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THURSDAY, FEBRUARY 19.

[1948

DETERMINATION OF THE INDUSTRIAL APPEALS COURT.

In THE INDUSTRIAL APPEALS COURT:

IN THE MATTER of the *Factories and Shops Act 1928-1941*,

AND

IN THE MATTER of the Determination made by the Theatre Managers Board on the 1st day of November, 1947, and published in *Victoria Government Gazette* No. 435 dated 17th November, 1947,

AND

IN THE MATTER of Appeals against certain provisions of the said Determination.

Before the Industrial Appeals Court (Judge Stretton, K. H. Boykett, Esq., and J. V. Stout, Esq.)

Tuesday, the 23rd day of December, 1947.

Upon appeal made on the 8th and 10th days of December, 1947, and this day by (a) Thomas Roy Miners, Francis Palmer Selleck, and Charles Sydney Brandreth, being the representatives of employers on the Theatre Managers Board, and (b) by all the representatives of the employees on the said Board, against the Determination of the Theatre Managers Board dated the 1st day of November, 1947, AND UPON READING the notices of appeal dated the 13th day of November, 1947, and the 14th day of November, 1947, respectively, AND UPON HEARING Mr. J. E. Graham for and on behalf of the aforementioned representatives of employers on the Theatre Managers Board, and Messieurs W. H. Tredinnick and R. A. Cleland for and on behalf of the Theatre Managers' Association (Victorian Branch), THIS COURT DOETH ORDER:—

(1) That the aforesaid Determination of the Theatre Managers Board be amended in the following manner, namely:—

(i) Clause (2) (a) of the Determination, Schedule "A"—Classification of "Manager of two theatres....."

The line beginning "Manager of two theatres" shall be deleted and the following inserted in its place:—

"Manager of two theatrettes or manager of one theatre and one theatrette—£17 10s. 0d."

(Provided that one manager of two such establishments shall be permitted only in cases in which the businesses carried on in both establishments are owned by one proprietor; the expression "one proprietor" to include separate companies in which the majority of the shareholders of one are the same persons as are the majority of shareholders in the other.)

(ii) That the weekly rates of wages set out in Clause (2) (Schedules "A," "B," "C," "D," and "E") except the rate in Schedule "A" (referred to in sub-clause (i) hereof) reading "Manager of two theatres.....", be reduced in each instance by the sum of 3s.

(iii) That Clause (8) of the Determination be deleted, and that the following provision be substituted therefor:—

"Weekly employees shall, as arranged by the employer, be entitled to two afternoons off per week from 12 noon until 7 p.m. (excluding Saturdays) except employees in theatres included in Schedule "A" of Clause (19) who shall be entitled to a minimum of one afternoon and one night off per week."

(iv) That Clause 9 (b) of the Determination be amended by the deletion therefrom of the words ".....and time and a half for work done on....." and the word "and" where it occurs between the words "Good Friday" and "Labour Day".

(2) That the Appeals, except in respect of such matters as have been dealt with by the foregoing amendments of the Determination, be disallowed.

(3) That the Wages Board Determination, as amended by this Court, be deemed to have come into force on and after the 16th November, 1947.

By the Court,

REX L. CECIL,
Registrar.

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

