

[1987]



# VICTORIA GOVERNMENT GAZETTE.

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THURSDAY, FEBRUARY 19.

[1948

Factories and Shops Acts.

## DETERMINATION OF THE THEATRE MANAGERS 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 in concert halls, cinematographic, legitimate or vaudeville theatres as—

- (a) general managers,
- (b) managers,
- (c) zone managers,
- (d) assistant managers,
- (e) trainee managers,
- (f) secretaries,
- (g) assistant secretaries,

- (h) secretary-treasurers,
- (i) assistant secretary-treasurers,
- (j) treasurers,
- (k) assistant treasurers,
- (l) publicity men, or
- (m) assistant publicity men,"

has made the following Determination, namely:—

1. That as from the beginning of the first pay period to commence after the 9th January, 1948, the last previous Determination of this Board shall be revoked and replaced by this Determination, which embodies the Determination of the Industrial Appeals Court made on the 23rd December, 1947, as reviewed and altered by the Board pursuant to leave granted by the said Court on the 8th December, 1947.

2.

WAGES.

### (a) Weekly Rates.

|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|

\* Additional Allowances.

A Zone Manager shall, in addition to his ordinary wage, be entitled to the following allowance for each additional theatre, theatrette, or concert hall supervised :—

## Schedule "A".

£1 per week with a maximum of £4 per week.

## Schedule "B".

15s. per week with a maximum of £3 per week.

## Schedule "C".

10s. per week with a maximum of £2 per week.

## Schedule "D".

7s. 6d. per week with a maximum of £1 10s. per week.

## Schedule "E".

5s. per week with a maximum of £1 per week.

## (b) Casual Rates.

(i) Casual employees in Schedules "A", "B", or "C" shall be paid one-sixth of the appropriate weekly rate for each performance.

(ii) Casual employees in Schedules "D" or "E" shall be paid one-seventh of the appropriate weekly rate for each performance.

(iii) For the purpose of this sub-clause a casual means an employee other than one engaged by the week.

## HOURS.

3. The ordinary hours for weekly employees shall be 40 which may be worked in 80 hours in any two consecutive weeks, provided that not more than 44 hours shall be worked in any one week without payment of overtime.

## TIMES OF BEGINNING AND ENDING WORK.

4. The ordinary hours shall be worked within the following hours :—

Time of Beginning.	Time of Ending.
9 a.m. . . . .	11.20 p.m.

## OVERTIME.

5. (i) All time worked outside the times of beginning and ending work as prescribed in Clause 4 shall be paid for at the rate of double time.

(ii) All time worked within the times of beginning and ending work in excess of the hours fixed for a week's work shall be paid for at the rate of time and a half for the first four hours and double time thereafter; provided that all time worked outside a spread of 12 hours in any one day shall be paid for at the rate of double time.

(iii) The foregoing rates shall not be cumulative.

## MEAL HOURS.

6. The prescribed meal hours shall be as follows :—

Luncheon . . . . .	Not less than one hour between the hours of 12 noon and 2 p.m.
Dinner . . . . .	Not less than one hour between the hours of 5 p.m. and 7 p.m.
Supper . . . . .	Not less than one half hour between the hours of 10 p.m. and 12 midnight where a further performance is to commence after 11 p.m.

## TERMS OF ENGAGEMENT.

7. (a) Employees are to be engaged as weekly or casual employees. A weekly employee is one engaged by the week, or by written agreement for a longer period, and paid by the week, and whose engagement shall be terminable by two weeks' notice on either side, such notice not to be continued from week to week.

(b) After one full week's work, such notice may be given to a weekly employee at any time, but an employer may pay two weeks' wages in lieu of notice.

(c) A casual employee is one engaged and paid as such.

(d) A weekly employee to be entitled to the weekly wage shall be available, ready and willing to perform his or her usual work during the days and hours usually worked by such class of employee, and may be summarily dismissed for dishonesty, misconduct, neglect of duty, or for absence from work without reasonable cause, and, in the event of such dismissal the employee shall be paid only for the time actually worked. Provided that an employer may deduct payment for time lost during which the employee cannot be usefully employed by reason of any strike, breakdown of machinery, or other cause for which the employer cannot reasonably be held responsible.

## TIME OFF.

8. 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.

## SPECIAL RATES FOR SUNDAYS AND HOLIDAYS.

9. (a) Any employee called upon to work on a Sunday shall be paid double time for all time worked with a minimum payment as for a full day at double time.

(b) Double time shall be the rate payable for all work done on Christmas Day, Good Friday, Labour Day, Boxing Day, New Year's Day, Australia Day, Easter Monday, Anzac Day and King's Birthday, but if any other day be by Act of Parliament or Proclamation substituted for any of the above-named holidays then the special rate shall be payable only for work done on the day so substituted.

## ANNUAL LEAVE.

10. (a) All weekly employees on completion of twelve months' service shall be entitled to and shall take three weeks' annual leave on full pay each year and, in the event of the employment being terminated before the expiration of twelve months, such employee shall be paid  $1\frac{1}{2}$  days' pay for each completed month of service.

(b) The annual leave shall be given at a time fixed by the employer within a period not exceeding two months from the date when the right to annual leave accrued.

(c) The employer shall, where practicable, give each employee at least one calendar month's notice of the date from which his annual leave shall be taken.

(d) The annual leave shall be given and taken in three consecutive weeks unless otherwise mutually arranged.

(e) Where any Public Holiday as prescribed in clause 9 (b) occurs during the period of the employee's annual leave, the leave shall be increased by one day for each holiday falling as aforesaid.

## SICK LEAVE.

11. (a) Any employee not attending for duty shall lose his pay for the actual time lost unless such employee has had not less than three months' service with the same employer and produces or forwards within twenty-four hours of the commencement of such absence evidence satisfactory to the employer that his non-attendance was due to personal ill-health or accident necessitating such absence, but such employee shall not be entitled to payment for non-attendance on the grounds of personal ill-health or accident for more than 40 hours of working time in each year of service; provided that he shall not be entitled to paid leave of absence for any period in respect of which he is entitled to Workers' Compensation.

(b) Notwithstanding anything contained in sub-clause (a) hereof, if the full period of sick leave as prescribed 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 120 hours of working time, which shall be the maximum amount of leave to which an employee may be entitled in any year without deduction of pay.

## DINNER AND EVENING DRESS SUITS.

12. (a) Employees required so to do shall provide their own dinner dress for evening wear and maintain it in a first class condition and any expense reasonably incurred for laundering, use, and repair of such dinner dress worn while on duty shall be defrayed by the employer.

(b) Where an employer requires an employee to wear full evening dress suit, white coat or other prescribed wear, the employer shall provide same and maintain it in first class condition, and any expense reasonably incurred for laundering, use, and repair of such evening dress worn while on duty, shall be defrayed by the employer.

## TRAVELLING AND INCIDENTAL EXPENSES.

13. (a) All out-of-pocket expenses reasonably incurred in connexion with the employer's business authorized by the employer and properly paid by the employee shall be reimbursed by the employer.

(b) If an employee is required to travel within the State of Victoria on his employer's business and is unable to return to his home each night, he shall, in addition to his weekly wage, be provided with first-class transport including a sleeping berth on trains where such accommodation is usually available together with a living allowance of £5 5s. per week, or if the period be less than one week, at the rate of £1 1s. per day, or the employer shall have the option of providing and paying for accommodation suitable to reasonable requirements of the employee and as approved by the employee, such approval not to be unreasonably withheld. Where any employee is detained at work until it is too late to travel by the last train or other regular public conveyance to the employee's home, the employer shall reimburse such employee the reasonable cost incurred of a proper conveyance to his home, but this condition shall not apply if the employee's home is within a distance of one mile of his place of employment.

## REMOVAL EXPENSES.

14. Where an employee is appointed or transferred to a theatre, theatre or concert hall and the employer desires the employee to reside in a particular suburb or town, then the cost of removal and expenses necessarily incurred shall be borne and paid for by the employer.

## PAYMENT OF WAGES.

15. Wages shall be paid not later than 9 p.m. on the last day or night of the employee's working week, but payment of overtime in respect of that week shall be paid not later than the subsequent week.

## RIGHT OF ENTRY OF ASSOCIATION OFFICIALS.

16. (1) For the purpose of interviewing employees on legitimate Association business, a duly accredited representative of the Theatre Managers' Association shall have the right to enter employers' premises on the following conditions:—

(a) That he produces his authority to the manager or such other person as may be appointed by the employer for that purpose.

(b) That not more than one representative of the said Association be on the premises at any one time.

(c) That not more than one representative be permitted to visit the premises more than once each week; provided that such representative shall not make his visit earlier than 45 minutes after the commencement of the performance.

(d) That if any employer alleges that a representative is unduly interfering with his work or is creating dissatisfaction amongst his employees or is offensive in his methods or is committing a breach of any of the conditions herein such employer may refuse the right of entry, but the representative shall have the right to bring such refusal before the Wages Board.

(2) A person shall be a duly accredited representative of the Theatre Managers' Association, if he be the holder for the time being of a certificate which has not been cancelled or revoked, signed by the Secretary and bearing the seal of the Association and bearing the signature of the holder. The certificate shall be in the following form, or in a form not materially different therefrom:—

Theatre Managers' Association.

This is to certify that \_\_\_\_\_ whose signature appears hereunder, is a duly accredited representative of the above-named Industrial Association for all purposes of the Theatre Managers Determination.

(SEAL.)

\_\_\_\_\_. Secretary.

\_\_\_\_\_. Date.

(Signature of holder of Certificate.)

## MAINTENANCE OF FORMER RATES.

17. Nothing in this Determination shall have the effect of reducing the wage any employee was receiving prior to the 16th November, 1947.

## DEFINITIONS.

18. "Zone Manager" means a person who in addition to working in a theatre as a Manager exercises supervision, control or direction over another Manager or Managers in another theatre or theatres, theatre or theatres, concert hall or concert halls.

"Manager" means a person who is responsible for the general business operation at the theatre and who may be called upon to do or attend to any or all of the following:—advertising, maintenance, employment and supervision of staff thereof, and who with or without the assistance of a treasurer and/or assistant manager, is responsible for the checking, safe keeping and banking of the theatre receipts and funds, the payment of salaries and wages and/or accounts, and the preparation and keeping of records as directed by the proprietor or his representative.

"Assistant Manager" means a person who as directed by the proprietor, his representative and/or manager assists a manager in carrying out the duties of a manager and who may be called upon to do any or all of the duties and responsibilities of a manager and takes charge of the theatre and staff during the absence of such manager and who is called upon to do the checking, banking and safe keeping of the theatre receipts and funds and payment of accounts and/or salaries and wages and the preparation and keeping of such records as directed by the proprietor and/or manager.

For the purpose of this definition "absence" shall mean absence from duty for a period not exceeding one week and such week shall be disregarded for the purpose of payment at the manager's rate.

"Trainee-Manager" means a person who at all time shall be under the supervision of a manager or assistant manager for a period of not more than twelve months in training in the duties of manager, assistant manager or treasurer for the purposes of qualifying for the position of manager, assistant manager and/or treasurer.

"Treasurer" means a person other than a manager or assistant manager who may be called upon to carry out any or all of the duties of checking, banking and safe keeping of the theatre, theatrette or concert hall receipts and funds, and the payment of accounts and/or wages and salaries, and the preparation and keeping of such records as directed by the manager but shall not include a person whose regular duties are those of any other employee at the theatre, theatrette or concert hall.

"Assistant Treasurer" means a person or persons employed in the office of a zone manager, manager, assistant manager and/or treasurer and such person or persons shall be paid the rates prescribed by the Determination of the Commercial Clerks' Wages Board.

#### SCHEDULES.

##### Schedule "A".

19. Concert halls, cinematographic, legitimate or vaudeville theatres situated in the area enclosed by Flinders-street, Spencer-street, Latrobe-street, Victoria-street, and Spring-street, in the City of Melbourne.

##### Schedule "B".

Concert halls, cinematographic, legitimate or vaudeville theatres situated in the Metropolitan District as defined in the Factories and Shops Acts and the Orders in Council thereunder (except the area prescribed in Schedule "A") the Cities of Ballarat, Bendigo, and Geelong and all other theatres, theatrettes or concert halls providing two performances are given daily or nightly (as the case may be).

##### Schedule "C".

Concert halls, cinematographic, legitimate or vaudeville theatres situated in the Metropolitan District as defined in the Factories and Shops Acts and the Orders in Council thereunder (except the areas prescribed in Schedule "A") and the following Cities, Towns, Boroughs and Townships showing six nights per week and one matinee:—

Ararat	Castlemaine	Horsham	Swan Hill
Bendigo	Dandenong	Maryborough	Wangaratta
Ballarat	Geelong	Mildura	Warrnambool
Colac	Hamilton	Shepparton	Wonthaggi

##### Schedule "D".

Concert halls, cinematographic, legitimate or vaudeville theatres situated in all places other than those provided for in Schedules "A", "B" or "C" giving at least three night performances per week.

##### Schedule "E".

Concert halls, cinematographic, legitimate or vaudeville theatres situated in all places other than those provided for in Schedules "A", "B", "C" or "D" giving less than three night performances per week.

#### PERIODICAL ADJUSTMENT OF WAGES.

20. The wages rates 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 21.

##### 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 3 0	6 0	5 9 0	Melbourne

##### ADJUSTMENT OF BASIC WAGE.

21. (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 February, 1948, the amounts of the Basic Wage shall be as prescribed in clause 20.

(c) During each future successive period beginning with the first pay period to commence in a February, a May, an August, or a November, 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, 8th January, 1948.