6 0	3 0	6 2 6
Linkers and table hands .. .. .	5 12 6	6 0	3 0	6 1 6
Yardmen { For 48 hours per week .. .. .	5 17 6	6 0	3 0	6 6 6
For 44 hours per week .. .. .	5 11 6	6 0	3 0	6 0 6
All others .. .. .	5 6 0	6 0	3 0	5 15 0

## HOURS OF LABOUR.

4. The ordinary hours of work shall not exceed 44 per week to be worked in 5 days, Monday to Friday inclusive, between the hours of 7.30 a.m. to 5.30 p.m. on Monday to Friday inclusive, or if the employer and Union so agree in 5½ days, Monday to Saturday inclusive, where the hours shall be mutually arranged between the parties.

## MEAL INTERVALS.

5. (a) Employees shall be granted one hour for lunch on a full working day between noon and 2 p.m. or, if employees are working on shift work, between the fourth and fifth hour of work.

(b) Meal intervals, where allowed, shall not be counted as part of the daily or weekly hours worked.

## OVERTIME.

6. All time worked—

(a) in excess of 44 hours per week; or

(b) before the fixed starting time or after the fixed finishing time shall be paid at overtime rate, viz., time and a half for the first four hours and double time thereafter.

## ANNUAL LEAVE.

## Period of Leave.

7. (a) Except as hereinafter provided a period of fourteen consecutive days leave with payment of ordinary wages as prescribed shall be allowed annually to an employee by his employer after a period of twelve months' continuous service (less the period of annual leave) with such employer.

## Seven Day Shift Workers.

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

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

## Public Holidays Excluded.

(c) (i) Such period of annual leave shall not include public holidays observed on working days but shall include all other non-working days.

(ii) If any public holiday falls within an employee's period of annual leave and is observed on the day which in the case of that employee would have been an ordinary working day, there shall be added to that period one day, being an ordinary working day for each such holiday observed as aforesaid.

(iii) Where an employee without reasonable excuse proof whereof shall lie upon him is absent from his employment on the working day prior to the commencement of his annual leave or fails to resume work at his ordinary starting time on the working day immediately following the last day of the period of his annual leave the employee shall not be entitled to payment for the public holidays which fall within his period of annual leave.

## Broken Leave.

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

## Notice of Leave to be given.

(e) At least seven days' notice shall be given to an employee as to when he is to commence his leave and if such notice be withdrawn by an employer, the employee if he postpones his leave, shall be compensated by the employer for any reasonable out of pocket loss occasioned thereby but in case of dispute the amount shall be settled by the Wages Board.

## Time when Leave to be granted.

(f) Any leave to which an employee may become entitled hereunder shall be granted by the employer within three calendar months of the same becoming due.

Provided that if because of the conditions operating in any particular industry or of circumstances over which he has no control an employer considers it impossible for him to grant leave to an employee within the said period he may by agreement with the Secretary for Labour postpone such leave until a later date and in default of agreement he may submit the matter to the Wages Board which shall have power to postpone such leave until such later date as it sees fit.

Provided that in very exceptional circumstances payment may be made for the whole or any part of the leave as has been prescribed provided that consent of the Secretary for Labour has been obtained. In the event of such consent not being granted the employer may submit the matter to the Wages Board.

Where an employee has become entitled to annual leave hereunder, but leaves or is dismissed for any cause before such leave is granted to him, he shall be paid two weeks' wages in lieu of such leave.

## Leave to be given and taken.

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

## Payment of Wages.

(h) Each employee before going on leave shall be paid two weeks' wages except a shift worker or an employee taking his leave pursuant to sub-clause (d) of this clause either of whom shall be paid the amount of wage he would have received in respect of the ordinary time which he would have worked had he not been on leave during the relevant periods due to him for the period for which he is entitled to leave. For the purposes of this sub-clause and sub-clause (j) hereof the wages shall be at the amount prescribed in this Determination for the occupation at which the employee was ordinarily employed immediately prior to the commencement of his leave or the termination of his employment as the case may be, but in the event of an employee being engaged during a period of four weeks prior to such commencement or termination on two or more occupations entitling him to different rates of pay, the wages to be paid to such employee hereunder shall be the amount of his average weekly wages for ordinary working time over such period of four weeks.

## Leave in Advance.

(i) (i) An employer may grant annual leave to an employee before the right thereto has accrued but where leave is taken in such a case a further period of annual leave shall not commence to accrue until the expiration of the twelve months in respect of which annual leave had been taken before it accrued.

(ii) Where leave has been taken by an employee pursuant to sub-clause (i) (i) hereof before the right thereto has accrued due and the employee subsequently leaves or is discharged from the services of the employer before completing the twelve months' continuous service in respect of which the leave was granted, the employer may for each one complete month of the qualifying period of twelve months not served by the employee, deduct from whatever remuneration is payable upon the termination of the employment one-twelfth of the amount of wage paid on account of the annual leave, which amount shall not include any sums paid for any of the holidays prescribed in clause 9 of this Determination. Provided that in cases where such leave is granted at the request of the employee the employer may when making payment under sub-clause (h) hereof, withhold from the employee a sum equal to one-twelfth for each completed month of the qualifying period not served by the employee at the time of going on such leave and retain such sum until the expiration of such qualifying period.

*Proportionate Payment.*

(j) Proportionate payment shall be made in respect of each completed month of continuous service in any qualifying twelve monthly period when an employee lawfully leaves his employment or his employment is terminated by his employer through no fault of the employee.

*Calculation of Continuous Service.*

(k) (i) Continuity of service shall be deemed to be continuous notwithstanding—

- (a) any interruption or termination of the employment by the employer if such interruption or termination has been made with the intention of avoiding obligations hereunder in respect of annual leave;
- (b) any absence from work of not more than fourteen days in the twelve months on account of sickness or accident (proof whereof shall be on the employee);
- (c) any absence on account of leave granted imposed or agreed to by the employer;
- (d) any absence due to reasonable cause (including absences on account of sickness or accident of more than fourteen days) proof whereof shall be on the employee;
- (e) any absence in respect of which an employee suffers loss of pay for any public holiday falling within the employee's period of annual leave in pursuance of the terms of sub-clause (d) hereof.

Provided that in cases of personal sickness or accident or absence with reasonable cause the employee to become entitled to the benefit of this sub-clause shall if practicable inform the employer in writing within 24 hours after the commencement of such absence of his inability to attend for duty and as far as practicable the nature of the illness injury or cause and the estimated duration of his absence.

(ii) In calculating a period of twelve months continuous service—

- (a) (1) any annual leave taken therein;
- (2) any absences of the kind mentioned in (a) and (b) of paragraph (i) above,

shall be counted as part of such period.

(b) in respect of absences of the kind mentioned in (c) and (d) of paragraph (i) above the employee shall serve such additional period as part of his qualifications for annual leave as will equal the period of such absences.

(c) (1) where an employee is absent from work for any cause whatsoever the employer shall if so required by the employee notify the employee within fourteen days of the receipt of such request whether the employer regards such absence as breaking either conditionally or unconditionally the continuity of service of such employee. If the employee does not make such request within seven days of his return to work after any such absence such absence shall be deemed to have broken such continuity. If the employer does not give such notice within the said fourteen days such absence shall not be deemed to be such a break.

The employee shall make such request in writing and shall deliver same to the employer's office at the shop or factory where he is employed or if there be no such office to the manager of such factory or shop or in his absence to the employee's foreman.

The employer shall give the notification to the employee by having same delivered to such employee personally in writing.

(2) where an employee has been absent from his employment, and the employer has notified him that such absence is regarded as a break in the continuity of service, the employee may within fourteen days of such notification from the employer, appeal to the Wages Board against such notification of the employer.

*Calculation of Month.*

(l) For the purpose of this clause a month shall be reckoned as commencing with the beginning of the first day of the employment or period of employment in question and as ending at the beginning of the day which in the latest month in question has the same date number as that which the commencing day had in its month and if there be no such day in such subsequent month shall be reckoned at the end of such subsequent month.

*Successor or Assignee or Transmitttee.*

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

*Annual Close Down.*

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

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

*Disputes.*

(o) Any dispute as to the rights of an employee to or with respect to annual leave shall be dealt with by the Wages Board.

*MEAL ALLOWANCE.*

8. Employees required to work overtime for more than two hours on any one day without having been notified on the preceding day that they would be required so to work shall be paid the amount of 2s. tea money in addition to any overtime payment to which they may be entitled.

*HOLIDAYS.*

9. (a) The following days, or the days observed in lieu thereof, except for the unavoidable delivery of small goods, shall be holidays and shall be paid for as though worked:—

New Year's Day, Australia Day, Good Friday, Easter Monday, Anzac Day, Labour Day, King's Birthday, Christmas Day, Boxing Day, and Union Picnic Day.

(b) For work done in the delivery of small goods on these days time and a half shall be paid up to 9.30 a.m. and on Good Friday up till 11.30 a.m.

(c) In Melbourne, Melbourne Cup Day shall be observed as a holiday instead of King's Birthday.

(d) On any such holidays except Christmas Day, Anzac Day and Union Picnic Day, employees if required shall work for not more than two hours, but on Good Friday for not more than four hours at time and a half rates. On Christmas Day essential work only shall be worked.

(e) If an employee is dismissed within fourteen days before any of the holidays abovementioned and is re-engaged within fourteen days after any of the holidays abovementioned he shall be deemed to have been dismissed for the purpose of evading payment for such holidays and any payment so evaded shall be due and payable to the employee.

(f) For any work done on holidays except as provided in sub-clause (e) hereof double time shall be paid.

#### SUNDAY WORK.

10. All work performed on Sundays except attention to horses or other live stock shall be paid for at double rates with a minimum payment for four hours. For attention to horses or other live stock on Sundays ordinary rates shall be paid.

#### MORNING BREAK.

11. All employees shall be granted an interval off duty for fifteen minutes in the morning between 9.30 a.m. and 10.30 a.m., such interval to be without loss of pay to the employee.

#### PAYMENT OF WAGES.

12. (a) Wages due under this Determination to a weekly employee shall be paid in cash on Thursday in each week.

(b) Employers may, if they so desire, keep two days' pay in hand.

(c) Where the services of an employee are dispensed with all wages owing to him shall be paid to him on the day of his dismissal.

(d) Wages due under this Determination to a casual employee shall be paid immediately upon the termination of work on each day on which he is engaged.

(e) By agreement with their employees, country bacon factories may pay wages fortnightly on Friday nights.

#### TIME BOOKS.

13. (a) Each employer at each place at which he carries on business under this Determination shall provide a time book or time sheet, in which each day's starting and finishing times, and the times allowed for meals and each day's hours of work of each employee shall be entered (including overtime if any), and the wages received each week: such entries shall at least once a week, be vouched for by the signature of the employer or his representative or manager.

(b) The time book or time sheet shall conform to the following specimen:—

*Attendance, Time and Wages Book.*

Date.	Employee's Name.	Starting Time.	Finishing Time.	Time Allowed for Meals.	Ordinary Hours Worked.	Overtime Hours Worked.	Time Worked During Meal Hours.	Payment Ordinary Time.	Payment Overtime.	Tea Money &c.	Payments.
											£ s. d.

I, the abovenamed employee a <sup>member</sup>~~non-member~~ of the Australasian Meat Industry Employees Union, employed as a hereby certify that this is a true record of the time worked and the amount paid to me for week ending

19

The employee must strike out the words not required and initial same.

(Employee's Signature)

Vouched for as correct by the Employer.

Signature.

Less wages tax (if any)  
Total payment

Tax Stamps, &c.

(c) The time book or time sheet shall, on demand, be produced by the employer for inspection at the place where it is kept at any time between 10 a.m. and 4 p.m. Monday to Thursday inclusive and between 10 a.m. and 1 p.m. on Friday to an official of the Australasian Meat Industry Employees Union who has been authorized in writing, to inspect the same by the General Secretary or the Secretary of a State Branch of the said Union; or to an official of the Meat and Allied Trades Federation of Australia who has been authorized, in writing, to inspect the same by the General Secretary or the Secretary of a State branch of the said Federation.

(d) An inspection shall not be demanded unless the Secretary of the Union or Federation or the district secretary or organizer of any division of the Union or Federation suspects that a breach of this Determination is being or has been committed.

(e) Only one demand for such inspection shall be made in any one fortnight at the same establishment and no inspection shall be demanded on a Saturday:

Provided that one further demand may be made within a fortnight of a previous demand if the secretary, district secretary or organizer certifies in writing that the reason for such further demand is that he suspects that a breach of this Determination is being or has been committed and that such certificate is produced to and a copy thereof handed to the employer or his responsible officer at the time of demanding such further inspection.

(f) The official making an inspection shall be entitled to take a copy of entries in the time book or time sheet relating to the suspected breach of the Determination.



## RIGHT OF ENTRY.

14. A duly accredited representative of the Australasian Meat Industry Employees Union shall have the right to enter employers' premises during the meal hour for the purpose of interviewing employees on legitimate union business on the following conditions:—

- (a) that he produces his authority to the manager or such other person as may be appointed by the employer;
- (b) that he interviews employees only at the place where they are taking their meal;
- (c) that not more than one representative visits the premises at any one time;
- (d) that not more than one representative visits the same premises more than once in a week; and
- (e) that if any employer alleges that a representative is unduly interfering with his business or is creating disaffection amongst his employees or is offensive in his methods or is committing a breach of any of the previous conditions such employer may refuse the right of entry but the representatives shall have the right to bring such refusal to the Wages Board.

## ENGAGEMENT.

15. (a) Except in casual employment, all employment shall be by the week. An employee, to become entitled to payment on a weekly basis, shall 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 employee affected.

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

(c) An employee not attending for duty shall lose his pay for the actual time of such non-attendance unless he produces or forwards to his employer, within 24 hours of the commencement of such absence, evidence satisfactory to the employer that his non-attendance is due to personal accident arising out of and in the course of his employment or to personal ill-health necessitating such absence:

Provided that an employee shall not be entitled to payment for non-attendance on the ground of personal accident or personal ill-health or both, for more than six days in each year. An employer may by agreement with any employee grant such employee a clear week's holiday on full pay in lieu of payment for absence through sickness.

For the purposes of this clause each year shall commence on the 1st day of July.

## LEAVE TO ATTEND UNION BUSINESS.

16. Leave of absence from work to attend any Union business shall be allowed by the employer to any employee member of the Union concerned, provided fair and reasonable notice is given to the employer. Provided also that such leave shall be restricted to one employee at a time in the employment of any one employer and such employee shall not be entitled to payment for the time he is so absent from his employment.

## MISCELLANEOUS PROVISIONS.

- 17. (a) The employer shall provide boiling water for the use of employees at meal times.
- (b) First aid appliances and requisites shall be provided free of cost by employers for the use of employees meeting with injuries while on duty.
- (c) The employer shall provide for his employees reasonable facilities for the taking of meals and changing of clothes.
- (d) Any dispute arising under this clause shall be determined finally by the Wages Board.

## POSTING DETERMINATION.

18. A copy of this Determination shall be posted up by the employer in a conspicuous place accessible to all employees.

## PERIODICAL ADJUSTMENT OF WAGES.

19. The wages rates for adults set out in clause 3 are based upon the following basic wage rates and, pursuant to the provisions of Section 21 of the *Factories and Shops Act 1934*, the Board hereby determines that such rates shall be automatically adjusted as prescribed by clause 20.

## BASIC WAGE.

Place.	Needs Basic Wage Adjustable.	Loading Constant.	Total Basic Wage.	Index Number Set Assigned.
	£ s. d.	s. d.	£ s. d.	
Throughout the State .. .. .	5 0 0	6 0	5 6 0	Five towns, Victoria

## ADJUSTMENT OF BASIC WAGE.

20. (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 May, 1947, the amounts of the Basic Wage shall be as prescribed in clause 19.

(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 .6 or more the basic wage shall be taken to the next higher shilling.

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

J. V. WILLOX, Secretary.

Melbourne, 19th March, 1947.

By Authority: J. J. GOURLEY, Government Printer, Melbourne.

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# VICTORIA GOVERNMENT GAZETTE.

Published by Authority.

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MONDAY, JUNE 2.

[1947

Factories and Shops Acts.

## DETERMINATION OF THE MUSICIANS BOARD.

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

IN accordance with the provisions of the Factories and Shops Acts, the Wages Board appointed to "determine the lowest prices or rates which may be paid to any person employed as a player of any musical instrument" 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.

2.

WAGES.

Note.—The rates provided in columns lettered "A" are payable until the beginning of the first pay period in February, 1947; thereafter the rates provided in columns lettered "B" shall be payable.

### (A) GRAND OPERA, GRAND BALLET, CONCERTS, OR RELIGIOUS PERFORMANCES.

#### Weekly Employees.

(A1) For the purpose of this sub-clause (A) a week's work shall be deemed to consist of seven performances, namely, six at night and one matinee, or, at the option of the employer, of any performances and/or rehearsals to the aggregate number of seven, in either case all such seven to be held within seven consecutive days and none on Sunday.

						"A."	"B."
						£ s. d.	£ s. d.
(A2) Leaders—							
(i) Week's work	..	..	..	..	..	10 9 0	10 10 0
(ii) Each performance not included in week's work	..	..	..	..	..	1 2 6 extra	1 2 6 extra
(A3) Principals—							
(i) Week's work	..	..	..	..	..	8 9 0	8 10 0
(ii) Each performance not included in week's work	..	..	..	..	..	0 18 0 extra	0 18 0 extra
(A4) Other performers—							
(i) Week's work	..	..	..	..	..	7 9 0	7 10 0
(ii) Each performance not included in week's work	..	..	..	..	..	0 15 9 extra	0 15 9 extra

#### Casual Employees.

(A5) Leaders—each performance	..	..	..	..	..	1 12 0	1 12 0
(A6) Principals—each performance	..	..	..	..	..	1 5 8	1 5 8
(A7) Other performers—each performance	..	..	..	..	..	1 2 6	1 2 6

(B) GENERAL THEATRICAL ENTERTAINMENTS, INCLUSIVE OF PANTOMIME, VARIETY SHOW, VAUDEVILLE, REVUE, COMIO OPERA, MUSICAL COMEDY, DRAMA, BURLESQUE, MINSTREL SHOW, AND OTHER ENTERTAINMENTS SIMILAR TO ANY OF THESE NOT ELSEWHERE PROVIDED FOR BY THIS DETERMINATION.

#### Weekly Employees.

(B1) For the purpose of this sub-clause (B)—

- (i) A week's work of six performances shall be deemed to consist of six night performances, or, at the option of the employer, of any performances and/or rehearsals to the aggregate number of six, all such performances and/or rehearsals in either case to be held within seven consecutive days and none on a Sunday.
- (ii) A week's work of twelve performances shall be deemed to consist of two performances on each of six calendar days, or, at the option of the employer, of any performances and/or rehearsals to the aggregate number of two on each of such days, all such twelve performances and/or rehearsals in either case to be held within seven consecutive days and none on a Sunday.

						"A."	"B."
						£ s. d.	£ s. d.
(B2) Week's work of six performances	..	..	..	..	..	6 3 6	6 4 6
(B3) Week's work of twelve performances	..	..	..	..	..	9 3 6	9 4 6
(B4) Each performance not included in week's work	..	..	..	..	..	0 13 6 extra	0 13 6 extra
(B5) Pianist employed additionally for voice trials or similar work 4s. 6d. extra per hour of such work with a minimum payment as for one hour.	..	..	..	..	..		

*Casual Employees.*

	"A."	"B."
	£ s. d.	£ s. d.
(B6) Each performance by any one (other than a pianist playing alone) ..	0 19 10	0 19 10
(B7) Each performance by pianist playing alone ..	1 2 6	1 2 6
(B8) Pianist employed only for voice trials and similar work 5s. 5d. per hour with minimum as for one and a half hours.		

*(c) PICTURE SHOWS.**Weekly Employees.*

(c1) For the purpose of this sub-clause (c)—

- (i) A week's work of six performances shall be deemed to consist of six night performances, or, at the option of the employer, of any performances and/or rehearsals to the aggregate number of six, all such six performances and/or rehearsals in either case to be held within seven consecutive days and none on Sunday.
- (ii) A week's work of twelve performances shall be deemed to consist of two performances on each of six calendar days, or, at the option of the employer, of any performances and/or rehearsals to the aggregate number of two on each of such days, all such twelve performances and/or rehearsals in either case to be held within seven consecutive days and none on a Sunday.

	"A."	"B."
	£ s. d.	£ s. d.
(c2) Week's work of six performances ..	6 0 0	6 1 0
(c3) Week's work of twelve performances ..	9 0 0	9 1 0
(c4) Each performance not included in a week's work ..	0 14 0 extra	0 14 0 extra
(c5) Pianist employed additionally for voice trials or similar work 5s. extra per hour of such work with a minimum payment as for one hour.		

*Intermittent Weekly Employees.*

	"A."	"B."
	£ s. d.	£ s. d.
(c6) One performance per week ..	1 5 0	1 5 6
(c7) Two performances per week ..	2 7 0	2 7 0
(c8) Three performances per week ..	3 4 0	3 4 6
(c9) Four performances per week ..	4 2 0	4 3 0
(c10) Five performances per week ..	5 5 0	5 6 0
(c11) Each extra performance over five ..	0 15 0 extra	0 15 0 extra
(c12) Pianist employed additionally for voice trials or similar work 5s. extra per hour of such work, with a minimum payment as for one hour.		

*Casual Employees.*

	"A."	"B."
	£ s. d.	£ s. d.
(c13) Each performance ..	1 2 6	1 2 6
(c14) Pianist employed only for voice trials or similar work 6s. 6d. per hour, with a minimum payment as for one and a half hours.		

*(D) STAGE BAND.**Weekly Employees.*

(D1) For the purpose of this sub-clause (D), a week's work shall be deemed to consist of six night performances, or, at the option of the employer, of any performances and/or rehearsals to the aggregate number of six, in either case all such six performances and/or rehearsals to be held within seven consecutive days and none on a Sunday.

	"A."	"B."
	£ s. d.	£ s. d.
(D2) Week's work ..	4 6 6	4 7 6
(D3) Each performance not included in week's work ..	0 12 0* extra	0 12 0* extra

*Casual Employees.*

	"A."	"B."
	£ s. d.	£ s. d.
(D4) Each performance ..	0 19 0*	0 19 0*

*(E) BROADCASTING AND RELAYING.**Weekly Employees.*

(E1) For the purposes of this sub-clause (E), a week's work of 18 or 36 hours shall be deemed to consist of work done in and according to the following manner and conditions, that is to say:—

- (i) In the case of the week's work of 18 hours, 3 hours, and in the case of the week's work of 36 hours, 6 hours is to be the day's work.
- (ii) The work is to be done on each of six days, all within seven consecutive days and none on a Sunday.
- (iii) It is to be done between 12 noon and 12 midnight.
- (iv) The employee is to be off duty for at least one hour between 1 p.m. and 3 p.m., and one hour between 5 p.m. and 7 p.m.
- (v) Each day's work is to be done in separate periods of either 1½ or 3 consecutive hours, chosen at the employer's option.
- (vi) During the second hour of each period of three consecutive hours, the employee is to be allowed an interval of at least ten minutes, which is to be deemed to be time worked.
- (vii) If not more than one-third in all of any one of the said periods of 1½ or 3 hours is used in performances, the employer is to have the right to use one-third of such period for rehearsals.

	"A."	"B."
	£ s. d.	£ s. d.
(E2) Week's work of 18 hours ..	6 8 6	6 9 6
(E3) Week's work of 36 hours ..	10 8 6	10 9 6
(E4) Each performance not included in a week's work and not exceeding three hours ..	0 15 0 extra	0 15 0 extra
(E5) Pianist not member of orchestra employed for accompaniments and occasional solos—		
(i) For 36 hours in a week not including Sunday ..	7 5 0	7 6 0
(ii) For each hour over 36 in the week ..	0 6 0 extra	0 6 0 extra

*Casual Employees.*

	"A."	"B."
	£ s. d.	£ s. d.
(E6) Per hour, with a minimum payment as for three hours—		
(i) Pianist playing alone ..	0 9 0	0 9 0
(ii) Others ..	0 8 0	0 8 0

*Relaying.*

(E7) If the whole or part of any musical performance of employees 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 such performance.

\* If employed for any performance or rehearsal under sub-clause (A) or (B) 10 per cent. to be deducted.

† If employed for any performance or rehearsal under sub-clause (A) or (B) 5s. to be deducted.

## (F) CIRCUSES.

(F1) Musicians employed in circuses shall be paid at the rate of (a) £7 12s. and (b) £7 13s. per week of six performances, which sum is to include all travelling allowances other than fares. Each additional performance shall be paid for at the rate of 15s. per performance. A casual employee shall be paid at the rate of £1 3s. 6d. per performance.

(F2) The bandmaster shall be paid at the said rates each increased by one-sixth.

## (G) BRASS OR REED BANDS.

*Casual Employees.*

	"A."	"B."
	£ s. d.	£ s. d.
(G1) Each performance not to exceed three hours	0 16 6*	0 16 6*

## (H) CAFES, HOTELS, RESTAURANTS, AND SIMILAR PLACES.

*Weekly Employees.*

	"A."	"B."
	£ s. d.	£ s. d.
(H1) For six performances, each not exceeding one hour and being one performance a day	3 1 0	3 1 6
(H2) For twelve performances, being two performances per day, each not exceeding one hour (but such performances on the same day may be grouped as one performance not exceeding two hours)	3 19 0	4 0 0
(H3) For eighteen performances, being three performances per day, each not exceeding one hour (but such performances may be grouped as one performance not exceeding one hour, and one performance not exceeding two hours, or one performance not exceeding three hours)	5 14 6	5 15 6
(H4) For six performances, each not exceeding one and a half hours and being one performance per day	3 1 0	3 1 6
(H5) For twelve performances, being two performances per day, each not exceeding one and one-half hours (but such performances may be grouped as one performance not exceeding three hours)	5 10 0	5 11 0
(H6) For eighteen performances, being three performances a day, each not exceeding one and one-half hours (but such performances may be grouped as one not exceeding one and one-half hours and one not exceeding three hours)	7 10 0	7 11 0
(H7) An employee who has an engagement under (H3) or (H6) may during the period of that engagement be engaged at the following rate:—For six performances after 7.30 p.m., each not exceeding one and one-half hours, and being one performance per night, if by the same employer and at any place within the Metropolitan District as defined in the Factories and Shops Acts	2 9 0	2 9 0
(H8) An employee who has an engagement under (H2) and (H3) may during the period of that engagement be engaged for six performances after 7.30 p.m., each not exceeding one and one-half hours per night, if by the same employer and at any place within the Metropolitan District as defined in the Factories and Shops Acts	3 1 0	3 1 6
(H9) An employee who has an engagement under (H1) and (H4) may during the period of that engagement be engaged for six performances after 7.30 p.m., each not exceeding one and one-half hours and being one performance per night if by the same employer and at any place within the Metropolitan District as defined in the Factories and Shops Acts	3 8 0	3 8 6
(H10) For six performances, each not exceeding three hours	5 17 0	5 18 0
(H11) To employees working after 7.30 p.m. and not between the hours of 11 a.m. and 7 p.m.; for six consecutive performances between 7.30 p.m. and 11.30 p.m., not exceeding three consecutive hours	6 3 0	6 4 0
(H12) For an extra performance under (H1) to (H3) not exceeding one hour	0 10 0 extra	0 10 0 extra
(H13) For an extra performance under (H4) to (H6) not exceeding one and one-half hours	0 10 0 extra	0 10 0 extra
(H14) For extra performances under (H10) not exceeding three hours	0 12 6 extra	0 12 6 extra
(H15) The performances for which each of the foregoing rates for weekly employees are prescribed in this sub-clause (H) are performances all held within seven consecutive days and none on a Sunday.		
(H16) The performances for which the rates are prescribed in the foregoing sub-clauses (H1) to (H6) inclusive, (H10), (H12), (H13), and (H14) are performances all held between the hours of 11 a.m. and 7.30 p.m.		

*Casual Employees.*

(H17) An employee employed on a week day between 11 a.m. and 7.30 p.m. shall be paid 6s. 6d. an hour, with a minimum payment of 10s. 3d. for each performance.

(H18) An employee employed on a week day after 7.30 p.m. shall be paid 7s. 6d. an hour, with a minimum payment of £1 2s. 6d. for each performance.

*Playing for Dancing.*

(H19) If in any of the preceding cases covered by this sub-clause (H) an employee is required to play for dancing where arrangements are made for dancing by clearing the floor or any portion of same for that purpose, or when dancing is advertised or paid for, he shall be paid in addition to the appropriate rate hereinbefore prescribed a further 10 per cent.

## (I) DANCES AND DANCING CLASSES.

*Weekly Employees.*

(I1) For the purpose of this sub-clause (I)—

- (i) A week's work of six performances shall be deemed to consist of one performance not to exceed three consecutive hours on each of six calendar days, all to be given within seven consecutive days, and none on a Sunday.
- (ii) A week's work of twelve performances shall be deemed to consist of twelve performances, two on each of six calendar days, each performance not to exceed three consecutive hours, all to be given within seven consecutive days, and none on a Sunday.

	"A."	"B."
	£ s. d.	£ s. d.
(I2) Week's work of six performances done between 9 a.m. and 6 p.m.—		
(i) By any one (other than a pianist playing alone)	5 13 0	5 14 0
(ii) By pianist playing alone	6 10 0	6 11 0
(I3) Week's work of six performances done between 6 p.m. and midnight—		
(i) By any one (other than a pianist playing alone)	5 18 0	5 19 0
(ii) By pianist playing alone	6 15 0	6 16 0
(I4) Week's work of twelve performances all done between 9 a.m. and 6 p.m.—		
(i) By any one (other than a pianist playing alone)	8 13 0	8 14 0
(ii) By pianist playing alone	9 11 0	9 12 0
(I5) Week's work of twelve performances not all done between 9 a.m. and 6 p.m.—		
(i) By any one (other than a pianist playing alone)	8 18 0	8 19 0
(ii) By pianist playing alone	9 16 0	9 17 0
(I6) Each performance on a week day not included in a week's work	0 15 0 extra	0 15 0 extra
(I7) Pianist playing alone on a week-day in dancing classes—		
(i) For not more than 30 hours in a week	5 13 0	5 14 0
(ii) For each hour over 30 in a week	0 5 0 extra	0 5 0 extra

If employed for any performance or rehearsal under sub-clauses (A) or (B) 10 per cent. to be deducted.

*Casual Employees.*

	"A." £ s. d.	"B." £ s. d.
(i8) Performing at a dance on a week day: Per hour with a minimum payment as for three hours—		
(i) Pianist playing alone .. .. .	0 11 0	0 11 0
(ii) Others .. .. .	0 8 0	0 8 0
(i9) Performing at a dancing class on a week day: Per hour, with a minimum payment as for three hours—		
(i) Pianist playing alone .. .. .	0 6 6	0 6 6
(ii) Others .. .. .	0 5 6	0 5 6

*(J) SKATING RINKS AND OTHER LIKE FORMS OF ENTERTAINMENT NOT ELSEWHERE PROVIDED FOR.**Weekly Employees.**(j1) For the purpose of this sub-clause (j)—*

- (i) A week's work of six performances shall be deemed to consist of one on each of six days, each performance not to exceed three consecutive hours in duration, all to be held within seven consecutive days, and none on a Sunday.
- (ii) A week's work of twelve long performances shall be deemed to consist of two performances on each of six calendar days, each performance not to exceed three consecutive hours in duration, all twelve to be held within seven consecutive days, and none on a Sunday.
- (iii) A week's work of twelve short performances shall be deemed to consist of two performances on each of six calendar days, each performance not to exceed two consecutive hours in duration, all twelve to be held within seven consecutive days, and none on a Sunday.

	"A." £ s. d.	"B." £ s. d.
(j2) Week's work of six performances .. .. .	5 9 0	5 10 0
(j3) Week's work of twelve long performances .. .. .	8 9 0	8 10 0
(j4) Each performance on a week day not included in a week's work of six performances or twelve long performances, and not to exceed three consecutive hours .. .. .	0 12 6 extra	0 12 6 extra
(j5) Week's work of twelve short performances in roller skating rinks, performances to be held between 2.30 p.m. and 5 p.m., and between 8 p.m. and 10.30 p.m. .. .. .	6 3 0	6 4 0
(j6) Each performance on a week day in roller skating rink not included in week's work of twelve short performances, and not to exceed two consecutive hours .. .. .	0 10 0 extra	0 10 0 extra

*Casual Employees.*

(j7) Six shillings and sixpence per hour on a week day, with minimum payment as for two hours in roller skating rink and as for three hours in other cases.

*(K) PERFORMANCES FOR SUCH DANCING AND FOR OTHER PURPOSES AS ARE NOT ELSEWHERE PRESCRIBED FOR HEREIN.**Casual Employees.*

	"A." £ s. d.	"B." £ s. d.
(k1) Pianist playing alone, each performance on a week day, not to exceed three hours in duration .. .. .	1 13 0	1 13 0
(k2) Employee (not being pianist playing alone)—		
(i) Engaged for one performance on a week day not to exceed three consecutive hours in duration, and in this case to be given between 9 a.m. and 11 p.m. .. .. .	1 4 0	1 4 0
(ii) Engaged for two such performances to be given on one day, with one hour interval between them for refreshments .. .. .	1 16 6	1 16 6
(iii) Engaged for three such performances to be given between 10 a.m. and 10 p.m. on one day, with one hour interval between each two performances for meals .. .. .	2 6 6	2 6 6

*(L) GRAMOPHONE RECORDING.**Casual Employees.*

(L1) To employees not receiving any royalty, 10s. 6d. per hour on week days, with a minimum payment as for two hours.

*(M) CONDUCTOR LEADERS.**Weekly or Casual Employees.*

(m1) A conductor leader shall be paid the appropriate rate for a member of the orchestra, with an addition of one-fourth of such rate.

*Intermittent Weekly Employees.*

(m2) A conductor leader shall be paid 5s.† extra for each performance.

*(N) LEADERS.**Weekly or Casual Employees.*

Where there is a conductor in an orchestra (not being an orchestra to which sub-clause (A) of this clause 2 applies), the leader of such orchestra shall be paid the appropriate rate for a member of the orchestra with an addition of one-sixth of such rate.

*(O) ADDITION TO PRESCRIBED RATE IF EMPLOYEE PLAYS ONE OR MORE EXTRA INSTRUMENTS.**Weekly Employees.*

	"A." £ s. d.	"B." £ s. d.
(o1) If any extra instrument supplied by employee: each performance during week of employment—		
(i) If three performances or less .. .. .	0 4 0† extra	0 4 0† extra
(ii) If four .. .. .	0 3 6† extra	0 3 6† extra
(iii) If five .. .. .	0 3 0† extra	0 3 0† extra
(iv) If six or more .. .. .	0 2 6† extra	0 2 6† extra
(o2) If no extra instrument supplied by employee: For each performance .. .. .	0 2 6† extra	0 2 6† extra

*Casual Employees.*

(o3) If any extra instrument supplied by employee: For each performance .. .. .	0 5 0† extra	0 5 0† extra
(o4) If no extra instrument supplied by employee: For each performance .. .. .	0 3 6† extra	0 3 6† extra

*Exceptions.*

(o5) The flute and piccolo are not extra to each other, nor are other instruments extra to each other which the Victorian Branch of the Musicians Union of Australia by its authorized representative and the employer concerned agree are not to be considered extra.

† If employed for any performance or rehearsal under sub-clauses (A) or (B) 10 per cent. to be deducted.

## (F) REHEARSALS NOT INCLUDED BY OPTION OF EMPLOYER IN A WEEK'S WORK IN LIEU OF A PERFORMANCE.

All Weekly or Casual Employees intended to be employed in a performance for which the rehearsal is held, including Conductor, Leader, Leaders, and Principals.

	"A."	"B."
	£ s. d.	£ s. d.
(F1) In grand opera, and other work comprised in sub-clause (A) of this clause—		
(i) Commencing before 3 p.m. not to exceed two hours .. ..	0 9 0	0 9 0
(ii) Commencing before 3 p.m. not to exceed three hours .. ..	0 13 6	0 13 6
(iii) Commencing at or after 3 p.m. not to exceed two hours .. ..	0 11 3	0 11 3
(iv) Commencing at or after 3 p.m. not to exceed three hours .. ..	0 16 11	0 16 11
(F2) In any other work—		
(i) Commencing before 3 p.m. not to exceed two hours .. ..	0 7 6½	0 7 6½
(ii) Commencing before 3 p.m. not to exceed three hours .. ..	0 10 0½	0 10 0½
(iii) Commencing at or after 3 p.m. not to exceed two hours .. ..	0 10 0½	0 10 0½
(iv) Commencing at or after 3 p.m. not to exceed three hours .. ..	0 15 0½	0 15 0½
(F3) In the case of weekly employees the foregoing rates prescribed in this sub-clause are extra rates to be paid in addition to the rates prescribed for the week's work.		

## Other Employees.

(F4) Pianist employed only for rehearsals with company or artists in grand opera or any other work comprised in sub-clause (A) hereof—

	"A."	"B."
	£ s. d.	£ s. d.
(i) Weekly employee for 36 hours in a week, excluding Sunday .. ..	6 5 0	6 6 0
(ii) Weekly employee for each hour over 36 in the week .. ..	0 5 5 extra	0 5 5 extra
(iii) Casual employee for each hour on a week day, with a minimum payment as for three hours .. ..	0 4 6	0 4 6
(F5) Pianist employed only for rehearsals with company or artists in any general theatrical or other work comprised in sub-clause (B) hereof—		
(i) Weekly employee for 36 hours in a week, excluding Sunday .. ..	6 0 0	6 1 0
(ii) Weekly employee for each hour over 36 in the week .. ..	0 4 6	0 4 6
(iii) Casual employee for each hour on a week day with minimum payment as for three hours .. ..	0 4 1	0 4 1

## (Q) ADDITION TO PRESCRIBED RATES FOR PERFORMING OUTSIDE ORCHESTRA PIT OR WELL.

## Weekly or Casual Employees.

	"A."	"B."
	£ s. d.	£ s. d.
(Q1) Where an orchestra is required to perform on the stage in view of the audience— For each musician—per performance .. ..	0 2 6½ extra	0 2 6½ extra
(Q2) Where a musician is required to play in view of the audience either solo or as one of a duet, trio, or otherwise than in the ordinary way as part of a complete orchestra— For such musician—per performance .. ..	0 3 0½ extra	0 3 0½ extra

## (R) ADDITION TO PRESCRIBED RATES WHERE EMPLOYEE SUPPLIES MUSIC.

## Weekly Employees.

	"A."	"B."
	£ s. d.	£ s. d.
(R1) Employee required to supply music .. ..	0 10 6½ extra	0 10 6½ extra

## Casual Employees.

(R2) Employee so required—per performance .. ..	0 3 6½ extra	0 3 6½ extra
(R3) For any performance commencing at 11 p.m. or after and extending beyond 12 midnight employees shall, notwithstanding anything hereinbefore contained, be paid at double rates, but in respect of such performance clause 11 hereof shall not apply.		

## (S) HIGHER DUTIES.

If a musician engaged to do certain work is required to do in lieu thereof other work for which a higher rate is prescribed, he shall be paid for such other work at the higher rate with a minimum payment as for one performance or as for three hours on each occasion on which he is so required.

## (T) LOWER RATES MAY BE AGREED TO.

Where the Federal or State Executive of the Musicians Union of Australia agrees with any employer that for special reasons lower rates should be accepted by an employee, rates may be agreed upon between the said Union and Employer.

A written copy of any such agreement, signed by the Secretary of the Union and the Employer concerned, shall be lodged with the Secretary for Labour within 7 days of the making thereof.

## TIME OF PAYMENT.

3. (a) In theatres and similar places all moneys payable under this Determination to a weekly or intermittent weekly employee shall be paid not later than the first interval on a Friday in each week, but where it has been customary to pay employees on Saturday, and not on Friday, such moneys shall be paid not later than the first interval on the Saturday night.

(b) If a weekly or intermittent weekly employee's engagement be terminated, all moneys due to him under this Determination shall be paid within 48 hours of the termination.

(c) All moneys due under this Determination to a casual employee shall be paid upon the completion of the work for which he is engaged.

## NO DEDUCTION FOR MEALS SUPPLIED.

4. No deduction from any of the payments herein prescribed shall be made for meals supplied by an employer to an employee.

## ARRANGING BAND PARTS, ETC.

5. The payments prescribed by this Determination do not include any sums to be paid to a conductor leader or leader, or any other employee for arranging band parts, or doing any orchestration.

† If employed for any performance or rehearsal under sub-clauses (A) or (B) 10 per cent. to be deducted.  
‡ If employed for any performance or rehearsal under sub-clause (B) 10 per cent. to be deducted.

## TERMINATION AND OTHER INCIDENTS OF EMPLOYMENT.

6. (a) Where an employee is not expressly engaged as a casual employee, he shall be deemed to be engaged as a weekly employee or an intermittent weekly employee (as the case may be).

(b) A casual employee may at any time enter into an agreement with his employer to become a weekly employee, but such agreement shall not affect any casual rates payable by the employer to the employee before such agreement is entered into unless it is entered into within three days of the beginning of his employment as a casual employee, in which case he shall be deemed to have been a weekly employee from such beginning.

(c) Where an employee is required by an employer to go on tour he shall be deemed to be in the employment of the employer at least from the time at which he begins to travel on the tour and to remain in such employment at least until he finishes travelling on his return from the tour, unless in the meantime the employment has been determined legally for malingering, inefficiency, neglect of duty, or misconduct.

(d) The weekly wage prescribed by this Determination shall be paid to each weekly employee or intermittent weekly employee who is ready and willing to perform the work provided for by the Determination during any week whether he is required to perform such work or not, and this provision is to apply to all engagements whether for open-air performances or otherwise.

(e) An employee to become entitled to the wage prescribed for a weekly employee or for an intermittent weekly employee is to perform such of the work provided for as the employer shall from time to time require on the days and during the hours usually worked by the class of employee affected.

(f) A weekly employee or intermittent weekly employee shall be engaged and paid as for at least one week.

(g) The employment of a weekly employee or of an intermittent weekly employee is to 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 at or before the beginning of work on a day, to expire at the end of the sixth calendar day succeeding such day, or if the sixth day be a Sunday, of the fifth day, and the employee shall only be entitled to payment *pro rata* for the time up to the expiration of the notice.

(h) Where the period of employment of a weekly employee or of an intermittent weekly employee (as the case may be) includes in addition to one or more complete weeks, a part of a week, the weekly employee shall be paid for each whole or fraction of a calendar day included in the part of a week one-sixth of his prescribed weekly wage, and the intermittent weekly employee shall be paid as a casual employee for any work done by him during such part of a week.

(i) Where an employee is engaged as a weekly employee for any fixed number of performances per week, the engagement shall not be altered to a weekly engagement for which a less sum is prescribed, except on a week's notice to the employee.

(j) Nothing in this Determination shall affect any legal right to dismiss without notice any employee whether on tour or not for malingering, inefficiency, neglect of duty or misconduct, and in the case of such dismissal wages and other moneys or allowances due under this Determination shall be payable for the employment up to but not after the time of dismissal.

(k) Notwithstanding anything contained in this Determination, an employer may in the case of any weekly employee deduct payment of wages on any day on which an employee cannot be usefully employed because of—

(i) Any strike.

(ii) Any breakdown of machinery.

(iii) Any stoppage of work unavoidable by the employer other than a stoppage due to weather.

Provided that his sub-clause shall not affect the operation of clause 11 hereof—

(l) Except so far as circus employees are expressly referred to in this Determination their working conditions of employment shall be those now existing in respect of musicians employed in circuses.

## DURATION, ETC., OF PERFORMANCES.

7. (a) Except as otherwise provided in this Determination, the duration of performances (with intervals included), so far as covered by the rates of pay prescribed in clause 2, shall not exceed the following times respectively:—

(i) In picture shows, two and three-quarter consecutive hours.

(ii) In circus entertainments, three and one-half hours.

(iii) In general theatrical entertainments, three consecutive hours.

(iv) In skating rinks and other places included in sub-clause (j) of clause 2 and in dancing halls, three consecutive hours.

Provided that if during a performance in talking picture shows the employees are not required to perform for more than two hours in the aggregate, they may be required to work over a spread of three and one-quarter hours.

(b) Where a performance extends in duration to two and one-quarter hours without finishing, an interval of at least ten minutes shall be then allowed, unless it has been previously allowed during the performance, and in either case such interval shall be regarded as time worked.

(c) A performance shall be deemed to have started at the time notified by the employer to the employees as the starting time, or if no such time be notified to have started at the time advertised for starting the performance, but in either case if all the members of the orchestra are not present and ready to start at such time, the performance shall be deemed to start only when the orchestra actually starts playing.

(d) The provisions of this clause apply to all employees whether casual or not unless the contrary intention appears.

## DURATION, ETC., OF REHEARSALS.

8. (a) The duration of rehearsals so far as covered by the rates of pay prescribed in clause 2 shall not exceed two hours where the engagement is for a rehearsal not to exceed two hours nor more than three hours in other cases.

(b) Except as otherwise provided herein the said hours shall be consecutive.

(c) If a rehearsal having been begun before 1 p.m. will not be completed by that time, and the musicians engaged therein have previously asked or do then ask that it be adjourned for some specified time not exceeding one hour for luncheon, it shall be adjourned for not less than the specified time and not longer than one hour, but the time of such adjournment shall not for any purpose be counted as time worked by the musicians, and the work done after the adjournment shall for the purpose of payment be treated as if done continuously with that done before the adjournment.

(d) If the actors engaged in a rehearsal with musicians refuse to proceed therewith without an adjournment for luncheon and such adjournment be granted, the time of such adjournment not exceeding one hour to be between noon and 2 p.m., shall not for any purpose be counted as time worked by the musicians, and the work done after the adjournment shall be treated for the purpose of payment as if done continuously with that done before the adjournment.

(e) Where a rehearsal extends in duration to two and a quarter hours without finishing, an interval of at least ten minutes shall be then allowed unless it has been previously allowed during the rehearsal not sooner than one hour after the starting time, and in either case such interval shall be regarded as time worked.

(f) A rehearsal shall be deemed to have started at the time notified by the employer as the starting time, but if all the members of the orchestra are not present and ready to start at such time, the rehearsal shall be deemed to start only when the orchestra actually starts playing.

(g) If an employer requires the orchestra engaged in a matinee performance of a production or any member or members of such orchestra to play over any part or parts of the production for the purpose of rectifying or rearranging any part of the score or performance of the production, the musicians so employed shall, if not kept more than one hour for such purpose, only be entitled to overtime payment as prescribed in clause 10 and not to payment as for a rehearsal.



- (h) The ordinary range of hours within which rehearsals are to be held shall be as follows:—
- (i) From 10 a.m. to 4 p.m. if held with the actors.
  - (ii) From 9 a.m. to 3 p.m. if held for a continuous picture show or a picture show giving two performances a day.
  - (iii) From 3 p.m. to 11 p.m. if the engagement be for a rehearsal commencing at or after 3 p.m.
  - (iv) From 10 a.m. to 3 p.m. except as otherwise provided herein.
- (i) Rehearsals beginning at 9 a.m. for continuous picture shows or picture shows giving two performances a day shall be held in the place where the musician is usually employed or in a place within half a mile thereof, and in the latter case the cost of transferring the double bass and the drums shall be borne by the employer.
- (j) The provisions of this clause apply to all employees whether casual or not unless the contrary intention appears.

#### ABSENCE FROM DUTY.

9. (a) Any weekly employee absent from duty shall lose pay proportionate to the time of such absence unless he produces or forwards to his employer within 24 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;
  - (ii) any bodily injury to himself caused by accident arising out of and in the course of his employment.
- (b) The deduction of pay for absence from a night performance or from a performance, period of work, or rehearsal made part of the week's work for which a rate for the week is prescribed shall be proportionate to that rate and the deduction for absence from a performance or a rehearsal not part of a week's work, shall be proportionate to the rate prescribed for that performance or rehearsal.
- (c) This clause shall not affect any right of the employer to determine the employment in accordance with clause 6 of this Determination.

#### OVERTIME PAY AND ALLOWANCES.†

10. (a) Except as otherwise provided in this Determination, any time worked over or outside the prescribed time limit or range of any performance, period of work, rehearsal, or other work or after a break in working time prescribed to be worked consecutively or continuously shall be paid for at the rate of 1s. 3d. for each fifteen minutes or portion thereof, up to midnight and 2s. 6d. for each fifteen minutes or portion thereof after midnight.

Provided that in the case of rehearsals commencing before 3 p.m. not to exceed two hours, the payment for any time up to one hour worked over the said two hours shall be at the rate of 1s. instead of the said 1s. 3d.

(b) When the time limit of any performance, period of work, or rehearsal is exceeded by less than five minutes, such excess shall not be counted as overtime worked, but if it is exceeded by five minutes or more sub-clause (a) shall apply in respect of the whole of such excess.

(c) No overtime shall be payable in respect of the first night of a production which is within sub-clause (b) of clause 2, and which continues to be produced at the same theatre for at least six nights, but an alteration in items of a production shall not be regarded as making the first performance of such alteration a first night within this sub-clause.

(d) All time to be paid for under this clause or as overtime under any other part of this Determination shall be computed weekly in the aggregate.

(e) Where a casual employee within sub-clause (x) of clause 2 is employed for a performance exceeding four hours, such employee shall, unless meals are provided be paid not less than 3s. 6d. for refreshment expenses in addition to the other payments prescribed by this Determination.

(f) If any employee mentioned in sub-clause (u) of clause 2 is detained at the place of employment by the employer or his representative after 11.30 p.m. and if so detained until too late to travel by the last tram, train, or vehicle to his or her home, the employer shall provide proper conveyance for the employee so detained; if a female to her home, or if a male to his home if such home is more than a mile from the place of employment.

(g) The provisions of this clause apply to all employees whether casual or not unless the contrary intention appears.

#### SUNDAYS AND PUBLIC HOLIDAYS.†

11. (a) For any work done on a Sunday payment shall be made at least as follows:—

- (i) To weekly and intermittent weekly employees in addition to their prescribed pay for the rest of the week—
  - (a) For performing otherwise than at a rehearsal, 12s. per hour, with a minimum payment as for two and three quarter hours in picture theatres and three hours elsewhere.

Provided that this provision for a minimum payment does not apply to work continued from Saturday over midnight into Sunday and that work continued from Sunday over midnight into Monday shall for the purpose of this sub-clause be deemed all to be done on the Sunday.

  - (b) For each rehearsal double the appropriate rates prescribed for work on ordinary days.
- (ii) To casual employees double the appropriate rates prescribed for work on ordinary days.
- (b) For any work done on Good Friday, Christmas Day, and Labour Day, payment shall be made at least as follows:—
  - (i) To weekly employees in addition to their appropriate rates prescribed elsewhere herein, if the work be included in the week's work or be covered by the prescribed weekly rate one-sixth of the appropriate weekly rate prescribed in clause 2, and if the work be any performance not so included double the ordinary rate prescribed in clause 2 for a performance not so included.
  - (ii) To intermittent weekly employees in addition to their appropriate rates prescribed elsewhere herein a further payment ascertained by dividing the appropriate rate prescribed in clause 2 by the number of the performances such rate covers.
  - (iii) To casual employees double the appropriate rates prescribed for work on ordinary days.
- (c) For any work done on other holidays payment shall be made at least as follows:—
  - (i) To weekly employees in addition to their appropriate rates prescribed elsewhere herein, if the work be included in the week's work or be covered by the prescribed weekly rate, one-twelfth of the appropriate weekly rate prescribed in clause 2 and if the work be any performance not so included one and a half times the ordinary rate prescribed in clause 2 for a performance not so included.
  - (ii) To intermittent weekly employees in addition to their appropriate rates prescribed elsewhere herein a further payment ascertained by dividing the appropriate rate prescribed in clause 2 by twice the number of the performances such rate covers.
  - (iii) To casual employees one and one-half times the appropriate rates prescribed for work on ordinary days.

The said other holidays are the days observed 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; but where any of the holidays named are observed on different days in different parts of the State, employees shall only be entitled to extra payment from the one employer for work on one of such days in each year.

(cc) Where any of the days specified as holidays in sub-clause (b) or (c) of this clause falls on a Sunday and in consequence a holiday is generally observed on an ordinary week day which would not otherwise be kept as a holiday, work done on such ordinary week day shall be deemed to be done on one of the days to which the said sub-clause (c) applies and shall be paid for accordingly.

† If work is in connexion with any performance or rehearsal under sub-clauses (A) or (B) 10 per cent. to be deducted.

(d) Where a weekly employee is employed as such in one or more performances or periods of work on one of the aforesaid holidays at least one performance or period of three hours' work (as the case may be) shall be deemed to be a performance or period included in his week's work, and therefore not an additional or extra performance for which a lower rate is prescribed.

Provided that—

- (i) If a night performance or period of three hours occur, it shall be deemed to be the one so included.
- (ii) If the week's work consist of twelve performances or twelve periods of three hours or the equivalent thereof, two performances or two such periods, inclusive of the night performance or period of work (if any), shall if occurring on the holiday be deemed to be so included.
- (iii) Except as aforesaid none of the said performances shall be deemed to be so included unless the employer so chooses.

(e) In the case of weekly employees (not including intermittent weekly employees) if by reason of any of the aforesaid holidays being a holiday no work is done thereon the prescribed weekly wage shall nevertheless be paid, and such holiday shall be treated for the purpose of sub-clause (A) of clause 2 as if one of the seven performances provided for in that sub-clause had occurred thereon, and for the purpose of the rest of the said clause 2 where 6, 12, 18, or 24 performances are provided for shall be treated as if one-sixth respectively of the number of performances so provided for had occurred thereon, and where no number of performances is provided for shall be treated as if one-sixth of the ordinary amount of work provided for as covered by the weekly wage had been done thereon.

(f) 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, be paid 7s. 6d. therefor.

#### TRAVELLING.

12. (a) For all work by an employee to be done outside a 30-mile radius of the city or town where the engagement with him is made, he shall be provided with first class return boat or train accommodation.

(b) Employees when travelling by train at night shall be provided with sleeping accommodation, or if such sleeping accommodation is not provided, shall be paid the sum which is charged to the public by the Railway Department for such sleeping accommodation.

(c) In addition to the rates of pay prescribed by this Determination employees shall be allowed 10s. for each day, including Sunday, such allowance to start upon the first day upon which the employee commences travelling and to continue until the day upon which he ceases travelling:

Provided that—

- (i) Where the part spent in travelling of the commencing day and the part so spent of the ceasing day are together not more than 24 hours, 10s. shall be paid for the whole combination of such parts; where they are more than 24, but not more than 36 hours, 15s. shall be paid; and where they are more than 36 hours 20s. shall be paid.
- (ii) Where the employee commences and returns from a trip on the same day, 10s. shall be paid in respect of that day.

If travelling is in connexion with any work comprised in sub-clauses (A) or (B) of clause 2, 10 per cent. to be deducted.

(cc) (1) Where an employer engages beforehand with an employee to employ him throughout a continuous period of at least thirteen weeks in one city or town only, and not with a view to the employee working on tour either there or elsewhere, the employee shall be entitled to the allowance under sub-clause (c) hereof for only fourteen days in respect of his stay after his arrival in the said city or town.

(2) Where an employee not engaged with a view to his working on tour has been continuously employed by an employer in one city or town for at least twelve continuous months, this clause 12 shall not apply to him in respect of his return to the place of engagement.

(d) The employer shall transport or pay the reasonable cost of transporting the double bass or drums when they are to be used for the purpose of the employment.

(e) Where an employee is engaged otherwise than as a weekly or intermittent weekly employee, and the ordinary fare for return transit from the post office of the city or town where he is engaged to the place of employment is more than 6d., the employer shall pay the reasonable cost of such return transit.

(f) Where a suggestion is made by or for an employer or proposed employer to a person that the latter will be employed by the former in a certain place if he presents himself there, and such person does so present himself and is employed there, such employee shall receive from the employer all provisions, allowances and payments which would be due under this clause 12 to an employee who is situated in the place where such person is when the suggestion is made and who is definitely engaged by the employer to go from that place and work in the place where such person so presents himself and is employed.

#### SUPPLY OF UNIFORMS.

13. Where an employee is required to wear special uniform other than evening dress, such uniform shall be supplied by the employer and must be clean and in good condition, and the cost of renovation and similar costs must be paid by the employer.

#### ACCOMMODATION.

14. (a) The employer shall provide reasonable accommodation, including lavatories, for employees.

(b) There shall be a proper entrance to and exit from the orchestra.

#### TIME-BOOKS TO BE KEPT, ETC.

15. (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, 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 Musicians Union of Australia, who has been authorized in writing to inspect the same by the general secretary or secretary of the State branch of the said Union.

(c) One clear day's notice shall be given to the employer of any intended inspection.

(d) No authority to inspect shall be given by the said Union unless the general secretary or State branch secretary has good reason to suspect that a breach of the Determination has been committed by the employer, whose time-book or time-sheet is to be inspected.

#### SUB-CONTRACT, ETC.

16. (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 or 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.

## DEFINITIONS.

17. "Weekly employee" means an employee engaged by the week.

"Intermittent weekly employee" means an employee engaged for performances on all the nights being less than six in the week on which the theatre or place of amusement is regularly opened, and for performances on other stated days or nights in each week as may be agreed upon between the employer and the employee.

"Casual employee" means an employee engaged otherwise than by the week or than as an intermittent weekly employee.

"Orchestra" means an orchestra of three or more players.

"Conductor Leader" means the member of an orchestra who plays and directs the orchestra.

"Leader" is the first or principal violin in an orchestra where there is a conductor.

"Principal." For the purpose of section (A) of clause 2 of this Determination shall mean and include the first of a group of instrumentalists playing one class of instrument or the player of an instrument of which only one is used in the orchestra.

## PERIODICAL ADJUSTMENT OF WAGES.

18. Such of the wages rates set out in clause 2 as were based on original amounts set out in the table as shown in clause 19, and a basic wage of 91s. are based upon the following basic wage rates, and, pursuant to the provisions of section 21 of the *Factories and Shops Act 1934*, the Board hereby determines that such rates shall be automatically adjusted as prescribed by clause 19.

## Basic Wage.

Place.	Needs Basic Wage (Adjustable).	Loading (Constant).	Total Basic Wage.	Index Number Set Assigned.
	£ s. d.	s. d.	£ s. d.	
Victoria .. .. .	5 1 0	6 0	5 7 0	Sydney, Melbourne, Brisbane, Adelaide, Hobart (weighted average)

## ADJUSTMENT OF BASIC WAGE.

19. (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 May, 1947, the amounts of the basic wage shall be as prescribed in clause 18.

(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.

## TABLE.

ORIGINAL INDEX NUMBER DIVISION, 1130-1141 (NEEDS BASIC WAGE 91s.).

Scale of Rates and of Additions or Deductions.					
Original Amounts.					
Column 1.	Column 2.	Column 3.	Column 4.	Column 5.	Column 6.
£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
4 11 0	3 9 6	2 16 0	2 13 6	2 0 0	1 1 6
and over	3 12 6	and		and	
	3 15 0	2 19 0		2 3 0	
By adding or subtracting the amount of the increase or decrease in the needs basic wage	By adding or subtracting $\frac{1}{4}$ of the amount of variation resultant in column 1	By adding or subtracting $\frac{1}{4}$ of the amount of the variation resultant in column 1	By adding or subtracting $\frac{1}{2}$ of the amount of the variation resultant in column 1	By adding or subtracting $\frac{1}{4}$ of the amount of the variation resultant in column 1	By adding or subtracting $\frac{1}{4}$ of the amount of the variation resultant in column 1

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

J. W. RYAN, Secretary.

Melbourne, 7th March, 1947.

By Authority: J. J. GOURLEY, Government Printer, Melbourne.





# VICTORIA GOVERNMENT GAZETTE.

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MONDAY, JUNE 2.

[1947

Factories and Shops Acts.

## DETERMINATION OF THE BRICKLAYERS BOARD.

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

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

IN accordance with the provisions of the Factories and Shops Acts, the Wages Board appointed to "determine the lowest prices or rates which may be paid to any person or persons or classes of persons (other than labourers) wheresoever employed in the process, trade or business of a bricklayer," has made the following Determination, namely:—

- (i) That as from the operative date as prescribed in paragraph (ii) hereof, the last previous Determination of this Board shall be revoked and replaced by this Determination.
- (ii) (a) Part I. hereof shall operate from the beginning of the first pay period to commence on or after the 12th April, 1947, and shall continue in force whilst the Building Trades of Victoria Award of the Commonwealth Court of Conciliation and Arbitration remains in force.  
If and when the provisions of this Part cease to apply by virtue of the limitation prescribed in the previous paragraph, all employees covered by the said provisions will automatically be subject to the provisions of Part II. hereof.
- (b) Part II. and Part III. hereof shall operate from the beginning of the first pay period to commence on or after the 12th April, 1947.

### PART I.

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

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

2.

\* WAGES.

(a) Apprentices.—PER WEEK OF 44 HOURS.				Improvers.—PER WEEK OF 44 HOURS.					
		Weekly Rate.	War Time Loading.	Total Weekly Wage.			Weekly Rate.	War Time Loading.	Total Weekly Wage.
		s. d.	s. d.	s. d.			s. d.	s. d.	s. d.
1st year	..	28 9	1 0	29 9	1st six months	..	24 0	1 0	25 0
2nd year	..	43 9	1 6	45 3	2nd six months	..	34 9	1 6	36 3
3rd year	..	70 6	2 6	73 0	2nd year	..	50 3	2 0	52 3
4th year	..	79 0	3 0	82 0	3rd year	..	81 6	3 0	84 6
5th year	..	98 6	3 6	102 0	4th year	..	104 9	4 0	108 9
					5th year	..	121 3	4 6	125 9

(b)

Other Employees.—PER WEEK OF 44 HOURS.

	Per Week.	Per Hour.
	s. d.	s. d.
(1) Foreman bricklayer in charge of three or more employees (See clause 21)		
(2) Bricklayers employed in the construction of, and/or repairs to gas retorts for the manufacture of gas, or retorts used in the manufacture and/or refining of oil from shale or coal—		
(a) Where the temperature does not exceed 120° Fahrenheit .. .. .	189 1	4 3 <sup>25</sup> / <sub>44</sub>
(b) Where the temperature exceeds 120° Fahrenheit .. .. .	204 8	4 7 <sup>9</sup> / <sub>11</sub>
(3) Bricklayers employed on old firework and/or repairs to boilers, bakers' ovens, furnaces, and all work pertaining thereto—		
(a) Where the temperature does not exceed 120° Fahrenheit .. .. .	189 1	4 3 <sup>25</sup> / <sub>44</sub>
(b) Where the temperature exceeds 120° Fahrenheit .. .. .	204 8	4 7 <sup>9</sup> / <sub>11</sub>
(4) Bricklayers employed on all new firework, construction of stills, towers, and acid resisting brickwork, and all work pertaining thereto other than repairs to same .. .. .	172 7	3 11 <sup>3</sup> / <sub>44</sub>
(5) Bricklayers employed on repair work to acid furnaces, acid stills, acid towers, and all other acid resisting brickwork .. .. .	204 8	4 7 <sup>9</sup> / <sub>11</sub>
(6) Bricklayers laying glass bricks .. .. .	165 0	3 9
(7) Bricklayers engaged below ground level (in underpinning the foundation of an adjoining building) .. .. .	170 4	3 10 <sup>8</sup> / <sub>11</sub>
(8) All other bricklayers .. .. .	165 0	3 9
(9) Persons employed laying or fixing faience or majolica on floors, walls, or ceilings .. .. .	165 0	3 9
Bricklayers employed building chimney stacks shall be paid—		
Over 50 feet to 100 feet, 1s. 0 <sup>1</sup> / <sub>2</sub> d. per day extra.		
And for every additional 50 feet or fraction thereof, 1s. 0 <sup>1</sup> / <sub>2</sub> d. per day extra.		

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

## DIRTY WORK.

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

## WORKING IN EXCESSIVE HEAT.

4. When a bricklayer in the last two hours of his day's work is working in artificial heat exceeding 120° Fah. he shall be allowed ten minutes of working time in which to cool off.

## HOURS.

5. The ordinary hours shall be 44 per week to be worked in five or five and a half days, the daily hours being respectively 8 hours 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 not be less than 42 minutes.

## OVERTIME.

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

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

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

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

(i) In excess of 4 hours on the day on which the half-holiday is usually observed and 8 hours

on the other working days of the week .. .. . Time and a half.

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

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

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

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

Between 8 p.m. and midnight .. .. . Double time.

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

Provided that where an employee commences work at or before midnight and continues such work after the usual time for commencing work on the ensuing day, he shall be entitled to be paid at the rate of double time until the completion of such period of continuous work.

## 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 9 (a) of this Part or on work performed outside the radii named in sub-clause (a) hereof the provisions of that sub-clause shall apply except that the local Post Office shall be the centre.

## ALLOWANCES IN RESPECT OF DISTANT JOBS.

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

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

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

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

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

## ALLOWANCE IN RESPECT OF MEALS.

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

## WORK ON SUNDAYS AND PUBLIC HOLIDAYS.

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

## EXCESS OF HOURS.

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

## REST PAUSE.

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

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

## ANNUAL LEAVE.

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

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

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

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

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

(ii) Any reason satisfactory to the employer or, in event of dispute, the Wages Board.

(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 which he has then qualified on the basis of 1/13th of a week's wages in respect of each 88 hours' consecutive service (exclusive of overtime) during his current qualifying twelve-monthly period.

#### FIRST-AID OUTFIT.

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

#### TRANSPORT.

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

#### PAYMENT OF WAGES.

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

#### INSPECTION OF TIME SHEETS AND BOOKS.

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

#### TOOLS.

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

#### SHELTER.

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

#### FOREMAN AND LEADING HAND.

21. (a) Where three or more journeymen bricklayers are employed on any job one shall be a foreman and entitled to the additional rate prescribed in sub-clause (c) of this clause.

(b) In addition to a foreman bricklayer, where the work under construction is performed by journeymen bricklayers working in groups, or in the form of separate units, for every ten journeymen bricklayers employed under a foreman (as defined in sub-clause (a) hereof), at least one of such bricklayers shall be classified as a leading hand, and paid the additional rate prescribed in sub-clause (c) of this clause.

(c) A foreman bricklayer or a leading hand shall be entitled to the following rate in addition to the ordinary rate prescribed for the highest class of work done under his supervision as follows:—

Foreman bricklayer—

(i) In charge of three and not more than nine journeymen bricklayers	..	..	..	4d. per hour
(ii) In charge of ten or more journeymen bricklayers	..	..	..	8d. per hour
Leading hand	..	..	..	2½d. per hour

#### TERMINATION OF EMPLOYMENT.

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

#### APPRENTICES AND IMPROVERS.

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

### PART II.

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

2.

#### \* WAGES.

(a) Apprentices.—PER WEEK OF 44 HOURS.				Improvers.—PER WEEK OF 44 HOURS.			
	Weekly Rate.	War Time Loading.	Total Weekly Wage.		Weekly Rate.	War Time Loading.	Total Weekly Wage.
	s. d.	s. d.	s. d.		s. d.	s. d.	s. d.
1st year .. .. .	28 9	1 0	29 9	1st six months .. .. .	24 0	1 0	25 0
2nd year .. .. .	43 9	1 6	45 3	2nd six months .. .. .	34 9	1 6	36 3
3rd year .. .. .	70 6	2 6	73 0	2nd year .. .. .	50 3	2 0	52 3
4th year .. .. .	79 0	3 0	82 0	3rd year .. .. .	81 6	3 0	84 6
5th year .. .. .	98 6	3 6	102 0	4th year .. .. .	104 9	4 0	108 9
				5th year .. .. .	121 3	4 6	125 9

#### PROPORTION (IN ANY PLACE).

One apprentice to every three bricklayers or fraction thereof receiving not less than the minimum wage of 162s. 0d. per week of 44 hours.

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

#### PROPORTION (IN ANY PLACE).

One improver to every four bricklayers or fraction thereof receiving not less than the minimum wage of 162s. 0d. per week of 44 hours.



(b)

*Other Employees.—PER WEEK OF 44 HOURS.*

	Per Week.	Per Hour.
	<i>s. d.</i>	<i>s. d.</i>
(1) Foreman bricklayer in charge of three or more employees (See clause 12)		
(2) Bricklayers employed on sewerage work, drainage work, or underground work not connected with building construction .. .. .	169 7	3 10 <sup>4</sup> / <sub>11</sub>
(3) Bricklayers employed in the construction of, and/or repairs to gas retorts for the manufacture of gas, or retorts used in the manufacture and/or refining of oil from shale or coal—		
(a) Where the temperature does not exceed 120° Fahrenheit .. .. .	186 1	4 2 <sup>1</sup> / <sub>2</sub>
(b) Where the temperature exceeds 120° Fahrenheit .. .. .	201 8	4 7
(4) Bricklayers employed on old firework and/or repairs to boilers, bakers' ovens, furnaces, and all work pertaining thereto—		
(a) Where the temperature does not exceed 120° Fahrenheit .. .. .	186 1	4 2 <sup>1</sup> / <sub>2</sub>
(b) Where the temperature exceeds 120° Fahrenheit .. .. .	201 8	4 7
(5) Bricklayers employed on all new firework, construction of stills, towers, and acid resisting brickwork, and all work pertaining thereto other than repairs to same .. .. .	169 7	3 10 <sup>1</sup> / <sub>2</sub>
(6) Bricklayers employed on repair work to acid furnaces, acid stills, acid towers, and all other acid resisting brickwork .. .. .	201 8	4 7
(7) Bricklayers laying glass bricks .. .. .	162 0	3 8 <sup>2</sup> / <sub>11</sub>
(8) Bricklayers engaged below ground level (in underpinning the foundation of an adjoining building) ..	167 4	3 9 <sup>2</sup> / <sub>22</sub>
(9) All other bricklayers .. .. .	162 0	3 8 <sup>2</sup> / <sub>11</sub>
(10) Persons employed laying or fixing faience or majolica on floors, walls, or ceilings .. .. .	162 0	3 8 <sup>2</sup> / <sub>11</sub>
Bricklayers employed building chimney stacks shall be paid—		
Over 50 feet to 100 feet, 1s. 0 <sup>1</sup> / <sub>2</sub> d. per day extra.		
And for every additional 50 feet or fraction thereof, 1s. 0 <sup>1</sup> / <sub>2</sub> d. per day extra.		

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

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

*DIRTY WORK.*

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

*ALLOWANCES.**Fares.*

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

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

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

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

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

*Travelling.*

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

*Inclement Weather.*

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

*PAYMENT OF WAGES.*

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

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

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

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

## TIME OF BEGINNING AND ENDING WORK.

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

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

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

(b) All other places—

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

## OVERTIME.

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

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

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

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

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

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

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

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

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

Between 8 p.m. and midnight .. .. . Double time.

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

Provided that where an employee commences work at or before midnight and continues such work after the usual time for commencing work on the ensuing day, he shall be entitled to be paid at the rate of double time until the completion of such period of continuous work.

## REST INTERVAL.

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

## FIRST-AID OUTFIT.

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

## TRANSPORT.

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

## TERMINATION OF EMPLOYMENT.

11. 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.

## FOREMAN AND LEADING HAND.

12. (a) Where three or more journeymen bricklayers are employed on any job one shall be a foreman and entitled to the additional rate prescribed in sub-clause (c) of this clause.

(b) In addition to a foreman bricklayer, where the work under construction is performed by journeymen bricklayers working in groups, or in the form of separate units, for every ten journeymen bricklayers employed under a foreman (as defined in sub-clause (a) hereof), at least one of such bricklayers shall be classified as a leading hand, and paid the additional rate prescribed in sub-clause (c) of this clause.

(c) A foreman bricklayer or a leading hand shall be entitled to the following rate in addition to the ordinary rate prescribed for the highest class of work done under his supervision as follows :—

Foreman bricklayer—	
(i) In charge of three and not more than nine journeymen bricklayers .. .. .	4d. per hour
(ii) In charge of ten or more journeymen bricklayers .. .. .	8d. per hour
Leading hand .. .. .	2½d. per hour

## TOOLS.

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

## SHELTER.

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

## WORKING IN EXCESSIVE HEAT.

15. When a bricklayer in the last two hours of his day's work is working in artificial heat exceeding 120° Fah. he shall be allowed ten minutes of working time in which to cool off.

## SPECIAL RATES FOR SUNDAYS AND PUBLIC HOLIDAYS.

16. All work done on—Sundays, New Year's Day, Australia Day, Labour Day, Good Friday, Easter Monday, Anzac Day, King's Birthday, Melbourne Cup Day, Christmas Day, and Boxing Day—shall be paid for at the rate of double time; but if any other day be by Act of Parliament or proclamation substituted for any of the above-mentioned holidays, the special rate shall be payable only for the day so substituted.

## ANNUAL HOLIDAY.

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

## ADDITIONAL ANNUAL AND SICK LEAVE FOR SPECIAL CIRCUMSTANCES.

18. When it is a constant condition of employment that an employee in a "Mixed Industry" is continuously required to work or be on call for work on week ends (i.e., Saturdays and Sundays), such employee shall be entitled to:—

- (a) one week's additional leave with pay, and
- (b) payment for a maximum of 44 hours for sickness (duly certified) in any one year, provided that in the event of an employee not claiming payment in whole or in part in any year, the number of days not claimed shall be held to his credit the following year or years, subject to a maximum of 132 hours for sickness. For the purposes of sub-clause (b) hereof service prior to the 1st July, 1945, shall be disregarded. "Mixed Industry" means an industry where the work performed by bricklayers (that is, any work to which this Determination applies) is subsidiary and auxiliary to the chief and principal purpose and business of such industry.

## ALLOWANCE IN RESPECT OF MEALS.

19. 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.

## WAGE CONSTITUENTS.

20.	("All Other" Bricklayers.)										Per Week.
											£ s. d.
Basic wage .. .. .	..	..	..	..	..	..	..	..	..	..	5 7 0
War loading .. .. .	..	..	..	..	..	..	..	..	..	..	0 6 0
Margin .. .. .	..	..	..	..	..	..	..	..	..	..	1 10 0
Disabilities loading ..	..	..	..	..	..	..	..	..	..	..	0 5 6
Tool allowance .. .. .	..	..	..	..	..	..	..	..	..	..	0 4 0
Allowance for two weeks for statutory holidays and one week's sick pay ..	..	..	..	..	..	..	..	..	..	..	0 9 6
Total .. .. .	..	..	..	..	..	..	..	..	..	..	8 2 0

## PART III.

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

## PERIODICAL ADJUSTMENT OF WAGES.

2. The wages rates for adults set out in clauses 2 of Part I. and Part II. hereof, are based upon the following basic wage, and pursuant to and in accordance with the provisions of section 21 of the *Factories and Shops Act 1934*, the Board hereby determines that such rates shall be automatically adjusted as prescribed in clause 3 of this Part. The wages of apprentices and unprovers shall be adjusted proportionately to adjustments of the basic wage, such adjustments to be calculated to the nearest 3d., half or less than half of 3d. to be disregarded.

## Basic Wage.

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

## ADJUSTMENT OF BASIC WAGE.

3. (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 May, 1947, the amounts of the Basic Wage shall be as prescribed in clause 2 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.

## ADJUSTMENT OF LOADINGS.

4. The existing loading of 9s. 6d. per week as an allowance for two weeks for statutory holidays and one week's sick pay is based upon a Needs Basic Wage Group of 101s. to 106s. per week, and shall be automatically adjusted by increasing or decreasing the allowance by 6d. for each increase or decrease of 5s. (in the aggregate) of such Needs Basic Wage Group as shown in the schedule hereunder—

Basic Wage Group.							Total Loadings Payable.
89s. to 94s. (inclusive) per week	..	..	..	..	..	..	8s. 6d. per week
95s. to 100s.       "       "	..	..	..	..	..	..	9s. 0d.       "
101s. to 106s.       "       "	..	..	..	..	..	..	9s. 6d.       "
107s. to 112s.       "       "	..	..	..	..	..	..	10s. 0d.       "

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

Should any increase or decrease of the loadings take place as the result of the operation of this clause, a corresponding increase or decrease as the case may be shall be made in the ordinary wages rates prescribed in clause 2 (b) of Part I. and clause 2 (b) of Part II.

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

J. W. RYAN, Secretary.

Melbourne, 28th March, 1947: