

Hon. Mr. Reeves.

LABOUR DEPARTMENT.

ANALYSIS.

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A BILL INTITULED

AN ACT to provide for the Creation of a Labour Department, and for declaring the Powers and Duties of such Department. 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 Labour Department Act, 1893." Short Title.

2. In this Act, if not inconsistent with the context,— Interpretation.
10 "Department" means the Labour Department constituted under this Act:

15 "Employer" means any person employing labour of any kind for hire, reward, or maintenance, and includes Her Majesty, or any officer or agent lawfully acting on her behalf within the colony, and also the New Zealand Railway Commissioners constituted under "The Government Railways Act, 1887," and also any body of persons, whether corporate or not corporate:

20 "Minister" means the Minister for Labour to be appointed under this Act:

25 "Workman" means any person, male or female, whether under or over the age of twenty-one years, who is engaged or employed to do or perform any work or manual labour of any kind, whether technical, skilled, or unskilled, or any clerical labour connected with any manufacture, but shall not include persons engaged in work of a clerical nature (except as before provided), or in literary, artistic, or other employment of a like nature.

Labour department established.

3. There shall be a department of the Public Service of New Zealand called the "Labour Department," the powers and duties of which shall be those provided for by this Act.

Minister for Labour.

4. The control and direction of the department shall be vested in a Minister of the Crown, to be appointed from time to time by the Governor on behalf of Her Majesty, and to be called the Minister for Labour.

Every such Minister shall be a member of the Executive Council holding one or more of the offices mentioned or included in the Third Schedule to "The Civil List Act 1863 Amendment Act, 1873," or either of the offices of Minister of Defence or Minister of Education.

Governor may appoint a Secretary and other officers.

5. The Governor may from time to time appoint and remove a Secretary to the department and such inspectors, clerks, and other officers as may be deemed necessary, and who shall respectively perform such duties as the Minister may from time to time determine.

All persons appointed to permanent offices under this provision shall be deemed to be officers in the Civil Service of the colony, and subject to any law for the time being in force relating to such Service.

Administration of Act to be paid for out of moneys voted by General Assembly. Duties of department.

6. All moneys required for the administration of this Act by the department shall be defrayed out of sums to be from time to time appropriated by the General Assembly for that purpose.

7. The general duties of the department shall be to acquire and diffuse among the inhabitants of New Zealand useful information on subjects connected with labour in the most comprehensive sense of that word, and especially on its relation to capital; the hours of labour; the earnings of workmen; the means of promoting their material, social, intellectual, and moral prosperity; and the general relations of employer and workmen.

Powers of department in collecting information.

8. For the purpose of obtaining the necessary information to enable the department to carry out this Act the Minister, and any officer of the department appointed or authorised either specially or generally for that purpose, shall from time to time be entitled to—

Friendly and other societies to give certain information.

(1.) Procure from the secretary, treasurer, trustee, or other officer of any friendly society, industrial or provident society, trade union, or other association of workmen within the meaning of the respective Acts for the time being in force relating to such societies or unions, and whether registered under any of such Acts or not so registered, such information or particulars, in writing, as to the membership, benefits, or advantages enjoyed or obtainable under the rules or constitution of any such society or union, and as to the disqualifications or disabilities under such rules or constitution, as the Minister may either generally or specially direct or require, together with a copy of the rules then in force relating to such society or union:

Employer to inform department of name of the person who has the chief control of business.

(2.) Require any employer from time to time to state in writing the full name or names of the person or persons who has or have the principal control, superintendence, or management of any kind of business, undertaking, or employment which such employer carries on, undertakes, or is engaged in, whether permanently or temporarily, at the place where the same may respectively be carried on:

- 5 (3.) Require any employer to furnish the department with a return in writing of every workman employed by him, stating the nature of his employment, the hours of labour, and whether such workman is paid by daily or other wages or by the piece, and such other particulars as may be necessary to ascertain the relations between such employer and the workman :
- 10 (4.) Ascertain from any employer, either by *viva voce* examination or by answers to inquiries in writing, such particulars as such employer may be willing to furnish respecting the cost price to such employer of the articles, goods, and wares made or used by him in his business, or of the production or manufacture thereof in New Zealand, or as to the cost or approximate cost of carrying on any works, business, or undertaking of any kind which such employer may construct, erect, carry on, or be in any manner engaged in :
- 15 (5.) Investigate the causes of and facts relating to all controversies and disputes between employers and workmen as they occur, and require either of the parties thereto to furnish statements in writing setting forth the matters alleged to be in dispute, and the causes which have led thereto :
- 20 (6.) Obtain such further and other information, either general or particular, as the Minister may deem necessary relating to combinations of capital, business operations, or labour, and their effect on production and prices of commodities, and also as to the effect which laws relating to sale of and dealing with lands of the Crown or other lands, or laws relating to the duties of Customs, have on the operations of labour.
- 25 9. Except for the purposes of this Act, or enforcing its provisions, no information obtained by the Minister or any officer of the Department under any of the powers hereinbefore contained shall be
- 35 divulged to any person, or be made use of, or made public ; and in any report made under this Act as hereinafter provided the Minister shall not refer by name to any particular employer, nor shall such report be so framed as to readily admit of the identification of such employer or of any workman.
- 40 Every person committing a breach of this provision shall be deemed guilty of an offence, and shall be liable to a penalty not exceeding *fifty* pounds.
- 45 10. The Minister, or any officer so appointed or authorised as aforesaid, shall, for the purpose of obtaining any information or particulars which he is entitled to procure or obtain under this Act, have all the powers and authorities conferred by "The Commissioners' Powers Act, 1867," and its amendment, on a commission issued or appointed by the Governor in Council ; and the provisions of the last-mentioned Acts shall, *mutatis mutandis*, extend
- 50 and apply to any inquiry authorised by or under this Act.

Employer to furnish returns of workmen, &c.

Employer may give particulars as to cost price of goods made or used by him, &c.

Causes of dispute between employer and workmen to be investigated.

Information of a general nature as to relations of capital and labour to be procured, also as to operation of certain laws.

Information obtained not to be divulged.

Penalty.

Minister or officer to have powers under "The Commissioners' Powers Act, 1867."

Penalty on refusal to give information.

11. If the secretary, treasurer, or any trustee, or any officer of any friendly society, industrial or provident society, trade union, or association of workmen as aforesaid, or any employer, or the manager, foreman, clerk, or other person having on behalf of any employer the chief or sole superintendence or control of any works, business, or undertaking of any kind, or of any house, warehouse, shop, factory or building, or place of any kind in which any such works, business, or undertaking of any kind is carried on, shall neglect or refuse for the space of one month to furnish the information required by the department under any of the provisions of subsections *one, two, three, or five* of section *eight* of this Act which is applicable to the particular case, every person so offending shall be liable to a penalty of not less than *twenty* pounds and not exceeding *one hundred* pounds. 5 10

Recovery of penalties.

12. Every penalty imposed by this Act shall be recovered in a summary way before a Resident Magistrate or two or more Justices of the Peace, in the manner provided by "The Justices of the Peace Act, 1882." 15

Minister to make annual report to Parliament.

13. The Minister shall, in each year, make a report in writing to the Governor upon the operations of this Act, the action taken by the department in respect thereof, the information collected by the department up to the date of such report, and generally as to the working of such department, the report also containing such recommendations, either general or special, as he may think necessary to promote the efficiency or extend the usefulness of the department. 20

Contents of report.

Every such report shall contain a detailed account of the moneys expended by the department in the administration of this Act, and shall be laid before each House of the General Assembly in each session within thirty days of the commencement thereof; but if there shall be more than one session of the General Assembly in any year, then it shall be sufficient to lay such report before the General Assembly in one of such sessions. 25 30

Governor in Council may make regulations for the purposes of the Act.

14. The Governor in Council may from time to time make, alter, revoke, and make anew such regulations not inconsistent with this Act as he shall think necessary for the following purposes:—

- (1.) Prescribing the duties of the Secretary, inspectors, and other officers to be employed under this Act, and the mode in which the same shall be performed: 35
- (2.) Prescribing the forms of notices to be given under this Act, and the mode in which and upon whom the same may be served, and also the forms in which the information or particulars which may be required or obtained under the provisions of section *eight* of this Act shall be supplied, and by whom the same shall be authenticated: 40
- (3.) All such regulations as the Governor in Council may deem necessary or expedient for the purpose of giving effect to this Act. 45