

New Zealand.



**PUBLIC CONTRACTS AND LOCAL BODIES'
CONTRACTORS.**

1908, No. 154.

AN ACT to consolidate certain Enactments of the General Assembly relating to Public Contracts, and restraining the Members of Local Bodies from contracting with such Bodies.

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

1. (1.) The Short Title of this Act is "The Public Contracts and Local Bodies' Contractors Act, 1908." Short Title.

(2.) This Act is a consolidation of the enactments mentioned in the Schedule hereto. Enactments ; consolidated.

(3.) All matters and proceedings commenced under any such enactment, and pending or in progress on the coming into operation of this Act, may be continued, completed, and enforced under this Act.

2. In this Act, if not inconsistent with the context,—

"Local body" means a County Council, Road Board, Town Board, Harbour Board, River Board, Water-supply Board, Drainage Board, and Education Board constituted under the respective Acts providing for the same, and also the Boards and Trustees constituted under "The Hospitals and Charitable Institutions Act, 1908": Interpretation. 1885, No. 48, sec. 2

"Public contract" means every contract exceeding the value of twenty pounds entered into pursuant to public tender by or on behalf of His Majesty's Government in New Zealand or any Education Board, Harbour Board, or 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. 1900, No. 5, sec. 2

Public Contracts.

Usual length of working-day and rates of wages implied in public contracts.
1900, No. 5, sec. 3

3. In the employment of every description of skilled or unskilled 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 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 existing at the time the contract was entered into, whether the contractor was or was not a party thereto or bound thereby:

Provided that nothing herein 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.

Working-day not to exceed eight hours.
Ibid, sec. 4

4. In every public contract 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 shall not exceed eight hours exclusive of overtime.

Incorporation thereof in public contracts.
Ibid, sec. 5

5. The provisions of the two last preceding sections shall be deemed to be incorporated in every public contract.

No contracting out.
Ibid, sec. 6

6. It shall not be competent to any worker to contract himself out of the benefit of the foregoing provisions of this Act.

Penalty.
Ibid, sec. 7

7. Every contractor who commits a breach of any of the foregoing provisions of this Act is liable, in addition to any other liability he may thereby incur under the contract, to a fine not exceeding ten pounds for each offence.

Local Bodies' Contractors.

Members of local body contracting with it to forfeit contract money, &c.
1885, No. 48, sec. 3

8. (1.) Any member of a local body who enters into a contract for the supply of anything or the performance of any work with the local body of which he is a member, or who knowingly supplies anything whatever to such local body, shall not be entitled to payment for the same, and any sum paid in respect of any such contract or supply shall be recoverable, together with ten pounds in addition thereto, with full costs of suit, by any person who sues for the same in a Court of competent jurisdiction.

(2.) The amount recovered as having been improperly paid shall be handed over to the local body from whose funds it was paid, and the person suing shall be entitled to the ten pounds with the full costs of suit.

Penalty for authorising payment of such contract moneys.
Ibid, sec. 4

9. Any member of a local body who knowingly gives or joins in giving authority for, or who is a party or consents to, any such payment shall pay the sum of twenty pounds, with full costs of suit, to any person who sues for the same in a Court of competent jurisdiction.

SCHEDULE.

ENACTMENTS CONSOLIDATED.

1885, No. 48.—“The Local Bodies' Contractors Act, 1885.”
1900, No. 5.—“The Public Contracts Act, 1900.”