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Labour and Industry Act 1953.

DETERMINATION OF THE STONECUTTERS BOARD.

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

[I]N accordance with the provisions of the *Labour and Industry Act 1953*, 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 on or after the 1st March, 1955, 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.	Basic Wage.	Margin for Skill.	Loading for Five Days' Sick Leave. (Adjustable)	Tool Allowance.	Total Wage.
	£ s. d.	£ s. d.	s. d.	s. d.	£ s. d.
Carver, building	11 15 0	6 13 0	7 0	1 0	18 16 0
Carver, monumental	11 15 0	4 18 0	6 6	1 0	17 0 6
Stonemason, letter cutter, surfacer operator	11 15 0	3 15 0	6 0	1 0	15 17 0
Carborundum machinist on moulding work, lathe machinist, planer machinist	11 15 0	2 15 6	5 6	..	14 16 0
Carborundum machinist on other than moulding work, carborundum sawyer, frame-saw machinist, polisher (hand or machine)	11 15 0	1 17 0	5 3	..	13 17 3
Labourer or assistant	11 15 0	0 19 0	5 0	..	12 19 0
Man using hand pneumatic tools of 6 lb. or over or exceeding 1½ inch piston and which is not a drill or grinder	11 15 0	20 16 0	12 6	1 0	33 4 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 his respective hourly rate as follows :—

	PER. WEEK
	£ s. d.
In charge of not more than five men	0 16 3
In charge of six to ten men	1 3 9
In charge of over ten men	1 7 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.
		<i>s. d.</i>
1st year	20	63 6
2nd year	27½	87 6
3rd year	37½	118 9
4th year	50	158 6
5th year	70	222 0

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

Year	Percentage of Adult Stonemason's Rate of Wage.	Rate per Week.
		<i>s. d.</i>
1st year	25	79 3
2nd year	32½	103 0
3rd year	47½	150 6
4th year	70	222 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.
		<i>s. d.</i>
Under 16 years	20	55 6
Over 16 years and under 17 years	27½	76 3
Over 17 years and under 18 years	35	97 0
Over 18 years and under 19 years	45	124 9
Over 19 years and under 20 years	55	152 6
Over 20 years and under 21 years	70	194 0

(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 any hour's notice by either employer or employee, or by the payment or forfeiture of an amount of money equivalent to any hour's wages as the case may be.

(b) Provided that this shall not abrogate the right of any 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.

FARE.

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-shed 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 are based upon the following basic wage, and pursuant to the provisions of Section 33 of the *Labour and Industry Act 1953*, 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 18. 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	11 15 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 mean 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, 1955, the amount of the basic wage shall be as prescribed in clause 18.

(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.

(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 3d., half or less than half of 3d. to be disregarded.

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

J. W. RYAN, Secretary.

Melbourne, 5th May, 1955.