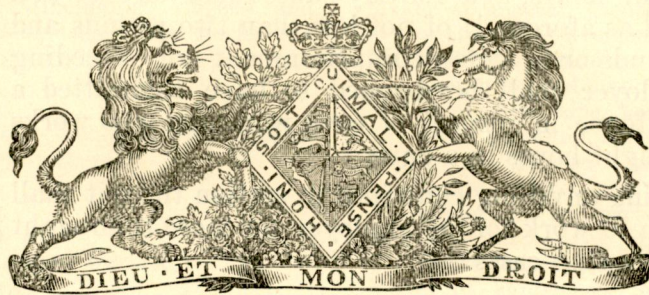


This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

*Legislative Assembly Chamber,
Sydney, 21 June, 1895.* }

F. W. WEBB,
Clerk of the Legislative Assembly.

New South Wales.



ANNO QUINQUAGESIMO NONO

VICTORIÆ REGINÆ.

No. .

An Act to declare Eight Hours to be a Legal Day's Labour ; to declare void, and in some cases penal, certain contracts and agreements ; to regulate labour on Saturdays and Sundays ; to provide for overtime working and payments therefor ; and for other purposes connected with the afore-said objects.

BE it enacted by the Queen'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 1. Subject to the provisions of this Act, from and after the Hours of work.
first day of January, one thousand eight hundred and ninety-five,
eight hours' work shall be deemed to be a full and legal day's
work, and forty-eight hours' work shall be deemed to be a full and
legal week's work in New South Wales, and shall be held so to be
10 in all actions, suits, claims, or proceedings in any Court of Justice,
and before any Commission of Enquiry, or Commission for examination
of witnesses, and before any Board, or any arbitrators or umpire, and
before any person entitled to administer an oath, or to take evidence,
or to decide in any way upon any matter in which any question of
15 work or wages may in any manner arise, any law or custom heretofore
in force to the contrary notwithstanding.

Eight Hours.

2. Nothing in this Act shall be held to compel any person to work eight hours in any day where a less number has already been or may hereafter be agreed upon.

Nothing in this Act to compel any person to work eight hours.

3. Subject to the provisions of this Act no workman shall, after the first day of January, one thousand eight hundred and ninety-six, work for an employer for more than eight hours in a day; and if any workman after that day does work for an employer for more than eight hours in a day, the workman and the employer for whom he works shall each be liable for the first offence to a penalty of not less than four shillings and not more than two pounds (to be recovered in a summary way before any Stipendiary or Police Magistrate or any two Justices of the Peace in Petty Sessions) or in default imprisonment not exceeding forty-eight hours, and for any subsequent offence to a penalty (to be recovered as aforesaid) of not less than two pounds and not more than five pounds or in default imprisonment not exceeding five days, and the employer shall be deemed to have committed a separate and distinct offence in respect of each workman who works for him for more than eight hours in a day.

No workman to work for more than eight hours in a day.

4. Notwithstanding anything contained in section three it shall be lawful for a workman to work for an employer for more than eight hours in a day in the following cases:—

Exceptions—
Payment for over-time.

- (I) For the purpose of completing a particular job or piece of work where he is not working for the employer for more than a single day.
- (II) Where he is working under contract to do certain work and on the last day it is necessary to work more than eight hours to finish the work.
- (III) Where a corresponding deduction is made from the hours of work on any day in such a manner that the week's work does not exceed forty-eight hours.
- (IV) In case of accident or emergency.

And no offence under section three shall be deemed to be committed in any of the above-mentioned cases: Provided always that the protection of this section shall not apply (except in case of accident or emergency)—

- (a) if the workman works more than ten hours in a day, or
- (b) if he is paid for the work he does overtime at a rate of less than one-and-a-half times the rate at which he is paid for the full and legal day's work as hereinbefore defined;

And shall not apply in case of accident or emergency if the workman works overtime for more than four days in succession, or if during the next fortnight from and including the first day on which he works overtime he works more than ninety-six hours:

Provided also that where any person is charged under section three the burden shall be upon him of proving that he comes within the protection of this section.

5. Except in cases coming within the protection of section four, any contract or agreement whenever made, whether verbal or in writing, express or implied, for the purpose or having the effect of causing or inducing any workman to work for more than eight hours in a day, shall, after the first day of January, one thousand eight hundred and ninety-six, be illegal and void, provided always that nothing in this Act shall be a defence to an employer or shall exempt him from liability in any action or other proceeding brought against him by any person, whether a workman or not, either to recover compensation for injuries or to recover wages or for any other purpose.

Agreements for more than eight hours' work in a day to be void.

Eight Hours.

6. This Act shall apply only where the workman is following Occupations affected
or engaged in the occupation of— by this Act.

5	Millwright, Gunsmith, Whitesmith, Coppersmith, Tinsmith, Farrier, Wheelwright,	Electroplater, Typefounder, Compositor, Printer, Stereotyper, Lithographer, Signwriter, Ticket writer, Barber, Hairdresser, Dyer, Scourer, Furrier,
10	Steelworker, Ironworker, Boilermaker, Stovemaker, Ovenmaker,	Maker of musical, scientific, electrical, or surgical instruments, Maker of soap, candles, tallow, bone- dust, glue, and manures, Maker of mats, rope, cordage, canvas, tents, tarpaulin, and bags, Maker of billiard tables, fishing tackle, cricket and other sports implements and parts thereof, Maker of explosives, including fire- works and cartridges, Maker of implements, cutlery, tools, sewing machines, meters and gauges, scales, weights, and weighing machines, Maker of bicycles, perambulators, and wheelchairs, Maker of saddlery, harness, whips, bags, portmanteaux, and other leather goods, Maker of toys, brushes, images, basket or wicker-ware, paper bags and boxes, picture frames, and artificial flowers, Maker of chemicals, including soda, blue, ink, manures, essences, essential oils, and paints, Maker of condiments, spices, and baking-powders, Maker of jams, preserves, lollies, and sugar, including refiners,
15	Iron-shipbuilder, Shipwright (including riggers and makers of sails, masts, blocks, and oars), Machinist, Galvaniser, Ironmoulder (including pipe-makers and core-makers), Locksmith, Bellhanger,	
20	Brassmoulder, Lead or antimony worker, Wireworker, Sheet metal-worker, Engine fitter, Engine turner, Engine driver, Stoker, Coaltrimmer, Fireman,	
25	Mason of any kind (including stone- dressers and carvers, monumental masons and scabblers), Painter, Japanner,	
30	Carpenter, Patternmaker, Joiner, Turner, Cabinetmaker,	
35	Upholsterer, Cooper, Window-blind-maker, Paperhanger, Glazier,	
40	Plasterer, Modeller, Plumber, Gasfitter, Bricklayer,	
45	Stevedore, Lumper, Wharf labourer, Storeman, Warehouseman,	
50	Slater, Shingler, Tiler, Quarryman (including hammer and drill men), Drayman, Carter, Watchmaker, Clockmaker, Engraver, Diesinker,	
55	Rubber stamp-maker,	
60		Flourmiller, Baker,
65		Pastry

Eight Hours.

	Pastry cook,	Bookbinder,
	Grocer,	Frenchpolisher,
	Buttermaker,	Miner of any kind (including surface-
	Cheesemaker,	men and other employees in and
5	Employee in a brewery or distillery	about mines not otherwise specified),
	(including maltsters and bottlers),	Employee in smelting works,
	Employee in a boiling-down establish-	Meat or fish curer,
	ment,	Slaughterman,
10	Employee in a sawmill (including makers	Navy,
	of packing cases, joinery, and	Excavator,
	mouldings),	Street sweeper or scavenger,
	Employee in a lemonade or aerated	Municipal labourer,
	water factory,	Shearer,
15	Employee in kerosene oil or shale works,	Wool-classer,
	Employee in gas or electric light or	Wool-presser,
	power works,	Seaman (while in port),

or is a labourer engaged in assisting any of the above-mentioned persons in their respective callings.

7. The provisions of this Act shall apply to the Railway Com-
 20 missioners for New South Wales appointed under the "Government
 Railways Act of 1888," except in regard to country stations where not
 more than two men are employed, the Board of Water Supply and
 Sewerage, and the Marine Board of New South Wales, and any other
 Commissioners or Boards appointed or hereafter to be appointed to
 25 manage any part of the Government Service, and to workmen employed
 by the said Commissioners and Boards, and to other workmen employed
 under the Government, and to their employers as hereinafter defined.

This Act to apply to
workmen employed
by the Government.

8. This Act may be cited as the "Eight Hours Act, 1895," and
 in it—

Short title:
Interpretation.

30 "Employer" includes a body of persons corporate or unincorporate
 and a corporation sole; in the case of workmen employed
 under the Government, other than those employed by the
 Commissioners and Boards hereinbefore mentioned, it means
 the chief officer of the Department under which they are
 35 employed.

"Overtime" means in excess of eight hours in a day.

"Work" means work according to the custom prevailing in the
 particular trade or occupation concerned.

40 "Workman," subject to the provisions of section six, includes
 any person coming within the definition of workman under
 the "Employer's Liability Act, 1886," shop assistants, and
 all other persons engaged in manual work other than clerical
 work, as well as guards and conductors on railways and
 tramways, and includes persons of both sexes.