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[1951

DETERMINATION OF THE INDUSTRIAL APPEALS COURT.

IN THE INDUSTRIAL APPEALS COURT:

IN THE MATTER of the *Factories and Shops Act 1928-1941*,

AND

IN THE MATTER of a Determination made by the Fire Fighters Board and dated the 6th day of April, 1951.

AND

IN THE MATTER of Appeals against the said Determination.

Before the Industrial Appeals Court (Judge Gamble, K. H. Boykett, Esq., and J. V. Stout, Esq.).

Wednesday, the 13th day of June, 1951.

Having heard the above-mentioned Appeals, on the 7th day of May, 1951, and on this day *this Court doth allow both appeals in part, and doth order* :—

- (1) that the words "fourth class fireman, third class fireman, second class fireman, and first class fireman" be omitted wherever they appear in the Determination.
- (2) that clause 11 of the said Determination be amended and shall read as follows :—

SICK OR ACCIDENT PAY.

11. (a) A permanent fireman absent from his work on account of personal illness or on account of injury by accident shall be entitled to leave of absence without deduction of pay subject to the following conditions and limitations :—

- (i) He shall at the commencement of such absence inform the Employing Authority of his inability to attend for duty and, as far as practicable, state the nature of his injury or illness and the estimated duration of his absence.
 - (ii) He shall prove to the reasonable satisfaction of the Employing Authority that he was unable on account of such illness or injury to attend for duty on the day or days for which sick leave is claimed, but he shall not be entitled at any one time to receive more than sixteen hours' sick leave without a medical certificate if such be required by the Employing Authority.
 - (iii) He shall not be entitled in any one year to paid sick leave in excess of 80 hours of duty time.
 - (iv) Notwithstanding anything contained in this clause the Employing Authority may grant such additional sick leave on full or reduced pay as it may think fit.
- (b) (i) Sick leave which shall be available to permanent firemen on the first day of January of each year shall accumulate from year to year so that, save as herein provided, any balance of the period specified in sub-clause (a) (iii) of this clause which has in any years not been allowed to a permanent fireman by the Employing Authority as paid sick leave and/or any period of sick leave due to him under a previous determination may be claimed by him and subject to conditions hereinbefore prescribed shall be allowed by that authority in a subsequent year without diminution of the sick leave prescribed in respect of that year. Provided that sick leave which accumulates pursuant to this clause shall at no time exceed in total equivalent of 26 duty weeks.
- (ii) A permanent fireman who has joined or joins the brigade after the 1st January, 1951, shall on his admission be credited with 80 hours' sick leave, but such fireman shall on the 1st January, next after his appointment be credited only with that proportion of the balance of the sick leave credited on appointment which has not been allowed as paid sick leave which the period of his service in the year of joining bears to the whole of that year.
 - (iii) For the purposes of this clause "year" shall mean a calendar year and calculations shall be made to the nearest hour.
 - (iv) A permanent fireman absent from his work on account of any injury by accident arising out of or in the course of his employment shall be entitled to leave of absence for any period not exceeding six months in respect to which he is entitled to Workers' Compensation without diminution of the sick leave to which he may be entitled pursuant to the foregoing sub-clause and he shall be paid the difference between his normal wage and such compensation.

3. That this Determination of the Industrial Appeals Court be operative as on and from the 13th day of April, 1951.

By Order of the Court,
E. W. LAITY,
Registrar.

By Authority: J. J. GOURLEY, Government Printer, Melbourne.

