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[1938

Factories and Shops Acts.

## DETERMINATION OF THE CARTERS AND DRIVERS BOARD.

Adjusted pursuant to section 21 of the *Factories and Shops Acts* 1934 (No. 4275).

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

I FRANCIS ANTHONY MARZORINI, in pursuance of the powers contained in the *Factories and Shops Acts* and in consequence of the provisions contained in a determination made on the 10th August, 1938, by the Carters and Drivers Board, and published in the *Government Gazette* on the 2nd September, 1938, hereby issue an adjusted determination showing the adjusted wages rates to 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,  
Chaffcutters Board,  
Coal and Coke Board,  
Quarry Board,  
Shops Board, No. 3 (Butchers),  
Shops Board, No. 4 (Butchers—Country),

Shops Board, No. 5 (Butchers—Provincial),  
Shops Board, No. 7 (Country Shop Assistants),  
Shops Board, No. 12 (Fuel and Fodder),  
Shops Board, No. 13 (Fuel and Fodder—Country),  
Shops Board, No. 15 (Grocers);

- (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 ;  
(5) in connexion with motor assembly works, warehouses, or showrooms—  
(a) in driving mechanically propelled vehicles in the course of their sale, their delivery to purchasers, or their registration ;  
(b) as instructor driver.

- (1) The adjusted rates shown herein shall be paid as from the beginning of the first pay period to commence in December, 1938.

- (2) APPRENTICES AND IMPROVERS.

Wages per Week.				Proportion (by any Employer).
			£ s. d.	
Under 19 years of age	..	..	.. 2 11 0	<i>Apprentices.</i>
19 and under 20 years of age	..	..	.. 2 17 0	One apprentice to every three or fraction of three workers receiving not less than the minimum wage.
20 years and over	..	..	.. Adult rate	<i>Improvers.</i>
				One improver to every five drivers receiving not less than the minimum wage.

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

(3)

## ADULT EMPLOYEES.

	Wages per Week.		
	Within 20 Miles of G.P.O., Melbourne; within 10 Miles of G.P.O., Geelong, within 5 Miles of the Chief Post Office, Warrnambool; and within the Mildura and Gippsland Districts.	At Yallourn.	All Other Parts of Victoria.
	£ s. d.	£ s. d.	£ s. d.
PERSONS EMPLOYED IN CONNEXION WITH THE DISTRIBUTION OF PETROL AND PETROLEUM PRODUCTS.			
Driver of a motor waggon with a combined weight of vehicle and maximum load of under 10 tons .. .. .	4 15 0	5 1 6	4 12 0
Driver of a motor waggon with a combined weight of vehicle and maximum load of 10 tons and up to and including 13 tons ..	4 17 0	5 3 6	4 14 0
Further tonnage for each complete ton over 13 tons—1s. per week extra.			
Motor driver's assistant and any employee not specified above ..	3 19 0	4 15 6	3 16 0
ALL OTHER PERSONS.			
Employee driving jinker, boiler truck, V., or float—			
One horse .. .. .	4 9 0	4 15 6	4 6 0
Two or three horses .. .. .	4 14 0	5 0 6	4 11 0
Additional horses—6d. extra per day for each extra horse			
Other employee driving—			
One horse .. .. .	4 3 0	4 9 6	4 0 0
Two horses .. .. .	4 8 0	4 14 6	4 5 0
Three horses .. .. .	4 11 0	4 17 6	4 8 0
Four horses .. .. .	4 13 0	4 19 6	4 10 0
Five horses .. .. .	4 14 0	5 0 6	4 11 0
Additional horses—6d. extra per day for each extra horse except where horses are drawing timber on a tram line			
In charge of more than one vehicle separately horse drawn—1s. extra per day for each additional vehicle			
Person employed in connexion with motor assembly works, warehouses or showrooms, in driving mechanically propelled vehicles in the course of their sale, their delivery to purchasers or their registration; or as instructor driver .. .. .	4 8 0	4 14 6	4 5 0
Employee driving—			
Motor bicycle with side car .. .. .	4 4 0	4 10 6	4 1 0
Other motor vehicle having maker's capacity of—			
25 cwt. or less .. .. .	4 8 0	4 14 6	4 5 0
Over 25 cwt., but not over 3 tons .. .. .	4 12 0	4 18 6	4 9 0
Over 3 tons but under 6 tons .. .. .	4 15 0	5 1 6	4 12 0
Further tonnage—for each complete ton over 5 an extra 1s. per week			
Motor (not being a tractor) drawing trailer—1s. extra per day for each trailer			
Loader .. .. .	4 5 0	4 11 6	4 2 0
Leading loader .. .. .	4 11 0	4 17 6	4 8 0
Stableman .. .. .	4 1 0	4 7 6	3 18 0
Head stableman .. .. .	4 5 0	4 11 6	4 2 0
Sanitary depot employee who plunges in nightsoil or digs trenches and buries it therein .. .. .	4 6 0	4 12 6	4 3 0
Sanitary carter's mate .. .. .	4 4 0	4 10 6	4 1 0
Supervisor .. .. .	4 9 0	4 15 6	4 6 0
Horse driver's assistant, motor driver's assistant, washer, yardman, and any employee not elsewhere specified .. .. .	3 19 0	4 5 6	3 16 0

(4)

## EXTRA RATES.

Per Week.

	s. d.
Further additional amount for employee driving retail milk vehicle .. .. .	8 0
Further additional amount for employee driving bulk milk vehicle .. .. .	1 0
Further additional amount for employee driving sanitary vehicle—	
Between 7 a.m. and 10 p.m. .. .. .	3 0
Between 10 p.m. and 7 a.m. .. .. .	6 0
Further additional amount for employee carting specially offensive material .. .. .	6 0
Further additional amount for an employee driver who is required to deliver fuel oil other than in drums or packages .. .. .	3 0
Further additional amount for an employee driver who is required to cart or spread upon the streets tar, tarred material, or bituminous products .. .. .	6 0
Further additional amount for an employee driver (not a supervisor) who is required in any week to collect moneys and account for them as part of his duties .. .. .	1 0
Further additional amount for an employee driver (not of milk vehicle) required to act as—	
(a) Salesman of petrol and petroleum products in his vehicle .. .. .	5 0
(b) Salesman of goods other than petrol or petroleum products in his vehicle .. .. .	1 0
Further additional amount to an employee not in receipt of the immediately preceding additional rate who is required to cart fuel oil in drums, the aggregate weight whereof is 1 ton or more, at the rate of .. .. .	3 0

## DRIVER PROVIDING STABLING FOR HIS HORSE.

(5) Where a driver is called upon to provide stabling for his horse or horses he shall be paid 5s. per week for each horse stabled in addition to the rate of wages he is receiving at the time. All feed for horses so stabled shall be provided by the employer.

## WAGE FOR CASUAL EMPLOYEES.

(6) A casual employee shall for the time worked by him receive payment proportionate to the total weekly rate for the class of work with a minimum payment as for two hours, and shall also be paid a flat addition of 2s. 3d. for each day on which work is done by him.

## HIGHEST FUNCTION.

(7) Where an employee is called upon to perform two or more classes of work on any one day he shall for the purpose of assessing the rate of wages to be paid, be deemed to have worked throughout the whole of his working time on that day at the class for which the highest rate of wages is prescribed.

## EMPLOYEE LEARNING ROUND.

- (8) No reduction shall be made from his wage when an employee is learning his round.

## PAYMENT OF WAGES.

- (9) (a) Except as otherwise provided in this clause the following provisions shall apply to the payment of wages :—
- (1) Either the Wednesday, the Thursday, or the Friday in each week shall be fixed as the pay-day, and the pay-day once so fixed shall not be altered more than once in three months nor without two weeks' notice to the employees.
  - (2) All wages shall be paid on such pay-day, provided that in the case of employees concerned with the distribution of petrol and petroleum products the wages shall be paid on such pay-day wherever practicable.
  - (3) Where it is practicable to pay the employees on pay-day at the yard or depot the payment of wages shall be made within ten minutes of the time at which the employee ceases duty, and if it is delayed beyond that time through any fault or delay of the employer or because of the place at which the employee has to cease work, the employee shall be paid for the time of delay in excess of ten minutes at the rate of time and a half.
  - (4) All earnings, including overtime of employees, other than those connected with the distribution of petrol and petroleum products, shall be paid within two days of the expiration of the week in which they accrue, and of employees connected with the distribution of petrol and petroleum products shall wherever practicable be paid within two days of the expiration of the week in which they accrue.
- (b) The preceding part of this clause shall not apply to an industry in which the work of employees covered by this Determination is only subservient to the main operations of such industry, but the practice followed for the majority of the employees in any establishment in such industry shall be applied to employees therein covered by this Determination.
- (c) This clause shall not apply to the Melbourne and Metropolitan Board of Works.

## ORDINARY WORKING HOURS PER WEEK.

- (10) (a) The ordinary number of working hours per week for a weekly employee shall be as follows :—
- |   |    |    |    |
|---|----|----|----|
| For drivers of sanitary carts not employed by the Melbourne and Metropolitan Board of Works—the number at present worked as ordinary working hours. | .. | .. | 44 |
| For persons employed in connexion with the distribution of petrol and petroleum products  | .. | .. | 44 |
| For drivers of aerated water carts, ice and ice cream carts—  |    |    |    |
| In summer .. .. .   | .. | .. | 48 |
| In winter .. .. .   | .. | .. | 46 |
| For all others .. .. .  | .. | .. | 48 |

Such ordinary number of working hours shall not include time worked on a Sunday except in the cases of the following :—

- Persons carting solely milk, cream and casein curd or any one or two of them.
  - Supervisor.
  - Stablemen who are required to work on a Sunday.
  - Sanitary carters.
  - Sanitary carters' mates.
  - Sanitary depot employees.
  - Persons employed by the Melbourne and Metropolitan Board of Works in relation to the repairing of a breakdown in connexion with waterworks, sewerage works, or main drainage works.
- (b) All time worked by a weekly employee in excess of the ordinary number of hours herein prescribed shall be paid for as overtime at the rate of time and a half.
- (c) In computing the time to be taken as worked by a weekly employee during a week containing any prescribed holiday to which he is entitled by this Determination, if the holiday be on a day other than Saturday, 8 hours 48 minutes, and if the holiday be on a Saturday, 4 hours shall in respect of the holiday be added as if actually worked to the amount of time actually worked by the employee during the ordinary working days of the week.
- Provided that in the case of a stableman if the employer within fourteen days of a prescribed holiday allow to him a day off in lieu of such holiday, the appropriate amount of time shall in like manner be added in respect of the substituted day and the week in which it occurs instead of in respect of the holiday and the week in which it occurs.
- Provided further that this sub-clause shall not apply to an employee who in the ordinary course works seven days a week as his week's work.

## ORDINARY WORKING TIME PER DAY.

- (11) (a) Except as otherwise provided in this clause the time to be worked by a weekly employee without payment of overtime rate shall not exceed 9 hours and 40 minutes on any day from Monday to Friday (both inclusive) or 6 hours on Saturday.
- Provided that in summer for a carter of ice or ice-cream the time on Saturday shall be 9 hours and 40 minutes instead of 6 hours.
- (b) The time to be worked by a casual employee without payment of overtime rate shall not exceed 8 hours 48 minutes on any day from Monday to Friday (both inclusive) or 4 hours on a Saturday.
- (c) All time other than meal times between the earliest starting time and the latest finishing time shall, except in the cases of a livery stable employee and of a carter of milk, cream, or casein curd, be considered as time worked.
- (d) All time worked by an employee in excess of the time herein prescribed shall be paid for as overtime at the rate of time and a half.
- (e) Any such time worked in excess shall not be counted as part of the ordinary working hours per week for a weekly employee, and payment therefor shall be in addition to any amount payable in respect of the weekly wage.

## RANGE OF ORDINARY WORKING TIME.

- (12) (a) Except as otherwise provided in this clause ordinary working time shall not begin before 7 a.m. on any day nor continue after 6 p.m. on any day from Monday to Friday (both inclusive), nor after 1 p.m. on Saturday.
- (b) Any time worked by either a weekly or casual employee on any of the said days outside the times prescribed in sub-clause (a) shall be paid for as if overtime at the rate of time and a half, except time worked by a person employed in connexion with the distribution of petrol and petroleum products which time shall be paid for as if overtime at the rate herein assigned to such time as follows :—
- If before 7 a.m. on any day—Rate of double time.
- If after 1 p.m. but not after 2 p.m. on Saturday or if after 6 p.m. but not after 7 p.m. on any other day—Rate of time and a half.
- If after 2 p.m. on Saturday or after 7 p.m. on any other day—Rate of double time.
- (c) Any time worked outside such times shall not be counted as part of the ordinary working hours per week of a weekly employee, and payment therefor shall be in addition to any amount payable in respect of the weekly wage.
- (d) Where a weekly employee is employed regularly either on shift or during a daily recurrent period the preceding sub-clauses shall not apply, but for any shift or recurrent period in which is comprised time occurring between 6 p.m. and 7 a.m., the rate of wage elsewhere herein prescribed for the work shall be increased by 5 per centum.
- (e) None of the preceding sub-clauses shall apply to—
- A stableman or a yardman.
  - A driver employed at—
    - A fish, fruit or vegetable store;
    - A bread or pastry-cook shop;
    - Carting milk or cream or casein curd;
    - Sanitary or rubbish carting;
    - Carting aerated water or ice or ice-cream in summer;
    - Parcel express carting.
  - Or by—
    - A coach or mail contractor.
    - The Melbourne and Metropolitan Board of Works at a sanitary depot, or in relation to the repair of a breakdown in connexion with waterworks, sewerage works, or main drainage works.
- (f) This Determination shall not operate to relieve employers from complying with any present Statute of the State so far as such Statute deals with the hours at which goods may be carted or delivered.

## STARTING AND FINISHING WORK.

(13) (a) Where proper facilities are provided for an employee to sign on when beginning work and to sign off when leaving work the work of such employee shall be deemed to commence when he signs on at the yard or depot in the morning and to finish when he signs off in the evening.

Where proper facilities for signing on or off are not provided, work shall be deemed to commence when the employee enters the yard or depot in the morning and to finish when he leaves the yard or depot in the evening:

Provided that in any case where the horses are stabled at the driver's own home, then the driver shall be allowed twenty minutes in the morning and fifteen minutes in the evening to perform the necessary stable work.

(b) A driver of a milk cart need not sign on or off when he starts and leaves work, but he shall sign the time book or time sheet once a day. Time books now in use may be continued.

## ALTERATION OF STARTING AND FINISHING TIMES.

(14) (a) Where an employer concerned with the distribution of petrol and petroleum products desires to vary or change his starting time he shall give one week's notice of such variation or change to his employees, and where any other employer desires to vary or change his starting and finishing time he shall give two weeks' notice of such variation or change to his employees.

(b) In every case a notice of the intended change shall be posted at the depot or yard.

## CASUAL EMPLOYEE TO BE NOTIFIED IF NOT REQUIRED.

(15) A casual employee shall be notified at the end of the day if his services are not required next working day; failing such notice a full day's wages shall be paid for the next working day.

## WORK ON SUNDAY.

(16) (a) Except as otherwise provided in this clause or in the Factories and Shops Acts an employee required to work on Sunday shall in addition to any amount payable in respect of a weekly wage be paid as follows for any time worked on the Sunday with a minimum payment as for three hours—

For a weekly employee attending on Sunday as required to feed and attend to horses where the employer does not employ any stableman—Ordinary time.

For a stableman working seven days or seven nights in one week—Ordinary time.

For a weekly employee driving a sanitary cart or being a sanitary carter's mate or an employee at a sanitary depot—Ordinary time.

For persons employed weekly by the Melbourne and Metropolitan Board of Works in relation to the repair of a breakdown in connexion with waterworks, sewerage works or main drainage works—Ordinary time.

For a supervisor—Ordinary time.

For any other employee—Double time.

(b) This clause does not apply to—

A stableman working day work who receives one clear day's rest in seven, or working night work who receives one clear night's rest in seven.

A driver while solely carting milk, cream and casein curd or any one or two of them.

## WEEKLY TIMES OFF.

(17) (a) Every weekly employee shall be entitled to time off from work from the hour of 1 p.m. on some day in the week other than Sunday in addition to the benefit of any holidays prescribed for him by this Determination.

Provided that in the case of shift employees of the Melbourne and Metropolitan Board of Works the time off shall be from 1.45 p.m. instead of from 1 p.m.

Provided further that where an employer concerned with the distribution of petrol and petroleum products is unable to arrange for such time off for any employee in any week, the employee shall be entitled to a clear day or an additional half-day after the hour of 1 p.m. in the next succeeding week.

(b) A weekly employee being a supervisor, bulk milk carter, sanitary carter, sanitary carter's mate, employee at a sanitary depot, or person employed in relation to the repairing of a breakdown in connexion with waterworks, sewerage works, or main drainage works shall, in addition to the time off prescribed by sub-clause (a), be entitled to either Sunday or some other day in each week as a clear day off from work.

(c) A weekly employee being a stableman who is not paid the Sunday rate for work on Sunday shall be entitled if working day work to one clear day and if working night work to one clear night off from work in each week.

## HOLIDAYS.

(18) (a) Weekly employees shall be entitled without deduction of pay to the holidays observed in respect of—

(i) New Year's Day, Australia Day, Good Friday, Easter Monday, Anzac Day, King's Birthday, Labour Day, Christmas Day, Boxing Day, and

(ii) Within 25 miles of the General Post Office, Melbourne—Melbourne Cup Day.

Elsewhere—Any day agreed to by the employer and employees concerned.

(b) No weekly employee who has without the consent of his employer and without reasonable cause absented himself from his employment on the day before or the day after a holiday shall be free from deduction of pay in respect of such holiday.

(c) For all time worked by a weekly employee on such holidays, payment shall be made at the following rate—

On Good Friday and the Christmas Day holiday—Time and a half.

On any other holiday—Ordinary time.

The minimum payment shall be as for four hours' work except in the case of a carter solely employed to deliver ice to a hospital before 10 a.m.

Payment for work on a holiday shall be in addition to any amount payable in respect of the weekly wage.

(d) The preceding part of this clause shall not apply to a stableman, a groom, or a driver carting milk, when doing work solely as such.

(e) For all time worked by a casual employee on such holidays payment shall be made at the following rate—

On Good Friday and the Christmas Day holiday—Double and a half time.

On any other holiday—Double time.

The minimum payment shall be as for four hours' work except in the case of a carter solely employed to deliver ice to a hospital before 10 a.m. As well as the payment prescribed by this sub-clause the flat addition of 2s. 3d. prescribed by clause (6) shall be paid.

(f) Where a weekly employee is entitled to any holiday prescribed by this Determination, his employer shall notify such employee on the working day immediately preceding such holiday if his services are required thereon and if such notice be not given the employee shall be entitled to take such holiday without deduction of pay.

(g) If an employer intends not to carry on business on a day generally observed as a holiday although not prescribed as such in this Determination, and fails to notify a weekly employee to present himself for duty on such day, he shall not be entitled to make a deduction from the wages of the employee for not so presenting himself.

## ANNUAL LEAVE FOR MILK CARTERS, SANITARY EMPLOYEES, STABLEMEN, AND OTHERS.

(19) A milk carter, sanitary employee, stableman, or other employee if generally required to work seven days in the week shall, at the expiration of each twelve months' service, be allowed—

In the case of a retail milk carter	.. .. .	Two weeks' holiday on full pay.
In other cases	.. .. .	One week's holiday on full pay.

If an employee leaves or is dismissed before the expiration of twelve months, he shall be given or paid for holidays *pro rata* in accordance with the length of service, viz.:—

Retail milk carter	.. .. .	Two days for each two months of service.
Employee, other than a retail milk carter	.. .. .	One day for each two months of service.

If the business be sold or transferred during the period of service, the employee shall be entitled to the holidays at the conclusion of twelve months' service with the firm or business.

This clause in so far as it relates to employees other than retail milk carters, shall also apply to a carter of petrol and petroleum products employed by a dealer in such products whether he is generally required to work seven days in the week or not.

## MEAL TIMES.

(20) (a) Except as otherwise provided in this clause, on all days except Saturday and on Saturday if he so desires in the case of an employee required to continue working after 2 p.m., each employee not working on shift shall be allowed a break of one hour without pay as a meal time to begin not earlier than 11.30 a.m. nor later than 1.30 p.m.

If the break be not so allowed all time worked after 1.30 p.m. until a break of one hour without pay for a meal time is allowed shall be paid for at the rate of ordinary time, the payment to be in addition to any payment due in respect of a weekly or casual wage.

(b) Except as otherwise provided in this clause no employee shall be required to work for longer than 5½ hours without a break for a meal time without pay of one hour, or half an hour in the case of an evening meal, but this sub-clause shall not apply to the driver of a retail milk vehicle working in the early morning.

All time worked over 5½ hours until such a break is allowed shall be paid for at the rate of ordinary time, the payment to be in addition to any payment due in respect of a weekly or casual wage.

This sub-clause shall not apply to the evening meal time in the case of any employee returning to the yard or depot after the conclusion of any journey or delivery where such employee ceases working not later than 7 p.m., Monday to Friday inclusive, and 1.30 p.m. on Saturday.

(c) Where an employee is required otherwise than because of his own default or delay to continue working after 6 p.m. without having been informed in some way on the preceding working day that he will be so required he shall be allowed 1s. 6d. as tea money.

An employee who is notified under this sub-clause that he will be required to continue working, but who is not so required to continue working, shall be paid the prescribed tea money.

This sub-clause shall not apply in the case of any employee returning to the yard or depot after the conclusion of any journey or delivery where such employee ceases work not later than 7 p.m.

(d) The obligation to pay ordinary time under this clause in addition to weekly or other wages and overtime under any other clause of this Determination shall not be cumulative, but the employee in cases coming within this clause (20) shall be entitled only to the higher payment.

## THE CONTRACT OF EMPLOYMENT.

(21) Where an employee is usually employed without any express undertaking to employ him for at least one week his employment shall be deemed to be that of a casual employee, but in all other cases where an employee is not in express terms engaged as a casual employee, he shall be deemed to be, and be employed as a weekly employee.

The following shall be terms and conditions of weekly employment:—

- (a) The engagement shall not be determined on either side, except upon one week's notice, which may be given at any time, but an employer may pay one week's wages in lieu of giving such notice.
- (b) Where a notice is given by an employer purporting to expire within the week next preceding Christmas Day or Good Friday, but the employer expressly or impliedly allows the employee to believe that he is to resume work not later than one week after New Year's Day or Easter Monday such notice shall have no effect, and the engagement shall be deemed to have continued unaffected by such notice.
- (c) A weekly employee shall not be changed to a casual employee within the week next preceding Christmas Day or Good Friday.
- (d) Notice to determine the engagement which is given every week or otherwise in such manner that the employee is not able to know with certainty a week before a particular date whether his engagement will or will not be determined by the employer upon that date shall not be deemed a valid notice unless given during a general or shipping or coal strike.
- (e) Subject to sub-clause (f) of this clause an 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 the class of employee comprising him, but any employee so available ready and willing to work for the whole week and not justifiably dismissed for any reason set out in sub-clause (h) of this clause shall be entitled to a full week's wage.
- (f) Where an employee becomes disabled by sickness of himself, proof of which is given to the employer by medical certificate or other satisfactory evidence within twenty-four hours of the beginning of the employee's consequential absence, he shall on account thereof be entitled without deduction of pay to absent himself from work for one day in each quarter or for a proportionate aggregate in a longer period, but not exceeding one of four days in any year of the employment.

In computing the time to be taken as worked by a weekly employee during a week containing any day of such absence to which he is entitled by this sub-clause without deduction of pay, if the day be other than a Saturday, 8 hours 48 minutes, and if the day be a Saturday, 4 hours shall in respect of the day be added as if actually worked to the amount of time actually worked by the employee during the other working days of the week.

- (g) Subject to sub-clause (f) of this clause and to the provisions of this Determination as to holidays, if an employee absents himself from work his employer shall be entitled to deduct from his week's wages an amount corresponding with the period of absence.
- (h) Notwithstanding anything in this clause an employer may at any time forthwith dismiss an employee for refusal or neglect to obey orders, misconduct, or carelessness in the performance of his duties, or if after receiving one week's notice of determination of engagement he does not carry out his duties in the same manner as before such notice.
- (i) If an employee be justifiably dismissed for any reason set out in the last preceding sub-clause he shall be entitled to payment proportionate to the time worked, but to that only.
- (j) 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.

## JUNIORS NOT TO BE EMPLOYED IN CERTAIN CASES.

(22) No junior under nineteen years of age shall be allowed to drive or be in charge of more than one horse in the Metropolitan District as defined in the Factories and Shops Acts, and no one under eighteen years of age shall be permitted to have sole charge of a motor vehicle.

## TIME BOOKS.

(23) (a) Each employer shall at the depot or yard at or from or in connexion with which the employee works or at an office convenient thereto keep a record or time book showing the name of each employee working for him, in which shall be entered the time of starting and finishing work each day, and the amount of overtime worked and the wages and overtime paid to each employee.

(b) The age of each employee receiving less than the adult wage shall be entered in the record or time book.

(c) Such record or time book shall on demand be produced by the employer for inspection to any officials (not more than three in number at the one time) of the Federated Carters and Drivers Industrial Union of Australia, or the Amalgamated Road Transport Workers Union of Australia duly authorized in writing by the president and secretary of the local branch or sub-branch of such organization, at the place where the record or time book is kept between the hours of 10 a.m. and noon on any day between the 1st and 27th inclusive in each calendar month except on pay day or the day before.

In the case of the first inspection seven days' notice shall be given to the employer of the intended inspection, and in the case of any subsequent inspection one day's notice shall be given.

Provided that in its application to retail milk carters such record or time book shall on demand be produced by the employer for inspection to any officials (not more than three in number at the one time) of the Federated Carters and Drivers Industrial Union of Australia, or the Amalgamated Road Transport Workers Union of Australia, duly authorized in writing by the president and secretary of the local branch or sub-branch of such organization, at the place where the record or time book is kept. Such inspection shall be completed as soon as is reasonably possible.

(d) Provided that an employer may at his option, in lieu of a time book, provide a mechanical clock for the purpose of recording the time of each employee, in which case each employee shall, at the end of the week, enter or record the wages and overtime received on some card or check used in connexion with such clock.

(e) Where an employee performs work for which a special rate is provided, a record of such work and the nature of the same shall be recorded in the time book or equivalent record.

## DETERMINATION TO BE EXHIBITED.

(24) A copy of this Determination shall be exhibited by each employer where the industry is carried on, by being posted or hung up in a place where it is easily accessible to the employees without having to ask the permission of the employer.

## LIMITATION OF EMPLOYERS' LIABILITY.

(25) Where an employer has made a payment to an employee, which payment purports to be a payment of the wages payable under this Determination to the employee for any period, such employer shall not be liable to pay to the employee any further sums prescribed by this Determination in respect of any services rendered to such employer during such period, unless within a period of three calendar months after the last day of such period a demand in writing of such further sum claimed has been given to the employer by the employee or some person on his behalf or by the local representative of the Federated Carters and Drivers Industrial Union of Australia or the Amalgamated Road Transport Workers Union of Australia.

## TEMPORARY CHANGE OF STABLE.

(26) (a) If after an employee has come to work as required at one starting place, his employer transfers him to another starting place any reasonable cost of fares incurred in going to or from the latter shall be paid by the employer.

(b) If an employee is transferred temporarily to work at or from a starting place which requires him to travel from his home at least 1 mile more than is required by his ordinary starting place, any extra time so caused to be used by the employee shall be paid for at the rate of ordinary time, and any reasonable extra cost of fares so caused shall be paid by the employer.

## TRAVELLING ALLOWANCES.

(27) (a) An employee engaged in ordinary travelling on duty or on work on which he is unable to return to his home at night shall be paid such personal expenses as he reasonably incurs in travelling, but he shall be paid the sum of 8s. 6d. per day at least. Provided that where an employee travels by boat or other conveyance in which his ticket includes meals and bed, he shall not be entitled to the said allowance, and provided that where an employer carrying on a coach and mail service provides or is willing to provide meals and bed the employer is to have the option of receiving 8s. 6d. per day or accepting the meals and bed provided by the employer.

(b) An employee prevented from returning with his turnout to the depot or yard from which he started shall be paid any travelling expenses he has to incur, and as if for time worked for the time he reasonably takes to get to his home beyond the time he would have taken to get to his home from the depot or yard.

(c) Where an employee, employed in connexion with the distribution of petrol and petroleum products, is required by his employer to travel as a passenger by any conveyance, he shall whilst so travelling, be paid at ordinary rates up to a maximum of twelve hours out of every twenty-four, except on Sundays, when payment shall be at the rate of time and a half.

## GEAR AND ROPES TO BE SUPPLIED BY EMPLOYER.

(28) An employer shall supply his employees with all gear to secure any loads to be carted by them, and necessary ropes, chains, hooks, trucks, and skids, and effective lamps.

## HEAVY ARTICLES.

(29) An employee unaided by proper auxiliary appliances or by another man shall not be permitted to lift or carry goods over 200 lb. in weight.

## ARTICLES OF CLOTHING.

(30) Where an employee is required by law or by his employer to wear any special uniform, cap, overall, or other article, it shall be supplied and paid for by the employer.

Drivers of retail milk vehicles shall be supplied by the employer with at least two overalls a year.

## HOUSING.

(31) (a) Any employee required by his employer to live at a stable, yard, or garage, shall be provided with suitable accommodation free of cost.

(b) If an employer provides proper housing accommodation for an employee and his wife and family where such employee elects to live the employer shall be entitled to charge a rent not exceeding 10s. per week and not exceeding half the rent at which a similar house in the same locality would ordinarily let.

## DEFINITIONS.

(32) Unless a contrary intention appears expressions used in this Determination shall have meanings as follows :—

- (a) Junior means any person under the age of 21 years in receipt of less than the adult wage.
- (b) Casual employee means an employee who is not employed as a weekly employee.
- (c) Head stableman means a stableman in charge of or directing the work of other stablemen.
- (d) Yardman means any employee, not otherwise specified, employed in or in connexion with a stable or yard.
- (e) Horse driver's assistant and motor driver's assistant means any employee who accompanies the driver to assist in loading, unloading, or delivering.
- (f) Loader means any employee engaged in loading or unloading any goods, wares, merchandise, or materials on to or from any vehicle and in work incidental to such loading or unloading.
- (g) Bulk milk carter means an employee solely engaged in carting milk or cream in bulk.
- (h) Supervisor means any person whose duty it is, in addition to carting or driving, to collect moneys and exercise supervision over the work of drivers or other employees.
- (i) Official means any person authorized in writing by the president and secretary of the local branch or sub-branch of the Federated Carters and Drivers Union of Australia, or of the Amalgamated Road Transport Workers Union of Australia.
- (j) Sanitary carter's mate means an employee who accompanies the driver to assist in loading or unloading.
- (k) Jinker means a vehicle with a forecarriage, or a vehicle (where a dray takes the place of the forecarriage) and a bow axle under which the load is slung.
- (l) Boiler truck means a vehicle on four low wheels, with or without springs, generally used for the carrying of boilers.
- (m) Float means a vehicle on four wheels with or without springs generally used for carrying plate glass or other heavy material.
- (n) Specially offensive material means bone dust, bones, and blood manure, dead animals, offal, fat (including that which is carted from hotels or restaurants or other places in kerosene tins), tallow in secondhand casks, green skins, raw hides, and sheep skins when flyblown or maggoty, sausage skin casings, except when packed in non-leaky containers for consumption.
- (o) Horse means any beast of burden except a bullock.
- (p) Saturday for the purpose of this Determination means either Saturday or such other day as is at present observed as the weekly half-holiday in a particular industry or district.
- (q) Holiday means any holiday prescribed by this Determination.
- (r) Winter means from the 15th day of April to the 15th day of October.
- (s) Summer means from the 16th day of October to the 14th day of April, inclusive.
- (t) Rate of ordinary time, of time and a half, of double time, of double time and half time, and of treble time, and any like expression, means respectively a rate per hour of—
  - (i) in the case of persons employed in connexion with the distribution of petrol and petroleum products 1/44, 3/88, 1/22, 5/88, and 3/44 of the prescribed weekly rate for the relevant class of employee ;
  - (ii) in the case of all other persons, 1/48, 1/32, 1/24, 5/96, and 1/16 of the prescribed weekly rate for the relevant class of employee.
- (u) Shift, or any like expression, means work done in day by successive men or sets of men without any considerable break between the ending of work by one man or set and the beginning of work by the next man or set.
- (v) For vehicles carrying petrol and petroleum products "maker's capacity" in the case of any dispute shall mean the gross loaded weights permitted by the maker of the vehicle less the tare weight thereof. Tare weight includes the weight of chassis, cab body and/or tank and equipment.
- (w) For vehicles other than those carrying petrol and petroleum products "maker's capacity" shall mean the capacity shown in the certificate of registration issued under the Motor Car Acts.
- (x) "Fuel oil" for the purpose of wages shall mean a residual oil, an unprocessed crude oil, and/or a Diesel oil that is not a distillate.

F. A. MARZORINI,  
Secretary for Labour.

Melbourne, 16th November, 1938.

