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[1932

*Factories and Shops Act 1928 (No. 3677).*

CARTERS AND DRIVERS BOARD.

NOTE.—This Determination on the 8th January, 1932, applied to the whole of the State of Victoria.

IN THE COURT OF INDUSTRIAL APPEALS.

IN the matter of the *Factories and Shops Act 1928 (No. 3677)*,

and

In the matter of an Appeal by the representatives of the employers on the Carters and Drivers Board against the Determination of the said Board, dated the 17th August, 1931.

Monday, the 21st day of December, 1931.

(Before His Honour Mr. Justice Mann, Mr. Thomas Kennedy, and Mr. John Mangan.)

The above-mentioned Appeal, coming on for hearing by this Court on the 17th day of December, 1931, and this day. UPON READING the Appeal, and UPON HEARING what was alleged by Mr. L. Mann, Secretary of the Victorian Employers' Federation on behalf of the employers, and by Mr. W. H. Turner (State Secretary) and Mr. R. Cheney (General Secretary) of the Federated Carters and Drivers Union on behalf of the employees: THIS COURT DOETH ORDER AND DETERMINE:—

(1) That on the 8th January, 1932, the Determination of the Carters and Drivers Board, dated the 17th August, 1931, shall be revoked and replaced by this Determination "as to the lowest prices or rates which may be paid to any person employed—

(1) in carting or driving, or in accompanying a carter or driver, and assisting him in carting, driving, loading, unloading, or delivering in connexion with or incidental to some trade or business, but not including persons employed at such work in connexion with a trade which may be or is the subject of a determination of any of the following Boards, viz.:

Bread Carters Board,	Shops Board, No. 5 (Butchers—Provincial),
Chaffcutters Board,	Shops Board, No. 7 (Country Shop Assistants),
Coal and Coke Board,	Shops Board, No. 12 (Fuel and Fodder),
Quarry Board,	Shops Board, No. 13 (Fuel and Fodder—Country),
Shops Board, No. 3 (Butchers),	Shops Board, No. 15 (Grocers);
Shops Board, No. 4 (Butchers—Country).	

(2) in or in connexion with any stable in which are stabled the horses used in his trade or business by any person subject to the Determination of the said Carters and Drivers Board;

(3) in driving horse-drawn passenger vehicles hired or plying for hire;

(4) in the business of a livery stable keeper or in a stable where cabs' or cab horses are kept.

(2)

APPRENTICES AND IMPROVERS.

Wages per Week.		Proportion (by any Employer).
Under 18 years of age	s. d.	<p style="text-align: center;"><i>Apprentices.</i></p> <p>One apprentice to every three or fraction of three workers receiving not less than the minimum wage.</p> <p style="text-align: center;"><i>Improvers.</i></p> <p>One improver to every five drivers receiving not less than the minimum wage.</p>
18 to 19	.. .. 46 0	
19 to 20	.. .. 52 6	
20 to 21	.. .. 58 0	
	.. Minimum wage.	

Apprentices and Improvers shall be subject to the number of hours per week as fixed for their respective sections.

OTHER EMPLOYEES.

	Wages per Week. (See Clause (5) for weekly hours.)			
	Within the City of Bendigo and the Borough of Eaglehawk.	Within the City of Ballarat and the Borough of Sebastopol.	Within the Cities of Geelong and Geelong West and the Town of Newtown and Chilwell.	All other parts of Victoria.
	s. d.	s. d.	s. d.	s. d.
<b>Horse Drivers—</b>				
<b>Bulk milk carters driving—</b>				
One horse .. .. .	65 0	66 9	69 0	69 6
Two horses .. .. .	70 0	71 9	74 0	74 6
Three horses .. .. .	74 0	75 9	78 0	78 6
Four or five horses .. .. .	76 0	77 9	80 0	80 6
<b>Other milk carters .. .. .</b>	67 0	68 9	71 0	71 6
<b>Sanitary carters, driving—</b>				
One horse, between 7 a.m. and 10 p.m. .. .. .	68 0	69 9	72 0	72 6
" 10 p.m. " 7 a.m. .. .. .	73 0	74 9	77 0	77 6
Two horses " 7 a.m. " 10 p.m. .. .. .	74 0	75 9	78 0	78 6
" 10 p.m. " 7 a.m. .. .. .	79 0	80 9	83 0	83 6
Three horses " 7 a.m. " 10 p.m. .. .. .	79 0	80 9	83 0	83 6
" 10 p.m. " 7 a.m. .. .. .	84 0	85 9	88 0	88 6
<b>Drivers of jinkers, boiler trucks, V's or floats, driving—</b>				
One horse .. .. .	69 0	70 9	73 0	73 6
Two or three horses .. .. .	77 0	78 9	81 0	81 6
And 6d. extra per day for each additional horse.				
<b>Drivers, not provided for above, driving—</b>				
One horse .. .. .	64 0	65 9	68 0	68 6
Two horses .. .. .	69 0	70 9	73 0	73 6
Three horses .. .. .	73 0	74 9	77 0	77 6
Four or five horses .. .. .	75 0	76 9	79 0	79 6
And 6d. extra per day for each additional horse.				
<b>Motor Drivers—</b>				
<b>Bulk milk carters, driving—</b>				
Motor vehicles having a capacity of 25 cwt. or less .. .. .	68 0	69 9	72 0	72 6
" " " " exceeding 25 cwt. but not exceeding 3 tons .. .. .	73 0	74 9	77 0	77 6
" " " " exceeding 3 tons .. .. .	78 0	79 9	82 0	82 6
<b>Other milk carters, driving—</b>				
Motor vehicles having a capacity of 25 cwt. or less .. .. .	67 0	68 9	71 0	71 6
<b>Sanitary carters, driving motor vehicles having a capacity—</b>				
Of 25 cwt. or less .. between 7 a.m. and 10 p.m. .. .. .	71 0	72 9	75 0	75 6
" " " " 10 p.m. " 7 a.m. .. .. .	76 0	77 9	80 0	80 6
Exceeding 25 cwt. but not exceeding 3 tons .. .. .				
" 7 a.m. " 10 p.m. .. .. .	76 0	77 9	80 0	80 6
" 10 p.m. " 7 a.m. .. .. .	81 0	82 9	85 0	85 6
Exceeding 3 tons .. .. .				
" 7 a.m. " 10 p.m. .. .. .	82 0	83 9	86 0	86 6
" 10 p.m. " 7 a.m. .. .. .	87 0	88 9	91 0	91 6
<b>Drivers, not provided for above, driving—</b>				
Motor vehicles having a capacity of 25 cwt. or less .. .. .	67 0	68 9	71 0	71 6
" " " " exceeding 25 cwt. but not exceeding 3 tons .. .. .	72 0	73 9	76 0	76 6
" " " " exceeding 3 tons .. .. .	77 0	78 9	81 0	81 6
<b>Head stablemen .. .. .</b>	67 0	68 9	71 0	71 6
<b>Other stablemen .. .. .</b>	62 0	63 9	66 0	66 6
<b>Assistants to—</b>				
Milk carters .. .. .	66 0	67 9	70 0	70 6
Sanitary carters .. .. .	66 0	67 9	70 0	70 6
Any other carters .. .. .	59 0	60 9	63 0	63 6
<b>All others .. .. .</b>	59 0	60 9	63 0	63 6

(3) WEEKLY WAGE.—All milk carters and milk carters' assistants other than bulk milk carters and their assistants employed outside the Metropolitan District as defined in the *Factories and Shops Act 1928* (No. 3877), shall, subject to the provisions of clause (4), be paid the weekly wage fixed in clause (2) for the class of work performed, irrespective of the number of hours worked.

(4) CONTRACT OF EMPLOYMENT (FOR MILK CARTERS AND MILK CARTERS' ASSISTANTS OTHER THAN BULK MILK CARTERS AND THEIR ASSISTANTS EMPLOYED OUTSIDE THE METROPOLITAN DISTRICT AS DEFINED IN THE *Factories and Shops Act 1928* (No. 3877).—(a) Any employee to become entitled to payment of the weekly wage prescribed by this Determination is to be available, ready, and willing to perform such work as the employer shall from time to time require on the day and during the hours usually worked by that class of employee.

(b) One week's notice at any time on either side shall be required before the engagement shall be determined. Provided that an employer may at any time dismiss an employee for refusal or neglect to obey orders, misconduct, carelessness in the performance of his duties, or, if after receiving one week's notice, he does not carry out his duties in the same manner as he did prior to such notice.

(c) An employee ready and willing to work for the whole week and not dismissed during the week for any reason set out in sub-clause (b) of this clause shall be entitled to a full week's wage.

(d) Should any employee be dismissed during the course of a week, any wages due to him under this Determination shall be paid to him forthwith.

(5) ORDINARY WEEK'S WORK.—The number of hours (including time occupied in attending to horses, vehicles, motor vehicles, or carts) which shall constitute an ordinary week's work shall be as follows:—

Sanitary carters and their assistants .. .. .	44	hours
Aerated water, ice, or ice-cream carters—		
From 15th April to 15th October .. .. .	46	"
From 16th October to 14th April .. .. .	48	"
All others .. .. .	48	"

(6) **TIMES OF BEGINNING AND ENDING WORK.**—For all persons other than :—

- (i) Stablemen ;
- (ii) Drivers employed at—
  - (a) Carting aerated water, ice, or ice-cream, from 16th October to 14th April ;
  - (b) Carting newspapers, fish, fruit, vegetables, pastry, milk, or cream ;
  - (c) Sanitary or rubbish carting ;
  - (d) Parcels express carting.

					Time of Beginning.	Time of Ending.
Monday to Friday	..	..	..	..	7 a.m.	6 p.m.
Saturday	..	..	..	..	7 a.m.	1 p.m.

(7) **OVERTIME.**—The following rates shall be paid for all work done during the times specified hereunder, viz., by all persons for whom :—

- (a) Times of beginning and ending work have been fixed—
  - (a) Outside the hours fixed in clause 6 .. .. . } Time and a half.
  - (b) Within the hours fixed in clause 6 in excess of the number of hours as determined for an ordinary week's work .. .. . }
- (b) Times of beginning and ending work have not been fixed—
  - In excess of the number of hours as determined for an ordinary week's work .. .. . Time and a half.

(8) **EXTRA RATES**—

	Per Day
Horse driver in charge of more than one separately horse-drawn vehicle, for each additional vehicle	1 0
Driver of a motor vehicle, not being a tractor, and drawing a trailer also	1 0
Driver engaged in carting "specially offensive material, animals, or goods," and a driver who is required to spread tar on the streets	1 0
Any driver (other than the driver of a milk cart) who is required in any week to collect moneys and account for them as part of his duties	1 0 per week extra.

(9) **ALLOWANCE.**—The following special rate shall be paid to any employee who works away from his employer's place of business and is unable to return to his residence the same night, if suitable board and lodging have not been provided by the employer .. .. . 10s. per day extra.

(10) **SPECIAL RATES.**—Double time shall be the special rate to be paid to all persons (except ice carters delivering to hospitals before 10½ a.m., milk carters, milk carters' assistants, sanitary carters, sanitary carters' assistants, and stablemen), for all work done on Sunday, New Year's Day, Foundation Day, Good Friday, Easter Monday, Eight Hours Day, King's Birthday, Christmas Day, and Boxing Day, but if any other day be by Act of Parliament or Proclamation substituted for any of the above-named holidays, the special rate shall be payable only for work done on the day so substituted.

(11) **CASUAL LABOUR.**—Casual employees (i.e., persons employed during any week for not more than one-half the number of hours as fixed for an ordinary week's work), shall be paid 2s. 3d. per day or part of a day in addition to the ordinary wages rate.

(12) **DEFINITIONS.**—"Head Stableman" means a stableman in charge of or directing the work of other stablemen. "Horse" means any beast of burden, except a bullock. "Specially offensive material, animals, or goods" means bone dust, bones and blood manure, dead animals, offal, fat (including that which is carted from hotels and restaurants, and other like places, in kerosene tins, green skins, raw hide, and sheepskins (when fly-blown or maggoty), sausage skins casings, and sulphur (ex ship or wharf).

By the Court,

W. H. GRAY, Registrar.

