

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.

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

Legislative Assembly Chamber.
Sydney, 9 October, 1913.

New South Wales.



ANNO QUARTO

GEORGI V REGIS.

Act No. , 1913.

An Act to declare the legal hours of labour in certain occupations ; to provide for overtime and payments therefor ; to declare void certain contracts and agreements ; to amend certain Acts ; and for other purposes connected with and incidental to the aforesaid objects.

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
5 the same, as follows :—

1. This Act shall come into operation on the first day of January, one thousand nine hundred and fourteen, and may be cited as the " Eight-hours Act, 1913." Commence-
ment and
short title.

Eight-hours.

2. In this Act, unless the context otherwise Definitions, indicates—

“ Court ” means Court of Industrial Arbitration.

5 “ Employer ” means person, firm, company, or corporation employing any workman, or having control of any work being done or to be done by any workman; in the case of Government works, it means the chief officer of the department controlling such works who shall, for the purposes of this Act, be deemed to employ the workmen in such works.

10 “ Industrial agreement ” has the meaning given in the Industrial Arbitration Act, 1912.

15 “ Overtime ” means time worked before or after the recognised times of starting or leaving off work in any occupation, and any time worked in excess of the hours fixed by this Act in respect of such occupation.

20 “ Schedule ” means Schedule to this Act and includes any amendment of or addition to a Schedule made in pursuance of this Act.

“ Wages board ” means wages board constituted under the Industrial Arbitration Act, 1912.

25 “ Work ” means any class of labour done in accordance with any custom or usage prevailing in any trade, calling, or occupation.

30 “ Workman ” means any person of any age or sex employed for wages or hire, or for any other consideration by anyone coming within the definition of employer.

3. This Act shall bind all persons, including the Application of Act. Crown and the Chief Commissioner for Railways and Tramways and their workmen.

35 **4.** Subject to the provisions of this Act, eight hours Legal day's, week's, or fortnight's work. shall be a full and legal day's work in all occupations specified in Schedule One, and forty-eight hours shall be a full and legal week's work in all occupations specified in Schedule Two, and ninety-six hours shall be a full and legal fortnight's work in all occupations

40 specified in Schedule Three.

Eight-hours.

5. (1) Nothing in this Act shall compel any person to work the hours above prescribed where a less number of hours has already been or may hereafter be agreed upon, or where a custom prevails in any trade, calling, or occupation, fixing a lesser number of hours of work, or where a lesser number of hours of work has been fixed by award of the Court or of an Industrial Board.

Saving :
Overtime.

(2) Where such lesser number of hours has been so agreed upon or fixed, the day's or week's or fortnight's work shall for the purpose of computing overtime be estimated in accordance with such agreement, custom, or award, and overtime rates shall be paid for all hours of work in excess thereof.

6. Notwithstanding anything contained in this Act, it shall be lawful for a workman to work for an employer and for an employer to employ a workman for more than eight hours a day or for more than forty-eight hours a week or ninety-six hours a fortnight, as the case may be, in cases of accident, emergency, or other unavoidable contingency, and in such cases overtime shall be paid for at the rate for overtime in such employment fixed by award of the court or of a wages board, or by any agreement or custom; or, in cases where no such rate is so fixed, overtime shall be paid for at a rate equal to one and one-quarter times the ordinary rate paid in such employment.

Exceptions in
case of
accident,
emergency,
&c.

Where an occupation is of such a character that any Industrial Board or Arbitration Court has made provision for extending the hours of labour under certain defined circumstances, such circumstances on then occurring shall be deemed to be an unavoidable contingency within the meaning of this section.

7. If any workman works for any employer, or any employer employs any workman, for a greater number of hours than those above prescribed, he shall, unless he is acting under the authority of the last preceding section, be liable for a first offence to a penalty not exceeding five pounds, and for any subsequent offence to a penalty not less than two and not exceeding fifty pounds.

Penalty.

Any

Eight-hours.

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

5 **8.** Except in cases coming within the provisions of section six, any contract or agreement, whether verbal or in writing, express or implied, made for the purpose of inducing or having the effect of causing any workman to work for more hours than those prescribed by this Act, shall be illegal and void, and anyone making such contract or agreement shall be liable to a penalty not exceeding fifty pounds.

Certain contracts and agreements void.

15 **9.** Nothing in this Act shall be a defence to an employer or shall exempt him from any liability in any action or other proceeding brought against him by any person, whether a workman or not, to recover compensation for injuries, or to recover wages, or for any other purpose.

Illegality no defence to action for injuries or to recover wages.

20 **10.** The Minister for Labour and Industry is charged with the administration of this Act. The Governor shall, subject to the Public Service Act, 1902, and any Act amending it, appoint such servants, officers, and inspectors as may be necessary to properly carry out the provisions of this Act.

Controlling authority.

25 **11.** Nothing in this Act shall affect any award of the court or of an industrial board, or any industrial agreement in force at the commencement of this Act, or affect any custom in force at such commencement which regulates overtime or determines the hours at which overtime rates are to commence to be paid or otherwise deals with overtime.

Award of court or industrial board, &c., not affected at commencement of Act.

30 **12.** The Governor may make regulations for carrying out the provisions of this Act. Such regulations shall be published in the Gazette.

Regulations and additions to Schedule.

35 He may also, on the recommendation of the Court, amend any Schedule to this Act and add to any such Schedule any trade, calling, or occupation not therein enumerated.

40 **13.** All penalties imposed by this Act may be recovered in a summary way before a stipendiary or police magistrate or any two justices in petty sessions.

Recovery of penalties.

SCHEDULES.

Eight-hours.

SCHEDULES.

SCHEDULE I.

- Brickmaking in the municipalities of Lithgow and Bathurst
(burners on continuous kilns).
- 5 Butchering (slaughtermen—county of Cumberland).
Butchering (county of Cumberland—casual hands).
Cement workers (continuous process).
Copper, silver, tin, and gold mines (shiftmen).
Electrical trades (shiftmen).
- 10 Engine-drivers, firemen, pumpers, and trimmers (coast), when shift
work.
Gasworking at Newcastle (stokers, operators on vertical retorts).
Ironworking at Lithgow Ironworks (employees in blast and steel
furnaces and sheet mills).
- 15 Metalliferous mining (ordinary process).
Milk industry (receivers, tasters, and pasteurisers).
Milling employees (three-shift mills, ordinary mills, 48).
Papermakers (shiftmen).
Pottery, tile, chinaware, and Bristolware manufacturing in the
20 county of Cumberland (burners on full fire).
Smelters (shiftmen).
Tanners and curriers (tanners if working three shifts).
Western collieries (miners).
Wheaten flour mills.

SCHEDULE II.

- 25 Aerated water manufacture
Bakers.
Billposters.
Biscuit and cake makers.
- 30 Boot trades.
Blindmakers.
Boatbuilders.
Boilermakers.
Brass-finishers.
- 35 Bricklayers.
Brushmakers.
Broom-makers.
Buggy-drivers (commercial).
Butchering (slaughtermen).
- 40 Butchering (county of Cumberland).
Butter and margarine makers.
Cleaners.
Caterers in shops.
Cement-workers.

Eight-hours.

SCHEDULE II—*continued.*

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| | Chemists. |
| | Cigar-makers. |
| | Clothing trades. |
| 5 | Coachmakers. |
| | Coal-miners (Sydney Harbour Colliery), surface hands. |
| | Coke-workers. |
| | Cold storage (except in cheese factories). |
| | Confectioners. |
| 10 | Coopers. |
| | Copper, silver, tin and gold mines. |
| | Cycle and motor cycle. |
| | Electroplaters. |
| | Electrical trades. |
| 15 | Engine-drivers (coast), firemen, pumpers, and trimmers. |
| | Engine-drivers about copper, silver, tin and gold mines. |
| | Farriers. |
| | Fellmongering. |
| | Furniture trades. |
| 20 | Glassworkers. |
| | Gas-meter makers. |
| | Government employees—Metropolitan Water Supply and Sewerage (except watchmen, valve attendants). |
| | Government Railway and Tramway—painters and french polishers. |
| 25 | Car, carriage, and waggon builder's employees. |
| | Bedding, brasses, repairing bogies and lifters. |
| | Interlocking department employees. |
| | Locomotive labourers, permanent way employees (except watchmen and flagmen). |
| 30 | Quarrymen and others. |
| | Sawmillers. |
| | Ironworker's assistants. |
| | Ice carters (winter months). |
| 35 | Jam industry. |
| | Jewellers. |
| | Kerosene makers (except still cleaners). |
| | Laundries (all employees except carters). |
| | Marble and slate workers. |
| 40 | Monumental masons. |
| | Meat packing, canning, and preserving. |
| | Metal ceiling and sheet metal fixers. |
| | Miners (Newcastle colliery). |
| | Moulders. |
| 45 | Municipal employees (except watchmen, casual hands, and night sweepers). |
| | Papermakers. |
| | Pastrycooks; first, second, and third hands. |
| | Picture-frame makers (males). |
| 50 | Plasterers. |
| | Photographers (except reception-room attendants). |

*Eight-hours.*SCHEDULE II—*continued.*

- Photographers reception-room attendants (winter months).
 Plumbers and gas-fitters.
 Printing trades (compositors).
 5 Bookbinders (machine operators).
 Letterpress machinists.
 Lithographic workers.
 Railway and tramway, construction, road and water conservation.
 Ropemakers.
 10 Stonesetters.
 Saddlery (portmanteau and saddlery).
 Sawmill employees (all branches).
 Ship joiners and carpenters.
 Ship painters and decorators.
 15 Ship painters and dockers.
 Shire employees (outside the county of Cumberland) except
 watchmen.
 Slaters.
 Smelters.
 20 Southern collieries (miners), excepting the Metropolitan Colliery.
 Soap and candle makers.
 Storemen and packers—skin and hide ; wholesale grocery ; whole-
 sale oil and colour stores ; wool and station produce (summer
 months).
 25 Stove and piano frame makers.
 Textile workers.
 Tile-layers.
 Tinsmiths and sheet metal workers.
 Trolley draymen (loaders in the county of Cumberland).
 30 Tuckpointers.
 Unskilled labourers (gantry men and crane men, hours daily not
 fixed).
 Wickerworkers.
 Wire-mattress makers.
 35 Wire-netting makers.
 Wood workers (carpenters and joiners).
 Storemen and packers (limited to wholesale hardware, soft goods,
 boots, and stationery).
 Storemen and packers, bonded and free stores.
 40 Sail, tent, and tarpaulin makers.
 Jewellers, watches and clocks, opticians—maximum 46½.
 Sydney wharf labourers (deep sea).
 Straw-hat makers—not to exceed provision made for whole holiday
 or Saturday.
 45 Government railways (wheat loaders).
 Gasworking at Newcastle (yardmen, skilled labourers, pick and
 shovel men, service layers, main-laying gangers, pipelayers,
 joiners and caulkers, complaint hands, syphon pumpers,
 maintenance men, lamp-lighters).
 50 Engineering trades throughout the State of New South Wales,
 excluding the county of Yancowinna.

*Eight-hours.*SCHEDULE II—*continued.*

- Transport workers in the county of Yancowinna (all employees of the Silverton Tramway Company).
- 5 Undertaking (shopmen within the metropolitan area, the municipality of Manly, the townships of Hornsby, Emu Plains, Sutherland, and Liverpool).
- Labouring in the State of New South Wales, excluding the county of Yancowinna.
- 10 Cement-mixers and wheelers, gangers, concrete packers, concrete workers in the manufacture of monier patent or concrete pipes, pipe layers, conduit layers, jointers, hammer and drill men, spawlers, jumpers, timberers, man-hole builders, tool sharpeners, navvies, and all other labourers.
- 15 Brickmaking in the municipalities of Lithgow and Bathurst, brick and pipe makers.
- Pottery and tile making in the county of Cumberland, employees engaged in making pottery tiles (excluding roofing tiles), chinaware, and Bristol ware.
- 20 Ironworking at Lithgow. Employees in ironworks on day work.
- Wireworking (wireworkers throughout the State of New South Wales, excluding the county of Yancowinna).
- Surveyors' labourers in the county of Cumberland.

SCHEDULE III.

- 25 Government Railways and Tramways, Locomotive—engine-drivers, firemen, and cleaners, and all other employees.
- Government Railways and Tramways Traffic—wages staff, shunters, guards, assistant guards, and signalmen.
- Government Railways and Tramways Examiners (Metropolitan and Newcastle).
- 30 Government Railways—wages staff, traffic branch, junior porters, goods' porters, guards, and signalmen at Darling Harbour, Sydney goods sheds.
- Government Tramways—day-wage employees, except maintenance tower waggon drivers, watchmen on overhead line staff.
- 35 Ironworking at Lithgow—employees in ironworks engaged on nightwork.
- Metalliferous mining (continuous process).
- Shipping—Port Jackson ferries, masters and engineers, firemen and deck-hands.
- 40 Surveyors' labourers in New South Wales, excluding the counties of Cumberland and Yancowinna.