



VICTORIA  
GOVERNMENT GAZETTE.

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[1954

Factories and Shops Acts.

DETERMINATION OF THE MUSICIANS BOARD.

NOTE.—This Determination applies to the whole of the State of Victoria.

IN accordance with the provisions of the Factories and Shops Acts, the Wages Board appointed to "determine the lowest prices or rates which may be paid to any person employed as a player of any musical instrument" has made the following Determination namely:—

1. That as from the beginning of the first pay period to commence in February, 1954, the last previous Determination of this Board shall be revoked and replaced by this Determination.

WAGES.

(A) GRAND OPERA, GRAND BALLET, CONCERTS, OR RELIGIOUS PERFORMANCES.

*Weekly Employees.*

2. (A1) For the purpose of this sub-clause (A) a week's work shall be deemed to consist of seven performances, namely, six at night and one matinee, or, at the option of the employer, of any performances and/or rehearsals to the aggregate number of seven, in either case all such seven to be held within seven consecutive days and none on Sunday.

	<i>£</i>	<i>s.</i>	<i>d.</i>
(A2) Leaders—			
(i) Week's work .. .. .	19	10	0
(ii) Each performance additional to the week's work .. .. .	3	11	6
(A3) Principals—			
(i) Week's work .. .. .	17	10	0
(ii) Each performance additional to the week's work .. .. .	3	5	9
(A4) Week's work for other performers .. .. .	15	18	0
(A5) Each performance additional to week's work .. .. .	3	1	2
(A6) Pianist playing alone .. .. .	17	10	0
(A7) Each performance additional to week's work .. .. .	3	5	9
(A8) Pianist playing alone for voice trials or similar work (not being a member of the orchestra), 20s. per hour with a minimum payment as for two consecutive hours.			

*Casual Employees.*

(A9) Leaders—each performance .. .. .	5	1	5
(A10) Principals—each performance .. .. .	3	12	3
(A11) Other performers—each performance .. .. .	3	6	8
(A12) Pianist playing alone—each performance .. .. .	3	12	3

(B) GENERAL THEATRICAL ENTERTAINMENT, INCLUSIVE OF PANTOMIME, VARIETY SHOW, VAUDEVILLE, REVUE, COMIC OPERA, MUSICAL COMEDY, DRAMA, BURLESQUE, MINSTREL SHOW, CIRCUSES, AND ALL FORMS OF EMPLOYMENT WHETHER SIMILAR TO ANY OF THE FOREGOING OR OTHERWISE, NOT ELSEWHERE PROVIDED FOR IN THIS DETERMINATION.

*Weekly Employees.*

(B1) For the purpose of this sub-clause B—

- (i) A week's work of six performances shall be deemed to consist of six night performances or, at the option of the employer, of any performance and/or rehearsals to the aggregate number of six, all such performances or rehearsals in either case to be held within seven consecutive days and none on a Sunday.
- (ia) A week's work of eight performances shall be deemed to consist of six night performances and two matinee performances or, at the option of the employer, of any performance and/or rehearsals to the aggregate number of eight, all such eight performances and/or rehearsals in either case to be held within seven consecutive days and none on Sunday.

(ii) A week's work of twelve performances shall be deemed to consist of two performances on each of six calendar days or, at the option of the employer, of any performance and/or rehearsals to the aggregate number of two on each of such days, all such twelve performances and/or rehearsals in either case to be held within seven consecutive days and none on Sunday.

	£	s.	d.
(B2) Week's work of six performances .. .. .	14	12	0
(B3) Additional performances (each) one sixth of the six performance rate. .. .. .			
(B3A) Week's work of eight performances .. .. .	16	15	8
(B3B) Additional performances (each) one-eighth of the eight performance rate. .. .. .			
(B4) Week's work of twelve performances .. .. .	17	17	0
(B5) For the first additional performance .. .. .	2	16	1
For the second additional performance .. .. .	3	2	0
For the third and each succeeding additional performance .. .. .	3	10	9
(B6) Pianist playing alone—six performances .. .. .	15	13	6
(B7) Each performance additional to week's work .. .. .	3	5	1
(B8) Pianist playing alone—twelve performances .. .. .	19	8	8
(B9) For the first additional performance .. .. .	2	19	4
For the second additional performance .. .. .	3	4	10
For the third and each succeeding additional performance .. .. .	4	17	3
(B10) Pianist or other instrumentalist being a member of the orchestra employed additionally for voice trials or similar work—13s. 3d. per hour with a minimum payment as for one hour if the call is immediately before or after a regular call, and a minimum payment as for two hours in all other cases.			
(B11) Pianist or other instrumentalist not being a member of an orchestra employed for voice trials or similar work—16s. per hour with a minimum payment as for two hours.			

*Casual Employees.*

(B12) Each performance other than by pianist playing alone .. .. .	3	5	3
(B13) Each performance by pianist playing alone .. .. .	3	11	5

(C) PICTURE SHOWS.

*Weekly Employees.*

(C1) For the purpose of this sub-clause C—

(i) A week's work of six performances shall be deemed to consist of six night performances or, at the option of the employer, of any performances and/or rehearsals at the aggregate number of six, all such six performances and/or rehearsals in either case to be held within seven consecutive days and none on Sunday.

(ii) A week's work of twelve performances shall be deemed to consist of two performances on each of six calendar days or, at the option of the employer, of any performances and/or rehearsals to the aggregate number of two on each of such days, all such twelve performances and/or rehearsals in either case to be held within seven consecutive days and none on Sunday.

(C2) Week's work of six performances .. .. .	13	8	0
(C3) Each performance additional to week's work .. .. .	2	17	6
(C4) Week's work of twelve performances .. .. .	16	11	6
(C5) For the first additional performance .. .. .	2	13	7
For the second additional performance .. .. .	2	17	9
For the third and each succeeding additional performance .. .. .	3	6	5
(C6) Pianist playing alone for six performances .. .. .	14	19	0
(C7) Each performance additional to week's work .. .. .	3	2	8
(C8) Pianist playing alone for twelve performances .. .. .	18	2	6
(C9) For the first additional performance .. .. .	2	16	9
For the second additional performance .. .. .	3	1	9
For the third and each succeeding additional performance .. .. .	3	12	10
(C10) Pianist or other instrumentalist being a member of the orchestra, employed additionally for voice trials or similar work—12s. 8d. per hour with a minimum payment as for one hour if the call is immediately before or after a regular call, and a minimum payment as for two hours in all other cases.			
(C11) Pianist or other instrumentalist not being a member of the orchestra, employed on voice trials or similar work—15s. per hour with a minimum payment as for two consecutive hours.			

*Casual Employees.*

(C12) Each performance .. .. .	3	2	4
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(D) STAGE BANDS.

*Weekly Employees.*

(D1) For the purpose of this sub-clause D—

A week's work shall be deemed to consist of six night performances or, at the option of the employer, of performances and/or rehearsals to the aggregate number of six, in either case all such six performances and/or rehearsals to be held within seven consecutive days and none on Sunday.

(D2) Week's work of six performances not to exceed 18 hours .. .. .	12	3	0
(D3) Each performance additional to week's work .. .. .	2	13	6
(D4) Week's work of six performances not to exceed 12 hours .. .. .	8	17	7
(D5) Each performance additional to week's work .. .. .	1	5	4

*Casual Employees.*

(D6) Each performance of three hours .. .. .	3	4	0
(D7) Each performance of two hours .. .. .	1	7	10

(E) BRASS AND REED BANDS.

Casual Employees.

(E1) Each performance not to exceed three consecutive hours .. .. .	£ s. d.
	2 13 6

(F) CAFES, HOTELS, RESTAURANTS, AND SIMILAR PLACES.

Weekly Employees.

(F1) For a week's work of six performances each not exceeding two consecutive hours and terminating before 7.30 p.m. .. .. .	9 14 11
(F2) Each performance additional to week's work .. .. .	1 7 8
(F3) For week's work of twelve performances each not exceeding two consecutive hours and terminating before 8 p.m. .. .. .	13 8 10
(F4) Each performance additional to week's work .. .. .	1 3 11
(F5) For a week's work of six performances not exceeding three consecutive hours terminating at or before 7.30 p.m. .. .. .	13 3 0
(F6) Each performance additional to week's work .. .. .	2 16 8
(F7) Work commencing after 7.30 p.m. shall be paid for at the rates for general theatrical entertainment or for dancing, as the case may be.	

(F8) If any floor show or any entertainment is provided or dancing is indulged in during any of the above performances each employee shall be paid at the rates for general theatrical entertainment or for dancing, as the case may be, in lieu of the above rates.

(F9) Pianist or other instrumentalist playing alone shall be paid the appropriate rate in accordance with the foregoing sub-clauses (F1) to (F5) inclusive, together with an additional 18 per cent.

Casual Employees.

(F10) An employee employed under (F1) not exceeding two hours shall be paid ..	1 10 10
(F11) An employee employed for two performances each day under (F3) not exceeding two hours shall be paid .. .. .	3 2 4
(F12) An employee employed under (F5) not exceeding three hours shall be paid ..	3 1 4

(G) PUBLIC BALLROOMS, CABARETS, BALLS, DANCING, AND DANCING CLASSES.

Weekly Employees.

(G1) For the purpose of this sub-clause G—  
A week's work of six performances shall be deemed to consist of one performance not to exceed three consecutive hours on each of six calendar days, all to be given within seven consecutive days, and none on Sunday: Provided that such three hours may, without payment for overtime, be between 8 p.m. and 11.15 p.m.

(G2) Week's work other than by pianist playing alone .. .. .	13 15 0
(G3) Each performance additional to week's work .. .. .	2 17 8
(G4) Week's work—pianist or other instrumentalist playing alone .. .. .	14 17 0
(G5) Each performance additional to week's work .. .. .	3 2 4

Casual Employees.

(G6) Each performance .. .. .	3 3 9
(G7) Each performance—pianist or other instrumentalist playing alone .. .. .	3 8 2

REGULAR WEEKLY PART-TIME EMPLOYEES.

(G8) For the purpose of items (G9) and (G10)  
A week's work shall consist of two, three, four or five performances as the case may be, each performance not to exceed three consecutive hours on each of two, three, four or five calendar days, such performances to be given within seven days, and none on Sunday.  
Provided that such three hours may, without payment for overtime, be between 8 p.m. and 11.15 p.m.

(G9) Week's work of two performances .. .. .	5 11 11
Week's work of three performances .. .. .	9 4 3
Week's work of four performances .. .. .	11 15 6
Week's work of five performances .. .. .	13 3 7
(G10) Pianist or other instrumentalist playing alone.	
Week's work of two performances .. .. .	7 0 7
Week's work of three performances .. .. .	9 16 5
Week's work of four performances .. .. .	12 11 8
Week's work of five performances .. .. .	14 3 10

(H) CABARETS AND BALLROOMS.

Weekly Employees.

(H1) Week's work of six performances done between 9 p.m. and 2 a.m. .. .. .	20 15 0
(H2) Week's work of six performances done between 9 p.m. and 1 a.m. .. .. .	17 5 6

Casual Employees.

(H3) Each performance not to exceed five hours .. .. .	5 14 1
(H4) Each performance not to exceed four hours .. .. .	5 0 2
(H5) All work performed before 9 p.m. under item (H1) hereof shall be paid for at the rate of 4s. 5½d. for each fifteen minutes or portion thereof.	
(H6) All work performed before 9 p.m. under item (H2) hereof shall be paid for at the rate of 4s. 4½d. for each fifteen minutes or portion thereof.	

(I) COFFEE LOUNGES.

Weekly Employees.

(I1) Week's work of seven performances done on Monday to Friday between 9.30 p.m. and 12 midnight, Saturday between 9.30 p.m. and 1 a.m., Sunday between 8.30 p.m. and 11.30 p.m.	16 7 6
(I2) Week's work of six performances done on Monday to Friday between 9.30 p.m. and 12 midnight, Saturday between 9.30 p.m. and 1 a.m., Sunday between 8.30 p.m. and 11.30 p.m. where the coffee lounge is closed on one regular night, which shall not be changed without reasonable notice, between Monday and Friday .. .. .	16 2 2

Casual Employees.

(I3) Each performance not to exceed three hours .. .. .	3 13 1
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(J) SKATING RINKS.  
Weekly Employees.

£ s. d.

(J1) For the purpose of this sub-clause J—

(i) A week's work of six performances shall be deemed to consist of one on each of six days, each performance not to exceed three consecutive hours in duration, all to be held within seven consecutive days, and none on Sunday.

(ii) A week's work of twelve long performances shall be deemed to consist of two performances on each of six calendar days, each performance not to exceed three consecutive hours in duration, all twelve to be held within seven consecutive days, and none on a Sunday.

(iii) A week's work of twelve short performances shall be deemed to consist of two performances on each of six calendar days, each performance not to exceed two consecutive hours in duration, all twelve to be held within seven consecutive days, and none on a Sunday.

(J2) Week's work of six performances	.. .. .	13	8	0
(J3) Each performance additional to week's work and not to exceed three consecutive hours	.. .. .	2	17	6
(J4) Week's work of twelve long performances	.. .. .	16	11	6
(J5) For the first additional performance	.. .. .	2	13	7
For the second additional performance	.. .. .	2	17	9
For the third and each succeeding additional performance	.. .. .	3	6	5
(J6) Week's work of twelve short performances to be held between 2.45 p.m. and 5 p.m., and between 8 p.m. and 10.45 p.m.	.. .. .	14	8	0
(J7) Each performance additional to week's work and not to exceed two consecutive hours	.. .. .	1	5	7

Casual Employees.

(J8) Each performance	.. .. .	3	2	4
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(K) CASUAL EMPLOYEES GENERALLY.

- (i) Casual rates shall be ascertained by dividing the weekly rate by six or seven as the case may be, but not by more than seven where the number of performances exceeds seven, with the additional loading of 20 per cent.
- (ii) Casual rates shall be adjustable.

(L) ORGANISTS.

- (i) Organists shall be paid the rate for a member of the orchestra in the type of entertainment in which he is employed, with the addition of 20 per cent.
- (ii) In picture theatres an organist shall be restricted to three hours' actual playing time each day, worked within a daily spread of 10½ hours, and shall be released after the commencement of the second feature of the afternoon performance, and shall not be called upon to resume duty until the finish of the intermediate session.

(M) ADDITION TO PRESCRIBED RATE IF EMPLOYEE PLAYS ONE OR MORE EXTRA INSTRUMENTS.

(M1) If any extra instrument supplied by employee, each performance during week of employment—

	.. .. .	£	s.	d.
(i) If three performances or less	.. .. .	0	5	2
(ii) If four	.. .. .	0	4	6
(iii) If five	.. .. .	0	3	11
(iv) If six or more	.. .. .	0	3	3
(v) If six or more—picture shows	.. .. .	0	3	0

(M2) If no extra instrument supplied by employee, each performance during week of employment—

	.. .. .	£	s.	d.
(i) If three performances or less	.. .. .	0	3	2
(ii) If four	.. .. .	0	2	9
(iii) If five	.. .. .	0	2	5
(iv) If six or more	.. .. .	0	2	0
(v) If six or more—picture shows	.. .. .	0	1	9

(M3) If a percussionist is required to double on tympani, xylophone or vibraphone, each performance during week of employment—

	.. .. .	£	s.	d.
(i) If three performances or less	.. .. .	0	3	6
(ii) If four	.. .. .	0	3	0
(iii) If five	.. .. .	0	2	6
(iv) If six or more	.. .. .	0	2	0

(M4) The flute and piccolo are not extra to each other, nor are other instruments extra to each other which the Union, by its authorized representative, and the employer agree are not to be considered extra, or which the Wages Board, subject to clause 17, determines not to be extra.

(N) ADDITION TO PRESCRIBED RATES FOR PERFORMING, OUTSIDE ORCHESTRA PIT OR WELL, SOLOS IN ORCHESTRA.

(N1) Where orchestra is required to perform on the stage in view of the audience—

	.. .. .	£	s.	d.
(i) For each musician, per performance	.. .. .	0	3	3
(ii) Picture shows—for each musician per performance	.. .. .	0	2	6

(N2) Where a musician, other than in picture shows, is required to play in view of the audience either solo or as one of a duet, trio or otherwise than in the ordinary way as part of a complete orchestra—

	.. .. .	£	s.	d.
(i) For such musician, per performance	.. .. .	0	3	11
(ii) Picture shows—for such musician, per performance	.. .. .	0	3	0

(O) REHEARSALS NOT INCLUDED BY OPTION OF EMPLOYER IN A WEEK'S WORK IN LIEU OF A PERFORMANCE.

(All weekly or casual employees intended to be employed in a performance for which the rehearsal is held, including conductor-leaders, leaders and principals.)

	.. .. .	£	s.	d.
(O1) In Grand Opera and other work comprised in sub-clause A of this clause—				
(i) Commencing before 3 p.m., not to exceed two hours	.. .. .	1	4	10
(ii) Commencing before 3 p.m., not to exceed three hours	.. .. .	1	11	4
(iii) Commencing at or after 3 p.m., not to exceed two hours	.. .. .	1	8	0
(iv) Commencing at or after 3 p.m., not to exceed three hours	.. .. .	2	17	8
(O2) In any other work—				
(i) Commencing before 3 p.m., not to exceed two hours	.. .. .	1	1	7
(ii) Commencing before 3 p.m., not to exceed three hours	.. .. .	1	4	10
(iii) Commencing at or after 3 p.m., not to exceed two hours	.. .. .	1	4	10
(iv) Commencing at or after 3 p.m., not to exceed three hours	.. .. .	1	11	4

(O3) In the case of weekly employees the foregoing rates prescribed in this sub-clause are in addition to the rates prescribed for a week's work.

*Other Employees.*

£ s. d.

(O4) Pianists employed only for rehearsals with company or artists in grand opera or any other work comprised in sub-clause (A) hereof—			
(i) Weekly employee, for 30 hours in a week, excluding Sunday	..	..	17 10 0
(ii) Weekly employee, for each hour over 30 in the week	..	..	0 13 0
(iii) Casual employee, for each hour on a week day, with a minimum payment as for three hours	..	..	0 14 8
(O5) Pianist employed only for rehearsals with company or artists in any general theatrical or other work comprised in sub-clause (B) hereof—			
(i) Weekly employee, for 30 hours in a week, excluding Sunday	..	..	15 13 6
(ii) Weekly employee, for each hour over 30 in the week	..	..	0 11 10
(iii) Casual employee, for each hour on a week day, with a minimum payment as for three hours	..	..	0 12 0

## (P) ADDITION TO PRESCRIBED RATES WHERE EMPLOYEE SUPPLIES MUSIC.

*Weekly Employees.*

£ s. d.

(P1) Employee required to supply music .. .. . extra 0 15 0

*Casual Employees.*

(P2) Employee so required—per performance .. .. . extra 0 5 0

## (Q) RELAYING.

Where musicians are engaged in any performance in a place of entertainment and such performance or any part thereof is relayed within the State or to other States, each such musician shall be paid additional rates as follows:—

*Broadcasts from a Place of Entertainment.*

£ s. d.

(i) Broadcast in one State only—per performance	..	..	extra 0 5 0
(ii) Relayed to one other State—per performance	..	..	extra 0 9 5
(iii) Relayed to two other States—per performance	..	..	extra 0 13 4
(iv) Relayed to three other States—per performance	..	..	extra 0 16 6
(v) Relayed to four other States—per performance	..	..	extra 0 19 2
(vi) Relayed to five other States—per performance	..	..	extra 1 1 3

## (R) CONDUCTOR-LEADERS.

A conductor-leader shall be paid the appropriate rate for a member of the orchestra with an addition of 35 per cent. of such rate.

## (S) LEADERS.

Where there is a conductor in an orchestra (not being an orchestra to which sub-clause (A) of this Determination applies) the leader in such orchestra shall be paid the appropriate rate for a member of the orchestra with the addition of 20 per cent. of such rate.

## (T) HIGHER DUTIES.

If a musician engaged to do certain work is required to do in lieu thereof other work for which a higher rate is prescribed, he shall be paid for such other work at the higher rate with a minimum as for one performance or as for three hours on each occasion on which he is so required.

(For the purpose of this sub-clause, conducting or leading in the playing of the National Anthem, and playing out the audience, shall not be regarded as higher duties.)

## (U) LOWER RATES MAY BE AGREED TO.

Where the Federal Council or Federal Executive of the Musicians Union of Australia agrees with any employer that for special reasons rates and/or conditions different from those prescribed herein should be accepted by an employee, lower rates or altered conditions may be agreed upon between the said Union and Employer.

A written copy of any such agreement, signed by the Secretary of the Union and the Employer concerned, shall be lodged with the Wages Board Branch.

The rates prescribed in this clause are payable to any employee irrespective of age or sex.

## PAYMENT OF WAGES.

3. (a) In theatres and similar places all moneys payable under this Determination to a weekly employee shall be paid not later than the first interval on a Friday in each week.

(b) In all other cases, all monies payable under this Determination to weekly employees shall be paid on Friday each week.

(c) If a weekly employee's engagement be terminated, all moneys due to him under this Determination shall be paid within 48 hours of the termination of such engagement.

(d) All moneys due under this Determination to a casual employee shall be paid on the completion of the work on which he is engaged, and not less frequently than once a week.

## NO DEDUCTION FOR MEALS SUPPLIED.

4. No deduction from any of the payments herein prescribed shall be made for meals supplied by an employer to an employee.

## ARRANGING BAND PARTS, ETC.

5. The payments prescribed by this Determination do not include any sums to be paid to a conductor leader, leader, or any other employee for arranging band parts, or doing any orchestration.

## TERMS OF ENGAGEMENT.

6. (a) Where an employee is not expressly engaged as a weekly employee, he shall be deemed to be engaged as a casual employee.

(b) A casual employee may at any time enter into an agreement with his employer to become a weekly employee, but such agreement shall not affect any casual rates payable by the employer to the employee before such agreement is entered into unless it is entered into within three days of the beginning of his employment as a casual employee, in which case he shall be deemed to have been a weekly employee from the beginning.

(c) Where an employee is required by an employer to go on tour he shall be deemed to be in the employment of the employer for at least from the time at which he begins to travel on the tour and to remain in such employment at least until he finishes travelling on his return from the tour, unless in the meantime the employment has been determined legally for neglect of duty, or misconduct.

(d) The weekly wage prescribed by this Determination shall be paid to each weekly employee who is ready and willing to perform the work provided for by the Determination during any week whether he is required to perform such work or not, and this provision is to apply to all engagements whether for open-air performances or otherwise.

(e) A weekly employee shall be engaged and paid as for at least one week.

(f) The employment of a weekly employee is to be terminated on either side only by a week's notice, either given in writing or plainly posted up on the call board or other place seen by the employees in the ordinary course of their employment, which notice may be given at any time during the week at or before the beginning of work on a day, to expire at the end of the sixth calendar day succeeding such day, or if the sixth day be a Sunday, of the fifth day, and the employee shall only be entitled to payment *pro rata* for the time up to the expiration of the notice.

(g) Where an employee is engaged as a weekly employee for any fixed number of performances per week, the engagement shall not be altered to a weekly engagement for which a less sum is prescribed, except on a week's notice to the employee.

(h) Where the period of employment of a weekly employee includes in addition to one or more complete weeks, a part of a week, the weekly employee shall be paid for each whole or fraction of a calendar day included in the part of a week one-sixth of his prescribed weekly wage.

(i) Nothing in this Determination shall affect any legal right to dismiss without notice an employee whether on tour or not for malingering, inefficiency, neglect of duty or misconduct, and in the case of such dismissal wages and other moneys or allowances due under this Determination shall be payable for the employment up to but not after the time of dismissal.

(j) Notwithstanding anything contained in this Determination, an employer may in the case of any weekly employee deduct payment of wages on any day on which an employee cannot be usefully employed because of—

- (i) Any strike; or
- (ii) Any breakdown of machinery; or
- (iii) Any stoppage of work unavoidable by the employer.

(k) At least 48 hours' notice shall be given of cancellation of casual engagement failing which full payment shall be made.

#### DURATION OF PERFORMANCES.

7. (a) Except as otherwise provided in this Determination, the duration of performances (with intervals included), so far as covered by the rates of pay prescribed in clause 2, shall not exceed the following times respectively:—

- (i) Picture shows—three hours fifteen minutes.
- (ii) In general theatrical entertainments and all other types of entertainment not specifically covered by smaller number of hours—three hours.

Provided that if during a performance in picture shows the employees are not required to perform for more than two hours in the aggregate, they may be required to work over a spread of three and one-quarter hours.

(b) Where a performance extends in duration to two hours without finishing, an interval of at least ten minutes shall be then allowed, unless it has been previously allowed during the performance, and in either case such interval shall be regarded as time worked.

(c) A performance shall be deemed to have started at the time notified by the employer to the employees as the starting time, or if no such time be notified to have started at the time advertised for starting the performance, but in either case if all the members of the orchestra are not present and ready to start at such time, the performance shall be deemed to start only when the orchestra actually starts playing.

(d) The provisions of this clause apply to all employees whether casual or not unless the contrary intention appears.

#### DURATION OF REHEARSALS.

8. (a) The duration of rehearsals shall not exceed two hours where the engagement is for a rehearsal not to exceed two hours nor more than three hours in other cases.

(b) Except as otherwise provided herein the said hours shall be consecutive.

(c) If a rehearsal having been begun before 1 p.m. will not be completed by that time, and a majority of musicians engaged therein have previously asked or do then ask that it be adjourned for some specified time not exceeding one hour for luncheon, it shall be adjourned for not less than the specified time and not longer than one hour, but the time of such adjournment shall not for any purpose be counted as time worked by the musicians, and the work done after the adjournment shall for the purpose of payment be treated as if done continuously with that done before the adjournment.

(d) If the actors engaged in a rehearsal with musicians refuse to proceed therewith without an adjournment for luncheon and such adjournment be granted, the time of such adjournment not exceeding one hour to be between noon and 2 p.m., shall not for any purpose be counted as time worked by the musicians, and the work done after the adjournment shall be treated for the purpose of payment as if done continuously with that done before the adjournment.

(e) A rehearsal shall be deemed to have started at the time notified by the employer as the starting time, but if all the members of the orchestra are not present and ready to start at such time, the rehearsal shall be deemed to start only when the orchestra actually starts playing.

(f) The ordinary range of hours within which rehearsals are to be held shall be as follows:—

- (i) from 10 a.m. to 4 p.m. if held with actors.
- (ii) From 9 a.m. to 3 p.m. if held for a continuous picture show or a picture show giving two performances a day.
- (iii) From 3 p.m. to 11 p.m. if the engagement be for a rehearsal commencing at or after 3 p.m.
- (iv) From 10 a.m. to 3 p.m. except as otherwise provided herein.

(g) Rehearsals beginning at 9 a.m. for continuous picture shows or picture shows giving two performances a day shall be held in the place where the musician is usually employed or in a place within half a mile thereof, and in the latter case the cost of transferring the double bass or drums shall be borne by the employer.

(h) Where a rehearsal extends in duration to two and a quarter hours without finishing, an interval of at least fifteen minutes shall be then allowed unless it has been previously allowed during the rehearsal not sooner than one hour after starting time, and in either case such interval shall be regarded as time worked.

(i) The provisions of this clause apply to all employees whether casual or not unless the contrary intention appears.

#### ABSENCE FROM DUTY.

9. (a) Any weekly employee absent from duty shall lose pay proportionate to the time of such absence unless he produces or forwards to his employer within 24 hours of the commencement of such absence evidence satisfactory to the employer that the absence was reasonable because of either—

- (i) any illness of himself due neither to his own fault nor to accident arising otherwise than out of and in the course of his employment;
- (ii) any bodily injury to himself caused by accident arising out of and in the course of his employment.

(b) The deduction of pay for absence from a night performance or from a performance, period of work, or rehearsal made part of the week's work for which a rate for the week is prescribed shall be proportionate to that rate and the deduction for absence from a performance or a rehearsal not part of a week's work, shall be proportionate to the rate prescribed for that performance or rehearsal.

(c) This clause shall not affect any right of the employer to determine the employment in accordance with clause 6 of this Determination.

## OVERTIME PAY AND ALLOWANCES.

10. (a) Except as otherwise provided in this Determination, any time worked over or outside the prescribed time limit or range of any performance, period of work, rehearsal, or other work or after a break in working time prescribed to be worked consecutively or continuously shall be paid for at the rate of 1s. 11½d. for each fifteen minutes or portion thereof up to midnight and of 3s. 5½d. for each fifteen minutes or portion thereof after midnight.

Provided that in the case of rehearsals commencing before 3 p.m. not to exceed two hours, the payment for any time up to one hour worked over the said two hours shall be paid at the rate of 1s. 8½d. instead of the rate of 1s. 11½d.

(b) Where the time limit of any performance, period of work, or rehearsal is exceeded by less than five minutes, such excess shall not be counted as overtime worked, but if it is exceeded by five minutes or more sub-clause (a) shall apply in respect of the whole of such excess.

(c) No overtime shall be payable in respect of the first performance of a production which is within sub-clause (B) of clause 2, and which continues to be produced at the same theatre for at least six nights, but an alteration in items of a production shall not be regarded as making the first performance of such alteration a first night within this sub-clause.

(d) All time to be paid for under this clause or as overtime under any other part of this Determination shall be computed weekly in the aggregate.

(e) The provisions of this clause apply to all employees whether casual or not unless the contrary intention appears.

## SUNDAYS AND PUBLIC HOLIDAYS.

11. (a) For any work done on a Sunday payment shall be made at least as follows:—

(i) To weekly employees in addition to their prescribed pay for the rest of the week—

(a) For performing otherwise than at a rehearsal, 16s. per hour, with a minimum payment as for two and three quarter hours in picture theatres and three hours elsewhere.

Provided that this provision for a minimum payment does not apply to work continued from Saturday over midnight into Sunday and that work continued from Sunday over midnight into Monday shall for the purpose of this sub-clause be deemed all to be done on the Sunday.

(b) For each rehearsal double the appropriate rates prescribed for work on ordinary days.

(ii) To casual employees double the appropriate rates prescribed for work on ordinary days.

(b) (i) All work done by weekly employees on Christmas Day, Good Friday, and Labour Day shall be paid for at double rates.

(ii) To casual employees—double the appropriate rates prescribed for work on ordinary days shall be paid.

(c) For any work done on other holidays, payment shall be made at least as follows:—

(i) To weekly employees—in addition to their appropriate rates prescribed elsewhere herein, if the work be included in the week's work or be covered by the prescribed weekly rate, one-twelfth of the appropriate weekly rate prescribed in clause 2 of this Determination; and if the work be any performance not so included, time and one-half of the ordinary rate prescribed in clause 2 of this Determination for a performance not so included.

(ii) To casual employees—one and one-half times the appropriate rate prescribed for work on ordinary days.

(d) The other holidays above referred to are the days observed in the State where the employment occurs on New Year's Day, Australia Day, Easter Monday, Anzac Day, Queen's Birthday, Boxing Day, and all other days regarded and observed as holidays throughout the States of the Commonwealth.

The day assigned by the Commonwealth Government to celebrate the Jubilee of the Commonwealth Government, namely 9th May, 1951, shall be deemed to be a holiday.

(e) Where any of the days specified as holidays in sub-clauses (b) and (c) hereof falls on a Sunday, and in consequence a holiday is generally observed on an ordinary week day which would not otherwise be kept as a holiday, work done on such ordinary week day shall be deemed to be done on one of the days to which the sub-clause (c) hereof applies, and shall be paid for accordingly.

(f) In the case of weekly employees, if by reason of any of the aforesaid holidays being a holiday, no work is done thereon, the prescribed weekly wage shall nevertheless be paid, and such holiday shall be treated for the purpose of sub-clause (A) of clause 2 as if one of the seven performances provided for in that sub-clause has occurred thereon, and for the purpose of the rest of the clause, where six or twelve performances are provided for, shall be treated as if one-sixth of the number of the performances so provided for had occurred thereon, and where no number of performances is provided for, shall be treated as if one-sixth of the ordinary amount of work provided for as covered by the weekly wage had been done thereon.

(g) If an employee is required by his employer to travel on a Sunday he shall, unless he is paid in pursuance of this clause for working on the said Sunday, be paid 10s. therefor.

11A. In connexion with the visit to Australia of Her Majesty Queen Elizabeth II, where a public holiday or public half-holiday is proclaimed by Order in Council throughout any municipality or part thereof, or within any defined area, such public holiday or public half-holiday shall, so far as such municipality or part thereof, or such defined area is concerned, be deemed to be included in the list of holidays prescribed in clause 11 (d) hereof.

Provided that an employee who fails to attend for work on the working day before and/or after such public holiday or public half-holiday without reasonable excuse shall not be entitled to be paid for such public holiday or public half-holiday.

## TRAVELLING.

12. (a) For all work by an employee to be done outside a 30-mile radius of the city or town where the engagement with him is made, he shall be provided with first class return air, boat, or train accommodation.

(b) Employees when travelling by train at night shall be provided with sleeping accommodation, or if such sleeping accommodation is not provided, shall be paid the sum which is usually charged to the employer by the Railway Department for such sleeping accommodation.

(c) If an employee is required to travel intrastate or interstate on his employer's business and is unable to return to his home each night he shall, in addition to the rates of pay prescribed by this Determination be paid a living allowance of £5 6s. per week or, if the period is less than one week, at the rate of £1 1s. per day of twenty-four hours. Provided that where meals are supplied when travelling by boat, train or air, the rate shall be £2 12s. 6d. per week and 10s. 6d. per day of 24 hours.

(d) Where an employee not engaged with a view to his working on tour has been continuously employed by an employer in any one city or town for at least twelve continuous months, this clause 12 shall not apply to him in respect of his return to the place of engagement.

(e) The employer shall transport or pay the reasonable costs of transporting the double bass or drums or other bulky instruments when they are to be used for the purpose of the employment.

(f) Where a suggestion is made by or for an employer or proposed employer to a person that the latter will be employed by the former in a certain place if he presents himself there, and such person does so present himself and is employed there, such employee shall receive from the employer all provisions, allowances and payments which would be due under this clause 12 to an employee who is situated in the place where such person is when the suggestion is made and who is definitely engaged by the employer to go from that place and work in the place where such person so presents himself and is employed.

(g) Where a casual employee is engaged and the ordinary fare for return transit from the post office of the city or town where he is engaged to the place of employment is more than 6d. the employer shall pay the reasonable cost of such return transit.

## SUPPLY OF UNIFORMS.

13. Where an employee is required to wear special uniform other than evening dress, such uniform shall be supplied by the employer and must be clean and in good order, and the cost of renovation and similar cost must be paid by the employer.

## BAND ROOM ACCOMMODATION, ETC.

14. (a) Where practicable, a band room with adequate seating accommodation, air conditioned where an air-conditioning plant is provided for the theatre, together with suitable locker and lavatory accommodation shall be provided by the employer where musicians are regularly employed. Provided that any dispute in relation to this clause shall be referred to the Wages Board.

(b) There shall be a proper entrance and exit to the orchestra pit or well.

## TIME-BOOKS TO BE KEPT, ETC.

15. (a) The employer shall keep a time-book or time-sheet, properly posted in ink, showing the names of and times worked by, each employee, and the wages paid to each employee from week to week.

(b) The time-book or time-sheet, with all the entries therein shall, on demand be produced by the employer for inspection at the place where it is kept, at any time between the hours of 10 a.m. and 1 p.m. during any day except pay day, to an official of the Musicians Union of Australia, who has been authorized in writing to inspect the same by the general secretary or secretary of the State branch of the said Union.

(c) One clear day's notice shall be given to the employer of any intended inspection.

(d) No authority to inspect shall be given by the said Union unless the general secretary or State branch secretary has good reason to suspect that a breach of the Determination has been committed by the employer, whose time-book or time-sheet is to be inspected.

(e) For the purpose of interviewing employees on legitimate Union business, not more than two duly accredited representatives shall at the one time have the right to enter the employer's premises, wherein members of such Union or persons in the same calling as such members are engaged, during any non-playing period.

## SUB-CONTRACT, ETC.

16. If work of any of the kinds covered by this Determination is done by an employee or arranged to be so done in the interest in any way of an employer, this Determination shall apply to such work, employee or employer, notwithstanding that the employer causes or permits such work to be done for, or through or by means of a contractor or other person, and the employer and employee shall have the same rights and obligations to each other as if they were in respect of such work directly employer and employee.

## MIDNIGHT PERFORMANCES.

17. Double time shall be paid for any performance commencing at 11 p.m. or afterwards, except as otherwise provided.

## REFRESHMENTS.

18. (a) Where any engagement extends to four hours or more and meals are served to the patrons on the premises or at the place where the engagement is being carried out, meals of the type served to such patrons shall be provided for the musicians free of charge or, in lieu thereof, the musician shall be entitled to the sum of 4s. for each such performance in addition to his ordinary rate of pay.

(b) Where a casual employee is employed for a performance exceeding four hours, such employee shall, unless meals are provided be paid not less than 4s. for refreshment expenses in addition to the payments prescribed by this Determination.

## ANNUAL HOLIDAY.

19. The annual holiday shall be as prescribed by the provisions of the *Factories and Shops (Annual Holidays) Act 1940*, No. 5111, and any amendments which may be made thereto from time to time.

## TRANSPORTATION.

20. If an employee is detained at the place of employment by the employer or his representative after 11.30 p.m. and if so detained until too late to travel by the last train, tram, or vehicle to his or her home, the employer shall provide proper conveyance for the employee so detained, if a female to her home, or if a male to his home if such home is more than a mile distant from the place of employment.

## SUPPLY AND UPKEEP OF HARP.

21. Where a second harp is required, the harp shall be supplied by the employer. Where the harp is supplied by the employee he shall be paid an allowance of £1 per week for upkeep of such harp. For casual engagements, where the employee supplies the harp, there shall be a proportionate payment for the upkeep of such harp.

## DEFINITIONS.

22. "Weekly employee" means an employee engaged by the week for at least six performances and/or rehearsals weekly.

"Casual employee" means an employee engaged otherwise than as a weekly employee.

"Orchestra" means a combination of two or more players.

"Band" except as otherwise provided shall have the same meaning as orchestra.

"Conductor Leader" means the member of an orchestra who plays and directs the orchestra.

"Leader" is the first or principal violin in an orchestra where there is a conductor.

"Principal or principal instrument or principal instrumentalist". In relation to orchestras performing for grand opera, symphony concerts, grand ballet or religious performances shall mean and include repetitor violin (that is a violin sitting with the leader), principal second violin, principal viola, principal cello, principal bass, principal flute, principal piccolo, principal oboe, principal clarinet, principal bassoon, principal and third horn, principal cornet, principal trumpet, principal and bass trombone, euphonium, tuba, tympani, principal percussion, addition to tympani, principal harp, piano, organ, contra bassoon, bass clarinet and the first of any one or more musical instruments other than in the foregoing.

## PERIODICAL ADJUSTMENT OF WAGES.

23. (a) The wages rates set out in clause 2 are based upon the following basic wage rates, and pursuant to the provisions of section 21 of the *Factories and Shops Act 1934*, the Board hereby determines that such rates shall be automatically adjusted by the same amount and at the same time as such basic wage as prescribed by clause 24, provided that rates under £5 (other than rates specifically shown as extra) when the existing index number division was 110.5-111.4, shall be adjusted according to the table prescribed in sub-clause (b) hereof.



BASIC WAGE.

Place.	Basic Wage (Adjustable).	Index Number Set Assigned.
Throughout the State .. .. .	£ s. d. 12 0 0	Six Capital Cities (Weighted average)

TABLE "B."

Original index number divisions—115·5-116·4 (Third Series).

Index Number Divisions.		Scale of Other than Hourly Rates and Amounts of Addition or Deduction to Such Rates.						Amount of Addition or Deduction Hourly Rates.
For Addition.	For Deduction.	£5 and Over.	£4 and Under £5.	£3 and Under £4.	£2 and Under £3.	£1 and Under £2.	Under £1.	
		s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	
115·5-116·4 .. .. .	115·5-116·4 .. .. .	nil.	nil.	nil.	nil.	nil.	nil.	nil.
116·5-117·4 .. .. .	114·5-115·4 .. .. .	1 0	0 10	0 7	0 5	0 3	0 1	0 1
117·5-118·4 .. .. .	113·5-114·4 .. .. .	2 0	1 7	1 3	0 11	0 6	0 2	0 1
118·5-119·4 .. .. .	112·5-113·4 .. .. .	3 0	2 5	1 11	1 4	0 10	0 3	0 2
119·5-120·4 .. .. .	111·5-112·4 .. .. .	4 0	3 3	2 6	1 10	1 1	0 4	0 2
120·5-121·4 .. .. .	110·5-111·4 .. .. .	5 0	4 1	3 2	2 3	1 4	0 5	0 3
121·5-122·4 .. .. .	109·5-110·4 .. .. .	6 0	4 10	3 9	2 8	1 8	0 6	0 3
122·5-123·4 .. .. .	108·5-109·4 .. .. .	7 0	5 8	4 5	3 2	1 11	0 8	0 4
123·5-124·4 .. .. .	107·5-108·4 .. .. .	8 0	6 6	5 1	3 7	2 2	0 9	0 4
124·5-125·4 .. .. .	106·5-107·4 .. .. .	9 0	7 4	5 8	4 1	2 5	0 10	0 5
125·5-126·4 .. .. .	105·5-106·4 .. .. .	10 0	8 1	6 4	4 6	2 8	0 11	0 5
126·5-127·4 .. .. .	104·5-105·4 .. .. .	11 0	8 11	6 11	5 0	3 0	1 0	0 6
127·5-128·4 .. .. .	103·5-104·4 .. .. .	12 0	9 8	7 7	5 5	3 3	1 1	0 7
128·5-129·4 .. .. .	102·5-103·4 .. .. .	13 0	10 6	8 2	5 10	3 6	1 2	0 7
129·5-130·4 .. .. .	101·5-102·4 .. .. .	14 0	11 4	8 10	6 4	3 9	1 3	0 8
130·5-131·4 .. .. .	100·5-101·4 .. .. .	15 0	12 2	9 6	6 9	4 1	1 4	0 8
131·5-132·4 .. .. .	99·5-100·4 .. .. .	16 0	13 0	10 1	7 3	4 4	1 5	0 9
132·5-133·4 .. .. .	98·5- 99·4 .. .. .	17 0	13 9	10 9	7 8	4 7	1 6	0 9
133·5-134·4 .. .. .	97·5- 98·4 .. .. .	18 0	14 7	11 4	8 1	4 10	1 7	0 10
134·5-135·4 .. .. .	96·5- 97·4 .. .. .	19 0	15 5	12 0	8 7	5 2	1 9	0 10
135·5-136·4 .. .. .	95·5- 96·4 .. .. .	20 0	16 3	12 7	9 0	5 5	1 10	0 11
136·5-137·4 .. .. .	94·5- 95·4 .. .. .	21 0	17 0	13 3	9 6	5 8	1 11	0 11
137·5-138·4 .. .. .	93·5- 94·4 .. .. .	22 0	17 10	13 10	9 11	5 11	2 0	1 0
138·5-139·4 .. .. .	92·5- 93·4 .. .. .	23 0	18 8	14 6	10 4	6 3	2 1	1 1
139·5-140·4 .. .. .	91·5- 92·4 .. .. .	24 0	19 6	15 2	10 10	6 6	2 2	1 1
140·5-141·4 .. .. .	90·5- 91·4 .. .. .	25 0	20 3	15 9	11 3	6 9	2 3	1 2
141·5-142·4 .. .. .	89·5- 90·4 .. .. .	26 0	21 1	16 5	11 9	7 0	2 4	1 2
142·5-143·4 .. .. .	88·5- 89·4 .. .. .	27 0	21 11	17 0	12 2	7 4	2 5	1 3

Any extension of this Table must be of the same construction as the Table.

ADJUSTMENT OF BASIC WAGE.

24. (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 May, 1954, the amounts of the basic wage shall be as prescribed in clause 23.

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

A. V. BARNS, J.P., Chairman.

J. W. RYAN, Secretary.

Melbourne, 14th January, 1954.

