



VICTORIA GOVERNMENT GAZETTE.

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FRIDAY, MAY 25.

[1951

Factories and Shops Acts.

DETERMINATION OF THE PAINTERS BOARD.

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

(2) Painting, Decorating, and Signwriting were proclaimed on 28th November, 1928, as apprenticeship trades under the "Apprenticeship Act 1927" for the Metropolitan District.

Full particulars of the apprenticeship regulations for these trades may be obtained on application to the Secretary, Apprenticeship Commission, Melbourne. (Price 3d.)

IN accordance with the provisions of the Factories and Shops Acts the Wages Board which, since 7th August, 1933, has had the power to determine the lowest prices or rates which may be paid to any persons employed in the process, trade, or business of—

- (a) Painting, other than ship painting or painting under the jurisdiction of any Wages Board heretofore appointed or hereafter to be appointed;
- (b) Paperhanging;
- (c) Sign or poster writing, and any work incidental thereto;
- (d) Producing signs or posters by means of stencils, screens, or other like methods, and any work incidental thereto—has made the following Determination, namely:—

That as from the beginning of the first pay period to commence in May, 1951, the last previous Determination of this Board shall be revoked and replaced by this Determination.

PART I.

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

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

2. (i)

WAGES.

(a) Apprentices and Improvers.					(b) Other Employees.				
Apprentices Per Week of 40 hours.									
	Percentage of Basic Wage.	Adjustable Wage.	Loading.	Total Wage.		Per hour.	Per Week of 40 hours.		
		s. d.	s. d.	s. d.		s. d.	s. d.		
1st year	29	51 6	2 8	54 2	All classes of work	6 5½	258 4		
2nd year	38	67 6	5 4	72 10					
3rd year	53	94 0	8 0	102 0					
4th year	76	134 6	10 8	145 2					
5th year	98	173 6	13 4	186 10					
Improvers.				Per Week of 40 hours.					
				s. d.					
1st year's experience .. .. .	..	..	..	65 0			
2nd year's experience .. .. .	..	..	..	87 5			
3rd year's experience .. .. .	..	..	..	122 5			
4th year's experience .. .. .	..	..	..	174 2			
5th year's experience .. .. .	..	..	..	224 2			

WAGES—continued.

(a) Apprentices and Improvers.	(b) Other Employees.					
<p>PROPORTION (BY ANY EMPLOYER).</p> <p><i>Apprentices.</i></p> <p>One apprentice to every three journeymen or fraction of three journeymen employed.</p> <p>In cases where not more than three journeymen are employed at the trades, a second apprentice may be employed on the completion, by the first apprentice, of the second year of his apprenticeship course.</p> <p><i>* Improvers.</i></p> <table border="0"> <tr> <td>One improver to three</td> <td rowspan="4">} workers receiving not less than 25s 4d. per week of 40 hours.</td> </tr> <tr> <td>Two improvers to six</td> </tr> <tr> <td>Three improvers to twelve and there- after one additional improver to every twelve additional</td> </tr> <tr> <td></td> </tr> </table>	One improver to three	} workers receiving not less than 25s 4d. per week of 40 hours.	Two improvers to six	Three improvers to twelve and there- after one additional improver to every twelve additional		
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Two improvers to six						
Three improvers to twelve and there- after one additional improver to every twelve additional						

* Note.—The employment, within the Metropolitan District, of any improver is illegal.

(ii) An employer shall not employ any minor at work covered by this Part unless under a contract of apprenticeship, provided that any person who on or before the 1st June, 1949, was employed as an improver may continue to be so employed and paid at the rate prescribed in sub-clause (i) hereof for an improver of like experience.

(iii) Leading Hand, i.e., a tradesman who is given responsibility of direction and supervision of the work by his employer or by his employer's responsible representative of not fewer than five tradesmen shall receive in addition to his ordinary wage, allowances as follows:—

(a) If in charge of five tradesmen as aforesaid—1s. per day:

(b) If in charge of more than five tradesmen as aforesaid, 1s. per day for being in charge of the first five tradesmen, plus an additional 1s. per day for each additional five, or fraction of five tradesmen in excess of such first five tradesmen.

HOURS.

3. The ordinary hours shall be 40 per week to be worked in five days, the daily hours being 8 hours per day Monday to Friday inclusive, between the hours of 7.45 a.m. and 5.15 p.m. each day. The lunch break shall be not less than 45 minutes.

OVERTIME.

4. All work done outside of or in excess of the ordinary hours for a day's work as prescribed, shall be paid for at the rate of time and a half for the first two hours and double time thereafter.

HOLIDAYS AND SUNDAY WORK.

5. (a) Double time shall be the rate for all work done on Sundays, New Year's Day, Australia Day, Good Friday, Easter Monday, Labour Day, Anzac Day, King's Birthday, Melbourne Cup Day, Christmas Day, or Boxing Day.

(b) An apprentice who is not required to work on any holiday prescribed in sub-clause (a) hereof shall be entitled to the same conditions as may be prescribed from time to time for apprentices under the jurisdiction of the Apprenticeship Commission.

SPECIAL HOLIDAYS.

5A. This clause shall apply only to the year of 1951, and shall have no effect after the 31st December, 1951.

(i) The following days, having been proclaimed as Public holidays for the year 1951, or any day or days, substituted by proclamation therefor, shall be added to the holidays set out in clause 5 of this Determination.

9th May, 1951 (Federal Jubilee);

13th November, 1951 (Victorian Centenary).

(ii) An employee not required to work on either or both these days shall receive payment therefor at the ordinary rate of pay as for eight hours' work for each day.

Provided that an employee who fails to attend for work on the working day before or after either holiday without reasonable excuse shall not be entitled to payment for such holiday.

(iii) Double time shall be the rate payable for all work done on these days.

SPECIAL RATES.

(Payable in addition to ordinary wages prescribed in clause 2 of this Part.)

6. (a) *Swing Scaffold Work, and Ladder Work.*—Any person employed on a swing scaffold, or any scaffold suspended by a rope or cable, or any person employed on a ladder at a height of 35 feet or more above the nearest horizontal plane, shall be paid 1s. for the first four hours or any portion thereof, and 3d. per hour for each hour thereafter, on any day.

(b) *Scaffold Work.*—Any person employed on a scaffold (except a scaffold protected by a guard rail) at a height of 50 feet or more above the nearest horizontal plane, shall be paid 1s. for the first four hours or any portion thereof, and 3d. per hour for each hour thereafter, on any day.

(c) *Work in Wet Places.*—Any person required to work in a wet place (i.e., when water other than rain is flowing or dripping from overhead to such an extent as to saturate the clothing of the worker, or when the worker is required to work in water more than 2 inches deep), shall be paid 2d. per hour for each hour, or part thereof, he is so required to work. Provided that this extra rate shall not be payable to an employee who is provided by the employer with suitable protective clothing and/or footwear.

(d) *Work in Hot Places.*—Any person required to work for more than one hour in the shade in places, (i) where the temperature is raised by artificial means to between 115 and 130 degrees Fahrenheit, shall be paid 1d. per hour, (ii) in places where the temperature exceeds 130 degrees Fahrenheit, the additional amount to be paid shall be 3d. per hour. Where work continues for more than two hours in temperatures exceeding 130 degrees Fahrenheit, employees shall also be entitled to twenty minutes' rest after every two hours' work without deduction of pay.

(e) *Work in Cold Places.*—Any person required to work for more than one hour in places where the temperature is reduced by artificial means below 32 degrees Fahrenheit, shall be paid 1½d. per hour. Where the work continues for more than two hours employees shall be entitled to a rest period of twenty minutes every two hours without loss of pay.

(f) *Dirty Work.*—Any person required to do work which a foreman and workman shall agree is of an unusually dirty or offensive nature shall be paid 1½d. per hour.

(g) *Work in Confined Spaces.*—Any person required to work in a confined space (i.e., a compartment or space, access to which is through a manhole or similar opening, or a place the dimensions of which necessitate an employee working in a stooped or otherwise cramped position, or without proper ventilation, and which is of a class not usually associated with the painting and decorating trade) shall be paid 3d. per hour.

(h) *Special Rates not Cumulative.*—Where more than one of the conditions entitling a workman to special rates exist on the same job the employer shall be bound to pay only one rate, namely, the highest for the conditions so prevailing.

(i) Compensation to the extent of the damage sustained shall be made where in the course of the work clothing or tools are damaged or destroyed by fire or through the use of corrosive substances. Provided that the employer's liability in respect of tools shall be limited to such tools of trade as are ordinarily required for the performance of the employee's duties.

(j) *Rates not Subject to Penalty Additions.*—The special rates herein prescribed shall be paid irrespective of the times at which the work is performed, and shall not be taken into account when computing the penalty rate payable for overtime, or for work done on Sundays and holidays.

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

Over 30 miles travelling time shall be paid at the rate of 5s. per hour calculated to the nearest quarter of an hour with a minimum of one quarter hour for each journey for any time outside ordinary working hours spent in travelling daily from the 30 mile radius to the job and returning thereto in addition to the allowance prescribed for such radius plus any fares necessarily and reasonably incurred in so travelling beyond such radius.

The allowances of 2s., 2s. 6d., or 3s. per day prescribed above 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. Provided, however, that this shall not affect the right of an employee to receive the payment hereinbefore provided for time occupied and fares expended in travelling beyond 30 miles.

(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 from and returning each day to his usual place of residence, reasonable and 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	12	9 per day
For a full working week at the rate of	52	6 per week

Provided that the foregoing allowances shall be increased if the employee satisfies the employer that he reasonably incurred a greater outlay than that prescribed.

(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.

(d) Any person who has travelled from a "centre" to a place of work, and is required, in the course of his employment to travel further on the same day, shall be paid all fares necessarily expended in such further travelling.

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 3s. 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.

EXCESS OF HOURS.

11. 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.

12. (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 HOLIDAY.

13. 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.

SICK LEAVE.

14. An apprentice absent from duty on account of ill health or injury shall be entitled to the same conditions as may be prescribed from time to time for apprentices under the jurisdiction of the Apprenticeship Commission.

PAYMENT OF WAGES.

15. Wages, allowances, and other moneys 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 moneys shall be paid at the time of dismissal. If wages be not paid within the periods prescribed the employee shall be paid at ordinary rates for all time in excess of fifteen minutes beyond such time until the wages are paid or posted to his last known place of address.

TIME AND WAGES BOOK.

16. (a) Each employer shall keep a record from which can be readily ascertained the name of each employee and his occupation, the hours worked each day, and the wages and allowances paid each week.

(b) The time occupied by an employee in filling in any time record or cards or in the making of records shall be treated as time of duty, but this does not apply to checking in or out when entering or leaving the employer's premises.

(c) The time and wages record shall be open for inspection to a duly accredited union official during the usual office hours at the employer's office or other convenient place, provided 24 hours' notice of such inspection has been given. Provided that an inspection shall not be demanded unless the secretary of the union or the district secretary or organizer of any division suspects that a breach of the Determination has been committed. Provided also that only one demand for such inspection shall be made in one fortnight at the same establishment.

(d) The official making such inspection shall be entitled to take a copy of entries in a time and wages record relating to the suspected breach of the Determination.

TOOLS AND APPLIANCES.

17. (a) Each painter shall provide himself with an ordinary dusting brush and all necessary stripping and stopping knives, hammer, hacking knife, screwdriver, glazing knife, and a rule.

(b) Each paperhanger shall provide himself with a lay-brush, scissors, rule, plumb-bob, chalk-line, and trimming knife (if he requires such an instrument), and also with surface and joint rollers.

(c) Each signwriter shall provide himself with a mahl-stick, rule, straight-edge, chalk-line, pencils and gilding cushion, mop, knife and tip.

If any employee is required to provide any tools or appliances other than those above enumerated, 6d. per hour in addition to the ordinary rates fixed by this Determination shall be paid by the employer. The employer shall supply all tools necessary for the use of apprentices.

TRANSPORT.

18. Where an employee is required to work overtime and no regular means of transport is available, the employer shall provide suitable transport to convey him to the job or 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.

WASHING TIME.

19. Each employee shall be allowed five minutes prior to the lunch interval and immediately prior to the time of ceasing work for the day in order to clean up and wash.

EMPLOYEES REPORTING FOR DUTY.

20. An employee notified to commence duty and actually attending for duty, when notified by the employer or his representative that his services are not required shall be paid for two hours as time worked.

WAITING TIME.

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

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.

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

TIME OFF FOLLOWING ACCIDENT.

24. An employee suffering injury through an accident arising out of and in the course of his employment (not being an injury in respect of which he is entitled to workers' compensation, pursuant to the provisions of the *Workers' Compensation Act 1946*) necessitating his attendance during working hours on a doctor, chemist or trained nurse, or at a hospital, shall not suffer any deduction from his pay for time (not exceeding four hours) so occupied on the day of the accident and shall be reimbursed by the employer all expenses reasonably incurred in connexion with such attendance.

CARE OF EMPLOYEES TOOLS, &c.

25. The employer shall make, in respect of each job, adequate arrangements to secure the proper care and safety of the employee's tools and gear when not in use.

PERIODICAL ADJUSTMENT OF WAGES.

26. The wages rates set out in clause 2 (b) of this Part are based upon the following basic wage, and, pursuant to the provisions of Section 21 of the *Factories and Shops Act 1934*, the Wages Board hereby determines that such rates shall be automatically adjusted at the same time as such Basic Wage as prescribed in clause 27 of this Part.

BASIC WAGE.

Place.	Basic Wage (Adjustable).	Index Number Set Assigned.
	£ s. d.	
Throughout the State	8 17 0	Melbourne

ADJUSTMENT OF BASIC WAGE.

27. (a) For the purposes of this Determination, the expression "Commonwealth Statistician's 'all items' retail price index numbers" or any like expression means the numbers stated to be such index numbers in any document purporting, and not proved to be wrongly so purporting, to be printed by the Commonwealth Government Printer or to be signed by or on behalf of the Commonwealth Statistician.

(b) Until the beginning of the first pay period to commence in August, 1951, the amounts of the basic wage shall be as prescribed in clause 26 of this Part.

(c) During each future successive period beginning with the first pay period to commence in an August, a November, a February, or a May, the amount of the 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 103 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.

(d) The weekly wage and hourly rate prescribed in clause 2 of this Part are ascertained as follows:—

				£	s.	d.	
Basic wage	8	17	0	} Allowing two weeks for statutory holidays, one week for following the job, and one week's sick pay, the weekly wage should be £12 18s. 4d. per week = 6s. 5½d. per hour. (i.e. $\frac{£11\ 18\ 6 \times 52}{48 \times 40}$)
Margin for skill	..	..	..	2	6	0
War loading	..	..	..	0	6	0
Tool allowance	..	..	..	0	4	0
Disabilities allowance	..	..	..	0	5	6
Total	11	18	6	

ADJUSTMENT OF WAGES OF APPRENTICES AND IMPROVERS.

28. The wages rates of apprentices, as prescribed in clause 2 of this Part, shall be automatically adjusted to accord with the wages rates, as adjusted from time to time, for apprentices in the metropolitan district who are under the jurisdiction of the Apprenticeship Commission.

The wages rates for improvers shall be those prescribed from time to time for apprentices, plus an additional 20 per cent. calculated to the nearest penny.

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 and Improvers.					(b) Juvenile Workers, i.e., Persons under 21 years of Age (other than Apprentices or Improvers) engaged in producing Signs or Posters by means of Stencils, Screens, or other like methods or at any work incidental thereto.		
Apprentices Per Week of 40 hours.						Percentage of Basic Wage.	Per Week of 40 Hours.
	Percentage of Basic Wage.	Adjustable Wage.	Loading.	Total Wage.			
		s. d.	s. d.	s. d.			s. d.
1st year	29	51 6	2 8	54 2	1st year's experience	29	51 6
2nd year	38	67 6	5 4	72 10	2nd year's experience	38	67 6
3rd year	53	94 0	8 0	102 0	3rd year's experience	53	94 0
4th year	76	134 6	10 8	145 2	4th year's experience	76	134 6
5th year	98	173 6	13 4	186 10	5th year's experience	98	173 6
Improvers.					PROPORTION.		
Per Week of 40 hours.					(i) Where one screen table is in operation— Two juvenile workers to each person receiving not less than 177s. per week of 40 hours.		
				s. d.	(ii) Where two or more screen tables are in operation— For each two screen tables, four juvenile workers to each two fully-paid workers, provided that one of such fully-paid workers shall receive not less than 177s. per week of 40 hours.		
1st year's experience				65 0			
2nd year's experience				87 5			
3rd year's experience				122 5			
4th year's experience				174 2			
5th year's experience				224 2			
PROPORTION (BY ANY EMPLOYER).							
Apprentices.							
One apprentice to every three journeymen or fraction of three journeymen employed.							
In cases where not more than three journeymen are employed at the trades, a second apprentice may be employed on the completion, by the first apprentice, of the second year of his apprenticeship course.							
* Improvers.							
One improver to three .. .. .	..	..	..	workers receiv-			
Two improvers to six .. .. .	..	..	..	ing not less			
Three improvers to twelve and there-	..	..	..	than 252s. 6d.			
after one additional improver to every	..	..	..	per week of 40			
twelve additional .. .. .	..	..	..	hours.			

* Note—The employment, within the Metropolitan District, of any Improver is illegal.

(c) OTHER EMPLOYEES.

	(i) Within 20 Miles of the Principal Post Office at Elizabeth-street, Melbourne; (ii) Within 5 Miles of the Post Office at Mildura; (iii) Within the Gippsland District as defined herein (except within a radius of 3 Miles of the Post Office at Yallourn). (iv) Within 10 Miles of the Principal Post Offices at Geelong and Warrnambool, respectively.		Within 3 Miles of the Post Office at Yallourn.		All Other Parts of Victoria.	
	Per hour.	Per week of 40 hours.	Per hour.	Per week of 40 hours.	Per hour.	Per week of 40 hours.
	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.
(A) All classes of work, other than the production of signs or posters by means of stencils, screens, or other like methods. Persons employed at— Sign or poster writing, graining or painting, or paperhanging, or at any other work specified in (A) ..	6 4½	255 6	6 6½	262 0	6 3½	252 6
(B) Producing signs or posters by means of stencils, screens, or other like methods, or any work incidental thereto. Persons employed at— (i) Signwriting designing, forming, or lettering any pictorial design, including the cutting of stencils (ii) Any other work specified in (B)	6 4½ 4 6	255 6 180 0	6 6½ 4 8	262 0 186 6	6 3½ 4 5	252 6 177 0

Notwithstanding anything contained in clause 2 (c) (A) and (B) (i) 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 other than misconduct or incompetence shall on such termination be entitled to be paid for such work performed by him an additional amount at the rate of 3s. 6d. per week.

(d) Leading Hand, i.e., a tradesman who is given responsibility of direction and supervision of the work by his employer or by his employer's responsible representative of not fewer than five tradesmen shall receive in addition to his ordinary wage, allowances as follows:—

(a) If in charge of five tradesmen as aforesaid—1s. per day;

(b) If in charge of more than five tradesmen as aforesaid, 1s. per day for being in charge of the first five tradesmen plus an additional 1s. per day for each additional five, or fraction of five tradesmen in excess of such first five tradesmen.

(e) An employer shall not employ any minor at work covered by this Part, other than as a juvenile worker as defined, unless under a contract of apprenticeship, provided that any person who on or before the 1st June, 1949, was employed as an improver may continue to be so employed and paid at the rate prescribed in sub-clause (a) hereof for an improver of like experience.

HOURS.

3. The ordinary hours shall be 40 per week to be worked in five days, the daily hours being 8 hours per day Monday to Friday inclusive, between the hours of 7.45 a.m. and 5.15 p.m. each day. The lunch break shall not be less than 45 minutes.

OVERTIME.

4. All work done outside of or in excess of the ordinary hours for a day's work as prescribed, shall be paid for at the rate of time and a half for the first two hours and double time thereafter.

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

HOLIDAYS AND SUNDAY WORK.

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

(b) An apprentice who is not required to work on any holiday prescribed in sub-clause (a) hereof shall be entitled to the same conditions as may be prescribed from time to time for apprentices under the jurisdiction of the Apprenticeship Commission.

SPECIAL HOLIDAYS.

5A. This clause shall apply only to the year of 1951, and shall have no effect after the 31st December, 1951.

(i) The following days, having been proclaimed as Public holidays for the year 1951, or any day or days, substituted by proclamation therefor, shall be added to the holidays set out in clause 5 of this Determination.

9th May, 1951 (Federal Jubilee);

13th November, 1951 (Victorian Centenary).

(ii) An employee not required to work on either or both these days shall receive payment therefore at the ordinary rate of pay as for eight hours' work for each day.

Provided that an employee who fails to attend for work on the working day before or after either holiday without reasonable excuse shall not be entitled to payment for such holiday.

(iii) Double time shall be the rate payable for all work done on these days.

INCLEMENT WEATHER.

6. 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.

7. (a) The following payments shall be made in lieu of fares and travelling time within the radii named using G.P.O. Melbourne (or. 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

Over 30 miles travelling time shall be paid at the rate of 5s. per hour calculated to the nearest quarter of an hour with a minimum of one quarter hour for each journey for any time outside ordinary working hours spent in travelling daily from the 30 mile radius to the job and returning thereto in addition to the allowance prescribed for such radius plus any fares necessarily and reasonably incurred in so travelling beyond such radius.

The allowances of 2s., 2s. 6d., or 3s. per day prescribed above 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. Provided, however, that this shall not affect the right of an employee to receive the payment hereinbefore provided for time occupied and fares expended in travelling beyond 30 miles.

(b) Where fares are necessarily incurred on distant jobs, as defined in clause 8 (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.

(c) Sub-clauses (a), (b), and (c) of this clause shall not operate when an employee is employed on maintenance work at his recognized centre. Such centre shall be fixed for a period of not less than six months, and shall be specified at the time of the commencement of the employment, or on request.

ALLOWANCES IN RESPECT OF DISTANT JOBS.

8. (a) When distance and/or travelling facilities reasonably prevent an employee going from and returning each day to his usual place of residence, reasonable and 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	12	9 per day
For a full working week at the rate of	52	6 per week

Provided that the foregoing allowances shall be increased if the employee satisfies the employer that he reasonably incurred a greater outlay than that prescribed.

(b) In lieu of the payments prescribed in clause 7 (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.

(d) Any person who has travelled from a "centre" to a place of work, and is required, in the course of his employment, to travel further on the same day, shall be paid all fares necessarily expended in such further travelling.

SPECIAL RATES.

(Payable in addition to ordinary wages prescribed in clause 2 of this Part.)

9. (a) *Swing Scaffold Work, and Ladder Work.*—Any person employed on a swing scaffold, or any scaffold suspended by a rope or cable, or any person employed on a ladder at a height of 35 feet or more above the nearest horizontal plane, shall be paid 1s. for the first four hours or any portion thereof, and 3d. per hour for each hour thereafter, on any day.

(b) *Scaffold Work.*—Any person employed on a scaffold (except a scaffold protected by a guard rail) at a height of 50 feet or more above the nearest horizontal plane, shall be paid 1s. for the first four hours or any portion thereof, and 3d. per hour for each hour thereafter, on any day.

(c) *Work in Wet Places.*—Any person required to work in a wet place (i.e., when water other than rain is flowing or dripping from overhead to such an extent as to saturate the clothing of the worker, or when the worker is required to work in water more than 2 inches deep), shall be paid 2d. per hour for each hour, or part thereof, he is so required to work. Provided that this extra rate shall not be payable to an employee who is provided by the employer with suitable protective clothing and/or footwear.

(d) *Work in Hot Places.*—Any person required to work for more than one hour in the shade in places, (i) where the temperature is raised by artificial means to between 115 and 130 degrees Fahrenheit, shall be paid 1½d. per hour, (ii) in places where the temperature exceeds 130 degrees Fahrenheit, the additional amount to be paid shall be 3d. per hour. Where work continues for more than two hours in temperatures exceeding 130 degrees Fahrenheit, employees shall also be entitled to twenty minutes' rest after every two hours' work without deduction of pay.

(e) *Work in Cold Places.*—Any person required to work for more than one hour in places where the temperature is reduced by artificial means below 32 degrees Fahrenheit, shall be paid 1½d. per hour. Where the work continues for more than two hours employees shall be entitled to a rest period of twenty minutes every two hours without loss of pay.

(f) *Dirty Work.*—Any person required to do work which a foreman and workman shall agree is of an unusually dirty or offensive nature shall be paid 1½d. per hour.

(g) *Work in Confined Spaces*.—Any person required to work in a confined space (i.e., a compartment or space, access to which is through a manhole or similar opening, or a place the dimensions of which necessitate an employee working in a stooped or otherwise cramped position, or without proper ventilation, and which is of a class not usually associated with the painting and decorating trade), shall be paid 3d. per hour.

(h) *Special Rates not Cumulative*.—Where more than one of the conditions entitling a workman to special rates exist on the same job the employer shall be bound to pay only one rate, namely the highest for the conditions so prevailing.

(i) Compensation to the extent of the damage sustained shall be made where in the course of the work clothing or tools are damaged or destroyed by fire or through the use of corrosive substances. Provided that the employer's liability in respect of tools shall be limited to such tools of trade as are ordinarily required for the performance of the employee's duties.

(j) *Rates not Subject to Penalty Additions*.—The special rates herein prescribed shall be paid irrespective of the time at which the work is performed, and shall not be taken into account when computing the penalty rate payable for overtime, or for work done on Sundays and holidays.

REST PERIOD.

10. There shall be a rest period of ten minutes from the time of ceasing to the time of the resumption of work, between the hours of 9 a.m. and 11 a.m. without deduction of pay.

PAYMENT OF WAGES.

11. (a) If an employee leaves or is dismissed he shall be paid his wages on leaving or being dismissed, or paid by post or otherwise on the next working day.

(b) Except as provided in the preceding sub-clause, payment of wages and other moneys due shall be made not later than 5 p.m. on Thursday in each week. Provided that this provision may be varied by the mutual agreement of the employer and the majority of employees on any job.

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

TOOLS AND APPLIANCES.

12. (a) Each painter shall provide himself with an ordinary dusting brush and all necessary stripping and stopping knives, hammer, hacking knife, screwdriver, glazing knife, and a rule.

(b) Each paperhanger shall provide himself with a lay brush, scissors, rule, plumb-bob, chalk-line, and trimming knife (if he requires such an instrument), and also with surface and joint rollers.

(c) Each signwriter shall provide himself with a mahl-stick, rule straight-edge, chalk-line, pencils and gilding cushion, mops knife and tip.

If any employee is required to provide any tools or appliances other than those above enumerated, 6d. per hour in addition to the ordinary rates fixed by this Determination shall be paid by the employer. The employer shall supply all tools necessary for the use of apprentices.

ALLOWANCE IN RESPECT OF MEALS.

13. 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 3s. 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.

SUPPLY OF HOT WATER.

14. The employer shall provide facilities to enable the employee to obtain an adequate supply of hot water at meal times.

CARE OF EMPLOYEES' TOOLS, ETC.

15. The employer shall make, in respect of each job, adequate arrangements to secure the proper care and safety of the employees' tools and gear when not in use.

TIME AND WAGES BOOK.

16. (a) Each employer shall keep a record from which can be readily ascertained the name of each employee and his occupation, the hours worked each day, and the wages and allowances paid each week.

(b) The time occupied by an employee in filling in any time record or cards or in the making of records shall be treated as time of duty, but this does not apply to checking in or out when entering or leaving the employer's premises.

(c) The time and wages record shall be open for inspection to a duly accredited union official during the usual office hours at the employer's office or other convenient place, provided 24 hours' notice of such inspection has been given. Provided that an inspection shall not be demanded unless the secretary of the union or the district secretary or organizer of any division suspects that a breach of the Determination has been committed. Provided also that only one demand for such inspection shall be made in one fortnight at the same establishment.

(d) The official making such inspection shall be entitled to take a copy of entries in a time and wages record relating to the suspected breach of the Determination.

TRANSPORT.

17. Where an employee is required to work overtime and no regular means of transport is available, the employer shall provide suitable transport to convey him to the job or 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.

WASHING TIME.

18. Each employee shall be allowed five minutes prior to the lunch interval and immediately prior to the time of ceasing work for the day in order to clean up and wash.

ANNUAL HOLIDAY.

19. 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.

SICK LEAVE.

20. An apprentice absent from duty on account of ill health or injury shall be entitled to the same conditions as may be prescribed from time to time for apprentices under the jurisdiction of the Apprenticeship Commission.

ADDITIONAL ANNUAL AND SICK LEAVE FOR SPECIAL CIRCUMSTANCES.

21. 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 40 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 120 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 painters (that is, any work to which this Determination applies) is subsidiary and auxiliary to the chief and principal purpose and business of such industry.

EMPLOYEES REPORTING FOR DUTY.

22. An employee notified to commence duty and actually attending for duty, when notified by the employer or his representative that his services are not required shall be paid for two hours as time worked.

TERMINATION OF EMPLOYMENT.

23. 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.

When notice has been given by the employer such hour shall be allowed the employee to gather, clean, pack and transport his tools.

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

WAITING TIME.

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

TIME OFF FOLLOWING ACCIDENT.

25. An employee suffering injury through an accident arising out of and in the course of his employment (not being an injury in respect of which he is entitled to workers' compensation pursuant to the provisions of *Workers' Compensation Act 1946*), necessitating his attendance during working hours on a doctor, chemist or trained nurse, or at a hospital, shall not suffer any deduction from his pay for time (not exceeding four hours) so occupied on the day of the accident and shall be reimbursed by the employer all expenses reasonably incurred in connexion with such attendance.

DEFINITIONS.

26. "Gippsland District" shall mean the following area, viz.:—From Hallam (beyond Dandenong) to the south to Lyndhurst, Wonthaggi, across to Port Albert, to Orbost, to Briagolong, to Walhalla, to Noojee, to Hallam.

"Centre" shall mean the employer's usual place of business.

PERIODICAL ADJUSTMENT OF WAGES.

27. The wages rates set out in clause 2 (c) of this Part are based upon the following basic wage for adult males and, pursuant to the provisions of Section 21 of the *Factories and Shops Act 1934*, the Wages Board hereby determines that such rates shall be automatically adjusted at the same time as such basic wage as prescribed in clauses 28 and 30 of this Part.

Place.	Basic Wage (Adjustable).	Index Number Set Assigned.
Within 20 miles of the Principal Post Office at Elizabeth-street, Melbourne—Males ..	£ s. d.	
Within 10 miles of the principal Post Offices at Geelong and Warrnambool respectively—	8 17 0	Melbourne
same as the contemporaneous basic wage for Melbourne.		
Within 5 miles of the Post Office at Mildura; within the Gippsland District as herein defined		
(except Yallourn)—same as the contemporaneous basic wage for Melbourne.		
Yallourn—until further order the same amount in excess of Melbourne as at present, viz., 6s.		
6d. per week.		
Elsewhere—3s. less than the contemporaneous basic wage for Melbourne		

ADJUSTMENT OF BASIC WAGE.

28. (a) For the purposes of this Determination, the expression "Commonwealth Statistician's 'all items' retail price index numbers" or any like expression means the numbers stated to be such index numbers in any document purporting, and not proved to be wrongly so purporting, to be printed by the Commonwealth Government Printer or to be signed by or on behalf of the Commonwealth Statistician.

(b) Until the beginning of the first pay period to commence in August, 1951, the amounts of the Basic Wage shall be as prescribed in clause 27 of this Part.

(c) During each future successive period beginning with the first pay period to commence in an August, a November, a February, or a May, the amount of the 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 .103 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 WAGES OF APPRENTICES, IMPROVERS, AND JUVENILE WORKERS.

29. The wages rates of apprentices and juvenile workers, as prescribed in clause 2 of this Part, shall be automatically adjusted to accord with the wages rates as adjusted from time to time, for apprentices in the metropolitan district who are under the jurisdiction of the Apprenticeship Commission.

The wages rates for improvers shall be those prescribed from time to time for apprentices, plus an additional 20 per cent. calculated to the nearest penny.

ADJUSTMENT OF LOADINGS.

30. The loadings set out, and included as part of the ordinary wage in clause 2 (c) (A) and (B) (i) of this Part, represent approximately 15 days' pay per annum in payment or compensation for—

(a) The holidays prescribed in clause 5 of this Part—11s. 4d.;

(b) Five days' sickness each year—5s. 8d.;

(c) Disabilities allowance—5s. 6d.

The existing loadings of 22s. 6d. per week are based upon a Basic Wage Group of 176s. to 180s. 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 Basic Wage Group as shown in the schedule hereunder—

Basic Wage Group.						Total Loadings Payable.	
161s. to 165s. (inclusive)	per week	..	..	..	..	21s. 0d.	per week
166s. to 170s.	"	"	..	..	..	21s. 6d.	"
171s. to 175s.	"	"	..	..	..	22s. 0d.	"
176s. to 180s.	"	"	..	..	..	22s. 6d.	"
181s. to 185s.	"	"	..	..	..	23s. 0d.	"
186s. to 190s.	"	"	..	..	..	23s. 6d.	"
191s. to 195s.	"	"	..	..	..	24s. 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 (c) (A) and (B) (i) of this Part.

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

J. W. RYAN, Secretary.

Melbourne, 9th April, 1951.