

Rt. Hon. R. J. Seddon.

PUBLIC CONTRACTS.

ANALYSIS

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A BILL INTITULED

AN ACT to provide for Fair Wages and Working-hours on Public Contracts. Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. The Short Title of this Act is "The Public Contracts Act, 1899." Short Title.

2. In this Act the expression "public contract" means every contract exceeding the value of twenty pounds hereafter entered into pursuant to public tender by or on behalf of Her Majesty's Government in New Zealand, or any local authority, as contractee, with any person, firm, or company, as contractor, for the construction, extension, or repair of any public or other work, or the supply or performance of any service, involving the employment of skilled or unskilled manual labour. Public contract defined.

3. In the employment of every description of skilled or unskilled manual labour for the purposes of any public contract, the contractor shall at all times be deemed to have agreed with his workers to observe such length for the working-day, and to pay such rates of wages or other remuneration for working-days and for overtime respectively, as are generally considered in the locality to be usual and fair for the description of labour to which they relate, such length being at no time greater nor such rates lower than those fixed for the same description of labour by or under any award or order of the Court of Arbitration for existing at the time being in force the contract was entered into, whether the contractor is was or is was not expressed to be a party thereto or bound thereby: Usual length of working-day and rates of wages implied in public contracts.

Proviso.

Provided that nothing in this section or elsewhere in this Act contained shall limit or affect the rights of the worker under any agreement with the contractor for the observance of a shorter length or the payment of a higher rate than those referred to in this section.

No contracting out.

4. It shall not be competent to any worker to contract himself out of the benefit of the last-preceding section hereof. 5

Particulars as to working-day and wages to be specified in writing.

5. In every public contract ~~there shall be expressly specified in writing~~ the maximum length of the working-day to be observed in the case of each description of skilled or unskilled manual labour employed by the contractor in carrying out the contract ~~and the minimum rate of wages or other remuneration to be paid by him for such working day and for overtime respectively shall not exceed eight hours exclusive of overtime.~~ 10

Struck out.

How maximum working-day and minimum wages to be fixed.

6. Such maximum shall in no case be greater, nor shall such minimum be less, than that fixed for the same description of labour by any award or order of the Court of Arbitration then in force, whether the contractor is or is not a party thereto or bound thereby. 15

Such maximum and minimum to be varied if award made after.

7. The maximum and minimum specified as aforesaid in the contract shall, by force of this Act, be deemed to vary from time to time in such wise that the maximum shall at no time be greater, nor shall the minimum be less, than that fixed for the same description of labour by any award or order of the Court of Arbitration made after the contract is entered into, whether the contractor is or is not party to or bound by such award or order. 20

Contractor not to lengthen working-day or reduce wages.

8. It shall in every case be deemed to be a condition of the contract that the contractor will at no time lengthen the working-day beyond the maximum, or reduce the rate of wages or other remuneration below the minimum, so specified or varied as aforesaid. 25

Penalty for breach thereof by contractor.

9 6. If the contractor commits any breach of such condition, then, in addition to any other penalty or liability he may thereby incur under the contract, he shall be liable under this Act to a penalty not exceeding ten pounds for each offence. 30

Public contract not according to Act to be void.

10 7. ~~If any~~ In every public contract is entered into without there being expressly specified therein in writing the maximum and minimum prescribed by section five hereof, the contract shall be deemed to be void for all purposes section three and section five of this Act shall be deemed to be and is hereby incorporated. 35

Recovery of penalties.

11 8. All penalties under this Act may be recovered in a summary way under "The Justices of the Peace Act, 1882."