

STATUTORY RULES.

1908. No. 45.

PROVISIONAL REGULATIONS UNDER THE EXCISE PROCEDURE ACT 1907.

SUBJECT to the approval of the Governor-General, I, the Honourable Henry Domes Higgins, President of the Commonwealth Court of Conciliation and Arbitration, do, in pursuance of the powers vested in me by the *Excise Procedure Act 1907*, hereby make the following regulations to come into operation forthwith, and I certify that on account of urgency the regulations should come into immediate operation:—

HOW TO APPLY.

1. Every manufacturer who intends to make application to the President of the Commonwealth Court of Conciliation and Arbitration for an order, under paragraph (d) of section 2 of the *Excise Tariff 1906* (No. 16 of 1906), that the conditions (as to the remuneration of labour) under which goods are manufactured are fair and reasonable, shall post up in his factory or workshop, or in each of his factories or workshops, in a prominent place or places and so that any of his employes may easily read it, a notice in accordance with the Form A in the Schedule, and shall keep it so posted up for at least a fortnight before making the application.

2. The application for the order may be in accordance with Form B in the Schedule.

3. The application, with a statutory declaration verifying it, should be lodged with the Industrial Registrar of the Commonwealth Court of Conciliation and Arbitration at Melbourne, or with the Deputy Registrar of the Court in the State where the goods are manufactured.

4. (1) The statutory declaration should state—

(a) That the statements in the application are true and correct in every particular, and (b) That the notice of intention to make the application was posted up and kept posted up in the factory or workshop or factories or workshops in the manner prescribed by the regulations, and (c) That no complaints have been made whether before or after the posting of the notice by the employes or any of them or by any union or association of artisans or workers that the rates of wages paid are not fair and reasonable, or, if any such complaints have been made, that they have been made and at what time and (if in writing) are attached to the statutory declaration as exhibits, and (if not in writing) are set forth in the declaration.

(2) The statutory declaration should in addition state all special circumstances which the manufacturer thinks should be stated in order to show that the conditions, in the factory as to remuneration of labour are fair and reasonable, and also any circumstances which he thinks show that any complaints are not well founded. The statutory declaration should in particular state the hours of work and whether the applicant in his conditions as to the remuneration of labour complies absolutely with the *Excise Tariff Standard for Timework* and if not in what respects he fails to comply therewith and for what reasons. In the case of old, slow, or infirm workers it should state the date and particulars of and reasons for any licence to work at a lower rate than the standard. In the case of apprentices it should state whether they are bound, and for what trade, and the date of the indentures, and for what terms, and the

respective ages, and the rate of payment. In the case of boys not apprenticed it should state their respective ages and the kind of work that they respectively perform and the rates of payment. In the case of improvers or any other class of employes not mentioned in the standard it should state the age, length of experience, qualification, and any relevant particulars. In the case of piecework the declaration should state all the conditions and stipulations relating thereto, and if they appear in any agreement or in any written document should exhibit the same or a copy thereof.

HOW TO SUPPORT APPLICATION.

5. All applications will be heard by the President in open Court. The Registrar will give notice to each applicant of the time and place for hearing his application. The applicant, if he wish to produce any evidence or to urge arguments in support of the application, must be present in the Court at the time of hearing or be represented by Counsel, Solicitor, or Agent.

THE SCHEDULE.

Form A.

Name of Factory

Notice of Intention to apply for an Order under the Excise Tariff 1906.

I hereby give notice that I intend forthwith after the expiration of one fortnight from the date hereof, to make application to the President of the Commonwealth Court of Conciliation and Arbitration for an order under paragraph (d) of section 2 of the *Excise Tariff 1906* (No. 16 of 1906), declaring that the conditions (as to the remuneration of labour) under which ^{my} _{our} goods are manufactured are fair and reasonable.

Dated the day of 190

(Signature of Manufacturer.)

Form B.

In the Commonwealth Court of Conciliation and Arbitration.

Application for an Order that the Conditions as to Remuneration of Labour are fair and reasonable.

To His Honour,
The President of the Court.

I,
We,
of
hereby make application for an order in terms of paragraph (d) of section 2 of the *Excise Tariff 1906* (No. 16 of 1906) declaring that the conditions as to the remuneration of labour in ^{my} _{our} factory (so far as regards goods dutiable under the said Act) are fair and reasonable.

1. My ^{My} _{Our} factory is situate at and is called
in the State of

2. The goods dutiable under the said Act which are manufactured in my factory are

3. The wages paid and the hours worked in my ^{my} _{our} factory are as follows:—

4. The wages paid and the hours worked are in my opinion fair and reasonable.

5. The following additional facts are worthy of consideration as to remuneration. *Here set out any additional facts—e.g., That the rates of payment or some of them specifying which are not less than the rates fixed in the Excise Standard for Timework. That the rates are in accordance with the determination of the* ^{Wages} Board *or in accordance with the* award. That A.B. (specifying his name) holds a licence from to work at a lower rate on the ground that (*here set out the ground*) and the licence is dated the day of 19

As to Apprentices

As to Boys

As to Improvers

The following are the conditions and stipulations as to piecework in the cases of

mentioned in the application.
(*Here set out conditions and stipulations as to piecework—both as to pieceworkers and as to those who assist or are employed by pieceworkers.*)

Dated the day of 190

(Signature of Applicants.)

Dated this fourteenth day of March, 1908.

H. B. HIGGINS, J.,
President.

A. M. STEWART,
Industrial Registrar.

Approved in Executive Council the first day of April, 1908.

NORTHCOTE,
Governor-General.

By His Excellency's Command.

AUSTIN CHAPMAN,
Minister for Trade and Customs.

The Federal Executive Council approve.

GEO. STEWARD,
Secretary to the Executive Council of the Commonwealth of Australia.
1.4.8.