

# THE WAGES BOARDS ACT, 1910.

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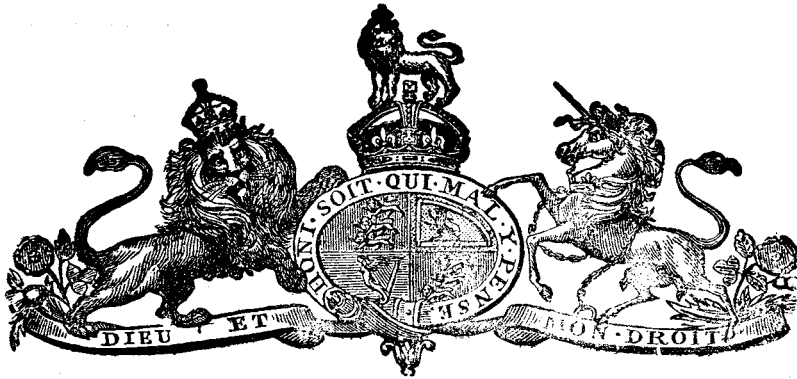
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TASMANIA



1910.

ANNO PRIMO

GEORGII V. REGIS,

No. 62.



AN ACT to make provision for Wages Boards. <sup>A.D.</sup> 1910.  
[13 *January*, 1911.]

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 :—

PART I.

INTRODUCTORY.

1 This Act may be cited as “The Wages Boards Act, 1910,” and shall be deemed incorporated with and be read as one with “The Factories Act, 1910,” hereinafter referred to as the Principal Act. Short title and construction.

2 This Act is divided into parts and divisions, as follows :—  
Part I.—Introductory.

Division of Act.

*Wages Boards.*

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## Part II.—Wages Boards.

Div. I. Appointment of Boards.

Div. II. Records and Notices by Employers.

Div. III. Mode of Appointment.

Div. IV. General Provisions relating to Constitution of Boards.

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Div. VIII. Duration, Publication, and Application of Determinations.

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Div. X. Powers and Duties of Inspectors.

Div. XI. General Provisions.

## Part III.—Regulations.

## Part IV.—Miscellaneous.

Div. I. Proceedings to try Title of Member of Board and Validity of Determination.

Div. II. General.

Date of operation. **3** This Act shall come into operation on a day to be fixed by proclamation.

Interpretation. **4** In this Act, unless inconsistent with the context—

“ Act.” “ Act ” includes regulations made hereunder :

“ Apprentice.” “ Apprentice ” means any person under Twenty-one years of age bound by indentures of apprenticeship :

“ Board.” “ Board ” means the Wages Board appointed under this Act in respect of the particular process, trade, business, occupation, or calling, or group, or part concerned :

“ Chairman.” “ Chairman ” means the chairman of the Board :

“ Chief Inspector.” “ Chief Inspector ” has the meaning assigned to the term by the Principal Act :

“ Clothing or wearing apparel.” “ Clothing or wearing apparel ” includes boots and shoes :

“ Improver.” “ Improver ” means and includes—

- i. Any person who—
  - (a) Has served a term of not less than Three years as an apprentice ; and
  - (b) Is not over the age of Twenty-one years ; and
- ii. Any person who, being over the age of Twenty-one years, holds a licence from the Minister to be paid as an improver :

“ Inspector.” “ Inspector ” has the meaning and inclusion assigned to the term by the Principal Act :

“ Minister.” “ Minister ” means the Minister of the Crown for the time being administering the Acts relating to Public Health :

“ Trade.” “ Trade ” includes any process, business, occupation, or calling.

*Wages Boards.***PART II.**

A.D. 1910.

**WAGES BOARDS.***Division I.—Appointment of Boards.***5—(1.)** The Governor shall appoint Wages Boards—

- i. In respect of the preparation and manufacture of clothing and wearing apparel : and
- ii. For any other trades or any groups or parts in respect whereof both Houses of Parliament pass a resolution approving such appointment

Appointment of  
Wages Boards.  
Vic. Act 1975 of  
1905, s. 75.  
Cf. S.A., 1907,  
No. 945, s. 78.

(2.) In carrying out the provisions of Paragraph i. of Subsection (1.) of this section the Governor may appoint a separate Board in respect of the preparation and manufacture of any particular article or articles of clothing and wearing apparel.

(3.) The members of a Board shall be paid such fees as may be prescribed. All the expenses of carrying out the provisions of this Act shall be paid out of moneys from time to time appropriated by Parliament for that purpose.

**6** The Governor may, by order published in the "Gazette," direct that any Board may be described by a specified short title.

Short title of  
Board.  
S.A., s. 80.

*Division II.—Records and Notices by Employers.*

**7—(1.)** Every employer engaged in any trade, or group or part, in respect whereof a Board is appointed, shall—

- i. Make and keep a true record, in such form and giving such particulars as may be prescribed, of the names, work, and wages of the persons employed by him, and the age of every person under Twenty-one years of age :
- ii. Produce such record for inspection, whenever demanded by an inspector, and forward annually and at the prescribed time a true copy thereof to the Chief Inspector :
- iii. Affix and keep affixed in legible characters in some conspicuous place, and so as to be easily read by his employees, a notice containing—

Records and  
notices by  
employers.  
See Vic. Act  
1975 of 1905,  
s. 20.  
S.A., s. 81.

Production to  
inspector.

Information to be  
posted.

(a) The name and address of the nearest inspector ;

Name of  
inspector.

(b) The working hours of the employees ;

(c) True copies or abstracts of such parts of this Act and regulations thereunder as may be prescribed ;

Abstracts of Act  
and regulations.

(d) A copy of the determination of the Board for the time being in force :

Determination of  
Board.

iv. Affix and keep affixed in legible characters, in such place as an inspector may direct or approve—

Name of  
employer.

(a) The name of such employer ; or

(b) If such employer is a company, the registered name of such company ; or

(c) If such employer is a firm, the firm name :

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 ———  
 Record of fines to  
 be kept.

v. Keep, as prescribed, a record of all fines levied by such employer upon his employees, and produce such record for inspection by an inspector whenever demanded.

Penalty : One Pound for every day during which any of the provisions of this section are not complied with.

(2.) Any person defacing or destroying such notices as referred to in this section shall be liable to a penalty not exceeding Ten Pounds.

Proceedings of  
 Wages Boards to  
 be secret.

8 No person appointed under this Act shall divulge any of the contents of such records to any person whatever, except in the performance of his duties under this Act; and any person appointed or employed under this Act shall before acting in the execution of his office make and subscribe before a justice such declaration of fidelity and secrecy as may be prescribed.

Penalty : One hundred Pounds.

Division III.—*Mode of Appointment.*

Constitution of  
 Board.  
 Vic. Act 1975,  
 s. 76.  
 S.A., s. 82.  
 Men's and Boys'  
 Clothing Board.  
 Vic. Act 1975,  
 s. 79.  
 Representatives.

9—(1.) One-half of the representative members of every Board shall be appointed as representatives of employers and One-half as representatives of employees.

(2.) If a Board be appointed exclusively for men's and boys' clothing the representatives of employers shall consist of Three representatives of makers of ready-made clothing and Two of makers of order clothing.

(3.) The representatives of the employers shall be, or shall have been, *bona fide* and actual employers in the trade, or group or part, for which the Board is to be appointed, or managing experts.

(4.) The representatives of the employees shall be or shall have been *bona fide* and actual employees in such trade, or group or part.

Member of Board  
 to be eligible for  
 re-election.  
 Vic. Act 1975  
 s. 76.  
 S.A., s. 83.  
 Notice that Board  
 is to be  
 appointed.  
 S.A., s. 84.

10 A member shall be eligible for reappointment upon the expiration of his term of office.

11—(1.) The Minister shall publish in the "Gazette" a notice which shall—

- i. Specify the trade, or group or part, in respect of which such Board is to be appointed : and
- ii. Fix a date on or before which every employer engaged in such trade, or group or part, shall forward to the Chief Inspector a return containing—

(a) The employer's full name, address, and occupation ;  
 and

(b) Particulars of the names, work, and wages of the persons employed by him therein.

(2.) Every employer shall duly forward the return mentioned in Paragraph ii. of Subsection (1.).

Penalty : Ten Pounds.

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(3.) The Chief Inspector shall prepare a summary of such returns for the information of the Minister. A.D. 1910.

(4.) The Minister may nominate persons for appointment on such Board as representatives of employers and representatives of employees.

(5.) The Minister shall publish in the "Gazette" a notice setting out the names, addresses, and occupations of the persons nominated.

Provision for appointment after nomination of representative members of Board without previous election.

Vic. Act 1975, s. 77.

**12**—(1.) The Governor shall appoint the persons so nominated, unless objected to pursuant to Subsection (2.).

(2.) If, in the opinion of the Minister, having regard to the records contained in the latest report of the Chief Inspector or the summary mentioned in Subsection (3.) of Section Eleven—

- i. Not less than One-fifth of the employers have objected in writing to any of the persons nominated as the representatives of employers: or
- ii. Not less than One-fifth of the adult employees have objected in writing to any of the persons nominated as the representatives of employees—

Objections to persons so nominated and election.

Vic. Act 1975, s. 77.

S.A., s. 85.

the representatives of the employers or employees so objected to shall be elected in manner prescribed.

(3.) Objections to nominations may be made within Twenty-one days from the date of the publication of such nominations.

(4.) The Governor shall appoint the persons so elected.

(5.) When the representatives of employers and employees have been appointed the Governor shall publish such appointment in the "Gazette."

*Division IV.—General Provisions relating to Constitution of Boards.*

**13** Every Board shall—

- i. Consist of not less than Four nor more than Ten representative members and a chairman: and
- ii. Be appointed for a period of Three years from the date of appointment of the chairman.

Number of members and term of office. S.A., s. 86.

**14**—(1.) The majority of the representative members of every Board, before exercising any powers conferred upon them by this Act, shall nominate in writing some person (not being one of such members) to be chairman of such Board; and such person shall be appointed by the Governor to such office.

Appointment of chairman. S.A., s. 87

(2.) In the event of such nomination not being made within Twenty-eight days from the appointment of such Board, the Governor may appoint any justice as such chairman until a chairman shall be nominated by the said Board.

(3.) In the event of any vacancy occurring in the office of chairman of any Board, such vacancy shall be filled in manner aforesaid.

(4.) The chairman shall be deemed a member of the Board, and the Governor shall publish his appointment in the "Gazette."

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Exercise of powers.  
Vic. Act 1975,  
s. 84.  
S.A., s. 86.

**15**—(1.) All powers of a Board may be exercised by a majority of the members thereof present at any meeting. Half of the members of the Board shall constitute a quorum.

(2.) The chairman shall have a deliberative and not a casting vote. If there is an equal division of votes upon any question it shall pass in the negative.

Governor may remove member of Board.

Vic. Act 1975,  
s. 75.

S.A., s. 89.

Resignation of member of Board.  
S.A., s. 90.

Governor may appoint in certain cases.

Vic. Act 1975,  
s. 81.

S.A., s. 91.

**16** The Governor may, by order published in the "Gazette," remove any member.

**17** A member may resign by writing under his hand, addressed and forwarded to the Minister, and from the time his resignation is received by the Minister the seat of such member shall become vacant.

**18**—(1.) The Governor may appoint a person to fill a vacancy caused by death, resignation, or removal of a member, or under an order of justices, pursuant to Section Fifty-one: Provided that if within Fourteen days of such vacancy occurring a majority of the representatives on the Board of the employers or employees, as the case may be, nominate a person to be appointed to fill such vacancy, the Governor shall appoint the person so nominated.

(2.) No person shall be so appointed unless qualified for nomination under Section Nine.

(3.) The term of office of a member so appointed shall be limited to the residue of the term of office for which such Board is appointed.

(4.) A person so appointed shall be deemed to have been elected by the employers or employees, as the case may be.

Effect of vacancy.  
Vic. Act 1975,  
s. 85.  
S.A., s. 92.

**19** During a vacancy in a Board (other than in the office of chairman) the continuing members may, unless a member objects, act as if no vacancy existed.

*Division V.—Objects and Duties of Boards.*

Board to determine lowest price or rate of payment.

Vic. Act 1975,  
s. 87.

S.A., s. 93.

**20** Every Board, so far as regards the particular trade, or group or part, for which it is appointed—

i. May classify the employees:

ii. Shall determine the lowest prices or rates of payment which may be paid—

(a) To each class; or

(b) For any specified work:

iii. May determine that the rates of wages, or any part thereof, fixed by a determination shall, as applicable to any specified locality or area, be increased or diminished by an amount not exceeding Ten per centum thereof:

iv. May alter, vary, or rescind any of its determinations:

v. Shall fix the maximum number of hours per week or per day in respect of which such wages prices or rates shall be paid:

Board shall also fix maximum number of hours, &c.  
Vic. Act 1975,  
s. 90.



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vi. Shall determine wages prices or rates higher than those determined for such maximum number of hours which shall be paid to employees over Sixteen years of age in respect of time above such maximum worked in any week or day : A.D. 1910.  
Wages for time worked in excess of maximum, &c.

vii. Shall fix the maximum number or proportionate number of improvers, and the maximum number or proportionate number of apprentices, who may be employed by an employer, with power to fix a different proportion of male and female improvers or apprentices : Number of improvers.  
Vic. Act 1975, s. 91.

viii. Shall, by notice published in the "Gazette," prescribe, as regards persons thereafter apprenticed, a form of indenture of apprenticeship, and may by such notice prescribe the term of such apprenticeship, such term being not less than Three years. To prescribe form of indenture of apprenticeship.

**21** Notwithstanding the provisions of Section Twenty—

i. The Board shall, as regards work done outside a factory in respect of the manufacture or preparation of articles of clothing or wearing apparel, fix piecework prices or rates, and not wages prices or rates :

Outside work in clothing trade to be at piecework rates.

Vic. Act 1975, s. 87.

S.A., s. 94.

ii. The Board shall, if requested by an employer, fix wages prices or rates for his machine hands :

Wages prices or rates for machine hands if requested.

iii. Where the Board fixes both piecework prices or rates and wages prices or rates for any work the piecework prices or rates shall be based on the wages prices or rate ; but no determination shall be questioned or challenged for non-compliance with this subsection.

Piecework rate, when fixed by Board, to be based on wages rate.

Vic. Act 1975, s. 89.

**22** In making a determination as to prices or rates every Board shall be bound by the following rules:—

Principles of determination by Boards.

Vic. Act No. 1975, s. 83, altered.

S.A., s. 95.

Vic. Act No. 1975, s. 75.

i. The Board shall, upon such evidence as it may deem satisfactory, ascertain as a question of fact the average prices or rates of payment (whether piecework prices or rates or wages prices or rates) paid by reputable employers to employees of average capacity :

ii. The lowest prices or rates determined shall not exceed the average prices or rates so ascertained :

iii. The Board shall take into consideration—

(a) The nature, kind, and class of the work ;

(b) The mode and manner in which the work is to be done ;

(c) The age and sex of the workers, and in addition, as regards apprentices and improvers, their experience at the process, trade, business, occupation, or calling ; and

(d) Any matter prescribed,

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Special provisions  
for apprentices.  
S.A., s. 97.

**23** After the expiration of One month from the publication of the notice under Section Twenty, Subsection VIII., no employer shall take an apprentice except under indentures in the form and for the term fixed by such notice or by this Act; and indentures contravening the provisions of this subsection shall be void.

Penalty: Twenty Pounds.

Power of Chair-  
man of Board to  
administer oaths.  
Vic. Act 1975,  
s. 86.  
S.A., s. 98.

**24**—(1.) The chairman may require a person (including a member of the Board) giving evidence before the Board to give his evidence on oath.

(2.) The chairman may administer such oath.

Wage for less  
than maximum  
hours to be *pro*  
*rata*.  
Vic. Act 1975,  
s. 90.  
S.A., s. 99.

**25** Every employer shall pay to an employee who in any week works less than the maximum number of hours fixed under Section Twenty, Subsection v., a *pro rata* amount of the wages price or rate determined for such maximum number of hours.

Penalty: Five Pounds.

Experience of  
apprentice, &c.,  
how calculated.  
Vic. Act 1975,  
s. 94.  
S.A., s. 100.

**26** All the time during which an apprentice or improver has worked at the trade, in which he is for the time being employed, shall be reckoned in calculating his experience, whenever by the determination of the Board his wages are to vary in accordance with his experience.

Division VI.—*Piecework Rates may be fixed by Employer.*Piecework rate  
may be fixed by  
employer in  
certain cases.  
Vic. Act 1975,  
s. 98.  
S.A., s. 102.

**27**—(1.) A Board, instead of determining the lowest piecework prices or rates—

- i. May fix the lowest wages prices or rates: and
- ii. May determine that piecework prices or rates based thereon may be fixed and paid by the employer.

Piecework rates  
to be based on  
earnings of  
average worker.

(2.) Every such employer shall base such piecework prices or rates on the earnings of an average worker—

- i. Working at work similar to that for which the piecework prices or rates are fixed: and
- ii. Being paid at the wages rates fixed by such Board.

Statement to  
Chief Inspector.

(3.) Such employer shall, when required by the Chief Inspector, forward to him a statement of such piecework prices or rates.

When piecework  
rate fixed, offering  
lower rate an  
offence.

(4.) No employer who has so fixed piecework prices or rates shall, either directly or indirectly or by any pretence or device, pay or offer, or attempt to pay, any employee at lower prices or rates.

Proof that piece-  
work price corre-  
sponds to wages  
rate.

(5.) The onus of proof that this section has been complied with shall lie on the defendant.

Penalty: For the First offence Two Pounds, and for every subsequent offence Ten Pounds,

*Wages Boards.*Division VII. - *Aged, Slow, and Infirm Workers.*

A.D. 1910.

**28**—(1.) The Chief Inspector may grant to an aged, slow, or infirm worker a licence to work at a wage less than the wage fixed by the Board.

Aged, slow, or infirm workers. Vic. Act 1975, s. 99. S.A., s. 103

(2.) The Chief Inspector shall not grant such licence until satisfied that such worker is, by reason of age, slowness, or infirmity, unable to obtain employment at the wage fixed by the Board.

(3.) Such licence—

- i. Shall specify the wage at which such worker is licensed to work : and
- ii. May be renewed : and
- iii. Shall be in force until revoked by the Chief Inspector.

(4.) An appeal shall lie from a refusal by the Chief Inspector to grant such licence, or as to the wage specified in such licence. Appeal.

(5.) Such appeal shall be to the Board, which may—

- i. Uphold such refusal : or
- ii. Fix the wage and direct such inspector to issue a licence.

(6.) No employer shall, without the consent of the Board, employ any number of licensed aged, slow, or infirm workers exceeding One-fifth of the whole number of persons employed by him in the particular trade at the wage fixed for adults or at piecework rates.

(7.) Notwithstanding Subsection (6.) every employer may employ One licensed slow worker.

**29** No person shall, either directly or indirectly, or by any pretence or device, pay or offer to pay any such aged or infirm or slow worker at a wage lower than that specified in such licence. Penalty.

Penalty: For the First offence Two Pounds, and for every subsequent offence Ten Pounds.

Division VIII.—*Duration, Publication, and Application of Determinations.*

**30**—(1.) The determination of a Board shall—

- i. Be signed by the chairman and forwarded by him to the Minister :
- ii. Be forthwith published by the Minister in the "Gazette :"
- iii. Come into force on a date to be fixed by the Board, and being not less than Thirty days after the making thereof.

Determination to remain in force until altered. Vic. Act 1975, s. 100.

(2.) The determination of a Board shall—

- i. Apply to all employers and employees who are engaged in the particular trade, or group or part—
  - (a) Within the State ; or
  - (b) Within any locality or area specified by the Board : and
- ii. Remain in force until altered by such Board, or by a subsequent Board.

Application.

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Child of employer  
not affected.Vic. Act 1975,  
s. 102.

S.A., s. 106.

Power to suspend  
determination of  
any Board.Vic. Act 1975,  
s. 105.

S.A., s. 107.

Publication of  
amended deter-  
mination.Suspended deter-  
mination.Removal of  
suspension.Powers of  
inspector.  
Vic. Act 1975,  
s. 15.  
S.A., s. 108.

**31** No determination of a Board shall apply to a child of the employer.

*Division IX.—Suspension of Determinations.*

**32**—(1.) Notwithstanding Section Thirty, the Governor may, by order published in the "Gazette," suspend the operation of the whole or any part of the determination of a Board

(2.) Thereupon such Board—

i. Shall reconsider such determination, or part thereof, and take evidence thereon : and

ii. May either alter or adhere to the same.

(3.) If the Board makes an alteration, its determination as altered—

i. Shall be forwarded by the chairman to the Minister :

ii. Shall be forthwith published by the Minister in the "Gazette" : and

iii. Shall for all purposes be the determination of the Board.

(4.) The suspended determination shall thereupon become void.

(5.) If the Board adheres to its determination without alteration—

i. The chairman shall notify the Minister in writing :

ii. The Governor shall thereupon, by order published in the "Gazette," revoke the suspension :

iii. Such revocation shall take effect from a date, not later than Fourteen days, to be fixed in such order.

*Division X.—Powers and Duties of Inspectors.*

**33**—(1.) It shall be the duty of inspectors to enforce the provisions of this Act.

(2.) Every inspector, as regards any premises or place wherein is carried on any trade, or group or part, for which a Board is appointed, may—

i. Enter, inspect, and examine any such premises or place at any time when he has reasonable cause to believe that any person is employed therein :

ii. Take with him a constable when he has reasonable cause to apprehend any serious obstruction in the execution of his duty :

iii. Question, with respect to matters under this Act, every person whom he finds in or about such premises or place, or whom he has reasonable cause to believe to be or to have been within the preceding Two months employed therein, and require such person to answer the questions put and sign a declaration of the truth of his answers :

iv. Require the production of any book, notice, record, list, indentures of apprenticeship, or document which is by this Act required to be kept or exhibited, and inspect, examine, and copy the same :

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- v. Require the production of, and inspect, examine, and copy all pay-sheets or books wherein an account is kept of the actual wages (whether by piece or not) paid to any employee whose wages are fixed by a Board: A.D. 1910.
- vi. Exercise such powers and authorities as may be prescribed.

**34**—(1.) An inspector entering, inspecting, and examining any such premises or place may take with him an interpreter.

(2.) Any question or requisition made on behalf of such inspector by such interpreter shall be deemed to have been put or made by the inspector, and the answer thereto made to the interpreter shall be deemed to have been made to the inspector.

Inspector may be accompanied by interpreter.

Vic. Act 1975, s. 16.

Effect of inquiry, &c., by interpreter.

S.A., s. 109.

**35** Every employer shall at all reasonable times furnish the means required by an inspector necessary for the exercise of his duties and powers.

Employer to facilitate inspection, &c.

Vic. Act 1975, s. 17.

S.A., s. 110.

**36** Every order, requisition, or determination made by an inspector shall be in writing, and served on the employer.

Orders, &c., to be in writing.

S.A., s. 111.

**37** No person shall—

- i. Obstruct or wilfully delay an inspector or interpreter in the execution of his duties or powers: or
- ii. Omit to comply with the requirements of Section Thirty-five, or of any direction which the inspector is authorised to give pursuant to this Act: or
- iii. Omit to truly answer or reply to any question which any inspector is authorised to ask under Section Thirty-three: or
- iv. Fail to produce any book, notice, record, list, or document which, pursuant to Section Thirty-three, he is required by an inspector to produce: or
- v. Directly or indirectly prevent any person from appearing before or being questioned by an inspector, or attempt so to do.

Obstruction a breach of this Act.

Vic. Act 1975, ss. 17 and 18.

S.A., s. 113.

Penalty: Ten Pounds.

*Division XI.—General Provisions.*

**38**—(1.) Where an employee performs Two or more classes of work to which a rate fixed by a Board is applicable, his employer shall pay such employee in respect of the time occupied in each class of work at the rate fixed by the Board therefor.

Payment of employee engaged in two or more classes of work.

Vic. Act 1975, s. 107.

S.A., 117.

(2.) When an employee is during any part of a day employed at work for which a Board has fixed wages prices or rates, his employer shall pay such employee at such prices or rates for all work whatever done by him during such day for such employer.

Rate of wages throughout day.

Vic. Act 2008, s. 15.

Penalty: Ten Pounds.

*Wages Boards.*

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Effect on legal proceedings of amendment of a determination.  
Vic. Act 1975, s. 108.

S.A., s. 118.

Piecework rate not affected by omission of details.

Vic. Act 1975, s. 111.

S.A., s. 119.

**39** The alteration, suspension, or avoidance of a determination shall not affect—

- i. Legal proceedings theretofore commenced in relation to such determination : or
- ii. Rights existing at the time of such alteration, suspension, or avoidance.

**40** Whenever—

- i. A Board has fixed piecework prices or rates for work : and
- ii. Such Board has, in the description of such work, enumerated several operations : and
- iii. Any such operation is omitted with the express or implied consent of the employer—

such omission shall not affect the prices or rates to be paid for such work, but such prices or rates shall, unless otherwise provided in such determination, be the prices or rates fixed for the whole work described.

Effect of fixing a wages rate only.  
Vic. Act 1975, s. 112.

S.A., s. 120.

**41** Where a Board has fixed wages prices or rates, and no piecework prices or rates have been determined by the Board or fixed by the employer pursuant to Section Twenty-seven—

- i. No employer shall, directly or indirectly, pay, or authorise or permit to be paid, piecework prices or rates : and
- ii. Every employee shall be paid such wages prices or rates, and may recover the full amount thereof in a court of competent jurisdiction, notwithstanding the receipt or acceptance of piecework prices or rates.

Penalty : Five Pounds.

Effect of fixing piecework rates only.

S.A., s. 121.

**42** When a Board has fixed piecework prices or rates only—

- i. No employer shall, directly or indirectly, pay, or authorise or permit to be paid, wages prices or rates : and
- ii. Every employee shall be paid such piecework prices or rates, and may recover the full amount thereof in a court of competent jurisdiction, notwithstanding the receipt or acceptance of wages prices or rates.

Penalty : Five Pounds.

Penalty for not paying wages fixed.

Vic. Act 1975, s. 119.

S.A., s. 123.

**43**—(1.) No employer or employee engaged in a trade, or group or part, in respect whereof prices or rates have been fixed by a Board shall, directly or indirectly, pay or receive a lower price or rate than that so fixed.

Penalty : Twenty Pounds.

(2.) Every employee may, notwithstanding any agreement to the contrary, recover in a court of competent jurisdiction any amount short paid.

(3.) All proceedings under Subsection (2.) shall be commenced within Six months.

*Wages Boards.*

**44** No employer shall, directly or indirectly, employ any improver or apprentice in excess of the number authorised by a determination under Section Twenty, Subsection VII.

Penalty : Twenty Pounds.

A.D. 1910.

Penalty against employing excess number of improvers.  
S.A., s. 124.

**PART III.**

## REGULATIONS.

**45** The Governor may make regulations prescribing all matters which by this Act are required or permitted to be prescribed, or as may be necessary or convenient to be prescribed for giving effect to this Act.

Regulations.  
Vic. Act 1975,  
s. 150.  
S.A., s. 141.

**46**—(1.) A person desiring to dispute the validity of a regulation may apply to the Supreme Court upon affidavit for a rule calling upon the Chief Inspector to show cause why such regulation should not be quashed, either wholly or in part, for the illegality thereof.

Mode of disputing validity of regulations.  
Vic. Act 1975,  
s. 151.  
S.A., s. 142.

(2.) The said court may make absolute or discharge the said rule, with or without costs.

**PART IV.**

## MISCELLANEOUS.

Division I.—*Proceedings to try Title of Member of Board and Validity of Determination.*

**47** No writ of *quo warranto*, information in the nature of a *quo warranto*, or other proceeding, shall issue, or be filed, or had, or taken in the Supreme Court to try or question the title of a person to act as a member of a Board.

No writ of *quo warranto* allowed to try title to any office.  
S.A., s. 143.

**48** No writ of mandamus shall issue from the Supreme Court to admit or restore to office a member of a Board.

Mandamus abolished.  
S.A., s. 144.

**49** The proceedings—

I. For trying the title of a member of a Board to his office:  
and

II For trying the right of a person to be admitted or restored to such office : and

III. To compel his restoration or admission—

shall be had and taken before, and determined by, Two or more justices of the peace in a summary way.

Proceedings for trying title to office.  
S.A., s. 145.

**50**—(1.) No proceedings to try the title of a person as a member of a Board shall be had or taken except upon information.

(2.) Such information shall be laid within Two calendar months from the time at which the person whose title is disputed was appointed or elected.

Time within which proceedings may be taken.  
S.A., s. 146.

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Jurisdiction of  
Justices.  
S.A., s. 147.**51**—(1.) The information under Section Fifty may be laid at the instance of any person interested

(2.) The justices may make an order declaring—

- I. That a person is not entitled to the office then possessed by him, and that such office is vacant: or
- II. That the informant is entitled to the said office.

(3.) No order to admit or restore a person to any office shall be made whilst any other person is in possession of such office.

*Validity of Determination.*Determinations  
of Board chal-  
lengeable before  
court only.  
Vic. Act 1975,  
s. 118.  
S.A., s. 148.**52**—(1.) A person desiring to challenge or dispute a determination of a Board for the illegality thereof may apply to the Supreme Court, upon motion supported by affidavit, for a rule calling upon the Board to show cause why such determination should not be quashed, either wholly or in part.

(2.) The court may make absolute or discharge the said rule, with or without costs.

(3.) No determination of a Board shall be in any other manner challenged or disputed for the illegality thereof.

*Division II.—General.*Disclosure of  
trade secret.  
S.A., s. 133.**53** No evidence relating to a trade secret, or to the profits or financial position of a witness or party, shall be disclosed or published without the consent of the person entitled to the trade secret or non-disclosure.

Penalty : Twenty-five Pounds.

Penalty on lock-  
out.**54** No organisation of employers or member thereof, and no employer, shall counsel, take part in, support, or assist directly or indirectly any lock-out on account of any matter in respect of which a Board has made a determination.

Penalty: In the case of an organisation Five hundred Pounds, and in the case of an individual Twenty Pounds.

Penalty on  
strike.**55** No organisation of employees or member thereof, and no employee, shall counsel, take part in, support or assist directly or indirectly any strike on account of any matter in respect of which a Board has made a determination.

Penalty: In the case of an organisation Five hundred Pounds, and in the case of an individual Twenty Pounds.

Powers as to  
witnesses and  
documents.  
S.A., s. 135.**56** Every Board may exercise, in respect of the summoning and examining of witnesses, production of documents and books, and in respect of persons summoned or giving evidence before the Board, the same powers as are by law conferred on a commission appointed by the Governor to make an enquiry.

Every summons to attend the Board shall be signed by the chairman.



*Wages Boards.*

**57**—(1.) Every person who outside a factory wholly or partly prepares or manufactures, either directly or indirectly, any article for the occupier of such factory for trade or sale shall, either personally or by written notice, register with the Chief Inspector—

- i. His full name and address: and
- ii. Any change in such address from time to time.

(2.) Every person so registered shall answer all questions put to him by an inspector—

- i. As to the person for whom the articles are being prepared or manufactured: and
- ii. The price or rate to be paid to him therefor.

Penalty: Ten Shillings.

A.D. 1910.

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Outside workers to register names and addresses.  
Vic. Act 1975, s. 23.  
S.A., s. 18.

**58** In all proceedings in respect of offences against the Act—

- i. The onus shall be on the defendant to prove—

- (a) That the provisions of this Act and of any determination of a Board with regard to the number or proportionate number of improvers or apprentices who may be employed have been complied with;
- (b) That a person named in an information as being either an employee of the defendant generally or an employee of the defendant in a certain capacity was not so employed;
- (c) That the premises or place mentioned in an information as being within a certain locality or area are or is not therein:

- ii. The allegation contained in the information shall be deemed proved in the absence of proof by the defendant to the contrary:

- iii. Subsection ii. shall not apply where the offence is directly punishable by imprisonment.

General provisions as to proceedings before justices.  
Vic. Act 1975, s. 162.  
S.A., s. 149.

**59** The production in a court of the "Gazette" purporting to contain the determination of a Board shall, except in proceedings under Section Fifty-two of this Act, be conclusive evidence of the due making and existence of such determination.

Evidence of determination.  
Vic. Act 1975, s. 117.  
S.A., s. 151.

**60**—(1.) Every offence against this Act shall be reported to the Minister.

(2.) No proceedings shall be taken without the consent in writing of the Minister.

(3.) Such consent may be proved by the production of a document in the form in the schedule to this Act, or to the like effect, purporting to be signed by the Minister.

(4.) Proceedings may be taken by a member of the police force or by an inspector.

Offences to be reported to Minister, who may direct prosecution.  
Vic. Act 1975, s. 153.  
S.A., s. 152.  
Schedule.

Proceedings, by whom taken.

*Wages Boards.*

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Penalty for  
offence for which  
no other penalty  
provided.

Vic. Act 1975,  
s. 161.

S.A., s. 162.

Procedure.

19 Vict. No. 8.

**61** Every person guilty of an offence against this Act or any regulation thereunder for which no other penalty is provided shall, on summary conviction, be liable to a penalty for the First offence of not more than Two Pounds, and for every subsequent offence to a penalty of not less than One Pound nor more than Ten Pounds.

**62** All informations for offences against the provisions of this Act or the regulations, and all penalties or fines imposed under the provisions of this Act or the regulations, may be summarily heard, determined, and recovered by and before a police magistrate or any Two or more justices in the mode prescribed by "The Magistrates Summary Procedure Act."

Appeal.

19 Vict. No. 10.

**63** Any person who deems himself aggrieved by any summary conviction under this Act or the regulations may appeal against the same in the mode prescribed by "The Appeals Regulation Act."

Appropriation.

**64** All fines and penalties recovered under the provisions of this Act within the municipalities of the cities of *Hobart* and *Launceston* shall be paid into and form part of the Consolidated Revenue. But in all other municipalities one half of such fines and penalties shall be paid forthwith to the municipal fund within the municipality wherein any such fines or penalties are imposed, and the other half shall be paid into and form part of the Consolidated Revenue.

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## SCHEDULE.

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### CONSENT OF MINISTER.

"*The Wages Boards Act, 1910.*"

Sect. 60.

THE Honourable \_\_\_\_\_, the Minister administering the above Act, hereby consents to proceedings being taken by <sup>(1)</sup> \_\_\_\_\_ against \_\_\_\_\_, of <sup>(2)</sup> \_\_\_\_\_, for an alleged offence under <sup>(3)</sup> \_\_\_\_\_

<sup>(1)</sup> Here insert the name of the proposed informant, and state whether a member of the police force or an inspector.

<sup>(2)</sup> Here insert address and occupation of proposed defendant.

<sup>(3)</sup> Here insert number of section or subsection or regulation.