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Land Surveyors Act 1942.

REGULATIONS FOR THE EXAMINATION AND REGISTRATION OF SURVEYORS.

WHEREAS by section 15 of the *Land Surveyors Act 1942*, power is given to the Surveyors Board constituted under the said Act to make Regulations for certain stated purposes, *inter alia*, the examination and registration of Surveyors, with the approval of the Governor in Council: Now, therefore, the said Board doth hereby make the regulations following, to come into force as from and inclusive of the 1st January, 1953, in lieu of the Regulations previously made and published in the *Government Gazette* on the 24th March, 1948, that is to say:—

These Regulations shall be cited as the Land Surveyors Regulations, Part 1.

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INTERPRETATIONS.

In these Regulations, unless inconsistent with the context or subject-matter, the following terms shall have the meaning set out against each respectively:—

- “Act”.—The *Land Surveyors Act* 1942.
- “Board”.—The Surveyors Board constituted under the Act.
- “Examination”.—The examination conducted by the Board of a person seeking to obtain a Certificate of Competency.
- “Indentures of Apprenticeship”.—Any writing containing a contract or an agreement for tuition in surveying made between a surveyor and a person seeking to qualify himself for registration as a surveyor.
- “Office Experience”.—That period of service under Indentures of Apprenticeship spent on office work, such as computations and plans, appertaining to surveying.
- “Pupil”.—A person who is serving under Indentures of Apprenticeship registered by the Board or by a reciprocating Board.
- “Real Property Acts”.—The *Transfer of Land Act* 1928, and the *Property Law Act* 1928.
- “Reciprocating Board”.—The duly constituted Board in a reciprocating State.
- “Reciprocating State”.—Any part of Her Majesty's Dominions (including the United Kingdom) with the Surveyors Board or other similar authority of which the Board has entered into reciprocal arrangements which are for the time being in force.
- “Schedule”.—Schedule to these Regulations.
- “Secretary”.—The Secretary to the Board.
- “Subject”.—Subject as set out in Regulation 19 and numbered accordingly.
- “Surveyor”.—Any person registered under the Act as a licensed Surveyor.
- “University”.—The University of Melbourne, or a University recognized by the University of Melbourne.

INDENTURES OF APPRENTICESHIP.

1. Indentures of Apprenticeship shall be drawn in the form prescribed in Schedule 6, subject to such alteration or omissions as may be approved by the Board, and the Board may for sufficient cause direct that such Indentures be made explicit in any particular.

2. (1) Before entering into Indentures of Apprenticeship, a person shall produce evidence that he has passed—

- (a) the matriculation or entrance examination of a University, or
- (b) an examination accepted by a University, as being equivalent to the matriculation or entrance examination, or
- (c) the Leaving Certificate examination of the University of Melbourne or the corresponding examination in a reciprocating State, or
- (d) in five subjects approved by the Board, at such Leaving Certificate examination or corresponding examination.

Provided that the examination passed by the candidate shall include a pass in the subjects, English, Algebra, Geometry, and Trigonometry at a standard not below that of the Leaving Certificate examination of the University of Melbourne.

3. (1) The Indentures of Apprenticeship duly completed shall within three months from the date of commencement of the Apprenticeship specified therein, be forwarded to the Secretary by the Surveyor who is a party thereto, together with the following requirements:—

- (a) Evidence that the applicant for apprenticeship has obtained the educational qualifications specified in Regulation 2.
- (b) Evidence of the date of birth of the applicant; and
- (c) The fee for registration of Indentures of Apprenticeship as prescribed in Schedule 5.

(2) An application for Assignment of Indentures of Apprenticeship in the form prescribed in Schedule 7, subject to such alteration or omissions as may be approved by the Board, shall be made to the Board by the surveyor to whom such Indentures are to be assigned, and shall be lodged with the Secretary within three months from the date of such assignment, together with the following requirements:—

- (a) A certificate by the assignor as to the service of the pupil and the nature of the work upon which he had been engaged, and
- (b) the fee for registration of Assignment of Indentures of Apprenticeship as prescribed in Schedule 5.

4. (1) The Secretary, subject to the direction of the Board, shall as soon as possible after the receipt of any Indentures of Apprenticeship or any notice of Assignment thereof, record the same in the Register of Pupils kept in accordance with Regulation 27, and may retain any such Indentures or such assignment, or any authenticated copies thereof, with the records of the Board.

(2) In any special case arising, in the opinion of the Board, from inadvertence or accident, the Board may register any Indentures of Apprenticeship or Assignment of such Indentures received after the period of three months prescribed in Regulation 3.

5. (1) Registration of Indentures of Apprenticeship shall be refused by the Board if—

- (a) such Indentures do not in its opinion sufficiently allow for the theoretical instruction, or provide for the practical training of the candidate in the profession of surveying, or
- (b) the provisions of Regulations 1, 2, and 3 have not been complied with, or
- (c) the Surveyor who is a party thereto has another pupil who has had less than two years service under Indentures of Apprenticeship.

(2) In no case shall any surveyor have more than two registered pupils at any one time.

Provided that in special circumstances the Board may register the Indentures of an additional pupil for a period not exceeding six months, provided further that such pupil shall have already had at least two years service under Indentures.

(3) The Board may annul the registration of any Indentures of Apprenticeship, if such registration has been obtained consequent upon any misrepresentation of fact.

SERVICE UNDER INDENTURES OF APPRENTICESHIP.

6. Every pupil shall serve professionally under Indentures of Apprenticeship for a period of four years, such period being subject to any exemption that may be granted under Regulation 8 or 9. Provided, however, that unless entitled to the exemption that may be granted under Regulation 8 (1) (e) every pupil shall spend at least two years of such period on land boundary definition. The remainder of his period of service, if any, may be spent in gaining experience in other survey work, and, up to a maximum of one year, office experience.

7. (1) Service under Indentures of Apprenticeship shall include not less than six months spent on boundary surveys in urban areas, and not less than six months spent on boundary surveys in rural areas.

(2) Any pupil, during the currency of his Indentures of Apprenticeship, may be required by the Board to produce such evidence as it deems necessary to prove that he is receiving instruction and gaining experience in the profession of surveying of a nature satisfactory to the Board.

(3) When the Board is of opinion that a pupil has not received sufficient training or gained sufficient experience in the profession of surveying during the period of his Indentures of Apprenticeship, it may require such pupil to obtain such additional training and experience as it deems necessary. Such additional training and experience need not, unless the Board otherwise directs, be under Indentures of Apprenticeship.

(4) Service outside Victoria by any pupil under Indentures of Apprenticeship registered with the Board may be accepted provided that the Board is satisfied with the experience gained by such pupil, and with the certificate or certificates of service produced by him.

(5) Service by any pupil under Indentures of Apprenticeship registered with a reciprocating Board may be accepted provided that such Board forwards a certificate in the form prescribed in Schedule 1, together with a detailed statement of the class of work upon which the pupil had been engaged, signed by the surveyor who is a party to such Indentures and endorsed by the reciprocating Board.

(6) Every surveyor who is a party to any Indentures, shall forward to the Secretary on or before the 1st day of September in every year, a certificate in the form of Schedule 1A, setting out the experience gained by and the training given to every pupil in his employ for the period of twelve months ending on the 30th day of June preceding.

EXEMPTIONS FROM SERVICE UNDER INDENTURES OF APPRENTICESHIP.

8. (1) If a pupil produces documentary evidence satisfactory to the Board that he possesses the qualifications or experience detailed hereunder, the Board, at its discretion may grant the whole or a portion of the appropriate exemption herein set out.

Qualification.

Exemption.

(a) An experience approved by the Board of not less than twelve months in the field under the supervision of a civil engineer. Six months' professional service in the field.

(b) A certificate or diploma in surveying granted after an examination of a standard approved by the Board, or by the reciprocating Board in the State where such examination is held, at which a person appointed or approved by the Board or by such reciprocating Board is a co-examiner. Nine months' office experience.

(c) A certificate granted by a university upon passing an examination consequent upon completing a special course of surveying within the university. Nine months' office experience.

(d) A degree or diploma granted by a university upon passing an examination consequent upon completion of a course which, in the opinion of the Board, provides sufficient training and instruction in the principles and practice of surveying. Twelve months' office experience and twelve months' professional service in the field.

(e) A degree or diploma granted in accordance with sub-paragraph (d) when a representative of the Board, or of a reciprocating Board, acts as co-examiner in those subjects relating to surveying. Twelve months' office experience and eighteen months' professional service in the field.

(2) No pupil shall be granted an exemption under sub-paragraph (d) or (e) of paragraph (1) unless he serves the term of his apprenticeship under indentures with a surveyor engaged primarily on land boundary surveys.

(3) No pupil shall be granted an exemption under more than one of sub-paragraphs (a), (b), (c), (d) and (e) of paragraph (1).

9. The Board may accept training and experience gained during vacation periods by a student taking a degree course in surveying at a university or a technological institute, without requiring him to enter into indentures provided that the total period of such training and experience acceptable shall—

- (i) not exceed six months;
- (ii) have been gained under a licensed surveyor engaged on land boundary definition during such period;
- (iii) be covered by a certificate from the surveyor, satisfactory to the Board.

CONDUCT OF EXAMINATION.

10. Examinations of candidates for Certificates of Competency shall be conducted by the Board in the months of March and September in every year or at such times as the Board deems necessary and the Board shall appoint a supervisor for such examination.

11. Notice of the date of commencement of the examination and of the closing date for entry therein will be published by the Board in the *Government Gazette* at least one month prior to such date of commencement.

12. A candidate may sit for examination in a reciprocating State other than that in which he is registered and in which he has served under Indentures of Apprenticeship, provided that the respective Boards in the States concerned are satisfied as to the character and length of service under such Indentures and that he conforms with the examination practice of such reciprocating State. His examination papers shall be marked by mutual arrangement of the Boards concerned.

13. The Board may for sufficient cause permit any candidate to withdraw his application to sit for examination and may refund the whole or part of any fee paid by him.

14. Any fee paid by a candidate when making an application to present himself for examination shall be refunded if such application be disallowed by the Board.

15. For the purpose of the examination the Secretary shall allot to each candidate a distinguishing number, and the candidate shall put this number on the front cover of each examination book provided and on each sheet of any plans and papers submitted by him but shall not otherwise reveal his identity thereon.

16. (1) Each candidate, when presenting himself for examination, shall provide for his own use thereat the following:—

The Star Almanac for Surveyors for the current year, a book of mathematical tables approved by the Board, a set of standard scales, a parallel ruler (preferably 15 inch), a planimeter, a protractor and other appliances necessary for plan drawing.

(2) The Board will provide writing books for use at the examination together with any other paper necessary.

(3) The use of traverse tables and slide rules will be allowed but not calculating machines.

17. The supervisor, during the currency of the examination, may require a candidate to produce for inspection any book of tables or papers used by him and, for sufficient cause, may prohibit such candidate from using such book or papers at the examination.

18. The supervisor may refuse to allow a candidate to continue with the examination if, in his opinion, the conduct of such candidate during the progress of the examination is deemed to be inconsistent with generally accepted ethical standards.

EXAMINATION SUBJECTS.

19. The subjects of examination shall be—

Written Section.

(1) Engineering Surveying A.

Levelling; barometric measurement of height; mass diagrams; tacheometric surveying; contouring; earthwork quantities from contours and spot levels; theory of the prismoidal formula; locating, grading and setting out roads and railways; setting out simple curves, banks, cuttings and other earthworks.

(2) Computations A.

Problems regarding standardization of steel tapes, determination of working tension, sag and temperature corrections reduction of traverses and co-ordinates; calculation of areas by double longitudes; calculation of offset areas; calculations in connexion with areas and dimensions of plane figures having

rectilinear or curved boundaries; mensuration of surfaces and solids; calculations for setting out circular and parabolic curves and road secants.

(3) Town and Country Planning.

The principles of town, country and regional planning; zoning; communications and transport; the design and allocation of open spaces and recreational areas; by-laws; public services; amenities; preparation of civic survey and scheme plans inclusive of details of town design.

(4) Physics.

The subject generally as contained in any good elementary text-book, with a more detailed knowledge of the laws underlying the construction and use of surveying instruments, e.g., the pressure of liquids and gases as affecting the barometer, thermometer, and level; the allowance to be made for the effects of heat in the practical work of the surveyor; the reflection and refraction of light, lenses, mirrors; terrestrial magnetism and variation of the compass.

(5) Astronomy and Geodesy.

Spherical trigonometry; azimuth, altitude, hour angle, time, right ascension, declination and the relation between them; use of the Star Almanac for surveyors; corrections to star or sun observations; effect of errors of adjustment of instruments; determination of azimuth, longitude, latitude and time.

Figure of the earth; reduction of length to sea level; corrections for curvature and refraction; trigonometrical heights of stations; spherical excess; calculations of geodetic latitude and longitude, reverse azimuth and convergence of meridians; laying down parallels of latitude; elements of map projection with special emphasis on the Transverse Mercator and Lambert's Conformal projections; calculations for co-ordinates of the Transverse Mercator and Lambert's Conformal projections from latitude and longitude and vice versa; zoning and the scale factors involved; principles of and the general procedure for first and second order and minor triangulation, including reconnaissance, observing, beaconing and permanent marking; field book practice, summaries and strength of figures; visibility of stations; base nets; resections; computations connected with triangulation and the use of tables of radii and curvatures.

Special formulae in Geodesy and Map projections will be supplied in the Examination paper.

40 per cent. of the total marks for this subject will be allotted to the Astronomy section.

Candidates will be required to pass in both sections of this paper.

(6) Land Classification and Land Utilization.

Geology as generally dealt with in any good elementary text book; specimens of rock may be submitted for classification and description; classification of areas of land according to physiography including geological formation, topography and climate related to vegetal growth; types and properties of soils and their relation to the basic physiographic factors; soil erosion and soil conservation; reclamation of land; farm products in relation to soils; types of pastures and their relation to basic physiographic factors, soils and vegetation; effect of river control and water conservation in land development; water supply and reticulation for farm development; land drainage and irrigation; economics of land subdivision for development; economic farm unit; farm planning; principles of afforestation; distribution of indigenous timbers and shrubs; economic values of timbers; existing and potential land uses.

Any pupil whose indentures were registered prior to 1st of July, 1948, shall be examined by the Board in Forestry and Geology as prescribed hereunder unless exempted therefrom on a certificate satisfactory to the Board. All other pupils shall sit for examination in Subject No. 6 as prescribed above.

Forestry.—The distribution of native timbers; their economic values; the influence of forestry on climate, water supplies and soil erosion; the principles of afforestation; the measurement of logs and sawn timbers; destructive agents and pests.

Geology.—The subject generally as contained in any good elementary text-book with special reference to the classification of areas of land according to their formation, rocks, soils, and their adaptability for industrial purposes. Specimens of rock may be submitted for classification and description.

(7) Computations B.

Computations connected with plane surveying, three point and similar problems; calculations of heights and distances; tachometric surveying; calculations in connexion with mine surveying; adjustment of discrepancies in surveys; problems connected with setting out areas; calculation for setting out circular and parabolic curves and road secants.

(8) Engineering Surveying B.

Elementary theory of hydraulics; hydraulic terms and constants; determination of mean sea level; gauging of streams, rivers and waterways; current meters; flow of water in pipes and open channels; run off and flood discharge; three point problem by graphical methods; setting out railways and highways using circular, parabolic and transition curves; super elevation; precise levelling; setting out engineering works; determination of waterways for bridges and culverts; harbour and river surveys; hydrographic surveys.

(9) Mapping, Elementary Aerial Surveying, and Photogrammetry.

Types of maps and charts and their application; map and chart scales; design of topographical sheets and series; methods of representation of physical and artificial features; conventional signs; grids and graticules; methods of drawing and map compilation; compilation of plane table sheets; identification and plotting of air-photo control; use of plane table; flying specifications; flight maps; scales; aerial camera; types of camera; geometry of the aerial photograph; scale relationships; coverage; relief and tilt displacements; principles of stereoscopy, including parallax measurements; Arundel method of minor control plotting; ground control; stereoscopic plotting methods; absolute and differential parallax; principles of the rectifying and enlarging camera and plotting machines; preparation of mosaics; interpretation and use of aerial photographs.

(10) Principles and Practice of Land Valuation.

General principles and definitions; stock carrying capacity; cost of development of various types of country; method of valuing all improvements; valuation of buildings, roads, drains, clearing and earthworks; Acts and Regulations affecting land values; methods of estimating compensation for land acquired by the Commonwealth or resumed by the State Governments; valuation of the fee simple of urban and rural properties and of interests less than fee simple; farm costs and returns; depreciation and obsolescence; influence of existing laws on land values.

(11) Laws and Regulations affecting Surveys.

The Acts as listed in Schedule 8 and Regulations relating to—

- (a) Surveys of land for purposes of title; the sub-division of land; opening and closing of roads and rights of way; the taking of land for special purposes.
- (b) Surveys of mines both surface and underground.
- (c) Town planning and regional planning.
- (d) Systems of tenure.

Every candidate shall be familiar with the general principles of the sections of the Acts listed in Schedule 8 and possess a detailed knowledge of those marked by an asterisk.

Oral and Practical Section.

(12) The Adjustment and Use of Instruments.

(a) The principles of construction and practical tests in adjustment and use of all instruments required in modern field practice and office use.

(b) A practical test in the—

(i) use of stereoscope for field examination of aerial photographs, at the discretion of the Board,

(ii) application of aerial photographs to mapping.

(13) Field Practice.

The practice of surveying; survey of an area as for title purposes including the preparation of a plan from the field notes thereof, under the supervision of the Board.

The plan prepared for this survey may take the place of one of the plans of survey, required under Regulation 20 (3).

(14) Practical levelling.

Levelling a section at least 20 chains in length.

(15) Field Astronomy.

The practical determination of at least two of the following—
Azimuth, time, latitude.

ORDER OF TAKING THE SUBJECTS.

20. (1) Any pupil who has completed one or more of the terms of service under indentures specified in paragraph (2) hereof and desires to sit for corresponding subjects in the examination shall forward a written application to reach the Secretary on or before the closing date for entry together with the examination fee prescribed in Schedule 5.

<i>(2) Term of Service.</i>				<i>Subjects.</i>
One year	..	..	..	Nos. 1 to 4
Two years	..	..	..	Nos. 1 to 10
Three years	..	..	..	Nos. 1 to 11
Four years	..	..	..	Nos. 1 to 15

No subject may be taken during the first year of service under indentures.

Provided that no candidate shall be permitted to sit for the Oral and Practical subjects numbered 12, 13, 14, and 15, until he has passed or obtained credit for a pass in all the Written subjects numbered 1-11 inclusive, and has furnished a certificate in the form of Schedule 1, that he is competent to effect surveys on his own responsibility.

The eligibility of a pupil, who has been granted an exemption from service under indentures in accordance with Regulation 8 or 9, to sit for specified subjects, shall be determined by considering such period of exemption as time served.

(3) A candidate whose application includes subjects numbered 12, 13, 14, and 15 shall in addition—

(a) submit to the Board his original field notes and plans drawn therefrom of—

(i) the survey of a country area of not less than 80 acres (together with relevant essential calculations), two of the boundaries of which shall coincide with and be reinstated from

previous surveys, and one of the boundaries shall be a watercourse or other natural feature or an irregular road;

- (ii) the survey of a town lot with buildings on or near the boundaries, together with the technical description thereof as made for the purpose of an application under the provisions of the Real Property Acts; and
- (iii) a proposed road, railway or drainage work not less than 20 chains in length, with the requisite longitudinal and cross sections thereof.

Each plan shall bear the following certificate signed by the candidate:—

"I hereby certify that this survey was made by me personally between the day of 19 , and the day of 19 , and that this plan and the accompanying field notes are entirely my own work.

(Signature) "

- (b) submit plans on sheets of size 40 inches x 27 inches, showing—

- (i) a scheme for a new town developed on country of which at least 30 per cent. is undulating land, to accommodate an ultimate population of 10,000 to 20,000 people; or
- (ii) a scheme for the replanning and extension of an existing town of 10,000 to 20,000 people to accommodate an additional population of 5,000, such extension to be on land of which at least 30 per cent. is undulating.

These plans should include—

- a ten chain outline zoning plan showing main land use and main roading system;
- a detailed layout of a shopping, civic, and community centre; and
- a detailed layout of a portion of the proposed industrial area, or as an alternative to (i) and (ii);
- (iii) a scheme for any type of recognised farming development, showing the arterial and subdivisional roading, farm pattern, water supply, full amenities, facilities, etc., considered necessary for the accommodation and support of at least 20 of the single family farm units usually associated with the chosen type of development, the minimum area to be dealt with to be not less than 500 acres.

Each plan supplied by candidates in terms of clause (b) must bear a signed certificate from the candidate that such plan is entirely his own work and not copied from any published matter and be accompanied by an explanatory memorandum of not less than 1,000 words.

- (c) give to the Board such additional information as it may require in regard to his professional service, field notes and plans; and
- (d) produce evidence that during his professional service in the field he has complied with the requirements of Regulations 6 and 7, and, if necessary
- (e) produce evidence that he has obtained such additional training and experience required by the Board in accordance with paragraph (3) Regulation 7.

EXAMINATION CREDITS.

21. (1) In order to pass in any subject a candidate shall obtain not less than 60 per centum of the marks in such subject.

(2) Any candidate who was registered as a pupil by the Board or by a reciprocating Board prior to 1st July, 1948, and passes or obtains credit for a pass in all the examination subjects with the exception of subjects numbered 6, 9, 10, and 12, (b) and otherwise complies with the provisions of these Regulations shall be deemed to have qualified for a Certificate of Competency.

(3) Any candidate who produces evidence satisfactory to the Board that he has passed in any of the Written subjects at an examination conducted by a reciprocating Board shall be credited by the Board with a pass in such subjects except the subject "Laws and Regulations."

(4) A candidate who submits satisfactory evidence of having passed the University examinations in a degree course in surveying or an examination in any other course or single subject study in surveying approved by the University and recognized as adequate by the Board in any subject which in the opinion of the Board is equivalent to a subject of the Land Surveyors Examination as conducted by it, may at the discretion of the Board, without further examination, be credited with a pass in such subject.

(5) Any candidate who passes in any subject shall be credited with a pass in such subject until five years after the completion of his Indentures of Apprenticeship, or if he has passed in no subject during the period of such Indentures, until five years after the first examination for which he sat after completing such Indentures.

Unless he has passed in all subjects before the completion of the five years specified, he shall lose all credits. He may enter for examination again, but shall be required to pass in all subjects within five years after the first date on which he again sits.

CERTIFICATE OF COMPETENCY.

22. A Certificate of Competency in the form and to the effect of Schedule 2 shall be issued to each candidate who has been credited with a pass in all subjects prescribed in these Regulations.

REGISTRATION AS A SURVEYOR.

23. (1) The Board shall register as a Licensed Surveyor in accordance with the provisions of the Act such candidate who—

- (a) has been issued a Certificate of Competency,
- (b) has attained the age of twenty-one years,
- (c) has lodged with the Board two recent testimonials of character from approved persons,
- (d) is a natural born or naturalized subject of Her Majesty, and
- (e) has paid the fee prescribed in Schedule 5.

(2) The Board shall grant to each candidate so registered a Licence in the form and to the effect of Schedule 3.

LETTER OF RECOMMENDATION.

24. Upon application in writing, and either with or without further examination, or after such oral examination as the Board may deem necessary, the Board may grant a letter of recommendation in the form or to the effect of Schedule 4, to any person to whom a Certificate of Competency has been issued or to any person licensed as a surveyor who desires to become licensed or registered as a surveyor in a reciprocating State.

An application for a letter of recommendation shall be accompanied by the fee therefor prescribed in Schedule 5.

REGISTRATION UPON QUALIFICATIONS OBTAINED IN A RECIPROCATING STATE.

25. A person who applies to the Board to be registered as a surveyor on qualifications obtained in a reciprocating State shall submit —

- (a) evidence that he holds a Certificate of Competency or is registered as a surveyor by a reciprocating Board;
- (b) evidence as to identity and good character;
- (c) evidence that he is at least 21 years of age and is a natural-born or naturalized subject of Her Majesty; and
- (d) a letter of recommendation, dated not more than twelve months previously, from the reciprocating Board which granted his Certificate of Competency or Licence or with which he was last registered, provided, however, that if for any reason the applicant is unable to produce a letter of recommendation, he shall, before being registered, pass such examination under these Regulations as the Board may require.

Subject to compliance with the foregoing provisions, and after payment of the fee therefor prescribed in Schedule 5, the Board shall grant him a licence.

REGISTRATION UPON QUALIFICATION OBTAINED ELSEWHERE THAN IN A
RECIPROCATING STATE.

26. A land surveyor who applies to the Board to be registered as a surveyor on qualifications obtained in any other country shall submit—

- (a) his credentials or qualification as a land surveyor;
- (b) evidence that such qualification is still in force;
- (c) evidence as to identity and character;
- (d) evidence that he has completed not less than six months' professional service in the field with a practising registered surveyor in one of the reciprocating States; and
- (e) a certificate of professional service generally in or to the effect of Schedule 1 from that surveyor that the applicant is competent to effect surveys on his own responsibility.
- (f) evidence that he is at least 21 years of age and is a natural-born or naturalized subject of Her Majesty.

If satisfied with the evidence submitted, the Board, in order to ensure that the qualifications covered by his credentials are equivalent to those prescribed under these Regulations, may require him to pass such further examination and serve such further field term as it deems necessary.

Subject to compliance with the foregoing and after payment of the prescribed fee, the Board shall grant him a licence.

REGISTER.

27. The Secretary shall keep a register or registers setting out—

- (a) the names and addresses of all pupils together with the names of the licensed surveyors with whom they are under Indentures of Apprenticeship, and a complete record of all assignments of such Indentures.
- (b) the names, addresses, and qualifications of all persons to whom Certificates of Competency have been issued, together with the dates of issue;
- (c) the names and addresses of all persons licensed by the Board as surveyors, together with the dates of issue of their licences;
- (d) all letters of recommendation, with dates of issue;
- (e) the making of any order by the Board after inquiry into a charge laid against a Licensed Surveyor; and
- (f) any appeal made against a decision of the Board and the finding thereon.

PROCEEDINGS OF THE BOARD.

28. Meetings of the Board shall be held on such dates and at such places as may be determined by the Chairman, or upon the request of three members addressed in writing to the Secretary.

29. Notice of meeting shall be given in writing to each Board member at least seven days before the date set for the meeting.

30. All moneys due to and received by the Board shall be deposited by the Secretary in a bank or banks approved by the Board to the credit of an account entitled "Surveyors Board Account" to be operated upon by cheques signed by any two members of the Board and countersigned by the Secretary. Such moneys shall be applied by the Board in accordance with the provisions of the Act.

31. The Secretary shall conduct the correspondence of the Board and keep all necessary books of accounts, and record all proceedings of the Board with the names of the members who attend each meeting. Such record shall at the same or the next or some subsequent meeting of the Board be confirmed and be signed by the Chairman of such meeting.

32. No resolution or other act of the Board at any meeting shall be revoked or altered at any subsequent meeting unless notice to move its revocation or amendment has been given to the Secretary in writing, and a copy of such notice has been forwarded to all members. Such revocation or amendment shall be determined by a majority consisting of at least two-thirds of the members present at such subsequent meeting.

33. At all meetings of the Board—

All members present shall vote.

All questions shall be decided by open voting and by the majority of the members present.

If there be an equal division of votes upon any question the Chairman presiding at the meeting shall have a second or casting vote in addition to his vote as a member.

SCHEDULES.

Schedule 1.

CERTIFICATE OF PROFESSIONAL SERVICE.

I, _____, a Surveyor licensed under the Land Surveyors Act 1942, hereby certify that _____ has been professionally and continuously employed under Indentures of Apprenticeship with me in the practice of surveying from _____ to _____, i.e. for a period of _____ years _____ months, of which _____ years _____ months have been occupied in professional service in the field *and that he is, in my opinion, fully competent to effect city or country surveys on his own responsibility.

Dated at this day of 19

Licensed Surveyor.

*Leave out the underlined portion if not applicable or if the pupil has not completed the full term of his indentures.

Schedule 1A.

CERTIFICATE OF EXPERIENCE AND TRAINING.

Regulation 7 (6).

I, _____, a Surveyor licensed under the *Land Surveyors Act* 1942, hereby certify that _____, registered pupil surveyor in my employ, has had for the twelve-month period ending 30th June, 19____, a training and experience in the profession of surveying as set out hereunder.

Licensed Surveyor.

[illegible]

* Indicates: C = chairman or linesman; I = instrument-man.

(3) Studies and progress—

(a) What course of study is pupil taking to prepare himself for the profession?.....

(b) State subject of examination (if any) :.....

(c) Is the pupil in your opinion, making satisfactory progress?.....

(4) Any further comments:.....

Schedule 2.

CERTIFICATE OF COMPETENCY.

No.

VICTORIA.

Land Surveyors Act 1942.

The Surveyors Board appointed, *inter alia*, to examine Candidates for Certificates of Competency as Surveyors under the *Land Surveyors Act* 1942 hereby certifies that _____ is duly qualified.

Given under our hands at the office of the Board, Melbourne, this
day of 19 .

Chairman.

Members of the Board.

Secretary.

Signature of Recipient

Schedule 3.

LICENCE.

No.

VICTORIA.

Land Surveyors Act 1942.

The Surveyors Board, acting under the authority conferred by the *Land Surveyors Act 1942*, doth hereby license to practise as a Surveyor under the provisions of that Act.

Given under our hands at the office of the Board, Melbourne, this
day of 19 .

(SEAL)

Chairman.

Members of the Board.

Secretary.

Signature of Licensee

Schedule 4.

LETTER OF RECOMMENDATION.

Surveyors Board of Victoria,

Melbourne, 19 .

This is to certify that the Surveyors Board of Victoria has reviewed the qualifications of a Surveyor licensed to practise in Victoria, and recommends for favourable consideration any application for a licence made by him to the Surveyors Board of

Chairman.

Secretary.

Schedule 5.

FEES PAYABLE TO THE SURVEYORS BOARD.

	£	s.	d.
1. Registering Indentures of Apprenticeship	0	10	0
2. Registering an Assignment of Indentures of Apprenticeship	0	10	0
3. Entry of a Candidate for the whole examination	7	7	0
4. First entry of a Candidate for part examination	4	4	0
5. Entry of a Candidate for each subsequent part of examination	3	3	0
6. Issue of Licence	10	10	0
7. Issue of a Letter of Recommendation	2	2	0

Schedule 6.

FORM OF INDENTURES OF APPRENTICESHIP.

THESE INDENTURES made the day of ,
One thousand nine hundred and between
of in the State of Victoria, licensed surveyor
(hereinafter called "the surveyor") of the first part
in the said State (hereinafter called "the apprentice") or the second part,
and of in the said State
(hereinafter called "the parent or guardian") of the third part witnesseth
as follows, that is to say:

1. The apprentice of his own free will (with the consent of the parent or guardian testified by h being a party hereto) binds himself apprentice to the surveyor to be taught and instructed in the profession of a land surveyor for the term of years months which term shall be deemed to have commenced on the day of , One thousand nine hundred and

2. The apprentice covenants with the surveyor as follows:—

- (a) That he will during the said term of years months well and truly serve the surveyor as apprentice in the profession of a land surveyor carried on by him at aforesaid, or at such other place or places where the surveyor may from time to time carry on the same.
- (b) That he will not at any time during the said term obliterate, destroy, waste, embezzle, spend, or make away with any books, papers, plans, drawings, documents, moneys, stamps, or other property of the surveyor or of his partner or partners, or any or his or their clients or employers.
- (c) That he will at all times during the said term keep the secrets of the surveyor and of his partner or partners and clients.
- (d) That he will readily and cheerfully obey and execute the lawful and reasonable demands of the surveyor, and will not depart or absent himself from the service or employ of the surveyor during the said term without the consent of the surveyor first had and obtained except in case of sickness.

Schedule 7.

FORM OF ASSIGNMENT OF INDENTURES.

THESE INDENTURES are made the _____ day of _____ One thousand nine hundred and _____ between _____ of _____ in the State of Victoria licensed surveyor (hereinafter called the "assignor") of the first part of _____ in the said State (hereinafter called "the apprentice") of the second part _____ of _____ in the said State (hereinafter called "the parent or guardian") of the third part, and _____ of _____ in the said State licensed surveyor (hereinafter called "the assignee") of the fourth part: Whereas by the within-written Indentures the apprentice was bound apprentice to the assignor in the profession of a land surveyor for a term of _____ years _____ months from the date therein specified: And whereas it has been agreed between the parties hereto that the apprentice shall serve the now unexpired residue of the said term with the assignee: And whereas the assignor has agreed with the consent of the apprentice and of the parent or guardian to assign the said Indentures of Apprenticeship to the assignee: And whereas the Surveyors Board has approved of the said assignment: Now these Indentures witnesseth as follows:—

1. The assignor hereby assigns the said Indentures of Apprenticeship and all his interest therein and the benefit of all covenants and agreements therein contained to the assignee to hold the same for all the residue now unexpired of the said term of _____ years _____ months.

The assignee covenants with the assignor the apprentice and the parent or guardian and with each of them separately as follows:—

- (a) That he will take the apprentice as his apprentice for the now unexpired residue of the said term in his profession of a land surveyor now carried on by him at _____ aforesaid unless the said apprenticeship shall be sooner determined as provided by or under the said Indentures.
- (b) That he will observe and perform all the covenants and agreements in the said Indentures contained and on the part of the assignor to be observed and performed in like manner and in all respects as if he the assignee were therein named instead of the assignor and will keep the assignor indemnified from the same and from all actions claims or demands in respect thereof.

The apprentice and the parent or guardian severally covenant with the assignee as follows:—

- (a) That the apprentice shall serve the assignee in his profession now carried on by him at _____ aforesaid for all the residue of the said term unless the said apprenticeship be sooner determined as provided by or under the said Indentures.
- (b) That they and each of them will observe and perform all the covenants and agreements in the said Indentures contained and on their part to be performed in like manner in all respects as if the assignee were therein named instead of the assignor.

In witness whereof the said parties hereto have hereunto set their hands and seals the day and year first above written.

Signed Sealed and Delivered by the
said _____ in the
presence of _____

Signed Sealed and Delivered by the
said _____ in the
presence of _____

Signed Sealed and Delivered by the
said _____ in the
presence of _____

Signed Sealed and Delivered by the
said _____ in the
presence of _____

SCHEDULE 8.

No.	Act.	Section.	Subject.
3630	Acts Interpretation Act ..	30	Measurement of any distance to be made on a horizontal plane
3662	Country Roads Act 1928 ..	43	*Main roads vested in Crown.
	Country Roads Act 1928 ..	56, 57	Materials property of Board
	Country Roads Act 1928 ..	58	Drains and watercourses
3668	Drainage Areas Act 1928 ..	12	*Sale of roads
3695	Harbor Boards Act 1928 ..	30 (3)	Making surveys and taking levels
3697	Health Act 1928 ..	62, 65	Boundaries of harbours
	Health Act 1928 ..	183	Sewers and drains
	Health Act 1928 ..	186	*Erection of dwelling on land subject to flooding prohibited
	Health Act 1928 ..	187	Land unfit for human habitation
			*Width of streets

No.	Act.	Section.	Subject.
3709	<i>Land Act 1928</i>	5, 11	*Classification
	<i>Land Act 1928</i>	15	*Permanent reservation affected by change of course of stream
	<i>Land Act 1928</i>	25	*Division of land into counties, parishes and townships
	<i>Land Act 1928</i>	43-52	*Selection Purchase
	<i>Land Act 1928</i>	85-88	*Auriferous lands
	<i>Land Act 1928</i>	89-94	*Land which may be sold by auction
	<i>Land Act 1928</i>	121	Grazing licences
	<i>Land Act 1928</i>	125-138	*Leases and licences
	<i>Land Act 1928</i>	171	*Exchange of road
	<i>Land Act 1928</i>	172	*Sale of land to adjoining owner
	<i>Land Act 1928</i>	179	*Right of entry by Surveyor
	<i>Land Act 1928</i>	192	Power to make Regulations
	<i>Land Act 1928</i>	194-201	Classification and selection of Mallee lands
	<i>Land Act 1928</i>	304	*Closing roads
4095	<i>Land Act 1932</i>	4, 8	Amending sections 94, 125, 126, 172, and 193, <i>Land Act 1928</i>
4181	<i>Land Act 1933</i>	4, 5, 10	Amending sections 86, 131, 304, <i>Land Act 1928</i>
4319	<i>Land (Residence Areas) Act 1935</i> ..	6-10	*Residence Areas, and the Regulations under the Act
	<i>Land (Residence Areas) Act 1935</i> ..	12	*Exclusive right of purchase
	<i>Land (Residence Areas) Act 1935</i> ..	19	Amending sections 129 and 131, <i>Land Act 1928</i>
4697	<i>Land (Residence Areas) Act 1939</i> ..	2, 3	Power to excise land from street
4873	<i>Land Act 1941</i>	6, 7	Amending sections 94, 125, <i>Land Act 1928</i>
	<i>Land Act 1941</i>	14	Disposal of Crown lands to adjoining owner
4939	<i>Land Surveyors Act 1942</i> ..	Whole	* and the Regulations under the Act
5203	<i>Local Government Act 1946</i> ..	197	(1) XXXVIII. (a) Residential Areas. (6) Description of Residential Area. (7) By-laws. (11) Application to Melbourne and Geelong
	<i>Local Government Act 1946</i> ..	198	(3). (a), (b), (c). Extent of Application. (7) Application to Melbourne and Geelong
	<i>Local Government Act 1946</i> ..	510-515	Taking land compulsory
	<i>Local Government Act 1946</i> ..	516	*Power to purchase strips of land contiguous to streets
	<i>Local Government Act 1946</i> ..	517-521	*Proclamation of Highways
	<i>Local Government Act 1946</i> ..	522-526	*Opening, widening, &c., of streets
	<i>Local Government Act 1946</i> ..	527	*Sale of street
	<i>Local Government Act 1946</i> ..	528-530	*Opening private roads
	<i>Local Government Act 1946</i> ..	531-533	*Reducing width of streets
	<i>Local Government Act 1946</i> ..	535	*Standard Survey marks
	<i>Local Government Act 1946</i> ..	568-569	*Laying out streets
	<i>Local Government Act 1946</i> ..	585	Constructed street to be a public highway
	<i>Local Government Act 1946</i> ..	679-684	Closing streets
	<i>Local Government Act 1946</i> ..	897	(6) Drainage. (25), (26), (27), (30), Areas of land for buildings
	<i>Local Government Act 1946</i> ..	901	(5) Making by-laws.
	<i>Local Government Act 1946</i> ..		*Uniform Building Regulations—Chapter 8
5288	<i>Local Government Act 1948</i> ..	Whole	
4760	<i>Melbourne (Widening of Streets) Act 1940</i> ..	Whole	*
4991	<i>Melbourne (Widening of Streets) Act 1943</i> ..	Whole	*
3737	<i>Mines Act 1928</i>	264	Warden's power to order survey
	<i>Mines Act 1928</i>	274	Warden may authorize entry
	<i>Mines Act 1928</i>	334 (4)	Owner of land may inspect workings
	<i>Mines Act 1928</i>	335	*Entry upon and marking private lands
	<i>Mines Act 1928</i>	367	Prospecting area
	<i>Mines Act 1928</i>	375	*Survey
	<i>Mines Act 1928</i>	440	Plans of mines
3754	<i>Property Law Act 1928</i> ..	194-197	*Easements
	<i>Property Law Act 1928</i> ..	217	Discharge of estates of debtors
	<i>Property Law Act 1928</i> ..	266-272	*Survey boundaries
	<i>Property Law Act 1928</i> ..	275-277	*Limitation of actions and suits
3759	<i>Railways Act 1928</i>	206	*Time within which Commissioners may recover land
4568	<i>Slum Reclamation and Housing Act 1938</i> ..	17	*Building regulations
	<i>Slum Reclamation and Housing Act 1938</i> ..	19-26	Slum reclamation
	<i>Slum Reclamation and Housing Act 1938</i> ..	42-46	Acquisition of land
4652	<i>Slum Reclamation and Housing Act 1939</i> ..	3.	Sale, disposal, and surrender of surplus land

No.	Act.	Section.	Subject.
4786	<i>Soil Conservation Act 1940</i> ..	8	General objects
	<i>Soil Conservation Act 1940</i> ..	12	Powers of Board
	<i>Soil Conservation Act 1940</i> ..	14	Regional Advisory Committees
5226	<i>Soil Conservation and Land Utilization Act</i>	31	Parts II. and III. Authority to enter lands
	<i>Soil Conservation and Land Utilization Act</i>	33	Surveyor to record presence of erosion
5411	<i>Soil Conservation and Land Utilization Act</i>	8	Notice of intention to be given
3783	<i>Supreme Court Act 1928</i> ..	91	Standard time
4732	<i>Survey Co-ordination Act</i> ..	Whole	* and the Regulations
5043	<i>Town and Country Planning Act 1944</i>	8-11	*Planning schemes
	<i>Town and Country Planning Act 1944</i>	12	*Interim development order
	<i>Town and Country Planning Act 1944</i>	13	*General schedule of development under scheme
5404	<i>Town and Country Planning (Metropolitan Areas) Act 1949</i>	Whole	
3791	<i>Transfer of Land Act 1928</i> ..	15, 17, 18	*Bringing land under the Act
	<i>Transfer of Land Act 1928</i> ..	25, 28, 46	*
	<i>Transfer of Land Act 1928</i> ..	80	*Certificate issued in error
	<i>Transfer of Land Act 1928</i> ..	87-88	*Title by possession
	<i>Transfer of Land Act 1928</i> ..	102-103	*Removal of easements of way
	<i>Transfer of Land Act 1928</i> ..	105-110	*Roads, passages, &c.
	<i>Transfer of Land Act 1928</i> ..	201-212	*Surveys, plans, boundaries
	<i>Transfer of Land Act 1928</i> ..	215-217	*Rectification of certificate
	<i>Transfer of Land Act 1928</i> ..	233	*Powers of Registrar
	<i>Transfer of Land Act 1928</i> ..	271	*Abandonment of Easement
	<i>Transfer of Land Act 1928</i> ..	272	*Title to encroachment on road
5314	<i>Transfer of Land Act 1948</i> ..	Whole	
3801	<i>Water Act 1928</i> ..	4-9	Rights of Crown and private persons
	<i>Water Act 1928</i> ..	14	
	<i>Water Act 1928</i> ..	59	Subdivision of land with water right
5017	<i>Water Act 1944</i> ..	13	*Compulsorily acquisition of land for easements. Power of Commission to make surveys
3802	<i>Weights and Measures Act 1928</i>	4-11	Primary standards
	<i>Weights and Measures Act 1939 (Commonwealth)</i>	58-59	

LAND SURVEYORS ACT 1942.

REGULATIONS—PART 1.

Adopted at a Meeting of the Board held on the 14th January, 1952.

O. G. PEARSON, Chairman.

FRANK W. ARTER, Member.

H. S. McCOMB, Member.

ALF. R. H. URBAHNS, Member.

G. J. THORNTON-SMITH, Member.

C. T. COLEMAN, Member.

E. S. WESTGARTH, Secretary.

Approved by the Governor in Council,
the 11th day of June, 1952.

A. MAHLSTEDT,
Clerk of the Executive Council.



VICTORIA GOVERNMENT GAZETTE.

Published by Authority.

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No. 504]

FRIDAY, JUNE 20.

[1952

Factories and Shops Acts.

DETERMINATION OF THE BUILDERS' LABOURERS 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 which since the first pay period to commence in December, 1937, 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 bolting structural ironwork in position, heating rivets, and holding up for boilermakers) employed in the occupation of—

- (a) builder's labourer on or about any building, or assisting any bricklayer, mason, plasterer, carpenter, plumber, or any other tradesman engaged in building operations;
- (b) labourer engaged in the construction, repair, demolition, or removal of buildings and bridges;
- (c) scaffolder, gear hand, gantry hand, crane hand, or dogman, or as a drainer on work in connexion with buildings;
- (d) labourer excavating ground for foundations or basements of buildings, or levelling ground on a proposed building site;
- (e) labourer doing concrete work or mortar mixing in connexion with or incidental to building construction;
- (f) labourer doing tar-paving or asphaltting work, or other work of a similar character in connexion with or incidental to building construction;
- (g) labourer cleaning bricks on a site on which a building is being demolished, repaired, or constructed.

has made the following Determination, namely:—

- (i) That as from the beginning of the first pay period to commence in April, 1952, the last previous Determination of this Board shall be revoked and replaced by this Determination.

PART I.

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 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.

WAGES.

1. (a) For skilled builders labourers—6s. 7½d. per hour until the beginning of the first pay period to commence in May, 1952, and thereafter 6s. 8d. per hour.

For ordinary builders' labourers—6s. 4½d. per hour until the beginning of the first pay period to commence in May, 1952, and thereafter 6s. 5½d. per hour.

(NOTE.—To the above amounts must be added any allowance payable in accordance with clause 6 of this Part.)

(b) "Builder's labourer—skilled" means an employee engaged upon the work of steel and/or aluminium alloy structural erector (on steel and/or aluminium alloy frame buildings) or engaged in the erection of prefabricated aluminium alloy buildings, gear hand, rigger, pile driver, tackle hand, gantry hand, or crane hand, dogman, scaffolder, powder monkey, drainer, demolisher, jack hammerman, winch or hoist driver or mixer driver, steel and/or bar bender bending to plan or pattern.

(c) "Builders' Labourer—ordinary" means an employee engaged under this Determination in occupations other than those set out in sub-clause (b) of this clause.

Definition.

(d) "Federation" means the Australian Builders' Labourers' Federation.

SPECIAL RATES.

2. (a) In addition to the rates presented in clause 1 (a) hereof the following special rates shall be payable to employees :—
- (i) An employee when working for more than one hour in the shade in places where the temperature is raised by artificial means to between 115 and 130 degrees Fahrenheit, shall be paid 3d. per hour extra to the ordinary rate; an employee when working in places where the temperature exceeds 130 degrees Fahrenheit shall be paid 6d. per hour extra to the ordinary rate. Where the work continues for more than 2 hours in temperatures exceeding 130 degrees Fahrenheit, an employee shall also be entitled to twenty minutes' rest after every two hours' work without deduction of pay. The temperature shall be decided by the representative of the employer after consultation with the employee who claims the extra rate.
 - (ii) An employee when working for more than one hour in places where the temperature is reduced by artificial means below 32 degrees, shall be paid 3d. per hour extra to the ordinary rate. Where the work continues for more than two hours an employee shall be entitled to a rest period of twenty minutes after every two hours without loss of pay.
 - (iii) An employee handling loose silicate of cotton, loose slagwool, loose insulwool or other loose material of a like nature used for providing insulation against heat, cold or noise shall be paid 6d. per hour extra for each hour or part of an hour so employed.
 - (iv) An employee working in any place where his clothing or boots become saturated whether by water, concrete or otherwise shall be paid 3d. per hour extra; Provided that this extra rate shall not be payable to an employee who is provided by the employer with suitable effective protective clothing and/or footwear. And provided further that any employee who becomes entitled to this extra rate shall be paid such extra rate per hour for the whole of the day or shift if he is required to work in wet clothing or boots.
 - (v) An employee who has worked at dirty work, that is work concerning which the employer or his foreman agree that it is of an unusually dirty or offensive nature, shall be paid for the period of such work at the rate of—3d. per hour extra.
 - (vi) Builders' labourers employed on chimney stacks shall be paid upon the same basis as the special height money prescribed in the Determination of the Bricklayers Board.
 - (vii) Builders' labourers working as assistants to bricklayers shall be paid the same extra rates for handling cement blocks or Mt. Gambier stone as are prescribed in the Determination of the Bricklayers Board, for laying such material.
 - (viii) For all work done at Kiewa above the 5,000 feet level—1½d. per hour extra; during the winter period (the 1st day of June, to the 30th day of September) for all work above the 3,000 feet level—1½d. per hour extra.

Provided always that—

- (1) Where the temperature of a place where work is performed is raised, lowered or maintained by artificial means and a reading thereof is requested by an employee—for the purpose of paragraphs (i) and (ii) hereof such reading shall be made and taken by the employer or his foreman in the presence of such employee;
- (2) In case of disagreement between the foreman and workman the workman or an authorized representative of the Federation shall be entitled within 24 hours, to ask for a decision on the workman's claim by the employer's industrial officer (if there be one), or otherwise by the employer or the executive officer responsible for the management or superintendence of the plant concerned. In such case a decision shall be given on the workman's claim within 48 hours of its being asked for (unless that time expires on a non-working day in which case it shall be given during the next working day), or else the said allowance shall be paid.

HOURS.

3. The ordinary working hours shall be 40 in a week to be worked in five days. The ordinary time of work shall be of eight hours per day on Mondays to Fridays inclusive. The ordinary time of work shall lie between the hours of 7.30 a.m. in the forenoon and 5.30 p.m. in the afternoon. There shall be a cessation of work and of working time each day for the purpose of a meal of not less than 45 minutes between the hours of noon and 1 p.m. Provided that the spread of hours herein prescribed may be altered by mutual agreement between the parties.

PRESENTING FOR WORK AND NOT REQUIRED.

4. (a) Except when notice is given to an employee by his employer or his responsible representative not to present himself for work, if an employee attends for such work and his services are not required, such employee shall be paid two hours' pay in addition to fares payable under clause 12 of this Part. The employee shall be informed within 30 minutes of the usual starting time that his services are not required.

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

REST PERIOD.

5. There shall be allowed without deduction of pay, a rest period of 10 minutes between 9.30 a.m. and 11 a.m.

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 8 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 the employee or a representative of the employee agree that it shall be so regarded. Failing such agreement, weather shall not be regarded as inclement and work shall continue;
- (iii) that any intermission of work owing to inclement weather so regarded as such as aforesaid shall immediately cease and work shall be immediately resumed on the employer or his representative calling for a resumption of work;
- (iv) that 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 the employee or his representative;
- (v) that 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.

OVERTIME.

7. (a) Except as hereinafter provided, all time on duty beyond the ordinary hours of duty hereinbefore provided shall be paid for at the rate of time and a half for the first two hours and at the rate of double time thereafter.

(b) As far as practicable employees shall not be required to work overtime.

(c) For the purpose of computing overtime each fraction of a quarter of an hour shall be paid for as if it were a full quarter of an hour.

COMPULSORY OVERTIME.

8. An employer may require any employee to work reasonable overtime at overtime rates and such employee shall work overtime in accordance with such requirement.

SUNDAY WORK.

9. All time worked on Sundays shall be paid for at the rate of double time.

HOLIDAYS.

10. All time worked on the following holidays shall be paid for at the rate of double time :—

New Year's Day, Australia Day, Labour Day, Anzac Day, Good Friday, Easter Monday, Queen's Birthday, Melbourne Cup Day, Christmas Day, and Boxing Day.

Provided that : For employees employed at work beyond a radius of 25 miles of the G.P.O., Melbourne, another day may by agreement between the employer and the Federation be substituted for Melbourne Cup Day.

MEAL HOURS AND MEAL ALLOWANCES.

11. (a) If an employer requires an employee to work during the time prescribed by clause 3 of this Part for cessation of work for the purpose of a meal he shall allow the employee whatever time is necessary to make up the prescribed time of cessation. If an employer requires an employee to work during the time prescribed for such a cessation and to continue at work for any further time thereafter he shall for all work performed in such further time until the beginning of the time substituted for the cessation time during which the employee has worked pay the employee at the rate of double time : provided however, that the employer shall not be bound to pay in addition for the time allowed in substitution for the said cessation time : and provided also that if the cessation time is shortened at the request of the employee to the minimum of 45 minutes prescribed in clause 3 of this Part or to any other extent (not being less than 45 minutes) the employer shall not be required to pay more than the ordinary rates of pay for time worked as a result of such shortening, but such time shall form part of the ordinary working time of the day.

(b) An employee working overtime shall be allowed a crib time of twenty minutes without deduction of pay after each four hours of work, but this provision shall not prevent any arrangement being made for the taking of a longer meal period without pay, i.e., for time in addition to the twenty minutes.

(c) Before starting overtime after working ordinary hours, except where the period of overtime is less than 1½ hours, a meal period of at least 45 minutes shall be allowed to the employee. Such an employee shall be paid the sum of 3s. 6d. towards the cost of a meal.

(d) Except as provided in sub-clause (d) of clause 13 of this Part an employee proceeding to or returning from a distant job shall be paid the sum of not less than 3s. 6d. as the cost for each meal during the time he is so proceeding to or returning from such distant job.

(e) An employer and the Federation may mutually agree to any variation to meet the circumstances of the work in hand.

ALLOWANCES FOR EXCESS FARES AND TRAVELLING TIME.

12. (a) The following allowances shall be made by employers to compensate for excess fares and travelling time to and from places of work, incurred by the employees :—

Within the radii respectively hereinbelow stated treating the G.P.O., Melbourne (corner of Bourke and Elizabeth-streets), or the principal post offices at provincial cities as centres from which they are to be measured—

Up to and including 12 miles	..	..	..	..	..	..	3s. per day.
Over 12 and up to 20 miles	..	..	..	..	..	..	3s. 9d. per day
Over 20 and up to 30 miles	..	..	..	..	..	..	4s. 6d. per day.

(b) (i) The above-stated allowances shall not be payable if the employer provides or offers to provide transport free of charge to the employee in which case an allowance of 2s. per day only shall be paid ;

(ii) when fares and travelling time are incurred in respect of "distant jobs" as defined in clause 13 (a) of this Part or in respect of work performed beyond 30 miles of the above-stated centre the local post office nearest to the job shall be substituted as a centre for the purpose of this clause.

(c) Subject to the foregoing provisions a fare shall be deemed to have been incurred if the employee has used a bicycle or other means of locomotion, or has walked instead of using a public conveyance.

ALLOWANCES FOR DISTANT JOBS.

13. (a) For the purposes of this clause a "distant job" is one in respect of which the distance of which or the travelling facilities available to and from which make it reasonably necessary that the employee should live and sleep at some other place than his usual place of residence.

(b) An employee who is directed by his employer to proceed to construction work on a distant job and who complies with such direction shall be paid the following allowance in order to enable him to provide himself with suitable board and accommodation :—

If employed on the job for less than a full working week—20s. per day.

If employed on the job for a full working week or longer—at the rate of 65s. per week (of seven days).

Provided that where suitable lodging and sleeping accommodation is not available the employer shall provide a hut or tent with such accommodation therein, including a stretcher and mattress, but such provision will not relieve the employer from his obligation to pay the allowances specified above in this sub-clause.

Provided nevertheless that in the event of the employer providing the employee with suitable board as well as suitable lodging and sleeping accommodation the employer shall not be liable to pay any of the allowances prescribed by this sub-clause.

Provided further if the employee satisfies the employer that he reasonably incurred a greater amount for board and lodging than the amount fixed the employer shall pay the difference.

(c) An employee who is directed by his employer to proceed to construction work on a distant job and who complies with such direction shall not be entitled to any of the allowances prescribed by clause 12 of this Part but for such travel he shall be paid at ordinary rate of payment for the time incurred (not exceeding ordinary working hours for and on each day of travelling) in travelling thereto ; he shall also be paid the amount of a second-class return fare and any excess payment due to transporting his tools if such is incurred ; he shall also be paid at ordinary rates of payment for the time actually incurred (not exceeding ordinary working hours for and on each day of travelling) in travelling back upon the completion of his job to the place of his residence ; he shall also be paid an amount of 5s. to cover the expenses (if any incurred) of reaching his home railway station and of transporting his tools.

Provided nevertheless—

(i) that neither the amount of the return fare, payment for return travelling time nor the amount of 5s. aforesaid shall be payable if the employee be dismissed for misconduct or within one working week of his commencing work on the job for incompetency or if the employee terminates or discontinues his work on the job within one month of his commencing it ;

(ii) that travelling time shall for the purposes of this clause be calculated as the time taken by rail or usual travelling facilities—between the Spencer-street or Flinders-street railway stations or the railway station nearest to the employee's place of residence, if he resides outside the Melbourne metropolitan area and the locality of his work.

(d) An employee who has been directed by his employer to proceed to construction work on a distant job may after three months' continuous service thereon, and thereafter at three-monthly periods of continuous service thereon, return to his home at a week-end. If he does so, he shall be paid the amount of a second-class return railway fare on the pay-day which immediately follows the date on which he returns to the job, provided no delay not agreed to by the employer takes place in connexion with the employee's commencing work on the morning of the working day following the week-end.

Provided, however, that if the work upon which the employee is engaged will terminate in the ordinary course within a further 28 days after the expiration of any such period of three months as is hereinbefore mentioned then the provisions of this sub-clause shall not be applicable.

TRANSFER FROM JOB TO JOB.

14. An employee transferred by the employer from one job to another job on the same day shall be paid for the time occupied in travelling as for time worked and the cost of such transfer shall be borne by the employer.

TOOLS.

15. Employers shall provide all necessary plant and tools free of charge.

SPECIAL TRANSPORT OF INJURED.

16. The employer shall as soon as is reasonably possible supply means free of charge to convey to the nearest hospital or doctor at which or by whom the employee is to be treated, any employee so seriously injured that it is not reasonably possible for such employee to travel independently of such conveyance.

FIRST-AID EQUIPMENT.

17. A first-aid kit as recommended by the St. John Ambulance Society shall be provided and maintained by the employer on each job.

LOADS.

18. (i) Where practicable all loads of bricks and materials shall be conveyed in a wheelbarrow of an approved type fitted with pneumatic rubber tyres.

(ii) Where bricks are being used :—

(a) Not more than 40 bricks each load shall be conveyed in wheelbarrow (on a scaffold) to a height of 15 feet from the ground.

(b) Not more than 36 bricks each load shall be conveyed in a wheelbarrow over and above a height of 15 feet on a scaffold.

(iii) The loads, all classes of materials, and the type of wheelbarrow shall be agreed upon by the Federation.

(iv) All scaffolding shall be in accordance with the Commonwealth and State laws.

CONVENIENCES.

19. The employer shall provide on all jobs suitable and adequate sanitary conveniences. Such conveniences shall conform to the requirements of the local health authority and where no such local health authority exists, they shall not be regarded as suitable unless enclosed on all sides, fitted with doors and roofed and shall contain appropriate seats and sufficient quantities of time or other suitable deodorant.

SUPPLY OF WATER.

20. Employers shall provide reasonably accessible clean drinking water for employees and boiling water at meal time and at morning rest period. Where the water is not conveyed by pipe it shall be kept in a covered receptacle.

CONTRACTING, SUB-CONTRACTING.

21. (a) No employer shall permit any of the classes of work covered by this Determination to be carried on by a contractor or other person except in accordance with the terms and conditions of this Determination as if the contractor or other person were himself an employer and bound by this Determination.

(b) No employer shall enter into any contract for the carrying on of any of the classes of work covered by this Determination by any contractor unless the contract contains a clause binding the contractor to pay the rates and observe the conditions set out in this Determination in respect of the work contracted for, and unless a clause is inserted in any such contract to the effect that the employer can determine the contract if there is any breach of the condition above referred to.

ANNUAL LEAVE.

22. (a) Subject to the provisions of sub-clauses (c) and (d) hereof, a period of fourteen consecutive days exclusive of any 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 its becoming due, such leave shall be given and taken in conjunction with the Christmas and New Year holidays.

(b) If, after 40 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 $\frac{1}{20}$ th of a week's wage in respect of each completed 40 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 $\frac{1}{60}$ th for each week or part thereof during which any such absence occurs.

Provided, however, that no absence shall be deemed to interrupt the continuity of service unless, within fourteen days of such absence, the employer shall be given notice in writing to the employee that the absence is to be treated as having interrupted such continuity of service.

(d) For the purposes 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 workers' compensation—up to a maximum period of two months.

(ii) Any reason satisfactory to the employer.

(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 date of this Determination shall be taken into consideration for the purpose of calculating annual leave but an employee shall not be entitled to leave or payment in lieu thereof for any period in respect of which leave or a payment in lieu thereof has been allowed or made under any other Determination superseded by this Determination.

(A) 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 for which he has then qualified on the basis of $\frac{1}{14}$ th of a week's wages in respect of each 80 hours' continuous service (exclusive of overtime) during his current qualifying twelve-monthly period.

PROTECTIVE CLOTHING.

23. Employers shall provide, free of cost, suitable protective clothing—gloves, goggles, and rubber boots—to the employees engaged in handling corrosive substances and protective covering and gloves to employees handling creosote.

CHANGE HOUSE.

24. (a) Where practicable, and where not less than a total of ten men are employed, the employer shall provide a suitable change house for the keeping of the clothes of the workmen employed. No cement, lime, or building materials shall be stored in such change house.

(b) All protective clothing supplied shall be hygienically cleaned.

PAYMENT OF WAGES.

25. (a) Wages accrued may be paid on any day of the week, Monday to Friday inclusive, and shall be paid at or before the cessation of work.

Provided always that—

- (i) an employer shall not keep more than one day's pay in hand;
- (ii) an employee whose service ends before pay time shall be paid at or before the time of its ending, or shall be paid by post or otherwise within 24 hours thereafter.

(b) If wages be not paid within the period prescribed the employee shall be paid at ordinary rates for all time in excess of 15 minutes beyond such time until the wages are paid or posted to his last-known place of address.

TERMINATION OF EMPLOYMENT.

26. Employment may be terminated by the employee on giving not less than 1 hour's notice or by the employer on giving not less than one hour's notice or by the forfeiture or payment of one hour's pay respectively.

POSTINGS OF NOTICES.

27. No employer shall prevent an official of the Federation at any reasonable time from posting or keeping posted a copy of this Determination or any notice of the Federation not exceeding 14 inches by 9 inches in a suitable place on any job.

RIGHT OF ENTRY.

28. An official of the Federation shall have the right, to enter any place where work is being carried on under this Determination subject to the following conditions:—

- (a) The purpose of the entry during working hours shall be confined to interviewing the appointed representative of the Federation in the place mentioned in the authorization, or with the consent of the employer or his representative of interviewing any member of the Federation employed therein; or, during a meal hour or at a non-working time, of interviewing any workman engaged at the place, who is willing to be interviewed.
- (b) Provided that—
 - (i) except during any meal hour or non-working time, not more than one such official shall be permitted to enter the place in question at one time except by express consent of the employer or his representative;
 - (ii) before entering any such place the official shall produce his authority to the employer or his representative;
 - (iii) if an employer alleges that an official is unduly interfering with the work of the job or is causing disaffection among the employees thereon or is offensive in his manner or is committing a breach of any of the conditions set out in this clause, such employer may refuse to allow the official to enter into or to remain on the place.

PART II.

This Part applies to the employment of persons employed as builders' labourers in mixed industry as defined in clause 12 of this Part.

The rates prescribed in columns lettered "A" are payable until the beginning of the first pay period to commence in May, 1952, when the rates prescribed in Columns lettered "B" shall become payable.

WAGES PER WEEK.

1. (a)

	Higher Grade.		Lower Grade.	
	"A."	"B."	"A."	"B."
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Builders' labourer..	12 1 0	12 4 0	11 12 0	11 15 0

Provided that where an employee is engaged on work other than "maintenance" as defined in clause 12 of this Part, the above-stated wage rates shall be increased by an additional amount at the rate of 2s. 6d. per week when so employed. Such is the additional amount referred to in the proviso to clause 13 of this Part.

(b) An employee whose employment is terminated by the employer within six months of his employment for any cause other than for malingering, inefficiency, neglect of duty or misconduct, 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.

GENERAL CONDITIONS OF EMPLOYMENT.

2. Except where elsewhere provided in this Determination the conditions relating to hours, overtime, public holidays, rest periods, meal hours and allowances, allowances for excess fares and travelling time, allowances for distant jobs, annual leave, sick leave, lockers and showers, payment of wages, termination of employment and conditions of employment generally, including any special rate or allowance for working in hot, cold, wet or confined places, or under unusually dirty conditions, or in any circumstances in which any special rate or allowance is applied shall be those prescribed by Award Determination or Agreement, Commonwealth or State applicable to the majority of craft or tradesman employees employed in the establishment by the employer.

SUNDAY WORK.

3. All time worked on Sundays shall be paid for at the rate of double time.

TOOLS.

4. Employers shall provide all necessary plant and tools free of charge. The employee shall replace or pay for any tools so provided if lost through his negligence.

SPECIAL TRANSPORT OF INJURED.

5. The employer shall as soon as is reasonably possible supply means free of charge to convey to the nearest hospital or doctor at which or by whom the employee is to be treated any employee so seriously injured that it is not reasonably possible for such employee to travel independently of such conveyance.

FIRST-AID EQUIPMENT.

6. A first-aid kit as required by the Regulations under the Factories and Shops Acts, or if such Regulations do not apply to the establishment as recommended by the St. John Ambulance Society, shall be provided and maintained by the employer.

POSTING OF NOTICES.

7. No employer shall prevent an official of the Federation at any reasonable time from posting or keeping posted a copy of this Determination or any notice of the Federation not exceeding 14 inches by 9 inches in a suitable place on any job.

RIGHT OF ENTRY.

8. An official of the Federation shall have the right, to enter any place where work is being carried on under this Determination subject to the following conditions:—

- (a) The purpose of the entry if authorized during working hours shall be confined to interviewing the appointed representative of the Federation in the place mentioned in the authorization, or with the consent of the employer or his representative of interviewing any member of the Federation employed therein; or, if authorized during a meal hour or at a non-working time, of interviewing any workman at the place, who is willing to be interviewed.
- (b) Provided that—
 - (i) except during any meal hour or non-working time, not more than one such official shall be permitted to enter the place in question at one time except by express consent of the employer or his representative;
 - (ii) before entering any such place the official shall produce his authority to the employer or his representative;
 - (iii) if an employer alleges that an official is unduly interfering with the work of the job or is causing disaffection among the employees thereon or is offensive in his manner or is committing a breach of any of the conditions set out in this clause, such employer may refuse to allow the official to enter into or remain on the place.

LOADS.

- 9. (a) Where practicable all loads of bricks and materials shall be conveyed in a wheelbarrow of an approved type fitted with pneumatic rubber tyres.
- (b) Where bricks are being used the employee shall not be required to carry:—
 - (i) More than 40 bricks each load in a wheelbarrow (on a scaffold) to a height of 15 feet from the ground.
 - (ii) More than 36 bricks each load in a wheelbarrow over and above a height of 15 feet on a scaffold.
- (c) The loads of all classes of materials, and the type of wheelbarrow shall be as agreed upon with the Federation.
- (d) All scaffolding shall be in accordance with the Commonwealth and State laws which ever is applicable.

PROTECTIVE CLOTHING.

10. Employers shall provide, free of cost, suitable protective covering—gloves, goggles, and rubber boots—to the employees whilst engaged in handling corrosive substances and protective covering and gloves to employees handling creosote, such protective clothing to remain the property of the employer.

DEFINITIONS.

- 11. (a) "Federation" means the Australian Builders' Labourers' Federation.
- (b) "Builders' Labourer—higher grade" means an employee engaged upon the work of steel structural erector (on steel frame buildings), gear hand, rigger, pile driver, tackle hand, gantry hand or cranehand, dogman, scaffolder, powder monkey, drainer, demolisher, jackhammerman, winch or hoist driver or mixer driver.
- (c) "Builders' Labourer—lower grade" means an employee engaged under this Part in occupations other than those set out in sub-clause (b) hereof.
- (d) "Mixed Industry" means employment by an employer, in any industry where work performed by the employee is subsidiary or auxiliary to chief or principal purposes and business of such industry.
- (e) "Maintenance" means work performed by builders' labourers employed in mixed enterprises not being work in or in connexion with the erection of structures whose purpose is the extension of the productive, administrative, storage or distributive functions of such an enterprise for the performance of which erection builders' labourers in addition to the regular staff of builders' labourers employed by such enterprise, are engaged.

MARGINS AND ALLOWANCES.

12. In addition to the Basic Wage prescribed in clause 1 of Part III., the wages prescribed in clause 1 of this Part include the following margins and allowances.

	Higher Grade.	Lower Grade.
	£ s. d.	£ s. d.
Margin for skill	1 3 0	0 14 0
Allowance to cover disabilities and war loading	0 9 0	0 9 0
Total	1 12 0	1 3 0

Provided that where an employee is engaged on work other than "maintenance" as defined in clause 12 of this Part, the above-stated allowance to cover disabilities and war loading shall be increased by an additional amount at the rate of 2s. 6d. per week when so employed.

PART III.

This Part applies to all persons covered by this Determination.

PERIODICAL ADJUSTMENT OF WAGES.

1. The wages rates set out in clause 1 of Part 1 and clause 1 of Part 2 are based upon the following basic wage and, pursuant to the provisions of Section 21 of the *Factories and Shops Act* 1934, this Board hereby determines that such rates shall be automatically adjusted as prescribed in clause 2 of this Part.

Basic Wage.

Place.	Basic Wage (Adjustable).	Index Number Set Assigned.
	£ s. d.	
Throughout the State	10 12 0	Melbourne

ADJUSTMENT OF BASIC WAGE.

2. (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 amount of the basic wage shall be as prescribed in clause 1 of this Part.

(c) During each future successive quarterly 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 for the quarter next preceding the quarter for which the adjustment is made 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.

NOTE.—The rates prescribed in clause 1 (a) of Part 1 are based on weekly rates which comprise the following components:—

The basic wage for Melbourne;

Margin for skill of (14s. for ordinary builders' labourers and 23s. for skilled builders' labourers);

Disabilities allowances of 5s. 6d.;

War loading of 6s.

Allowing two weeks for statutory holidays, one week following the job, and one week's sick pay, the weekly rate calculated in the manner shown above is converted to an hourly rate in accordance with the following formula:—

$$\frac{\text{Weekly Rate} \times 52}{48 \times 40} = \text{Rate per hour to the nearest farthing.}$$

The disabilities allowance above referred to is to compensate for conditions peculiar to building construction work namely, working in the open and being thereby subjected to climatic conditions (i.e., from dust blowing in the wind), brick dust, drippings from concrete, sloppy conditions, lack of usual amenities associated with factory work, e.g., meal rooms, change rooms, lockers, &c., and to compensate for relative handicaps occasioned by the reduction of standard hours in industry generally, and for all other matters not specifically compensated or allowed for by any other provisions of this clause.

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

J. W. RYAN, Secretary.

Melbourne, 29th April, 1952.



VICTORIA GOVERNMENT GAZETTE.

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FRIDAY, JUNE 20.

[1952

Factories and Shops Acts.

DETERMINATION OF THE STONECUTTERS BOARD.

NOTE.—(1) 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 which, since the 20th November, 1934, has had the power to determine the lowest prices or rates which may be paid to persons employed—

- (1) in the process, trade, or business of cutting, carving, polishing, or setting marble or stone, or cutting letters therein ;
(2) in cemeteries—

- (a) cleaning monuments, headstones, or kerbs ;
(b) painting letters or drilling holes for lead letters ;
(c) dismantling or re-erecting monuments, headstones, or kerbs—

has made the following Determination, namely :—

1. That, as from the beginning of the first pay period to commence in May, 1952, the last previous Determination of this Board shall be revoked and replaced by this Determination.

WAGES FOR ADULTS OTHER THAN APPRENTICES.

2. The minimum rate of wage for an adult other than an apprentice shall, subject to adjustment under clause 18 of this Determination, be as follows :—

(a) Weekly Wage.

Classification.	Total Basic Wage, Including Loadings.	Margin for Skill.	War Loading.	Loading for Five Days' Sick Leave.	Tool Allowance.	Total Wage.
	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.
Carver, building	212 0	67 0	6 0	5 6	1 0	291 6
Carver, monumental	212 0	57 0	6 0	5 3	1 0	281 3
Stonemason	212 0	46 0	6 0	5 0	1 0	270 0
Surface operator	212 0	46 0	6 0	5 0	1 0	270 0
Letter cutter	212 0	46 0	6 0	5 0	1 0	270 0
Lathe machinist	212 0	39 0	6 0	5 0	Nil	262 0
Planer machinist	212 0	39 0	6 0	5 0	Nil	262 0
Carborundum machinist on moulding work	212 0	39 0	6 0	5 0	Nil	262 0
Carborundum machinist on other than moulding work	212 0	28 6	6 0	4 9	Nil	251 3
Carborundum sawyer	212 0	28 6	6 0	4 9	Nil	251 3
Polisher (hand)	212 0	28 6	6 0	4 9	Nil	251 3
Polisher (machine)	212 0	28 6	6 0	4 9	Nil	251 3
Frame saw machinist	212 0	28 6	6 0	4 9	Nil	251 3
Man using hand pneumatic tool of 6 lb. or over or exceeding 1½-in. piston and which is not a drill or grinder	212 0	173 6	6 0	7 6	1 0	400 0
Person cleaning monuments, headstones, or kerbs	212 0	28 6	6 0	4 9	Nil	251 3
Person dismantling or re-erecting monuments, headstones, or kerbs	212 0	46 0	6 0	5 0	1 0	270 0
Labourer or assistant	212 0	13 0	6 0	4 6	Nil	235 6

(b) Hourly Wage.

The hourly equivalent of the weekly rates shall be calculated by dividing the said rates by 40, the result to be to the nearest 1/10th of a penny.

(c) A foreman or leading hand shall be paid in addition to their respective rates as follows :—

	Per Week.
	s. d.
In charge of not more than five men	11 3
In charge of six to ten men	18 9
In charge of over ten men	22 6

APPRENTICES.

3. (a) Youths entering the trade of a stonemason shall be indentured (if between 15 and 17 years of age) for a period of 5 years; if over 17 years of age, for a period of 4 years.

(b) Youths may be taken on probation for a period not exceeding three months before being apprenticed, and the period of probation shall be treated as part of their term of apprenticeship.

(c) If any employer is unable to fulfil his obligation to an apprentice, he may, with the consent of the Wages Board, transfer the apprentice to another employer, who may take and employ him as an apprentice.

(d) Every apprentice may during the term of his apprenticeship attend at night the classes in masonry or similar subjects (chosen by the employer) provided at a Technical College or School, and the fees actually paid per term shall be refunded by the employer on production of a certificate from the instructor that the apprentice has satisfactorily attended the classes during the school term.

(e) The proportion of apprentices to be employed shall not exceed one apprentice to every three journeymen stonemasons or fraction of three stonemasons receiving not less than the rate for masons.

(f) The minimum rates of wage of an apprentice shall be the following:—

(i) Where the apprentice is indentured for five years:—

Year.	Percentage of Adult Stonemason's Rate of Wage.	Rate per Week.
1st year	20	s. d. 54 0
2nd „	27½	74 3
3rd „	37½	101 3
4th „	50	135 0
5th „	70	189 0

(ii) Where the apprentice is indentured for four years:—

Year.	Percentage of Adult Stonemason's Rate of Wage.	Rate per Week.
1st year	25	s. d. 67 6
2nd „	32½	87 9
3rd „	47½	128 3
4th „	70	189 0

JUVENILE WORKERS AND THEIR RATES.

4. (a) The minimum rates of wage of a juvenile worker shall be the following:—

Age.	Percentage of Adult Polisher's (Hand and/or Machine) Rate of Wage.	Rate per Week.
Under 16 years	20	s. d. 50 3
Over 16 years and under 17 years	27½	69 0
„ 17 „ „ 18 „	35	88 0
„ 18 „ „ 19 „	45	113 0
„ 19 „ „ 20 „	55	138 3
„ 20 „ „ 21 „	70	175 9

(b) The proportion of juvenile workers to be employed shall be one juvenile to every four persons or fraction of four persons receiving not less than the rates for adult males other than apprentices.

TERMS OF ENGAGEMENT.

5. (a) Engagement shall be by the hour and shall only be terminated by an hour's notice by either employer or employee, or by the payment or forfeiture of an amount of money equivalent to an hour's wages as the case may be.

(b) Provided that this shall not abrogate the right of an employer to summarily dismiss an employee for malingering, neglect of duty, or misconduct in which case wages shall be paid to the time of dismissal only.

HOURS.

6. (a) The hours of duty for all employees shall be 40 per week to be worked in five days of eight hours per day between the hours of 7.45 a.m. to 5.15 p.m. Monday to Friday inclusive (with one hour off for meals).

(b) Where machinists, polishers, or sawyers are required to work shift-work, the hours of duty shall be between 7 a.m. and 11 p.m., provided such hours are worked in two shifts with two sets of men. The first shift shall be from 7 a.m. to 3 p.m. at ordinary rates and the second shift from 3 p.m. to 11 p.m., during which the first three hours shall be paid at ordinary rates and the last five hours at time and a quarter.

(c) All time worked between 11 p.m. and 7 a.m. shall be paid for at double time.

OVERTIME.

7. (a) All time worked outside the hours mentioned in sub-clause (a) of clause 6 of this Determination and not in accordance with sub-clauses (b) and (c) thereof, shall be overtime, and shall be paid for at the rate of time and a half.

Compulsory Overtime.

(b) An employer may require any employee to work reasonable overtime at overtime rates and such employee shall work overtime in accordance with such requirement.

Provided that the working of overtime shall not be compulsory in any week in the case of employees who are carvers, stonemasons, letter cutters, apprentices or planer machinists, when such employees have been engaged on the working of sandstone and/or granite for more than 4 hours in the week.

COUNTRY WORK.

8. (a) Every employee on country work on buildings which necessitates his being away from home at night shall be paid 3s. 6d. per day extra, and all fares and travelling time both ways shall also be paid for.

(b) In monumental work the time in travelling shall be paid for at ordinary rates between the usual starting and finishing times from Melbourne, and all fares and reasonable expenses actually incurred shall be paid.

FARES.

9. All fares actually and reasonably incurred from and to established masonry works as centres or from and to the Melbourne Town Hall as a centre for building work, shall be paid by the employer.

PUBLIC HOLIDAYS.

10. The following public holidays shall be granted without deduction of pay:—New Year's Day, Australia Day, Labour Day, Good Friday, Easter Monday, Anzac Day, Queen's Birthday, Cup Day, Christmas Day, Boxing Day. Provided that employees must work the working day immediately preceding and immediately following the abovementioned days to obtain the benefit of this clause.

SUNDAY AND HOLIDAY WORK.

11. All time worked on Sundays and on the public holidays mentioned in clause 10 hereof, shall be paid for at the rate of double time.

WET WEATHER.

12. If the employer or his representative and the employee or employees performing setting work agree that wet weather makes it impossible to continue such work, alternative work shall be provided by the employer, failing which the employee or employees on the job shall be paid for the time so lost.

TOOLS.

13. (a) The employer shall provide all claw bits and tools for granite and for basaltic stones except mash hammers, squares, pitching tools, and straight-edges up to 4 feet in length. If these tools are not provided, the employer shall pay 1d. per hour additional to the wage rate herein prescribed.

(b) Employers shall sharpen in a proper manner all necessary tools, and provide for the return of same to the masons at intervals of not more than two days. On completion of engagement all tools shall be sharpened or an allowance made in lieu thereof.

(c) The employer shall provide for all pneumatic surfacing machines, jet sprays, or other suitable device for wetting stone.

BANKER'S SPACE.

14. (a) The space between bankers (not stone to stone) on which masons are working cutting freestone, shall be not less than 4 feet, and on all hardstones not less than 6 feet.

(b) No banker shall be nearer than 15 feet to the cutters of a planing machine or to frame saw or nearer than 25 feet to a surfacing machine unless adequate protection by screens is provided.

HOT WATER AND ACCOMMODATION.

15. (a) The employer shall provide hot water and suitable sanitary accommodation. On all works suitable working shelter sheds shall be provided.

(b) At their permanently established works the employers shall provide a shed or room to accommodate the average number of employees calculated for the twelve months ending on the 30th day of September, in each year. The shed or room so provided shall be equipped with table and forms for meals, hanging space and hooks for clothes, and wash basin or basins, and a rubbish receptacle, and shall be kept swept and clean: Provided that the employees shall keep the building, fittings and contents tidy and in good order and condition.

This sub-clause not to become operative until labour and materials are available.

ANNUAL LEAVE.

16. (a) Subject to the provisions of sub-clauses (c) and (d) hereof a period of fourteen consecutive days exclusive of any 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 its becoming due, such leave shall be given and taken in conjunction with the Christmas and New Year holidays.

(b) If, after 40 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 one twenty-fifth of a week's wage in respect of each completed 40 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) or (b) hereof shall be reduced by one-fiftieth for each week or part thereof during which any such absence occurs.

Provided, however, that no absence shall be deemed to interrupt the continuity of service unless, within fourteen days of such absence, the employer shall have given notice in writing to the employee that the absence is to be treated as having interrupted such continuity of service.

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

(i) Injury received during the course of employment and for which an employee received workers' compensation up to a maximum of two months;

(ii) Any reason satisfactory to the employer;

(iii) Where called up for military service for up to three months in any qualifying period;

(iv) Absence through illness up to a maximum of fourteen days.

(e) Each employee, before going on leave, shall be paid in advance the wages which would ordinarily accrue to him during the currency of the leave.

(f) Service for the purpose of this clause shall commence from 1st January, 1949, or from subsequent date of engagement.

(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 of leave; 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 for which he has qualified on the basis of one-twentyfifth of a week's wages in respect of each 40 hours of continuous service (exclusive of overtime) during his current qualifying twelve-monthly period.

(h) For the purposes of this clause year shall commence on the 1st January in each year.

DEFINITIONS.

17. (a) "Stonemason." The dressing and/or setting of all kinds of masonry is regarded as masons work, but if no mason be immediately available a competent tradesman may set plain sills, steps, templates, window or door heads.

(b) "Carvers" are those who carve any kind of stonework which does not come within the definition of stonemasonry in sub-clause (a) hereof, for the decoration of buildings or other stonework, from a model or freehand design.

(c) "Lettercutters" are those who mark out, cut, or finish letters in any kind of stone.

(d) "Polishers" are those who do all gritting, facing, or polishing necessary on trachyte, granite, marble, terazzo, or other similar stones or compositions.

(e) "Foreman or leading hand" is a man placed in charge of at least three adult workers under this Determination and who supervises the execution and output of work.

(f) "Assistant" means a labourer engaged and/or employed in the monumental industry.

(g) "Juvenile worker" means a person under 21 years of age engaged in the stonecutting industry but not as a stonecutter.

(h) "Monumental." The term monumental shall mean pertaining to public memorials or monuments erected in cemeteries or churches.

(i) "Frame saw machinists" are men who fix the blades and superintend the correct cutting of the stone.

(j) "Carborundum machinists" are men who operate high-speed carborundum machines. "Carborundum machinist on moulding work" shall mean the machinist on a carborundum machine where the carborundum wheel used is cut to a shape and is not a square faced wheel.

(k) "Lathe machinists" are men operating any power-driven lathe or turning machine except when polishing.

(l) "Planer machinists" are men engaged operating any planer machine for the dressing of stone work.

PERIODICAL ADJUSTMENT OF WAGES.

18. The wages rates set out in clause 2 hereof are based upon the following basic wage, 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 by the same amount and at the same time as such Basic Wage as prescribed in clause 19. The rates for apprentices and juvenile workers shall be the appropriate percentages as set out in clauses 3 and 4. Such rates to be calculated to the nearest 3d., half or less than half of 3d. to be disregarded.

Basic Wage.

Place.	Basic Wage (Adjustable).	Index Number Set Assigned.
	£ s. d.	
Throughout the State	10 12 0	Melbourne

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 August, 1952, the amount of the Basic Wage shall be as prescribed in clause 18.

(c) During each future successive period of three months 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 "loading for five days' sick leave" is calculated as one-fiftysecond of the respective totals of the preceding columns in clause 2 hereof, and is adjusted at the same time as the basic wage prescribed in the second column calculated to the nearest threepence half or less than half of threepence to be disregarded.

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

J. W. RYAN, Secretary.

Melbourne, 29th April, 1952.

Published by Authority.

[Registered at the General Post Office, Melbourne, for transmission by post as a newspaper.]

[1952]

DETERMINATION OF THE SHOPS BOARD No. 8 (DAIRY PRODUCE AND COOKED MEAT).

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 persons employed in the trade of a seller of Dairy Produce or Cooked Meat," has made the following Determination, namely :—

9

WAGES PER WEEK OF 40 HOURS.

Apprentices or Improvers.					Other Employees.				
Males.					Females.				
	Per-centage of Basic Wage.	s. d.				Per-centage of Female Basic Wage.	s. d.		
Under 15 years of age ..	26	55 0	15 years of age or under ..	41	65 0				
15 years of age	35	74 0	16 years of age	49	78 0				
16 years of age	48	102 0	17 years of age	60	95 6				
17 years of age	63	133 6	18 years of age	78	124 0				
18 years of age	79	167 6	19 years of age	86	136 6				
19 years of age	90	191 0	20 years of age	94	149 6				
20 years of age	100 + 4s.	216 0							
Proportion (in any shop or place).			Proportion (in any shop or place).						
<i>Apprentices.</i>			<i>Apprentices.</i>						
One apprentice to every three or fraction of three male workers receiving not less than the minimum wage.			One apprentice to every three or fraction of three female workers receiving not less than the minimum wage.						
<i>Improvers.</i>			<i>Improvers.</i>						
One improver to first two or fraction of two, two to three; and thereafter one improver to every additional two male workers receiving not less than the minimum wage.			One improver to first three or fraction of three, two to four; and thereafter one to every additional three female workers receiving not less than the minimum wage.						
					Males. Manager (i.e., the principal employee in any shop except a shop in which an owner or partner is working manager) * Travelling salesman .. All others Females. Managers (i.e., principal employee in any shop where females only are employed, except a shop in which an owner or partner is working manager)— In charge of three or more assistants In charge of less than three assistants All others				
					Within the Metropolitan District as defined in the Factories and Shops Act 1928 (No. 3677). s. d. s. d. 256 6 240 6 240 6 252 0 236 6 236 6				
					203 6 192 3 173 0 199 9 188 9 170 3				

* The hours of a Travelling salesman include time occupied in attending to horses or motor vehicles.

Section 174 of the Factories and Shops Act 1928 (No. 3877) provides that where any person is employed to perform two or more classes of work to which a rate fixed by a wages board is applicable then such person shall be paid in respect of the time occupied in each class of work at the rate fixed by the Board for such work.

TIMES OF BEGINNING AND ENDING WORK.

			Time of Beginning.		Time of Ending.
3.	On Mondays to Fridays (inclusive)		9.5 a.m.		5.30 p.m.
	On Saturdays		9.5 a.m.		Noon.

OVERTIME.

4. All time worked—

(a) in excess of the number of hours fixed as a week's work,

(b) outside the times of beginning and ending work,

shall be paid for at the rate of time and a half.

TIME RATE.

5. Any person employed on time wages for less than the number of hours of an ordinary week's work shall for each hour worked up to one-half the number of hours fixed in this Determination for an ordinary week's work be paid at the ordinary wages rate with an addition of thirty-three and one-third per centum, and for each hour worked beyond the one-half aforesaid shall be paid the ordinary wages rate up to but not exceeding ordinary wages rates for an ordinary week's work.

Provided that an employer may deduct payment for any day an employee cannot be usefully employed because of any strike or through any breakdown of machinery or any stoppage of work by any other cause arising out of such strike and for which the employer cannot be held responsible. Provided further that any such time lost shall be counted as time worked in computing annual holidays and sick leave under this Determination.

TERMINATION OF EMPLOYMENT.

6. Except where the conduct of an employee justifies instant dismissal, or the period of continuous employment is one month or less, one week's notice of termination of employment shall be given on a Monday by either employer or employee, or one week's wages shall be paid or forfeited in lieu thereof.

ALLOWANCE.

7. Where, in conformity with the custom of the trade, an employee wears, when at work, a washable outer garment, the laundering and purchase of which are not paid for by the employer, such employee shall be paid 7s. 6d. per week. Where the employer provides or supplies on loan such garment, the laundering of which is the responsibility of the employee the weekly allowance shall be 4s. 6d. in the case of a male and 4s. in the case of a female.

SUNDAYS AND HOLIDAYS.

8. Treble time shall be the rate for all work done on Easter Saturday, and double time for all work done on Sundays, New Year's Day, Australia Day, Labour Day, Good Friday, Easter Monday, Queen's Birthday, Christmas Day, and Boxing Day, and within the Metropolitan District Melbourne Show Day and Melbourne Cup Day. If any other day be by Act of Parliament or Proclamation substituted for any of the above-named holidays, the rate shall be payable for work done only on the day so substituted.

All employees shall be entitled to the above-named holidays without deduction of pay.

ANNUAL LEAVE.

9. 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.

(In his or her own interests each employer of labour should obtain a copy of the above Act, which may be purchased from the Government Printer, Melbourne, at a cost of 1s., plus postage.)

PAYMENT OF WAGES.

10. Payment of wages, including overtime, tea money, special rates, &c., shall be made not later than Thursday of each week, and during working hours.

MEAL INTERVALS.

11. All employees shall be allowed not less than one hour for a meal interval which must be taken between the hours of noon and 2 p.m., and not more than five hours shall be worked between meals. During such meal interval employees shall be allowed to leave the employer's premises.

NOTICE TO WORK OVERTIME.

12. At least 24 hours' notice shall be given when overtime is required to be worked.

TEA MONEY.

13. Any employee required to work overtime in excess of one hour beyond the usual time of ceasing work shall be paid not less than 5s. tea money in addition to the overtime rates as prescribed for in this Determination.

Provided that such tea money shall not be payable when a meal is supplied by the employer.

NOTICE OF INTENTION TO RATION.

14. Where an employer, owing to slackness of trade, desires to ration his employees, he shall give at least seven days' notice to each employee of his intention to ration such employee.

BICYCLE ALLOWANCE.

15. Where an employer directs an employee to use his bicycle in the performance of his duties, such employee shall be paid an allowance at the rate of 3s. 6d. per week for such period as the bicycle is used.

REFERENCE.

16. On an employee being dismissed or leaving his or her employment he or she shall be entitled to and shall receive from the employer a reference stating the length of service, character, and qualifications. Such reference shall be given to the employee immediately on the termination of employment.

FARES.

17. Fares shall be paid by the employer to an employee who is required to work in more than one shop on the same day.

REST PERIOD.

18. An interval of ten minutes each morning and afternoon (Mondays to Fridays inclusive) shall be given as a rest period to all employees, and shall be counted as time worked.

SICK LEAVE.

19. (a) Any employee who, having had at least three months' service with the same employer, is absent from duty as a result of personal ill health or accident shall be entitled to sick pay as follows:—

- (i) During the first year—3½ hours' ordinary pay for each complete month of service;
- (ii) During any subsequent year of service—40 hours' ordinary pay.

Provided that in either case such employee produces or forwards within 48 hours of the commencement of such absence evidence satisfactory to the employer that his or her non-attendance was due to personal ill health or accident necessitating such absence.

(b) If the full period of sick leave as prescribed above is not taken in any year such portion as is not taken shall, provided an employee remains in the service of the one employer, or any successor of such employer, be cumulative from year to year. For the purposes of this sub-clause service prior to the 1st August, 1948, shall be disregarded.

TIME AND WAGES RECORD.

20. The employer shall keep a time and wages record showing the name of each worker, the number of hours worked each week, and the wages and overtime paid each week. Such record shall be open for inspection by a duly accredited representative of the Shop Assistants and Warehouse Employees' Federation of Australia or of the Dairy Produce and Cooked Meat Traders' Association.

PERIODICAL ADJUSTMENT OF WAGES.

21. The wages rates of adult males set out in clause 2 are based upon the following basic wage, 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 by the same amount and at the same time as such basic wage as prescribed in clause 22.

Basic Wage.

Place.	Basic Wage (Adjustable).	Index Number Set Assigned.
	£ s. d.	
Within the area to which this Determination applies	10 12 0	Melbourne

ADJUSTMENT OF BASIC WAGE.

22. (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, 1952, the amount of the basic wage shall be as prescribed in clause 21.

(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 wages rates for adult females are based on a basic wage being 75 per cent. of the basic wage for adult males calculated to the nearest 6d., half or less than half of 6d. to be disregarded. The wages rates for adult females shall be adjusted by increasing or decreasing such rates by the amount of the difference from time to time in the said basic wage for females.

(e) The wages of apprentices or improvers shall be the appropriate percentages as set out in clause 2, such wages shall be calculated to the nearest 6d., half or less than half of 6d. to be disregarded.

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

J. W. RYAN, Secretary.

Melbourne, 30th April, 1952.

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VICTORIA GOVERNMENT GAZETTE.

Published by Authority.

[Registered at the General Post Office, Melbourne, for transmission by post as a newspaper.]

No. 507]

FRIDAY, JUNE 20.

[1952

Factories and Shops Acts.

DETERMINATION OF THE PHOTOGRAPHERS BOARD.

NOTE.—This Determination since the 2nd July, 1946, has applied to the whole of the State of Victoria.

IN accordance with the provisions of the Factories and Shops Acts the Wages Board which, since the 20th February, 1940, has had the power to determine the lowest prices or rates which may be paid to any person or persons or classes of persons employed in the process, trade, or business of taking, making, or doing any other work in the production of photographs, has made the following Determination, namely:—

1. That as from the beginning of the first pay period to commence in June, 1952, the last previous Determination of this Board shall be revoked and replaced by this Determination.

2.

WAGES.

APPRENTICES OR IMPROVERS.					OTHER EMPLOYEES.		
	Wages per Week.					Wages per Week.	
	Per-centage of Basic Wage.	Males.	Per-centage of Female Basic Wage.	Females.		Males.	Females.
		s. d.		s. d.		s. d.	s. d.
16 years of age or under..	35	74 0	47	74 6	Operator of a camera other than—		
17 years of age..	46	97 6	55	87 6	(i) An operator of an enlarging camera, and/or		
*18 years of age..	62	131 6	69	109 6	(ii) An operator making copy negatives from flat originals—		
*19 years of age..	78	165 6	82	130 6	*21 years of age ..	218 0	171 0
*20 years of age..	97	205 6	94	149 6	*22 years of age ..	232 0	199 6
					23 years of age or over ..	254 0	222 0
					Artists colouring or working up ..	233 6	168 6
					Retouchers ..	237 6	174 6
					Printers or developers—		
					(a) Developing plates or films exposed by amateurs, or		
					(b) Making, developing, or toning contact prints from negatives made from plates or films exposed by amateurs, but not making, developing or toning contact prints from copy negatives ..	237 6	170 0
					Other printers, developers, and enlargers or operators making copy negatives from flat originals ..	237 6	183 6
					All others (including spotters) ..	231 0	160 0

PROPORTION.

Apprentices.

One apprentice to every three or fraction of three workers receiving not less than the minimum wage.
An indenture of apprenticeship prescribed by the Board was approved on 19th June, 1923.

Improvers.

Two improvers to the first two or fraction of two persons, and thereafter one improver to each additional person receiving not less than the minimum wage.

* Provided that a person first entering the trade between the ages of 18 years and 21 years (both inclusive) shall be deemed for the first two years of service to be one year less than his or her actual age, and may be paid accordingly.

ORDINARY WEEK'S WORK.

3. The ordinary hours for a week's work shall be 40, which may be worked at the discretion of the employer as follows:—

On five days of not more than 8 hours each and/or one day (Saturday) of not more than 3 hours.

A meal break shall be allowed each day between the hour of noon and 2 p.m. The interval to be allowed for such meal break shall be one hour when work is done on six days a week, and three-quarters of an hour when work is done on five days a week. Provided that the meal interval may be reduced to not less than thirty minutes by agreement between an employer and the majority of the employees in the establishment and working under this Determination.

TIMES OF BEGINNING AND ENDING WORK.

4. The ordinary times of beginning and ending work shall be:—

	Time of beginning.	Time of ending.
(a) Where a five-day week is worked	8 a.m.	5.30 p.m.
(b) Where a six-day week is worked—		
Saturday	8.30 a.m.	noon
On other week days	8.30 a.m.	5.30 p.m.

OVERTIME.

5. Overtime shall be paid for as follows :—

- (a) Outside the times of beginning and ending work } *Dark Room Employees.*
 (b) Within the times of beginning and ending work in excess of— .. } Time and a half for the first two
 (i) Eight hours per day where a five-day week is worked .. } hours and double time thereafter.
 (ii) Three hours on Saturday and 8 hours on other week days where a six- } *Other Employees.*
 day week is worked } Time and a half.

NOTE :—Where a five-day week is worked, work done on a Saturday shall be deemed to be outside the times of beginning and ending work.

An employer may require any employee to work reasonable overtime at overtime rates and such employee shall work overtime in accordance with such requirement.

REST INTERVAL.

6. Each employee shall be allowed a rest interval of ten minutes between 10 a.m. and 11 a.m. on each day. Such rest interval shall be counted as time worked.

SPECIAL RATES.

7. Double time shall be the rate payable for all work done on Sundays, Christmas Day, Boxing Day, New Year's Day, Australia Day, Labour Day, Good Friday, Easter Saturday, Easter Monday, Anzac Day, Queen's Birthday, and Melbourne Cup Day (Metropolitan District only), 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.

EMPLOYMENT FOR LESS THAN A FULL WEEK.

8. Employees who work during any week for less than 40 hours shall be paid for the first 20 hours at the rate of time and a quarter, and for all time thereafter ordinary time, up to but not exceeding the ordinary wages rate for an ordinary week's work. Provided that if an employee voluntarily terminates his or her employment or is dismissed for misconduct or neglect of duty he or she shall be paid only the ordinary rate of wages for the number of hours worked in that week.

Provided further that if an employee who is ordinarily employed by the week at work which necessarily requires the use of electrical energy cannot be usefully employed in consequence of the restrictions imposed by the appropriate authority on the use of such electrical energy such employee shall only be entitled to be paid pro rata for the number of hours worked, based on the appropriate rate prescribed in clause 2 for a week of 40 hours.

PUBLIC HOLIDAYS.

9. Any employee who ordinarily works 22 hours or more per week shall be entitled to the holidays mentioned in clause 7, without deduction of pay. Provided that no employee shall be entitled to receive payment for any of such holidays for more than the hours he or she ordinarily works on the day on which any such holiday occurs.

ANNUAL HOLIDAY.

10. 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.

11. (a) Any employee who has been in the service of the same employer for a period of not less than six months shall be entitled to a maximum aggregate of 40 hours of working time as sick leave of absence, with full pay, during each subsequent twelve months' service, provided that he or she produces within 48 hours after the commencement of such absence, evidence satisfactory to the employer that such absence was caused by personal ill-health.

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

TIME AND WAGES RECORD.

12. The employer shall keep a time and wages record showing the name of each employee, the number of hours worked each week, and the wages and overtime paid each week.

PREMIUMS OR BONUSES.

13. No person shall, either directly or indirectly, request or permit any other person to pay or give or shall receive from any other person, any premium, bonus, consideration or payment for employing or teaching or purporting to employ or teach any person subject to this Determination any of the callings to which the Determination applies.

TERMINATION OF EMPLOYMENT.

14. Except in a case where an employee has been guilty of misconduct, seven days' notice of termination of employment shall be given by either employer or employee or one week's wages shall be paid or forfeited, as the case may be, in lieu thereof.

PERIODICAL ADJUSTMENT OF WAGES.

15. The wages rates for adult males set out in clause 2 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 by the same amount and at the same time as such Basic Wage as prescribed in clause 16.

BASIC WAGE.

Place.	Basic Wage (Adjustable).	Index Number Set Assigned.
Throughout the State	£ s. d. 10 12 0	Melbourne

ADJUSTMENT OF BASIC WAGE.

16. (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, 1952, amount of the Basic Wage shall be as prescribed in clause 15.

(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 wages rates for adult females are based on a basic wage being 75 per cent. of the basic wage for adult males calculated to the nearest 6d., half or less than half of 6d. to be disregarded. The wages rates for adult females shall be adjusted by increasing or decreasing such rates by the amount of the difference from time to time in the said basic wage for females.

(e) The wages of apprentices or improvers shall be the appropriate percentages as set out in Clause 2, such wages shall be calculated to the nearest 6d., half or less than half of 6d. to be disregarded.

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

J. W. RYAN, Secretary.

Melbourne, 1st May, 1952.

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