

TASMANIA.

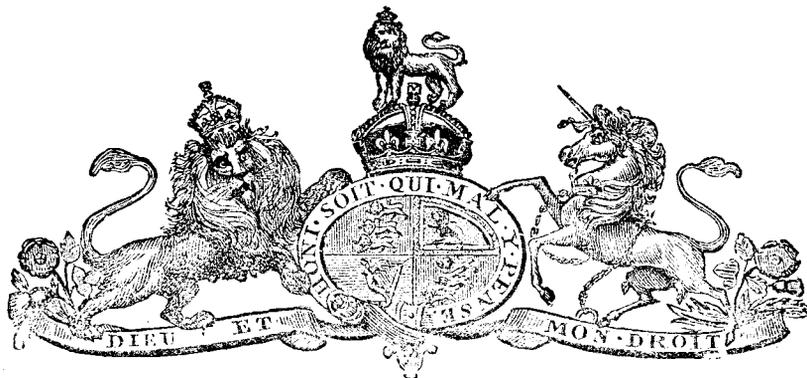
THE WAGES BOARDS ACT, 1928.

ANALYSIS.

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Term of apprenticeship for holder of
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TASMANIA.



1928.

ANNO NONO DECIMO

GEORGI V. REGIS.

No. 38.



AN ACT to amend the Wages Boards Act, 1920. [7 January, 1929.]

A.D. 1928.

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 as “The Wages Boards Act, 1928.”
- (2) The Wages Boards Act, 1920, is herein called “the Principal Act.”

Short title.
Principal Act.
11 Geo. V. No.
51.

2 Section Six of the Principal Act is hereby amended by expunging the definition of “Casual worker” in that section, and substituting the following definition therefor:—

Amendment of
Section 6 of the
Principal Act.

“‘Casual worker’ means any person who is employed for any period not exceeding five days at any one time, and whose employment is of a casual nature.”

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Amendment of
Section 13 of the
Principal Act.

14 Geo. V. No. 27

3 Section Thirteen of the Principal Act is hereby amended by inserting after Subsection (5) thereof (inserted therein by Section Three of the Wages Boards Act, 1924) the following new Subsection (6):—

“(6) No person who is a legal practitioner shall be a representative on any Board other than a Board appointed in respect of persons employed in the calling of a legal practitioner.”

Amendment of
Subsection (1) of
Section 19 of the
Principal Act.

4 Subsection (1) of Section Nineteen of the Principal Act is hereby amended by deleting the word “Governor” in the seventh line thereof, and substituting the word “Minister” therefor.

Amendment of
Subsection (2) of
Section 20 of the
Principal Act.

5 Subsection (2) of Section Twenty of the Principal Act is hereby amended by deleting the words “The Governor may, by the same or a subsequent proclamation, and” in the first and second lines thereof, and substituting the words “Where any such proclamation has been made, the Minister may” therefor.

Insertion of new
Section 20a in
the Principal Act.Power of Minister
in certain events
to make appoint-
ments to Board.

6 The following new Section **20a** is hereby inserted after Section Twenty of the Principal Act:—

“**20a**—(1) Notwithstanding anything in this Act to the contrary, in any case in which no person qualified for appointment to a Board is willing to accept such appointment, or a sufficient number of persons so qualified is not willing to accept such appointment, the Minister may constitute the Board, or make up the deficiency in the number of members necessary to constitute such Board, as the case may be, by the appointment thereto of such persons as the Minister shall, in his discretion, think fit, to represent employers or employees, as the case may require, although such persons would not, but for this section, be qualified for such appointment:

Proviso.

Powers of
Minister where
Board cannot be
fully constituted.

Provided, however, that, in any case in which the Minister finds it impracticable under the foregoing provisions of this section to make the necessary appointments to a Board established under this Act, or any of such appointments, of which impracticability the Minister shall be the sole judge, the Minister may, by writing under his hand, addressed to the chairman or substitute chairman of the Board, direct such chairman or substitute chairman and the other members of the Board, or, if there are no such other members, the chairman or substitute chairman alone, to proceed to carry out the duties of the Board under this Act, and they or he shall proceed accordingly; and any determination made or act done in pursuance of such direction shall have the same force and effect as if it had been made or done by a fully constituted Board under this Act, and shall be deemed for the purposes of this Act to have been made or done by such a Board.”

“(2) The powers conferred on the Minister by Subsection (1) of this section may be exercised by the Minister as well where the appointment is required to be made on the first establishment of a Board as at any time thereafter, and whether any such appointment is to fill an ordinary or a casual vacancy on the Board.”

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7 Section Twenty-three of the Principal Act is hereby amended as follows :— **A.D. 1928.**

- i. As to Paragraphs iv. and xii. thereof, by deleting the words “by a unanimous decision of the Board, but not otherwise,” wherever those words occur in such paragraphs: and
- ii. By inserting after Paragraph xiii. thereof the following new Paragraph xiv. :—

Amendment of Section 23 of the Principal Act.

“xiv. May, subject to this Act, determine any other matter, whether similar to any of the foregoing matters or not, pertaining to or affecting the relations of employers and employees, or their respective rights, privileges, duties, or obligations as such, or which the Board thinks necessary or expedient to determine for the purpose of preventing or settling disputes between employers and employees.”

8 The following new Section **23c** is hereby inserted after Section **23b** of the Principal Act :—

Insertion of new Section 23c in Principal Act.

“**23c**—(1) The Board may, in any determination made by it, determine that the wages and piecework rates fixed by such determination, or any of such rates, shall be automatically adjusted, at quarterly or such other periods as the Board shall in the determination prescribe, to accord as nearly as practicable and in such manner as it shall so prescribe, with the variation from time to time of the cost of living as indicated by the retail price index-numbers (food, groceries, and housing—all houses) published by the Commonwealth Statistician with respect to the State, or the area or place in the State, as the case may be, to which such rates apply: Provided, however, that the Board may, in its determination, fix the minimum variation in such index-numbers upon which any such adjustment shall have effect.

Adjustment of rates to accord with variation in cost of living index-numbers published by Commonwealth Statistician.

“(2) Where a Board determines that any such adjustment as aforesaid shall be made, it shall, in the determination, set out the index-numbers published as aforesaid and applicable, at the time of the making of the determination, in respect of the State, or the area or place in the State, to which the rates fixed by the determination apply.

“(3) When any such adjustment as aforesaid shall take effect the adjusted rates shall, during the period to which they are applicable, be the rates to be paid in respect of the trade to which they apply, and, for the purpose of any proceedings under this Act with respect to the payment, or recovery, or nonpayment of the rates of pay fixed by a Board, such adjusted rates shall be deemed to have been fixed by the Board.

“(4) Notwithstanding anything in this Act to the contrary, no determination of a Board shall be challenged or disputed by reason or in respect of any matter determined or prescribed by the Board in the exercise or purported exercise by it of the powers conferred upon the Board by Subsection (1) of this section.”

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Amendment of
Subsection (2)
of Section 47 of
the Principal Act.

9 Subsection (2) of Section Forty-seven of the Principal Act is hereby amended by inserting the following proviso at the end thereof :—

“ Provided, and without prejudice to anything hereinbefore contained, that in any case in which, previously to the institution of the proceedings, the offender has been notified in writing by the Chief Inspector of his failure to pay such wages or other remuneration as aforesaid, the order may be made in respect of any period not exceeding three months during which such failure has taken place, and which has occurred at any time between the date of such notification and the institution of the proceedings.”

Insertion of new
Sections 53a and
53b in the
Principal Act.

Registration of
indentures of
apprenticeship.

10 The following new Sections **53a** and **53b** are hereby inserted after Section Fifty-three of the Principal Act :—

“ **53a**—(1) Every employer party to any indenture of apprenticeship to be hereafter entered into shall cause such indenture to be registered with the Chief Inspector before the expiration of one month after the date thereof. Such registration shall be effected by producing to the Chief Inspector the original or duplicate original of such indenture, and at the same time depositing with the Chief Inspector a copy thereof certified by the employer in writing to be a true copy of such original or duplicate original.

Penalty : Twenty Pounds.

“ (2) Upon the registration of any indenture of apprenticeship under this section, the Chief Inspector shall give to the person effecting such registration a certificate of such registration, and such certificate may be in the prescribed form, and may be endorsed on the original or duplicate original of the indenture.”

Term of appren-
ticeship for holder
of Technical
Intermediate
Certificate of
University.

“ **53b**—(1) Notwithstanding anything contained in any determination, the term of apprenticeship prescribed by such determination in respect of any trade or section of a trade, may, in the case of a person who holds a Technical Intermediate Certificate of the University of Tasmania, with the consent in writing of the Chief Inspector, and by mutual agreement between the parties to the indenture of apprenticeship, be reduced by one year : Provided, however, that in no case shall the term of apprenticeship be reduced under the foregoing provision of this section to less than four years : And provided further that such consent as aforesaid shall not be given unless the Chief Inspector is of opinion that the said certificate indicates, with respect to the holder thereof, a standard of proficiency in the trade or section of a trade in which he is to be apprenticed.

“ (2) In the case of any person whose term of apprenticeship has been reduced under this section, his first year of service under indenture shall, for the purposes of his rate of wage, be deemed to be his second year of service, and, for the purposes aforesaid, his subsequent years of service shall be reckoned accordingly.”