

[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1911.

A BILL

To provide for the protection of employees who are called as witnesses.

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 "Protection of Witnesses Act, Short title. 1911."

2. In this Act.—
"Employer" means person, firm, company, or corporation employing persons working in any industry.
"Employee" means person employed in any industry, and (without limiting the general nature of its meaning) includes a person working casually for any employer, a person working under a contract for labour only or substantially for labour only,

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only, whether the remuneration of the employee is by fixed wages, or by piecework, or by any other mode of remuneration whatsoever.

“ Industry ” means any occupation in which persons are employed for reward or remuneration in any form, and includes all undertakings carried on under or by virtue of the authority of any Act of Parliament now or hereafter to be passed.

“ Evidence ” (without limiting the general nature of its meaning) includes evidence given before any court, commission, board, or other tribunal empowered by law to take evidence on oath.

3. If an employer dismisses from his employment or in any way reduces the remuneration or privileges of any employee, by reason merely of the fact that the employee has given evidence unfavourable to the employer, or has absented himself from work through being called as a witness, such employer shall be liable to a penalty not exceeding *fifty* pounds for each employee so dismissed, and in default of payment of the penalty to imprisonment for a period not exceeding *three* months. Penalty on employer for dismissing employee, &c.

In every case it shall lie on the employer to satisfy the tribunal before whom the proceedings for the recovery of the penalty are taken that such employee was so dismissed by reason of some facts other than those mentioned in this section. Onus of proof.

4. Proceedings for the recovery of penalties under this Act may be instituted and carried on either in the same manner as proceedings before justices under the Justices Act, 1902, or in the same manner (*mutatis mutandis*) as is provided by section forty-five of the Industrial Disputes Act, 1908. Recovery of penalties.

