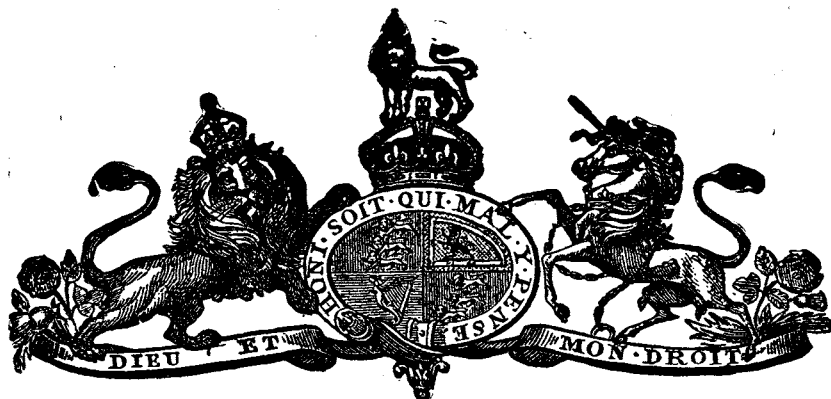


THE WAGES BOARDS AMENDMENT ACT, 1917.

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TASMANIA.



1917.

ANNO SEPTIMO

GEORGII V. REGIS.

No. 63.



AN ACT to amend "The Wages Boards Act, 1910," and for other purposes. ^{A.D.} 1917.

[23 February, 1917.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

1—(1) This Act may be cited alone as "The Wages Boards Act, 1917." Short title.
1 Geo. V. No. 62.

(2) "The Wages Boards Act, 1910," as amended by "The Wages Boards Act, 1911," and "The Wages Boards Act, 1913," is in this Act referred to as the Principal Act. 2 Geo. V. No. 2.
4 Geo. V. No. 46.

(3) The Principal Act as amended by this Act may be cited as "The Wages Boards Act, 1910 to 1917."

2 This Act is incorporated with the Principal Act, and shall be read as one therewith. Incorporation with Principal Act.

3 Section Four of the Principal Act is hereby amended by inserting at the end of the Fourth line "or any person who, unable by reason of his age to complete his term of apprenticeship before reaching the age of Twenty-one years, had obtained a licence from the Minister to be indentured." Amendment of Section 4 of Principal Act.

Wages Boards Amendment.

A.D. 1917.

Dissolution of
Board and
removal of
member.Cf. No. 17, 1912,
s. 20, N.S.W.

Period of office.

New Board.

Amendment of
Section 9 of
Principal Act.

30C.4.16.

Amendment of
Section 11 of
Principal Act.Amendment of
Section 13 of
Principal Act.

4 After Section Five of the Principal Act, the following section is inserted :—

“ **5a**—(1) The Governor may at any time dissolve a Board.

(2) Subject to the above provision, the representative members of a Board shall hold office until the expiration of Three years from the date of the Proclamation by the Governor appointing the Board, and then shall cease to hold office : Provided that a member may resign his office.

(3) The Governor may appoint a new Board under this Act to take the place of a Board that has been dissolved, or the members of which have resigned, or have ceased to hold office.

Members ceasing to hold office on a Board shall be eligible for appointment to the new Board.

The provisions of this Act relating to the constitution and manner of appointment of Boards shall apply to the appointment of such new Board.”

5 Section Nine of the Principal Act is hereby amended—

i. As to Subsection (3) by omitting therefrom the words “ or shall have been,” and by inserting after the word “ appointed ” in the Third line of the said subsection the words “ who have had at least Twelve months’ actual experience in such trade or group or part acquired within the Five years immediately preceding the appointment,” and by inserting at the end of the said subsection the words “ who have had the like experience ” :

ii. As to Subsection (4) by omitting therefrom the words “ or shall have been,” and by inserting at the end of the said subsection the words “ who have had at least Twelve months’ actual experience in such trade or group, or part acquired within the Five years immediately preceding the appointment.”

6 Section Eleven of the Principal Act is hereby amended by inserting immediately after the word “ Gazette ” occurring in the First line thereof the words “ and in at least One issue of at least Two newspapers published in Hobart, Two newspapers published in Launceston, and One newspaper published in Burnie.”

7 Section Thirteen of the Principal Act is hereby amended by omitting—

i. The figure “ 1 ” occurring at the commencement of the Second line thereof : and

ii. The word “ and ” occurring at the end of the Third line thereof, and also the whole of Paragraph ii.

Wages Boards Amendment

8 Section Fourteen of the Principal Act is hereby repealed, and the following section inserted in its stead :—

A.D. 1917.

“**14**—(1) The Chairman of every Board shall be appointed by the Governor by Proclamation, and shall be a person holding the office of Police Magistrate.

Repeal and re-enactment of Section 14 of Principal Act.

The same person may be appointed Chairman of any number of Boards, whether such Boards are existing Boards or Boards which may hereafter be constituted under this Act.

Appointment of Chairman.

Such Chairman shall preside over and *ex officio*, be a member of the Board or Boards whereof he is appointed Chairman.

Such Chairman shall hold office during the pleasure of the Governor.

(2) Upon the publication of a Proclamation appointing a Police Magistrate to be Chairman of any existing Board, the Chairman thereof then in office shall cease to hold office as Chairman and member of the Board, and the Chairman appointed by the Proclamation shall take his place.

Effect of proclamation in the case of an existing Board.

(3) It shall be lawful for the Governor, from time to time, as occasion may in his opinion require, to nominate and appoint a fit person (being a Police Magistrate) as substitute to do and execute all or such portion of the duties of any Chairman of a Board or Boards under this Act, as the Governor may determine, for such time as the Governor may deem necessary.

Governor may appoint substitute Chairman.

Such substitute shall, during the continuance of his appointment, and notwithstanding the death of the Chairman for whom he was appointed substitute—

- i. Have, in relation to the duties assigned to him, all the powers (including a deliberative vote) and jurisdiction of the Chairman for whom he is appointed substitute ; and
- ii. Be deemed to be a member of the Board or Boards in respect of which he is appointed substitute.”

9 Section Fifteen of the Principal Act is hereby amended by omitting Subsection (1) thereof, and substituting therefor the following :—

Amendment of Section 15 of Principal Act.

“**15**—(1) All powers of a Board may be exercised by a majority of the members thereof present at any meeting, if there is a quorum. Half of the representative members of the Board who represent employers, plus half of the representative members of the Board who represent employees, together with the Chairman or substitute Chairman appointed by the Governor, pursuant to Section Fourteen of this Act, shall constitute a quorum.”

10 After Section Fourteen of the Principal Act, the following sections are inserted :—

First meetings of Boards.

“**14a** (1) It shall be the duty of the Minister to convene the First meeting of every Board.

Wages Boards Amendment.

- A.D. 1917. (2) All other meetings of a Board, except meetings to be held subsequent to the publication in the "Gazette"—
- Procedure.
- Meetings prior to a determination, &c.
- Meetings subsequent to a determination, &c.
- Adjournment.
- Notices.
- Subject to Act, &c., Board may regulate its procedure.
- Not bound by rules of evidence.
- Amendment of Section 18 of Principal Act.
- Amendment of Section 20 of Principal Act.
1. Of the determination made by the Board ; or
- II. Of a notice indicating that the Board has adopted the determination of a previous Board, or what alterations have been made in the determination as the case may be— shall be convened by the Chairman of the Board by notice to each member in the manner hereinafter mentioned.
- (3) The following provisions shall apply with respect to meetings of a Board to be held subsequent to the publication in the "Gazette" of the determination made by the Board or of the said notice :—
- I. Any such meeting may be convened by the Minister on his own motion :
- II. Any such meeting shall be convened by the Minister on receipt of a requisition in writing from the Chairman or One-half of the members of the Board specifying the business to be brought before the meeting ; and any notice of such meeting shall specify such business. No business shall be transacted at the meeting so convened upon such requisition except such as is stated in the notice thereof :
- (4) The members present at a meeting of a Board may, from time to time, adjourn the meeting.
- (5) All notices of any meeting of a Board shall be in writing, and shall be delivered personally or sent by post, or otherwise to the address of each of the members at least Seven days previous to the meeting."
- "14b Subject to the provisions of this Act and the Regulations thereunder, a Board may regulate its own procedure."
- "14c A Board shall not be bound to observe the rules of law governing the admissibility of evidence."
- 11 Subsection (1) of Section Eighteen of the Principal Act, is hereby amended by inserting after the word "vacancy" in the Seventh line thereof, the words "such person being a person who is qualified for nomination under Section Nine of this Act."
- 12 Section Twenty of the Principal Act is hereby amended as follows :—
- I By inserting after Paragraph II. thereof the following paragraph :—
- "II.A. May determine the times when payment of wages, prices, or rates shall be made ; and it may fix special rates for work to be done on a Sunday or public holiday :"

Wages Boards Amendment.

ii. By inserting at the end of Paragraph vii. the following A.D. 1917.
 provisos:—

“ Provided that the number of apprentices to be fixed by a Board shall in no case be less than One apprentice for every Three or fraction of Three employees of the employer employed in the trade or group or part, or any department of the trade or group or part which the Board decides is a separate department thereof, and who receive not less than the minimum wage fixed by the Board for such employees :

“ Provided also that an employer working in the trade or group or part shall for the purpose of fixing the maximum number or proportionate number of apprentices be deemed to be his own employee and in receipt of the minimum wage fixed by the Board for such an employee.”

13 After Section Twenty of the Principal Act the following section is inserted :—

“ **20a** Where an employer through depression in any trade, has reduced the number of his employees so as to affect the proportionate number of apprentices employed by him, the Minister, after full enquiry, may, if he thinks fit, permit him to continue employing such apprentices for the full term of their indentures.”

Permit for existing apprentices where number of employees reduced.

14 After Section Twenty-Two of the Principal Act the following section is inserted :—

“ **22a**—(1) The Governor may by Order-in-Council published in the “ Gazette,” extend the powers of any Board—whether appointed before or after the commencement of this Act—so that such Board may fix the lowest prices or rates for any articles, or for doing any work in any trade, or part of any trade, which in the opinion of the Governor, may be of the same or similar class or character as or to the articles or work for which such Board was appointed ; and such Board shall, as regards the articles or work in the trade mentioned in the extending Order-in-Council, have all the powers conferred on a Board by this Act.

Wages Boards Acts (Consolidated), s. 22 : Queensland Statutes, Vol. VII., p. 5425.

Power to extend scope of Board.

Wages Boards Acts (Consolidated), s. 20 : Queensland Statutes, Vol. VII., p. 5424. Evidence.

(2) A copy of the “ Gazette ” containing such order shall be conclusive evidence of the making of such Order, and such Order shall not be liable to be challenged or disputed in any court whatever.”

15 Section Twenty-three of the Principal Act is hereby amended by inserting at the end of the Fifth line thereof the following proviso :—

Amendment of Section 23 of Principal Act.

“ Provided that an employer proposing to take a person under the age of Twenty-one years as an apprentice may take him on probation for a period not exceeding One month.”

Wages Boards Amendment.

A.D. 1917.

Amendment of
Section 30 of
Principal Act.

Copy of deter-
minations, &c., to
be forwarded to
Chief Inspector.
Cf. No. 1020
(1910), s. 49,
(S.A.).

16 Section Thirty of the Principal Act is hereby amended as follows :—

- i. By inserting immediately after the words "determination of a Board" wherever occurring, the words "whether an original determination or an amended determination" :
- ii. By inserting at the end thereof the following subsections :—

"(3) When a Board is dissolved by the Governor, such dissolution shall not affect the operation of any determination made by such Board and then in force, but such determination shall remain in force until suspended, superseded, or otherwise dealt with under this Act."

"(4) A copy of every determination or order of whatsoever character made, or to be made, by any Board or Chairman, shall forthwith be forwarded to and filed in the office of the Chief Inspector, and be open to inspection by any person interested in or affected by any such determination or order."

"(5) The Chief Inspector shall, without delay, serve or cause to be served a copy of every determination upon every employer in the trade or group or part to which the determination applies, who shall have duly forwarded the return mentioned in Paragraph ii. of Subsection (1) of Section Eleven of this Act, and such copy may be served on any such employer—

(a) Personally : or

(b) By delivering it to some person apparently of or over the age of Sixteen years, at the residence or place of business of the person to be served therewith : or

(c) By posting it in a prepaid letter to the address given by such employer in his said return.

17 After Section Thirty of the Principal Act the following section is inserted :—

Publication of
determination of
a subsequent
board.
Cf. No. 1020
(1910), s. 44,
(S.A.).

"**30a** If a subsequent Board adopts, as its determination, a determination of a previous Board with or without alterations, the requirements of Subsection (i.) of Section Thirty of this Act as to publication shall be deemed to be complied with upon publication by the Minister in the "Gazette" of a notice indicating that the Board has adopted the determination of the previous Board, or what alterations have been made, as the case may be."

Overtime wages
recoverable
within Three
months.

18 After Section Forty-three of the Principal Act the following section is inserted :—

"**43a** Payment of overtime wages or wages for time worked in excess of the maximum number of hours fixed by a Board, must be demanded from the person from whom it is sought to recover the same, within Three calendar months from the time of such work, otherwise such wages shall not be recoverable at law."

Wages Boards Amendment.

19 Section Forty-four of the Principal Act is hereby amended by inserting at the commencement thereof the words "subject to the provisions of Section 20A of this Act."

A.D. 1917.

Amendment of Section 44 of Principal Act.

20 Section Fifty-six of the Principal Act is hereby repealed, and the following substituted therefor :—

"**56** The provisions of Division II. of Part II. of "The Evidence Act, 1910," shall apply in the case of every Board as if the Governor had issued a commission to the persons constituting the Board, to make an enquiry, and such provisions shall, with the necessary alterations, be deemed to be incorporated with this Act."

Repeal and Re-enactment of Section 56 of Principal Act.

21 After Section Fifty-seven of the Principal Act the following sections are inserted :—

"**57a** No employer shall dismiss any employee from his employment by reason merely of the fact that the employee—

Employer not to dismiss employee merely on account of his being member of Board, &c.
Cf. 3 Geo. V. No. 2386, s. 239, (Vic.).

i. Is, or becomes, or acts in the capacity of a member of a Board :

ii. Has given information with regard to matters under this Act to an inspector :

iii. Has, after giving reasonable notice to his employer of his intention, absented himself from work through being engaged in other duties as member of a Board :

iv. Is entitled to the benefit of a determination.

In every case it shall lie on the employer to satisfy the Chairman that such employee was so dismissed by reason of some facts other than those abovementioned in this Section.

Penalty : Twenty Pounds."

Penalty.

"**57b** A determination or order of a Board shall not be void or in any way vitiated by reason merely of any informality or error of form, or non-compliance with any of the matters required by this Act as preliminary to the same."

Informalities in determination not to vitiate same.

22 After Section Sixty-two of the Principal Act the following section is inserted :—

"**62a** No fee shall be payable for any information for offences against the provisions of this Act or the regulations, or any summons issued thereon, if such information or summons is tendered ready drawn."

No fee payable where information, &c., tendered ready drawn.

23 After Section Sixty-four of the Principal Act the following section is inserted :—

"**65**—(1) The Governor may, by another Order-in-Council published in the 'Gazette,' amend or rescind any Order-in-Council made under this Act.

Power to amend or rescind Orders-in-Council.

Wages Boards Amendment.

A.D. 1917.

Wages Boards
Acts (Consoli-
dated), s. 53:
Queensland
Statutes,
Vol. VII. p. 5436.
Misnomer, &c.,
not to prejudice.
Informalities.

(2) No misnomer, or inaccurate description, or omission in or from any Order-in-Council made under this Act shall in any wise prevent or abridge the operation of this Act with respect to the subject-matter, provided the same is designated so as to be understood.

(3) No Order-in-Council purporting to be made under this Act, and being within the powers conferred on the Governor, shall be deemed invalid on account of any non-compliance with any of the matters required by this Act as preliminary to the same."