I certify that this PUBLIC BILL, *which originated in the* LEGISLATIVE ASSEMBLY, *has finally passed the* LEGISLATIVE COUNCIL *and the* LEGISLATIVE ASSEMBLY *of* NEW SOUTH WALES.

W. S. MOWLE,
Clerk of the Legislative Assembly.

Legislative Assembly Chamber,
Sydney, 31 *August,* 1922.

New South Wales.

ANNO TERTIO DECIMO

GEORGII V REGIS.

* *

Act No. 8, 1922.

An Act to repeal the Eight Hours (Amendment) Act, 1920; to amend the Eight-hours Act, 1916, and certain other Acts; and for purposes connected therewith. [Assented to, 12th September, 1922.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the "Eight Hours (Amendment) Act, 1922." Short title.

2.

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

R. B. WALKER,
Chairman of Committees of the Legislative Assembly.

Repeal.

2. (1) The Eight Hours (Amendment) Act, 1920, is hereby repealed.

(2) Upon the passing of this Act proclamations by the Governor under section thirteen of the Act hereby repealed shall cease to have effect:

Provided that the hours fixed by any such proclamation shall, except in the case of employees of the Crown who are subject to the provisions of the Public Service Act, 1902, be the ordinary working hours for the employees therein mentioned until such hours are varied by award or industrial agreement.

(3) The ordinary working hours recommended by the reports mentioned in the Schedule hereto of the special court appointed under the provisions of the Act hereby repealed shall be deemed to have been fixed by proclamation within the meaning of the preceding subsection for the respective classes of employees mentioned therein.

(4) The ordinary working hours fixed or deemed to be fixed by proclamation as aforesaid shall be binding and enforceable as if the same had been fixed by an award.

Amendment of s. 4 of Eight-hours Act, 1916.

3. Section four of the Eight-hours Act, 1916, is amended by inserting in paragraph (b) after the words "fourteen consecutive days" the words "or for more than one hundred and thirty-two hours in any period of twenty-one consecutive days" and by omitting paragraph (c) and inserting after paragraph (b) the following new paragraphs:—

(c) In all other industries—

Subject to the provisions of this section the ordinary working hours shall not exceed—

(1) eight hours per day on six consecutive days;

(2) forty-eight hours per week; or

(3) ninety-six hours in fourteen consecutive days,

as may be determined by award or industrial agreement or agreement filed under sections twelve or forty-one of the Principal Act.

(d)

(d) Overtime may be permitted by the terms of any award or industrial agreement or agreement filed under sections twelve or forty-one of the Principal Act, and shall be paid at a rate to be fixed by the court or a board or by industrial agreement or agreement filed as aforesaid.

(e) The ordinary working hours in any industry and the number of days upon which they are to be worked may be increased beyond those limited in this section if the court or a board is of opinion that the public interest requires that such increase should be allowed :

Provided, however, that no such increase shall be allowed by the court unless the court is satisfied that the health or well-being of the employees will not be injured thereby.

(f) The court or a board may reduce the ordinary working hours below the number of hours specified in this section if the court or board is of opinion that the health, comfort, or well-being of employees in an industry justify a reduction of the ordinary working hours in that industry, or in the case of any industry in which prior to the twenty-ninth day of December, one thousand nine hundred and twenty, the ordinary working hours had been fixed by award or industrial agreement or well-established practice below the number of hours specified in this section.

(g) Paragraphs (c), (d), (e), and (f) of this section shall not apply to employees of the Crown who are subject to the provisions of the Public Service Act, 1902.

4. The Eight-hours Act, 1916, is further amended by inserting, after section four, the following new sections :— Further amendments of Eight-hours Act, 1916.

5. (1) During the currency of any award or industrial agreement or agreement filed under sections twelve or forty-one of the Principal Act, such award, industrial agreement or agreement, having Awards or agreements may be varied.

having been made since the twenty-ninth day of December, one thousand nine hundred and twenty, and being in force at the date of the passing of the Eight Hours (Amendment) Act, 1922, application may be made to the court to vary such award, industrial agreement or agreement.

(2) Upon such application the court may vary such award, industrial agreement or agreement, as it thinks fit, and as if the Eight Hours (Amendment) Act, 1920, had not been passed, and no report or proclamation had been made thereunder.

Certain awards or agreements not enforceable, but may be varied or amended.

6. Any award or industrial agreement or agreement filed as aforesaid which is made after the commencement of the Eight Hours (Amendment) Act, 1922, and does not give effect to the provisions of this Act shall not be enforceable, but any such award or industrial agreement or agreement may be varied or amended.

THE SCHEDULE.

Date of report.	Classes of employees.	Ordinary working hours.
30th May, 1922 ...	Storemen and packers working exclusively in wholesale and retail establishments, and storemen and packers working in wholesale and retail establishments who, as part of their ordinary duties, act as horse-drivers, in the county of Yancowinna.	44
30th May, 1922 ...	Lift attendants and cleaners ...	44
11th July, 1922 ...	All employees working in cold storage chambers, or employees who, as part of their duties, work in such chambers.	44
11th July, 1922 ...	Machine and hand bakers employed in the county of Northumberland.	46

In the name and on the behalf of His Majesty I assent to this Act.

W. P. CULLEN,

By Deputation from His Excellency the Governor.

Government House,
Sydney, 12th September, 1922.

EIGHT HOURS (AMENDMENT) BILL.

SCHEDULE of the Amendments referred to in Message of 30th August, 1922.

Page 2, clause 2, line 7. *After* "shall" *insert* "**except in the case of employees of "the Crown who are subject to the provisions of the Public Service "Act, 1902**"

Page 2, clause 2. At end of clause *add* new subsections (**3**) and (**4**).

Page 2, clause 3, line 24. *After* "amended" *insert* "**by inserting in paragraph (b) "after the words 'fourteen consecutive days' the words 'or for more "'than one hundred and thirty-two hours in any period of twenty-one "'consecutive days' and**"

Page 2, clause 3, lines 39 and 40. *Omit* "section forty one" *insert* "**sections twelve "or forty-one**"

Page 3, clause 3, line 3. *Omit* "section forty-one" *insert* "**sections twelve or forty-"one**"

Page 3, clause 3. At end of clause *add* new paragraph (**g**).

Page 3, clause 4. *Omit* subclause 5, *insert* new subclause **5**.

Page 4. *After* clause 4 *add* new Schedule.

This PUBLIC BILL *originated in the* LEGISLATIVE ASSEMBLY, *and, having this day passed, is now ready for presentation to the* LEGISLATIVE COUNCIL *for its concurrence.*

W. S. MOWLE,
Clerk of the Legislative Assembly.

Legislative Assembly Chamber,
Sydney, 10 *August,* 1922.

The LEGISLATIVE COUNCIL *has this day agreed to this Bill with Amendments.*

W. L. S. COOPER,
Clerk of the Parliaments.

Legislative Council Chamber,
Sydney, 30*th August,* 1922.

New South Wales.

ANNO TERTIO DECIMO

GEORGII V REGIS.

* *

Act No. , 1922.

An Act to repeal the Eight Hours (Amendment) Act, 1920; to amend the Eight-hours Act, 1916, and certain other Acts; and for purposes connected therewith.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Eight Hours (Amendment) Act, 1922." Short title.

NOTE.—The words to be *omitted* are *ruled through*; those to be *inserted* are printed in **black letter**

2. (1) The Eight Hours (Amendment) Act, 1920, is hereby repealed. Repeal.

(2) Upon the passing of this Act proclamations by the Governor under section thirteen of the Act hereby repealed shall cease to have effect :

Provided that the hours fixed by any such proclamation shall, **except in the case of employees of the Crown who are subject to the provisions of the Public Service Act, 1902,** be the ordinary working hours for the employees therein mentioned until such hours are varied by award or industrial agreement.

(3) The ordinary working hours recommended by the reports mentioned in the Schedule hereto of the special court appointed under the provisions of the Act hereby repealed shall be deemed to have been fixed by proclamation within the meaning of the preceding subsection for the respective classes of employees mentioned therein.

(4) The ordinary working hours fixed or deemed to be fixed by proclamation as aforesaid shall be binding and enforceable as if the same had been fixed by an award.

3. Section four of the Eight-hours Act, 1916, is amended **by inserting in paragraph (b) after the words "fourteen consecutive days" the words "or for more than one hundred and thirty-two hours in any period of twenty-one consecutive days"** and by omitting paragraph (c) and inserting after paragraph (b) the following new paragraphs :— Amendment of s. 4 of Eight hours Act, 1916.

(c) In all other industries—

Subject to the provisions of this section the ordinary working hours shall not exceed—

(1) eight hours per day on six consecutive days ;

(2) forty-eight hours per week ; or

(3) ninety-six hours in fourteen consecutive days,

as **may** be determined by award or industrial agreement or agreement filed under ~~section forty-one~~ **sections twelve or forty-one** of the Principal Act.

(d)

(d) Overtime may be permitted by the terms of any award or industrial agreement or agreement filed under ~~section forty-one~~ **sections twelve or forty-one** of the Principal Act, and shall be paid at a rate to be fixed by the court or a board or by industrial agreement or agreement filed as aforesaid.

(e) The ordinary working hours in any industry and the number of days upon which they are to be worked may be increased beyond those limited in this section if the court or a board is of opinion that the public interest requires that such increase should be allowed:

Provided, however, that no such increase shall be allowed by the court unless the court is satisfied that the health or well-being of the employees will not be injured thereby.

(f) The court or a board may reduce the ordinary working hours below the number of hours specified in this section if the court or board is of opinion that the health, comfort, or well-being of employees in an industry justify a reduction of the ordinary working hours in that industry, or in the case of any industry in which prior to the twenty-ninth day of December, one thousand nine hundred and twenty, the ordinary working hours had been fixed by award or industrial agreement or well-established practice below the number of hours specified in this section.

(g) **Paragraphs (c), (d), (e), and (f) of this section shall not apply to employees of the Crown who are subject to the provisions of the Public Service Act, 1902.**

4. The Eight-hours Act, 1916, is further amended by inserting, after section four, the following new sections:— Further amendments of Eight-hours Act, 1916.

5. Application may be made at any time during the currency of an award or industrial agreement or agreement filed under section forty-one of the Principal Act to make such variations or amendments of such award or industrial agreement or agreement as are necessary to give effect to the ~~provisions of this Act.~~ Awards or agreements may be varied or amended.

5.

5. (1) During the currency of any award or industrial agreement or agreement filed under sections twelve or forty-one of the Principal Act, such award, industrial agreement or agreement having been made since the twenty-ninth day of December, one thousand nine hundred and twenty, and being in force at the date of the passing of the Eight Hours (Amendment) Act, 1922, application may be made to the court to vary such award, industrial agreement or agreement.

(2) Upon such application the court may vary such award industrial agreement or agreement as it thinks fit, and as if the Eight Hours (Amendment) Act, 1920, had not been passed, and no report or proclamation had been made thereunder.

Certain awards or agreements not enforceable, but may be varied or amended.

6. Any award or industrial agreement or agreement filed as aforesaid which is made after the commencement of the Eight Hours (Amendment) Act, 1922, and does not give effect to the provisions of this Act shall not be enforceable, but any such award or industrial agreement or agreement may be varied or amended.

THE SCHEDULE.

Date of report.	Classes of employees.	Ordinary working hours.
30th May, 1922...	Storemen and packers working exclusively in wholesale and retail establishments, and storemen and packers working in wholesale and retail establishments who, as part of their ordinary duties, act as horse-drivers, in the county of Yancowinna.	44
30th May, 1922...	Lift attendants and cleaners ...	44
11th July, 1922...	All employees working in cold storage chambers, or employees who, as part of their duties, work in such chambers.	44
11th July, 1922...	Machine and hand bakers employed in the county of Northumberland.	46

Sydney: John Spence, Acting Government Printer—1922.

1922.

Legislative Council.

EIGHT HOURS (AMENDMENT) BILL.

(*Amendment to be moved by Honorable G. R. W. McDonald*).

Page 2, clause 3, line 11. *After* the word "amended" *insert* "By "inserting in paragraph (b) after the words 'fourteen con-"'secutive days' the words 'or for more than 132 hours in "'any period of twenty-one consecutive days and'"

1922.

Legislative Council.

Eight Hours (Amendment) Bill.

EXPLANATORY NOTE.

THE object of this Bill is to restore to the Court of Industrial Arbitration the power of regulating the working hours of employees in industries which it possessed prior to the passing of the Eight Hours (Amendment) Act, 1920, and to facilitate the making of agreements as to working hours between employers and employees.

Prior to the passing of the Eight Hours (Amendment) Act, 1920, the regulation of the working hours in industries was dealt with by the Court of Industrial Arbitration, subject to the provisions of the Eight Hours Act, 1916, which, by section 4 (i) (c), provided that in the case of industries (other than the coal mining and metalliferous mining industries, for which specific provision was made) the number of hours worked under an award or industrial agreement should not exceed—

(1) Eight hours per day on six consecutive days.

(2) Forty-eight hours per week; or

(3) Ninety-six hours in fourteen consecutive days, as determined by award or industrial agreement.

The practice was to fix forty-eight hours as the standard working week, but to prescribe shorter hours where the conditions under which the work in an industry was required to be performed, or the health of the employees engaged in the industry justified a reduction of the working hours in that industry. The Court also had the power to increase the working hours in cases where it was in the public interest that longer hours should be worked.

The Eight Hours (Amendment) Act, 1920, provided that application might be made to the Special Court constituted by that Act for a reduction of the working hours fixed by the Eight Hours Act, 1916, and the adoption of a working week of forty-four hours, but there was no provision by which, in the case of an industry in which the working week had been reduced to forty-four hours, the working hours could be subsequently increased.

The Special Court constituted by the Act of 1920 recommended the adoption of a working week of forty-four hours in the case of a number of industries, and, by virtue of proclamations issued under section 13 of that Act, the working hours recommended by the Special Court were declared to be the working hours of employees in the industries referred to.

Section 19 of the Act of 1920 provided that application might be made to vary or amend awards so as to give effect to the terms of the proclamations, and amendment of awards have been made by the Court of Industrial Arbitration in the case of some, but not all, of the industries to which the proclamations applied.

Clause 2 of the present Bill repeals the Eight Hours (Amendment) Act, 1920, and further provides that the proclamations issued under that Act shall cease to have effect. In order to prevent hardships to employees, a proviso to this clause preserves the existing hours established by any proclamation (with necessary powers of enforcement) until the hours are varied by award or industrial agreement. The onus of securing a reduction is thus cast upon employers, the employees having already established their case under the repealed Act.

Clauses 3 and 4 of the Bill amend the Eight Hours Act, 1916. The effect of these amendments is substantially to replace in the Act, with verbal amendments, the material provisions of section 4 of the Act of 1916, which were repealed by the Eight Hours (Amendment) Act, 1920, and also to re-enact sections 5 and 6 of the Act of 1916 (which were also repealed by the Act of 1920).

The proviso to paragraph (e) of section 4 of the Act of 1916, as inserted by clause 3, gives, however, a protection to employees which the Act of 1916 did not contain, inasmuch as it now specifically protects them from increased hours if there is risk of injury to health or well-being—notwithstanding that the public interest may require an increase of hours. This safeguard was not contained in the original Act of 1916.

Paragraph (f) of section 4 of the Act of 1916, as inserted by clause 3 of the Bill, gives power to the Court or a Board to reduce the ordinary working hours in an industry below forty-eight hours per week if the Court or Board is of opinion that the health, comfort, or well-being of employees in an industry justify a reduction of the ordinary working hours in that industry. A reduction may also be made in any case in which reduced hours had been fixed by award, industrial agreement, or well-established practice before the passing of the Act of 1920. In these cases it is clear that the last-mentioned Act did not induce the shorter hours, and it is not desirable that the Court or the parties should be fettered in the exercise of a discretion which existed and was used prior to the passing of that Act.

† 61673

Legislative Council.

EIGHT HOURS (AMENDMENT) BILL.

(*Amendments to be proposed in Committee of the Whole.*)

Page 2, line 7. *After* "shall" *insert* "except in the case of "employees of the Crown who are subject to the provisions "of the Public Service Act, 1902."

Page 2, line 9. *After* subsection (2) *insert* the following new subsections:—

(3) The ordinary working hours recommended by the reports mentioned in the Schedule hereto of the Special Court appointed under the provisions of the Act hereby repealed shall be deemed to have been fixed by proclamation within the meaning of the preceding subsection for the respective classes of employees mentioned therein.

(4) The ordinary working hours fixed or deemed to be fixed by proclamation as aforesaid shall be binding and enforceable as if the same had been fixed by an award.

Page 2, lines 22 and 23. *Omit* "section forty-one" and *insert* "sections "twelve or forty-one"

Page 2, line 26. *Omit* "section forty-one" and *insert* "sections "twelve or forty-one"

Page 3, line 13. *After* paragraph (f) *insert* the following new paragraph:—

(g) Paragraphs (c), (d), (e), and (f) of this section shall not apply to employees of the Crown who are subject to the provisions of the Public Service Act, 1902.

Page 3, lines 17 to 23 inclusive. *Omit* the whole of section five and *insert* the following new section:—

5 (1) During the currency of any award or industrial agreement or agreement filed under sections twelve or forty-one of the Principal Act, such award industrial agreement or agreement having been made since the twenty-ninth day of December, one thousand nine hundred and twenty, and being in force at the date of the passing of the Eight Hours (Amendment) Act, 1922, application may be made to the court to vary such award industrial agreement or agreement.

(2) Upon such application the court may vary such award industrial agreement or agreement as it thinks fit, and as if the Eight Hours (Amendment) Act, 1920, had not been passed, and no report or proclamation had been made thereunder.

Page 3, line 30. At the end of the Bill *insert*—

THE SCHEDULE.

Date of Report.	Classes of Employees.	Ordinary Working Hours.
30th May, 1922 ...	Storemen and packers working exclusively in wholesale and retail establishments, and storemen and packers working in wholesale and retail establishments who, as part of their ordinary duties, act as horse-drivers, in the county of Yancowinna.	44
30th May, 1922 ...	Lift attendants and cleaners ...	44
11th July, 1922 ...	All employees working in cold storage chambers, or employees who, as part of their duties, work in such chambers.	44
11th July, 1922 ...	Machine and hand bakers employed in the county of Northumberland.	46

This PUBLIC BILL *originated in the* LEGISLATIVE ASSEMBLY, *and, having this day passed, is now ready for presentation to the* LEGISLATIVE COUNCIL *for its concurrence.*

W. S. MOWLE,
Clerk of the Legislative Assembly.

Legislative Assembly Chamber,
Sydney, 10 *August,* 1922.

New South Wales.

ANNO TERTIO DECIMO

GEORGII V REGIS.

* *

Act No. , 1922.

An Act to repeal the Eight Hours (Amendment) Act, 1920; to amend the Eight-hours Act, 1916, and certain other Acts; and for purposes connected therewith.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the "Eight Hours (Amendment) Act, 1922." Short title.

2. (1) The Eight Hours (Amendment) Act, 1920, is hereby repealed. Repeal.

(2) Upon the passing of this Act proclamations by the Governor under section thirteen of the Act hereby repealed shall cease to have effect :

Provided that the hours fixed by any such proclamation shall be the ordinary working hours for the employees therein mentioned until such hours are varied by award or industrial agreement.

3. Section four of the Eight-hours Act, 1916, is amended by omitting paragraph (c) and inserting after paragraph (b) the following new paragraphs :— Amendment of s. 4 of Eight hours Act, 1916.

(c) In all other industries—

Subject to the provisions of this section the ordinary working hours shall not exceed—

(1) eight hours per day on six consecutive days ;

(2) forty-eight hours per week ; or

(3) ninety-six hours in fourteen consecutive days,

as may be determined by award or industrial agreement or agreement filed under section forty-one of the Principal Act.

(d) Overtime may be permitted by the terms of any award or industrial agreement or agreement filed under section forty-one of the Principal Act, and shall be paid at a rate to be fixed by the court or a board or by industrial agreement or agreement filed as aforesaid.

(e) The ordinary working hours in any industry and the number of days upon which they are to be worked may be increased beyond those limited in this section if the court or a board is of opinion that the public interest requires that such increase should be allowed :

Provided, however, that no such increase shall be allowed by the court unless the court is satisfied that the health or well-being of the employees will not be injured thereby.

(f)

(f) The court or a board may reduce the ordinary working hours below the number of hours specified in this section if the court or board is of opinion that the health, comfort, or well-being of employees in an industry justify a reduction of the ordinary working hours in that industry, or in the case of any industry in which prior to the twenty-ninth day of December, one thousand nine hundred and twenty, the ordinary working hours had been fixed by award or industrial agreement or well-established practice below the number of hours specified in this section.

4. The Eight-hours Act, 1916, is further amended by inserting, after section four, the following new sections :— Further amendments of Eight-hours Act, 1916

5. Application may be made at any time during the currency of an award or industrial agreement or agreement filed under section forty-one of the Principal Act to make such variations or amendments of such award or industrial agreement or agreement as are necessary to give effect to the provisions of this Act. Awards or agreements may be varied or amended.

6. Any award or industrial agreement or agreement filed as aforesaid which is made after the commencement of the Eight Hours (Amendment) Act, 1922, and does not give effect to the provisions of this Act shall not be enforceable, but any such award or industrial agreement or agreement may be varied or amended. Certain awards or agreements not enforceable, but may be varied or amended.

Sydney: John Spence, Acting Government Printer—1922.

[4*d*.]

Eight Hours (Amendment) Bill.

EXPLANATORY NOTE.

THE object of this Bill is to restore to the Court of Industrial Arbitration the power of regulating the working hours of employees in industries which it possessed prior to the passing of the Eight Hours (Amendment) Act, 1920, and to facilitate the making of agreements as to working hours between employers and employees.

Prior to the passing of the Eight Hours (Amendment) Act, 1920, the regulation of the working hours in industries was dealt with by the Court of Industrial Arbitration, subject to the provisions of the Eight Hours Act, 1916, which, by section 4 (i) (c), provided that in the case of industries (other than the coal mining and metalliferous mining industries, for which specific provision was made) the number of hours worked under an award or industrial agreement should not exceed—

(1) Eight hours per day on six consecutive days.

(2) Forty-eight hours per week ; or

(3) Ninety-six hours in fourteen consecutive days, as determined by award or industrial agreement.

The practice was to fix forty-eight hours as the standard working week, but to prescribe shorter hours where the conditions under which the work in an industry was required to be performed, or the health of the employees engaged in the industry justified a reduction of the working hours in that industry.

The Eight Hours (Amendment) Act, 1920, provided that application might be made to the Special Court constituted by that Act for a reduction of the working hours fixed by the Eight Hours Act, 1916, and the adoption of a working week of forty-four hours, but there was no provision by which, in the case of an industry in which the working week had been reduced to forty-four hours, the working hours could be subsequently increased.

The Special Court constituted by the Act of 1920 recommended the adoption of a working week of forty-four hours in the case of a number of industries, and, by virtue of proclamations issued under section 13 of that Act, the working hours recommended by the Special Court were declared to be the working hours of employees in the industries referred to.

Section 19 of the Act of 1920 provided that application might be made to vary or amend awards so as to give effect to the terms of the proclamations, and amendment of awards have been made by the Court of Industrial Arbitration in the case of some, but not all, of the industries to which the proclamations applied.

Clause 2 of the present Bill repeals the Eight Hours (Amendment) Act, 1920, and further provides that the proclamations issued under that Act shall cease to have effect. This repeal does not, however, affect the terms of any award or industrial agreement which provides for a reduction of working hours to forty-four per week in pursuance of the terms of the proclamations. The effect of the Bill, therefore, is that the working hours fixed by the proclamations cease to have effect, except in the case of industries in which the working hours fixed by the proclamations have been included in an award or industrial agreement. In these cases the parties may apply to the Court to have the working hours increased to forty-eight hours per week.

Clauses 3 and 4 of the Bill amend the Eight Hours Act, 1916. The effect of these amendments is substantially to replace in the Act, with verbal amendments, the material provisions of section 4 of the Act of 1916, which were repealed by the Eight Hours (Amendment) Act, 1920, and also to re-enact sections 5 and 6 of the Act of 1916 (which were also repealed by the Act of 1920).

Paragraph (f) of section 4 of the Act of 1916, as inserted by clause 3 of the Bill, gives power to the Court or a Board to reduce the ordinary working hours in an industry below forty-eight hours per week if the Court or Board is of opinion that the health, comfort, or well-being of employees in an industry justify a reduction of the ordinary working hours in that industry.

† 61673

No. , 1922.

A BILL

To repeal the Eight Hours (Amendment) Act, 1920; to amend the Eight-hours Act, 1916, and certain other Acts; and for purposes connected therewith.

[MR. BAVIN;—26 *July*, 1922.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Eight Hours (Amendment) Act, 1922." Short title.

61673

Repeal.

2. (1) The Eight Hours (Amendment) Act, 1920, is hereby repealed.

(2) Upon the passing of this Act proclamations by the Governor under section thirteen of the Act hereby repealed shall cease to have effect: Provided that nothing in this subsection shall affect any award or industrial agreement made or entered into prior to the passing of this Act.

Amendment of s. 4 of Eight-hours Act, 1916.

3. Section four of the Eight-hours Act, 1916, is amended by omitting paragraph (c) and inserting after paragraph (b) the following new paragraphs:—

(c) In all other industries—

Subject to the provisions of this section the ordinary working hours shall not exceed—

(1) eight hours per day on six consecutive days;

(2) forty-eight hours per week; or

(3) ninety-six hours in fourteen consecutive days,

as may be determined by award or industrial agreement or agreement filed under section forty-one of the Principal Act.

(d) Overtime may be permitted by the terms of any award or industrial agreement or agreement filed under section forty-one of the Principal Act, and shall be paid at a rate to be fixed by the court or a board or by industrial agreement or agreement filed as aforesaid.

(e) The ordinary working hours in any industry and the number of days upon which they are to be worked may be increased beyond those limited in this section if the court or a board is of opinion that the public interest requires that such increase should be allowed.

(f) The court or a board may reduce the ordinary working hours below the number of hours specified in this section if the court or board is of opinion that the health, comfort, or well-being of employees in an industry require a reduction of the ordinary working hours in that industry.

4.

4. The Eight-hours Act, 1916, is further amended by inserting, after section four, the following new sections:— Further amendments of Eight-hours Act, 1916.

5. Application may be made at any time during the currency of an award or industrial agreement or agreement filed under section forty-one of the Principal Act to make such variations or amendments of such award or industrial agreement or agreement as are necessary to give effect to the provisions of this Act. Awards or agreements may be varied or amended.

6. Any award or industrial agreement or agreement filed as aforesaid which is made after the commencement of the Eight Hours (Amendment) Act, 1922, and does not give effect to the provisions of this Act shall not be enforceable, but any such award or industrial agreement or agreement may be varied or amended. Certain awards or agreements not enforceable, but may be varied or amended.

Sydney: John Spence, Acting Government Printer—1922.

[7*d*.]