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Factories and Shops Acts.

DETERMINATION OF THE CARTERS AND DRIVERS BOARD.

Adjusted pursuant to section 21 of the *Factories and Shops Act 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 29th February, 1940, by the Carters and Drivers Board, and published in the *Government Gazette* on the 11th March, 1940, 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, | 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;
- (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.
- (a) The adjusted rates shown herein shall be paid as from the beginning of the first pay period to commence in May, 1940.
- (b) Part I. hereof shall apply to all persons other than those mentioned in sub-clauses (c), (d) or (e) hereunder.
- (c) Part II. hereof shall apply only to persons employed in the calling or occupation of a driver or dragger in the hauling or dragging of cargo on the wharf to and from the vessel's side and the wharf sheds or stacking grounds during the process of loading or unloading a vessel.
- (d) Part III. hereof shall apply only to persons employed by retail dairymen.
- (e) Part IV. hereof shall apply only to persons employed in connexion with the distribution of petrol and petroleum products.

PART I.

(This Part applies to all persons other than those employed (i) as Wharf Driggers (ii) by Retail Dairymen or (iii) in connexion with the distribution of petrol and petroleum products.)

(1) ADULT EMPLOYEES.

	WEEKLY WAGE.		
	Within 20 Miles of G.P.O., Melbourne; Within 10 Miles of G.P.O., Geelong; Within 5 miles of Chief Post Office, Warrnambool and within the Mildura and Gippsland Districts.	At Yallourn.	All Other Parts of Victoria.
	£ s. d.	£ s. d.	£ s. d.
Employee driving jinker, boiler truck, V or float—			
One horse	4 12 0	4 18 6	4 9 0
Two or three horses	4 17 0	5 3 6	4 14 0
Additional horses—6d. extra per day for each extra horse.			
Employee driving—			
One horse	4 6 0	4 12 6	4 3 0
Two horses	4 11 0	4 17 6	4 8 0
Three horses	4 14 0	5 0 6	4 11 0
Four horses	4 16 0	5 2 6	4 13 0
Five horses	4 17 0	5 3 6	4 14 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.			
Employee driving—			
Motor bicycle with side car	4 7 0	4 13 6	4 4 0
Other motor vehicle having maker's capacity of—			
25 cwt. or less	4 11 0	4 17 6	4 8 0
Over 25 cwt., but not over 3 tons	4 15 0	5 1 6	4 12 0
Over 3 tons but under 6 tons	4 18 0	5 4 6	4 15 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 8 0	4 14 6	4 5 0
Leading Loader	4 14 0	5 0 6	4 11 0
Stableman	4 4 0	4 10 6	4 1 0
Head Stableman	4 8 0	4 14 6	4 5 0
Sanitary depot employee who ploughs in nightsoil or digs trenches and buries it therein	4 9 0	4 15 6	4 6 0
Sanitary carter's mate	4 7 0	4 13 6	4 4 0
Supervisor	4 12 0	4 18 6	4 9 0
Person employed in connexion with motor assembly works, warehouses or show rooms, in driving mechanically propelled vehicles in the course of their sale; their delivery to purchasers or their registration, or as instructor driver	4 11 0	4 17 6	4 8 0
Horse driver's assistant, motor driver's assistant, washer, yardman, and any employee not elsewhere specified	4 2 0	4 8 6	3 19 0

(2)	EXTRA RATES.	per week s. d.
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 cart or spread upon the streets; tar or tarred material	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 salesman of goods in his vehicle	1 0

DRIVER PROVIDING STABLING FOR HIS HORSE.

(3) 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.

(4) 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.

WAGE FOR JUNIORS.

(5) (a) The minimum rate of wages to be paid per week to a junior other than a junior driving a vehicle shall be as follows:—

	£ s. d.
Under 19 years of age	2 11 0
19 and under 20 years of age	2 17 0
20 years of age and over	Adult rates.

(b) The minimum rates of wage to be paid per week to a junior driving a vehicle shall be—

	£ s. d.
Under 19 years of age	2 15 0
19 and under 20 years of age	3 1 0
20 years of age and over	Adult rates.

PART I.—(continued):

(This Part applies to all persons other than those employed (i) as Wharf Druggers (ii) by Retail Dairymen or (iii) in connexion with the distribution of petrol and petroleum products.)

HIGHEST FUNCTION.

(6) 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 wage 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.

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

PAYMENT OF WAGES.

(8) (a) Except as otherwise provided in this clause the following provisions shall apply to the payment of wages:—

(i) 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.

(ii) All wages shall be paid on such pay-day.

(iii) 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.

(iv) All earnings including overtime shall be paid within two days of the expiration of the week in which they accrue.

(b) Sub-clause (a) of this clause shall not apply to an industry in which the work of employees covered by this Determination is fully 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.

HOURS.

(9) (a) The maximum ordinary hours shall not exceed 88 per fortnight provided that not more than 48 hours per week shall be worked without payment of overtime.

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

Persons solely carting milk, cream and casein curd or any one or two of them;

Supervisors;

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) Where an employee's engagement terminates at the end of or during a week then for the purposes of calculating the wages due to him for that week or the portion of that week worked such week shall be regarded as a 44-hour week unless it is part of a definite fortnightly period of 88 hours and the employee has in the previous week worked not more than 40 ordinary hours in which case the week in which termination takes place shall for the purposes aforesaid be regarded as a 48-hour week.

(c) 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.

(d) 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, if the working week be 5 days and 8 hours, if the working week be 5½ days, 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.

(10) (a) Except as otherwise provided in this clause the time to be worked by a weekly employee without payment of overtime shall not exceed 9 hours 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 40 minutes instead of 6 hours.

(b) The time to be worked by a casual employee without payment of overtime shall not exceed 8 hours 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.

(11) (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) hereof shall be paid for as overtime at the rate of time and a half.

(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 pastry-cook shop,

carting milk, cream or casein curd,

sanitary or rubbish carting,

carting aerated water, ice or ice-cream in summer,

parcel express carting,

or by—

a coach or mail contractor.

PART I.—(continued).

(This Part applies to all persons other than those employed as (i) Wharf Driggers (ii) by Retail Dairymen or (iii) in connexion with the distribution of petrol and petroleum products.)

(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, but this sub-clause shall not apply to—

- (i) carting plant or material to or from buildings in course of construction repair or demolition within the area covered by the Melbourne City Council By-Law 233 paragraph 36 or any variation thereof;
- (ii) to the carting by the employer's own vehicles of goods between one part of the employer's business and another part except where such carting is between a part of the business that is wholesale or a factory and a retail part of the business;

and to such extent employers are so relieved.

REST AFTER LONG HOURS.

(12) After any period of work amounting to sixteen hours commencing from the time of beginning work in the morning but exclusive of meal periods and any waiting period during which the employee is stood down and not required to be in attendance on his vehicle or otherwise actually working an employee shall be given a period of eight consecutive hours' rest.

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) Any employer who has not already done so shall forthwith after the coming into operation of this Determination fix a regular starting time for each of his employees which shall with respect to each such employee be the same time in each day of the week. In any case where it is not so fixed such starting time shall be 7.15 a.m. until it is otherwise fixed by the employer. Where an employer desires to vary or change the regular starting time of any employee or employees he shall give two weeks' notice of such variation or change to the particular employee or employees concerned and also post a notice of the intended change at the depot or yard. Notwithstanding anything herein contained an employer who has fixed a regular starting time may vary same by informing any employee or employees by not later than the time when such employee or employees sign off or leave the depot or yard the previous day that the starting time or times of such employee or employees on any day or days will be a time or times not later by more than one hour than the regular starting time of such employee or employees.

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 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) sub-clause (a) hereof 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.

(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) hereof, 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 New Year's Day, Australia Day, Good Friday, Easter Monday, Anzac Day, King's Birthday, Labour Day, Christmas Day and Boxing Day, and to one other holiday on the day fixed as follows:—

For employees of the Melbourne and Metropolitan Board of Works—

Melbourne Cup Day.

For other employees—

Within 25 miles of the G.P.O., Melbourne—Melbourne Cup Day.

In any other district—

One day for which a whole or part holiday for the Public Service is gazetted for the district, or in default thereof a day agreed to by the employer and employees concerned and notified beforehand to the Union.

(b) Provided that notwithstanding the provisions of sub-clause (a) hereof where an employee is employed in an employer's industry with respect to which the Determination of any other Wages Board makes provision for public holidays without loss of pay the employer may grant the public holidays provided for in such Determination instead of those abovementioned and sub-clauses (a) and (b) hereof shall be read as if the holidays mentioned in any such Determination had been expressly mentioned herein as an alternative to those set out in sub-clause (a) hereof.

(c) 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.

PART I.—(continued).

(This Part applies to all persons other than those employed (i) as Wharf Druggers (ii) by Retail Dairymen or (iii) in connexion with the distribution of petrol and petroleum products.)

- (d) 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.
 (e) 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.
 (f) 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 (3) shall be paid.
 (g) 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.
 (h) If an employer intends 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 not 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.

(19) (a) Employees continuously employed as hereinafter defined shall in each year commencing with the year 1940 be allowed a holiday at the option of each employer as follows:—

- (i) provided the employee is not required to work on any day between Christmas Day and New Year's Day (both inclusive) the holiday may be from the day observed as Boxing Day to the 31st day of December inclusive and the employer shall pay wages for ordinary working days included in that period; but, otherwise,
 (ii) a week's holiday on full pay at some other time during the year. If the employee leave or be dismissed from employment after becoming entitled to such holiday and before receiving same he shall be paid an extra week's wages on such leaving or dismissal.
 Provided that where an employee is employed in an employer's industry with respect to which a determination of any other Wages Board provides for annual leave with pay the employer may grant such employee a holiday in accordance with the provisions of such determination instead of under this Determination and this Determination shall be read as if the provisions of such determination had been expressly included herein as an alternative to sub-paragraphs (i) and (ii) hereof.
 (b) "Continuously employed" for the purposes of this clause means employed (breaks arising from slackening of work being reckoned as being employed) for the period of twelve months immediately preceding the 25th day of each December except December, 1939. If any employee leaves or is dismissed during any such period he shall be given or paid for holidays *pro rata* in accordance with the length of service in such period, viz., one day for each two months of service and for this purpose the first period shall commence to run on the 25th day of December, 1939.
 (c) If the business be sold or transferred during any such period the right of an employee to a holiday shall not be affected by such sale or transfer if he continues in the employment of the business.
 (d) This clause shall not apply to employees covered by clause (20) hereof.

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

(20) A milk carter, sanitary employee, stableman or other employee shall, if generally required to work seven days in the week, be allowed one week's holiday on full pay at the expiration of each twelve months' service. 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., 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 week's holiday at the conclusion of twelve months' service with the firm or business.

MEAL TIMES.

(21) (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 of one hour, or half an hour in the case of an evening meal without pay, 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 work not later than 7 p.m., Monday to Friday inclusive, and 1.30 p.m. on Saturday.

(c) In the case of any employee of the Melbourne and Metropolitan Board of Works breaks may be of 45 minutes instead of one hour.

(d) 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.

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 (21) shall be entitled only to the higher payment.

THE CONTRACT OF EMPLOYMENT.

(22) 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 the 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 as the case may be, 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.

PART I.—(continued).

(This Part applies to all persons other than those employed (i) as Wharf Driggers (ii) by Retail Dairymen or (iii) in connexion with the distribution of petrol and petroleum products).

- (e) Subject to sub-clause (f) hereof 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. Provided that where an employee is in the service of an employer for a year and has had no sick pay in such year as prescribed and such employee continues in such service he shall not, if he becomes disabled as previously mentioned during the ensuing year, be entitled to absent himself without deduction of pay for more than four days in such ensuing year, but the number of days in any quarter or other longer period as aforesaid in such ensuing year on which he shall be entitled to so absent himself shall be increased within such quarter or period until the total number of days amount to four.
- For the purposes of this sub-clause "year" shall mean each succeeding period from the 1st day of November to the 31st day of October inclusive.
- 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) hereof 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 elsewhere in this clause contained 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 sub-clause (h) hereof 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.

(23) 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 improver under eighteen years of age shall be permitted to have sole charge of a motor vehicle.

PROPORTION OF JUNIORS.

(24) Juniors shall not be employed in a greater proportion than one junior to every five drivers receiving adult wages.

TIME BOOKS.

(25) (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 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. Provided proper facilities are provided by the employer for the purpose, such record or time book shall (so far as his starting and finishing time each day is concerned) be made or entered by the employee at the time of starting and finishing work each day.

(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 to any officials (not more than two in number at any one time) of the Union duly authorized in writing by the president and secretary of the local branch or sub-branch of the Union at the place where the record or time book is kept. No demand for production need be complied with until after the expiration of seven days in the case of the first inspection but subject thereto any demand for production made between the hours of 10 a.m. and noon and 2 p.m. and 4 p.m., Saturday afternoons and public holidays excepted, on any day between the 1st and the 27th inclusive in each calendar month except on pay day shall be complied with forthwith. If the time of any such demand shall not be reasonably suitable to an employer (the burden of proof whereof shall be on the employer) for a full and particular inspection and examination of such time book or record by the officials the employer shall nevertheless produce at such time such time book or record to the officials who shall be then entitled to examine such book or record for the purpose of seeing the nature and general state and condition thereof. A time shall then be agreed upon for the further examination of particulars thereof by such officials and, if not agreed upon, such time between the above hours shall be fixed by the officials and shall not be less than 24 hours or 48 hours in the case of a demand on the day before pay day after the time of the first demand. The officials shall in fixing such time have due regard to the exigencies of the employer's business and must complete each inspection as quickly as reasonably practicable.

(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.

(26) 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.

(27) 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 Union.

TEMPORARY CHANGE OF STARTING PLACE.

(28) (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 place 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.

(29) (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 employee 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 ordinarily would have taken to get to his home from the depot or yard.

PART I.—(continued).

(This Part applies to all persons other than those employed (i) as Wharf Druggers (ii) by Retail Dairymen or (iii) in connexion with the distribution of petrol and petroleum products.)

GEAR AND ROPES TO BE SUPPLIED BY EMPLOYER.

(30) 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.

(31) 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.

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

HOUSING.

(33) (a) Any employee required by his employer to live at a stable, yard, or garage, shall be provided with suitable accommodation for such employee 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.

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

- (a) "Junior" means any person under the age of 20 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, yard, or garage.
- (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 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 fly-blown 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, inclusive.
- (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 1/44, 3/88, 1/22, 5/88, and 3/44 of the prescribed weekly rate for the relevant class of employee;
- (u) "Shift," or any like expression, means work done in relay 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) "Makers capacity" means the capacity shown on the certificate of registration issued under the Motor Car Acts.
- (w) "Union" means the Transport Workers Union of Australia.

PART II.

(This part applies only to persons employed as Wharf Druggers.)

RATES OF WAGE.

(1) The minimum rates of wage payable to any person casually employed in the calling or occupation of a driver or dragger in the hauling or dragging of cargo on the wharf to and from the vessel's side and the wharf sheds or stacking grounds during the process of loading or unloading a vessel shall be 2s. 03-11d. per hour with a minimum payment as for two hours and in addition the sum of 2s. 3d. for each day on which work is done by the employee. For this purpose a "day" means the period between 8 a.m. one day and 8 a.m. the succeeding day.

ORDINARY HOURS OF EMPLOYMENT.

(2) The ordinary hours of duty shall be—

From Monday to Friday inclusive—8 a.m. to 5 p.m.
Saturday—8 a.m. to noon.

Except that taking horses from the stable to the wharf at the commencement of employment, or returning the horses from the wharf to the stable at the conclusion of employment either before or after the ordinary hours of duty set out above shall be paid for as ordinary time.

OVERTIME.

(3) Overtime as hereinafter defined shall be paid for at the following rates (in addition to the 2s. 3d. prescribed by clause 1 hereof):—

(a) Between 6 p.m. and midnight—

Monday to Friday inclusive—Ordinary rate and a half.

Between midnight and 7 a.m.—Monday to Saturday inclusive—Double ordinary rate.

(b) Where tea hour is observed from 6 p.m. to 7 p.m. by the waterside workers with whom the employee is working the employee shall be paid at the rate of ordinary rate and a half between 6 p.m. and 6 p.m.

PART II.—(continued).**(This Part applies only to persons employed as Wharf Driggers.)**

- (c) For work done on Saturday between noon and midnight and from midnight on Sunday to 7 a.m. on Monday double ordinary rates shall be paid.
- (d) For work done on ordinary holidays the rates shall be—
Between midnight and 7 a.m.—Two and one half times the ordinary rate.
Between 8 a.m. and 5 p.m.—Ordinary rate and a half.
Between 5 p.m. and midnight—Double ordinary rate.
- (e) For work done between midnight on Saturday and midnight on Sunday and between midnight and midnight on extraordinary holidays two and a half times the ordinary rate shall be paid.
- (f) For work done during ordinary hours for more than 88 hours per fortnight or 48 hours in any one week (exclusive of meal times and smoke-ohs)—for such excess ordinary rate and a half.
- (g) Men engaged to work between midnight and 7 a.m. under the preceding sub-clauses (c), (d) and (e) hereof shall be paid for at least four hours at the appropriate rate.

MEAL HOURS.

- (4) The hours for meals shall be—

Breakfast—7 a.m. to 8 a.m.

Dinner—Noon to 1 p.m.

Tea—5 p.m. to 6 p.m.

Supper—Midnight to 1 a.m. but when work begins at midnight supper periods are not to be observed.

When frozen cargo is being handled the meal hour may be postponed without payment of additional rate for any time not exceeding half an hour if such suspension is necessary to complete the unloading of a truck, motor waggon or vehicle the unloading of which was started before the time fixed for the meal hour.

WORKING DURING MEAL HOURS.

- (5) (a) Work for the purposes of this clause shall not be deemed to mean the necessary watering and feeding of horses. If employers require work during a meal hour the rates set out hereunder shall be paid for such meal hour or portion thereof worked.

	Ordinary days.	Ordinary holidays.	Saturday afternoons.	Sundays and extraordinary holidays.
	Per hour.	Per hour.	Per hour.	Per hour.
	s. d.	s. d.	s. d.	s. d.
Supper (except where employment begins at midnight)	6 0	7 0	..	7 0
Breakfast where work commences prior to 7 a.m.	6 0	7 0	..	7 0
Breakfast where work commences at 7 a.m.	4 0	5 0	..	7 0
Dinner	4 0	5 0	6 0	7 0
Tea except as provided in clause 3 (b) hereof	4 0	6 0	6 0	7 0

- (b) Employees shall at the employer's option work during such meal hours as are worked by the waterside workers with whom they are working but not otherwise.

(c) In ports where meals are supplied by the employers the payment for work during meal hours shall not apply where the employers in order to expedite the sailing of a vessel arrange for the meal to be supplied either one hour prior to or one hour later than the otherwise specified time of such meal hour. In such cases the employers shall be entitled to arrange meal times within the stipulated period.

SMOKE-OHS.

- (6) Employees shall be entitled without loss of pay to the same breaks in their work as are actually observed by the waterside workers with whom they are working but shall feed and water their horses during such smoke-ohs if necessary.

WORKING THROUGH SMOKE-OHS.

- (7) (a) The employees shall not be entitled to the said breaks of work if the employer be willing to pay double the appropriate rate for the work done during the smoke-oh or where the actual work commences less than two hours before the time of the break.
(b) For work done during smoke-ohs (other than the necessary feeding and watering of horses) double the appropriate rate shall be paid for the time actually worked.

TIME OF DUTY.

- (8) The time of duty shall begin at the time and place at which the employee is directed to present himself for work or for conveyance to work.

PROVISION FOR MEALS.

- (9) Where employees are required to work after 5 p.m. or after 6 p.m. in ports where the meal hour is observed by mutual arrangement from 6 p.m. to 7 p.m. at or before the time they are knocked off for the midday meal on the day on which they are so expected to work, or if engaged at the afternoon pick-up on that day—at the time picked-up—they shall be notified by the foreman or other representative of the employer of the probable period of time for which their services will be required before they are discharged or dismissed and ordered for resumption for the next period of work, and will thereupon make provision for meals necessary during such period mentioned, subject to the following conditions:—

- (i) If any meals necessary after 5 p.m. or after 6 p.m. in ports where the meal hour is observed from 6 p.m. to 7 p.m. within that period are provided and not required by the employee owing to work not being available, each such employee shall be paid the sum of 1s. 6d. for each such meal provided and not required.
- (ii) If the work exceeds the time mentioned by the foreman or other representative of the employer, and continues beyond a meal hour, and an extra meal or meals have to be obtained away from home, each such employee shall be paid the sum of 1s. 6d. for each such meal.
- (iii) If the employees are not notified as beforementioned and work continues beyond a meal hour, they shall each be paid 1s. 6d. for each meal obtained away from home.
- (iv) Where employees have been notified and work continues into and through the last meal hour to a finish, no payment shall be due for such meal not partaken during the meal hour time at which the last meal hour would have been observed.
- (v) The employer shall not be liable for these payments if he provide employees with proper meals.
- (vi) Employees required to work beyond the midday meal on Saturday shall receive notice of that fact before leaving work on Friday if resuming at the same job, or at the time of engagement—if engaged for work commencing on Saturday morning—and for meals required after midday, shall be notified at or before the midday break on the job.
- (vii) Employees engaged to commence work or ordered to resume work prior to the breakfast meal hour on the following working day and who are required beyond that meal hour, unless notified as beforementioned, shall be entitled to payment of the meal allowance.
- (viii) For the purposes of this Determination notice given by a foreman or other representative of the employer, to one man in each gang, shall be deemed to be notice to all employees engaged.

PART II.—(continued).**(This Part applies only to persons employed as Wharf Draggors.)****HOLIDAYS.**

(10) (a) The holidays shall be as follows:—

Extraordinary holidays.—Christmas Day, Good Friday, Eight Hours Day, and Sundays.

Ordinary Holidays.—New Year's Day, Easter Monday, King's Birthday, Boxing Day, Australia Day, Melbourne Cup Day, and Anzac Day.

(b) "Australia Day" shall mean the day in January observed as such.

(c) "Holidays" shall mean the days prescribed under the law of the State to be observed in lieu of the actual holidays mentioned unless there be no such day prescribed in which case the day to be observed shall be the day on which the holiday falls.

EMPLOYEES TO WHOM THIS PART APPLIES.

(11) This Part of this Determination shall apply to casual employees and except as to clause (1) hereof and the provision for payment of 2s. 3d. contained in clause (3) hereof shall apply to such permanent carters or drivers on weekly engagement as may be temporarily engaged in the occupation of dragging whilst they are so employed in lieu of the provisions dealing with the same subject matter in Part I hereof.

THE OCCUPATION.

(12) The duties of a dragger shall be to attend to and/or drive his horse and to attach the horse to the truck. He shall also be responsible for the safe conduct of the load (but not any loading or unloading) whilst on the truck. In the case of an emergency only a dragger may, if agreeable, do other work provided that for each hour or part of an hour so employed he shall be paid the ruling rate prescribed by any Determination for the particular class of work done.

INCORPORATION OF PROVISIONS OF PART I.

(13) The provisions of clauses 8, 13 (a), 25, 26, and 27 of Part I of this Determination are hereby incorporated in this Part.

PART III.**(This Part applies only to persons employed by Retail Dairymen.)**

(1)

ADULT EMPLOYEES.

	Weekly Wage.		
	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.
Employee driving—			
One horse	4 6 0	4 12 6	4 3 0
Two horses	4 11 0	4 17 6	4 8 0
Employee driving—			
Motor bicycle with side car	4 7 0	4 13 6	4 4 0
Other motor vehicle having maker's capacity of—			
25 cwt. or less	4 11 0	4 17 6	4 8 0
Over 25 cwt. but not over 3 tons	4 15 0	5 1 6	4 12 0
Over 3 tons but under 6 tons	4 18 0	5 4 6	4 15 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.			
Stableman	4 4 0	4 10 6	4 1 0
Head stableman	4 8 0	4 14 6	4 5 0
Horse driver's assistant, motor driver's assistant, washer, yardman, and any employee not elsewhere specified	4 2 0	4 8 6	3 19 0

(2)

EXTRA RATES.

Per week.

Further additional amount for employee driving retail milk vehicle	9 0.
Further additional amount for employee of retail dairyman driving bulk milk vehicle	1 0

DRIVER PROVIDING STABLING FOR HIS HORSE.

(3) 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.

(4) 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.

WAGE FOR JUNIORS.

(5) The minimum rate of wages to be paid per week to a junior shall be as follows:—

	£ s. d.
Under 19 years of age	2 15 0
19 and under 20 years of age	3 1 0
20 years of age and over	Adult rate.

HIGHEST FUNCTION.

(6) 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 wage 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.

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

PART III, (continued).**(This Part applies only to persons employed by Retail Dairymen.)****PAYMENT OF WAGES.**

(8) The following provisions shall apply to the payment of wages:—

- (a) 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.
- (b) All wages shall be paid on such pay-day.
- (c) 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 seek work, the employee shall be paid for the time of delay in excess of ten minutes at the rate of time and a half.
- (d) All earnings, including overtime, shall be paid within two days of the expiration of the week in which they accrue.

ORDINARY WORKING HOURS PER WEEK.

- (9) (a) The ordinary working hours per week for a weekly employee shall be 44. Such ordinary number of working hours shall include time worked on a Sunday.
 - (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, eight hours, and if the holiday be on a Saturday, four 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.

- (10) The work of each day or shift of drivers of retail milk vehicles or assistants on such vehicles shall be continuous: Provided that all work done by such in any capacity in excess of seven hours on any day shall not be counted as part of the ordinary working hours per week for a weekly employee and shall be paid for at the rate of time and a half in addition to any amount payable in respect of the weekly wage.

RANGE OF ORDINARY WORKING TIME.

- (11) (a) All work done by a driver of a retail milk vehicle or an assistant on such a vehicle in any capacity before the hour of 1 a.m. or after the hour of 10 a.m. on any day shall be paid for at the rate of time and a half irrespective of the number of hours worked for the day or week. Except that in the case of such employees on retail milk vehicles delivering milk to shops, factories, warehouses, or offices inside the City boundaries as defined by the Milk Board Regulations, viz., Flinders-street to Lonsdale-street and Spring-street to Spencer-street and in the case of employees on retail milk vehicles wholly delivering milk to milk bars, institutions, shops, hotels, hospitals, boarding houses and like places as "semi-wholesale" milk, all work done before the hour of 5 a.m. or after the hour of noon on any day shall be paid for at the rate of time and a half.
- (b) Any time worked outside such hours 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.
- (c) This Determination shall not operate to relieve employers from complying with any present Statute of the State or regulation thereunder so far as such Statute or regulation deals with the hours at which goods may be carted or delivered.

STARTING AND FINISHING WORK.

- (12) 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.

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.

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.

ALTERATION OF STARTING AND FINISHING TIMES.

- (13) Where an employer desires to vary or change his starting and finishing time, he shall give one week's notice in writing of such variation or change to his employees.

CASUAL EMPLOYEE TO BE NOTIFIED IF NOT REQUIRED.

- (14) 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.

- (15) (a) Except as otherwise provided in this clause 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 stableman working seven days or seven nights in one week—Ordinary time.

For any other employee—Double time.

- (b) Sub-clause (a) hereof 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 cascade curd or any two or two of them.

WEEKLY TIME OFF.

- (16) (a) Every weekly employee other than a retail milk carter 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.

(b) A weekly employee being a bulk milk carter shall in addition to the time off prescribed by sub-clause (a) hereof, 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 off, and if working night work to one clear night off from work in each week.

HOLIDAYS.

- (17) (a) Weekly employees shall be entitled without deduction of pay to the holidays observed in respect of New Year's Day, Australia Day, Good Friday, Easter Monday, Anzac Day, Eight Hours Day, Christmas Day, Boxing Day and Melbourne Cup Day.

(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.

PART III.—(continued.)**(This Part applies only to persons employed by Retail Dairymen.)**

(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.

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, 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. As well as the payment prescribed by this sub-clause the flat addition of 2s. 3d. prescribed by clause (4) hereof 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, COLLECTORS, STABLEMEN AND OTHERS.

(18) A milk carter, stableman or other employee shall, if generally required to work seven days in a week, be allowed two weeks' holiday and any other employee one week's holiday on full pay at the expiration of each twelve months' service. 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., in the case of a milk carter, stableman or other employee generally required to work seven days a week, one day for each month of service; and in the case of any other employee, 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 two weeks' or the week's holiday as the case may be at the conclusion of twelve months' service with the firm or business.

THE CONTRACT OF EMPLOYMENT.

(19) 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) A weekly employee shall not be changed to a casual employee within the week next preceding Christmas Day or Good Friday.

(c) 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.

(d) Subject to sub-clause (e) 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 (g) of this clause shall be entitled to a full week's wage.

(e) 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.

Provided that where an employee is in the service of an employer for a year and has had no sick pay in such year as prescribed and such employee continues in such service he shall not, if he become disabled as previously mentioned during the ensuing year, be entitled to absent himself without deduction of pay for more than four days in such ensuing year, but the number of days in any quarter or other longer period as aforesaid on which he shall be entitled to so absent himself shall be increased within such quarter or period until the total number of days amount to four and thereafter he shall not be entitled during such ensuing year to any further absence on account of such disability without deduction of pay.

For the purposes of this sub-clause "year" shall mean each succeeding period from the 1st day of November to the 31st day of October inclusive.

(f) Subject to sub-clause (e) 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.

(g) Notwithstanding anything elsewhere in this clause contained 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.

(h) If an employee be justifiably dismissed for any reason set out in sub-clause (g) hereof he shall be entitled to payment proportionate to the time worked, but to that only.

(i) 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.

(20) 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 imposter under eighteen years of age shall be permitted to have sole charge of a motor vehicle.

PROPORTION OF JUNIORS.

(21) Juniors shall not be employed in a greater proportion than one junior to every five drivers receiving adult wages.

TIME BOOKS.

(22) (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 Union duly authorized in writing by the president and secretary of the local branch or sub-branch of the Union, at the place where the record or time book is kept. Such inspection must be completed as soon as is reasonably practicable.

(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.

(23) 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 permission of the employer.

PART III.—(continued.)
(This Part applies only to persons employed by Retail Dairymen.)

LIMITATION OF EMPLOYERS' LIABILITY.

(24) 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 Union.

TEMPORARY CHANGE OF STABLE.

(25) (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 place 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.

GEAR AND ROPES TO BE SUPPLIED BY EMPLOYER.

(26) An employer shall supply his employees with all gear to secure any loads to be carted by them, and effective lamps.

ARTICLES OF CLOTHING.

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

HOUSING.

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

(b) If an employer provide 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.

COLLECTING BY RETAIL MILK CARTERS.

(29) No retail milk carter shall collect or be permitted to collect any accounts other than cash sales or cash collections on the round and during the ordinary course of milk delivery.

DEFINITIONS.

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

(a) "Junior" means any person under the age of 20 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, yard or garage.

(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) "Bulk milk carter" means a person carting milk or cream in bulk from producers to depots, railways, retailers or factories, or from depots or railways to factories for treatment or manufacture to retailers.

(g) "Retail milk carter" or "driver of a retail milk vehicle" means any person carting milk or cream, other than any person defined in sub-clause (f) hereof as a bulk milk carter, but includes persons carting milk to milk bars, institutions, shops, hotels, hospitals, boarding houses and like places.

(h) "Official" means any person authorized in writing by the president and secretary of the local branch or sub-branch of the Transport Workers' Union of Australia.

(i) "Horse" means any beast of burden except a bullock.

(j) "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.

(l) "Holiday" means any holiday prescribed by this Determination.

(m) "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 1/44, 3/88, 1/22, 5/88 and 3/44, of the prescribed weekly rate for the relevant class of employee.

(n) "Maker's capacity" shall mean the capacity shown on the certificate of registration under the motor car acts.

(o) "Union" means the Transport Workers' Union of Australia.

PART IV.

(This Part applies only to persons employed in connexion with the distribution of petrol and petroleum products.)

(1)

ADULT EMPLOYEES.

	Weekly Wage.		
	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.
Driver of a motor waggon with a combined weight of vehicle and maximum load of under 10 tons	4 18 0	5 4 6	4 15 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 ..	5 0 0	5 6 6	4 17 0
Further tonnage for each complete ton over 13 tons—1s. per week extra.			
Motor (not being a tractor) drawing trailer—1s. extra per day for each trailer			
Motor driver's assistant and any employee not elsewhere specified	4 2 0	4 8 6	3 19 0

PART IV.—(continued).

(This Part applies only to persons employed in connexion with the distribution of petrol and petroleum products.)

(2)	EXTRA RATES.	Per Week.
		s. d.
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 bituminous products upon the streets		6 0
Further additional amount for an employee driver 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 required in any week to act as salesman of goods in his vehicle		5 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 one ton or more, at the rate of		3 0

WAGE FOR CASUAL EMPLOYEES.

(3) 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.

WAGE FOR JUNIORS.

(4) The minimum rate of wages to be paid per week to a junior shall be as follows:—

	£ s. d.
Under 19 years of age	2 11 0
19 and under 20 years of age	2 17 0
20 years of age and over	Adult rate

HIGHEST FUNCTION.

(5) 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 wage 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.

PAYMENT OF WAGES.

- (6) (a) Except as otherwise provided in this clause the following provisions shall apply to the payment of wages:—
- (i) Either 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.
 - (ii) All wages shall wherever practicable be paid on such pay-day.
 - (iii) 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.
 - (iv) All earnings including overtime 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 by the majority of the employees in any establishment in such industry shall be applied to employees therein covered by this Determination.

ORDINARY WORKING HOURS PER WEEK.

- (7) (a) The ordinary number of working hours per week for a weekly employee shall be 44. Such ordinary number of working hours shall not include time worked on a Sunday.
- (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 a Saturday, 8 hours; 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.

ORDINARY WORKING TIME PER DAY.

- (8) (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 on any day from Monday to Friday (both inclusive) or 5 hours on Saturday.
- (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 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.

- (9) (a) Except as otherwise provided in this clause, ordinary working time shall not begin before 7 a.m. nor continue after 6 p.m., on any day from Monday to Friday (both inclusive) and shall not begin before 7 a.m. nor continue 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) hereof 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.

PART IV.—(continued.)

(This Part applies only to persons employed in connection with the distribution of petrol and petroleum products.)

STARTING AND FINISHING WORK.

(10) (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.

(b) 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.

ALTERATION OF STARTING TIMES.

(11) Where an employer desires to vary or change his starting time, he shall give one week's notice of such variation or change to his employees and post a notice of the intended change at the depot or yard.

CASUAL EMPLOYEE TO BE NOTIFIED IF NOT REQUIRED.

(12) 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.

(13) An employee required to work on a Sunday shall in addition to any amount payable in respect of a weekly wage, be paid at double time for any time worked on the Sunday with a minimum payment as for three hours.

WEEKLY TIMES OFF.

(14) 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 a Sunday in addition to the benefit of any holidays prescribed for him by this Determination.

Provided that, where an employer 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.

HOLIDAYS.

(15) (a) Weekly employees shall be entitled without deduction of pay to the holidays in respect of New Year's Day, Australia Day, Good Friday, Easter Monday, Anzac Day, King's Birthday, Eight Hours Day, Christmas Day, Boxing Day, and to one other holiday on the day fixed as follows:—

Within 25 miles of the General Post Office, Melbourne—Melbourne Cup Day.
Elsewhere—Any day agreed to by the employer and any employee 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.

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

(d) 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. As well as the payment prescribed by this sub-clause, the flat addition of 2s. 3d. prescribed by clause (3) shall be paid.

(e) 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.

(f) 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.

(16) Drivers shall be allowed one week's holiday on full pay at the expiration of each twelve months' service. 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., 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 week's holiday at the conclusion of twelve months' service with the firm or business.

MEAL TIMES.

(17) (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.

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. 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. for tea money.

An employee who is required 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 (17) shall be entitled only to the higher payment.

PART IV:—(continued):**(This Part applies only to persons employed in connection with the distribution of petrol and petroleum products.)****THE CONTRACT OF EMPLOYMENT.**

(18) 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 the terms and conditions of weekly employment:—

- (d) 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, shall be available, ready, and willing to perform such work as the employer shall from time to time require on the days 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 this 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.

- (19) No junior under eighteen years of age shall be permitted to have sole charge of a motor vehicle.

PROPORTION OF JUNIORS.

- (20) Juniors shall not be employed in a greater proportion than one junior to every five drivers receiving adult wages.

TIME BOOKS.

(21) (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 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 union duly authorized in writing by the president and secretary of the local branch or sub-branch of the union, 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. No demand for production need be complied with until after the expiration of seven days in the case of the first inspection. One day's notice shall be given to the employer of any subsequent inspection. Such inspection must be completed as soon as is reasonably practicable.

(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.

- (22) 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 EMPLOYER'S LIABILITY.

(23) 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 union.

TEMPORARY CHANGE OF STARTING PLACE.

(24) (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.

PART IV.—(continued.)**(This Part applies only to persons employed in connexion with the distribution of petrol and petroleum products.)****TRAVELLING ALLOWANCES.**

(25) (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.

(b) Where an employee 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.

(26) 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.

(27) 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.

(28) 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.

DEFINITIONS.

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

- (a) "Junior" means any person under the age of twenty years in receipt of less than the adult wage.
- (b) "Casual employee" means an employee who is not employed as a weekly employee.
- (c) "Motor driver's assistant" means any employee who accompanies the driver to assist him in loading, unloading or delivering.
- (d) "Official" means any person authorized in writing by the president and secretary of the local branch or sub-branch of the Transport Workers' Union of Australia.
- (e) "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.
- (f) "Holiday" means any holiday prescribed by this Determination.
- (g) Rate of "ordinary time," of "time and a half," of "double time," of "double time and a half time," and of "treble time," and any like expression means respectively a rate per hour of 1/44, 3/88, 1/22, 5/88 and 3/44 of the prescribed weekly rate for the relevant class of employee.
- (h) "Shift" or any like expression means work done in relay by successive men or sets of men without any considerable break between the ending of work by one man or set of men and the beginning of work by the next man or set of men.
- (i) "Fuel oil" for the purposes of clause (2) of this Part means a residual oil, an unprocessed crude oil, and/or a Diesel oil that is not a distillate.
- (j) "Union" means the Transport Workers Union of Australia.

F. A. MARZORINI,
Secretary for Labour.

Melbourne, 22nd April, 1940.