

New South Wales.



ANNO OCTAVO

EDWARDI VII REGIS.

Act No. 29, 1908.

An Act to provide a minimum wage for certain persons; to make better provision in certain cases for the payment of overtime and tea-money; to amend the Factories and Shops Act, 1896; and for purposes consequent thereon and incidental thereto. [Assented to, 24th December, 1908.]

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:—

Preliminary.

1. This Act shall commence on the first day of January, one thousand nine hundred and nine, and may be cited as the "Minimum Wage Act, 1908." Commencement and short title.

2.

Minimum Wage.

Definitions.

2. In this Act,—

“Early-closing Acts” means the Early-closing Act, 1899, the Early-closing (Amendment) Act, 1900, and the Early-closing (Hairdressers'-shops) Act, 1906.

“Employer” means—

(a) any person for whom a workman or shop-assistant works, and includes any agent, manager, foreman, or other person acting, or apparently acting, in the control of any workman or shop-assistant ;

(b) any person, company, or association employing persons in a factory, warehouse, or shop, or occupying any office, building, or place used as a factory, warehouse, or shop, and includes any agent, manager, foreman, or other person acting, or apparently acting, in the general management or control of a factory, warehouse, or shop.

“Factory” means factory as defined in the Factories and Shops Act, 1896.

“Shop-assistant” and “shop” mean respectively shop-assistant and shop as defined by the Early-closing Acts.

“Workman” means—

(a) any person employed at any handicraft, or in preparing or manufacturing any article for trade or sale, and includes any person employed in a bakehouse, or laundry, or in dye-works, but does not include any inmate of an institution of a charitable nature ;

(b) any person who is employed in a factory or who works in a factory at any kind of work whatever.

Definition of overtime.

3. (1) A workman works overtime within the meaning of this Act when he works more than forty-eight hours in any week or after six o'clock in the evening on any working day.

(2) A shop-assistant works overtime within the meaning of this Act when he works more than one half-hour after the closing time of the shop in terms of the Early-closing Acts.

Minimum wage.

Minimum wage.

5 Ed. VII No. 1975
(Vict.), s. 48 (1).

4. No workman or shop-assistant shall be employed unless in the receipt of a weekly wage of at least four shillings, irrespective of any amount earned as overtime.

Whosoever employs any such person in contravention of this section shall be liable to a penalty not exceeding two pounds.

Premium or bonus in certain occupations.
Ibid., s. 49.

5. Whosoever, either directly or indirectly, or by any pretence or device, requires or permits any person to pay or give, or receives from any person any consideration, premium, or bonus for the engaging or employing by him of any female in preparing, working at, dealing with, or manufacturing articles of clothing or wearing apparel for trade

or

Minimum Wage.

or sale shall be liable on conviction to a penalty not exceeding ten pounds; and the person who has paid or given such consideration, premium, or bonus may recover the same in any court of competent jurisdiction from the person who received the same.

Overtime and tea-money.

6. (1) Where a workman or shop-assistant, being a male under sixteen years of age or a female, works overtime, his employer shall, unless exempted under this section, pay such workman or shop-assistant not less than threepence for every hour or portion of an hour of the overtime worked. Minimum overtime pay.

Such overtime shall be paid for at intervals of not more than one month.

(2) Provided that where it is proved to the satisfaction of the Minister that, by reason of the customs or exigencies of any trade or employment, or for other reason, it is desirable to exempt such trade or employment with regard to males under sixteen years of age, either generally or in any particular locality, from the operation of this section, he may grant such exemption for such time as he thinks fit. Payment for overtime.

(3) Provided also that payment for overtime may be claimed either under this section or under section thirty-seven of the Factories and Shops Act, 1896.

(4) If any employer fails to carry out the provisions of this section he shall be liable to a penalty not exceeding two pounds. Penalty.

7. Section thirty-seven of the Factories and Shops Act, 1896, is amended by inserting after the words "at the rate of time and a half" the following words:—"Such payment shall be made at intervals of not more than one month." Amendment of section 37 of Factories and Shops Act.

8. Where any workman or shop-assistant, being a male under sixteen years of age or a female, is required by his employer to work overtime on any day, the employer shall on such day pay such workman or shop-assistant a sum of not less than sixpence as tea-money, and if he fails to carry out the provisions of this section he shall be liable to a penalty not exceeding two pounds. Tea-money.

Supplemental.

9. (1) Every employer shall—

- (a) keep a record, in the form prescribed, of overtime worked by such of his workmen or shop-assistants as are males under sixteen years of age or females;
- (b) produce such record and furnish extracts therefrom to an inspector appointed as hereinafter provided when called upon to do so.

Records to be kept by employers.

(2) If any employer fails to carry out any of the provisions of this section, he shall be liable to a penalty not exceeding ten pounds.

10.

Minimum Wage.

Powers of inspectors
under this Act.

10. (1) An inspector appointed under the Factories and Shops Act, 1896, may, in addition to the powers thereby conferred on him,—

- (a) at any reasonable hour, by day or night, enter any building, room, or place where he has reasonable cause to believe a workman or shop-assistant is employed ;
- (b) examine any workman or shop-assistant, either alone or in the presence of any other person, with respect to any matter dealt with in this Act, and require him to sign a declaration of the truth of the matters in respect of which he is so examined ;
- (c) require the production of and examine and take extracts from any record required by this Act to be kept.

Obstruction of
inspector.

(2) Any person who obstructs any such inspector in the exercise of his powers under this section, or who by word or act, or by concealing any person, prevents the examination as aforesaid of any workman or shop-assistant, shall be liable to a penalty not exceeding twenty pounds.

Regulations.

11. The Governor may at any time after the passing of this Act make regulations for carrying out its provisions and prescribing the forms to be used in its administration, and may in such regulations impose any penalty not exceeding ten pounds for any breach of the same.

A copy of such regulations shall be laid before both Houses of Parliament without delay.

Report of
contraventions and
breaches, and
proceedings in
respect thereof.

12. Contraventions or breaches of this Act, or of the regulations made thereunder, shall be reported to the Minister by inspectors, and no proceedings in respect thereof shall be instituted without the authority of the Minister.

Recovery of
penalties.

13. The penalty for any such contravention or breach may be recovered before a stipendiary or police magistrate, or any two justices of the peace in petty sessions: Provided that proceedings for recovering any such penalty must be commenced within three months after such contravention or breach.

Savings.

Savings.

5 Ed. VII No. 1975
(Vict.), s. 48 (2).

14. This Act shall not apply where all the persons employed as workmen and shop-assistants are members of the employer's family, related in the first or second degree by blood or first degree by marriage to the employer.

I Certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

*Legislative Assembly Chamber,
Sydney, 18 December, 1908.* }

RICHD. A. ARNOLD,
Clerk of the Legislative Assembly.

New South Wales.



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EDWARDI VII REGIS.

Act No. 29, 1908.

An Act to provide a minimum wage for certain persons; to make better provision in certain cases for the payment of overtime and tea-money; to amend the Factories and Shops Act, 1896; and for purposes consequent thereon and incidental thereto. [Assented to, 24th December, 1908.]

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:—

Preliminary.

1. This Act shall commence on the first day of January, one thousand nine hundred and nine, and may be cited as the "Minimum Wage Act, 1908." Commencement and short title.

2.

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

JOHN J. COHEN,
Chairman of Committees of the Legislative Assembly.

Minimum Wage.

Definitions.

2. In this Act,—

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(a) any person for whom a workman or shop-assistant works, and includes any agent, manager, foreman, or other person acting, or apparently acting, in the control of any workman or shop-assistant;

(b) any person, company, or association employing persons in a factory, warehouse, or shop, or occupying any office, building, or place used as a factory, warehouse, or shop, and includes any agent, manager, foreman, or other person acting, or apparently acting, in the general management or control of a factory, warehouse, or shop.

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(a) any person employed at any handicraft, or in preparing or manufacturing any article for trade or sale, and includes any person employed in a bakehouse, or laundry, or in dye-works; but does not include any inmate of an institution of a charitable nature;

(b) any person who is employed in a factory or who works in a factory at any kind of work whatever.

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(2) A shop-assistant works overtime within the meaning of this Act when he works more than one half-hour after the closing time of the shop in terms of the Early-closing Acts.

Minimum wage.

Minimum wage.

5 Ed. VII No. 1975
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Whosoever employs any such person in contravention of this section shall be liable to a penalty not exceeding two pounds.

Premium or bonus in certain occupations.
Ibid., s. 49.

5. Whosoever, either directly or indirectly, or by any pretence or device, requires or permits any person to pay or give, or receives from any person any consideration, premium, or bonus for the engaging or employing by him of any female in preparing, working at, dealing with, or manufacturing articles of clothing or wearing apparel for trade

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Minimum Wage.

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Overtime and tea-money.

6. (1) Where a workman or shop-assistant, being a male under sixteen years of age or a female, works overtime, his employer shall, unless exempted under this section, pay such workman or shop-assistant not less than threepence for every hour or portion of an hour of the overtime worked. Minimum overtime pay.

Such overtime shall be paid for at intervals of not more than one month.

(2) Provided that where it is proved to the satisfaction of the Minister that, by reason of the customs or exigencies of any trade or employment, or for other reason, it is desirable to exempt such trade or employment with regard to males under sixteen years of age, either generally or in any particular locality, from the operation of this section, he may grant such exemption for such time as he thinks fit. Payment for overtime.

(3) Provided also that payment for overtime may be claimed either under this section or under section thirty-seven of the Factories and Shops Act, 1896.

(4) If any employer fails to carry out the provisions of this section he shall be liable to a penalty not exceeding two pounds. Penalty.

7. Section thirty-seven of the Factories and Shops Act, 1896, is amended by inserting after the words "at the rate of time and a half" the following words:—"Such payment shall be made at intervals of not more than one month." Amendment of section 37 of Factories and Shops Act.

8. Where any workman or shop-assistant, being a male under sixteen years of age or a female, is required by his employer to work overtime on any day, the employer shall on such day pay such workman or shop-assistant a sum of not less than sixpence as tea-money, and if he fails to carry out the provisions of this section he shall be liable to a penalty not exceeding two pounds. Tea-money.

Supplemental.

9. (1) Every employer shall—

- (a) keep a record, in the form prescribed, of overtime worked by such of his workmen or shop-assistants as are males under sixteen years of age or females;
- (b) produce such record and furnish extracts therefrom to an inspector appointed as hereinafter provided when called upon to do so.

Records to be kept by employers.

(2) If any employer fails to carry out any of the provisions of this section, he shall be liable to a penalty not exceeding ten pounds.

Minimum Wage.

Powers of inspectors
under this Act.

10. (1) An inspector appointed under the Factories and Shops Act, 1896, may, in addition to the powers thereby conferred on him,—

- (a) at any reasonable hour, by day or night, enter any building, room, or place where he has reasonable cause to believe a workman or shop-assistant is employed ;
- (b) examine any workman or shop-assistant, either alone or in the presence of any other person, with respect to any matter dealt with in this Act, and require him to sign a declaration of the truth of the matters in respect of which he is so examined ;
- (c) require the production of and examine and take extracts from any record required by this Act to be kept.

Obstruction of
inspector.

(2) Any person who obstructs any such inspector in the exercise of his powers under this section, or who by word or act, or by concealing any person, prevents the examination as aforesaid of any workman or shop-assistant, shall be liable to a penalty not exceeding twenty pounds.

Regulations.

11. The Governor may at any time after the passing of this Act make regulations for carrying out its provisions and prescribing the forms to be used in its administration, and may in such regulations impose any penalty not exceeding ten pounds for any breach of the same.

A copy of such regulations shall be laid before both Houses of Parliament without delay.

Report of
contraventions and
breaches, and
proceedings in
respect thereof.

12. Contraventions or breaches of this Act, or of the regulations made thereunder, shall be reported to the Minister by inspectors, and no proceedings in respect thereof shall be instituted without the authority of the Minister.

Recovery of
penalties.

13. The penalty for any such contravention or breach may be recovered before a stipendiary or police magistrate, or any two justices of the peace in petty sessions: Provided that proceedings for recovering any such penalty must be commenced within three months after such contravention or breach.

Savings.

Savings.

5 Ed. VII No. 1975
(Vict.), s. 48 (2).

14. This Act shall not apply where all the persons employed as workmen and shop-assistants are members of the employer's family, related in the first or second degree by blood or first degree by marriage to the employer.

In the name and on behalf of His Majesty I assent to this Act.

HARRY H. RAWSON,

Governor.

State Government House,

Sydney, 24th December, 1908.

MINIMUM WAGE BILL.

SCHEDULE of the Amendment referred to in Message of 17th December, 1908.

Page 4, clause 10, lines 3 and 4. *Omit* "factory or shop"; *insert* "building, room, or
"place where he has reasonable cause to believe a workman or shop-
"assistant is employed"

WILLIAM W. WARR

SCHEMATIC of the Association of the ... 1904

Place a chair in the ...
"place where he has reasonable cause to believe a woman or child
is employed"

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, 17 December, 1908, A.M. }*

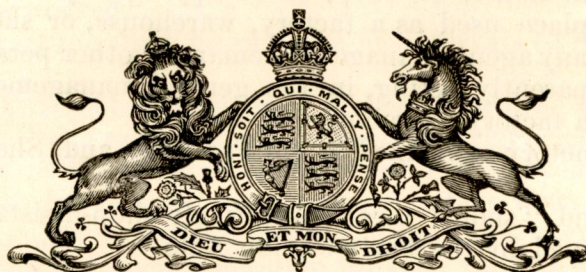
RICHD. A. ARNOLD,
Clerk of the Legislative Assembly.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with an Amendment.

*Legislative Council Chamber,
Sydney, 17th December, 1908. }*

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.



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EDWARDI VII REGIS.

Act No. , 1908.

An Act to provide a minimum wage for certain persons; to make better provision in certain cases for the payment of overtime and tea-money; to amend the Factories and Shops Act, 1896; and for purposes consequent thereon and incidental thereto.

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:—

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Preliminary.

1. This Act shall commence on the first day of January, one thousand nine hundred and nine, and may be cited as the "Minimum Wage Act, 1908." Commencement and short title.

27149

114—

2.

NOTE.—The words to be omitted are ruled through; those to be inserted are printed in black letter.

Minimum Wage.

2. In this Act,—

Definitions.

“Early-closing Acts” means the Early-closing Act, 1899, the Early-closing (Amendment) Act, 1900, and the Early-closing (Hairdressers'-shops) Act, 1906.

5 “Employer” means—

(a) any person for whom a workman or shop-assistant works, and includes any agent, manager, foreman, or other person acting, or apparently acting, in the control of any workman or shop-assistant;

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15 “Factory” means factory as defined in the Factories and Shops Act, 1896.

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20 “Workman” means—

(a) any person employed at any handicraft, or in preparing or manufacturing any article for trade or sale, and includes any person employed in a bakehouse, or laundry, or in dye-works, but does not include any inmate of an institution of a charitable nature;

25 (b) any person who is employed in a factory or who works in a factory at any kind of work whatever.

3. (1) A workman works overtime within the meaning of this Act when he works more than forty-eight hours in any week or after 30 six o'clock in the evening on any working day.

Definition of overtime.

(2) A shop-assistant works overtime within the meaning of this Act when he works more than one half-hour after the closing time of the shop in terms of the Early-closing Acts.

Minimum wage.

35 4. No workman or shop-assistant shall be employed unless in the receipt of a weekly wage of at least four shillings, irrespective of any amount earned as overtime.

Minimum wage.

5 Ed. VII No. 1975 (Vict.), s. 48 (1).

Whosoever employs any such person in contravention of this section shall be liable to a penalty not exceeding two pounds.

40 5. Whosoever, either directly or indirectly, or by any pretence or device, requires or permits any person to pay or give, or receives from any person any consideration, premium, or bonus for the engaging or employing by him of any female in preparing, working at, dealing with, or manufacturing articles of clothing or wearing apparel for trade

Premium or bonus

in certain

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Ibid., s. 49.

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Minimum Wage.

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Overtime and tea-money.

6. (1) Where a workman or shop-assistant, being a male under sixteen years of age or a female, works overtime, his employer shall, unless exempted under this section, pay such workman or shop-assistant not less than threepence for every hour or portion of an hour of the overtime worked.

Such overtime shall be paid for at intervals of not more than one month.

(2) Provided that where it is proved to the satisfaction of the Minister that, by reason of the customs or exigencies of any trade or employment, or for other reason, it is desirable to exempt such trade or employment with regard to males under sixteen years of age, either generally or in any particular locality, from the operation of this section, he may grant such exemption for such time as he thinks fit.

(3) Provided also that payment for overtime may be claimed either under this section or under section thirty-seven of the Factories and Shops Act, 1896.

(4) If any employer fails to carry out the provisions of this section he shall be liable to a penalty not exceeding two pounds.

7. Section thirty-seven of the Factories and Shops Act, 1896, is amended by inserting after the words "at the rate of time and a half" the following words:—"Such payment shall be made at intervals of not more than one month."

8. Where any workman or shop-assistant, being a male under sixteen years of age or a female, is required by his employer to work overtime on any day, the employer shall on such day pay such workman or shop-assistant a sum of not less than sixpence as tea-money, and if he fails to carry out the provisions of this section he shall be liable to a penalty not exceeding two pounds.

Supplemental.

35

9. (1) Every employer shall—

(a) keep a record, in the form prescribed, of overtime worked by such of his workmen or shop-assistants as are males under sixteen years of age or females;

(b) produce such record and furnish extracts therefrom to an inspector appointed as hereinafter provided when called upon to do so.

(2) If any employer fails to carry out any of the provisions of this section, he shall be liable to a penalty not exceeding ten pounds.

10.

Records to be kept by employers.

Minimum Wage.

10. (1) An inspector appointed under the Factories and Shops Act, 1896, may, in addition to the powers thereby conferred on him,— Powers of inspectors under this Act.
- (a) at any reasonable hour, by day or night, enter any ~~factory~~ **building, room, or place where he has reasonable cause to believe a workman or shop-assistant is employed;**
- 5 (b) examine any workman or shop-assistant, either alone or in the presence of any other person, with respect to any matter dealt with in this Act, and require him to sign a declaration of the truth of the matters in respect of which he is so examined;
- 10 (c) require the production of and examine and take extracts from any record required by this Act to be kept.
- (2) Any person who obstructs any such inspector in the exercise of his powers under this section, or who by word or act, or by concealing any person, prevents the examination as aforesaid of any Obstruction of inspector.
- 15 workman or shop-assistant, shall be liable to a penalty not exceeding twenty pounds.
11. The Governor may at any time after the passing of this Act make regulations for carrying out its provisions and prescribing the forms to be used in its administration, and may in such regulations Regulations.
- 20 impose any penalty not exceeding ten pounds for any breach of the same.
- A copy of such regulations shall be laid before both Houses of Parliament without delay.
12. Contraventions or breaches of this Act, or of the regulations Report of contraventions and breaches, and proceedings in respect thereof.
- 25 made thereunder, shall be reported to the Minister by inspectors, and no proceedings in respect thereof shall be instituted without the authority of the Minister.
13. The penalty for any such contravention or breach may be Recovery of penalties.
- 30 recovered before a stipendiary or police magistrate, or any two justices of the peace in petty sessions: Provided that proceedings for recovering any such penalty must be commenced within three months after such contravention or breach.

Savings.

14. This Act shall not apply where all the persons employed Savings.
- 35 as workmen and shop-assistants are members of the employer's family, 5 Ed. VII No. 1975 (Vict.), s. 48 (2). related in the first or second degree by blood or first degree by marriage to the employer.

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, 17 December, 1908, A.M. }*

RICHD. A. ARNOLD,
Clerk of the Legislative Assembly.

New South Wales.



ANNO OCTAVO

EDWARDI VII REGIS.

Act No. , 1908.

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Minimum Wage.

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Overtime and tea-money.

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Such overtime shall be paid for at intervals of not more than one month.

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- 5 (b) examine any workman or shop-assistant, either alone or in the presence of any other person, with respect to any matter dealt with in this Act, and require him to sign a declaration of the truth of the matters in respect of which he is so examined ;
- 10 (c) require the production of and examine and take extracts from any record required by this Act to be kept.

(2) Any person who obstructs any such inspector in the exercise of his powers under this section, or who by word or act, or by concealing any person, prevents the examination as aforesaid of any workman or shop-assistant, shall be liable to a penalty not exceeding Obstruction of inspector.

15 twenty pounds.

11. The Governor may at any time after the passing of this Act make regulations for carrying out its provisions and prescribing the forms to be used in its administration, and may in such regulations impose any penalty not exceeding ten pounds for any breach of the Regulations.

20 same.

A copy of such regulations shall be laid before both Houses of Parliament without delay.

12. Contraventions or breaches of this Act, or of the regulations made thereunder, shall be reported to the Minister by inspectors, Report of contraventions and breaches, and proceedings in respect thereof. and no proceedings in respect thereof shall be instituted without the authority of the Minister.

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13. The penalty for any such contravention or breach may be recovered before a stipendiary or police magistrate, or any two justices of the peace in petty sessions: Provided that proceedings for Recovery of penalties. recovering any such penalty must be commenced within three months after such contravention or breach.

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Savings.

14. This Act shall not apply where all the persons employed Savings. as workmen and shop-assistants are members of the employer's family, 5 Ed. VII No. 1975 (Vict.), s. 48 (2). related in the first or second degree by blood or first degree by marriage to the employer.

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No. , 1908.

A BILL

To provide a minimum wage for certain persons; to make better provision in certain cases for the payment of overtime and tea-money; to amend the Factories and Shops Act, 1896; and for purposes consequent thereon and incidental thereto.

[MR. HOGUE;—20 *October*, 1908.]

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:—

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Preliminary.

1. This Act shall commence on the first day of , one Commencement and thousand nine hundred and nine, and may be cited as the "Minimum Wage Act, 1908." short title.

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Definitions.

2. In this Act,—

“Early-closing Acts” means the Early-closing Act, 1899, the Early-closing (Amendment) Act, 1900, and the Early-closing (Hairdressers’-shops) Act, 1906.

“Employer” means—

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(a) any person for whom a workman or shop-assistant works, and includes any agent, manager, foreman, or other person acting, or apparently acting, in the control of any workman or shop-assistant;

(b) any person, company, or association employing persons in 10 a factory or shop, or occupying any office, building, or place used as a factory or shop, and includes any agent, manager, foreman, or other person acting, or apparently acting, in the general management or control of a factory or shop.

“Factory” means factory as defined in the Factories and Shops 15 Act, 1896.

“Shop-assistant” and “shop” mean respectively shop-assistant and shop as defined by the Early-closing Acts.

“Workman” means—

(a) any person employed at any handicraft, or in preparing or 20 manufacturing any article for trade or sale, and includes any person employed in a bakehouse, or laundry, or in dye-works, but does not include any inmate of an institution of a charitable nature;

(b) any person who is employed in a factory or who works in a 25 factory at any kind of work whatever.

Definition of overtime.

3. (1) A workman works overtime within the meaning of this Act when he works more than forty-eight hours in any week or after six o’clock in the evening on any working day.

(2) A shop-assistant works overtime within the meaning of 30 this Act when he works more than one half-hour after the closing time of the shop in terms of the Early-closing Acts.

Minimum wage.

Minimum wage.

5 Ed. VII No. 1975
(Vict.), s. 48 (1).

4. No workman or shop-assistant shall be employed unless in the receipt of a weekly wage of at least four shillings, irrespective of 35 any amount earned as overtime.

Whosoever employs any such person in contravention of this section shall be liable to a penalty not exceeding *two* pounds.

Premium or bonus in certain occupations.
Ibid., s. 49.

5. Whosoever, either directly or indirectly, or by any pretence or device, requires or permits any person to pay or give, or receives 40 from any person any consideration, premium, or bonus for the engaging or employing by him of any female in preparing, working at, dealing with, or manufacturing articles of clothing or wearing apparel for trade

or

or sale shall be liable on conviction to a penalty not exceeding *ten* pounds; and the person who has paid or given such consideration, premium, or bonus may recover the same in any court of competent jurisdiction from the person who received the same.

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Overtime and tea-money.

6. (1) Where a workman or shop-assistant, being a male under sixteen years of age or a female, works overtime, his employer shall, unless exempted under this section, pay such workman or shop-assistant not less than threepence for every hour or portion of an hour of the overtime worked.

Minimum overtime pay.

Such overtime shall be paid for at intervals of not more than one month.

(2) Provided that where it is proved to the satisfaction of the Minister that, by reason of the customs or exigencies of any trade or employment, or for other reason, it is desirable to exempt such trade or employment with regard to males under sixteen years of age, either generally or in any particular locality, from the operation of this section, he may grant such exemption for such time as he thinks fit.

Payment for overtime.

(3) Provided also that payment for overtime may be claimed either under this section or under section thirty-seven of the Factories and Shops Act, 1896.

(4) If any employer fails to carry out the provisions of this section he shall be liable to a penalty not exceeding *two* pounds.

Penalty.

7. Section thirty-seven of the Factories and Shops Act, 1896, is amended by inserting after the words "at the rate of time and a half" the following words:—"Such payment shall be made at intervals of not more than one month."

Amendment of section 37 of Factories and Shops Act.

8. Where any workman or shop-assistant, being a male under sixteen years of age or a female, is required by his employer to work overtime on any day, the employer shall on such day pay such workman or shop-assistant a sum of not less than sixpence as tea-money, and if he fails to carry out the provisions of this section he shall be liable to a penalty not exceeding *two* pounds.

Tea-money.

Supplemental.

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9. (1) Every employer shall—

Records to be kept by employers.

(a) keep a record, in the form prescribed, of overtime worked by such of his workmen or shop-assistants as are males under sixteen years of age or females;

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(b) produce such record and furnish extracts therefrom to an inspector appointed as hereinafter provided when called upon to do so.

(2) If any employer fails to carry out any of the provisions of this section, he shall be liable to a penalty not exceeding *ten* pounds.

Powers of inspectors
under this Act.

10. (1) An inspector appointed under the Factories and Shops Act, 1896, may, in addition to the powers thereby conferred on him,—

- (a) at any reasonable hour, by day or night, enter any factory or shop;
- (b) examine any workman or shop-assistant, either alone or in the presence of any other person, with respect to any matter dealt with in this Act, and require him to sign a declaration of the truth of the matters in respect of which he is so examined;
- (c) require the production of and examine and take extracts from any record required by this Act to be kept.

Obstruction of
inspector.

(2) Any person who obstructs any such inspector in the exercise of his powers under this section, or who by word or act, or by concealing any person, prevents the examination as aforesaid of any workman or shop-assistant, shall be liable to a penalty not exceeding *twenty* pounds.

Regulations.

11. The Governor may at any time after the passing of this Act make regulations for carrying out its provisions and prescribing the forms to be used in its administration, and may in such regulations impose any penalty not exceeding *ten* pounds for any breach of the same.

A copy of such regulations shall be laid before both Houses of Parliament without delay.

Report of
contraventions and
breaches, and
proceedings in
respect thereof.

12. Contraventions or breaches of this Act, or of the regulations made thereunder, shall be reported to the Minister by inspectors, and no proceedings in respect thereof shall be instituted without the authority of the Minister.

Recovery of
penalties.

13. The penalty for any such contravention or breach may be recovered before a stipendiary or police magistrate, or any two justices of the peace in petty sessions: Provided that proceedings for recovering any such penalty must be commenced within three months after such contravention or breach.

Savings.

Savings.

5 Ed. VII No. 1975
(Vict.), s. 48 (2).

14. This Act shall not apply where all the persons employed as workmen and shop-assistants are members of the employer's family, related in the first or second degree by blood or first degree by marriage to the employer.