



VICTORIA GOVERNMENT GAZETTE.

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SATURDAY, AUGUST 8.

[1936

Factories and Shops Acts.

SHOPS BOARD No. 16 (HARDWARE).

NOTE.—This Determination on the 12th August, 1936, applied to the following parts of Victoria, namely:—The Metropolitan District as defined in the Factories and Shops Acts and the Order in Council thereunder, and such portions of the City of Sandringham as are not included in the said District; the cities of Ballarat, Bendigo, Geelong, Geelong West, and Warrnambool; the town of Newtown and Chilwell; and the boroughs of Eaglehawk and Sebastopol.

IN THE COURT OF INDUSTRIAL APPEALS.

IN the matter of the Factories and Shops Acts,

and

In the matter of an Appeal by the representatives of the employers on the Shops Board No. 16 (Hardware) against the Determination of the said Board, dated the 22nd April, 1936.

Tuesday, the 28th day of July, 1936.

(Before His Honour Mr. Justice Martin.)

The above-mentioned Appeal coming on for hearing by this Court on the 27th July, 1936, and this day. UPON READING the Appeal, and UPON HEARING Mr. F. P. Derham, of Counsel, and witnesses for the employers, and Mr. A. M. Fraser, of Counsel, and witnesses for the employees: THIS COURT DOETH ORDER AND DETERMINE—

(1) That on the 12th August, 1936, the Determination of the Shops Board No. 16 (Hardware), dated the 22nd April, 1936, shall be revoked and replaced by this Determination "as to the lowest prices or rates which may be paid to any persons employed in the business of a seller of hardware—wholesale or retail"—but not including:—

- (a) persons employed in assembling ordered goods kept in a bulk store or iron yard;
- (b) persons employed as storemen, packers, or sorters,

(2)

Apprentices or Improvers. (The Masculine to include the Feminine.)	Other Employees. (The Masculine to include the Feminine.)	Metropolitan District.	Outside Metropolitan District where Determination Applies.
WAGES.	WAGES.	Per week of 48 hours.	Per week of 48 hours.
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(3) OVERTIME.—Any employee who in any week works for any time in excess of 48 hours shall be paid for such extra time at the rate of time and a half.

(4) SPECIAL RATES.—Double time shall be the rate payable for all work done on Sunday, New Year's Day, 26th January (Australia Day), Good Friday, Easter Saturday, Easter Monday, Labour Day, King's Birthday, Christmas Day, or 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.

(5) TIME RATE.—Any person employed on time wages for less than the number of hours fixed for an ordinary week's work shall for each hour worked up to 24 hours be paid—

(a) in any week in which two or more Public Holidays occur At the ordinary wages rate with an addition of fifty per centum,

(b) In any other week At the ordinary wages rate with an addition of thirty-three and one-third per centum.

(6) TERMINATION OF EMPLOYMENT.—Except where the conduct of an employee justifies instant dismissal, 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 in lieu thereof. This provision shall only apply in the case of an employee who has been employed continuously for three months or more.

(7) MEAL INTERVAL.—Employees shall be allowed not less than 45 minutes nor more than 60 minutes for a meal interval.

DEFINITIONS.

(8) "Departmental manager" shall mean a person having the control of one or more salesmen, 23 years of age or over, notwithstanding he may be under the orders of a general manager.

"Branch manager" shall mean a person for the time being entrusted with the control or superintendence of a branch shop (the proprietor of which is trading under his own or a different name), notwithstanding such manager may be under the orders of a superior who does not devote the whole of his time to the management of the said branch shop.

"Outside salesman" shall mean an employee who regularly solicits or receives orders for goods while absent from the shop where he is employed, whether such goods are kept in stock or have to be procured in order to fulfil such orders.

By the Court,
H. N. JONES, Registrar.