

[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1911.

A BILL

To declare eight hours to be a legal day's work, and in certain cases forty-eight hours to be a legal week's work ; to except certain specified shops, trades, and occupations from those times, and to make certain other exceptions ; to provide for the payment for overtime in such other exceptions ; to amend certain Acts for those purposes ; and for other purposes incidental thereto or consequent thereon.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the "Eight-Hours Act, 1911," Short title. and shall come into force on the day of

2. In this Act, if not inconsistent with the context,— Definitions. "Court" means Court of Industrial Arbitration.

96803 100—(5) "Employer"

“ Employer ” means person, firm, company, or corporation employing persons for hire or reward whether on behalf of himself or itself, or any other person, or on behalf of the Government of the State, and includes the Chief Commissioner for Railways and Tramways, the Sydney Harbour Trust Commissioners, the Metropolitan Board of Water Supply and Sewerage, the Hunter District Water Supply and Sewerage Board, and any municipal or shire council, and also includes any agent, representative, or attorney of an employer.

“ Minister ” means Minister for Labour and Industry.

“ Workman ” means any person of any age and of either sex employed by any employer to do any skilled or unskilled manual work for hire or reward.

3. The Act shall not apply in respect of workmen engaged in the shops, trades, or occupations mentioned in the Schedule hereto. Application of Act.

It shall not apply in respect of workmen employed by the Chief Commissioner for Railways and Tramways at a country railway station where not more than two workmen are usually employed.

4. Subject to the provisions of this Act, eight hours shall be a legal day's work : Provided that where the court on application, made in the prescribed manner, certifies that in any trade or occupation, the limitation of work to eight hours a day is impracticable, forty-eight hours a week may be substituted therefor, and in such cases forty-eight hours shall be a legal week's work. Legal day's work and legal week's work.

Every certificate granted in accordance with the provisions of this section shall be notified in the Gazette.

5. (1) An employer shall not on any one day employ a workman to work for him for a period longer than a legal day's work, or in cases where a certificate has been notified as above prescribed, in any one week for a period longer than a legal week's work. Employer not to employ, and an employee not to work more than a certain time.

(2) A workman shall not on any one day work for an employer for a period longer than a legal day's work, or in cases where a certificate has been notified as above prescribed in any one week for a period longer than a legal week's work.

(3) Provided that in cases of accident, emergency, or other unavoidable contingency, an employer may employ a workman, and a workman may work for an employer for periods longer than those above prescribed. Proviso.

In such cases the employer shall pay, and the workman shall be paid for overtime at the rate fixed by the court for overtime in the industry concerned. Overtime.

In those industries in which no rate is so fixed, at the rate of time and a half.

6. Any employer who employs any workman, and any workman who works for any employer in contravention of the provisions of this Act shall be liable for the first offence to a penalty not exceeding *twenty* pounds, and for every subsequent offence to a penalty not exceeding *forty* pounds. Penalties.

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An employer shall be deemed to have committed a separate offence in respect of each workman whom he employs to work in contravention of the provisions of this Act.

7. The Minister may appoint inspectors and such other officers **Inspectors, &c.** as may be necessary for carrying out the provisions of this Act.

8. The Governor may make regulations— **Regulations.**

- (a) prescribing the method of making applications to the court ;
- (b) defining the powers and duties of inspectors and officers appointed under this Act, particularly with regard to the rights of inspectors to enter and inspect ; and
- (c) generally for carrying out the provisions of this Act,

and in such regulations may impose a penalty not exceeding *ten* pounds for any breach thereof.

Such regulations shall—

- (i) be published in the Gazette ;
- (ii) take effect from the date of publication ; and
- (iii) be laid before both Houses of Parliament within fourteen days after publication if Parliament is in session, and if not then within fourteen days after the commencement of the next session.

9. Any penalty imposed by this Act or the regulations there- **Recovery of**
under may be recovered in a summary way before any two justices in **penalties.**
petty sessions.

SCHEDULE.

Shops, trades, and occupations to which the Act does not apply.

Agricultural.

Viticultural.

Horticultural.

Dairying Industries.

Carting.

Pastoral, including shearers, shed-hands, drovers, and station-hands generally.

All shops scheduled under the Early Closing Acts and the Saturday Half-holiday Act, 1910.
