



# VICTORIA GOVERNMENT GAZETTE.

Published by Authority.

[Registered at the General Post Office, Melbourne, for transmission by post as a newspaper.]

No. 542]

TUESDAY, JULY 4.

[1950

## DETERMINATION OF THE INDUSTRIAL APPEALS COURT.

### IN THE INDUSTRIAL APPEALS COURT:

IN THE MATTER of the Determination of the Fire Fighters Board dated the 2nd September, 1949, and published in the *Victoria Government Gazette* on the 19th October, No. 875, of 1949.

AND

IN THE MATTER of Appeals by the representatives of the employers and of the employees on the said Board.  
(Before his Honour Judge Gamble, K. H. Boykett, Esq., and J. V. Stout, Esq.)

Wednesday, the 8th day of February, 1950.

These Appeals coming on for hearing by this Court on the 28th day of November, 1949, and subsequently Upon Reading the Appeals and Upon Hearing Mr. F. P. Derham for the employers, and Mr. W. M. Webber for the employees,

This Court Doth Order and Determine:—

A. That, as from the beginning of the first pay period commencing on or after 2nd September, 1949, the above-mentioned Determination of the Fire Fighters Board shall be revoked and replaced by this Determination as to "the lowest prices or rates which may be paid to any person or persons or classes of persons (other than Fire Brigade Officers, Special Service Firemen, and other than persons subject to the Determination of any Wages Board heretofore appointed) employed as Permanent Firemen, or (within the Metropolitan Fire District constituted by the *Fire Brigades Act 1928*) as Partially-paid Firemen engaged in—

- (a) the prevention or suppression of fires;
- (b) the protection or salvage of persons, property, or goods".

B.

### PART I.

The provisions of this Part shall operate until the thirtieth day of March, 1950, when they shall be revoked and replaced by the provisions prescribed in Part II. hereof.

#### WAGES PER WEEK.

1. (a) The provisions of Part II. of this Determination dealing with wages per week and extra rates are hereby incorporated in this Part.
- (b) Where possible a married man shall be provided with free quarters, but otherwise he shall receive a rent allowance of 20s. per week for the first year of service, and 25s. per week thereafter. A single man is entitled to a "single man's room"; light, and power, for such room shall be provided free of charge.

#### HOURS OF DUTY, AND HOURS OF LEAVE.

2. (a) The hours of duty of Permanent Firemen employed within the Metropolitan Fire District, constituted within the *Fire Brigades Act 1928*, shall be 96 per week. Any Partially-paid Fireman shall, if required, be available for 40 hours' duty per week, excluding attendance at fires, but in any case shall be available for theatre duty on Saturdays and Public Holidays.
- (b) The hours of duty for any Fireman outside the said district shall be 108 per week.

#### ANNUAL LEAVE.

3. (a) For persons employed within the Metropolitan Fire District constituted by the *Fire Brigades Act 1928*.
  - (i) Each Permanent Fireman shall be entitled to 28 days' annual leave, to be taken within the scope of a calendar month, every eleven months;
  - (ii) Each Partially-paid Fireman shall be entitled to a fortnight's leave annually, without deduction of the amounts herein prescribed as a retaining fee and for attendance at weekly drill.
- (b) Each Permanent Fireman outside the said district shall at the discretion of the employing authority, be allowed three weeks' annual leave.

#### SICK PAY AND ACCIDENT PAY.

4. Each Permanent Fireman employed within the Metropolitan Fire District constituted by the *Fire Brigades Act 1928*, shall be, at the discretion of the Metropolitan Fire Brigades Board, entitled to such sick pay and accident pay to which he was entitled prior to the coming into force of this Determination.

LONG SERVICE LEAVE.

5. (a) Each Permanent Fireman who has had twenty years of continuous service with the Employing Authority shall be entitled to be granted six months' long service leave with pay in respect of such period of continuous service, and three months' long service leave with pay in respect of each additional period of ten years of continuous service.

Provided that in the case of an employee who at the fourth day of February, 1949, had then served the Employing Authority for a continuous period of twenty years or more, such service shall be deemed to be of twenty years only, and additional periods shall be calculated only in respect of service after that date.

(b) The Employing Authority shall not be required to grant any long service leave prescribed in sub-clause (a) hereof prior to the first day of January, 1952, and shall have discretion to grant such leave so that the duties of such Authority will not be unduly affected by the granting of same to numbers of employees at any one time. In the exercise of such discretion the Employing Authority may limit the granting of long service leave to twelve employees at any one time.

(c) Subject to the provisions of this clause each employee who at the first day of January, 1952, is entitled in accordance with the provisions of sub-clauses (a) and (b) hereof to six months' long service leave with pay may in writing elect to:—

- (i) exercise his right to long service leave; or
- (ii) request payment in lieu thereof;

and shall make such election in accordance with the requirements of the Employing Authority.

(d) An employee who attained retiring age or to whom retiring leave had been granted by the Employing Authority, prior to the coming into operation of this Determination, shall not be entitled to long service leave as hereinbefore prescribed.

(e) Where on or after the coming into operation of this Determination, an employee is certified by a legally qualified medical practitioner appointed by the Employing Authority for such purpose as being permanently incapacitated for further service with such Authority and retires, the provisions of sub-clause (b) hereof shall not apply, and such employee shall be granted payment in lieu of any long service leave to which he may be entitled under the provisions of sub-clause (a) hereof.

(f) The provisions of sub-clause (b) hereof shall not apply where an employee dies before or while taking any long service leave to which he may be entitled under the provisions of sub-clause (a) hereof, and the Employing Authority shall grant pay in lieu of the whole or part of the leave not taken to the widow or legal personal representative of the deceased employee.

(g) The provisions of this clause shall not apply to any employee who leaves the service of the Employing Authority otherwise than by retirement by reason of age or under circumstances as regards ill health, incapacitation, or death as described before having qualified by length of service for the appropriate long service leave.

REFRESHMENTS.

6. In all cases where reasonably practicable, refreshments shall be provided for firemen performing fire duty for a continuous period of three hours or more.

DINING FACILITIES.

7. A dining room shall be provided at each station and shall contain washing facilities and a stove or similar article for heating food. Suitable provision for food storage shall be made.

PART II.

C.

The provisions of this Part shall come into operation on and from the 31st March, 1950.

WAGES PER WEEK.

1. (a) Permanent Firemen within the Metropolitan Fire District constituted by the *Fire Brigades Act 1928*.

Classification.	Margin.	Loading.	Total Wage.
	s.	s.	
1st year 4th class Fireman (on probation)	20	26	The total weekly wage for each classification shall consist of the current total basic wage from time to time according to the cost of living as indicated by the retail price index number of the Commonwealth Statistician assigned for Melbourne as at the date when such wage shall be or shall have been payable plus the appropriate margin and loading prescribed for such classification.
2nd year 3rd class Fireman .. .. .	25	26	
3rd year 2nd class Fireman .. .. .	30	26	
4th year 1st class Fireman " B " .. .. .	35	26	
5th year 1st class Fireman " A " .. .. .	40	26	
Senior Fireman, qualifying by examination or in the 10th year of service and thereafter .. .. .	50	26	
			Adjustments shall be made quarterly from the beginning of the first pay period to commence in November, 1949, February, 1950, May, 1950, and August, 1950, respectively, and thereafter from the corresponding periods in each year on the Commonwealth Statistician's figures for the preceding quarters ending 30th September, 31st December, 31st March, and 30th June, respectively.
			For the purpose of superannuation the total basic wage shall be deemed to be 87s. plus the margin and loading; and all additions thereto shall be deemed to be cost of living allowance.

(b) Partially-paid Firemen within the Metropolitan Fire District constituted by the *Fire Brigades Act 1928*.

	£	s.	d.
Partially-paid Fireman .. .. .	1	10	0
Senior Partially-paid Fireman .. .. .	1	15	0

(The amounts herein prescribed include allowances for station duties and false alarms.)

(c) Permanent Firemen outside the said Metropolitan Fire District.

Classification.	Margin.	Loading.	Total Wage.
	<i>s.</i>	<i>s.</i>	
1st year 4th class Fireman (on probation)	20	26	The total weekly wage for each classification shall consist of the current total basic wage from time to time according to the cost of living as indicated by the retail price index number of the Commonwealth Statistician assigned for Melbourne as at the date when such wage shall be or shall have been payable less 3s. plus the appropriate margin and loading prescribed for such classification.
2nd year 3rd class Fireman .. .. .	25	26	
3rd year 2nd class Fireman .. .. .	30	26	
4th year 1st class Fireman " B " .. .. .	35	26	
5th year 1st class Fireman " A " .. .. .	40	26	
Senior Fireman, qualifying by examination or in the 10th year of service and thereafter .. .. .	50	26	

Adjustments shall be made quarterly from the beginning of the first pay period to commence in November, 1949, February, 1950, May, 1950, and August, 1950, respectively, and thereafter from the corresponding periods in each year on the Commonwealth Statistician's figures for the preceding quarters ending 30th September, 31st December, 31st March, and 30th June, respectively.

(d) The loading of 26s. prescribed above consists of the following:—

	<i>s.</i>	<i>d.</i>
Premium for being required to work a continuous duty system .. .. .	5	9
Premium for week-end work—		
Saturday .. .. .	5	9
Sunday .. .. .	11	6
War loading .. .. .	3	0
Total .. .. .	26	0

(e) From the beginning of the first pay period commencing on or after the 2nd September, 1949, until the 30th March, 1950, each Permanent Fireman shall in addition to the total weekly wage and extra wage rates set out in the Determination be paid an additional rate of 6d. for each hour worked by him in excess of 40 hours per week.

EXTRA RATES.

2. (a) Within the Metropolitan Fire District constituted by the *Fire Brigades Act 1928*.

(i) Permanent Firemen:—

A licensed Brigade Driver shall receive an allowance of 6d. a shift, and if detailed, rostered, or required to drive on such shift shall receive an additional 6d.

A Permanent Fireman being senior man in the absence of an officer for the whole period of a rostered shift, shall receive an additional 3s. for such shift.

(ii) Partially-paid Firemen—

Fire duty shall be paid for as follows:—

Partially-paid Firemen 5s. for the first hour or part thereof, and thereafter 2s. 6d. per hour or part thereof; Senior Partially-paid Fireman 6s. for the first hour or part thereof, and thereafter 3s. per hour or part thereof.

Theatre duty shall be paid for at 15s. per performance, plus fares if the theatre is situated more than one mile from the Fireman's home station.

For attendance at a weekly drill of one hour an allowance of 5s. per drill shall be paid to Partially-paid Firemen, and 6s. to Senior Partially-paid Firemen.

A Partially-paid Fireman relieving a Permanent Fireman who is required to go on out duty, shall receive an additional 2s. per hour whilst so required to relieve.

Watching Duty after fires shall be paid for at the rate of 2s. per hour or part thereof, including travelling time.

(b) Outside the said Metropolitan Fire District.

A Permanent Fireman for whom the Employing Authority pays a motor-driving licence fee shall receive an additional 6d. for each shift for which he is rostered for duty.

A Permanent Fireman being senior man in the absence of a Permanent Officer at a Permanent Officer's station shall receive an additional 3s. per shift.

At a station where a Permanent Officer is not normally on duty the Senior Permanent Fireman on duty shall receive an additional allowance of 3s. for the shift if:—

(i) a Part-time Officer does not turn out in response to a call;

(ii) a Part-time Officer is not available within the Fire District for consultation during a shift.

HOURS OF WORK.

3. (a) The ordinary hours for a week's work for a Permanent Fireman shall be 40, to be worked with consecutive shifts of men throughout each of seven consecutive days without interruption in shifts of 8 hours each, and an employee concerned shall be entitled to at least 48 hours' notice of a rostered shift.

(b) The ordinary hours of such shift workers shall not exceed—

(i) 8 on any one day;

(ii) 48 in any one week;

(iii) 88 in 14 consecutive days;

(iv) 160 in 28 consecutive days.

(c) A Partially-paid Fireman shall hold himself in readiness for such hours as may be required from time to time by the Employing Authority.

ROSTER OF HOURS.

4. (a) The roster of hours for a Permanent Fireman shall be as follows:—

	A.					B.					C.					D.				
	1.	2.	3.	4.	5.	1.	2.	3.	4.	5.	1.	2.	3.	4.	5.	1.	2.	3.	4.	5.
Friday ..	D	D	D	D	Z	N	N	N	N	N	A	A	A	A	A	..	..	..	..	..
Saturday ..	D	D	D	Z	D	N	N	N	N	N	A	A	A	A	A	..	..	..	..	..
Sunday ..	D	D	D	D	D	..	..	..	..	..	A	A	A	A	A	N	N	N	N	N
Monday ..	D	D	Z	D	D	..	..	..	..	..	A	A	A	A	A	N	N	N	N	N
Tuesday ..	D	Z	D	D	D	A	A	A	A	A	..	..	..	..	..	N	N	N	N	N
Wednesday ..	Z	D	D	D	D	A	A	A	A	A	..	..	..	..	..	N	N	N	N	N
Thursday ..	..	..	..	..	..	A	A	A	A	A	D	D	D	D	D	N	N	N	N	N
Friday ..	..	..	..	..	..	A	A	A	A	A	D	D	D	D	Z	N	N	N	N	N
Saturday ..	..	..	..	..	..	A	A	A	A	A	D	D	D	Z	D	N	N	N	N	N
Sunday ..	..	..	..	..	..	A	A	A	A	A	D	D	D	D	D	..	..	..	..	..
Monday ..	..	..	..	..	..	A	A	A	A	A	D	D	Z	D	D	..	..	..	..	..
Tuesday ..	..	..	..	..	..	A	A	..	..	..	D	Z	D	D	D	A	A	A	A	A
Wednesday ..	..	..	..	..	..	..	..	..	..	..	Z	D	D	D	D	A	A	A	A	A
Thursday ..	..	..	..	..	..	D	D	D	D	D	..	..	..	..	..	A	A	A	A	A
Friday ..	..	..	..	..	..	N	N	N	N	N	D	D	D	Z	D	..	..	..	..	..
Saturday ..	..	..	..	..	..	D	D	D	Z	D	..	..	..	..	..	A	A	A	A	A
Sunday ..	..	..	..	..	..	D	D	D	D	D	N	N	N	N	N	A	A	A	A	A
Monday ..	..	..	..	..	..	D	D	Z	D	D	N	N	N	N	N	A	A	A	A	A
Tuesday ..	..	..	..	..	..	D	D	D	D	D	N	N	N	N	N	..	..	..	..	..
Wednesday ..	..	..	..	..	..	Z	Z	D	D	D	N	N	N	N	N	..	..	..	..	..
Thursday ..	..	..	..	..	..	..	..	..	..	..	N	N	N	N	N	D	D	D	D	D
Friday ..	..	..	..	..	..	..	..	..	..	..	N	N	N	N	N	D	D	D	D	Z
Saturday ..	..	..	..	..	..	..	..	..	..	..	N	N	N	N	N	D	D	D	Z	D
Sunday ..	..	..	..	..	..	N	N	N	N	N	..	..	..	..	..	D	D	D	D	D
Monday ..	..	..	..	..	..	N	N	N	N	N	..	..	..	..	..	D	D	Z	D	D
Tuesday ..	..	..	..	..	..	N	N	N	N	N	A	A	A	A	A	Z	Z	D	D	D
Wednesday ..	..	..	..	..	..	N	N	N	N	N	A	A	A	A	A	D	D	D	D	D
Thursday ..	..	..	..	..	..	N	N	N	N	N	A	A	A	A	A	..	..	..	..	..

The roster is for 21 firemen in 4 (four) Platoons shown A to D, inclusive, and each having firemen 1 to 5 with a Relief man designated "Z".

This roster provides five men available for each shift on every day.

Shifts for twenty men:—

- D. 7 a.m. to 3 p.m.
- A. 3 p.m. to 11 p.m.
- N. 11 p.m. to 7 a.m.

The Relief man "Z", works Day Shift on Friday, Saturday, Monday, Tuesday, and Wednesday.

The roster is completed in 28 days.

(b) The following general conditions shall apply:—

- (i) The roster may be varied for firemen on special duties and to provide that during the first year of service a fireman may be rostered for up to five consecutive day duties.
- (ii) The roster when once compiled shall not be departed from except to meet emergency due to sickness or other unexpected or unavoidable cause. The roster may be departed from when a member of the band is requested by the Employing Authority provided that any time taken when off duty shall be made up as mutually arranged between the said Authority and the member concerned.
- (iii) In the event of an alarm requiring any station to stand by or turn out for a fire being received at the station during roll call the oncoming shift shall man the appliances, and if required, proceed to the fire, and the offgoing shift shall remain on duty if required until the other shift returns or until otherwise directed, when it shall be dismissed.
- (iv) If, when the oncoming shift reports at a station at the time prescribed for the change of shift, the other shift is proceeding to, or attending a fire or alarm, the oncoming shift, if so ordered, shall, after roll call, proceed to the fire; and the officer or senior member of the shift shall report the arrival of the shift to the Officer-in-charge of the fire without delay. The offgoing shift shall remain on duty at the fire until relieved. The Officer-in-charge at the fire may if in his judgment it is expedient, hold both the oncoming and offgoing shifts for duty at the fire. If the offgoing shift is not held at the fire or detailed at the fire for duty elsewhere, it shall report back to the station and remain available until the other shift returns or until otherwise directed, when it shall be dismissed.
- (v) In the event of one or more members of the oncoming shift being absent, an equal number of members in the shift on duty may be detained on duty until such time as he or they may be relieved. Nothing herein contained is to be deemed to sanction an unauthorized absence, or to relieve the absent member from a liability to be charged with being absent without leave and dealt with accordingly.
- (vi) Notwithstanding anything contained in this clause, in the case of fire, all firemen off duty shall be liable to be called upon to report for duty, and if called upon shall report for duty immediately.

OVERTIME.

5. All time worked by a Permanent Fireman in excess of the day's rostered shift shall be paid for at the rate of 6s. per hour for the first four hours, and 8s. per hour thereafter, calculated to the nearest quarter of an hour. Where overtime is worked for more than 30 minutes before or after a rostered shift a meal allowance of 2s. 6d. shall be paid to each Permanent Fireman working the said overtime.

MEAL BREAKS.

- (a) Twenty minutes shall be allowed to employees each shift for crib which shall be counted as time worked.
- (b) An employee working overtime shall be allowed a crib time of twenty minutes without reduction of pay after each four hours of overtime worked if the employee continues to work after such crib time.
- (c) In all cases, where reasonably practicable, refreshments shall be provided for firemen performing fire duty for a continuous period of three hours or more.

## EXPENSES.

7. When a fireman is ordered from one station to another, and as a result it is reasonable for him to change his place of residence, the Employing Authority shall pay the expenses of removal reasonably incurred, except when the removal is ordered by way of punishment.

## TRANSPORT.

8. (a) Reasonable transport or the cost thereof shall be provided for a Permanent Fireman by the Employing Authority:—

- (i) Where an employee is transferred from station to station;
- (ii) Where an employee is required to work in excess of one mile from his duty station.

Notwithstanding anything contained in sub-clause (ii) hereof, an employee shall be entitled to transport to and from all fires excluding watching duty.

(b) A Partially-paid Fireman shall be entitled to transport to and from fire duty, and transport or re-imbusement of fares for a watching duty in excess of one mile from his home station.

## DINING FACILITIES.

9. A dining room shall be provided at each station and shall contain washing facilities, and a stove or similar article for heating food. Suitable provision for food storage shall be made.

## BEDDING.

10. An employee who by nature of his duties is required to sleep in barracks or rooms, shall be supplied with bedding consisting of a mattress and cover, a pillow and cover, and three blankets.

## QUARTERS.

11. In the event of the employer supplying quarters to an employee the rent charged by the employer shall not exceed:—

- (1) for married quarters .. .. . 25s. per week.
- (2) for single quarters .. .. . 5s. per week.

## ANNUAL LEAVE.

12. (a) A Permanent Fireman shall be entitled to 28 days' annual leave, to be taken within the scope of a rostered month, every eleven months.

(b) A Partially-paid Fireman shall be entitled to a fortnight's leave annually without deduction of the appropriate ordinary wage prescribed in clause 1 of this Part, plus the extra rate prescribed for attendance at a weekly drill prescribed in clause 2 of this Part.

## SICK OR ACCIDENT PAY.

13. (a) A Permanent Fireman absent from his work on account of personal illness or injury not due or contributed to by his negligence or misdemeanour or on account of injury by accident arising other than out of or in the course of his employment as such shall be entitled to leave of absence without deduction of pay subject to the following conditions and limitations:—

- (i) For any period not exceeding six months in respect of which he is entitled to workers' compensation, he shall be paid the difference between his normal wages and such compensation.
- (ii) He shall at the commencement of such absence inform the Employing Authority of his inability to attend for duty and as far as practicable state the nature of the injury and the estimated duration of his absence.
- (iii) He shall prove to the satisfaction of the Employing Authority that he was unable on account of such illness or injury to attend for duty on the day or days for which sick leave is claimed.
- (iv) He shall not be entitled in any one year to paid sick leave in excess of 80 hours of duty time.
- (v) Notwithstanding anything contained in this sub-clause (a) the Employing Authority may grant such additional sick leave on full or reduced pay as it may think fit.

(b) Sick leave shall accumulate from year to year so that any balance of the period specified in sub-clause (a) (iv) of this clause which has in any year not been allowed to a Fireman or Senior Fireman by the Employing Authority as paid sick leave may be claimed by such employee and subject to the conditions hereinbefore prescribed shall be allowed by that Authority in a subsequent year without diminution of the sick leave prescribed in respect of that year.

Provided that sick leave which accumulates pursuant to this sub-clause shall at no time exceed in total the equivalent of 26 duty weeks.

(c) For the purposes of this clause a year shall be reckoned as a calendar year and pro rata periods shall be calculated to the nearest complete hour.

## LONG SERVICE LEAVE.

14. The provisions of clause 5 of Part I. are hereby incorporated in this Part.

## DEFINITIONS.

15. "Employing Authority" means the Metropolitan Fire Brigades Board, or the Country Fire Authority as the case may be.

"Union" means The United Firemen's Union of Victoria.

By the Court,

REX L. CECIL.

Registrar.

\*NOTE:—On 29th May, 1950, the Supreme Court of Victoria made an Order for the issue of a writ of prohibition in respect of Clause 11 of the above Determination.

The order did not affect the other clauses of the Determination.

REX L. CECIL.

Registrar.

