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[1949

Factories and Shops Acts.

DETERMINATION OF A WAGES BOARD ADJUSTED PURSUANT TO SECTION 21 OF THE FACTORIES AND SHOPS ACT 1934 (No. 4275).

I, Raymond Henry Beers, Secretary for Labour, in pursuance of the powers conferred by the Factories and Shops Acts, hereby make and issue the following adjusted Determination of the Wages Board referred to hereunder showing adjusted rates and prices to operate from the beginning of the first pay period to commence in November, 1949.

Dated at Melbourne, this
21st day of November, 1949.

RAY H. BEERS,
Secretary for Labour.

COMMERCIAL ARTISTS BOARD.

Clauses [2 and 3 of the Determination published in *Government Gazette* No. 883 of the 28th October, 1949, shall be replaced by the following clauses:—

WAGES (Adult Artists, other than Apprentices or Improvers).

2. All employees £9 17 0 per week of 40 hours.

JUNIORS.

3. (a) No person other than a senior artist shall be employed at any work covered by this Determination otherwise than—

- (i) under a contract of apprenticeship as hereinafter provided;
- (ii) those who prior to the 11th April, 1945, had been employed for at least six months in the trade; or
- (iii) as a female improver.

(b) *Proportion.*—The proportion of apprentices or improvers in any place shall not exceed:—

| Where the Number of Senior Artists Employed is— | Number of Apprentices. | Number of Improvers. |
|---|---|---|
| One or Two | One | or One |
| Three or four | One Two | and One or and Nil |
| Five, six, or seven.. .. . | Two Three Four | and Two or and One or and Nil |
| In excess of seven | One additional apprentice or improver for each two additional senior artists in excess of seven | |

A senior artist is any adult employee other than an apprentice or an improver.

Notwithstanding anything contained in this Determination, any person who on the 11th April, 1945, was employed for not less than two months in the industry, and whose engagement or continued employment as an apprentice or as an improver, is by this Determination forbidden, shall be entitled to be employed, and shall be paid the scale of wages prescribed for an apprentice or improver of like experience.

(c) *Contract of Apprenticeship.*—Every contract of apprenticeship hereinafter made shall be on the form of indenture prescribed by the Commercial Artists Board.

(d) *Period of Apprenticeship.*—The periods of apprenticeship shall be as follows:—

If the apprentice when indentured is under the age of 18 years—5 years; if over the age of 18 years—4 or 5 years, at the option of the contracting parties.

Provided that a person who has completed a full-time Commercial Art course of not less than three years at a school approved by the Wages Board shall be credited with one year of apprenticeship, and a person who has completed a full-time Commercial Art course of not less than four years at such a school shall be credited with two years' apprenticeship. For any such person the period of apprenticeship, including credit granted as above, shall not exceed five years, but may be of four years' duration at the option of the contracting parties.

(e) *Wages of Apprentices.*—The minimum weekly wages of apprentices shall be :—

| | £ | s. | d. |
|----------------------|---|----|----|
| (i) Five-year term— | | | |
| First year | 2 | 5 | 3 |
| Second year | 3 | 0 | 3 |
| Third year | 4 | 2 | 3 |
| Fourth year | 5 | 9 | 3 |
| Fifth year | 7 | 6 | 0 |
| (ii) Four-year term— | | | |
| First year | 2 | 14 | 0 |
| Second year | 4 | 2 | 3 |
| Third year | 5 | 9 | 3 |
| Fourth year | 7 | 6 | 0 |

(f) *Wages of Improvers.*—The minimum weekly wages of improvers shall be :—

| | | | |
|---------------------|---|---|---|
| First year | 2 | 5 | 3 |
| Second year | 3 | 0 | 3 |
| Third year | 4 | 2 | 3 |
| Fourth year | 5 | 9 | 3 |
| Fifth year | 7 | 6 | 0 |

Provided that a person who has completed a full-time Commercial Art course of not less than three years at a school approved by the Wages Board shall be credited with one year of service, and a person who has completed a full-time Commercial Art course of not less than four years at such a school, shall be credited with two years of service. This provision shall apply only to improvers engaged for the first time on or after the 1st September, 1946.

(g) *Probationary Period.*—Minors shall be apprenticed as from the date of commencing work with an employer, but notwithstanding anything contained elsewhere in this Determination the first nine months of service shall be deemed to be a probationary period, and the indenture may be terminated by any party thereto during such period of probation without any obligation to any other party or parties.

(h) *Attendance at Approved Art Schools.*—

(i) During the currency of the indenture an apprentice shall be permitted by the employer to absent himself during working hours for the purpose of attending art classes or examinations at a school approved by the Commercial Artists Board for a period or periods not exceeding in the aggregate four hours in any week.

(ii) The apprentice shall also attend evening classes at an Art school approved by the said Board on two evenings each week.

(iii) An apprentice attending a school or schools as prescribed in sub-clauses (i) and (ii) hereof and presenting reports of satisfactory progress and attendance, to his employer shall be reimbursed all fees paid for such tuition.

(iv) Until further order schools approved by the said Board shall be :—

Melbourne Technical College;
Swinburne Technical College, Glenferrie;
Gordon Institute of Technology, Geelong;
Prahran Technical School;
Technical Art School, Ballarat;
Caulfield Technical School.

(i) *Cancellation or Suspension of Indenture.*—Subject to the approval of the Secretary for Labour, but not otherwise, an indenture of apprenticeship may be suspended or cancelled—

(i) by mutual consent;

(ii) if through lack of orders or financial difficulties an employer is unable to find suitable employment for an apprentice and a transfer to another employer cannot be arranged;

(iii) if, in the opinion of the Secretary for Labour, circumstances exist which render such suspension or cancellation necessary or desirable.

Any covenant in an indenture inconsistent with the provisions of this clause shall be null and void and of no force or effect.

(j) *Lost Time.*—The apprentice at the end of the calendar period of any year in which he has actually given service to the master upon less than the ordinary working days prescribed in this Determination, or on which he has unlawfully absented himself without the master's consent shall, for every day short of the said number of working days, and for every day of such absence, serve one day, and the calendar period of the succeeding year of his service shall not be deemed to begin until the said additional day or days shall have been served.

Provided that in calculating the extra time to be so served, the apprentice shall be credited with time which he has worked during the relevant year in excess of his ordinary hours.

(k) *Prohibition of Premiums.*—An employer shall not, either directly or indirectly, or by any pretence or device receive from any person or require or permit any person to pay or give any consideration in the nature of a premium or bonus for the taking or binding of any probationer or apprentice.

(l) *Overtime.*—An apprentice under the age of eighteen years shall not be required to work overtime unless he so desires.

(m) *Payment by Results.*—An apprentice or improver shall not work under any system of payment by results.

Clauses, other than clauses 2 and 3, of the said Determination shall remain in force.