

No. , 1921.

A BILL

To amend the law relating to industrial arbitration; to fix the basic wages for adult male employees and adult female employees at the rate of £4 5s. and £2 3s. per week, respectively, with proportionate daily and hourly rates; to repeal the Industrial Arbitration (Amendment) Act, 1920; to amend the Industrial Arbitration Act, 1912, and certain other Acts; and for purposes connected therewith.

[MR. GREGORY MCGIRR;—6 December, 1921.]

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:—

5

Short title.

1. (1) This Act may be cited as the "Industrial Arbitration (Amendment) Act, 1921."

(2) In this Act the expression the "Principal Act" means the Industrial Arbitration Act, 1912, as amended by the Industrial Arbitration (Amendment) Act, 1916, the Industrial Arbitration (Amendment) Act, 1918, the Industrial Arbitration (Further Amendment) Act, 1918, and the Industrial Arbitration (Amendment) Act, 1919.

Repeal.

2. The Acts mentioned in the Schedule hereto are, to the extent therein expressed, hereby repealed.

Basic wage for adult male employees.

3. The basic wage to be paid to adult male employees shall be four pounds five shillings per week, fourteen shillings and twopence per day, or one shilling and ninepence farthing per hour.

20

Basic wage for adult female employees.

4. The basic wage to be paid to adult female employees shall be two pounds three shillings per week, seven shillings and twopence per day, or tenpence three-farthings per hour.

Wages fixed by awards or industrial agreements must not be less than the basic wage.

5. Subject to the provisions hereinafter contained, and to the provisions of paragraph (h) of subsection one of section twenty-four of the Principal Act, no industrial agreement shall be entered into, and no award shall be made fixing wages for adult male or adult female employees at amounts less than the basic wages hereinbefore prescribed, and the said basic wages shall be deemed to be the living wage payable to adult male or adult female employees respectively.

30

Awards and industrial agreements made since 8th October, 1921.

6. All awards and industrial agreements made or entered into since the eighth day of October, one thousand nine hundred and twenty-one, in which wages have been fixed for employees at amounts lower than the wages which such employees were on the said eighth day of October entitled to be paid under any award or industrial agreement, shall be read and construed as if the wages which such employees were so entitled to be

40
be

be paid on the said eighth day of October were included in and fixed by any such award or industrial agreement made or entered into since the said date.

5 **7.** (1) Subject to the provisions hereinafter contained, no adult male or adult female employee shall be paid less than the basic wages hereinbefore prescribed for such employee.

No adult male or adult female employee to be paid less than the basic wage.

10 (2) Any agreement, express or implied, and whether verbal or in writing, which provides for the payment of wages lower than the said basic wages shall be illegal and void.

(3) Any person making or entering into any such agreement shall be guilty of an offence.

15 **8.** Adult male and adult female employees whose hours of labour are not regulated by any award or industrial agreement, and who are engaged or employed as weekly or daily employees, shall be paid overtime rates at the rate of time and a half for all time worked in excess of—

Employees not subject to awards or industrial agreements.

20 (a) forty-four hours per week or eight hours per day respectively in industries or occupations in respect of which forty-four hours per week has been fixed as the ordinary working hours by proclamation made under the provisions of the Eight Hours (Amendment) Act, 1920 :
25 Provided that if forty-four hours per week are worked in five days, overtime rates shall not be payable until eight hours and forty-eight minutes have been worked in any day ; or

30 (b) forty-eight hours per week or eight and three quarters hours per day respectively in all other industries or occupations.

9. (1) Any employee who, by reason of age, infirmity, or slowness may deem himself or herself unable to
35 earn the basic wage prescribed by this Act for such employee may apply to the Registrar or to any person appointed by the Minister for a permit in writing to work for less than such basic wage.

Aged, slow, or infirm workers.

40 (2) The provisions of section twenty-seven of the Principal Act shall, mutatis mutandis, apply to any such application and to the proceedings in respect thereof.

Employees in receipt of privileges or payments in kind.

10. (1) Employees who are provided by their respective employers with board and/or lodging or residence, or to whom any customary privilege or payment in kind is conceded, and their employers, shall not be bound to comply with the provisions of sections three, four, five, or seven of this Act unless and until the court has or shall have assessed the amount to be deducted from the wages of any employee for whom any such provision, or to whom any such concession, is made. 5

(2) The court may on any reference or application assess the amount to be so deducted, and the provisions of section twenty-four, subsection one, paragraph (h) of the Principal Act shall, mutatis mutandis, apply to any such reference or application. 10

(3) The provision of the board and/or lodging or residence, or the concession of the customary privilege, or the payment in kind in respect of which an assessment is made by the court as aforesaid shall be taken in part payment or satisfaction of the said basic wages, and the balance only shall be paid in money. 15 20

Power to enforce payment of basic wage.

11. (1) Employees entitled to the said basic wages respectively, whether in full or subject to any such reduction or deduction as may be authorised under sections nine or ten, shall have and may exercise the same rights, powers, and remedies, as if such basic wages had been fixed by an award made under the Principal Act. 25

(2) The provisions of section forty-nine of the Principal Act and the regulations for the time being in force thereunder shall mutatis mutandis apply to such basic wages and any proceedings to recover payment thereof. 30

Application of ss. 50 and 68 (1) of the Principal Act.

12. The provisions of section fifty and of subsection one of section sixty-eight, and all other powers and provisions of the Principal Act, and the regulations for the time being in force thereunder relating to the enforcement of awards and the keeping of time-sheets and pay-sheets shall mutatis mutandis apply to the enforcement of the said basic wages (whether in full or subject to any such reduction or deduction as aforesaid) and to the keeping of time-sheets and pay-sheets for employees entitled thereto, 35 40

13.

13. Every person who is guilty of any offence Penalties. against or fails to comply with the provisions of this Act or the regulations hereunder, shall be liable, if no other penalty is provided, to a penalty not exceeding *fifty* pounds.

14. (1) The Governor may make regulations for Regulations. carrying into effect the provisions of this Act and generally prescribing any matters necessary or convenient for that purpose, and may by such regulations impose
10 a penalty not exceeding *fifty* pounds for any breach thereof.

(2) Any such penalty or any penalty imposed under section thirteen may be recovered before a stipendiary, police, or industrial magistrate, or any two
15 justices in petty sessions.

(3) Regulations made under this Act shall—
(a) be published in the Gazette;
(b) take effect from the date of publication or any later date specified in such regulations; and
20 (c) be laid before both Houses of Parliament within fourteen days after publication, if Parliament is in session, and if Parliament is not then in session, within fourteen days after the commencement of the next session. If
25 either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House, disallowing any regulation or part thereof, such regulation
30 or part shall thereupon cease to have effect.

Industrial Arbitration (Amendment).

SCHEDULE.

Reference to Acts.	Short Title.	Extent of repeal.
No. 16, 1918	Industrial Arbitration (Amendment) Act, 1918.	The last paragraph of clause (a) of section 5. So much of section 21 as inserts Part IX and Part XI in the Principal Act and the whole of the said Part IX and Part XI as so inserted. 5
No. 39, 1918	Industrial Arbitration (Further Amendment) Act, 1918.	Clause (a) of section 4 and the whole of sections 7 and 8. 10
No. 50, 1919	Industrial Arbitration (Amendment) Act, 1919.	So much of section 4 as inserts section 12B in the Principal Act, and the whole of said section 12B. Clause (ii) of section 5 and the whole of sections 7 and 8. 15
No. 19, 1920	Industrial Arbitration (Amendment) Act, 1920.	The whole Act. 20

Sydney: William Applegate Gullick, Government Printer—1921.