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[1945

Factories and Shops Acts.

DETERMINATION OF THE CARTERS AND DRIVERS BOARD.

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

**[I**n accordance with the provisions of the *Factories and Shops Acts* the *Wages Board* which since the 15th February, 1938, has had the power to determine the lowest prices or rates which may be paid to any person, employed—

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

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

- (2) in or in connexion with any stable in which are stabled the horses used in his trade or business by any person subject to the Determination of the said Carters and Drivers Board;
- (3) in driving horse-drawn passenger vehicles hired or plying for hire;
- (4) in the business of a livery stable keeper or in a stable where cabs or cab horses are kept;
- (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;

has made the following Determination, namely :—

- (a) That as from the beginning of the first pay period to commence on or after the 5th June, 1945, the last previous Determination of this Board shall be revoked and replaced by this Determination.
- (b) That Part I. hereof shall apply to all persons other than those mentioned in sub-clauses (c), (d) or (e) hereunder.
- (c) That 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) That Part III. hereof shall apply only to persons employed by retail dairymen.
- (e) That 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 Druggers, (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 Oppelland Districts.	At Yallourn.	All Other Parts of Victoria.
<b>Employee driving jinker, boiler truck, V or float—</b>			
One horse .. .. .	£ 5 10 0	£ 5 16 6	£ 5 7 0
Two or three horses .. .. .	5 15 0	6 1 6	5 12 0
Additional horses—6d. extra per day for each extra horse.			
<b>Employee driving—</b>			
One horse .. .. .	5 4 0	5 10 6	5 1 0
Two horses .. .. .	5 9 0	5 15 6	5 6 0
Three horses .. .. .	5 12 0	5 18 6	5 9 0
Four horses .. .. .	5 14 0	6 0 6	5 11 0
Five horses .. .. .	5 15 0	6 1 6	5 12 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.			
Horse-drawn vehicle drawing trailer—6d. per day extra for each trailer drawn at the same time.			
<b>Employee driving—</b>			
Motor bicycle with side car .. .. .	5 4 0	5 10 6	5 1 0
Other motor vehicle including girlinger having maker's capacity of—			
25 cwt. or less .. .. .	5 9 0	5 15 6	5 6 0
Over 25 cwt., but not over 3 tons .. .. .	5 13 0	5 19 6	5 10 0
Over 3 tons but under 6 tons .. .. .	5 16 0	6 2 6	5 13 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.			
Employee driving mechanical horse, with or without one trailer, 1s. per day extra per trailer for each trailer above one drawn at same time .. .. .	5 18 0	6 4 6	5 15 0
Loader .. .. .	5 7 0	5 13 6	5 4 0
Leading Loader .. .. .	5 13 0	5 19 6	5 10 0
Stableman .. .. .	5 1 0	5 7 6	4 18 0
Head stableman .. .. .	5 5 6	5 12 0	5 2 6
Sanitary depot employee who ploughs in nightsoil or digs trenches and buries it therein .. .. .	5 6 0	5 12 6	5 3 0
<b>Sanitary carter's mate—</b>			
Between 7 a.m. and 10 p.m. .. .. .	5 4 0	5 10 6	5 1 0
Between 10 p.m. and 7 a.m. .. .. .	5 5 0	5 11 6	5 2 0
Supervisor .. .. .	5 10 0	5 16 6	5 7 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 .. .. .	5 9 0	5 15 6	5 6 0
Horse driver's assistant, motor driver's assistant, washer, yardman, and any employee not elsewhere specified .. .. .	4 18 0	5 4 6	4 15 0

Employee sifting charcoal—for the first four hours or part thereof—1s. and an extra 1s. for any time extra beyond such four hours in any daily period of twenty four hours but not to exceed 4s. per week.

The margin for the driver of an articulated vehicle as defined shall be calculated in accordance with the maker's capacity of the vehicle, with a minimum margin (other than for the driver of a machinery float), calculated as if such capacity were at least 8 tons. In the case of the driver of a machinery float, a further 5s. per week shall be paid over and above the amount payable in accordance with the maker's capacity, with a minimum margin of 25s. per week.

**WAGE FOR JUNIORS.**

2. (a) The minimum rate of wage 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 .. .. .	3	9	0
19 and under 20 years of age .. .. .	3	17	0
20 years of age and over .. .. .	..	..	.. Adult rate.

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

	£	s.	d.
Under 19 years of age .. .. .	3	13	0
19 and under 20 years of age .. .. .	4	1	0
20 years of age and over .. .. .	..	..	.. Adult rate.

**WAR LOADINGS.**

3. In addition to the weekly rates prescribed in clauses 1 and 2 war loadings shall be paid as follows:—

	Per week		
	£	s.	d.
Juniors under 20 years of age .. .. .	1	0	0
Juniors 20 years of age and over .. .. .	1	6	0
Stableman .. .. .	1	6	0
Horse driver's assistant, motor driver's assistant, washer, yardman, and any employee not elsewhere specified .. .. .	1	6	0
All other classifications .. .. .	3	0	0

Provided that any person driving a bulk milk vehicle or a gas-producer unit shall be paid the appropriate extra rates set out in clauses 4 (i) and 5 (i) respectively and shall not be entitled to war loadings.

## 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.)

4. EXTRA RATES.		Per week.
		s. d.
(i) Further additional amount for a bulk milk carter whether carting milk in tanks and/or containers ..	..	7 0
(ii) 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
(iii) Further additional amount for employee carting dirty material—ls. per each day upon which any such material is carted but not to exceed 4s. per week .. .. .	..	6 0
(iv) Further additional amount for employee carting specially offensive material .. .. .	..	6 0
(v) Further additional amount for an employee driver who is required to cart or spread upon the streets, tar or tarred material .. .. .	..	6 0
		Per week.
		s. d.
Further additional amount for employee driver collecting money—		
If the amount collected be under £30 .. .. .	..	2 0
If the amount collected be £30 and under £100 .. .. .	..	3 0
If the amount collected be £100 and under £300 .. .. .	..	4 0
If the amount collected be £300 and under £500 .. .. .	..	5 0
If the amount collected be £500 and over .. .. .	..	6 0
Further additional amount for an employee driver (not of milk vehicle) required to act as salesman of goods in his vehicle .. .. .	..	2 0

## GAS PRODUCER UNITS.

5. The following provisions shall apply to drivers of gas producer units:—

- (i) Driver of a motor vehicle fitted and operated with a charcoal gas producer unit for each day or portion thereof upon which he is called upon to drive such vehicle ls. extra. This amount shall be deemed to be part of the weekly wage and shall be taken into account for the purpose of calculating overtime.
- (ii) Such driver for each day or portion thereof upon which he is called upon to clean the hopper and/or final filter of such unit ls. extra.
- (iii) Suitable overalls and gloves shall be provided by employers for the employees mentioned in sub-clauses (i) and (ii) hereof.
- (iv) Employers shall provide proper washing conveniences for such employees and also hot water or some other efficient cleansing material.

## DRIVER PROVIDING STABLING FOR HIS HORSE.

6. 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.

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

## HIGHEST FUNCTION.

8. 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 wage is prescribed.

## EMPLOYEE LEARNING ROUND.

9. No reduction shall be made from his wage when an employee is learning his round.

## PAYMENT OF WAGES.

10. (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.
- (v) If an employer fails to make payment to any employee on pay-day he shall pay to each such employee an extra 3s. for each and every day or part thereof during which such default continues unless he satisfies the Secretary for Labour that such failure is due to some act on the part of the employee or to the fact that the employer was ready and willing to make payment on pay day but that the employee failed to wait for his pay under sub-clause (iii) of this clause or to circumstances not under his control and which he could not reasonably have foreseen and which he took reasonable steps to avoid or overcome.

(b) Sub-clause (a) of this clause shall not apply to an industry in which the work of employees covered by this Part is only subservient to the main operations of such industry but the practice followed for the majority of the employees in any establishment in such industry, shall be applied to employees therein covered by this Part.

(c) This clause shall not apply to the Melbourne and Metropolitan Board of Works.

## HOURS.

11. (a) The maximum ordinary hours shall be 44 per week.

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.

**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.)**

(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 proscribed holiday to which he is entitled by this Part, 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 proscribed 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.**

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

Provided that in summer for a carter of ice or ice-cream the time on Saturday shall be 9 hours instead of 5 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 proscribed shall be paid for as overtime at the rate of time and a half for the first four hours and double time thereafter.

(d) (i) Where an employee is required to resume work at an hour later than 6 p.m. on any day from Monday to Friday inclusive he shall, for all time intervening (with the exception of the meal break) between 6 p.m., and the time he resumes work, be paid at ordinary rates in addition to tea money: Provided that if he is notified before the day on which he is so required to resume work at an hour later than 6 p.m. he shall be paid for such intervening time up to a maximum of two hours only.

(ii) Where an employee is required to resume work at an hour later than 1 p.m. on a Saturday he shall, for all time intervening (with the exception of the meal break), between 1 p.m. and the time he resumes work, be paid at ordinary rates with a maximum of three hours, but shall not be paid meal money.

(iii) All time for which payments are made under sub-clauses (d) (i) and (d) (ii) hereof shall not be taken into account for the purpose of calculating overtime payments under sub-clause (d) hereof.

(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.**

13. (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 or although not outside such times is prior to the starting time fixed under clause 16 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 7½ 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,

The Melbourne and Metropolitan Board of Works at a sanitary depot or in relation to the repair of a break-down in connexion with waterworks, sewerage works, or main drainage works.

(f) This Part 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.**

14. When an employee is required to work for any period amounting to sixteen hours commencing from the time of beginning work, he shall be granted a respite from and entitled to absent himself from work until he has had eight consecutive hours off duty, but shall not be paid for such period of absence.

**STARTING AND FINISHING WORK.**

15. 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.

Provided further that in cases where an employee, driver of a motor vehicle, takes the vehicle to his home at the end of the day's work his finishing time shall be deemed to be the time of arrival at his home and his starting time on the following morning shall be the time at which he signs on at his employer's yard or depot unless he has to proceed direct from his home with or to a job without first going to the employer's yard or depot in which case his starting time shall be the time of leaving his home.

## 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.)

## ALTERATION OF STARTING AND FINISHING TIMES.

16. Each employer shall 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 for any particular day or days 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 specified day or days will be a time or times not earlier than the regular starting time and 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.

17. 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.

18. (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		
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		
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 bulk milk driver while solely carting milk, cream, and casein curd or any one or two of them.

## WEEKLY TIMES OFF.

19. (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 Part.

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, and in default thereof one day's extra pay.

(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, and in default thereof one day's extra pay.

(d) The extra pay provided in sub-clauses (b) and (c) hereof shall be in addition to any overtime earned.

## HOLIDAYS.

20. (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—

A day to be agreed to by the employer and his employees, and notified beforehand to the Union, and in default therein the day upon which the Melbourne Cup is run.

For other employees—

Within 25 miles of the G.P.O., Melbourne—A day to be agreed to by the employer and his employees, and notified beforehand to the Union, and in default therein the day upon which the Melbourne Cup is run.

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.

Provided further that an employer shall not be entitled to exercise the right conferred on him by this sub-clause unless and until he or some person on his behalf has given written notice to the Union of the determination under which he proposes to grant the holidays and of the public holidays provided therein. Any notice so given may only be changed by another written notice given to the Union in January of any year.

(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.

(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.

Provided further that if an employee is required to work on a holiday during hours which if the day were not a holiday would be outside the range of ordinary working time as mentioned in clause 13 hereof he shall be paid for such hours at double time instead of time and a half or ordinary time as hereinbefore provided in this sub-clause.

(e) The preceding part of this clause shall not apply to a stableman, a groom, or a bulk milk carter whilst solely carting milk.

(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.

**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.)**

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 7 hereof shall be paid.

(g) Where a weekly employee is entitled to any holiday prescribed by this Part, 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 Part he shall not be entitled to make a deduction from the wages of any weekly employee who fails to present himself for duty on that day unless he shall have given the employee notice of his intention to carry on business on that day.

**ANNUAL LEAVE.**

21. (a) Except as hereinafter provided a period of seven consecutive days' leave shall be allowed annually to each employee after twelve months' consecutive service (less the period of annual leave) since the commencement of such employee's service or since such employee last became entitled to annual leave.

(b) Any leave to which an employee may become entitled hereunder shall be granted by the employer within three calendar months of the same becoming due. Provided that if because of the conditions operating in any particular industry or of circumstances over which he has no control due to the present war an employer considers it impossible for him to grant leave to any employee within the said period he may by agreement with the Union postpone such leave until a later date and in default of agreement he may submit the matter to the Secretary for Labour who shall have power to postpone such leave until such later date as he sees fit.

Where an employee has become entitled to annual leave hereunder but leaves or is dismissed for any cause before such leave is granted to him, he shall be paid one week's wages in lieu of such leave.

(c) If during any qualifying period of twelve months an employee leaves his employment or his employment is terminated by the employer for any reason not being one set out in sub-clause (h) of clause 23 hereof, such employee shall be given or paid for holidays *pro rata* in accordance with the length of service in such period namely one day for each two months' service up to the first six months and thereafter one half day for each months' service. Sub-clause (j) hereof shall not apply to this sub-clause.

(d) An employer may grant annual leave to an employee before the right thereto has accrued due but where leave is taken in such a case a further period of annual leave shall not commence to accrue until the expiration of the twelve months in respect of which annual leave had been taken before it accrued.

(e) Each employee before going on leave shall be paid the wages due to him for the period for which he is entitled to leave. For the purposes of this sub-clause and sub-clause (c) hereof the wages shall be at the amount prescribed in this Part for the occupation at which the employee was ordinarily employed immediately prior to the commencement of his leave or the termination of his employment as the case may be, but in the event of an employee being engaged during a period of four weeks prior to such commencement or termination on two or more occupations entitling him to different rates of pay the wages to be paid to such employee hereunder shall be the amount of his average weekly wages for ordinary working time over such period of four weeks.

(f) The annual leave provided for by this clause shall be allowed and shall be taken and except as provided in sub-clauses (b) (c) and (o) hereof payment shall not be made or accepted in lieu of annual leave. If an employer fails to grant leave within the period or any postponement thereof mentioned in sub-clause (b) hereof and is convicted on that ground for a breach of this Part and the employee is not a consenting party to such failure the employer shall in addition to the wages payable under sub-clause (e) hereof also pay to such employee a further sum equal to the wages payable under sub-clause (e).

(g) At least seven days' notice shall be given to an employee as to when he is to commence his leave and if such notice be withdrawn by an employer the employee, if he postpones his leave, shall be compensated by the employer for any reasonable out of pocket loss occasioned thereby; in case of dispute to be settled by the Secretary for Labour.

(h) Where leave has been granted to an employee pursuant to sub-clause (d) hereof before the right thereto has accrued due and the employee subsequently leaves or is discharged from the service of the employer before completing the twelve months' continuous service in respect of which the leave was granted, the employer may for each two complete months of the qualifying period of twelve months not served by the employee deduct from whatever remuneration is payable upon the termination of the employment, one-sixth of the amount of wages paid on account of the annual leave, which amount shall not include any sums paid for any of the holidays prescribed in clause 20 hereof. Provided that in cases where such leave is granted, at the request of the employee, the employer may when making payment under sub-clause (e) hereof withhold from the employee a sum equal to such one-sixth for each two complete months of the qualifying period not served by the employee at the time of going on such leave and retain such sum until the expiration of such qualifying period.

(i) For the purposes of this clause service shall be deemed to be continuous notwithstanding:—

- (i) Any interruption or determination of the employment by the employer if such interruption or determination has been made merely with the intention of avoiding obligations hereunder in respect of leave of absence.
- (ii) Any absence from work on account of sickness or accident or military service, and in calculating the period of twelve months' continuous service absence on account of sickness or accident to the extent of fourteen days in any twelve months shall be deemed to be part of the period of continuous service; and with respect to military service the provisions of Statutory Rule 1941, No. 11, shall apply.

(j) The annual leave prescribed by this clause shall be exclusive of any of the holidays prescribed in clause 20 hereof, and if any such holiday falls within an employee's period of annual leave there shall be added to that period one day for each such holiday falling as aforesaid. Provided that payment for any such holiday need not be made under sub-clause (e) hereof, at the time of going on leave, but may be withheld until the employee returns to the service of the employer on the conclusion of his annual leave and the employer shall not be bound to pay for any such holiday in cases where the employee is not discharged but fails to so return to the employment of the employer.

(k) For the purpose of this clause a month shall be reckoned as commencing with the beginning of the first day of the employment or period of employment in question and as ending at the beginning of the day which in the latest month in question has the same date number as that which the commencing day had in its month, and if there be no such day in such subsequent month shall be reckoned as ending at the end of such subsequent month.

(l) Where the employer is a successor or assignee, or transferee of a business, if an employee was in the employment of the employer's predecessor at the time when he became such successor or assignee or transferee, the employee in respect of the period during which he was in the service of the predecessor shall for the purpose of this clause be deemed to be in the service of the employer.

(m) Provided that where an employee is employed in an employer's industry with respect to which the determination of any other Wages Board provides for annual leave with pay such leave being uniform for all employees the employer may grant such employee annual leave in accordance with the provisions of such determination instead of under this Part, and this Part shall be read as if the provisions of such determination had been expressly included herein. Provided further that an employer shall not be entitled to exercise the right conferred on him by this sub-clause unless and until he or some person on his behalf has given written notice to the Union of the determination under which he proposes to grant the annual leave and of the annual leave therein provided. Any notice so given shall not be changed without the consent of the Union and shall not affect any rights of the employee already accrued under this Part at the time of giving such notice.

(n) Any dispute as to the rights of an employee to or with respect to annual leave shall be dealt with by the Secretary for Labour.

## 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.)

(o) As to bulk milk carters the following provisions shall apply:—

- (i) In sub-clause (a) the word "fourteen" shall be substituted for the word "seven".
- (ii) In sub-clause (c) the words "two days" shall be substituted for the words "one day", and the words "one day" for the words "one half-day".
- (iii) One week of the annual leave shall be given and taken and payment shall not be made and accepted in lieu thereof, but the granting of the second week shall be at the option of the employer, but if not given shall be paid for.

## MEAL TIMES.

22. (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 the evening meal, without pay.

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. on 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) (i) Where an employee is required otherwise than because of his own default or delay to continue working after 6 p.m. or 1.15 p.m. on Saturday without having been informed in some way on the preceding working day that he will be so required he shall be allowed 2s. as tea money.

(ii) 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.

(iii) 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.

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

## THE CONTRACT OF EMPLOYMENT.

23. 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.
- (e) Subject to sub-clause (f) hereof an employee to become entitled to payment of the weekly wage prescribed by this Part 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) hereof 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 two months or for a proportionate aggregate in a longer period, but not exceeding one of forty-four working hours 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 forty-four working hours in each ensuing year, but the number of days in any two months 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 two months or period until the total number of working hours amount to forty-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, and if the day be a Saturday, four 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 Part 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 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 Part shall be paid to him forthwith and in default thereof the employer shall pay such employee an extra 3s. for each and every day or part thereof, whilst such default continues unless the employer satisfies the Secretary for Labour that such default was due to circumstances not under his control and which he could not reasonably have foreseen and which he took reasonable steps to avoid or overcome.

**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.)**

**JUNIORS NOT TO BE EMPLOYED IN CERTAIN CASES.**

24. 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.**

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

**TIME BOOKS.**

26. (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 each day the time of starting and finishing work the work performed and class of vehicle driven and number of horses or makers capacity and the weekly rate of pay for such work, 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 and also the work performed and class of vehicle driven and number of horses or makers capacity) be made or entered each day by the employee at the time of starting and finishing work.

(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 or in his absence the person in charge or who may be reasonably presumed to be in charge of such depot, yard, or office mentioned in sub-clause (a) of this clause or the time books kept thereat 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.**

27. 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 the employee signs on and off and where it is easily accessible to the employees without having to ask the permission of the employer.

**TEMPORARY CHANGE OF STABLE.**

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.

**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.

31A. Where the driver of a milk waggon is required to lift into the waggon milk in cans having a capacity of 10 gallons or more from the ground or other surface more than 18 inches below the level of the tray of the truck, an assistant must be provided.

**ARTICLES OF CLOTHING.**

32. 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.

**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 be let.

**DEFINITIONS.**

34. Unless a contrary intention appears expressions used in this Part shall have meanings as follow:—

(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.



**PART I.—(continued).**

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

- (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, and a person engaged as a horse driver's assistant or motor driver's assistant but who performs work on the water front of the nature usually performed by a loader shall be deemed to be a loader within this definition whilst performing such work.
- (g) "Leading loader" shall mean a loader or ganger in charge of loaders.
- (h) "Bulk milk carter" means an employee solely engaged in carting milk or cream in bulk whether carting in tanks and/or containers.
- (i) "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.
- (j) "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.
- (k) "Sanitary carter's mate" means an employee who accompanies the driver to assist in loading or unloading.
- (l) "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.
- (m) "Boiler truck" means a vehicle on four low wheels, with or without springs, generally used for the carrying of boilers.
- (n) "Float" means a vehicle on four wheels with or without springs generally used for carrying plate glass or other heavy material.
- (o) "Articulated vehicle" means a vehicle with three or more axles comprising a power unit (called tractor truck, prime mover), and semi-trailer, which is superimposed on the power unit and coupled together by means of a king pin, revolving on a turn table; and is an Articulated Vehicle whether automatically detachable or permanently coupled.
- (p) "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, salt cake, spent oxide, hair and shavings, soda ash, sulphur (ex wharf), sheep's trotters (known as "pie"). Sulphuric acid of the strength of 96 per cent. to 98 per cent. in cases in which the carter is required to handle individual jars thereof, stable manure, meat meal, liver meal, blood meal.
- (q) "Dirty material" means coal, coke, briquettes, bitumen and/or bituminous material for spreading on roads, plumbago, black lead, carbon black, manganese, lime, "Comaidai" (lime), Tallite, limil, plaster, plaster of paris, red oxide, zinc oxide, "Quikardo" cement, superphosphate in second-hand bags, rock phosphate, di-calcic phosphate, yellow ochre, red ochre, charcoal, empty flour bags, stone dust, household refuse (including refuse from ships in port), shives of flax (when carted as a full load), street sweepings or garbage (known as "pick-up") and any other material or a particular load thereof which this Wages Board may decide to be exceptionally dirty.
- (r) "Horse" means any beast of burden except a bullock.
- (s) "Saturday" for the purpose of this Part means either Saturday or such other day as is at present observed as the weekly half-holiday in a particular industry or district.
- (t) "Holiday" means any holiday prescribed by this Part.
- (u) "Winter" means from the 15th day of April to the 15th day of October, inclusive.
- (v) "Summer" means from the 16th day of October to the 14th day of April, inclusive.
- (w) "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;
- (x) "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.
- (y) "Makers capacity" means the capacity shown on the certificate of registration issued under the Motor Car Acts.
- (z) "Union" means the Transport Workers Union of Australia.

**PERIODICAL ADJUSTMENT OF WAGES.**

35. The wages rates set out in clause 1 of this Part are based upon the following basic wage and, pursuant to the provisions of Section 21 of the *Factories and Shops Act 1934*, shall be automatically increased or decreased by the same amount, and at the same time, as such basic wage.

The basic wage shall be adjusted as prescribed in clause 36 of this Part.

*Basic Wage.*

Place.	Needs basic wage (adjustable).	Loading (constant).	Total basic wage.	Index number set assigned.
Within 20 miles of G.P.O., Melbourne	£ s. d. 4 12 0	s. d. 6 0	£ s. d. 4 18 0	Melbourne
Within 10 miles of G.P.O., Geelong—same as the contemporaneous basic wage for Melbourne				
Within 5 miles of the chief Post Office, Warrnambool—same as the contemporaneous basic wage for Melbourne				
Mildura and Gippsland Districts—same as the contemporaneous basic wage for Melbourne				
Yallourn—until further order the same amount in excess of Melbourne as at present, viz., 6s. 6d. per week				
Elsewhere—3s. less than the contemporaneous basic wage for Melbourne				

**ADJUSTMENT OF NEEDS BASIC WAGE.**

36. (a) Until the beginning of the first pay period to commence in August, 1945, the amount of the basic wage shall be as prescribed in clause 35 of this Part.

(b) For work done during each future period of or near a quarter beginning with the first pay period to commence in an August, a November, a February, or a May, the amount of the needs basic wage shall be adjusted by the following method according to the position and fluctuations (if any) of the Commonwealth Statistician's "All Items" retail price index numbers.

For the purposes of this Part the expression "Commonwealth Statistician's 'All Items' retail price index numbers" or any like expression means the numbers stated to be such index numbers in any document purporting, and not proved to be wrongly so purporting, to be printed by the Commonwealth Government Printer or to be signed by or on behalf of the Commonwealth Statistician.

(1) The index number set for Melbourne is to be applied.

(2) The index number for the calendar quarter next preceding the period of or near a quarter for which the adjustment is made is to be ascertained.

(3) The amounts assigned in the following table (or in any extension thereof) to the index number division comprising that number are to be ascertained.

**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.)

(4) The basic wage shall be of that assigned amount during such successive period of or near a quarter.

Table.

Index number divisions.	Needs basic wage (adjustable).	Loading (constant).	Total basic wage.
994-1008	4 1 0	}	4 7 0
1007-1018	4 2 0		4 8 0
1019-1030	4 3 0		4 9 0
1031-1043	4 4 0		4 10 0
1044-1055	4 5 0		4 11 0
1056-1067	4 6 0		4 12 0
1068-1080	4 7 0		4 13 0
1081-1092	4 8 0		4 14 0
1093-1104	4 9 0		4 15 0
1105-1117	4 10 0		4 16 0
1118-1129	4 11 0		4 17 0
1130-1141	4 12 0		4 18 0
1142-1154	4 13 0		4 19 0
1155-1166	4 14 0		5 0 0
1167-1179	4 15 0		5 1 0
1180-1191	4 16 0		5 2 0
1192-1203	4 17 0		5 3 0
1204-1216	4 18 0		5 4 0
1217-1228	4 19 0		5 5 0
1229-1240	5 0 0		5 6 0

The index number divisions in this table are based upon the equating of the index number 1,000 with a basic wage of 81s. per week and any extension of this table must be of the same construction as the table.

**PART II.**

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

**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. 6 $\frac{1}{2}$ d. per hour with a minimum payment as for four 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.

Provided that the time occupied in travelling to or from the stable, yard or wharf, with a horse or horses, shall be paid for as if the dragger was actually engaged in dragging operations.

**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 5 p.m. and 6 p.m.

(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-obs)—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.

## PART II.—(continued).

(This Part applies only to persons employed as Wharf Driggers.)

## WORKING DURING MEAL HOURS.

5. (a) Working during meal hours, except to meet emergencies, shall be avoided as far as possible. If employers require work to continue during a meal hour to meet emergencies, the rates set out hereunder, subject to adjustment under clause 14 of this Part, shall be paid for such meal hour, or portion thereof worked, and thereafter, subject to the exception in respect of frozen cargo in clause 4 of this Part and those hereinafter mentioned shall continue until the employee is discharged or has been allowed a full hour of leisure for a meal.

(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.

Note.—Based on 2s. 1 $\frac{1}{11}$ d. per hour.

	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 3 $\frac{3}{11}$	7 3 $\frac{3}{11}$	..	7 3 $\frac{3}{11}$
Breakfast where work commences prior to 7 a.m. .. .. .	6 3 $\frac{3}{11}$	7 3 $\frac{3}{11}$	..	7 3 $\frac{3}{11}$
Breakfast where work commences at 7 a.m. .. .. .	4 2 $\frac{2}{11}$	5 2 $\frac{2}{11}$	..	7 3 $\frac{3}{11}$
Dinner .. .. .	4 2 $\frac{2}{11}$	5 2 $\frac{2}{11}$	6 3 $\frac{3}{11}$	7 3 $\frac{3}{11}$
Ta except as provided in clause 3 (b) hereof .. .. .	4 2 $\frac{2}{11}$	6 3 $\frac{3}{11}$	6 3 $\frac{3}{11}$	7 3 $\frac{3}{11}$

## 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, except as hereinafter provided, 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 on the same or a different job 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 after the time of the midday meal 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 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 before mentioned 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 before mentioned, shall be entitled to payment of the meal allowance.
- (viii) For the purposes of this Part 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.

## HOLIDAYS

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

Extraordinary holidays.—Christmas Day, Good Friday, Labour 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.

**PART II.—(continued).**

**(This Part applies only to persons employed as Wharf Driggers.)**

**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.

An employer shall not employ a permanent carter or driver on weekly engagement as a casual dragger on a holiday unless there shall be no casual driggers available.

**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.

**PERIODICAL ADJUSTMENT OF WAGE RATES.**

14. (a) Until the beginning of the first pay period to commence in August, 1945, the rate of wage shall be the amount prescribed in clause 1 of this Part.

(b) For work done during each future period of or near a quarter beginning with the first pay period to commence in an August, a November, a February or a May the amount of the said rate shall, pursuant to the provisions of section 21 of the *Factories and Shops Act 1934*, be adjusted by the following method according to the position and fluctuations (if any) of the Commonwealth Statistician's "All Items" retail price index numbers.

For the purposes of this Part the expression "Commonwealth Statistician's 'All Items' retail price index numbers" or any like expression means the numbers stated to be such index numbers in any document purporting and not proved to be wrongly so purporting to be printed by the Commonwealth Government Printer or to be signed by or on behalf of the Commonwealth Statistician.

(1) The index number for Melbourne is to be applied.

(2) The index number for the calendar quarter next preceding the period of or near a quarter for which the adjustment is made is to be ascertained.

(3) The amount of addition or deduction assigned in the following table (or in any extension thereof) to the index number division comprising such number is to be ascertained.

(4) That assigned amount shall for work done during such period of or near a quarter be added to or deducted from the originally prescribed amount of the rate in accordance with that table.

(5) The division called "original" in the following table is that for the needs basic wage upon which the rate is to be deemed to have been originally prescribed.

*Table.*

Original Index Number Division, 1130-1141.

Index number divisions for deductions.	Amounts of addition or deduction.	Index number divisions for additions.	Index number divisions for deductions.	Amounts of addition or deduction.	Index number divisions for additions.
1130-1141	<i>d.</i> nil	1130-1141	1068-1080	<i>d.</i> 1 <sup>1</sup> / <sub>11</sub>	1192-1203
1118-1129	0 <sup>2</sup> / <sub>11</sub>	1142-1154	1056-1067	1 <sup>7</sup> / <sub>11</sub>	1204-1216
1105-1117	0 <sup>4</sup> / <sub>11</sub>	1155-1166	1044-1055	1 <sup>10</sup> / <sub>11</sub>	1217-1228
1093-1104	0 <sup>8</sup> / <sub>11</sub>	1167-1179	1031-1043	2 <sup>2</sup> / <sub>11</sub>	1229-1240
1081-1092	1 <sup>1</sup> / <sub>11</sub>	1180-1191	1019-1030	2 <sup>5</sup> / <sub>11</sub>	1241-1253

**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.
Employee driving—	£ s. d.	£ s. d.	£ s. d.
One horse .. .. .	5 2 0	5 8 6	4 19 0
Two horses .. .. .	5 7 0	5 13 6	5 4 0
Employee driving—			
Motor bicycle with side car .. .. .	5 3 0	5 9 6	5 0 0
Other motor vehicle having maker's capacity of—			
25 cwt. or less .. .. .	5 6 0	5 13 6	5 4 0
Over 25 cwt. but not over 3 tons .. .. .	5 11 0	5 17 6	5 8 0
Over 3 tons but under 6 tons .. .. .	5 14 0	6 0 6	5 11 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 .. .. .	5 0 0	5 6 6	4 17 0
Head stableman .. .. .	5 4 0	5 10 6	5 1 0
Horse driver's assistant, motor driver's assistant, washer, yardman, and any employee not elsewhere specified .. .. .	4 18 0	5 4 6	4 15 0

## PART III.—(continued).

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

2.	EXTRA RATES.	Per week.	
		s.	d.
	Further additional amount for employee driving retail milk vehicle .. .. .	11	0
	Further additional amount for employee of retail dairymen driving bulk milk vehicle .. .. .	7	0
	Further additional amount for a driver of a motor vehicle fitted and operated with a charcoal gas producer unit—for each day or portion thereof upon which he is called upon to drive such vehicle—an extra .. .. .	1	0
	Such driver for each day or portion thereof upon which he is called upon to clean the hopper and/or final filter of such unit—an extra .. .. .	1	0
	Further additional amount for a cleaner of a gas producer unit who is not a driver—for each day or part thereof upon which he is called upon to clean such unit—an extra .. .. .	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 .. .. .	.. .. .	3	17	0
19 and under 20 years of age .. .. .	.. .. .	4	5	0
20 years of age and over .. .. .	.. .. .	..	..	Adult rate.

## HIGHEST FUNCTION.

6. (a) 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.

(b) Notwithstanding anything contained in this clause an employee may be used in the capacities of a Retail Milk Carter and Collector, provided that each separate capacity shall be performed only on one day, and such employee shall be paid weekly the highest ruling rate of such capacities.

Provided further that no Carter-Collector may be changed from one capacity to another without having at least twelve hours off for rest.

## EMPLOYEE LEARNING ROUND.

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

## 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 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.
- (d) All earnings, including overtime, shall be paid within two days of the expiration of the week in which they accrue.
- (e) If an employer fails to make payment to any employee on pay day, he shall pay to each such employee an extra 3s. for each and every day or part thereof during which such default continues, unless he satisfies the Secretary for Labour that such failure is due to some act on the part of the employee, or to the fact that the employer was ready and willing to make payment on pay day but that the employee failed to wait for his pay under sub-clause (c) hereof, or to circumstances not under his control and which he could not reasonably have foreseen and which he took reasonable steps to avoid or overcome.

## 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 Part, 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 time worked by such in any capacity in excess of eight 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:

Provided further that all time between the earliest starting time and the latest finishing time shall be considered as time worked.

## RANGE OF ORDINARY WORKING TIME.

11. (a) Within the Melbourne metropolitan district as defined by the Victorian Milk Board, all time worked 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 for employees working seven days per week or after the hour of 1 p.m. for employees working six days per week; shall be paid for at the rate of time and a half.

## PART III.—(continued).

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

(b) Outside the Melbourne metropolitan district, a starting time shall be fixed by each employer, in agreement with the local Branch or Sub-branch of the Transport Workers Union of Australia; and all time worked by the driver of a retail milk vehicle, or an assistant on such vehicle in any capacity, shall be paid for at the rate of time and a half, irrespective of the number of hours worked for the day or week: Provided that where no starting time has been fixed in agreement with the local Branch or Sub-branch of the Transport Workers Union of Australia, the provisions of sub-clause (a) hereof shall apply.

(c) 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.

(d) This Part shall not operate to relieve employers from complying with any present Statute of the State or regulation hereunder 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. Each employer shall 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 1 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 the same for any particular day or days 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 specified day or days will be at a time or times not earlier than the regular starting time, and 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.

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 casein curd or any one 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 Part.

(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, or in default thereof one day's extra pay.

(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, or in default thereof one day's extra pay.

(d) A retail milk carter or carter-collector shall be entitled to one clear day off from work in each seven days: Provided that any retail milk carter or carter-collector who is required to work on his day off shall be paid double time for such day irrespective of the number of hours worked on the other six days with a minimum as for four hours.

(e) The extra pay provided in sub-clauses (b) (c) and (d) hereof shall be in addition to any overtime earned.

(f) Each employer of a retail milk carter or carter-collector shall fix a regular day off for each such employee and shall inform the employee accordingly. An employer may alter the regular day off of any employee by giving the employee concerned at least seven days' notice of intention to make such change. The day so fixed or as altered shall be deemed to be the day off for the purposes of sub-clauses (d) and (e) hereof: Provided that with a view to giving each employee as far as practicable a turn at having a Sunday off each employer and employee may agree that such employee shall accept a Sunday off in any particular week in lieu of the regular day off for such week and in such case the Sunday shall be deemed to be the day off for such 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, Labour 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.

(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 stablemen, carter-collectors or a driver carting milk, when doing work solely as such and such employees shall be paid for work done on holidays at the rate of time and a half including ordinary time.

(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.

## PART III.—(continued).

## (This Part applies only to persons employed by Retail Dairymen.)

(f) Where a weekly employee is entitled to any holiday prescribed by this Part, 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 Part 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, CARTER-COLLECTORS, COLLECTORS, STABLEMEN, AND OTHERS.

18. (a) A stableman or other employee if generally required to work on seven days in a week shall be allowed two weeks' holiday on full pay at the expiration of each twelve months' service.

All other employees with the exceptions hereinafter mentioned, shall be allowed one week's holiday on full pay at the expiration of each twelve months' service.

(b) A retail milk carter or carter-collector shall be allowed two weeks' holiday on full pay at the expiration of each twelve months' service.

(c) If an employee leaves or is dismissed before the expiration of twelve months he shall be given or paid for holidays *pro rata* as follows:—

(i) Stablemen or employees generally working seven days a week—one day for each month of service.

(ii) Retail milk carters or carter-collectors—one day for each month of service.

(iii) All other employees—one day for each two months of service.

If the business be sold or transferred during the period of service, the employee shall be entitled to the holidays herein prescribed at the conclusion of twelve months 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. If an employee determines the engagement without such notice such employee shall pay the employer one week's wages in lieu of such notice. The employer may retain an amount equal to such week's wages out of any moneys due to the employee at the time of such determination. In calculating the moneys so due credit shall be given to the employee for wages earned during any portion of a week which has elapsed at the time of determination.

(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) hereof an employee to become entitled to payment of the weekly wage prescribed by this Part 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) hereof 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) hereof and to the provisions of this Part 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 Part shall be paid to him forthwith, and in default thereof, the employer shall pay such employee an extra 3s. for each and every day or part thereof whilst such default continues, unless the employer satisfies the Secretary for Labour that such default was due to circumstances not under his control and which he could not reasonably have foreseen and which he took reasonable steps to avoid or overcome.

## 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, and no improver 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 each day the time of starting and finishing work and the amount of overtime worked and the wages and overtime paid to each employee and the date upon which the holidays of each employee become due. Such record or time book shall be made and entered by the employee each day at the time of starting and finishing work.

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

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

(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.

(f) At the commencement of the time book for each employee the date of the original engagement of such employee shall be entered.

**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.

**TEMPORARY CHANGE OF STABLE.**

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 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 employee.

**GEAR AND ROPES TO BE SUPPLIED BY EMPLOYER.**

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

In the case of a retail milk round where the provision of an effective torch and a battery is necessary, the same shall be provided and paid for by the employer; any dispute as to this matter shall be decided by the Secretary for Labour.

**ARTICLES OF CLOTHING.**

26. Drivers of retail milk vehicles shall be supplied by the employer with at least two overalls per year or an employer may at his option pay an employee a sum of 1s. 9d. per week in lieu of providing, washing, and repairing such overalls.

**WASHING FACILITIES ETC.**

27. Employees driving and/or cleaning motor vehicles fitted and operated with a charcoal gas producer unit shall be supplied by the employer with suitable overalls and gloves. The employer shall also provide proper washing conveniences and hot water or some other efficient cleansing material for such employees.

**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 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.

**COLLECTING BY RETAIL MILK CARTERS.**

29. No retail milk cartier other than those provided for in sub-clause (b) of clause 6 of this Part 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.

**LIMITATION OF NUMBER OF CARTER-COLLECTORS.**

30. An employer shall not employ more than one cartier-collector for each four drivers.

**DEFINITIONS.**

31. Unless a contrary intention appears expressions used in this Part 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 cartier" 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 cartier" 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 cartier, 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 Part means either Saturday or such other day as is at present observed as the weekly half-holiday in a particular industry or district.

(k) "Holiday" means any holiday prescribed by this Part.

(l) "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.

(m) "Maker's capacity" shall mean the capacity shown on the certificate of registration under the Motor Car Acts.

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



**PART III.—(continued).**

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

**PERIODICAL ADJUSTMENT OF WAGES.**

32. The wages rates set out in clause 1 of this Part are based upon the following basic wage and, pursuant to the provisions of Section 21 of the *Factories and Shops Act 1934*, shall be automatically increased or decreased by the same amount, and at the same time, as such basic wage.

The basic wage shall be adjusted as prescribed in clause 33 of this Part.

*Basic Wage.*

Place.	Needs basic wage (adjustable).	Loading (constant).	Total basic wage.	Index number set assigned.
	£ s. d.	s. d.	£ s. d.	
Within 20 miles of G.P.O., Melbourne .. .. .	4 12 0	6 0	4 18 0	Melbourne
Within 10 miles of G.P.O., Geelong—same as the contemporaneous basic wage for Melbourne				
Within 5 miles of the chief Post Office, Warrnambool—same as the contemporaneous basic wage for Melbourne				
Mildura and Gippsland Districts—same as the contemporaneous basic wage for Melbourne				
Yallourn—until further order the same amount in excess of Melbourne as at present, viz., 6s. 6d. per week				
Elsewhere—3s. less than the contemporaneous basic wage for Melbourne				

**ADJUSTMENT OF NEEDS BASIC WAGE.**

33. (a) Until the beginning of the first pay period to commence in August, 1945, the amount of the basic wage shall be as prescribed in clause 32 of this Part.

(b) For work done during each future period of or near a quarter beginning with the first pay period to commence in an August, a November, a February, or a May, the amount of the needs basic wage shall be adjusted by the following method according to the position and fluctuations (if any) of the Commonwealth Statistician's "All Items" retail price index numbers.

For the purposes of this Part the expression "Commonwealth Statistician's 'All Items' retail price index numbers" or any like expression means the numbers stated to be such index numbers in any document purporting, and not proved to be wrongly so purporting, to be printed by the Commonwealth Government Printer or to be signed by or on behalf of the Commonwealth Statistician.

(1) The index number set for Melbourne is to be applied.

(2) The index number for the calendar quarter next preceding the period of or near a quarter for which the adjustment is made is to be ascertained.

(3) The amounts assigned in the following table (or in any extension thereof) to the index number division comprising that number are to be ascertained.

(4) The basic wage shall be of that assigned amount during such successive period of or near a quarter.

*Table.*

Index number divisions.	Needs basic wage (adjustable).	Loading (constant).	Total basic wage.
	per week		per week
	£ s. d.		£ s. d.
994-1006 .. .. .	4 1 0	} 6s. per week	4 7 0
1007-1018 .. .. .	4 2 0		4 8 0
1019-1030 .. .. .	4 3 0		4 9 0
1031-1043 .. .. .	4 4 0		4 10 0
1044-1055 .. .. .	4 5 0		4 11 0
1056-1067 .. .. .	4 6 0		4 12 0
1068-1080 .. .. .	4 7 0		4 13 0
1081-1092 .. .. .	4 8 0		4 14 0
1093-1104 .. .. .	4 9 0		4 15 0
1105-1117 .. .. .	4 10 0		4 16 0
1118-1129 .. .. .	4 11 0		4 17 0
1130-1141 .. .. .	4 12 0		4 18 0
1142-1154 .. .. .	4 13 0		4 19 0
1155-1166 .. .. .	4 14 0		5 0 0
1167-1179 .. .. .	4 15 0		5 1 0
1180-1191 .. .. .	4 16 0		5 2 0
1192-1203 .. .. .	4 17 0		5 3 0
1204-1216 .. .. .	4 18 0		5 4 0
1217-1228 .. .. .	4 19 0	5 5 0	
1229-1240 .. .. .	5 0 0	5 6 0	

The index number divisions in this table are based upon the equating of the index number 1,000 with a basic wage of 81s. per week and any extension of this table must be of the same construction as the table.

**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 wagon with a combined weight of vehicle and maximum load of under 10 tons .. .. .	5 16 0	6 2 6	5 13 0
Driver of a motor wagon with a combined weight of vehicle and maximum load of 10 tons and up to and including 13 tons ..	5 18 0	6 4 6	5 15 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 18 0	5 4 6	4 15 0

**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 a driver who is required in any week to collect money—	
When the amount collected in a week is or exceeds £100 .. .. .	4 0
When the amount collected in a week is under £100 but is or exceeds £30 .. .. .	3 0
When the amount collected in a week is under £30 .. .. .	2 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 three or more drums of fuel oil, at the rate of .. .. .	3 0

**WAGE FOR CASUAL EMPLOYERS.**

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 wage to be paid per week to a junior shall be as follows:—

	£ s. d.
18 and under 19 years of age .. .. .	2 19 0
19 and under 20 years of age .. .. .	3 16 6
20 years of age and over .. .. .	Adult rate

**WAR LOADINGS.**

5. In addition to the weekly rates prescribed in clauses 1 and 4 of this Part war loadings shall be paid as follows:—

	s. d.
Driver of a motor wagon with a combined weight of vehicle and maximum load of under 10 tons .. .. .	3 0
Driver of a motor wagon with a combined weight of vehicle and maximum load of 10 tons and up to and including 13 tons .. .. .	3 0
Motor driver's assistant and any employee not elsewhere specified .. .. .	1 6
Juniors under 20 years of age .. .. .	1 0

**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.

**PAYMENT OF WAGES.**

7. (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 Part 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 Part.

**ORDINARY WORKING HOURS PER WEEK.**

8. (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 Part, 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.

**PART IV.—(continued).****(This Part applies only to persons employed in connexion with the distribution of petrol and petroleum products.)****ORDINARY WORKING TIME PER DAY.**

9. (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 8 hours on any day from Monday to Friday (both inclusive) or 4 hours on Saturday.

Provided that it shall be optional for an employer to work either a six-day or a five-day week. When a five-day week is worked, the daily hours on Monday to Friday (both inclusive) shall not exceed 8 hours 48 minutes without payment of the overtime rate.

(b) The time to be worked by a casual employee without payment of overtime rate 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 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.**

10. (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 the times set out in sub-clause (a) hereof 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.

**STARTING AND FINISHING WORK.**

11. (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.**

12. 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.**

13. 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.**

14. 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.**

15. 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 Part.

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.**

16. (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, Labour 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.

Provided that if an employee is required to work on a holiday during hours which if this day were not a holiday would be outside the range of ordinary working time as mentioned in clause 10 of this Part he shall be paid for such hours at double time instead of time and a half or ordinary time as hereinbefore provided in this sub-clause.

(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 Part, 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 Part, 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.

## PART IV.—(continued).

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

## ANNUAL LEAVE.

17. (a) Employees shall be allowed two weeks' 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., two days 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' holiday at the conclusion of twelve months' service with the firm or business.

(b) The annual leave provided by this clause shall be allowed, and shall be taken, and payment shall not be made or accepted in lieu of annual leave.

(c) Each employee, before going on leave shall be paid two weeks' wages. For the purpose of this sub-clause the two weeks' wages shall be at the rate prescribed in clause 1 of this Part, and at the rate at which the employee was ordinarily employed immediately prior to the commencement of his leave or the termination of his employment, as the case may be.

(d) When the right to annual leave has accrued, the employer shall give not less than one week's notice to the employee concerned of his intention to grant such leave.

## MEAL TIMES.

18. (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 (both 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. as tea money.

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

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

(d) The obligation to pay ordinary time under this clause in addition to weekly or other wages and overtime under any other clause of this Part shall not be cumulative, but the employee in cases coming within this clause 18, shall be entitled only to the higher payment.

## 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 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, 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) hereof an employee to become entitled to payment of the weekly wage prescribed by this Part, 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) hereof 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 he shall be entitled to absent himself from work for six days in all during any calendar year without deduction of pay.

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, the daily hours as provided in clause 9 of this Part 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 Part 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 Part shall be paid to him forthwith.

## PROPORTION OF JUNIORS.

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

## PART IV.—(continued).

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

## 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 from the previous inspection. One day's notice shall be given to the employer of any intended 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 Part to the employee for any period, such employer shall not be liable to pay to the employee any further sums prescribed by this Part 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.

## 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 Part 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 Part 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 Part.

(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.

**PART IV.—(continued).**

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

**PERIODICAL ADJUSTMENT OF WAGES.**

30. The wages rates set out in clause 1 of this Part are based upon the following basic wage and, pursuant to the provisions of Section 21 of the *Factories and Shops Act 1934*, shall be automatically increased or decreased by the same amount, and at the same time, as such basic wage.

The basic wage shall be adjusted as prescribed in clause 31 of this Part.

*Basic Wage.*

Place.	Needs basic wage (adjustable).	Loading (constant).	Total basic wage.	Index number set assigned.
Within 20 miles of G.P.O., Melbourne	£ s. d. 4 12 0	s. d. 6 0	£ s. d. 4 18 0	Melbourne
Within 10 miles of G.P.O., Geelong—same as the contemporaneous basic wage for Melbourne				
Within 5 miles of the chief Post Office, Warrnambool—same as the contemporaneous basic wage for Melbourne				
Mildura and Gippsland Districts—same as the contemporaneous basic wage for Melbourne				
Yallourn—until further order the same amount in excess of Melbourne as at present, viz., 6s. 6d. per week				
Elsewhere—3s. less than the contemporaneous basic wage for Melbourne				

**ADJUSTMENT OF NEEDS BASIC WAGE.**

31. (a) Until the beginning of the first pay period to commence in August, 1945, the amount of the basic wage shall be as prescribed in clause 30 of this Part.

(b) For work done during each future period of or near a quarter beginning with the first pay period to commence in an August, a November, a February, or a May, the amount of the needs basic wage shall be adjusted by the following method according to the position and fluctuations (if any) of the Commonwealth Statistician's "All Items" retail index numbers.

For the purposes of this Part the expression "Commonwealth Statistician's 'All Items' retail index numbers" or any like expression means the numbers stated to be such index numbers in any document purporting, and not proved to be wrongly so purporting, to be printed by the Commonwealth Government Printer or to be signed by or on behalf of the Commonwealth Statistician.

- (1) The index number set for Melbourne is to be applied.
- (2) The index number for the calendar quarter next preceding the period of or near a quarter for which the adjustment is made is to be ascertained.
- (3) The amounts assigned in the following table (or in any extension thereof) to the index number division comprising that number are to be ascertained.
- (4) The basic wage shall be of that assigned amount during such successive period of or near a quarter.

*Table.*

Index number divisions.	Needs basic wage (adjustable).	Loading (constant).	Total basic wage.
	per week		per week
	£ s. d.		£ s. d.
994-1006	4 1 0	} 6s.	4 7 0
1007-1018	4 2 0		4 8 0
1019-1030	4 3 0		4 9 0
1031-1043	4 4 0		4 10 0
1044-1055	4 5 0		4 11 0
1056-1067	4 6 0		4 12 0
1068-1080	4 7 0		4 13 0
1081-1092	4 8 0		4 14 0
1093-1104	4 9 0		4 15 0
1105-1117	4 10 0		4 16 0
1118-1129	4 11 0		4 17 0
1130-1141	4 12 0		4 18 0
1142-1154	4 13 0		4 19 0
1155-1166	4 14 0		5 0 0
1167-1179	4 15 0		5 1 0
1180-1191	4 16 0		5 2 0
1192-1203	4 17 0		5 3 0
1204-1216	4 18 0		5 4 0
1217-1228	4 19 0		5 5 0
1229-1240	5 0 0		5 6 0

The index number divisions in this table are based upon the equating of the index number 1,000 with a basic wage of 81s. per week and any extension of this table must be of the same construction as the table.

A. V. BARNES, J.P., Chairman.

J. W. RYAN, Secretary.

Melbourne, 14th June, 1945.